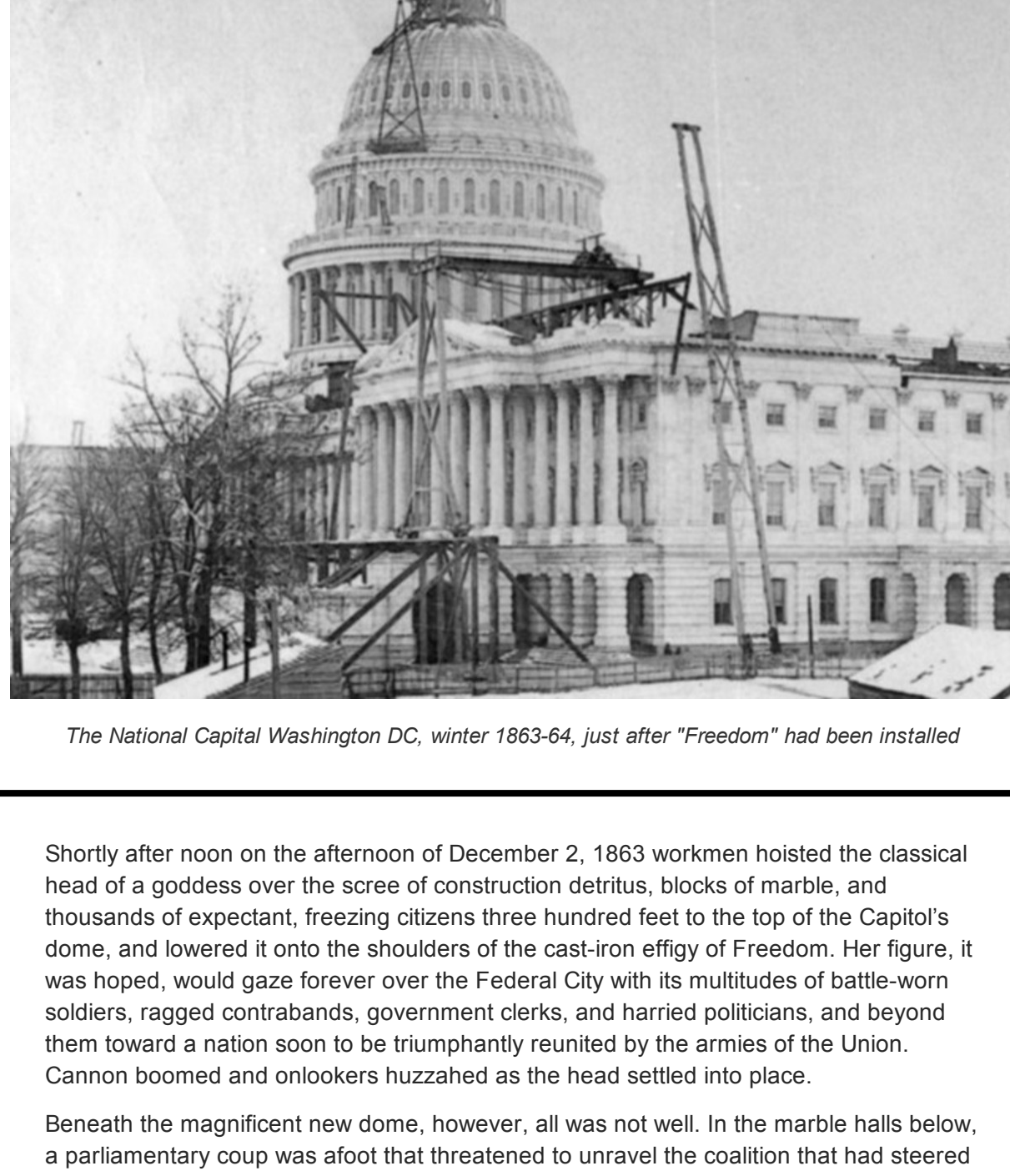




# Power Grab: "Sunset" Cox and the Etheridge Conspiracy of 1863

By Fergus M. Bordewich

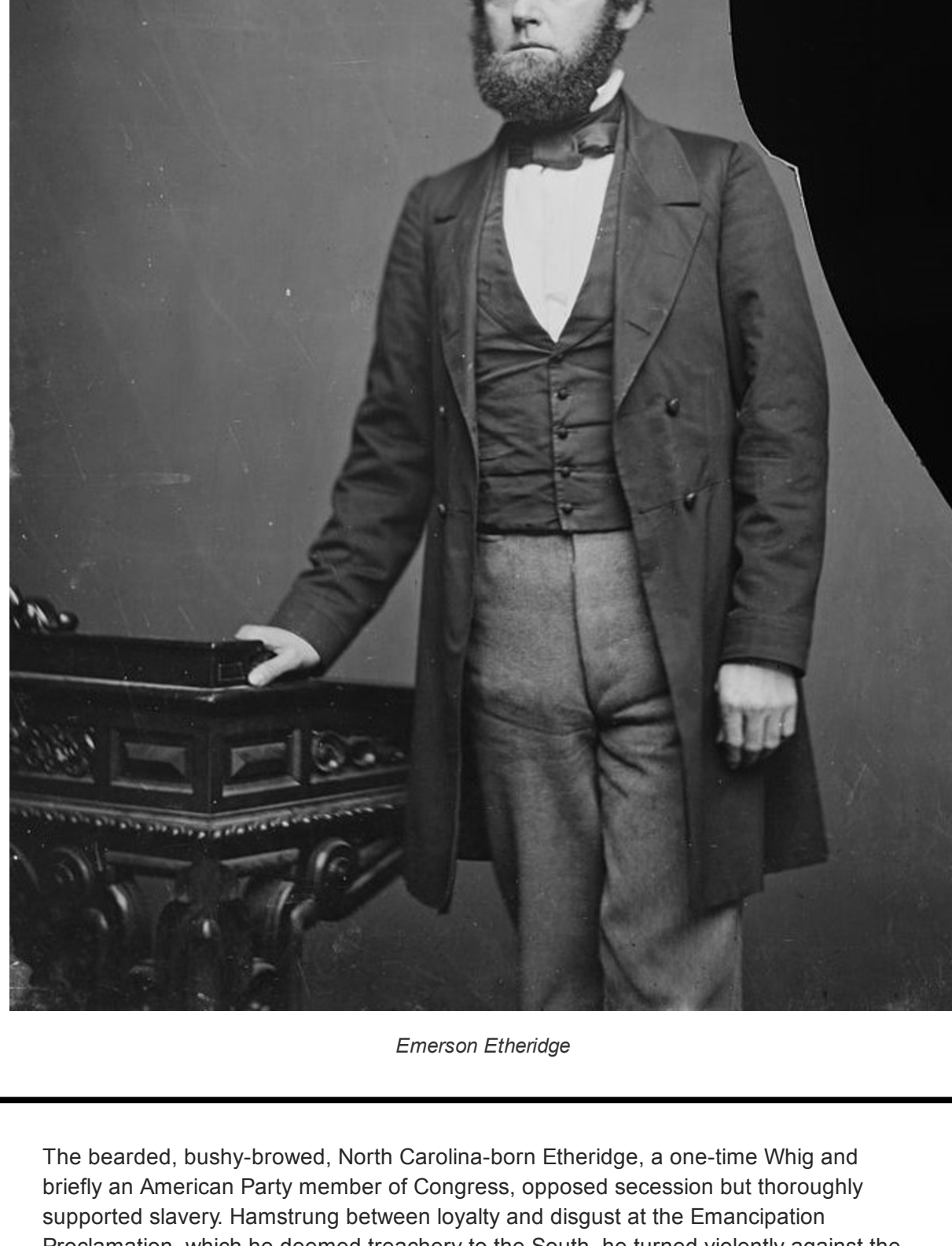


The National Capital Washington DC, winter 1863-64, just after "Freedom" had been installed

Shortly after noon on the afternoon of December 2, 1863 workmen hoisted the classical head of a goddess over the scree of construction detritus, blocks of marble, and thousands of expectant, freezing citizens three hundred feet to the top of the Capitol's dome, and lowered it onto the shoulders of the cast-iron effigy of Freedom. Her figure, it was hoped, would gaze forever over the Federal City with its multitudes of battle-worn soldiers, ragged contrabands, government clerks, and harried politicians, and beyond them toward a nation soon to be triumphantly reunited by the armies of the Union. Cannon boomed and onlookers huzzahed as the head settled into place.

Beneath the magnificent new dome, however, all was not well. In the marble halls below, a parliamentary coup was afoot that threatened to unravel the coalition that had steered the nation through almost three stormy years of war. Wrote an anxious Rep. Henry Dawes of Massachusetts, "I can think of nothing but a Bull Run so disastrous to our cause as that they might hear in Richmond and abroad that our own House of Representatives was in a state of revolution."

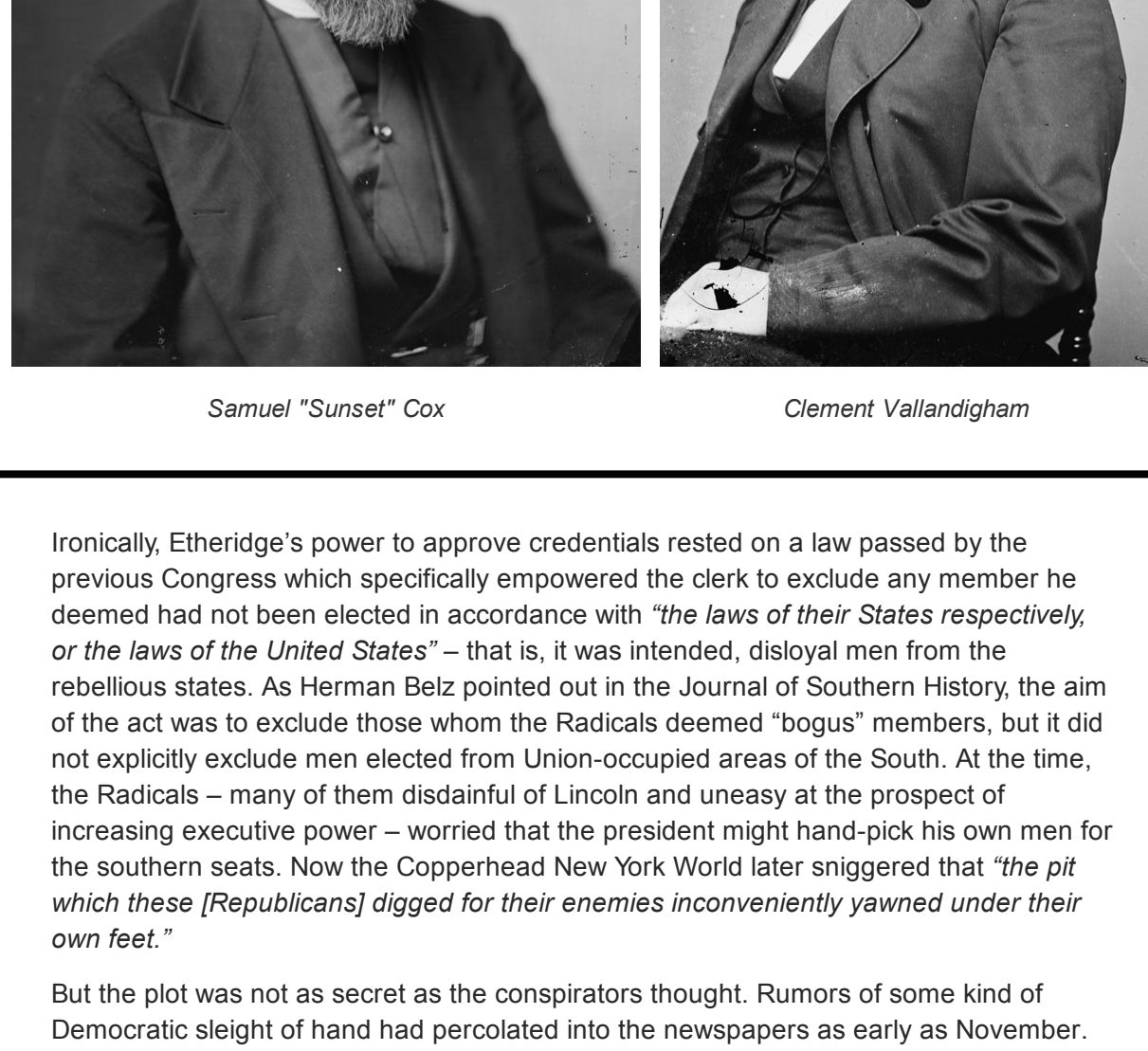
In keeping with the laws of the time, the new Thirty-Eighth Congress that had been elected in 1862 was only now, more than a year later, being seated. Anti-administration House Democrats had made substantial and worrisome gains, gaining twenty-seven seats in the House of Representatives. Although the Republicans retained comfortable control in the Senate and a nominal majority in the House, the latter's final make-up remained undecided. Balloting had only recently been held in the areas of several rebel states that were occupied by the Union army, several border states including Kentucky and Maryland had not yet voted, and it appeared just possible that the men elected there could hold the balance of power. Staunch Unionists had won seven of Missouri's nine seats in Congress, but several of them were still contested by the Democratic losers. Louisiana, notably, had elected several exceptionally conservative men who were likely to pose a problem for the Republicans if they were seated. Into this political minefield stepped the Tennessee Unionist Emerson Etheridge, whose modest title of House Clerk belied the immense power he had to approve or reject the credentials of members at the start of a new session.



Emerson Etheridge

The bearded, bushy-browed, North Carolina-born Etheridge, a one-time Whig and briefly an American Party member of Congress, opposed secession but thoroughly supported slavery. Hamstrung between loyalty and disgust at the Emancipation Proclamation, which he deemed treachery to the South, he turned violently against the administration. In this he found himself in the equally alienated company of many other loyal but embittered border-state men, many of them slaveholders. Now, apparently in collusion with the silver-tongued Samuel "Sunset" Cox of Ohio, a leading Democrat and sometime ally of the Copperhead rabble-rouser Clement Vallandigham, Etheridge planned to reject the credentials of as many Republicans as possible on technical grounds and validate those of conservatives who had been elected under sometimes questionable circumstances.

The two men had collaborated for months with Democrats in several northern states to ensure that their men's credentials were flawless. With their votes, Cox hoped to be elected Speaker and become the chieftain of a new coalition potent enough to thwart the emancipation and Reconstruction legislation that everyone knew would dominate the session. In a private conversation, Cox predicted to the Copperhead New York editor Manton Marble, a key ally, "I shall be the caucus nominee and shall combine as much of the Conservative vote as anyone."



Samuel "Sunset" Cox

Clement Vallandigham

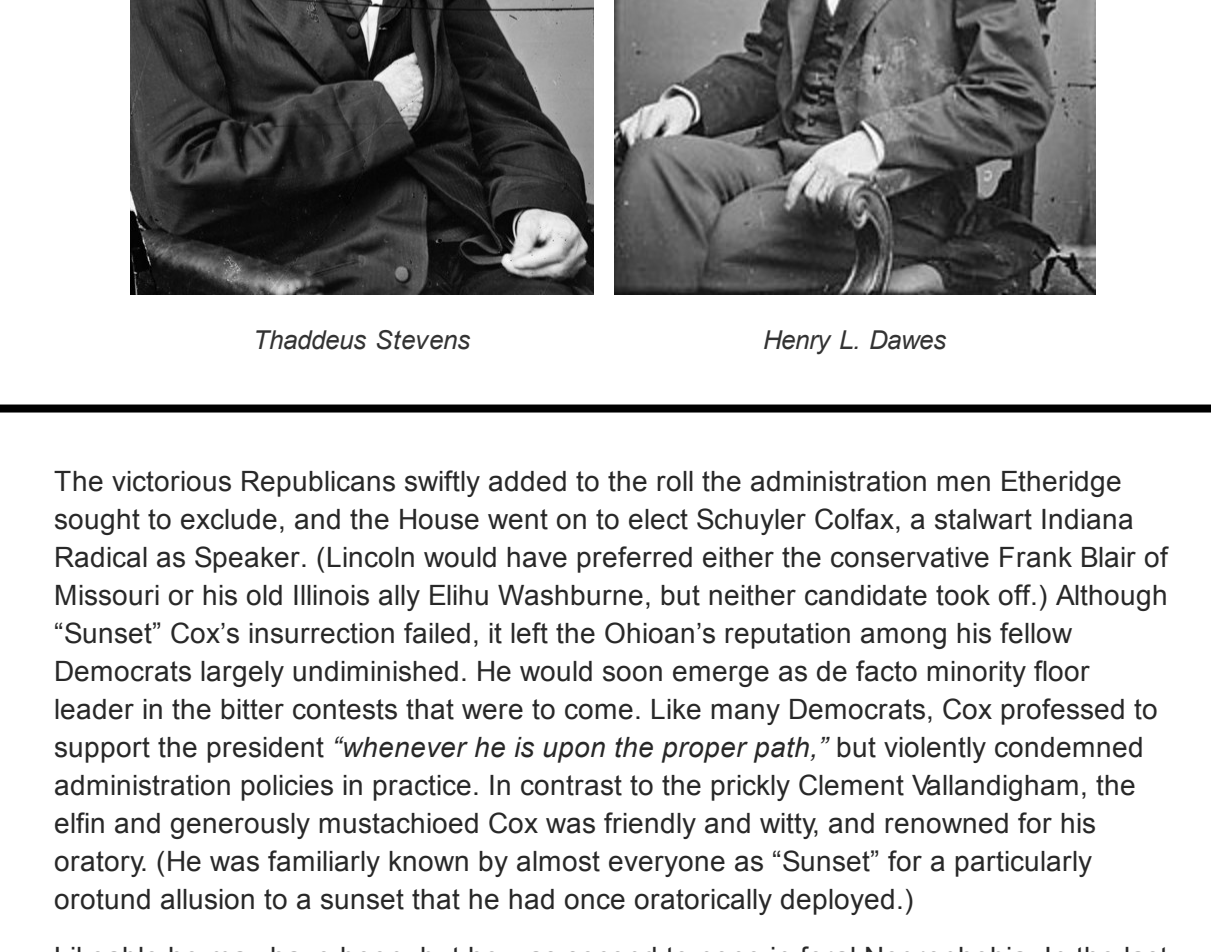
Ironically, Etheridge's power to approve credentials rested on a law passed by the previous Congress which specifically empowered the clerk to exclude any member he deemed had not been elected in accordance with "the laws of their States respectively, or the laws of the United States" – that is, it was intended, disloyal of men from the rebellious states. As Herman Belz pointed out in the Journal of Southern History, the aim of the act was to exclude those whom the Radicals deemed "bogus" members, but it did not explicitly exclude men elected from Union-occupied areas of the South. At the time, the Radicals – many of them disdainful of Lincoln and uneasy at the prospect of increasing executive power – worried that the president might hand-pick his own men for the southern seats. Now the Copperhead New York World later sniggered that "the pit which these [Republicans] dugged for their enemies inconveniently yawned under their own feet."

But the plot was not as secret as the conspirators thought. Rumors of some kind of Democratic sleight of hand had percolated into the newspapers as early as November. The day before Congress opened, Republican House members led by Thaddeus Stevens met with President Lincoln and discussed various ways they might outflank Etheridge and seize the initiative. Someone proposed that before Etheridge could exclude any Republicans, Stevens would move to immediately name a reliable Republican as presiding officer -- Speaker pro tem. If that didn't work, they could physically drag Etheridge out of the chamber. Lincoln offered home-spun advice: "If Mr. Etheridge undertakes revolutionary proceedings, let him be carried out on a chip." At least half-seriously, Lincoln suggested that if Etheridge refused to yield, soldiers might be ordered to throw him out bodily.

When Etheridge called the House to order on the morning of December 7, the galleries were packed as they always were at the start of a new session, while eminent guests – among them Horace Greeley and the poet Henry Wadsworth Longfellow – hobnobbed with members on the floor. As Etheridge self-confidently read the roll it quickly became clear that he had added two Copperheads from Missouri and three conservatives from Union-occupied Louisiana and excluded no fewer than nineteen administration men from Maryland, Missouri, West Virginia, Kansas and Oregon. Their credentials, announced Etheridge defiantly if rather opaquely, "did not show what they ought to have shown." He did not specify just what was lacking in the individual cases, however. In effect, he reduced the Republican majority by at least twenty-two votes. Afterward the Republican New York Tribune irately called his behavior "a high-handed outrage," adding, "if there be anything more pitiable than the baffled meanness and malice of his recent course there is no record of it."

Etheridge claimed not even to know the names of Republicans who were contesting seats that he had arbitrarily assigned to Democrats. He had, he loftily asserted, been "governed entirely by the papers before the house," and found those of some claimants wanting. He had "not felt himself authorized to take notice of contested seats," he added.

The Republicans then made their move. As they had secretly decided in the end, Henry L. Dawes, a Radical from Massachusetts, proposed that the names of the Maryland members Etheridge had excluded be added to the roll. An Etheridge ally then moved to table Dawes's motion, that is, essentially to discard it, while another protested that it was out of order. Etheridge was a deft enough parliamentarian to sense immediately that the Republicans might be onto his intentions. He grew visibly nervous, his defiant air evaporated, and he allowed Dawes's motion to proceed. This was Cox's opportunity to muster the majority he believed was at his command. But to the schemers' dismay, when the motion to table came to a vote, their revolution failed by a vote of seventy-four to ninety-four. Etheridge, in the words of the Chicago Tribune's reporter, suddenly became "exceedingly obsequious and manifestly cowed."



Thaddeus Stevens

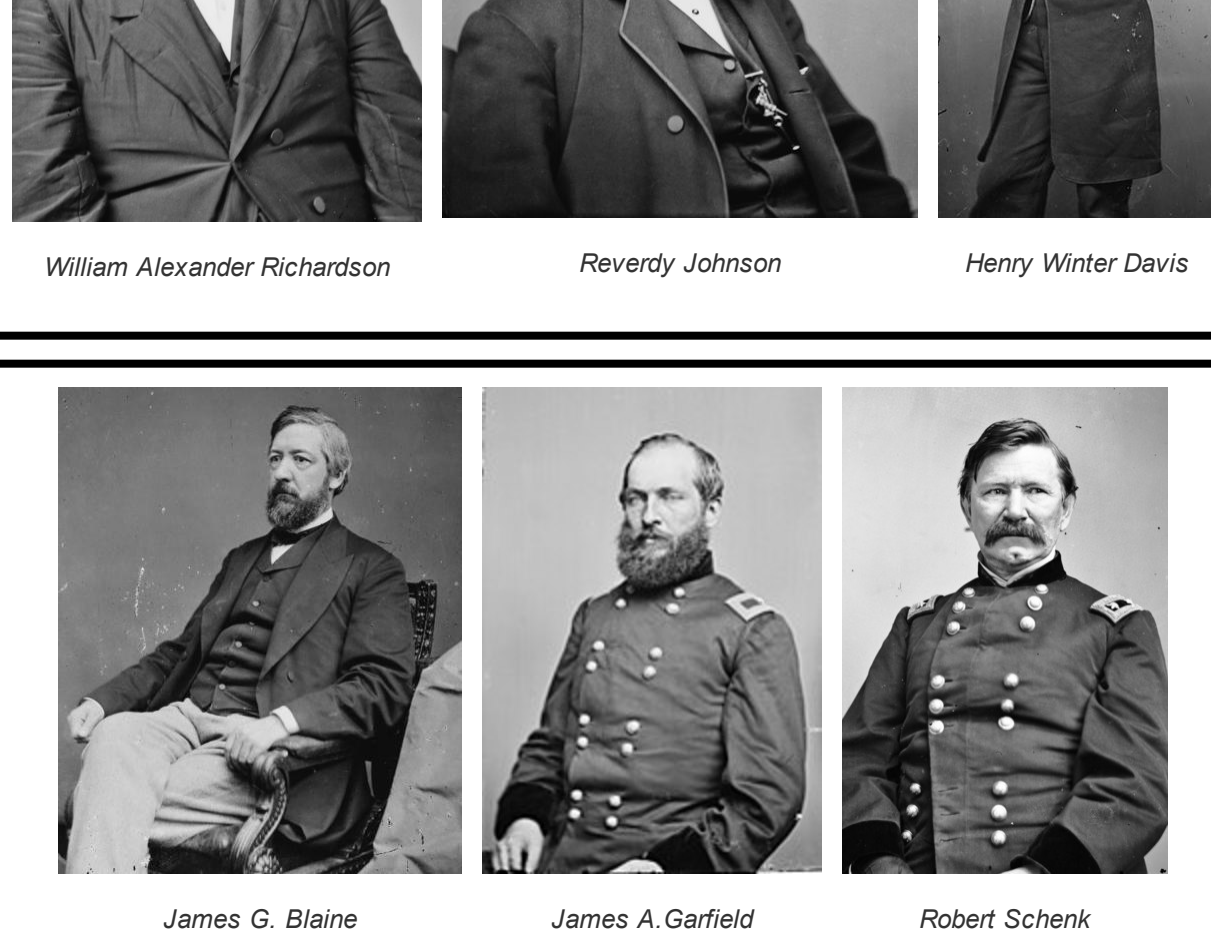
Henry L. Dawes

The victorious Republicans swiftly added to the roll the administration men Etheridge sought to exclude, and the House went on to elect Schuyler Colfax, a stalwart Indiana Radical as Speaker. (Lincoln would have preferred either the conservative Frank Blair of Missouri or his old Illinois ally Elihu Washburn, but neither candidate took off.) Although "Sunset" Cox's insurrection failed, it left the Ohioan's reputation among his fellow Democrats largely undiminished. He would soon emerge as de facto minority floor leader in the bitter contests that were to come. Like many Democrats, Cox professed to support the president "whenever he is upon the proper path," but violently condemned administration policies in practice. In contrast to the prickly Clement Vallandigham, the elfin and generously mustachioed Cox was friendly and witty, and renowned for his oratory. (He was familiarly known by almost everyone as "Sunset" for a particularly roundabout allusion to a sunset that he had once oratorically deployed.)

Likeable he may have been, but he was second to none in feral Negrophobia. In the last session of Congress, he had denounced antislavery legislation as "diabolical" in its "extermination" of property and states' rights, and entertained his colleagues with a parodic "Ten Commandments," as they were allegedly practiced by Republicans, among them: "Thou shalt not make unto thee any graven image of ebony, before which to bow thyself, nor to serve it," "Thou shalt not degrade the white race by such intermixtures as emancipation will bring," and "Thou shalt not covet thy neighbor's servants." Although the slave power had temporarily lost much of its political influence due to the war, Cox admitted, from this current danger, he confidently predicted, eventually "southern slave owners will pluck the flower safely," once a restored Union could again properly protect human bondage. Later in the year he apparently engineered the hoax publication of a scandalous and violently racist pamphlet titled "Miscegenation," which purported to tie the Republican party to supposed plans for the sexual mixing of the races. (It was this pamphlet, incidentally, which coined the term "Miscegenation.")

The unfortunate Etheridge's moment of high drama on the national stage was brief. The Kentucky conservative Robert Mallory renominated Etheridge as clerk on December 8, a move which the Illinois Radical Owen Lovejoy remarked took "a good deal of brass." But the Republicans unceremoniously ousted him and replaced him with Thaddeus Stevens's close friend Edward McPherson of Pennsylvania. When it was suggested to Lincoln that he punish Etheridge further, the president memorably replied, "Emerson ain't worth more than a squirrel load of powder anyway."

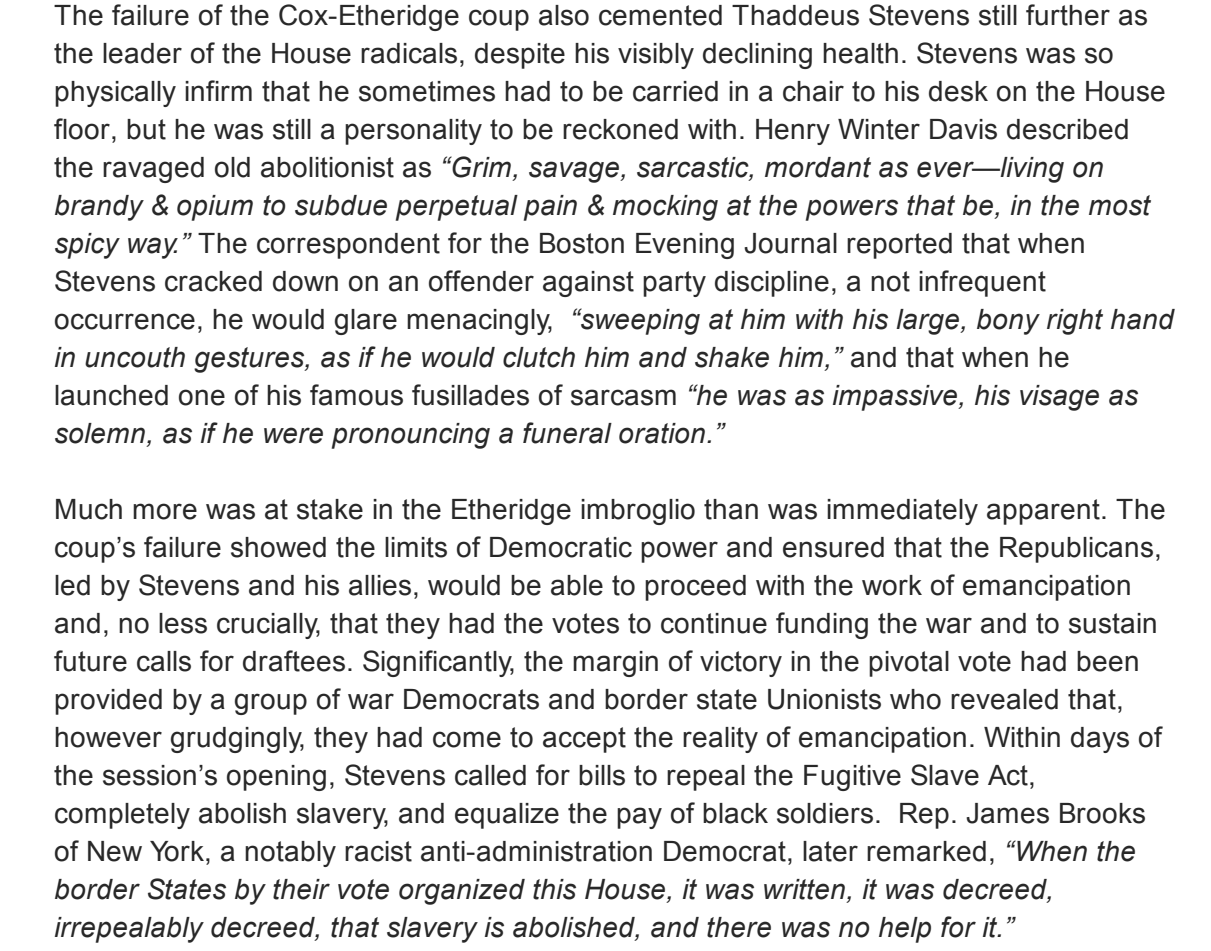
In the days and weeks that followed the new Congress gradually took stock of itself. Many familiar faces were gone: House Speaker Galusha Grover had sunk under the Democratic wave. John Crittenden of Kentucky, who fought so hard and fruitlessly to replicate the compromises of the antebellum era, had finally given up and retired. The new Democratic majority of Illinois's state legislature had replaced Lincoln's friend Orville Browning with a quasi-Copperhead, William A. Richardson. Maryland had elected the conservative, nearly blind Unionist Reverdy Johnson to the Senate, and the prewar Know-Nothing-turned-Radical Henry Winter Davis to the House: both would make a mark in the new Congress. Maine sent the dynamic young James G. Blaine, who was destined to become a titan of Republican politics during the Gilded Age, and Ohio two new generals fresh from the battlefield: the erudite abolitionist and future president James A. Garfield and Robert Schenk, who had been elected to the seat that had been held by the exiled Clement L. Vallandigham. Vallandigham's extremism lived on, however, in the person of the notorious former New York mayor Fernando Wood, a Tammany boss who had encouraged the city to secede from the United States in 1861.



William Alexander Richardson

Reverdy Johnson

Henry Winter Davis



James G. Blaine

James A. Garfield

Robert Schenk

The failure of the Cox-Etheridge coup also cemented Thaddeus Stevens still further as the leader of the House radicals, despite his visibly declining health. Stevens was so physically infirm that he sometimes had to be carried in a chair to his desk on the House floor, but he was still a personality to be reckoned with. Henry Winter Davis described the ravaged old abolitionist as "Grim, savage, sarcastic, mordant as ever—living on brandy & opium to subdue perpetual pain & mocking at the powers that be, in the most spicy way." The correspondent for the Boston Evening Journal reported that when Stevens cracked down on an offender against party discipline, a not infrequent occurrence, he would glare menacingly, "sweeping at him with his large, bony right hand in uncouth gestures, as if he would clutch him and shake him," and that when he launched one of his famous fusillades of sarcasm "he was as impassive, his visage as solemn, as if he were pronouncing a funeral oration."

Much more was at stake in the Etheridge imbroglio than was immediately apparent. The coup's failure showed the limits of Democratic power and ensured that the Republicans, led by Stevens and his allies, would be able to proceed with the work of emancipation and, no less crucially, that they had the votes to continue funding the war and to sustain future calls for draftees. Significantly, the margin of victory in the pivotal vote had been provided by a group of war Democrats and border state Unionists who revealed that, however grudgingly, they had come to accept the reality of emancipation. Within days of the session's opening, Stevens called for bills to repeal the Fugitive Slave Act, completely abolish slavery, and equalize the pay of black soldiers. Rep. James Brooks of New York, a notably racist anti-administration Democrat, later remarked, "When the border States by their vote organized this House, it was written, it was decreed, irrevocably decreed, that slavery is abolished, and there was no help for it."

End

Note: This article has been excerpted, in slightly different form, from my new book "Congress at War: How Republican Reformers Fought the Civil War, Defied Lincoln, Ended Slavery, and Remade the Union," published by Knopf.

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