A Matthew Brady photograph of General U.S. Grant

Ulysses S. Grant and the Fruits of Victory

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Most studies of Reconstruction between 1865 and 1868 concentrate on its political aspects, examining either the struggle between President Andrew Johnson and the Radical Republicans or the differences among Republicans themselves over Reconstruction policy. Although Lieutenant General Ulysses S. Grant, as commander of the United States Army, was responsible for administering Reconstruction policy, most historians reject the idea that Grant had any policy of his own, preferring to view him as either a nonentity or as a self-seeking politician waiting behind the scenes for the opportunity to run for President.[1] In truth, Grant had his own conception of the course Reconstruction should take. He advocated a rapid restoration of civil rule to the South, protection of black civil rights, no malice toward the defeated by Northerners, and acceptance of the results of the war by Southerners. He pursued this policy throughout the years after the war, involving himself in politics only when he saw such involvement as the only alternative to forfeiting the fruits of Northern victory.

Grant shared Lincoln's desire for a lenient peace and rapid restoration of national unity based on Southern acceptance of the results of the war. Like Lincoln, Grant initially felt that the sole goal of the Union war effort was reunification of the nation. As early as November, 1861, however, he argued: "If it is necessary that slavery should fall that the Republic may continue its existence, let slavery go." By the end of the war Grant, once a slaveholder himself, had added the end of slavery and a free black population to the reassertion of national unity as a legitimate result of the war that had to be upheld in peace. Yet, Grant still leaned towards a lenient peace. When at City Point, Virginia, in March, 1865, Grant along with Major General William T. Sherman heard Lincoln express his desire that the

1. George Ford Milton, *The Age of Hate* (New York: Coward McCann, 1930), Claude G. Bowers, *The Tragic Era* (New York: Houghton Mifflin, 1929), and Gene Smith, *High Crimes and Misdemeanors* (New York: Morrow, 1977), see Grant as an incompetent falling into the corrupt clutches of the Radicals; Benjamin Thomas and Harold M. Hyman, *Stanton: The Life and Times of Lincoln's Secretary of War* (New York: Knopf, 1962), and Martin Mantell, *Johnson, Grant, and the Politics of Reconstruction* (New York: Columbia University Press, 1973), see Grant as maneuvering for political advantage. Among recent historians, only John A. Carpenter, *Ulysses S. Grant* (New York: Twayne, 1970), views Grant's actions with any charity at all.

Southern armies be granted liberal terms of surrender, he heartily agreed with the President.[2]

Less than two weeks later, on April 9, 1865, Grant put these principles into effect when he received the surrender of Robert E. Lee's army at Appomattox Court House. Grant's terms showed no signs of vindictiveness. He allowed Lee's soldiers to take their horses home to help in the spring plowing, and let Confederate officers save face by permitting them to keep their side arms. Most important was Grant's assurance that the Confederates "will be allowed to return to their homes, not to be disturbed by United States authority so long as they observe their parole and the laws in force where they may reside." When Union troops cheered the news of Lee's surrender, Grant told them to stop: "The Rebels are our countrymen again."[3]

Lincoln was overjoyed when he received the news of Lee's surrender. As he read Grant's terms, he voiced his absolute approval of them because they adhered to Lincoln's concept of the direction Reconstruction should take. But Lincoln would not be able to build on Grant's beginning, for five days after Appomattox he fell victim to an assassin's bullet. Upon hearing the news, a noticeably shaken Grant returned to Washington. At Lincoln's funeral, he stood alone at the head of the catafalque, weeping openly. Gone was the man whose policy of reconstruction, in Grant's eyes, "besides being the mildest, was also the wisest . . . " He thought that Lincoln's death was a great loss to the South, "which now needs so much both his tenderness and his magnamity." Grant knew little about Lincoln's successor, Andrew Johnson, but "for some reason," he said, "I dread the change."[4]

Grant did not have to wait long to see that the policy he and Lincoln had advocated was in serious jeopardy. After the funeral train bearing Lincoln's body had moved away from the Washington train station, Grant returned to his office. Awaiting him were dispatches from Sherman announcing the surrender of Joseph E. Johnston's army on terms amounting to a virtual peace settlement: the national government would recognize Southern state governments once their officials had sworn allegiance to the United States, federal courts once reestab-

2. Ulysses S. Grant to Jesse Root Grant, November 27, 1861, in Jesse Grant Cramer, ed., *Letters of Ulysses S. Grant to his Father and his Youngest Sister, 1857-78* (New York: G.P. Putnam's Sons, 1912), p. 69; Bruce Catton, *Grant Takes Command* (Boston: Little, Brown, and Company, 1969), p. 438.

3. Ulysses S. Grant to Robert E. Lee, April 9, 1865, Ulysses S. Grant Papers, Library of Congress (hereafter USGP); Catton, *Grant*, p. 468.

4. David D. Porter's letter in William T. Sherman, *Memoirs of General William T. Sherman*, 2 vols. (New York: D. Appleton and Company, 1904), II, p. 328; Noah Brooks, *Washington, D.C., in Lincoln's Time* (Chicago: Quadrangle Books, 1971), p. 432; Julia Dent Grant, *The Personal Memoirs of Julia Dent Grant*, ed. John Y. Simon (New York: Putnam, 1975), p. 156.

lished would protect white Southerners' voting and property rights, and a general amnesty would be extended to all Confederates. Such a policy jeopardized Unionist governments already existing in several Southern states, including Louisiana and Arkansas, protected all those who had taken part in the rebellion from punishment, and left open such questions as the Confederate war debt and the position of the freedmen in the South. In short, it threatened to cast aside the fruits of Northern victory gained in the war, a result Grant could not condone.[5]

Grant realized that Sherman's terms were unacceptable, especially in the atmosphere of hatred and revenge that followed Lincoln's murder. When the cabinet summarily rejected Sherman's terms, Grant hastened to defend his subordinate's intentions while disavowing his actions. After the meeting, he hurried to Sherman's headquarters in North Carolina to tell Sherman to offer Johnston the same terms he had offered Lee. A week later, Johnston surrendered once more.[6]

Having prevented the possibility of an excessively lenient settlement, Grant next blocked an attempt by the new President to impose a harsh settlement on the South. Proud of his unionism, Andrew Johnson never tired of repeating "Treason is a crime and must be made odious." To show what he meant, he proposed to bring Robert E. Lee to trial on charges of treason. Richmond judge John C. Underwood had been considering such an action for some time. Alarmed, Lee wrote to Grant, asking whether or not the terms at Appomattox protected him from prosecution. He enclosed an application for a presidential pardon.[7]

Upon receiving Lee's letter, Grant immediately took action. He assured Lee that the Appomattox agreement protected him from prosecution. He forwarded Lee's request to Johnson with an endoresment asking Johnson to put an end to Underwood's activities. Grant then visited Johnson to argue Lee's case personally. He told Johnson that Lee would not have surrendered if he thought he would be tried for treason, and that the terms explicitly ruled out such a step. When the unconvinced President asked when Confederate military leaders could be tried, Grant replied, "Never, unless they violate their paroles."[8]

But Johnson persisted, seemingly oblivious to the fact that he had endorsed Grant's parole of Confederate military leaders

5. Thomas and Hyman, *Stanton*, pp. 405-18; Catton, *Grant*, pp. 481-83.

6. Gideon Welles, *The Diary of Gideon Welles*, ed. Howard K. Beale, 3 vols. (New York: Norton, 1960), III, pp. 294-97; Sherman, *Memoirs*, II, pp. 353-67.

7. Adam Badeau, *Grant in Peace* (Hartford: S.S. Scranton, 1887), p. 27; Douglas Southall Freeman, *R.E. Lee*, 4 vols. (New York: Scribners, 1935), IV, pp. 200-7.

8. Badeau, *Grant*, p. 27; John Russell Young, *Around the World With General Grant*, 2 vols. (New York: American News Co., 1879), II, pp. 460-61.

when he instructed Grant to tell Sherman to offer Johnston the same terms Grant had given Lee at Appomattox. Grant firmly resisted the President's efforts. He finally told Johnson that he would resign his commission and take his case to the people rather than see his word broken. Unwilling to incur Grant's open opposition, Johnson gave in.[9]

Grant had thus demonstrated his desire for a moderate policy by rejecting both extremes of Reconstruction. While he favored "something being done to restore civil rule there immediately," he thought Congress alone had the authority to restore political rights to Confederates and to determine the form of civil rule. All he insisted upon was that these civil governments accept the results of the war, admit that secession was illegal, and accord blacks full civil rights. He thought, however, that the freedmen would need additional education before they could be entrusted with the right to vote. In contrast to his desire to protect Confederate military leaders, he recommended punishment of Confederate political leaders, who were "guilty of the most heinous offenses known to our laws." Most importantly, Grant called for unity among Northern politicians as they entered upon the work of Reconstruction He pointed out that "those professedly loyal throughout the great conflict" were now "so differing in opinion as to what should be done in the great work of reconstruction as to endanger peace among friends." He asked, "Would it not be well for all to learn to yield enough of their individual views to the will of the majority to preserve a long and happy peace?"[10]

After traveling throughout the North during the summer, Grant returned to Washington in November to find that the unity he had hoped for was irrevocably shattered. Johnson, believing he was following in Lincoln's footsteps, had gone from favoring a harsh peace to the other extreme of welcoming back the defeated rebels with open arms. During the summer and fall of 1865 Johnson had tried his hand at Reconstruction, an action resented by both the Radical Republicans advocating a harsh peace and by more moderate members of the Republican party. The President's policy permitted Southern states to return to the Union after they had repudiated their secession ordinances and war debts and ratified the Thirteenth Amendment. He offered amnesty to all Confederates, although political and military leaders as well as men possessing at least $20,000 worth of property had to apply to Johnson personally to be pardoned.[11]

9. William Conant Chruch, *Ulysses S. Grant and the Period of National Preservation and Reconstruction* (New York: Garden City Publishing Co., 1897), pp. 342-43.

10. Grant to Edwin M. Stanton, June 20, 1865, USGP.

11. Johnson's transformation and new policy are recorded in several able works

White Southerners paid minimal attention to these conditions, a situation Johnson was willing to tolerate in his desire for the rapid restoration of the Union. Their state legislatures passed Black Codes, severely curtailing freedmen's civil rights; some states merely repealed their secession ordinances, still affirming secession as a viable measure; and some states did not even repudiate their war debts. Confederate brigadiers and other rebel leaders, including former Confederate Vice President Alexander Stephens, began appearing in Washington as newly elected congressmen and senators. Some of these men had been pardoned by Johnson only when it became apparent they would be elected; others had not been pardoned at all. This was too much for Grant to accept: not only were the results of the war imperiled by this turn of events, but it looked to him as if the South had never lost the war.[12]

As Congress assembled, Johnson asked Grant to undertake a trip throughout the South and to report on conditions there. The President suspected that other observers returning from the South would confirm Republican claims of an unreconstructed South. He hoped that Grant, desiring an easy peace, would be predisposed to report favorably on Southern acceptance of the results of the war.

Grant hurried through Virginia and spent a week in Georgia and the Carolinas. While in Atlanta, he told General James H. Wilson of his disgust with both Johnson's policies and the Radical clique in Congress. He returned to Washington with mixed feelings about the South's preparedness for reunion. While he believed that "the mass of thinking men in the South accept the present situation of affairs in good faith," the war had "left the people . . . in a condition not to yield . . . ready obedience to civil authority. . . . " He suggested that military garrisons remain in the South until stable civil governments were reestablished. Grant argued that, given deep-seated white prejudice, the freedmen would have to be protected in their new freedom from white violence and deception. He encouraged the continuation of the Freedmen's Bureau and asked that it be administered by military officers, so that he personally could act to protect the freedmen.[13]

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about the early years of postwar Reconstruction; the best are Eric McKitrick, *Andrew Johnson and Reconstruction* (Chicago: University of Chicago Press, 1960), John and LaWanda Cox, *Politics, Principle, and Prejudice, 1865-1866: Dilemna of Reconstruction America* (New York: Atheneum, 1969), and William R. Brock, *An American Crisis: Congress and Reconstruction, 1865-1867* (New York: Harper and Row, 1966).

12. McKitrick, *Johnson*, chapter 7; Michael Perman, *Reunion without Compromise: The South and Reconstruction, 1865-1868* (Cambridge, England: Cambridge University Press, 1973), pp. 3-184.

13. Grant to Johnson, December 18, 1865, USGP; James H. Wilson, *Under the Old Flag*, 2 vols. (New York: D. Appleton and Company, 1912), II, p. 378.

In turning Grant's report over to the Senate, Johnson distorted the general's view by emphasizing the section concerning "the mass of thinking men." This resulted in the Radicals attacking the report, in Charles Sumner's words, as a "whitewash." The Republican-controlled Congress refused to seat the new Southern representatives as it insisted that the process of Reconstruction was not complete. Grant began to sense that whether he wanted to or not, he would be trapped in the middle of the emerging conflict between Johnson and Congress over Reconstruction.[14]

Grant wanted to avoid becoming involved in political disputes. But, as General-in-Chief, commanding the forces in the South, he inevitably became involved in clashes over Reconstruction policy, for both Johnson and Congress relied on the army to implement policy. The hero of Appomattox manifested no friendship for either side, preferring to retain his independence as he pursued his own policy based on the protection of the freedmen and occupation troops and the restoration of order in the South. As the man who had led the Union armies to victory, he felt it his responsibility to see that what had been won in war would not be lost in peace.[15]

White Southerners, encouraged by Johnson's lax adherence to his lenient policy, grew increasingly intransigent in late 1865. Their discriminatory actions against blacks and their proud loyalty to the "Lost Cause" threatened the results of the war. Grant acted to control the situation. He telegraphed subordinates to report "all known outrages of whites against blacks and vice versa." After Grant assessed the results, on January 12, 1866 he issued General Order No. 3, directing military commanders in the South to protect federal troops and authorities acting under orders, Southern Unionists, occupants of abandoned or confiscated lands from prosecution by Southern state courts, and to protect freedmen from prosecution in those courts who were charged "with offences for which white persons are not prosecuted or punished in the same manner and degree."[16]

Grant also threatened to silence disloyal Southern publications. He declared that he possessed this power under martial law, and assured people that it "will be exercised." In his eyes, newspapers such as the Richmond *Examiner,* by printing "sentiments of disloyalty and hostility to the Government," could only "foster and increase the ill-feeling towards the

14. David Donald, *Charles Sumner and the Rights of Man* (New York: Knopf, 1974), p. 240.

15. See Badeau, *Grant,* pp. 32-35.

16. Carpenter, *Grant,* p. 66; Harold M. Hyman, ed., *The Radical Republicans and Reconstruction, 1861-1870* (New York: Bobbs-Merrill, 1967), pp. 303-8.

Government of the United States by the discontented portion of the Southern people."[17]

Three months later, on April 2, 1866, in the wake of his vetoes of the Freedmen's Bureau Bill and the Civil Rights Bill, Johnson cast doubt on the exercise of martial law in the South by issuing a proclamation declaring an end to the rebellion throughout the South, excepting Texas, and he also implied that the other Southern states were back in the Union. Johnson's assertion that marital law "ought not . . . to be sanctioned or allowed" in time of peace suggests that he possessed previous knowledge of the Supreme Court's preliminary ruling in *Ex Parte Milligan*, which struck down the use of military courts in peacetime. Military commanders in the South, uncertain as to the proclamation's effect on their authority, asked for instructions. Grant, with Johnson's approval, notified military commanders on April 9, 1866, that while they had to defer to civil authority whenever possible, they were still authorized to impose martial law or use the Freedmen's Bureau judicial system to provide justice if civil courts did not meet their obligations. This order challenged the prevailing interpretation politicians and Southerners gave to the preliminary ruling in the *Milligan* case and Johnson's proclamation. However, it also admitted that military action was to be used only when civil authority failed to enforce the law.[18]

Grant reemphasized his determination to preserve order and to protect the freedmen when he issued General Order No. 44 on July 6, 1866, authorizing army commanders to arrest civilians for crimes commited if the civil authorities failed to act. This order protected both military personnel and citizens, "irrespective of color," from Southern violence. The next day, Grant decided to test presidential opinion on the order. He sent documentation on the recent Memphis riots to Stanton, suggesting that the Army arrest the riot leaders and hold them until the civil courts took action. Stanton forwarded Grant's suggestion to Johnson, who passed it on to Attorney General James Speed for an opinion. Speed replied a week later that the military's authority ceased when they put down the riot; since the courts were open in Tennessee, it was up to local officials to take action. Grant saw the threat to General Order No. 44 and decided to treat Speed's opinion as applying only to Memphis, leaving General Order No. 44 to operate elsewhere. From

17. Edward McPherson, *The Political History of the United States of America During the Period of Reconstruction* (Washington, D.C.: Philp & Solomons, 1871), p. 123.

18. McPherson, *History*, pp. 15-17; Thomas and Hyman, *Stanton*, p. 478; and see Grant to George H. Thomas, April 10, 1866, USGP. Harold Hyman's assertion that Grant acted contrary to Johnson's wishes is not borne out by the evidence. Johnson endorsed Grant's actions. See McPherson, *History*, p. 17.

this point on, Grant would not look for presidential sanction of his actions, but would act on his own.[19]

If Johnson was nettled by Grant's actions, he did not show it. Instead he tried to associate Grant with his policy, if not actually to win him over to it. The Republicans also worked to win Grant's support. Johnson appointed Grant's eldest son to West Point. The general's father suddenly found himself postmaster of his town, courtesy of the President. When the Radicals attempted to use one of Grant's receptions to court the general, they arrived only to find Johnson and his close associate, Navy Secretary Gideon Welles, standing next to the general.[20]

The heaviest competition for Grant's favor came over a bill to create the rank of General of the Army which carried with it the understanding that Grant was to fill the new post. Republicans supported the measure because of their suspicion of Johnson. "If the President," wrote Vermont's moderate Republican Senator Justin Morrill, "should undertake to carry out the copperhead programme of reorganizing as the next Congress representatives from the South and their Northern allies – they having a majority – it would be important to have a man directly in command of the army of no doubtful tendencies. On this point Grant (though not the greatest man) is the safest man." Radical Representative Thaddeus Stevens of Pennsylvania, no friend of Grant, nevertheless supported the bill. Johnson signed it on July 25, 1866, and Grant added a star to his shoulder straps. Then Congress adjourned for the fall elections.[21]

Grant had always prided himself on doing his duty. But now he found his conceptions of duty conflicted. He felt he owed it to his soldiers, living and dead, to insure that the victory they had gained in the battlefield was preserved during Reconstruction. Yet, he also knew it was his duty to obey his superior officer, the President of the United States. While Lincoln was in the White House there had been no conflict between these two obligations. Now, Grant felt that Johnson's actions threatened to reverse the results of the war, but Johnson was also the Presi-

19. General Order No. 44 is in McPherson, *History*, p. 124, Grant to Stanton, July 7, 1866, USGP; 11 Opinions of the Attorneys General, pp. 531-32. James E. Sefton in *The United States Army and Reconstruction, 1865-1877* (Baton Rouge: LSU Press, 1967), argues on pages 83-84 that Grant "must have either been exceptionally weak-willed or else doubtful of the legality of No. 44 in the face of Johnson's April proclamation." More likely Grant wished to test Administration reaction to the order, for he did not revoke it, while adhering to Speed's ruling only as it applied to affairs in Memphis. See G.H. Thomas to Grant, August 15, and Grant to Thomas, August 18, 1866, in USGP.

20. Badeau, *Grant*, p. 37; Welles, *Diary*, III, pp. 477-78.

21. William B. Parker, *The Life and Public Services of Justin Smith Morrill* (New York: Houghton Mifflin Co., 1924), p. 230.

dent and his immediate superior. The failure of Congress to develop a systematic policy left the general on his own. During the next several months he tried to reconcile both conceptions of duty, even as they clashed.

With Congress adjourned, Johnson was free to continue his policy of cultivating Grant. On an August afternoon, Grant was surprised to receive a note from Johnson requesting the general's presence at a reception for the delegates of the National Union Convention. Johnson hoped that this convention would bring him the support of moderates and conservatives throughout both North and South as he tried to form his own political party. Grant wanted nothing to do with Johnson's political maneuvers, but he felt an obligation to obey his superior. Arriving at the White House, he sought out Johnson to excuse himself from the reception. Instead, he found himself next to the President, shaking the hands of numerous delegates. He returned to headquarters upset and chagrined by Johnson's petty politicking.[22]

Then Johnson invited Grant on a train trip west to the dedication of a memorial to Stephen A. Douglas in Chicago. Grant suspected that the wily Johnson would turn the trip into a political speaking tour throughout the North, and repeatedly declined the invitation. Again, however, obligation won out over wisdom, and Grant found himself embarking with Johnson on the "Swing Around the Circle."[23]

The trip proved an acute embarrassment to Grant. As he had suspected, Johnson spoke at every train stop. At first, the crowds tolerated the President's addresses; but as the train passed through the "Burned-Over" belt in western New York and northern Ohio, an old antislavery hotbed, the grumbles and listlessness turned to boos and catcalls. Johnson lost his temper several times and engaged in angry exchanges with the crowds. He charged that the Radicals were threatening to overthrow the Constitution that he was sworn to uphold. The crowds booed Johnson and shouted for Grant. At one point, the infuriated Johnson cried out, "We are not here in the characters of candidates running for office against each other!"[24]

Grant stood behind Johnson as the President spoke, trying to hide his embarrassment. In his eyes, Johnson's behavior was degrading to the office of the Presidency, and to Grant's anger the President was treating Reconstruction not as a national problem calling for high statesmanship and political unity but as a mere partisan issue dividing parties. Grant told a friend,

22. Badeau, *Grant*, p. 38; Albert D. Richardson, *A Personal History of Ulysses S. Grant* (Hartford: American Publishing Co., 1868), p. 528.

23. Badeau, *Grant*, pp. 60-61, 566-69.

24. Hamlin Garland, *Ulysses S. Grant: His Life and Character* (New York: Doubleday and McClure, 1898), p. 355.

"The President has no business to be talking in this way. I wouldn't have started on this trip if I had expected any thing of the kind." At one stop, the general rebuked Secretary of State Willian H. Seward when the latter pointed to Grant's presence as indicating his support of Johnson. Yet, when a crowd in Cincinnati gathered in the hope of hearing the general assail Johnson, Grant told them, "I am no politician. The President of the United States is my superior officer, and I am under his command . . . . I consider this merely a political demonstration for a selfish and political object, and all such I disapprove of." He wrote to his wife that "I never have been so tired of anything before as I have been with the political stump speeches of Mr. Johnson . . . . I look upon him as a national disgrace." Finally, after telling a friend, "I am disgusted at hearing a man make speeches on the way to his own funeral," Grant took advantage of a slight illness to excuse himself from the remainder of the journey.[25]

If Grant was alienated by Johnson's behavior, he also found little to be happy about with Johnson's policy. The President's proclamation of August 20, 1866, declaring peace in Texas and reasserting the supremacy of civil authority, endangered occupation troops, loyal citizens, and freedmen by ending military authority. Grant construed the proclamation as nullifying General Order Nos. 3 and 44, but informed only Major General Philip H. Sheridan of his interpretation. He hoped other commanders would develop alternative means of handling violence and lawlessness.[26]

After Johnson returned to Washington his actions drove Grant into complete opposition. Aware that Grant was upset with his policy, Johnson proposed to remove him as an obstacle by sending him on a diplomatic mission to Mexico. In Grant's absence, Johnson proposed to appoint Sherman, who was more amenable to his views, to command the army. Grant, suspicious of Johnson's motives, declined the offer. The frustrated President tried to order Grant on the mission, but the general told him that since the post was a civil office, he could not be ordered to accept it. When Sherman offered to go in Grant's place, Johnson sullenly accepted the offer. Johnson further justified Grant's suspicions when he broached a plan to recognize a Congress consisting of supporters of his policy. When the President asked Grant if the general would support such a move, Grant replied that "the army will support the Congress as it is now and disperse the other." Grant expressed to Sheridan his

25. Richardson, *Personal History*, pp. 528-31; Grant to Julia Dent Grant, August 31, September 9, 1866, USGP.

26. George K. Leet to Philip H. Sheridan, October 17, 1866, Grant to Stanton, November 22, 1866, USGP; Badeau, *Grant*, p. 38.

fear that Johnson might declare Congress "illegal, unconstitutional, and revolutionary."[27]

This prospect was too much for Grant. Johnson, having turned the problem of Reconstruction into a partisan issue, now proposed to threaten the existence of the national government if he did not get his way at the polls. Johnson's open espousal of the Southern perspective was, in Grant's words, "more than the people who had secured to us the perpetuation of the Union were prepared for, and they became more radical in their views." Among those people was Grant himself. The general resolved that while he would still obey direct orders from Johnson, in the absence of such orders, he would make decisions based on his concept of the course Reconstruction should take. Although the breach would not become public for another fifteen months, Grant had broken with Johnson.[28]

Both Johnson and moderate and radical Republicans alike looked for the people to render their verdict on Johnson's policy in the 1866 Congressional elections. The people responded by repudiating Johnson's policy at the polls and giving the Republicans an overwhelming majority in the next Congress. Grant, secure in the knowledge that the people also rejected Johnson's policy, took a stronger stand against the President. He called for legislation to enforce the Civil Rights Act of 1866, giving blacks civil rights, and with Freedmen's Bureau head O.O. Howard worked on a report "showing that the courts in the states excluded from Congress afford no security to liberty or property" of freedmen and Unionists. He now advocated enfranchising blacks immediately so that they could protect themsleves with the ballot, dropping his previous reservations about their lack of education. As an aide wrote, "the general is getting more and more radical."[29]

Believing that Reconstruction measures such as the Fourteenth Amendment were "hardly to be classed as a party matter . . . [but] of national importance," Grant told Southerners that if they did not ratify the Fourteenth Amendment Congress would impose harsher measures. When Southern legislatures, following Johnson's advice, rejected the amendment, Grant worked with moderate Republicans to produce new legislation, culminating in the series of Reconstruction Acts passed by Congress in 1867 and 1868, to enforce Southern compliance with federal legislation and to restore the Southern states to the Union. Congress acted to protect Grant from any more of

28. Ulysses S. Grant, *Personal Memoirs of Ulysses S. Grant,* 2 vols. (New York: Charles Webster and Co., 1886), II, pp. 511-12.

29. Grant to Howard, January 18, 1867, USGP; Cyrus B. Comstock, Diary, Library of Congress, March 1, 1867; Grant to Elihu B. Washburne, March 4, 1867, in James G. Wilson, ed., *General Grant's Letters to a Friend* (Boston: Crowell, 1897), pp. 52-54; Badeau, *Grant,* p. 65.

Johnson's schemes by passing the Command of the Army Act, which said that Grant could not be removed from command, established his headquarters in Washington, and stated that all military orders had to be issued through him.[30]

Johnson made one last attempt to placate Grant. Following procedures set forth in the Tenure of Office Act, he suspended Radical Secretary of War Edwin M. Stanton and offered the post to Grant. Grant, glad to be rid of the obnoxious Stanton, nevertheless worried that if he did not accept the post Johnson would appoint a more pliant man. He then accepted the offer after making it clear to Johnson that they still disagreed over Reconstruction policy. Over the next several months, the two men continually clashed over Reconstruction, and Grant futilely warned Johnson that the President's policy was against the public's will and threatened the results of the war.[31]

Grant was convinced that Johnson's continued presence in the presidential chair would destroy all the North had fought to win. Indeed, he began to think that any politician would misuse the office for personal purposes at the expense of the high statesmanship the nation needed to restore the Union. The Democratic resurgence in the 1867 elections made a Democratic triumph in the 1868 presidential contest, with all its implications of repudiating the war, a realistic possibility. Republicans saw that their best chance of victory was with Grant heading the ticket. While Grant had no personal desire to be President, the events of the preceding years led him to realize, as he told Sherman, "that events might force him in spite of inclination" to stand as a candidate.[32]

The climax came when the Senate, acting under the Tenure of Office Act, reinstated Stanton in January, 1868. Grant had informed Johnson that he would obey the law and leave the office if the Senate took such an action, and advised Johnson to select a compromise candidate for the post. When Grant heard of the Senate's action, he left the keys in the hands of a War Department official, unaware that the official would turn them over to Stanton within the hour. Johnson accused Grant of duplicity, and the general responded that Johnson tried to make him break the law and had impugned his honor. Grant subsequently supported Congress's attempt to remove Johnson from office through impeachment.[33]

30. Grant to E.O.C. Ord, December 6, 1866, in Horace Porter Papers, Library of Congress; Mantell, *Politics*, pp. 28-34.

31. Badeau, *Grant*, pp. 60-61, 566-69.

32. See Michael Les Benedict, "The Rout of Radicalism: Republicans and the Election of 1867," in Robert P. Swierenga, ed., *Beyond the Civil War Syntheses: Political Essays of the Civil War Era* (Westport: Greenwood, 1975), pp. 137-41; W.T. Sherman to John Sherman, August 3, 1867, in Rachel S. Thorndike, ed., *The Sherman Letters: Correspondence Between General and Senator Sherman* (New York: Scribners, 1894), p. 292.

33. Thomas and Hyman, *Stanton*, p. 570; James Ford Rhodes, *History of the*

When the Senate failed by a single vote to convict Johnson, Republicans turned to the traditional means of gaining control of the White House by nominating the man who could assure victory – Ulysses S. Grant. The general accepted the nomination, issuing a short statement that concluded with the words, "Let us have peace." He told Sherman that after three years of battling to stay out of partisan politics, he found himself "forced into it in spite of myself. I could not back down without . . . leaving the contest for power for the next four years between mere trading politicians, the elevation of whom, no matter which party won, would lose to us, largely, the results of the costly war which we have gone through."[34]

United States, 8 vols. (New York: MacMillian, 1919), VI, p. 100n.

34. Ulysses S. Grant to W.T. Sherman, June 21, 1868, Sherman Papers, Library of Congress.