

John and Lawanda Cox, Politics, Principle, and Prejudice, 1865-66: Dilemma of Reconstruction America[1963]

The core of the book: This is by way of results a revisionist study of Reconstruction. The Coxes argue(1)that Johnson was attempting in these early months of Reconstruction to jettison the Republican party and formulate a new political coalition between Northern and Southern conservatives[Point: a new political coalition that would be worked out to one degree by the 1870s but without Johnson]: (2)that Republican opposition to Johnson crystallized out over the issue of basic civil rights, short of suffrage, for the freed blacks. Contra McKittrick, they believe that what the Republicans wanted from the South was more than mere symbolic "surrender," but a substantive concession.

They do not see Johnson an inept, not as a martyr to uncompromising constitutional principles. Rather they see him a seasoned political veteran, who with good reason accepted a view of politics then widely current--that the times were ripe for a new transformed Union party centered around his leadership and restoration politics.

For the Coxes, the failure of the nation to find a moderate accommodationist answer to the Civil War and aftermath and failure to achieve civil equality for the Freedmen were firmly established before the 1866 election. It grew out of the opposition of Johnson and the Conservatives to agree to the protection of the freedmen's civil rights and to achieve reunion in 1865 while the opportunity existed with a minimum of good will and permanence.

Shifting the emphasis, the Coxes study deals with the principles of the Radicals and the politics of their opponents. This reverses the usual order of the older Reconstruction history that deals with Johnson's fix on principles and his opponents use of politics to overthrow his presidency. They note that Reconstruction history pits one "right" against another--compassion and fellowship for defeated white southerners against compassion and protection for southern blacks.

1. The Seward Lobby and the 13 Amendment

In this chpt. the Cs show that Seward engaged professional lobbyists to work for the passage of the 13 Amendment in the special session of Congress called by Lincoln in January 1865.

Noted here is the Democratic party's initial opposition to ratification through amendment of the emancipation proclamation. Most Democrats did not want to see the liberation of the freedmen become the law of the land. Their motives were mixed--politics, principle, and prejudice were all part of their opposition. Opponents were of the opinion that the South would be willing to end the war if slavery were not tampered with. . There were in existence then secret discussions between Southern commissioners and Lincoln agents. . .But Lincoln had come out for the 13th, certainly he was spurred or his position on this issue was strengthened by the Radicals in his own party. .

The Conservative Seward sought to use his lobbyists to bend the opinions of NY Democrats especially to support the 13 amendment. . His idea was that with the passage of the amendment leading to the ultimate end of slavery the North could then move rapidly to bring the south back into the Union on the basis of conciliation and good will if the South would accept the import of the 13 amendment.

They note that patronage and "bribery" was used to get the necessary Democratic votes in some cases.

The calling of the special session of Congress itself had an impact on the following history of Reconstruction. Had there been ~~no~~ special session the Congress that would have been given the job of a / deliberating would have been the 39th Congress. . Heavily Republican. Lincoln would have possibly called a special session . . This would have meant Congress in session at the time of his assassination. It seems likely that Johnson would not have tried to push ahead with his restoration policies toward the South had Congress been in session . . .

## 2. The Conservative Offensive

They see the first lineaments of a political realignment after the war centering around Seward-Weed NY political axis. Seward wanted a realignment of the conservative Republicans, War Democrats and the reunited Southern states. . Leaving outside of this new political association the radicals in the Republican party and the old southern secessionist fire-eaters. . . The implication being that Seward was ambitious for the leadership of this new alliance in 1868.

His support of the 13th Amendment and in pursuing the Democratic votes for this measure was part of his project. He let it be known in the process that there would follow a generous policy of peace and reconstruction, and there would be a secure political berth for moderate Democrats in a new Conservative coalition. Seward believed that the 13th amendment would be the testing metal . . If and when the South accepted this measure the process for reconciliation and harmony would be underway.

The Cs do not see Lincoln moving in the same direction. It is true that the Conservatives had great leverage in the Lincoln party . . Especially true after the 1864 election and right up to his assassination . . . But they do not believe he would have turned on the radicals and tried to ease them out of the party. . Or would have countenanced any notion about a political realignment.

They counter with the observation that Lincoln supported radicals in the 1864 election (Kelley and Julian). That he worked with them . . That he was dedicated to "Equal Justice for All" . . He was passionate on the topic of ending the institution of slavery . . .



The open warfare between the Radicals and the Executive was due primarily to President Johnson, but Seward had a share of responsibility.

With the death of Lincoln the Seward-Weed axis seemed in an more enviable position. They were closer to Johnson than any other erstwhile Republicans. .

### 3. The Blairs and Democracy

But Seward had opponents. . . . There were other advocates of realignment that wanted to ease out Seward. . .

With Johnson in the White House there was a stir among the Northern Democrats and hope that this could presage a revitalization and restoration of the old party. Johnson was indeed in an enviable position--being courted by Conservative Republicans and once-disgraced Democrats. All wanted him to serve as the center of a new political alliance. On either case the radicals were persona non grata. . . But CR and ND were eying each other in terms of new political preference and ascendance if there was to be a realignment.

The Blairs were the most influential spokesmen of the Democratic wing of the Republican party. Johnson's relations with the powerful family was close. No doubt that he was receiving the sentiments of the Northern and Union Democrats from the Blairs. The Coxes show that AJ was deliberately negotiating with the Northern Democracy. He was aware that full endorsement of the Union Democrats was based upon his position (1) on the reconstruction of the south (2) attitude toward ending military occupation, etc in the south (3) on civil rights (4) confiscation if he had any views on this highly explosive issue (5) and on the continuation of Republican moderates like Seward and Weed. . .

### 4. The New York Battle

Describes the contest between the Seward-Weed forces and those of Blair-Democracy. . . In this state contest in 1865 it was the Seward-Weed faction that emerged victorious. . . Coxes sees this as an important struggle in the larger struggle for influence with Johnson.

### 5. The Man With Two Coattails

The ambitious nature of Johnson is described. . . The thesis of the authors is that Johnson was no greenhorn in politics. His whole political career was one marked by ambition, great self-confidence, etc. . . They assert that he was ambitious for the Presidency before fate elevated him into the Vice Presidency. . . As Lincoln-appointed war governor of Tennessee, Johnson became a most influential patronage broker in the state. In the use of power AJ gave considerations to old party members and to the building of a "Johnson Party" at the expense of consolidating former Whig and Bell Unionist influence behind the new administration (see Graf's "AJ and the Coming of the Civil War," Tennessee Historical Quarterly (Sept., 1960) . . .

Their point is that too many historians have overlooked AJ's political ambitions in explaining his stubborn commitment to a principle--states rights Constitutionalsists. . . .

A recognition of his ambition explains much that can otherwise be accounted for only on the premise of a stubborn devotion to principle. Moreover, AJ's record does not warrant the interpretation of inflexibility and scrupulous regard for states' rights which have been offered to explain his policy as President. . . In his political career he showed no fine and inflexible stand on principles except that he refused to give any credit to the view that the southern states had committed suicide or should be treated as conquered provinces. He argued without deviation that they remained states. .

But in other matters he was not so scrupulous about the rights of states;

He saw no wrong in Lincoln's call for volunteers without congressional consent. His swing from a position of hard vengeance on the rebels to his amnesty policy of 1865 was a radical shift in attitudes. As military governor of Tennessee he showed no tender regard for the rights of states or people thereof. In contrast, he welcomed rigged and unrepresentative political conventions that upheld his objectives. He sanctioned an extraordinary election oath that disqualified not only state citizens who were rebel sympathizers but Union men who happened to be for McClellan in the 1864 election/

The political temper of 1865 and AJ's own ambition were important elements in determining the course of Presidential policy toward Reconstruction.

#### 6. The Problem of Patronage

The Coxes argue that AJ's political ambitions and desire to form a third party are circumstantial but nevertheless true from the weight of the evidence. . . .

#### 8. Johnson and the Negro

A useful chpt that presents the early ambiguity over the Executive policy toward protection of freedmen's rights in the South. Johnson's actions and failure to act presented the Radicals with uncertainty about measures he would take to protect the civil liberties of blacks in the south.

AJ's position on suffrage revealed in part in his "suggestions and advice" to Governor Sharkey of Mississippi. When the Mississippi convention rejected this "advice" Johnson made no move to see that his advice was implemented. Reveals too that suffrage on a qualified or limited basis was to "cool down" the radicals. . . .

AJ Administration allowed the South to interpret the 13th amendment as they wished to. That is, that the clause that the amendment gave the national congress the right to intercede and legislate upon the political status of freedmen in the state could be disregarded. The South saw it this way. . . And Johnson administration did nothing to disabuse them of this view.



There was the question of blacks and the jury system . . . Ultimately they were allowed to bear witness when they were principles in the case in question. But they were denied the right to sit on juries.

Their feeling was that the south was determined to keep the blacks under their control. There was good reason to believe that the few concessions were made in a temporary state. That once restoration was achieved the civil rights granted would be repealed.

Radicals were uncertain. They took comfort in Johnson's description of his reconstruction program as "experimental." But they were anxious over the President's intentions to disband military rule and end the life of the Freedman's Bureau as soon as possible.

Republicans were still giving AJ the benefit of the doubt. . . . as late as December 1865. . . . But there were many questions about what AJ meant about "security for the freedman in their liberty and in their property."

#### 9. Johnson Declares War

The veto of the Freedman's Bureau bill in February. . . . AJ's February speech on the 22nd attacking noted radicals; and the March veto of the Civil Rights bill . . .

These were the opening guns in the President's declared war against the Ultras in the Republican party.

The Coxes place the vetoes in the political context of AJ's maneuvering for a new party alignment. The vetoes were the opening gun of the long standing campaign to force the radicals out of the Republican party and to inaugurate a reorganization of national parties.

Since Congress had convened the Democrats and Union men had grown restive. They wanted a "signal" that the reorganization was in the tube. . . . Some thought the occasion would be inaugurated with the removal of Stanton from Secretary of War and replaced with a conservative. But Stanton had the support of Seward-Weed faction. There was the possibility it would begin with a Presidential veto of the House bill for enfranchisement of the blacks in the District of Columbia. But this did not clear the Senate.

So by process of elimination it fell to the plight of the FB bill. The problem was that this measure was the brain-child of the Republican moderates. . . . And it had the full support of all Republicans. . . . Pressures for vetoing the measure were building up. The Democrats, some Union men, the spokesman of Democratic sentiment in the newspaper world-- Bennett of the NY Herald; the border state governors; and the southern politicians all called for its disestablishment. Coxes point out that that there was no question but that Johnson would veto the measure. . . .

"Clearly, Presidential hostility to the Radicals cannot explain alone the veto. Neither can it be attributed to Johnson's constitutional principles, for they were not consistent and sharply defined as to constitute a compelling necessity for so sweeping rejection of the bill!"  
 They throw in the question of Johnson's evaluation of the political impact of the veto.)

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 AJ's argument*

It would strengthen his ties with the Northern Democracy and the South, force an issue with those Republicans who he considered his opponents, and signal the beginning of a major political realignment under his leadership. (179-180)

The chpt deals with the Seward draft of the veto message. In his copy Seward emphasised the point that the veto was not meant to produce a rupture between the President and his party. He stressed conciliation . . . and differences over means rather than end between the Executive and the Legislature. . . But this veto message was not the one that Johnson sent along with his veto.

Johnson was not interested in moderation. . . But in war. See the draft of the President's veto message. Perhaps this is present in their article on AJ and his ghost writers. . . Or in Richardson's Presidential messages. . .

The wording of the Presidential message was a fiat to Congress. The thrust of the Presidential veto ended the period of ambiguity of Johnson's views about the respective roles of government in the reconstruction process. It ended questions about what he meant regarding security for blacks, etc. . .

The message should be read. . . Or the Cox book looked at again.

If the message was not clear. . . Then the veto of the civil rights bill eliminated all uncertainty about Johnson's course of action . . .

Reception of the veto was strongly supported by Democrats in North and South alike. . .

10. Civil Rights: The Issue of Reconstruction

In this veto Johnson revealed that he would make no concessions to the moderate Republicans. The bill was Trumbull's. . . Seward tried to get the President to charge that the veto was not on the principles contained therein the measure but in the casting of the bill--technical and not substantive. But AJ refused. Johnson stood in opposition to the measure on substantive grounds. In effect, Johnson was refusing the test line of Republican moderates--federally protected civil rights of the freedman short of suffrage and officeholding.

This veto made it impossible for the moderate Republicans to sustain Johnson any longer. . . Those who supported his veto of the Freedman's Bureau bill could not go along with this rejection of the basic acceptance of civil rights and citizenship for the former slave. By refusing Presidential support for any measure that would effectively secure equality before the law to the freedman whom the national govt had made free he fateally alienated the reasonable men who wanted to act with him rather than against him.



By giving countenance to the Democratic charge that the civil rights bill was Unconstitutional, AJ helped to destroy any possibility that civil rights issue would be removed from the political arena. . . .

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Concomitant*

AJ made the issue political by refusing to accept any civil rights amendment or bill before the "Johnson Govts" were admitted into the national affairs. Which was to say, that his actions militated against any measure because with the South restored to the Union there was no possibility of receiving a two-thirds majority in both houses with the South fully represented.

Coxes concluded that AK's action cannot be explained wholly in terms of principle or Radical provocation. It rested largely on political considerations. Johnson went along with the demands of the Democrats--north and south--in levelling the veto for reasons of political advancement and the realignment of the political structure. But he blundered. . . Didn't he need the conservative and moderate Republicans in the new amalgam. . . Wasn't it worth to make some concessions that they would approve? Did he blunder from hubris--fresh from the veto victory over the Freedman's Bureau bill, etc. . He should have realized that the moderates could not sacrifice the position on civil rights for the freedmen. . .

Coxes point out that the party had evolved since the end of the Civil War on the question of national govt protection of the civil rights of the former slave in the same way it had evolved on the eradication of slavery during the war. Note that it was the advanced elements of the party that wanted Lincoln to strike off the chains of slavery during the war. By 1864 this was the position of the whole party. By 1866 the ultras had swung the whole party to their advanced position on the protection and guarantee of equality before the law. But they could not get the bulk of the party to move forward on the suffrage issue.

Nevertheless, by 1866 it was Republican principle the extension of full equality before the law and protection of the former slaves civil rights. By rejecting the Trubull bill Johnson was demonstrating his rejection of the Republican party. . .

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This principle was essential to the Party. The Coxes argue that had Johnson proved conciliatory on this issue he could have had his way on all others. Could have separated the party from the advanced wing of the Radicals and made them capitulate or suffer defeat. But he had to recognize that the majority of the Republicans wanted two basic demands (1) the guarantee of the blacks' civil rights (2) and the recognition of the prerogatives of Congress. The two were ineluctably tied together since the guarantee of the freedman's civil rights depended ultimately upon congressional action in this matter. . . Especially if it were to be an amendment. . .

It was this position that held the Republican party together and only this position. It was the reduction of the party's political history. But because it rested in the sensitive area of race the opposition within the Democratic camp could not accept it. . . The Democrats--north and south--wanted the end to centralized government, a defense of states' rights, respect for the Constitution, and devotion to a united Union.

But behind all this rhetoric was the assertion that the blacks should remain in an inferior position. That with local autonomy and time the southern whites would be in the same position they were vis-a-vis blacks prior to the civil war except for the formal exclusion of slavery.

For the texts of the veto messages see Edward McPherson, Political Manuel for 1866. Particularly useful for the racial overtones of the veto messages.

AJ continued unyielding. After the 1866 elections he still refused to countenance any extension of federal power in the area of protection of freedmen's civil rights. He rejected the 14th Amendment. . . This was the logical extension of the Republican party's position on this matter.

Coxes analysis of this Presidential opposition: AJ (see the Perman book) was convinced that once the Republicans went ahead and tried to enforce the provisions of the 14th Amendment and ultimately the suffrage for the blacks. AJ was certain this was the direction matters would take. The national outrage would be so great that he would be certain to ride the waves of rejection into the Presidency on his own in 1868. He assumed also that either the S. Court would ultimately set aside the provisions. . . or the necessary of military rule in the South to enforce the provisions would result ~~of~~ in a national outcry for the end of the Radicals, etc. . .