BENJAMIN F. WADE AS A FACTOR IN RECONSTRUCTION
DURING THE PRESIDENCY OF ANDREW JOHNSON

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Benjamin F. Wade as a Factor in
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Chapter One: Introduction.

A study of Benjamin F. Wade is worthy in that no study has ever been
made of this man who would have been president of the United States had Andrew
Jackson been convicted by the court of Impeachment. "No man of Wade’s time
wrote and left so few memorials of himself as Wade. He left none, no sign or
mark. Seemingly without the slightest literary instinct, the few papers he
made were for a special purpose, that answered, they were destroyed. He seems
systematically to have destroyed papers. He kept no journal, made no diary,
notes or memoranda. At the end of a session or campaign, letters and papers
of all descriptions, not in the form of books were burned".

Benjamin Franklin Wade was born on the 27th of October, 1800, in
Feeding Hills, Parish, Massachussetts. He was of puritan parentage and next to
the youngest of a large family. His school advantages were very meager as a
boy, for the family enjoyed the distinction of being one of the poorest in
New England. Most of his boyhood was passed working on a farm, for which he
received only the most meager of wages; at eighteen years of age he decided
that he could do better in the west than he was doing at home, and so he
started on foot for Ohio. He got as far as Ashtabula County where he obtained
a job cutting wood. He had intended to go farther west, but was persuaded to
stay.

After a few years he took up the study of law with Whittlesey and
Newton, attorneys at law in Canfield. He was admitted to the bar late in the

summer of 1827, at a term of the supreme court, held at Jefferson, the seat of Ashtabula County, where he began the practice of law and in 1831 became the law partner of Joshua R. Giddings, the Anti Slavery leader. A few years later he was elected prosecuting attorney of Ashtabula County, and so took another important step forward. But it was not as a lawyer that his future was to be worked out. He became active in politics, acting with the Whig party and in a short time was elected to the Ohio State Senate. There he took the lead of the Whig minority and aided in inaugurating a war against the Ohio "Black Laws". He also opposed the admission of Texas because he did not want any more slave territory added to the country. In 1847 he was elected President Judge of the Third Judicial district, occupied the bench for four years, and earned the reputation of being a wise and a just judge. In March, 1851, he was elected by the legislature to a seat in the senate of the United States. He had not sought for the position, and his friends had not labored to secure it for him.

In the Senate Wade was from the first an uncompromising opponent of slavery, his bitter denunciations of that institution and of the slave holders receiving added force from his rugged honesty and sincerity. One of the first things that Wade did after he came into the United States Senate was to surprise every one by calling a southern gentleman a liar when he referred to the Chions as "Nigger Thieves". From that moment the anti-slavery cause looked up and the road to southern aristocrats went down hill. In the future, all proslavery orators were to be more or less flustered when they arose to abuse

the North, and never as confident as of old, for at any moment Ben Wade might rush and rough them. No man secured more of the respect of the pro-slavery leaders before secession, because while bearing himself with eminent courtesy, he took care to notify them that he saw and was resolved to check their designs.

Wade is best known as a man after the Cromwellian type. He was of rugged, fierce, and vindictive feeling; these elements of character remain strong through out his public career. Even his enemies were forced to admit that there was one element in his character that many public men lacked, that of frankness. There was no concealment about Wade, what he thought, he blurted right out regardless of whether it hit friend or foe. When he entered the Senate there were but four members devoted to the cause of 'Free Soil', Seward, Sumner, Chase, and John P. Hale. His bluff address, his aggressive temper, his readiness to meet the champions of slavery in physical combat as well as in intellectual discussion drew to him a large measure of popular admiration. Wade became known as one of the most outspoken of anti-slavery and later Republican leaders. He of course strongly opposed the Kansas-Nebraska Measure.

The Antislavery sentiment continued to grow in strength and in 1857 there occurred the now famous John Brown Raid at Harper's Ferry, Virginia. Wade expressed his attitude in a speech which he delivered on the floor of the Senate on December 14, 1859, in which he said that he did not sympathize with nor approve the act; declaring that "if a man, though he be brave, honest and sin-

7. Lewis - He hated Southern Gentlemen.
cers, let these qualities misguide him into a lawless raid upon the rights of 13
others he must suffer the penalties of the law. In the controversy between
the north and south over slavery Wade upheld the north in its liberty laws and
in denying slave holders the right to take slave property into the territories.

In the fall of 1860 the crash came. Lincoln and the republicans came
into power, and the southern states prepared to secede from the Union. Wade
of course had early become a Republican. Before Lincoln was inaugurated, the
southern states had started to secede. Some of the anti-slavery leaders like
Horace Greeley and Garrison favored "Let the erring sisters go in peace", but
not Wade, and on Dec. 17, 1860, he delivered a fiery speech in the Senate in
which he said that he was for maintaining the Union of these states. He de-
clared that he would sacrifice everything but honor to maintain it; character-
istic of his type declared, "Although it be assailed by traitors on every side,
by the Grace of God, under its shadow I will die".

Wade, with other members of Congress, went to witness the battle
of Bull Run in which they expected to see the Confederacy smashed by one blow;
the result, as we all know, was to the contrary, and resulted in the routing
of the Northern troops and the fleeing of the spectators for safety. Soon
after Congress formed a joint "committee on the conduct of the war". Wade was
made its chairman.

Wade refused to retreat a step and in April, 1862, in a speech be-
fore the Senate, he, in unrelenting terms, declared, "let us go forward against
treason and traitors; let us put down this rebellion at all hazards: if in
so doing your darling institution must go under, I shall not regret it. If it

Appendix at 150 ff.
16. Middle Dr. B. Wade. p. 248.
must come to this, that the union and slavery cannot live together, let slavery die the death, for the constitution, the Union, and the time honored flag shall live forever". Wade condemned the Democratic party and never forgave them. He said, "The old Breckinridge-Buchanan party south of the Mason and Dixon line are, to a man, traitors; their northern sympathizers are but little better; indeed they are worse, worse because they are not so bold; but not all Democrats are traitors — Douglas left the party when he found they were bent on treason".

Wade soon became one of the most vigorous critics of the Lincoln administration. He declared the country was going to Hell, and that scenes witnessed in the French revolution were nothing in comparison with what would be seen here. He advocated the immediate emancipation and arming of the slaves. Lincoln desired to wait for an opportune time, and as soon as that time came he issued the emancipation proclamation, freeing the slaves in the States in rebellion.

In his message to Congress of the eighth of December, 1863, Lincoln gave expression to his ideas on the subject of reconstruction more fully and clearly than ever before. He appended to that message a proclamation of the same date guaranteeing a full pardon to all who had been implicated in the rebellion, with certain specified exceptions. This also included the famous ten percent plan of reconstruction, that is, when one tenth of those voting in 1860 in a state now in rebellion should take the oath of allegiance to the U. S. they could prepare to draw up a state constitution and establish state government and be re-admitted to the Union. Lincoln also guaranteed to every state a republican form

17. Wade. Speech in Senate, April 21, 1862.
18. Ibid.
of government. Later, when the war was over and reconstruction in force, the question came up as to whether 'Republican form of Government' meant negro suffrage. Senator Sumner insisted that a state could not have a republican form of government without negro suffrage. By the spring of 1864 Congress was becoming convinced that reconstruction was a legislative problem, that is, a problem to be solved by Congressional acts and constitutional amendment. This is evidenced not only by the fact that neither House would admit representatives from Arkansas elected under the new "State" organization to seats, but by the more pronounced attitude expressed in what is known as the Wade-Davis Measure upon the direct question at issue. These gentlemen, Mr. Benjamin F. Wade and Mr. Henry Winter Davis, the former the chairman of the "Committee on the Rebelious States" in the Senate, and the latter the chairman of a committee having the same name and functions in the House, originated a bill and carried it through both houses of Congress which for the first time embodied the views of Congress on the subject of reconstruction. This bill was passed on July 4, 1864 but received a pocket veto from President Lincoln; his reason being that Congress had no constitutional power over slavery in the States without consulting his cabinet. Gideon Welles, Sec. of the Navy, in commenting on the subject wrote, "In getting up this law it was as much an object of Mr. Winter Davis and some others to pull down the administration as to reconstruct the Union. I think they had the former more directly in view than the latter. Davis conduct is not surprising, but I should not have expected that Wade, who has a

A good deal of patriotic feeling, common sense, and a strong, though coarse and vulgar mind, would have lent himself to such a despicable assault on the president.

Lincoln issued a proclamation on July 9th, 1864, upon the subject of the Wade-Davis bill. He thought that measure "too rigid and restrictive" and that it were better to have "no fixed and formal method" of reconstruction and to be tied to "no single plan of restoration." He was not willing to declare that the governments of Louisiana and Arkansas should be set aside and held for naught, and he "hoped for a constitutional amendment that would abolish slavery", yet he was satisfied that the system contained in the bill was "one very proper for the reconstruction of any state choosing to adopt it". Moreover, he was willing to appoint military governors "with directions to proceed according to the bill" in states where military resistance was suppressed and the people had sufficiently returned to obedience to the constitution and the laws. Thus began the struggle between Congress and the President as to the right to reconstruct the southern states, which was to continue with increasing acrimony until finally a victory in fact was won by Congress under the Presidency of Andrew Johnson. Although such men as Chase, Sumner, Wade and Davis were angry at the issuance of Lincoln's proclamation, the great mass of voters accepted Lincoln's proclamation as the wisest and most practicable method.

After Lincoln's proclamation had been issued, Mr. Winter Davis sat down to prepare a public reply. Congress would not meet for several months and he felt that an earlier answer should be made. The completed document was sent to Senator Benjamin F. Wade just as Davis had written it. It was published


27. Ibid.

in The New York Tribune for August 5, 1864, under the heading, "To the Supporters of the Government". It was violent, and insinuated what was wholly unfair — that Lincoln meant to reconstruct the South so as to hold electoral votes in pledge. It has been viewed as an intemperate arrangement which really strengthened Lincoln's position, although it was not surprising that men of so much intelligence, courage and tenacity as Davis and Wade would not permit so bold an act as Lincoln's proclamation to be issued, while they were silent.

The argument of the manifesto addressed "to the supporters of the government" is that of Davis's congressional speeches upon the bill for the reorganization of the seceded states. The ostensible reason for the document was that Wade and Davis, having read without surprise, but not without indignation, the proclamation of the president felt that they ought not to pass it in silence, but ought to endeavor to check the encroachment of the executive upon the authority of Congress and to require it to confine itself to its proper sphere. With words of extreme condemnation they declare that, "so far as Lincoln's proclamation contains an apology for not signing the bill, it is a political manifesto against the friends of the government; so far as it proposes to execute the bill, which is not a law it is a grave executive usurpation". It condemned those shadows of governments in Arkansas and Louisiana which Lincoln had upheld in his proclamation.

Wade and Davis supported a cause, not a man, and insisted that the authority of Congress was paramount and to that authority Lincoln must leave political organization.

So thunderous was the Wade-Davis manifeste that it overshoot its mark, rallied the voters to Lincoln, and knocked Davis out of his seat in Congress in the fall elections of 1864. It brought Mr. Wade under a dense eclipse - the first and only one of his life. Fortunately, he had received his third election, and at the hands of a nominal Democratic legislature, or his career in the senate would have closed under it. It is suggested that Wade was a better trouble maker for the administration than any Democrat that could have been selected.

Several years later, during the strife between Congress and Johnson over reconstruction, Wade commented on the Wade-Davis protest in the following manner: "all that has happened from the time that bill was vetoed has only deepened my conviction that something of the kind was necessary to be done". He was anxious that Congress should adopt some measure by which the states in rebellion might know and be apprised at a very early date what conditions would be required of them as necessary to be admitted to Congress. Mr. Davis was of the same opinion, and framed the bill and got it through the House. Wade stated "I believed it a good measure; I believed it the best thing that Congress could do to prevent dissension later on. I approved it with a few modifications which I waived in order to have it pass. Lincoln did wrong not in vetoing the bill, but in appealing by means of a proclamation over the heads of Congress to the people to support his plan. That is why Davis and I also submitted our arguments to the people in a protest to the people". He did not believe that it was disrespectful to the president, and accused him of nothing. It was merely an attempt to justify our views as Lincoln had done in his proclamation. Davis,

33. Lewis. He Hated Southern Gentlemen. pp. 476.
35. Lewis. He Hated Southern Gentlemen. p. 478.
36. Cleveland Herald. March 6, 1866.
in drawing up the protest, acted upon the highest and most patriotic motives that ever moved a statesman to act. He, Wade, made suggestions; Davis did the work of drawing it up. Wade did not shrink from his responsibility; in fact he said, that he was proud of it. Wade said that he thought that the history has proved that they were right and Lincoln wrong. If Lincoln had approved and signed the Wade-Davis Bill, Wade was confident that much of the terrible controversy that later came about would have been averted; things would have been settled and there would have been no room for controversy.

Wade never forgave Lincoln for the vetoing of the Wade Davis Bill; he did not fear him, and he was not the type of man that would court favor with one with whom he disagreed, and furthermore he did not hesitate to give his opinion of the President when ever the opportunity presented itself and he had the chance to do so. He had a chance during a debate in the Senate on Feb. 1, 1865, upon a resolution to reject from the electoral college the state that had seceded. Wade said the ten percent idea was a farce. He feared the extension of presidential usurpation over the border States and perhaps over the whole. Two things were foremost in Wade's mind; one was the result of leaving the reorganization of a state to a mere fraction like one tenth might be, and indeed would be, to invite eventually the political destruction of a feeble minority by the nine tenths when the return of peace had reinstated the majority.

The other thing which predominated in Wade's speech was the dread of presidential usurpation. He believed that reconstruction was the duty of the legislative branch of Congress, not of the president, and for this end he intended to fight, just as he had fought in other days on other subjects. What the result would have been—whether he and his colleagues would have been successful, or whether by tact they could have been brought around partially to

36. Cleveland Herald. March 5, 1866.
President Lincoln's viewpoint is something we do not know. Lincoln had the tact that his successor sadly lacked and he had an ability to handle men, but all this was brought to an end by an assassin's bullet the evening of April 14, 1865, while Lincoln was visiting Ford's Theater. Thus Lincoln passed off the scene.

Although Wade was named an honorary pallbearer at Lincoln's funeral, he did not attend. His friends explained that he hated the excesses of funeral woe; more likely the reason lay in his traditional desire "to carry the quarrel into the coffin".

38. Lewis - He Hated Southern Gentlemen, p. 184.
Chapter Two.

Wade as a Radical Reconstructionist.

The man that became president of the United States on the death of Lincoln was a southern unionist, Andrew Johnson, of Tennessee. He had been the lone representative of the seceding states in Congress during the war. To him the Union and the Constitution were foremost; he was a self-made man, afraid of nothing, and when his state seceded he clung to the Union. Lincoln appointed him as Military Governor of Tennessee after that state had been partially conquered by the Union forces. In 1864 he was the running mate of Lincoln on a Unionist ticket. He was not a calm retiring man but a fire-breathing, aggressive personality whose attitude was that treason was a crime and crime must be punished; what was going to be his policy on the important subject of reconstruction? Wade and the radicals were overjoyed at his succession to office; here was a man of their own type now they could reconstruct the South.

The day following Lincoln's funeral, in pursuance of a previous engagement, the committee on the conduct of the War, of which Wade was chairman, met the new President at his temporary quarters in the treasury building. He received them with cordiality, and Mr. Wade said to him: "Johnson, we have faith in you; by the gods there will be no trouble running the government". The president thanked him and went on to define his well-remembered policy at that time, "I hold murder is a crime; treason is a crime; and crime must be punished. Treason must be made infamous, and traitors must be impoverished".

Wade, in commenting on his and Johnson's relations when the latter came into office, said, "I had known Andy Johnson for a long time in the Senate. He and I had served on the same committee and had been very intimate. When he became President he sent for me among the first and told me that he would ex-

pect me to be his friend, and that he would be glad to take counsel of me. I told him that I felt very much flattered by his compliment, and would always be glad to give him what little assistance I could. The interview was long. Wade talked to him about the question of reconstruction. Johnson said he was glad that it was a matter which he had nothing to do, and that he should let Congress take care of it. He asked what he ought to do with the rebels, and Wade told him he had better hang eight or ten or better yet make it just thirteen a bakers dozen. "But how," rejoined the president, "are you going to pick out so small a number and show them guiltier than the rest?" Wade replied that it would not do to hang a very large number, but he thought that if he could have a little time he could name thirteen who stood at the head in the work of rebellion. Wade was sure that they could agree on Jeff Davis, Toombs, Benjamin, Slidell, Mason and Howell Cobb. He said if nothing more was done than to drive these half dozen out of the country a great deal would be accomplished. Wade told him to tighten up a bit on the d---d scoundrels as Lincoln had been driving them with too loose a rein, and this Johnson agreed to do. Mr. Johnson expressed surprise that Wade was willing to let "the traitors" as he always called them "escape so easily". He said that he had expected the heartiest support from Wade in a policy which, as he outlined it to the Senator, seemed in thoroughness to rival that of Strafford.

2. Cleveland Plain Dealer. Feb. 27, 1866.
5. Cleveland Plain Dealer. Feb. 27, 1866.
Before leaving the president, Wade told him to be warned by the fate of Fillmore and Tyler, who had come to the presidency much as he had. Wade went on by telling him that there never was a man in his position made President by the death of another, that the men who voted against him did not try to get hold of him, "and whenever they're sold out they've d----d themselves eternally". Johnson looked at Wade when he said this and asked if Wade had any fear of his going over to the opposition? Wade replied he had not but said, "You must look out for them, and be prepared for them". Wade said later on, after Johnson had gone over to the conservative point of view, that he did not realize that he was prophesying the future then. Thus Wade and Johnson parted with the assurance on the part of Johnson that he would take no step not sanctioned by the Republican party.

Mr. Wade left the executive mansion with admiration for the stern resolve and high courage of the president. Although Mr. Wade was widely known as among the radical and progressive members of the Republican party, his immediate constituents of the Western Reserve were a just and God-fearing people, amply endowed with both moral and physical courage, but they were not in sympathy with the apparent purposes of the President. It is not improbable that Mr. Wade's views were somewhat in advance of those held by the majority of the people he represented, but he was evidently not in accord with the threats of slaughter breathed out by the president. Wade feared that a policy so determined and aggressive as Mr. Johnson seemed bent on pursuing might work re-action in the North and that thus in the end less might be done in providing proper safeguards against another rebellion than if too much had not been attempted.

7. Cleveland Plain Dealer. Feb. 27, 1866.
Wade was not going to have to worry long about the new president's ultra radical views. It was not very long before some of the Republican leaders became suspicious of President Johnson and a Republican caucus was held by them on May 12, 1865, to consider the necessity of taking decisive measures for saving the new administration from the conservative control that threatened it; no action was taken because Senators Wade and Sumner both insisted that the President was in no danger and declared, further more, that he was in favor of negro suffrage.

The question may be asked at this point, why Johnson backed up from his first radical stand. In April he had appeared to be with the radical republicans one hundred percent and ready to go even further than such men as Wade. This is not very hard to explain. Mr. Johnson on his accession to office retained Mr. Lincoln's Cabinet, and among them the conciliatory and persuasive Seward. Of course the assassins that killed Lincoln also attacked Seward and for several weeks he was unable to leave his house. There is no doubt, however, that it was the influence of Seward which modified the views and purposes of Mr. Johnson. By June 1, 1865, Seward had won Johnson completely for his plan of rapid reconstruction by the executive. Congress was not in session and would not meet until the first Monday in December, 1865, and Johnson was not inclined to call an extra session. The president now fully believed that he had the power to proceed to reconstruct and was inclined to do so.

The President began by recognizing the governments that had been organized in Louisiana, Tennessee and Arkansas under the Lincoln Plan and also the somewhat shadowy loyal government of Governor Peirpoint in Virginia. Johnson, in a proclamation issued on May 29, 1865, set forth a plan which in all essential respects agreed with that of his predecessor except that it did not specify the percentage of voters required to declare loyalty before the state should be

restored. It is true that Johnson refused amnesty to a larger number of persons than Lincoln had excepted, especially members of the wealthy classes — probably a reflection of his antipathy to the old planter class.

Wade heard nothing from Johnson after their interview in April, but about two months later he (Wade) met Covode, a Congressman, at a hotel in Cleveland, and learned that the president had been in close communication with Copperheads and rebels, and had said to Covode that he (Johnson) could do without Radicals better than Radicals could do without him. About a month later Wade went to Washington for the winter. One of the first things he did was to call at the White House. He describes his visit as follows: "I found the ante-room full of rebels and copperheads, and I was soon convinced, from the style in which I was received, that Johnson had found friends outside the Republican party. I knew then that he had started on the downward track and made up his mind to betray the party, and the country too if he could. I tried my best to keep him in but it was no go". This was the end of any friendship between Wade and Johnson. Wade became one of Johnson's bitterest foes. Wade was like that — he stood for principles, and not even friendship was to be spared. From this time on Johnson was a traitor to the Republican party and to the country as far as Wade was concerned.

Johnson had seven months in which to carry out his plan of reconstruction before Congress met in December, 1865. The president appointed provisional governors in the seven states and issued instructions for the summoning of a constitutional convention in each state. He made it clear that these conventions must repudiate the ordinances of secession and also the Confederate war debt and that the first state legislatures should ratify the Thirteenth


Amendment abolishing slavery. During the summer and fall of 1865 all of the
seven states except Texas had complied with the conditions required by the
President. State governments were organized, state officials elected, and mem-
ers of Congress chosen.

Wade and other radical republican leaders watched with growing ap-
prehension. By the thirtieth of June, 1865, Wade was complaining that the Ex-
ecutive had the control of the Government, that Congress and the Judiciary were
subordinate, and becoming mere instruments in his hands. He was beginning to
think that our form of government was on the whole a failure; instead of their
being three distinct and independent departments, there was but a great con-
trolling one with two others as assistants. Gideon Welles, Secretary of the
Navy, thought, however, that Wade was mollified and inclined to agree with the
president.

By the end of July Wade was furious, and in a letter to Sumner he
said, "To admit the states on Mr. Johnson's plan is voluntarily, with our eyes
open, to surrender our political rights into the hands and keeping of those
traitors we have just conquered .......... It is nothing less than political
suicide." The ire of the radicals became still greater as they saw prominent
Confederate officials elected to state offices and to Congress.

The thirty-ninth Congress, first session, met in December of 1865.
The first question before them was the reconstruction of the southern states.
Both houses declined to allow the members elected from the Confederate states

16. Ibid.
17. Beale. Critical Year. 49.
to take their seats. A "Joint Committee of Fifteen on Reconstruction" was appointed by Congress, and it was decided that no representatives should be allowed to take their seats in Congress until recommendation was made by this committee.

On January 17, 1866, Senator Doolittle, a conservative from Wisconsin, made a speech in the Senate upholding Johnson's policy of reconstruction, informing the Senate that the present administration was proceeding upon the same principles that Lincoln had adopted. On the following day Wade answered him, pointing out clearly why he was against the immediate restoration of the seceded states in the following manner. Wade said that although Lincoln had entered upon a certain policy in regard to the admission of some of these states, the question was agitated before them, he believed the whole period of the last Congress; but notwithstanding his anxiety to find some way by which those states could be safely admitted into the Union again, all arguments that were made for that purpose during that whole Congress entirely failed to convince him that the time had arrived when it was safe to admit any of them; therefore Wade said he and some others were against it.

Wade admitted that he thought Johnson had made a great improvement upon the state of things that had existed during the previous Congress, although as yet he (Johnson) had not reached the point where Wade thought the difference began. Wade declared he would have yielded if Lincoln, at the time, had included the additional requirements made by Johnson, (abolition of slavery, repudiation of rebel debts, renunciation of the right of secession, and ratification of the thirteenth amendment) and had the states assented to them. Wade believed that he would have given in to his wishes and placed his support with


the measure. He said he had but one guide - "the great principle of Eternal Justice". Regardless of the amount of support, Wade wished that he could have agreed with the president, but there were things in the path; he gave the president full credit for what he had done. Wade compared the work of the President to an arch with firm foundations (good beginnings) but no keystone, and with this lacking it would fall to ruin. He wanted to settle the question once and for all time, that is the question of slavery and the rights and privileges belonging to the American people. Wade went on record that he would never yield the controversy until all men in America should stand precisely on the same platform, equal before the law in every respect. As soon as this was secured Wade was ready to give up the controversy in which he had been engaged so many years and rejoice. At this point Wade said he supposed Doolittle was an organ of the Administration. Doolittle denied this at once. Wade then declared that Doolittle had made no mention in his speech concerning the fate of the four million negroes, whose rights were a very important consideration, at least in Wade's mind. He wanted the aid of the executive according to the constitutional idea, to advise as to the measure and principle which he thought ought to be adopted, but unless the executives advise squared with Wade's idea of duty, he would discard it as a Senator as he would that of any other man standing in any other position.

He declared that the great question that was then at hand was for Congress and nobody else to settle. "If", Wade said, "we settle it and be wrong, we cannot justify ourselves by saying that we took the advice of the President of the United States or of Lincoln now dead. No where in the constitution", he explained, "is the President given the right to bring states into the Union, but we, representatives of the people of the United States, are the

only tribunal to decide as to the admission of a state. We are the one body that ought in a free government to declare upon what principles a state that is outside of the legislative department shall be admitted to participate in it". Wade said that he did not care whether it was a territory or a state that had forfeited all right or ability to act for itself; that such questions belonged to Congress, not to the President of the United States. "We do not encroach on the province of the president but let us stand firmly upon our basis under the Constitution and do our duty before the people of the United States", he cried.

"The negro must have his rights guaranteed and not be turned over to the mercy of his enemies". Many had aided the Union, yet Wade had not been alluded to. Doolittle's sympathy, Wade thought, was all with the rebels as also was Stewart's of Nevada. These sympathized rather with those who instead of sympathy deserve a halter. Wade wanted a guarantee that the South had abolished slavery; he said that Doolittle had said nothing on this important subject in putting forth his suspended relations theory. Wade's theory was that a state was not out of the Union when a portion of the people rebelled and the State aided in putting down the uprising, but when the whole state opposed and its government also opposed the Federal government and declared war on the Federal government so that resistance to the rebellion within the state had entirely ceased, the State as such, had lost its right to be considered as an integral part of the general government. A few people in a state thinking differently could not change the situation. The people, Wade declared, of a rebelling state were public enemies. If a state was not in condition to come into the Union immediately it was, according to Wade's belief, up to Congress to say how they could come in, to prescribe the rule and define the conditions.


p. 295 - 7.
Wade doubted the safety of allowing the seceded states to come back into the Union on equal footing with the old members who stood loyal.

"Why", Wade exclaimed, "to let southern members back is like entrusting a burglar with your keys'. To change these rebels back to trustworthy citizens of the United States will be a greater miracle than the transformation of Saint Paul on the road to Damascus". It was suggested by some of the conservatives that a majority of the people of the south had been dragged into the rebellion against their wills. Wade was ready with an answer, replying, "If it were so that the majority of southern men were good Union men who were dragged into the struggle and thus perjured themselves, it would be no compliment to the southern people, it would show them to be lower than the Africans; they would not be fit recipients of power. They could not be trusted, and would not be fit to vote...."

Wade continued his speech by referring to the mandate of the President to a seceded fallen State. He said that such a mandate was nothing more than the command of a robber to a traveler on the highway. "They have not to do what is asked of them, and they tell you so, and also tell you that when they get freedom of action they will not consider the conditions extorted from them as binding force upon them."

Wade at this point took up the consideration of negro suffrage. He pointed out that suffrage could be extended to the negro by telling these gentlemen in the southern states, those traitors, "that we shall be as lenient to our friends, the Union colored people of the South, as to them, that they shall never put their feet upon this floor until they do justice according to the rule of justice". "Where", Wade asked, "did the president get a constitutional warrant to establish civil government in the south; he might have had


the power in time of War, but it was doubtful in time of Peace."

The President, Wade said, was all right as far as he had gone, but he must put a key stone in the arch; he must counter balance traitors with the Loyal in the South. According to Wade, there was no great difference in principle between what the president had done and what he wanted him to do. The president had no right, Wade insisted, by any military order to organize a state government anywhere.

"Our government must be of government of the people; you cannot force a government on the people in this United States. If a people conquered by us be so perverse that they can't act with us they must be held under military subjugation until they themselves shall see that the time has come when they can act in accordance with the old constitution and government of the United States. They have not come to that yet. They must be convinced that it is for their interest to come back and to petition Congress to organize a State Government in accord with the constitution. Wade was sure that they would come back in due time, but that they could not be forced - that it would be impossible to make a people cordially cooperate in a free government who were the day before trying to overthrow it. Wade said that he would never pardon a man who had sworn under oath to obey the Constitution of the United States and then had broken it. He favored granting amnesty to the masses, but not to the leaders.

The Cleveland Plain Dealer, the largest Democratic paper in northern Ohio, commented on Wade's speech the next day, in the following manner: "It is worthy of notice that Wade in his speech is in favor of unrestricted negro suffrage and openly declared that he 'would keep the southern states out of the Union until they gave the right of suffrage to the negro, by legislative or constitutional amendment, or on the same principle that the president and certain

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p. 293 - 7.
senators did a great many other things, just as the president compelled them to adopt the constitutional amendment and repudiate the rebel debt; there was as much right to do one as the other".

"This," the article said, "was doubtless the plan of the radicals and regardless of consequences they would do all in their power to keep those states out of Congress and out of the Union, until their scheme could be accomplished. There was avowals, the editorial declared, fully justified the assertion that nothing could save our country from disorder and countless other evils, but utter prostration of a party so bent on mischief. "The people, everywhere, warned by the history of the past, and admonished by the astounding development of the present, ought to rise up at once and demand that a stop should be put to the folly and wickedness of the dominant party".

There were two definite positions on the subject of reconstruction. President Johnson set forth one in the following terms: "The rebellion has been suppressed - the courts have been reestablished, the people yield obedience to the laws. Representation will result in a harmonious restoration of the relations of the states to the national Union". The other position, that held by Sumner, Wade and the radicals was as expressed by Sumner. "I have nothing to qualify; nothing to modify, nothing to retract. In former days there was but one Kansas to suffer under illegal power, now there are eleven Kansases suffering as only one suffered, sir, as eleven are more than one, so is the enormity of the present time more than the enormity of the days of Franklin Pierce".

Thad Stevens, the Republican leader of the House in Congress, said, "Dreaming theorists imagine these states have never been out of the Union. They

must be governed as territories or the Democrats and southerners will at the very first election take possession of the White House and the halls of Congress”.

That is the set up as we find in January 1866, — both the legislative and executive branches of the Federal Government insisting that reconstruction was the task of their respective departments and determined to carry it out. The president was not the type of man to retreat, but was determined to fight to the last ditch. Wade was a typical radical who was determined that only over his dead body should the president and conservatives, whom he termed traitors, gain the ascendancy in the government.

Early in the session Congress passed a bill extending the Freedman’s Bureau, a bureau which had been originated as a war measure during the Lincoln administration to help the newly freed negro to become adjusted to freedom. Johnson vetoed the measure, claiming that it entailed needless expense and was an unconstitutional extension of the Federal control over the domestic concerns of the states, now that the war was finished. The Senate failed to pass the bill over the President’s veto, and Andrew Johnson registered his first and last victory over the radicals in Congress.

In February, Wade proposed an amendment to the constitution which would make a president ineligible for re-election; he claimed it was no new idea with him, although it is not remembered that he opposed Lincoln’s re-election. A Johnson supporter suggested that probably Johnson’s veto of the Freedman’s Bureau Bill had something to do with the deepening and intensifying of the loyal convictions of the senator. A supporter of the radical wing of the government even confirms this theory; “Mr. Wade’s proposed amendment should be adopted, but coupled as it is with his speech aimed at Mr. Johnson, it will now come to be

23. Ibid.
25. Cleveland Plain Dealer. Feb. 21, 1866
A personal matter and thus lose its proper weight. The speech referred to was one made by Wade referring to Mr. Johnson's mode of restoring the Union in which he gave full utterance to his impotent wrath in the manner following: - "I lay down the rule here, and I defy contradiction that if there is any man, be he high or low, who is an advocate of bringing traitors into the councils of the nation, that man is a traitor at heart; he is an enemy to the government and the nation and nothing can make it appear differently. He who invokes the aid of unrepentant rebels to come into the councils of the nation, and to participate in their deliberations is no better than a rebel and is a rebel at heart".

"This is a blow aimed directly at the president, and coming from one of the acknowledged leaders of the radicals in Congress must be regarded as a declaration of war against the president and all who approve his policy." In referring to the President, on the twenty-sixth of February, 1866, Wade said, "I tell you, Andy Johnson is deeper dyed in Infamy today, ten times over, than John Tyler ever was, he's a d-d sight worse traitor to his party than Tyler was and he will be worse yet before he rase out."

Wade stood for principles and when he thought that any person had deserted from the principle that he was under obligation to uphold, Wade could say nothing bad enough about them, so it is seen that as Wade saw Johnson deserting the radical plan of reconstruction, he could see him in no other light than as a traitor to the Republican party and to the Nation.

Congress passed a bill giving the negro civil rights, and this was promptly vetoed by the president in March 27, 1866. In April Congress met to pass the bill over the veto. When the bill came up in the Senate several senators

27. Cleveland Plain Dealer. Feb. 21, 1866.
28. Ibid.
29. Cleveland Plain Dealer. Feb. 27, 1866.
who would probably vote against it were absent because of sickness. Mr. Catherie made a motion to delay the vote on the vetted bill in order to give the absent senators a chance to vote. Wade opposed the motion alleging that the president was playing the part of a dictator and that "he (Wade) was for taking the advantage which the Almighty put into their hands." The votes were taken but the question was decided against Wade.

In reply to Lane of Kansas who defended Johnson for vetoing the Civil Rights Bill, Wade said, "Who is your president that every man must bow to his opinion while 3,000,000 people are exposed to outrage and insult and murder from those worse than savages, their former masters; murdered as we are told, every day; their lives taken away, their humanity trampled underfoot; and when Congress under the constitution of the United States is endeavoring to tender them some little protection, how are we to act here? Every attempt of your Moses has been to trample them down, making them worse and throwing every obstruction in the way of anything proposed by Congress." The civil rights bill was passed over the veto, and also during this session the 14th amendment to the Constitution, which made the negro a citizen of the U. S. and punished the states not allowing negroes to vote by depriving them of representation in Congress in proportion to the number of citizens eligible and not allowed to vote passed Congress.

After Congress ended in the summer of 1866, the radicals prepared, as did the conservatives, for the coming fall elections; it was necessary for the radicals to maintain a good two-thirds majority in Congress in order to stay in control by being able to override the presidential veto. The conservatives

30. Cleveland Plain Dealer. April 6, 1866.
31. Cleveland Herald. April 1, 1866.
of course were attempting to obtain at least a good one-third of Congress so that together with the president they could remain in power. Wade and other radicals proceeded to prepare for the coming election. On his way home from Washington, Wade stopped in Cleveland and made a short speech in which he said, "The people of the southern States had no right to withdraw and for making the attempt to do so, their former political rights should be denied." A few days later Wade said "the people must either allow the radicals to retain control of the government or prepare themselves for a civil war. Every man, North or South, who sympathized with the rebellion is now equally zealous in support of the 'President's Policy' and violence if not civil war would be the result of our failure this fall".

The radicals were victorious in the fall elections and were prepared to override the president and reconstruct the South.

The second session of the thirty-ninth Congress met in December, 1865. In a discussion over the admission of the southern states and the Fourteenth amendment, Wade said, "Let me say that I should consider myself bound by the constitutional amendment, if the southern states complied with it in a reasonable length of time, and that reasonable time in my judgment, is nearly elapsed. By reasonable time I mean as soon as their legislatures can consider it. If they adopt the constitutional amendment, and comply with the terms prescribed by the reconstruction committee and adopted by Congress, I should feel bound to vote for their admission. I voted for the constitutional amendment on that hypothesis. When the southern states complied with all we asked of them in the constitutional

32. Cleveland Plain Dealer. Aug. 6, 1866.
amendment I supposed we could not refuse to let them in on those terms. If the senator (Sumner) did not intend that they should have the benefit of what we had done, my compliance with the terms on their part, it seems to me there was something wrong. I intended to let them in on the terms we prescribed. I did not ask more, and I would not be satisfied with less; and if now they should comply with them, it would be bad faith in me to refuse to admit them. Certainly I am for colored suffrage as much as any man on this floor, but when I make such an agreement as that I stand by it always. Sumner would not agree. As long as "white" was in the constitution he would insist that every one of these states should confer impartial suffrage to get back into Congress.

This speech of Wade's may seem inconsistent with his attitude toward the north previous to this speech, but in his speech he qualifies by saying "if the southern states ratified in a remarkable length of time, but in my opinion that reasonable length of time is about up." Wade probably figured that there was no danger in any other of the states complying, so perhaps his speech was more for effect. Tennessee was the only one of the seceding states to ratify the 14th amendment and be admitted.

The radicals passed a military reconstruction bill in February 1867. The president vetoed it, as he did the Tenure of Office bill, but both were passed over his veto. The thirty-ninth Congress was drawing to a close and the President Protemporary, Mr. Foster, was retiring. He had been elected to take the place of Mr. Johnson when he became president of the United States on the death of Lincoln. The president of the Senate was in this case also acting vice president, there being no vice president. It had been conceded for several months that Wade was to be President Protem. of the Senate for the fortieth Congress. But as affairs started to drift toward impeachment when the President Pro-tem may become President, Senator Pendleton became active in canvassing

34. Congressional Globe, 39th Congress - 2nd Session - p. 124
35. Ibid.
for that position. A canvas of the senate indicated clearly the probable success of Wade.

On March 2, 1867, Mr. Anthony offered the following resolution in the Senate - "Resolved that Honorable Benjamin P. Wade of the State of Ohio be, and he is here by chosen president of the Senate pro tem". The resolution was agreed to; and Mr. Wade was conducted to the chair by Mr. Anthony and Mr. Foster. The thirty-ninth Congress thus came to an end. The fortieth Congress began two days later on the fourth of March 1867. The Radicals were all ready.

Not much is heard from Mr. Wade in the Senate after he became the presiding officer of that body, but he continued to express his views outside. He made a trip West and appeared on several occasions and spoke. On June 10, 1867 he made a speech at Lawrence, Kansas, in which, as regarded the political situation, he would only say that the southerners now had the mildest terms offered them that they would ever get. If they chose to accept them, well and good; they might have all the advantage of such action; if they refused them, another turn would be given to the screw and they would be compelled to yield whether they wished to or not. In this speech he is accredited by newspaper correspondents with setting forth the idea that a Congress which had done so much for the slave could not quietly regard the terrible distinction which existed between the man that labors and him that does not. Property was not fairly divided and a more equal distribution would have to be worked out. There is much controversy over this topic; Wade denied the principle of dividing up the property among the people and his ideas that he set forth in the future were not in accord with


38. Cleveland Herald. June 24, 1867.

this agrarian idea. His enemies, commenting on the situation, said evidently Benjamin was under the inspiring influence of Western whiskey, waded out beyond his depth, and was trying to get back.

On July 5, 1867, Congress came together for a short extra session. They adjourned on the 20th, after passing the supplementary reconstruction act over the presidential veto. They were to meet again November 21, 1867.

Wade made several speeches for election purposes in Ohio as several important factors were involved in the coming state election: the election of a governor, members to the state legislature, and an amendment to strike the word "White" out of the state constitution thus giving the negro the right to vote. He spoke at Marietta on Tuesday, August 20, 1867. In the course of his speech he said, "for I tell you that my creed is equal and exact justice to all men. Nothing short of that will do. Nothing short of it will or ought to". Contrasting foreigners to negroes, he declared, "As a mass, in my judgment, they (negroes) are better qualified to discharge their duties under the government than the great mass, equal to them in numbers, that we have always permitted to vote!" In commenting on the fourteenth amendment that the seceding state had not accepted he said: "Were these hard terms? was there any thing tyrannical or harsh, or such as honest and just men ought not to do? We want no traitors in the councils of the nation and by favor of God we will never have any.........We did not believe that the traitor instead of being hung for his crime should have a greater influence in the government he had just been

41. Cleveland Plain Dealer. July 6, 1867.
42. Cleveland Plain Dealer. Aug. 23, 1867.
43. Cleveland Plain Dealer. Sept. 5, 1867.
seeking to destroy.

On September 10, 1867, Wade spoke in Cleveland, Ohio, in the course of which he said, "The Democracy would gladly let bygones be bygones, but it can't be done. When a merchant employs a clerk, the former history of the man is ascertained, and whatever facts are elicited, regarding the integrity of the person, form the ground work of a mutual agreement. In that case bygones can not be bygones, if the merchant ascertains that the man has been a notorious scoundrel."

Ben Wade reiterated in all his speeches that foreigners, even after having been in the country long enough to become voters "know no more than the horse they drive" and that the negroes were infinitely above them in all that intelligence that qualified men to vote.

The election in Ohio took place on Oct. 9, 1867, and resulted in the election of a democratic legislature. The Republicans however won the governorship with R. E. Hayes, but the constitutional amendment to allow negroes to vote was defeated. This would seem to designate that Ohio had repudiated Wade's principles and it also looked as though Wade's days in the Senate were numbered, as his term ended March 4, 1869, and a democratic legislature was not very likely to reelect him. By the end of October it was thought likely that Thurman, the democratic candidate for governor against Hayes in view of his magnificent canvas and gallant leadership in the last campaign, would be the choice of a majority of the members elect for senator.

Regardless of Ohio's decision on negro suffrage Wade remained unchanged.

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44. Cleveland Herald. Sat. Aug. 24, 1867.
45. Cleveland Plain Dealer. Sept. 11, 1867.
47. Cleveland Plain Dealer. Oct. 10, 1867.
In an interview on November 2, 1867, he said, "It is simply absurd to talk of making states without the negro vote in the South. You can't do it. You might as well let them secede at once and set up for themselves, as to let the white rebels get control of everything down there, as they would under Johnson's policy. We couldn't go back on the negroes if we would, and I wouldn't if I could. They talk about a war of races. It will never come unless the rebels bring it about; and if it does come, let them fight it out between them, and let one drive the other out if they can. That's none of my business. As a senator, I am bound to see that there is republican government in these states. That's all I've got to do with it. If they can't agree among themselves, so much the worse for the side that gets whipped — that's all. But we'll give them a republican form of government in spite of the devil and all his angels, including Andy Johnson". This speech is typical of Wade's character all through his career; if he believed in a principle, he refused to back up, no matter how many people turned against him.

On November 9, 1867, he entirely repudiated the principle over which there had been some controversy — that of dividing up land in south among the negroes. He had always denoted setting forth the idea, but Thad Stevens had come out with a confiscation program. Wade said, "Thad Stevens's pending confiscation is d—d foolery. The time for confiscation was during the war when they could have been of use in preventing men from going into rebellion, but to think of passing such a measure now is sheer folly and nonsense. If the negroes in the south wanted land, let them work for it".

The Ohio legislature chose Allen G. Thurman for the United States


50. Cleveland Plain Dealer. Nov. 9, 1867.
Senate in place of E. F. Wade whose term would expire on March 4, 1869. This meant that Wade's career in public life at Washington and as a factor in reconstruction would be over, unless, through some trick of fortune, he might become President of the United States, as he stood next in succession.

Chapter Three.
Impeachment: Wade as a Factor in the failure
to convict the President.

Within a few months after Mr. Johnson became president it was evident
that he intended to follow the conciliatory type of reconstruction that was
begun by Lincoln instead of the radical policy advocated by the leaders of the
Republican party. Johnson also proceeded to reconstruct without consulting
Congress. This turned many of the Republicans, especially the leaders, and
those who thought the south ought to be punished, against him. It was even
hinted that Johnson had turned a traitor to the United States and gone over
to the Confederacy. It was not long before radical Republicans began to suggest
that Johnson be impeached. As early as February 26, 1866, at a meeting of the
German radicals in Chicago, resolutions were adopted to have the House impeach
President Johnson. As yet the idea of impeachment had not gained much force.
The first demand for the impeachment of the President to come from a strictly
Republican body came in October 1866, when the Republican Congressional con-
vention of the eighth congressional district of Massachusetts adopted reso-
lutions sustaining Congress and demanding the impeachment of the president.
But as late as January 19, 1867, it was reported that Wade gave it no counten-
ance. On the same day however, unwilling to believe the rumors until the last
moment, Henry Cooke, in Washington wrote to his brother, Jay Cooke, the financier
in New York, "I am reluctantly coming to the conclusion that the radicals intend
to force through the impeachment against Johnson as a political measure. This
is nothing more nor less than a revolution. We may as well look the facts in

1. Cleveland Herald. March 1, 1866.
in the face. The intention is to get rid of Johnson, to put Wade or, Fessenden, probably Wade, in as President of the Senate, and he in turn will become acting President, under a law of Congress depriving the President of the exercise of the functions of his office while on trial. Then a new law of Congress will increase the number of Judges of the Supreme Court to be appointed by the new President, giving them the majority of the court. Thus they will have the legislature, the judicial and the executive power in their own hands (now they only have the legislative) and will proceed to reconstruct the south in their way".

John Bigelow, who had been minister to France, wrote to Mr. Beckwith, a friend, from Washington on February 28, 1867, as follows: "Tomorrow the election for President of the Senate takes place in caucus. It lies between Wade and Fessenden. If Wade succeeds it will be regarded as the triumph of the impeaching party, but it would prove the reverse, for it would frighten the country, at least that is my conviction". On March 2, 1867, Mr. Wade was, as predicted, elected President pro tem of the senate.

The Republican House caucus decided that the impeachment should remain in the hands of the judiciary committee for investigation. This was regarded as a triumph of the conservative radicals over the fiercer zealots of Butler, Ashley School. The radical leaders in the house continued with vigorous efforts to force through impeachment proceedings. A democratic paper, commenting on the impeachment scheme said, that, a republican journal, referring


6. Cleveland Herald. March 6, 1867.

to the manner in which the impeachment scheme "drags its slow length along" and to the report that the House Judiciary Committee would consume the recess of Congress in carrying it forward, says it looks as though an impeachment that requires a whole year's search, inquiry, and perhaps invention, to discover the occasion for it, might be suffered to pass altogether without any serious detriment to the republic; and suggests that there was a goodly number of Republicans that had become heartily sick and disgusted with Ashley's impeachment project and wished it had never been entertained by the majority in the House or that it had been abandoned forever before the New Congress adjourned.

By June, 1867, Washington dispatches announced that the Judiciary Committee of the House had determined not to report articles of impeachment against the President, but suggested that the President should be censured by the House. The republican majority of the House was not to be balked; it had its stern purposes. One of these was to get rid of Andrew Johnson as President of the United States and to put Ben Wade of Ohio, the then President pro tempore of the Senate, in his place.

Thaddeus Stevens, the leader of the radicals in the House was afraid that a resolution of impeachment could not be carried, he said, "It would be defeated on account of jealousy on the part of the opponents of Senator Wade. The contest between Wade and Pendleton for the Presidency of the Senate was a very bitter one, and personal feelings and motives will interfere to prevent Wade from occupying the presidential chair, even for a single day. After

8. Cleveland Plain Dealer. April 3, 1867.
Wade's election, Blaine, of Maine had said on the floor of the house, "This Congress will never vote impeachment. We don't want any of Ben Wade's Shelly-waggers around the White House".

"It is this sentiment that may defeat impeachment. Every little tricky politician who wanted this man for post master or that man for constable, and does not think Ben Wade will give him what he wants will oppose it". In his speech in Cleveland in September, 1867, Wade intimated that he was in favor of the impeachment of the President at the last session. The Democratic press of that city commenting on it said that Johnson would never be impeached, as long as Wade was vice President, because some of the radicals hated Wade worse than they did Johnson and would not submit to any plan giving him the presidential chair. After the elections in Ohio by which the state went democratic with the exception of the governor, Secretary Welles said, "Impeachment - impeachment is an impossibility, sir, an impossibility, why look at Ohio, Mr. Wade and Mr. Ashley (Mr. Ashley was one of the leaders in the impeachment scheme) live there!"

In November when Mr. Wade was approached on the subject of impeachment he said he wished to be distinctly understood as expressing no opinion so far as Mr. Johnson's guilt or innocence was concerned. He would however, answer the question as to whether the late elections would have any effect on the matter. He thought they would. "You see", said he, "these weak-kneed brothers are taking the back track already. Well now, what the devil has an election in

12. Ibid.
Ohio got to do with the matter? If Andy Johnson is guilty, put him out; if not, acquit him, that's the way to do it. They ought to have pressed the investigation right along after they started it. And so they would have done last winter, if there hadn't been so many men in the senate and house who wanted to keep on good terms with the White House. There were too many men from Ohio and other states who wanted their brothers and friends appointed to office, and knew that Andy was bidding high for votes. It was one of the most shameful spectacles in the history of this or any other country to see men selling themselves and their constituents for office last winter........That thing will ruin the country yet, if the people ain't careful. Some of them denied having made any effort to get these appointments, but I know how it was. I know that Andy was mighty particular to make his appointments to the best advantage and he didn't give an office where it wouldn't count. If it hadn't been for that infernal thing of office-getting, the impeachment would have been settled last winter, as it ought to have been. I don't know whether Johnson would have been turned out or not, but one thing, it would have been determined one way or another. Wade clearly shows his character; his idea was that regardless of how elections went if the President was guilty he should be put out, if not, he should remain in. He seemed to think though, that impeachment was uncertain because of political string-pulling.

An editorial in a radical newspaper in commenting on the situation was not favorable to impeachment and ended by saying that impeachment was by this time a broken blade, more calculated to cut the hand that wielded it than him at whom the blow would be aimed, that if the measure was forced upon the

15. Cleveland Plain Dealer. Nov. 9, 1867.
party by the majority in Congress, they would dig their own political graves, and drag the party down with them into the pit.

It looked in the late fall of 1867 as though impeachment was a dead letter and Johnson would serve out his term, but when Congress reassembled Johnson, notified the senate that he had suspended Stanton as secretary of war; (he was a hold over from the Lincoln administration) the Senate, however, declined to sustain the President, and under the terms of the tenure of office Act, Stanton was restored to office. The president then precipitated matters by peremptorily removing Stanton and appointed General Lorenzo Thomas as Secretary Ad interim. Immediately impeachment flared up again; one democratic press said, "Impeachment Imminent because of Removal of Stanton"; in another article it was claimed that the capitalists in New York were becoming alarmed at the course of Congress, because they feared that its hasty action was endangering their property, hastening a period of doubt, uncertainty, and perhaps revolution, and in such an event how much would Government securities be worth?

At ten minutes after 10 o'clock on the morning of February 25, 1868, Mr. Stevens, leaning on the arm of Mr. Bingham, entered the Senate and the door keeper announced they had come from the House of Representatives. Mr. Stevens made the following statement: "Mr. President, in obedience to the order of the House of Representatives, we appear before you, and in the name of the House of Representatives and the people of the United States, we do impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office, and we further inform the Senate that the House of Representatives will in due time, exhibit particular articles of impeachment.

17. Cleveland Plain Dealer. Fe. 24, 1868.
and make good the same and we do demand that the Senate take order for the appearance of the said Andrew Johnson]". The preparation of the articles of impeachment was turned over to the Joint Committee on Reconstruction.

The Democratic Press denounced the action. The Cleveland Plain Dealer commented as follows, "The Impeachment of the President will go down in history as Ben Wade's conspiracy to make himself President of the United States after having been repudiated as a representative of the people of Ohio in the United States Senate. A more dangerous man than Wade could not be placed at the head of the national affairs, should the conspirators be successful in their scheme of deposing the Constitutional president. But because of the jealousy of radical Senators and fear of Wade's headlong radicalism the Senate may hesitate before entrusting power to him".

The Senate of the United States, on information that the articles of impeachment had been passed by the House, acted as the court of impeachment; and the Chief Justice of the United States acted as president of the Senate; a two-thirds vote was necessary to convict. The Chief Justice and each senator took oath to do impartial justice.

John Bigelow, late minister to France, had high hopes that impeachment would fail in the Senate; he considered that the large conservative force in the Senate, together with the Chief Justice, looked with repugnance and horror to the accession of Wade and would prefer to continue the President. Unless, therefore, Wade would resign and allow some good conservative Senator to be made President of the Senate he thought impeachment would be defeated. Later, in a letter to a friend, Mr. Hargreaves, Bigelow wrote that Johnson

20. Ibid.
would be convicted tomorrow by the Senate and the country would sustain them probably for the present at least, if that were the end of it. "But the moment it is proposed to remove him the question of the succession leaped into view; and many who would be glad to have Johnson put out of the way shrink from the consequences of giving the control of the executive department of the government to Ben Wade, the President of the Senate, an ex-officio successor to the vacancy. He is a man of an intemperate character; he says our greenbacks are the best currency in the world, and advocates the addition of 100,000,000 to present stock at once, and last year made a speech in the West in which he was understood to recommend a redistribution of property occasionally by law. These matters will soon be brought to public attention and their attention will not be favorable to him. Besides which, his elevation would interfere with his aspiration of other presidential candidates, or with the influence of such candidates upon the succeeding administration; already these jealousies begin to develop. Then again the success of the prosecution will depend to some extent upon the promptitude with which it is accomplished, and that will depend in a great degree upon Chief Justice Chase, who is a candidate for the presidency of the same wing of the republican party as Senator Wade. Mr. Chase, like Wade, comes from Ohio, the same state has just voted to replace Wade in the Senate with a Democrat, who does not, however, take his seat until March 1869. Chase will feel no particular interest in helping to give the control of the Republican party to another man from his own state who also aspires to the Presidency. Neither will he feel a particular pleasure in assisting to bring the impeachment to a successful issue, which would result in making Wade president and Grant his successor, when by letting it fail, both these gentlemen would be in great danger of having their respective noses put out of joint. The part which they will have to take in the contest now pending between Congress and the President, renders
the success of the impeachment of vital importance to us politically. Such is the view of one who had been a looker on at the beginning of the proceedings and was an honest observer.

The Nation, a radical periodical, expressed the following view: "If the Senate now gives judgment against him (Johnson), and disposes him, he will be succeeded by a gentleman who is, we admit, a better man in all sorts of ways, but whose mental constitution and political and social training are very like Mr. Johnson's, and who has been selected for the office mainly because he is plucky and impetuous. We confess the prospect does not fill us with enthusiasm, when we consider the delicacy of the duties which will develop on the president during the coming year, how much there is before us for a rough and untaught hand to mar, and remember the enthusiasm with which four years ago the very men who are now looking forward with most delight to glorious Ben Wade's accession to the Presidency talked and wrote of 'Andy Johnson of Tennessee' then, also, the man of the people, the foe of the slave holding aristocracy, the friend of the Union. It is impossible to avoid expressing the hope that Mr. Wade will exhibit in his new office other qualities than those which, laudable though they may be, have thus far made his reputation."

At the outset the Washington Correspondent of the New York Herald gave three reasons why the impeachment of Andrew Johnson would be defeated in the Senate: first, men of strong clear judicial minds, such as Trumbull, Fessenden, Sherman and Anthony, would see that there was no real charge on which to base a conviction; second, jealousy of Ben Wade, and doubts as to

his competency to run the machine to the satisfaction of the party and country would play a prominent part. Johnson's blunders would make capital for the Republican party but Wade's blunders might destroy it; third, general fears of the unpopularity of the measure with the public would cause them to hold off.

The general consensus of opinion on both sides seemed to be certain that Wade would be one of the main factors in the failure to convict the President; Wade was all right as a critic of the administration, but his radicalism was feared and many politicians were jealous of his rise to power. The apprehension that the Senate would impeach Johnson, and make Ben Wade president, caused alarm among foreign bond holders, and it was claimed that all kinds of government securities had declined. The 10-40 bonds had declined three percent between February 29th and March 3rd.

When the Senate prepared to form a court of impeachment, the right of Wade to sit as a member of the court was challenged because in the event of conviction he would become president. His enemies claimed that he would benefit from his own verdict. Senator Sumner claimed that there was no authority for the objection and paid Wade a high compliment: "Put in one scale these interests, so dear to the heart of the patriot, and in the other all the personal temptations which have been imagined, and I cannot doubt that, if the Senator from Ohio holds these scales, the latter will kick the beam".

The challenge of Wade's right to sit was withdrawn and Wade remained a member.

26. Cleveland Plain Dealer. March 5, 1868.
27. Cleveland Plain Dealer. Feb. 29, 1868.
of the court. There was some rumor to the effect that Wade might resign as President of the Senate to avoid embarrassment; he would not in this case become President if Johnson were deposed of by the partisans of the Senate; this however proved to be only a rumor.

On the thirteenth of March, 1868, Johnson's lawyers appeared before the court and asked for forty days in which to prepare the defense; they were given ten. The trial started on the twenty-third. It was a long drawn out affair, continuing through April into May. Mr. Bigelow wrote the following article to the editors of the New York Evening Post early in May 1868:

"Johnson has disappointed us, but shall we better the matter by familiarizing the country with the degradation of its chief magistrate or by replacing him for the few unexpired months of the current Presidential term with a man who has been chosen by no state and is rejected by his own?". On May 4, 1868, the New York Evening Post printed the following: "Mr. Wade, too, must be many times more or less Mr. Wade than he is, if he can administer the patronage that will then fall into his hands, without rending the party from and to end. The day he takes the oath of office will there not inevitably be two Republican Parties?".

Voting commenced on May 16, 1868. Johnson was acquitted on the eleventh article 35 - 19; Fowler, Henderson, Fessenden, Van Winkle, Trumbull and Ross defied the most extreme party pressure and joined the twelve Democrats in voting for acquittal. The court then adjourned until May 26th. Bigelow

31. Cleveland Plain Dealer. March 14, 1868.
34. Cleveland Plain Dealer. May 16, 1868.
wrote in his diary on May 19, 1868, this comment: "The Court of Impeachment has found the President not guilty on the eleventh article, the one voted on first because it was supposed to be the strongest for the impeachers. It seems now to be taken for granted that Johnson will serve out his term. The impeachment court reconvened on May 26 and resumed voting. The President was acquitted on the second and third articles and the court adjourned. 36 The elevation of Senator Wade to the Presidency in the midst of so much passion and tumult, and with the peculiar political surroundings which the event foreshadowed, would have been to say the least, a very questionable experiment for the country.

Mr. Wade was a strong factor in the failure to convict the president for three principal reasons; first: his extreme radicalism was feared even by his supporters; second, several of the prominent radicals were jealous of him and did not want to see him elevated to the Presidency of the United States; and third, he had been repudiated by the State of Ohio and when his term in the Senate expired on March 4, 1869, he was to be replaced by Allen G. Thurman, a Democrat.

The Republican Convention met in Chicago immediately following the adjournment of the court of impeachment; they had counted upon Wade's nomination for Vice President. Wade led on the first ballot, Ohio deserted on the second ballot, and on the fifth he was out.

35. Bigelow. Recollections. IV. 182.
36. Cleveland Plain Dealer. May 27, 1868.
The decision of the Court of Impeachment had used up his capital.

His climax as a politician was reached when he failed to take the place that would have been his by the impeachment of Andrew Johnson.

Benjamin Wade's public career closed in March, 1869, with that of the Fortieth Congress. Wade, like many of the other leaders, had been fashioned under the influence of the rising anti-slavery struggle. He was past middle age at the beginning of the rebellion, but took an active part as the chairman of the Joint Committee on the conduct of the war, thus helping to destroy the slave aristocracy. He and the other radicals were not a priori eminently fitted to clear the soil and reconstruct the states; they feared that unless proper steps were taken the old Democratic party would again gain and continue its ascendancy. It was to prevent this that Wade aimed his policy. Mr. Wade aided in the state canvass of 1875, was a delegate to the convention of 1876 and Presidential elector. He, true to his character, very promptly repudiated the Hayes southern Policy. Benjamin Franklin Wade died at Jefferson, Ohio, March 2, 1878.

40. Bigelow. Recollections. IV. 182.
42. Riddle. Wade. 255.
43. Riddle. Wade. 294 - 5.
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