ANDREW JOHNSON AND THE SOUTH, 1865-1867

APPROVED:

Graduate Committee:

[Signatures]

Major Professor

Minor Professor

Committee Member

Committee Member

Chairman of the Department of History

[Signature]

Dean of the Graduate School

[Signature]
ANDREW JOHNSON AND THE SOUTH, 1865-1867

DISSERTATION

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By

Michael Dale Pierce, M. A.

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PREFACE

The purpose of this dissertation is to examine the relationship of Andrew Johnson to the South and the effect of that relationship on presidential reconstruction. It is not meant to be a complete retelling of the story of reconstruction, rather it is an attempt to determine how Johnson affected southern ideas of reconstruction and, equally important, how southerners influenced Johnson. The conclusion that Johnson was vitally influenced by the South does not imply that there were not also important northern influences on Johnson. Northerners of all shades of politics, but especially Democrats and conservative Republicans, made attempts to win Johnson to their point of view. There is no doubt that these men affected presidential policy. These northern influences have been thoroughly examined in at least three revisionist works, and there is little point to telling that story again. These works by Eric L. McKitrick, John and LaWanda Cox, and W. R. Brock are listed in the bibliography.

When the terms "southern" or "southerners" are used, they are usually meant to refer to conservative whites in the South. The term "conservative" whether referring to
northerners or southerners indicates men who felt that the
Union should be restored as quickly and with as little change
as possible. "Unionist" or "loyalist" refers to southerners
who claimed to have been in sympathy with the United States
throughout the Civil War. "Radical" is applied to Republicans
North or South who felt that the Negro should be given the
full measure of political freedom.
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CHAPTER I

ANDREW JOHNSON, THE PLEBEIAN PRESIDENT

In a sense Robert E. Lee's surrender at Appomattox was a beginning not an end. Four years of grim, bloody warfare came to an end, but the meaning of the Civil War had yet to be determined. Back in 1861 it had seemed simple enough. Both the House of Representatives and the Senate passed resolutions affirming the aim of the war to be to maintain the Union. As some felt it must, the aim of the war expanded to include emancipation of the slaves and also, perhaps, equality for the freedman. A constant struggle to find a way to restore the Union and realize the deeper meaning of freedom had existed throughout the war, subdued but not suppressed by the fighting. Both President Lincoln and Congress presented plans to achieve this result and all

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1 Congressional Globe, 37 Congress, 1 Session, pp. 222-23, 265.

had been rejected in one way or another. Most Republicans, perhaps a majority of the northern people, felt that some change must come out of the war. Others, mostly Democrats, felt that the war should be concluded with a minimum of change. Lincoln died with the problem unsettled and a vague air of uncertainty hanging over the victorious North.

Politics complicated the discussions about the kind of results that should flow from the northern success. The great Union party, founded to meet the needs of war, no longer had the cohesive force of emergency to hold it together. Within this coalition were men known as Radical Republicans, the great mass of moderate and conservative Republicans and Democrats trying to escape the stigma of the 1864 Chicago Platform. As the war ended, each of these groups began to cast about for the means to establish themselves as the powers of post-war America. The Democratic party, weakened by its defeat in the 1864 elections and burdened with its copperhead elements, was seeking ways to renew its strength. Even before the war ended, it appeared

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A good study of the various proposals for reconstruction may be found in William B. Hesseltine, *Lincoln's Plan of Reconstruction* (Chicago, 1967). Hesseltine concluded that Lincoln had reconstructed the nation by expanding the power of the federal government at the expense of state rights, but died without a plan to restore the South to the new Nation.
that new party alignments were in the making. A Washington correspondent reported as early as February that "there are rumors as numerous as the frogs of Egypt of the reorganization of new parties."\(^4\) Particular ideas of what reconstruction should consist of would form the basis for post-war politics whatever other motives might be involved.

Andrew Johnson's ascent to the presidency only added to the feeling of uncertainty. Lincoln's ideas, if not fully acceptable, had at least been determined with some certainty. But here was this self-made man of classic dimensions, a rabid unionist from the South, a Democrat turned Unionist in order to be elected Vice-President, whose views on reconstruction were so little known, or understood, that his rise to power offered hope to all parties, certainty for none. Johnson's first words as President were eagerly looked to by both parties, each hoping to find in them reassurance for their political futures. At first it seemed that all parties would be able to find what they were looking for in the new President.

Johnson had been a Democrat before the war even though he had often worked against the party leadership. He was a

strong believer in state rights and was opposed to any expansion of the power of the central government. In spite of his connection with the wartime Union party, Johnson would remain a Democrat. Just a few months before his election as Vice-President, Johnson was reported to have said that "if the country is ever to be saved it will be done through the old Democratic party." Moreover, Johnson's view of the relation of the seceded states to the Union was that of a state rights Democrat. He had co-sponsored the Senate resolution declaring the purpose of the war to be "to preserve the Union with all the dignity, equality, and rights of the several States unimpaired." Johnson would continue to adhere to this belief after becoming President. His consistent view that the southern states had never left the Union would be the basis of his reconstruction policy. In light of these sentiments it was hardly surprising that the Democratic party looked upon the President as one of their own.

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6 Ibid.

7 *Congressional Globe*, 37 Congress, 1 Session, p. 243.

8 See for instance Johnson's speech of April 25, 1865, in Frank Moore, editor, *Speeches of Andrew Johnson* (Boston, 1865), pp. 481-84.
Democratic support for Johnson became so vocal that Republican newspapers took pains to deny any connection between the President and the "copperheads." The President, it was claimed, would remain true to the Union party which had elected him, that is to say, the Republican party. A majority of Republicans accepted Johnson as their leader in the first months after Lincoln's death. Indeed, they could do little else. They had no reason to expect that the ex-Democrat would not remain true to his source of power and would have been foolish to disown him until he proved himself unworthy of the trust. Those of the party who were considered "Radical" particularly had reason to congratulate themselves. Johnson had been calling for the punishment of southern traitors all through the war. Perhaps his fiercest denunciation came in a speech made in Nashville in June of 1864. "Treason," declared the then military governor, "must be made odious, and traitors must be punished." Continuing, he called for the confiscation of the estates of the wealthy who had led the masses into secession and furnished the primary financial support for

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9See for instance New York Times, October 14, 1865.

10The range of Johnson's initial support is discussed in Eric L. McKitrick, Andrew Johnson and Reconstruction (Chicago, 1960), pp. 20-21.
the rebellion.\textsuperscript{11} Such declarations became a theme for Johnson in the early days of his presidency. Delegations calling to compliment the new President were treated to slightly incoherent lectures on the evils of treason and its fit punishment.\textsuperscript{12} So often and violent were the President's pronouncements that many feared he might go too far and inaugurate a period of "bloody assizes."\textsuperscript{13}

Andrew Johnson became President at a time when nothing was certain. He was himself so little known that both political parties could claim him as leader. Such a situation offered many possibilities to a man who could offer something positive to the country. Not the least of these possibilities was the likelihood that the President could, assuming a willing and cooperative spirit on the part of the South, present to the country a reconstructed Union by the time Congress met in December. If handled in the right manner, Johnsonian reconstruction could prevent any chance that the extremists of either party could offer effective opposition. It might even be that the great moderate masses of both

\begin{footnotes}
\footnotetext{12}{Moore, \textit{Speeches of Andrew Johnson}, pp. xiv, 470.}
\footnotetext{13}{James G. Blaine, \textit{Twenty Years of Congress}, 2 vols. (Norwich, Conn., 1886), II, 13-14.}
\end{footnotes}
parties would coalesce behind the Tennessean and put an end to parties, inaugurating a new "era of Good Feeling."

To make things appear even better, the new President had a plan. That is, he had the basis of a plan, the Constitution as construed by a state rights Democrat. Faith in an omnipotent Constitution was the great theme of his life. Again and again, in the face of seemingly overwhelming and complex situations, Johnson would gird himself in the armor of the Constitution and march forward unafraid to face the enemy. In the heat of the pre-war sectional arguments, Johnson stated, "I intend to stand by the Constitution as it is . . . . I intend to stand by it as the sheet anchor of the government."\(^1\) Again, in September of 1865, against a rising tide of northern opposition Johnson counseled, "let the Constitution be our guide."\(^2\) Johnson's faith that the Constitution was adequate to meet all emergencies made it easy for him to determine the correct procedure for the restoration of the rebellious states. He had only to search that foundation of the Union and the power for reconstruction would be found. That others might find nothing in the Constitution to indicate the proper

\(^1\) Congressional Globe, 36 Congress, 2 Session, p. 141.

\(^2\) American Annual Cyclopaedia and Register of Important Events of the Year 1865 (New York, 1870), p. 806.
course made little difference. Neither did it matter that the President would twist his own constitutional logic in order to bring together the severed parts of the Union. Once he had perceived his course, logic might be twisted to fit the action, but the logic would remain intact in his own mind.

The staunchest defenders of Johnson's course during the reconstruction period would be historians writing in the twentieth century who would accept his own evaluation of his conduct—the steadfast defender of the Constitution who fought to save it from destruction at the hands of the "Radical" Republicans. More recently, historians have challenged the view that Johnson was concerned solely with the preservation of the Constitution. Instead they have found sufficient evidence to suggest that the President was guided at least as much by political motives as by constitutional principle. There are variations in approach, but the general idea is that Johnson was trying to take advantage of his position in order to construct a political party that

16 The most important of these works are Robert W. Winston, Andrew Johnson: Plebeian and Patriot (New York, 1928); Bowers, The Tragic Era; George Fort Milton, The Age of Hate: Andrew Johnson and the Radicals (New York, 1930); Lloyd P. Stryker, Andrew Johnson: A Study in Courage (New York, 1929).
would be loyal to him and his constitutional views. Such an interpretation of Johnson's actions in reconstruction makes his course much easier to understand. The apparent inconsistencies in his constitutional theory take on new meaning if it is assumed that they were dictated by political necessity.

It may be that the new revisionists have gone too far and that Johnson's political vision has been exaggerated. Perhaps the course to solidifying political support that seems clear today was not at all clear to him. One of the most important of the revisionist works on reconstruction characterizes the President as an "outsider." Johnson appears in this work as lacking in understanding of the way American politics worked. Limited by his experience in Tennessee politics, he did not have sufficient insight to perceive the necessities of politics on the national scale. Even if Johnson did have some idea of building a personal

17 Eric L. McKitrick, Andrew Johnson and Reconstruction pictures Johnson as an inept political "outsider" who bungled his chances of consolidating moderate support behind him. Johnson is shown as trying to create a third party and failing because of prejudice in Cox, Politics, Principle, and Prejudice. Kenneth M. Stampp, The Era of Reconstruction (New York, 1967) contends that Johnson was at first concerned with unifying northern and southern Democrats and turned to the third party movement only after his restoration policy failed.

18 McKitrick, Andrew Johnson and Reconstruction, pp. 85-92.
party, he was lacking in the skill and knowledge to make it operative. Such a view is substantiated by the best of the Johnson biographies. Robert W. Winston described Johnson's pre-presidential career as "guerilla warfare—a warfare sometimes inside the Democratic party and sometimes outside." Given Johnson's limited connections with national politics, it seems unlikely that his political ambitions were sharply defined. Rather than thinking in terms of gaining the support of a particular party, he might have felt that all parties would naturally come to support him, leaving the extreme elements out in the cold. That such a combination was unlikely and would require much careful maneuvering probably did not occur to the President. At any rate he was lacking in the political ability necessary to accomplish such a goal. Johnson's apparent refusal to rely upon the advice of the seasoned politicians around him, such as William H. Seward, makes it even more difficult to conceive of him as an astute politician.\footnote{Winston, Andrew Johnson, p. 152.}

\footnote{Cox, Politics, Principle, and Prejudice presents a vivid picture of the various political combinations that revolved around Johnson, but the evidence that he had much to do with their movements remains scanty. Silence and ambiguity may serve a politician well, but only if he is careful not to leave too many hostages for the day of reckoning. If Johnson's reticence was politically motivated, he outmaneuvered himself.}
If Johnson was concerned with building up political support, and he apparently was, it seems improbable that his concern was directed to parties in the usual sense. His attention was likely directed toward some sort of giant coalition of the "people" and a political party only in the sense that it would support the constitutional views of the President and vindicate his course of action. Along with his adherence to the Constitution, regard for the "people" had been the guidepost of his political career. Johnson had an almost mystic, Jeffersonian confidence in the masses of the people. Throughout his life he had proclaimed his faith in the will and ability of the people to sustain the right. In the Senate in 1861, he stated, "I have an abiding confidence in the intelligence, the patriotism, and the integrity of the great masses of the people." Flushed with the triumph of his veto of the Freedman's Bureau Bill in February, 1866, Johnson sounded this note again. There would be, he predicted, a great popular uprising to support his policy. "The American people will speak; and by their instinct, if not otherwise, they will know who are their friends and who are their enemies."}

\[^{21}\text{Congressional Globe}, 36 \text{Congress}, 2 \text{Session}, \text{p. 772.}\]
\[^{22}\text{New York Times}, \text{February 23, 1866.}\]
Constitution and the people would be blended in a series of semi-hysterical speeches in Johnson's "Swing around the Circle" in the fall of 1866. The "people" formed the party with which Andrew Johnson was most concerned.

Whatever the importance of politics to Johnson's conduct in the reconstruction era, his views of the Constitution cannot be ignored—even if he himself seemed to forget them at times. Political ambitions do not necessarily invalidate idealistic goals. If Republicans could mix the ideal of equal rights for the Negro with political goals, Johnson could blend the vision of an unchanged Constitution with personal hopes. It has been amply demonstrated that minimum civil rights for the Negro was the great obstacle in the way of a compromise between the President and Congress, but the fact that Johnson's objections to equality were couched in constitutional terms was significant.

23 A good summary of the "swing around the circle" may be found in McKitrick, Andrew Johnson and Reconstruction, pp. 428-38.

Some evidence exists that Johnson was not unalterably opposed to limited Negro suffrage if advanced by state action rather than by federal power. Early in May, Charles Sumner, one of the leaders of the drive for Negro suffrage, told Gideon Welles, Secretary of the Navy, that he thought Johnson favored impartial voting qualifications. Welles on the other hand thought that Johnson, while not in favor of the blacks voting, would not oppose such action in any state. Welles reiterated this view in a letter to Sumner later in the year. In an interview in October, Johnson himself said that if he were still the governor of Tennessee he would try to introduce limited Negro suffrage, but that his power in the present situation was constricted by the Constitution. None of these statements proves that Johnson actually favored equality for the freedman, but they do strongly suggest that it was his constitutional view as much as racial prejudice which prevented him from coming to terms with Congress. Johnson's refusal to


compromise indicated that his constitutional principles or racial prejudice were stronger influences on his conduct than his political aims. A good politician has to compromise occasionally even if it requires the sacrifice of principle. Andrew Johnson was not a good politician.

One more element of Johnson's make-up needs to be mentioned. In his inaugural address he sought to reassure those who might look to the future with fear and uncertainty. The President said:

As to an indication of any policy which may be pursued by me in the administration of the Government, I have to say that that must be left for development as the Administration progresses. The message or declaration must be made by the acts as they transpire. The only assurance that I can now give of the future is reference to the past.27

It was simple and dignified. If it set politicians to searching Johnson's past to find assurances that he would support some particular political party, it could hardly be the President's fault. If it was a deliberate political maneuver, Johnson was a cold-blooded being indeed to be plotting politics amid the tragedy of Lincoln's death. The Tennessean had simply said what came to him. He recalled the past with an undivided Union, an all-sufficient Constitution and the rights of the states unchanged. Such a past would be his guiding vision.

27Richardson, Messages and Papers, VI, 305. My italics.
The nation had just come out of a bloody struggle for survival. Somehow in the heat and fury of combat the aims of the war had changed from a simple restoration of the Union to freedom for the slave and its usually unmentioned concomitant, equality. Perhaps only a few saw the depth of the change at first. Maybe only the often maligned "Radicals" knew that things could never be the same. The rest of the Republican party would need time to fully realize it, but Andrew Johnson would never be aware of it. From his inauguration to the end of his term, the President tried to return to the past. The states were still in the Union. True, a few adjustments were needed to accommodate the changed status of the Negro, but no change in the United States Constitution was required, no legislation on the part of the federal government. Andrew Johnson's failure was one of imagination. Unlike Lincoln he could not feel the needs of the northern people. He was rooted in the past and his imagination was too barren to see that a spiritual change, however vaguely felt and ill defined, had transformed the nation. His presidency was spent fighting needs that his vision was too limited to encompass.

On May 9, 1865, Johnson issued a proclamation recognizing the government headed by Francis Pierpont as Virginia's
legal government. It had been established by Virginia unionists and recognized by Lincoln as a sort of government in exile. By implication the President also recognized the validity of the restored governments of Louisiana, Arkansas and Tennessee. These governments were allowed to continue in operation without any further changes. Apparently Johnson gave some consideration to reorganizing the government of Louisiana in late 1865, but dropped the idea upon deciding that the existing one was adequate.

The pattern for the remaining seven southern states was established by two presidential proclamations on May 29. One was a proclamation of amnesty by which Johnson presented a solution to the vexatious question of loyalty in the rebellious states. The second presented a method whereby relations with the Union could be restored by the loyal people of the South.

By the first proclamation, amnesty was granted to all who would take an oath of future loyalty to the Union and

28 Ibid., 338.

29 Hesseltine, Lincoln's Plan of Reconstruction, pp. 28-29.

promise to abide by the Constitution and the proclamations in regard to slavery. Johnson listed fourteen exceptions to the general amnesty. These exceptions were designed to exclude most of the high ranking civil and military leaders of the Confederacy. Included in the excepted class were those with property worth $20,000 who had voluntarily aided the rebellion. No previous amnesty had contained this exception, but it was in line with Johnson's often expressed feeling that those who had supported treason with money were as guilty as those who had borne arms. Those excepted from the amnesty could apply to the President for special pardon after taking the oath of allegiance. The President promised to be as generous with such pardons as might be consistent with the welfare of the country. 31

Johnson's second May 29 proclamation appointed William W. Holden as provisional governor of North Carolina. Holden was to call a constitutional convention as soon as possible which would have the responsibility of preparing the state for restoration. Voters for the convention would have to be qualified to vote under the state constitution of 1860 and take the President's amnesty oath. Voting requirements for regular elections could be set by the convention. United

31 Richardson, Messages and Papers, VI, 310-12.
States military officers were instructed to render aid when requested by the governor, but otherwise to refrain from any interference. Treasury and postal functions were to be resumed, with officials appointed from among the loyal citizens if possible.  

It is somewhat difficult to trace the exact influences leading to the formulation of these two proclamations. Johnson's own view of the nature of the rebellion and his experience with Lincoln's plan are the most obvious sources that were drawn on. In Johnson's mind both documents were based upon constitutional authority granted to the executive. He cited the presidential pardoning power as the basis for the Amnesty Proclamation and the constitutional guarantee of a republican form of government to the states provided the basis of power for the North Carolina Proclamation. According to Johnson's theory the rebellious states had never been out of the Union.  

\[32\] Ibid., 312-14. Subsequently, identical proclamations with only the appropriate name changes were issued for Alabama, Florida, Georgia, Mississippi, South Carolina and Texas.  

\[33\] Johnson was consistent in this view. For examples see his speech of April 21, 1865, in Moore, Speeches of Andrew Johnson, pp. 481-84, his first annual message to Congress in Richardson, Messages and Papers, VI, 357 and a private conversation in January, 1866 in James G. Randall, editor, The Diary of Orville Hickman Browning, vol. XXII of Collections of the Illinois State Historical Library, 2 vols. (Springfield, 1933), II, 55-56.
institute loyal governments in each state. In the Constitution Johnson found ample power for the executive to create such loyal governments.

Lincoln's influence has often been discerned in Johnson's proclamations, although at least one historian has suggested that the latter's ideas were closer to those of the Radicals than those of Lincoln.\(^3^4\) Apparently the core of the North Carolina Proclamation was based on proposals for Virginia and North Carolina advanced by Edwin M. Stanton, Secretary of War, and tentatively approved by Lincoln before the assassination. Stanton's original proposal had contemplated putting both states under one military governor. Lincoln agreed with the Secretary of the Navy, Gideon Welles, that the two states should be dealt with separately.\(^3^5\)

At the first cabinet meeting after Lincoln's death, Stanton again presented his ideas but nothing definite was decided. Stanton's plans were again discussed in the cabinet in May, this time with Virginia and North Carolina considered

\(^{3^4}\)For Johnson as Lincoln's follower see Bowers, The Tragic Era, p. 11. William B. Hesseltine suggested the similarity to the Radicals in Lincoln's Plan of Reconstruction, p. 140.

\(^{3^5}\)Benjamin P. Thomas and Harold M. Hyman, Stanton: The Life and Times of Lincoln's Secretary of War (New York, 1962), pp. 357-58.
separately. The military provisions were dropped from both proposals and the Virginia plan was apparently the same as announced by the President on May 9, 1865. Welles suggested amendments to the North Carolina plan and the form as agreed upon by the cabinet bore a marked similarity to Johnson's final version.\textsuperscript{36} Stanton's biographer thought Johnson worked with both Stanton and the Commander of the Union Army, Ulysses S. Grant, to shape the final form of the proclamation. Welles, however, thought otherwise and wrote in his diary on May 12 that "it is still in the hands of the President, who will shape it right." According to Welles, Johnson's longtime friend Preston King was also offering advice.\textsuperscript{37} Lincoln's influence on Johnson's restoration policy was strong, but the plan was affected by advice from many quarters.

Amnesty had been favored by Lincoln as a method to encourage a return to loyalty. Possibly the most important advisor on Johnson's Amnesty Proclamation was James Speed, Lincoln's Attorney-General who continued to serve under Johnson until his resignation in 1866. On April 21 Johnson

\textsuperscript{36}Ibid., pp. 402-03, 44-45; Beale, \textit{Diary of Welles}, II, 301.

\textsuperscript{37}Thomas and Hyman, \textit{Stanton}, p. 446; Beale, \textit{Diary of Welles}, II, 305.
requested Speed's opinion on the effect of Lincoln's amnesty proclamations and the advisability of issuing a new one. Speed's reply was a long one dealing largely with legal problems. Speed did say that while Lincoln's intentions had been good he had been led by his goodness to be too lenient. The Attorney-General then proposed a new proclamation which would extend pardon to all but the "great leaders and offenders." Speed's proposed amnesty was considered by the cabinet on May 9 and agreed to with few changes.

There is a remarkable similarity between the views Speed expressed in his reply to Johnson and the President's own views. Whether the flow of influence ran from the Attorney-General to the Executive or vice versa cannot be determined. At any rate the harmony did not endure long as Speed was early in favor of Negro suffrage.

Other influences on Johnson's policy are hard to locate with any exactness. Citizens throughout the country felt obligated to offer their views on reconstruction to the new

38 Johnson to James Speed, April 21, 1865; Speed's reply may be found in The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, 130 vols. (Washington, 1880-1901), series 3, V, 5-11.

39 Beale, Diary of Welles, II, 301.

40 Ibid.
President. The proposals ranged from simply following Lincoln's plan to the ironic suggestion that Frederick Douglass, the black abolitionist, be installed as military governor of South Carolina. Many of these suggestions closely paralleled the plan followed by Johnson, but the similarity was probably fortuitous. It seems likely that the primary effect of most of these letters was to help convince the President that he had the complete backing of the people and would be supported in any course that he chose to follow.

In formulating his plan for restoration, Johnson was evidently concerned that his course be approved by southern unionists. Apparently he was more desirous of support for his ideas than of being advised. On May 9, the President sent for William W. Holden. Holden was delayed and in the meantime a group of North Carolina opponents of Holden led by ex-governor D. L. Swain applied for permission to visit Washington. Swain's delegation reached the capital first and were shown the proposed proclamation for North Carolina. One of the group objected to it on the ground that it was

41 George R. Riddle to Johnson, April 19, 1865, James W. Thompson to Johnson, May 5, 1865, Andrew Johnson Papers.

42 Johnson to W. W. Holden, May 9, 1865, General J. M. Schofield to Johnson, May 13, 1865, Andrew Johnson Papers.
unconstitutional and the proper procedure would be to allow the legislature to convene and call the convention. The President was unimpressed by this opposition and refrained from making a decision until Holden's arrival. After Holden reached Washington, Johnson met with both groups. They were given a copy of the proclamation with the provisional governor's name left blank. Johnson then left the room after asking them to provide the name. Swain and his companions walked out and Holden's supporters wrote his name in the blank.

In June Johnson asked William L. Sharkey and William Yerger of Mississippi if his plan for North Carolina would be acceptable to that state. The reply was that, next to allowing the legislature to meet, his plan was the best that could be expected. Apparently the President was seeking approval not advice. Southern influence on the President's policy was not in the form of suggestions, rather it was gained by offering to him what he most needed—acceptance by the South.


If the new President was an "outsider" on the national scene, he was equally so in the South. Although he had attained considerable prominence in Tennessee, Johnson was outside the mainstream of southern politics. Region-wide popularity such as that of Alexander H. Stephens had not come to him. His career had been conducted in favor of the masses and against the aristocracy supported by the South's peculiar institution. As President, Johnson was presented with an opportunity to take advantage of his power to punish those who had looked down upon him. Johnson's early speeches, which called for punishment for the leaders of the rebellion and mercy for the masses, made this possibility seem likely. Some historians have suggested that the motive of personal revenge and ego satisfaction account in part for some of the exceptions to the Amnesty Proclamation, especially the $20,000 exception.\footnote{E. Merton Coulter, The South During Reconstruction, vol. VIII of A History of the South, ed. by W. H. Stephenson and E. M. Coulter (Baton Rouge, 1947), p. 33; Jonathan T. Dorris, Pardon and Amnesty Under Lincoln and Johnson (Chapel Hill, 1953), p. 221.} Johnson's continual concern with himself made this probable. No doubt he felt great satisfaction in having the once mighty ruling class of the South coming to him seeking his pardon.
Yet there may be more to Johnson's concern with the South than a desire to dominate and rule. It might be that what he wanted was acceptance by, not dominance over the aristocracy. Southern politicians could no longer look down upon him as a hill country demagogue. When it appeared that he might make a southern tour in late 1865, invitations came from all over the South including the queen city of the Confederacy, Charleston. The President was no longer fighting against entrenched tradition in his homeland, he was leading the South in the defense of its ancient heritage. In so doing the President may have fallen under the control of these same men that he had despised. Potential political power was inherent in presidential policy, but for Andrew Johnson the possibility of acceptance by the South on equal terms may have been stronger.47

As a plan of reconstruction, the May 29 proclamations left something to be desired. Their major fault was that they were not complete. Different people could easily interpret the President's policy in different ways. Recent historians have noted that many people in the North thought

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47 Many of Johnson's contemporaries took note of the effect of southern flattery on him. See for instance Nation, October 20, 1865, p. 516 and Blaine, Twenty Years, II, 68. Stampp, Era of Reconstruction, pp. 70-71 places major emphasis on this aspect of Johnson's relations with the South.
the plan an experiment. By concentrating on the experimental nature of Johnson's plan, different shades of political opinion could find hope and comfort in it.\textsuperscript{48} At least one northern politician recorded that Johnson had told him personally that his policy was only an experiment.\textsuperscript{49}

Underlying the assumption that Johnson was deliberately cultivating the idea that his policy was experimental is the twin assumption that he did, indeed, have a decided policy in May of 1865. It may be that Johnson was experimenting, though not quite in the manner thought by his contemporaries. The tentative appearance may have resulted simply because the President did not know with certainty what his policy was. If the President knowingly encouraged the experiment idea for political advantage, he revealed a subtlety not often apparent in his actions. It was true enough that he always adhered to the general proposition contained in the two proclamations, but they only provided an outline. Southerners were told by the Amnesty Proclamation who could take part in restoration and the North Carolina

\textsuperscript{48}Cox, Politics, Principle, and Prejudice, p. 129; McKitrick, Andrew Johnson and Reconstruction, p. 78.

Proclamation gave the method, but nothing was said about what must be done. Johnson would wait on events to see how his policy would develop. To a large extent, the May 29 proclamations took reconstruction out of the President's hands and put it in the power of those least likely to know how it should be used to bring about changes acceptable to the North. Johnson had given southerners control over their own restoration.

Many of Johnson's actions give the distinct impression that his policy was indeed an experiment, but not the sort that northern politicians were thinking of. Instead the President seemed to be testing the limits of his influence in the South. At the same time, southerners were seeking to discover the bounds set on their actions by the President. Johnson's state rights beliefs called for a minimum of interference in state affairs and he was reluctant to impose specific conditions on his native section beyond the terms taken for granted, ending slavery and returning to loyalty. Southern leaders moved quickly into the vacuum left by the lack of executive guidance. It may be, too, that Johnson had given little thought to how his general ideas should be implemented. With only the abstract principle of his policy in mind, he was not prepared to supply the South with detailed instructions.
Even the provisional governors, who had personal conversations with the President, were in doubt about what was expected of them. An exchange of letters between Benjamin F. Perry, Provisional Governor of South Carolina, and Secretary of State William H. Seward illustrates the lack of a detailed executive plan. Three times in July and August Perry asked for instructions on the procedure to be followed by his state. His last plea for guidance was sent on August 14 and was finally answered by Seward on September 6, 1865. Seward offered little help. He wrote:

In reply, I have to state that no others orders, have been prepared, or have been in contemplation, than those which have already been addressed to you, including the letter which accompanied your appointment. It is difficult, and perhaps unwise, to anticipate questions which may arise under unknown circumstances in the many States which are now under provisional governors.50

The Administration either had no specific ideas to pass on to Perry or Johnson's state rights philosophy prevented any further interference in the affairs of South Carolina, which in view of his later efforts to secure debt repudiation seems unlikely. In either case, Perry was given the impression that he was on his own and he took advantage of the opportunity.

50 B. F. Perry to W. H. Seward, July 21, 1865, August 10, 1865, August 14, 1865, W. H. Seward to B. F. Perry, September 6, 1865, Senate Executive Documents, 39 Congress, 1 Session, no. 26, pp. 112-13, 114, 117.
Johnson's famous message in regard to Negro suffrage also suggests the extent to which he was relying on southern guidance in filling in the details of his policy. In a telegram to William L. Sharkey, Provisional Governor of Mississippi, the President, after listing the standard items in his plan, said that "if you could" grant limited suffrage to the blacks "you would completely disarm the adversary" and the Radicals "will be completely foiled in their attempts to keep the southern states from renewing their relations to the Union . . . ." Historians have found various meanings in this telegram. Some have used it to show that Johnson was not opposed to voting rights for the freedman, but only concerned that they be granted by free choice of the states. Other writers, laying emphasis on the references to outmaneuvering the Radicals, have decided that the suggestion was politically motivated and that the President had little real concern with the Negro.

Whatever Johnson's motivation, it is obvious that Johnson's policy on Negro suffrage was to be settled by Mississippi.

51 Johnson to W. L. Sharkey, August 15, 1865, Andrew Johnson Papers.

52 Winston, Andrew Johnson, p. 334; Garner, Reconstruction in Mississippi, p. 112.

alone. The message's content shows that Johnson was at least vaguely aware of the growing importance of Negro suffrage. Yet there is a note of timidity in the phrase "if you could" which hints that Johnson feared his suggestion might be taken as a command and set off a reaction against him in the South. What Mississippi would have done if the message had been in the form of a command cannot be guessed, but that the President's popularity would have declined rapidly is obvious. Perhaps more than being concerned with politics, Johnson was concerned with his status in the South. Mississippi helped to determine that presidential policy would not include Negro suffrage.

A more concrete example of southern policy making can be found in the Mississippi militia incident which also involved Governor Sharkey. Sharkey, in an effort to put down violence in isolated parts of the state, issued an order authorizing the formation of two companies of militia in each county. He then wired Johnson telling him what he had done and stating his reasons. The President immediately advised Sharkey to delay such a move until "further advances are made in the restoration of State authority." Meanwhile the United States military authorities had prohibited any military organization not sanctioned by the army. Sharkey appealed the decision to Johnson, again giving the motives
for his proclamation and reminding the President that he had specifically given permission to raise the militia if necessary. Caught between northern reaction to the arming of a militia composed largely of ex-Confederates and the need to support the prestige of his restored governments, Johnson yielded to the latter. In an unnecessarily sharp message he rebuked both General Henry W. Slocum, commanding the army in Mississippi and his own appointed emissary to the South, Carl Schurz, who had involved himself in the controversy. To complete the incident, Sharkey asked for and received Johnson's permission to publish the order sustaining the creation of the militia.\(^{54}\)

Although the President was at first opposed to organizing the militia, the Mississippi incident apparently changed his mind. Even before the issue was completely settled in Mississippi, he recommended that Lewis E. Parsons, Provisional Governor of Alabama, establish such a force. Johnson mentioned that a similar organization had "worked well" when he was military governor of Tennessee. He thought that the Alabama

\(^{54}\)Most of the relevant documents may be conveniently found in Senate Executive Documents, 39 Congress, 1 Session, no. 26, pp. 229-32. Good summaries of the incident may be found in William C. Harris, Presidential Reconstruction in Mississippi (Baton Rouge, 1967), pp. 71-75 and McKitrick, Andrew Johnson and Reconstruction, pp. 163-64.
militia would demonstrate that the citizens were "committed to the cause of Law and Order and their loyalty to the Union would become not merely passive but active." Support was given also to the creation of militia forces in other states. It is instructive to compare this episode with a less publicized action of Johnson's in regard to the military in Mississippi. In response to the widespread fear of Negro insurrection at the end of 1865, the legislature authorized the militia to disarm the freedmen. The action was condemned by the United States army and the problem was referred to Washington. Johnson, answering through Stanton, declared that only the army had the authority to disarm anyone and if it appeared necessary to preserve order, both whites and blacks should be disarmed.

Two major differences in these episodes were evident. One was that the latter case went through the hands of the Secretary of War. Stanton had Radical leanings and was concerned that the army be maintained as an effective tool

55 Johnson to L. E. Parsons, September 1, 1865, Andrew Johnson Papers.

56 Johnson to James Johnson, November 5, 1865, ibid.

57 E. M. Stanton to General George H. Thomas, December 12, 1865, ibid. See also James E. Sefton, The United States Army and Reconstruction, 1865-1877 (Baton Rouge, 1967), p. 43.
in reconstruction. No doubt his influence was important in the order sustaining the army. Secondly, it should be noticed that the militia case involved a personal appointee of the President and thus involved his personal prestige. Moreover, the organization of the militia had already begun by the time Johnson stepped in. It appeared from this that he would not interfere with action already taken. By acting first and then seeking the President's support, Governor Sharkey had, in effect, created presidential policy concerning the militia. Johnson's lack of consistency in following his policy—or his lack of policy—is also illustrated by a comparison of the two incidents.

Andrew Johnson had already lost control of the reconstruction process before Congress met in December of 1865. His motivations in setting his plan into motion were a combination of constitutional theory, political ambition and ego needs. Bound by these limitations, Johnson was unable to present a detailed plan for reconstruction and was not able to supply firm, consistent guidance to the South. He lost command almost as soon as his plan was launched. Instead, the South, with its own needs, was able to see and take advantage of the opportunities offered and turn presidential reconstruction into southern reconstruction. The South's action made impossible any chance that Johnson's policy, right or wrong, would be accepted by the North.
Once Johnson decided upon the basic outlines of his policy, the most crucial decision he made was to use southerners rather than United States Army officers as provisional governors. These governors had several important functions and played a vital part in Johnsonian reconstruction. These were the men who decided when the southern states were ready to hold their conventions and who had a great deal of influence over who was elected to serve in them. When the President spoke, these men interpreted for the South. They were, or should have been, the President's mouthpieces, expressing in detail his views. As the official representatives of the South, they played key roles in the President's understanding of what was happening there. Their views of the state of affairs in the South were authoritative and were important elements in the refining of Johnson's policy.

Considering their importance in Johnson's scheme, it would have made sense to use army officers as governors. In theory, the military was strictly subject to the wishes of
the President and had no room to follow their own inclinations. There was, of course, the danger that an overzealous officer would exceed the bounds of his power or that a conservative might yield too much to southern influence, but a judicious scrutiny before his selection could minimize these possibilities. In any case, Johnson as commander-in-chief could reprimand or remove such men at will. Use of the military in reconstruction might offend the South, but this would make little difference if southerners were sincere in their efforts to follow official policy. State rights might be infringed upon a bit by the use of officers, but, again, this would matter little if southerners were ready to follow the President's policy and the governors would, after all, only be temporary. Besides, the idea of the President appointing any governor was alien to state rights theory.

In contrast to the use of army officers, the appointment of southern civilians offered few advantages to counter the disadvantages. Obviously southerners were more willing to follow the lead of one of their own than accept the guidance of a conquering "Yankee." A southern governor understood the needs of his state and might be able to accomplish the desired results without creating the rancor that was probable if army officers were used. On the other
hand, the use of southern civilian governors was fraught with difficulty. The first problem was to decide who was suitable for such responsibilities. Loyalty to the Union was the first requirement. Many prominent men in the South had opposed secession, but most of these had supported the Confederacy once it had been established. The number of those who remained loyal throughout the war was relatively small and their credentials as representatives of southern feeling were doubtful. Whatever the size of the Union minority in the South, it was still a minority. A governor selected from this group would have trouble maintaining the confidence of the majority and might easily be led into making concessions in order to retain his influence. Ex-Confederate leaders could easily exercise great power in the reconstruction process because of the governor's need for their support. If the governor rejected rebel influence, then his wishes (and the President's) might be completely disregarded. It was also possible that a loyal governor might try to take advantage of his position to bring vengeance upon his political enemies and develop the means for putting his party into power in the restored government.

Little available evidence exists that President Johnson gave much thought to using army officers as his major tools of reconstruction. Stanton's plan of action had originally
been almost completely military in nature, with the governor to be supported by a special corps of provost marshals. Many of the letters in the Johnson papers suggested the use of military governors. A surprising number of these letters came from the South, evidently from loyalists who feared the possible rule of ex-Confederates. A concerted movement developed in North Carolina to have General I. N. Palmer appointed as governor of that state. As late as June 20, 1865, after a civilian governor had been chosen, there was still strong sentiment for placing Palmer in that position.\(^1\) Other Union officers were also recommended as military governors by southerners in other states.\(^2\) Moreover, precedent for military governors had been solidly established during the war.\(^3\) By the time Stanton's modified

\(^1\)Citizens of New Bern, N.C. to Johnson, April 29, 1865; Henry M. Watterson to Johnson, June 20, 1865, Andrew Johnson Papers. Palmer's support for the place may have been a way of disguising disloyal feeling and tying rebels in with Union feeling. See the charges in J. W. Ethridge to E. D. Hedrick, May 3, 1865, B. S. Hedrick Papers, Duke University Library.

\(^2\)See for instance G. W. Ashburn to Johnson, April 30, 1865; W. C. Roberts to Johnson, May 26, 1865, Andrew Johnson Papers.

\(^3\)See Hesseltine, *Lincoln's Plan of Reconstruction* for the military aspects of wartime reconstruction. A. J. Hamilton had been commissioned in the Union army expressly for the purpose of serving as military governor of Texas, although he was never in that state during the war, Robert G. Caldwell, "Andrew Jackson Hamilton," *Dictionary of American Biography*, ed. by Henry Haritan, 20.
plan came before the President in cabinet, however, the military features had been dropped and Johnson himself was not offered direct official advice to consider the use of officers.\textsuperscript{4}

There were several possible reasons why Johnson did not use military officers as governors. He may have felt that the ending of the war called for a civilian approach to reconstruction, or he may have felt that using civilians was less of a violation of his state rights views. Johnson's concern for the feelings of southerners was also a strong argument for the use of civilians. It may simply have been that, as suggested by one historian, Johnson's experience as appointed governor of Tennessee had convinced him that the military was not the proper instrument for reconstruction.\textsuperscript{5}

At any rate, Johnson determined to use civilians for provisional governors.

Johnson apparently applied no particular standard in the selection of his governors. Gideon Welles wrote in his diary that "many of the governors whom the President appointed

\textsuperscript{4}Thomas and Hyman, \textit{Stanton}, pp. 357-58, 402-03. Apparently Stanton discarded the provost marshall corps knowing that the army would play a large part in reconstruction regardless of the details of the plan.

\textsuperscript{5}Hesseltine, \textit{Lincoln's Plan of Reconstruction}, pp. 62-63.
were indifferent men." Welles could have been the original curmudgeon and thought that he was probably the only person in the world who knew exactly what the situation called for, but in this case he was close to the truth. Apparently Johnson felt it necessary to assure himself that his selections would be approved by the loyal men of the South. For this reason such men were the strongest influence on his decision in most cases. In the instance of North Carolina, he left the actual choice to the southerners. Benjamin F. Perry of South Carolina was selected from a list of possibilities submitted by a visiting delegation of Carolinians. In all cases, the governors had been suggested by southerners and sometimes by themselves as well. Attorney-General Speed was the medium of influence for William Marvin of Florida. What guided the President's choice from among the many recommendations is not clear, but he had had personal contact with most of them before their selection.

William W. Holden, the first of Johnson's governors, was perhaps the most unfortunate choice the President accepted. Holden's claim to being a Union man was so vague as to be

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6 Beale, Diary of Welles, II, 580.
7 Charleston Courier, July 3, 1865.
almost nonexistent. He had started his career as a Whig
newspaperman, but became a Democrat upon being offered the
editorship of the Raleigh Standard in 1843. For most of
the decade of the fifties, Holden's paper supported secession.
A falling out with Democratic leaders caused Holden to waver
somewhat, and he actually ran for the first North Carolina
secession convention as a Union man. When the convention
was actually held, however, Holden voted in favor of with-
drawal from the Union. Holden's major claim to loyalty
was his candidacy for governor against Zebulon Vance in 1864.
He ran on a peace platform. Whether peace was supposed to
result in restoration to the Union or an independent North
Carolina is not clear.

Holden's background of shifting political views made
his position in North Carolina somewhat precarious. Instead
of the almost universal approval of the state that greeted
the appointment of some of the other governors, many North

DAB, IX, 138.

10 Hamilton, Reconstruction in North Carolina, p. 12.

11 Hamilton says that Holden wanted a return to the Union
with the retention of slavery, ibid., pp. 50-53. Holden's
opponent in the 1865 election, Jonathan Worth, later claimed
that Holden really wanted an independent North Carolina, Worth
to Johnson, September 15, 1866, Andrew Johnson Papers. Holden
received 28,982 votes as compared to Vance's 43,579, Hamilton,
Reconstruction in North Carolina, p. 64.
Carolinians looked upon Holden's selection with foreboding. These doubts were especially strong among the old Whigs, the most important of whom were Vance, ex-Senator William A. Graham and D. L. Swain. B. S. Hedrick, who acted as the Whig agent in Washington, warned of Holden's impending appointment on May 26. Hedrick added a note in which he hoped that "he will treat you better than he ever did me." Another Carolinian expressed his fears more openly in his diary:

Holden is now provisional Governor . . . . In short the reign of terror and persecution, and the day of trouble has begun—woe be to those patriots who loved their country, and staked their all for its salvation. We scarce dare to think much less write our feelings and sentiments.

Some of the Whig forces were apparently willing to give the new governor an opportunity to prove himself, but he was on strict probation.

With his less than unanimous support in North Carolina, Holden more than the other governors tried to use his ties with the President to improve his position. Even the

12 B. S. Hedrick to K. P. Battle, May 26, 1865, Battle Family Papers, Southern Historical Collection, University of North Carolina, Chapel Hill.

13 Entry for June 7, 1865, "Diary of David Schenck" (typescript), Southern Historical Collection, University of North Carolina, Chapel Hill.

14 W. H. Battle to K. P. Battle, June 7, 1865, Battle Family Papers.
Governor's secretary, Lewis Hanes, thought "that in everything he did, he kept constantly in view no object but his own political advancement."^{15} Such motives were especially apparent in Holden's use of his power to recommend persons for pardon. Holden himself claimed to have approved all but four of the 1,200 applications he passed on, although "some" were postponed.^16 A letter in the Andrew Johnson papers reveals that he was rather selective in his recommendations. Holden wrote to his Washington agent in October to advise the President not to issue a general amnesty. Pardons for such men as Vance and Graham would, wrote Holden, "open in this state bitter discussions and would strengthen the factions now being secretly organized against the administration."^{17} Vance and Graham, as well as the respected Whig leader Josiah Turner, were among those whose pardon applications Holden refused to approve. Most of Holden's appointees for civil office had apparently been Whigs, but Jonathan Worth, who defeated Holden in the 1865 election,

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^{15}Quoted in Hamilton, Reconstruction in North Carolina, p. 133.


^{17}W. W. Holden to J. R. Powell, October 5, 1865, Johnson Papers; see also Dorris, Pardon and Amnesty, p. 191.
thought most were selected "not in reference to their fitness--but on account of their loyalty to Holden." \(^{18}\)

Holden's use of his connection with Johnson became more personal in the race for governor in November. Fearing the strength of "the old Whig party," the Governor asked for messages of support from the President. He added "don't send them if you think it in any respect improper, I would as soon the triumph should be considered Andrew Johnson's as my own." Johnson in answer thanked Holden for his support, but declined to step into the election. Holden agreed and expressed renewed confidence in his coming victory. \(^{19}\) After Holden had lost the election, the President then expressed regret at the outcome and warned that a similar attitude in the forthcoming legislature would impair the chances of restoration. \(^{20}\) Whether the President withheld his influence because of his state rights views or for some other reason, the result was to drive Holden toward support for Congressional policy.


\(^{19}\) Holden to Johnson, November 4, 1865; Johnson to Holden, November 5, 1865; Holden to Johnson, November 6, 1865, Andrew Johnson Papers.

\(^{20}\) Johnson to Holden, November 27, 1865, ibid.
Holden's defeat in the election demonstrated his widespread unpopularity. In spite of his claims that the President desired his election, he was easily beaten by Worth—the man he had appointed as State Treasurer. The feeling of most North Carolinians toward the Governor was probably summed up in a remark by an anonymous farmer. He told a northern reporter, "I don't care if it keeps the State out of the Union for forty years, I'll never vote for Bill Holden to be governor of it; no sir, never while my head is hot."\(^2\) Andrew Johnson's power to accomplish the undesirable in North Carolina was limited. Holden deserted the President for Congress in 1866 and was elected governor in 1868 as a Radical. He finished his career by being successfully impeached in 1870 for misuse of state funds.\(^2\)

Johnson's second appointment was that of William L. Sharkey of Mississippi. In many ways Sharkey's appointment was much more satisfactory than Holden's. Sharkey's record as a loyal Union man was unimpeachable. He had always opposed secession and had participated in a movement for restoration as early as 1863. Before the war, Sharkey had


been a judge on the state's highest court and was thus removed somewhat from lingering political animosities, although he was known to be a Whig.\textsuperscript{23} Despite Sharkey's qualifications as a loyal Union man, the main factor in his selection by Johnson appears to have been the fact that he had personal contact with the President. Sharkey was on a commission sent by Confederate Governor Clark to try to obtain permission to convene the legislature.\textsuperscript{24} Members of both prewar parties greeted the appointment with enthusiasm. Old Whigs were especially elated for many saw in the elevation of Sharkey a great opportunity for the party to dominate the politics of Mississippi. As one of Sharkey's correspondents expressed it:

\begin{quote}
It now devolves upon you & we who are identified with you in principle to vindicate and reestablish the great principles of government, inaugurated \textit{sic} by Washington and defended by Clay and Webster and crush now & forever the political heresies, which culminated in the recent war.\textsuperscript{25}
\end{quote}


\textsuperscript{24} Garner, \textit{Reconstruction in Mississippi}, p. 63; Beale, \textit{Diary of Welles}, II, 316.

\textsuperscript{25} A. M. West to W. L. Sharkey, July 3, 1865, Mississippi Governors' Correspondence, File E-70, State Department of History and Archives, Jackson; see also Harris, \textit{Presidential Reconstruction In Mississippi}, p. 44.
Democrats also found Sharkey acceptable and he was told that his appointment "goes far to reconcile the most downcast" and "with you for a leader they feel there can be little degradation in retracing the steps of the last few years."\(^26\)

Sharkey began his tenure in an excellent position to install his party in power and to execute fully the President's policy, but his support was not as solid as it appeared on the surface. The last quotation in the above paragraph hints at the limits on the Governor's freedom of action. He could lead Mississippi back into the Union as long as "little degradation" was involved. Throughout his six months in office, Sharkey was careful to protect the state rights of Mississippi and guarded carefully the traditions and prejudices of his state. Sharkey's total disregard of the President's suggestion regarding Negro suffrage is an outstanding example of his concern not to offend the sensitivities of Mississippians. Another example is found in Sharkey's attempt to have Johnson order General Slocum to observe the writ of habeas corpus.\(^27\)

\(^26\)H. T. Elliot to Sharkey, June 21, 1865, Mississippi Governors, File E-69; see also Harris, Presidential Reconstruction in Mississippi, p. 43 and Garner, Reconstruction in Mississippi, p. 75.

\(^27\)Slocum was sustained by the President--another example of his inconsistent course in reconstruction. Sharkey to Seward, July 21, 1865, Seward to Sharkey, July 24, 1865, Senate Executive Documents, 39 Congress, 1 Session, #26, pp. 55, 60. See also Sefton, Army and Reconstruction. p. 37.
As did most of the other provisional governors, Sharkey filled the numerous county offices at his disposal by proclamation, reserving the right to remove any who did not prove to be loyal.\(^{28}\) The proclamation was a practical solution to the problem of filling the offices, considering their large number, but it was also a way to avoid driving old political opponents into renewed opposition. Sharkey's reward for his tactful handling of reconstruction, from the southern viewpoint, was his election by the "restored" legislature as United States Senator. After the passage of the Reconstruction Acts, Sharkey was one of the leaders in the movement to get a court injunction to prevent their execution by the President, indicating that his course as governor was directed by inclination as well as expediency.\(^{29}\) Sharkey's loyalty to the Union was tempered by his concern with the rights of Mississippi. That concern made him one of the more worrisome of the President's appointees.

James Johnson's experience as provisional governor of Georgia illustrates, in contrast to Sharkey, the fate of one who seemed to have more regard for carrying out the wishes of the President than appeasing his constituents. Johnson's

\(^{28}\) Garner, *Reconstruction in Mississippi*, p. 77.

\(^{29}\) Sydnor, "Sharkey," *DAB*, XVII, 22.
appointment came about primarily because of the recommendation of a delegation of Georgians in Washington. Apparently, as in the case of North Carolina, the President had asked for a recommendation. The delegation told the President of their choice in a letter on June 16 and the appointment was announced on the next day. The new governor had not been prominent in Georgia politics. He had served in Congress in 1851-52, but was defeated for re-election as a Union candidate. In 1857, he took part in the state Know Nothing convention, although most of his time was spent in his private law practice, by which he had obtained some prominence. During the war he had "been noted for persistent, though quiet opposition to the Jeff. Davis Government from its inception." So little was known about the new governor that the Augusta Daily Constitutionalist was forced to defend him against charges of disloyalty on the basis that his selection "proves him to possess the confidence of the Administration, and his proclamation proves him to possess good common sense . . . ."  

30 Georgia Delegation to Johnson, June 16, 1865, Andrew Johnson Papers; Richardson, Messages and Papers, VI, 318-20. See also Charleston Courier, June 23, 1865.  


32 Augusta Daily Constitutionalist, July 25, 1865.
If Governor Johnson had the President's confidence, the same was not equally true for the people of Georgia. Carl Schurz noted that but few prominent men were in the reception committee that greeted Johnson on his return from Washington. Most of the enthusiasm was provided by northern men and army officers. Newspapers, while not making any specific criticisms, appeared to be less than elated with Georgia's new governor. As one editorial put it, "we are willing to believe him honest in all his efforts till the contrary be proven . . . ." Alexander H. Stephens noted in his diary that Johnson was well suited for his job, but lacked firmness, which would present difficulties in the restoration of Georgia. Johnson apparently felt these doubts and reciprocated in kind. In August he told Carl Schurz that he doubted that the people of Georgia were ready to assume control of their own legislative affairs. This feeling prompted him to delay appointing civil officials for the state until popular pressure overwhelmed him.

33 Carl Schurz to Johnson, August 18, 1865, Andrew Johnson Papers.

34 Augusta Daily Constitutionalist, July 25, 1865.


36 Schurz to Johnson, August 18, 1865; J. Johnson to A. Johnson, September 1, 1865, Andrew Johnson Papers.
Johnson's course in trying to be true to presidential policy jeopardized his chances of political preferment by his state. As early as August 5, he was being criticized for not following the course of the other provisional governors in making civil appointments. Even more damaging was his action when the Georgia convention balked at repudiating the state war debt. Initially, the bill to repudiate was tabled by a vote of 162 in favor, with those opposed being such an insignificant number that they were not counted. This action disturbed the Governor, who sent two telegrams to the President asking for support in securing repudiation. A reading of these messages in the convention was greeted by laughter.

Johnson was aware of the reaction to his course and accepted it as the price of loyalty to the President. In a telegram warning of possible difficulties with the legislature, he told the President that he would be a candidate for Senator and "of course will be defeated." Andrew Johnson failed to understand feeling in Georgia and in reply demanded to know

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37 Augusta Daily *Constitutionalist*, August 5, 1865.

38 Ibid., November 2, 1865. The President's strongly worded message in reply seemed to have effect as the convention later voted in favor of repudiation 133-117, Johnson to J. Johnson, October 28, 1865; J. Johnson to Johnson, November 7, 1865, Andrew Johnson Papers.
why his protegé could not be elected. 39 Another letter in the Johnson Papers answered the President's question. It said the governor would probably be one of the Senators, not because of his popularity, but as a token of respect for the President. 40 In spite of this optimistic note, Johnson failed to be chosen as Senator and instead was rewarded by the President by being appointed customs collector. James Johnson ended his career as a Republican, being chosen for the superior court in 1870 and as a Grant elector in 1872. 41

Andrew Jackson Hamilton was a logical choice for provisional governor of Texas. He had served as state attorney-general as well as in the legislature. In 1859, he ran successfully for Congress on the Union ticket with Governor Sam Houston. Returning to Texas after secession, he was elected to the legislature as a Unionist. Threats on his life forced him to flee Texas in 1862 after which he was commissioned a brigadier general in the United States Army and appointed by Lincoln as military governor of Texas.

39 J. Johnson to A. Johnson, November 21, 1865; A. Johnson to J. Johnson, December 11, 1865, Andrew Johnson Papers.

40 J. S. Harris to H. M. Watterson, December 29, 1865, Andrew Johnson Papers.

41 National Cyclopaedia, I, 228.
Although he did not return to the state during the war, Hamilton still held his title in 1865. In June Hamilton presented himself to the President asking to be continued in the same position. Johnson and most of the cabinet considered Hamilton acceptable although Gideon Welles, not surprisingly, had objections and preferred his friend Eli M. Pease.

Logical as it was, Johnson's selection of Hamilton was not the happiest that could have been made. His career during the war would naturally make his name anathema to the majority of Texans who had voted in favor of secession. Hamilton's reputation for moral laxity did not help his popularity with secessionists and drove some loyalists away, as shown by a letter to the President urging him to appoint someone other than "drunken Jack Hamilton" as governor. His popularity was not increased by the speeches he made upon his return to Texas. Instead of making conciliatory

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43 Beale, Diary of Welles, II, 315.

44 George N. Bridges to Johnson, May 31, 1865, Andrew Johnson Papers.
remarks, Hamilton adopted a patronizing attitude and castigated the men who had led Texas out of the Union. Even though approving his course in reconstruction, the Houston Telegraph deplored Hamilton's language, while prominent men in the state who had supported the Confederacy began to fear proscription and worse—Negro suffrage.45

Hamilton's version of reconstruction went beyond the President's. In the face of Johnson's wish that reconstruction be speedily carried out, Hamilton delayed issuing a call for a convention until November, with the convention not to meet until March, 1866. Hamilton gave the size of the state and the lack of mails as justification for the delay. Another reason for the delay may have been to give him time to organize support and allow secessionists to reflect upon their past evil deeds. The Governor's suggestion that confiscation proceedings be started against leading rebels was designed to have this effect.47

45 Houston Telegraph, quoted in San Antonio Herald, October 21, 1865; J. W. Throckmorton to B. H. Epperson, August 6, 1865, B. H. Epperson Papers, University of Texas Archives, Austin. See also Waller, Colossal Hamilton of Texas, p. 63.

46 Hamilton to Johnson, August 30, 1865, November 27, 1865, Andrew Johnson Papers.

47 Hamilton to Johnson, August 30, 1865, ibid.
Hamilton's concern with Congressional reaction to reconstruction was also a deviation from the ideas of the man who had appointed him. After telling Johnson his own opinion of what was required of the convention, Hamilton expressed the wish that the December meeting of Congress would result in a more precise statement of what "will be expected and demanded by the American people . . . ." 48 After Congress met, Hamilton saw where the power of reconstruction lay and what would be expected of the South. By February, he was recommending that the convention approve impartial Negro suffrage. 49 Whether dictated by genuine concern for the Negro or hope of political success with support from Congress, Hamilton's course had become repugnant to most Texans. In the summer of 1866, Hamilton began to make speeches in the North denouncing Johnson's policy and deploring the plight of loyal men and Negroes in the South. He became one of the major figures in the Southern Loyalist Convention designed to counteract the force of a conservative Johnson movement. Radicalism too proved unrewarding and in

48 Hamilton to Johnson, November 27, 1865, ibid.

49 San Antonio Herald, February 19, 1866. Waller, Colossal Hamilton of Texas, pp. 76-77, contends that Hamilton was opposed to Negro equality, but his speeches at this period indicate otherwise.
1866 Hamilton was elected governor of Texas as a conservative, but the military prevented his taking office.  

Perhaps Johnson's best appointment was that of Lewis E. Parsons to be provisional governor of Alabama. A grandson of the celebrated Jonathan Edwards, Parsons was born in New York and moved to Alabama in 1840 where he became a well known lawyer. Parsons was originally a Whig, but joined the Democratic party in the fifties. He was a delegate to the Democratic convention in 1860 where he supported the nomination of Stephen A. Douglas. During the war, Parsons offered no active resistance to the Confederate government, although he was the leader of a peace society throughout the conflict. With a fine sense of propriety, Parsons led Alabama to accept all of Johnson's requirements without generating animosity at home and without constantly harrassing the President. The restored state legislature elected him United States Senator, but like the other southern congressmen he was not seated. In 1866, he supported the National Union Convention and led the opposition to the "Radical" constitution of 1867. He nevertheless adapted himself to Congressional  

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reconstruction and his last public office was speaker of the Republican controlled lower house of the legislature in 1872-73. Men of Parson's calibre in all of the provisional governor's places would have greatly enhanced the chance for success of presidential reconstruction.

South Carolina, as the first state to secede, presented a delicate problem. As his representative in the seedbed of secession, Andrew Johnson chose Benjamin F. Perry who turned out to be not exactly suited for the job. Part of the difficulty was that Perry and the President were very much alike. Each considered himself a man of the people, each was ambitious and each was convinced of his own rectitude. Possibly the similarities in the two men caused Johnson to select Perry's name from a list offered by a delegation of South Carolinians. The President recognized Perry's name on the list and asked if he were "not too much of a people's man to be acceptable to the city of Charleston?" 


53 Quoted in Lillian A. Kibler, Benjamin F. Perry: South Carolina Unionist (Durham, 1946), p. 378. For other accounts of the meeting see Charleston Courier, July 3, 1865 and Francis Butler Simkins and Robert Hilliard Woody, South Carolina During Reconstruction (Chapel Hill, 1932), p. 34. For some reason, the President ran a loyalty check on Perry, apparently the only provisional governor so investigated, Johnson to General Q. A. Gilmore, July 1, 1865; Gilmore to Johnson, July 8, 1865, Andrew Johnson Papers.
Later, when Perry asked why he had been selected, Johnson replied, "I lived only one hundred and twenty-five miles from you, and of course knew all about you."  

Perry's prewar career both as a legislator and newspaper editor had been devoted to fighting for popular rights as a representative of the back country against the power of the tidewater aristocracy. In the mountain districts he was what one Union officer referred to as a "central monkey."  

Perry had strongly opposed secession and was one of the few from the Deep South who did not walk out of the Charleston convention in 1860. When South Carolina went out of the Union, Perry went with his state declaring, "you are going to the devil and I will go with you. Honor and patriotism require me to stand by my State, right or wrong."  

Perry's devotion to his state and his concern for the people plus his stubborn  

54 Quoted in Kibler, Benjamin F. Perry, p. 385.  
55 John William DeForest, A Union Officer in the Reconstruction, ed. by James H. Croushore and David M. Potter (New Haven, 1948), p. 195. DeForest's description of a central monkey: "For instance, the central monkey at Greenville was Governor Perry. When he stood at a corner people got about him; when he opened his mouth all other men present closed theirs. Had he favored the 'constitutional amendment' [14th] Greenville would have accepted it; as he denounced it Greenville rejected it, without taking the superfluous trouble of reading it."  
self-righteousness made him particularly unfit for his post. Even before his appointment, he had created a stir by remarking in a speech that, while he had fought against secession, no one felt "more bitterly the humiliation and degradation" of returning to the Union than himself.

More than any of the other provisional governors, Perry dominated the state convention. From his position of power, the Governor was more concerned with democratizing the state constitution than with restoring South Carolina to the Union. Perry conducted himself as if no measures were really necessary for the renewal of relations with the federal government. He declined to recommend the ratification of the Thirteenth Amendment and deliberately refused to heed Johnson's pleas and threats that the war debt be repudiated.

His biographer contends that Perry was deterred from asking the convention for impartial suffrage only by the intercession

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57 For a critical evaluation of Perry's qualities see Simkins and Woody, South Carolina During Reconstruction, pp. 35-36. Kibler, Benjamin F. Perry, is much more sympathetic towards her subject.

58 Speech of July 3, 1865 in Charleston Courier, July 25, 1865.

59 Sidney Andrews, The South Since the War (Boston, 1866), p. 49. Andrews was an eyewitness to the convention.

60 Kibler, Benjamin F. Perry, pp. 427, 423, 431-32.
of his friends. Be this as it may, Perry's speech to the
convention took on the typical southern attitude that "this
is a white man's government, and intended for white men
only."\(^{61}\) Probably Perry's concessions to the secessionist
point of view were necessary to obtain the other reforms he
desired. Still, his actions were justified by his own
philosophy as indicated by his rationalization for approving
all applications for pardon. In regard to the pardons, he
said, "I do not believe any one was to blame in taking sides
with his State, after she had seceded from the Union."\(^{62}\)

Many of Perry's old supporters were alienated by his
conduct as he became a champion for southern rights. In
July, W. W. Boyce, himself a candidate for provisional
governor, had heartily approved the selection of Perry. By
October, Boyce was complaining that the Governor had "played
too much into the hands of the ultra party here."\(^{63}\) Others,
however, praised Perry because:

He was not of that bastard class of Unionists who
think it essential to display their love of the Union,

\(^{61}\) Ibid., p. 405; quote from Perry's speech in *Journal of The Convention of the People of South Carolina, 1865*


\(^{63}\) Boyce to Johnson, July 9, 1865; quotation in Boyce to F. P. Blair, Sr., October 7, 1865, Andrew Johnson Papers. See
also DeForest, *Union Officer in the Reconstruction*, p. 160.
that they should ignore the claims of their State, and acquiesce in measures to deprive them of their rights under the Constitution. 64

William Marvin was the last of the provisional governors to be appointed. He was born in New York and was a lifelong Democrat. In 1835, Andrew Jackson appointed him United States District Attorney for Florida and the rest of Marvin's public career was spent in that state. Marvin was a federal judge in Key West at the beginning of the war and he continued to occupy that post until ill health forced him to resign in 1863. 65 Friends working through cabinet members were instrumental in obtaining Marvin's appointment, although he was not above putting in a good word for himself. 66 Marvin made an undistinguished governor and generally followed the typical southern line of thought. He left it to the convention to determine "the true honor and interest of the State" and, while advocating protection for the freedman, was strongly opposed to Negro suffrage. He recommended ratification of the Thirteenth Amendment for the usual reason that it would

64 New Orleans Picayune, July 8, 1865, quoted in Augusta Daily Constitutionalist, July 14, 1865.

65 National Cyclopaedia, XI, 379.

66 Harrison Reed to M. Blair, June 26, 1865; William Marvin to P. Fraser to J. Speed, June 27, 1865, Andrew Johnson Papers; Davis, Civil War and Reconstruction in Florida, pp. 354-56.
be good policy.  

Like the other governors who had a careful regard for southern rights, Marvin was elected United States Senator. After the Reconstruction Acts were passed, he refused to run for office and returned to his native New York.

Consideration of the experiences of the provisional governors makes apparent many of the difficulties facing Johnson's program. The fallacy of appointing southern civilians is most noticeable. No matter how strong a unionist the governor might have been, he was also a southerner. He could not lead his state to accept a measure that he himself opposed. If he also had political ambitions, as all of the governors did, his regard for southern feeling had to be even more scrupulous. Torn between the wishes of the President and felt southern needs, there was in most cases little doubt about the course a southern governor would follow. Some of them did choose to adhere to Johnson in spite of local pressure. In this respect, a useful comparison


68 National Cyclopædia, XI, 379.
can be made between James Johnson's and Benjamin F. Perry's position on the debt question. Governor Johnson in the face of strong opposition to repudiation appealed to the President for aid. The Georgia convention grudgingly yielded the question under pressure from what amounted to a direct command by the President, but the Governor's reward for his loyalty to the presidential program was to be rejected as Senator by the legislature. Perry refused to submit to pleas and threats on the debt question and made no mention of the subject to either convention or legislature. He was selected as one of South Carolina's Senators without difficulty. Holden of North Carolina and Hamilton of Texas also failed of election to office in their restored states, but in both cases factors other than simply trying to force through Johnson's program were involved. As a result of their southern feeling and political ambition, most of Johnson's governors freely interpreted or ignored his wishes.

By appointing southerners to carry out his program, the President transferred a large part of the control of reconstruction to the defeated states. By instituting

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69 Other factors also played a role in the Governor's defeat. Georgia did not select Senators until after Congress had already refused to seat southern representatives. This undoubtedly made it easier for the legislature to reject the President's man since their chief
civilian governments in the South, he lost his power to order and had to suggest or recommend or, in some cases, almost beg to try to get his program adopted. Military officers had no choice but to obey orders, but to coerce states in the Union, according to Johnson's theory, was unconstitutional. To withhold recognition until all had been done would be to invalidate the entire concept of presidential reconstruction. Johnson's theory trapped him. Once he allowed civilian control, his plan was complete and he could logically do no more.

It was obvious, of course, that by relinquishing theoretical control of reconstruction the President did not intend to give up practical control. Certain things would still have to be done by the states to demonstrate their loyalty. Johnson, through the various means of communication at hand, would guide the South in the things necessary to effect loyalty. Several means of instructing the governors were available to Johnson and he made use of all of them. Each of these methods had limitations and, as it turned out, did not help in regaining the control of restoration yielded by announced presidential policy.

Proclamations and speeches were the simplest and easiest of the means open to the President to make his wishes known. Both also presented difficulties which hampered and impeded
understanding of matters of policy. Lack of details was the major shortcoming of the proclamations. It was impossible to explain exactly what was in the President's mind in a single document. Nor was it particularly desirable that he should explain mechanics in public announcements. Once promulgated, official policy could create a great deal of embarrassment if change became desirable or if situations arose which had not been foreseen. Because of the lack of details, proclamations could confuse rather than make clear or, at times, have no particular meaning at all. The May 29 proclamations suggest some of the problems involved in directing policy by proclamation. A first reading of the Amnesty Proclamation made it seem to implement Johnson's well known desire to punish the leaders of the rebellion while granting mercy to the masses. No doubt many who agreed with the President's ideas saw in the plan a means to deal strict justice to those in the excepted classes. Many others, particularly southerners, were equally encouraged to believe that Johnson meant to be generous with special pardons by his promise to be so, consistent with the peace and safety of the Union. Equally lacking in clear direction was the plan for provisional governments. By failing to note the exact things to be done by these governments, Johnson made it possible to believe either that he would maintain strict
control over their deeds or that the southerners would have a more or less free hand.\(^\text{70}\)

Another interesting example of the difficulties of proclamations as a means of communication, can be found in the one issued April 2, 1866 which declared the rebellion at an end in all states except Texas.\(^\text{71}\) It is difficult to determine exactly what Johnson hoped to accomplish by this declaration, but the implication was that martial law would cease. Apparently southerners thought so, and difficulties between civil and military authorities became so numerous that the Secretary of War was forced to send a circular order stating that martial law was still operative although its use should be avoided if possible.\(^\text{72}\) Probably Johnson hoped to increase the legitimate appearance of his governments

\(^{70}\) For an interesting contrast in southern reaction, see B. H. Epperson to J. W. Throckmorton, June 18, 1865, James W. Throckmorton Papers, University of Texas Archives, Austin, and Benjamin H. Hill to A. Johnson, June 15, 1865, Andrew Johnson Papers. Epperson who was considered a moderate in Texas at first found the Johnson policy reprehensible in the extreme. Hill, a strong Unionist, thought the plan all that could be desired.

\(^{71}\) Richardson, Messages and Papers, VI, 429-32. The Texas convention had not yet completed its work.

\(^{72}\) Sefton, Army in Reconstruction, p. 78. For an example of the confusion caused by the proclamation, see the Raleigh Daily Sentinel, April 5, 6, 16, 27, 1865.
and give encouragement to the South by the proclamation, but all he really did was to create more confusion and bother. 

Johnson's speeches were no better as vehicles of communication and in some ways were more troublesome. In a set speech, the President did well enough. His messages to Congress for instance were usually statesmanlike documents. Johnson felt the influence of those around him most strongly when preparing a formal message. His first annual message was written by George Bancroft, the historian. His vetoes of the Freedman's Bureau Bill and the Civil Rights Bill were strongly affected by the advice of others, especially Secretary of State William H. Seward and Gideon Welles.

As effective as these messages might have been as state papers, they had nothing to offer the South except proof

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73 Apparently, the major influence on Johnson in issuing the proclamation was W. L. Sharkey. Johnson asked for and received Sharkey's advice in February while Welles complained in April that the cabinet had not been consulted at all. W. L. Sharkey to Johnson, February 5, 1866, Andrew Johnson Papers; L. Marshall Hall, "William L. Sharkey and Reconstruction, 1865-1873," Journal of Mississippi History, XXVII (February, 1965), 2; Beale, Diary of Welles, II, 473.

that Johnson was holding fast to his position. Nor were
the President's impromptu speeches an improvement as a means
to let the South know what was expected for restoration.
Johnson's spontaneous efforts usually lacked direction and
often became meaningless by the end of the performance.
His response to a visiting delegation of loyal southerners
in April of 1865 provides an example of the difficulty in
relying on his speeches as a guide. In a rambling talk,
Johnson discussed the nature of crime, its fit punishment,
treason as the greatest of crimes, the role of mercy in
justice and the necessity of dealing strict justice to
traitors, all without telling who the traitors were.\(^{75}\) By
the time it was over the southerners could have had little
idea of what Johnson would require of their section.

Johnson's best method of communicating his ideas to
the South was through conversations with his provisional
governors. He had personal talks with all of them before
they assumed their posts and he must have taken advantage
of this opportunity to convey his ideas on the proper
procedure to be followed. Unfortunately little evidence
exists to indicate what was said at these meetings, but
subsequent events indicate that there was not a complete

\(^{75}\)Moore, *Speeches of Andrew Johnson*, pp. 477-81.
understanding achieved in any of them. Governor Perry's requests for instructions were mentioned in chapter one. He had had at least two interviews with the President and still felt so unsure of his duties that he was forced to seek further guidance even before he assumed his position. Most of their conversation had apparently been devoted to ways of creating a more democratic constitution for South Carolina.76 Perry did mention later that Johnson had "expressed himself gratified at the course South Carolina was likely to pursue . . . ."77 If Perry's memory was accurate, no definite plan had been decided upon for his state. William Yerger of Mississippi gave an account of his and W. L. Sharkey's interview with the President. According to Yerger, the one essential demanded by Johnson was the abolition of slavery. Johnson would not order slavery to be abolished, but made it clear that unless it were done he could not view reconstruction as complete. Aside from the end of slavery, Johnson gave no other essentials

76 Kibler, Benjamin F. Perry, pp. 385, 387.

77 Savannah Herald, August 31, 1865, quoted in Augusta Daily Constitutionalist, September 3, 1865. My italics.
for restoration. If the experiences of Perry and the Mississippians are any indication, Johnson failed to explain fully to his governors what they were to do. Johnson's own lack of certainty about his reconstruction plans explains why his governors did not know exactly what their duties were when they took office.

The existence of the telegraph made the Governor's lack of instructions relatively unimportant. Through telegrams, the President and his agents could maintain almost constant contact and determine how to meet the various problems as they appeared. Most of the communication between Washington and the southern states was maintained in this way. Johnson, however, failed to take full advantage of the possibilities. Whether because of his theory that the southern states were still in the Union or because he feared to offend the South, the President's messages conveyed the impression that southerners had a choice in their actions to restore the country. Johnson's telegram to Benjamin G. Humphreys, the

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Speech of Yerger, *Journal of the Proceedings and Debates in the Constitutional Convention of the State of Mississippi, August, 1865*, (Jackson, 1865), pp. 146-47. Yerger was speaking in favor of abolition, so more may have been said in the meeting. However, he mentioned other parts of the conversation with the President, so it seems likely that he would have noted any other conditions set by the President.
newly elected governor of Mississippi, demonstrated the presidential style. He assured the Governor "that there is no disposition arbitrarily on the part of the Govt. to dictate what their actions shall be . . . ." More often the President hoped or trusted in God that a state would take a particular action. It was obvious that the requested action was not optional, but a particularly stubborn governor such as Perry or Sharkey must have found it easier to avoid adhering to the letter of Johnson's plan because of the wording of his messages. At times Johnson seemed to simply ignore his governors. In October Parsons complained that he had received no word concerning the course of the Alabama convention. James Johnson was reduced to asking Parsons for advice when the President seemed to alter his policy by ordering the provisional governors to remain at their posts after regular elections had been held. An editorial in

79 Johnson to B. G. Humphreys, November 17, 1865, Andrew Johnson Papers.

80 For examples see Johnson to Perry, October 28, 1865 and Johnson to Sharkey, November 1, 1865, both in ibid.

81 Parsons to Johnson, October 3, 1865, Andrew Johnson Papers. Johnson answered this plea immediately in rather general terms, Johnson to Parsons, October 4, 1865, Governors' Correspondence, Alabama State Department of Archives and History, Montgomery.

82 J. Johnson to Parsons, November 28, 1865, ibid.
the Southern Recorder revealed the frustration felt in the South at the lack of clear guidance. The Recorder pleaded:

Tell us what we must do and what we must not do. The South has peculiar views as regards State rights, and if we are States, then those rights ought to be respected by the Federal authorities. It is no time to send delphic messages to Conventions and Legislatures, that are as susceptible of as many interpretations as there are minds to think.  

Johnson failed to use the telegraph as effectively as he could have and left the South free to misinterpret or simply ignore his wishes.

Besides his conversations with the provisional governors, Johnson had other means to maintain personal contact with events in the South. Some of the states kept full-time agents in Washington to look out for their interests. Others at times sent special agents or delegations to the capital to deal with special problems. The President also made use of agents by commissioning men at various times to check the temper of the South. Gaps in communications could thus have been filled by these agents, who were sometimes effective in doing so. Yet, there were problems here, too, which hampered presidential communication.

In the case of the men sent by the states, two problems stood out. The first was the possibility that contending factions might send their own agents to Washington and their

83 Milledgeville, Southern Recorder, November 21, 1865.
reports would be slanted to meet the needs of that particular group. The most outstanding example of rival representatives occurred in the case of North Carolina. Both Governor Holden and the contending Whig faction maintained a full-time agent at the capital. Holden's man, R. J. Powell, was supposedly the official representative of the state and his advice was claimed to be authoritative by the Holden faction. B. S. Hedrick, a strong Unionist who had been in Washington even before the war had ended, worked to counteract the influence of Powell. Holden's attempt to secure his own election as governor offered an opportunity for the contending factions to display their power. Powell and Holden worked to create the impression that Johnson favored Holden's election. Hedrick naturally informed his friends that the President felt the state at liberty to choose whom it wished and claimed that Holden's success would create an unfavorable impression at the North. 84 As Johnson himself refused to state his preferences publicly, each side was free to represent his feelings to the people of North Carolina in its own interest. 85

84 B. S. Hedrich to W. A. Graham, October 12, 1865, W. A. Graham Papers (typescript), Southern Historical Collection, University of North Carolina, Chapel Hill.

85 For Johnson's refusal to aid Holden, see note nineteen above.
Another defect in the state agent method of communication was that the agent might see or report only what was expected of him. William Yerger was sent by the Governor of Mississippi to find out from Johnson how much power the state had in exercising the civil law. From Washington, Yerger reported that he could not learn much from the President. Talks with General Grant and others convinced him, however, that the size of the army in Mississippi would be reduced and the southern states would be recognized by Congress after its recess.\(^\text{86}\) Yerger either overestimated the support for Johnson's policy or refused to accept the available evidence that the President's policy was unacceptable as it was. In either case, his optimistic reports did nothing to develop a spirit of compromise in Mississippi. Part of the problem in understanding Johnson may have been, as suggested by Yerger's telegram, that the President would not or could not make himself clear to his hearers. Herschel V. Johnson, of Georgia, met the same difficulty in dealing with the Executive. The Georgian complained to a friend that the President "talks just as he has always talked." When told that the Vice-President of the Confederacy would be elected as United

\(^{86}\) W. Yerger to Humphreys, December 28, 1865, Mississippi Governors, File E-77; a report of the results of the mission can be found in the Jackson Daily Clarion, January 5, 1866.
States Senator "he made no reply." Occasionally the use of agents seems to have been effective. A delegation of Alabamians was useful in guiding their state to follow the President's policy with less division than in any of the other states. In three separate messages, the governor and convention of Alabama were warned to follow presidential policy in order to assure Johnson's support and also to avoid giving an issue to the Radicals. In spite of the Alabama example, presidential guidance seems to have been deficient in most cases. Into this void, the southerners naturally inserted their own ideas.

Johnson also made use of special agents. Ostensibly these men were to report on conditions in the South, but it is obvious that they had other duties as well. One of the President's agents, Henry Watterson, made this clear in his letter from Raleigh, North Carolina. Watterson reported assuring the Carolinians that the President stood firm on his two main principles that the South was still in the

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87 H. V. Johnson to A. H. Stephens, January 8, 1866, H. V. Johnson Papers, Duke University Library. Johnson did a better job of analyzing the political climate than did Yerger. He foresaw a long period of waiting for southern representation.

88 L. W. Lawler to Parsons, September 11, 1865; L. P. Walker to Parsons and Fitzpatrick, September 18, 1865, Alabama Governors' Correspondence; Alabama Delegation to Parsons and Fitzpatrick, September 19, 1865, Andrew Johnson Papers.
Union and that the right to grant suffrage remained with the states. These assertions did nothing to impress upon the South the seriousness of its position. Another of Johnson's agents, Benjamin C. Truman, played a part in securing Georgia's repudiation of her war debt. Truman said that one of the strongest opponents of repudiation was ex-Governor Joseph E. Brown who was claiming authority from the President to deny that repudiation was a condition of readmission. This conflict was settled by a telegram from Washington sent at the request of the Provisional Governor. Major General Carl Schurz was the best known of Johnson's special agents. As it happened, Schurz used what influence he had to try to contravene the tendency of Johnson's policy. The effect was again to create uncertainty as to the course of presidential reconstruction. Pardoned southerners were sometimes used by the President to spread knowledge of his policy. William W. Boyce's safe-conduct to return to South Carolina included a provision

89 Watterson to Johnson, June 27, 1865, Andrew Johnson Papers.

90 Truman to Johnson, November 1, 1865, Records of the Bureau of Refugees, Freedmen, and Abandoned Lands, RG 105, Box 19, National Archives, Washington, D.C.

91 For an example, see the Mississippi militia incident related in Chapter One.
that he would work to aid in the restoration of his state. Boyce redeemed his pledge, but the good he did was questionable since the burden of his message to the people was that the abolition of slavery was Johnson's only demand and they had nothing to fear from the President. Overall, the benefits Johnson gained from his agents were small. They helped to confuse and delude the South rather than prepare that section for the rigors of reconstruction.

Andrew Johnson did not help his cause by appointing southern civilians as governors of the seceded states. They were bound to two masters, the President and southern public opinion. Given any room to maneuver, they would, in most cases, bow to the latter. By laying down strict guide lines, Johnson might have been able to control southern action. As it was, the whole tenor of his communications to the South, whether through speeches, telegrams or special messengers, was that southerners were free within certain flexible limits to create their own terms of restoration. The President thus became almost a prisoner of southern public opinion.

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92 Safe-conduct for W. W. Boyce, June 8, 1865; Boyce to Johnson, June 23, 1865, both in Andrew Johnson Papers.
CHAPTER III

LOYAL AND DISLOYAL: THE SOUTH

Southern public opinion was the vital factor in presidential reconstruction. Without support from this source, neither Andrew Johnson nor his provisional governors could make any meaningful move toward restoration of the Union. Johnson's plan of voluntary action put the power of reconstruction in the hands of the southern people. Nothing obnoxious to the people could be demanded without losing their support. Even the President's imperative requirements had to be couched in such a manner that the South as a whole would not be offended.

It was difficult to obtain a complete picture of southern feeling in 1865 and it remains so today. The impressions one had of the South depended on many things: the viewer's own prejudices, what part of the South he was in, what class of people he spoke with, what newspapers he read and, to some extent, the date. Many means to study southern sentiment did exist, however. Northern papers sent correspondents to report on the South. Johnson, from time to time, sent special agents to study the southern
temper. Army officers often included comments on the condition of things in their official reports. Southerners themselves, through newspapers and letters to Johnson and others, presented their own views. Congress in the Joint Committee on Reconstruction had its own source of information. Despite the diversity of sources, it is still almost impossible to obtain a general impression of southern feeling.

One general statement may be made with some assurance. Most southerners accepted the defeat of the Confederacy without hope of its resurrection. As early as April 1, 1865, a correspondent of the Charleston Courier claimed that the majority of South Carolinians would vote in favor of ending the war.¹ Confederate General Nathan B. Forrest told his troops that further resistance would be futile and that "it is your duty and mine to lay down our arms--submit to the 'powers that be'--and to aid in restoring peace and establishing law and order throughout the land."² In some instances, county-wide meetings were held to draft resolutions acquiescing

¹Letter of "Columbia," Charleston Daily Courier, April 1, 1865.
²Quoted in Augusta Daily Constitutionalist, May 25, 1865.
in the result of the conflict. In Georgia, the Macon Telegraph, which had favored secession, now advised acceptance of the southern defeat while one of General William T. Sherman's correspondents wrote that the rebel soldiers "express a perfect willingness to abide the issue." So subdued seemed the South in the early days after the war that some northern observers expressed the opinion that any terms of readmission, including Negro suffrage, would be gladly accepted. Whitelaw Reid, who was in the South early in May, felt that the state of feeling offered a "golden opportunity for a statesman to shape and mold these Southern institutions as he will." Suffrage was one of the institutions Reid felt open to change. Carl Schurz echoed Reid's views when he reported that any terms of reunion would have been looked upon by the South as "a favor."

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3 Morgan County, Alabama to Johnson, May 13, 1865, Andrew Johnson Papers; Pike County Alabama to Parsons, June 12, 1865, Alabama Governors' Correspondence.

4 Macon Telegraph, May 11, 1865, quoted in Milledgeville Southern Recorder, May 16, 1865; N. G. Foster to General Sherman, May 10, 1865, Andrew Johnson Papers.

5 Whitelaw Reid, After the War: A Tour of the Southern States, 1865-1866, ed. by C. Vann Woodward (New York, 1965), p. 36. See also pp. 33-34, 219.

6 Senate Executive Documents, 39 Congress, 1 Session, no. 2, pp. 3-4.
To be sure, there were those in the South who were not submissive. Some southerners were quite bitter, even to the point of advocating further resistance. A South Carolinian warned Senator Lyman Trumbull that rebel soldiers were returning "with just the same spirit they went into the service with."\(^7\) As late as July, the President received the suggestion that reconstruction be delayed in South Carolina because rebel feeling was still strong.\(^8\) By October, Johnson's own agent reported that some men still harbored bitterness toward the Union. These men were, however, a small minority according to the report.\(^9\) Independent observers also reported that the number who openly opposed the federal government was relatively small. Both Whitelaw Reid and Carl Schurz found discontent on their tours, but reported that large majorities were loyal to some degree.\(^10\) Taken as a whole, then, southerners were at least willing to acknowledge that further resistance was useless.

\(^7\) M. S. Littlefield to Trumbull, May 8, 1865, Lyman Trumbull Papers, Library of Congress, Washington, D.C.

\(^8\) T. P. Shaffner to Johnson, June 29, 1865, Andrew Johnson Papers.

\(^9\) H. M. Watterson to Johnson, October 20, 1865, ibid.

\(^10\) Reid, *After the War*, p. 53; *Senate Executive Documents*, 39 Congress, 1 Session, no. 2, p. 5. Schurz was appointed by the President, but he felt no obligation to whitewash in his report.
Southern feeling seemed to have changed by the end of 1865. Reports began to appear in the middle of the summer that the South was growing more defiant. Instead of being ready to accept any terms of restoration, southerners were demanding their rights and acting in general as if there had been no war or, at least, as if the war had changed nothing. This apparent change in feeling was often attributed to the President and his policy of restoration. Whitelaw Reid wrote that there was a noticeable change in the southern temper as his journey throughout the South progressed in the summer of 1865. Reid considered the explanation to be simple.

They were 'he wrote' just beginning to get a knowledge of the North Carolina proclamation, and to imagine that the President was willing to concede to them more power than they had dared to hope. It was the old maxim illustrated once more. They had been offered an inch; they were soon to be seen clamorous for ells.11

Support for Reid's view was plentiful. Two letters from Savannah in the Johnson Papers described the same change in feeling and ascribed it to the same cause. An Alabama Unionist told the President that disloyal feeling was growing and suggested the recall of some pardons.12

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11Reid, After the War, p. 219.

12A. Wilson to Johnson, November 25, 1865; F. Clark to Johnson, December 6, 1865; J. C. Bradley to Johnson, September 8, 1865, Andrew Johnson Papers.
Congressional leader Thaddeus Stevens was informed by a Mississippian that the growth of Union feeling "has been checked by Mr. Johnson's [sic] course, he has made a great mistake."\textsuperscript{13} A southern Unionist told a northern reporter that southerners "were a conquered people . . . . But the more lenient the government, the more arrogant they become."\textsuperscript{14} Most of these opinions came from southerners who had been firm Unionists throughout the war, northerners who tended to favor a strict restoration policy or men from either section who had political ambitions. This admission does not necessarily invalidate the testimony. Viewed from certain vantage points, it seemed obvious that southern sentiment had changed and almost equally obvious that presidential policy was responsible for the renewed hostility.

Defenders of southern loyalty found no change during 1865 except for the better. Besides the President, the South's most prominent defender was the commander of the victorious northern armies, Ulysses S. Grant. Johnson sent Grant on a tour of the South in late 1865 and his report was submitted to Congress along with Schurz's less favorable conclusions. Grant found southerners

\textsuperscript{13}R. W. Flourney to Stevens, November 20, 1865, Thaddeus Stevens Papers, Library of Congress, Washington, D.C.

\textsuperscript{14}J. T. Trowbridge, The South: A Tour . . . and Talks with the People (Hartford, 1866), p. 189.
anxious to return to self-government, within the Union, as soon as possible; that whilst reconstructing they want and require protection from the government; that they are in earnest in wishing to do what they think is required by the government, not humiliating to them as citizens, and that if such a course were pointed out they would follow it in good faith.\textsuperscript{15}

Grant's assessment was probably more accurate than he knew. Embodied in his report, which seemed on the surface to support presidential policy, was a true statement of southern feeling which gave validity to strict Unionist views of southern loyalty. From Lee's surrender on throughout the whole of the reconstruction period, most southerners desired nothing more than speedy reunion and control of their own affairs on terms "not humiliating to them."

What the South accepted "in good faith" was the situation as viewed from that section at the end of the war. The essence of southern feeling about what Lee's surrender meant was contained in a sentence from a letter to Johnson from a Georgian. Johnson's informant wrote: "There will no more war go up from the South."\textsuperscript{16} The end of the war simply meant to most southerners that the fighting was over. Any changes brought about by the war would be minimal and even

\textsuperscript{15} Senate Executive Documents, 39 Congress, 1 Session, no. 2, p. 107. My italics.

\textsuperscript{16} J. A. Stewart to Johnson, August 12, 1865, Andrew Johnson Papers.
these would be resisted if possible and certainly there could be no real repentance for secession, for to repudiate the Confederacy would be to disown those southerners who had fought so valiantly for their native section. What happened was not that the South grew more disloyal as 1865 progressed but that northern observers misread the state of southern feeling at the end of the war. Evidence is abundant that most southerners, whether expecting a harsh or easy punishment for their rebellion, intended to ease the burden as much as possible and take advantage of every opportunity offered to them by the government to maintain control of their own affairs.

As the South became convinced of its defeat, southerners placed emphasis on the end of the actual fighting, not on what might be brought about by the war. On April 20, the Raleigh Standard announced that "the contest is now virtually at an end . . ." and called upon North Carolinians to maintain order. A Georgia paper stated that "further warfare is worse than useless; it would be madness." It then called for the speedy election of representatives to Congress. Confederate General William J. Hardee admitted defeat and tried to discourage guerilla warfare. In June, a Mississippi paper complained of Radical agitation in the North and declared that "when the armies of the Confederacy surrendered the
people of the South thought trouble, controversy and agitation would cease."17  Henry M. Watterson's early reports to the President from the South stressed the fact that southerners accepted the end of the war and desired restoration of civil authority.18

A key element in the southern attitude toward the closing of the war was concern that there be no loss of southern honor. It was well enough to admit that the Confederate army had been overwhelmed by superior numbers, but to deny the heritage of valor created by the men in gray was unthinkable. It was equally unthinkable to many southerners to admit that secession had been without justification, at least in theory. Evidence of this feeling would appear in the constitutional conventions in the debates over repudiating the ordinances of secession and abolishing slavery, but the feeling was born even as the dream of southern independence faded. To the suggestion

17 Raleigh Standard, April 20, 1865, quoted in Holden, Memoirs, p. 33; Milledgeville Southern Recorder, May 9, 1865; interview in New York Herald reprinted in Augusta Daily Constitutionalist, May 18, 1865; Meridian Daily Clarion, June 22, 1865.

18 Watterson to Johnson, June 7, 1865; Watterson to Johnson, June 29, 1865, Andrew Johnson Papers.
of a neighboring paper that the past be forgotten, the 
Augusta Daily Constitutionalist declared:

THERE ARE INSULTS TOO PROFOUND FOR A FITTING EXECRATION.

We should like to see the gentleman, born on this soil and having one instinct of truth and honor, who can present himself publicly under this brave May sun, and endorse the vile expectorations of this alien, who, vomited out from his own hyperborean region for disdaining law, comes forth in this hour of affliction, flaunting the funeral robes of the widow before her face, and grinning like a hyena over the death throes of a great people.

Similarly, a Texan wrote in his diary that the people "will remain Southern in their sympathies and feelings." A North Carolina state senator told a northern reporter that the South would accept "any terms that could be honorably offered to a proud, high-minded people." Even though he had opposed secession, Benjamin G. Humphreys, the first elected Governor of Mississippi after the war, was proud he had fought for the Confederacy and regretted its failure. Even such a loyalist as Governor Parsons could be affected by this regard for southern honor. He urged the Alabama legislature to preserve

19 Augusta Daily Constitutionalist, May 7, 1865. The Chronicle & Sentinel, the target of this explosion, was edited by an emigre northerner who later represented Georgia in the Southern Loyalist Convention. Nevertheless, major differences in the two papers in 1865 were rare.
the state's battle flags as "sacred souvenirs." A northerner who understood southern acceptance of defeat to mean acceptance of any terms offered by the victors failed to comprehend that the acceptance was qualified. Retention of southern honor intact was the first qualification.

No matter how completely southerners accepted defeat in the trial by arms, a majority appeared determined to make the burden of that defeat as light as possible. Even as the South became convinced that the Confederacy was no more, efforts were made to try to insure that the restoration process would remain in southern hands. Less than two weeks after Lee's surrender, a Georgia paper was calling for a convention "for the protection of the rights of the people of Georgia. We believe that they can yet be saved." Georgia's Governor, Joseph E. Brown, responded by calling for a special session of the state legislature which would authorize a convention. Military authorities prevented the

20 Entry for May 13, 1865, "Diary of William Ballinger" (typescript), University of Texas Archives, Austin; Reid, After the War, p. 29; Percy L. Rainwater, "The Autobiography of Benjamin Grubb Humphreys, August 26, 1808-December 20, 1882," Mississippi Valley Historical Review, XXI (September, 1934), 245; Message of Parsons, Journal of the Session of 1865 of the Senate of the State of Alabama (Montgomery, 1866), p. 22.

21 Augusta Daily Chronicle & Sentinel, April 22, 1865.
meeting of the legislature and the decision was sustained by the administration in Washington. Similar steps were attempted in other states. A group of Alabama citizens petitioned the President to allow the legislature to meet to call a convention. Confederate General Richard Taylor advised the governors of Mississippi and Alabama to take such steps. Mississippi's governor, like Georgia's, actually issued the proclamation for convening the legislature, as did the governors of Texas and Florida. Commissioners from Texas applied for permission to conduct the regularly scheduled state elections in August. That southerners actually expected to be allowed to restore the Union with leaders elected under Confederate rule may be questioned, although Governor Brown's indignation at not being allowed to proceed seems real enough. What is apparent is that southerners,


at least those in positions of power, meant to continue to control their affairs if possible.

Denied the privilege of conducting their own reconstruction, southerners began to speculate on what would be required by the federal government. There was some variation in what southerners were expecting. Some professed to see little change at all as a result of the war. According to a northern reporter, Florida's David L. Yulee, a leading secessionist, thought that abolition was the only loss suffered by the South and all else would remain as before the war. In his testimony before the Joint Committee on Reconstruction, Alexander H. Stephens claimed that the people of Georgia had expected immediate resumption of relations with the Union, including representation in Congress. Some southerners even denied that slavery had been ended by the war. Joshua Hill, a leading Georgia Unionist, urged the President to delay ending slavery at least until the crops had been harvested. An Alabamian wrote that "many" in his state hoped for "at least gradual emancipation." A Texas newspaper predicted that the


26 *Report of the Joint Committee on Reconstruction*, 39 Congress, 1 Session, no. 30 (Washington, 1866), part 3, p. 163. Hereafter cited as *RJCR*. 
Thirteenth Amendment would fail of ratification and that slavery would be continued.  

Probably the expectations of the majority were voiced by the Georgia paper which said two things would be demanded of the South, abolition and the disavowal of secession.  

This was similar to the statement in a letter in a South Carolina newspaper which favored restoring the status of the States, by electing men who will take the oath of allegiance, in good faith, and ignore secession; the State and municipal laws, in reference to slavery, of course, to be suspended, subject to the decision of the Supreme Court, and the laws of Congress.  

Even as late as August, the Raleigh Sentinel saw only two things absolutely required for restoration, that only loyal men take part and that slavery be abolished.  

What had happened was that, in the weeks before the President announced his policy in May, southerners, relying on rumor, conviction or hopes, formed their own concept of

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27 Hill to Johnson, May 10, 1865; K. B. Sewall to Seward, June 2, 1865, Andrew Johnson Papers; Texas Republican, June 16, 1865, quoted in Ramsdell, Reconstruction in Texas, p. 46.  

28 Augusta Daily Chronicle & Sentinel, May 26, 1865.  

29 Letter of "JP" in Charleston Daily Courier, May 12, 1866. The oath referred to is not specified, but was obviously not the "iron clad oath." Note also that secession is to be "ignored" and the hesitancy regarding abolition.  

30 Raleigh Daily Sentinel, August 8, 1865. The Sentinel's limited concept of the terms for restoration emphasizes Johnson's lack of communication and/or influence in the South.
of what the conditions of restoration would be. Usually these terms were minimal. When Johnson's policy was finally made public, its lack of clear direction left southerners free to read their own ideas into presidential policy. In effect, the South converted Johnson's plan into their own rather than accepting it as announced. Johnson did not create what some observers would regard as southern disloyalty. That feeling was present at the beginning. Presidential policy merely gave sanction to southern views and southerners set their own standards for reconstruction.

When the constitutional conventions met, they implemented presidential policy, but it was policy that had been determined in the South. Johnson had no choice but to accept the southern point of view or repudiate his entire program.

The southern concept of the proper terms for readmission gave rise in the South to a peculiar definition of loyalty, which enabled southerners to defend themselves against charges that disloyalty was rampant. Alexander H. Stephens put the case succinctly to the Joint Committee on Reconstruction. Stephens said that the people "expected in good faith, as loyal men, as the term is frequently used--loyal to law, order, and the Constitution--to support the government
under the Constitution." A Texas paper put the southern idea of loyalty more succinctly: "Disloyal we are not; unrepentant we are . . . ." To the South loyalty was a legal term having nothing to do with love of country. The Augusta Daily Constitutionalist defined a loyal citizen as "a citizen according to law" and emphasized that no emotional connotations were implied by the phrase. Once the terms of the Johnson-southern plan of reconstruction had been complied with, no other gestures of loyalty were necessary. Thus the Raleigh Sentinel recommended that the constitutional changes necessary for the restoration not be voted on by the people. It alleged that some of the changes required were not approved by the people and their dissenting votes might be considered evidence of disloyalty. Opposition to the requirements, of course, would not mean that North Carolinians were hostile, but that they were


33 Augusta Daily Constitutionalist, June 7, 1865.
voting their principles as became free Americans. A Georgia paper defended the right of southerners as "citizens of the United States" to criticize the federal government while a Mississippi paper, along with most southern papers, advised against the election of men who could take the Congressional test oath. Most of all, loyalty did not mean that the South should yield its honor and constitutional rights to the victors. This spirit was demonstrated by the Port Gibson, Mississippi, Weekly Standard in its praise of the new governor. "His is no craven spirit," said the Standard, "ready and willing to accept every concession as a boon, and who imagines that a people defeated in defence of their rights should be deprived of them."

Given the southern attitude toward the meaning of the war and the southern definition of loyalty, it was only natural that the conventions and legislatures should follow their own inclinations where possible. It has been suggested

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34 Raleigh Daily Sentinel, November 18, 1865. See also the Sentinel, November 1, 1865, praising the independence of the voters of South Carolina in supporting Confederate General Wade Hampton.

35 Milledgeville Union (n.d.) quoted in Augusta Daily Constitutionalist, August 5, 1865; Meridian Daily Clarion, October 8, 1865.

36 Port Gibson Weekly Standard, November 25, 1865.
that southern actions such as the adoption of the Black Codes were not intended as defiance of the North, but were natural reflexive actions. In one sense this seems to be true. Often enough the southerners did what seemed right to them. Almost certainly they had no desire to offend anyone at the North and, as far as the President and his backers were concerned, probably did not. At the same time southerners were aware that many in the North did not agree with the President's policy and would offer serious opposition to the President's program about the same time.

Later in the month, a correspondent of Governor Parsons warned of the possibility of a Radical victory and urged speedy action on restoration so Congress would be presented with an accomplished fact in December. Radical strength increased during the summer and warnings of impending trouble grew stronger. A Georgia paper reminded its readers in August that Congress would have some voice in reconstruction

37 See for instance Theodore Branter Wilson, The Black Codes of the South (University, Ala., 1965), pp. 65, 67; Harris, Presidential Reconstruction in Mississippi, pp. 131-32.

38 C. B. Nero to Sharkey, July 1, 1865, Mississippi Governors' Correspondence, File E-70; D. L. Swain to W. A. Graham, July 7, 1865, Graham Papers.

39 W. Byrd to Parsons, July 24, 1865, Alabama Governors' Correspondence.
and that remission to territorial status was a possibility. James L. Alcorn, who would be one of Mississippi's senators, predicted in late August that southern representatives would not be admitted to Congress. As the southern conventions did their work, the possibility of Congressional rejection seemed to have little effect. "We are not aware," said one newspaper, "that the South is under any obligation to satisfy these 'ultra men of the North.'" Another paper predicted no admission for southerners unless concessions were made to the Radicals and then urged that no such concessions be made. Obviously southerners were aware of reaction against Johnsonian reconstruction and preferred to ignore it. In following their natural bent, they offered open and knowing defiance to those in the North who desired meaningful changes in the social structure of the South. That the South underestimated the strength of the opposition is possible, but many southerners knew that the political combat at the North would be closely fought. Deliberate choice with at least some awareness of the consequences led

40 Augusta Daily Chronicle & Sentinel, August 11, 1865; Alcorn to Mrs. Alcorn, August 26, 1865, J. L. Alcorn Papers, Southern Historical Collection, University of North Carolina, Chapel Hill.

41 Augusta Daily Constitutionalist, October 14, 1865; San Antonio Tri-Weekly Herald, November 22, 1865.
the South to adopt Johnson's policy as its own. The choice was dictated by regard for southern honor, southern values, political ambitions and an overestimate of Johnson's strength and political ability, but it was still a deliberate choice.

What was natural about the course of the South was that its people sought the easiest path of restoration. There was no indication at the war's end that Andrew Johnson would show the way to that path. Johnson's course during the war made him an object of suspicion to most southerners. Fears of harsh terms of reconstruction were often connected with the fact that the vindictive Tennessee Unionist had become President. Feeling toward the President changed rapidly as his course became generally known. Some in the South would never reconcile themselves to accepting Johnson as their savior, but most southerners were loud in their praise of him as it became understood that, with a few exceptions, the conventions and legislatures would have a free hand. Obviously the increased regard for Johnson was based on the comparatively lenient policy he offered. Support based on such narrow grounds put the President on rather insecure footing. Any major retreat on his part would scatter his southern support and the South would become politically and psychologically useless to him.

Many southerners expressed their belief that Johnson's elevation was a bad omen for the South...
his diary that "I was brought up to detest Andy Johnson as the vilest of demagogues, and he will be infinitely more vengeful & malicious against the South than Lincoln."\(^4^2\) Another diarist characterized the new President as "a renegade, demagogue and drunkard."\(^4^3\) The Augusta Daily Constitutionalist was upset by one of Johnson's early speeches which others saw as a sign of hope for the South. In an editorial entitled "WHAT DO YOU MEAN PRESIDENT JOHNSON?" the Constitutionalist expressed doubt as to the meaning of the speech. "There is nothing manly, frank or promising in it," complained the paper. If it was meant to stave off Radical opposition, the President should say so, if he meant to punish the South he should "be at least as communicative as any respectable Jack Ketch."\(^4^4\)

Lincoln's death was viewed as a calamity by the Graham faction in North Carolina. Graham himself predicted a long military rule in the South under the new President. Many men who wrote to praise Johnson later in 1865, contrasted their current feeling with their early fears. An Alabamian told the President in July that he was slowly beginning to

\(^{4^2}\) Entry dated April, "Diary of William Ballinger."

\(^{4^3}\) Undated entry, "Diary of David Schenck," p. 42.

\(^{4^4}\) Augusta Daily Constitutionalist, May 5, 1865.
accept presidential policy after an initial tendency to "abuse you." A year after the war ended, a Mississippian praised Johnson, prefacing his remarks by admitting that "twelve months ago I was as bitter in my feelings toward you as it was possible for man to be."^45

There were some even in the first weeks after the war who felt that reconstruction would not be harsh even under Johnson. As this hope became a reality, southern support of Johnson increased rapidly and, by the end of 1865, appeared to be widespread. In July, a correspondent of Governor Parsons predicted increasing popular support for the President if he held to his policy. A North Carolinian predicted that Johnson's course would be the basis of a new party of "patriotic men." In August, support for the President in Alabama was said to be "ungrudging and sincere."^46 Particular actions by the President favorable to the South called for special praise from that section. Johnson's action in the Mississippi militia incident was widely hailed

^45 Graham to D. L. Swain, May 11, 1865, Graham Papers; J. W. Ford to Johnson, June 29, 1865; P. M. Cloud to Johnson, April 21, Andrew Johnson Papers.

^46 J. W. Lapsley to Parsons, July 3, 1865, Alabama Governors' Correspondence; K. Raynor to Johnson, July 8, 1865; R. Bristed to Johnson, August 9, 1865, Andrew Johnson Papers.
throughout the South.\textsuperscript{47} The President's wire to Governor Sharkey to the effect that the southern people must be trusted with their own government was compared by one paper to "bright sunbeams."\textsuperscript{48}

Support for Johnson hardened after Congress refused to seat southern representatives in December. Georgia's Howell Cobb wrote that "the only hope of the South is the willingness and ability of President Johnson to rescue them [\textit{sic}] from the fate that bigotry, hatred and passion would bring upon them."\textsuperscript{49} Indeed, the President was the South's only hope for restoration without the changes that Congressional action indicated were felt necessary by the northern majority. Johnson became the symbol of the old Union with all the rights of the states intact. James Sinclair, of North Carolina, was probably very close to the truth when he testified that southerners had little "love and affection for the government . . . outside of their personal respect

\textsuperscript{47}See for instance Montgomery \textit{Daily Advertiser}, September 9, 1865; San Antonio \textit{Tri-Weekly Herald}, September 16, 1865; T. C. Billups to W. L. Sharkey, September 9, 1865, Mississippi Governors' Correspondence, File E-71.

\textsuperscript{48}Augusta \textit{Daily Chronicle & Sentinel}, October 12, 1865.

and regard for President Johnson." In a peculiar way, Johnson had become the symbol of reunion for the South and support for him was based on that idea.

Yet, an undercurrent of discontent and dissatisfaction ran underneath the growing tide of support for the President. It is initially easy to dismiss the criticism of Johnson by Robert Toombs who had held many prominent positions under the Confederate government. Toombs thought that there was little difference between Johnson and Radical Senator Charles Sumner and that the apparent quarrel between them was a hoax to make the South more willing to accept any terms of restoration. Toombs had exiled himself to Cuba and his criticisms might be dismissed as personal bitterness. His comments were, however, stronger reflections of widespread, but subdued unhappiness among southerners. Not all southerners welcomed the announcement of Johnson's policy. Witness the diary of a North Carolinian:

His despotic majesty Andy Johnson, the bastard renegade of the South has graciously extended pardon to all offenders with 14 exceptions . . . and to these he gives the sublime privilege of making application

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50RJCR, part 2, p. 168. Sinclair, a Scottish immigrant, had lived in North Carolina nine years and had been serving as an agent for the Freedman's Bureau.

51Toombs to Stephens, December 15, 1865, Phillips, Correspondence of Toombs, Stephens, and Cobb, II, 673-75.
for special pardon . . . . To what depths of degradation [sic] and insult we may yet be exposed I do not know.\footnote{\textit{Diary of David Schenck}}, pp. 46-47.

Other North Staters were almost as upset. Members of the Whig faction's delegation to Washington complained that the President's course was unconstitutional and that he ignored southern wishes. A friend of Governor Perry also thought Johnson's plan unconstitutional. In both cases it was agreed that the South had no choice but to go along with the President and hope to soften the bad effects of his policy.\footnote{D. L. Swain to W. A. Graham, July 4, 1865; F. B. Moore to Graham, July 9, 1865, Graham Papers; A. P. Aldrich to Perry, July 30, 1865, Benjamin F. Perry Papers, Alabama State Department of Archives and History, Montgomery, Alabama.} Others in the South thought Johnson was not doing all he could to help the section regain its old status or that he was asking too much of the subdued people.\footnote{E. S. Dauger to L. E. Parsons, August 29, 1865, Alabama Governors' Correspondence; General S. McGowan to Perry, November 18, 1865, Perry Papers Alabama; Entry for September 8, 1865, "Diary of Henry A. Garrett," Claiborn Papers, Library of Congress, Washington, D.C.} After Congress met in December, fear grew in the South that Johnson would yield to pressure to institute a harsh reconstruction policy. The Augusta \textit{Constitutionalist} thought it possible that the President would "sacrifice much to save himself,"
while the Raleigh Sentinel thought the presidential message to Congress demonstrated weakness on the part of the President.\textsuperscript{55} After Congressional reconstruction was complete, two ex-Confederates, who had supported Johnson, looked back with some bitterness. General Richard Taylor wrote that Johnson was a "slave to his own temper and appetites, was unfit to control others" and had done much to injure the South.\textsuperscript{56} Benjamin G. Humphreys thought the President "a demagogue of low, plebeian instincts, and proved himself treacherous to every section and every party to which he attached himself."\textsuperscript{57}

The wide ranging discontent with Johnson and his policies indicates that his position in the South was not as strong as has been thought. Although southerners supported the President vocally, support which appeared to grow stronger

\textsuperscript{55}Augusta Daily Constitutionalist, December 20, 1865; Raleigh Daily Sentinel, December 12, 1865.

\textsuperscript{56}Taylor, Destruction and Reconstruction, p. 252.

\textsuperscript{57}Rainwater, "Autobiography of Humphreys," p. 246. The unhappiness of both of these men was undoubtedly accentuated by Johnson's failure. This paragraph on southern discontent does not consider the sentiments of those who claimed to have supported the Union throughout the war. Their complaints were of the opposite nature. They voiced their feelings to such Congressional leaders as Thaddeus Stevens, Lyman Trumbull and John Sherman and gave much supporting evidence on the failure of Johnson's policy to create a loyal South.
in 1866, it seems obvious that one misstep on Johnson's part would have cost him much in the South. Even if Johnson had been inclined to compromise with Congress, as suggested by some of his advisors, he could not do so without some sign from the South. He resisted all efforts at compromise until the appearance of the so-called North Carolina Plan in 1867 which originated with southern representatives. Johnson took an active part in the construction of this plan which would have conceded impartial suffrage with the appearance of maintaining the right to the states to determine suffrage requirements. Restoration on the basis of a compromise unacceptable to the South would lose for the President both political favor and the social-psychological acceptance he apparently needed. The politically logical course for the President would seem to have been to take advantage of the Republican majorities and make what gains at the South he could, but political logic apparently had little to do with Johnson's actions. Even if southern representatives had been admitted under the Johnson plan, the discontent with the President in the South makes it seem unlikely that a political union between him and southerners would have endured long. This seems particularly so in the case of the Whiggish types elected in many of the southern states. Johnson had trapped himself by his plan and his regard for southern feelings.
He could go neither forward nor backward without losing large segments of support in either the North or the South.

The fragile nature of southern regard for Johnson was further emphasized by the determination of the South to minimize the effects of the war. To a large extent professions of loyalty, both to the United States and Johnson, were motivated by the desire of southerners to resume their old places in the Union and to work to avoid any major changes as a result of their defeat in war. Many northern observers and southern loyalists pointed out this purpose on the part of southerners. Carl Schurz, in complaining about the lack of "national feeling" in the South, said that the claims to loyalty were based on two grounds, that the South could "do no better" and the hope of regaining control of their own political affairs. An internal revenue collector in Savannah wrote to the same effect:

None entertain the idea of resistance, but the feeling is almost universal to 'play possum' til the delegates from the Southern States are admitted into Congress, then make such combinations as will enable them to control the government, repudiate the National Debt and play the mischief generally.

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58 Senate Executive Documents, 39 Congress, 1 Session, no. 2, p. 13. See also supporting documents, pp. 47, 52.

59 A. Wilson to Johnson, October 25, 1865, Andrew Johnson Papers.
Northerners serving in the army often wrote to members of Congress to complain of the deceitful nature of southern loyalty. That such sources of information were hostile is too obvious to dispute, but evidence exists to support their claims.

Perhaps the most repeated advice to southerners from southerners was to accept the situation and make the most of it. Inherent in this attitude was the desire to escape as much as possible the results of the war. A Georgia paper predicted easy restoration in April, 1865. It argued that the South would not be humiliated and urged the defense of southern tradition in a return to politics. "The South has always vindicated herself by her statesmanship . . . . Let her return to it." Northern reporters often quoted southerners to the effect that the true feelings of their section were suppressed for political reasons. Whitelaw Reid noted an Alabamian predicting eventual southern control of the United States in conjunction with the Democratic party. A reporter for the Nation quoted a southerner expressing the hope that southern votes would help to

60 See for instance General James Brisbain to T. Stevens, December 29, 1865, Stevens Papers; C. E. Lippincott to L. Trumbull, August 29, 1865, Trumbull Papers.

61 Augusta Daily Chronicle & Sentinel, April 30, 1865.
repudiate the national debt. Sidney Andrews, another northern traveler, also found southerners who admitted that "you won't see the real sentiment of our people . . . ."62

A resolution of discontent was the first business of the South Carolina convention. It called upon South Carolina to "endure patiently the evils we cannot avert or correct; and to await calmly the time and opportunity to effect our deliverance from unconstitutional rule."63 An Alabama paper admitted that "it is the honest intention of this people to do everything in their power to restore the old order of things, and to stop forever, if possible, all discussions about the 'irrepressible nigger.'"64 One of W. A. Graham's North Carolina correspondents devised a plan to secure compensation for the freed slaves as soon as the South should gain admittance to Congress. The Wilmington, North Carolina, Daily Journal urged southerners not to feel so obligated to support the President as to sacrifice principle. A Texas paper predicted the early coming of the day when the South, allied with representatives from the Northwest, would "move

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62Reid, After the War, pp. 403-04; Dennett, The South As It Is, p. 66; Andrews, The South Since the War, p. 9.

63Ibid., p. 43. The resolution was tabled with only four dissenting votes, but one of the major arguments against it was that to approve it would be bad policy.

64Montgomery Daily Advertiser, August 2, 1865.
in a solid phalanx through the halls of Congress" and crush
the power of New England. A letter in the Zebulon Vance
papers expressed what must have been a widespread feeling in
the South. Vance's correspondent wrote:

My opinions of Andy Johnson have not changed & I
abominate his antecedents as much as anyone but still
for the present and as long as he leans as he does I
intend to give his Administration a fair trial and as
between him and the Chase party a hearty support--
that is as hearty as a subjugated rebel can. But I
fear while my lips speak his praise my heart will be
far from him—that he is a dirty demagogue [sic] all
admit. That he is a rascal is not debatable, but if
both this [sic] qualities should turn the wheel of
fortune in our favor I cannot see why we shall not
accept to [sic] favor with some show of warmth as to
cultivate him to nobler works—without regard for his
motives . . . .66

As Southerners used Johnson as a tool to regain national
political power, various factions tried to use the President's
name to establish power in the states. Although Johnson
himself rarely openly interfered with state politics, factions
in the states tried to link their names with his. The most
notable instance of this occurred in North Carolina during
the gubernatorial campaign of 1865. Holden's forces tried
to create the impression that his defeat would be unacceptable

65 K. Raynor to Graham, September 4, 1865, Graham Papers;
Wilmington Daily Journal, November 27, 1865; San Antonio
Daily Herald, January 4, 1866.

66 A. T. Davidson to Z. Vance, October 22, 1865, Zebulon
Vance Papers, North Carolina State Department of Archives,
Raleigh.
to Johnson while the Worth group contended that the President wished Carolinians to have a free choice. Johnson refused to make a statement before the election, and without open presidential favor Holden was defeated. That Holden would have lost even with the President's support was a strong possibility, but Johnson's refusal to commit himself allowed his name to be bandied about freely, which weakened his influence. When Johnson's telegram decrying the results of the election was published, the Worth forces dismissed it as being inspired by misinformation supplied by Holden and contended that the selection of Worth was not an indication of disloyalty. Johnson's influence was also dissipated by his pardoning policy. Pardons to men already elected to office led southerners to feel that the exceptions to the Amnesty Proclamation meant little. For instance, one of Graham's friends urged him to run for governor without a pardon. According to the friend, the pardon of Mississippi's Governor Humphreys after his election indicated that a similar course would be followed in Graham's case.

In some of the southern states, Johnson's policy gave aid to the Whig party. In Mississippi the selection of

67 Raleigh Daily Sentinel, November 30, 1865, December 2, 1865.
68 W. A. Poisson to Graham, October 20, 1865, Graham Papers.
Sharkey as provisional governor gave rise to hopes among the old Whigs that they would at last be able to control state politics under the President's protection. 69 Whig hopes were also revived in other states, and eight Whig governors were elected in the South where there had been none before the war. Similar increases were true for Whig senators and representatives. 70 In South Carolina, where the Whigs had not been strong, the selection of Perry was seen as the symbol of the overthrow of the old ruling class. 71 Because these political groups were not dominant before the war, Johnson's indirect backing was not enough to sustain them in power. They were forced to play down old political ties, and in some cases coalitions with Democrats were formed under new party names. 72 It was still necessary in the changed condition of things to appeal to public opinion. Efforts to avoid antagonizing the people led the provisional

69 See for instance T. A. Prince to Sharkey, June 15, 1865, Mississippi Governors' Correspondence, File E-69; W. D. Pollanatt to Sharkey, July 18, 1865, ibid., File E-70; Harris, Presidential Reconstruction in Mississippi, p. 44.


71 C. W. Dudley to Perry, August 3, 1865, Perry Papers, Alabama.

governors to ignore the political antecedents of their appointees. This course led to the selection of a great number of ex-Confederates, which stirred enough northern reaction to force the President to warn his agents of the danger. Most of the governors replied that they had uniformly given preference to loyal men if competent ones could be found. If not, the appointments went to ex-Confederates who were now committed to the Union. After receiving the governors' denials, some of them quite indignant, Johnson sent an apologetic telegram to Holden emphasizing that he thought the charges false. Neither northern public opinion nor the President's admonitions could stop southern leaders from playing up to their local support. The President's wire to Holden indicates that he was aware that his influence over the South was in jeopardy if he yielded to murmurs from the North.

Andrew Johnson's adoption of a voluntary plan of restoration put a premium of public opinion in the South. Neither Johnson nor his provisional governors could afford to go against popular will if they hoped to continue to have influence after reunion was complete. Southern determination

73Johnson to Provisional Governors, August 22, 1865, Andrew Johnson Papers; The governors' replies are in the Johnson Papers under various dates in August and September. Johnson's apology to Holden is dated August 27, 1865.
to make restoration as easy as possible was encouraged by the Johnson plan. Loyalty to Johnson and the United States grew as it appeared that southerners would control the process of reconstruction. In a strictly southern sense, the South was loyal and, in a strictly southern sense, the South did accept the results of the war. Johnson's plan made it possible for southerners to feel that their definitions were acceptable to the North even in the face of growing northern opposition to the President. By leaving so much to southern discretion, Johnson lost control of the reconstruction process and allowed his plan to lose any chance of northern acceptance. The southern definition of loyalty and reconstruction, supported by Johnson's prestige, insured the failure of presidential reconstruction. Southerners, aware of the northern reaction, deliberately staked their future on Johnson and refused to compromise. Johnson in turn could not be the first to make the gestures of concession without the prospect of losing all favor with the South.

In one sense, presidential reconstruction was more stringent than Congressional reconstruction. Johnson's plan called for the South to do things themselves which in southern eyes involved the honor of that section. Even at the immediate end of the Confederacy, the South could not
have met Johnson's terms. That southern regard for honor which brought resistance to the Fourteenth Amendment was already a strong motivating force in the new South. Rather than meet Johnson's terms, the South altered them to meet their own needs, and the President by his own theory was powerless to prevent the alteration. Not until reconstruction was in the hands of the United States army could the South really accept the situation "in good faith." As demonstrated by the conventions and legislatures under Johnson's plan, the South originally accepted the situation only in the light shed by the glory of the Confederacy.
CHAPTER IV

SOUTHERN RECONSTRUCTION

The success of presidential reconstruction depended upon the actions of southerners in their constitutional conventions and legislatures. In the deliberations and acts of these bodies, the strength of Johnson's influence and northern expectations were pitted against southern pride. Only in the most general sense can it be said that the South met the conditions imposed by the President. Even in meeting the absolute requirements of Johnson's plan, which in a few cases were not met, action by the South was reluctant and half-hearted. Various stratagems were employed to avoid a full repudiation of the Confederate experience and to salvage as much honor as possible. Johnson's prodding and pleas usually were successful in obtaining at least a semblance of southern compliance with his wishes, but he could not dictate the manner of action and a refuge for southern pride was found in ambiguous and evasive wording of acts of major importance. There was little the president could do to force action by the South. He had committed himself, by his theory that the southern states were still in the Union, to allow almost complete freedom of action,
while he himself could offer only advice. Johnson's weak position was recognized in the South and, while the President's general terms were accepted, southerners made use of their liberty to preserve their own feelings.

Mississippi was the first state to hold the required constitutional convention. Being the first, it was also the most important. It offered the first test of the southern version of restoration and its actions and the President's reactions had a strong influence on subsequent conventions in the other states. Mississippi's response to presidential control helped to form the pattern for the rest of the states and was vital to Johnson's chances of success in having his reconstruction program accepted in the North.

As it happened, Johnson lost his influence in the convention even before he tried to exercise it. The President's first instructions were telegraphed to the provisional governor on August 15, 1865. After offering congratulations on the meeting of the convention, the message continued

I hope that without delay your convention will amend your State Constitution abolishing slavery, and denying to all future legislatures the power to legislate that there is property in man, also that they will adopt the amendment to the constitution of the United States abolishing slavery.
The message closed with Johnson's suggestion that some form of Negro suffrage be adopted by the convention.\(^1\) Minimal as these suggestions—they could hardly be called instructions—were, they were destined not to be met by Mississippi.

Even before Johnson sent his message, the convention had already acted to free itself not only of presidential but also gubernatorial influence. On the first day, a resolution was approved informing the governor that the convention was organized and was ready to receive any "official communication." The resolution was reconsidered and was amended to delete the phrase concerning communications. The entire resolution was then tabled.\(^2\) The reported comments on the resolution made it clear that the members of the convention considered themselves to be free agents, immune from outside influence. One delegate "thought we were responsible to nobody but to the sovereign State of Mississippi. The responsibility of our action could by no means rest upon the Governor."

Another delegate "did not think that our actions should be guided either by promises or intimidations. We were not here to receive instructions from any quarter. We know what

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\(^1\) Johnson to W. L. Sharkey, August 15, 1865, Andrew Johnson Papers.

\(^2\) *Journal of the Convention of Mississippi*, p. 15.
the evil is to be remedied." It would have made little difference in the convention's deliberations if the President's message had been received earlier. Even though Johnson's first suggestions were close to southern ideas, the Mississippians considered themselves bound to no one but the voters. In strict accordance with Johnson's theory, the attitude was proper, however unwise it might have been. That the speeches of the delegates were not empty words was shown by the subsequent actions of the convention.

The spokesmen for tabling the resolution did not represent the opinions of all the delegates. In the election for delegates in Hinds county, two factions had opposed each other. One group had maintained that the South should accept its defeat and, in particular, that no compensation should be expected for the freed slaves. Opposing these men was the "constitutional party" which agreed with the President that the states had never left the Union and that the rights of the states were unimpaired. This group accepted the fact of abolition, but felt that it should be done in a manner that would leave the way open for compensation. Both

Meridian Daily Clarion, August 17, 1865. The convention voted to report its debates in full. However, a stenographer had not been hired at this time. The Clarion, later the Jackson Daily Clarion, reported excerpts of the most important speeches.
groups were represented in the convention.\(^4\) In the debates, one of the delegates from Hinds denied that Mississippi had any freedom of action. "Gentlemen talk as if we had a choice," he declared, "but we have no choice . . . . The only course we can pursue is that dictated to us by the powers at Washington."\(^5\) No doubt most of the delegates privately felt this to be the case. Nevertheless, as the tabled resolution and other actions demonstrated, the convention, in a stubborn defense of southern honor and an attempt to make the most of a bad situation, rejected publicly outside influence and laid the groundwork for the doom of presidential reconstruction.

The first step in restoration was consideration of the ordinance of secession. Exactly what should be done was the subject of extended discussion. Two methods of dealing with the ordinance were discussed in committee: one would merely repeal the act while the other would declare it to be null and void. As Carl Schurz put it, "the two propositions were discussed distinctly upon the issue of the legality or illegality of secession." By the tie breaking vote of the chairman, the "null and void" wording was adopted eight to


\(^5\)Quoted in Garner, Reconstruction in Mississippi, p. 88.
Opposition was made to the majority report on the convention floor. A strong effort to substitute an act repealing secession was tabled only by a vote of forty-eight to forty-six. When the substitute movement failed, the committee's wording was accepted eighty-one to fourteen.

At stake in the debate over the words used to handle the secession ordinance were southern honor and, perhaps, the acceptance of Mississippi's representatives in Congress. To declare the acts "null and void" was to imply that the members of the secession convention had been incompetent or, worse, traitors. On the other hand, to repeal the ordinance would be a recognition of its validity and suggest that secession might be possible in the future. The closeness of the vote on the substitute indicates the importance of southern honor in the minds of the delegates. As suggested by one historian, policy was probably the motivating force behind the defeat of the substitute and the acceptance of the committee's report.

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6 Schurz to Johnson, August 29, 1865, Andrew Johnson Papers.


8 For discussions of the reasoning of the delegates, see Garner, Reconstruction in Mississippi, p. 91; and Harris, Presidential Reconstruction in Mississippi, p. 59.

9 Garner, Reconstruction in Mississippi, p. 91.
in the debate over word choice. Obviously Mississippi had been out of the Union for four years and declaring secession null and void could not change that. The possible good done by accepting wording making a lie of the Confederacy was offset by the extreme reluctance with which it was adopted.

Intimately connected with the repudiation of secession was the necessity of undoing all legislation which had been passed in support of the Confederacy. For the most part there was little difficulty in obtaining the repeal of such laws. One problem did arise which caused hesitation in the Mississippi convention and great difficulties in others. A proviso was attached to the repealing ordinance which remanded to the legislature the consideration of the state war debt "having in view the honor and prosperity of the State." Some of the delegates, fearing accusations of bad faith, tried to remove the proviso, but the motion was defeated eighty-three to nine. The complete act was then adopted with no division. Mississippi's debt, then was considered to be too sacred a thing, or too touchy a political question, to be tampered with by the convention, even if it was illegal as stated by the act declaring secession to have

10Constitution of the State of Mississippi, August 1865 (Jackson, 1865), pp. 38-39.
been null and void. Leaving the debt question to the legislature salvaged the honor of the convention and enabled the Whig majority to remain true to its conservative principles.\textsuperscript{12} It should be noted that Johnson made no mention of the war debt to the Mississippi convention. He may have felt that the war debt would be repudiated along with the other acts of rebellion, or it may have seemed unnecessary to deal with the matter at all. At any rate, he left himself open to southern charges of inconsistency and yielding to the Radicals when he demanded debt repudiation of subsequent conventions.

Johnson's suggestions to the Mississippi convention dealt almost exclusively with the abolition of slavery and the results flowing from it. Three aspects of the problem were apparent: ending slavery in the state constitution, ratification of the Thirteenth Amendment and providing for the protection of the freedman. Because the two latter problems were matters for legislative cognizance, the convention concerned itself only with slavery and the state constitution. Even this seemingly simple action created a great deal of discussion. As some historians have pointed out, the problem was not so much whether or not slavery was

\textsuperscript{12}A large majority of the delegates were Whigs before the war. Drake, "Mississippi Constitutional Convention," pp. 233-34.
dead, but exactly how slavery came to be abolished.¹³ Most of the hesitancy was apparently conditioned by the desire that the United States bear the responsibility for abolition and the hope that slave owners might be compensated for their losses.

As it came from committee, the proposed amendment to the Mississippi constitution simply stated that slavery no longer existed in the state. Such a statement met with immediate opposition on the convention floor.¹⁴ Delegate Hugh A. Barr led the assault on the committee report by offering a substitute asserting that slavery had been destroyed "by the action of the Government of the United States."¹⁵ William Yerger, who had conferred with the President earlier, contended that such a statement was untrue, useless and liable to prejudice the future of the state. Barr's substitute was supported on the ground that the honor of Mississippi required the reason for abolition be given. It was also claimed that policy was not a sufficient reason for ending

¹³Harris, Presidential Reconstruction in Mississippi, p. 59; Garner, Reconstruction in Mississippi, p. 86. Drake, "Mississippi Constitutional Convention," p. 238 suggests that some in the convention actually thought slavery could be saved.

¹⁴Journal of the Convention of Mississippi, p. 29.

¹⁵Ibid., p. 44.
slavery as "every member of this Convention came here with the view of acting as this people acted in days of old--for the good of the people, and the good of the country--regardless of considerations, whether parties outside might take exceptions to our proceedings." Apparently these arguments carried weight as Barr's measure was defeated by only ten votes, fifty-one to forty-one. A substitute similar to Barr's was then defeated without division.\textsuperscript{16}

George L. Potter, who had defended Barr's substitute, next introduced a new approach by offering a substitute which would refer the slavery question to the federal courts. In defense of his motion, Potter maintained that the President did not require abolition, but had only suggested it and would not insist upon it. Potter further argued that policy could not justify abolition as a Congress controlled by Radicals would not admit southern representatives regardless of any action on slavery. If conservatives controlled Congress, Potter continued, the southern states would be restored without abolition.\textsuperscript{18} Although Potter's substitute was

\textsuperscript{16}Ibid., pp. 44-45, 45-46. Quote from speech of George L. Potter, p. 49.

\textsuperscript{17}Ibid., pp. 53, 54.

\textsuperscript{18}Ibid., pp. 55-70.
easily defeated, sixty-three to twenty-eight, his argument revealed the readiness with which some southerners placed their own interpretation on Johnson's weakly worded instructions. Potter's speech also displayed the disdain that many southerners felt toward the idea of yielding to northern wishes at the expense of southern honor. The streak of stubborn pride which ran through the South shows clearly in Potter's refusal to acknowledge outside influence.

Something still had to be done about slavery so another substitute was offered. This time the idea was to trade abolition for southern representation in Congress. Delegate Robert S. Hudson's motion made the end of slavery contingent upon restoration. In support of such a trade, Hudson contended that the President did not have the power to reconstruct the Union—a rather startling admission. As the power to recognize the southern states lay with Congress, Hudson felt that any concession should be met with a guarantee of reunion.19 Hudson's proposal was resisted by some of the strongest speeches of the convention. Amos Johnston, of Hinds county, contended that Mississippi was in no position to try to deal with Congress, but could only submit to a superior power. Another delegate pointed out that Hudson's

19Ibid., p. 73.
plan "can do no good, and it may do harm." Andrew Johnson's views were presented by William Yerger. In a long speech, Yerger told of his meeting with Johnson in Washington. Yerger quoted the President to the effect that, while he would not dictate to Mississippi, he could not support the state before Congress unless slavery was abolished in the state constitution.

At first glance it appeared that Yerger carried the day with the weight of Johnson's name behind him. After Yerger's speech, Hudson's substitute was defeated without a division. But Mississippi pride would not allow the record to show that the institution a war had been fought to save had been destroyed voluntarily. Without debate, a preamble was added to the committee report which stated that "the institution of slavery having been destroyed . . ." it should no longer exist in Mississippi. The whole was then added to the constitution by a vote of eighty-seven to eleven. The amendment also instructed future legislatures to provide "by law for the protection and security of the person and property of the freedmen of the State, and guard them

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20 Ibid., pp. 85-96, 126.
21 Ibid., pp. 140-164.
22 Ibid., pp. 164-65.
and the State against any evils that may arise from their sudden emancipation."

What stands out most about the action of the Mississippi convention is the determination of the delegates to have their own way about reconstruction. True enough, they had no clear, positive instructions from the President and action might have come with less difficulty if odious measures could have been accounted for by presidential pressure. That this would have been the case seems doubtful, however, in view of the speeches of Potter and some of the other delegates and the general reluctance of the convention to accept fully and frankly the results of the war. A recent historian has suggested that Johnson's insistence that he was the sole authority for reconstruction "compelled" the South to look only to him for guidance and ignore northern public opinion. In the case of Mississippi, at least, this is only partially true. Hudson's proposed trade of abolition for representation suggests that Mississippians knew where the power of restoration lay. They were not "compelled" to follow the President, rather they chose to follow him in hope of not only securing an easy restoration, but of setting their own

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23 The entire amendment, Article VIII, may be found in Constitution of the State of Mississippi, August, 1865, p. 37.

24 McKitrick, Andrew Johnson and Reconstruction, pp. 189-90.
terms. The convention and the subsequent legislature were in effect saying to the President, "This is what we will do; take it or leave it." On the basis of his often announced theory and his desire to maintain the support of the South, Johnson had no choice but to take it. As for northern opinion, honor bade the South to ignore it, as shown by all the conventions and future actions by the South, particularly in regard to the Fourteenth Amendment.

If Johnson strengthened southern determination to control reconstruction by his refusal to exercise power in the Mississippi convention, his reaction to the work of that body made matters worse. After being informed of the convention's adjournment, Johnson congratulated his provisional governor. "The prompt and efficient action taken by your convention will exert a decided influence upon the public mind. I trust and hope that your example will be followed by the other Southern States." Johnson went on to promise an early removal of the troops stationed in Mississippi. He concluded by asking for a synopsis of the work done by the convention.25 In a general way, Sharkey had kept the President informed of what the convention was doing, but for Johnson to approve its actions without knowing the details

25 Johnson to Sharkey, August 25, 1865, Andrew Johnson Papers.
demonstrated that it was he who was dependent on the South and not the reverse. Too, Johnson's approbation of the Mississippi convention encouraged the other southern states to keep changes to a minimum, as shown by newspaper reaction to Johnson's telegram. The Charleston Courier reported the President's message to Sharkey, emphasizing that the Mississippi example should be followed by the other states. "He has thus," said the Courier, "declared this action sufficient for re-instatement." Similar claims that Mississippi was the guide to restoration were advanced on two successive days by the Raleigh Sentinel. With Mississippi's action and Johnson's approval of it before them, the other southern states proceeded to act in an independent manner which gave substance to the charges of Schurz and others that the South was still disloyal.

Mississippi's reluctance to cast aspersions on the secession convention by declaring the ordinance of secession null and void was matched in the other southern states. Only in Alabama was secession declared to be such by a unanimous vote. Alabama's unanimity was accounted for by

26 Charleston Daily Courier, September 12, 1865.
27 Raleigh Daily Sentinel, August 30, September 1, 1865.
28 L. E. Parsons to Johnson, September 25, 1865, Andrew Johnson Papers.
the large number of Whigs and Douglas Democrats in the convention. The vote was not received with great enthusiasm, but was accepted as being necessary. A leading Alabama paper commented, "None of us likes this course of events very much, but as we couldn't have an independent Confederacy we prefer a federal Union, with our other rights respected, to a military rule respecting nothing but superior force." North Carolina was the only other state to accept the null and void wording, but the acceptance came only after a spirited debate and a split vote. Florida adopted a halfway position to try to guard the honor of its secession convention and still come up to the needs of the time. Secession was "annulled" by a unanimous vote after a motion to insert "null and void" was defeated thirty-five to nine.

In the two remaining states which acted in 1865, Georgia and South Carolina, secession was merely repealed, implying

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29 Of the ninety-nine delegates, forty-five had supported the Bell ticket in 1860, thirty had favored Douglas, while only twenty-four had voted for Breckenridge. Eighteen had voted for secession, although most of the others "voted for co-operation." Montgomery Daily Advertiser, October 1, 1865.

30 Ibid., September 26, 1865.

31 For the debate, see Hamilton, Reconstruction in North Carolina, pp. 122-25.

that the 1860 conventions had been exercising constitutional authority in approving the acts. There was some feeling in both of these states that even repeal was unnecessary as the ordinances, according to Johnson's theory, had never really existed. Such was the position taken by a Georgia paper in criticizing the debate over wording in Mississippi. If the ordinance had ever had any effect, it was contended, the convention could not have been meeting. Governor Perry, in reporting repeal, commented that it "was wholly unnecessary as it was a nullity at first." Whether ever valid or not, some action had to be taken on secession. The southern states usually took the course which offered the least offense to the memory of the Confederacy. It was probably well for Johnson's prestige that he did not demand that the acts be declared null and void.

After declaring secession to be null and void, Mississippi disallowed all laws passed in support of the Confederacy with the exception of those creating a debt to finance the war. Action on these laws was left to the legislature. It had been easy enough for the convention to thus dodge the issue as there had been no official pressure from Washington to

33 Augusta Daily Constitutionalist, September 8, 1865; Perry to W. H. Seward, September 18, 1865, quoted in Kibler, Beniamin F. Perry, p. 412
repudiate the debt. The other conventions displayed the same desire to avoid dishonoring their state and the southern cause by disavowing the debt. But the President had become convinced that action on them was necessary and he applied strong pressure to secure repudiation. Alabama's convention at first voted to leave the debt to the legislature, and as a result became the first state to learn that Johnson had increased his terms. A member of the Alabama delegation in Washington warned Governor Parsons and Benjamin Fitzpatrick, president of the convention, that "the action of the convention with reference to the war debt is construed as looking to its assumption." The warning was repeated the following day by a telegram from the entire delegation. Repudiation was then approved by the convention by a vote of sixty to nineteen.

In North Carolina the debt question had been agitated long before the convention met. Naturally enough, the Whiggish Worth faction was strongly opposed to the idea of repudiation. The Sentinel came out in August against the measure, apparently on the basis that it would lead to the

34 L. P. Walker to Parsons and Fitzpatrick, September 18, 1865, Alabama Governors' Correspondence; Alabama delegation to Parsons and Fitzpatrick, September 19, 1865, Andrew Johnson Papers.

canceling of private debts also. Worth gave his reasons for opposing repudiation in a letter written in September.

If you repudiate he wrote the whole war debt you break every Bank in the State, you destroy the University and common school, which own about 1/4 of the stock in these Banks,--you beggar nearly a thousand widows and orphans whose all is invested in the Banks and State bonds . . . and you blot out of our constellation its brightest star--Honesty.

One of Worth's followers, a candidate for the convention, thought he would have to approve repudiation "or be badly beat." Another who had the same fear later exulted that he had "met repudiation & have crushed it out . . ." by his election. Initially, a majority in the convention was opposed to repudiation and a resolution to do so was tabled without difficulty. Encouraged by reports from Holden's Washington agent that Johnson and most of his cabinet felt no action necessary, it was decided to leave the debt question to the legislature. Apparently alarmed by the

36 Raleigh Daily Sentinel, August 16, 1865.

37 Worth to J. Walker, September 14, 1865, quoted in Richard L. Zuber, Jonathan Worth: A Biography of a Southern Unionist (Chapel Hill, 1965), pp. 204-05.

38 S. S. Jackson to Worth, August 20, 1865, Jonathan Worth Papers, Southern Historical Collection, University of North Carolina, Chapel Hill.

39 D. H. Starbuck to B. S. Hedrick, September 26, 1865, Hedrick Papers.

victory of his political opponents, Holden wired the President requesting an opinion contrary to the one that his agent had earlier circulated. Johnson answered in a sharply worded telegram stressing the importance of canceling the debt. Those who had supported the rebellion with their money, said the President, "must meet their fate." Under this presidential pressure the convention reconsidered and, not very gracefully, voided the war debt.

Opposition to repudiation was as strong in Georgia as in North Carolina and the President's influence again appeared to be decisive in obtaining the desired result. As in North Carolina, resistance to rescinding the debt appeared early and was widespread. One Georgia paper denied the right of the federal government to jurisdiction over state indebtedness. Another in arguing for payment of the specie value of the debt asserted: "thus will honor be saved—thus will Georgia

41 Holden to Johnson, October 17, 1865, Andrew Johnson Papers.

42 Johnson to Holden, October 18, 1865, ibid.

43 Journal of the Convention of the State of North Carolina at the Session of 1865 (Raleigh, 1865), p. 88. The vote was eighty-four to twelve with four not voting. A motion to submit the action to the people was at first approved and then, in an apparent effort to saddle the blame for repudiation on Johnson and Holden, decided against the referendum. That the effort to place the blame on Johnson was at least partially successful is shown in Raleigh Daily Sentinel, October 26, 1865; Dennett, The South As It Is, pp. 181-82; Hamilton, Reconstruction in North Carolina, p. 132.
be spared the mire of dishonesty upon her robes, already, by the life of four years past, limp with tears and ruddy with blood of her best beloved."\(^4^4\) One delegate to the convention urged that repudiation come "only under the lash" and that a new convention restore the debt if it had to be given up.\(^4^5\) In spite of the resistance to repudiation, Governor Johnson recommended the action in his message to the convention.\(^4^6\) When the convention balked, the Governor sent telegrams to Johnson and Seward asking for help. Both men replied promptly urging repudiation, Johnson's message being strongly reminiscent of his telegram to Holden.\(^4^7\) With great reluctance the convention yielded and accepted repudiation 135 to 117.\(^4^8\)

\(^4^4\)Macon Journal and Messenger quoted in Montgomery Daily Advertiser, October 5, 1865; quote from Augusta Daily Constitutionalist, October 20, 1865. See also letter from "Aristides" in Milledgeville Southern Recorder, October 17, 1865.

\(^4^5\)Reid, After the War, p. 358 n.

\(^4^6\)Message of Johnson, Journal of the Proceedings of the Convention of the People of Georgia (Milledgeville, 1865), pp. 11-12.

\(^4^7\)J. Johnson to A. Johnson, October 27, 1865, Andrew Johnson Papers; Johnson to Seward, October 27, 1865, Senate Executive Documents, 39 Congress, 1 Session, no. 26, p. 81; Seward to Johnson, October 28, 1865, ibid.; A. Johnson to J. Johnson, October 28, 1865, Andrew Johnson Papers.

\(^4^8\)Journal of the Convention of Georgia, p. 185.
Repudiation was not popular in Georgia and the blame for the blot on the state’s honor was placed on the President. One paper claimed that "the Convention never repudiated at all--it was all 'managed' for it . . . ." Another paper emphasized that only the President’s intervention had saved the measure. Johnson’s friend, Benjamin C. Truman, supported this view and said that even with the combined influence of the President, Seward and the Governor, the bill had just barely passed. Acceptance of repudiation was even more half-hearted than it appeared on the surface. As one historian has pointed out, repudiation was by ordinance, not constitutional amendment, and could be changed by the legislature.

Florida’s acquiescence in repudiation came somewhat easier. At first the convention voted to submit the question to the people, thus freeing itself of the responsibility. After a copy of Johnson’s message to Holden was circulated among the members, the vote was reconsidered. The second vote abolished the debt thirty-three to nine.

49 Quote from Augusta Daily Constitutionalist, November 15, 1865; Milledgeville Southern Recorder, November 14, 1865; Truman to Colonel Browning, November 9, 1865, Andrew Johnson Papers.

50 Conway, Reconstruction of Georgia, p. 49.

51 Davis, Civil War and Reconstruction in Florida, p. 363.
These actions on repudiation seem to indicate that Johnson maintained some control over the southern states. Granted the margins were narrow and the spirit shown by the conventions was not designed to favorably impress northern observers, yet the balance was in the President's favor. But the power of Johnson's influence diminishes considerably when South Carolina is taken into account.

Johnson complicated the question in South Carolina by not being explicit in his instructions to the stubborn Governor Perry. The President merely asked that restoration be speedy "and upon such principles as will disarm those who are opposed to the States resuming their former relations with the Federal Government." Left to himself, Perry made no mention of repudiation and the convention followed his lead. Lack of action on the debt failed to disturb the President at first. He made no mention of the debt and approved the action of the convention in a telegram sent a week after it had assembled. Neither did Seward question the lack of repudiation in a message acknowledging the adjournment of the convention. Johnson seemed suddenly to become aware

52Johnson to Perry, September 2, 1865, Andrew Johnson Papers.

53Johnson to J. P. Boyce, September 19, 1865, Andrew Johnson Papers; Seward to Perry, September 29, 1865, Senate Executive Documents, 39 Congress, 1 Session, no. 26, p. 118.
of the omission as the time approached for the legislature to meet. On October 31, he coupled action on the debt with ratification of the Thirteenth Amendment as being required of that body. Perry replied that the debt was too small to worry with and went on to his objections to the amendment. Seward then wired that Perry's explanation was not adequate and stressed the importance of repudiation. Seward prodded Perry again two weeks later. The second message elicited a long reply from the Governor. Perry explained that no organic law should be passed as the convention had adjourned. Continuing, Perry pointed out that the war debt was small, that it was so mixed with the regular debt that separation was impossible and that all South Carolinians were equally guilty and would bear the burden of the payment of the debt cheerfully. Perry also contended that the convention had done everything asked for by Johnson (which was partially true) and that the legislature had no authority to act on the debt. Finally, Perry concluded by mentioning that widows and orphans would be most affected by repudiation.  

54Johnson to Perry, October 31, 1865; Perry to Johnson, November 1, 1865, Andrew Johnson Papers.  
55Seward to Perry, November 5, 1865, Perry Papers, Alabama; Seward to Perry, November 20, 1865; Seward to Perry, November 27, 1865, Senate Executive Documents, 39 Congress, 1 Session, no. 26, pp. 200-01.
Seward tried one more time to generate action by South Carolina, but met with silence on the subject from Perry.\(^56\)

The South Carolina legislature also maintained silence on repudiation. Two letters from Carolinians offered different explanations. One, addressed to Seward, blamed the large majority of "ultra" men for the failure to act on repudiation. It did assert, however, that more pressure from Washington would bring the desired action. "Make the requirement absolute, the state will meet it."\(^57\)

A correspondent of the President had a differing explanation. James B. Campbell said that repudiation of the war debt by the legislature would be without legal force. For the legislature to act without authority would leave South Carolina open to charges of trying to deceive the North. Campbell did think that another convention could be called to act on the debt if the need arose.\(^58\)

Of the two explanations, the first seems to be closer to the truth. Neither letter offered very convincing evidence that action on the debt might be forthcoming if Johnson demanded it. To suggest, as does one historian, that more pressure by the President would have gotten results

\(^{56}\)Seward to Perry, November 30, 1865, ibid., p. 201.

\(^{57}\)A. S. Wallace to Seward, December 30, 1865, Andrew Johnson Papers.

\(^{58}\)Campbell to Johnson, December 31, 1865, ibid.
is misleading. Johnson had clearly told Perry that repudiation was expected, although not in terms as forceful as those used in North Carolina and Georgia. Moreover, by the time the legislature met, it had the examples of North Carolina and Georgia before it. It cannot be supposed that the South Carolinians did not believe Johnson to be serious in his pleas for repudiation. Rather, it appears that South Carolina felt repudiation to be unnecessary and the President's wishes to the contrary made no difference.

All of the conventions abolished slavery in the state constitutions without great difficulty. After all, slavery had been what the war was all about whether either side admitted it or not. Even the southern version of the results of the war included abolition, so little effort was required to write it into the state constitutions. Some token resistance was made, and all took care to place the responsibility for the act on the federal government. In Alabama an effort was made, as in Mississippi, to refer the question to the federal courts. This move was opposed on the ground that slavery was obviously gone and the effort, besides being futile, would hurt the chances of restoration. One delegate ended his argument against the motion by stressing

59McKitrick, Andrew Johnson and Reconstruction, pp. 201-03, 207-08.
that the convention had to meet the needs of the times.
"As statesmen, if we cannot get all we want," he said, "we
must accept all we can get . . . . We must accept the
situation with all its evils and burthens, and make the most
of it."\(^{60}\) By a vote of eighty to three, the convention
then adopted an abolition ordinance which, again like
Mississippi, began by declaring that "the institution of
slavery has been destroyed in the State of Alabama . . . ."\(^{61}\)
The South Carolina convention considered attaching a proviso
to its abolition ordinance calling for compensation and
requiring Negro labor to be limited to menial work. Threats
that congressional and presidential recognition would not be
forthcoming ended this attempt. Instead, a simple abolition
ordinance was adopted—which took care, of course, to make
clear that action by the United States government made the
move necessary.\(^{62}\) The remaining states also maintained
their future reputations for honesty and honor by giving

\(^{60}\)Speech of John A. Elmore, quoted in Montgomery Daily
Advertiser, September 24, 1865. See also speech of J. N.
Drake in ibid., September 27, 1865.

\(^{61}\)Journal of the Convention of Alabama, p. 49. This
wording was objected to by one delegate who felt that it
acknowledged the power of the federal government to interfere
with the states at will. Montgomery Daily Advertiser,
September 21, 1865.

\(^{62}\)Simkins and Woody, South Carolina During Reconstruction,
p. 39.
the same reason for abolition, with Georgia making the most detailed statement. Georgia's act began by stating that as "the Government of the United States having, as a war measure, proclaimed all slaves held or owned in this State, emancipated from slavery, and having carried that proclamation into full practical effect" slavery no longer existed in the state. It also provided that claims for compensation were not thereby surrendered.63

As the conventions finished their work and adjourned, the general feeling in the South was that restoration was for all practical purposes complete and once elections were held southern representatives would be admitted to Congress. Some work remained for the legislatures, particularly action on the Thirteenth Amendment and the passage of laws for the freedmen, but these were strictly internal matters. Governor Perry greeted the newly elected legislature of South Carolina with the assurance "that the State has done enough to entitle her to be received back as members of the Federal Union, with all of her Constitutional rights fully restored."64 A Mississippi paper hailed the work of that state's convention with the same sentiment. One of the President's Florida


64 *Journal of the House of Representatives of the State of South Carolina, Being the Regular Session of 1865* (Columbia, 1865), p. 13.
correspondents reported the adjournment of the convention along with the conclusion that all had been done for restoration. Southern newspapers reacted with shock to the rumor that the clerk of the House of Representatives might omit the names of southern congressmen from the roll. The Augusta Constitutionalist damned the clerk as "A Clerical Warwick" while the Charleston Courier could "scarcely believe this to be correct."66

Southern feelings of satisfaction with the work of the conventions were encouraged by the President. Upon hearing of the work of the South Carolina convention, Johnson wired congratulations to Governor Perry. "It affords great satisfaction here to all who favor a speedy restoration." He predicted a smooth future for the South. Johnson wrote much the same thing to Alabama's Parsons as the convention completed its meeting.67 Even so, some elements in the South were not happy with the progress of restoration. A correspondent of Thaddeus Stevens complained that "this state

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65 Meridian Daily Clarion, August 23, 1865; J. J. Finlay to Johnson, November 18, 1865, Andrew Johnson Papers.

66 Augusta Daily Constitutionalist, November 16, 1865; Charleston Daily Courier, November 14, 1865.

67 Johnson to Perry, September 29, 1865; Johnson to Parsons, October 3, 1865, Andrew Johnson Papers.
is not now in the hands of Union men."\textsuperscript{68} At the other extreme, a Georgian was "disgusted at finding the people everywhere so disgracefully whipped and so much like vile spaniels."\textsuperscript{69} Nevertheless, the mass of southerners appeared to be content with restoration and felt free from the burden of defeat.

Southern elections and the actions of the legislatures reflected the sense of freedom felt as a result of the conventions. In the elections, the tendency was to go back to the old leaders, especially those who had gained fame in support of the Confederacy. The "ironclad oath" required of members of Congress was generally ignored in the selection of southern congressmen or, rather, those who could take it were deemed to be unsuitable to represent the South. An Alabama paper claimed no man worthy to be a congressman who could take the oath. It said that the South should elect men of

such ability, character and influence as to command respect for themselves and the people whom they propose to represent. . . . It is only on this basis that we can have representation at all, for it would be preposterous to suppose the people would elect men to Congress who would swear they did not act, sympathize or feel with them.\textsuperscript{70}

\textsuperscript{68}C. Welker to Stevens, December 2, 1865, Stevens Papers.

\textsuperscript{69}J. Hurly to A. H. Stephens, October 20, 1865, Stephens Papers.

\textsuperscript{70}Montgomery Daily Advertiser, September 17, 1865.
None of the six Alabama congressmen could take the oath.  

A North Carolinian wrote that "I abhor the idea of looking & peeping around into every hole & corner for men so alien in their sympathies for their section & their neighbors as to be qualified for taking that oath." Only one of North Carolina's congressmen could take the oath.  

Similar feelings with similar results were found in all the states. All of the new governors had supported the Confederacy, one having been a general and another a Confederate senator.

Johnson made no open effort to affect the outcome of the elections. Not only was such interference contrary to his theory, but it was unlikely to have much influence. The President did give vent to some dissatisfaction about the outcome of the elections. His telegram decrying the results in North Carolina has been noticed. He also expressed displeasure in the message to the general commanding in Georgia. "There seems," said the President, "in many of the elections something of defiance, which is all out of place at this time." It was too late for Johnson to change the results.

71 Fleming, Civil War and Reconstruction in Alabama, p. 374n.
72 S. F. Philips to W. A. Graham, October 10, 1865, Graham Papers; Hamilton, Reconstruction in North Carolina, p. 139.
73 Johnson to General Steedman, November 24, 1865, Andrew Johnson Papers.
and, instead, he gave them his seal of approval by extending a pardon to Benjamin G. Humphreys after he had been elected governor of Mississippi. It is possible that the elections caused Johnson to delay turning the states over to the newly elected officials, but the delay seems to have been Seward's idea rather than the President's.  

Two major tasks confronted the legislatures as they assembled in the fall of 1865. One was to ratify the Thirteenth Amendment, a job which offered some difficulty. As the Mississippi convention concluded its labors, Governor Sharkey warned the President that the legislature would not ratify the abolition amendment. Johnson urged the importance of ratification after the legislature had assembled. His major argument was "if the Convention abolished Slavery in good faith, why should the Legislature hesitate to make it a part of the Constitution of the United States." Sharkey made no answer and the legislature took no action. A correspondent of the Jackson Clarion explained why he was opposed to amendment in a statement that was fairly representative of most southern opinion. He described the second

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74 Beale, Diary of Welles, II, 378-79.

75 Sharkey to Johnson, August 28, 1865, Andrew Johnson Papers.

76 Johnson to Sharkey, November 1, 1865, ibid. See also Johnson to Sharkey, November 17, 1865.
section of the amendment, which gave Congress authority to enforce abolition, as a "perfect Pandora's box." The second section, he claimed, opened the way for Congressional interference in many areas that had been previously reserved to the states.\textsuperscript{77} The Clarion itself came to favor ratification on the ground of expediency as did other newspapers in the southern states, but the Mississippi legislature did not.\textsuperscript{78} South Carolina was almost as reluctant as Mississippi to approve the amendment. Only after repeated prodding from Washington and presidential assurances that section two could not be used to justify an invasion of state rights did the legislature approve the amendment.\textsuperscript{79} Most of the states ratifying did so with a proviso similar to that of Alabama's which read "that this amendment . . . is adopted
by the legislature of Alabama with the understanding that

\begin{footnotes}
\item[77] Letter of "X.Y.Z." \textit{Jackson Daily Clarion}, November 8, 1865. See also the minority report of the Committee on Federal Relations, \textit{Journal of the Session of 1865-6, of the State of Alabama} (Montgomery, 1866), p. 83.
\item[78] \textit{Jackson Daily Clarion}, November 28, 1865.
\item[79] For the sequence of communication and action, see Kibler, \textit{Benjamin F. Perry}, pp. 428-30. The Edgefield Advertiser, November 22, 1865, has a typical southern justification for ratification on the basis of policy.
\end{footnotes}
it does not confer upon Congress the power to legislate upon the political status of freedmen in this State."\(^80\)

Johnson's influence in securing ratification is hard to measure. He certainly expended great effort to secure approval, but evidence of the weight of his wishes is ambiguous. In Florida, for instance, Governor Marvin warned that ratification would be difficult if the other states withheld approval. Marvin was assured of the necessity of accepting the amendment without reference to the action of the other states.\(^81\) In his message to the legislature, however, Marvin made no reference to Johnson or the other states, but simply said approval would be good policy as "slavery is abolished in all the Southern States and no intelligent man expects to see it re-established."\(^82\) On the other hand, the new governor, David S. Walker, said that Johnson expected ratification and assured the legislature that neither the President nor Congress would attempt to use the second section to introduce Negro suffrage.\(^83\)

\(^80\)\textit{Senate Executive Documents}, 39 Congress, 1 Session, no. 26, p. 110.

\(^81\) Marvin to Seward, November 15, 1865; Marvin to Seward, November 18, 1865; Seward to Marvin, November 20, 1865, \textit{Senate Executive Documents}, 39 Congress, 1 Session, no. 26, pp. 113-14.


\(^83\) \textit{Ibid.}, pp. 33-34.
Because most of the other states had already ratified and reservations of power gave a sense of security to following a policy which seemed to offer readmission, it seems that Johnson's influence was minimal. It should also be noted that in Florida's case Congress had already rejected southern representatives before the amendment was accepted. Rumors of nonacceptance by Congress had been circulated in the other states before ratification and without doubt had a strong influence upon state action.

Southerners were much less reluctant to pass laws regulating the conduct of the freedman. Johnson recommended that the South "adopt a code in reference to free persons of color that will be acceptable to the country at the same time doing justice to the white and colored population." Little such urging was needed, for most southerners, Unionist and secessionist, felt that new laws were necessary to help the blacks and the whites to adjust to the new condition of things. There was some disagreement over the means, but most agreed that steps must be taken to maintain order in southern society. From this need grew the "black codes" which, probably more than any other one thing, turned northern opinion against presidential reconstruction. These laws

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84 Johnson to B. F. Perry, November 27, 1865, Andrew Johnson Papers.
were severely discriminatory and seemed, especially in the vagrancy provisions, to be designed to keep the blacks in a condition closely akin to slavery. To explain the passage of the black codes, it has been pointed out that southerners genuinely felt stringent control of the blacks was necessary. A close similarity between the codes and the laws of some northern states and the regulations of the Freedman's Bureau also has been used to show that the South was not being intentionally defiant in their passage.  

Moreover, the defeat of Negro suffrage in northern states such as Connecticut seemed to offer hope that southerners would be left to handle the problem of the freedman themselves.  

For all this, southerners were at least partially aware of the danger in strict codes. As early as August, James L. Alcorn saw that a failure to grant full protection to the Negro would lead to trouble with the North. Alcorn went as far as to recommend Negro suffrage in order to make friends of the blacks before northerners did.  

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85 Wisor, Black Codes of the South, pp. 65, 67; Sefton, Army and Reconstruction, p. 43; Harris, Presidential Reconstruction in Mississippi, p. 130.  

86 Montgomery Daily Advertiser, October 6, 1865; Augusta Daily Constitutionalist, October 11, 1865; Charleston Daily Courier, November 21, 1865.  

87 Harris, Presidential Reconstruction in Mississippi, p. 118.
Carolina paper called for laws to "coerce free labor." It admitted that such laws might mean exclusion from the Union, but said being in the Union meant nothing if South Carolina were not free to regulate her internal affairs. When southern congressmen were denied seats, southern reaction demonstrated that the black codes were recognized as a major reason. The Jackson Clarion approved the setting aside of certain provisions of Mississippi's code by the army and a few days later leveled a furious blast at the legislature for bowing to prejudice at the expense of state representation. In January, 1866, the Raleigh Sentinel urged caution to the legislature as its black codes would be closely read in the North. Governor Parsons vetoed Alabama laws enacting the ante-bellum freedman's code and specially regulated contracts for black labor. His reason was that the extinction of slavery ended the necessity for special legislation for the Negro. Parsons was by no means an egalitarian, but he knew good policy when he saw it.

After the army disallowed South Carolina's code, Governor James Orr called a special session of the legislature which

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88Edgefield Advertiser, October 25, 1865.

89Jackson Daily Clarion, December 6, 1865; ibid., December 9, 1865.
repealed the worst features of the laws.\textsuperscript{90} It appears obvious that most southerners knew all along that the passage of the codes was risky, but yielded to anti-Negro sentiment in hopes that northern conservative strength would be strong enough to secure restoration.

Andrew Johnson had little to do with either the enactment or the rejection of the black codes. Caught between southern prejudice and northern reaction, he did nothing. He was by this time trapped by his commitment to the South and had to submit to southern wishes or jettison his whole program. The extent to which Johnson was subject to the commands of the South rather than the reverse was demonstrated by the deterioration of his policy on pardons. At first, the President seemed determined to strictly limit the number of pardons granted. He told a group of southerners in July that he could not remove the thirteenth ($20,000) exception to the Amnesty Proclamation. A northern traveler attributed the business stagnation in Charleston in the summer of 1865 to Johnson's adherence to a strict pardoning policy. Johnson even postponed some pardons recommended by members of his cabinet with the explanation that "he would hold some of

\textsuperscript{90}Raleigh Daily Sentinel, January 9, 1866; Journal of the Senate of Alabama, pp. 162-63, 163-64; Wilson, Black Codes of the South, p. 75.
the principal leaders in suspense for sometime." As the South held elections for the conventions, Johnson was forced to relent on the pardons or disavow the elections. Pushing their freedom of action to the utmost, southerners elected men of their choice whether pardoned or not. As a result, the President, while maintaining that no one could serve in the conventions without a pardon, was promising to pardon all elected upon the provisional governor's recommendation. Governor Holden was so confident of his power to secure necessary pardons that he thought no questions would be asked. He demanded of his agent in regard to certain pardons "please see that they are sent at once." The low point of Johnson's pardoning policy came when Mississippi, without regard to any outside opinion, elected an unpardoned Confederate general as governor. He was promptly pardoned.

Johnsonian reconstruction met with failure when Congress refused to seat southern representatives. The major reason for this refusal was that southern action was deemed

91 Interview quoted in Augusta Daily Constitutionalist, July 15, 1865; Andrews, South Since the War, p. 5; quote in Randall, Diary of Browning, II, 32, see also p. 38.

92 Johnson to Holden, September 21, 1865; Johnson to J. Johnson, September 9, 1865, Andrew Johnson Papers.

93 Holden to R. J. Powell, September 27, 1865, ibid.
insufficient to meet the changes demanded by the outcome of the war. Johnson's plan might not have been acceptable to Congress in any case, but southern application of it doomed it to failure. As has been shown, the President's power to affect southern actions was limited. Asking for repudiation of Confederate war debts, he was confronted with resentment and, in one case, rejection. Demanding the ratification of the Thirteenth Amendment, he was handed conditional approval and, again, rejection in one instance. Calling for the election of loyal men in the South, he found himself issuing pardons at the dictates of southerners. In reality, southerners shaped and guided presidential reconstruction. Johnson had made the situation liable to southern control, but a large share of the blame for the failure of his policy must fall on the South. Nor did southern influence on Johnson cease in 1865. Southern ideas were a major influence on Johnson's course until the passage of the Reconstruction Acts. It would be at least partially accurate to refer to presidential reconstruction as southern reconstruction.
CHAPTER V

"ALL BUT OUR HONOR"

For southerners generally, the work of the conventions and legislatures represented the limits to which they were willing to go in order to be restored to the Union. Expressions of attitudes varied considerably, but the general feeling was that no further concessions should be made. Even after Congress refused to seat southern representatives, no concerted effort developed to make further changes in the constitutions, laws, social structure or traditions of the South. Southerners were not completely happy with the course of the President; many felt that he had demanded too much of their section, while others thought he had not done all he might in the North to secure acceptance of southern representatives.

Nevertheless, southerners continued to support Johnson as the best hope of an easy reconstruction. Their efforts were directed to two areas. One was to demonstrate to the North by their actions that the President was correct in his assessments of southern loyalty. Secondly, they worked to prevent Johnson from making any compromise with Congress.
The chances that he might come to terms with Congress were probably never very great, but voices from the South helped to sustain him in his resistance to concession. Southerners made it clear that accommodation with congressional views would be made at the cost of majority support in the South. Such pressure was not the only factor in Johnson's resistance to compromise in 1866, but it played an important role.

At the same time, Johnson's refusal to yield to Congress helped to maintain southern resistance to compromise. Whatever the true state of southern opinion of the President (there are indications that it was not completely favorable), as long as he stood firm there was hope that matters might be settled on terms favorable to the South. Initially, southerners seemed to hope that Johnson might be able to prevail by some, usually unspecified, stroke of policy. Later, both Johnson's hopes and those of the South were centered upon northern reaction against Radical leadership and an electoral victory of conservatives of the Johnson type. In retrospect these hopes were ill-founded, but at the time they seemed justified. In any case, neither Johnson nor southerners could afford not to place reliance in ultimate success. Thus both Johnson and the South reinforced the other's resistance to compromise. Johnson could not make concessions without losing southern support, and, as long
as he refused to yield, southerners could hope that compromise could be avoided.

Except for staunch loyalists and political malcontents, southerners thought the actions of the conventions had restored the Union. Most would have agreed with the South Carolinian who reportedly held the opinion that South Carolina had been fully restored to her place in the Union and to all her powers by the action of the State Convention. It was a new idea to him, he said, that Congress had any authority to keep a State out. The war was done, and the convention had freed the niggers; what more could be wanted?¹

There were some, however, who thought that Congress might indeed have something to say about reconstruction. They urged the President to take steps which would effectively prevent the national legislature from denying that southern action had completed the work of restoration. As early as September 30, 1865, a Texas paper argued for a general amnesty which would not only assure Johnson of solid southern support, but would open the way for the admittance to Congress of any representatives the South might elect to send. Along the same line, an Alabama paper thought that the President should issue a proclamation declaring the Union to be restored. Such a decree would force the clerk of the House to include

¹Dennett, *South As It Is*, p. 184.
southern representatives on the roll. Johnson's friend and agent, Henry Watterson, quoted a letter from a leading Georgian to the same effect. Herschel V. Johnson urged the President to publish a Proclamation to the effect that they [the southern states] are entitled to representation in Congress, provided they should elect Senators and Representatives constitutionally qualified to hold seats . . . . It would not only delight the Southern States, but, in my judgment, it would be a stroke of masterly policy. For being constitutionally qualified, no party in the North can be sustained who will advocate their rejection.

Johnson also hoped that the President would use his patronage power to see to it that the clerk added southern representatives to the roll.

Andrew Johnson apparently had doubts about the acceptability of southern actions. He not only delayed taking any steps similar to those recommended by southerners, but he was hesitant to turn the states over to the elected officials. In most cases he waited until December, well after the southern elections, to transfer power to the new governors. He made no explicit explanations for the delay. For example, the instruction to Governor Parsons to retain control of the

2San Antonio Tri-Weekly Herald, September 30, 1865; Montgomery Daily Advertiser, November 16, 1865.

3H. M. Watterson to Johnson, October 30, 1865, Andrew Johnson Papers.
government of Alabama simply stated that "the time when it shall be deemed suitable to relinquish any of those powers to authorities which may be constituted within a State cannot now be indicated." When Parsons was relieved, no reason was given for the change. A hint of the reasons for Johnson's hesitancy may be found in a telegram to James Johnson. The President ordered his governor not to issue certificates of election to Georgia's congressional representatives. He was worried about the fact that none of the would-be congressmen could take the congressional test oath and wished to be advised "of their real status as to loyalty and qualifications in regard to disability under the law and the Constitution." This message indicates that Johnson was cautious in accepting southern protestations of loyalty at face value and did not completely reject the validity of the test oath.

Other evidence exists that Johnson might have been willing to grant some authority to the test oath. Johnson

4W. H. Seward to Parsons, November 4, 1865; Seward to Parsons, December 18, 1865, Alabama Governors' Correspondence. That many of these messages were sent by Seward rather than Johnson reenforces the idea that the delay was prompted by the Secretary. See Chapter IV, note 74.

5A. Johnson to J. Johnson, November 26, 1865, Andrew Johnson Papers.
informed a South Carolinian in September, 1865, that "the admission of members into the present Congress is a question to be determined by the respective houses." The President did think that Tennessee's members might be accepted, but did not venture to make further predictions. In response to an inquiry by Governor Perry, Johnson recommended that the South Carolina representatives not be present at the organization of Congress. By waiting, the President thought, the question of admission would be "a simple question under the constitution." Still, he made no prediction on the action of Congress toward the oath, an indication that he felt it could possibly be required of southern members. Even as late as July, 1866, Johnson supported the right of Congress to demand the oath of members-elect. In a letter to W. W. Holden he wrote:

It is for Congress to say who shall be admitted to seats. The States, in my judgment, are entitled to be represented. But Congress has prescribed a rule, and it is the duty of those seeking admission to comply with it. Unpardonable persons, and persons who cannot take the prescribed oath, cannot expect to be admitted.

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6 Johnson to J. C. Potting, September 18, 1865, ibid.
7 Johnson to Perry, November 27, 1865, Perry Papers, Alabama.
8 Johnson to Holden, July 11 [?], 1866, Andrew Johnson Papers. This is an unsigned copy.
Johnson's first message to Congress had also implied that the power to admit southern representatives rested with that body.\(^9\)

It has been commonly assumed by historians that the President was merely conceding to Congress the right to determine that representatives were properly elected. It appears that, if Johnson did not actually support the right of Congress to maintain the oath, neither was he prepared to completely deny its power to do so. There was, indeed, nothing to demonstrate that he was opposed to compromise with Congress until his veto of the Freedman's Bureau Bill in February, 1866. On the vital question of Negro rights, he appeared to be amenable to congressional action and, although insisting that only the states had the power to grant suffrage, did not oppose giving the vote to the blacks.\(^10\) It appears that Johnson was unsure of his course until faced with the congressional challenge in February. When he did finally take a stand, an important factor in his decision was southern attitudes.

For the majority of southerners there was little hesitancy as to what course should be followed--the South

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\(^10\) Ibid., pp. 359-60.
should maintain its honor and make no further concessions. Some discussion appeared as to how southern loyalty could be best vindicated, but little thought was given to compromise. Florida's new governor, David S. Walker, expressed the feeling in his inaugural address. Walker urged forebearance on the part of southerners.

We have [he said] manifested that our loyalty and desire to renew our relations with the Union are so great that to do so we are willing to yield every thing [sic] but our honor and our consciences. We have all lost much—many of us our all—all but our honor. Let us preserve that, though we lose every thing else.\textsuperscript{11}

A Mississippi paper thought the South should behave with dignity and patience. One of the rejected congressmen said the policy of the southerners in Washington would be "dignified silence" and hoped that the people would conduct themselves with discretion. A South Carolina paper considered that the best course for the South was to wait and hope and rendered the opinion "that we will wait and hope until the Devil gets the great part of this so-called 'radical majority.' Up, Satan, and claim your own! Presto--quick!"\textsuperscript{12}

\textsuperscript{11}Proceedings of Senate of Florida, p. 35.

The attitude of southerners was explained by one who said that most people were loyal "but at the same time are Southern men" who were not ashamed of their part in the war.  

The problem for the South was not whether to compromise, but the manner in which compromise should be rejected. Opinion on this question wavered between two policies. One was to practice what was referred to as "masterly inactivity." Basically, the idea was for southerners to keep quiet and mind their own business while the parties in the North fought over readmission. A feeling of apathy throughout much of the South, especially in the early days after rejection, helped to make this approach popular. A Georgia paper, after commenting on the paradox of southern ratification of the Thirteenth Amendment without gaining representation, gave vent to this feeling.

We are [said the paper] growing weary of Washington political squabbles. The matter, we suppose, will be settled someday; in the meanwhile let us address ourselves to internal improvement and the re-organization of individual concerns.  

A similar indifference was expressed by a North Carolinian at the prospect of Negro suffrage as a requirement for

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13 J.C.L. Grudger to Z. Vance, January 22, 1866, Vance Papers.

14 Augusta Daily Constitutionalist, January 12, 1866.
reunion. "I think," he wrote, "our people are becoming rather indifferent as to whether they get representation in Congress or not."\textsuperscript{15}

In contrast to the policy of doing nothing was the plan advocating that southerners do all in their power to support the President and those in the North who desired the return of the rebel states to the Union. Not that the South could actually participate in politics, but charges of disloyalty could be vocally denied and moral support such as mass meetings be given to Johnson. Advocacy of one or the other policy apparently depended upon the general situation at the moment. After the repassage of the Civil Rights Bill over the President's veto, the Augusta Constitutionalist, feeling all hope gone, stressed the idea of "masterly inactivity." Within a month the Constitutionalist, in an editorial entitled "Assert Your Rights," contended that nothing could be gained by submitting quietly to Congress and called upon southerners to speak out against the wrongs of congressional policy.\textsuperscript{16} The Raleigh Sentinel was also calling for an active policy by May.\textsuperscript{17}

\textsuperscript{15}K. P. Battle to B. S. Hedrick, January 20, 1866, Hedrick Papers.

\textsuperscript{16}Augusta Daily Constitutionalist, April 14, May 6, 1866.

\textsuperscript{17}Raleigh Daily Sentinel, May 11, 1866.
on influencing the northern people at the next election, rather than trying to convince Congress of southern loyalty, seems to have accounted for the change in policy. By the end of April, 1866, a North Carolina paper predicted a resurgence of conservative feeling by the next elections, which would overthrow the Radicals. "Leo," the Washington correspondent of the Charleston Courier, made a like prediction in May. Some southerners saw that the South's only chance for readmission on their own terms lay in a conservative victory in the fall, but were not as optimistic of success.18 With representation at stake, it was logical for southerners to try to demonstrate their fitness to return to the Union.

The South's determination to resist compromise was shown by the southern response to two events. One was the compromise proposal of Senator William M. Stewart of Nevada, the other the meeting of the Texas constitutional convention. Stewart's plan was simple enough: southern representatives would be admitted to Congress and a general amnesty proclaimed as soon as the southern states would repudiate the war debt, guarantee equal civil rights to Negroes, give up

18Wilmington Daily Journal, April 21, 1866; Charleston Courier, May 15, 1866; H. V. Johnson to W. A. Graham, May 4, 1866, Graham Papers.
their claims for compensation for the freed slaves and grant impartial suffrage to the blacks. To make things easier, Stewart suggested that the northern states also adopt the propositions regarding the blacks. Initial reaction to the project was favorable, at least in the North. Not only Radical Charles Sumner, but many newspapers hailed Stewart's plan as the final solution. There were some signs that the President might give his consent to the plan. Even a few southerners saw some good in the proposal. But the majority of southerners thought the suggested trade completely unacceptable.

The Raleigh Sentinel declared that to accept Negro suffrage on such terms "is a degradation of which they [southerners] are not capable." Another North Carolina paper also saw the end of southern honor if the compromise were accepted and termed it "A Sugar Coated Pill for the South." The Augusta Constitutionalist rejected the plan.

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19McKitrick, Andrew Johnson and Reconstruction, pp. 341-42, prints Stewart's plan.

20Ibid., p. 342.

21Ibid., p. 343; Letter of "Leo," Charleston Courier, March 19, March 20, 1866.

22McKitrick, Andrew Johnson and Reconstruction, p. 342.

in an editorial titled "No Following After Esau."^24 A Georgian thought

Stewart's proposition more infamous than Steven's subjugation or Sumner's compulsory nigger suffrage scheme, because it affects benevolence and invites us to eat dirt to please the radicals. If I have to eat it, I want to be compelled to do it.^25

In Mississippi, the Jackson Clarion contended that territorial status would be better than yielding honor by the acceptance of Negro suffrage.^26 Rumors that Johnson might back Stewart's plan had no effect when southerners saw their honor--and prejudices--at stake.

Johnson's veto of the Civil Rights Bill killed any hope that Stewart's project might be accepted. If the stories of Johnson's favorable attitude toward the plan had any validity (and given the President's stated position that he did not oppose Negro suffrage if granted by the states, it was possible that they did), it appears that southern resistance had an important influence in its defeat. Johnson could not support the plan with a majority of southerners against it. He could not move toward compromise with Congress without losing most of his southern following.

^24Augusta Daily Constitutionalist, March 25, 1866.


^26Jackson Daily Clarion, April 29, 1866.
The late meeting of the Texas convention in the spring of 1866 offered an excellent opportunity for southerners and Johnson to work for some sort of compromise with Congress. Knowing the fate of the other states, the Texans could have tried to make their actions more in accord with the expectations of the North. Andrew J. Hamilton, the provisional governor, saw the need for a different approach in Texas, but his vengeful attitude toward those who had opposed him reduced his influence considerably. Johnson made no effort to affect the actions of the convention directly. The burden of making concessions lay on the convention, and Texas did nothing radically different from the rest of the South.

Hamilton's message to the convention demonstrated both his recognition of what was necessary for readmission and the reason why the majority in the convention refused to cooperate. Hamilton called for rejection of the power of secession, abolition of slavery, repudiation of the war debt, extension of equal civil rights to the blacks and suggested that impartial suffrage be established. He also warned against the passage of a restrictive black code which had done so much to hinder the other states.27 Any good that Hamilton might have accomplished was neutralized by

his characterization of his critics as "those who precipitated the country into an unnecessary war, and brought mourning and desolation to the homes of the South." Neither did he help his cause by referring to the idea of secession as "a political heresy." Andrew Johnson gave Hamilton's efforts no substantial aid. His message to Hamilton at the beginning of the convention gave no indication that the course of Texas should differ from that of the other states. The President simply made the same sort of general statement that he had used before.

It is [he wrote] of the utmost importance that the proceedings of your convention be prudent and of the most temperate candour, indicating loyalty, and of the entire willingness to acknowledge the supremacy of the Constitution and of obedience to the laws of the United States. You no doubt understand the posture of affairs here and much will depend upon the future proceedings of your convention.

That was the sum of Johnson's direct communication with Hamilton while the convention was in progress and, by the end of March, the governor was complaining of presidential neglect.

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28 Ibid., pp. 20, 22.
29 Johnson to Hamilton, February 13, 1866, Andrew Johnson Papers.
30 Hamilton to Johnson, March 23, 1866, ibid.
Johnson did have agents at the convention, but their efforts were not directed toward helping Hamilton effect concessions to congressional sentiment. Benjamin C. Truman, who had represented Johnson in other states, worked with the conservatives in the convention. Truman reported that as a guide for the Texans he was using a copy of the Florida constitution, a document which did not tend to cultivate the spirit of compromise. A Texas conservative, Sackfield Maclin, also tried to wield influence for the President. Most of his efforts were directed toward trying to get quick action from the convention in order for Johnson to present all the southern states as reconstructed. The convention was of a different temperament, and the session dragged on almost two months with action on the most important issues not taken until the final meetings.

Hamilton's attempts to secure concessions probably would have failed even if Johnson had supported his efforts. Conservatives dominated the convention and the number willing to follow Hamilton's lead was quite small. A correspondent

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31 Truman to Johnson, February 8, 1866, ibid.

32 S. Maclin to Johnson, March 6, 1866, ibid. The convention lasted from February 7 to April 2, 1866.

33 Hamilton to Johnson, February 12, 1866, Andrew Johnson Papers; Galveston News, April 12, 1866; Waller, Colossal Hamilton of Texas, pp. 86-87.
of the San Antonio Herald succinctly characterized the delegates: "Gunpowder had much to do with the election, and one essential qualification was, has he been a soldier?"34

Most of the original Unionists who had supported the Confederacy worked with the ex-secessionists further reducing Hamilton's compromising influence. One of these Unionists, James W. Throckmorton, served as president of the convention and as such represented the conservative viewpoint. Throckmorton's ideas on the duties of the delegates expressed the common feeling. He wrote to a friend:

> For one I am disposed to comply as far as possible with the wishes of the President, but upon these questions [Negro rights] which the constitution gives the states the right to determine I am for standing by them--and if they have a sufficient radical majority to keep us from our proper place in the government, why, we can stay out, and they may be d_m_d.35

Some evidence indicated that news of Johnson's veto of the Freedman's Bureau Bill added strength to the conservative position. Members of the "union minority" complained that the action of the President enabled the "disloyal" to prevail

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35Throckmorton to B. H. Epperson, January 31, 1866, Epperson Papers. See San Antonio Tri-Weekly Herald, December 25, 1865, for the platform of one of the delegates which expresses similar feelings.
It seems unlikely that the veto did more than simply harden the uncompromising attitude already existing among the conservatives and convince Hamilton's faction that no help would be forthcoming for their cause. Johnson's major influence on the South at this point continued to stem from lending an air of official sanction to resistance to northern opinion.

Given its conservative composition, it was foreordained that the actions of the Texas convention would not differ radically from those of the other states. A resolution was adopted on the first day which gave ample notice of the general feeling of the delegates. As introduced, the resolution called for a committee of five to wait upon the governor to inform him that the convention was organized and ready to receive communications and take the "Constitutional oath." Objection was immediately offered to the part about taking the oath. One delegate wanted to drop the entire phrase, while another suggested omitting "Constitutional oath" and substituting the presidential amnesty oath. The latter motion was adopted without division, as was the entire resolution as amended. The objections were apparently

36 W. Alexander to L. Sherwood, February 26, 1866, Andrew Johnson Papers; See also Ramsdell, Reconstruction in Texas, pp. 101-02.

based on the fear that the phrase "Constitutional oath" might be interpreted to mean the congressional test oath. Use of the President's oath was virtually meaningless as all of the delegates were required to subscribe to it in order to be eligible to serve in the convention. On the following day, the resolution was reconsidered, voted down and the original adopted in its place. Why this was done is not clear, but fear that the amended resolution would make a bad impression seems to be a weak explanation.  

In other respects, the convention acted in predictable fashion. By a vote of fifty-five to twenty-one, the ordinance of secession was declared to be "null and void" and the right of secession "distinctly renounced." Use of the "null and void" formula was in this case a victory for the conservatives. Hamilton's followers had wanted to add the phrase "ab initio" and voted against the ordinance as adopted. According to Throckmorton, the Unionists tried to break up the convention to prevent the adoption of the resolution. They did walk out to defeat a resolution of

38Ramsdell, Reconstruction in Texas, pp. 90-91, suggests this as a reason for reconsideration.

39Journal of the Texas State Convention, p. 184. The complete ordinance may be found in Constitution of the State of Texas, p. 33.
support for the President.\textsuperscript{40} Similarly, the war debt was declared "null and void," forty-nine to twenty-six, with the strict admonition that it did not apply to the regular debt of the state.\textsuperscript{41} Slavery was abolished by an amendment to the state constitution which explained carefully the reason for the action. It also provided that the freedmen would be protected in their basic civil rights. A separate section to the amendment explicitly gave the Negroes the right to testify in cases involving their rights, "the credibility of their testimony to be determined by the court or jury hearing the same." The legislature was empowered to allow Negro testimony in all cases if it should be deemed advisable.\textsuperscript{42} A proposal to allow Negro suffrage was tabled "without much ceremony."\textsuperscript{43}

Exactly what the people of Texas thought of the work of the convention is somewhat difficult to determine. Judging from the results of the gubernatorial election, the convention met with widespread popular approval. Throckmorton,

\textsuperscript{40}Throckmorton to B. H. Epperson, April 17, 1866, Epperson Papers.

\textsuperscript{41}Journal of the Texas State Convention, pp. 181; Constitution of the State of Texas, pp. 34-35.

\textsuperscript{42}Ibid., p. 27.

\textsuperscript{43}San Antonio Tri-Weekly Herald, February 20, 1866.
who was closely associated with the convention and the leader of the conservatives, won by a large majority, 49,277 to 12,168. His opponent was E. M. Pease whose close connection with Hamilton indicated that Texans were opposed to compromise, especially on the question of Negro rights.44 Despite the resounding endorsement of Throckmorton, the people were less willing to approve the amendments to the constitution proposed by the convention. The changes were ratified by the relatively narrow margin of 28,119 to 23,400.45 One historian has suggested that the extension of pay raises to state officers had much to do with the small margin.46 This explanation seems too simple to fully account for the vote. A more probable explanation is that the people felt that the convention had gone too far. While approving the basic conservatism of the convention, the people were reluctant to accept even the necessary changes in the state constitution. It is probable that many Texans voted to accept the amendments as necessary for readmission to the Union, but reserved the right to call another

44 Waller, Colossal Hamilton of Texas, pp. 92-94.
45 Ramsdell, Reconstruction in Texas, p. 112.
46 Ibid.
convention to remove the undesirable features. That the total vote on the constitution was ten thousand less than the total in the governor's race is a further indication of the people's grudging acceptance of the compromises, such as they were, embodied in the amendments.

Some of the actions of the new legislature also demonstrated the lack of a compromising spirit. Two original secessionists were selected as United States senators, one having been the president of the secession convention. These selections were condemned by some, but most Texans seemed to agree with the Houston Journal when it asserted that it was "a simple indication that for the restoration of the Union the test oath must be repealed. The South loves its soldiers and will not forget them or admit that the 'lost cause' had in it any element of treason." The legislature also proceeded to pass restrictive labor laws similar to those already adopted in the other states which had caused such a reaction in the North.

Altogether, the actions of Texas in 1866 indicated a continuing deep southern reluctance to compromise. In the

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47 Galveston Daily News, April 15, June 21, 1866, recommended this course.

48 Quoted in Ramsdell, Reconstruction in Texas, pp. 117.

49 Ibid., pp. 122-25.
face of congressional rejection, Texans followed the rest of the South, stood on their honor, and refused to yield their principles. Undoubtedly, the President's veto of the Freedman's Bureau Bill helped to encourage the conservatives, but it was not decisive in the refusal to compromise. It must be considered that the rejection of congressional representatives from the other southern states reinforced the determination of Texas not to make concessions. Congressional rejection gave point to the southern claim that one concession would only lead to demands for more and compromise might have appeared useless to the Texans. No doubt, too, Texas honor forbade going any further in attempts at reconciliation than the other southern states had. The San Antonio Herald summed up the majority feeling for Texas and the South. The Herald urged the people to vote only for those who had supported the Confederacy. It said, "If we are to be kept out of the Union for being manly and not dirt-eaters, the odium will not rest on us." 50

While southerners were demonstrating their opposition to compromise, Andrew Johnson was forced to finally make a clear stand on the issues of reconstruction. A glance at the debates in Congress during this period reveals clearly

50San Antonio Tri-Weekly Herald, May 2, 1866.
that there was little unity among the Republicans. The one thing that most congressmen agreed upon was that the freedmen must be given some sort of protection. In February, 1866, this concern for the blacks resulted in the passage of the Freedman's Bureau Bill which extended the life of the Bureau and expanded its power somewhat. Passage of the bill was a clear-cut statement by Congress that the Negroes should not be left to the sometimes less than tender mercies of white southerners. After some hesitation, Johnson vetoed the bill and more or less firmly committed himself to the southern position of no compromise.

Johnson's veto was by no means a foregone conclusion. Many in the North, and most Republicans, seemed to think that the President would approve it with no hesitation. Many of Johnson's advisors urged him to accept the bill or, at least, not to reject it categorically and thus close the door to compromise. In particular, Seward was concerned that good relations with Congress be maintained. While he acquiesced in the veto, Seward's draft of the veto message gave strong evidence of a desire to cooperate with Congress.

51 Cox, Principles, Politics, and Prejudice, pp. 207-08. Differences over the guarantee of civil rights to the blacks was, the Coxes contend, the major issue of reconstruction.

52 McKitrick, Andrew Johnson and Reconstruction, p. 284.
Johnson did not fully accept Seward's ideas, but they served as a counterbalance to the more extreme ideas of other advisors. Johnson waited about a week after its passage before deciding to veto the bill. This delay along with the softening effects of Seward's ideas indicate that Johnson must have given serious consideration to compromise on the bill. Exactly what major influences led Johnson to veto the bill cannot be determined. Only a few letters in the Johnson papers refer to the bill before the veto and Johnson's disinclination to discuss or write his opinions make it difficult to understand how he arrived at his decision. The draft messages submitted by his advisors were of major importance, but why he chose to use certain portions remains to be explained. John and LaWanda Cox, who have closely investigated the period, suggest that both the Freedman's Bureau Bill veto and the Civil Rights Bill veto can be explained largely by Johnson's prejudice toward Negroes and political ambition. But this does not fully explain Johnson's action. Whatever his personal

54 McKitrick, Andrew Johnson and Reconstruction, p. 285.
55 W. L. Sharkey, who was in Washington at the time, thought there was a strong possibility of Johnson signing the bill. J. Turner to Mrs. Turner, February 15, 1866, Josiah Turner Papers, Southern Historical Collection, University of North Carolina, Chapel Hill.
feelings toward blacks, the President had given strong indications of regard for their rights up to his annual message in December, 1865.57 As for political ambition, the opportunities were greater with the Republican party than with the Democrats, but Johnson wanted to have the South in the coalition that backed him. It was obvious from the black codes and complaints about the Freedman's Bureau that southerners would not compromise. Johnson was thus forced to follow the lead of the South and stake his political future on the uncertainties of a third party. Since December, Johnson had toned down his conciliatory gestures to the blacks as the southern attitude became apparent.58 It seems obvious, then, that regard for southern support was a major factor in Johnson's decision to veto the bill.

Southern reaction to the veto made clear its importance in maintaining the feeling of mutual confidence between Johnson and the South. As if relieved of a nagging doubt, the San Antonio Herald rejoiced "to see that President Johnson is firm and unyielding." The Jackson Clarion

57 For the message see Richardson, Messages and Papers, VI, 359-60. See also Chapter I.

58 See for instance his speeches to the Montana delegation and a group of Negroes summarized in Raleigh Daily Sentinel, February 13, 1866.
indicated that the veto had convinced many that Johnson would be true to his principles, while a South Carolina paper flatly admitted that it had not trusted Johnson until the veto.59 In many of the southern newspapers, there was an air of self-congratulation as if Johnson's veto and the subsequent failure of the bill to be repassed was a sign of coming victory for the South. A Georgia paper, relying upon the supposed public reaction to the veto and Johnson's barely coherent speech on Washington's birthday, declared that there was now hope for the early readmission of the South.60 The Charleston Courier hailed the veto as "the inauguration of a new era in the history of the Republic. It dooms Radicalism to a speedy and ignominious death, and marks the immediate return of the country to prosperity, harmony, peace and happiness."61 The price of a compromise by Johnson on the bill would have been the loss of this southern support, a price he would not pay.

When Congress took a second step toward the protection of Negro rights, the passage of the Civil Rights Bill, Johnson apparently gave little thought to acquiescence.

59 San Antonio Tri-Weekly Herald, February 27, 1866; Jackson Daily Clarion, February 23, 1866; Edgefield Advertiser, February 28, 1866.

60 Augusta Daily Constitutionalist, March 1, 1866.

61 Charleston Courier, February 27, 1866.
The second bill was more important than the Freedman's Bureau Bill and great pressure was brought to bear on the President to accept it. Only one of Johnson's cabinet opposed the bill and some worked to get his approval for the measure. Important congressmen tried to convince the President of the bill's worth. In particular its author, Lyman Trumbull, tried to win the President's approval by submitting a digest of the bill explaining its scope and purpose. The only vocal opponents of the bill were northern Democrats and, of course, most southerners. Strangely, the southern opposition to the bill was not as violent as might be supposed. Alexander H. Stephens did not "attach any great importance to this measure. It will not affect Georgia, I think, or any other state that has done as she has." What Stephens and most southerners were opposed to was the idea that Congress had the power to pass such a law. Along with Johnson, the South saw the Civil Rights Bill as the forerunner of complete equality for the blacks secured by federal statute. Southern reaction to the first veto

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62 McKitrick, Andrew Johnson and Reconstruction, p. 312; Cox, Politics, Principle, and Prejudice, pp. 196-97.


64 A. H. Stephens to Linton Stephens, April 8, 1866, quoted in Thompson, Reconstruction in Georgia, p. 59 n.
had made clear to Johnson what would be expected of him in this case. Aware of Democratic and southern feeling and in keeping with his own constitutional views, he vetoed the bill on March 27, 1866. In vetoing the Civil Rights Bill, Johnson was conscious that he was ending all hope of compromise with the majority of the Republicans.

Johnson's two vetoes attached the South to him more firmly than ever. That he could have led southerners to compromise was unlikely, but his stand made him a base for them to build their hopes upon. As long as any chance remained that Johnson could save them, southerners would reject any offer of compromise. The President was aware of the southern opposition to compromise and the knowledge played a large part in his refusal to make terms with Congress. It was abundantly clear that the South would reject him if he made concessions and his need to be admired and respected by southerners helped to determine his course. Other factors influenced Johnson's course, but southern opinion may have been decisive.

Johnson's vetoes brought wavering southerners to his banner, but something more was needed. As a North Carolinian

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65 The message is in Richardson, Messages and Papers, VI, 405-13.

66 Cox, Politics, Principle, and Prejudice, pp. 202-03; McKitrick, Andrew Johnson and Reconstruction, p. 314.
put it: "This veto message is the only thing I have seen from Andy to commend and this is only talk not action."\(^{67}\) Johnson was conscious of the need for something positive on his part and his peace proclamation of April 2 was an attempt to answer this need.\(^{68}\) When, by his own admission, relief for southern complaints was not forthcoming, Johnson had to seek other means of action.\(^{69}\) His ultimate solution was to give his stamp of approval to the movement for a third party that had been building for some time.

\(^{67}\) J. Turner to Mrs. Turner, February 20, 1866, Turner Papers.

\(^{68}\) See Chapter II.

\(^{69}\) "I am directed by the President to inform you that by his Proclamation of the 2nd April 1866, it was not intended to interfere with military commissions at that time or previously organized . . . ." Edward Cooper to J. Worth, April 27, 1866, Andrew Johnson Papers.
CHAPTER VI

"WE CANNOT REMAIN INDIFFERENT SPECTATORS"

When Congress repassed the Civil Rights Bill over Johnson's veto, it became clear that the only hope for the success of presidential reconstruction was the election of a conservative Congress in the fall of 1866. The proposal of the Fourteenth Amendment was accepted by Congress and sent to the states in June. This action served as the signal for the President's friends to start organizing for the upcoming political wars. A convention to be made up of delegates from both the North and South was to be the major effort made toward uniting the President's supporters. Designed primarily to adopt a platform for Johnson candidates, it also gave southerners their first chance since 1860 to participate in a national convention. Although southerners were enthusiastic in public, their response also demonstrated an abiding concern that the terms of reconstruction not be dictated to them. Resistance to the ratification of the new constitutional amendment was a major theme of the convention and the subsequent election campaign. Opposition to the amendment had been the one thing necessary to insure southern
participation in the meeting and, even when the Johnson movement proved abortive, the South refused to relent on their stand.

The call for the meeting of Johnson supporters in a National Union Convention surprised few. Rumors of new party alignments had been in circulation as early as the spring of 1865. Particular friends of the President had been prominent in the activities which led to such rumors. In an important study of the period, evidence has been presented which shows that Seward and Thurlow Weed, the Secretary's New York ally, had been maneuvering since 1862 for cooperation between conservatives of both parties. By 1866, Seward was apparently concerned with forming a party based on support for Johnson, but with the Secretary controlling the movement.¹ On the other side of the political fence, Francis Preston Blair and his sons, all prominent Democrats, were seeking new party formations with the old Democratic party providing the base for the movement. In August of 1865, Montgomery Blair made a speech which was, as reported by Gideon Welles, "a demonstration deliberately made and for a purpose. He anticipates a new formation of parties and is preparing for it in advance."² Blair also

²Beale, Diary of Welles, II, 370.
suggested to the President that a reorganization of parties was in the offing that fall. According to Blair, a new party would arise based upon the "fundamental principles announced in your inaugural."  

Various Andrew Johnson "clubs," formed throughout the country, provided a logical base for a pro-Johnson movement.  

With the union of the two national Johnson clubs based in Washington in the spring of 1866, the movement gained the momentum which led to the call for the convention in June.  

Under the leadership of conservative Republican Senator James R. Doolittle, a group of Johnson supporters began to consult with the President about the advisibility of uniting his supporters through a convention. After numerous meetings in which the President appeared to play only a small role a call was drafted and published on June 26, 1866.  

Basically, the call was a restatement of Johnson's constitutional views together with an appeal for Johnson supporters in all parts of the country to send delegates.

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4One of the earliest of these was in New Orleans in April, 1865. Andrew Johnson Club to Johnson, April 22, 1865, Andrew Johnson Papers.

5McKitrick, Andrew Johnson and Reconstruction, p. 404.
to the convention, which would meet on August 14 in Philadelphia. It began by stating that the Union was indivisible by any method including secession and "Congressional action." Next, it declared what no one could dispute, that slavery was dead and could not be revived. An assertion of the rights of the states followed. "Each State," it said, "has the undoubted right to prescribe the qualifications of its own electors . . ." without outside pressure. "The maintenance inviolate of the rights of the States . . . is essential to that balance of power on which the perfection and endurance of our political fabric depends" and congressional action upsetting that balance "would be a revolution dangerous to a republican government and destructive of liberty." The right of Congress to judge the qualifications of its members was conceded, but the rejection of legally elected members was "revolutionary." Finally, the call concluded by issuing an invitation to all "who in a spirit of patriotism and love for the Union can rise above personal and sectional considerations, and who desire to see a truly National Union convention" to meet in Philadelphia and lend support to the President.  

No mention of the Fourteenth Amendment was included in the call. Welles had been in favor of including a strong denunciation of the measure, maintaining that it would be the central issue of the campaign. Most of the other leaders of the movement thought no mention of the amendment should be made and Welles was overruled. It was already evident that there would be difficulty in obtaining the participation of large numbers of Republicans in the convention. Many moderates supported the amendment as a compromise solution to reconstruction; an explicit rejection of it would definitely cost the support of a large majority of the Republican party. On the other hand, if the amendment was endorsed, few Democrats would lend their aid to the movement. The easiest and most politic solution was to simply make no mention of the amendment at all.

Johnson's part in the convention movement is difficult to determine with any exactness. While considering his action on the Civil Rights Bill, Johnson was visited by Oliver P. Morton, governor of Indiana, who wanted the President to approve the measure. Morton found Johnson

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7Beale, Diary of Welles, II, 529-30. See Cox, Politics, Principle, and Prejudice, pp. 221, 224 for the part played by Seward and Henry J. Raymond in omitting mention of the amendment.
unwilling to sign it and he came away with the impression that the President thought he could build a new party to support him. Whether Johnson actually said that he was thinking of trying to form such a party is not clear. When the call for the convention was being considered, Johnson appeared to play an important role. Johnson expressed his support for the aim of the convention at a meeting of Doolittle's group in June. He feared the destruction of the country from the "revolutionary" measures of Congress.

To rescue the power from their hands, and avert such a calamity he was willing to put in all the capital he had. He would give $20,000 in cash, and all the influence he had as Chief Executive. The patronage of the government and the Presidency for the next term could be used by the true friends of the country to accomplish the desired results & c. According to O. H. Browning, who recorded the President's remarks, all present at the meeting favored a convention at the earliest moment. Contrary to Browning's impressions, the President seems to have hesitated to give his consent to the convention. Welles wrote in his diary of going in company with Doolittle four days later to urge upon the President the necessity of issuing a call for the convention. And yet, Johnson apparently played no active role in the

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8McKitrick, Andrew Johnson and Reconstruction, pp. 309-10.
9Randall, Diary of Browning, II, 79.
10Beale, Diary of Welles, II, 528.
actual writing of the call. It was discussed at least
twice in his presence and in neither instance did he contribute
much to the conversation.\footnote{Randall, Diary of Browning, II, 81; Beale, Diary of
Welles, II, 534. Doolittle was primarily responsible for
the call's wording, \textit{ibid.}, 528.}

Johnson was decisive, however, in recruiting an important
figure for the movement. The presence of Henry J. Raymond,
chairman of the National Republican Committee, was considered
to be essential for the prestige of the convention.\footnote{Hope of enticing Raymond to participate seems
to have been a major reason for not including a condemnation
of the Fourteenth Amendment in the call, \textit{ibid.}, 529-30,
533-34.} Raymond
was reluctant to join the activity because of his fear that
the intention of the leaders was to form a third party. Such
an idea was anathema to Raymond who, in spite of his support
of Johnson, was dedicated to the Republican party. After
Seward failed to convince him that the movement was not to
create a third party, the Secretary took him to see Johnson.
There Raymond told the President that he could give his
countenance to the convention only if its intention was to
urge the election of Johnson men to Congress and not to form
a new party. Johnson denied any wish to break up the
Republican party and asserted that his only desire was for
conservatives of either party to be elected in the fall.
Although not completely persuaded, Raymond decided to take part in the convention to try to prevent Democratic dominance.\textsuperscript{13} Other evidence of Johnson's concern with the convention is found in the reports sent to him by two of the instigators of the idea. Both A. W. Randall and O. H. Browning kept the President posted on the problems and progress of the meeting.\textsuperscript{14} Johnson acknowledged these reports in a widely published telegram. In typical Johnsonian style, the President asserted that "the finger of Providence is unerring and will guide you safely through" and repeated his theme that "the people must be trusted and the country will be restored."\textsuperscript{15}

Doubt still remains as to the extent of Johnson's involvement with the convention in spite of the evidence cited above. His apparent lack of interest in the wording of the call indicates a lack of concern with the whole project, although it may be that Doolittle's draft was close enough to his ideas to render comment unnecessary. Gideon Welles constantly deplored the fact that Johnson was not


\textsuperscript{14}Randall to Johnson, August 12, 1866; Browning to Johnson, August 13, 1866, Andrew Johnson Papers.

\textsuperscript{15}\textit{New York Times}, August 16, 1866.
controlling events with firmness. Welles felt that the President's advisors, especially Seward and Weed, were using him for their own purposes and to the detriment of the country. Following Welles' lead and accepting Johnson's denial of party concerns as valid, Robert Winston maintains that Johnson was not very interested in the movement. Instead, Winston says, he thought he must run on his record without the support of any particular party. Johnson's own political experience gives weight to Winston's contention. It was not really the President's style to burden himself with party organizations and platforms. A nominal Democrat before the war, he had never considered himself bound to follow the party's leadership if it conflicted with his principles or the will of the people. His refusal to compromise with Congress on the Freedman's Bureau Bill and the Civil Rights Bill had already shown that he was ignorant of or indifferent to the intricacies of national politics. Very likely Johnson saw the convention as a sidelight to the main problem of establishing direct contact with the people. His method had always been a direct appeal to the people; the convention offered at best only an indirect

16 Beale, Diary of Welles, II, 535, 540.
17 Winston, Andrew Johnson, p. 339.
approach. Much more to his liking was the opportunity offered by his famous pilgrimage to the tomb of Stephen A. Douglas which allowed him to have face to face contact with the people. Compared to the "swing around the circle," the convention must have had little appeal for Johnson, whether it established a third party or not.

Initial southern reaction to the convention was, as might be expected, generally favorable if not over enthusiastic. Some southern papers had proposed a national convention as early as March, 1866. On March 4, the Augusta Constitutionalist, inspired by Johnson's first veto, thought the time had come for a national demonstration of support for the President. The Raleigh Sentinel echoed the Constitutionalist later in the same month. 18 The Augusta Chronicle and Sentinel added its voice in April, although it seemed to feel that the South should not participate. 19 As rumors of the impending call began to spread in June, one of Alexander H. Stephens' friends urged him to take the lead in holding a convention "of moderate men, leaders both North and South." 20 Obviously,

18 Augusta Daily Constitutionalist, March 4, 1866; Raleigh Daily Sentinel, March 23, 1866.
19 Augusta Daily Chronicle and Sentinel, April 17, 1866.
20 J. B. Cohen to Stephens, June 9, 1866, Stephens Papers.
the call for the convention was neither unexpected nor unwelcome in the South.

When the call was finally published in June, southern reaction was mixed although generally positive. The Raleigh Sentinel pronounced in favor of the convention on the day following the call's publication. As seen by the Sentinel, the convention was simply to organize support for Johnson and not to establish a new party as such. After the restoration of the South everyone could go his own political way. 21 In Texas, the Galveston News thought the convention should be supported even if it might not be a success. Participation by the South, said the News, would show the spirit of reconciliation in the South. The Charleston Courier also backed the convention on that basis, saying it would be "an effort to be remembered with pride and satisfaction, whether it succeed or fail." 22 Many prominent men publicly supported the convention. Georgia conservative leader Benjamin H. Hill published a letter endorsing the meeting. James L. Orr, governor of South Carolina, wrote

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21 Raleigh Daily Sentinel, June 27, 1866. The next day, the Sentinel repeated that the convention was not to form a new party and thus advice to support it was not in conflict with its earlier counsel to avoid political entanglements.

22 Galveston Daily News, July 8, 1866; Charleston Courier, July 19, 1866.
an open letter which expressed his hope that South Carolina would be represented "by the wisest and ablest men in the State." Other southern leaders were pressed by friends to support the movement. A correspondent of Alabama's Governor Patton stressed the importance of selecting good delegates since the future of the country depended upon what the convention did. One of Alexander H. Stephens' friends thought the convention would "be the means of restoring peace and prosperity to each state in the Union." He thought Stephens should offer public support of the meeting.

The reasons for southern acceptance of the convention are fairly obvious. An important element in their response was the hope of creating a nation-wide movement in favor of Johnson. As a Mississippi paper expressed it: "if President Johnson is not sustained, the South is crushed." The Charleston Courier thought the convention would "have a moral force, which it is likely will sweep the country in favor of the President and his policy."

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23 Hill's letter in Augusta Daily Chronicle and Sentinel, July 7, 1866; Orr's letter in Charleston Courier, July 7, 1866.
24 W. S. Stokes to Patton, July 11, 1866, Alabama Governors' Correspondence; Jared I. Whitaker to Stephens, July 14, 1866, Stephens Papers.
25 Jackson Daily Clarion, July 6, 1866.
26 Charleston Courier, June 28, 1866.
the idea of supporting Johnson, and perhaps more important in southern thinking, was the hope that the Radical element of the Republican party would be left without popular support. A North Carolinian was led to think that the convention would be successful "by the great excitement it has produced, in the Black Republican Ranks." W. L. Sharkey urged William A. Graham to take part in the movement by emphasizing the effect it might have on the Radicals.

"Every thing [sic] depends on breaking up the radical party," he wrote, "and I believe it can be done if the Convention should act wisely." After the more radical of Johnson's cabinet (except for Stanton) left in July, a North Carolina paper noted their departure as evidence of the sobering effects the convention was having upon the Radicals. One of Perry's correspondents, James Farrow, also thought the convention useful as an attack on the Radicals. "But no matter what may be the creed of that Party formed at the convention," Farrow asserted, "that is the best we can do--We have no other means of escape from Radicalism."
Farrow's letter contains a hint of what might have been the most important reason for the South's eagerness to support the convention. Many southerners felt with Farrow that it was "the best we can do." Participation in the Philadelphia convention offered escape from the frustrating policy of masterly inactivity. At Philadelphia, southerners could openly demonstrate their loyalty and willingness to return to the Union by mingling with and working with men from the North. By attending the convention, southerners could do more than simply watch the political battles at the North. As the Jackson Clarion put it: "We cannot remain indifferent spectators." The desire for action as a release from the limiting confines of political inactivity, to which the South had been relegated by Congressional policy, was strong. It was this desire that enabled southerners to overlook the numerous objections to the project that appeared in some quarters.

Despite the widespread enthusiasm for the convention, southern approval was hedged with doubts. Underlying almost all opinions was a feeling of distrust and many were openly hostile. Three causes are apparent that help to account for the caution of the South. Some southerners were disturbed

31 Jackson Daily Clarion, July 6, 1866.
by the wording of the call for the convention. The Augusta Constitutionalist blasted the terms of the invitation to meet in Philadelphia. "how inapt is the language of this call," the paper said, "how impracticable its principles, and how impossible their popular acceptance." In particular, the use of the words "rebellion" and "loyal" were objectionable. Continuing, the Constitutionalist complained:

"to profess that we cheerfully accept our great humiliation, and recognize in it the just meed of our actions is something we cannot and we will not do. That plank, at least must be left out of any political platform presented to our acceptance. Give us the federal CONSTITUTION pure and simple." 32

The Wilmington Journal, while approving the idea of the convention, also objected to the terms of the call. 33 In a meeting to appoint delegates from Texas strong resistance was made to resolutions approving the call. The resolutions were finally approved, but the opposition to them gave evidence of "a strong feeling that disclaimers of secession touch our honor and sensibility." 34

Other objections to the convention were based on the conviction that the South should continue to avoid political involvement. James L. Alcorn urged Mississippians to remain

32 Augusta Daily Constitutionalist, June 30, 1866.
33 Wilmington Daily Journal, June 30, 1866.
34 Entry for July 29, 1866, "Diary of Ballinger."
politically neutral in order to avoid further antagonizing Congress, which still controlled reconstruction. 35 A Georgia paper, besides deploring the wording of the call, felt with Alcorn that national politics should be ignored by southerners in order not to make things worse. 36 Still others opposed the convention because of apathy or lack of confidence in its good effects. A Georgia paper noted that "hereabouts nobody seems particularly interested in the matter." 37 Alexander H. Stephens' brother had "very little faith in the thing anyhow--not enough to spend money or risk cholera on it." 38 A correspondent of the Charleston Courier told of widespread doubt that the convention could accomplish anything, while a friend of Governor Patton thought that the results would "be more theoretical than practical." 39

35 Letter of Alcorn dated July 29, 1866, in Jackson Daily Clarion, August 21, 1866. The late publication of the letter prevented it from having any effect on southern participation, although Alcorn's views might have been known in Mississippi.

36 Milledgeville Southern Recorder, July 10, 1866.


38 Linton Stephens to A. H. Stephens, July 29, 1866, quoted in ibid., p. 488.

39 Letter of "Sigma" in Charleston Courier, August 3, 1866; E. O. Haile to Patton, July 23, 1866, Alabama Governors' Correspondence.
Two prominent Georgians expressed the hopes and doubts felt throughout the South in regard to the convention. Alexander H. Stephens had many reservations about the convention. Like many other southerners, he found several points in the call distasteful, although he thought the general objectives were good. He also believed that the only chance of success for the conservative movement would be for the Democratic party to unite fully behind it, but he felt that "it's not likely they will give up their own organization." At the urging of Montgomery Blair, Stephens put aside his fears and wrote a widely published letter in which he expressed full approval of the aims of the convention. Stephens also attended the convention and, as he later revealed, "the manner of the organization and spirit manifested by the leading men . . . and the principles upon which its action was based" foretold its failure.

Herschel V. Johnson, Georgia's other senator, analyzed the conservative movement in several letters to Stephens.

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40 Stephens to J. B. Cohen, July 4, 1866, Stephens Papers.
41 Stephens to Blair, July 23, 1866, ibid.
42 Stephens to E. M. Chapin, March 29, 1867. Quoted in Cauw.
Johnson, too, saw the possibility of good coming from the convention but doubted that the South should be represented in it. Besides finding some of the terms of the call repugnant, he denied the right of a few men to state in advance what the convention would stand for. Johnson was afraid that the attempt to elect delegates pledged to the principles in the call would be so disruptive in the South that the good effect of southern attendance would be destroyed. In addition, Johnson thought, the South might hurt itself by becoming entangled in northern politics when it had no effective power. Elaborating in a later letter, Johnson went on to explain that he had no objection to President Johnson’s reelection if he stood firm on his principles, but it was too early to be engaging in presidential politics and the President probably could not win anyway. He had concluded that

Grant is to be the next President; let us keep ourselves in position to use him & not drive him into the arms of the Black Republicans, by organising [sic] a party in the interest of any other weaker man. His sympathies are with us and I have no doubt, his judgment. He is not a man of great ability, but I understand he is generous and just in his nature; and he certainly loves us as much as Johnson does.

43 Johnson to Stephens, July 2, 1866, H. V. Johnson Papers.

44 Johnson to Stephens, July 5, 1866, ibid. Johnson reveals here what was almost certainly the true feeling.
Such were the doubts and fears in most southern minds regarding the National Union Convention.

Southern doubts did not prevent a large attendance at the meeting in Philadelphia, but they did condition the attitude of southerners toward the affair. A hint of the attitude southerners took to the convention may be found in a letter to Alabama's governor. Patton's correspondent stressed the need for selecting good delegates, "men who understand and fraternize with Our people. I mean our Democrats for there is more danger of sending men who yield too much than too little." 45 Conversely, many Whigs apparently hoped to recover their political fortunes by connecting themselves with northern conservatives. 46 The Wilmington Journal expressed what must have been in the minds of most of the southern delegates regardless of their political preferences. The Journal noted that large numbers in the South did not approve of the terms of the call. In order for the convention to be acceptable, the paper said, the wording of the call must be changed to accommodate all points of view. 47

45 H. C. Dean to Patton, July 15, 1866, Alabama Governors' Correspondence.

46 Alexander, "Persistent Whiggery in the South," p. 316.

47 Wilmington Daily Journal, July 25, 1866.
Most of the southerners attending the convention were well known in their home states, and a few like Alexander H. Stephens and William A. Graham had national reputations. Probably only a few delegations were such a mixed lot as the Florida group which included secessionists, strict loyalists and even an officer in the federal army.\(^4^8\) Henry J. Raymond recorded a good summary of the southerners in attendance.

The Southern delegates \([he wrote]\), as a general thing were from the more moderate class of Southern politicians—men who had not been original Secessionists, but who had gone with their States after war was resolved upon, and had done everything in their power to carry them through it successfully. The general feeling was one of delight at renewing former political, social and personal relations with men of the North, and no extravagant expectations seemed to be entertained in any quarter as to the nature or extent of concessions that would be made to the South by the victorious North.\(^4^9\)

Raymond might have added that southerners did expect concessions from the convention if not from the North as a whole.

In some respects the convention was an emotional binge that gave a false glow of hope to the proceedings. The convention got underway with the entry of the Massachusetts and South Carolina delegations walking arm in arm. Their

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\(^{4^8}\) Davis, Civil War and Reconstruction in Florida, p. 434. Many army officers supported the convention, but the delegate from Florida must have been unique.

\(^{4^9}\) Raymond, "Journal," p. 278.
appearance brought forth a standing ovation which lasted some time and "many were moved to tears." Several bands played a medley of patriotic songs from both sections. Satisfying as such a beginning must have been, some sober southerners saw that it was worth little. "Leo" reminded the readers of the Charleston Courier "that the delegates from Massachusetts are not the Summers, Wilsons, Phillips', Garrisons and Boutwells of the State, and . . . cannot control a single congressional election district in their State." More important than the trappings of the convention was the behind-the-scenes activity. One of the first problems to be dealt with was the handling of certain notorious "copperhead" politicians who claimed seats in the convention. Clement L. Vallandingham, Fernando Wood and other northerners who had vocally supported the Confederacy threatened to break up the meeting by demanding the seats for which they had been selected. Attempts were made to

50 Randall, Diary of Browning, II, 89.

51 See the description in M. H. Cruikshank to R. Patton, August 14, 1866, Alabama Governors' Correspondence.

52 Letter of "Leo" in Charleston Courier, August 18, 1866. On this point see McKitrick, Andrew Johnson and Reconstruction, pp. 214-15.

53 Randall, Diary of Browning, II, 89.
convince them to retire gracefully so the convention would not be disrupted by putting their credentials to a vote. James L. Orr was one of the southerners asked to try to persuade the "copperheads" to leave quietly. Benjamin F. Perry accompanied Orr on his mission, but refused to say anything, feeling it a poor sign of gratitude for southerners to oppose men who had been on their side during the war. Apparently the efforts of Orr and others were successful, for the objectionable delegates left with more or less grace. Thus did southerners demonstrate their desire for harmony.

More important and more revealing were the activities of southerners on the resolutions committee. Two delegates from each state served on this key committee and it afforded ample opportunity for southerners to make their presence felt. Even before the committee met, signs appeared that appeasement of the South was to be the committee's major objective. Senator Edgar Cowan, of Pennsylvania, showed Raymond three sets of resolutions, one written by himself, one by W. L. Sharkey and one by William B. Reed of Philadelphia. All of them appeared to Raymond to be open to the charge of

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54 Kibler, Benjamin F. Perry, pp. 444-45; Milton, Age of Hate, p. 350.
being "wholly from the Southern point of view." At the opening session of the committee, the proposed resolutions were read as was an address prepared by Raymond. Raymond thought the southerners were not pleased by his suggestions, but it was a delegate from Massachusetts who moved that his proposal be rejected. No second was forthcoming to the motion and Raymond's address along with the resolutions were referred to a special subcommittee of thirteen. According to Raymond, "Southern delegates preponderated on this Committee, and were mainly strong men."

The subcommittee again heard Raymond's address and, upon the suggestion of an unnamed delegate, a large portion dealing with slavery and its effect on politics was dropped. This was done not so much because it was unacceptable to southerners, although it apparently was, but because it was not within the scope of the convention to act upon such a problem. Raymond's mention of constitutional amendments

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55 Raymond, "Journal," p. 278. The following account of the committee is based on Raymond's journal. See also Milton, Age of Hate, pp. 351-52; McKitrick, Andrew Johnson and Reconstruction, pp. 411-12. McKitrick's account of the convention proceedings makes it clear that the committee was the most important element of the meeting. The tight controls on the assemblies practically guaranteed that the committee's report would be accepted without question, pp. 412-15.


57 Ibid.
also had to be deleted. His original draft had declared proposals of amendments to be unsuitable for discussion in the convention. It did assert the "right of Congress and the States to make amendments, and suggesting that some enlargement of the powers of the National Government, in the respects covered by the amendments proposed, might be desirable." A majority of the subcommittee voted to reject this section on the ground that it came dangerously close to endorsing the Fourteenth Amendment. The rest of Raymond's draft met with general approval except that some southerners objected to Raymond's frequent use of the words "rebellion" and "insurrection." Raymond felt the use of these words necessary, but agreed to change them wherever possible.

After giving its general consent to Raymond's address, the subcommittee proceeded to consider the resolutions to be adopted. Senator Cowan's suggestions were first considered, but were received with a marked lack of favor. Senator Reverdy Johnson, from Maryland, apparently tired of the inconclusive discussions, suggested that Cowan's proposals

58 This part was used in a modified form which said nothing about enlarging the power of the government. See the platform in Fleming, *Documentary History of Reconstruction*, II, 214-15.

be dropped and that Raymond's be considered. Raymond's ideas formed the basis of the rest of the discussions and with a few changes were adopted as read. One of the changes, made at the suggestion of Senator Johnson, was to insert a clause affirming the right of states to determine suffrage requirements. Another addition made was to the proposition declaring slavery to be abolished. On hearing this resolution, William Yerger of Mississippi remarked: "Yes, and nobody wants it back again." Raymond thought that if such was the general sentiment in the South such a statement would add force to the proposition. William A. Graham confirmed Yerger's assertion and Raymond added a similar statement to the resolution.60

Another change accepted by the subcommittee created much feeling when presented to the parent group. One of Cowan's suggestions praising the devotion and patriotism of the "American soldier" was added to Raymond's plan. In the main committee, a delegate from Indiana asked which American soldier was referred to. Raymond, supported by Yerger and Graham, said it meant the Union soldier. A suggestion that the phrase be so changed was immediately challenged by the southerners. Discussion reached an impasse

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60Ibid. Raymond says that the change was suggested by "Judge Harger," but it was obviously Yerger.
when northerners refused to praise men who had fought against
the Union and southerners balked at the glorification of men
who had invaded their section. Finally, the section was
omitted "as the only mode of preserving harmony of feeling
and action." Raymond could not let the matter rest and in
the end he persuaded the committee to accept a proposition
declaring it to be the duty of the government to reward its
soldiers and care for their widows and orphans. On the
following day the resolutions were adopted unanimously by
the convention "with the greatest enthusiasm."61

As adopted by the convention, the platform was essen-
tially innocuous, capable of offending only the most extreme
Radicals. Concessions to southern opinion had reduced it
to a statement of principles which had no particular
vitality as a campaign document. Any effect which it had
was probably to the detriment of the conservative movement
as its southern bias was rather strongly marked. It began
by calling for the election to Congress of men who were
willing to admit loyal representatives from the southern
states. The right of each state to set qualifications for
suffrage was asserted and it denied the power of any state
or combination of states either to withdraw from the Union

61Ibid., p. 280.
or to exclude any state from it. Amendments to the Constitution could be made in the prescribed manner, but it asserted the right of all states to have a voice in the preparation as well as the ratification of any amendment. It acknowledged the end of slavery and denied any purpose in the South to see it reestablished. All states and citizens should be guaranteed their rights. The sanctity of the national debt was confirmed and the Confederate debt was declared forever invalid. It included Raymond's resolution that federal soldiers should be provided for. The last plank in the platform was a resolution of praise and support for Andrew Johnson.

The role played by southerners at the convention emphasizes again the difficult position Andrew Johnson placed himself in by allowing southerners a free hand in reconstruction. Little doubt can exist that the vast majority of southerners wanted, indeed were eager for, reunion. Yet, as long as southerners were to have a voice in setting the terms, it was the southern version that must prevail. It seems probable that the whole facade of a harmonious National Union Convention would have been destroyed if the northern delegates had insisted on retaining resolutions offensive.

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to most southerners. What the convention actually did was to endorse the southern version of reconstruction rather than that of Johnson. This capitulation to southern feeling helps to explain the failure of the conservative movement.

As their reaction to the platform put forth by the convention demonstrated, there were many in the South who had difficulty accepting it even as changed by southern influence. Some, to be sure, gave the convention their unqualified approval. Even before it adjourned, the Jackson Clarion declared the convention to be a success and predicted the overthrow of the Radicals in the coming elections. The San Antonio Herald, too, embraced the movement without knowing of all of its proceedings and joined the Clarion in predicting the demise of the Radicals.63 One who attended the convention from North Carolina exulted "we had a great convention" and foresaw a conservative victory. An Alabamian thought the convention would be successful by giving enough support to the Democrats to win in the elections.64 In Texas, James M. Throckmorton urged secessionist O. M. Roberts to write a

63 Jackson Daily Clarion, August 17, 1866; San Antonio Herald, August 21, 1866.

64 John A. Gilmer to Z. Vance, August 30, 1866, Vance Papers; J. E. Saunders to R. Patton, August 27, 1866, Alabama Governors' Correspondence.
letter accepting the convention's platform in order to strengthen the conservative claims of southern loyalty. 65

Throckmorton's appeal to Roberts was timely, for he had already been urged to ignore the convention by one of many in the South who gave either qualified assent to the propositions of the convention or else rejected them completely. Shortly after the convention ended, a conservative friend, D. M. Short, wrote to Roberts denouncing the movement and urging a return to southern principles.

If you have ever expected any thing [sic] from the Union men of the Country you have been mistaken, then take my advise [sic] now and instead of trying to conciliate them by consulting public sentiment of the North show the country that it is your intention to preserve the remanants of rights yet left to the State . . . . It is time we were returning to principle[.] 66

A North Carolinian, whose disgust equaled that of Short, wrote to Zebulon Vance asking what he thought of "that melodramatic claptrap between So Ca and Massachusetts. There are some things in the address & resolutions that gripe me badly. I think the Southern people have parted with their manhood." 67 The Wilmington Journal was also upset by "the

65Throckmorton to Roberts, October 1, 1866, Roberts Papers, vol. IV, part 2.

66D. M. Short to Roberts, August 24, 1866, ibid.

67J. G. Burns [?] to Vance, August 20, 1866, Vance Papers.
undignified clap-trap which marked its opening scene."\(^{68}\)

The Raleigh Sentinel admitted that parts of the platform were repugnant, but called for its support to improve the chances of reunion. A Georgia paper agreed with the Sentinel that doubts should be suppressed temporarily in order to achieve the great good. Southerners would have time to air their complaints after restoration was complete.\(^{69}\)

One response to the National Union Convention was the issuance of a call for a rival meeting which was dubbed the Southern Loyalist Convention. It was designed to generate support for congressional policy and, like the first convention, called for delegates from all parts of the country to attend.\(^{70}\) Many southerners were in attendance when the meeting opened on September 1, 1866, although most were from the border states and only a few came from the deep South. Harmony was not as easily obtained as it was at the earlier convention, perhaps because it was not as well managed. The major division came over the issue of

\(^{68}\)Wilmington Daily Journal, August 16, 1866. In spite of many doubts, the Journal did endorse the movement as being a step in the right direction, August 21, 1866.

\(^{69}\)Raleigh Daily Sentinel, August 17, 1866; Augusta Daily Chronicle and Sentinel, September 2, 1866.

\(^{70}\)The American Annual Cyclopaedia and Register of
Negro suffrage. Most of the southerners favored it as the only way to gain control of the southern states, while the northerners were opposed for fear of losing voter support. No settlement of this problem was reached and two platforms emerged from the convention. The northern resolutions denounced Johnson, praised Congress, approved the Fourteenth Amendment and made no mention of Negro suffrage. The southern version was similar, with the addition of a clause advocating Negro suffrage.\textsuperscript{71}

In no way can the Southern Loyalist convention be considered as representative of any large segment of southern opinion. Most of the southern delegates were little known in the South and apparently many were motivated by the lack of political reward from Johnson for their loyalty during the war. A. J. Hamilton, the delegate best known and most denounced in the South, practically admitted that his participation was a result of the failure of Johnson to sustain him as provisional governor of Texas. He told O. M. Roberts that Johnson was a worse man than Jefferson Davis because "you can rely on what Davis says."\textsuperscript{72}

\textsuperscript{71}\textit{Ibid.}, p. 758.

\textsuperscript{72}\textquotedblleft Journal of O. M. Roberts,	extquotedblright p. 17, Roberts Papers.
Part of the importance of this convention was the reaction of southern conservatives. Most of the important southern papers denounced it in vigorous terms. The Charleston Courier said the convention, headed by "the notorious A. J. Hamilton . . . has no solid representation in the South. It is a mere effort to raise a hue and cry against the policy and principles of restoration laid down at Philadelphia." This was the line of attack of most other papers. Occasionally southerners found some good in the Loyalist convention as did a correspondent of W. A. Graham.

The piebald character of the simon pure loyalist [wrote Graham's friend], the gross violence of the speakers, and the manifest superiority of Fred Douglass thus far, for wit, eloquence, and argument over senatorial and gubernatorial compers, and competitors, may stir the public mind into sobriety, and call for temperate counsels. The second sober thought of the northern people must repel such outrageous indencency, or we are incapable of self government.75

Such southern opinion of the loyalist movement demonstrates again the section's determination to resist the policy of Congress. A man who could support Congress was a traitor.

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73 Charleston Courier, August 25, 1866.

74 See for instance Jackson Daily Clarion, July 18, 1866; Raleigh Daily Sentinel, July 14, 1866.

75 D. L. Swain to Graham, September 10, 1866, Graham Papers.
to the South. Such would have been Andrew Johnson's fate had he attempted to lead the South to compromise.

Such confidence as the South had of a conservative triumph in the 1866 elections diminished rapidly, and the Radical victory surprised few. A major reason for the evaporation of southern confidence was President Johnson's speaking tour following the convention. Men in the South who correctly read northern opinion saw the tour as a disaster. H. V. Johnson, who had grave doubts about the movement anyway, exclaimed, "How unfortunate!" W. A. Graham was disgusted by the entire northern situation. He complained to a friend:

I think Gov. Perry will hardly find "the dignity of Washington" in the Pres't's Cleveland speech. I have been afraid he would damage a good cause by the journey he is making; but it may be that the public taste in the lowly condition of affairs, is for "strong meat."  

Richard Taylor blamed the tour for the defeat of Johnson's policy. Many in the South, of course, refused to accept

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76 For a detailed examination of this tour see McKitrick, Andrew Johnson and Reconstruction, pp. 428-38; Winston, Andrew Johnson, pp. 369-70. The New York Times, September 7, 1866, probably best summed up northern concern about the President's loss of dignity.

77 H. V. Johnson to Graham, September 25, 1866; Graham to D. L. Swain, September 8, 1866, Graham Papers.

78 Taylor, Destruction and Reconstruction, p. 252.
the fact that Johnson's speeches had hurt rather than helped
the cause. A Texas paper proclaimed: "No man in his position
has so touched the popular heart since Jackson; and he is
emphatically the President of the people." Other papers
expressed similar ideas. Such approval could come only
if a way could be found to explain the heckling and riots
that followed the President on his trip. The explanation
came easily enough. The Raleigh Sentinel thought the
"insults" which Johnson received were part of a Radical
plot "to prevent the exhibition of the people's confidence
in the President." Another paper attributed one of the
riots that greeted the President to the same people respon-
sible for the summer riots in Memphis and New Orleans.

With the National Union Convention over, southerners
again retired to the sidelines to cheer. Many of the

79 San Antonio Herald, September 2, 1866.

80 See for instance Wilmington Daily Journal, September 2,
1866; Augusta Daily Chronicle and Sentinel, September 21, 1866.

81 Raleigh Daily Sentinel, September 18, 1866.

82 Augusta Daily Chronicle and Sentinel, September 18,
1866. See McKitrick, Andrew Johnson and Reconstruction,
pp. 422-27 for a discussion of these. Southerners thought
these events were planned to discredit Johnson's policy
while northerners used them as examples of the disloyalty
of the South.
cheers had a hollow ring which matched the hollowness of their hopes for a conservative victory. As the magnitude of the radical triumph became clear, the South again had to decide upon a course to follow. Particularly pressing was the problem of whether to ratify the Fourteenth Amendment, which now presented itself as the easiest method of reunion the South was liable to see.
CHAPTER VII

THE LAST CHANCE:

AMENDMENTS AND COMPROMISES

By and large, the South stood unmoved in the face of the conservative political defeat in the fall of 1866. Regard for honor and, perhaps, some vague hope that Andrew Johnson could still save the situation prevented the majority of southerners from making concessions which might have lessened the consequences of the Radical triumph. As proof of their unyielding determination to preserve the status quo, southern legislatures refused to give their consent to the Fourteenth Amendment. A few states displayed some signs of weakening and Johnson hastened to try to prevent this, but his efforts were probably unnecessary. Nevertheless, some prominent southerners appeared in Washington with a "deal" to offer Congress to which Johnson gave his support. This plan was doomed to be rejected both by the South and by Congress and is of interest primarily because it provides another example of Johnson's being led by southerners rather than vice versa. The failure of this effort left the South with nothing to do but await the terms of reconstruction to
be handed down by Congress in the form of the Reconstruction Acts of 1867.

As word of the results of the northern elections filtered southward, there was some apprehension about what they foretold for the future of the section. A North Carolinian, who had talked with famous "carpetbagger" Albion W. Tourgee, reported the conversation to a friend. "He is radical I know," he wrote, "but we are going to have to become so here, before we get straight." He expected a change in popular feeling which would mean the acceptance of any reasonable terms of restoration.¹ Ex-governor and president of the University of North Carolina D. L. Swain expressed a similar thought to Zebulon Vance. Swain was expecting the first returns from the October elections and feared that they would "be a warning to prepare to swallow or submit to the Howard Amendment [Fourteenth] with what grace we may."² In some cases, such fears brought out demands for changes in the southern position. The Vicksburg Times, which had been founded early in October, 1866, to support the principles of Andrew Johnson, made an abrupt about-face later in the same month. The new policy of the Times was

¹D. Hodgin to B. S. Hedrick, October 20, 1866, Hedrick Papers.
²Swain to Vance, October 11, 1866, Vance Papers.
to advocate limited Negro suffrage in hope of forestalling more extreme measures from Congress.\(^3\) An Alabama paper, the Selma Times, anticipated a policy that would be the basis of later compromise attempts. The Alabama paper came out in favor of impartial suffrage in exchange for universal amnesty, representation in Congress and repeal of the test oath.\(^4\) Still, the number that advocated concessions by the South remained relatively small.

Most of the South remained unshaken in the resolve to make no concessions to Congress in spite of the outcome of the northern elections. After the first results became known, the Wilmington Journal called for a concentration on material reconstruction. "We should," declared the Journal, "continue to devote ourselves with energy and zeal to those practical duties upon which our resuscitation depends. The field of National politics is a forbidden one to us."\(^5\) A Texas paper would make no prediction about the future course of Congress, but admitted that the South could do no more. The San Antonio Herald asserted, "She has made every sacrifice but that of honor. And if we know the spirit of her people,

\(^3\)Harris, *Presidential Reconstruction in Mississippi*, p. 233.

\(^4\)Reported in Jackson *Daily Clarion*, November 26, 1866.

\(^5\)Wilmington *Daily Journal*, October 13, 1866.
she will suffer long before she parts with that." A leading South Carolina paper followed this line of thought and counseled patience on the part of the South until northern opinion should swing in favor of readmission.⁶

Some papers felt that northern sentiment would not change without a boost from the South. Thus, the Jackson Clarion urged that the policy of masterly inactivity be abandoned and that southerners speak out against Radical misrule in order to educate the North. In Georgia, the Southern Recorder also said that the southern people could not keep silent in the face of Radical calumnies and should speak out against them calmly and patiently. The recently revived Charleston Mercury, in a stand reminiscent of its prewar policies, strongly denounced the idea that the South should seek a definite statement of terms for readmission from Congress. "We are entitled to certain rights under the Constitution," said the Mercury, "and those rights and no others do we claim."⁷ Whether favoring passive acceptance or vocal resistance, a majority in the South refused to take steps to try to avoid congressional reconstruction.

⁶San Antonio Herald, October 18, 1866; Charleston Courier, November 6, 1866.

⁷Jackson Daily Clarion, December 9, 1866; Milledgeville Southern Recorder, December 25, 1866; Charleston Mercury, January 3, 1867.
Throughout this period of uncertainty, most southerners appeared to maintain their allegiance to Andrew Johnson. Prior to the elections, most of this loyalty was based upon the hope of a conservative victory. Few in the South would have gone as far in their praise of Johnson as did Governor Perry. Straining for superlatives, Perry wrote to D. L. Swain:

> How admirably our friend Andy Johnson has behaved! How nobly he has exercised the powers of his high office, for the good of the whole country! He is a wonderful man! . . . He has shown in the administration of the Presidency all the purity of Washington, with the genius of Jefferson, and the firmness of Jackson, without his violence or passion.®

The Galveston News was more moderate in tone and probably came closer to representing a majority of southerners. Even if his policy was not successful, said the News, the President was serving as a "breakwater" against Radical vengeance which would give the northern people time to come to their senses. A North Carolina paper also represented a large segment of southern opinion when it said that Johnson deserved the support of the South as a reward for his kind feelings even if his policy was not all it should be. 9

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®Quoted in Swain to W. A. Graham, July 7, 1866, Graham Papers.
After the electoral defeat of the conservatives, most southerners continued to voice praise for Johnson. His refusal to accept the northern people's verdict as final was the basis of this continuing support. Shortly after the elections, the Charleston Mercury pointed out that Johnson could still thwart the Radicals by simply refusing to execute any laws which Congress might pass. The editorial concluded: "We have no right to doubt the President."\(^{10}\) Johnson's annual message to Congress elicited praise for his reassertion of the validity of his theory of reconstruction.\(^{11}\) Alabama's ex-provisional governor reported from Washington that the President remained steadfast and thought he would still be able to defeat the Radicals. A delegation of Texans came away from an interview with Johnson "pleased with their reception."\(^{12}\) Even as Congress debated the first of the Reconstruction Acts, the South praised Johnson for his consistency and held vague hopes that he could succeed in halting the Radicals.\(^{13}\) Yet, commentary

\(^{10}\)Charleston Mercury, November 22, 1866.

\(^{11}\)Ibid., December 5, 1866; Augusta Daily Chronicle and Sentinel, December 8, 1866.

\(^{12}\)Parsons to R. Patton, December 17, 1866, Alabama Governors' Correspondence; Galveston Daily News, January 17, 1867.

\(^{13}\)Charleston Courier, January 17, 1867.
on a letter written by the famous abolitionist Henry Ward Beecher emphasized that southerners were less concerned with supporting Johnson than with returning to the Union. The Augusta Chronicle and Sentinel approvingly printed Beecher's letter which called for a speedy restoration, but said that Johnson was unfit to be President. Said the papers, "His letter substantially reiterates his former desire for the speedy restoration of the Union, and breathes a magnanimous spirit. We can, therefore, afford to let him think what he pleases of the President."¹⁴

Indeed, despite continued outward support of the President, there were other signs that southerners were beginning to grow disillusioned with Johnson. Some southerners lost their faith in him because of the President's speaking tour. The Washington correspondent of a South Carolina paper thought Johnson had hindered the chances of a conservative victory and said simply "he is dead." A South Carolinian agreed when he wrote: "Our President too has disappointed and almost disgusted us . . . . What however could be expected from a pretext to do honor to such a man as Douglas?"¹⁵ Many southerners became ambivalent toward

¹⁴ Augusta Daily Chronicle and Sentinel, September 14, 1866.

¹⁵ Charleston Daily Courier, September 14, 1866; J. F. Fisher to B. F. Perry, September 26 [?], 1866, Perry Papers, Alabama.
the President as Radical victory loomed more certain. On October 5, 1866, the San Antonio Herald complained that the military still ruled in Texas despite two peace proclamations by Johnson. This, said the Herald, was an example of Johnson's failure to match words with action. Such conduct on his part was not conducive to generating the trust of the people necessary to sustain him at the polls. Ten days later, as the first election returns became known, the Herald lauded Johnson as the only barrier to Radical rule. The paper again changed its stand two weeks later and placed the major part of the blame for the conservative defeat on Johnson's removal policy and his intemperate speeches. A few southerners, among them W. L. Sharkey, seemed to think that the President should have refused to recognize the validity of a Congress without southern representatives. The Texas secessionist O. M. Roberts wrote a sarcastic letter to J. M. Throckmorton criticizing both conservatives and Johnson. According to Roberts many conservatives thought, "with some vague and doubtful, with others strong and hopeful," that Johnson had "in the deep recesses of his scheeming [sic]

16 San Antonio Herald, October 5, 16, 30, 1866.

17 "Journal of O. M. Roberts," p. 12, Roberts Papers. The editor of the National Intelligencer was another who expressed this thought to Roberts. Roberts later noted that such an action could not have accomplished anything, pp. 28-29.
brain" a plan to destroy the Radicals, "but at what point in the magnificent comico-tragedy being enacted in the national theatre at the capitol no one could divine."\textsuperscript{18}

Much of this anti-Johnson feeling was a resurgence of earlier hostility toward him and would continue to grow as congressional plans became evident.

The southern determination not to falter in the face of adversity was best displayed in the legislatures' continuing refusal to ratify the Fourteenth Amendment. Even before the final form of the amendment had been settled, southerners had registered strong opposition to it.

Commenting on the measure as it came from the Joint Committee on Reconstruction, the Raleigh \textit{Sentinel} termed it "a monstrous scheme of utter degradation and ruin to the South" and predicted that no southern state would vote for it.\textsuperscript{19}

According to a Georgia paper, Congress was illegally constituted and thus the Thirteenth Amendment was invalid. The new amendment should, of course, be rejected by the South for that reason. Another paper in Georgia labeled the new measure absurd and useless, but thought the South should still oppose it on principle. Jonathan Worth believed

\textsuperscript{18}Ibid., p. 13.

\textsuperscript{19}Raleigh \textit{Daily Sentinel}, May 2, 1866.
the South would degrade itself by voting for the amendment and said that if adopted "it may restore a worthless Union." 20 A few in the South thought it would be best to accept the amendment on the basis that it was the best that could be expected from Congress. The San Antonio Herald at first took the position that it would be wise to accept it even though it was an obnoxious measure. By the end of July, however, the Herald wavered and in August came out strongly against ratification saying: "Let us endure the worst . . . rather than contribute by word or deed to the establishment of principles wholly abhorrent to us." 21 If the feeling in Alabama can be used as a guide, even most southern Unionists were opposed to ratification because of their opposition to Negro suffrage and because it did not disfranchise enough ex-rebels. 22 Such resistance to the amendment was to be

20 Augusta Daily Constitutionalist, May 12, 1866; Augusta Daily Chronicle and Sentinel, June 7, 1866; Worth to B. S. Hedrick, July 4, 1866, Hedrick Papers.

21 San Antonio Herald, July 4, August 16, 1866. The Philadelphia convention probably helped the Herald to decide ratification might not be necessary, but popular pressure was an important factor. See the Herald, July 17, 1866. The Raleigh Daily Sentinel, October 3, 1866, quotes the Charlotte Democrat as favoring ratification in order to gain admission to Congress, which the Sentinel refutes by saying favorable action would make no difference.

22 Fleming, Civil War and Reconstruction in Alabama, p. 395.
expected as long as hope remained that Johnson's supporters might win the fall elections.

Few in the South gave up their opposition to the amendment after word of the conservative defeat began to spread. The Wilmington Journal stoutly resisted the idea that the proposal be approved as the best terms available after the first elections were held in October. Most North Carolinians seemed to agree as they reelected Johnathan Worth as governor by 34,245 to 10,749 over his Holdenite opponent who favored ratification.²³ A Virginia friend of Alexander H. Stephens wrote to him asking for a denial of a rumor that Stephens favored the amendment. The Virginian thought approval would only open the way for more demands from Congress. South Carolina's Governor James L. Orr vigorously opposed the amendment. He expressed a common feeling when he wrote that "if further degradation awaits us at the hands of our noble & generous conquerors and our loving brothers let them place the brand--preserve our self respect by eschewing the foul deed and let us say truly

²³Wilmington Daily Journal, October 19, 1866; Statistics from Raleigh Daily Sentinel, November 15, 1866. The Journal, October 23, 1866, ascribed the small total vote to the lack of opposition to Worth and the fact that most legislative candidates were opposed to ratification.
'thou canst not say I did it.' Similarly, the Jackson Clarion claimed no threat of harsher terms could convince the South to accept the amendment. Nothing, said the Clarion, could make matters worse and southerners would withstand any condition rather than dishonor themselves by ratification.

Some southerners thought the amendment should be simply ignored. Alexander H. Stephens gave it as his opinion "that the proper course for the South to take towards it is that dignified silence which should mark the conduct and the bearing of a prisoner of war or a prisoner of state." Others disagreed and thought it was due the honor of the South that legislative committees consider the amendment fully so that their reports could be published and thus justify the course of the South to the world. This latter advice was followed with a vengeance by most southern legislatures. The words of the committee of the Florida legislature displayed the almost universal attitude in the

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24 W. A. Sivey to Stephens, November 9, 1866, Stephens Papers; Orr to Johnson, November 11, 1866, H. V. Johnson Papers.

25 Jackson Daily Clarion, December 20, 1866.

26 Stephens to Randall, November 2, 1866, Stephens Papers.

27 See for instance Wilmington Daily Journal, November 3, 1866; Augusta Daily Chronicle and Sentinel, October 27, 1866.
South toward the amendment. The committee professed to being ready to fulfill any reasonable terms for restoration.

We are willing to do anything [read the report] which a generous conqueror even should demand, much less the Congress of our common government. On the other hand, we will bear any ill before we will pronounce our own dishonor. We will be taxed without representation; we will quietly endure the government of the bayonet; we will see and submit to the threatened fire and sword and destruction, but we will not bring, as a peace offering, the conclusive evidence of our own self-created degradation. 28

The meager support the amendment received throughout the South showed that Florida was speaking for all. In the ten southern legislatures which initially rejected the amendment, only thirty-three votes were cast in its favor. 29

The reasons given for the rejection of the amendment varied little from state to state and those given by the Mississippi Senate committee may be taken as typical. Mississippi first objected to the proposal on the ground that it changed the form of the government by depriving the states of certain of their powers, especially the right to determine the qualifications of electors (although the amendment did this in a roundabout way). The third section of the amendment was opposed because it "disfranchises a


29 McKitrick, Andrew Johnson and Reconstruction, p. 358n.
most useful, intelligent and respectable class of our citizens—in a form the most odious and tyrannical—by ex post facto law." That the South had no part in drawing up the amendment was said to make it illegal. Running throughout the report were the twin themes that the South was still a part of the Union and that for the states to submit voluntarily to such terms would bring dishonor upon them. Such were the reasons for Mississippi's and the South's rejection of the Fourteenth Amendment.30

If the Mississippi committee's report had also stated that the amendment was not offered as a final settlement, it would have covered the major objections used by southerners against ratification. One historian, who has studied the problem closely, has suggested that the South might have accepted the amendment had it been offered as the last prerequisite for restoration.31 That such would have been the case does not seem probable. True, southerners often gave this as another reason for refusing to ratify, but the indications were strong that rejection would have taken place regardless. Governor Walker, of Florida, noted that

30Journal of the Senate of the State of Mississippi at a Called Session, October, 1866 (Jackson, 1867), pp. 77-87.

31James, "Southern Reaction to the Fourteenth Amendment" p. 478.
there was no guarantee of restoration if the amendment were ratified. "But," he said, "even if they had said so, I can scarcely think our people would purchase a right, already clearly their own under the Constitution, at so terrible a price."\textsuperscript{32} Confederate war hero P. G. T. Beauregard advised southerners not to approve the amendment even if given as the final condition for representation. The Raleigh \textit{Sentinel} early said it would favor ratification if it was the final condition \textit{and} if it could be done with honor. As neither was true, the \textit{Sentinel} urged rejection of the measure.\textsuperscript{33}

Tennessee's rapid restoration following ratification of the amendment was not taken as a sign that such would be the case for the other southern states. In predicting Tennessee's ratification, the Galveston \textit{News} acknowledged that readmission would follow for that state, but that it would be a trick by the Radicals to gain conservative votes in the fall elections. The Jackson \textit{Clarion} also thought that would be the case and, in any event, would not advise Mississippi

\textsuperscript{32} \textit{Journal of the Proceedings of the Senate of Florida}, p. 7.

\textsuperscript{33} P. G. T. Beauregard to New Orleans \textit{Times}, January 10, 1867, quoted in Galveston \textit{Daily News}, January 18, 1867; Raleigh \textit{Daily Sentinel}, October 11, 1866.
to dishonor herself by accepting the amendment. The continuing southern insistence that ratification of the Fourteenth Amendment would be dishonorable makes it seem unlikely that it would have been approved even as the final settlement of reconstruction.

On the surface, Andrew Johnson's role in the southern rejection of the amendment appears to be easy to determine. Many historians, accepting the views of some of the President's contemporaries, have maintained that Johnson was a major, if not decisive factor in the South's action. By implication they have also accepted the corollary that Johnson could have been instrumental in leading the South to ratify the amendment. Many observers on the scene thought it was Johnson who had prevented southern ratification of the amendment. "Leo," of the Charleston Courier, thought Johnson's attack on the article "will prevent any legislature

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34 Galveston Daily News, July 12, 1866; Jackson Daily Clarion, June 20, 1866. For discussions of the Fourteenth Amendment as the final terms from the Congressional viewpoint, see McKitrick, Andrew Johnson and Reconstruction, pp. 451-53; Joseph B. James, The Framing of the Fourteenth Amendment (Urbana, 1965), pp. 169-81.

35 James, "Southern Reaction to the Fourteenth Amendment," pp. 496-97; McKitrick, Andrew Johnson and Reconstruction, pp. 469-72. James says that Johnson's Opinion was decisive while McKitrick, assuming that southerners continued to look to the President for guidance, implies that he could have led the South to adopt the amendment.
in the South from ratifying the proposition except, perhaps, Tennessee. A North Carolinian thought the people would have "accepted it as a necessity" if Johnson had not opposed it. General Daniel Sickles claimed that both of the Carolinas, of which he was the military commander, would have approved the article had it not been for Johnson's influence. Carl Schurz also blamed the President for the South's action.

A great deal of evidence tends to support the theory that Johnson was important in leading the South to reject the amendment. To begin with, Johnson's views in opposition to any new amendment were well known. Johnson had a widely publicized interview with Senator James Dixon, of Connecticut, in February in which he expressed his hostility to any change in the Constitution while the southern states were unrepresented. Johnson did say that he might favor an amendment which would base apportionment on the number of qualified voters, but that would be the limit. In March, the Augusta Daily

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36 Charleston Daily Courier, June 27, 1866. But see the Courier, October 19, 1866, for Leo's declaration that even if Johnson changed his mind, the South would reject the amendment.

37 K. P. Battle to B. S. Hedrick, October 7, 1866, Hedrick Papers; Sefton, Army in Reconstruction, p. 100; Schurz, Reminiscences of Carl Schurz, p. 237.

38 Annual Cyclopaedia, 1866, pp. 748-49.
Chronicle and Sentinel reported that the President had again announced his opposition to constitutional changes. After Congress gave its formal approval to the amendment, Johnson took the unprecedented step of sending a special message to Congress denying its power to pass it without southern representatives. The President also expressed doubt that it was proper to submit the amendment to action by legislatures elected without reference to it. Moreover, the President made it quite clear that his action in sending the proposal to the states was merely a ministerial duty "and in no sense whatever committing the Executive to an approval or a recommendation of the amendment."

Yet, for all this, there is little evidence to indicate that the South's decision to reject the article was made in reference to Johnson's opinion. Suggestions that the amendment be rejected in order to support the President were relatively rare. More important evidence of the nature of Johnson's

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39 Augusta Daily Chronicle and Sentinel, March 4, 1866.
40 Richardson, Messages and Papers, VI, 391-92.
41 For an example see James L. Orr to Charles Jenkins, October 22, 1866, Orr Papers, South Caroliniana Library, University of South Carolina, Columbia. Orr said that approval would show "the grossest ingratitude" to Johnson, not strong evidence that Orr was influenced by Johnson. His major theme was that ratification would bring dishonor upon the South. A much better case can be made for the influence of the minority report of the Joint Committee on Reconstruction written by Reverdy Johnson. The Maryland senator's constitutional arguments were widely repeated in the South. James, "Southern reaction to the Fourteenth Amendment."
influence on southern reaction to the Fourteenth Amendment can be found in two incidents which took place in the winter of 1866-67. One of these was the attempt of Governor Patton to have the amendment reconsidered by the Alabama legislature. The other was the sending of an agent by a few members of the South Carolina legislature to try to secure guarantees that ratification would be rewarded by readmission.

In his message to the legislature in November, Patton included a long analysis of the amendment and recommended that it be rejected. Apparently some in the Senate thought it would be safer if the people were allowed to express an opinion on the subject. Accordingly, a resolution was offered which provided for a convention to decide what action should be taken. The resolution was referred to the Committee on Federal Relations which reported on it adversely on December 4. Both the resolution and the report were tabled, twenty-one to nine, leaving the legislature to face the responsibility of accepting or rejecting the amendment. In the meanwhile, Patton had changed his mind and, before the legislature could act, sent a special message to both

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42 Journal of the Senate of Alabama, 1866-67, pp. 31-36.
43 Ibid., pp. 154-55.
houses regarding their action. Patton said that his views on the proposal had not changed, but "the necessity of the case, I am constrained to think, is different." In view of the threatening measures being discussed in Congress, Patton felt that favorable action on the amendment might be wise.

I therefore [he continued] recommend anew to your consideration this measure, in the light in which it now presents itself, or such other measures as your wisdom may suggest. Should you see proper to ratify it, and our full restoration should follow, we may trust to time and the influence of our representatives to mitigate its harshness. If, on the other hand, admission be delayed, the warning to our sister States may be relied upon to prevent that concurrence on their part which alone can give the measure practical effect.  

The effect of Patton's message was to stir the legislature to immediate action. In the Senate a motion to delay action until after the Christmas recess was defeated twenty-one to seven. Next, another resolution to submit the amendment to the people was tabled without division. Finally, on the day after Patton's message, a resolution to refuse ratification was adopted twenty-eight to three.  

On the same day, the House of Representatives acted. It too turned down a motion to consult the people and then defeated a move to delay action

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44 Ibid., p. 176.

on the ground of Alabama's uncertain relation to the Union. By a vote of sixty-nine to eight, the House then concurred in the Senate's refusal to ratify.46

Although the vote was not close, at least one observer thought there had been a good chance for ratification. The assistant commissioner of the Freedmen's Bureau for Alabama, General Wager Swayne, had been present and apparently played some part in Patton's change of mind. As Swayne described it, Patton's message "produced a sensation, but no sensible recoil." At first Swayne had been confident that the Senate, at least, would follow the governor's lead, however reluctantly. But someone had contacted ex-provisional governor Parsons in Washington and, before a vote could be taken, his message urging rejection was circulated and the move was easily defeated. Many in the legislature claimed that the President had inspired Parsons' telegram; however, Swayne doubted the truth of this assertion. Nevertheless, "the cry was raised 'we cant desert our President,' and quite soon it was plain that a vote was unavoidable, and that the measure would be lost." Swayne still did not feel that all chance of ratification was gone

and thought that when the legislature reconvened it would "be prepared for either course."^47

During the recess of the legislature, Patton made several speeches advocating ratification and even visited Washington, apparently seeking support for his efforts. When the legislature met again, feeling in favor of ratification was strong enough that Parsons, now back in Alabama, wired the President warning that "efforts are in the making to reconsider vote on Constitutional Amendment." Johnson's reply was immediate and emphatic.

What possible good can be attained by reconsidering the constitutional amendment? I know of none in the present posture of affairs. I do not believe that the people of the whole country will sustain any set of individuals in attempts to change the whole character of our government, by enabling acts or otherwise. I believe, on the contrary, that they will eventually uphold all who have patriotism and courage to stand by the Constitution and who place their confidence in the people. There should be no faltering on the part of those who are honest in their determination to sustain the several co-ordinate Departments of the Government, in accordance with its original design.48

No vote to reconsider was taken in the Alabama legislature.49

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48 Parsons to Johnson, January 17, 1867; Johnson to Parsons, January 17, 1867, Andrew Johnson Papers.

49 The whole incident is summarized in Fleming, Civil War and Reconstruction in Alabama, pp. 394-97.
Meanwhile, in December, a group of South Carolina legislators, seeking information as to the effect of ratification or rejection of the amendment, sent an agent to Washington to consult with congressmen and the President. T. C. Weatherly, the man selected for the mission, talked first with a number of unnamed Republican congressmen who gave assurances that ratification would be the final condition for the readmission of the southern states. When Weatherly talked with the President, Johnson urged that congressional promises be disregarded and called upon the South to support him in his resistance to the amendment. How close the South Carolina legislature actually was to giving its consent to the amendment is not clear, but the Charleston Mercury thought only Johnson's intervention had prevented ratification. Only one member of the South Carolina legislature voted in favor of accepting the amendment.

On the evidence of the incidents related above, it seems apparent that Johnson's hostility toward the amendment was a major factor in its rejection by at least two southern

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50 Letter of "Leo" in Charleston Courier, December 20, 1866.
51 Ibid., December 25, 1866.
52 Charleston Mercury, December 28, 1866.
53 McKitrick, Andrew Johnson and Reconstruction, p. 471.
states and, by implication, by the rest of the South as well. Other considerations, however, tend to diminish appreciably this appraisal of Johnson's influence on the South's decision to reject the amendment. For one thing, the very number of the votes against it argues strongly against the existence of a concerted effort to approve it. Secondly, it should be remembered that the Alabama legislature did not officially reconsider its first rejection. Surely, if there had been a large number in favor of following Patton's suggested course, reconsideration could have at least been brought to a vote in spite of Johnson's telegram. It should also be noted again that in only a few instances was the President's stand used as justification in arguments against ratification. Constitutional theory and regard for southern honor formed the core of such arguments and southerners did not need Andrew Johnson to give them lectures on either political theory or the way to maintain honor. The President's claims that the majority of the people still supported him against the amendment might have eased southern minds somewhat, but that his influence in this connection was decisive or even of major importance does not seem likely. One other consideration lends credence to this conclusion. Johnson's prestige in the South had definitely suffered as a result of the northern elections. His continued opposition
to the amendment might have been necessary to prevent a complete loss of faith. At any rate, it stretches ones credulity to the breaking point to imagine Johnson's being able to lead the South to accept the amendment.

The rejection of the Fourteenth Amendment by the South obscured small signs that some southerners were beginning to turn their thoughts toward compromise. In December, 1866, the Charleston Courier developed a short-lived fixation on the idea of calling a constitutional convention to rewrite the national charter. Delegates from all parts of the country could meet on equal terms and form a new constitution which would satisfy the interests of all. On December 13, the South Carolina legislature's Committee on Federal Relations approved a resolution calling for such a convention. The Courier reported on the same day that a North Carolina paper also favored the convention idea.54 After this brief flurry, nothing more was heard of this obviously impractical plan. A more important portent of possible compromise came in late November when Benjamin F. Perry relented sufficiently to suggest that the South might be willing to trade impartial suffrage for universal amnesty. Perry also thought a constitutional convention might be a possible way to adjust

54 Charleston Courier, December 8, 13, 1866.
the difficulties between the sections. A trade such as that suggested by Perry was also acceptable to James W. Throckmorton in Texas. Wager Swayne reported that such a plan, similar to the one proposed by Senator Stewart, had been introduced in the Alabama legislature and appeared to be popular.\(^5\)

There were also rumors that Johnson was on the verge of making some compromise with Congress, although these were usually discounted in the South.\(^6\)

Rumors of an attempt at compromise became reality in late December, 1866, in a series of meetings attended by various would-be southern congressmen. O. M. Roberts described one of these meetings in his journal. In attendance were ex-provisional governors Sharkey, Parsons and Marvin as well as Texas' other senator, David G. Burnett, Texas congressman, B. H. Epperson, and one Fowler from Alabama. Parsons proposed calling a meeting of all southern congressmen to decide on a common course of action, but Sharkey pointed out that the idea had already been tried with poor

\(^{55}\)Perry to C. W. Woodward, November 30, 1866, quoted in Charleston Courier, December 6, 1866; Throckmorton to B. H. Epperson, November 20, 1866, Epperson Papers; Swayne to S. P. Chase, December 10, 1866, "Diary and Correspondence of Chase," p. 517. It seems probable that this was the work of Parsons who was instrumental in devising the similar "North Carolina Plan."

\(^{56}\)Letter of "Leo" in Charleston Courier, November 24, 1866; Augusta Daily Chronicle and Sentinel, November 27, 1866.
results. A suggestion that an address to the nation be prepared was poorly received. Parsons then came out in favor of some plan which would supplement Johnson's program and would, hopefully, separate moderate from Radical Republicans. "Judge Sharkie [sic] thought that it was too late and that nothing could be effected by the effort—to use his own emphatic expression 'the government has gone to Hell.'"  

Sharkey's pessimism did not deter the rest and, with additions to the group from North and South Carolina, they devised a plan which they presented to the President in January. On January 30, 1867, the southerners met with Johnson who was apparently enthusiastic about the proposition. He suggested several changes that day and on the next sent his secretary to carry his own version of the compromise to the southerners. According to Johnson's secretary, William G. Moore, all of them thought the plan had a good chance of acceptance in the South and that united support for it would "flank the Radical proposition."  

Johnson apparently did

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58 Entries for January 30, 31, 1867, "Diary of Colonel William G. Moore" (typescript), Andrew Johnson Papers. The first draft was written by Lewis B. Hanes from North Carolina. This along with the fact that North Carolina was the first state to consider the plan probably accounts for it being commonly referred to as the "North Carolina Plan."
not consult his cabinet concerning the compromise proposal. He did show it to Gideon Welles; but he, as was to be expected, was not impressed.59

In its final form, the North Carolina Plan was a combination of Stewart's earlier compromise plan and the less obfuscent features of the Fourteenth Amendment. The proposition had two parts, one an amendment to the United States Constitution and the other an amendment to be added to the state constitutions. Article one of the federal amendment guaranteed a perpetual Union and denied the right of secession. Next it declared the federal debt inviolate while forbidding the payment of any debt incurred in support of rebellion against the United States. The third section, remarkably similar to the first and second parts of the Fourteenth Amendment, defined citizenship and protected the rights of citizens against state encroachments. Like the Fourteenth Amendment, the fourth section would base apportionment on the whole population of the states and provided for a reduction of representation in proportion to any class of citizens excluded from the polls. It also established a maximum property owning qualification for voting of $250 and a maximum literacy qualification as the ability to read the Constitution in English. The amendment
proposed for the state constitutions provided for impartial suffrage with either the property or the literacy test being sufficient to vote. No previously qualified voter would be disfranchised by the amendment.\textsuperscript{60}

Only a few in the South gave the new compromise proposal unqualified approval. Texas' Governor Throckmorton came as near to enthusiasm for the plan as any southerner did, aside from its instigators. He thought it "a proper move" and felt that Texans would approve "if there is any manifestation that it will satisfy the radical majority .... I fear however it is too late."\textsuperscript{61} Press reaction was not as favorable. "Leo" in the Charleston \textit{Courier} predicted that the compromise would not be accepted by Congress. The Galveston \textit{News} said that to accept the proposal without knowing whether Congress would approve would "be taking another step in the dark, like that taken in acceding to policy proposed by President Johnson."\textsuperscript{62} The Raleigh

\textsuperscript{60} Raleigh Daily Sentinel, February 5, 1866. The plan, with some of Johnson's changes, may also be found in Fleming, \textit{Documentary History of Reconstruction}, I, 238-40. The similarities of the proposal to the Fourteenth Amendment without the disfranchising clause suggests that the exclusion of important Confederate leaders was a major reason for the rejection of the congressional plan.

\textsuperscript{61} Throckmorton to B. H. Epperson, February 20, 1867, Epperson Papers.

\textsuperscript{62} Charleston \textit{Courier}, January 31, 1867; Galveston Daily News, February 24, 1867.
Sentinel was not adamantly opposed to the proposition, "yet we are bound to say . . . the plan proposed, is evidently a compromise on one side, a surrender on the part of the South." A Georgia paper agreed and said the plan "displays a spirit of servility that we are unwilling to endorse or defend." The Montgomery Advertiser printed a letter from Parsons urging acceptance of the compromise, then rejected the idea as "coming from Southern gentlemen who were lukewarm friends of Confederates in time of war, and the open denouncers of Confederates in time of peace."  

Southern legislative action on the plan showed that the press reaction was an accurate reflection of the legislatures' opinion of it. The North Carolina legislature was the first to act on the compromise proposal. It was sponsored by Lewis Hanes and Nathaniel Boyden, who had been in the conferences from which it emerged. Response to the proposal was not what Hanes had expected and he wired Johnson asking for an immediate message "strongly urging it" which Hanes, less than optimistically, said "may secure its passage." Answering through his secretary, Johnson expressed disappointment that the measure had not been

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63 Raleigh Daily Sentinel, February 7, 1867; Milledgeville Southern Recorder, February 19, 1867.

64 Montgomery Daily Advertiser, February 8, 1867.
speedily adopted. Apparently afraid a telegram in support of it would find its way into print, the President said he would send "a friend . . . to confer with you."\(^{65}\) Although the "friend" was sent to Raleigh, his presence did no good. The Committee of Federal Relations advised that no action be taken on the measure until it became known what action Congress would take. Following this report, the plan was tabled and not heard of again.\(^{66}\) Both the Alabama and Mississippi legislatures followed suit with similar actions for the same reason.\(^{67}\) Favorable southern action on the compromise would have meant little. It was introduced in the United States Senate at the same time it was sent to the states and, as described by one reporter, was "sneered at by Radical Senators."\(^{68}\) Indeed, there was little reason to expect that Congress with the knowledge of its increased Republican majorities would give serious consideration to the southern proposal.

\(^{65}\) Hanes and N. Boyden to Johnson, February 15, 1867; W. G. Moore to Hanes and Boyden, February 16, 1867, Andrew Johnson Papers.


\(^{67}\) Charleston *Mercury*, February 21, 1867; Jackson *Daily Clarion*, February 17, 1867.

\(^{68}\) Letter of "Palmetto" in Charleston *Mercury*, February 14, 1867.
On the face of it, the North Carolina Plan does not appear to be particularly significant as a compromise attempt. Its propositions were not based on reality and the chances that it would provide a final solution to the problems of reconstruction appeared small to most outside of the circle of its authors. Still, the plan did say something about the South and Andrew Johnson. It demonstrated again the fallacy of expecting southerners to voluntarily take action repugnant to them, however necessary it might have been. Many in the South indicated that the compromise might be acceptable if Congress would then admit southern representatives to their seats. But it was southerners demanding the guarantees rather than the reverse, which would have been more logical. That southerners would have approved the plan if Congress had accepted it as final is debatable, although, if such a pledge had been given, southerners could then claim to have been forced to go along in order to meet the final conditions for restoration. Honor and status could have been preserved because the action would not have been entirely voluntary, but forced in the sense that there would have been no other means to achieve the desired goal.

Johnson's participation in drawing up the compromise indicates that he was not as steadfastly opposed to compromise as has been thought. What was different about this plan, as
opposed to other opportunities for compromise, was that it had been originated by southerners, and southerners of high standing in their section at that. By backing the North Carolina Plan, Johnson could avoid southern charges that he was betraying their confidence while trying to reach a settlement with Congress. His action in this case increases the likelihood that concern for southern opinion was a major factor in his refusal to take steps toward compromise when compromise might have been possible. With the failure of the plan, Johnson and the South could do nothing but wait for Congress to act.
CHAPTER VIII

ACCEPTING THE SITUATION

On March 2, 1867, Congress passed the first Reconstruction Act over Johnson's veto and a new phase of reconstruction began. Prefaced with a declaration that no legal governments existed in the South, this act divided that section into five military districts, each commanded by a general officer. The commander of each district was charged with maintaining law and order as well as conducting elections for constitutional conventions. Voters would be determined on the basis of universal manhood suffrage with those disfranchised by the Fourteenth Amendment excepted. After the new constitutions had been approved by a majority of the qualified voters of the state it could be submitted to Congress for approval. If acceptable to Congress, and if the new legislatures ratified the Fourteenth Amendment, the state could be restored to the Union at the discretion of Congress. Subsequent supplementary acts were passed to empower the commanders to initiate the convention process, give them the power to remove uncooperative civil officials and reduce the number
of citizens needed to approve the constitution to a majority of actual voters.\(^1\)

White southern reaction to the measures of Congress varied greatly, but can be conveniently divided into three groups. A few in the South advocated active--though not armed--resistance to the program. Generally, the Supreme Court was viewed as the means of offering this resistance. A larger number favored a policy of passive resistance, especially before the first supplementary act was passed giving the military commanders the power to call the conventions. A third large group felt that southerners, now that they had no choice in regard to Negro suffrage, should take the initiative and try to control the black vote. Another group, which cannot be accurately measured, consisted of those whites who were indifferent to politics and whose mark was made by the decline in the number of white voters in the elections.\(^2\)

\(^1\) These acts are summarized in Stampp, *Era of Reconstruction*, pp. 144-45.

\(^2\) Forrest G. Wood, "On Revising Reconstruction History: Negro Suffrage, White Disfranchisement, and Common Sense," *Journal of Negro History*, LI (April, 1966), 108-10, points out that apathy, fear and disgust, rather than large scale disfranchisement, accounted for the decline in white voter participation. Apparently, the number actually disfranchised can never be accurately known.
There had always been some hope in the South that the Supreme Court would provide protection against the enforcement of congressional reconstruction. This hope grew more meaningful as it became evident that President Johnson would not be able to carry the fall elections. It was with restrained jubilation, then, that southerners greeted the Court's decision in Ex parte Milligan which held that trials by military commissions were invalid when civil courts were open. The Raleigh Sentinel hailed the announcement of the verdict as offering hope that the President's policy might yet be sustained in spite of the election results. Other southern papers also expressed hope, if not confidence, that the Court might be the means to halt the Radicals.

In view of these hopes, it was natural that some attempt would be made to use the Court to prevent the enforcement of the Reconstruction Acts. Ex-provisional Governor Sharkey was one of the leading figures in the effort. Sharkey was, wrote a contemporary, "one of the most extreme and impracticable men amongst us in denouncing the reconstruction acts,

3Raleigh Daily Sentinel, December 22, 1866. A similar editorial appeared on December 31, 1866.

4See for instance San Antonio Herald, December 23, 1866; Jackson Daily Clarion, January 5, 1867. The Clarion later denounced attempts to use the Court to prevent enforcement of the Reconstruction Acts, March 14, 1867.
and everything which looked to a restoration of friendly relations between the sections." Sharkey, with Robert J. Walker, sought a Court injunction to prevent the President from putting congressional reconstruction into effect. They contended that the southern states were still in the Union and that Congress had no power to keep them out. As Johnson's duties under the law were purely ministerial, they said the Court had the power to enjoin him from carrying out the act. By the time the Reconstruction Acts had been passed, only a few in the South thought the Court would be able to halt Congress and, except for a similar attempt by Georgia, Mississippi stood alone before the Court. Invitations to participate in the suit had been sent to the other states, but none joined in. Governor Worth had seriously considered lending the support of North Carolina, but his advisors convinced him that such an effort would be useless. Even


in Mississippi, most prominent men thought Sharkey's plan quixotic and liable to do more harm than good.  

President Johnson reacted strongly against this attempt to curb his prerogatives and, after consulting with his cabinet, ordered his Attorney General, Henry Stanbery, to lodge a protest against the injunction. The Court declined to issue the injunction on the ground that it would be unwarranted interference in the political activities of Congress. Sharkey next lent his support to Georgia's attempt to secure an injunction against Secretary of War Stanton and General Grant. This case was dismissed by the Court for lack of jurisdiction. One last attempt was made to use the Court by appealing a decision of a military commission in Mississippi. Congress, however, passed a law removing such cases from the cognizance of the Court and this effort, too, was a failure. Appeals to the Supreme Court being useless, the South had to find other means to deal with congressional reconstruction.

Many who had no faith in the Supreme Court as the South's protector, advocated passive resistance, essentially

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8Harris, Presidential Reconstruction in Mississippi, p. 242; Hall, "Sharkey and Reconstruction," pp. 5-7.
9Randall, Diary of Browning, II, 142.
10Garner, Reconstruction in Mississippi, pp. 159-60.
"masterly inactivity." The Charleston _Mercury_ denounced Ex-Governor Brown, of Georgia, for calling for active participation in congressional reconstruction by southerners. The true policy for southerners, as seen by the _Mercury_, was to do nothing. Each change should be forced upon the South without southern aid. Resolutions of a county meeting in Georgia declared "it is the duty of the people of Georgia to remain quiet, and thereby at least preserve their manhood, self-respect and honor."¹¹ The Raleigh _Sentinel_ noted that Congress had not specified who should put the new program into operation and urged North Carolinians to do nothing. Living under military rule would be better than having a civil government run by blacks. A Texas paper also recommended that the people remain quiet and take no action under the act.¹²

A policy of inaction made sense only until Congress passed the first supplement to the Reconstruction Act. This law made it the responsibility of the district commander to initiate the process of reconstruction, thus ending the possibility that southerners might continue to live under

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¹¹Charleston _Mercury_, March 1, 1867; Resolutions of Fulton County, Georgia, March 4, 1867, Andrew Johnson Papers. These resolutions did call upon the governor to take a test case to the Supreme Court.

¹²Raleigh _Daily Sentinel_, March 7, 1867; Galveston _Daily News_, March 7, 1867.
military rule until the North got tired of the whole affair. Still, a few southerners continued to urge that the whites have nothing to do with establishing Negro suffrage on a permanent basis. Notable among these was Benjamin F. Perry, who based his appeals on southern honor and the danger that the blacks would vote in mass and control the government.  

One way to prevent this was for white conservatives to register and then not vote, preventing a majority of the registered voters from giving their consent to any reconstruction measures. This plan was subsequently used successfully in Alabama to defeat the first "radical" constitution, whereupon Congress passed the last of the supplementary acts which provided that only a majority of the actual voters need approve a constitution to make it effective.  

Many southerners, including a large number of prominent leaders, opposed the idea of resistance whether active or passive. These people felt that, as Negro suffrage had been forced upon the South, southerners should accept the fact and work to convert the blacks into political allies (or

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13Perry to F. M. Nye, May 25, 1867, Perry Papers, Southern Historical Collection, University of North Carolina, Chapel Hill; Kibler, Benjamin F. Perry, p. 450.

14John Hope Franklin, Reconstruction After the Civil War (Chicago, 1961), pp. 72-73.
tools) of the conservatives. The Raleigh Sentinel quickly backed down from its call for resistance and instead urged all eligible voters to participate in reconstruction in order to prevent the Negroes and Radical whites from controlling the process.\(^5\) A Georgia paper thought the Reconstruction Acts should be resisted in every legal way, but if this failed "then it behooves us to accept any and every situation that is forced upon us, with as good a grace as possible, and do the best we can for ourselves." A leading Mississippi paper early opposed the policy of "masterly inactivity" and printed a series of letters from prominent men, one of whom was P. G. T. Beauregard, supporting its position. Beauregard thought every effort should be made to educate the blacks to their responsibilities as voters so that they would vote with the conservatives.\(^6\) Texas Governor Throckmorton seemed to express a feeling of relief that the Reconstruction Acts lifted from southerners the responsibility for their actions so they could work to

\(^5\)Raleigh Daily Sentinel, March 9, 1867. This was a reflection of Governor Worth's change of mind. Once he abandoned the idea of going to the Supreme Court, Worth advocated a policy like that of the Sentinel.

\(^6\)Milledgeville Southern Recorder, April 9, 1867; Jackson Daily Clarion, March 7, 14, 16, 19, 28, 1867. Beauregard's letter is in the issue for the 28th.
meet congressional terms without sacrificing southern honor. Having no choice in the matter they could participate fully and try to make the best of things. One of Florida's senators gave the same impression when he wrote: "In my judgment, the only thing to consider is whether we will be dragged by the chains of relentless destiny or whether we will be co-workers with it in forming and giving direction to its policy."^17

Conservative hopes of controlling the Negro vote were not fulfilled. H. V. Johnson's experience was not uncommon for all who hoped to prevent the freedmen from voting with the Radicals. He and another conservative spoke at a rally of black and white voters in Georgia. He described the meeting in his autobiography. "Judge Starns and I," he wrote, "acted under the hope that we might say something to promote good feeling and friendship between the races and avert the calamity of their being arrayed in hostile political organizations. But we wasted breath and words."^18 After two years of conservative rule there was little chance that

^17 J. W. Throckmorton to B. H. Epperson, March 22, 1867, Epperson Papers; letter of Senator Call in Floridian, April 12, 1867, quoted in Davis, Civil War and Reconstruction in Florida, pp. 448-49.

the Negroes could be induced to follow the lead of those who had, by black codes and other means, tried to keep the blacks from realizing the full fruits of freedom. If the South had followed the advice of the few, such as Wade Hampton and James L. Alcorn, who had advocated granting suffrage to the blacks in 1865, the story might have been quite different. As it was, southerners, operating under the delusion that their terms of reconstruction would prevail, drove the freedmen into the waiting ranks of carpetbaggers and scalawags.

In their preoccupation with how to meet their fate, southerners seemed to forget about Andrew Johnson. A few thought that Johnson had betrayed the South and retarded the work of reconstruction. "Leo" reported Johnson's approval of the new army appropriation act, which limited presidential control of the army, to the Charleston Courier with a mixture of incredulity and dismay. "The Radicals were amazed," he wrote, "and the Conservatives confounded by this surrender. The Executive has given up the ghost."19 In a long editorial, the Jackson Clarion condemned Johnson for not having sought the cooperation of Congress in 1865. His failure to do so, the paper thought, had made the reconstruction experience

19Charleston Courier, March 8, 1867.
worse for the South. A few others stoutly defended Johnson and his policies in spite of his lack of success in restoring the Union. After praising his veto of the Reconstruction Act, the Charleston Mercury declared that "it remains now for the Southern States to stand by and support President JOHNSON and the great principles he has defended in their behalf, or basely abandon both him and them." A Texas paper told its readers that Johnson had done all he could to halt the Radicals and that he was not to blame for the present situation. For the most part, however, the President was simply ignored. With the Radical majorities in Congress, southerners realized that Johnson could be of little help to them and planned their response to the Reconstruction Act accordingly.

If southerners thought Johnson could do nothing to help their section, he felt differently. At first he seemed to be inclined to allow congressional reconstruction to run its course without interference, but within a few months he was actively trying to thwart the intent of the Reconstruction Acts. At a cabinet meeting soon after the passage of the

20 Jackson Daily Clarion, April 24, 1867.

21 Charleston Mercury, March 7, 1867; San Antonio Herald, March 22, 1867.
first act, the suggestion was made that Johnson speedily appoint the district commanders as "it would have a good effect, and tend to prevent impeachment. The President got very angry, and swore vehemently, and said they might impeach and be d-m-d." He would, he said, "go forward in the conscientious discharge of his duty without reference to Congress, and meet all the consequences." Johnson was much calmer in a meeting with a southern delegation a week later. To it Johnson announced "his own conviction that the terms of the reconstruction now proposed were the best that could be obtained, and stated that he should execute the Military Reconstruction Act, as it was now a law." Johnson made good on this by immediately appointing the district commanders. He relied primarily on Stanton and Grant for advice in making these selections, logical choices for advisors, but hardly liable to be concerned with appointing Johnson type conservatives. Indeed, Gideon Welles was quite upset with the manner in which Johnson handled the appointments.

22 Randall, Diary of Browning, II, 135.
23 Letter of "Leo" in Charleston Courier, March 19, 1867.
24 Milton, Age of Hate, p. 433; Beale, Diary of Welles, III, 65-66.
The end of Johnson's period of acquiescence came with the preparation of a written opinion of the Reconstruction Acts by the Attorney General, Henry Stanbury. Stanbery's opinion was an extremely conservative interpretation of the acts which asserted that the President had the power to prohibit the removal of civil officials by the military and limited the scrutiny to which a prospective voter could be subjected by the local election boards.²⁵ The document was never sent to the district commanders, but it was widely printed in newspapers and some military officials began to issue orders in conformity with it. Johnson also issued a series of orders based on Stanbery's interpretation.²⁶ It is not clear that this aided southern conservatives very much, but it did cause Congress to pass the third supplementary reconstruction bill. This law was a more or less clear statement of the intent of the first two acts and directly contravened Stanbery's interpretation. In particular, it expressly gave the district commanders the authority to remove uncooperative civil officials.²⁷ The ultimate effect of Johnson's first attempt to ease the rigors of congressional

²⁵Milton, Age of Hate, pp. 444-45; Sefton, Army in Reconstruction, pp. 141-42.

²⁶Sefton, Army in Reconstruction, p. 132.

²⁷Ibid., p. 142.
reconstruction was to insure the supremacy of the military over his provisional governments.

Johnson next tried a more direct approach to undercutting congressional intent; he began to remove obnoxious commanders. When he was through, only one of his original appointees retained his place. The object of these removals was to install men whose policies would be beneficial to southern conservatives. Again, there is doubt that these presidential actions were very effective in achieving their objective.

General E. R. S. Canby replaced General Daniel Sickles as commander of the Carolina district in August. The effective difference this change of command made is hard to measure. Neither man was apparently more popular than the other nor did Canby's ascension seem to offer any great advantage to the conservatives. 28 The removal of General Phillip Sheridan is easier to understand. Sheridan was out of his depth as an administrator and had made many enemies in Texas and

28 Hamilton, Reconstruction in North Carolina, p. 240, says that Canby was not as well liked as Sickles. According to Simkins and Woody, South Carolina During Reconstruction, p. 65, Canby was the more popular of the two. Simkins and Woody do say that both men kept removals to a minimum and that there was generally little conflict between civil and military authorities under both men, pp. 66-67. For a case in which Canby might have aided the conservatives, see Jack B. Scroggs, "Carpetbagger Constitutional Reform in the South Atlantic States, 1867-68," Journal of Southern History, XXVII (November, 1961), 478-79.
Louisiana by his removals and his interference with the courts. For all this, only Welles of Johnson's cabinet thought it wise to replace Sheridan, and Grant protested vigorously. General W. S. Hancock replaced Sheridan and was definitely more conservative. For example, he allowed the local election boards to interpret the law for themselves, which resulted in an increase of conservative voters. In spite of this, the vote in Texas for a constitutional convention was 44,689 to 11,440 in favor and Radicals controlled the convention.

Johnson's reasons for removing General E. O. C. Ord from command of the Mississippi-Arkansas district are not clear. Ord made it a policy to interfere in civil affairs as little as possible and, although he did occasionally make removals, protests against his regime were not numerous. Under Ord's replacement, conservative prospects improved but again Unionists dominated the constitutional convention.

General John Pope's removal in the Third Military District seemed more likely to benefit the conservatives. Like

29 Entry for August 19, 1867, "Diary of Moore," Andrew Johnson Papers; Ramsdell, Reconstruction in Texas, p. 181.

30 Ibid., pp. 181, 195, 199.

31 Garner, Reconstruction in Mississippi, pp. 164-67; 181-87.
Sheridan, Pope interfered with civil officials often and was notorious for his suppression of conservative newspapers. General George Gordon Meade, who replaced Pope, tried to steer a neutral course and as a result his actions were not wholly pleasing to either conservatives or Radicals. Immediately upon taking office, Meade liberalized Pope's General Order Number Forty-nine which had limited freedom of the press. Meade counterbalanced this by removing Governor Charles Jenkins of Georgia, an action which Pope had managed to avoid. Urged on by General Grant, Meade extended the time limit on voter registration in Alabama to enable more Negroes to be registered. Yet when the new Alabama constitution was defeated, he refused to heed Radical charges of fraud in the election. Meade declined to act on conservative charges of fraud in the election for delegates to the Florida constitutional convention, but it was his influence that led to congressional acceptance of an irregularly adopted conservative constitution.

32 Sefton, Army in Reconstruction, pp. 170-73.

33 Fleming, Civil War and Reconstruction in Alabama, pp. 493-94.

34 In this case, the conservatives were, more or less, Republicans. For details, see Jack B. Scroggs, "Southern Reconstruction: A Radical View," Journal of Southern History, XXIV (November, 1958), 413-14; Davis, Civil War and Reconstruction in Florida, pp. 497-98, 506-15.
Whatever the intent, Johnson's attempts to interfere in Congressional reconstruction were not of much benefit to the conservatives. Regardless of the political leanings of the district commanders, congressional standards had to be met. Under Hancock or Sheridan, Meade or Pope, the South was still required to enact permanent Negro suffrage and to ratify the Fourteenth Amendment and Congress still retained the power to accept or reject the new constitutions. Johnson may have thought he was aiding southern conservatives by his actions, but they only amounted to empty gestures. His efforts to retard reconstruction in the South have more meaning if viewed in relation to his efforts to stymie the northern Republicans, and in particular his attempts to force Secretary of War Stanton out of the cabinet. 35 In view of the limited possibilities for practical results, Johnson's actions may have been, as one historian has asserted in regard to his attempt to obtain a congressional commendation of Hancock, "simple cussedness." 36

For all practical purposes, presidential reconstruction came to an end with the passage of the Reconstruction Act in March, 1867. Southerners accommodated themselves to the

35 For this episode, see McKitrick, *Andrew Johnson and Reconstruction*, pp. 495-505.

congressional program in various ways, but usually without reference to Johnson. Southern allegiance to Johnson had been primarily based on the hope that his plan would allow southern control of reconstruction. Southerners acknowledged the shift in power in Washington with few second thoughts. From the beginning southerners were determined to do the best they could for themselves and Johnson's ascension to the presidency had made it appear easy. Under congressional rule, new tactics were called for, but the objective remained the same, to preserve as much of southern honor and tradition as possible.

Presidential reconstruction failed for a variety of reasons, but it is clear that southern intransigence was a major cause. Regardless of how a majority of Congress may have felt about the aims of Johnson's program, the southern reluctance--sometimes failure--to carry it out, the insistence on discriminatory black codes, and southern arrogance insured its failure. Johnson was at fault for not having a more definite plan for restoration, but as long as there were options open to the South any plan was doomed to fail. The South would do nothing which would violate avowed southern honor unless forced to do so. The failure of southerners to voluntarily make changes desired by Congress indicated the necessity of military rule to restore the Union. Actions
that were repugnant if done voluntarily could be readily accepted under coercion. The only way that the Union could be fully restored was under strong pressure and it would have been better for the South to have been under military rule from the beginning.

Andrew Johnson's over-concern with southern feelings helped to make him a failure as President. It seems likely that Johnson would have compromised with Congress--his early statements on Negro rights and participation in the North Carolina Plan indicate that he was not completely adverse to compromise--had it not been for his desire to appease the South. There were, of course, other influences on Johnson's actions, especially northern Democrats and his own stubbornness,\footnote{These factors are well documented in ibid. and, especially, Cox, \textit{Politics, Principle, and Prejudice}.} but his concern with retaining the respect and allegiance of the South could have been the decisive factor. Southern attitudes reenforced Johnson's determination to avoid the full meaning of reconstruction. All told, the northern Radicals were right. True reconstruction could not begin until Andrew Johnson's influence was effectively nullified.
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