

“The Worst Behaved City in the Union”
The Impact of the Memphis Riots on Reconstruction Politics

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Abstract

In the first three days of May, 1866, an impassioned white mob besieged the African-American community of Memphis, leaving nothing but death and destruction in its path. Existing scholarship on the topic either fails to place the Massacre in the context of national politics or contends the event lacked importance in comparison to the New Orleans Riots, which occurred on July 30, 1866. This thesis expands the prevailing understanding of the Memphis Massacre from two distinct perspectives. First, it places the tragedy within the context of Congressional Reconstruction. Politicians, both Democrats and Republicans, developed a wide variety of plans for redeveloping the South and reunifying the nation. This study investigates the connection between the Memphis Massacre and Reconstruction policy. Second, this research augments and challenges the analyses of prior historians by examining the Massacre from the perspective of post-war national and Tennessee politics. The Massacre deeply affected the Congressional election of 1866, won overwhelmingly by the radical Republicans. Despite decisive election margins in the fall of 1866, the Radicals began losing national power within two years of the Massacre. Yet in such a short lifespan the Radicals pushed a flurry of legislation through Congress with the assistance of moderate and conservative Republicans. The Memphis Massacre, an event that galvanized northerners, helped place radicals in a position of unmatched power.

~Introduction~
The Memphis Massacre: Violence in the Months after the Civil War

In the first three days of May, 1866, an impassioned white mob besieged the African-American community of Memphis, Tennessee leaving nothing but death and destruction in its path. In less than seventy-two hours, the mob murdered, raped, pillaged, razed and terrorized. When the violence stopped, 46 blacks lay dead, 5 women raped, and dozens of schools and churches left in ruins. The Memphis Massacre was the result of built up tensions after the Civil War.

The Civil War forever changed the racial makeup of Memphis. The Mississippi Delta was known for the fertile land producing an immense amount of cotton crops; as much as 400,000 bales a year passed through the Memphis in the years before the Civil War. Despite the fertile land, cotton required a critical amount of labor to produce, thus plantation owners maintained large numbers of slaves. In 1860 the five counties surrounding Memphis, including Shelby County, had a slave population of nearly 45,000 people.¹ After the city fell to Union forces on June 6, 1862, three regiments of the United States Colored Troops remained posted at Fort Pickering. The large number of blacks enslaved at nearby plantations coupled with the garrison of black troops at the fort caused Memphis to become an asylum for fugitive slaves. While some freed blacks lived in the city and the Union military post just outside the city limits, most lived in hovels around the post in an area called South Memphis. After massive migration, by mid-1865,

¹ Crittenden County, AR (2,347), Desoto County, MS (13,947), Shelby, TN (6,953), Tipton County, TN (5,288), Fayette County, TN (15,473); Department of the Interior, Bureau of the Census, *Population of the United States, 1860* (Washington, D.C.: Government Publication Office, 1864), 15, 267, 463.

between 15,000 and 20,000 black men, women, and children lived in these camps, quadrupling the African-American population from five years earlier.²

Out of the camps of South Memphis, black Memphians constructed a community. By 1865, with the help of the Freedmen's Bureau, a federal agency designed to assist African Americans, the Mississippi Delta refugees built twenty-two schools and sent over 1,100 children to school. Although only one-third of the black population found employment in Memphis, in December 1865 the Freedmen's Bureau launched the Freedmen's Savings and Trust Company Bank. By early 1866, the black community in Memphis owned eight churches, eight general stores, a number of saloons, and other shops and stores. The black community in Memphis was growing.³

The dramatic growth of the city's black population led to tension almost immediately between former slaves and Irish immigrants. A presence in Memphis since the 1850s, the Irish accounted for roughly a quarter of the population. With the June 5, 1865 passage of the Tennessee Disenfranchisement Act, which prohibited former Confederates and their sympathizers from voting, the Irish immigrants of Memphis gained immense political power.⁴ After the 1865 city elections, Irish immigrants held 67% of the city's offices; the greatest concentration of Irishmen existed in the city police,

² Beverly G. Bond and Janann Sherman, *Memphis In Black and White* (Charleston, SC: Arcadia Publishing, 2003), 26, 49-51, 54, 56; James Gilbert Ryan, "The Memphis Riot of 1866: Terror in a Black Community During Reconstruction," *Journal of Negro History* 62, no. 3 (July 1977): 244; Kevin Hardwick, "'Your Old Father Abe Lincoln is Dead and Damned': Black Soldiers and the Memphis Race Riot of 1866," *Journal of Social History* 27, no. 1 (Fall 1993): 109, 110.

³ Bobby Lovett, "Memphis Riots: White Reaction to Blacks in Memphis, May 1865-July 1866," *Tennessee Historical Quarterly* 38, no. 1 (Spring 1979): 11-13.

⁴ While these immigrants may not have necessarily supported the Confederate dream of disunion from the country, many probably feared the rise of African-Americans from disenfranchised slaves to full-fledge members of society.

in which over 90% of the officers were Irishmen. These newly empowered groups battled each other as they carved out their niche in southern society.⁵

Beginning in 1865, these two groups—the Irish police and the black army regiments—displayed “chronic bitterness,” toward each other.⁶ These simultaneous social revolutions by the formerly disenfranchised groups created an ambiguous jurisdiction in Memphis, begging the question: who controlled the city, the army or the police? The two groups skirmished throughout the fall of 1865 and the spring of 1866. While the conflict between blacks and Irish certainly could not be described as non-violent, the brief, all-male scuffles rarely ended in death.⁷

However, on May 1, 1866, the underlying racial tension exploded into a massacre of African-Americans. The day prior, on April 30, discharged black soldiers left Fort Pickering and headed to the city to wait for their discharge pay. A group of three or four black soldiers brawled with four Irish police officers. The next afternoon, on May 1, police officers attempted to arrest a black soldier for disorderly conduct. The soldier’s mates came to his aid, discharging their pistols into the air in order to stop the arrest. Thinking the soldiers intended to attack them, the police returned fire at the soldiers. Both sides opened fire and shot indiscriminately at each other; one police officer lost his life and the rest retreated.⁸

⁵ United States 39th Congress., 1st Sess., House Report No. 101, *Memphis Riots and Massacres* (Washington: Government Printing Office, 1866), 366-369 hereafter cited as *Memphis Riots and Massacres*; Bond and Sherman, *Memphis In Black and White*, 55; Hardwick, “Your Old Father Abe Lincoln is Dead and Damned,” 110. On the Irish in the Memphis riots, see Millie Worley, “Reconsidering the Role of the Irish in the Memphis Race Riot of 1866,” *Rhodes Journal of Regional Studies*, 1 (2004): 38-59.

⁶ Ryan, “The Memphis Riot of 1866,” 246.

⁷ Hardwick, “Your Old Father Abe Lincoln is Dead and Damned,” 118.

⁸ Testimonies of Ellen Dilts, Dr. S. J. Quimby, and William Brazier in *Memphis Riots and Massacres*, 63-68, 104, 119-121, respectively.

After the withdrawal, the soldiers returned to Fort Pickering for the night, while the police organized a mob. Witness Ellen Dilts recalled, “The policemen went up and down and gave the alarm . . . and it was not long . . . before hundreds of people came together.”⁹ The mob descended upon South Memphis, to the shanty town erected by the Memphis’ African-Americans, and wreaked havoc on defenseless black citizens. Claiming to search for weapons, police officers, city leaders, and common folk invaded homes and terrorized families. Despite this lawlessness, General George Stoneman, the Union Army commander of West Tennessee, rejected Shelby County Sheriff T.M. Winters’ request for federal assistance in dismantling the mob, suggesting instead the lawman raise a peace keeping posse. Winters received help from Captain Arthur W. Allyn and his garrison, the 16th U.S. infantry, who disarmed and dismantled the violent mob but refused to disarm the police officers, despite their obvious criminal activity. On the morning of May 2 the mob dispersed, but only after they had killed, beat, raped, and plundered. Reassembling in the afternoon, the mob-violence continued as the night before, until the afternoon of May 3, when Stoneman declared martial law and the violence ended.¹⁰

⁹ Testimony of Ellen Dilts in *Memphis Riots and Massacres*, 64.

¹⁰ Testimonies of T.M. Winters, Arthur Allyn, Frances Thompson and Lucy Smith in *Memphis Riots and Massacres*, 80, 358-359, 196-197; For secondary source explanations of the events, consult the following: James Gilbert Ryan, “The Memphis Riot of 1866: Terror in a Black Community During Reconstruction,” *Journal of Negro History* 62, no. 3 (July 1977) 58-79; Kevin R. Hardwick, “‘Your Old Father Abe Lincoln is Dead and Damned’: Black Soldiers and the Memphis Race Riot of 1866,” *Journal of Social History* 27, no. 1 (Fall 1993) 109-129; Jack D.L. Holmes, “The Underlying Causes of the Memphis Race Riot of 1866,” *Tennessee Historical Quarterly* 17, no. 1 (March 1958): 195-221; Jack D.L. Holmes, “The Effects of the Memphis Race Riot of 1866,” *The West Tennessee Historical Society Papers* 1, no. 12 (1958): 58-79; Marius Carriere, “An Irresponsible Press: Memphis Newspapers and the 1866 Riot,” *Tennessee Historical Quarterly* 60, no. 1 (Spring 2001): 2-15; Brian Page, “‘An Unholy Alliance’: Irish Americans and the Political Construction of Whiteness in Memphis, Tennessee, 1866-1879” *Left History* 8, no. 1, (2002): 77-96.

Existing historical scholarship on the Memphis Massacre (or the Memphis Riot, as it is best known) focuses solely on the city and local matters. One could divide these current studies into three distinct categories. Originating in the early twentieth century the first group of scholars studied under or adhered to the interpretation put forth by Columbia University historian William Archibald Dunning. His students propounded their mentor's theory of Reconstruction. They claimed African-Americans lacked the ability to self-govern, making segregation and second-class citizenship necessary. These historians studied Reconstruction in each former-Confederate state. Dunning and his students' racist narrative dominated textbooks on the Reconstruction era until the 1960s.

Followers of the Dunning School who studied the massacre described the event as a violation of racial norms by African-Americans and placed blame on the black soldiers and former slaves rather than on the other major players in the tragedy, Irish immigrants and disenfranchised former-Confederates. Historian Gerald M. Capers, writing in 1939, for example, described the city's post-Civil War social revolution. "Socially the war was catastrophic," Capers wrote, "for it accentuated all of the vicious characteristics of Memphis. By converting the Negro into a free man it brought him into the city in vast numbers, to be a perennial burden as well as a disrupting force in the community."¹¹ Capers thus explained the origins of the Massacre: "Racial relations reached a boiling point in 1866. . . . Encouraged by Radical agitators, upon occasion the Negroes attempted to attain social equality. . . . The spark which started the actual conflagration was the discharge in the spring of four thousand black troops."¹² Similarly, another Dunning-era writer, Claude Bowers characterized the cause of Memphis riot: "In Memphis a group of

¹¹ Gerald M. Capers Jr., *The Biography of a River Town; Memphis: Its Heroic Age* (New Orleans: Tulane University Press, 1939), 163.

¹² Capers, *The Biography of a River Town*, 177.

boisterous drunken negro soldiers, recently disbanded, interfered with the police in the discharge of a legitimate duty, shot an officer, and precipitated an indiscriminate slaughter of the blacks by the rowdy element in the community.”¹³ In his study of Reconstruction in Tennessee, Thomas Alexander, like the rest of the Dunning School, blamed African-Americans for the massacre of dozens of their own race: “It was in Memphis that the presence of poorly disciplined Negro troops led to the worst race conflict in Tennessee during Reconstruction.”¹⁴ This scholarship largely blamed African-Americans and carpetbaggers—Northerners who moved to the South at the end of the war—for the violence. E. Merton Coulter completely downplayed the importance of the incident, writing, “In the upheaval following the war, normal conditions could hardly be expected. . . . Apart from the bloody Memphis riot in May, 1866 . . . there was no epidemic of crime in the South.”¹⁵

During the 1960s and 1970s historians revised the Dunning School interpretation to include the perspectives of common people and minority groups. Historians Jack Holmes and James Ryan, for example, disputed Capers and acknowledged the highly complex social, economic, and political factors contributing to the tragedy.¹⁶ Holmes identified a list of factors contributing to the increased tension in Memphis, claiming “[white Memphians] needed only a small incident, a minor spark, to ignite a full-scale riot. That spark was provided on the evening of April 30, 1866, when police attempted to

¹³ Claude Bowers, *The Tragic Era: The Revolution After Lincoln* (Cambridge, MA: Houghton Mifflin Company, 1929), 127.

¹⁴ Thomas B. Alexander, *Political Reconstruction in Tennessee* (Nashville: Vanderbilt University Press, 1950) 19.

¹⁵ E. Merton Coulter, *The South During Reconstruction 1865-1877* (Baton Rouge, LA: Louisiana State University Press, 1947), 40.

¹⁶ Jack D.L. Holmes, “The Underlying Causes of the Memphis Race Riot of 1866,” *Tennessee Historical Quarterly* 17, no. 1 (March 1958): 221; Ryan, “The Memphis Riot of 1866,” 244.

arrest several of the more boisterous, intoxicated Negroes at [a local saloon].”¹⁷ Ryan characterized the black soldiers as foolish and impulsive, but hardly violent. Conversely, he described the white mob as ruthless and antagonistic, for it attacked soldiers and civilians indiscriminately. Ryan, moreover, harshly criticized the city government as racist, inept, and lazy.

While the shift from Capers to Holmes and Ryan was significant, the subsequent shift was more nuanced. In the 1990s and 2000s, historians focused on specific social groups within the conflict. Marius Carriere investigated the actions of the Memphis press before, during, and after the massacre. He concluded, “The articles in the Conservative press before and during the May riots of 1866 were clearly biased at best, and inflammatory at worse.”¹⁸ Brian Page researched Irish-Americans in Memphis during Reconstruction and saw the Massacre as an “affirmation of whiteness,” but it was not the only event that shaped their daily struggle in the construction of whiteness.¹⁹ Kevin Hardwick examined the behavior of black troops and the importance of Massacre in the construction of post-Civil War black identity: “The Memphis riots was a brutal episode in the ongoing struggle that continued well past the actual moment of emancipation to establish the boundaries around and possibilities for action by blacks. The rioters asserted dominance over blacks and attempted to established limitations on black

¹⁷ Jack D.L. Holmes, “The Underlying Causes of the Memphis Race Riot of 1866,” 220.

¹⁸ Marius Carriere, “An Irresponsible Press: Memphis Newspapers and the 1866 Riot,” *Tennessee Historical Quarterly* 60, no. 1 (Spring 2001): 11.

¹⁹ Brian Page, “‘An Unholy Alliance’: Irish Americans and the Political Construction of Whiteness in Memphis, Tennessee, 1866-1879” *Left History* 8, no. 1, (2002).

behavior.”²⁰ Altina Waller reinvestigated the significance of race in the matter, arguing that it was a form of “collective protest” and not a racial massacre.²¹

All of these articles all focus exclusively on Memphis local politics and social structures. None explain the impact of the event on national politics. Some scholars acknowledge the connection between the local and the national, but few develop this idea. Holmes comments, “Because [the massacre] occurred during the mid-term congressional election year, the Memphis riot played into the hands of Radical Republicans seeking to discredit the president’s reconstruction policy toward the South,” and in another article he explains, “of greater [impact] than [the loss of life or destruction of property] were the riot’s effects on political, social, and economic developments in Memphis, in Tennessee, and throughout the nation.”²²

In addition to scholarship centered solely on the Memphis Massacre, a number of Reconstruction studies mention the event, typically as a precursor to the New Orleans Riots, which occurred on July 30, 1866. The latter event transpired during the Louisiana Republican Party convention when a group of twenty-six Republican leaders and between one-hundred and two-hundred African-Americans marched through the city. New Orleans police and white onlookers lined the streets towards the convention building and watched the spectacle. Shots were fired and in the ensuing chaos thirty-four African Americans lost their lives. Many historians view the Memphis Massacre as a secondary event compared to the New Orleans Riots. Eric Foner comments, “Even more than the

²⁰ Kevin Hardwick, “‘Your Old Father Abe Lincoln is Dead and Damned’: Black Soldiers and the Memphis Race Riot of 1866,” *Journal of Social History* 27, no. 1 (Fall 1993): 122.

²¹ Altina L. Waller, “Community, Class and Race in the Memphis Riot of 1866,” *Journal of Social History* 18, no. 2. (Winter, 1984): 242.

²² Holmes, “The Underlying Causes of the Memphis Race Riot of 1866,” 195; Holmes, “The Effects of the Memphis Race Riot of 1866,” 58.

Memphis riot, the events in New Orleans discredited Presidential Reconstruction.”²³

Likewise, Andrew Johnson biographer Albert Castel remarks, “The Tennessee affair was a mere trifle compared to what happened two weeks later in Louisiana.”²⁴ George Rable

concludes his chapter on the Memphis Massacre thusly: “Nevertheless, the political impact of the riot was not nearly as significant as that of the later New Orleans riot.”²⁵

These historians have all misinterpreted the Memphis Massacre and shortchanged the event’s significance. This thesis attempts to revise the historical record, restore the political importance of the Massacre, and challenge the prevailing secondary research on national Reconstruction that suggests the event was a simple precursor or trivial prologue to the New Orleans Riots.

This thesis expands the prevailing understanding of the Memphis Massacre by exploring the event from two distinct perspectives. First, it places the tragedy within the context of Congressional Reconstruction. Politicians, both Democrats and Republicans, developed a wide variety of plans for redeveloping the South and reunifying the nation. Many of these plans originated before the end of the war and represented the breadth of thought from both ends of the political spectrum. Democrats and some Republicans favored a more reserved, limited federal approach to Reconstruction. Other Republicans promoted a plan with new civil rights for African-Americans and harsh penalties for Confederates and their supporters. The Civil War and the Reconstruction Era, considered by many eminent historians as the Second American Revolution, resurrected one of the

²³ Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), 263.

²⁴ Albert Castel, *The Presidency of Andrew Johnson* (Lawrence, KS: Regents Press of Kansas, 1979) 73-74.

²⁵ George Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens, GA: University of Georgia Press, 1984), 8.

critical issues prevalent during and after the First American Revolution: the relationship between the states and the federal government. In choosing a Reconstruction plan, politicians walked a fine line between properly reconstructing the American South using constitutional powers and overextending the size and scope of the sacrosanct Constitution. This study investigates the connection between the Memphis massacre and Reconstruction policy: How did the massacre fit within the both political parties' plans for Reconstruction?

Second, this study augments the analyses of prior historians by examining the Massacre from the perspective of post-war national and Tennessee politics. The Massacre deeply affected the Congressional election of 1866, won overwhelmingly by the “radical” Republicans. But just exactly who were these radicals and what made them radical? Foner describes the Radical Republicans as a “self-conscious political generation with a common set of experiences and commitments, a grass-roots constituency, a moral sensibility, and a program for Reconstruction” with a particular penchant for abolitionism and equal rights for whites and blacks.²⁶ Historian Michael Les Benedict echoes this sentiment: “Measured against the antebellum, proslavery Constitution, the Republican effort to reshape southern society and protect the rights of Americans citizens—indeed recognizing African-Americans as citizens—was radical.”²⁷ The radicals gained immense influence in Tennessee. William Brownlow, a former Whig, in 1865 achieved the governorship of the state and allied his administration with Washington, D.C. radicals. This savvy political move garnered his state immunity from the forthcoming congressional Reconstruction.

²⁶ Foner, *Reconstruction*, 228-229.

²⁷ Michael Les Benedict, *A Compromise of Principle: Congressional Republicans and Reconstruction, 1863-1869* (New York: Norton, 1974), 6.

Despite decisive election margins in the fall of 1866—just six months after the Memphis massacre—within two years the Radicals were already losing national power. Yet in such a short lifespan the Radicals pushed a flurry of legislation through Congress with the assistance of moderate and conservative Republicans. In the framework of Reconstruction, the study of the Memphis massacre conjures certain questions: How did Northern voters interpret this event? How did the Radical element of the Republican Party gain favor with the American electorate in the aftermath of the Civil War? How did politicians use this tragedy to fit their agendas? How did this event impact Andrew Johnson's Reconstruction plan? In what way did Republicans utilize the event against the rivals in the Democratic Party? What does this short-lived political movement tell us about the importance of the Memphis massacre?

~Chapter One~
Reconstruction, the “Grasp of War” Doctrine, and the Memphis Massacre

Plans for repairing, rebuilding and reconnecting the North and the South emerged before the conclusion of the Civil War. While soldiers, both Union and Confederate, fought in the fields of the South, Northern leaders in Washington D.C. began debating plans for reconstructing the soon-to-be vanquished southern states. This process began in the executive branch when Abraham Lincoln, months before the surrender of the Confederacy and his assassination, promised amnesty to southerners willing to take a loyalty oath, excluding a few high ranking Confederate officials. Moreover, he promised readmission to any state with ten-percent of the population loyal to the Union. He established wartime governments in conquered Louisiana and Tennessee. Lincoln, having acquired remarkable power during wartime, was perhaps the only leader powerful and savvy enough to single-handedly reconstruct the South.¹

Other politicians postulated programs for Reconstruction besides Abraham Lincoln. Between 1862 and 1866, at least four distinct Reconstruction plans emerged. Given the tension caused by the late war and the uncertainty of the current political situation, these plans raised complex questions in constitutional theory, challenging the very definition of statehood and republicanism. Not surprisingly, many of these plans used interchangeable language. Despite the multitude of reconstruction theories presented, each failed to adequately repair the division caused by the war while remaining politically tenable. Most political leaders and their constituencies remained skittish about creating new, boundless powers to the federal government. Thus, each

¹ Foner, *Reconstruction*, 35.

provided unstable grounding for reconstructing the South, until Richard Henry Dana Jr. presented his “Grasp of War” speech and popularized an achievable, politically plausible solution to the Reconstruction dilemma. A theory first researched by historian Michael Les Benedict, Dana’s plan argued the South temporarily remained a belligerent entity and a threat to the Union despite the formal conclusion of hostilities, and thus entitled the North to the spoils of war, particularly Constitutional guarantees ending slavery, enfranchising African Americans, and disenfranchising former Confederates. Dana’s policy, described the summer before the Memphis Massacre, foreshadowed the violence to come. The Memphis Massacre seemingly proved the soundness of the Grasp of War doctrine. However, to understand the uniqueness of the Dana’s plan, an explanation of the Reconstruction policies preceding it is necessary.

Charles Sumner presented one of the first Reconstruction plans. On February 11, 1862, in a session of Congress, Sumner explained his presumption that the Confederacy *de facto* separated from the Union, thus necessitating critical intervention by the federal government. He claimed the Confederate states unconstitutionally and treasonously dissolved ties with the Union, and in Sumner’s words, “the State becomes, according to the language of the law, *felo de se*,”² meaning the state becomes a “felon of himself” or commits suicide, thus, Sumner’s constitutional analysis of the Reconstruction plan was known as the “State Suicide” theory.

Despite the philosophical and political debates raging in Congress, the war continued in the heartland of the American South. Less than a year after Tennessee approved articles of secession, on June 6, 1862 Confederate Memphis fell to Union forces. Within eight weeks of the fall of Memphis, Abraham Lincoln announced the

² U.S. 37th Congress, 1st Sess., *Congressional Globe*, 736-737, (February 11, 1862).

Emancipation Proclamation, symbolically freeing all African-Americans enslaved in the rebellious states. The order, which Southerners ignored, effectively transformed the war from a states' rights issue into a war to end slavery.³

While the philosophical foundation for the war seemingly shifted during the middle of 1862, five months later in December, Southern business owners reached the Supreme Court with a lawsuit against the United States government that addressed the very constitutionality of secession, pitting private shipping companies against the government President Lincoln's naval blockade on South Carolina. Before Congress declared war on the Confederacy, the embargo on Southern ports resulted in the capture of ships exporting goods from, and importing goods to, the South. Unhappy merchants brought a suit against the government, manifested in *United States v. The Brig Amy Warwick, the Schooner Crenshaw, the Barque Hiawatha, the Schooner Brilliante*, more commonly know as the "Prize Cases," that questioned the seizure of these ships. The petitioners argued if there was no formal war, then capturing ships and impounding them equated to piracy. Massachusetts District Attorney Richard Henry Dana Jr. claimed that war could exist between parties not considered sovereign nations and "a war may exist where one of the belligerents claims sovereign rights against the other."⁴ The Court agreed with Dana. This position dispelled the belief that the South had no right to secede and thus could not have seceded. Dana's son described the Prize Cases's influence on his father's opinion of the constitutional legality of Reconstruction: "[The position] Mr. Dana contends in [the Prize Cases], gave [the Union] the right to impose conditions upon those

³ James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1998), 557-8.

⁴ *United States v. The Brig Amy Warwick, the Schooner Crenshaw, the Barque Hiawatha, the Schooner Brilliante*, 67 U.S. 635, 17 [database online] Lexis-Nexis, 21 October 2007.

states which had voluntarily submitted their issues to the arbitrament of war.”⁵ This judgment generated a unique justification for congressional input during Reconstruction, which Dana developed over a period of two years after the ruling in the Supreme Court.

While the Prize Cases marked a decisive shift in the legality of the war, the first four days of July, 1863 marked a significant turning point both militarily and politically. The Battle of Gettysburg in Pennsylvania took the lives of over 51,000 Americans, both Union and Confederates soldiers. Despite the bloody battle, Northerners saw the victory as a turning point in a war in their favor, a moral victory. The Confederacy lost 5,000 more men than the Union, almost a third of General Lee’s army. For those Confederates that survived Gettysburg, desertion became an enticing option. Lee’s, once seemingly infallible Army of the Potomac, now looked crippled. Likewise, the Battle of Vicksburg, ending on July 4, equally helped changed Northern perceptions of the war and proved the conflict was winnable. The city of Vicksburg, resting on the banks of the Mississippi River, was an important river town and supply depot. General Grant needed Vicksburg to reestablish the shipping lines across the expanse of the river, from New Orleans to Memphis. Garrisoned in the city was Confederate General John Pemberton. After a few unsuccessful attacks on the city’s defenses, Grant shrewdly surrounded Vicksburg with troops and gunboats, effectively creating an embargo; Pemberton, his regiment of 26,000 soldiers, and the 3,000 citizens of Vicksburg would soon starve. The inhabitants of the city subsisted on pets and human dead and disease ravaged their ranks. After six weeks

⁵ Richard Henry Dana, *Speeches in Stirring Times and Letters to a Son* (Boston : Houghton, Mifflin, and Company, 1910), 239.

with no reinforcements from Confederate General Joseph Johnson, Vicksburg fell. Politicians, with the end in sight, began postulating more Reconstruction theories.⁶

Thaddeus Stevens, the Radical Republican leader and Representative from Pennsylvania, championed a justification for Congressional Reconstruction called the “Conquered Province” theory. On January 22, 1864, Stevens opined about the status of the southern states: “Covered by the confederate flag, it is a foreign country. When we do conquer it, it is a conquered country. Any other principle would render all our conduct inconsistent and anomalous.”⁷ He claimed the Confederacy successfully seceded from the Union and once thwarted by the Union army, should be relegated by Congress to territory status. The former-insurrectionary states could then apply for statehood like all other territories, a process directly controlled by Congress. Thus, Steven’s plan supplied the legislative branch with the power to reconstruct. Furthermore, the statesman argued for inapplicability of the Constitution on Confederate states: “Suppose the confederate States should conquer the United States, could we claim the benefit of the Constitution of the United States and laws made under it? Would they not have a right to hold us a conquered provinces, and dispose of us as they might deem best? Certainly such is the law of nations. And yet conservative gentlemen, with some smattering of knowledge, ignore the doctrine of mutuality and deny us the same rights!”⁸ This Reconstruction apologia directly disputed the popular wartime claim held by many Unionists, including Abraham Lincoln, who denied the constitutional legality of secession and refused to admit that the South seceded. Besides abandoning the language

⁶ Frances H. Kennedy, *The Civil War Battlefield Guide*, 2nd edition (Boston Houghton-Mifflin Trade and Reference, 1998), 173; McPherson, *Battle Cry of Freedom*, 631-5, 663-5.

⁷ U.S. 38th Congress, 1st Sess., *Congressional Globe*, 317, (January 22, 1864).

⁸ U.S. 38th Congress, 1st Sess., *Congressional Globe*, 318, (January 22, 1864).

of Unionism, this policy potentially allowed Congress to revoke statehood, albeit temporarily—a major addition to the federal government’s powers within the federal system and a possible threat to states in the future.⁹

Other Congressmen evoked the Constitution’s Guarantee Clause as support for Congressional control over Reconstruction. In Article Four the Constitution states that “The United States shall guarantee to every State in this Union a Republican Form of Government.” The idea declared the federal government guarantor of republicanism throughout the country. Since the rebellious states dissolved the Union democracy by seceding, the legislative branch needed to control Reconstruction in order to fulfill its constitutional obligation of ensuring a republican form of government. On July 1, 1864 Benjamin Wade, a lawyer and Senator from Ohio, argued for the Guarantee Clause theory while lambasting the aforementioned theories of other Republicans Sumner and Stevens: “They . . . who contend that the State governments are lost, obliterated, blotted out, are contending against the face and eyes of the Constitution. Has that said any such thing? No, sir. It has said that the Federal Government shall guaranty to every State a republican form of government; and if a portion of the people undertake to overthrow their Government and set up another, it is the manifest duty of the General Government immediately to interfere.”¹⁰ Wade used this rhetoric to inspire support for Congressional Bill 244, an early variation of the Reconstruction Acts passed in 1867. The Houses of Representatives failed to agree on the proper wording and Wade’s bill eventually died. Other Congressmen employed the same theory while proposing legislation; however, the bills rarely received committee endorsement, let alone consideration as a bill or law. For

⁹ Eric L. McKittrick, *Andrew Johnson and Reconstruction* (Chicago : University of Chicago Press, 1960), 99-101; Benedict, *Preserving the Constitution*, 8.

¹⁰ U.S. 38th Congress, 1st Sess., *Congressional Globe*, 3450, (July 1, 1864).

example, Representative John Broomall proposed a bill based on the Guarantee Clause that enfranchised African-Americans in every state; it died on the floor of the House. This policy seemingly authorized federal regulation over the political institutions of the states, which would have greatly unbalanced the relationship between federal and state governments. Given the Republican commitment to preserving the limits of federalism and sanctity of the Constitution, this argument was politically implausible.¹¹

The assassination of President Lincoln on April 15, 1865, shortly after the surrender of General Robert E. Lee's troops at Appomattox Court House, changed the tone of Reconstruction. The ability to reconstruct the South through the executive branch of the federal government died with Lincoln, the only political leader shrewd enough to exclusively reconstruct the South. His successor Andrew Johnson and the legislative branch of the federal government spent the remainder of Johnson's term jockeying for control of Reconstruction.

President Johnson proposed and partially implemented an extremely limited Reconstruction program. His policy, manifested in presidential proclamations, dealt with three subjects: amnesty and pardons, restoration of state governments, and qualifications for office holding and suffrage. Announced May 29, 1865, Johnson's Proclamations superseded his predecessor's. Similar to Lincoln's program, the first proclamation pardoned most Southerners, except for high-ranking Confederate officials and rich, aristocratic planters. With the notable exception of the individuals excluded from

¹¹ U.S. 40th Congress, 2nd Sess., *Congressional Globe*, 317, (July 11, 1867); U.S. 40th Congress, 2nd Sess., *Congressional Globe*, 317, 1939, 1954-1972 (March 17-18, 1868). This is the entire scope of Michael Les Benedict, *Preserving the Constitution: Essays on Politics and the Constitution in the Reconstruction Era* (New York : Fordham University Press, 2006) and Michael Les Benedict, "Constitutional History and Constitutional Theory: Reflections on Ackerman, Reconstruction, and the Transformation of the American Constitution," *The Yale Law Journal* 108, no. 8, Symposium: Moments of Change: Transformation in American Constitutionalism (Jun., 1999), 2028.

amnesty in the first proclamation, pre-war voting qualifications returned in-full, effectively denying suffrage to emancipated African-Americans, many of whom fought with the United States Colored Troops or supported Union soldiers in domestic duties in military camps. The second proclamation appointed William W. Holden provisional governor of North Carolina and charged him with creating a new state constitution. Soon after, Johnson appointed more provisional governors to lead former-Confederate states. Put succinctly, Johnson believed the southern States never seceded from the Union and should retain all pre-war rights. Since no state governments existed in the South, the obligation to restore government fell to the President, acting as commander-in-chief of the United States Armed Forces.¹²

Initially, Johnson's plan appealed to Republicans, many of whom publicly allied with the President, including Senator William Pitt Fessenden, Representative Elihu Washburne, and *Harper's Weekly* editor George William Curtis. The more radical Republicans wanted black suffrage included in the President's plan, yet still considered the President a collaborator. Northern Democrats also recognized Johnson as an ally who embraced party ideals: limited federal involvement, local government empowerment, dedication to white supremacy, and a short reconstruction timeline. Johnson clearly favored immediate, rather than complete and just, readmission of the former rebel states with an emphasis on dissolving the southern slave aristocracy.¹³

By the later half of 1865, however, the honeymoon between Johnson and his Republican supporters waned. On March 27, 1866, when Johnson vetoed the Freedman's Bureau and Civil Rights bills, most Republicans lost all hope in the President. Johnson

¹² Benedict, *Preserving the Constitution*, 8; Foner, *Reconstruction*, 183, 216.

¹³ McKittrick, *Andrew Johnson and Reconstruction*, 48-50, 77; Benedict, *A Compromise of Principle*, 43; Foner, *Reconstruction*, 183, 216.

believed the bills to be unconstitutional because Congress denied seats to representatives from insurrectionary states. Most Congressmen believed the legislative branch, not the President, determined statehood and congressional representation. For many Republicans, presidential Reconstruction became less about unifying the country and more about completely controlling the process, preventing Congress from exercising its constitutionally-preserved rights.¹⁴ Historian Eric L. McKittrick explains Johnson's deficiencies quite precisely:

The President's narrow insistence, balanced only on the pardoning power, that he be conceded full-authority over a matter of the most vital interest to Congress and people, and against the deepest convictions of a majority of both, did not augur well for the success of his administration. Indeed, to give notice as a matter of principle—when the peacetime precedents for it existed nowhere—that Congress and the nation be excluded from participating in such vital decisions, could not have failed to strike thousands of the President's well-wishers as the gravest folly.¹⁵

Republicans, particularly the more liberal or “radical” element, questioned Johnson's complete rejection of guaranteed rights for African-Americans. Moreover, with only a limited number of southerners disenfranchised, racist southern elites implemented black codes in communities across the South, targeting freedmen. These local laws limited civil liberties and ostensibly reinstated the harsh social hierarchies of slavery.¹⁶

When the President implemented a limited version of Reconstruction and acted as an enemy, rather than an ally, towards African-Americans, Radical Republicans quickly gathered support for a congressional Reconstruction. Johnson's refusal to include Congress in the Reconstruction discussion equally irked moderate and conservative

¹⁴ McKittrick, *Andrew Johnson and Reconstruction*, 108.

¹⁵ McKittrick, *Andrew Johnson and Reconstruction*, 109.

¹⁶ Theodore Brantner Wilson, *The Black Codes of the South* (City: University of Alabama Press, 1965); Donald G Nieman, *To Set the Law in Motion: The Freedmen's Bureau and the Legal Rights of Blacks, 1865-1868* (Millwood, NY: KTO, 1979); McKittrick, *Andrew Johnson and Reconstruction*, 76.

Republicans previously unwilling to fully unite with Radicals. They found themselves united with Radicals against Johnson.

Johnsonian Reconstruction and the congressional Reconstruction plans proposed by Sumner, Stevens, and Wade failed to strike a balance between the conservative and the liberal. The moderate middle ground lay unrepresented until Richard Henry Dana Jr. popularized the “Grasp of War” doctrine, which he claimed was “satisfactory enough to the radicals, since it would insure their continued control of Congress and the Presidency, yet it might also appeal to [conservative men].”¹⁷ He developed his policy from the Prize Cases he argued before the Supreme Court two years prior.

Dana proposed his theory for Reconstruction in a speech delivered to a group of Republicans at a town hall meeting at Faneuil Hall in Boston, a city at the center of the black suffrage movement. On June 21, 1865, Dana presented his message, now commonly referred to as “The Grasp of War Speech,” using language that paralleled the Prizes Case: “We have not been putting down an insurrection of professed citizens. We have fought against an empire unlawfully established within the limits of this republic, a completed de facto government, perfected in all its parts; and if we had not destroyed it by war, it would have remained and stood a completed government.”¹⁸ From that foundation, Dana diverged from previous Reconstruction programs by taking a critical new step: he argued that the war continued beyond the surrender of the Confederate army: “When a nation goes into war, she does it to secure an end, and the war does not cease until the end is secured. A boxing-match, a trial of strength or skill, is over when one party stops. A war is over when its purpose is secured. It is a fatal mistake to hold that

¹⁷ Charles Francis Adams, *Richard Henry Dana, A Biography* (Boston : Houghton, Mifflin and Company, 1890), 131.

¹⁸ Dana, *Speeches in Stirring Times*, 253.

this war is over, because the fighting has ceased.”¹⁹ The southern states persisted in the “grasp of war,” and Dana maintained that the Union should ensure that the enemy is vanquished and not simply wounded:

When he says he has done fighting, are you obliged to release him? Can you not hold him until you have got some security against his weapons? . . . Are you obliged to let him up to begin a new fight for your life? The same principle governs war between nations. When one nation has conquered another . . . the victorious nation does not retreat from the country . . . No; it holds the conquered enemy in the grasp of war until it has secured whatever it has a right to require. . . The conquering party may hold the other in the grasp of war until it has secured whatever it has a right to require.²⁰

Dana argued that the weakened, but not entirely defeated, South needed a continued military presence in order to prevent reoccurrences of secessionism. Furthermore, the military ensured the creation of new state constitutions which would include recognition of national sovereignty, guarantees of equality for freedmen and suffrage to some blacks.

In an October 25 private letter to New York Secretary of State John Bigelow, Dana expounded on this idea: “This consideration [of the Grasp of War doctrine] . . . shows the necessity of obtaining the security before we re-admit the states. If we do not require it as condition precedent, we can never do it. . . . I will not shut up the negro . . . in a room with his old master, the master armed and he not, lock them together, and give the master the key, so that, whatever happens, I cannot enter but by a breach of the peace.”²¹ Dana criticized the President’s paltry attempt at Reconstruction and explained the demands the North might impose on the South: “What is really *bona fide* necessary to our safety and good faith? Mr. Johnson says that abolition of slavery and disavowal of

¹⁹ Dana, *Speeches in Stirring Times*, 246.

²⁰ Dana, *Speeches in Stirring Times*, 246.

²¹ John Bigelow, *Retrospections of an Active Life*, volume 3 (New York : The Baker and Taylor Company, 1910), 206-207; Dana, *Speeches in Stirring Times*, 254-5, 264; Benedict, *A Compromise of Principle*, 110-11.

secession. We think the mere abolition of slavery is not enough, considering that it leaves the colored race disenfranchised, not recognized as citizens, with absolutely no rights of any kind secured to them, or the means of securing any completely in the hands of the white race.”²² Dana clearly feared re-enfranchisement of southern oligarchs without any degree of security for the North and freedmen, ominously predicting that Johnsonian Unionism would lead to a “collision of races.”²³

Dana disagreed with those who championed the Guarantee Clause as the basis for Reconstruction. “You look in vain in the municipal rules of a constitution to find authority for what we are doing now. You might as well look in the Constitution to find rules for . . . how to light General Grant’s cigar. No; we stand upon the ground of war, and we exercise the powers of war,” he claimed.²⁴ Unlike the Guarantee Clause, the Grasp of War doctrine required no expansion of congressional powers. Congress, though empowered to direct the efforts of Reconstruction, still maintained some limitations. Southerners voluntarily accepted the terms of peace; no coercion *per se* existed. All guarantees of peace and equality precipitated from state legislation, not federal. Hypothetically, the states, while still a part of the Union, could remain unrepresented and unprotected by federal statehood. Dana ultimately left the free will of southern citizens intact.²⁵

The Grasp of War doctrine was received warmly by Bostonians, people around the country, and other Republican politicians. Dana, in a letter to his wife written July 26, wrote “My ‘Address’ has attracted great attention in all parts of the land, and my speech

²² Bigelow, *Retrospections of an Active Life*, 207.

²³ Bigelow, *Retrospections of an Active Life*, 209.

²⁴ Dana, *Speeches in Stirring Times*, 245.

²⁵ Benedict, *Preserving the Constitution*, 11.

and Address together are regarded as the leading off in this movement.”²⁶ Similarly, in private letter to written Bigelow, Dana boasted, “In Maine, they followed our lead boldly, and had a larger majority than ever. Pennsylvania, always a critical border state, adopted our doctrine boldly, and greatly increased its majority. So was it in Iowa.”²⁷ The speech also appeared in the *Boston Post*, the *New York Times*, and the London (U.K.) *Times*.²⁸

Other Republicans adopted the Grasp of War doctrine into their political ideologies and public speeches. Carl Schurz aligned politically with Dana. Born in Germany in 1829, Schurz emigrated from Europe in 1852. Like many German immigrants, Schurz believed in a more egalitarian America. As friend and campaigner for Abraham Lincoln, Schurz joined the Republican Party and ardently argued against the Fugitive Slave Law. He served as the American ambassador to Spain during the early years of Civil War. After successfully dissuading the Spanish from allying with the Confederacy, he returned to America and was commissioned as a brigadier general of Union volunteers in April, 1862. At the war’s end, he served in the Johnson administration, surveying the war-torn South. After returning from his travels, he personally reported his findings to the President, who evidently realized the political damage it might cause for his administration and Party. Schurz feared Johnson might try to suppress his report; luckily, Radicals ordered Johnson to submit it to Congress. Congress received Schurz’s work on December 19 and published a hundred thousand copies.²⁹ The report, certainly damaging to the President’s program, concluded thusly:

²⁶ Adams, *Richard Henry Dana*, 333-4.

²⁷ Bigelow, *Retrospections of an Active Life*, 206.

²⁸ Bigelow, *Retrospections of an Active Life*, 206; “Reconstruction; Speech of Hon. Richard H. Dana at the Meeting in Faneuil Hall, Boston,” *New York Times*, 24 June 1865, p. 8.

²⁹ Hans Louis Trefousse, *Carl Schurz, A Biography* (Bronx, NY: Fordham University Press, 1998), 44, 115, 153.

I may sum up all I have said in a few words. If nothing were necessary but to restore the machinery of government in the States lately in rebellion in point of form, the movements made to that end by the people of the south might be considered satisfactory. But if it is required that the southern people should also accommodate themselves to the results of the war in point of spirit, those movements fall far short of what must be insisted upon. The loyalty of the masses and most of the leaders of the southern people, consists in submission to necessity. There is, except in individual instances, an entire absence of that national spirit which forms the basis of true loyalty and patriotism.³⁰

Schurz observed a lack of sincerity in southerners, which left him greatly concerned. The mentality of these citizens resisted any attempt at Reconstruction. Like Dana, Schurz considered the South still within the grasp of war and a potential enemy of the Union. As such, the North, led by the legislative branch, needed to prevent any further hostilities in the South by actively controlling reunification.

With Richard Henry Dana Jr. and Carl Schurz popularizing the Grasp of War doctrine around the country and explaining the continuance of hostilities in the South, Congressmen adopted the justification when discussing Reconstruction policies. At the opening of the Thirty-eighth Congress on December 4, 1865, Schuyler Colfax, a representative from Indiana and Speaker of the House, called Reconstruction a time of defense against southern belligerents.³¹ In 1866 William Pitt Fessenden, a moderate Senator and chairman of the Joint Committee on Reconstruction, remarked during a Congressional session about the role of the army in Reconstruction and its relation to emancipated blacks: “Congress had put it upon the War Department to take care of these people who were part of the war. This duty was properly connected with the military department of the government. Though military operations in the field had ceased, the country was not thereby relieved from what remained to be done to carry out to the full

³⁰ Carl Schurz, *Report on the Condition of the South* (Kessinger Publishing, 2004), 68.

³¹ Ovando James Hollister, *Life of Schuyler Colfax* (New York : Funk & Wagnalls, 1886), 286.

what ought to be accomplished.”³² For Fessenden, the ability to ensure the safety of African-Americans rested upon a continued military presence in the South. He expounded upon this commitment during a briefing made by his committee:

The Freedman’s Bureau, instituted for the relief and protection of freedmen and refugees, is almost universally opposed by the mass of the population, and exists in an efficient condition only under military protection, while the Union men of the South are earnest in its defense, declaring with one voice that without its protection the colored people . . . could not live in safety. . . . Union men, whether of Northern or Southern origin, would be obliged to abandon their homes.³³

In addition to Colfax and Fessenden, Senator George S. Boutwell and Representative William Lawrence both promoted the Grasp of War doctrine, proving this theory was well-accepted among the leadership of the Republican Party.³⁴

The Memphis Massacre proved the validity of the Grasp of War doctrine. When news of the riots reached Washington D.C., Thaddeus Stevens brilliantly integrated the incident into a May 10, 1866 debate about the Fourteenth Amendment: “Sir . . . I hear several gentlemen say . . . that these men (former Confederates) should be admitted as equal brethren. Let not these friends of secession sing to me their siren song peace and good will until they can stop my ears to the screams and groans of the dying victims of Memphis. . . . Tell me Tennessee or any other State is loyal of whom such things are

³² The source for this quote lacked a specific date. However, the documents buttressing this document come from January and February, 1866. Francis Fessenden and James D. Fessenden, *Life and Public Services of William Pitt Fessenden: United States senator from Maine 1854-1864; secretary of the Treasury 1864-1865; United States senator from Maine 1865-1869*, vol. II (New York : Houghton, Mifflin and Company, 1907), 31.

³³ Fessenden and Fessenden, *Life and Public Services of William Pitt Fessenden*, volume II, 89-90.

³⁴ Benedict, *Preserving the Constitution*, 10

proved!”³⁵ Four days later, on May 14, Stevens introduced a resolution into the House of Representatives that ordered the creation of a committee to investigate the Massacre, with the Speaker of the House Colfax charged with selecting the members. Of the 183 members of the House, seventy-four abstained from voting. With eighty-seven “yeas” and twenty-two “nays,” the measure passed.³⁶ From the small group of dissenters, all but one man were Democrats or Johnsonian Unionists. Initially, Speaker of the House Colfax appointed Republican Elihu Washburne, of Illinois; Republican George Boutwell, of Massachusetts; and Democrat Frank Le Blond Kloebe, of Ohio. However, before the committee left the Capitol four days later, Boutwell and Kloebe, who did not want to make the long trip to Memphis, were replaced by Republican John Broomall of Pennsylvania and Democrat George Shanklin of Kentucky.

The two Republicans of the Committee represented the varying principles their Party. Committee Chairman Elihu Benjamin Washburne, a native of Livermore, Maine graduated from Harvard Law School in 1839 and practice law in Galena, Illinois. After an unsuccessful bid as Whig candidate to join the Thirty-first Congress, Washburne successfully ran for the Thirty-third Congress. Washburne joined the fledgling Republican Party soon after its inception. Washburne considered both Abraham Lincoln and Ulysses Grant close friends. He exchanged letters with them regularly and campaigned for both men’s presidencies. He opposed slavery, but not as passionately as

³⁵ “Speech on the Fourteenth Amendment” in Thaddeus Stevens, Beverly Wilson Palmer, and Holly Byers Ochoa, *The Selected Papers of Thaddeus Stevens* (Pittsburgh, PA : University of Pittsburgh Press, 1997), 138.

³⁶ Benedict, *A Compromise of Principle*, 348-350; U.S. 39th Cong., 1st Sess., *Congressional Globe*, 2572, 2575, (May 14, 1866). Interestingly, Shanklin voted against the creation of a congressional committee, yet still traveled to Memphis.

some of his fellow Republicans. He served in the Congress from March 4, 1853 until March 6, 1869. Benedict described Washburne's voting pattern as Conservative.³⁷

John Broomall, the other Republican, was a native of Upper Chinchester Township, Pennsylvania, near the Delaware border. He studied law and opened a practice in nearby Chester, Pennsylvania. Before the Civil War, Broomall twice unsuccessfully competed for a Congressional seat. In 1856, he campaigned heavily in his state of Pennsylvania for John Frémont and the new-created Republican Party; Pennsylvania went on to elect the Democratic Party candidate, James Buchanan. On October 11, 1858 Broomall delivered a speech in Kennett Square, Pennsylvania titled "Last Gun: John M. Broomall and the People's Ticket!: the Friends of the People's Party and All Who Advocate Free Speech, Free Soil and Protection of American Industry." During the war, he fought for the Union. Following the Confederate Army's push into Pennsylvania, Broomall served as a Captain for six weeks in the 29th Regiment of the Pennsylvania Emergency Men. In the fall of the 1863, Broomall tried a third time for election into Congress; he won. He spoke at-length about the necessity and legality of confiscating rebel property during the war.³⁸ On April 20, 1864, Broomall elucidated his feelings about the Confederacy and Congress's relationship to the rebel states: "there are no limits to the power of the conqueror, no restraints upon his will but those arising from his own nature and the mollifying influence of Christian civilization. This is not only true during war but it remains so at and after its termination until civil wars or treaties are

³⁷ Gaillard Hunt, Israel, Elihu, and Cadwallader Washburn: A Chapter in American Biography (New York, Da Capo Press, 1969), 183, 185, 229, 235; U.S Congress, *Biographical Directory of the United States Congress, 1774-1961* (Washington D.C.: U.S Government Printing Office, 1961), 1780; Benedict, *A Compromise of Principle*, 351.

³⁸ United States 38th Cong., 1st Sess., *Congressional Globe*, 448-451, (February 4, 1864).

made for regulating the future conduct of the parties.”³⁹ He served in the Thirty-eighth, Thirty-ninth, and Fortieth Congresses. After leaving Congress he returned to his law practice, eventually receiving an appointment to a county judgeship. Unlike Washburne, Broomall promoted black suffrage and southern land distribution and voted with radical Republicans.⁴⁰

The lone Democrat on the Committee, George Sea Shanklin, was a Kentuckian. Born in Jessamine County in eastern Kentucky, he attended schools in nearby Nicholasville, twelve miles outside of Lexington, Kentucky. Shanklin studied law, gained admission into the bar, and opened a practice in Nicholasville. He joined the Kentucky House of Representatives in 1838 and served intermittently in that body for the next seventeen years. Elected to the Thirty-ninth Congress, Shanklin served just one term, returning to his farm in rural Kentucky. During his one term, Shanklin voted strictly along Democrat Party lines, fighting for the seats of southern delegates.⁴¹

The committee reached Memphis on May 22 and lodged in the Gayoso House. The Memphis newspapers hailed the arrival of the Congressmen. The Memphis *Commercial Appeal* extolled readers to cooperate with the committee: “Let it not be supposed that we are not in favor of our citizens, freely and voluntarily giving to the congressional committee every facility to make a full impartial investigation of the riots, and of every attention and respect being extended to them, official and personally, which a hospitable people may show to gentlemen so accredited.”⁴² Similarly the *Daily*

³⁹ United States 38th Cong., 1st Sess., *Congressional Globe*, 1767, (April 20, 1864).

⁴⁰ U.S. Congress, *Biographical Directory of the United States Congress*, 604; Benedict, *A Compromise of Principle*, 351.

⁴¹ U.S. Congress, *Biographical Directory of the United States Congress*, 1586; Benedict, *A Compromise of Principle*, 349.

⁴² “The Congressional Committee,” *Memphis Commercial Appeal*, 22 May 1866, p. 6.

Memphis Avalanche explained Memphians would help the Congressmen: “[The committee’s] members will find the citizens of Memphis as keenly alive to a proper examination as they can possibly be, as they will also find them prompt to extend to them that courtesy which gentlemen of high official position expect to meet at the hands of a cultivated and gallant people.”⁴³ Both newspapers believed the Massacre—or a “riot,” as they called it—was a local matter to be investigated by local commissions. The newspapers’ distinction between describing the event as a “massacre” or a “riot” illustrates the white elites’ desire to downplay the seriousness and the racial tension. A “riot” might include property destruction and disturbance of the peace, but certainly not organized murder, like a “massacre.” Furthermore, the *Avalanche* subtly disparaged the composition of the commission by remarking on the Republican representatives: “The Chairman, the Hon. Elihu B. Washburne, is a Congressman of thirteen years of continuous service, a hard working, industrious representative, a Radical in politics, and the leading political friend in Congress of Lieutenant General Grant. Ex-Governor Boutwell, another member, is also a Radical.”⁴⁴ While mistakenly identifying Boutwell as the second Republican, the *Avalanche* certainly would not have approved of Broomall. Not surprisingly, the same newspaper appreciated the Democrat on the committee: “Mr. Shanklin, of Kentucky, the remaining member, is a Conservative; said by those who know him to possess sterling qualities of head and heart. In politics, before the war, he was an old-line Whig.”⁴⁵ The *Commercial Appeal* concluded its coverage of the arrival of the committee with a telling bit of foreshadowing: “We look for more important results

⁴³ “Congressional Investigating Committee,” *Daily Memphis Avalanche*, 22 May 1866, p. 2.

⁴⁴ “Congressional Investigating Committee,” *Daily Memphis Avalanche*, 22 May 1866, p. 2.

⁴⁵ “Congressional Investigating Committee,” *Daily Memphis Avalanche*, 22 May 1866, p. 2.

from this investigation, and shall be much disappointed if the character of the people of Memphis for the observance of law and order shall not be entirely maintained.”⁴⁶

The Congressional committee proceeded to interview 170 witnesses. At the conclusion of the hearings, Washburne composed the Majority Report, while Shanklin penned the Minority Report. The majority summed up the incident thusly: “The outbreak of the disturbance resulting from collision between some policemen and discharged colored soldiers was seized upon as a pretext for an organized and bloody massacre of the colored people of Memphis, regardless of age, sex or condition . . . and led on by sworn officers of the law composing the city government, and others.”⁴⁷ Washburne emphasized the importance of city officials in the violence: “The mob, finding itself under the protection and guidance of official authority . . . proceeded with the deliberation to commission of crimes and perpetration of horrors which can scarcely find a parallel in the history of civilized or barbarous people, and must inspire the most profound emotions of horror among all civilized people.”⁴⁸ Shanklin’s Minority Report accepted most of the facts presented by his Republican colleague, but placed blame of the riots on the rabble of immigrants empowered by the Disenfranchisement Act. He insinuated that if southern elites controlled the city, rather than Mayor John Park and Judge John Creighton, the riots would not have happened.⁴⁹

The Majority report and the corresponding testimonies repeatedly emphasized three points: violence against blacks, impotencies and treason of the Memphis politicians, and the necessity for troops in the city. First, many of the testimonies graphically

⁴⁶ “The Congressional Committee,” *Memphis Commercial Appeal*, 24 May 1866, p. 3.

⁴⁷ Majority Report in *Memphis Riots and Massacres*, 5.

⁴⁸ Majority Report in *Memphis Riots and Massacres*, 5.

⁴⁹ Holmes, “The Effects of the Memphis Race Riot of 1866,” 59-60; Minority Report in *Memphis Riots and Massacres*, 41-44; Majority Report in *Memphis Riots and Massacres*, 22-23, 24.

described the violence committed against defenseless African-Americans. The sheer volume of the testimonies taken by the committee proved the regularity of these macabre events. African-American Sarah Long deposed about the death of her sick husband, John Long: “He had been sick in bed two weeks; he had jaundice. . . They broke the outside doors [of our home] open. . . . They took him out of doors and told him if he had anything to say to say it quick, for they were going to kill him . . . Then one stepped back and shot him.”⁵⁰ But the suffering of John Long continued after the first shot, which failed to kill the man. The mob continued to torture him. Sarah Long’s testimony demonstrated the cruelty of the white mob—they wanted to blacks to suffer: “When my husband fell he scuffled about a little, and looked as if he tried to get back into the house; then they told him that if he did not make haste and die, they would shoot him again. Then one of them kicked him, and another shot him again when he was down; they shot him through the head every time. . . .He never spoke after he fell. They then went running right off and did not come back again.”⁵¹ In addition to the casual shootings, rioters frequently sparked fires on black homes. Cynthia Townsend described the violent actions of the white Pendergrast family: “I saw the Pendergrasts burning and plundering until broad day-light. The colored people were trying to get out of the houses. They told them that if they came they would kill them. They fired into one house at a woman. She said, ‘Please, master, let me out.’ He said, ‘If you don’t go back I’ll blow your damned brains out.’”⁵² The women tried to escape after the Pendergrasts set fire to the house. Her assailants riddled her body with rifle fire.

⁵⁰ Testimony of Sarah Long in *Memphis Riots and Massacres*, 222.

⁵¹ Testimony of Sarah Long in *Memphis Riots and Massacres*, 222.

⁵² Testimony of Cynthia Townsend in *Memphis Riots and Massacres*, 162.

Second, testimonies portrayed the Memphis political system as corrupt and impotent. The men in control of the city government ranged from outright racist demons to merely ineffective leaders. Judge of the recorder's court John C. Creighton fit in the former category. According to several witnesses, he delivered an impassioned speech to the horde: "Boys, I want you to go ahead and kill the last damned one of the nigger race, and burn up the cradle . . . God damn them, they are free, free indeed, but God damn them, we will kill and drive the last one of them out of the city."⁵³ He promised to judicially pardon any white man found carrying a concealed weapon. Tennessee Attorney General William Wallace conveyed a similar message on the steps of the Morris cemetery, urging citizens to "organize and arm themselves."⁵⁴

Less egregiously, some of the leaders acted indecisively or with questionable judgment. Mayor John Park shirked any responsibility. Washburne wrote of him: "[He] seems to have been utterly unequal to the occasion, either from sympathy with the mob, or on account of drunkenness during the whole time. . . . [He] certainly did nothing to suppress the riot; and so far as his influence was concerned, it tended to incite it still further, disgracing himself . . . and stamping with undying infamy the city of which he was the dishonored chief magistrate."⁵⁵ Sheriff T.M. Winters proved ineffective in maintaining the peace. While the assistance he received from federal troops seemed inadequate, the peace-keeping posse he assembled probably hindered more than helped: "He permitted bad and lawless men to impose themselves upon him as a posse, so that when he went upon the ground to restore peace and order . . . the parties he had with him

⁵³ Testimony of Alexander Mitcheler in *Memphis Riots and Massacres*, 355, corroborated by Testimonies of Fred A. Myers and George Todd in *Memphis Riots and Massacres*, 356 and 256, respectively.

⁵⁴ Testimony of Arthur Allyn in *Memphis Riots and Massacres*, 246.

⁵⁵ Majority Report in *Memphis Riots and Massacres*, 23.

were ‘ragamuffins’ and boys, armed with shotguns and the like, and all appeared drunk, with the exception of Winters himself, who . . . was the only sober man in the crowd. There is no doubt their sympathies were with the mob.”⁵⁶ Police Chief Garret, like Sheriff Winters, proved likewise useless. After his officers crossed the boundary into lawlessness, Garret half-heartedly attempted to reclaim control of the situation.

Lastly, the testimonies of many Memphians—some northerners and some military personnel—implored the committee to keep troops at Fort Pickering. General Stoneman claimed: “to execute orders which I receive from my superiors, I should deem it absolutely necessary to have a force, under my special control, of United States troops. . . . I am called upon everyday to use the federal troops for the execution of laws of the State of Tennessee.”⁵⁷ Stoneman, during the riot, however, refused to send troops into the fray to disband the mob. During the questioning, he claimed he wanted to give Memphians a chance to regulate and govern themselves. Yet, he testified his ability to fulfill orders and maintain peace emanated from the troops stationed in the area. When asked by Washburne about the condition of the state of affairs if the army mustered out all remaining troops, Stoneman responded, “I should consider the state of affairs would not be a good one by any means.”⁵⁸ United States Marshall Martin T. Ryder completely corroborated Stoneman’s statements. When asked a similar question by the committee about the possible result of troop removal, Ryder succinctly replied, “I do not think it would be safe.”⁵⁹ Brigadier General Benjamin P. Runkle of the Freedman’s Bureau elaborated on Ryder’s response when asked the same question: “They would make such

⁵⁶ Majority Report in *Memphis Riots and Massacres*, 24.

⁵⁷ Testimony of Stoneman in *Memphis Riots and Massacres*, 266.

⁵⁸ Testimony of Stoneman in *Memphis Riots and Massacres*, 266.

⁵⁹ Testimony of Ryder in *Memphis Riots and Massacres*, 254.

men as myself, such people as teachers of colored schools, and such business men as have been talked of in the papers, leave the city. They could not live here. I could not live in this town now without troops here. After the troops were mustered out they could raise riots, shoot down negroes, and murder men, women, and children. . . . I do not think the civil law is strong enough here to protect them.”⁶⁰

The harsh reality of an independent civil authority in Memphis worried not only the military personnel; a number of civilians declared their disapproval of the potential end of martial law in Memphis. Ira Stanbrough confessed, “If General Stoneman were to remove his force from Memphis I will not stay here, because I will not stay where people are so unfriendly to the flag of their country.” Although Stanbrough’s testimony seems highly patriotic, her comments certainly reflect a sense of fear. Corroborating Stanbrough, B.F.C. Brooks, a local editor and publisher of a Republican newspaper, testified to the committee. Washburne asked him why he believed Memphis to be unsafe, he responded, “There are, perhaps, nine-tenths of this population who have been connected with the rebel army, or with the rebellion in some way or other; and there have been congregated here from every portion of the southern confederacy, men whose conduct during the rebellion has been such that they dare not return to their former homes. Missouri has sent her hordes here . . . the same is true of Mississippi and Alabama.”⁶¹ Brooks claimed the rebel invaders planned to incite violence on the northern sympathizers and African-Americans: “I have heard these men say that there would come a time when there would not be a damned Yankee or nigger here. I have heard the remark again and again, ‘By God, we’ll clean you all out. Just get the troops away, and

⁶⁰ Testimony of Runkle in *Memphis Riots and Massacres*, 277.

⁶¹ Testimony of Brooks in *Memphis Riots and Massacres*, 213-214.

we'll show you, when we get things into our own hands. . . . True, we cannot vote now, but we have friends who can.’’⁶² When Washburne followed up the question by asking about troop removal, Brooks explained, “As soon as I can I will sell my property; I am going to leave. I believe that [President] Johnson is going to manage so that we will not have any troops here. . . . I have lived here most of my life, I find it would not be safe for me to be here if the troops were withdrawn. And such are the expressions . . . of nineteen out of twenty Union men here.’’⁶³ Without troops in the South, many Unionists simply felt unsafe.

Without the presence of troops, many southerners predicated more violence. These fears proved legitimate after another massacre—this time in the city of New Orleans—occurred on July 30, further evincing the soundness of the Grasp of War doctrine. Louisiana Republicans reconvened the states’ Party convention, much to the dismay of pardoned Confederates who served as officials at both state and local levels. As the group of twenty-six Republican leaders and between one-hundred and two-hundred African-Americans marched to the Mechanics Institute, where the caucus assembled, New Orleans police and white onlookers lined the streets towards the convention building and watched the spectacle. During the procession, shots were fired. Some accounts attribute the first shot to African-Americans, while others claim the onlookers fired first. Regardless, the numbers of victims mirrored that of the Memphis massacre: thirty-four dead and 119 injured blacks, three dead and seventeen injured white

⁶² Testimony of Brooks in *Memphis Riots and Massacres*, 214.

⁶³ Testimony of Stanbrough in *Memphis Riots and Massacres*, 244; Holmes, “The Effects of the Memphis Race Riot of 1866,” 60-61.

Unionists. Moreover, only one white anti-Republican died in the skirmish.⁶⁴

Republicans claimed numerous parallels existed between the incidents in Memphis and New Orleans. Northern Republicans jumped at the opportunity to evoke the Grasp of War doctrine and “wave the bloody shirt,” a term used to describe political leaders using the violence of the war and its aftermath for political ends. This incident, partnered with the Memphis Massacre, further corroborated Dana’s policy.

With overwhelming and graphic evidence collected by Washburne and his committee, Republicans evoked the memory of the Memphis Massacre in conjunction with the Grasp of War theory throughout the fall of 1866. On September 8, 1866 in Philadelphia, Carl Schurz spoke to a convention of Republicans. Schurz relayed the conditions in the South, a topic he knew all too well: “No discerning man can survey the present situation of affairs in this Republic without perceiving that, although the war is over, the country is not yet at peace. There is a fierce contest going on between the executive and legislative branches of the National Government, in which the masses of the people are called upon to take sides. In the South, we see symptoms of dangerous fermentation sporadically breaking out in bloody deeds.”⁶⁵ The former agent of Johnson lambasted his former employer, proclaiming that the President wished to fight Congress and repeal legislation issued to protect loyal citizens in the South. Schurz concluded his speech with a militaristic call-to-action: “Our time has come. Forward into line, Republicans! This is to be the final battle of the war. Let it be the greatest victory of right

⁶⁴ Rable, *But There Was No Peace*, 54; Beale, *Critical Year*, 344-354. For more information see James G Hollandsworth, *An Absolute Massacre: The New Orleans Race Riot of July 30, 1866* (Baton Rouge: Louisiana State University Press, 2001).

⁶⁵ “Logical Results of War” in Frederic Bancroft, *Speeches, Correspondence and Political Papers of Carl Schurz*, Volume I, 1.

and justice.”⁶⁶ The evocation could not be more evident: a former Union military officer calling Republicans to war now for the cause of Reconstruction.

Despite initially developing and purporting the “Conquered Provinces” theory, Representative Thaddeus Stevens eventually adopted Grasp of War rhetoric into his speeches. On December 2, 1866, he spoke to an assembly of veterans about the Reconstruction process: “The war of blood has been suspended—I wish I could say ended. But the war is not over. The weapons and the parties are somewhat changed, but the main and final object of the war is pressed by the enemy with relentless vigor.”⁶⁷ Stevens continued on, describing the unholy allegiance of Confederates and Copperheads, a disparaging term describing the venomous treason of northern Democrats, conspiring to re-enslave freedmen in perpetuity. He compared Johnson to an evil king and dictator. He even suggested the commander-in-chief and his allies might order the army to attack Congress and Republicans. Thus, Stevens pleaded with the soldiers to remain faithful to the Republic and not the executive branch. Stevens closed his brief address with a call-to-action and a promise for the future: “To be enduring, her institutions and laws must be homogenous; to be just, they must be impartial. . . . Let us strive to make this nation of perfect freedom, whose whole government shall rest on the ‘consent of the governed.’”⁶⁸ The radical Representative wished to extract certain guarantees from the South, following the suggestions of Dana and others.

While the Radicals’ reign in Congress only lasted two years, the amount of Radical inspired legislation and constitutional revision passed during this period proves

⁶⁶ “Logical Results of War,” 21.

⁶⁷ “Speech to Soldiers and Citizens of Washington, December 2, 1866” in Stevens, Palmer, and Ochoa, *The Selected Papers of Thaddeus Stevens*, 209.

⁶⁸ “Speech to Soldiers and Citizens of Washington, December 2, 1866,” in Stevens, Palmer, and Ochoa, *The Selected Papers of Thaddeus Stevens*, 209.

the power of the faction. The Radical-created Grasp of War doctrine preserved the fear of many Americans, both northerners and southerners, who believed the war continued beyond the formal ceasing of hostilities in April, 1865. The events in Memphis the following year might be understood as one of the last battles of the Civil War or perhaps one of the first battles of Reconstruction. Violence targeted against blacks, unsympathetic city government, and fear of life without martial law all contributed to the connection between the Memphis Massacre and the Grasp of War. For months prior to May, 1866, Republicans lambasted the insolent and unrepentant South. The Massacre validated these concerns and provided Republicans rhetorical cannon-fodder against Johnsonian Democrats and southern sympathizers.

~Chapter Two~
**The Critical Election: National and Local Reactions to the Memphis
Massacre**

In November of 1866, the Northern electorate embarked on a critically important Congressional election. Voters explicitly selected not only a candidate, but also a method and plan for reconstructing the South, since it was the first major election since the assassination of Abraham Lincoln. The Democrats and the Republicans, particularly the Radicals, brought their political fight to the electorate. Republican Congressman James Gillespie Blaine remembered the election years later in his memoirs: “It was a deadly struggle between Executive and Legislative Departments . . . both of which had been chosen by the same party.”¹ Truly, the importance of the 1866 Congressional elections cannot be overemphasized. Historian Howard K. Beale famously referenced 1866 as the “critical year” and actually dedicated an entire study to the year in his work *The Critical Year: A Study of Andrew Johnson and Reconstruction*.² Historian Patrick Riddleberger described the magnitude of the election: “Never in American history has there been a mid-term election—and seldom a presidential one—so important as the election of 1866.”³ Perhaps historian George Fort Milton summarized best when he writes that had the Democrats or Conservative Republicans won more seats “the whole course of American history might have been altered.”⁴ The Memphis Massacre played into the

¹ James Gillespie Blaine, *Twenty years of Congress: from Lincoln to Garfield. With a review of the events which led to the political revolution of 1860* (Norwich, CT: The Henry Bill Publishing Company, 1886), 2.

² Howard K. Beale, *The Critical Year: A Study of Andrew Johnson and Reconstruction* (New York: Frederick Ungar Publishing Company, 1930).

³ Patrick W. Riddleberger, *1866, The Critical Year Revisited* (Carbondale, IL: South Illinois University Press, 1979), 202.

⁴ George Milton, *The Age of Hate: Andrew Johnson and the Radicals* (New York: Coward McCann, 1930), 344; Foner, *Reconstruction*, 183.

hands of the radical Republicans by legitimizing claims southerners needed a more strict form of Reconstruction.

Foreshadowing the significance of the Congressional mid-term elections of 1866, Tennesseans took critical step towards reunification throughout the Civil War. Secessionism, while alive in the state, was hardly widespread and uniform, like other Confederate states. On March 2, 1862, Abraham Lincoln appointed Unconditional Unionist Andrew Johnson the wartime governor of the state. After Union forces established a military foothold, Johnson assumed the governorship, less than year after the state voted to secede. He fostered the seeds of unionism during his tenure as governor until his ascension to the vice-presidency in the spring of 1865. He left his state in the infancy of its readmission process. At this initial January meeting the Unionists introduced constitutional amendments, created a state electorate, and planned an election for later in the spring, resulting in the selection of William Gannaway Brownlow as the governor and the establishment of the Tennessee General Assembly. Brownlow was an ordained Methodist minister (his nickname was the “Fighting Parson,” due to his passionate and virulent sermons), author of numerous books and pamphlets, and the editor of the Knoxville *Whig*.⁵

The selection of Brownlow as governor certainly helped the Unionists’ goal of reunification for two reasons. First, during the antebellum period, Brownlow, a Whig, frequently butted heads with Andrew Johnson, a Democrat. Brownlow hated Johnson

⁵ Alexander, *Political Reconstruction in Tennessee*, 19; U.S. Congress, *Biographical Directory of the United States Congress*, 613; Jonathan M. Atkins, “William Gannaway Brownlow,” in *American National Biography*, [available online], <http://www.anb.org>, accessed 29 December 2007; Hans L. Trefousse, “Andrew Johnson,” in *American Nation Biography*, [database online], available from <http://www.anb.org>, accessed 20 February 2008; James Welch Patton, *Unionism and Reconstruction in Tennessee, 1860-1869* (Chapel Hill: University of North Carolina Press, 1934) 75-7, 82-4.

two decades before the latter ascended to the presidency. Brownlow believed Johnson to be an atheist and knew him to be a Democrat; these characteristics alone vilified Johnson in Brownlow's eyes. In 1845, Brownlow challenged the incumbent Johnson for his seat in the Twenty-ninth Congress and used the opportunity to criticize him throughout East Tennessee. Johnson achieved the governorship of Tennessee in 1853 and 1855, infuriating Brownlow.⁶ On October 9, 1856, Brown berated Johnson publicly in Nashville near the Governor's home, saying: "I therefore pronounce your Governor, here upon his own dunghill, an unmitigated liar and calumniator, and a villainous coward. . . . He is a member of a numerous family of Johnsons, in North Carolina, who are generally thieves and liars; and though he is the best one of the family I have ever met, I unhesitatingly affirm, tonight, that there are better men than Andrew Johnson in our Penitentiary."⁷ When Johnson endorsed the Breckenridge and Lane presidential ticket in 1860 from the *ad hoc* Southern Democrat Party, Brownlow had lambasted the Senator. Brownlow's personal and public detestation of Johnson immediately ingratiated him to many Republicans in Congress.

Second, Brownlow's unconditional Unionist position fit with the Radical concept of Reconstruction. The Radicals wanted to exact the spoils of war from the Confederate states and Brownlow, desperate for reunification, complied. His positions on the most pressing issues of the day evolved during his career. Tennessee historian James Patton writes of Brownlow's policies: "[He] was guided throughout his gubernatorial career by a determined and unremitting desire to restore the state as speedily as possible to its former

⁶ E. Merton Coulter, *William G. Brownlow, Fighting Parson of the Southern Highlands* (Chapel Hill, University of North Carolina Press, 1937) 117-122.

⁷ William Gannaway Brownlow, *Americanism Contrasted with Foreignism, Romanism, and Bogus Democracy, in the Light of Reason, History, and Scripture: in which Certain Demagogues in Tennessee, and Elsewhere, are Shown up in Their True Colors* (Nashville, TN: Pub. for the author, 1856) 66, 71.

position in the Union. In his estimation the most reasonable and plausible method of achieving this end was by identifying his policy with that of congressional Radicals. . . In his gubernatorial policy there is clearly seen the reflection of events that were occurring in Washington.”⁸ His devotion to reunification coupled with this political enmity with Andrew Johnson certainly endeared him to Radicals and them to him. Twentieth-century historians describe the epic collision of political forces: “The battle shaping up in Washington affected politics in Tennessee and all the other former Confederate states. People began aligning themselves either with President Johnson . . . or with the congressional Republicans.”⁹ Statesmen in Tennessee, like their leader Brownlow, understood unification lay with the Radicals and overwhelmingly joined these political leaders from Washington D.C.

The Tennessee General Assembly elected two men to the United States Senate: Joseph Smith Fowler and David Trotter Patterson. Fowler, a native of Steubenville, Ohio, moved to Tennessee in 1845 to teach mathematics at Franklin College in Davidson County. After earning a law degree, Fowler served as the State Comptroller of Tennessee on the eve of the war. An ardent Unionist, he lived comfortably in eastern Tennessee, which was largely controlled by Andrew Johnson’s state government. After admittance into the Senate, Fowler joined the Republican caucus. Fowler’s fellow Tennessean, David Trotter Patterson, originally hailed from Cedar Creek, Tennessee. As a lawyer, he practiced in Greeneville, near his hometown. He also served on state’s First Circuit Court and owned a local manufacturing plant. In 1855 he married Martha Johnson, daughter of Andrew Johnson. His selection by the Assembly was a token gesture to loyal,

⁸ Patton, *Unionism and Reconstruction in Tennessee*, xii-xiii.

⁹ Paul H Bergeron, Stephen V Ash, and Jeanette Keith, *Tennesseans and Their History* (Knoxville, University of Tennessee Press, 1999), 165.

Unionist Democrats. Unlike Fowler, Patterson joined the Democrat caucus and voted along Unionist lines throughout his brief Congressional career.¹⁰ The course of Tennessee Reconstruction was set.

When Brownlow took office on April 5, 1865, he sent a letter to the state's General Assembly outlining his ambitious plans for his administration. Among his recommendations, the disenfranchisement of former Confederates and their sympathizers was a top priority. He urged the legislature—charged with the task of setting voting qualifications—to “guard the ballot box faithfully and effectually against the approach of treason.”¹¹ Two months later, a law passed both chambers of the Tennessee legislature meeting the Governor's radical request. The main proponent of the bill, Edmund Cooper of the joint judiciary committee, defended the proposal by “waving the bloody shirt,” and describing the horrors of the war's aftermath. He contextualized the personal problems of the victims of secession. “Our public calamities are even greater than our private misfortunes. I represent Union men alone,” Cooper concluded, “men who have walked forty miles on foot from guerrilla infested country. I want protection for them.”¹² The passing bill, commonly referred to as the Disenfranchisement Act, ordered multiple levels of voting restrictions for Confederate soldiers and sympathizers. Six conditions allowed men to vote: men who remained publicly and unconditionally Unionist throughout the war, men too young to vote in previous elections, Unionist men from other states, servicemen or veterans, unwillingly conscripted Confederate soldiers with

¹⁰ U.S. Congress, *Biographical Directory of the United States Congress*, 910; *American National Biography*, “Joseph Smith Fowler,” [available online], <http://www.anb.org>, accessed 29 December 2007; Walter Durham, “How Say You, Senator Fowler?” *Tennessee History Quarterly* 42 (Spring 1983): 39-57; Kenneth McKellar, “David T. Patterson,” in *Tennessee Senators as Seen by One of Their Successors* (Kingsport, TN.: Southern Publishers Inc., 1942), 316-324.

¹¹ Quoted in Bergeron, Ash, and Keith, *Tennesseans and Their History*, 162.

¹² *Nashville Daily Union*, June 4, 1865, n.p.

two franchised witnesses testifying allegiance, and men who voted in elections on November 1864, February 22 and March 4, 1865. Furthermore, the act overhauled the registration system, empowering election officials—all appointed by the governor—to approve or deny voters at the polls. The result: all former-Confederates were completely denied suffrage. Governor Brownlow and the Tennessee Congress anticipated the desires of the U.S. Congress and denied suffrage to secessionists.¹³

Back in Washington, D.C., the first session of the Thirty-Ninth Congress met on December 4, 1865, more than seven months after Andrew Johnson assumed office. This group consisted of three political factions: Democrats, Conservative and Moderate Republicans, and Radical Republicans. The Democrats were a disorganized band, originally rebuffing the President as a traitor to the South, but they eventually warmed up to his policies. The Radicals, fairly outspoken and aggressive, remained a minority group within their Party. The Conservative and Moderate Republicans fluctuated between the right and the left, particularly over divisive issues like citizenship, property rights, and statehood. Sometimes they sided with Democrats and other times with Republicans. They controlled the majority of votes in both the House and the Senate. Legislation in the House required the endorsement of this majority group in order to pass. While the Conservative and Moderate Republicans served as the political balance between Democrat and Radical throughout the first session of the Thirty Ninth Congress, events leading up to the November 1866 elections disrupted this equilibrium.¹⁴

¹³ Tennessee 34th General Assembly, *Acts of the State of Tennessee, 1865*, 32-6; Patton, *Unionism and Reconstruction in Tennessee*, 101-2; Alexander, *Political Reconstruction in Tennessee*, 74-5.

¹⁴ Kenneth M. Stampp, *The Era of Reconstruction, 1865-1877* (New York: Vintage Books, 1965) 83-4; Riddleberger, *The Critical Year Revisited*, 226; Foner, *Reconstruction*, 241.

With the Congress largely under the control of moderates, the Tennessee Legislature and Governor Brownlow pushed for major civil rights legislation. Personally, the governor held racist attitudes towards African-Americans. Prior to the war, he famously discussed the future of American slavery with abolitionist Abram Pryne in a much-publicized and later published debate titled *Ought American Slavery Be Perpetuated?*. Brownlow favored the continuation of slavery. Framing the parameters of his argument, Brownlow said, “Slavery as it exists in America, ought to be perpetuated, . . . slavery is an established and inevitable condition to human society. I . . . maintain the ground that God always intended the relation of master and slave to exist; that Christ and the early teachers of christianity, found slavery differing in no material respect from American slavery; . . . And . . . I shall defend the South, and make war upon the abolitionism of the North.”¹⁵ The tone softened after the war; Brownlow transitioned from promoting the continuation of slavery to supporting recolonization plans that would send African-Americans back to Africa. On August 23, 1865 such an article appeared in the Governor’s newspaper: “If the negro is at all preserved from total extinction, he must be colonized in some fertile portion of the South. He will then have his own land, organize his own government, and enact laws for his own government and control. Bring him in contact with whites, he will gradually disappear as did the Indian.”¹⁶

These personal feelings aside, the governor understood the fate of Tennessee and thus tethered his political opinions to Radicals in Washington, D.C. On January 23, 1866 the state legislature passed the first of many bills aimed at expanding the civil liberties to

¹⁵ William Gannaway Brownlow, *Ought American Slavery to Be Perpetuated? A Debate Between Rev. W. G. Brownlow and Rev. A. Pryne, Held at Philadelphia, September, 1858* (Ann Arbor, Michigan: University of Michigan Library, 2005), 18-19.

¹⁶ “Destiny of Slaves,” *Knoxville Whig and Rebel Ventilator*, 23 August 1865, p. 2.

African-Americans including the right to testify in court and the abolishment of separate, harsher penalties and sentences compared to whites convicted of similar crimes.¹⁷

Perhaps not all of the state legislators desired equality for political rather than ideological reasons, but Brownlow, the leader of the Tennessee Republican Party, clearly switched his opinions about African Americans. A year after his plans for recolonization appeared in the *Whig*, Brownlow found himself at the forefront black civil rights.

The Massacre in Memphis evinced the utter lack of civil liberties for blacks in the South, which immediately grabbed attention nationwide, particularly in newspapers editorials and cartoons. Newspapers harbored a clear political agenda: influence the electorate and alter the outcome of the impending Congressional election with articles and cartoons published well into the fall.¹⁸ Many of the newspapers ran stories within the first few days that purported patently false information about the Massacre, exaggerating the violence, as if the truth of the incident would not suffice.

The most provocative articles appeared in the *Chicago Tribune*, one of the most radical publications of the time, the first article on May 4, the day following the Massacre. The first line set the tone for the rest of the article, and truly, the rest of the coverage dedicated to the massacre in the months to come: “Last night was emphatically a night of terror.”¹⁹ The article proceeded to discuss the murders of defenseless African-Americans and the “bibulous propensities” of Mayor John Park, whom the article deemed “unfit to govern the city.”²⁰

¹⁷ Acts, 34th Tennessee General Assembly, 2nd Sess., 1865-6, p. 65, 286.

¹⁸ Riddleberger, *The Critical Year Revisited*, 177.

¹⁹ “From Memphis,” *Chicago Tribune*, 4 May 1866, p. 1.

²⁰ “From Memphis,” *Chicago Tribune*, 4 May 1866, p. 1.

After the initial exposé, the *Tribune* published articles with even more partisan rhetoric. A May 7 article stated, “One good result likely to follow from the fiendish outrages perpetrated upon the colored people of Memphis by the Copperheads, and that is speedy passage of the Police Bill, which places the power over the municipality of Memphis in the hands of Commissioners appointed by the Governor, and takes the control of the police force out of the hands of the drunken Copperhead Mayor and ex-rebel Aldermen,”²¹ referring to one of Governor Brownlow’s most drastic pieces of legislation, presented four days before the Massacre. On May 14, in order to reassert control over the Memphis city government, the General Assembly passed the Metropolitan Police Act. The law designated Shelby, Davidson, and Hamilton counties as metropolitan police districts controlled by governor-appointed commissioners who superseded the local police chiefs in Memphis, Nashville, and Chattanooga, respectively. These commissioners appointed and hired all officials within the police force, including captains, sergeants and officers. Aimed at correcting the abuses within the Memphis city government, this legislation effectively removed the Irish officials who contributed to the massacre of African-American Memphians. By acting quickly and decisively against the racist dividers in Memphis, Governor Brownlow ingratiated himself and the leaders of his state with the Radicals in Congress and avoided federal punishment and involvement in Tennessee affairs.²²

The corruption of the Memphis police force was quite evident to Battle-Axe, an anonymous *Tribune* correspondent, who in an article titled “The Memphis Riots:

²¹ “The Memphis Riot,” *Chicago Tribune*, 7 May 1866, p. 2.

²² Tennessee 34th General Assembly, Acts, 2nd Sess., 1865-6, p. 52-62; Patton, *Unionism and Reconstruction in Tennessee*, 227-8; Alexander, *Political Reconstruction in Tennessee*, 110, 172-3.

Inhuman Brutality of the Rebel Mob,” called them “Celtic Copperheads and rebels.”²³

Battle-Axe’s frequently asked rhetorical questions: “Why is it that whenever the Copperheads, North or South, make an assault on the colored people they are sure to set fire to their churches, school houses or orphan asylums! . . . They are opposed to those agencies for the elevation and improvement of the colored race, lest negros shall get ahead of them. The sight of . . . [a free] black man fills those Copperhead brutes with implacable hatred.”²⁴

Battle-Axe wrote about a number of uncorroborated anecdotes, stories absent from the Select Committee testimony published two months after the massacre. The origins of the massacre began much differently, according to Battle-Axe, than the Select Committee report would later state; he claimed the massacres’ perpetrators, wrongly including Sheriff Winters in the group, premeditated the plan for days, disarmed the black community, and “hired a white vagrant boy to ‘pick a fuss’ with a colored boy about ten years of age.”²⁵ In another such unconfirmed account the author wrote of an on-going disagreement between the police and the “old families” of the city over which group killed more blacks, as if the murdered were trophies. Furthermore, according to Battle-Axe, the fireman contented themselves with “the glory of having burned to the ground all the ‘nigger’ churches and school-houses with a vast number of ‘nigger tenements.’”²⁶ The author also claimed the violent mob broke into the city arsenal, stole ten thousand firearms, and planned to murder as many Northern men as possible, as if to remind the readers about the possibility of southern re-insurrection.

²³ “The Memphis Riot,” *Chicago Tribune*, 7 May 1866, p. 2.

²⁴ “The Memphis Riot,” *Chicago Tribune*, 7 May 1866, p. 2.

²⁵ “The Memphis Riots,” *Chicago Tribune*, 8 May 1866, p. 2.

²⁶ “The Memphis Riots,” *Chicago Tribune*, 8 May 1866, p. 2; Holmes, “The Effects of the Memphis Race Riot of 1866,” 60.

Battle-Axe's editorial "waved the bloody shirt," for it contained descriptions of two grisly murders, both unsupported by Select Committee report. First, the author elaborated on the murder of an old black man at the hands of the rabble; the mob smashed the man's face with a stick, shot him in the stomach, and finally cut out his tongue. Battle-Axe wrote of another macabre tale, the victim being a five year old mulatto girl. The girl refused to divulge the location of a young man who hid from the horde. Someone in the crowd cut out her eyes and tossed her into the suspected shanty while the rest of the group fired upon the building. No witness testified to the Select Committee testimony corroborating these portions of Battle Axe's account. Considering the large amount of testimony from northern sympathizers and Unionists, the absence these events in this version certainly seems suspect. This version of the massacre differed drastically from the heretofore unwritten Select Committee report and the corresponding testimony. Although the article supported numerous half-truths and outright falsities, many northerners accepted Battle-Axe's communiqué as truth.²⁷

Besides Battle-Axe, other authors employed a pseudonym when describing their account of Memphis. David Cross Locke created a character named Petroleum Vesuvius Nasby, a semi-literate, Copperhead, postmaster from Kentucky, to satirize events throughout Reconstruction. Born in Vestal, New York, Locke apprenticed at a newspaper in Courtland County, New York. After his apprenticeship, Locke traveled west to Ohio. When the war started, Locke was editor of the Bucyrus, Ohio *Journal*. On March 21, 1861, Locke unveiled his caricature for the Ohio *Jeffersonian*. Locke assumed the editorship of the Toledo, Ohio *Blade* in 1865. In Toledo, the Nasby character developed into a national sensation. Nasby, unlike his creator, supported slavery and the

²⁷ "The Memphis Riots," *Chicago Tribune*, 8 May 1866, p. 2.

Confederacy. He interviewed political leaders, like Jefferson Davis and Andrew Johnson, and explained the common political mood in his home, “Cofedrit x Roads, Kentucky,” where he served as postmaster. Literary historian James Austin explains the appeal and method of Nasby: “Everything Nasby said was to be spurned. His hopes were the reader’s fears; his arguments demonstrated their own falseness; anything he endorsed the reader would reject because Nasby had endorsed it.”²⁸ Locke’s diatribes were clearly intended to entertain but also to politically galvanize Northerners against people like the Copperhead Nasby.

After the outbreak of violence in Memphis, Locke, via Nasby, jumped at the chance to mock Southerners, Memphians, and Democrats. On May 14, Nasby published a report titled “The Reconstructed meet to Congratulate the Country upon the Result of the Memphis Outbreak—The Reverend discourses upon the Nigger, and runs against a Snag.” Nasby prefaces his discourse on the mental capabilities of African-Americans by celebrating the massacre: “The news from Memphis filled the soles uv the Dimocrisy uv Kentucky with undilooted joy. There, at last, the Ethiopian wuz taught that to him, at least, the spellin book is a seeled volume, and that the gospel is not for him, save ez he gits it filtered through a sound, constooshnel, Dimekratic preacher. We met at the Corners last nite to jollify over the brave acts uv our Memphis frends, and I wuz the speaker.”²⁹ Nasby then briefs his readers with his observations of African-Americans. The virulent racist Democrat used a common, Southern explanation for the biblical origins and sanctification of slavery: “I glode easily into a history uv the flood; explained how Noer got tite and cust Ham, condemnin him and his posterity to serve his brethren forever,

²⁸ James C Austin, *Petroleum V. Nasby (David Ross Locke)* (New York: Twayne Publishers, 1965) 64.

²⁹ David Ross Locke, *Swingin Round the Cirkle* (Boston: Lee and Shepard, 1867), 144.

wich I insisted give us an indubitable warranty deed to all uv em for all time.”³⁰ Nasby concludes his treatise on the nature of African-Americans thusly: “I hed gone on and proved concloosively, from a comparison uv the fizzikle structer uv the Afrikin and the Caucashen, that the nigger wuz a beast, and not a human bein; and that, consekently, we hed a perfeck rite to catch him, and tame him, and yoose him ez we do other wild animals.”³¹ Nasby continued writing satirical diatribes throughout the summer and fall, oftentimes citing Memphis.

The Wellsboro, Pennsylvania *Agitator*, another Republican bulwark, also printed editorials about the Memphis violence. On May 16, the newspaper identified slavery as the cause of the massacre: “It is the devilish spirit of slavery which put the torch to the negro churches and school houses of Memphis. It is that spirit which threatens to involve the land in violence through the corruption of the Executive and the feeble ambitions of the Cabinet. Shall it succeed?”³² The *Agitator* tied the bloodshed in Memphis to larger, Radical Republican campaign issues, specifically the well-being of African-Americans. Nationally, Radical Congressmen desperately lobbied for African-American civil rights. By connecting the massacre to this cause, the Radicals provided explicit examples of the results of a Union without fairness under the law. By directly asking the electorate about the future preponderance of pro-slavery philosophy, the *Agitator* challenged the electorate and almost dared them to vote for the Democrats, the party of slave-owners.

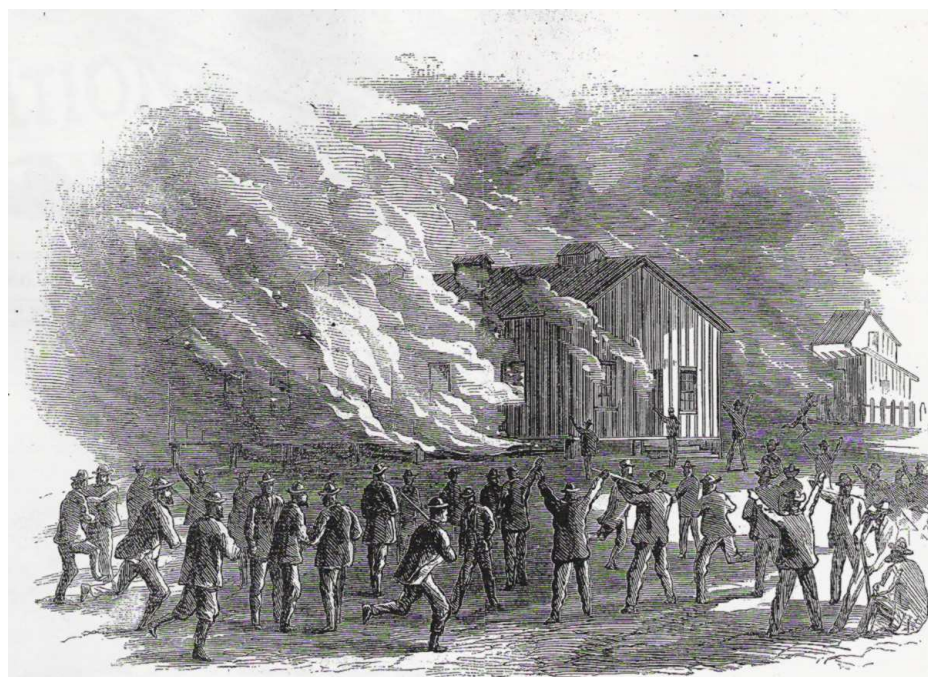
³⁰ Locke, *Swingin Round the Cirkle*, 146.

³¹ Locke, *Swingin Round the Cirkle*, 145-6.

³² “Riots in Memphis” *The Agitator*, 16 May 1866, p. 2.

Coupled with these articles from the *Tribune* and *Agitator*, *Harper's Weekly* of New York City published the sketches of Alfred Waud that illustrated the massacre. After emigrating from London, England in 1850, Waud found work as a sketch artist for *Harper's Weekly*. After his artwork gained considerable fame, particularly his sketches of the Battle of Bull Run, the magazine hired him to travel throughout the South to document the hardships of Reconstruction.³³ He visited most of the major southern cities, including Memphis. Three weeks after the event, on May 26 the first set of Memphis-inspired sketches appeared on the front page with an accompanying article about the riots. The caption below the first visual (figure 1) read, "Scenes in Memphis, Tennessee, During the Riot—Burning a Freedmen's School-House." The drawing depicts the

Figure 1: "Burning a Freedmen's School-House"



burning of a Freedmen's Bureau school, while about forty white men cheer and discharge

³³ Frederic E. Ray, *Alfred R. Waud, Civil War Artist* (New York: The Viking Press, 1974), 12-13.

their rifles. The Select Committee later reported twelve schools burned down during the massacre, thus proving the accuracy of this rendering. In the background, another house slowly burns; the sky above the scene blackened from all the smoke.³⁴

The second sketch (figure 2) showed the sheer violence of the massacre. The caption read, “Scenes in Memphis, Tennessee, During the Riot—Shooting Down Negroes on the Morning of May 2, 1866.” Throughout the scene, African-Americans—men, women, and children—flee for their lives while white men shoot at the defenseless targets. Most of the men carry rifles, although one of the men brandishes a large sword. In the background, one of the homes burns and, as the owners escape the building, whites slaughter them. Strewn about the landscape, blacks lay face down, shot dead.³⁵

Both of these sketches—although both captioned as views of the “riots”—

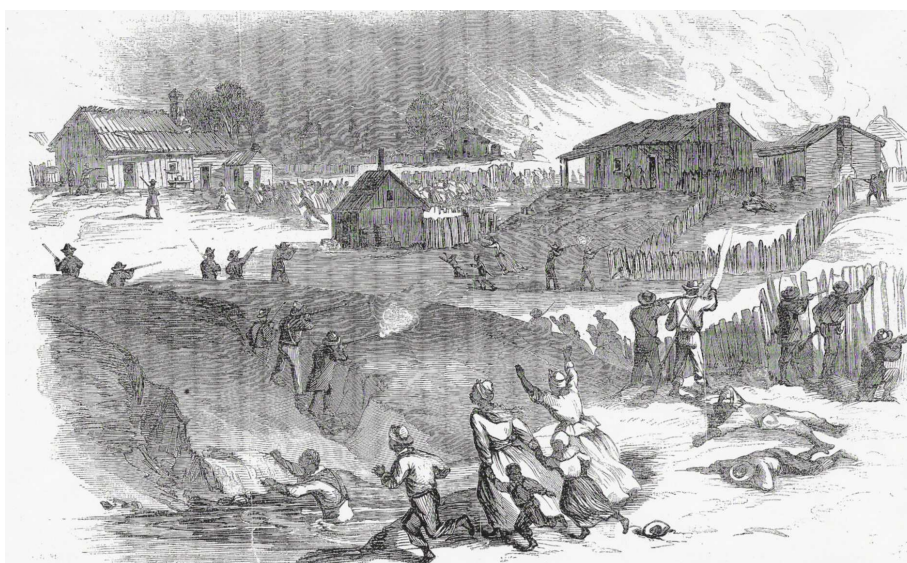


Figure 2: “Shooting Down Negroes on the Morning of May 2, 1866”

illustrated the “massacre” element of the Memphis event. These images clearly showed

³⁴ Alfred Waud, “Scenes in Memphis, Tennessee, During the Riot,” *Harper’s Weekly*, 26 May 1866, p. 1.

³⁵ Waud, “Scenes in Memphis, Tennessee, During the Riot,” *Harper’s Weekly*, 26 May 1866, p. 1.

the lopsidedness of these attacks. Alfred Waud wanted the viewers to understand the white aggressors experienced no retaliation. *Harper's Weekly* never published a sketch showing the early skirmish between the African-American troops and the Irish police. The publication simply circulated illustrations of whites mass-murdering defenseless families and destroying buildings, including government owned Freedmen's Bureau schools. Accompanying his sketches, Waud incorporated observations on the nature of Memphis: "[This city] now has the unenviable reputation of being the worst behaved city in the Union. There is a floating population here, made up of . . . dregs . . . which would be the curse to any city."³⁶ Before the Congressional Committee returned from Memphis with their findings, the massacre had developed into a national news story, sensationalized to some degree, but still critically important to the ongoing dialogue about southern Reconstruction.

After leaving Memphis, Tennessee on June 6, the Select Congressional committee of Elihu Washburne, John Broomall and George Shanklin arrived in Washington D.C. six days later. Washburne penned the thirty-eight page Majority Report, summarizing the events of the riots and the vivid testimony taken during the two-week sojourn in Memphis. Although some early newspaper accounts characterized the event as a "negro riot" or simply a "riot," Washburne's report portrayed the event as a massacre of defenseless African-Americans and placed the blame squarely on the Confederate-backed city government and the "rabble" of Memphis and surrounding Mississippi Delta. Furthermore, Washburne argued for a continual military presence in the city, lest Memphians murder more northern sympathizers, Unionists, and blacks. Conversely, Shanklin's eight-page Minority Report portrayed the violence as a riot, not a massacre,

³⁶ Quoted in Ray, *Alfred R. Waud*, 54.

between lowly Irishmen and unruly blacks. He emphasized the role Governor Brownlow's Disenfranchisement Act played in the tension between the minority groups, leaving the city's powerless elites, gentlemen who surely wanted nothing to do with the riots, unable to prevent it. Shanklin claimed that "the greater body, if not the entire mass of the better classes of southern people . . . acquiesce in the results of the war, and in good faith are anxious and desirous that the union of the States shall be restored and peace and harmony once more restored under the Constitution of our fathers."³⁷ Shanklin wrote further about southern feelings towards northern sympathizers: "The prejudice and sentiments of hostility towards persons of northern birth who have settled among them are confined to that class of northern men who hold and advocate the extreme radical doctrines of personal punishment, confiscation of property, disenfranchisement of those engaged in rebellion, and political equality for the negro."³⁸ In other words, Memphians tolerated northerners unless they promoted Radical Republican ideology.

Petroleum V. Nasby described the political platform of the Democratic Party, particularly violence committed towards African-Americans and Republicans. In a July 6 column, before presenting a sermon the prodigal son, Nasby commented on the Memphis and northern men in his "Confedrit x Roads", Kentucky:

We hed a splendid congregashun. I notice a revival of the work in this part uv the Dimocratic vineyard wich reely cheers me. The demonstrashun our friends made in Memphis . . . hev conspired to comfort the souls uv the Dimocrisy, and encourage em to renewed effort. It is bringing forth fruit. Only last week five northern men were sent whirlin out of this section. They dusted in the night to escape hangin, leavin their goods as a prey for the righteous. Six niggers hev bin killed and one Burow officer shot. Trooly there is everything to encourage us.³⁹

³⁷ Minority Report in *Memphis Riots and Massacres*, 43.

³⁸ Minority Report in *Memphis Riots and Massacres*, 43.

³⁹ Locke, *Swingin Round the Cirkle*, 171.

Locke, through his Nasby character, argued that the terrorization of blacks and Unionists was the platform of the Democratic Party, implicitly asserting that Republicans should reconstruct the South.

While Locke and Nasby continued to drum up Republican electoral support, Congress received the reports of the Committee members. On July 25, with Washburne bedridden from illness, Broomall substituted for his colleague while he and Shanklin presented their respective reports to the House of Representatives. Upon presentation, Broomall made an auspicious request: “I am also instructed by the . . . committee to move that there be printed for the use of this House twenty-thousand extra copies of the reports and testimony and fifty-thousand copies of the reports without the testimony.”⁴⁰ The idea immediately met opposition from House Democrats. Phillip Johnson, a Pennsylvania Democrat, made an impassioned speech against additional prints: “It must be borne in mind that it has a political object, a partisan purpose. . . . I have no objection to printing the ordinary number of copies of this report, but as for publishing fifty-thousand copies for circulation all over the country . . . I think we should leave such publications to private enterprise or to the political partisans whose purposes it may subserve.”⁴¹ Some of Johnson’s colleagues, like Francis LeBlond, an Ohio Democrat, believed Congress should abstain from publishing any copies: “I hope this testimony will not be printed. . . . The whole subject matter of the investigation is entirely of a local character, a matter of regulation which belongs wholly to the State of Tennessee. But Congress has taken upon itself to go into different States to regulate what should be

⁴⁰ United States 39th Cong., 1st Sess., *Congressional Globe*, 4159, (July 21, 1866).

⁴¹ United States 39th Cong., 1st Sess., *Congressional Globe*, 4159, (July 25, 1866).

regulated by the police of the State.”⁴² Wittily, Glenni Scofield, a Pennsylvania Republican, responded, saying “We have been regulating the business down there for the last five years,” causing a great laughter among his colleagues in the halls of Congress.⁴³

Before most of the representatives even read the report, both Democrats and Republicans understood its implications. Democrats categorized the violence as merely a riot, not a massacre. This riot necessitated attention from local and state officials, not Congressmen. Irishmen, not southern elites, caused the trouble. Certainly the violence in Memphis was not a southern epidemic. Republicans interpreted the event quite differently. Broomall passionately described his demand to publish the report as an earnest attempt to alert Americans to the state of affairs in the formerly-rebellious states, while Democrats like Le Blond and Shanklin perhaps characterized it as partisan attempt and political spin on a tragedy. Both assessments of the Republican Party reaction are probably accurate and either way, the report backed the Republican agenda for the upcoming election: the unruly and corrupt South needed heavy-handed punishment from Congress, and only Radical Republicans would accomplish the task.

Before deciding upon the future of the Memphis report, on July 22, just seven weeks after the Massacre and four months before the Congressional elections, Congress officially voted to allow Tennessee into the Union, making it the first readmitted state. This development may seem counterintuitive— a state seemingly fraught with Confederate and racist attitudes allowed back into the Union and allotted seats in Congress. However, loyalists in control of the Tennessee state government preemptively passed legislation in keeping with Republican demands, particularly Radicals. These

⁴² United States 39th Cong., 1st Sess., *Congressional Globe*, 4159, (July 25, 1866).

⁴³ United States 39th Cong., 1st Sess., *Congressional Globe*, 4159, (July 25, 1866).

laws passed before readmission disenfranchised rebels, secured some civil rights for African-Americans, and reasserted control over police and local officials. Thaddeus Stevens commemorated the state's readmission six days later with a speech in Congress: "I do not pretend that she [Tennessee] is loyal. I believe this day that two thirds of her people are rank and cure rebels. But her statesmen have been wise and vigilant enough to form a constitution which bridles licentious traitors and secures the State government to the true men. And she has an Executive fit to ride upon the whirlwind. . . . she has two or three men in her delegation who would have saved Sodom."⁴⁴ Despite Tennessee's participation in the Confederacy and the Memphis Massacre, William Brownlow bypassed the federal intrusion destined for the other former-Confederate states by quickly passing Radical legislation in the first thirteen months of his administration and aligning with the politics of Thaddeus Stevens.

On July 27 representatives again raised the subject of the Memphis riots and the copies of the report. Following a speech by Shanklin about the absence of communication between himself and the Republicans, Representative Broomall delivered an address about the Memphis violence and the continued use of the word "riot" to describe the event: "There was no riot, and it is an abuse of the language to say so when the civil authorities of a city of sixty thousand inhabitants conspired together to murder in open day unoffending citizens of the United States. . . . It was a massacre. It was a massacre by the very person who are asking now to be allowed to participate in the government of the country."⁴⁵ When Shanklin tried to interrupt, Broomall responded,

⁴⁴ "Speech on Readmission" in Stevens, Palmer, and Ochoa, *The Selected Papers of Thaddeus Stevens*, 176.

⁴⁵ United States 39th Congress, 1st Sess., *Congressional Globe*, 4265, (July 27, 1866).

“The gentlemen has had his [time], and I can yield to no one.”⁴⁶ Following his description of the violence, the Pennsylvanian reconnected his speech to the current debate: “This subject does possess some political and public significance. The great question now before the country is whether the people of the eleven States lately in rebellion are yet in a fit condition to be intrusted [sic] with a share in the government of the country. The *animus* and the spirit of the people enter into the inquiry. The details of this report and testimony go to that very spirit and that very *animus* of the leading people of the city of Memphis.”⁴⁷ Broomall then challenged the motivations of the Kentuckian: “I do not wonder that the gentleman from Kentucky [Mr. Shanklin] likes to shield his friends. I do not wonder that peculiar means have been used . . . to prevent this report from getting before the country at all.”⁴⁸ Ultimately, the representatives reached a compromise which allowed for one-thousand extra copies of the reports with testimony and ten-thousand reports without evidence, as opposed to ten-thousand and fifty-thousand, respectively, as was originally purposed. These reports reached newspapers and private citizens all over the country, helping influence votes and unite them against the Democratic Party.⁴⁹

While the Congressmen bitterly fought over the publication of the report, the very same day the *Chicago Tribune* printed a short synopsis of the findings, but particularly emphasized the elements of rebellion: “The committee say the feeling in Memphis, and indeed throughout that entire section of the country, shows that there is little loyalty to the Government and flag. The state of things in Memphis is very much now as it was

⁴⁶ United States 39th Congress, 1st Sess., *Congressional Globe*, 4265, (July 27, 1866).

⁴⁷ United States 39th Congress, 1st Sess., *Congressional Globe*, 4265, (July 27, 1866).

⁴⁸ United States 39th Congress, 1st Sess., *Congressional Globe*, 4265, (July 27, 1866).

⁴⁹ United States 39th Congress, 1st Sess., *Congressional Globe*, 4266, (July 25, 1866); Holmes, “The Effects of the Memphis Race Riot of 1866,” 60.

before the breaking out of the rebellion The committee deliberately state that, in their judgment, there will be no safety to loyal men, either white or black, should the troops be withdrawn, and no military protection be afforded”⁵⁰

Republicans saw more evidence of southern intent to rebel during the New Orleans riots on July 27, which stoked the fires of the Radicals and continued the lambasting of President Johnson. Similar to the Memphis newspapers, the New Orleans press blamed everyone but the instigating whites; the local reports and faulted African-Americans for crossing racial boundaries and whites Radicals for inciting the impressionable blacks. Articles appeared in all the Northern, Republican newspapers. In a bit of *déjà vu*, virulent editorials appeared in many of the same newspapers that three months earlier so widely publicized the Memphis massacre. On August 27, The *Chicago Tribune* linked the attack on the New Orleans victims to Andrew Johnson: “Blood is upon his hands, the blood of innocent, loyal citizens, who had committed no crime but that of seeking to protect themselves against rebel misrule, which he, Andrew Johnson, had the foisted upon them.”⁵¹ For Republicans, the New Orleans riot was not an isolated incident, but rather another instance of the epidemic secessionism rampant throughout the South, a disease exacerbated by the President.

The attacks on President Johnson ran daily in the newspapers. Two weeks before *Tribune* article, Nasby happily reported his official post as Postmaster of his township, a job he informally held for months. The commission resulted from the assistance of President Johnson: “Ef I ever hed any doubts ez to A. Johnson bein a better man than Paul the Apossle, a look at my commission removes it. If I ketch myself a feelin that he

⁵⁰ “The Memphis Horror,” *Chicago Tribune*, 27 July 1866, p. 1.

⁵¹ *Chicago Tribune*, August 27, 1866, p. 2.

deserted us unnecessarily five years ago, another look, and my resentment softens into pity. Ef I doubt his Democracy, I look at that blessed commission, and am reassured, for a President who could turn out a wounded Federal soldier, and appoint such a man ez me, must be above suspicion.”⁵² In the same article, Nasby poses a question about the Memphis and New Orleans massacres: “Do yoo bleeve that the Memphis and New Orleans unpleasantnesses wuz brot about by the unholy machinashens uv them Radical agitators, actin in conjunction with ignorant and besotted niggers, to wreak their spite on the now loyal citizens uv those properly reconstructed cities.”⁵³ Locke, through Nasby, preemptively and satirically summarized not only Shanklin’s Minority Report but also the serious, academic scholarship produced by the Dunning School. Locke implicates African-Americans and the Republican Party as the cause of the violence against themselves in Memphis and New Orleans.

Ideological newspapers harped on the stark division between Republicans and Democrats. The Brooklyn, New York *Eagle* on August 28 reprinted a speech delivered by Republican presidential candidate William H. Burleigh. As he spoke before the Seventh Ward Republican convention, he commented on the nature of the American political parties: “I think there are to be only two parties, and I think they will be divided, substantially, as they have been divided heretofore, that is the loyalists on the one hand, and the disloyalists on the other.”⁵⁴ Burleigh suggested that the Democrats and southerners, since the beginning of reconstruction, “[aggregated] themselves around the tattered Rebel standard, which flaunts itself over Memphis . . . whenever the ‘chivalry’ chooses to make demonstration of its peculiar tactics in shooting down the defenders of

⁵² Locke, *Swingin Round the Cirkle*, 188.

⁵³ Locke, *Swingin Round the Cirkle*, 190.

⁵⁴ “The Coming Campaign,” *Brooklyn Eagle*, 28 August 1866, p. 2.

liberty and mobbing the defenseless.”⁵⁵ Burleigh continued on with his speech, insisting that a vote for the Democratic Party equalled a vote for chaos and rebellion in the American South. Likewise, on September 8 the *Chicago Tribune* printed a report written by Thaddeus Stevens detailing Iowa’s congressional campaign and the reconstruction policy of Andrew Johnson. Stevens deftly tied the Memphis Massacre and the reconstruction policies of the president: “They (the voters in Iowa) have heard the Memphis riots. . . . They have heard the wails which have come up from all the parts of the South from the victims of a relentless and treasonable policy.”⁵⁶ The *Tribune* printed speeches from Republican leaders and candidates frequently but was not the only newspaper engaged in such a partisan activity.

Pictures of the Memphis massacre continued to grace the pages of *Harper’s Weekly*. Famed cartoonist Thomas Nast depicted the Memphis and New Orleans massacres in his work. Like Alfred Waud, Nast was also an immigrant; his family left Germany when Nast was six years old. Similarly, he established himself as a talented cartoonist during the Civil War. But his Reconstruction and Gilded Age artwork cemented him as the most famous of his time. Perhaps in response to his German egalitarianism, Nast aligned himself politically with the radical element of the Republican party and his work reflected that sentiment. Nast believed the North, particularly the United States Congress, needed to dictate the terms of reunification. He ardently opposed President Andrew Johnson and the Democratic Party.⁵⁷

⁵⁵ “The Coming Campaign,” *Brooklyn Eagle*, 28 August 1866, p. 2.

⁵⁶ Thaddeus Stevens, “The Campaign in Iowa,” *Chicago Tribune*, 9 August 1866, p. 2.

⁵⁷ Morton Keller and Thomas Nast, *The Art and Politics of Thomas Nast* (New York: Oxford University Press, 1968), 13, 42-43.

Thomas Nast's cartoon in the September 1 issue of *Harper's Weekly* (figure 3), which prominently featured the Memphis massacre and the deficiencies of presidential reconstruction, exemplified the characteristics of Nast satire. Nast titled the cartoon "Andrew Johnson's Reconstruction and How it Works" and loaded it with layers of commentary, sometimes explicit and sometimes subtle.

Figure 3: "Andrew Johnson's Reconstruction and How it Works"



The top of the piece featured the two riots occurring in 1866, Memphis and New Orleans. Located in the top left corner of the cartoon, Nast illustrated the violence in Memphis, white men firing rifles into defenseless African-American families, while in the background a building burns to the ground.⁵⁸ Nash tied the violence in Memphis to the overall deficiency in Johnson's reconstruction plan. The cartoon centered on President Andrew Johnson, dressed as the venomous Iago from Shakespeare's tragedy *Othello*. Nast frequently implemented Shakespearean imagery and dialogue in his cartoons. In the play *Iago*, the ensign to the Moor, General Othello, manipulated all the characters in an attempt to destroy his boss. The recently discharged, injured soldier represents Othello, who disastrously died at the play's conclusion. The cartoons displayed Johnson surrounded by the pardons of rebels and the vetoes of Republican legislation. Nast furthers his comparison of Iago and Johnson by including Shakespearean dialogue: "The Moor is of a free and open nature, That thinks men honest that but seem to be so; And will as tenderly be led by the nose, as asses..."⁵⁹ In the bottom center of the cartoon, a caricature of Johnson charms the "Copperhead" and "Confederate States of America" snakes into attacking the black soldier while the president's cabinet members, Secretary of State William Seward, Secretary of the Navy Gideon Wells, and Secretary of War Edwin Stanton idly watch. Nast effectively attached the Memphis massacre to the reconstruction plan of the treacherous President Johnson and his anti-African-American agenda. With a circulation of over 200,000 readers, *Harper's Weekly*, and the

⁵⁸ Keller and Nast, *The Art and Politics of Thomas Nast*, 54-55.

⁵⁹ William Shakespeare, *The Tragedy of Othello, the Moor of Venice* (Oxford: Oxford University Press, 2006), 240.

provocative sketches and cartoons therein, probably influenced undecided voters in the 1866 congressional election.⁶⁰

Republicans newspapers continued barraging the Democratic Party and Johnson with articles and editorials throughout the fall of 1866, with the Memphis Massacre frequently the topic of discussion. The Wellsboro, Pennsylvania *Agitator*, on September 19, published an editorial by a group of Southern delegates at a Philadelphia convention who zealously hated President Johnson. After listing the many faults of his “barbarous system” that “culminated in the frightful riot at Memphis,” the delegates resolved that the “last and only hope is in the unity and fortitude of the loyal people of American, in the support and vindication of the Thirty-Ninth Congress; and in the election of a controlling Union majority in the succeeding or Fortieth Congress.”⁶¹ This *Agitator* editorial closely resembled a *Harper’s Weekly* article printed several months earlier, which appealed “to Yankee common-sense to decide whether a party whose sole policy is contemptuous injustice toward a seventh part of the population is not a party radically dangerous to the peace and welfare of the country.”⁶²

With the stability of his presidency quickly waning, Andrew Johnson attempted to maintain some semblance of his former power, but the recent southern violence and the commitment by Northern Republicans to publicize these mishaps critically wounded the President’s credibility. On August 28, Johnson attempted to garner support for his Presidential Reconstruction plan and the Democratic Party by launching his Swing around the Circle. Johnson traveled from “Wasington . . . north along the eastern seaboard to Philadelphia and New York, up the Hudson to Albany, thence west to

⁶⁰ Keller, *The Art and Politics of Thomas Nast*, 54-55.

⁶¹ “Loyalty!” *The Agitator*, 9 September 1866, p. 1.

⁶² “The Late Riot at Memphis,” *Harper’s Weekly*, 6 June 1866, p. 2.

Chicago via Cleveland and Detroit, Indianapolis, and Pittsburgh, and back to Washington on September 15.”⁶³ In addition to these major cities, the President also stopped in between at smaller towns and villages. War heroes like Army Commander Ulysses Grant and Admiral David Farragut—extremely popular figures in the North—accompanied Johnson on his unprecedented tour.⁶⁴

The official explanation for the trip was the dedication of the Stephen A. Douglas monument in Chicago. However, unofficially the President used the opportunity defend his Reconstruction policy, which consisted of three main points: granting pardons to most former-Confederates, establishing provisional Southern governments with new state constitutions, and ratifying the Thirteenth Amendment. Initially, the speeches helped the Democrats’ cause. Pennsylvania, New Jersey and New York received him warmly. However, years of virulent Tennessee debating and stumping roughened the edges of the President’s political savvy. Johnson lacked the *savoir-faire* to handle with the embittered Northern audiences, causing him to make damaging statements. The Moreover, as Eric McKittrick noted, Johnson “was not accustomed to think of a speech as a statement that would be reported throughout the nation and that a man went ‘on record’ with.”⁶⁵ This naiveté led Johnson into making horribly insensitive remarks. When describing his unusual path to the presidency on September 3 in Cleveland, Johnson said, “I was placed upon that ticket, with a distinguished fellow citizen who is now no more. I know there are some who complain. . . . Yes, unfortunate for some that God rules on high and deals in right . . . Yes, unfortunately the ways of Providence are mysterious and

⁶³ Riddleberger, *The Critical Year Revisited*, 218.

⁶⁴ Castel, *The Presidency of Andrew Johnson*, 90; Riddleberger, *The Critical Year Revisited*, 218.

⁶⁵ McKittrick, *Andrew Johnson and Reconstruction*, 430.

incomprehensible, controlling those who exclaim ‘Unfortunate.’”⁶⁶ Statements such as this one, implying that Providence had ordained the assassination of Abraham Lincoln so that Johnson could lead Reconstruction caused the loss of whatever political capital the President still possessed. Hecklers plagued Johnson throughout the trip. Unwisely, the President engaged the pesterers, further deteriorating the situation. McKittrick aptly summarized the Swing: “Andrew Johnson . . . had lost his ‘reason’; he had simply lost touch with his audience and the demons of unreality that are in the air when a man no longer knows what he is saying were all round about Andrew Johnson.”⁶⁷ Republican Senator James Doolittle estimated the tour cost the President upwards of a million votes. “Yet the problem for Johnson was not simply that of keeping what following he had but also persuading large numbers of not yet fully hardened Unionists to make a decision of deserting him. Not only did the tour fail in this function for the doubtfuls, but for great numbers of those that remained it seemed . . . to throw away all lingering reservations and do what they were already on the point of doing—returning to the Republican fold for good,” McKittrick explained.⁶⁸ Northern voters reached a proverbial fork in the road, and when choosing either a Copperhead or a Radical, the majority ultimately chose the latter.⁶⁹

Nasby followed the President around the country on the Swing Around the Circle. He commented on the stops in Philadelphia, Detroit, Indianapolis, and the return to Washington, D.C. Nasby ridiculed Johnson’s hecklers and defended Johnson. October 1

⁶⁶ Edward McPherson, *The Political History of the United States of America During the Period of Reconstruction, April 15, 1865-July 15, 1870* (New York: Da Capo Press, 1972), 134.

⁶⁷ McKittrick, *Andrew Johnson and Reconstruction*, 436.

⁶⁸ McKittrick, *Andrew Johnson and Reconstruction*, 438.

⁶⁹ Beale, *The Critical Year*, 381; Foner, *Reconstruction*, 264-5.

marked Petroleum V. Nasby's last column before the forthcoming election. Like most of his previous editorials, Nasby pitched his party, his president, and his ideology:

Shel we desert Androo Johnson, after all the trouble he hez bin to in gettin back to us? . . . The Southern Dimokracy hevn't, and don't, lay up nothin agin yoo. They are willin to forgive and forget. They failed, but they are willin to forgiv the cause uv the failyoor. They hevn't got the government they wanted, but they find no fault with that, but are willin to take charge of the wun they hev bin compelled to live under. . . . Buryin all hard feelins, they extend to us Chrischen charity, and say, Here we are—take us—give us our old places. . . . Their household gods hev bin destroyed, and their temples torn down. Wun neighbor uv mine lost two sons in the Confedrit army; another son, which he hed refoosed \$1500 for in 1860, he wuz compelled to shoot, coz he wuz bound to run away into the Federal army; and two octoroons, which he hed a dozen times refoosed \$2500 for, each, in Noo Orleans, he saw layin dead on the steps uv a skool house in Memphis. Hez he suffered nothin? And yet he is willin to take a seat in Congress—forgettin all he hez suffered . . . What wickedness it is wich would further bruise sich a broken reed!⁷⁰

Locke clearly intended to galvanize Republicans against the Democrats with his witty commentary from Petroleum V. Nasby. Locke rhetorically attacked Johnson, slave owner paternalism, and the sense of democratic entitlement Southerners held.

On the day after the elections, November 7, the *New York Times* headlines read, “Large Republican Gains Everywhere, the Democratic Party Goes to the Dogs.”⁷¹ The Republicans gained Senate seats in California, Connecticut, Missouri and Oregon. The Radicals made significant gains in both houses. According to historian Michael Les Benedict's eminent study of congressional voting records during the Reconstruction period, the Radicals gained forty-one seats in the House of Representatives and three seats in the Senate. After the 1866 elections, the Radical Republicans, once a minority in both chambers of Congress and the Republican Party, represented 47% of the House of Representatives, 38% of the Senate, and a larger faction in the Party compared to the

⁷⁰ Locke, *Swingin Round the Cirkle*, 253-4.

⁷¹ “The Election,” *New York Times*, 8 November 1866, p. 1.

moderates and conservatives. By comparison, the Democrats held just 25% of the seats in both chambers. With such a large faction, the radicals only needed swing votes from conservative and moderate Republicans to pass their legislation: sixteen in the House and six votes in the Senate.⁷²

Table 1: Results of the 1866 Congressional Elections

House	Democrats	Conservative & Moderate Republicans	Radicals Republicans	Total
39, 1st. Sess.	51	55	45	151
39, 2nd Sess.	50	51	86	187
Change	-1	-4	41	
Senate	Democrats	Conservative & Moderate Republicans	Radicals Republicans	Total
39, 1st. Sess.	14	16	17	47
39, 2nd Sess.	13	18	20	51
Change	-1	2	3	

The table above (table 1) is derived from Michael Les Benedict's work and it demonstrates the substantial gains made by the Radicals in the 1866 elections. In the House of Representatives the radical Republicans added forty-one members to their caucus, while the Democrats lost a member. Interestingly, the number of non-scalar voters in the House increased by three members, perhaps suggesting the complexity of the issues decided upon in the second session. The Radicals capitalized on the addition of thirty-eight new seats to the House of Representatives. In the Senate, the Radicals won three seats and the Democrats lost a seat. In both the House and the Senate the number of nonvoting Republicans decreased, suggesting the Congressmen who abstained from voting in the first session voted more often in the second session, allowing Benedict to accurately classify their voting sect.

⁷² Benedict, *A Compromise of Principle*, 348-57.

The mid-terms elections represented an important shift in the federal government. Americans resounding placed the authority to reconstruct the nation with Congress and the Republican Party, rather than with President Johnson and the Democratic Party. Without such a powerful swing in balance of power, Reconstruction would have looked quite different.

~Conclusion~
The Legacy of the Memphis Massacre

Historian George C. Rable explored the importance of the Memphis Massacre in his study *But There Was No Peace: The Role of Violence in the Politics of Reconstruction*. Rable noted the published report as evidence that the Republican Party wished to politicize the Memphis massacre. He also rightfully asserted “the outbreak provided the northern public with fresh evidence of southern treason and the need for federal protection of freedmen. Moderates and radicals alike agreed that the affair demonstrated the failure of President Johnson’s lenient restoration policies and the necessity for black suffrage in the South.”¹ He concluded his analysis by placing the Memphis Massacre in a national context:

Nevertheless, the political impact of the riot was not nearly as significant as that of the later New Orleans riot. In part this was a matter of timing; the New Orleans conflagration took place in July, conveniently (for the Republicans) on the eve of a critical congressional election campaign. Also, the Memphis outbreak had little ostensible connection with politics. Memphis exploded because of demography, economics, and deep social conflict rather than for political reasons. The substantial black migration into south Memphis had strained the economic and social resources of the city beyond their limits.²

For Rable, the national importance of the Memphis Massacre was dwarfed by the violence in New Orleans.

Rable’s analysis is flawed for two reasons. First, as this study has shown, the violence in Memphis was politically relevant nationally—despite the deserved attention paid to New Orleans riots—well into the fall of 1866. The congressional committee sent to investigate in Memphis, the publishing of the report generated by Republicans Elihu Washburne and John Broomall, and the constant evocation in speeches made by political

¹ Rable, *But There Was No Peace*, 41.

² Rable, *But There Was No Peace*, 41-2.

leaders like Thaddeus Stevens months afterward show the importance of this event. Moreover, the media, months after the episode, continued to publish material corresponding to Memphis: newspaper editorials, cartoons drawn by Thomas Nast, and satire written by David Ross Locke. In an age when news traveled slowly, the May events in Memphis still mattered in November. Second, Rable suggests the massacre lacked a “connection with politics.” In the aftermath of a war presumably fought over the subjugation of blacks by whites, race *was* politics. The murder of defenseless African-Americans at the hands of whites in a former-Confederate town run by ambivalent political leaders had serious political implications. Granted, African-Americans in Memphis, unlike New Orleans, were not marching for a political cause prior to the massacre, which may lead some to believe New Orleans massacre seems more political event than Memphis Massacre. However, such an analysis ignores the extreme volatile, racial context in which the massacre occurred.

The legacy of the Memphis Massacre also resides in the Grasp of War-inspired Reconstruction acts passed by Congress. Congress passed the first act on February 20, 1867 and overrode Johnson’s veto on March 2. The act, considered a huge coup for Radicals, divided the conquered South into five districts governed by Union military commanders. Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas and Arkansas—all the Confederate States except Tennessee—felt the sting of Republican legislation. Congress forced President Johnson to assign a commander with a rank no lower than brigadier general to each district. Their function was “to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public

peace and criminals.”³ The act ordered the constitutional reorganization of the Southern states based upon radical Republican ideology: a new constitution based on ratification by a majority of registered voters, universal manhood suffrage, and ratification of the Fourteenth Amendment. Should Southerners break the laws expressly enforced by the army, the violators were to be detained by the military. In an attack on Johnson’s Reconstruction plan, Congress emphasized the temporary nature of all the southern state governments, again with the exception of Tennessee. This legislation essentially placed the South into a state of martial law and held each within the Grasp of War. Despite the concessions for Radicals built into this bill, conservatives emphasized its temporary nature, refusing to leave troops in the South in perpetuity.⁴

On March 23 and July 19, the newly seated Fortieth Congress built upon the Thirty-ninth Congress’s act, passing supplementary bills that widened the scope of the first bill and further empowered military commanders. This first supplement ordered the military to oversee all the elections within the districts, in an effort to stem voter intimidation. Moreover, the military used a loyalty oath when determining the eligibility of voters, effectively thwarting attempts by former Confederates to vote. But the military commanders found the first two acts difficult to enforce, particularly the prescription of the military oath contained within the second act. Thus, on July 19 Congress reinterpreted the acts and reinforced the intentions of the legislative branch. This bill gave the generals the power to remove any official, elected or appointed, from the government of the states. Moreover, it explained the role of voter registration boards,

³ United States 39th Congress, *Statutes at Large, Treaties and Proclamations of the United States of American*, vol. XIV (Boston: Little Brown and Company, 1868), 379.

⁴ United States 40th Congress, *Statutes at Large, Treaties and Proclamations of the United States of American*, vol. XV (Boston: Little Brown and Company, 1869), 2-4, 14-16; Foner, *Reconstruction*, 276-279.

excluding race as a factor in the appointment of election officials and relying simply on the loyalty, determined by oath, of all office holders.⁵

In addition to justifying legislative acts, the Grasp of War doctrine influenced the amendments proposed to the Constitution. By mid-summer 1868, North Carolina, Louisiana, South Carolina, Alabama and Georgia passed the Fourteenth Amendment, after initially rejecting it. The Grasp of War doctrine forced former-Confederate states to reconstruct. On February 3, 1870, the states, including all the former Confederate states except Tennessee, ratified the Fifteenth Amendment, providing all male citizens of the United States with the right to vote, their regardless of skin color.⁶

Furthermore, the Grasp of War doctrine and the supporting legislative acts and constitutional amendments, the Memphis Massacre proved the radical Republicans claims that Presidential Reconstruction was a flawed policy. Through the publication of the investigatory report, exaggerated newspaper stories, cartoons, and satire, Republicans discredited President Andrew Johnson, his conservative plans for the South, and the Democratic Party, thus paving the way for a landslide victory for radical Republicans in the mid-term elections of 1866. Meanwhile, unconditional Unionists in Tennessee—some Republicans prior to the war and some not—reconstituted the state and preemptively aligned with the radicals in Washington, D.C. Led by Governor William Brownlow, a public enemy of Johnson's, the radical General Assembly quickly approved the Fourteenth Amendment and passed legislation in-keeping with national radical policy: disenfranchising any man associated with the rebellion, providing more rights to African-Americans, and abolishing the corrupt and racist Memphis police in favor of radical

⁵ United States 40th Congress, *Statutes at Large*, 2-4, 14-16.

⁶ Foner, *Reconstruction*, 446-9.

Republican-appointed officers. This aggressive and progressive state government endeared the officials of Tennessee to Republicans and prompted Congress to readmit the state on July 22, 1866, just fourteen months after the end of the Civil War and eleven weeks after the Memphis Massacre.

The precise date of the end of Radical power in Congress is open to debate. Two events in 1868 certainly contributed to the decline of the Radicals. On May 26 the acquittal of Andrew Johnson in the Senate at the hands of moderates and conservatives certainly wounded the Radical faction.⁷ Second, the presidential election of Ulysses S. Grant, a staunch conservative Republican, on November 3 crushed the hopes of many Radicals who wished to continue their brand of Reconstruction. Despite its brief life, radical Reconstruction profoundly altered American legal, political, and constitutional development. The tragic events in Memphis in the spring of 1866 played no small part in the rise of radical Republicanism.

⁷ William Pitt Fessenden, Joseph S. Fowler, James W. Grimes, John B. Henderson, Lyman Trumbull, Peter G. Van Winkle, and Edmund G. Ross all voted against convicting Johnson. Castel, *The Presidency of Andrew Johnson*, 188-194; Benedict, *A Compromise of Principle*, 310-11.

Timeline of Major Events

1862

February 11: Sumner speaks of a “State Suicide” theory of Reconstruction
 June 6: Battle of Memphis
 July 21: Emancipation Proclamation

1863

March 10: The Supreme Court rules on the Prize Cases
 July 1-3: Battle at Gettysburg
 July 13-16: New York City Draft Riots

1864

January 22: Stevens speaks of a “Conquered Province” theory of Reconstruction
 July 1: Benjamin Wade speaks of a “Guarantee Clause” theory of Reconstruction
 September 2: Fall of Atlanta to Union Forces

1865

April 9: Surrender at Appomattox Court House
 April 14: Lincoln assassination; start of the Johnson Presidency
 May 29: Johnson’s Reconstruction Proclamations
 June 5: Passage of the Tennessee Disenfranchisement Act
 June 21: Richard Henry Dana speaks of a “Grasp of War” theory of Reconstruction
 December 18: Ratification of the Thirteenth Amendment (abolition of slavery)
 December 19: Carl Schurz summarizes his feelings on the South in a letter to President Johnson

1866

January 8: Samuel Shellabarger presents “Forfeited Rights” theory of Reconstruction
 January 16: Joint Committee for Reconstruction submits findings
 March 27: Johnson Vetoes Freedmen’s Bureau Bill
 May 1-3: Memphis Massacre
 May 14: Stevens introduces legislation ordering the creation of a committee to investigate the Massacre
 May 22: Congressional Committee reaches Memphis, lodges in Gayoso House
 May 24: Elihu Washburne writes to Thaddeus Stevens describing Memphis
 June 6: Committee leaves Memphis en route to Washington D.C.
 June 12: Committee arrives in Washington D.C.
 June 13: Proposal of the Fourteenth Amendment
 July 22: Tennessee readmission to the Union
 July 25: John Broomall presents Majority report; George Shanklin presents Minority Report
 July 30: New Orleans Riots

1867

March 2: Reconstruction Act I
 March 23: Reconstruction Act II
 July 19: Reconstruction Act III

1868

March 11: Reconstruction Act IV
 July 28: Ratification of the Fourteenth Amendment

Index of Important Persons

- Allyn, Arthur– Captain of the 16TH U.S. Infantry stationed in Memphis
- Battle-Axe – War correspondent for the *Chicago Tribune*
- Broomall, John – Member of the Memphis Select Committee, representative from PA
- Brownlow, William– Governor of Tennessee, 1865-69
- Colfax, Schuyler – Speaker of the House, representative from IN, supporter of the Grasp of War
- Creighton, John – Judge of the Recorder’s Court, instigator of the Massacre
- Dana Jr., Richard Henry– Author of the Grasp of War doctrine
- Fessenden, William Pitt – Moderate Republican, senator from Maine
- Locke, David – Satirical writer, used *Petroleum V. Nasby* to lambaste Southern culture
- Nast, Thomas – Cartoonist, criticized President Johnson’s administration with his artwork
- Park, John – Mayor of Memphis, TN during the Massacre
- Runkle, Benjamin – General of the Freedmen’s Bureau in Memphis
- Schurz, Carl –Reconstruction investigator, supporter of the Grasp of War
- Shanklin, George - Member of the Memphis Select Committee, representative from KY
- Stevens, Thaddeus– Leader of the radical Republicans, representative from PA
- Stoneman, George– Union Army commander of West Tennessee
- Sumner, Charles– Leader of the radical Republicans, senator from MA
- Wade, Benjamin – Author of the Guarantee Clause, senator from OH
- Washburne, Elihu – Member of the Memphis Select Committee, representative from IL
- Waud, Alfred – Sketch artist, captured scenes of the South during Reconstruction
- Winters, T.M. – Shelby County Sheriff

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