

EDMUND ROSS AND THE IMPEACHMENT OF ANDREW JOHNSON

by

William C. Dix
Hutchinson, Kansas

Monuments to our country's former Presidents reach as far as 555 feet into the sky. But the tombstone for the man credited with saving the American presidency from arbitrary assault from Congress stands but eight inches above the ground. The stone, in Albuquerque, New Mexico, has a sloping front and reads: "Father. Edmund Gibson Ross. 1826-1907. Pioneer-Soldier-Statesman."

Ross, a former U.S. senator from Kansas and governor of the Territory of New Mexico, holds a place in American political history that rivals that of some former Presidents. But while the average Kansan surely knows of Franklin Pierce or Millard Fillmore, he likely has forgotten Edmund Ross if, indeed, he'd ever heard of him.

However, Andrew Johnson, the only American President ever to have been impeached (Richard Nixon resigned before the House could vote on impeachment articles that came out of its Judiciary committee), can thank Ross for the failure of the Senate to convict him of the impeachment charges.

By the morning of May 16, 1868, following House impeachment nearly three months before, 35 U.S. senators had declared themselves for Johnson's conviction. As two thirds of the 54-member body were needed to convict, Kansas' Edmund Ross held the swing vote. And he wasn't saying,

Pressure from his colleagues, his constituents and the public at large for conviction had been so great that, when it came time for Ross to decide the place of the presidency as we've since come to know it, he later observed that "I almost literally looked down into my open grave."

Another senator, convalescing from an operation to remedy a war wound some 87 years after that vote, began a chapter in a book he was writing with the words, "In a lonely grave, forgotten and unknown, lies 'the man who saved a President.'" The chapter was John F. Kennedy's tribute to Senator Ross and was written at a time when JFK didn't realize the office had been preserved intact for him. The book is entitled Profiles in Courage.

But a granddaughter of Senator Ross's recently disputed the notion that the grave is now lonely. "I think that was just a dramatic opening, because he never visited the grave and the grave wasn't neglected," Mrs. Susan Beyer said.

Edmund G. Ross was born in Ashland, Ohio, on December 7, 1826. As a young man he worked on newspapers, first in Sandusky, Ohio, and later in Milwaukee. At the age of 27 in Milwaukee, he and his brother, William, joined a mob which freed an escaped slave from jail and put him on Lake Michigan bound for Canada.

The Missouri Compromise of 1821 had forbidden slavery in Kansas. It was repealed, however, by the 1854 Kansas-Nebraska Act, which provided that "squatter sovereignty" would decide the issue. Whichever side

of the free-or-slave dispute could count the greater number of settlers would claim the state for its position when statehood came.

As wagonmaster of a six-wagon train, Ross left Wisconsin for Kansas Territory in May, 1856. With him were his wife since October 15, 1848, Fannie M. Lathrop Ross—they were married in Sandusky—and others intending to restrain slavery's spread.

With the population race on, the area became known as "Bleeding Kansas" with anti-slavery "Jayhawkers" like Edmund Ross and abolitionist John Brown (of Harpers Ferry fame) fighting slavery's advocates for political control.

Autumn, 1856, saw Ross take part in a raid against the at-the-moment-unoccupied house of a pro-slavery man. The man was believed to have tortured a Northerner who had lain dying of a gunshot wound. The raiders wrecked the dwelling and ransacked his adjacent store, carrying off what poultry and pigs they could.

Edmund Ross bought into the Kansas Tribune in Topeka in December of that year, and in October three years later started the Kansas State Record with his brother, also in Topeka.

On the eve of the Civil War, Kansas became a state—on January 29, 1861. Free. When war erupted, Ross formed a company of volunteers who chose him captain of the "E" 11th Kansas Infantry. By 1864 he had risen to the rank of major. Ross is said to have had three horses shot out from under him during a single battle.

President Johnson was already a controversial figure while Ross was still back home newspapering after the war. When he vetoed the 1866 Civil Rights bill, Kansas Senator Jim Lane—although a Republican, he was not among the "Radicals" seeking vengeance against the South—voted to uphold the veto. Moreover, Lane had introduced onto the Senate floor Johnson's bill for recognition of the new post-war government of Arkansas. Radical Kansas exploded in rage.

Lane, humiliated, broken in both mental and physical health, and suffering financial woes, shot himself on July 1, 1866. The "liberator of Kansas" lived with his head wound for ten days before dying.

Editor Ross became Senator Ross on July 20 when Kansas Governor Samuel Crawford selected one of the Radicals' own to succeed Lane. The state legislature confirmed the choice at its next session.

During October, 1867, Senator Ross went to Medicine Lodge to help negotiate a treaty with Indians of the region. Negotiators included Governor Crawford and New York Tribune and Missouri Democrat reporter Henry M. ("Dr. Livingstone, I presume") Stanley.

Though Abraham Lincoln was a Republican, he ran for re-election in 1864 with a Democratic vice-presidential candidate—Andrew Johnson. The Tennessean had been the only Southern senator who hadn't resigned or seceded with his state as hostilities broke out in 1861.

Lincoln's assassination made Johnson President on April 15, 1865. Lee had surrendered to Grant at Appomattox six days earlier.

Differences between the executive and legislative branches over Reconstruction policy existed even before Lincoln's demise. While the Emancipator had wanted "malice toward none...charity for all," the Radicals wished the Southern states to return to good graces only by way of the harshest loyalty tests.

The Radicals, therefore, had felt uncomfortable with Lincoln's benevolence. But they were outraged at Johnson's. The former wartime military governor of Tennessee neither required an established proportion of voters in any Southern state to declare its loyalty to the victor, nor any particular action from any state legislature or convention among the defeated.

He instead disbanded most of the Union army, removed the blockade of the South, and restored trade with it, also. But Reconstruction disagreements were of policy and not based on law. To correct this deficiency in their case, Radicals passed a precedent-setting Tenure of Office Act over Johnson's veto. The legislation intended to prevent the President's removal of any of his cabinet without the advice and consent of Congress. The Act, passed March 2, 1867, did not, however, precipitate an open conflict with the chief executive until he dismissed Secretary of War Edwin M. Stanton on February 21, 1868.

No matter that the next day was a Saturday and a national holiday, the House on the 22nd started an impeachment debate which Ross later wrote continued "to the evening of the 24th, almost without interruption." Before adjournment that day, the House had voted to impeach the President, every Republican present responding with a "yea" to the call of his name. The total was 126 for and 47 against.

The House believed Johnson had acted "with intent then and there to violate the act" and the first of eleven articles of impeachment it drew up said so. The eleventh, later felt in the Senate to carry the best possibility of conviction, claimed that the President "by public speech... (did) declare and affirm... that the thirty-ninth Congress of the United States was not a Congress of the United States... but, on the contrary, was a Congress of only a part of the states, thereby denying... that the legislation of said Congress was valid or obligatory upon him...."

Senate debate on the eleven articles kept the issue intensely alive throughout the nation for twelve weeks following the abbreviated argument in the House. Votes were hotly contested, and Kansas was perturbed that Ross was remaining silent on his intention.

William Ross, in Washington at the time, was offered \$20,000 only to reveal how his brother would vote. Several pro-conviction zealots demanded of sculptor Vinnie Ream, 21-year-old daughter of the man from whom Ross boarded in Washington, that she secure the senator's vote to oust Johnson or suffer the consequences. (At the time, Miss Ream was at work on a statue of Lincoln, and had been furnished with a small room for use in pursuing the project.)

Ross, fearful for his life, took to sleeping in a different place each night.

The trial had opened March 13th. Partisans often buying tickets from hawkers in the streets, filled the Senate gallery daily to witness the history unfold. Festivity and apprehension filled the air together.

Following the war, 27 states remained in good standing, making 54 senators who would be the President's jury. Counts of all other votes made it apparent that, on the relatively popular and most passable eleventh article, Ross's judgment would settle the matter.

Ross's sentiments were well known. His Radical record spoke volumes. He had put his life on the line to make Kansas free from slavery. His lot had consistently been cast with his colleagues who most badly wanted to rid themselves of the President they believed was soft on the South.

Although he wasn't committing himself on his vote, Ross was committed to the Radical cause. His choice, despite his silence, surely would be to convict.

U.S. Supreme Court Chief Justice Salmon P. Chase presided for the entire trial. And during that time Senator Ben Wade of Ohio awaited his opportunity, as the upper house's president pro-tempore, to help bring about a conviction that would make him the U.S. President. (If the verdict were acquittal, Wade soon would become a private citizen. The Ohio legislature—in those days state legislatures elected U.S. senators—had, in the latest election, given his seat to a Democrat.)

The Senate adjourned Monday, May 11th, to accommodate the ill health of Michigan Senator Jacob M. Howard. But before adjournment, Oregon's George H. Williams moved that, rather than consider the impeachment articles in numerical order upon reassembling, the catchall eleventh article be dealt with first. The motion carried.

The Senate was out five days. On the day it finally began polling its members, the President, as throughout the proceedings, was not present for the ordeal. Instead, he remained at the White House receiving word from messengers running between his office and the nearby Willard's Hotel. Willard's had a telegraph connection to the Capitol building; the White House did not.

"D.R. Anthony and 1000 Others" the day before had sent a telegram from Leavenworth to Senators Ross and Samuel C. Pomeroy, saying that **KANSAS HAS HEARD THE EVIDENCE AND DEMANDS THE CONVICTION OF THE PRESIDENT.**

Voting was delayed for half an hour to permit Iowa's James W. Grimes, victim of a stroke two days before, time to be carried, on stretcher, into the chamber. Senator Howard was also brought to the Hill on stretcher, but managed then to get to his seat on his legs. Representative Thaddeus Stevens, the Pennsylvanian who perhaps was the most radical member of Congress, witnessed the polling from a chair on which he had been borne

into the assembly hall. (The 76-year-old legislator would die within three months.)

Edmund Ross took his seat in conspicuous contrast. He was young for a senator, and strikingly good looking.

Voting proceeded in alphabetical order, with none but the Ross tally holding much suspense. The clerk started the roll call: "Mr. Senator Anthony."

The senators arose in turn to decide the fate of the presidency as well as of a President. When Grimes's name was called, Chief Justice Chase suggested he vote from his prone position, but with the help of friends he struggled to his feet and declared his opinion that President Johnson was "not guilty."

"Mr. Senator Ross," the clerk intoned. "How say you? Is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor as charged in this article?"

The junior senator from Kansas had nervously been tearing sheets of paper into small bits and, when he stood, paper scattered from his lap onto the floor. He wrote years later that his "powers of hearing and seeing seemed developed in an abnormal degree. . . . Hope and fear seemed blended in every face, instantaneously alternating, some with revengeful hate. . . others lighted with hope. . . . The Senators in their seats leaned over their desks, many with hand to ear" for every vote.

On his feet, and weak from tension, Ross cast an opinion that many heard to be "guilty." The drama was climaxed to the contrary a moment later when, after the Chief Justice had requested that the vote be repeated, Ross made resoundingly clear that he believed the President was "not guilty."

There was no more suspense attached to the remainder of the votes; the President had been acquitted on the article representing the Radicals' best chance. Article I was to have been acted on next, and so on through the tenth. But a Radical motion to adjourn for ten days carried. The Radical hunt went on for the one more vote they needed on just one article.

Ten days passed; May 26th came; the scene was repeated. Again the tension, and again the same result—19 of 54 senators said "not guilty" on each of the two articles—II and III—the Radicals believed were their best remaining hopes. A Radical senator moved to spare everyone the agony of any further polling, and the chamber emptied.

Secretary Stanton submitted his resignation the same day.

Vinnie Keam, who had declined to influence Ross to vote to convict, was evicted from her Capitol-building workroom.

The telegrams from Kansas hit Ross hard: **KANSAS REPUDIATES YOU AS SHE DOES ALL PERJURERS AND SKUNKS and THE ROPE WITH WHICH JUDAS ISCARIOT HANGED HIMSELF IS LOST BUT JIM LANE'S PISTOL IS AT YOUR SERVICE** were among them.

Representative James G. Blaine not long after observed Senator Ross paying a visit to the White House, and commented loudly, "There goes the rascal to get his pay."

Edmund Ross had followed his conscience and sealed his political fate in Kansas. (Indeed, none of the seven Republican senators who had declined to convict ever again was elected to public office.) Ross did finish out his term of office, though, and returned to Kansas in 1871.

(Between the end of the war and his assumption of Jim Lane's Senate seat, teetotaler Ross had run for mayor of Lawrence. His Prohibition ticket lost by eight votes.)

Disgusted with his party for what he felt had been its unfair treatment of Johnson, Ross became a Democrat, returning the party of his youth.

Ross went back to his trade after leaving office, starting a paper in Coffeyville in late 1871. A tornado on April 23, 1872, in what must have seemed heavenly justice to his political enemies, ripped through his plant, leaving it useless. After that he went back to work for the Lawrence Standard.

The 1880 gubernatorial race in Kansas included Ross among the contestants, but he lost.

In 1882, Ross received an invitation to attend a fair in the New Mexico Territory town of Albuquerque. He accepted, and enjoyed the travel and effect on his then-poor health so much that he settled there with his family in July, 1884.

Democrat Grover Cleveland was running for President that fall. He won, and a month after he took office Ross was in Washington soliciting the post of territorial governor. He got it. On the way to Santa Fe for his inauguration, Ross stopped in Lawrence, where the old enmity against him was set aside for a parade and a public meeting at the opera house.

Ross took his gubernatorial oath of office on the morning of June 15, 1885—the first executive act he had ever performed.

Never popular with his Republican legislature, very little legislation came out of Ross's term. One of the few items, though, was an act sponsored by Bernard S. Rodey creating a university for the territory, to be placed near Albuquerque. The school, now well within the city limits, is the University of New Mexico.

"There's never been any recognition of his association with the university," C.B. Beyer, Susan's husband, has observed. But the latest Rodey Hall was recently completed at the school.

During his term, Governor Ross once tried to remove an official who had been confirmed by the legislative council. But the principle for which he had voted twenty years before was not yet again accepted practice. The territory's Democratic courts overturned the action.

It was during Ross's four years as governor, however, that the U.S.

Supreme Court finally found the Tenure of Office Act unconstitutional—
in March, 1887.

(One can scarcely imagine such legislative fury as greeted Johnson in the 1860's and Ross in the 1880's greeting Jimmy Carter following his cabinet decimation of July 17, 1979.)

In 1888 Grover Cleveland was defeated by Republican Benjamin Harrison in the first of two times he ran for re-election. Ross submitted his resignation and left office in April, 1889.

Later that year, the ex-governor, then nearly 63, passed the bar and set up practice in Albuquerque. But he also went back to newspapering, going to work for the Santa Fe New Mexican.

Ross later edited the Deming, New Mexico, Headlight for a time and served as Secretary of the U.S. Bureau of Immigration from 1894 to 1896.

Susan Beyer remembers her grandfather well. "He was very kind—a soft-spoken man. He never showed anger; he was always courteous. Even though he lived with my Uncle Pitt Ross and Aunt Clemie Ross, we saw quite a lot of him because he would come downtown (in Albuquerque) to pick up his evening paper. He would always come in and see my mother in the studio. My father was a photographer in the early days and, after his health began to fail, she helped him in the studio."

William Pitt Fessenden of Maine, perhaps the most respected member of the Senate during the Johnson trial, had a cousin whose grandson married the daughter of Edmund Gibson Ross. That 1891 marriage was between William Henry Cobb and Eddie Ross, Mrs. Beyer's parents.

At the time of the trial, Cobb was a little boy in New York; Eddie Ross, a little girl in Kansas.

Edmund Ross wrote a history of the impeachment trial while with the New Mexican, and had it published in Santa Fe in 1896. He set the type himself. Titles tended to be rather long in those days, but today it can be found in some libraries under the name The Johnson Impeachment.

Following the trial, Ross had few friends in Kansas, but one he did have was outstandingly loyal. General Hugh Cameron had been a somewhat eccentric friend. When Kansas vilified the senator for his acquittal vote, Cameron is said to have become so outraged at the outrage that he swore he would never again associate with humanity until Kansans confessed their error. He withdrew, so the story goes, to a bluff overlooking the Kaw River, where he let his hair grow to his waist and had a tree for his livingroom.

In 1906 the old general went about collecting letters from Kansans expressing a turnabout in public opinion. With these in hand, Cameron led a party of the converted to Albuquerque to make amends.

In April, a public meeting was held to receive the delegation at that city's old First Presbyterian Church. Susan Cobb was twelve at the

time, remembers being at the gathering, but admits it was a bit over her head.

Ross was buried from the same church when he died on the seventh of the following month. His body was buried where it remains today—in Fairview Cemetery on Albuquerque's Yale Boulevard S. E.

At the Andrew Johnson Monument in Greenville, Tennessee, a plaque has been hung in honor of the 17th President's savior, Senator Ross. Recognition, however, eludes the brave man elsewhere. "I think it's due him, but I don't think the family should make anything of it," Mrs. Beyer said.

And the family all agree they wouldn't mind if the public were to visit the publicly unvisited gravesite of the man so instrumental in establishing today's relationship between Congress and the President.

Were you to walk east from Fairview's old, permanently closed gates on Yale and stop at the second "Y" in the road, by looking to the right you could see the Ross family plot and the grave Senator Kennedy wrote about.

You'd need to look down.

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