

**Profiles In Courage**  
**By John F. Kennedy**  
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**The Time and Place**

The end of the costly military struggle between North and South did not restore peace and unity on the political front. Appomattox had ended the shooting of brother by brother; but it did not halt the political invasions, the economic plundering and the intersectional hatred that still racked a divided land. The bitter animosities on both sides of the Mason-Dixon line which had engulfed Daniel Webster, Thomas Hart Benton, and Sam Houston continued unabated for some two decades after the war. Those in the North who sought to bind up the wounds of the nation and treat the South with mercy and fairness--men like President Andrew Johnson, and those Senators who stood by him in his impeachment--were pilloried for their lack of patriotism by those who waved the "bloody shirt."

Those in the South who sought to demonstrate to the nation that the fanatical sectionalism of their region had been forgotten--men like Lucius Quintus Cincinnatus Lamar of Mississippi--were attacked by their constituents as deserters to the conquering enemy. When Confederate General Bob Toombs was asked why he did not petition Congress for his pardon, Toombs replied with quiet grandeur: "Pardon for what? I have not yet pardoned the North."

But gradually, the old conflicts over emancipation and reconstruction faded away, and exploitation of the newly opened West and the trampled South brought new issues and new faces to the Senate. It was no longer the forum for our greatest Constitutional lawyers, for Constitutional issues no longer dominated American public life. Easy money, sudden fortunes, increasingly powerful political machines and blatant corruption transformed much of the nation; and the Senate, as befits a democratic legislative body, accurately represented the nation. Corporation lawyers and political bosses, not constitutional orators, were the spokesmen for this roaring era; although too many of the nation's talented men found fame and fortune more readily available in the world of high finance and industry, rather than the seemingly dull and unnoticed labors of government. (If Daniel Webster had lived in that age, one editor commented, he would have been "neither in debt nor in the Senate.") Eleven new states were added quickly as the West was developed; and twenty-two new Senators and a tremendous new chamber detracted from that old distinctive atmosphere. Sectionalism, logrolling and a series of near-fanatical movements--of which the "free silver" movement that embroiled Lamar was only the beginning--plagued Senate deliberations on domestic economic issues. "We are becoming a mere collection of local potato plots and cabbage grounds," complained one Senator, weary of the constant bickering over local patronage, rivers and harbors projects and tariff-protected industries.

Senators, said William Allen White, represented not only states and regions but "principalities and powers and business":

One Senator, for instance, represented the Union Pacific Railway System, another the New York Central, still another the insurance interests . . . . Coal and iron owned a coterie . . . cotton had half a dozen Senators. And so it went. . . . It was a plutocratic feudalism. . . eminently respectable. The collar of any great financial interest was worn in pride.

And White related the supposed conversation in which veteran Senator Davis described to a

freshman Senator the characteristics of his colleagues in those roaring days as they came down the aisle: "The jackal; the vulture; the sheep-killing dog; the gorilla; the crocodile; the buzzard; the old clucking hen; the dove; the turkey-gobbler." Then, White wrote, "as the big hulk of a greedy westerner-coarse, devious, insolent-came swinging in heavily, Judge Davis pointed his stubby forefinger at the creature and exclaimed: 'A wolf, sir; a damned, hungry, skulking, cowardly wolf!'"

Thus by the end of the nineteenth century the Senate had come to very nearly its lowest ebb, in terms of power as well as prestige. The decline in Senatorial power had begun shortly after the end of Grant's administration. Prior to that time, the Senate, which had humiliated President Johnson and dominated President Grant, had reigned supreme in what was very nearly a parliamentary form of government. Senators even claimed a place at the dinner table above members of the Cabinet (who had previously outranked them at social functions). "If they visited the White House," George Frisbie Hoar later recalled, "it was to give, not to receive advice." (Indeed the assertion of power by both Houses was illustrated by the visit of Congressman Anson Burlingame to the House of Commons. When an attendant told him he must leave his seat, inasmuch as that particular gallery was reserved for Peers, an old Peer sitting nearby interposed. "Let him stay, let him stay. He is a Peer in his own country." "I am a Sovereign in my own country, Sir," replied the Congressman as he walked out, "and shall lose caste if I associate with Peers.") But the peak of Congressional power passed as Presidents Hayes, Garfield, Arthur and Cleveland successfully resisted Senatorial attempts to dictate Presidential appointments, and the government returned to the more traditional American system of the Constitution's checks and balances.

The decline in the Senate's power, moreover, had been foreshadowed by a rapid decline in prestige even before economic issues had replaced the sectional and constitutional conflict. British and Canadian diplomats maintained that they had secured approval of the Reciprocity Treaty in 1854 by seeing to it that it was "floated through on waves of champagne. . . . If you have got to deal with hogs, what are you to do?" A Cabinet member, possibly recalling this metaphor, impatiently told Henry Adams in 1869, "You can't use tact with a Congressman! A Congressman is a hog! You must take a stick and hit him on the snout." And in quiet derision Adams, who thought most members of the Senate "more grotesque than ridicule could make them," had replied, "If a Congressman is a hog, what is a Senator?"

But the Senate, despite its decline in power and public esteem during the second half of the nineteenth century, did not consist entirely of hogs and damned skulking wolves. It still contained men worthy of respect, and men of courage. Of these, Edmund Ross and those who stood with him in the Johnson impeachment trial selflessly sacrificed themselves to save the nation from reckless abuse of legislative power. And Lucius Lamar, by his gentle but firm determination to be a statesman, was instrumental in reuniting the nation in preparation for the new challenges which lay ahead.

## Chapter 6

### Edmund G. Ross

*"I... looked down into my open grave."*

In a lonely grave, forgotten and unknown, lies "the man who saved a President," and who as a result may well have preserved for ourselves and posterity constitutional government in the United States-the man who performed in 1868 what one historian has called "the most heroic act in American history, incomparably more difficult than any deed of valor upon the field of battle"-but a United States Senator whose name no one recalls:

Edmund G. Ross of Kansas.

The impeachment of President Andrew Johnson, the event in which the obscure Ross was to play such a dramatic role, was the sensational climax to the bitter struggle between the President, determined to carry out Abraham Lincoln's policies of reconciliation with the defeated South, and the more radical Republican leaders in Congress, who sought to administer the downtrodden Southern states as conquered provinces which had forfeited their rights under the Constitution. It was, moreover, a struggle between Executive and Legislative authority. Andrew Johnson, the courageous if untactful Tennessean who had been the only Southern Member of Congress to refuse to secede with his state, had committed himself to the policies of the Great Emancipator to whose high station he had succeeded only by the course of an assassin's bullet. He knew that Lincoln prior to his death had already clashed with the extremists in Congress, who had opposed his approach to reconstruction in a constitutional and charitable manner and sought to make the Legislative Branch of the government supreme. And his own belligerent temperament soon destroyed any hope that Congress might now join hands in carrying out Lincoln's policies of permitting the South to resume its place in the Union with as little delay and controversy as possible.

By 1866, when Edmund Ross first came to the Senate, the two branches of the government were already at each other's throats, snarling and bristling with anger. Bill after bill was vetoed by the President on the grounds that they were unconstitutional, too harsh in their treatment of the South, an unnecessary prolongation of military rule in peacetime or undue interference with the authority of the Executive Branch. And for the first time in our nation's history, important public measures were passed over a President's veto and became law without his support.

But not all of Andrew Johnson's vetoes were overturned; and the "Radical" Republicans of the Congress promptly realized that one final step was necessary before they could crush their despised foe (and in the heat of political battle their vengeance was turned upon their President far more than their former military enemies of the South). That one remaining step was the assurance of a two-thirds majority in the Senate for under the Constitution, such a majority was necessary to override a Presidential veto. And more important, such a majority was constitutionally required to accomplish their major ambition, now an ill-kept secret, conviction of the President under an impeachment and his dismissal from office!

The temporary and unstable two-thirds majority which had enabled the Senate Radical Republicans on several occasions to enact legislation over the President's veto was, they knew, insufficiently reliable for an impeachment conviction. To solidify this bloc became the paramount goal of Congress, expressly or impliedly governing its decisions on other issues—particularly the admission of new states, the readmission of Southern states and the determination of senatorial credentials. By extremely dubious methods a pro-Johnson Senator was denied his seat. Over the President's veto Nebraska was admitted to the Union, seating two more anti-administration Senators. Although last-minute maneuvers failed to admit Colorado over the President's veto (sparsely populated Colorado had rejected statehood in a referendum), an unexpected tragedy brought false tears and fresh hopes for a new vote, in Kansas.

Senator Jim Lane of Kansas had been a "conservative" Republican sympathetic to Johnson's plans to carry out Lincoln's reconstruction policies. But his frontier state was one of the most "radical" in the Union. When Lane voted to uphold Johnson's veto of the Civil Rights Bill of 1866 and introduced the administration's bill for recognition of the new state government of Arkansas, Kansas had arisen in outraged heat. A mass meeting at Lawrence had vilified the Senator and speedily reported resolutions sharply condemning his position. Humiliated, mentally ailing, broken in health and laboring under charges of financial

irregularities, Jim Lane took his own life on July 1, 1866.

With this thorn in their side removed, the Radical Republicans in Washington looked anxiously toward Kansas and the selection of Lane's successor. Their fondest hopes were realized, for the new Senator from Kansas turned out to be Edmund G. Ross, the very man who had introduced the resolutions attacking Lane at Lawrence.

There could be no doubt as to where Ross's sympathies lay, for his entire career was one of determined opposition to the slave states of the South, their practices and their friends. In 1854, when only twenty-eight, he had taken part in the mob rescue of a fugitive slave in Milwaukee. In 1856, he had joined that flood of antislavery immigrants to "bleeding" Kansas who intended to keep it a free territory. Disgusted with the Democratic party of his youth, he had left that party, and volunteered in the Kansas Free State Army to drive back a force of proslavery men invading the territory. In 1862, he had given up his newspaper work to enlist in the Union Army, from which he emerged a Major. His leading role in the condemnation of Lane at Lawrence convinced the Radical Republican leaders in Congress that in Edmund G. Ross they had a solid member of that vital two-thirds.

The stage was now set for the final scene--the removal of Johnson. Early in 1867, Congress enacted over the President's veto the Tenure-of-Office Bill which prevented the President from removing without the consent of the Senate all new officeholders whose appointment required confirmation by that body. At the time nothing more than the cry for more patronage was involved, Cabinet Members having originally been specifically exempt.

On August 5, 1867, President Johnson--convinced that the Secretary of War, whom he had inherited from Lincoln, Edwin M. Stanton, was the surreptitious tool of the Radical Republicans and was seeking to become the almighty dictator of the conquered South--asked for his immediate resignation; and Stanton arrogantly fired back the reply that he declined to resign before the next meeting of Congress. Not one to cower before this kind of effrontery, the President one week later suspended Stanton, and appointed in his place the one man whom Stanton did not dare resist, General Grant. On January 13, 1868, an angry Senate notified the President and Grant that it did not concur in the suspension of Stanton, and Grant vacated the office upon Stanton's return. But the situation was intolerable. The Secretary of War was unable to attend Cabinet meetings or associate with his colleagues in the administration; and on February 21, President Johnson, anxious to obtain a court test of the act he believed obviously unconstitutional, again notified Stanton that he had been summarily removed from the office of Secretary of War.

While Stanton, refusing to yield possession, barricaded himself in his office, public opinion in the nation ran heavily against the President. He had intentionally broken the law and dictatorially thwarted the will of Congress! Although previous resolutions of impeachment had been defeated in the House, both in committee and on the floor, a new resolution was swiftly reported and adopted on February 24 by a tremendous vote. Every single Republican voted in the affirmative, and Thaddeus Stevens of Pennsylvania--the crippled, fanatical personification of the extremes of the Radical Republican movement, master of the House of Representatives, with a mouth like the thin edge of an ax--warned both Houses of the Congress coldly: "Let me see the recreant who would vote to let such a criminal escape. Point me to one who will dare do it and I will show you one who will dare the infamy of posterity."

With the President impeached--in effect, indicted--by the House, the frenzied trial for his conviction or acquittal under the Articles of Impeachment began on March 5 in the Senate, presided over by the Chief Justice. It was a trial to rank with all the great trials in history--Charles I before the High Court of Justice, Louis XVI before the French Convention, and Warren Hastings before the House of Lords. Two great elements of drama were missing: the

actual cause for which the President was being tried was not fundamental to the welfare of the nation; and the defendant himself was at all times absent.

But every other element of the highest courtroom drama was present. To each Senator the Chief Justice administered an oath "to do impartial justice" (including even the hot-headed Radical Senator from Ohio, Benjamin Wade, who as President Pro Tempore of the Senate was next in line for the Presidency). The chief prosecutor for the House was General Benjamin F. Butler, the "butcher of New Orleans," a talented but coarse and demagogic Congressman from Massachusetts. (When he lost his seat in 1874, he was so hated by his own party as well as his opponents that one Republican wired concerning the Democratic sweep, "Butler defeated, everything else lost.") Some one thousand tickets were printed for admission to the Senate galleries during the trial, and every conceivable device was used to obtain one of the four tickets allotted each Senator.

From the fifth of March to the sixteenth of May, the drama continued. Of the eleven Articles of Impeachment adopted by the House, the first eight were based upon the removal of Stanton and the appointment of a new Secretary of War in violation of the Tenure-of-Office Act; the ninth related to Johnson's conversation with a general which was said to induce violations of the Army Appropriations Act; the tenth recited that Johnson had delivered "intemperate, inflammatory and scandalous harangues. . . as well against Congress as the laws of the United States"; and the eleventh was a deliberately obscure conglomeration of all the charges in the preceding articles, which had been designed by Thaddeus Stevens to furnish a common ground for those who favored conviction but were unwilling to identify themselves on basic issues. In opposition to Butler's inflammatory arguments in support of this hastily drawn indictment, Johnson's able and learned counsel replied with considerable effectiveness. They insisted that the Tenure of Office Act was null and void as a clear violation of the Constitution; that even if it were valid, it would not apply to Stanton, for the reasons previously mentioned; and that the only way that a judicial test of the law could be obtained was for Stanton to be dismissed and sue for his rights in the courts.

But as the trial progressed, it became increasingly apparent that the impatient Republicans did not intend to give the President a fair trial on the formal issues upon which the impeachment was drawn, but intended instead to depose him from the White House on any grounds, real or imagined, for refusing to accept their policies. Telling evidence in the President's favor was arbitrarily excluded. Prejudgment on the part of most Senators was brazenly announced. Attempted bribery and other forms of pressure were rampant. The chief interest was not in the trial or the evidence, but in the tallying of votes necessary for conviction.

Twenty-seven states (excluding the unrecognized Southern states) in the Union meant fifty-four members of the Senate, and thirty-six votes were required to constitute the two-thirds majority necessary for conviction. All twelve Democratic votes were obviously lost, and the forty-two Republicans knew that they could afford to lose only six of their own members if Johnson were to be ousted. To their dismay, at a preliminary Republican caucus, six courageous Republicans indicated that the evidence so far introduced was not in their opinion sufficient to convict Johnson under the Articles of Impeachment. "Infamy!" cried the Philadelphia Press. The Republic has "been betrayed in the house of its friends!"

But if the remaining thirty-six Republicans would hold, there would be no doubt as to the outcome. All must stand together! But one Republican Senator would not announce his verdict in the preliminary poll-Edmund G. Ross of Kansas. The Radicals were outraged that a Senator from such an anti-Johnson stronghold as Kansas could be doubtful. "It was a very clear case," Senator Sumner of Massachusetts fumed, "especially for a Kansas man. I did not think that a Kansas man could quibble against his country."

From the very time Ross had taken his seat, the Radical leaders had been confident of his vote. His entire background, as already indicated, was one of firm support of their cause. One of his first acts in the Senate had been to read a declaration of his adherence to Radical Republican policy, and he had silently voted for all of their measures. He had made it clear that he was not in sympathy with Andrew Johnson personally or politically; and after the removal of Stanton, he had voted with the majority in adopting a resolution declaring such removal unlawful. His colleague from Kansas, Senator Pomeroy, was one of the most Radical leaders of the anti-Johnson group. The Republicans insisted that Ross's crucial vote was rightfully theirs, and they were determined to get it by whatever means available. As stated by De Witt in his memorable Impeachment of Andrew Johnson) "The full brunt of the struggle turned at last on the one remaining doubtful Senator, Edmund G. Ross."

When the impeachment resolution had passed the House, Senator Ross had casually remarked to Senator Sprague of Rhode Island, "Well, Sprague, the thing is here; and, so far as I am concerned, though a Republican and opposed to Mr. Johnson and his policy, he shall have as fair a trial as an accused man ever had on this earth." Immediately the word spread that "Ross was shaky." "From that hour," he later wrote, "not a day passed that did not bring me, by mail and telegraph and in personal intercourse, appeals to stand fast for impeachment, and not a few were the admonitions of condign visitations upon any indication even of luke warmness."

Throughout the country, and in all walks of life, as indicated by the correspondence of Members of the Senate, the condition of the public mind was not unlike that preceding a great battle. The dominant party of the nation seemed to occupy the position of public prosecutor, and it was scarcely in the mood to brook delay for trial or to hear defense. Washington had become during the trial the central point of the politically dissatisfied and swarmed with representatives of every state of the Union, demanding in a practically united voice the deposition of the President. The footsteps of the anti-impeaching Republicans were dogged from the day's beginning to its end and far into the night, with entreaties, considerations, and threats. The newspapers came daily filled with not a few threats of violence upon their return to their constituents.

Ross and his fellow doubtful Republicans were daily pestered, spied upon and subjected to every form of pressure. Their residences were carefully watched, their social circles suspiciously scrutinized, and their every move and companions secretly marked in special notebooks. They were warned in the party press, harranged by their constituents, and sent dire warnings threatening political ostracism and even assassination. Stanton himself, from his barricaded headquarters in the War Department, worked day and night to bring to bear upon the doubtful Senators all the weight of his impressive military associations. The Philadelphia Press reported "a fearful avalanche of telegrams from every section of the country," a great surge of public opinion from the "common people" who had given their money and lives to the country and would not "willingly or unavenged see their great sacrifice made naught."

The New York Tribune reported that Edmund Ross in particular was "mercilessly dragged this way and that by both sides, hunted like a fox night and day and badgered by his own colleagues, like the bridge at Arcola now trod upon by one Army and now trampled by the other." His background and life were investigated from top to bottom, and his constituents and colleagues pursued him throughout Washington to gain some inkling of his opinion. He was the target of every eye, his name was on every mouth and his intentions were discussed in every newspaper. Although there is evidence that he gave some hint of

agreement to each side, and each attempted to claim him publicly, he actually kept both sides in a state of complete suspense by his judicial silence.

But with no experience in political turmoil, no reputation in the Senate, no independent income and the most radical state in the Union to deal with, Ross was judged to be the most sensitive to criticism and the most certain to be swayed by expert tactics. A committee of Congressmen and Senators sent to Kansas, and to the states of the other doubtful Republicans, this telegram: "Great danger to the peace of the country and the Republican cause if impeachment fails. Send to your Senators public opinion by resolutions, letters, and delegations." A member of the Kansas Legislature called upon Ross at the Capitol. A general urged on by Stanton remained at his lodge until four o'clock in the morning determined to see him. His brother received a letter offering \$20,000 for revelation of the Senator's intentions. Gruff Ben Butler exclaimed of Ross, "There is a bushel of money! How much does the damned scoundrel want?" The night before the Senate was to take its first vote for the conviction or acquittal of Johnson, Ross received this telegram from home:

Kansas has heard the evidence and demands the conviction of the President.  
(signed) D.R. ANTHONY AND 1,000 OTHERS

And on that fateful morning of May 16 Ross replied:

To D.R. Anthony and 1,000 Others: I do not recognize your right to demand that I vote either for or against conviction. I have taken an oath to do impartial justice according to the Constitution and laws, and trust that I shall have the courage to vote according to the dictates of my judgment and for the highest good of the country.  
[signed] E.G. Ross

That morning spies traced Ross to his breakfast; and ten minutes before the vote was taken his Kansas colleague warned him in the presence of Thaddeus Stevens that a vote for acquittal would mean trumped-up charges and his political death.

But now the fateful hour was at hand. Neither escape, delay or indecision was possible. As Ross himself later described it: "The galleries were packed. Tickets of admission were at an enormous premium. The House had adjourned and all of its members were in the Senate chamber. Every chair on the Senate floor was filled with a Senator, a Cabinet Officer, a member of the President's counsel or a member of the House." Every Senator was in his seat, the desperately ill Grimes of Iowa being literally carried in.

It had been decided to take the first vote under that broad Eleventh Article of Impeachment, believed to command the widest support. As the Chief Justice announced the voting would begin, he reminded "the citizens and strangers in the galleries that absolute silence and perfect order are required." But already a deathlike stillness enveloped the Senate chamber. A Congressman later recalled that "Some of the members of the House near me grew pale and sick under the burden of suspense"; and Ross noted that there was even "a subsidence of the shuffling of feet, the rustling of silks, the fluttering of fans, and of conversation."

The voting tensely commenced. By the time the Chief Justice reached the name of Edmund Ross twenty-four "guilties" had been pronounced. Ten more were certain and one other practically certain. Only Ross's vote was needed to obtain the thirty-six votes necessary to convict the President. But not a single person in the room knew how this young Kansan would vote. Unable to conceal the suspense and emotion in his voice, the Chief Justice put the question to him: "Mr. Senator Ross, how say you? Is the respondent Andrew Johnson

guilty or not guilty of a high misdemeanor as charged in this Article?" Every voice was still; every eye was upon the freshman Senator from Kansas. The hopes and fears, the hatred and bitterness of past decades were centered upon this one man.

As Ross himself later described it, his "powers of hearing and seeing seemed developed in an abnormal degree."

"Every individual in that great audience seemed distinctly visible, some with lips apart and bending forward in anxious expectancy, others with hand uplifted as if to ward off an apprehended blow. . . and each peering with an intensity that was almost tragic upon the face of him who was about to cast the fateful vote. . . . Every fan was folded, not a foot moved, not the rustle of a garment, not a whisper was heard. . . . Hope and fear seemed blended in every face, instantaneously alternating, some with revengeful hate. . . others lighted with hope. . . The Senators in their seats leaned over their desks, many with hand to ear. . . . It was a tremendous responsibility, and it was not strange that he upon whom it had been imposed by a fateful combination of conditions should have sought to avoid it, to put it away from him as one shuns, or tries to fight off, a nightmare. . . . I almost literally looked down into my open grave. Friendships, position, fortune, everything that makes life desirable to an ambitious man were about to be swept away by the breath of my mouth, perhaps forever. It is not strange that my answer was carried waveringly over the air and failed to reach the limits of the audience, or that repetition was called for by distant Senators on the opposite side of the Chamber."

Then came the answer again in a voice that could not be misunderstood—full, final, definite, unhesitating and unmistakable: "Not guilty." The deed was done, the President saved, the trial as good as over and the conviction lost. The remainder of the roll call was unimportant; conviction had failed by the margin of a single vote and a general rumbling filled the chamber until the Chief Justice proclaimed that "on this Article thirty-five Senators having voted guilty and nineteen not guilty, a two-thirds majority not having voted for conviction, the President is, therefore, acquitted under this Article."

A ten-day recess followed, ten turbulent days to change votes on the remaining Articles. An attempt was made to rush through bills to readmit six Southern states, whose twelve Senators were guaranteed to vote for conviction. But this could not be accomplished in time. Again Ross was the only one uncommitted on the other Articles, the only one whose vote could not be predicted in advance. And again he was subjected to terrible pressure. From "D.R. Anthony and others," he received a wire informing him that "Kansas repudiates you as she does all perjurers and skunks." Every incident in his life was examined and distorted. Professional witnesses were found by Senator Pomeroy to testify before a special House committee that Ross had indicated a willingness to change his vote for a consideration. (Unfortunately this witness was so delighted in his exciting role that he also swore that Senator Pomeroy had made an offer to produce three votes for acquittal for \$40,000.) When Ross, in his capacity as a Committee Chairman, took several bills to the President, James G. Blaine remarked: "There goes the rascal to get his pay." (Long afterward Blaine was to admit: "In the exaggerated denunciation caused by the anger and chagrin of the moment, great injustice was done to statesmen of spotless character.")

Again the wild rumors spread that Ross had been won over on the remaining Articles of Impeachment. As the Senate reassembled, he was the only one of the seven "renegade" Republicans to vote with the majority on preliminary procedural matters. But when the second and third Articles of Impeachment were read, and the name of Ross was reached



again with the same intense suspense of ten days earlier, again came the calm answer "Not guilty."

Why did Ross, whose dislike for Johnson continued, vote "Not guilty"? His motives appear clearly from his own writings on the subject years later in articles contributed to Scribner's and Forum magazines:

In a large sense, the independence of the executive office as a coordinate branch of the government was on trial... If...the President must step down...a disgraced man and a political outcast... upon insufficient proofs and from partisan considerations, the office of President would be degraded, cease to be a coordinate branch of the government, and ever after subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy... This government had never faced so insidious a danger...control by the worst element of American politics...If Andrew Johnson were acquitted by a nonpartisan vote...America would pass the danger point of partisan rule and that intolerance which so often characterizes the sway of great majorities and makes them dangerous.

The "open grave" which Edmund Ross had foreseen was hardly an exaggeration. A Justice of the Kansas Supreme Court telegraphed him that "the rope with which Judas Iscariot hanged himself is lost, but Jim Lane's pistol is at your service." An editorial in a Kansas newspaper screamed:

On Saturday last Edmund G. Ross, United States Senator from Kansas, sold himself, and betrayed his constituents; stultified his own record, basely lied to his friends, shamefully violated his solemn pledge. . . and to the utmost of his poor ability signed the death warrant of his country's liberty. This act was done deliberately, because the traitor, like Benedict Arnold, loved money better than he did principle, friends, honor and his country, all combined. Poor, pitiful, shriveled wretch, with a soul so small that a little pelf would outweigh all things else that dignify or ennoble manhood.

Ross's political career was ended. To the New York Tribune he was nothing but "a miserable poltroon and traitor." The Philadelphia Press said that in Ross "littleness" had "simply borne its legitimate fruit," and that he and his fellow recalcitrant Republicans had "plunged from a precipice of fame into the groveling depths of infamy and death." The Philadelphia Inquirer said that "They had tried, convicted and sentenced themselves." For them there could be "no allowance, no clemency."

Comparative peace returned to Washington as Stanton relinquished his office and Johnson served out the rest of his term, later-unlike his Republican defenders-to return triumphantly to the Senate as Senator from Tennessee. But no one paid attention when Ross tried unsuccessfully to explain his vote, and denounced the falsehoods of Ben Butler's investigating committee, recalling that the General's "well known groveling instincts and proneness to slime and uncleanness" had led "the public to insult the brute creation by dubbing him 'the beast.'" He clung unhappily to his seat in the Senate until the expiration of his term, frequently referred to as "the traitor Ross," and complaining that his fellow Congressmen, as well as citizens on the street, considered association with him "disreputable and scandalous," and passed him by as if he were "a leper, with averted face and every indication of hatred and

disgust."

Neither Ross nor any other Republican who had voted for the acquittal of Johnson was ever re-elected to the Senate, not a one of them retaining the support of their party's organization. When he returned to Kansas in 1871, he and his family suffered social ostracism, physical attack, and near poverty.

Who was Edmund G. Ross? Practically nobody. Not a single public law bears his name, not a single history book includes his picture, not a single list of Senate "greats" mentions his service. His one heroic deed has been all but forgotten. But who might Edmund G. Ross have been? That is the question - for Ross, a man with an excellent command of words, an excellent background for politics and an excellent future in the Senate, might well have outstripped his colleagues in prestige and power throughout a long Senate career. Instead, he chose to throw all of this away for one act of conscience.

But the twisting course of human events eventually upheld the faith he expressed to his wife shortly after the trial: "Millions of men cursing me today will bless me tomorrow for having saved the country from the greatest peril through which it has ever passed, though none but God can ever know the struggle it has cost me." For twenty years later Congress repealed the Tenure-of-Office Act, to which every President after Johnson, regardless of party, had objected; and still later the Supreme Court, referring to "the extremes of that episode in our government," held it to be unconstitutional. Ross moved to New Mexico, where in his later years he was to be appointed Territorial Governor. Just prior to his death when he was awarded a special pension by Congress for his service in the Civil War, the press and the country took the opportunity to pay tribute to his fidelity to principle in a trying hour and his courage in saving his government from a devastating reign of terror. They now agreed with Ross's earlier judgment that his vote had "saved the country from. . . a strain that would have wrecked any other form of government." Those Kansas newspapers and political leaders who had bitterly denounced him in earlier years praised Ross for his stand against legislative mob rule: "By the firmness and courage of Senator Ross," it was said, "the country was saved from calamity greater than war, while it consigned him to a political martyrdom, the most cruel in our history. . . . Ross was the victim of a wild flame of intolerance which swept everything before it. He did his duty knowing that it meant his political death. . . . It was a brave thing for Ross to do, but Ross did it. He acted for his conscience and with a lofty patriotism, regardless of what he knew must be the ruinous consequences to himself. He acted right."

I could not close the story of Edmund Ross without some more adequate mention of those six courageous Republicans who stood with Ross and braved denunciation to acquit Andrew Johnson. Edmund Ross, more than any of those six colleagues, endured more before and after his vote, reached his conscientious decision with greater difficulty, and aroused the greatest interest and suspense prior to May 16 by his noncommittal silence. His story, like his vote, is the key to the impeachment tragedy. But all seven of the Republicans who voted against conviction should be remembered for their courage. Not a single one of them ever won re-election to the Senate. Not a single one of them escaped the unholy combination of threats, bribes and coercive tactics by which their fellow Republicans attempted to intimidate their votes; and not a single one of them escaped the terrible torture of vicious criticism engendered by their vote to acquit.

William Pitt Fessenden of Maine, one of the most eminent Senators, orators and lawyers of his day, and a prominent senior Republican leader, who admired Stanton and disliked Johnson, became convinced early in the game that "the whole thing is a mere madness."

The country has so bad an opinion of the President, which he fully deserves, that it expects his condemnation. Whatever may be the consequences to myself personally, whatever I may think and feel as a politician, I will not decide the question against my own judgment. I would rather be confined to planting cabbages the remainder of my days. . . . Make up your mind, if need be, to hear me denounced a traitor and perhaps hanged in effigy. All imaginable abuse has been heaped upon me by the men and papers devoted to the impeachers. I have received several letters from friends warning me that my political grave is dug if I do not vote for conviction, and several threatening assassination. It is rather hard at my time of life, after a long career, to find myself the target of pointed arrows from those whom I have faithfully served. The public, when aroused and excited by passion and prejudice, is little better than a wild beast. I shall at all events retain my own self-respect and a clear conscience, and time will do justice to my motives at least.

The Radical Republicans were determined to win over the respected Fessenden, whose name would be the first question mark on the call of the roll, and his mail from Maine was abusive, threatening and pleading. Wendell Phillips scornfully told a hissing crowd that "it takes six months for a statesmanlike idea to find its way into Mr. Fessenden's head. I don't say he is lacking; he is only very slow."

Fessenden decided to shun all newspapers and screen his mail. But when one of his oldest political friends in Maine urged him to "hang Johnson up by the heels like a dead crow in a cornfield, to frighten all of his tribe," noting that he was "sure I express the unanimous feeling of every loyal heart and head in this state," Fessenden indignantly replied:

I am acting as a judge. . . by what right can any man upon whom responsibility rests, and who does not even hear the evidence, undertake to advise me as to what the judgment, and even the sentence, should be? I wish all my friends and constituents to understand that **I**, and not they, am sitting in judgment upon the President. **I**, not they, have sworn to do impartial justice. **I**, not they, am responsible to God and man for my action and its consequences.

On that tragic afternoon of May 16, as Ross described it, Senator Fessenden "was in his place, pale and haggard, yet ready for the political martyrdom which he was about to face, and which not long afterward drove him to his grave."

The first Republican Senator to ring out "Not guilty" and, the first of the seven to go to his grave, hounded by the merciless abuse that had dimmed all hope for re-election-was William Pitt Fessenden of Maine.

John B. Henderson of Missouri, one of the Senate's youngest members, had previously demonstrated high courage by introducing the Thirteenth Amendment abolishing slavery, simply because he was convinced that it would pass only if sponsored by a slave-state Senator, whose political death would necessarily follow. But when the full delegation of Republican representatives from his state cornered him in his office to demand that he convict the hated Johnson, warning that Missouri Republicans could stomach no other course, Henderson's usual courage wavered. He meekly offered to wire his resignation to the Governor, enabling a new appointee to vote for conviction; and, when it was doubted whether a new Senator would be permitted to vote, he agreed to ascertain whether his own vote would be crucial.

But an insolent and threatening telegram from Missouri restored his sense of honor, and he swiftly wired his reply: "Say to my friends that I am sworn to do impartial justice

according to law and conscience, and I will try to do it like an honest man."

John Henderson voted for acquittal, the last important act of his Senatorial career. Denounced, threatened and burned in effigy in Missouri, he did not even bother to seek reelection to the Senate. Years later his party would realize its debt to him, and return him to lesser offices, but for the Senate, whose integrity he had upheld, he was through.

Peter Van Winkle of West Virginia, the last doubtful Republican name to be called on May 16, was, like Ross, a "nobody"; but his firm "Not guilty" extinguished the last faint glimmer of hope which Edmund Ross had already all but destroyed. The Republicans had counted on Van Winkle, West Virginia's first United States Senator, and a critic of Stanton's removal; and for his courage he was labeled "West Virginia's betrayer" by the Wheeling Intelligencer who declared to the world that there was not a loyal citizen in the state who had not been misrepresented by his vote. He, too, had insured his permanent withdrawal from politics as soon as his Senate term expired.

The veteran Lyman Trumbull of Illinois, who had defeated Abe Lincoln for the Senate, had drafted much of the major reconstruction legislation which Johnson vetoed, and had voted to censure Johnson upon Stanton's removal.

But, in the eyes of the Philadelphia Press, his "statesmanship driveled into selfishness," for, resisting tremendous pressure, he voted against conviction. A Republican convention in Chicago had resolved "That any Senator elected by the notes of Union Republicans, who at this time blenches and betrays, is infamous and should be dishonored and execrated while this free government endures." And an Illinois Republican leader had warned the distinguished Trumbull "not to show himself on the streets in Chicago; for I fear that the representatives of an indignant people would hang him to the most convenient lamppost. "

But Lyman Trumbull, ending a brilliant career of public service and devotion to the party which would renounce him, filed for the record these enduring words:

The question to be decided is not whether Andrew Johnson is a proper person to fill the Presidential Office, nor whether it is fit that he should remain in it. . . . Once set, the example of impeaching a President for what, when the excitement of the House shall have subsided, will be regarded as insufficient cause, no future President will be safe who happens to differ with a majority of the House and two-thirds of the Senate on any measure deemed by them important. . . . What then becomes of the checks and balances of the Constitution so carefully devised and so vital to its perpetuity? They are all gone. . . . I cannot be an instrument to produce such a result, and at the hazard of the ties even of friendship and affection, till calmer times shall do justice to my motives, no alternative is left me but the inflexible discharge of duty.

Joseph Smith Fowler of Tennessee, like Ross, Henderson, and Van Winkle a freshman Senator, at first thought the President impeachable. But the former Nashville professor was horrified by the mad passion of the House in rushing through the impeachment resolution by evidence against Johnson "based on falsehood," and by the "corrupt and dishonorable" Ben Butler, "a wicked man who seeks to convert the Senate of the United States into a political guillotine." He refused to be led by the nose by "politicians, thrown to the surface through the disjointed time . . . keeping alive the embers of the departing revolution." Threatened, investigated and defamed by his fellow Radical Republicans, the nervous Fowler so faltered in his reply on May 16 that it was at first mistaken for the word "guilty." A wave of triumph swept the Senate-Johnson was convicted, Ross's vote was not needed! But then came the clear and distinct answer: "Not guilty."

His re-election impossible, Fowler quietly retired from the Senate at the close of his term two years later, but not without a single statement in defense of his vote: "I acted for my country and posterity in obedience to the will of God."

James W. Grimes of Iowa, one of Johnson's bitter and influential foes in the Senate, became convinced that the trial was intended only to excite public passions through "lies sent from here by the most worthless and irresponsible creatures on the face of the earth" (an indication, perhaps, of the improved quality of Washington correspondents in the last eighty-seven years).

Unfortunately, the abuse and threats heaped upon him during the trial brought on a stroke of paralysis only two days before the vote was to be taken, and he was confined to his bed. The Radical Republicans, refusing any postponement, were delightedly certain that Grimes would either be too sick in fact to attend on May 16, or would plead that his illness prevented him from attending to cast the vote that would end his career. In the galleries, the crowd sang, "Old Grimes is dead, that bad old man, we ne'er shall see him more." And in the New York Tribune, Horace Greeley was writing: "It seems as if no generation could pass without giving us one man to live among the warnings of history. We have had Benedict Arnold, Aaron Burr, Jefferson Davis, and now we have James W. Grimes."

But James W. Grimes was a man of great physical as well as moral courage, and just before the balloting was to begin on May 16, four men carried the pale and withered Senator from Iowa into his seat. He later wrote that Fessenden had grasped his hand and given him a "glorified smile. . . . I would not today exchange that recollection for the highest distinction of life." The Chief Justice suggested that it would be permissible for him to remain seated while voting-but with the assistance of his friends, Senator Grimes struggled to his feet and in a surprisingly firm voice called out, "Not guilty."

Burned in effigy, accused in the press of "idiocy and impotency," and repudiated by his state and friends, Grimes never recovered-but before he died he declared to a friend:

"I shall ever thank God that in that troubled hour of trial, when many privately confessed that they had sacrificed their judgment and their conscience at the behests of party newspapers and party hate, I had the courage to be true to my oath and my conscience. . . . Perhaps I did wrong not to commit perjury by order of a party; but I cannot see it that way. . . . I became a judge acting on my own responsibility and accountable only to my own conscience and my Maker; and no power could force me to decide on such a case contrary to my convictions, whether that party was composed of my friends or my enemies."