

LINCOLN LORE

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LINCOLN, STANTON, AND THE SUPREME COURT

Edwin M. Stanton has become the scapegoat for half a dozen or more schools of criticism which have singled him out as the chief instigator of several ignominious episodes which occurred during or following the Civil War. His alleged disrespect for Lincoln, the ruthless manner in which he is said to have conducted his office as Secretary of War, the much discussed injustice done to the conspirators in the assassination trial, his initiative in the procedure of the Johnston impeachment trial; all these things have been attributed to him, and now he is accused of planning and aiding in the assassination of his chief, Abraham Lincoln.

A remarkable letter has just been acquired by the Lincoln National Life Foundation which recalls again Lincoln's attitude towards his Secretary of War. Lincoln's keen appreciation of Stanton's ability and his unquestionable confidence in the unselfish and patriotic service his Secretary of War was rendering is well stated in his famous letter to James Gordon Bennett, editor of the New York Herald, in which he says, "I wish to correct an erroneous impression of yours in regard to the Secretary of War. He mixes no politics whatever with his duties."

Upon the death of Chief Justice Taney in 1864 Bishop Simpson, Governor Morton, Governor Andrews and others urged Lincoln to appoint Stanton to the Supreme Bench. Lincoln is said to have replied to Bishop Simpson: "If Mr. Stanton can find a man he himself will trust as Secretary of War I'll do it." Stanton's loyalty to the country prevented him from making further efforts to secure the appointment.

After the war was over General Grant had an occasion to write a letter to Stanton in which he said, "I cannot let the opportunity pass without expressing to you my deep appreciation of the zeal, patriotism, firmness, and ability with which you have ever discharged the duties of Secretary of War." It was left for Grant after he became President to make the appointment of Stanton to the Supreme Bench which Lincoln had been willing to do if Stanton's place could have been filled.

Stanton had burnt himself out for the country; his health was impaired and he was actually in need of some lucrative appointment. In such a state of mind he wrote the following two letters to Bishop Simpson late in the year 1869:

"Private &
Confidential"

"Washington Oct 26, 1869

"My Dear Friend

"This note is accompanied by the regret of Mrs. Stanton & myself that

we are unable to attend your daughters marriage, and by our good wishes for her & her husbands happiness. What I add herein, you will please to consider as *strictly personal* and confidential.

"You have been aware of my infirm health during the past year, and will be glad to know that by relaxation from labor, & travel it has very much improved so as to encourage hopes that it may be fully restored to enable me to enjoy some years longer of usefulness. But this may depend upon how I am employed. When I left my private pursuits for the public interest I had the best professional practice in the United States, was rapidly accumulating wealth, & living at ease. My expenses above my salary exhausted my surplus resources and with years advanced, and diminished strength I must toil for my living. There is a vacancy on the Supreme Bench for which I have adequate physical power, & so far as I can judge of my intellect, its powers are as acute & vigorous as at any period of my life—and perhaps more so.

"General Grant in justice to the country, to himself & to me, ought to give me that appointment. So far as relates to himself not all his friends in the United States, upheld & advanced him as firmly & successfully during the war as I did in my official acts. There is no man who would uphold the principles of the war on which his usefulness & fame must rest, with more or equal vigor from the Bench. The Bench has now a great part to play in history during his administration, and upon no experienced resolute jurist, can he rely with greater confidence. My appointment would gratify the great mass of republicans, & rally them around Grant—it would be considered as disinterested, unpurchased, and a sure proof of the Presidents loyal determinations. My residence here in the District is also a recommendation being free from geographical discriminations.

"I have said *nothing* to General Grant on the subject and *shall not*—but I would be glad to have you talk with him fully & freely and report to me his views on this question. To me it may in considerable degree be a question of life—it certainly is of health, for I must go to the Bench or Bar. His name & fortune he owed at a critical moment to me. He can preserve me to my family under Providence. I have communicated to you more fully than ever before to mortal man, & in confidence you will do what seems right of which you are a better judge than I am.

"Hoping to see or hear from you soon I am ever

"Yours Edwin M Stanton"

"Rt Rev. Bishop Simpson"

"Washington Nov 3, 1869

"My Dear Friend

"I am under much obligation for your note received this morning. When I heard that your daughter and her husband were to start so soon for Europe it caused me much regret to have troubled you with any affair of my own, but I hope it gave you no inconvenience. The result of your conference is very plain to me, and gives me no surprise, being what I had expected, and I am quite sure that you will conform to my wish that the matter be strictly confidential and confined to your own bosom. In regard to Childs—who for several years has been an active bitter enemy of mine because of my annulling a bargain between him and General Cameron which I disapproved—he doubtless knows the Presidents purpose, and my health is made an evasive excuse by Childs for a pre-determined purpose, influenced by quite different consideration from that assigned. I shall take no step in the matter, and no allusion to it has ever been made except in my letter to you.

"So far as my health is concerned it is in the hands of Providence, and as respects Genl Grant he will be influenced by his judgment as to his own interest.

"I regretted that it was not in my power to leave home to witness your daughters marriage ceremony and make her husbands acquaintance. I hope they have a pleasant location in Italy. Their residence in that favored climate may tempt you to take the relaxation of a visit where there is so much of interest and thus guard your own health from the dangers that I have apprehended you were incurring by too much labour and care.

"With many thanks and most sincere affection I am

"Truly yours

"Edwin M Stanton"

"Rt Rev Bishop Simpson"

Due largely to Bishop Simpson's interest the apparent objection to Stanton was waved aside and on Sunday, December 19, President Grant and Vice President Colfax called on Grant and advised him that his appointment to the Supreme Bench would be confirmed the following day, and it was done. On December 22 Grant signed the commission, but Stanton never saw it, as a relapse brought on by over-exertion resulted in his death on December 24. If Stanton had lived to receive this gracious Christmas gift it would have been the most prized possession of his entire experience, but even this was denied this most abused and misrepresented public servant.