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James M. Ashley

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Historians have long presented a one-sided representation of James M. Ashley. Claude G. Bowers regarded the Ohio Congressman as “low and corrupt,” “depraved,” and “disreputable,” while C. Vann Woodward called him a “nut with an *idée fixe*.”¹ These characterizations are both inaccurate and unfair. The prejudiced views of Ashley find their origins not only in the Congressman’s sharp and bold political persona, but also in the unavailability of meaningful personal papers and records.²

Early in his career, Ashley played a leading role in the development of the Republican party in Ohio and the national Republican Organization. Later between the years of 1859 and 1869, he served as a Representative in the House. During this time, he significantly furthered progress towards emancipation and civil rights for blacks through oration, support for like-minded contemporaries and bill drafting. Most notably, he successfully guided the passage of the Thirteenth Amendment, abolishing slavery, through the House of Representatives. In addition, Ashley was an early supporter of black suffrage—a very controversial and ill-received topic at the time. He was often at the center of Reconstruction controversy—his March 12, 1862

¹ Claude G. Bowers, *The Tragic Era: The Revolution After Lincoln* 157 (Houghton Mifflin 1929); C. Vann Woodward, *That Other Impeachment*, N.Y. Times Mag. 28, 28 (Aug. 11, 1974).

² Robert F. Horowitz, *The Great Impeacher: A Political Biography of James M. Ashley* 2 (Brooklyn College Press 1979) [hereinafter Horowitz, *The Great Impeacher*]. Ashley destroyed his personal papers. Personal data is limited to his political letters found in collateral manuscript collections and an unpublished “Memoir” describing his early life.

Reconstruction bill became the basis of wide debate.³ Ashley's leading of the impeachment proceedings against President Andrew Johnson, however, saw the dissolution of his career as a Congressman and his credibility as a respected political figure. Historians often criticize Ashley for his involvement in the Johnson impeachment proceedings, labeling him as a vindictive fanatic.

Beyond the impeachment, Ashley revealed himself as an absolutely necessary catalyst to civil rights progress for blacks during a highly volatile time. Figures that were too cautious and concerned with diplomatic circumstances controlled the political environment of the time. Real progression towards emancipation called for a radical like Ashley. Without Ashley, the Thirteenth Amendment that laid the foundation for other major civil rights developments may not have come to fruition until a much later time. Civil rights progress may have been significantly slowed or compromised altogether. Though frequently overlooked and misjudged, James M. Ashley was actually the paramount practical and moral current beneath the movement towards emancipation and civil rights for blacks during the Civil War and Reconstruction. His dedication to this worthy cause manifests in not only his personal background, but also his works as a Congressman, his support of contemporaries, his involvement with the Thirteenth Amendment and Reconstruction, and his efforts in the Johnson impeachment proceedings.

Ashley's genuine moral dedication the emancipation cause finds its roots in his early life and personal background. James M. Ashley was born in Allegheny,

³ *Id.*

Pennsylvania in 1824⁴, but spent his early life in Portsmouth, Ohio located in the Ohio Valley of southeast Ohio.

John Clinton Ashley, James M. Ashley's father, was involved in the small businesses of bookbinding and soap and candle making. The businesses failed and the Ashley family was very poor. John Clinton Ashley's true passion was religion. He studied for the ministry in his spare time and eventually became an itinerant preacher and elder in the community. He was one of the founders of Campbellism' also known as Disciples of Christ. Campbellism was an evangelical sect of Christianity that observed the main tenet of unity. According to Campbellites, slavery, per se, was not a sin. The Bible justified slavery through its allowance of master and servant relationships.⁵ Campbellism, however, fostered the adoption of personal and individual interpretation of the Bible. Young James Ashley may have found the basis of his independent streak here. Ashley's tendency to deviate from the norm created conflicts with his father John Clinton, who favored a very strict, rigid method of raising children and practicing religion. The two clashed over the topic of slavery and its corresponding interpretation from the Bible. Ashley felt that the church was hypocritical for allowing slavery, a completely brutal practice in his mind.

⁴ Ashley exact date of birth is uncertain. *Biographical Directory of American Congress 1774-1949* 793 (Joel D. Treese, CQ Staff Directories, Inc. 1997) gives Nov. 14, 1824 as his date of birth. Nevin O. Winter, *A History of Northwest Ohio: A Narrative Account of Its Historical Progress and Development from the First European Exploration of the Maumee and Sandusky Valleys and the Adjacent Shores of Lake Erie, Down to the Present Time* 289 (Lewis Publ. Co. 1917) uses Nov. 24, 1822.

⁵ Horowitz, *The Great Impeacher* at 5.

He could not reconcile the church's practice of baptizing blacks, yet still keeping them as slaves.⁶ As a result of deep ideological conflicts with his father, Ashley left home at the age of fourteen to work on several steamboats, exposing him to the practice of slavery and the harsh treatment of blacks in bondage. Ashley continued to condemn his father even in the late years of his life.⁷ Having such deep-seated conflicts with his father at a young age may have influenced the development of James Ashley's radical ideas about slavery.

In contrast to his relationship with his father, James Ashley adored his mother, Mary Ann Kirkpatrick Ashley. He believed that she was actually an abolitionist at heart and rejected the proslavery interpretation of the Bible.⁸ The mother and son often studied the Scripture together, so it is likely that her religious and political views shaped his. James Ashley may have responded well to his mother's cooperative approach to teaching contrasted with the harsh and unforgiving methods of his father. Ashley's relationship with his mother may have instilled an element of idealism in his mind and principles. He may have been inspired to improve the greater good similarly to the beliefs of his mother. She most likely furthered his abolitionist attitude, as well. Ashley and his mother's relationship impressed the deep, moral sentiments about slavery that would later define Ashley in work and in life.

⁶ *Id.*

⁷ *Id.* at 7.

⁸ *Id.* at 4.

In addition to his family background, Ashley's association with Quakers also shaped his character and moral development. Extensive information about his Quaker experience is not available; however, sometime in Ashley's youth, he went to stay with a Quaker family, the Nurses, for a prolonged period. They became a second family to him.⁹ It may be inferred that the Quakers had an influence on Ashley as he expressed fondness of the family at an impressionable time in his young life.¹⁰ It is notable that Quakers believed that all men were equal in the eyes of God, regardless of race. They also upheld the practice of simple living and work ethic, which was completely incongruous with the very basis of slavery.¹¹

Furthermore, Ashley's direct exposure to the horrors of slavery may have shaped his moral ideas about abolition. Ashley grew up in Portsmouth, located in southeast Ohio, a heavily pro-slavery area. On a day-to-day basis, he witnessed the brutality that was the institution of slavery. He witnessed hypocrisy, for example, in an incident where he watched a group baptism of slaves in a stream. After the baptism, the ministers would not even allow horses to drink from the stream for fear of contamination.¹²

During his two-year working period on the steamboats, he gained valuable experience of human nature. His hatred of slavery may have increased during this time after seeing the way whites treated both free blacks and slaves on the steamboats

⁹ *Id.* at 6.

¹⁰ *Id.*

¹¹ Wilmer Cooper, *A Living Faith: An Historical and Comparative Study of Quaker Beliefs* 85 (Friends United Press 1990).

¹² Horowitz, *The Great Impeacher* at 7.

and in the ports of the southern rivers.¹³ The brutality involved in slavery horrified Ashley at a very young and impressionable age, thereby solidifying his deep personal hatred for the institution. Ashley's background, as a whole, overwhelmingly supports his fervent moral dedication to abolition and provides an explanation for why he became so dedicated and radical in his political views.

Ashley initially entered politics, the forum in which he would later make significant change, through newspaper publishing. After becoming involved in the Underground Railroad and being known by all as an abolitionist in pro-slavery southeastern Ohio, he realized that he needed to leave the area. It was not an ideal location for an abolitionist to thrive. Ashley traveled to Toledo and became heavily involved in the local newspaper there, the *Toledo Blade*, and several newspapers thereafter. Through his involvement in newspaper publishing, he gained valuable exposure to politicians and made significant connections with Democrats.¹⁴ Ashley may have seen newspaper publishing as an opportunity to use a wide means of communication to convey anti-slavery ideas and generate support. Newspaper publishing was the first practical step in his involvement with the anti-slavery movement.

Soon after he became involved in newspaper publishing, Ashley began to use Radical Republicanism¹⁵ as a vehicle to achieve his anti-slavery goals. Although

¹³ *Id.*

¹⁴ *Id.* at 12.

¹⁵ Radical Republicans refers to a faction of American politicians within the Republican party from the time of the Civil War through Reconstruction. During

Ashley was a Radical Republican, he did not feel strong party loyalty. He viewed political parties as mere vehicles for accomplishing his moral goals.¹⁶ Originally, however, Ashley was a Democrat of what he described as the Jefferson and Jackson school. He supported “strict regulation of banks, a specie currency, equitable tax laws, rigid economy in a government devoid of pomp and special privilege, a reformed federal judiciary, free labor, and free public schools.”¹⁷ Ashley favored economic growth, but considered corporations as pernicious institutions.¹⁸ Ashley and the other Democrats who joined the Republican Party were anti-Southern and uncompromising on the issue of slavery in the territories. Ashley felt deserted by the Democratic Party as he realized that they would never turn completely anti-slavery.

In 1852, Ashley supported Pierce as the Democratic candidate for the Presidential campaign. Ashley soon became disillusioned with Pierce who ran on a platform endorsing the entire Compromise of 1850.¹⁹ Ashley made a few speeches in

Reconstruction, Radical Republicans demanded an aggressive prosecution of Southerners after the Civil War. They asked for harsher measures of punishment in the South, protection of Freedmen and guarantees that the Confederate government would be eliminated. Famous Radical Republicans and friends of Ashley included Salmon P. Chase, Thaddeus Stevens, Charles Sumner and John C. Frémont.

¹⁶ James M. Ashley, *Memoir* 14 (unpublished memoir, 1896) (copy on file at the University of Toledo Library).

¹⁷ Horowitz, *The Great Impeacher* at 14.

¹⁸ Ltr. From James M. Ashley to Schuyler Colfax, *National Economic Growth* 4 (Feb. 28, 1870) (copy on file with University of Rochester).

¹⁹ The Compromise of 1850 was a group of bills with the purpose of resolving territorial and slavery-related conflicts arising from the Mexican-American War. The five laws that attempted to balance the interests of the slave states of the South and the free states of the North were admittance of California as a free state, financial compensation for Texas for relinquishing territorial claims to areas east of the Rio Grande, organization of the Territory of New Mexico without a specific prohibition

support of Pierce's ticket, but quickly withdrew his support once Pierce started making proslavery statements.²⁰

The issue of prohibition made Ashley break completely with the Democratic Party. During the early 1850's, the temperance agitation became one of the most volatile issues in Ohio politics.²¹ Advocates of temperance demanded adoption of the Maine Law, which completely prohibited the sale of liquor.²² Although Ashley never held a strong opinion on prohibition, he felt insulted when the Democratic Party began to put heavy pressure upon local Democrats to vote "not as their conscience dictated, but as the party directed, that is, in opposition to the Maine Law."²³ As a matter of principle, Ashley detested the idea of a political party telling members what to do and how to vote. This, again, reflected his independent streak and willingness to go against the norm in order to pursue his deep, moral goals. During this time where there was an opportunity to make significant change to the issue of slavery, someone like Ashley with an independent and dedicated attitude was necessary to force a current against the norm.

of slavery, termination of the slave trade, but not slavery itself, in the District of Columbia, and most controversially, adoption of the stringent Fugitive Slave Act. The Fugitive Slave Act required all U.S. citizens to assist in the return of runaway slaves regardless of the legality of slavery in the state involved.

²⁰ Clark Waggoner, *A History of Toledo and Lucas County* 127 (Munsell & Co. 1888).

²¹ Horowitz, *The Great Impeacher* at 15.

²² The Maine Law, passed in 1851 in Maine, was one of first statutory implementations of temperance in the United States. The law quickly spread to other states and by 1855, twelve states joined Maine in complete prohibition. The Maine Law was specifically unpopular amongst the working class and immigrant populace.

²³ *Id.* at 16.

Ashley officially split with the Democratic party and put his support behind Salmon P. Chase and the Independent Democrats, who became the real backing behind the Radical Republicans. At this point, the Kansas-Nebraska Act of 1854 became a volatile issue. The Act was the catalyst for the anti-slavery movement as it precipitated the formation of the Republican Party. The party became powerful as it consisted of all who were unhappy with the national administration, including united radicals, disrupted moderates and fragmented parties. The Kansas-Nebraska Act created Kansas and Nebraska as territories, allowed settlers in those territories to determine the legality of slavery within their boundaries, and repealed the Missouri Compromise of 1820.²⁴ Issues with the act arose in the clause that allowed settlers to vote to decide the legality of slavery in the name of popular sovereignty. The drafter, Stephen A. Douglas of Illinois intended for the Act to ease relations between the North and the South by allowing the South the expand slavery to new territories while still giving the North the ability to abolish slavery in its own states. The Kansas-Nebraska Act, however, caused more dissention as Ashley and the Act's other opponents viewed it as a concession to the slave power of the South. Ashley allied with Salmon P. Chase, as they shared principles on this matter.

²⁴ The Missouri Compromise of 1820 was an act passed between pro-slavery and anti-slavery factions in Congress in regards to the regulation of slavery in the western territories. The Compromise prohibited slavery in the Louisiana Territory north of the parallel 36°-30' north except within the boundaries of the proposed state of Missouri. Maine was admitted as a free state and Missouri as a slave state.

Ashley eventually achieved the roles of Vice President for the convention and member of the Committee on Resolutions in Ohio opposing the bill. Notable resolutions drafted by the Committee included a protest of the proposed repeal of the Missouri Compromise; a statement that slavery would definitely extend into all territories, if not impeded; a statement that the exact purpose of the bill was to extend slavery; and a determination that the North would not allowed slavery in the territories of Kansas and Nebraska since they were to be kept open as areas for free labor. Ashley and the Committee believed that liberty was national and that slavery was sectional.²⁵ These resolutions, primarily backed by Ashley, were extremely progressive for the time and place.

After the bill passed, there was a massive uproar in Ohio and the movement for a new party was firmly established. The Independent National Democracy, later the new Republican Party in essence, came to fruition in opposition to the act and because of a general hostility towards the South and the South-controlled Democratic Party. At a mass meeting for the new party, Ashley wrote a preamble and drafted resolutions that were to become typical of his style of rhetoric. The resolutions set forth not only reflected many of the past influences of Ashley's early life, but also set forth several of the principles and ideals that would shape his later political life.²⁶ In the preamble, Ashley indicated the serious conflict and peril of spreading slavery. He also put forth the idea that there was a conspiratorial slave power trying to seize the

²⁵ *Id.* at 20.

²⁶ *Id.* at 21.

national government, an idea that was widely held true by other future Republicans, including Salmon P. Chase. These resolutions contained progressive ideas such as the restriction of patronage power of the President, the granting to Congress of the right to appoint foreign ministers, direct election of all officials including the President, the end of the two-thirds rule at Democratic national conventions, and the people's right to recall senators and representatives. The resolutions also called for a Homestead Act where land was sold only to actual settlers based on the needs and size of each family. Ashley believed that giving large pieces of land to people was dangerous to the concept of democracy. He also drafted a resolution for imposing tax based on actual wealth, again supporting his belief in equality.

The resolutions, of course, also addressed the slavery issue and Kansas-Nebraska Act in depth. Ashley and the Independent Democrats resolved to oppose people who bowed to a slave oligarchy “at the invitation of a weak, corrupt and imbecile President who is their mere tool,” referring to President Pierce.²⁷ This type of colorful rhetoric would become characteristic of Ashley's future arguments, for which he would be considered inspiringly passionate or excessively fanatical. They also resolved to outlaw slavery and formation of slave territories in areas under national jurisdiction. Ashley believed that the federal government should not support slavery but did not have the constitutional right to interfere. This was an acknowledgement of the constitutional concept of state sovereignty.

²⁷ *Id.* at 27.

The resolutions reflected a distrust of executive power, the opinion that Congress should be the dominant branch of government, and a faith in the intelligence of the common man. Ashley also publicly demanded emancipation based on morality and principle at the statewide anti-Kansas-Nebraska Act convention. This idea was still unpopular, and Ashley established himself early as a radical while gradually bringing the topic of emancipation to the forefront of politics.

After becoming established as a known Radical Republican, Ashley leant heavy support and advice to his like-minded contemporaries in all of their political endeavors. This reflected his deep dedication to furthering causes much bigger than himself. For example, Ashley encouraged his friend and Richard Mott, a Quaker and Republican, to run for a seat in Congress. Ashley supported Mott fervently, giving two to three public speeches a day, buttressing Mott's platform.²⁸ Mott won a seat and Ashley continued to support him up through his renomination at the district congressional nominating convention. While supporting Mott's renomination in September of that year, Ashley delivered the most daring and radical speech made yet. After answering a few questions from the audience, Ashley quickly turned to the subject of slavery. He stated, "I am opposed to the enslavement in any country on God's green earth, of any man or any race of men...and I do not admit that the Constitution of my country recognizes property in man."²⁹ To Ashley, slavery was

²⁸ *Id.* at 34.

²⁹ *Duplicate Copy of the Souvenir from the Afro-American League of Tennessee to Hon. James M. Ashley* 605 (Benjamin W. Arnett ed., Publishing House of the A.M.E. Church 1894) [hereinafter *Souvenir from the Afro-American League of Tennessee*].

“the sum of all villainies...the blackest of crimes...and...the most revolting infamy that ever afflicted the mankind or cursed the earth.” He shouted that “this monster wrong, this crime of centuries, has fastened its fangs into our national life, and...has demoralized and debauched a large part of the entire nation, North and South.” There was no justification for the peculiar institution.³⁰

In addition, Ashley contributed on-going support to Salmon P. Chase in all of his campaigns, including his presidential aspirations in 1856. Ashley helped Chase win the gubernatorial election on a strong anti-slavery Fusionist platform by using Chase’s split party support between the Whigs, Free Soilers and Radical Democrats. At this point, the antislavery faction was dominant in the Ohio Republican party—the pro-slavery Know-Nothings were pushed aside.

In the fall of 1855, Ashley and several other anti-slavery leaders including Chase, Mott, future Congressman Fernando Beaman of Michigan, and Friedrich Hassaurek of Cincinnati, a German language newspaperman met in Mott’s home to discuss strategy for securing the presidential nomination for Chase. The group decided to hold a preliminary meeting to set up the machinery for a national convention in Pittsburgh. Ashley immediately set up a correspondence committee to gain support for the idea of a convention.³¹ Ashley wrote many letters urging support of Chase and began traveling around the East. He received positive feedback and the party agreed to the February 22 date. Ashley was primarily responsible for the idea

³⁰ *Id.* at 614.

³¹ Horowitz, *The Great Impeacher* at 31.

of a February convention and should be considered a founder of the national Republican Party.³² Chase, however, did not win the presidential nomination in the end, as his platform was too radical for the time. He was also too dangerous for the ticket as he had previous involvement with the Know-Nothings. The Republican Party needed a candidate that all corners of the party would accept.

Ashley continued to support Chase and other Republican figures such as Lincoln in his senatorial campaign. Ashley's support of others and denial of running for office yet, himself, disproves accusations of power-mongering tendencies or disingenuous motives for working towards abolition. He worked hard towards emancipation regardless of the identity of the medium.

James Ashley's most significant contributions towards abolition came during his ten-year experience as an Ohio Congressman. He became a Congressman in the thirty-sixth Congress in 1858 after favorable responses to his Republican nomination. The *Sandusky Register* praised him as the first to break away from the Democrats. The *Toledo Blade* called him energetic and popular.³³ Many believed that the election in Ohio would be strongly Democratic, making it difficult for Ashley to win. Despite the sensitivity of the slavery issue and perilous circumstances of his winning the election, Ashley still made hard-hitting, radical speeches clearly re-emphasizing his desire for abolition and his "distrust of machine politics."³⁴ Campaigning in Ohio often proved to be hard on Ashley, as he was frequently heckled and interrupted

³² *Id.* at 32.

³³ *Id.* at 40.

³⁴ *Id.* at 41.

during his speeches. Ashley, however, handled the interruptions in his signature direct nature. At a speech in the town of Leipsic, a member of a rowdy gang continuously shouted, “that’s a damn lie” at Ashley. Ashley politely asked the man to be quiet, but to no avail, as the man continued to shout. Ashley then asked the man to leave the church, which he did not. The man challenged Ashley to make him leave. Realizing that the audience was awaiting Ashley’s response to the matter, he leaped from the stage, seized the man by the collar, struck him in the head with his cane and threw him outside. Ashley then resumed his speech to a cheering audience.³⁵

Ashley won the election by a very small margin—189 votes out of 3,303 cast.³⁶ Immediately following the election, Ashley accompanied Chase to Illinois to support Abraham Lincoln in his senatorial campaign against Stephen Douglas, showing an unfailing dedication to his political purpose. Ashley’s maiden Congressional speech accurately forecasted pre-war Radical Republican ideology. He re-emphasized his belief that there was a slave power conspiracy going on in the South. He stated that Southerners had no respect for the law and that they were merely disunionists looking their own political power. Ashley also took the opportunity to attack the judiciary branch, which reorganized pro-South courts resulting in the South having a disproportionate amount of jurisdiction for cases actually handled. He also recommended the end of life tenure for magistrates.

³⁵ *Souvenir from the Afro-American League of Tennessee* at 16.

³⁶ Horowitz, *The Great Impeacher* at 41.

Ashley wanted the judiciary branch to have as little power as possible, reflecting his Jeffersonian ideals.³⁷

Ashley was particularly effective as a force behind emancipation during his time as a Congressman because of his immense morality-based arguments and beliefs. He focused upon the moral aspect of the anti-slavery movement and based many of his arguments on his interpretation of the Bible. This reflected the mindset of many other Radical Republicans. To Ashley and many Radical Republicans, slavery was a sin and not condoned by the Scripture.³⁸ With morality as his motivation, Ashley adopted a larger, more visionary approach to supporting emancipation, which was essential to successfully promoting unity in an idea so important and grand. Ashley entertained broad visions of improving the greater good. He engaged in politics out a genuine concern and fervor for issues he cared about, like slavery. Politics was an appropriate vehicle for Ashley to address these moral issues, causing him to abandon his early business ventures. Ashley failed as a businessman—he was unable to keep transactions in order and was always in debt. This failure in smaller-framed businesses may have been a reflection of Ashley’s interest in politics and broad visionary thinking.

Ashley used broad policy arguments in most of his speeches, often calling slavery “the blackest of crimes.”³⁹ In attacking the Fugitive Slave Law of 1850, he

³⁷ *Id.* at 53.

³⁸ *Id.* at 7.

³⁹ *Souvenir from the Afro-American League of Tennessee* at 614.

declared that he would never obey such an infamous law regardless of personal consequences.⁴⁰ He went on to state that slavery, as a whole, had to be destroyed:

Crimes against humanity and our democratic government are at this very hour laying broad and deep the conditions which are certain to ultimate in a revolution of fire and blood that must end, either in the destruction of this Union and Government, or in the abolition of the institution of slavery which the slave barons are today madly attempting to fasted upon the nation for all time .⁴¹

Beyond broad policy arguments, however, Ashley also made arguments that were more specific. Ashley frequently argued that the Constitution did not allow citizens to hold property in men. He also argued that Congress had no power to pass the Fugitive Slave Law as that law was a compact stipulation between the states. He went on to say that the general government had no right to interfere with habeas corpus and trial by jury.⁴²

Upon Lincoln's Presidential victory and through the Civil War and Reconstruction, Ashley made the most significant proposals and advancements towards abolition and black civil rights. Lincoln's victory caused extreme political turmoil, disunion and eventually the Civil War set on. Throughout this period, Ashley and the Radical Republicans refused to compromise on the issue of slavery. Ashley offered political advice to President Lincoln on several occasions. For example, he was worried about the makeup of Lincoln's Cabinet. Ashley wanted the

⁴⁰ Ashley, *Memoir* at 39.

⁴¹ *Souvenir from the Afro-American League of Tennessee* at 616.

⁴² Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* 102 (Oxford U. Press 1995).

Republicans to stand firm on the issue of slavery amongst other important issues—the only way to achieve this was to make sure that there were not too many compromisers in Lincoln’s Cabinet. Ashley demanded that Chase be included in the Cabinet and as a result, Lincoln awarded Chase with the position of Secretary of the Treasury.⁴³ Ashley also advised Lincoln to appoint former Democrats, who were the most sympathetic to the Radical Republican cause, to his Cabinet. Lincoln heeded Ashley’s advice and appointed a former Democrat to the Department of the Interior as Postmaster General.

In reference to the Civil War, James Ashley favored forceful action against the South to quickly crush the rebellion and cease the treason. Ashley’s recommended course of action was to declare martial law, proclaim a blockage, confiscate property of all rebels, and hang or shoot all the leading traitors. These early views on Reconstruction were actually far milder than what they became later. Ashley described a relatively sympathetic recommended plan for action toward the loyal minority in the states that would secede:

Those who remain loyal and refuse to recognize such revolutionary proceedings, may continue to act under the old constitution and laws of the State...elect their governor, State officers, and members of the Legislature and Congress...The Governors thus elected could call upon the President...for aid to suppress the rebellion, and it would be his duty to grant it. There is no doubt but what Congress would recognize such a government...The Senators and Representatives in Congress thus elected by the loyal citizens of any of the seceding States, would undoubtedly be admitted to seats, each House, by the Constitution, being the sole judge of the qualifications of its

⁴³ Horowitz, *The Great Impeacher* at 59.

own members. In this manner the National Government could fulfill and discharge its constitutional obligations by securing to each State a republican form of government, suppress rebellion, and protect the lives, liberties, and property of the loyal citizens.⁴⁴

In the end of 1860, Committee of Thirty-Three assembled to make compromises to balance the interests between the North and the South.⁴⁵ The committee offered five proposals to the House of Representatives: the repeal of state personal liberty laws, as well as enforcement of the Fugitive Slave Act; a request for a constitutional amendment stipulating that slaver could not be interfered with in the states; the admission to the Union of New Mexico as a slave state; the guarantee of jury trial to fugitive slaves in the state from which they fled; and a resolution to strengthen extradition procedures in event of another incident like Harpers Ferry.⁴⁶ Ashley hotly argued and voted against all of these proposals. He most vigorously opposed the resolution disallowing interference with slavery, stating that two-thirds of the House of Representatives were needed to approve amendments, not two-thirds of the quorum, which the 133 votes for the Act represented. The appeal was overruled, but the amendment was never ratified by three-fourths of the States. He went on to argue that under the war power clause of the Constitution, the government

⁴⁴ *Souvenir from the Afro-American League of Tennessee* at 138.

⁴⁵ The Committee of Thirty-Three was composed of one member from each state and designed to reach a compromise to preserve the Union. Ashley had voted against the creation of the Committee as he saw it as a concession to the South.

⁴⁶ On October 16, 1859, radical abolitionist and friend of Ashley, John Brown, led a group of twenty-two men in a raid on the arsenal at Harpers Ferry, (West) Virginia.. He hoped to initiate a slave uprising in the South. The Marines captured the raiders, killing a few. John Brown was tried for treason and hanged. The raid was a catalyst for the Civil War.

had the right to interfere with slavery in the states and impose complete abolition. He believed that this power should be used against the oligarchy slaveholders, maintaining that neither he nor the people would be satisfied with anything less.⁴⁷

Later, Ashley was appointed Chairman of the significant House Committee on Territories. Here, he drafted a Reconstruction bill stating that Congress had the power to establish temporary provisional territorial governments in districts in rebellion. The purpose behind this bill was the effect emancipation in conquered territories, complete with legislative, executive, and judicial branches. The bill also called for schools without reference to segregation, limited work hours, and various other human rights-related provisions. In 1862, this bill did not pass for it was too radical for the time.⁴⁸

Ashley supported other bills concerning the relationship between the army and runaway slaves. He supported the view that it was no part of the duty of United States soldiers to capture and return fugitive slaves. He also encouraged passage of the Confiscation Act in 1862, which called for the expropriation of property used for insurrectionary purposes, thereby freeing slaves employed by rebels during the war against the Union. Ashley defended the constitutionality of the Confiscation Act on the war power clause of the Constitution. To Ashley, it was just to make the rebels pay, and the North demanded no less. He declared that, “justice, no less than our own self-preservation as a nation, required that we should confiscate and emancipate, and

⁴⁷ Horowitz, *The Great Impeacher* at 75.

⁴⁸ *Id.* at 73.

thus secure indemnity for the past and security for the future.”⁴⁹ A weaker version of the Act passed later on.

Ashley also voted against a Congressional resolution stating that the destruction of slavery was not a war aim. This was the result of Lincoln’s hesitance to implement emancipation out of diplomatic concerns. Once again, Ashley set himself apart from his party by voting based on his principles. He continued to refuse to make compromises with the South and maintained an uninterrupted and unwavering current in politics towards abolition.

Later on, Ashley wrote a Reconstruction proposal calling for emancipation in the capital: “that from and after the passage of this act, neither slavery nor involuntary servitude, except as punishment for crime, whereof the party shall have been duly convicted, shall exist in the District of Columbia; and thereafter. It shall not be lawful for any personal in said district to own or hold a human being as a slave.”⁵⁰ This proposal was too radical to be accepted. The actual bill that passed provided for compensated emancipation where the price to be paid for each freed slave was not to exceed three hundred dollars. Soon after, Ashley supported Congressional bills outlawing slavery in the United States territories and repealing any laws that established, regulated or in any way recognized the relation of master and slave in any of the said territories.

⁴⁹ Hans Louis Trefousse, *The Radical Republicans: Lincoln’s Vanguard for Racial Justice* 178 (Louisiana St. U. Press 1975).

⁵⁰ Horowitz, *The Great Impeacher* at 91.

After the Lincoln delivered the Emancipation Proclamation, Ashley also took credit for its inspiration. Ashley was unsatisfied, however, with the Proclamation as it only applied to areas that the Union did not control. A constitutional amendment would be needed to effect a complete emancipation of all slaves. Ashley was also concerned about whether the Emancipation Proclamation would be actually effectual.

By the thirty-eighth Congress in 1863, Ashley had already established his reputation as the ultimate foe of slavery. He proposed many bills including ones that authorizes blacks in rebellious district to be enlisted in the arms at equal part and rations with other soldiers. He also continued to support the repeal of the Fugitive Slave Act.⁵¹ The most significant proposition he proposed to the House would become the basis of the Thirteenth Amendment. This was the first such proposal offered in the House. The Amendment read: “Slavery or involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted, is hereby forever prohibited in all the States of this Union, and in all Territories now owned or which may hereafter be acquired by the United States.”⁵² The proposal went to the Committee on the Judiciary along with similar proposals prohibiting slavery from Representative James Wilson of Iowa, John Henderson of Missouri and Charles Sumner of Massachusetts.

While the judiciary committees considered the proposals, Ashley experienced conflicts with President Lincoln over Reconstruction issues. Ashley proposed a bill

⁵¹ *Id.* at 89.

⁵² *Id.* at 91.

to set up provisional governments in rebel states until they established their own that were deemed loyal. In the proposal, Ashley primarily followed Lincoln's Ten Percent Plan and Loyalty Oath, where a state could become reintegrated into the Union when ten percent of voters took an oath of loyalty to the Union and pledged to abide by the Emancipation Proclamation. The difference between Ashley's plan and Lincoln's plan was that Ashley's plan enfranchised "all loyal male citizens of the age of twenty-one," which called for black suffrage, an idea that was very unpopular and radical at the time. Furthermore, Ashley's plan was more detailed and brought harsher effects upon the rebel states. Lincoln's relationship with Congress was still fairly harmonious until Lincoln provided for a lax, free government set-up in Louisiana. Ashley felt extremely angry as a result. Lincoln then went on to pocket veto the Wade-Davis bill. The Wade-Davis bill made reintegration of rebel states into the Union contingent upon a majority of the state pledging that they had never supported the Confederacy, making reintegration nearly impossible.

Eventually Ashley's abolition amendment bill was defeated in the first session of Congress. He then directed his efforts to getting the bill passed in the second session of Congress. To accomplish this goal, he drew up a list of thirty-six Democrats and border-state Unionists who had voted against the resolution in the first session and proceeded to persuade them individually to change their votes. Ashley also had Lincoln's support behind the bill. In Lincoln's annual message to Congress, he recommended the adoption of the Thirteenth Amendment, reminding the House that the recent election made it certain that the next Congress would pass it regardless

of the current decision. Lincoln also working to facilitate the admission of Nevada into the Union in case the three-fourths ratification requirement called for an additional state.⁵³

Ashley brought the resolution for the Thirteenth Amendment again, arguing that, “if slavery is not wrong, nothing is wrong.”⁵⁴ Slavery was the cause of the war, and the nation had to rid itself of that evil. The framers of the Constitution did not intend to defend injustice.

At this point, Ashley and President Lincoln were working together to persuade votes for passage of the bill. The bill eventually passed into the Constitution as the Thirteenth Amendment with aid from the manipulations of Ashley and Lincoln. Ashley put efforts into convincing certain Democrats to either vote yes or to be absent on the voting day. Both Ashley and Lincoln extended offers of support for future elections, as well as positions for family members of voting Congressmen. There was also the trading of bill support, where Ashley would trade support for a railway bill, for example, in exchanged for the support of the Thirteenth Amendment. These manipulations may have been necessary for passage of the Thirteenth Amendment, as it only passed by a margin of three votes in the House.⁵⁵ When the bill passed, pandemonium broke loose in the House: “members on the floor jumped up and down and threw their hats into the air. Some cried with joy. Women in the galleries waved

⁵³ *Id.* at 97.

⁵⁴ *Souvenir from the Afro-American League of Tennessee* at 168.

⁵⁵ Horowitz, *The Great Impeacher* at 104.

handkerchiefs. Shouts of ‘Hurrah for Freedom!’ and ‘Glory enough for one day!’ filled the hall. No one could recall witnessing such a scene in the House before.”⁵⁶

James Ashley is credited for guiding the Thirteenth Amendment to passage in the House and his contemporaries were well aware of this achievement. People praised him as the foe of slavery and advocate of abolition. It was not until his involvement in the Andrew Johnson proceedings that his reputation and credibility became tarnished in the public eye.

As for the Fourteenth Amendment, Ashley proposed a series of revised Reconstruction acts calling for equal civil rights for blacks. They would later become one of the main principles embodied in the Fourteenth Amendment. Beyond inspiring some of the principles behind the Amendment, Ashley had little direct involvement with the passage of the bill. His proposals were repeatedly defeated because they were too radical and always directly called for black suffrage.⁵⁷

On April 14, 1865, President Lincoln was shot while attending a play in Ford’s Theater. He died the next day. Andrew Johnson was soon sworn in as President. Initially, Ashley had faith in Johnson. In the past, Johnson had impressed radicals as a firm Union supporter who had been more in tune with their Reconstruction ideas than Lincoln had been. Ashley even wrote a note of encouragement to Johnson, showing his impartiality and lack of vindictiveness. Future historians would impose upon him. Ashley wrote to Johnson, “the prayer of

⁵⁶ *Id.* at 105.

⁵⁷ *Id.* at 106.

every loyal heart in the nation is that God will bless, preserve and keep you from all harm. I hope all is for the best. You have been called by a most solemn event and in a perilous hour to discharge the most difficult and most responsible office on Earth.”⁵⁸ There is no reason to believe Ashley had any disingenuous purpose for writing to President Johnson.

Ashley’s faith in Johnson, however, began to wane when Johnson engaged in acts indicating that he was trying to hurry the insurgent states back into the Union. He disagreed with President Johnson over the issues of black suffrage and treatment of rebels. Lincoln’s Amnesty Proclamation offered pardons to those who had not held a Confederate civil office, had not mistreated Union prisoners, and would sign an oath of allegiance to the Union. Ashley wanted Johnson to rescind Lincoln’s Amnesty Proclamation because he believed that the rebels who had committed treason since its issue should not receive the benefits of the act. To act otherwise would be a grant of a pardon in advance of the crime. Ashley became convinced that Johnson would allow the former rebels to grasp Virginia and later repeat it in every Southern state. On May 29, 1865, President Johnson ignored Ashley and provided for amnesty and the return of property to those who would take the oath of allegiance. Then on Christmas Day, 1868, Johnson granted an unconditional pardon to all Civil War participants except high-ranking military and civil officials.⁵⁹

⁵⁸ Ltr. From James M. Ashley to Andrew Johnson, *Note of Encouragement* 1 (Apr. 15, 1865) (copy on file in the Andrew Johnson Papers at the National Archives).

⁵⁹ Horowitz, *The Great Impeacher* at 112.

Ashley began to give speeches arguing for black suffrage. He argued that all men, white and black, should be permitted to vote for delegates to a constitutional convention, and to vote for acceptance or rejection of the document it drafted. However, he also said that states could limit the franchise to blacks that had served in the armed forces of who could read and write the English language.⁶⁰ Ashley was willing to accept impartial suffrage, as opposed to universal suffrage at this point. He later leaned towards universal suffrage when he argued against the imposition of literacy tests, which would effectively disenfranchise all blacks. Ashley's willingness to accept impartial suffrage showed a reasonable, unbiased attitude free of the fanaticism and vindictiveness towards Johnson of which many accuse him.

Meanwhile, Ashley's distrust of Johnson grew as Johnson put leader of the resistance in positions of power. Tension gradually developed between the two leading to Johnson's efforts to impede Ashley's reelection to Congress and Ashley's involvement in the impeachment proceedings against Johnson. Ashley was at the forefront of the conflict between Johnson and Congress.

Ashley led the impeachment proceedings against Johnson. His involvement in this matter would later plague him with a vindictive reputation and accusations of fanaticism. Many did not take Ashley seriously because of his often radical and angry argument tactics. Ashley believed that Andrew Johnson was involved with Lincoln's assassination, though he was never able to prove this with real evidence. He voiced a bizarre theory that Presidents Harrison and Taylor had been killed for the

⁶⁰ *Id.* at 117.

express purpose of putting their Vice Presidents into office. This would cause people to label him as unreasonably vindictive against Johnson. However, people fail to note that this statement was made on November 23, 1867, more than ten months after he had formally moved for an impeachment investigation against Johnson.⁶¹ Ashley felt Johnson should be impeached long before any reason for vindictiveness had manifested.

Ashley truly believed that Johnson was guilty of usurping power by ignoring Congress's objectives and trying to enforce his own personal Reconstruction plan and of violating his Oath of Office. In a speech in Toledo on September 24, he publicly called Johnson a "usurper and a tyrant."⁶²

There are many instances where Ashley demonstrated in willingness to compromise with Johnson, thus disproving any accused fanaticism or vindictiveness. HE offered to accept impartial suffrage instead of universal suffrage, limiting enfranchisement to people who could either read English or who had served in the military, and to all who paid taxed excluding those who had served in high-ranking civil or military positions under the Confederacy. He was willing to accept moderate civil rights measures, instead of the radical ones.

Johnson vetoed Ashley proposed suffrage bill as well as the Freedman's Bureau on very flimsy constitutional grounds.⁶³ He also claimed the Freedman's

⁶¹ *Id.* at 124.

⁶² *Id.* at 122.

⁶³ The Freedman's Bureau was set up by the national government to aid freed slaves who were left without any resources after emancipation. The Freedman's Bureau

Bureau would be too expensive. Eventually Congress would override Johnson's veto, but the effect of the veto lasted in Ashley's mind.

Later, Congress offered the Fourteenth Amendment as a final solution to Reconstruction. Johnson rejected it. He actively tried to persuade the South to reject it. As a result, all of the Southern states, except Tennessee, rejected the bill. Ashley then continued with the plan to make the Fourteenth Amendment the basis of Reconstruction, taking the issue of black suffrage out of direct focus. He believed that the next Congress would demand universal suffrage as a condition to Reconstruction.⁶⁴

After a short time, however, Ashley realized that Johnson clearly did not support the furthering of black civil rights. If Johnson was going to effect Reconstruction, black civil rights protection would be minimal.

Eventually, the actual charges brought against Johnson in the impeachment proceedings in 1867 were abuse of pardoning power, appointing power, and failure to execute the laws. On December 7, the resolution calling for Johnson's impeachment was soundly defeated, 108 to 57.⁶⁵ To add further harm to Ashley's reputation, Ashley made bizarre public statements because of his disappointment in the failure of the black suffrage bill and impeachment proceedings against Johnson:

It was not the kind of evidence which would satisfy the great mass of men, especially the men who do not concur with me

provided food, shelter, clothing, work, and education for blacks in the South. In certain instances, the Bureau also provided for destitute whites.

⁶⁴ *Id.*

⁶⁵ *Id.* at 142.

in my theory about this matter. I have had a theory about it. I have always believed that President Harrison and President Taylor and President Buchanan were poisoned, and poisoned for the express purpose of putting the Vice Presidents in the presidential office. In the first two instances it was successful. It was attempted with Mr. Buchanan and failed... Then Mr. Lincoln was assassinated, and from my standpoint I could to a conclusion which impartial men, holding different views, could not come. It would not amount to legal evidence.⁶⁶

These statements would come to compromise Ashley's credibility as a politician and unfairly strip him of the admiration he deserved for the passage of the Thirteenth Amendment and consequent advancements in civil rights.

Many question Ashley's genuineness in his support of the anti-slavery movement because of his reputation as a vindictive fanatic and even a racist. Ashley has been criticized for being racist and a hypocrite for making statements expressing the opinion that even though he believe in equality in principle, he doubted that real assimilation of blacks into society as equals would ever be possible.⁶⁷ He also expressed a distaste for interracial marriage and suggested colonization in Central or South America as an option for freed slaves.

These accusations are unfounded and do not threaten Ashley's genuineness in his political career or his moral dedication to abolition. His comments on racial integration and interracial marriage only reflect a practical social bias. Ashley usually adopted a pro-black position in political matters, which was always a liability. His political actions and background provide overwhelming support for the genuineness

⁶⁶ *Souvenir from the Afro-American League of Tennessee* at 192.

⁶⁷ Horowitz, *The Great Impeacher* at 178.

of his motives. In addition, racism was intense and common during the Civil War and Reconstruction—Ashley’s commitment to black civil rights was extraordinary. It is important to consider his actions and statements in context.

Ashley continued to support black suffrage and lost his reelection campaign largely because of the issue. Up until the end of his career, he refused to compromise his fundamental principles and the value he put into civil rights. Ashley sacrificed his reputation and his career for his principles and only demonstrated genuineness in his political efforts. Without James M. Ashley, the anti-slavery movement would have lacked a driving force to support it. Many of Ashley’s Radical Republican contemporaries were too hesitant to bring about real change. Ashley’s intense dedication and extremely radical views were absolutely necessary in creating the political current that others became a part of, forming the unified movement towards abolition. His political career produced significant advancements in civil rights including the Thirteenth Amendment, the Fourteenth Amendment and black suffrage through the Fifteenth Amendment. Although often overlooked, James M. Ashley was an integral political leader in the movement towards abolition and black civil rights.