



FROM A PHOTOGRAPH BY FALK.

O. W. Schott

CONTROVERSIES IN THE WAR DEPARTMENT.

UNPUBLISHED FACTS RELATING TO THE IMPEACHMENT OF PRESIDENT JOHNSON.

BY JOHN M. SCHOFIELD, LIEUTENANT-GENERAL U. S. A.

DURING nearly the entire history of the government of the United States the relations between the general-in-chief, or nominal commanding general of the army, and the War Department have been the cause of discord, sometimes descending to bitter personal controversy, and in a few instances leading to very serious results.

The differences between General Scott and the Secretary became so serious that the general removed his headquarters from Washington to New York, and remained away from the capital several years, until the time when civil war was imminent. General Sherman also found it necessary to escape from an intolerable situation by removing to St. Louis, and did not return to Washington until the condition of the War Department led to the impeachment of the Secretary of War. During their long absence from the capital neither of these generals could exercise any appreciable influence over either the administration or the command of the army. It is thought to be worthy of note that during one of those periods of absence of the general-in-chief the military resources of the country were mostly placed within easy reach of those about to engage in an effort to break up the Union, and that during the other period corruption in the War Department led to impeachment. It is no reflection upon the many eminent, patriotic citizens who have held the war portfolio to say that the very few men who have proved unworthy of that great trust would have been much less likely to do serious harm to the public interests if they had been under the watchful eye of a jealous old soldier, like Scott or Sherman, who was not afraid of them.

As hereafter explained, the controversy between General Grant and the Secretary of War finally led to the impeachment of the President of the United States. The cause of this trouble has seemed to be inherent in the form and character of the government. An essential provision of the Constitution makes the President commander-in-chief of the army and navy. It is manifestly indispensable that the executive head of a gov-

ernment be clothed with this authority. Yet the President is not, as a rule, a man of military education or experience. The exigencies of party politics also seem to require, in general, that the Secretary of War be a party politician, equally lacking with the President in qualifications for military command.

The art of war has in all ages called forth the highest order of genius and character, the great captains of the world having been esteemed as among the greatest men. So, also, and in continually increasing degree in modern times, the military art has called for scientific education of the very highest character, supplemented by practical experience. It cannot be questioned that the military profession requires ability, education, and practical training no less than the legal or any other profession. A Supreme Court of the United States composed of merchants and bankers would be no more of an anomaly than a body of general and staff officers of like composition. The general policy of our government seems to be based upon a recognition of this self-evident principle. We have a national military academy and other military schools inferior to none in the world, and well-organized staff departments which are thoroughly efficient in war as well as in peace. The laws also provide a due proportion of subordinate general officers for the command of geographical departments in time of peace, or of divisions and brigades in the field in time of war. But no provision is made for an actual military commander of the entire army either in peace or in war. During only one single year since the adoption of the Constitution of the United States has this not been the fact. In pursuance of a special act of Congress and the orders of President Lincoln, General Grant in fact commanded "all the armies of the United States" during the last year of the Civil War; but at no other time has there been an actual military commander of the army or armies whose authority as such was recognized by the War Department.

Why, it may be asked, this strange departure from the recognized rule of organization

in all governmental and business affairs? Why provide educated and trained experts for all subordinate positions, and none for the head or chief, vastly the most important of all?

In the first place, it is important to observe that the matter rests absolutely in the hands of the President: Congress has no power in the matter. To create by law a military head for the army would be a violation of the essential provision of the Constitution which makes the President commander-in-chief.

In the case of General Grant, Congress fully recognized this fact, saying: «Under the direction and during the pleasure of the President» he «may» command the armies of the United States. Even this, if intended as conveying authority to the President, was superfluous, and if intended as more than that would have been unconstitutional. In fact, it was only a suggestion, intended to be entirely within the limits of constitutional propriety, of what was the general opinion of the people and of Congress, that after three years of failure the President ought to select a soldier and put him in actual command of all the armies. The President then went far beyond the suggestion of Congress, and even to the extreme limit of military abdication. He not only gave General Grant absolute, independent command, placing at his disposal all the military resources of the country, but he even denied to himself any knowledge whatever of the general's plans. In this patriotic act of extreme self-abnegation President Lincoln undoubtedly acted in exact accord with what he believed to be the expressed popular opinion, and probably in accord with his own judgment and inclination; for no one could have been more painfully aware than he had by that time become of the absolute necessity of having a military man actually in control of all the armies, or more desirous than he of relief from a responsibility to which he and his advisers had proved so unequal. But it must be admitted that in this President Lincoln went beyond the limit fixed by his constitutional obligation as commander-in-chief. He would have more exactly fulfilled that obligation if he had endeavored faithfully to comprehend and adopt as his own all the plans proposed by his chosen and trusted general-in-chief, guarding the latter against all possible interference, theretofore so pernicious, from the War Department or any other source. By such means the President could have actually exercised the chief command imposed upon him by the Constitution, sharing

in due measure with his chief military officer the responsibilities imposed by their high offices. In no other way, it is believed, can the duties imposed upon a constitutional commander-in-chief who is not possessed of military education and experience be fully and conscientiously performed. Indeed, such is the method pursued by great military sovereigns all over the world, except in the few instances where the monarch believes himself, either truly or falsely, superior in military ability to his chief of staff. It is only in this country, where the chief of state has generally no military training, and his war minister the same, that a chief of staff of the army is supposed to be unnecessary. While it is easy to understand the reasons which led to the action of the government in the spring of 1864, it is much less easy to understand why some reasonable approximation to that course, as above suggested, and in accord with the practice of all military nations, has never been adopted as a permanent system in this country. Perhaps it may be like the case of that citizen of Arkansas who did not mend the roof of his house when it was not raining because it did not then need mending. But it would seem the part of wisdom to perfect the military system so far as practicable in time of peace rather than continue a fruitless controversy over the exact location of an undefined and undefinable line supposed to separate the military administration from the command in the army, or the functions of the Secretary of War from those of the commanding general. The experience of many years had shown that the Secretary was sure to get on both sides of that line, no matter where it was drawn. But it is encouraging to note that some experiments made in more recent years, in the direction of the generally recognized sound military system, have not proved by any means unsatisfactory.

This chronic controversy between the military administration and the command once gave rise to one of the most dangerous crises in American history. The facts in respect to the origin of that crisis soon became obscured by other events, and have never been correctly published.

The assassination of President Lincoln occurred a very short time before the end of the Civil War. It appears that his successor in the Presidential office did not withdraw any part of the supreme authority which had been conferred upon General Grant by President Lincoln a year before. Nevertheless, Secretary Stanton, who had very reluctantly

yielded to President Lincoln's order, began, soon after the end of hostile operations, to resume the exercise of those functions which had formerly been claimed as belonging to the War Department, and which had been suspended by President Lincoln. By this General Grant was deeply offended, and finally declared that the action of the Secretary of War was intolerable. Early in August, 1867,¹ in Richmond, Virginia, General Grant in most emphatic terms announced his intention to demand, on his return to Washington, that the President either remove Secretary Stanton or accept his (General Grant's) resignation. A very few days later the President's order was published suspending Secretary Stanton and appointing General Grant Secretary of War *ad interim*. Up to this time General Grant's relations with the President had not been unfriendly, and it seems more than probable that his demand was used as a sufficient reason for doing what would not otherwise have been done, namely, the removal of Secretary Stanton. But events connected with the return of Stanton to the War Department, after the Senate had declined to concur in his suspension, produced intense bitterness of feeling between President Johnson and General Grant. This overshadowed entirely the former difference between Grant and Stanton, so that they became practically friends and allies in their common hostility to Johnson. Thus the original cause of Stanton's removal, which led to Johnson's impeachment, was lost sight of and never became public.

Of the impeachment and trial of President Johnson it is not my province to write. My special knowledge relates only to its first cause, above referred to, and its termination, both intimately connected with the history of the War Department, the necessities of which department, real or supposed, constituted the only vital issue involved in the impeachment trial. The following memorandum, made by me at the time, and now published with the consent of Mr. Evarts, explains the circumstances under which I became Secretary of War in 1868, and the connection of that event with the termination of the impeachment trial:

« MEMORANDUM.

« May, 1868.

« In compliance with a written request from Mr. W. M. Evarts, dated Tuesday, April 21, 1868, 2 P. M., I called upon that gentleman in his room at Willard's Hotel, Washington,

¹ Three or four days before the suspension of Stanton.

a few minutes before three o'clock P. M. of the same day.

« Mr. Evarts introduced conversation by saying something about the approaching trial of Mr. Jefferson Davis, but quickly said that was not what he wished to see me about. The business upon which he wished to see me was of vastly greater importance, involving the safety of the country and the maintenance of the Constitution. Mr. Evarts then asked General Schofield's consent that the President might at any time before the close of the impeachment trial send my nomination to the Senate as Secretary of War in place of Mr. Stanton. General Schofield asked upon what ground, and for what reasons, the proposition was made, which question was then answered in part, and in the evening of the same day more fully, as hereafter related. It having been announced that General Grant was waiting at the door for me, this first interview was cut short with an agreement to renew it about eight o'clock the same evening. Before separating I asked Mr. Evarts whether I was at liberty to mention the subject to any other person. Mr. Evarts replied: (I suppose you mean General Grant.) I said: (Yes; my relations with General Grant, and his with the President, are such that I do not wish to act in such a manner without consulting him.) Mr. Evarts said he could not give consent that any person should be informed that such a proposition had been made on behalf of the President, and suggested some objections to consulting General Grant on the subject, for the reason of his being a candidate for the Presidency, but finally intimated that it might be well to talk to General Grant about it incidentally, and thus learn his views.

« While walking with General Grant after dinner the same day, I said to him, in effect, that I had reason to believe that a proposition like the one referred to above would probably be made to me, and that upon the theory, as I understood, that the President would not be convicted by the Senate, and I asked General Grant's opinion in regard to it. General Grant replied that he had supposed there was no reasonable doubt of the President's removal, but if that was not the case, or if it were, he (General Grant) would be glad to have me act as Secretary of War during the remainder of the term; that Mr. Wade would have some difficulty in making up a cabinet for so short a portion of a term.

« About eight o'clock P. M. of the same day (April 21) I again called upon Mr. Evarts at

the hotel, when a long conversation took place upon the subject referred to in the morning. The substance of what Mr. Evarts said was as follows: He was fully satisfied that the President could not be convicted upon the evidence; if he was removed, it would be done wholly from supposed party necessity; that this was the opinion and feeling of a considerable number of the ablest lawyers and statesmen among the Republican senators; that it was his and their opinion that if the President was removed, it would be not really from anything he had done, but for fear of what he might do; that he (Mr. Evarts) did not believe the President could possibly be convicted in any event, but that senators were at a loss how to remove the apprehensions of the Republican party as to what the President would do in case of acquittal, unless the War Department was placed in a satisfactory condition in advance. He said: (A majority of Republicans in both houses of Congress and throughout the country now regret the commencement of the impeachment proceedings, since they find how slight is the evidence of guilty intent. But now the serious question is, how to get out of the scrape? A judgment of guilty and removal of the President would be ruinous to the party, and cause the political death of every senator who voted for it as soon as the country has time to reflect upon the facts and appreciate the frivolous character of the charges upon which the removal must be based. The precedent of the impeachment and removal of the President for political reasons would be exceedingly dangerous to the government and the Constitution; in short, the emergency is one of great national peril.) He added that this was the view of the case entertained by several among the most prominent Republican senators, and that from such senators came the suggestion that my nomination as Secretary of War be sent to the Senate, in order that the Senate might vote upon the President's case in the light of that nomination. Mr. Evarts believed that I was so named because my appointment would be satisfactory to General Grant, and would give the Republican party a sense of security as to the President's future action in reference to the War Department and the military districts of the South; that it was not with anybody a question of friendship or hostility toward the President personally, for he really had no friends. That while the Democrats in the Senate would of course vote for his acquittal, and do their whole duty in the case, just so

soon as he was removed they would rejoice that it was done, feeling confident that it would cause the overthrow of the Republican party and the defeat of General Grant. Mr. Evarts was not at liberty to mention names of senators holding these views and originating the proposition of my nomination.

«I suggested a number of objections, some personal as to myself, and others of a public character, to giving my assent to the proposed nomination, in reply to which objections many of the above statements by Mr. Evarts were made. I then said I would again talk with General Grant upon the subject, and give a definite reply the next morning. About eleven o'clock the same night (April 21) I informed General Grant at my house that the proposition above named had been (or it would be) made to me; that it originated with Republican senators; and I gave in substance the reasons above stated as what I understood to be the grounds upon which the proposition was made. I did not give any names of senators, nor the channel through which my information or the proposition came. My remarks to General Grant were prefaced by the statement that while I would be glad of General Grant's advice if he felt at liberty to give it, I did not wish to ask General Grant to commit himself in so delicate a matter unless he desired to do so; but that the matter was one of so great importance that I thought it my duty to tell him all about it, and what I believed I ought to do, and leave General Grant to advise or not, as he thought best. I said that although the statement of the views and wishes of senators above referred to came to me indirectly, they came in such a way as not to permit me to doubt their correctness, and I believed it my duty to yield to the request. General Grant at once replied that under those circumstances he did not see how I could do otherwise. General Grant said he did not believe in any compromise of the impeachment question. The President ought to be convicted or acquitted fairly and squarely on the facts proved. That if he was acquitted, as soon as Congress adjourned he would trample the laws under foot and do whatever he pleased; that Congress would have to remain in session all summer to protect the country from the lawless acts of the President; that the only limit to his violation of law had been, and would be, his courage, which had been very slight heretofore, but would be vastly increased by his escape from punishment. General Grant said he would not believe any pledge or promise Mr. John-

son might make in regard to his future conduct. In his opinion, the only safe course, and the most popular one, would be to remove the President. He could understand the grounds of apprehension in the minds of some leading Republicans, but he did not agree with them. He believed the safest and wisest course was the bold and direct one. In this General Grant was very emphatic; he said he would not advise me to enter into any project to compromise the impeachment question, but if the facts were as represented that I could not well do otherwise than to acquiesce in the nomination.

«The next morning (April 22), about ten o'clock, I called upon Mr. Evarts at Willard's Hotel, and informed him that I had considered the matter as carefully as I was able to do, and that there was then only one difficulty in my mind. That was as to what would be the policy of the President during the remainder of his term, in the event of his being acquitted. I mentioned some of the President's recent acts, such as the creation of the Military Division of the Atlantic, disregard of military usage in sending orders to army officers out of the regular channels, etc.,—acts for which no good reason could be given, and which at least tended to create discord and trouble. Mr. Evarts replied that he could not tell anything about those matters, but presumed that such annoying irregularities would disappear with the removal of their cause, namely, hostility between the President and the Secretary of War. Mr. Evarts said he did not see how I could satisfy myself on that subject without a personal interview with the President, which would not be advisable in the circumstances. I then said I did not expect any pledge from the President, and did not expect to receive any communication from him on the subject, either directly or indirectly; and that I was not willing to converse with the President, nor with any other person except Mr. Evarts, on the subject; but that I wished the President to understand distinctly the conditions upon which I was willing to accept the appointment, and desired Mr. Evarts to inform the President of these conditions. If the nomination was then made, General Schofield would take it for granted that the conditions were satisfactory. I then said I had always been treated kindly by the President, and felt kindly toward him; that I had always advised him, whenever any excuse had been given for offering advice, to avoid all causes of irritation with Congress, and try to act in harmony with the legislative department;

that I regarded the removal of Mr. Stanton, in the way it was done, as wrong and unwise; that I understood this proposition as coming originally from the Republican side of the Senate, and as being accepted by the President in the interest of peace, and for the purpose of securing harmony between the legislative and executive departments of the government, and a just and faithful administration of the laws, including the Reconstruction Acts. I added: (And if the President knows from General Schofield's acts what he means by this,—if, after these conditions have been fully stated to the President, he sends my name to the Senate,—I will deem it my duty to say nothing on the subject of accepting or declining the appointment until the Senate has acted upon it.)

«Mr. Evarts intimated that the above was satisfactory, and the interview then ended.»

I returned to Richmond on Thursday, April 23, being then in command in Virginia, executing the Reconstruction Acts. On the 24th the President sent to the Senate the nomination of General Schofield as Secretary of War. On the morning of the 26th I received a confidential letter dated April 25 from General Grant advising me under the circumstances to decline the Secretaryship in advance.¹

To the above letter General Schofield sent the following letters in reply:

«Confidential.» RICHMOND, VA., April 26, 1868.

DEAR GENERAL: I regret exceedingly that your advice came too late. I have already promised not to decline the nomination in advance of any action of the Senate. Yours very truly,

J. M. SCHOFIELD,
Bvt. Maj.-Gen.
GEN. GRANT,
Washington, D. C.

RICHMOND, VA., April 26, 1868.

DEAR GENERAL: I see from the papers that the President has nominated me to the Senate as Sec'y of War. You are aware that I do not want that office; yet under existing circumstances, if the Senate should wish me to serve I could not decline. I presume my nomination will not be confirmed, but have no right to act upon such presumption.

Yours very truly,
J. M. SCHOFIELD,
Bvt. Maj.-Gen.
GEN'L GRANT,
Washington, D. C.

I have no means of knowing to what extent, if any, the Senate was influenced by this

¹ General Schofield makes no attempt to explain General Grant's change of attitude, but from all the circumstances it is fair to assume that it was owing to General Grant's opinion as to the effect the nomination would have on the impeachment proceedings.—EDITOR.

nomination, but anxiety about the ultimate result seemed to be soon allayed. About a month later a vote was taken in the Senate, and the impeachment failed; my nomination was then confirmed, as stated at the time, by a nearly unanimous vote of the Senate.

I entered upon the duties of the office as Secretary of War on the first day of June, and continued to discharge them until *a few days after* General Grant's inauguration in March. I was greeted very cordially by the President, by all the members of his cabinet, by General Grant, and by a large number of senators who called upon me at the War Department.

The duties devolved upon me were often of a very delicate character, and it required at times no little tact to avoid serious trouble. President Johnson's views were sometimes in direct conflict with those which I felt compelled to maintain under the acts of Congress affecting the States lately in rebellion; but it is due to the memory of President Johnson to say that he did not at any time require me to do anything contrary to my interpretation of the acts of Congress, and that he in general acquiesced without objection in all the measures I deemed necessary to preserve the peace and secure a fair vote of the newly enfranchised citizens of the Southern States in the Presidential election. The cordial assistance of Mr. Evarts as Attorney-General was a great help to me in such matters. When he was present I had little difficulty in respect to the law involved in any question; but when he happened to be absent, and I was compelled to stand alone against all the cabinet, or all who chose to take any interest in the question, it was hard work. But I always carried the day—at least, in act if not in argument. The President never decided against me. He thus fulfilled to the letter the implied promise made when he submitted my nomination to the Senate.

If there ever had been any real ground for the wide-spread apprehension of criminal purpose on the part of President Johnson, certainly all indication of any such purpose disappeared with the failure of his impeachment and the settlement of the long-standing controversy respecting the War Department. The so-called Reconstruction Laws, which the President so emphatically condemned as being unconstitutional, were carried out without further objection from him; the Presidential election in the Southern States was conducted with perfect good order; a free ballot and a full count were secured under the super-

vision and protection of the army—a thing supposed to be so dangerous to the liberties of a free people. This and many other examples in the history of this country, from the time when Washington surrendered his commission to the Continental Congress down to the present time, show that a «free people» have nothing to fear from their army, whether regular, volunteer, or militia; the soldiers are, in fact, among the most devoted and loyal citizens of the republic, and thoroughly imbued with the fundamental principle of subordination of the military to the civil power.

With General Grant my relations while in the War Department were of the most satisfactory character. As a candidate for the Presidency, and as President-elect, he naturally desired to be as free as possible from the current duties of his office as general of the army, and he was absent from Washington much of the time, his chief of staff, General Rawlins, remaining there to promulgate orders in his name. Thus it devolved upon me to exercise all the functions of «commander-in-chief of the army»—functions which it is usually attempted to divide among three,—the President, the Secretary of War, and the general-in-chief,—without any legal definition of the part which belongs to each. Of course «the machine» ran very smoothly in the one case, though there had been much friction in the other.

In compliance with the wish of General Grant, I remained in office under him for a few days, for the purpose of inaugurating the system which he hoped would end the long-standing controversy between the War Department and the headquarters of the army. The order which was issued assigning General Sherman to command the entire army, staff as well as line, was prepared by me under General Grant's instructions, and the draft of the order was approved by him as expressing the views he had maintained when he was general-in-chief. As President he very soon adopted opposite views, and caused the order to be amended accordingly.

That General Sherman then entertained views of his authority which were too broad, as General Grant had also done, is no doubt true; but it ought not to have been very difficult to correct such errors. It was easier to take away all administrative authority and all command over the general staff of the army, and the latter course was adopted. The ancient controversy was up to 1888 no nearer settlement than it was in 1869, though in General Sheridan's time some progress had

been made in the persistent efforts to deprive the general-in-chief of the little authority which had been left to General Sherman. General Sheridan had, with his usual gallantry and confidence, renewed the contest, but had been worsted in his first encounter with the Secretary, and then gave up the struggle.

Upon my assignment to the «command of the army» in 1888, I determined to profit so far as possible by the unsatisfactory experience of Generals Scott, Grant, Sherman, and Sheridan—at least so far as to avoid further attempts to accomplish the impossible, which attempts have usually the result of accomplishing little or nothing. In fact, long study of the subject, at the instance of Generals Grant and Sherman, earnest efforts to champion their views, and knowledge of the causes of their failure, had led me to the conclusion heretofore suggested, namely: that under the government of the United States an actual military commander of the army is not possible, unless in an extreme emergency like that which led to the assignment of Lieutenant-General Grant in 1864; and that the general-in-chief, or nominal commanding general, can at most be only a «chief of staff,»—that or nothing,—whatever may be the mere title under which he may be assigned to duty by the President.

As the first step in the experimental course decided upon, I sent an order in writing to the adjutant-general, directing him never, under any circumstances, to issue an order dictated by me, or in my name, without first laying it before the Secretary of War; and I made it known to all the staff that I disclaimed the right to issue any order to the army without the knowledge of the President or the Secretary. I also forbade the issuing of any order in my name without my knowledge. The first rule was easy, the latter very difficult, to enforce. I found, with no little surprise, that the office of the «commanding general» usually learned for the first time of routine orders issued in his name by seeing them published in the New York papers the next day; and it was quite difficult at first to make it distinctly under-

stood that such a practice could not be tolerated. In fact, it became necessary to call attention to the question of veracity involved in such a use of the general's name. Such was the condition the War Department had reached. The adjutant-general had acquired the habit of issuing nearly all orders to the army without the knowledge of any one of his superiors—the President, the Secretary of War, or the general-in-chief. In fact, the adjutant-general had in practice come very near being «commander-in-chief.»

Some time and much patience were required to bring about the necessary change, but ere long the result became very apparent. Perfect harmony was established between the War Department and the headquarters of the army, and this continued, under the administrations of Secretaries Proctor, Elkins, and Lamont, up to the time of my retirement from active service. During all this period, namely, from 1889 to 1895, under the administrations of Presidents Harrison and Cleveland, the method I have indicated was exactly followed by the President in all cases of such importance as to demand his personal action, and some such cases occurred under both administrations. The orders issued were actually the President's orders. No matter by whom suggested or by whom formulated, they were in their final form understandingly dictated by the President, and sent to the army in his name by the commanding general, thus leaving no possible ground for question as to the constitutional authority under which they were issued, nor of the regularity of the method, in conformity with army regulations, by which they were communicated to the army.

It is, I think, to be hoped that the system thus begun may be fully developed and become permanent, as being the best practicable solution of a long-standing and dangerous controversy, and as most in accord with the fundamental principles of our constitutional government, under which the President, whether a soldier or a civilian, is in fact as well as in name the commander-in-chief of the army and navy.

John M. Schofield.