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EDWIN M. STANTON

and the

# Sherman-Johnston Terms of Peace

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How Lincoln's Secretary of War "Fought the Rebels to the Last  
Extremity," and Wrecked their Political Craft as his  
General-in-Chief Crushed their Military Power

AN ADDRESS

before the

Military Order of the Loyal Legion of the United States

COMMANDERY OF ILLINOIS

by the

REV. WILLIS WEAVER

Chaplain of the Commandery  
Ex-Chaplain G. A. R., Dept. of Texas

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<sup>1927</sup>  
*The Rev. Willis Weaver*

*6547 Ellis Ave., Chicago, Ill.*

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In the **WAR FOR THE PRESERVATION OF THE UNION** the issue was determined by the crystallization of a diffuse patriotic sentiment into a flaming spirit of **NATIONAL SELF-CONSCIOUSNESS**.

Protagonist of this evolution, arose **A MAN** unique in his day in the combined clarity of his vision, steadfastness of his convictions, dominance of his mind over men of affairs, and mastery of his personality over opposition.

To **THIS MAN**, probably unexcelled in genius among America's heroes, as he was unsurpassed in labors and devotion, it was given to interpret the signs of the times, to appreciate the gravity of the crisis, to nail to the mast the banner under which the victory was to be won, and to lay down his life a sacrifice for that banner of **NATIONAL PATRIOTISM**.

The time must be near when **A REDEEMED AND TRIUMPHANT NATIONALITY**, after more than a half century of indifference, shall awake to recognize what it owes to **EDWIN M. STANTON, PATRIOT PREEMINENT**.

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Gentlemen, I cannot add to Mr. Stanton's troubles. His position is one of the most difficult in the world. \* \* \* The pressure upon him is immeasurable and unending. He is the rock on the beach of our national ocean, against which the breakers dash and roar, dash and roar without ceasing. He fights back the angry waters and prevents them from undermining and overwhelming the land. Gentlemen, I do not see why he survives, why he is not crushed and torn in pieces. Without him I should be destroyed. He performs his task superhumanly.

ABRAHAM LINCOLN.

It tried his (Stanton's) patience, beyond that of any other man, to see all the results of the war laid at the feet of the South by Johnson. \* \* \* He was one of the great men of the Republic. He was as much a martyr as Sedgwick, or McPherson. I hold him in great personal esteem and his character in high honor.

U. S. GRANT.

I doubt that in any other state or country could the chief of the state and his ministers of war have submitted to what Mr. Lincoln and Mr. Stanton bore. \* \* \* Many military names from this war will live in history, but Lincoln's and Stanton's will outlast all but Grant's. Lincoln was easily first; but Stanton and Grant occupied the second place. I will not attempt to say which was the first of these two. But all won my regard and such reverence as I have felt called upon to give to no other men in the course of a life in which I have shaken hands with every President since Adams, that is, with sixteen of the twenty-one men who have held that high office. Between Lincoln, Stanton and Grant I believe there was never a dispute.

QUARTERMASTER GENERAL M. C. MEIGS.

No modern character possesses more interest than Stanton. \* \* \* He towered in the Supreme Court as a leader of leaders. An authority of wide acceptance, he was a genius of his school. \* \* \* When he accepted the portfolio of War Minister it was in the spirit of the generals of Cromwell's Puritan army. The first thing he did was to put himself out of sight. In the long catalogue of calumnies heaped by bad men upon his honored name, not even a suspicion of personal ambition is found. They hated him because he loved his country—because that love was sincere, vigilant, exacting. \* \* \* He had no hope, no object, no time but for the cause. \* \* \* Let us never cease to cherish and follow his matchless example. (Quoting Webster's tribute to Jay) "When the spotless ermine of the judicial robe fell on him it touched nothing less spotless than itself."

JOHN W. FORNEY.

In the writer's opinion it is a nation's shame that his (Stanton's) extraordinary services to his country in her time of stress and need have not been recognized by the creation of a monument to his memory at the nation's capital.

DAVID HOMER BATES.

## Stanton and the Sherman-Johnston Terms of Peace

AN ADDRESS BEFORE THE  
COMMANDERY OF THE STATE OF ILLINOIS,  
MILITARY ORDER OF THE LOYAL LEGION OF  
THE UNITED STATES

By The Rev. WILLIS WEAVER, Chaplain

October 7th, 1926

### GENERALS IN COUNCIL

In a little log farm house in North Carolina, between the last two confronting armies of Civil War time that were capable of staging a serious battle, three men sat about a table. It was the eighteenth day of April, eighteen hundred sixty-five. Fifteen days before, Richmond had fallen. Nine days before, Lee had surrendered. Four days before, President Lincoln had been assassinated,—a fact known, in this region, to these three men only.

One of the three men needs little introduction. Down through the impregnable fastnesses of the mountains of the South, and up through the impassable morasses of its coast region, he had led a great army to the end of an impossible achievement, leaving in the broken shell of the Confederacy a trail no more conspicuous than is the place he made for himself on the page of the history of the time. Next in command to General Grant, General W. T. Sherman stood also second among its great generals in the esteem of a victorious and grateful people.

The second of the three men occupied a somewhat similar position on the other side, though unkindly fate had hindered the full realization of his deserts. Rather reserved and aloof in manner, he yet had that perky, cock-sparrow air of assurance with which small men seem so often to attempt to make up for the want of impressiveness in their stature. In his case, however, the show of importance was not without warrant, for it is more than possible that history will finally fix upon him as the ablest of all the champions of the cause of disunion. His efficient generalship gained the first victory at Bull Run. His retirement before Sherman, from Dalton to Atlanta, without panic, and with insignificant loss, is conceded to rank as a masterpiece of military strategy; and at Bentonville, with hastily gathered remnants of disorganized forces, he came perilously near to balancing his account with Sherman by a single blow. The laudation of Robert E. Lee has passed all bounds of reason and become a kind of cult. Occasionally some one of military training joins the refrain, but the hulk of the boasting is done by those in no way fitted for just judgment above

the average run of the rest of us. As one unskilled in military affairs, but as a student of both sides, I venture the opinion that their arguments are not convincing; and I include the book of General Frederick Maurice in the statement. The whole propaganda has the appearance of a determination to pyramid the reputation of a good-enough, but not exceptional, individual, and, with this factitious paragon, to screen sedition, and save the soul of a lost cause. And I will take another risk in the forecast that, when the hysteria passes and a competent hand is found to use the scales, it will be admitted that the ablest soldier of the Confederacy was Joseph E. Johnston.

The presence of the third person at the conference has a significance which the historians have failed to note. His measure could scarcely be more accurately taken than in an expression of Henry Clay, who called him, on an earlier occasion, "My eloquent friend, the son of an eloquent father, and grandson of a more eloquent grandfather." His command of language, and the fact that he represented, however unworthily, a family of the highest standing in Kentucky, were his passports to favor in public esteem and the occasion of his presence at this conference. His position in the Confederate cabinet had less to do,—in fact, came near preventing his attendance. Precocious in youth, as became the scion of a line distinguished for ability, he failed in his later years to fulfill the promise, and drifted, through self-indulgence, into disrepute and obscurity. At the time of this incident, he was a lawyer of high standing, and had served with the army in Mexico; but his main interest was in political affairs, in which field he had made his way, at the earliest age allowable, to the vice-presidency of the United States under Buchanan. He was the last of the leading conspirators of the rebellion to withdraw from federal service, having clung to the chair of President of the Senate, for the purpose of embarrassing patriotic legislation. While others were dismissed by the simple process of dropping their names from the roll, he was expelled by a Senate resolution officially designating him, "John C. Breckenridge, the Traitor."

A graphic account, published thirty-five years later, and attested by both the main actors, though given at second hand and containing some evident inaccuracies, will assist us to reconstruct the scene, at the little log house on the Bennet farm, on the eighteenth day of April, 1865.

#### "MEDICAL STORES"; REGAN'S PAPER

It was near two o'clock in the afternoon when the two generals entered the building and Gen. Sherman, after closing the door, carefully deposited on a chair an army saddlebag which he had brought with him. The two talked together for a while, and Johnston recurred to the question of the full pardon of Davis and other high officials of the Confederacy, a matter left open at their meeting the day before. He suggested that John C.

Breckenridge, a man of high standing in the legal profession, was near at hand and might be called in to shed light on any points in doubt. Sherman objected that Breckenridge, being Secretary of War in the Confederate Cabinet, could not be allowed to intervene in the discussion, because that would be construed as a recognition of the Confederacy, a point which he could not yield. The wily Johnston replied that Breckenridge was also a general in the Confederate army, and might come in on that account, waiving the dignity of his higher office. On this understanding, Sherman consented, and Breckenridge was summoned from the place where he waited with Hampton and the guard, expecting to be called.

Now, it happened to be one of Breckenridge's unhappy days. His usually domineering and combative air had given way to a taciturn gloom. For the fires of his activities were fed largely on alcoholic stimulus, and the feverish rush of events in the debacle of the Confederacy had kept him on the run, carrying with him an ever increasing thirst. After the introductions were over, Sherman remarked that it had occurred to him that supplies might be running short at the other camp, and he had brought along some "medical stores," so he proposed a drink all 'round before they should settle down to business. The effect on Breckenridge was like the rising of the morning sun. He had been seeking solace in the furious consumption of a plug of tobacco. Now he threw the quid into the fire, washed out his mouth thoroughly, and watched every motion of Sherman with absorbed interest. When it came his turn, he poured "an enormous drink" and, after imbibing it, settled back with a beatific expression of content illuminating his countenance.

Presently there was a knock at the door, and a courier delivered some papers for General Johnston. After looking them over, with the assistance of Breckenridge, he selected one and laid it on the table, saying it contained the terms of peace which they desired to offer. Everybody knows that it was in the handwriting of Mr. Regan, Postmaster General of the Confederacy; but few have enquired as to the circumstances of its origin, as it becomes our duty now to do.

#### DAVIS RUNS TRUE TO FORM

On Sunday, the second day of April, Jefferson Davis learned of the perilous situation of Lee's army, and made a hasty exit from Richmond. Perhaps he was in search of that "last ditch," in which he had promised to stand, gun in hand, with the final remnant of his supporters. If so, he must have thought it was somewhere near the headquarters of General Wade Hampton, well in the rear of Johnston's army. On the next day the city of Richmond was occupied by the Federal forces.

On the fifth, Davis issued a proclamation saying that Virginia would be held, "and no peace ever be made with the infamous invaders of her soil." The next day the battle of Sailor's Creek

broke the back of Lee's defense and drove that general to the verge of despair. On the ninth, Lee surrendered.

On the eleventh, Davis learned of the surrender of Lee, and telegraphed to Johnston to come immediately to Greensboro, which Johnston did, arriving early the next morning.

In a council of his Cabinet and generals, Davis repeated the folly of his proclamation of a week before, promising that a new force would be got together, by mobilizing conscripts and deserters, and the war yet carried on to a successful termination. The generals were not consulted, but instructed, and they left the conference aghast at the fatuous madness of the scheme. That was a doleful and busy evening for the Cabinet members and the generals, as they milled about and consulted together in the hope of finding some escape from impending destruction through the delusion and well-known obstinacy of their president. It was finally arranged that Johnston should speak for them and try to bring Davis to some sane comprehension of the realities of the situation.

Mallory secured him an opportunity at the Cabinet council the next morning. It was Johnston's hour. He himself speaks modestly about it, and only Pollard, of all the historians, seems to have sensed its significance.

After the first battle of Bull Run, a member of the staff of Davis published a report that the President had hurried to the field and, at a critical moment, had taken charge of the forces and pushed the affair to a victory. Now, that is exactly what he hoped to do. But the splendid generalship of Johnston had made the victory complete before Davis appeared on the field. To deprive him of the glory which he had counted on securing was an offence which the cramped and selfish mind of Davis could never forgive. Moreover, Johnston was one who brought no incense to the altar. His bearing toward the President lacked the air of humility which Davis exacted of subordinates who approached him. When the two were together, both, doubtless, realized that the little general was the better man, and, as a consequence, the attempts of the President to thwart and humiliate Johnston became an outstanding fact of the war period; for Davis was a man capable of such a course.

**EXIT DAVIS** But on this morning of April thirteenth, the tables turned. The President, sitting in the presence of his advisors, was forced to receive from two of his generals, whom he had made it a point to humiliate, a demonstration of the hopeless ruin into which he had guided the affairs committed to his direction. General Johnston showed that a mere fragment of the army remained, that it was without supplies of ammunition or food, ragged and demoralized by marches and defeat, and surrounded by forces in good fighting condition, flushed with victory and eager for the final push, overwhelming in numbers and capable of increase indefinitely. He insisted that further

resistance would only invite greater disaster and would be nothing short of criminal, and "urged that the President should exercise the only function of government still in his possession, and open negotiations for peace." Beauregard approved of Johnston's position, and the members of the Cabinet, excepting Benjamin, also assented. Davis received their expressions of opinion somewhat ungraciously, and protested that it was idle to expect him to act, as suggested, inasmuch as he had made the attempt and had not been able to get even an acknowledgment of his right to negotiate as a belligerent. Johnston had his answer ready, to the effect that sometimes generals in the field had been able to make arrangements that paved the way to negotiations by their respective civil authorities, and suggested that he be authorized to address Sherman on the subject. After a little more sparring, a letter was evolved, suggested by Johnston, dictated by Davis, written by Mallory, approved by Beauregard and the members of the Cabinet, signed by Johnston, and by him sent to Hampton, to be forwarded to Sherman. It was a request for a suspension of hostilities, "the object being, to permit the civil authorities to enter into needful arrangements to terminate the existing war." Here virtually passes Jefferson Davis as a power in the Confederacy. His blundering and vanity and stubbornness will harm it no more. The supremacy has passed to a better man. Though it is too late for Johnston to turn aside the ruin that impends, time will yet serve him for one of the neatest little political manipulations in the history of diplomacy.

The first conference between Sherman and Johnston began in the forenoon of the seventeenth, and continued until nearly sundown. Both give accounts of the event in a few sentences. Sherman evidently did not discover, and Johnston perhaps did not care to call attention too pointedly to the drift of the debate. When Sherman refused to consider bringing the civil authorities together, saying it would be a recognition of the Confederacy, and apparently not having noticed that such was the purpose of the letter he had received proposing the conference, Johnston swung over to the theme of the surrender of all the armies still in the field. He knew when to sympathize with Sherman's views, when to ring in an effective incident, and when to press the grandiose idea of a clean sweep from the Potomac to the Rio Grande which broke out in the proclamation of Sherman a few days later. Before they separated at sunset, as Johnston tells us, they had agreed on terms; that is to say, he had found out about how far he dared go, and saw victory in sight.

#### **THE SWORD OWNS ITS MASTER**

Returning to Hampton's headquarters, Johnston did a highly characteristic and significant thing. He telegraphed Breckenridge to come to his assistance, "General Sherman having submitted a proposition \* \* \* too comprehensive in its scope for any

mere military commander to decide upon." Why did he do that, when the two had been so recently in consultation, and he was virtually commissioned to proceed with a free hand? The answer will clear up other matters also, such as,—why did men like Johnston and Lee and Wheeler and half of the south-born West Point graduates abandon the service of a nation they never ceased to love? It was because the military class of the South did not dare to do its own thinking.

It has always been the perplexity of an aristocracy, what to do with its by-product in the way of a semi-respectable class. Where diverse peoples are concerned, it is half-breeds that make the trouble. It was they who, rising to class-consciousness, drove the Spaniard out of South America. A growing menace in India, they are beginning to trouble South Africa. Among us there is a saying, "one drop of African blood makes a negro," which is a very comfortable way of settling the matter. But the time will come when it will be asked, why the rule does not work both ways, and one drop of white man's blood make a white. In that day, if self-enthroned aristocrats and political thimble-riggers are allowed to give the answer, let the "black belt" prepare for another reign of terror, or invoke the intervention of that special providence which watches over fools.

Again, what shall aristocracy do with its younger sons, its favorites, its high-class flunkies, and its climbers? Since labor and trade are taboo, and the professions are easily overcrowded, the military service offers a ready retreat. So the military of the South were not its rulers. They were an offshoot, a dependant and subservient caste. When the historians get to understand this, and the courage to admit it, they will write much less nonsense about the beginnings of the civil war, and about the reconstruction period. Johnston's calling in of Breckenridge was an automatic gesture in which the aristocracy of the South made obeisance to its aristarchy. Any other of the generals would have been as helpless in the situation, and probably Robert E. Lee most of all, for he cringed before a political domination which he resented and, at its beck, espoused a cause which he never approved.

### TRAP FOR SHERMAN

Jefferson Davis had left the neighborhood, a man without a country or so much as a roof to shelter his head. But the Cabinet got together, on the eighteenth, at two o'clock in the morning. Johnston reported the results of his reconnaissance and the progress of the campaign; and the preparation of a paper to embody the terms they sought was taken up. The meeting with Sherman was set for ten o'clock, but a courier had to be sent to ask for more time, and at near two hours after noon, when Johnston started to the place appointed, the final draft of the paper was not yet ready.

Followed, as already described, the meeting of the generals,

the bringing in of the indispensable Breckenridge, the mitigation of his woe, the arrival of the delayed document.

Johnston read the paper and explained that it covered substantially the points Sherman and he had agreed on the day before. Finally he asked that Breckenridge be heard on the matters still in question.

### ARISTARCHY AT BAY

Picture the scene, remembering what that paper represented. Lee had made a military surrender; but these men were out for a political treaty. Lee was acting for the Army of Virginia alone; these men had in hand, according to their own estimate, the winding up of the affairs of a nation, and the determination of the future of their caste. Against Sherman, who was without expertness in law or diplomacy or practical politics, had been arrayed, for nearly a week, as keen and able a group of experts as ever gathered about a council table,—Davis and Benjamin and Breckenridge and Regan and Mallory, and Generals Johnston, Beauregard and Hampton. That very day, they had spent nearly twelve hours considering every point and putting in shape every phrase. Representatives of the class that for a generation, had held the South as a private preserve, and the nation also, in little less degree, they had put at risk the measure in which they might hope to regain their kingdom. None knew this better than Breckenridge, and none was better fitted to rise to the emergency. Lifted out of the dumps by his "enormous drink," he functioned with characteristic brilliancy. "He seemed to have at his tongue's end every rule and maxim of international and constitutional law, and of the laws of war,—international wars, civil wars, and wars of rebellion. In fact, he was so resourceful, cogent, persuasive, learned, that \* \* \* Sherman \* \* \* pushed back his chair exclaiming, 'See here, gentlemen, who is doing this surrendering, anyhow? If this thing goes on, you'll have me sending a letter of apology to Jeff Davis.'"

Presently, in deep thought, Sherman rose from his place, walked to the chair on which his saddlebags lay, and fumbled with the contents. Breckenridge watched the movement closely; his face brightened up, and he cleared his mouth for action. But Sherman poured himself a drink, approached the window, and stood looking out and sipping slowly, apparently lost to his surroundings. Breckenridge's face fell, clouded over, and took on a grieved and disappointed air as he returned to the solace of his tobacco plug.

### LAST VICTORY OF ORGANIZED REBELLION

Presently Sherman resumed his place, declaring that he must terminate the council before they drove him to a capitulation. Insisting that their terms were too liberal to be allowed, he seized his pen and rapidly wrote out the famous paper, based on that of the rebel Cabinet, but giving them more than they had dared to ask.

Sherman's exaltation of mind and utter inability to estimate the gravity of the situation revealed itself the next day when he indited his assurance to the General-in-chief that the agreement "would make peace from the Potomac to the Rio Grande." The words are Sherman's, but the "illusions of grandeur" that run between the lines betray the dextrous touch of Joseph E. Johnston. Sherman pointed out that all that was necessary was to indorse his copy and leave him to work out the details. But General Grant's action, on receiving the dispatches, two days later, was not what Sherman expected. He answered that he would present the terms to the Cabinet, but was sure that they could not be accepted. They were so at variance with the orders he himself had received under similar circumstances, and with Sherman's promise of the fourteenth not to cover political questions, that he knew them to be impossible. He then turned over the papers to the Secretary of War, who became henceforth charged with the further conduct of the affair; and of all men of his day, there was not one better fitted to meet the grave emergency.

#### STANTON THE COMPETENT

Edwin M. Stanton was admitted to the bar before he was twenty-one years of age, and was made county prosecuting attorney the next year. On his first case, he was driving ahead at that tremendous pace characteristic of his method before a court, when the opposing counsel interposed to ask the presiding judge to exclude the boy from the bar as being too young to assume charge of a law suit. The elderly lawyer under whom Stanton had studied rose to assure the judge, "This young man is as well qualified to practice law as myself or any other attorney of this bar." The commendation was justified, for it soon became customary, when disputes arose between neighbors round about, to see a scurrying to be the first to reach Stanton's office; for the one who secured his services counted himself ahead already in the case, while many who failed of this advantage dropped the litigation or submitted to arbitration. This was a forecast of his progress from that time on. At thirty years of age he had reached the front rank of his profession in Ohio. At thirty-three he moved to Pittsburgh, Penna., where he was soon equally esteemed. At thirty-five he was admitted to practice before the Supreme Court of the United States. At thirty-eight, in a case before the Supreme Court of Pennsylvania, he won from Chief Justice Jeremiah Black the designation of the greatest lawyer of his time.

His first appearance before the Supreme Court of the United States was the occasion of favorable recognition by the judges probably unequaled in the history of the court; and he secured from that august body decisions establishing some of the most far-reaching points of constitutional interpretation. His amazing feats in the California Land Cases not only saved uncounted millions from what Judge Black called the greatest land frauds in history,

but also prepared the way for the clearing of titles to vast numbers of properties, public and private, making him, in a whirlwind campaign of six months, the greatest benefactor of California that ever trod her soil.

#### LINCOLN FINDS HIS "WONDERFUL MAN"

In 1854 Mr. Lincoln went to Cincinnati expecting to take the leading part in the McCormick Harvester Case, in which he had been retained; but he discovered that those in charge of the litigation had displaced him by employing Edwin M. Stanton for that part. Justly offended, Lincoln yet remained to hear Stanton's plea. He listened with growing wonder and surprise, rising to walk the floor, and showing in his face his delight as the argument unfolded and drew to an impassioned conclusion. He walked out of the court room with a friend, silent for a long time, then breaking forth, "Emerson, I am going home to study law!" This purpose he did not carry out, for he soon became absorbed in politics, in which he won immortal renown. But it was in that hour that he found *the man* whom he was to call, though a democrat and his merciless critic, and one toward whom he could not help harboring resentment, to be his right-hand man. His warrant for doing so was, "He is a wonderful man."

Mr. Stanton was pre-eminently a man for emergencies. His power of mental concentration was extraordinary. Under the stimulus of a sudden crisis, his tremendous reserve powers marshaled for the contest and his opponent must be well on his guard if he hoped to survive Stanton's overwhelming onset.

This was well illustrated in one of the most critical crises of American history.

#### STANTON MAKES REBELLION ODIOUS

On the twenty-seventh day of December, 1860, the Cabinet of President James Buchanan met in extraordinary session. The initial scenes of the rebellion were then enacting and had torn the fabric of the administration to shreds. Three members of the Cabinet had resigned; three were openly hand-in-glove with the secessionists and, in fact, leaders in the movement. Only Holt, Dix and Black remained loyal; and Black, as Attorney General had committed the most stupendous folly possible in the crisis by rendering an opinion to the effect that the Government had no constitutional power to defend its life.

Edwin M. Stanton had just been made Attorney General, and was present for the first time. South Carolina had seceded a week before, and the object of the meeting was to take up the answering of her commissioners, who were in Washington to take over all property in the State from the ousted United States Government. Word had spread that Major Anderson had moved into Fort Sumter the night before, and excitement was at the highest pitch.

The President informed the Cabinet that he had met the South

Carolina commissioners that morning, and had another appointment with them for the next day. He regretted the move to Fort Sumter as compromising the honor of the Administration and proposed that Anderson be ordered back to Moultrie to appease the South Carolina officials. Floyd added a frantic demand for Anderson's return, saying his move was a violation of orders and of an agreement that he was to remain until the Carolina authorities were appeased. Stanton wanted to know by whom, and in what terms, a promise and orders, under the circumstances grossly treasonable, had been given; but he could get no answer. Neither Buchanan nor Floyd would assume the responsibility, though both insisted that the obligation existed. Stanton then turned to the President and delivered his first opinion as Attorney General,—That the President had no right even to hold conference with those gentlemen from South Carolina, for he was the Executive of the only Government within the borders of the United States, while they were rebels engaged in a conspiracy to destroy that government. That even in listening to them he was risking impeachment and criminal action; and whoever aided or encouraged them was repeating the sin of Benedict Arnold, and merited the fate of Andre. He denounced the robbery of public funds by two members of the Cabinet, Floyd and Thompson, and their activities in fostering rebellion; and flayed another, Toucey, without mercy, for his flunkeyism. Holt tells us that Floyd raged like a fiend; and the tumult rose so high that the Cabinet had to take a recess until evening, when, with Black converted, and Holt and Dix in line, Stanton carried to a finish one of the most important victories ever vouchsafed to the Republic, whether on the battle field or in the council chamber. As Ben Butler put it, "He turned the whole course of events at that time and prevented a disgraceful chapter in our history."

The pity of it is that, when Stanton's views became popular, Judge Black, by whose doughface servility the incident was largely made necessary, spent a large part of his last years in an attempt to appropriate to himself the credit that belonged to Stanton. How well he succeeded, may be seen by consulting current histories, like those of Gen. Crawford and Professors MacMaster and Rhodes. On this particular point, they are not histories at all.

### LINCOLN REVERSES HIMSELF

One more incident will clear the way back to our particular theme. When Mr. Lincoln entered Richmond, on the fourth day of the month, he was approached by Justice J. A. Campbell, rebel Assistant Secretary of War, formerly of the Supreme Court of the United States, and probably without superior in learning and ability among the Confederate leaders. He had tried to compromise the Lincoln administration soon after it was formed, and now he renewed the effort by getting the President to permit the reassembling of the Virginia legislature. An order which he

could construe to suit his purpose was granted him, and the members of the body were summoned to reassemble. Explain it as one may, the simple fact is that Mr. Lincoln was tricked into a portentous error, which the more wary eye of Stanton discovered at a glance; for Stanton, in matters of law and diplomacy, was by far the superior of the two. I know that this statement surprises many people and offends some. But those who blink the truth simply deny themselves a fact recognized by both Lincoln and Stanton and acted upon in all their co-operation from first to last.

It was about five o'clock in the evening when Mr. Lincoln entered the war office and seated himself on a sofa facing Secretary Stanton, and listened without interruption and in an intense mood unusual in him, while "That good friend and faithful servant," to use Lincoln's own words, explained that the order about the Virginia Legislature would put the scepter into the hand of the vanquished; would compromise the question of the rebel debts and the security of the freedmen; would alienate the patriotic North; would make impossible a safe reconstruction. In all, he cited eighteen particulars in which it was inadmissible as a policy. And Lincoln yielded and wrote out immediately his last official dispatches, instructing General Weitzel to countermand the order, and sharply rebuking Judge Campbell for taking unfair advantage of his confidence and forbearance.

### SHERMAN NOT EXPERT

I spare you further attention to this point; though, in another monograph, I have cited nine crucial occasions on which Stanton stood, as a rock on the shore, to which Lincoln likened him, against the set treasonable purpose to force recognition of the Confederacy directly or by subterfuge. If you get the point, we will be ready to return to our immediate study, after taking the measure of General Sherman's fitness to venture into that field. As I have intimated, he was not expert in either law, diplomacy or politics. He had been a member of a law firm, and admitted to practice. But he never made a particular study of law, nor did he pass an examination. He was admitted to the bar as a personal favor in the free and easy way of the Kansas border. His part in the firm was to act as accountant. The only case in which he appeared as counsel was one involving a matter of seventeen dollars and a half. He collected the fee of five dollars, but lost the case. Immediately after this experience, he withdrew from the law firm and returned to instruction in military affairs, in which he was expert.

### LINCOLN CABINET REJECTS TERMS

General Grant handed Stanton the terms of peace, with a request that a cabinet meeting be called to consider the political aspects of the affair. Stanton more than agreed with him. He was overcome with amazement and alarm. He paced the floor, recurring again and again to the paper to assure himself that he had read it aright. He saw in it the reckless throwing away of



everything for which his country had endured four years of travail. At the Cabinet meeting summoned by Andrew Johnson, who was now President, he was in haste to have action pressed so that he could get off dispatches to nullify the agreement. Grant's forecast proved correct, for the terms found no support in the Cabinet; and he, being present by invitation, was instructed to go to Sherman's camp and correct that general's mistake; a task which Grant executed with exquisite modesty and tact.

### IRRITATING BULLETINS

Now, Stanton had established the custom of issuing bulletins of news to keep the people posted as to the progress of the war and to prevent the circulation of false reports and propaganda that embarrassed the administration. In the high tension of feeling throughout the land, it was particularly necessary at this time to allay dangerous excitement; and Stanton gave out bulletins as usual reciting the course of events so far as known and giving the latest rumors from the front. Sherman was disposed, at first, to submit good naturedly, though under protest, to the decision of the Administration, but was stirred to indignation by certain statements in the bulletins. Some of his objections were unreasonable and unfounded. But he was right in objecting to one item in each of the bulletins, namely, that which insinuated that he might be conniving at the escape of Jeff Davis, and the order given by Halleck, in whose department Sherman's force was now operating, that officers of the army were to disregard any orders issued by Sherman.

I can take space for but one suggestion that may have bearing on the discussion. It appears that both the offending passages originated with General Halleck. He had a genius for making trouble, and my opinion of him is much like that expressed by Sherman, Ben Butler and Gideon Welles. My suspicion is that he availed himself of the opportunity to trick both Sherman and Stanton. The relations existing between the War Office and Halleck are, to my mind, one of the unsolved mysteries of the war. Why the President and the Secretary of War should have endured for so long and in a place of first importance such an extraordinary example of inefficiency, is apparently beyond explanation.

The historians relate the outcome of the negotiations for surrender; that Sherman, under orders, notified Johnston that the terms were rejected; that, thereupon, Johnston asked and obtained, at his surrender on the twenty-sixth of February, virtually the same terms that Grant had given to Lee. Conscious of a sincere and patriotic purpose to bring about a speedy and honorable peace, unable to see that he had been beguiled or to measure the gravity of his mistake, amazed and wounded in his deepest feelings, and ill-advised by sympathetic friends, Sherman fought blindly to ward off the blame, real and imaginary, that descended

upon him. Because of the war-office bulletins, he mistakenly rated Secretary Stanton as a personal enemy and treated him as such. Stanton made no defense, following therein his invariable rule to exclude personal debate when national interests were at stake. Let him who would write a new and surprising chapter set forth in order the virulent assaults that this great man, of fiery spirit and credited in the popular fancy with a ruthless pugnacity, but really of most sensitive heart, endured in silence for his country's sake.

### REBEL CABINET AGREES WITH STANTON

I purposely pass rapidly over these matters because they are facts of common knowledge or of easy access, and I prefer to exhibit the affair in a new light, and to give prominence to some features of exceptional significance. One of these was developing on the other side of the line. Jefferson Davis, unable to get his Cabinet together, asked each of the members to write out his opinion as to the acceptance of the terms. The correspondence was captured later, and contained letters from Benjamin, Regan, Mallory, Breckenridge and Attorney-General Davis. All approved the acceptance of the terms, giving as reasons,—that they recognized the rebel governments, safeguarded the Southern doctrine of "States' rights," left the negroes at the mercy of the whites as before the war, and opened the way for the saddling of the rebel war debts on the United States treasury. These statements are exactly in line with Stanton's nine reasons for rejecting the agreement, and more than justify the Administration in that act. They also show that the wily leaders of the secession cause had worked with an object always in view, and were satisfied that their schemes had prospered so far as Sherman was concerned. If I can make it clear to you what their object was, my task will be completed.

### SOUTH AN OLIGARCHY

It must be remembered, in this connection, that the South had not a republican form of government, never had known such a one, and has not to this day. The original ideal of the masters of the region contemplated a social organization modeled on that of English country life. But wilderness surroundings and the spread of slavery, with the consequent virtual extinction of the middle, or yeoman class, had wrought a change favoring the Spanish model, in which a political oligarchy, an exclusive group like a close corporation, self-perpetuating, hereditary, and parasitical, fattened on the spoils of office and handed political favors about among themselves. It was not an aristocracy of slaveholders, primarily, nor of landowners, nor of wealth,—though these all entered as factors;—it was a caste of *office farmers*. They had assiduously worked at their trade until they had usurped in the Federal government, for the southern citizen, twice the actual voting power

of the northerner, and more than five times as much of the honors and emoluments of Federal office.\*

### REBELLION BORN OF PRIVILEGE

In the election of Mr. Lincoln, this aristocracy of the South saw itself threatened with extinction. But it had prepared for that emergency. It had invented the adroit fallacy of "State Sovereignty," and had labored for a generation or more to break down the sentiment of national patriotism, and install in its place a State fealty as a dominant obligation. They had held to the Union as long as it served their main purpose, but now that it failed them for that end, they determined to break away from the Union such parts as they were sure they could handle, even though it should be on a smaller scale. This is the true genesis of the rebellion stripped down to its essentials. A privileged class had determined to destroy the Union to maintain its own pre-eminence.

### SHERMAN'S YES; STANTON'S NO

The surrender of Lee was a purely military affair. Stanton saw to that. Sherman had promised to make this one of like character. That he should have departed so far from his intention shows how "those fellows hustled" him, so that he was sorry for the drink he had given them, to use his own expression. We have seen that they had been laboring near a week, and especially in a twelve hour feverish confabulation that day. Why? Because, having sounded the depths of Sherman's capabilities, they deemed it worth while to make one more stand for their own preservation. For them, it was not at Appomattox, but at Bennet's farm house, that the fate of the South was to be settled. Were they to go back home with the wreath of victory lost in battle but recovered on the field of diplomacy? Sherman said Yes. Stanton said No.

### RECONSTRUCTION NEEDED STANTON

It is often remarked that if Lincoln had lived the shameful history of the reconstruction period would have been avoided. That is probably true. For instance, the most shameful horror of all,—the cold-blooded murder of forty and wounding of a hundred and fifty negroes peacefully assembled, by the police of New Orleans, with the connivance of the City and State authorities, would have been prevented. If Lincoln had received two days' notice of the danger that threatened, as Johnson did, he would not have left it for the War office to get the warning a day after the massacre had been consummated. If Lincoln had lived, the Executive and the War Department would have worked together. Stanton would not have changed. When canvassing for the election of Grant to the presidency, he said that he desired no greater honor than to deserve the epitaph, and leave it as a heritage to his children,—"Here lies one who fought the rebels to the last extremity."

\*See Note A, p. 21.

The last day of Lincoln's life was a busy one of mingled interests changing with kaleidoscopic rapidity; family councils with wife and son, reminiscent and forward looking; rejoicings with leading supporters over the hourly crumbling of the rebellion before their eyes; and grave consideration of the problems of reconstruction whose difficulties and dangers the President fully understood. Never more than on that day did he lean heavily and confidently on the sturdy staff which he had provided for such emergencies in the person of his Secretary of War.

When Lee's surrender seemed certain, Stanton had gone to the President, "like a bird set free," as he puts it, to offer his resignation. Lincoln refused, but received from Stanton a detailed scheme of the steps by which the rebellious States might be led back to their normal relations to the General Government. This paper the President produced at the Cabinet meeting of this last day. After discussion it was handed back to Stanton to be revised and manifolded for consideration by the individual members before the meeting of the Tuesday following. Even in the rush of that crowded afternoon, the President's interest led him to visit the War Office to renew in more intimate touch the consultation over the problem. Stanton was still urgent for his freedom from office, but Lincoln would not consent, saying reconstruction was more difficult than construction or destruction, and that after the bag is filled it must be tied. "Some men's knots slip, but yours do not." Stanton entered into an explanation of his paper to convince the President that it would serve in place of his own presence to carry out the plans. Soon Lincoln's face lighted up as that of one who has found what he wanted. "Now," he said, "you have proved that we need you. You have shown that you have worked out the whole problem; and there is no one who can take it up and carry out the enterprise as you can." To such a plea, the devoted Secretary had no answer but to re-enlist to his own martyrdom. It was in obedience to the last charge of his great master that he stood through the stormy period of reconstruction, faithful to the ideals of that master whom he never failed.

### AUTOCRAT FATHERED CARPETBAGGER

The usual way of handling the reconstruction period is to tell how the carpetbaggers misled the blacks, robbed the local treasuries, and got away with the appointments and elections to office; then to bewail the subversion of popular government (where it never existed); and to cap the climax with some choice vituperation of Stanton, dipped, perhaps, from Gideon Welles' inexhaustible fountain. It is amazing to note how otherwise able writers fall into that easy and convenient rut.

But the carpetbagger, bad as he was, figured not as cause, but as a symptom of the actual disease. The real trouble was that the autocratic rule of the South, through two hundred and fifty years, had unfitted the people, high and low, black and white alike, for

a republican form of government. Since the whites of the South had to live in communities with the negroes, it was their cue to make them citizens with whom it was worth while to live; in other words, to "take up the white man's burden." Many of them would have been glad to do this; but the number and influence of the well-disposed element were not sufficient to withstand the current. Relentless ostracism and threat of physical violence broke down their resolution. An insane fury to retain the accustomed supremacy goaded the blind leaders. They had cajoled their people along the weary way of oppression and poverty, had dashed them to pieces against the rocks of civil war, and now stumbled with them into the inevitable ditch. This was the evil spirit of the reconstruction horror. Just a reasonable period of sincere, sane, human and loyal co-operation with the best elements, civil and military, North and South, high and low, white and black, and the crisis might have been passed in safety.

But a drunkard was in the White House, drugged alike by the fumes of alcohol, the blandishment of timeservers, and the zest of unaccustomed power; and the Blair gang of back-stairs schemers,—the perennial pest of the Lincoln Administration,—triumphed finally in Washington, with Gideon Welles as its official flunkey-in-chief; and the Southern aristarchy sulked or raged, as the fit took them; and the North was absorbed in changing the military step back into the plod of industry; so rogues took license of opportunity, and carpetbaggers swaggered and looted, and the Ku-Klux-Klan, at its own sweet will, slew thousands of the helpless citizens.

Yes, it would have been different if Lincoln had lived; for Edwin M. Stanton.—a genius as eminent in executive ability and in patriotic purpose and achievement as America has produced,—would not have had his hands tied.

**EXIT "SOUTHERN GENTLEMEN"** And so, when the papers had been signed, in the Bennet farm house, that eighteenth day of April, 1865, Sherman took up his saddlebags and departed. And Johnston asked Breckenridge, as they stepped into the open, what he thought of Sherman. Breckenridge responded with a tribute to Sherman's ability, then added, "But, Joe, he is a hog! Did you see him take that drink alone?" "Yes," replied Johnston, "but you should not hold that against him. He was absent-minded. It was the highest possible tribute, for it showed you had him dazed." "Yes," said Breckenridge, "but he's a hog. No southern gentleman would have done that. Then he took it away with him; and he knew how badly we needed that bottle."

**Note A.** The genius of the Southern leaders for mastery, and the shameful acquiescence of the Northern politicians appear in the fact that the Southern preponderance has not only continued, but has augmented and is now fairly established as a vested privilege.

Thus, in the election of 1924, South Carolina cast 50,751 votes for presidential electors, or 5,639 votes to make one elector. Illinois cast 2,470,067 votes for 29 electors, or 85,209 to make one elector. In effect, one vote in South Carolina influenced as much as 15 votes in Illinois, when it came to the final and effective count.

Would one seem over bold if he asked how that one voter persuaded the other 14 to stay at home on election day? Or how, when he appeared at the polls, he managed to bring in his pocket the votes of the other 14?

Some might even venture to ask wherein the resort to force, in 1861, differed essentially from the use of intimidation, delay and collusion, in 1924, to foster privilege by nullifying, not only two amendments, but also the first and basic article of the Constitution, which makes mandatory the reapportionment of electors. If anarchy serving privilege was rebellion then, what is it now?

**Note B.** The author has deposited several monographs in print or manuscript in the Edwin M. Stanton section, manuscript division, of the Library of Congress, where, with other similar material, they may be consulted by interested parties. They are the result of a protracted study of the career of the great Secretary, and have been gleaned from many sources original or in books. He has also compiled, in a manuscript of a hundred pages, a chronological table of the important events in Stanton's life, which are placed in order, with references to some fifty authorities and cited by title, authorship, page, and date of occurrence and publication.

His design has been to help prepare the way for a new and truthful estimate of this PATRIOT PREEMINENT, whose merits have never been rightly appreciated; largely, perhaps, because, when public affairs were involved, he would not descend to the level of personal controversy or, even at the solicitation of his friends, undertake a reasonable self-vindication. As a result, important sources of information, some of which are used in this address, were not available in the first forty years after the events; and the student is foolish indeed who goes back into the turmoil of the war time and reconstruction periods to get his final impressions of Lincoln's "Wonderful Man."

**Note C.** On his last trip West, in September, 1868, Mr. Stanton visited a public school and spoke to the pupils, and a report of the event was published in newspapers of Steubenville or Wheeling. This writer's recollection is that the address, though short and informal, was of great interest and significance. His efforts to find a copy have been unavailing, and he hopes that this note may meet the eye of some one who can put him in the way of obtaining a copy.

Address

THE REV. WILLIS WEAVER,  
Care Loyal Legion,  
Ashland Block, Chicago, Ill.