ROSS AND THE IMPEACHMENT:
A NEW LOOK AT A CRITICAL VOTE
EUGENE H. BERWANGER

WHY EDMUND G. ROSS voted to acquit
Pres. Andrew Johnson of impeachment
charges remains a mystery of the Reconstruc-
tion era. Entering the United States senate in
1866 as a Republican from Kansas, Ross
quickly gained respect from colleagues for his
support of congressional reconstruction mea-
sures. When the senator, along with six others
in his party, broke from Republican ranks and
cast his vote in Johnson's favor in May, 1868,
the atmosphere of congeniality disappeared.
Disgruntled Republicans and political enemies
of the "recusant" seven leveled charges of
bribery and corruption against them. In re-
sponse the house of representatives established
a committee, under the chairmanship of Ben-
jamin F. Butler, to investigate the various ac-
cusations but in the end it failed to uncover
evidence of wrongdoing.

For his part, Ross portrayed his vote as an act
of moral courage, a gesture made to save the
nation from Radical Republican domination
and to preserve the independence of the execu-
tive department. As historians in later years
came to view Ross's stand, some could accept

1. The other Republican senators who voted "not guilty" were
William Pitt Fessenden of Maine, Joseph S. Fowler of Tennessee,
James W. Grimes of Iowa, John B. Henderson of Missouri, Lyman
Trumbull of Illinois, and Peter S. VanWinkle of West Virginia. See
Ralph J. Bunke, "The Seven Martyrs?" American Historical Re-
view, Richmond, Va., v. 64, no. 2 (January, 1959), pp. 325-330, for a
revisionist treatment regarding the impact of their votes on their
political careers.
this interpretation without question. Others found Ross’s motives less altruistic; to them sources seemed to indicate that the senator was seeking presidential favor in order to control federal patronage in Kansas and in the Southwest. This essay will review the pro- and anti-Ross arguments and suggest that Ross’s vote was not solely dictated by idealistic motives. Rather, Senator Ross—voting as he did—was reacting to an outside attempt being made to destroy his own political career.

Ross himself was responsible for the theory that his stand was wholly unselfish. Responding to charges that his vote had been purchased by the President or perhaps by his friends, Ross was quick to point out that his adversaries’ motives for seeking Johnson’s removal were not in themselves faultless. The Radicals, according to Ross, were hoping to replace the President with Benjamin Wade, speaker pro tem of the senate, who would then remove conservative Republicans and Johnson’s backers from federal offices. With the patronage in their grasp, these politicians would be insured of their political hold and encounter no further opposition to the passage of legislation they desired. To achieve their design, some Radicals had covertly offered bribes and promises of political advancement for votes against the President. Thus, Ross discounted the furor and could write to his wife, Fannie, one week after the fateful vote:

Don’t be discouraged, dear wife, it’s all coming out all right. This storm of passion will soon pass away, and the people, the whole people, will thank and bless me for having saved the country by my single vote from the greatest peril through which it has ever passed, though none but God can ever know the struggle it has cost me. Millions of men are cursing me today, but they will bless me tomorrow. But few knew of the precipice upon which we all stood on Saturday morning last.²

². Quoted in Edward Bumgardner, The Life of Edmund G. Ross, the Man Whose Vote Saved a President (Kansas City, Mo., The Fielding-Turner Press 1940), p. 82.

³. Edmund G. Ross, History of the Impeachment of Andrew Johnson, President of the United States, by the House of Repre-
found the mood more accepting: the emotionalism of the Reconstruction years had passed, and Americans now generally considered Johnson’s impeachment to have been an act of passion. Too, Ross carefully avoided harsh criticism of his former enemies and tried to treat them generously. If he could not—as may have been the case with Kansas’ former Sen. Samuel C. Pomeroy and Cong. Sidney Clarke—Ross simply omitted any mention of them. In regard to the trial, Ross focused attention on himself. Indeed, he magnified his own heroism and role to such an extent that it is easy to forget the six other Republican “recusants.” The emotion surrounding his vote for the President’s acquittal had scarcely dimmed for him in the succeeding 25 years:

Conscious that I was at that moment the focus of all eyes, it is something more than a simile to say that I almost literally looked down into my open grave. Friends, position, fortune were about to be swept away. Realizing the tremendous responsibility which an untoward combination of conditions seemed to have put upon me the verdict came—“Not guilty.” The die was cast. The best, or the worst, was known. The historic trial of the age was practically ended.

Edward Bumgardner and John F. Kennedy strengthened this favorable assessment of Ross’s vote in the years following the second World War. Bumgardner’s choice of title, The Life of Edmund G. Ross, the Man Whose Vote Saved a President, and the inscription on Kennedy’s essay, “I looked down into my open grave,” leave little doubt regarding the authors’ pro-Ross feelings. Bumgardner, in fact, undertook his study soon after acquisition by the Kansas State Historical Society of the Ross papers and with the encouragement of Lillian Ross Leis, the senator’s daughter. As Bumgardner wrote, “... she longed to have the sincerity of his act and its far-reaching significance placed in the record. To do this was my purpose.” As a result, Bumgardner’s work is more a defense of Ross’s vote than a biography in the usual sense. A large portion of the book, 50 of its 117 pages, justifies Ross’s role in the impeachment trial or contains statements by prominent Americans lauding the senator’s action. Perhaps because the Ross papers offered few additional insights into the matter, Bumgardner’s interpretation of the impeachment vote closely parallels the senator’s own explanation.

Bumgardner’s biography remained obscure. Neither the American Historical Review nor the Mississippi Valley Historical Review chose to review the book or note its publication. By contrast, the Kennedy essay, a chapter in his Profiles in Courage, received wide acclaim and readership. Awarded the Pulitzer prize for biography in 1957, the book subsequently underwent numerous reprints as Kennedy’s political stature increased. The Ross material itself provides the shortest chapter in the book; only 18 pages are devoted to the Kansas senator, with the remaining third of the chapter focusing on the later political careers of the other six “recusants.” Kennedy added nothing new: he evidently based his conclusions solely on the writings of Ross and Bumgardner. In fact, he extracted and summarized their most laudatory portions. Because of the book’s general popularity, however, a number of historians were moved to look further into Ross’s role.

The first real challenge to the pro-Ross interpretation came in 1960 as Charles A. Jellison took a less glowing stand, and put forth a thesis which Hans L. Trefousse would later accept
Sidney Clarke (1831-1909), elected to congress in 1864, was Kansas' only representative during his three terms in office. With senate ambitions of his own, he sided with Senator Pomeroy in efforts to reduce Ross's political influence.

Without reservation, in his essay, subtitled "A Need for Reappraisal," Jellison argued that Ross may have voted to acquit the President merely to acquire a greater voice in securing federal jobs for his own political supporters in Kansas. Jellison based his supposition on four letters which Ross wrote to Johnson between June 6 and July 10, 1868—all requesting patronage appointments. Ross did more or less routinely suggest appointments in the South for a close friend and for his brother William, but in every other case he sought to place his own men into positions where they could use their influence to augment the senator's political career at home. And it seemed more than coincidence to Jellison that Andrew Johnson granted most of Ross's requests. In one instance the President even removed a man avid in Johnson's support as Southern superintendent of Indian affairs and gave the office to Newton Robinson, one of Ross's cohorts. Cautious perhaps because his conclusion was based on such scant evidence, Jellison explains that while the letters reveal no specific arrangement between Ross and Johnson, they do show that the senator "lost little time in 'cashing in' on his vote after the President's acquittal.'

The strength of Jellison's argument lies in the existence of a Ross-Johnson correspondence. Its drawback is Jellison's failure to answer one obvious question: Why should Ross, whose relationship with his Republican colleagues in the senate was apparently amicable, suddenly seek favors from a President whose public image was at its lowest point? True, Johnson nominated federal appointees, but senatorial consent was required before such appointments could take effect. Thus, it seems odd that Ross would have sided with Johnson solely for the purpose of securing more influence over patronage, for he could just as easily have encountered defeat in the senate had his colleagues suspected him of intrigue.

In any case, Ross already had considerable input in the selection of federal appointees for Kansas through Thomas E. Ewing, Jr. Formerly chief justice of the Kansas supreme court, Ewing had moved to Washington in 1865 where he made his living as a lawyer and lobbyist. Because of his conservative stand on Reconstruction and his own political connections, Ewing soon became a confidant to the President, a position which would have enabled him to suggest Ross's backers for appointments. Admittedly, evidence that Ewing acted as a liaison for Ross is meager. Perhaps by design or simply because both men lived in Washington and could communicate verbally, a few letters between them are extant. But those that have been preserved indicate a close cooperation over patronage appointments as early as the spring of 1867. Writing from Kansas in May, Ross assured Ewing that the senate would confirm the nominees he had recently proposed. The senator made it a point, he


wrote, to select only men to whom Senator Pomeroy, his colleague from Kansas, was indebted for past political favors or against whom Pomeroy could raise no objection.\footnote{14} As the impeachment trial moved toward its final moments, Ross apparently found this roundabout arrangement in naming federal appointees unacceptable. For while Ewing continued to intervene on Ross’s behalf, the senator himself now began writing urgently to the President.\footnote{15} The impetus behind this sudden desire for direct input into patronage nominations sheds light on Ross’s impeachment vote. And Ross’s motive was detailed in a letter to S. S. Prouty, editor of the Burlington Kansas Patriot, by one Henry C. Whitney on June 13, 1868.\footnote{16} A look at the deteriorating relationship between Cong. Sidney Clarke and Senator Pomeroy on the one hand and Ross on the other bears out Whitney’s contention.

Kansas during the 1860’s sent two senators and one representative to Washington. Normally they were not a closely knit political group even though the members consistently were Republican. Prior to 1866 James H. Lane and Samuel C. Pomeroy held the senatorial posts. Because Lane had secured the dominant voice in federal patronage for Kansas as well as control of the state Republican party, he could usually command the political backing of the representative. As a result, through 1866, at which time the Kansas delegation consisted of Lane, Pomeroy, and Congressman Clarke, Pomeroy was the odd man out.\footnote{17} Then in July Lane committed suicide, leaving Gov. Samuel Crawford to name an appointee to the seat. To Ross fell the nod, a move strengthened with his actual election to the post when the state legislature next convened in 1867. Clarke was surprised to see Ross take hold so rapidly, for the fledgling senator had neither political experience nor a following prior to his appointment by Crawford. Likewise, Clarke was displeased because he had ambitions of his own to serve in the senate. Particularly ominous was the fact that he and Ross both resided in Lawrence: it seemed unlikely that the legislature would elect two United States senators from the same geographical area of the state, much less the same city. Consequently Clarke turned to Pomeroy, in the hope that together they might work to reduce Ross’s political prestige.\footnote{18} Pomeroy in the meantime was having difficulty of his own influencing Ross’s political behavior, especially over Johnson’s impeachment, and he proved receptive to this arrangement.\footnote{19} By the spring of 1868 both men were firmly united in common front against Ross. It was at this point that Senator Ross became aware of the alliance and its purpose. For just before the vote on Johnson’s impeachment, according to Whitney, Ross learned that Pomeroy and Clarke were conspiring “to turn all of Ross’s friends out of office as soon as Wade should don the ‘imperial purple.’ This ‘furnishing a club to beat his own brains with’ was not relished by our young Senator, and so he slaughtered the conspiracy and the impeachment together.”\footnote{20} Not only did Ross very expressly give a pro-Johnson vote in response—and a vote against Wade—but, by Whitney’s account, the senator now moved as well “to secure the whole patronage of the State.” He was angry, and intent on destroying Clarke and Pomeroy; short of that he wished at least to have Kansas federal patronage under his control “before Pomeroy gets a chance at it under Grant’s administration.”\footnote{21} This Whitney claimed, was the essential explanation for Ross’s impeachment vote.

The Ross-Johnson correspondence substantiates Whitney’s assertion. Ross was most cer-
certainly feeling the weight of Clarke's enmity in the weeks after the trial. To Johnson he spoke of the animosity shown him by the house of representatives and declared, it "is fostered by the member from Kansas, who omits no opportunity to take advantage of it to serve his own purposes. ..." But the senator did not want for spirit and made known his desire for revenge: "Clarke comes up for re-election in the fall, and I am determined he should not be re-elected. The [Southern Superintendence of Indian Affairs] in the hands of my friends will enable me to defeat Clarke." Later he was to elaborate. "I am aware," said Ross quietly to the President, "that I am asking a good deal of you, but I feel constrained to do so by the persistent efforts that are being made for my destruction." 21

Faced with unexpected and dramatic obstinacy from the junior senator, Clarke and Pomeroy redoubled their efforts at home to subdue Ross. Clarke's supporters in the Kansas legislature introduced resolutions at the beginning of the 1869 session requesting the senator's resignation because of his impeachment vote, but Ross's friends were successful in getting them tabled.22 Still they could do little to forestall Clarke and Pomeroy who, once Grant was secure in office, launched an all-out effort to remove every Ross appointee in Kansas and gain control for themselves. It was only Ross's direct appeal to the senate, at this point, that induced the senators to retain Ross's backers in their federal posts.23 Ross must certainly have felt a sense of relief and victory when Clarke failed to be renominated for a fourth term to congress in 1870.24

Whitney's statement also gives meaning to Ross's continued intimation that the impeachment trial had degenerated into a scheme by certain Radical Republicans to retain control of the nation through patronage. And perhaps not by chance, Ross focused repeatedly on Pomeroy as one of the most unscrupulous of the senators involved. Senator Ross himself faced the accusation of selling his vote for a promise of patronage, but as he chided the senate on July 27, 1868, "if true, there may be two sides to that also." While he did not deny the possibility, he silenced his accusers with the hint that they themselves might be guilty of the same crime.25

After his retirement from the senate in 1871, Ross resumed his career as a journalist and established a newspaper, Ross's Paper, in Coffeyville. During December, 1871, and January, 1872, he wrote a series of articles on Johnson's impeachment and stressed the patronage theme in particular. Every federal position from the Presidency down to the smallest post office had been "farmed out," he wrote scathingly; "impeachment ... degenerated long before its close into a stupendous and damnable conspiracy for the robbery and plunder of this Government." 26

Nor was it coincidence that a full year before Pomeroy came up for reelection in January, 1873, Ross raised charges of corruption in the impeachment against him. He recalled two damaging letters written by Pomeroy. These missives had surfaced during the hearings held by a special committee of the house of representatives to investigate charges of bribery in the impeachment trial.27 The first, dated April 16, 1867, advised a close friend of Pomeroy's, one James Legate, to request the postmastership at Leavenworth from Postmaster General Alexander Randall. "If he will give it to you today," wrote Pomeroy, "he may count on my support ... & should either himself or the President get in trouble, even if it be Impeachment, they can count on me ... and you may so say to him." 28

The second letter, written a year later during the impeachment trial, to Edmund Cooper, the President's secretary, was even more incriminating. In Ross's version, Pomeroy had offered his own and the votes of two other senators to acquit the President if Cooper could reach a "suitable arrangement" with the bearer of the

22. Senate Journal, Proceedings of the Legislative Assembly of the State of Kansas, Ninth Session (Topeka, 1870), pp. 74, 96; Whitney to Ross, Topeka, January 19, 1869.
28. Samuel C. Pomeroy to James Legate, U. S. Senate chamber, April 16, 1867, true copy certified by Cornelius Wendell, in "Johnson MSS." There is also a typewritten copy in the "Samuel C. Pomeroy Manuscripts," University of Kansas Library.
letter, William Gaylord, Pomeroy's brother-in-law. The "suitable arrangement" turned out to be a remuneration of $40,000, as Cooper was later to testify before the house committee. However, the plan fell through when Cooper insisted on paying part of the agreed amount by check; understandably, Gaylord preferred cash. Legate actually came before the committee for questioning on both letters, and he was able to corroborate Cooper's testimony. Legate had apparently met up with Gaylord who, after recounting the ill-fated bargain, tore the letter into pieces in Legate's presence and threw them away. Unfortunately for Gaylord—and for Pomeroy—Legate retrieved the pieces, pasted them together again, and had them photographed.

Pomeroy maintained his innocence. During the investigation he steadfastly denied responsibility for either letter, and the committee in the end determined them to be forgeries. As Ross recounted the affair in 1871 and 1872 the letters were indeed genuine, but Benjamin F. Butler, the committee chairman, offered to deemphasize their importance should Pomeroy give evidence implicating Ross in bribery. This Pomeroy agreed to do, said Ross, at Butler's threat to ruin him if he refused. Ross also took the opportunity to level a charge directly at Pomeroy: the latter had even tried to tempt him with a sum of $50,000, he said, for the guarantee of a vote to convict Johnson. Pomeroy, insisted Ross, could promise such a large sum because upon Wade's inauguration Pomeroy was to receive control of all patronage positions concerned with the handling of internal revenue.20

Ross's version of the tale, coming as it did somewhat after the fact, probably caused little excitement. Pomeroy, however, could not let it pass. "You was the only man I knew that vacillated . . . ," he wrote, "And at this late period the less you say about impeachment, the better for you."21 Still, Ross undoubtedly felt some satisfaction when a joint committee of the 1872 Kansas legislature, investigating bribery and other questionable practices at the state level during the United States senatorial elections of 1867 and 1871, uncovered evidence seriously implicating both Pomeroy and Clarke.21 And surely Ross felt vindicated when Pomeroy lost his bid for reelection in 1873 after a state senator accepted a $7,000 bribe to vote for him and then exposed the whole affair before the Kansas legislature.22

Whitney's view clarifies vague points in both the pro- and anti-Ross theses. It certainly gives meaning to Ross's charge that certain Republicans wanted Johnson removed so that they could carry out their designs to manipulate the patronage. And in his speech before the senate on July 27, 1868, as well as in his later newspaper comments, Ross left no doubt that he considered Pomeroy to be the prime offender in this maneuver. In addition, it explains Ross's vehement denunciation of Pomeroy in 1871 and 1872—at a time when the memory of the Clarke-Pomeroy cabal was still fresh and when Ross no longer felt constrained, now that he had retired from the senate, by the decorum and propriety expected of one senator toward

30. Ibid., January 12, 1872.
32. Ibid., p. 606; Plummer, Frontier Governor, p. 147.
another. The Whitney letter also clarifies Ross's statements against Clarke in his correspondence to Johnson and shows why Ross sought determinedly to prevent Clarke's reelection to the house. As long as Clarke continued to serve in congress, he remained a threat to Ross's own political ambitions which, according to Whitney's statement, included reelection to the senate in 1871. The Kansas editors of the Reconstruction era ignored Whitney's letter despite its value in explaining Ross's vote. Prouty published the correspondence but made no comment on it. Files of Kansas newspapers for 1868 which have been preserved indicate that the letter itself was not reprinted. Editors may have overlooked its significance, but more likely not; considering the common practice of reprinting newsworthy items from other papers, the failure to give Whitney's letter wide circulation appears to be related to the anti-Ross feeling so prevalent in Kansas during June, 1868. Additionally, most Kansas Republican editors favored Clarke's reelection and were perhaps unwilling to hurt his chances at renomination by justifying Ross's vote at Clarke's expense. The Whitney letter has a rightful place in the story of Ross and the impeachment. Without it, explanations of Ross's vote have fallen short; in its light the Ross-Johnson correspondence and Ross's own writings take on new meaning.

34. The editors of the Leavenworth Daily Conservancy, May 17, 1868; the Emporia News, May 25, 1868; and the Junction City Union, May 25, 1868, each in turn hinted that Ross's vote may have been dictated by political considerations, but they all concluded that Ross was guilty of corruption. It is uncertain whether or not Whitney sought to circulate his theory more widely. Prouty in any case appears to have been the only editor who published the letter. George Martin of the Junction City Union, June 27, 1868, did print another of Whitney's letters from Washington, but it dealt only with the supplemental Indian treaty.
35. Plummer, Frontier Governor, p. 110.