The Impeachment and Trial of Secretary of War William Worth Belknap

Duane Edward Holthof

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THE IMPEACHMENT AND TRIAL OF SECRETARY OF WAR
WILLIAM WORTH BELKNAP

by
Duane Edward Holthof

A Thesis
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Faculty of The Graduate College
in partial fulfillment of the
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The purpose of this thesis is to give an account of the events which lead to the resignation of Secretary of War William Worth Belknap in 1876, to examine the circumstances surrounding his impeachment, and to study the testimony in his Senate trial.

Although Belknap was not convicted on charges of accepting bribes, most of those senators who voted to acquit him did so on the technical ground that the Senate lacked the jurisdiction to try a private citizen. The evidence in the case clearly indicated Belknap's involvement, and there seems little doubt that if Belknap did not know what was going on, he should have.
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TABLE OF CONTENTS

CHAPTER

I. INTRODUCTION AND BACKGROUND .................... 1
   Belknap's Career To 1876 ..................... 1
   The Events Preceding Impeachment .......... 8

II. RESIGNATION AND IMPEACHMENT ................... 16

III. CLYMER CONTINUES ........................... 28

IV. JURISDICTION .................................. 39

V. THE TESTIMONY OF WITNESSES .................. 51

VI. CLOSING ARGUMENTS ............................ 66

   Montgomery Blair ............................ 66
   William Lynde ............................... 68
   Elbridge Lapham ............................. 68
   George Jenks ............................... 70
   Jeremiah Black ............................. 71
   Matthew Carpenter .......................... 73
   Scott Lord ................................. 80

VII. VOTES ON IMPEACHMENT ARTICLES ............. 86

VIII. CONCLUSION .................................. 94

BIBLIOGRAPHY ................................... 102
CHAPTER I

INTRODUCTION AND BACKGROUND

Belknap's Career To 1876

"The year of a hundred years," 1876, is best remembered as the time of the Centennial Exhibition, General Custer's encounter with the Indians at Little Big Horn, and the disputed presidential election between Rutherford Hayes and Samuel Tilden. However, for a time in the spring and summer of that year another event occupied the attention of the nation. On March 2, 1876, "like a bolt of lightning from a cloudless sky," came the news that Secretary of War William Belknap had resigned that morning, and had been impeached that afternoon for accepting bribes.¹

For the next five months the people of Washington and the country were treated to the spectacle of a formal Senate trial. The Senate galleries were invariably packed, and newspaper correspondents enlightened their readers with daily accounts of the proceedings. Interest inevitably slackened after the initial sensation, but the story remained front page news for much of the

¹L. Edward Purcell, "The Fall of an Iowa Hero," The Palimpsest 57 (September 1976): 130.
duration of the trial. Although found "not guilty" by the Senate, Belknap was not given a ringing exoneration and questions arose at the time and have persisted since as to the correctness of that verdict. The purpose of this study is to ascertain whether the Senate's judgment was justified.

The object of all this attention seemed at first glance an unlikely candidate to cause such a stir, having quietly, and by most accounts capably, served for more than six years in the cabinet of President Ulysses Grant. William Worth Belknap was born in Newburgh, New York on September 22, 1829, the son of William Goldsmith Belknap and Ann Clark Belknap. His father, a career officer, had entered the army in 1813 and rose through the ranks, being brevetted a brigadier general for gallantry in the Battle of Buena Vista. Among the officers impressed with the talents of the senior Belknap during the Mexican campaign was a young lieutenant named Ulysses Grant.¹

While his father was serving in the Mexican War, young William graduated from Princeton in 1848 at the age of nineteen. He went on to study law at Georgetown University and was admitted to the bar in 1851 -- the

year his father died. That same year he moved west and settled in Keokuk, Iowa, where he formed a law partnership with a future governor of the state, Ralph P. Lowe. In 1854 Belknap married Cora Le Roy of Vincennes, Indiana. Two children were born to the couple, William Goldsmith Belknap in 1855, and Hugh Reid Belknap in 1860. The young lawyer also became involved in local politics, being elected to the state legislature for one term in 1857 as a Douglas Democrat. During the Civil War he switched allegiance, becoming a Republican and voting for Lincoln in 1864.¹

With the advent of the Civil War, Belknap was commissioned in November of 1861 as a Major of the 15th Iowa Infantry -- whose commander, Colonel Hugh T. Reid, was his brother-in-law. Shortly after he left with his unit, Belknap became a widower when Cora died in 1862. He served through the war in the Army of the Tennessee with General William Tecumseh Sherman, under whose patronage he was breveted a major general in 1865. When the war ended, he was in command of the Fourth Division, Seventeenth Corps.²

His bravery and competence are well authenticated. In the regiment's first battle, Shiloh, Belknap was cited

²Belknap, Fifteenth Iowa, pp. 20-25.
by Colonel Reid for his calm leadership. In this engagement Belknap was wounded and had his horse shot from under him, and it was here that he first came under the observation of General Grant. Colonel Marcellus Crocker, commander of the brigade which included Belknap's regiment, commended his actions during the October 3, 1862 battle of Corinth, but it was on July 22, 1864, during the Atlanta campaign, that Belknap received his most notable recognition. In bitter hand-to-hand fighting, Belknap personally captured Colonel Harris D. Lampley of the 45th Alabama by pulling him over the breastworks while under enemy fire. Eight days later he received his promotion to brigadier general.\(^1\)

Sherman thought highly enough of Belknap to recommend him for a commission in the regular army at the end of the war, but Belknap declined and was mustered out on July 27, 1865. He accepted a position as collector of internal revenue for the First District of Iowa, remaining there until 1869 when he was appointed secretary of war following the death of John Rawlins.\(^2\)

It was generally conceded that Belknap had a good record as a tax collector in Iowa. When the accounts

\(^1\)Ibid., pp. 21-22.

were settled there was found to be a discrepancy of only 
$.04. In fact, President Grant had reportedly offered
him a position in the Revenue Service. But the elevation
of such a relatively obscure volunteer officer turned
tax collector as head of the war department was something
else. The *New York Times* reported "people were
considerably astonished" over the selection of Belknap.¹

The *Nation* observed:²

Another of the sort of appointments for which
Grant has become noted, and which we are inclined to
think has done about as much as anything else to
satisfy the voter with him . . . he has made this
week, in giving the place of Secretary of War to
General Belknap, of Iowa, who is no "statesmen," or
politician, or "favorite son." Little is known of
him, except that he is a native of New York,
three-eight years of age, educated for the law and
by the army, and praised as a very capable soldier
and honest man, who had the confidence of Grant and
Sherman throughout the whole rebellion. . . . One
thing, however, is known of him which makes the
appointment particularly likeable. General Belknap
is the man whom, as Collector of Internal Revenue
in one of the Iowa Districts, Mr. Hudson, a relative
of Grant's, approached on the subject of disposing
of the patronage which was in Belknap's gift, and
who, in short terms, told Mr. Hudson to go about
his business.

Why was Belknap chosen? Unlike his first secretary
of war, Rawlins, with whom Grant had a long and close
friendship, the president apparently had only a slight
acquaintance with Belknap. Unquestionably the influence

¹Belknap, *Fifteenth Iowa*, p. 25; *New York Times*,
October 14, 1869, p. 3.

of General Sherman, Belknap's patron during the war and now commanding general of the army, carried great weight in the president's decision. Politics also played a role. Grant was looking for a Western man to fill the post, and after hesitating between Belknap and Horace Porter, was most likely swayed by Sherman's strong recommendation.¹

Earlier in 1869, Belknap had married for the second time. His bride was Carita (Carrie) Tomlinson, the daughter of John Tomlinson of Harrodsburg, Kentucky. The Belknaps moved to Washington after his appointment, and fell into the routine of Washington socializing — both giving and attending lavish dinner parties. Carrie lived to enjoy only one social season, however, for after the birth of her son Robert, in the summer of 1870, her health declined and she died on December 29, 1870. Among the pallbearers at her funeral were Secretary of State Hamilton Fish, Secretary of the Navy George Robeson, Supreme Court Justice Samuel Miller, General Sherman, and a New York businessman named Caleb Marsh.²

With her at her death was her younger sister, Amanda (Puss) Bower, the widow of Major John Bower.


² Belknap, Fifteenth Iowa, pp. 20, 26; Carpenter, Grant, p. 154; New York Times, December 30, 1870, p. 1; December 31, 1870, p. 1.
Before she died, Carrie asked Amanda to look after her infant son. Amanda agreed, but in May of 1871, less than five months after his mother went to her grave, death also claimed young Robert.

Following the death of her nephew, Amanda went on an extended tour of Europe with Mrs. Caleb Marsh -- an intimate friend she had met some ten years earlier when both had lived in the same Cincinnati hotel. It was generally accepted that Amanda was wealthy enough to afford such a trip, the New York Times reporting that she received a $20,000 life insurance policy when her husband died. Upon her return from Europe, Amanda became the third wife of Belknap on December 11, 1873. The thirty-one year old widow\(^1\) was given away by George Pendleton, a former Ohio Democratic congressman and the vice presidential candidate in 1864 on the ticket headed by George McClellan, about whom more will be heard later. The couple had one child, Alice, born on November 25, 1874. However, personal tragedy continued to haunt Belknap during his tenure as secretary of war. Another son, William, died in 1874 at the age of nineteen.\(^2\)

\(^1\)Amanda was described by a contemporary as a "tall, shapely, handsome, brilliant brunette, with fresh complexion and graceful carriage." Claude G. Bowers, The Tragic Era, The Revolution After Lincoln (Cambridge, Mass.: Houghton Mifflin Company, 1929), p. 263.

The Events Preceding Impeachment

Among the duties of the secretary of war was the appointment of traders to the various army posts in the west. From 1776 until their abolition in 1867, sutlers (combination storekeepers and traders) had been charged with supplying soldiers with provisions at the market price. The plan was to replace the system of using sutlers and have the army's commissary department furnish articles at cost price. However, Congress did not make the special appropriation necessary to enable the department to fulfill its obligations before the termination date of July 1, 1867. As part of the transition, on April 15, 1867 Congress had authorized the commanding general of the army to permit trading establishments "for the accommodation of emigrants, freighters, and other citizens."¹ These traders were not to sell to soldiers any supplies kept by the commissary department, but this proved no detriment to the traders because of the departments lack of funds. So, on May 30, 1867, an extension was granted permitting sutlers to continue trading with the troops until further orders. Those further orders came on August 22, 1867, and directed the

department commanders to give unlimited permission to traders, and to use their judgment in restricting the number of such traders to one or more as the situation warranted.¹

This was the situation concerning post traders when Belknap took office on October 13, 1869. Within a year, Congress passed a bill giving the secretary of war, rather than the commanding general of the army, power to appoint post traders. This occurred July 15, 1870, and almost exactly one month later on August 16, Caleb Marsh requested the tradership at Fort Sill -- a United States army reservation about seventy-five miles southeast of present day Oklahoma City, Oklahoma, which had been established in 1869 by General Philip Sheridan as a cavalry base for operations against the Indians. Marsh was a furniture and hardware store owner from Cincinnati, now living in New York. No letters of recommendation accompanied this request, although Ohio Congressman Job Stevenson, a Republican from Cincinnati, did send a short letter on Marsh's behalf dated November 2, 1870. Another applicant was the current trader at Fort Sill, John Evans, who sent two letters requesting the appointment and including the recommendations of all the officers at the Fort Sill garrison, along with the endorsement of the commanding officer, Colonel Benjamin Henry Grierson.

¹Ibid., p. 176.
These two letters were dated July 25, 1870, and September 23, 1870.¹

On October 10 of that year, Belknap appointed Evans to the post. On January 14, 1871, Adjutant-General E. D. Townsend received an order from Belknap directing that all other traders at Fort Sill were to be removed, and that Evans was to remain as the sole authorized trader. About six months later, June 7, all regulations which had subjected post traders to the same pricing limitations as sutlers were cancelled by order of the secretary of war. This meant that traders could sell their goods without being subject to control by a board of administration composed of officers at the post.²

On February 16, 1872, an article appeared in the New York Tribune complaining of the way post traders were appointed, and of the high prices these traders were charging soldiers — specifically at Fort Sill. It referred to the practice of "farming out" traderships for up to $12,000 per year to political appointees, who had no intention of residing on these posts, to the actual traders. These traders usually had a substantial investment in their enterprise, and were vulnerable to blackmail when faced with its loss.³

¹Ibid., pp. 176-177.
²Ibid., p. 177.
³Ibid.
The article went on to report that the traders were similar in function to the sutlers, except the sutlers had been under the control of post commanders and soldiers were protected against greed by a council of officers which could fix prices. The traders, appointed by the secretary of war, usually had no competition so they could charge any prices they chose.

It also charged that the commissary department found the new law troublesome and sought to evade it, forcing the adjutant-general to open up trading at military posts. This had been good for the soldiers at first, because it encouraged competition, but the traders did not like it and pressed for exclusive privileges. The secretary of war, given authority in 1870 to appoint one or more traders, had in practice appointed only one per post. The article concluded with an unidentified officer at Fort Sill stating that he had read a contract between Marsh and Evans which required Evans to pay Marsh $12,000 per year to keep his position.  

The next day, February 17, Belknap sent a letter to the commander at Fort Sill asking whether the prices Evans charged were unreasonable, if the prices had gone up since the implementation of the new law, and if enlisted men were charged more than officers -- but nothing was asked about the alleged contract between

1Ibid., p. 178.
Evans and Marsh. Colonel Grierson replied on February 28 that he had received numerous complaints about exorbitant prices, and when he questioned Evans about this, he had been told about the $12,000 per year payment to Marsh and how Evans necessarily had to charge high prices. Grierson reported that prices were much higher than they had been under the previous system and that enlisted men did pay more than officers. He recommended that three traders be appointed immediately to encourage competition.¹

Brigadier General William Babcock Hazen, part of whose command had been stationed at Fort Sill, testified on March 22, 1872 before the House Committee on Military Affairs. Hazen had been a boyhood friend of Ohio Republican Congressman James Garfield, a member of the committee, and had suggested Garfield have him subpoenaed to appear. Hazen's impression was that Marsh was the trader and farmed out the appointment to Evans for payment -- a mistake because the appointment was in Evans's name. Three days after this testimony, a circular letter was sent by Belknap to all army posts dealing with this issue. It authorized the re-establishment of a council of administration at each post to set prices for the sale of goods. However, if a trader took exception he could appeal to the war department, with final disposition up to the secretary of war. It also

¹Ibid.
stated that traders had to carry on business themselves and not sublet it to others — but not one word touched on the real arrangement between Marsh and Evans. After this circular, the payment was reduced to $6000 per year and Evans's prices went down accordingly. With a solid Republican majority in Congress in 1872, and this circular giving the appearance of remedying the situation, nothing further officially came up regarding traderships until the Democrats won a 168 to 108 majority in Congress in 1874.¹

Although many factors contributed to this defeat for the Republicans — among them the Panic of 1873, Grant's southern policy, and the display of resentment against Grant for hinting that he might be amenable to accept a third term as president — the Democrats were sure they could use the general condemnation of corruption as a basis for capturing the White House in 1876. The dealings of every cabinet department were looked into by committees under Democratic chairmen. A special committee to investigate expenditures in the war department was announced in December of 1875, and formed on February 2, 1876 under the chairmanship of Pennsylvania Representative Hiester Clymer — a former classmate of Belknap at Princeton.²


²Carpenter, Grant, p. 135; McFeeley, Grant, p. 429.
The investigation into the sale of post traderships was only one of many ongoing investigations of an administration already rocked by numerous charges of corruption. Disclosures within the past year revealed that Secretary of the Navy George Robeson had made deposits of $320,000 during his tenure, with a salary of $8000 per year and his net worth when he became navy secretary was only $20,000; the president's personal secretary, Orville Babcock, was tried for his part in the Whiskey Ring frauds; Interior Secretary Columbus Delano had resigned after allegations arose that he helped secure surveying contracts for his son; and ambassador to Great Britain Robert Schenck resigned after a House committee in February of 1876 exposed the unsavory relationship between Schenck and the Emma Silver Mining Company (of which Schenck was a director), and that he had used his official position to urge Britons to invest in the company which later failed.2

But when the Clymer committee heard the testimony of Caleb Marsh on February 29, 1876, they hit the jackpot. While routinely checking out the now four year old allegations of Hazen and the New York Tribune article, they transformed their mission from a fishing

1A total of twenty-seven distinct investigations according to the New York Times, March 14, 1876, p. 1.
2Carpenter, Grant, pp. 158-161; McFeeley, Grant, pp. 429-432.
expedition into exposer of the most damaging scandal to date -- one which, coming on top of the others, destroyed Grant's already fading hopes for a third term.
CHAPTER II

RESIGNATION AND IMPEACHMENT

At 11:00 A. M. on February 29, Caleb Marsh testified before Clymer's committee. Only the three Democratic members were present -- Clymer, William Robbins of North Carolina and Joseph Blackburn of Kentucky. The two Republicans, Lyman Bass of Illinois and Lorenzo Danford of Ohio, later complained that they had not been informed of this meeting, and that the oversight was intentional.¹

In his testimony² Marsh recounted how his wife and Amanda Bower had become friends when they both stayed at the same Cincinnati hotel. The Marshes had invited Amanda and her sister, Carrie Belknap, to visit them in New York during the summer of 1870. Carrie became ill during the visit, and was cared for by the Marshes until she recovered sufficiently to return home about three weeks later. A grateful Carrie suggested Marsh apply for a post tradership, and that she would put in a good word with her husband. Marsh agreed to do so, and although he could not remember offering any money in exchange for

¹New York Times, March 14, 1876, pp. 1, 2.
²The complete text of this testimony is printed in the Cong. Record, "Trial of Belknap," pp. 250-251.
this favor, he did recall her admonition not to say anything to the secretary of war about presents, because "a man once offered him $10,000 for a tradership of this kind, and he told him that if he did not leave the office he would kick him down the stairs."¹

After Carrie and Amanda returned to Washington, Carrie sent word for Marsh to apply for the Fort Sill tradership. Marsh called on the secretary of war, and was told the post would be his if Marsh could get the proper letters of recommendation. Belknap also told him that John Evans, the present trader, was in town and it would be a good idea for Marsh to meet with him and make some arrangement for the disposition of supplies Evans had on stock.

After getting the address from Belknap, Marsh called on Evans at Evans's hotel, and found him alarmed about the possibility of losing his business. Evans first proposed a partnership, which Marsh declined, and then a "bonus" if he would be allowed to continue as post trader. A $15,000 per year figure was reached, but Evans saw an article in the Army and Navy Journal that evening about possible troop reductions at Fort Sill, so the price was lowered to $12,000 — to be paid in four installments per year, in advance. They went to New York, where the contract was signed.

¹Ibid., p. 250.
When Marsh got the first remittance of $3000 in November of 1870, he sent one-half of it to Carrie Belknap. Carrie died in December of 1870, and at the funeral Marsh had a conversation with her sister, Amanda Bower. While in the nursery to see the baby, Marsh said to her: "This baby will have money coming to it before a great while."¹ Amanda replied that her sister had given her care of the child, and had told her about the money from Marsh. She made it clear she expected the payments to continue, and Marsh did continue to send money to the Belknaps, although after the 1872 article in the New York Tribune (see pages 9 and 10 above) there was a reduction to $6000 per annum in the contract with Evans.

Marsh went on to tell how he almost fled the country when served with a subpoena to testify before the Clymer committee. He came to Washington on February 23, and went to Belknap's house where he told the secretary about the subpoena. Mrs. Belknap urged Marsh to say the money sent to her husband was part of business transactions, but Marsh said he would not perjure himself. He stayed the night at their house, and the next morning told Belknap he was leaving the country. Belknap argued that such a move would ruin both of them if he did, but Marsh replied that his testimony would also ruin them. Marsh returned to New York to consult with his attorney, Edward Bartlett.

¹Ibid.
While there he received a dispatch from Belknap's brother-in-law, Dr. William Tomlinson, again urging him not to leave, that there was good news. Tomlinson arrived in New York about midnight of February 24, and told Marsh that he had spoken with one of the committee members, Democrat Joseph Blackburn of Kentucky -- who just happened to be a cousin of Amanda Belknap. According to Tomlinson, Blackburn had agreed that the investigation would not proceed further if Marsh would write a letter exculpating Belknap.

Marsh then wrote a short letter which Tomlinson took to Blackburn, but which apparently was not sufficient. The committee again issued a summons for Marsh to appear, and on February 28 he returned to Washington. Tomlinson made a strong appeal to him at this time, saying that as a friend of Belknap, Marsh should not do anything to destroy the secretary's reputation. Marsh made a written statement of his proposed testimony, which Tomlinson read and approved -- saying that the matter could still be fixed up by proving the money was sent to Belknap by Mrs. Belknap's order, and that her estate was entirely separate from his.¹

After presenting his account of the situation, Marsh was questioned by members of the committee. He denied having any business relations with either Carrie or

¹Ibid., p. 251.
Amanda Belknap. Money had been sent according to instructions given by Belknap -- sometimes in bank notes delivered by Adams Express, sometimes in person, and at least once by certificate of deposit. When the money was sent by express, Belknap would mark the receipt "O.K." and return it to Marsh. Marsh preserved none of these receipts or letters of instruction from Belknap, later testifying before the Judiciary Committee that he had destroyed all communications with Belknap to prevent their possible publication. He did not consider it a criminal transaction, but felt it could lead to Belknap's disgrace.¹

That afternoon, Clymer, Blackburn, and Robbins discussed the February 24 meeting Blackburn had with Tomlinson and Amanda Belknap. Blackburn explained that the meeting had been requested by Mrs. Belknap, and he had only assured her that if the Marsh testimony did not show any complicity on the part of Belknap, then the secretary would not be made the subject of the investigation. His two Democratic colleagues agreed that Blackburn had acted correctly.²

Belknap was notified the committee would be meeting the next day (March 1) to discuss allegations relating to his conduct as secretary of war, and Clymer invited him

¹New York Times, March 23, 1876, p. 5.
to appear and cross-examine the witness. With all members of the committee in attendance, the testimony of Marsh was read to Belknap, who then requested time to employ counsel and returned at three that afternoon with Montgomery Blair -- a prominent Washington attorney who had previously served as Lincoln's postmaster general. The testimony was repeated, Belknap withdrew, and Blair made a verbal proposition to the committee concerning its report scheduled the next day to the full House of Representatives. No definitive evidence exists as to what this proposal involved, but it most likely was an offer that Belknap would resign if the committee would stop impeachment proceedings.¹

The committee adjourned and met that night at the home of one of its members, Illinois Republican Lyman Bass. The proposition of Blair was discussed and rejected unanimously. Clymer instructed them to keep quiet about the Marsh testimony, but Bass took the news to Secretary of the Treasury Benjamin Bristow -- who was recognized after his role in the Whiskey Ring frauds as the leading exposé of corruption in the cabinet. Bristow went to Grant on the morning of March 2, told him of the Belknap bribery charges, and then urged him to meet with Bass before the committee called on him that afternoon. Grant

agreed and sent a note for Bass to meet with him at noon.¹

While preparing to leave to sit for a portrait, the president met Belknap at the door, "nearly suffocated with excitement"² and accompanied by Secretary of the Interior Zachariah Chandler. Belknap submitted his resignation, telling Grant his wife's honor was at stake. The president wrote out his acceptance at 10:20 A.M. and Belknap left with Chandler. Grant was again stopped before he could reach the door, this time by Republican Senators Lot Morrill of Maine and Oliver Morton of Indiana, who spoke for fifteen minutes about the Belknap situation. Grant then took a leisurely stroll to the studio and posed for an artist for the next hour and ten minutes. James Garfield, to whom the president described these events, wrote in his diary that, "he (Grant) did not know the shocking details which Bass was to tell him; but he did know his favorite minister and his wife were disgraced."³ When Garfield questioned Grant if the artist had seen any unusual agitation on his face, Grant had replied that he thought not and seemed surprised by the question. Garfield wrote: "His imperturbability is


²Carpenter, Grant, p. 156.

³Ibid.; Harry James Brown and Frederick D. Williams, eds., The Diary of James Garfield, 4 vols., (Lansing: Michigan State University Press, 1973), 3:243. All future references will be to the third volume of this work.
the question. Garfield wrote: "His imperturbability is amazing. I am in doubt whether to call it greatness or studiety."\(^1\)

Grant explained his action at a cabinet meeting the next day, claiming that he had not fully understood Belknap's statements and did not know that accepting a resignation was not done automatically. Whether it was intended that way or not, the acceptance of Belknap's resignation proved to be an astute political move. In his biography of Grant, William McFeeley cites this as an example of the president's instinct for survival. McFeeley argues that the swift action achieved a highly rational purpose. By enabling Belknap to resign before formal charges were brought, Grant was spared from a later decision on whether to force Belknap to stand trial while still secretary of war or accepting a resignation, possibly in the middle of a Senate trial, which would convey a clear admission of guilt.\(^2\)

News of the resignation spread quickly and there were rumors that Belknap had taken his own life or escaped to Bermuda. The *New York Times* summed up the reaction of many when it said:\(^3\)

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\(^1\)Brown and Williams, *Diary of Garfield*, p. 244.


been no preparation or forewarning. The fact that the Committee on Expenditures in the War Department was investigating with closed doors the old charges of selling Army trading posts was not accounted important, for the charges had been so long in circulation that, like a thousand reports of corruption in office unsustained or disproved, they were regarded as the invention of malice or partisanship. The investigation was carried on in an aimless drifting manner, like most of the others, till suddenly Marsh was brought before the committee.

The Clymer committee met as scheduled at 10:30 A.M. on March 2, and one-half hour later Blair appeared to officially inform them that the president had accepted Belknap's resignation. Blair requested an adjournment so that Belknap could present a sworn statement before the committee, which was agreed to. When Belknap failed to appear at the three o'clock meeting, Clymer went onto the floor of the House, read the report of his committee, and then demanded the impeachment of Belknap. He moved the previous question and debate was limited to one hour. During this debate, Massachusetts Republican George Hoar lodged a lone protest. Hoar said that Republicans wanted guilty officials impeached, but questioned the rush in voting without even having the testimony printed so it could be studied. The extreme haste with which the case moved is reflected in the fact that there were no specific charges mentioned in the impeachment resolution, which read: "Resolved: That William W. Belknap, late Secretary of War, be impeached of high crimes and misdemeanors while in office." Testimony was referred to the House Judiciary Committee with instructions to prepare, as
while in office." Testimony was referred to the House Judiciary Committee with instructions to prepare, as quickly as possible, articles of impeachment to support the resolution.¹

However, friction soon developed between the two committees. Members of the Judiciary Committee (notably its chairman, James Proctor Knott of Kentucky) criticized the way Clymer had handled the case -- normally evidence would be referred to the Judiciary Committee and it would decide whether impeachment was indicated, but Clymer had done this himself. They declared that Clymer had not been thorough enough and that further evidence was necessary. Charges were leveled in the press that Clymer had moved so quickly in order to affect the New Hampshire and Connecticut elections, with no time being taken to wait for corroborating evidence from Evans and others who had relevant information. In this spirit of partisanship, the New York Times sought to distance Belknap from the Republican Party by asserting: "General Belknap, like some other Republicans who have departed from the path of rectitude, was trained in the Democratic Party, and never abandoned certain Democratic associations."²

¹New York Times, March 3, 1876, p. 1; McFeeley, Grant, pp. 427, 434; Cong. Record, "Trial of Belknap," pp. iii, iv.

²New York Times, March 3, 1876, pp. 1, 4; March 4, 1876, p. 1.
Following news of the impeachment, President Grant ordered Attorney General Edwards Pierrepont to investigate and take such action as the evidence indicated. Marsh had fled to Canada after giving his testimony, and there was fear Belknap might do the same. So, when reports were received by the Secret Service that Belknap's bags were packed and he was preparing to leave during the night of March 5, a guard was placed around his house. A warrant was obtained, charging Belknap with accepting a bribe—the penalty for which was a fine of three times the amount received and imprisonment for up to three years. After being served with the warrant on March 8, Belknap posted a $25,000 bond and was released, with the guards being removed from his house.¹

The Judiciary Committee heard testimony for about three weeks, then drew up five articles of impeachment. Different phraseology was used, but all five articles basically referred to the same things: that Belknap had appointed John Evans at the request of Caleb Marsh; that Evans paid Marsh $12,000 per year (later $6000) to keep this appointment, and Marsh gave one-half of this payment to Belknap; that the defendant knew of this arrangement and disregarded his duty by letting Evans remain at Fort Sill in order to continue receiving the money; and that

¹New York Times, March 4, 1876, p. 1; March 6, 1876, p. 1; March 9, 1876, p. 5.
payments were made on seventeen occasions, with the impeachment articles listing the dates and sums of money involved. However, even now the committee was not sure of the thoroughness of its evidence, for the end of Article V contained a paragraph which gave it "the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said William W. Belknap."\(^1\)

To prosecute these charges, the House selected seven of its members. The five Democrats were Scott Lord (NY), J. Proctor Knott (KY), William Lynde (WIS), John McMahon (OHIO), and George Jenks (PENN). George Hoar (MASS), and Elbridge Lapham (NY), were the Republicans chosen, and Congressman Lord was designated as the chief manager. Four of the managers (Lord, Lynde, McMahon and Jenks) were first term representatives, but most were experienced lawyers.\(^2\)

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\(^1\) *Cong. Record*, "Trial of Belknap," pp. 2-3.

\(^2\) Ibid., p. iv.
CHAPTER III

CLYMER CONTINUES

The fact that the Judiciary Committee now had responsibility for compiling the impeachment case against Belknap did not signal the end of the involvement of the Clymer committee. In an attempt to uncover further information, the Committee to Investigate Expenditures in the War Department conducted hearings lasting until June 20, 1876. A total of seventy-seven witnesses were called, but little evidence directly linking Belknap to any unscrupulous activities was introduced. However, the trail of those shown to be involved in accepting money for such things as arranging meetings between prospective traders and the secretary of war included people close to Belknap. Both his brother-in-law, J. M. Hedrick, and his long-time friend, E. M. Rice, admitted they had cashed in on their relationship with Belknap by using their influence to help secure appointments in return for either cash or a percentage of the trading post profits.¹ Both denied that Belknap had received any of this money,

but the committee continued its investigation along these lines.

An excellent example of influence peddling was brought out in the testimony of Orvil Grant on March 9. The president's brother lived in Elizabeth, New Jersey, and when asked what his profession was replied that he had none. Orvil acknowledged that he had requested a trader's license from his brother in 1874, and had been quickly granted one. Indeed, the president went so far as to inform him which traderships were available. Armed with this information, Orvil went into the marketplace and bartered his power and connections.

Grant was named the trader at Fort Berthold, but withdrew in favor of J. W. Raymond after Raymond paid him $1000. At Fort Belknap, Grant received the appointment but did not occupy the post -- instead he gave the tradership to a man named Conrad, for which he claimed receiving nothing in return. At Fort Peck, Orvil became an equal partner with Joseph Leighton despite paying none of the $25,000 investment for supplies. And at Standing Rock, he owned a one-third interest with A. L. Bonnafon

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1Ibid., pp. 22-32.

2The following examples are taken from Orvil Grant's testimony before the Clymer committee, pages 22-29. Other accusations were brought against Grant, which he denied. At Fort Rice, for example, William Harmon charged that Orvil had his license canceled and then offered to buy out his stock; and A. L. Bonnafon claimed he got the Fort Stevenson post through Orvil's influence. Ibid., pp. 26, 237.
and J. R. Casselberry, although he did not contribute anything toward the $13,000 spent on supplies until 1876 -- when he paid $2000 in January after the congressional investigations began to surface.

While admitting his involvement in these four traderships, Orvil denied any wrongdoing. Grant explained to the committee that his influence in obtaining the post counted against the capital subscribed by the other partners. Indeed, what was regrettable was not his use of that influence, but the meager amount of money he made from it -- answering a question on whether he had any abilities to manage matters with his brother by replying, "To some extent I have; though I am sorry to say that they are of very little profit to me."¹

Although Orvil’s testimony furnished valuable ammunition to use in embarrassing President Grant, it did not supply information damaging to Belknap. This was to be provided in a vituperative personal assault on Belknap by Lieutenant Colonel George Armstrong Custer.

In his biography of Custer,² Edgar Stewart makes the case that Custer’s death was directly attributable to his testimony of March 29 and April 4 concerning the evils which Custer believed existed in the handling of post

¹Ibid., p. 29.
²Edgar I. Stewart, Custer’s Luck (Norman, Okla.: University of Oklahoma Press, 1955), pp. 120-139.
traderships. Stewart argued that Custer, a Democrat with political ambitions, was at least partially responsible for the unraveling of the Belknap affair — for which he incurred the wrath of the president.

In support of this assertion, Stewart pointed out that during the winter of 1875-76 Custer spent part of his time visiting friends in New York City. One of these friends was the publisher of the New York Herald, James Gordon Bennett. On February 10, 1876, the Herald had called for an investigation of the war department, claiming that Belknap farmed out traderships under his control. Also, Bennett supposedly paid Custer for writing a March 31 article in the Herald entitled "Belknap's Anaconda."¹

Custer's critical views on the subject of post traders were no secret, so he was among the first to be summoned to give testimony before the Clymer committee. Custer had not wanted to obey — he was preparing at this time to lead the Dakota column in a spring offensive against the Indians. He telegraphed Clymer, asking if the committee would forward its questions and allow him to answer by deposition. The request was refused, and

¹The evidence being that the post trader at Fort Abraham Lincoln, Robert Seip, later testified that he had recognized phrases in the article he had only used with Custer. Seip also reported that he had cashed a bank draft from Bennett to Custer. Congress, Sale of Post Traderships, House Report 799, p. 234.
after conferring with his department commander, Brigadier General Alfred Terry, Custer obeyed the summons and went to Washington.\textsuperscript{1}

In his testimony of March 29,\textsuperscript{2} Custer first dealt with the law of 1870 giving the secretary of war power to appoint post traders. Custer contended that as a consequence of this law, frontier life had become more burdensome because prices had risen substantially. He gave the example of Fort Abraham Lincoln where S. A. Dickey was post trader when Custer assumed command there. After Dickey was replaced by Robert Seip, Custer testified that Dickey told him he was removed because he did not "divide" his profits.

Custer reported that Seip's prices soon became so ridiculous that those soldiers who could went elsewhere to buy necessities. Seip had then complained to the war department, stating that soldiers had to buy from him as the only accredited trader on the post, and was upheld. When questioned as to why he had not informed the secretary of war about these occurrences, Custer replied that he did not trust Belknap.

Custer also commented that it was common knowledge that traders had to divide profits. He reported Seip

\textsuperscript{1}Stewart, Custer's Luck, pp. 123-124.

\textsuperscript{2}Congress, Sale of Post Traderships, House Report 799, pp. 152-162.
once told him that of $15,000 profits, he had to pay one-third to Belknap's brother-in-law, J. M. Hedrick, and one-third to E. M. Rice, a Washington attorney and friend of Belknap. Custer did add that the trader was only sure the money went to Hedrick and Rice, but believed Belknap got part of it.

In concluding his first day of testimony, Custer launched a withering attack on Belknap's character. Assailing what he saw as a lack of honesty and integrity, Custer charged that the only reason these frauds had taken place was because Belknap allowed them to.

On April 4, Custer was recalled and testified about a March 15, 1873 order from the secretary of war which prohibited any officer from recommending action by Congress on military matters. Also, under this order officers had to send any petitions to Congress concerning military affairs through military channels, and when Congress was in session any officer going to Washington had to notify the Adjutant-General and explain why he was there.

Custer felt this order was "about the most effectual safeguard that he [Belknap] could have thrown around his conduct to prevent exposure." This gave the secretary

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1 Ibid., pp. 162-163.
2 Ibid., p. 163.
of war the ability to head off possible trouble by quashing any critical report which came to his attention. That is, of course, if the mere threat of provoking the antagonism of Belknap did not deter the officer from making the effort in the first place.

After his testimony Custer hoped to return and lead the Dakota column against the Sioux. However, when the Belknap trial began in the Senate on April 17, he was still in Washington. Custer made strenuous efforts to effect his release. He asked General Terry to contact the impeachment managers and inform them that the expedition was ready to go. Belknap's successor as secretary of war, J. D. Cameron, was importuned to request his release, but on April 28 Major General Philip Sheridan, Terry's immediate superior as department commander, ordered Terry to send someone else to command the expedition. Custer found out about this and again went to see the managers, this time getting their approval to depart.¹

The president was in no mood to allow him to go. Custer's charges against an administration favorite had predictably brought on Grant's deep hostility, so when General Sherman requested that Custer see the president before rejoining his regiment, Grant refused to see him. Custer then reported his planned departure to the adjutant-general and to the inspector-general of the army

¹Stewart, Custer's Luck, pp. 131-132.
and left Washington. Though released by the committee, Custer left without getting war department approval and Grant ordered his arrest.¹

A storm of protest greeted this action and the president was denounced for punishing someone who was only obeying a congressional summons. Grant's defenders argued that Custer should not have been released, because once in the field it would be impossible to recall him as a witness later. Also, Custer was not entitled to command the expedition as a right, and his actions in leaving Washington without either war department or presidential approval smacked of insubordination. No charges were filed, but it was first ordered that Custer not accompany the campaign at all.²

After his arrest, Custer scrambled to get re-instated to his command. He beseeched General Terry to speak on his behalf, which Terry did. General Sheridan supported Terry's recommendation that Custer be allowed to rejoin the expedition, but not as its commander. Grant relented and let Custer command his regiment, but ordered that General Terry, who had not planned on taking the field, personally command the Dakota column.³

¹Ibid., pp. 132-134.
²Ibid., pp. 134-135.
³Ibid., pp. 135-137.
Relegated to a secondary role in the campaign, Custer made it plain that he intended to redeem himself. He was quoted as being determined "to cut loose from, and make my operations independent of, General Terry during the summer."\(^1\) Reports of his June 25 death at the Little Big Horn were received in Washington during a recess in the Belknap trial.

Most of the witnesses before the Clymer committee dealt with issues involving post traderships, but not all. One other action involving Belknap was examined in detail by the five man committee. On May 27, 1871 Belknap had approved payment of $148,000 to the Kentucky Central Railroad Company. The claim stemmed from a dispute during the Civil War over how much the company was entitled to for the transportation of troops and supplies.\(^2\)

The case had been pending for four years when George Pendleton became president of the company following the death of its founder, Robert Bowler. Pendleton, a former congressman from Ohio and the Democratic vice

\(^1\)Ibid., p. 138.

\(^2\)An agreement between the government and the railroads setting a rate schedule allowed an exception for those railroads operating in enemy territory. The Kentucky Central asked to be included in this group, which would mean receiving the difference between the agreement and the tariff rates of that road diminished by ten percent, as well as reimbursement for improvements made after rebel damages. Congress, Sale of Post Traderships, House Report 799, pp. 281-288.
presidential nominee in 1864, had served as a director of the company for about two years and his sister had married Bowler. However, Pendleton testified\(^1\) that it was only after assuming the presidency of the company in 1869 that he first became aware of the claim against the government. He went to the other directors of the company and was filled in on the details, also being told that the directors would be willing to give a large percentage of the claim to anyone who could get it approved. A verbal agreement of fifty percent was reached and Pendleton soon went to Washington to press the case.

Previous attempts to achieve satisfaction had failed, but Pendleton was quickly successful. After taking some time to put together the specifics of the claim, Pendleton spent a week in Washington presenting his arguments to various officials -- including Belknap, Judge Advocate General William McKee Dunn, and members of Congress. Dunn gave a favorable recommendation, Belknap approved, and the payment was made in June of 1871. Apparently there was no suspicion of wrongdoing at the time, but after Belknap was impeached various charges were brought to the attention of the Clymer committee by rumors published and circulated in the newspapers.\(^2\)

\(^1\)Ibid.

\(^2\)Ibid., pp. xvi-xx.
These rumors concerned the relationship between Pendleton and Amanda Belknap. At the time the claim was approved in 1871, she was Belknap’s sister-in-law. When she married Belknap in 1873, Pendleton gave her away. In fact she and the Pendletons were good friends, having traveled together in Europe during the summer of 1872 with Amanda’s long-time friend, Mrs. Caleb Marsh. These circumstances afforded ample opportunity for speculation, but after questioning Dunn, Pendleton, and Mrs. Marsh, the committee decided that nothing untoward had happened and exonerated Pendleton.¹

¹Ibid.
CHAPTER IV

JURISDICTION

With appearances before both the Senate and criminal courts likely, Belknap was now represented by three of the finest lawyers in Washington. In addition to Blair, Belknap had retained the services of Jeremiah Black and Matthew Carpenter. The picturesque\(^1\) Black, a former attorney general and secretary of state under Buchanan, was the only one of the defense lawyers with any experience in impeachment proceedings, having served for a time as counsel to President Johnson in 1868. But by far the most important role played in Belknap's defense was by the third member of the team, Matthew Carpenter.

Although all three were experienced lawyers and politicians who possessed oratorical skills in an age which prized public speaking, Carpenter stood head and shoulders above the others. Born Decater Merritt Hammond Carpenter, he became Matthew Hale Carpenter when a colleague declared his work the equal of Sir Matthew

\(^1\)According to one description, Black's appearance was "simply abominable. He chewed tobacco incessantly, wore a bright brown wig that contrasted sharply with his snow-white eyebrows, smiled sardonically, and played to the galleries." E. Bruce Thompson, Matthew Hale Carpenter: Webster of the West (Madison: The State Historical Society of Wisconsin, 1954), p. 93.
Hale and friends started calling him Matt. Indeed, he was the foremost lawyer of his time, arguing a record total of ninety-seven cases before the Supreme Court in nineteen years. Elected to the Senate in 1869, the Wisconsin Republican was dubbed the "Webster of the West" because of his oratorical powers and intellectual genius. His fellow senators showed their regard for his ability by unanimously electing him president pro tempore of the Senate in 1873, an honor never previously bestowed on a first term senator. Defeated for re-election in 1875 by a railroad lawyer, Angus Cameron, Carpenter went back to his law practice.

Things now began to move more quickly. Following the adoption of the formal charges by the House, the five articles of impeachment were presented to the Senate on April 4 by the chief manager, New York Democrat Scott Lord. Chief Justice Morrison Waite administered the oath to the senators on April 5, and the Sergeant-at-Arms of the Senate on April 6 served Belknap with a summons to appear on April 17.

1 Ibid., p. 33.
2 Belknap might well have felt comfortable with his choice of lawyers, for like himself each member of the team had originally been a Democrat -- with Blair becoming a Republican after the Compromise of 1850 and Carpenter switching during the war. Ibid., p. 60.
When the trial began on the seventeenth, Belknap's line of defense became immediately apparent. The first move by his counsel was to file a plea that the Senate lacked jurisdiction because Belknap was no longer an officer of the United States, but a private citizen. The House of Representatives responded by adopting a replication to this plea, charging that Belknap was in office at the time all the allegations occurred, to which Belknap's lawyers filed a demurrer stating that the replication was insufficient. Before a decision was reached on this, the defense changed their strategy and requested a delay until December.

On the face of it, this seemed a reasonable thing to do. Blair argued that Belknap could not get a fair trial before the upcoming election, and urged a delay until passions cooled down. He cited the haste of the impeachment process -- with only one witness being called and debate confined to one hour.

Black then took up the argument, questioning whether a political body was the best place to try a case in the middle of a presidential election. Noting

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1 The response of the plaintiff to the defendant's plea.

2 A plea to dismiss the case on the grounds that although the opposition statements may be true, they are not enough to sustain the claim.

3 Cong. Record, "Trial of Belknap," pp. 6, 7, 11.
the outpouring of vilification against Belknap in the press, Black pointed out that judges were supposed to be above public clamor, but legislators saw it as a virtue to represent their constituents and please them when possible.

Carpenter finished the defense presentation by asking what was the big rush? What could be achieved in this session that could not be in the next? He recounted Belknap's war record and said his former good character and distinguished service should merit some consideration. Carpenter then closed with this assessment:

We all know what the next campaign is to be. The Democrats, who have been so long out of office, rely on the watchword anticorruption to win the people to their support. This the Republicans must meet by exhibiting greater detestation of corruption than the Democrats profess. The Democrats can only exhibit their virtue by finding corruption in the Republican party to be rebuked, and Republicans can exhibit their virtue only by out-Heroding Herod in punishment of whatever corruption Democrats may pretend to find. Both parties are therefore interested in making the most of the alleged misconduct of the respondent. . . . The campaign, therefore, must turn upon the guilt or innocence of Belknap, both parties being interested to establish his guilt. He will therefore be made the object of attack from every stump, in every newspaper, and in every hamlet in the land, and the question is whether this is a favorable time for him to receive a perfectly calm and dispassionate trial.

Sitting in the gallery, Congressman James Garfield listened to these arguments and wrote in his diary that

1Ibid., pp. 12-14.
although Carpenter made a fine speech, he considered it a
"hazardous experiment to ask the Senate to distrust their
own fairness and to postpone the hearing." In fact,
the appeal for delay was denied by a unanimous vote.

Belknapp's counsel fell back to their original
defense, questioning the jurisdiction of the Senate to
try a private citizen. Considerable legal wrangling and
maneuvering then took place. Essentially, the argument
of the defense was for a strict interpretation of the
Constitution, which enumerates the president, vice
president, and all civil officers as being eligible to be
removed from office on impeachment -- with nothing said
about former officers. On the other hand, the managers
insisted a broader interpretation was necessary to fulfill
the intent of impeachment. They maintained that the
logical effect of accepting the defense interpretation
was that there would be impeachment trials only if the
offender did not resign, in effect leaving the option of

1Brown and Williams, Diary of Garfield, p. 281.

2Some of which confused even the opposing counsel.
Consider the following: "The replication on the part of
the House to the first plea of the respondent is claimed
by the managers to be a demurrer. Then there is a
demurrer by the respondent, and the managers follow
with their joinder in demurrer to the demurrer of the
respondent. I ask whether by that joinder in demurrer
to the respondent they do not waive that which they claim
to be their demurrer in the replication to the first
plea of the respondent?" Cong. Record, "Trial of
Belknapp," p. 23.
facing punishment up to the accused. Also, removal is only part of the penalty with disqualification from holding further office a possibility. Finally, they turned the defense argument around -- nothing in the Constitution prohibits impeaching a former official.

As they were to do all through the trial at every opportunity, the managers denounced the pervasive climate of corruption and lumped Belknap with the other scandals which were shaking the country. Congressman George Hoar, the Massachusetts Republican, was especially outspoken in his denunciation of Belknap's conduct.¹

Having the final word, Black tore into Hoar for his lack of decorum and suggested that if the congressman wanted to make a stump speech he should go to his district and entertain his constituents. Hoar's conduct during the debate before Belknap's impeachment did not pass unnoticed either. Hoar had cautioned the House to be more deliberate in debating the impeachment, then turned around and became a manager of that impeachment effort.²

¹Ibid., pp. 37, 59, 63.

²Black ridiculed this change of stance, remarking: "It is true that the change occurred under circumstances of excitement and political terrorism not very conducive to the formation of a sound judgment. . . . It is some honor to that gentleman that he was the last to take fire, though when he did begin to burn he proved to be rather more combustible than any of the rest." Ibid., p. 69.
At this point the Senate went into closed session for two weeks, May 15-29, the trial turning into a debate among senators over jurisdiction. By a thirty-seven to twenty-nine vote (seven not voting) it was decided that Belknap was amenable to impeachment notwithstanding his resignation, and his plea on the jurisdiction question was overruled thirty-five to twenty-two (sixteen not voting). Except for the final votes on conviction, this was the most important decision the Senate made in the case. It would even be possible to say this was the most important, because twenty-nine senators indicated they did not believe there was jurisdiction and this foretold how the final votes would go, with twenty-nine being enough to prevent the two-thirds vote needed for conviction. To underscore the significance of this question, thirty-two senators delivered written opinions giving their reasons on how they viewed this issue.¹

Among those delivering opinions, nineteen favored jurisdiction with thirteen opposed. The breakdown by percentage was about that of the jurisdiction vote in the entire Senate. Nearly all of these opinions dealt with constitutional questions, with special emphasis on the

¹The list of written opinions is contained in the Congressional Record, "Trial of Belknap," pp. 77-158. In addition, Republican Senators Roscoe Conkling of New York and John Logan of Illinois, and Democrats James Kelly of Oregon and John Stevenson of Kentucky delivered opinions but did not furnish them for publication.
practice of impeachment when the Constitution was drawn up.

Many of the opinions rehashed information previously introduced by the contending sides. However, there were some informative arguments and interesting points presented. Among those senators supporting jurisdiction, Delaware Democrat Thomas Bayard is typical of those who appeared enraged that Belknap might be beyond their reach. Bayard expressed his desire to punish Belknap as much as possible for "basely prostituting his high office to his lust for private gain... to the great disgrace and detriment of the public service." Bayard went on to declare that if the defense argument was accepted you should add to the Constitution, "provided the party accused is willing to be impeached."1

Another common thread running through many of these opinions is the appeal to common sense — why should high crimes be subject to a statute of limitations which expires when an official term of office ends? The most effective exponent of this viewpoint was Republican Senator Justin Morrill of Vermont. He began by declaring that he was not trying to convince anyone else, and if he was, he knew of no one eager to be convinced. Morrill was the only senator who argued that some consideration should

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1Ibid., pp. 128, 130.
be given to the fact that the House of Representatives was unanimous in their indictment of Belknap. Further, he gave no weight to the belief expressed that partisan oppression may dig up old charges -- all granted powers are open to the accusation of what might happen in the future. And he agreed with Ohio Republican Senator John Sherman's assertion that if two-thirds of the Senate was that corrupt, fears of unfair impeachments would be the least of our problems. Finally, Morrill railed against "hair-splitting objectives, sometimes resorted to in pleas of abatement, and which have no relation to the merits of the case on trial."

In the longest exposition, Massachusetts Republican Henry Dawes noted that his fellow Republicans, Oliver Morton of Indiana and John Ingalls of Kansas, had both brought the issue of party into the proceedings, and left no doubt as to which side good Republicans should be on. Dawes, however, gave more credence to the 1846 remarks of the venerable John Quincy Adams who advocated impeachment of officials who had left office.

While the arguments favoring jurisdiction were generally undistinguished and occasionally emotional, those denying jurisdiction were dazzling in comparison.

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1 Ibid., pp. 112-113.
2 Ibid., p. 152.
Undoubtedly because they were voting to let someone widely assumed to be guilty escape their punishment, these Republican senators felt a burden to make especially clear their reasons for so doing. Wisconsin's Timothy Howe gave a superb and enlightening history of the English background of impeachment and how its originator, Edward III, used it to break the power of the nobles. California's Newton Booth noted that both sides had strong arguments, so it was not strange that equally able and honest men would reach different conclusions. He believed that the manager's arguments might well have reflected the thinking of those at the Constitutional Convention, but "mind-reading" was not the only consideration. The Constitution is a living instrument and we should calculate its meaning in the light of current events. The authors were not omniscient -- they could not foresee all possible later problems. New Hampshire's Aaron Cragin was one of those who claimed to be swayed by the presentations. He admitted originally leaning toward favoring jurisdiction, because the idea of Belknap evading impeachment was disgraceful and a humiliation to his party. Cragin's sense of right was outraged and he looked for a way to satisfy justice, but came to the opposite conclusion in spite of himself.¹

¹Ibid., pp. 97-98, 145, 154.
Ingalls scoffed at the scare tactics of both sides. Whatever happened would not be the disaster painted by the opposing arguments. The Kansas senator also forecast that the issue of whether an official was subject to impeachment once he left office would probably never come up again -- the impeachment process was too unwieldy for frequent use, and the precedent of this case would serve as a guide if a similar situation should arise in the future. As to how this case should be settled, Ingalls contended that on doubtful issues "it is safest to construe the power in favor of the liberty of the citizen rather than the prerogative of the State."1

Perhaps the most persuasive of the arguments was that of Senator Charles Jones, a Florida Democrat. After urging his colleagues to rise above party considerations, Jones added a warning: "Man in all ages . . . has never been willing to admit that his excesses of power and authority were anything more than impartial and honest judgments demanded by the popular good." Jones cited the ambiguity as to what constitutes an impeachable offense, asserting that the manager's interpretation would give Congress an arbitrary discretion with officers unable to protect themselves, because no one would know what actions or conduct would lead to impeachment. If jurisdiction

1Ibid., pp. 124, 126.
attaches when a "crime" is committed, expediency and policy may turn an action into a crime years after the fact. But expediency and policy admit of no standard of permanency for what to judge to be impeachable offenses. He therefore argued that jurisdiction must be upon the status of the person, rather than the time the act took place. As did many others, Jones bemoaned the lack of explicit authorities to guide their decision.¹

Having very few sources to turn to, and these often ambiguous, it seems clear that it was not the state of English impeachment in 1789 that was important, but the state of America in 1876 which decided this issue — with senators being able to find arguments in either direction to support their biases or convictions.

¹ Delaware Democrat Eli Saulsbury, in fact, gave little credence to authorities cited by either side, because the precise question had never risen before. Ibid., pp. 137, 138, 140.
CHAPTER V

THE TESTIMONY OF WITNESSES

After voting on the jurisdictional question was completed, the opposing counsel displayed the first overt signs of testiness. Carpenter again requested a delay, which occasioned skirmishing on what was the proper procedure for the next step. Carpenter in effect declared victory, because more than one-third of the senators denied that the Senate had the jurisdiction to pass judgment in the case. The managers countered that jurisdiction was a preliminary issue which could be settled by a majority vote, and Congressman Lord accused the defense of being criminal lawyers more interested in using technicalities and dilatory pleas than in deciding the case on its merits. Carpenter responded that the managers claimed not to be criminal lawyers, but that no one should be a prosecutor who did not know the rules of such courts. On another occasion Carpenter observed that when the managers arrived, they were announced to the court and escorted to their seats by the Sergeant-at-Arms -- but that such treatment was not needed by the defense because they could remember where they were supposed to sit. The carping between lawyers reached a
peak when McMahon, after listening to Carpenter make numerous objections to questions from the managers, sarcastically observed that it was too bad Carpenter could not conduct the prosecution for the House with his full knowledge of all the details of points of law.

It is not surprising that tempers would start getting short. The Senate had received the articles of impeachment on April 4, it was now June 1, and there had not been any trial testimony taken yet — in fact no witness list had even been presented for subpoena. Worse, the weather was becoming oppressively hot and because the trial could proceed only while Congress was in session, this meant members of the House could not escape the stifling heat until the completion of the trial either. As the summer progressed, it became increasingly more difficult to get a quorum for even the most important votes. Congressman Garfield registered his lack of enthusiasm in his diary: "The Belknap impeachment trial was resumed today and promises to drag its tedious length along, perhaps a month. I see no hope of our getting away before August."


2 And it would get worse. On July 14, the New York Times noted that for the three previous weeks, "the mercury has gone up to ninety and above with great regularity and persistence." New York Times, July 14, 1876, p. 4.

3 Brown and Williams, Diary of Garfield, p. 319.
On June 6, after considerable maneuvering it was decided by the Senate that a "not guilty" plea would be entered for Belknap if he did not answer to the merits of the impeachment articles within ten days. With Carpenter declaring that the case should be dismissed for lack of jurisdiction, and thereby refusing to answer to the charges, on June 16 this order was implemented. The next wrangle was over the date to begin hearing evidence. The defense predictably proposed that the next session of Congress, scheduled for December 6, would be a good time; the managers requested until July 6 to round up some of their witnesses; and some sentiment for June 19 was expressed by a group of senators who wanted to speed things up even more. July 6 was decided on, and a list of witnesses to be subpoenaed was submitted by each side. Because of the unavailability of some witnesses and the excessive heat, Black sought a delay until November, which the Senate again refused.¹

On July 6 testimony began and lasted until July 19, with a total of thirty-nine witnesses called. In his opening statement, William Lynde reviewed at length the laws of Congress and the orders of the war department regulating the appointment of sutlers, and the creation of the position of post trader.² The New York Tribune

²See pages seven and eight above.
article of February 16, 1872 was introduced which described the relationship between Marsh and Evans.¹ Lynde asserted that Belknap had created a smokescreen with his subsequent March 25 circular letter,² alleging that the secretary of war had not corrected the abuses listed in the article because that would have meant an end to the payments he was receiving from Marsh.

Following Lynde's presentation, which outlined what the managers intended to prove, John McMahon began calling his first witnesses. Edward Bartlett, Marsh's attorney, testified about the contract he had drawn up for Marsh and Evans. It had called for Evans to pay Marsh $12,000 per year, with the payments to be quarterly in advance. In return Marsh would let Evans stay on as post trader at Fort Sill, and would use "any proper influence" with Belknap for the protection of Evans. The agreement was dated October 8, 1870, signed by both Evans and Marsh, and witnessed by Bartlett.³

After showing the existence of a contract between Marsh and Evans, the next logical step was to try to prove that this arrangement included Belknap. A series of money delivery clerks and cashiers followed Bartlett

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¹See pages nine and ten above.
²See pages eleven and twelve above.
on the stand; they produced receipts verifying that Belknap had gotten money from Marsh on the dates listed in the impeachment articles. More cashiers and bookkeepers established that Belknap made bank deposits on dates closely approximating the Marsh payment schedule and in corresponding amounts. A certificate of deposit was traced from Marsh that went directly into Belknap's private account.¹

That Belknap knew of the arrangement between Marsh and Evans was the next point addressed by the managers. H. T. Crosby, chief clerk at the war department and formerly Belknap's confidential clerk, acknowledged that Belknap was probably aware of both the Tribune article of February 16, 1872, and of General Hazen's testimony in 1872 before the House Military Committee.² Major General Irwin McDowell was examined and reported that following the Tribune article, Belknap had spoken to him about allegations of price gouging and farming out of traderships. The secretary of war had then asked him to draw up a remedy, which he did -- the aforementioned March 25 circular letter.³

On this first day the defense did not make an

¹Ibid., pp. 182-183.
²See page eleven above.
opening statement, cross-examine any witnesses, or raise any objections, saying they did not want to legitimize the proceedings and waive or lose their rights on the question of jurisdiction. They had a change of heart on the second day, deciding that this strategy had been a mistake, and they participated fully in the remainder of the trial.¹

On the second day, Adjutant-General E. D. Townsend verified the application dates for the Fort Sill trading post.² Townsend also confirmed that after Belknap had resigned, Evans had had his appointment as post trader at Fort Sill revoked. In response to a defense inquiry, Townsend conceded that an April 11, 1876 meeting of officers at Fort Sill had unanimously urged that Evans be reappointed. Carpenter claimed that this showed Evans was greatly respected, but Senator Francis Kernan, a New York Democrat, responded that that was irrelevant -- if an official was paid to appoint someone, what difference did it make if he had selected a good man for the job?³

¹Ibid., pp. 189, 196-197.

²July 25, 1870 for Evans, with recommendations from Colonel Benjamin Henry Grierson and all the Fort Sill officers as to his character and fairness; and August 16 of that year for Marsh, with a later recommendation by Representative Job Stevenson, an Ohio Democrat.

The star witness for the managers was next on the stand. Caleb Marsh had been a furniture businessman until switching to tea importing. He had first met Belknap in September of 1870, but indicated that he had known both Carrie Belknap and her sister Amanda for five to seven years before that. Marsh characterized his relationship with Carrie as casual, and somewhat closer with Amanda.¹

Marsh admitted sending the money to Belknap, sometimes by messenger and sometimes giving it to him in person. The procedure had been to write Belknap, "I have a remittance for you from the S. W." Belknap would then inform him how to forward the money, with Marsh then destroying these instructions. When sent by express, Marsh would receive an express receipt endorsed on the back "O. K." by Belknap. When paid in person, Marsh got no receipt. Marsh testified that nothing was ever said in these meetings about the reason for the money, and that he and the secretary of war never had any other business dealings. All of the money was paid to Belknap except for the first payment, which was given to Carrie Belknap, and the last payment which went to Amanda Belknap.²

¹Ibid., p. 219.
²Ibid., pp. 220-224.
As to why Marsh and Evans got together, Marsh related that when Belknap had offered him the post, the secretary suggested it would be a good idea to see Evans and work out an arrangement to buy out his stock of goods. Marsh went to Evans and they agreed to let Evans keep his tradership in exchange for $12,000 per year paid to Marsh -- later reduced to $6000 per year in 1872. Marsh had then asked Belknap to appoint Evans in his place, but the letter of appointment was sent to Evans in care of C. P. Marsh.

Marsh said that he presumed Belknap knew where the money he was receiving was coming from because this was the only business dealing he had with Belknap, Evans had been appointed at his (Marsh's) request, and when Evans had wanted favors done\(^1\) he had contacted Marsh who then passed them on to the secretary of war. Following the February 16, 1872 Tribune article, Marsh recalled meeting Belknap and admitting that he and Evans did have a contract.\(^2\)

On cross-examination by Carpenter, the defense counsel asked Marsh straight out if he had any agreement to pay Belknap for any reason. Marsh responded categorically that he did not. Carrie Belknap had stayed

\(^1\) Such as the enlargement of the military reservation.

at his home while she was ill, and his kindness to her was the inducement for Belknap offering him the post. When questioned why he sent the money to Belknap, Marsh answered that it gave him pleasure to do so and was intended as a present. He had made up his mind to give Belknap half of the money from Evans, but he could not be certain if Belknap knew how much money he was to receive. There followed a heated exchange during which Blair asserted that everyone in the room and in the country knew that there was someone else who claimed the money as her own, and had directed how it was to be sent. An exasperated McMahon said that if he was conducting the case as poorly as the defense claimed, they should be grateful for his lack of ability because their client would stand a better chance of gaining an acquittal.¹

Marsh next recounted a conversation he had with Mrs. Bower, before she became the third Mrs. Belknap, on the night of the funeral for Carrie Belknap. He recalled saying during it that the child would have money coming to it, and of Amanda Bower telling him that her sister had already told her of the arrangement and requested that she care for the child and continue receiving the money. Marsh had agreed to this, but could not remember whether he had discussed the arrangement at this time

¹Ibid., pp. 237-241.
with the secretary of war. Marsh was asked whom he intended should use the money. He answered that originally it was for Carrie Belknap, then the child after her death, then Belknap after the child died in 1871.¹

Marsh's testimony before the Clymer committee² was admitted into evidence despite strenuous defense protests. After the reading of this testimony, the final witness present for the prosecution was called. John Fisher, a partner of Evans at Fort Sill, estimated the value of their stock of goods there at $80,000. He corroborated the earlier testimony that the payments were made to Marsh in order to retain the position of post trader, and that they communicated with Belknap through Marsh.³

Here the manager's case was hampered by the absence of their other key witness, John Evans. Evans had appeared before the Clymer committee, but had been released subject to telegraphic recall. That recall had been sent, and Evans had received the notification by telegraph messages ordering his return, but was delayed due to flooding which had washed out a number of roads. The managers rested their case, with the understanding that Evans would be called as a prosecution witness

¹Ibid., pp. 240-241.
²See pages 14-18 above.
³Cong., Record, "Trial of Belknap," p. 252.
when he did arrive.\(^1\)

The defense took over on July 12, and called an impressive list of eminent witnesses -- all of whom praised the management of the war department under Belknap and established his good character. These included Major General John Pope, whose department contained Fort Sill; Commissary General of Subsistence Robert MacFeeley; Iowa Republican Congressman John Keeson; the Superintendent of West Point, Thomas Ruger; both senators from Iowa, Republicans George Wright and William Allison; Army Chief of Ordnance S. V. Benet; Chief of Engineers Andrew Humphries; Inspector General of the Army R. B. Marcy; Judge Advocate General William McKee Dunn; Major General Winfield Scott Hancock; and Associate Justice Samuel Miller of the United States Supreme Court -- all of whom testified as to the excellent reputation, ability, and integrity of Belknap.\(^2\)

Former Iowa Governor Ralph Lowe also gave a character reference, but in the course of cross-examination McMahon tried to find stains on Belknap's record. Lowe revealed that in 1857 a real-estate venture in which Belknap was involved went bad and that Belknap was unable to meet

\(^1\)The defense called most of their witnesses on July 12, and between July 13-17 the Senate met for only a few minutes each day waiting for Evans's arrival.

his liabilities. He eventually did square the accounts, but not until after the war.\(^1\)

On July 19 Evans finally reached Washington. He was sworn in that very day and gave his story. Evans testified that he had been the sutler at Fort Sill since its establishment in 1869. When the 1870 change in the law gave the secretary of war power to select post traders, he went in July of that year to Keokuk, Iowa to seek the appointment and brought with him endorsements from all the officers at Fort Sill. Belknap refused to speak to him, saying that he was on a pleasure trip and would not discuss business. Evans then had gone to Washington where he waited three weeks until Belknap returned, only to be informed that someone else was already promised the position. Belknap told him some arrangement might be possible. Shortly thereafter Marsh called on Evans at his hotel and an agreement was reached. Evans stated that he had never heard of Marsh before that meeting in his hotel room. Evans acknowledged the accuracy of the payment schedule listed in the articles of impeachment and testified that he paid a total of $42,317.02 under this agreement to keep his position — with Marsh never investing any capital in this concern.\(^2\)

\(^1\)Ibid., p. 266.
\(^2\)Ibid., pp. 273-274.
Before Carpenter could cross-examine Evans, Senator Aaron Sargent, a California Republican, asked the witness to relate his conversation with Marsh at their first meeting. Evans stated that he had informed Marsh of his extensive investment at Fort Sill and suggested that they form a partnership or have Marsh buy him out. Marsh refused, then countered with a proposal for Evans to pay him $20,000 per year. Eventually $15,000 was agreed upon, but that night Evans had noticed an article in the newspaper about troop reductions at Fort Sill so the price was lowered to $12,000. Sargent then asked whether Marsh had said anything about what he would do with the money -- if it was to be divided with anyone else. Evans said there had been no discussion along those lines, but thought Marsh would keep it all to himself.¹

Evans also related that he had more than the sutlership at Fort Sill. He estimated doing more than $150,000 worth of business in 1870 -- divided among Army trade, Indian trade, and contracting with the government for supplies. The military trade alone would not have justified a $12,000 yearly payment to Marsh, because only about $75,000 of his business was as post trader.²

¹Ibid., p. 275.
²Ibid., p. 276.
The defense tried to establish that Evans's possible partnership with the firm of Durfee and Peck, which already had three traderships, was a potential reason for Belknap refusing to re-appoint Evans at Fort Sill. Also, Article III charged that soldiers had to pay exorbitant prices because of the deal between Evans and Marsh, but Evans testified that his prices actually went down after 1870 because of the increased trade he received by being the sole trader at the post. The managers quickly pointed out that a more important reason for the price reduction was the improved transportation system with a railroad extension into the Indian Territory, and that his prices could have been even lower without the payments to Marsh. In a direct question crucial for the defense, Carpenter asked Evans how much he had paid Belknap for the appointment. Evans answered, "I have never paid him a cent."

More jabbing between counsel occurred here, with McMahon commenting that Carpenter had "lost his bearings in the books of evidence." To which Carpenter replied, "I should not wonder if I had, for I have been reading the arguments of the managers too much."¹

The last major issue discussed was Belknap's whereabouts during the week of August 16-20, 1870, when the Marsh application was received and filed. The war

¹Ibid., pp. 277, 280-281.
department's chief clerk, Crosby, was recalled and ascertained from examining Belknap's letter copy book that the ex-secretary had been in Washington from August 2-12. However, from August 12 until the middle of September he had not been in the office to send letters.¹

At this point, three months and two days after the formal opening of the trial, both defense and prosecution rested. Closing arguments were set to begin the following day, and would last from July 20 to July 26. As usual there was controversy over procedural matters, this time the issue being the order in which the opposing counsel were to speak. It was decided that all three defense lawyers and three managers (Lapham, Lynde, and Lord) would address the Senate. However, because of illness, Lapham could not deliver his presentation and it was printed into the record. He was replaced as a speaker by the Pennsylvania Democrat, George Jenks.

¹Ibid., p. 285.
Blair began by urging the senators to be calm and fair in their deliberations — alluding to an earlier tirade by the Massachusetts Republican, George Hoar, which had lumped Belknap with the "other abuses of the day." Blair then brought up British and American precedents to show that the defense had not waived the question of jurisdiction by participating in the remainder of the trial. Senator Augustus Merrimon, a North Carolina Democrat, interjected a question at this point...If all Supreme Court justices were bound by a majority decision of the court, Merrimon asked why those senators who had dissented on the jurisdiction question were not similarly bound by the majority decision in this case that the Senate had jurisdiction? Blair responded that the defense argument was not intended as a plea of abatement — under which the defense would have to point out which court had jurisdiction, when in fact the defense believed none did. Blair contended that this was a special plea in bar, and as such could not be overruled by less than a vote necessary for conviction, because if the plea was
overruled it automatically meant conviction.¹

Addressing his next point, Blair stressed Marsh's statement that the money given to Belknap was intended only as a gift, and that the impeachment articles charging bribery had been shown false by the only witness who could have substantiated them (Evans). While admitting that Belknap had selected a friend (Marsh) rather than Evans, Blair asked who among the senators had not done the same thing by favoring friends for office over strangers? It was a political appointment disposed of after the manner of the time, with Blair arguing that Belknap was only doing what everyone else did. Blair pointed out that Evans had no right to the office, having been turned out by the 1870 law.

Blair then turned his attention to "the organized assassins of character in the sensational press" and contrasted them with the distinguished character witnesses on Belknap's behalf. Belknap's war record was again paraded before the senators.²

Throughout the trial, always in the background, was the veiled hint that Belknap was shielding his wife. Blair suggested that the money was given to Mrs. Bower, and that it would have been perfectly reasonable for

¹Blair's arguments are contained in the Cong. Record, "Trial of Belknap," pp. 287-294.
²Ibid., pp. 291-293.
Amanda Bower, a widow of considerable property, to be receiving money from Marsh and remitting it to Belknap by her direction. Indeed, Belknap need never to have known what the money was for.¹

William Lynde

Congressman Lynde addressed only one point -- the effect of the vote on jurisdiction. He claimed that it was a new idea that a judge was not bound to regard the law of the case when it was settled; that when voting on conviction, the guilt of the accused was based on the evidence presented which the court had decided to receive; and that the Senate acts as a body, with no individual member having the right to set up his conscience as against the law. To back up his assertions, Lynde looked at the impeachment trial of Andrew Johnson where on fifteen instances evidence had been admitted with less than a two-thirds vote.²

Elbridge Lapham

In his printed presentation, Representative Lapham acknowledged Belknap's previously good reputation, but observed other "good" people had fallen to temptation.

¹Ibid., p. 293.
²Ibid., p. 296.
He noted that Belknap had stood mute — if he had a tangible defense, it would seem likely that the defendant would have taken advantage of the opportunity to present that defense and establish his innocence. The New York Republican then looked at the reason for the selection of Marsh as post trader — specifically the theory that Belknap had wanted to give him the appointment as a favor for kindness to Mrs. Belknap. Lapham found it difficult to see how then appointing Evans instead of Marsh would repay that kindness, or that it would result in payments from Marsh to Mrs. Belknap, instead of something from her to Marsh. Also, Marsh's testimony showed that while the first payment went to Carrie, and the second and third were for the child, all subsequent payments were presumed by Marsh to be for Belknap's own use.¹

Lapham then struck his strongest blow, implying that the August 16, 1870 Marsh letter of application was backdated so that the date listed would precede Evans's second letter of application, which had been received on September 23. On Marsh's application, the defendant wrote "Received August 16, 1870," but the records of the war department showed that Belknap was absent from Washington between August 12 and September 7.²

¹Ibid., pp. 299-300.
²Ibid., p. 300.
George Jenks

The third manager reminded the senators that jurisdiction had been settled, obligating them to disregard the plea of non-jurisdiction and limiting their focus to the charges. The Pennsylvania Democrat then took a somewhat different approach, bringing up the possibility of those senators who did not feel there was jurisdiction might consider not voting at all on the question of Belknap's guilt. That way they could satisfy their conscience by not voting to convict in a case where they questioned the jurisdiction of the court, and they would not have to cast a "not guilty" vote where the evidence clearly indicated the defendant's guilt.¹

Jenks elaborated on the argument of Lapham, pointing out another, more serious, discrepancy in the Marsh testimony. Marsh had supposedly applied for the tradership after nursing Carrie Belknap back to health and she had urged him to do so. However, she had been ill in September, and his application was dated August 16. So either Belknap and Marsh had lied about the motive for the appointment, or the letter was backdated. Also, Marsh could not remember meeting Belknap until September of 1870, but presumably had written the August 16 letter of application which contained a reference to a matter

¹Ibid., p. 306.
discussed earlier by the two about trading posts. Jenks commented as well on the remarkable speed of the postal system — the Marsh letter was dated August 16, received August 16, and filed the same day.¹

Jenks argued that the actions of Marsh and Belknap were in and of themselves suspicious. Every letter Marsh received from Belknap he destroyed — which certainly appeared to be concealment of fraud by getting rid of the evidence. After the February 16, 1872 Tribune article exposing the Marsh-Evans connection, all payments to Belknap were from R. G. Carey & Company, except for one. Jenks maintained at this point that it did not look good for Belknap to be doing business with Marsh. And most peculiar of all was someone getting large sums of money who never asked what they were for.²

Jenks scoffed at those who called such payments a present, declaring that bribery always takes the form of a gift. If it was an honest gift, Belknap should have proudly proclaimed to the world what his generous friend was doing for him.³

Jeremiah Black

Like his colleague Blair, Jeremiah Black objected to

¹Ibid., p. 308.
²Ibid., p. 312.
³Ibid.
the harshness of the managers when they spoke about Belknap. He particularly chastised them for using epithets such as "poor, corrupted creature," and noted that their typical argument was "remarkable for its bigotry and want of charity."\(^1\)

After conceding the naked fact that Belknap had received money from Marsh, and as such was a ground for suspicion, the former attorney general brought forward the presumption that some explanation had been given to Belknap by other family members. Black urged that Belknap be granted this concession, because the one person who could verify this was unable to do so owing to her marriage to Belknap.

The key argument of his presentation was that there was no law against a government official accepting a gift. "More than that, there is no custom or habit or sentiment among the public officers of this day which condemns it or makes it disreputable."\(^2\)

To support this assertion that Belknap was no worse than most other officers in his actions, Black cited other examples of gifts to public officials — such as the $100,000 investments for Daniel Webster while he was secretary of state; the stock received by Senator Henry

\(^{1}\)Ibid., pp. 314, 320.
\(^{2}\)Ibid., pp. 316-317.
Wilson, a Massachusetts Republican, and numerous members of the House of Representatives from the Union Pacific Railroad; and gifts of money, land, houses, and goods that Belknap's boss, President Grant, was the beneficiary of. Because these wealthy friends also gave the president gifts because it afforded them pleasure, did that mean that Grant was then guilty of impeachable offenses? Black insisted that such thinking was ridiculous, that people were willing to presume the president was innocent of wrongdoing, and that a presumption which applied to the president should extend to his secretary of war. While he was personally opposed to such practices, Black asked that Belknap not be singled out for punishment. His final appeal continued in this vein: "What I assert is that there is no law which forbids it, nor any rule of morality among public officers which condemns it. That being the case, is it not horrible to convict this party who has certainly done nothing worse?" ¹

Matthew Carpenter

The two big guns were now ready to swing into action. With an eye for the dramatic, Matthew Carpenter received permission to speak from his old Senate seat on

¹Ibid., p. 318.
the middle aisle. As the final defense spokesman, Carpenter reiterated the reasons why Belknap should be acquitted. Speaking for four hours on July 25, and continuing for another two hours the next day, he began with an appeal to the senators to remain in their seats and listen to the final pleas. He contended that if there were two reasonable interpretations the scales of justice should tip toward innocence. Also, in a case such as this, which was based on circumstantial evidence, the former good character of Belknap was an important element. Carpenter argued that it was unlikely someone would commit only one act of corruption -- but the Clymer committee had not charged anything else, even after checking his bank account, investigating all branches of the war department, and interviewing his butcher, banker, and tailor.

The recent case of House Speaker Michael Kerr was recounted. Kerr, accused of involvement in the sale of cadetships, had been acquitted unanimously of wrongdoing by the House. Carpenter stated that party had been a factor, Kerr being a Democrat, and argued that had Kerr

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1 The seat was now occupied by Senator George Spencer, an Alabama Republican, whom Carpenter was also defending at this time on a charge of corruption and bribery in gaining his last election victory. *New York Times*, March 19, 1876, p. 1.

been a Republican he would have been expelled by a unanimous vote. This was perhaps an overstatement, but continuing in this vein Carpenter swiped at the Republicans for their lack of solidarity by giving in to Democratic charges under the pretense of purifying the party. A further warning was issued by Carpenter that these tactics were allowing the Democrats to close in on their goal of gaining the White House.¹

Next, Carpenter examined the distinction between the intent of the donor and that of the recipient. Even though Marsh may have given with the intent to bribe Belknap, it was still necessary to show that Belknap had received the money with the intention to be influenced. The former Wisconsin senator pointed out that many gifts to senators could be construed as bribes, such as free passes handed out by railroads. But he maintained that it was stretching credulity to believe that lawmakers accepted such gifts with the understanding that they constituted a bribe. Recapping the testimony of Marsh and Evans that Belknap did not know the source of the money, Carpenter issued a challenge to Scott Lord: "I defy the honorable manager who is to close this case to convict General Belknap upon the intent of Mr. Marsh."²

¹Ibid., pp. 321, 324.
²Ibid., p. 323.
Carpenter tried to explain away the damaging allegations of Lapham and Jenks concerning how Marsh came to be offered the appointment. It was true, conceded Carpenter, that Marsh applied on August 16 and Carrie Belknap was not ill until September, but Marsh did not receive the appointment until October and attributed his success to her intercession. This explanation was rather lame, because Marsh had testified he only applied when urged to do so by Mrs. Belknap -- nothing being said about a previous application. Senator Henry Dawes, a Massachusetts Republican, picked up on this and asked Carpenter for an explanation, eliciting from Carpenter the supposition that Marsh must have forgotten the earlier application. As to Lapham's intimation that the Marsh application had been backdated, Carpenter speculated that it was possible that the secretary came back to the office for a few hours, or else received the application in New York and forwarded it to the war department.\(^1\)

Earlier, Carpenter had declared that if there were two reasonable interpretations, the benefit of the doubt should lead to an acquittal. He now attempted to provide that second version. Emphasizing that Belknap had repeatedly asked him to keep Carita and Amanda out of the picture, Carpenter said he had done so only because

\(^1\)Ibid., pp. 325, 326.
Belknap had given him a direct order. However, he felt an obligation to disregard his client's request for his own good, and would now present that plausible alternative unless physically restrained by Belknap.

Carpenter began with a general assessment of the changes in women's rights, with a husband no longer able to arbitrarily manage his wife's estate or investigate her financial transactions. Recapping the progression of events, the first transaction had been between Carrie Belknap and Marsh, and was to be concealed from her husband -- Carrie's admonition to Marsh being that he should not tell Belknap about the "gifts" because the secretary had once threatened to kick a man down the stairs who offered him $10,000 for a tradership. After her death, Marsh talked to Amanda about continuing the money payments for the child. Amanda showed she felt entitled to accept Marsh's money because she had been given care of Belknap's son. Carrie had thus communicated the arrangements with Amanda, who continued the policy of her late sister and kept it secret from Belknap.1

This was easy to do. She had a separate estate which was quite substantial. Even after her marriage to Belknap three years later, it would be natural to say the money was coming from investments with Marsh.

1Ibid., pp. 327-328.
As to the behavior of Marsh at Belknap's house before testifying to the Clymer committee, Amanda had urged him to say the money had come from investments— which was the story she had been telling her husband all along. This would explain why Belknap had urged Marsh to stay instead of leaving the country. If Belknap did know the facts, then his effort to stop Marsh from leaving would show that he was an idiot: although the facts would not warrant impeachment, Belknap must have known the attitude of the press toward the administration. The condition of public sentiment toward the other corruption going on in Washington would have ruined his reputation.¹

A definite reason for the Marsh story was then advanced for the first time. "This impeachment," accused Carpenter,²

is the result of a disagreement which happened several years ago; and Marsh, the feeble tool of a woman unable to forgive one who commanded more attention than herself, has been pushed forward by his spiteful wife to wreak vengeance upon Mrs. Belknap; and the Senate sits here today unconsciously executing her purpose.

¹Ibid., p. 328.

²The only corroborating evidence for this statement was an article in the New York Times, which said that following the marriage of Belknap and Amanda Bower, a bitter quarrel arose between Mrs. Marsh and the new Mrs. Belknap—the cause of which was not disclosed. New York Times, March 4, 1876, p. 1; Cong. Record, "Trial of Belknap," p. 350.
Sitting in the gallery, James Garfield considered Carpenter's next point to be his strongest. Turning to some considerations in law, Carpenter asserted that jurisdiction was required all through the proceeding -- therefore it was never too late to raise the objection that the court had no jurisdiction. Building on this, Carpenter made a last appeal to senators who previously had voted against jurisdiction to not surrender their consciences. If they believed so then, there was no jurisdiction now. ¹

The reaction to Carpenter's oration was mixed.

Belknap described the speech as follows: ²

Let me say here that Mr. Carpenter is the most remarkable man I ever knew [sic] & of more natural ability. . . . Before he made his argument, I spent two hours with him & went over the testimony. I expected him to speak an hour. He spoke nearly four. He appreciated every point -- even the smallest -- and he really knew [sic] more about the case than I did. In reading his speech you lose his appearance & manner & attitude, but it was grand.

Others were less enthralled. The *New York Times* called it an interesting speech, with Carpenter presenting "the crowning piece of impudence" by claiming that Belknap

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possessed the means to clear himself, but had refused to let his counsel use them. Yet later he sat back and let Carpenter expound this theory in his final argument—why would he "not let this representation be proved in evidence, but permitted to be the subject of a lawyer's harangue?"\(^1\) Also, with the final appeal for senators to stick to their guns on the jurisdiction issue, the Times opined that it was "obvious that the ex-Secretary relies far less on the impression he has made on senators as to his innocence than on the technical objections members of the Senate may have to jurisdiction in the case," then added that this "doctrine is ingeniously supported, but is essentially absurd and dangerous."\(^2\)

Scott Lord

The choice of Scott Lord to close for the managers seemed a strange one. McMahon had carried the bulk of the load during the trial, and Lord, although a long-time lawyer and judge, was a first term congressman. Moreover, in a time when oratorical skills were important, the New York Times declared of Lord, "however learned he may be in the law, he certainly is not a pleasant or impressive speaker." Still, the general assessment was

\(^1\)New York Times, July 26, 1876, p. 1.

\(^2\)New York Times, July 27, 1876, p. 4; July 25, 1876, p. 4.
that he gave a better speech than expected, stronger and more spirited.  

After laying out the charges as seen by the managers, the New York Democrat attempted to deflect any technical nitpicking on the jurisdiction issue by an appeal to how posterity would view their actions on the great question of guilt or innocence:

What in the eye of the world, what in the eye of history will be this question of jurisdiction and the question of the admissibility of evidence and the other legal questions of the case as bearing on the character of General Belknap? Who will care in the present time or in the future, as regards his reputation, to look at any one of those legal questions? But it is an exceedingly important question to him to know whether he is infamous, whether for long years he has corrupted his hands with bribes. This is the important question. Whether this court has jurisdiction or not in one view is a matter of profound indifference.

The freshman representative proceeded to examine the definition of conviction. Blackstone gave two ways of judging whether someone was guilty of an offense — either by confessing, or being found so by the verdict of his country. And Lord asked what court better represented the whole country than the United States Senate?

A comparison was drawn by Lord between voting in an impeachment trial and concurring on treaties — both needed a two-thirds vote. Senate Rule No. 38 said that

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1Ibid., July 27, 1876, p. 1.

on a final vote, two-thirds approval was required, but all other motions were decided by a majority vote. The same was true for amendments to the Constitution, two-thirds on the final vote and a majority for amendments. The crucial vote for the defendant was on guilt or innocence. All legal questions, therefore, could be decided by a majority vote without injustice to Belknap -- and jurisdiction was a legal question.¹

After pointing out the different defenses used on Belknap's behalf, with Black saying the money was a gift like others in government had received and Carpenter arguing that the money was the property of Belknap's wife, Lord attempted to show the facts of the case as the managers saw them.

In this assessment,² Lord first mentioned something which was not explored in the trial testimony -- that the defendant himself had been the one to suggest the 1870 law which gave the secretary of war the power to appoint traders, "placing beneath his feet the foundation on which this fraud was afterward perpetrated."³ Next, Lord pointed out the situation at Fort Sill, where Evans had every expectation of being re-appointed. The trader had

¹Ibid., pp. 335-336.
²Ibid., pp. 337-339.
³Ibid., p. 337.
a sizable investment at Fort Sill, there had been no complaints about him before 1870, and he had gotten the recommendations of every officer at the fort. Yet when Evans went to see Belknap, he was told that the post had been offered to someone else -- with the secretary indicating that some accommodation was possible. Marsh was sent by Belknap to see Evans, and an agreement was reached whereby Evans would pay Marsh $12,000 per year. Marsh then asked Belknap to have the appointment sent to him, but in Evans's name. Lord argued that this put Evans in Marsh's power and suggests that Belknap must have known about the arrangement.

Upon receiving his first remittance from Evans, Marsh gave half of it to Carrie Belknap. After her death, subsequent payments were sent to Belknap or delivered to the secretary of war in person. Lord asked if the senators could believe that Belknap had received this money without inquiring what it was for.

Indeed, Belknap kept receiving the money -- even after the 1872 Tribune article, the Grierson letter, and the March 25 McDowell circular letter. The only thing that changed was that the payments were cut in half, and that when sent by express they came from R. G. Carey & Company instead of from Marsh. Lord questioned why both parties were so secretive about what Marsh claimed was a generous gift. Challenging Marsh's claim that the
money was intended as a gift, Lord noted that these "gifts" did not come from spur of the moment generosity, but came regular as clockwork.

Lord saved his most stinging criticism for the theatrics of Carpenter, ridiculing his statement that Belknap had prohibited him from using the argument that it was his wife's money -- but that Carpenter had felt it was his duty to present that defense, unless Belknap pulled him down by his "coat-tails." Lord pointed out that not only was Carpenter not pulled down, but Belknap had handed him notes from which to sustain that plea. Characterizing such behavior as "hollow nonsense and miserable hypocrisy," Lord argued that if any evidence existed to support such a plea it would have been brought forward. And why were Belknap and his wife not called to testify? Did the defense positively know that the managers would have objected? As to his reasons for resigning, it had been a mockery to say that Belknap was trying to protect his family. Belknap had chosen to bring "eternal infamy" upon himself and his family by a resignation he knew would be interpreted as an admission of guilt.\(^1\)

Lord finished by pointing out the difference between the gifts Webster and Grant had received, and

\(^1\)Ibid., p. 339.
those Belknap got from Marsh. That difference was openness, with the others published in the papers while Belknap kept his a secret. In a final appeal, Lord stated that if you believed these payments were gifts, then see what history would say of the verdict.¹

¹Ibid., pp. 337, 339.
CHAPTER VII

VOTES ON IMPEACHMENT ARTICLES

When the final arguments ended on July 26, it was expected that the Senate would vote within two days on the five articles of impeachment. However, the death of Senator Allan Caperton, a West Virginia Democrat, on the evening of July 26 occasioned a delay. The Senate adjourned until July 31 out of respect for their late colleague, and also to allow a delegation to attend his funeral. With the resumption of business on July 31, it was decided that the Belknap impeachment voting would take place on August 1, with senators answering "guilty" or "not guilty" along with their reasons, if any. Each senator would then have two days after the vote to file a written opinion if he wished.¹

On August 1, all of the managers appeared to witness the voting except Knott, who was ill. Only Carpenter representing the defense was present, with Belknap waiting in Carpenter's law office. One member of the Belknap family did attend, his son Hugh. Arrangements had been made to notify Belknap of the results after the

¹Ibid., pp. 340-341.
vote on each article was completed.\footnote{Ibid., p. 341; \textit{New York Times}, August 2, 1876, p. 1.}

On Article I, the vote was thirty-five "guilty," twenty-five "not guilty," and thirteen not voting. Of the senators voting "not guilty," twenty-two of the twenty-five gave as their rationales that the Senate did not have jurisdiction; two, Republicans John Patterson of South Carolina and George Wright of Iowa, said that they believed there was jurisdiction, but that charges of bribery had not been proven to their satisfaction; and one, Republican Simon Conover of Florida, gave no explanation for his vote. Of the senators voting "guilty," Republicans Newton Booth of California and Richard Oglesby of Illinois said the issue of jurisdiction was not settled to their satisfaction, but they accepted the Senate's power to make this determination by majority vote, and the evidence presented convinced them of Belknap's guilt. All other senators voting "guilty" gave no explanation for their decision.

The vote on Article II was almost identical, thirty-six "guilty" and twenty-five "not guilty." The only difference was that Senator Samuel Maxey, a Texas Democrat who had missed the roll call for Article I, now cast a "guilty" vote. Article III and Article IV were thirty-six to twenty-five duplicates of Article II, the
only change being the explanation of Senator Aaron Cragin, a New Hampshire Republican, that he thought the evidence supported the charges, but since the Senate had no jurisdiction he still would cast a "not guilty" vote. On Article V, the vote was thirty-seven "guilty" to twenty-five "not guilty." Indiana's Oliver Morton had fallen in the Senate cloakroom and missed the first four votes, but after receiving treatment was able to return in time to vote "guilty" on Article V. With none of these five articles obtaining a two-thirds vote for conviction, Belknap was acquitted.¹

It will be noted that there were eleven senators who participated in the trial but who did not cast votes. Besides Caperton, who died, the others were Democrat Lewis Bogy, who went home to Missouri because of his daughter's death; Connecticut Democrat William Barnum, a late appointee who replaced James English in the middle of the trial; John Johnston, a Virginia Conservative, who was reported ill; Mississippi Republican James Alcorn, who was excused from voting because he had missed much of the trial; Maine Republican Lot Morrill, who resigned July 12 to become secretary of the treasury; Alabama Democrat George Goldthwaite, who was in ill health; Rhode Island Republican Ambrose Burnside, who did not participate after

¹ Cong. Record, "Trial of Belknap," pp. 342-357.
May 8; Republicans William Sharon of Nevada and Powell Clayton of Arkansas, who took the oath at the start of the trial, but were not in attendance thereafter; and Democrat Charles Jones of Florida, who declined to vote unless compelled to by the Senate -- a stand he justified by asserting that the Senate had no jurisdiction and he could not assent to the majority binding the consciences of the minority. There was also a vacancy from Louisiana, due to an argument about whether the governor of that state, Republican William Kellogg, had the authority to make the appointment. ¹

The party breakdown was interesting. When the trial began, there were forty-four Republicans, twenty-seven Democrats, and two Conservatives. ² Twenty-one Democrats voted "guilty," one "not guilty," ³ and five did not vote. The Republicans were more evenly split with fifteen "guilty" votes, twenty-four "not guilty," and five not voting. Based on earlier votes and expressed opinions, it seems assured that four of the five non-voting Democrats were solidly in the "guilty" camp -- Caperton, Goldthwaite, Bogy, and Barnum. Jones abstained, but had

¹Ibid., p. 140.
²Johnston and Robert Withers of Virginia, who voted with the Democrats on organizational matters.
³William Eaton of Connecticut cast the lone Democratic vote to acquit Belknap.
earlier indicated his opinion that the Senate did not have jurisdiction. For the Republicans, Ambrose Burnside voted yes on jurisdiction and was a likely "guilty" vote; Morrill voted no on jurisdiction, and his strong ties to the Grant administration were demonstrated by his appointment as secretary of the treasury; while Alcorn, Clayton, and Sharon, because of their complete absence from the case, gave no indication of their leanings. However, even had all the absentee voted to convict Belknap, it would not have been sufficient. The consequent forty-eight to twenty-five vote would have meant that one senator in the bloc of twenty-five "not guilty" votes would have had to change in order to achieve a conviction.¹

Only four senators took advantage of the opportunity to file a written opinion after the trial. Three of them² rehashed the points the managers had brought out, contributing nothing new. Senator Wright gave an excellent analysis from a different perspective. He and Patterson had been the only two senators who expressed the opinion that the charges of bribery had not been proven, and the New York Times reported a sarcastic


²Those three were Georgia Democrat Thomas Norwood, New Hampshire Republican Bainbridge Wadleigh, and Kentucky Democrat John Stevenson.
remark was heard on the Senate floor that Wright was the only honest man who voted for acquittal -- the inference being that the others had hidden behind the jurisdiction issue. In his written opinion, Wright said that there was no question in his mind that Evans and Marsh had a corrupt agreement, and that Belknap had received money from Marsh. However, the testimony of Marsh and Evans was critical -- there was no case without it. The only testimony on the subject of Belknap's involvement came from Marsh, and he emphatically denied any such intent or knowledge on Belknap's part. Wright concluded by reminding the senators that their duty was to look at the testimony as delivered, that it was not fair to say witnesses had lied and to make a case for the managers based on assumptions.

Reaction to the verdict was swift. The Nation called Belknap's escape a "simple mockery," which was satisfactory only to Belknap and his attorneys -- but declared that every lawyer of standing in the Senate had voted "guilty," except for Republicans Roscoe Conkling of New York and Isaac Christiany of Michigan. The New York Times characterized the performance as a "rather stupid and uninteresting farce," which had served only to

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1Ibid., pp. 360-365.
2The Nation, 23 (August 1876): 65.

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waste the Senate's time.¹ The Kalamazoo Gazette, a Democratic paper which had been cautious in its reaction following Belknap's impeachment,² reacted with indignation to his acquittal: "A thief is as dangerous as a traitor and a great deal meaner," sarcastically adding that "the acquittal of the confessed thief, Belknap, is a dose of reform from within."³

Belknap still faced criminal charges, but the New York Times did not hold much hope that anything would come of that either:⁴

Belknap is now under indictment in the District courts, but he stands in no danger of a conviction here, for numerous examples prove that no crime of large magnitude, especially if committed by a rich or powerful person, is punished in this District.

Adding in a later editorial,

Belknap is practically a free man. . . . He is under indictment in the District of Columbia, but we know of no greater security against punishment than an indictment in the local courts of the national capital. In a population pretty evenly divided

¹New York Times, August 2, 1876, p. 1.

²At that time the Gazette had observed that "President Grant intends to make a scape goat of Belknap; not because he stole, but that he was caught at it. . . . Far be it from our purpose to attempt to make political capital out of this national disgrace. We leave such venality to our Republican friends who have been attempting to stir up the hatred of the war period and thus cover up the iniquity which is now being brought to light." Kalamazoo Gazette, March 11, 1876, p. 2.

³Ibid., August 11, 1876, p. 6.

⁴New York Times, August 2, 1876, pp. 1, 4.
between office-holders and office-seekers, receiving their government at hap-hazard from Congress, it is next to impossible to punish great crimes. The fact is unpleasant, but it is undeniable.

The managers sought to put the best possible face on the result. In his official report back to the House, chief manager Scott Lord argued that their effort had not been for naught and would serve as a warning to future government officials: ¹

Notwithstanding the result, the managers believe that great good will accrue from the impeachment and trial of the defendant. It has been settled thereby that persons who have held civil office under the United States are impeachable, and that the Senate has jurisdiction to try them, although years may elapse before the discovery of the offense.

CHAPTER VIII

CONCLUSION

The New York Times prediction that Belknap would escape criminal prosecution proved to be correct. Following the trial Belknap lived for a short time in Philadelphia, then returned to Washington and resumed his law practice. Amanda and their daughter Alice moved to Paris, where they spent the next twelve years, returning only for visits and seeing very little of Belknap.¹

The ex-secretary lived alone in a Washington apartment, and spent a good deal of time at his club. He built up a lucrative law practice, representing numerous railroad companies, and also became involved in various veteran's organizations. When his old regiment, the Fifteenth Iowa, compiled its official history, Belknap retained enough respect among his army friends to become the editor of the book.²

In later years Belknap's health deteriorated and he was reported to be an almost constant sufferer from gout.

¹Purcell, "Fall of an Iowa Hero," p. 144.
²Iowa Historical Record, 1 (July 1885): 100.
In February of 1890 he experienced a severe attack, after which he hardly left his room for three months and lost between thirty and forty pounds. His business suffered and he was reported by friends to be extremely depressed. On Monday, October 14, 1890, the body of the sixty-one year old Belknap was discovered by a neighbor who was bringing him his mail. A doctor was summoned and expressed the opinion that death had been due to a stroke of apoplexy. The autopsy revealed that the immediate cause was an inflammation of the inner lining of the heart, the estimated time of death being between one o'clock Saturday night and nine o'clock Sunday morning. Amanda and Alice, who were vacationing in New York, were notified and returned to Washington. Belknap was given a military funeral on October 17, three shots were fired in his honor, and the war department was ordered to be draped. He lies buried at Arlington National Cemetery.  

Had Belknap been a corrupt man? The New York Times flatly pronounced him guilty in its obituary, while an Iowa paper, the Burlington Hawk-Eye, considered him innocent: "The country, however, came in time to understand the matter and to appreciate the delicacy and heroic self-sacrifice of the man who was as brave in that

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1New York Times, October 14, 1890, p. 9.
2Ibid.
emergency as he had been on the field of battle."\(^1\) It is impossible to be certain of either his guilt or innocence, but there are indications that he may have needed the extra money. Shortly after the resignation and subsequent impeachment of Belknap, General Sherman was quoted as telling the *St. Louis Post Dispatch* in an interview that the social pressures of Washington life had contributed to Belknap's disgrace:\(^2\)

In my opinion his downfall is due more to the vicious organization of Washington society than anything else. I refer to the ridiculous extravagance of those who move in the first social circles at the capital. Very few Cabinet officers are able to live within their salaries.

Sherman, in a letter to his brother, Ohio Republican Senator John Sherman, added: \(^3\)

The fault lies with Congress, which by special legislation almost invited this very system. I feel sorry for Belknap -- I don't think him naturally dishonest, but how could he live on $8000 a year in the style that you all know?

In 1954, historian Philip Jordan conducted a detailed examination of Belknap's personal papers to determine his income and expenditures while secretary of war. Jordan

\(^1\) *Burlington Hawk-Eye*, October 14, 1890, p. 23, as cited in Bridges, "Impeachment and Trial of Belknap," p. 147.

\(^2\) Purcell, "Fall of an Iowa Hero," p. 143.

ascertained that Belknap spent great sums of money on food, drink, and entertaining, but that his household expenses were well within his salary. With a total salary of $52,187.15 for his six and one-half years as head of the war department, Belknap listed expenditures of $30,640.49 during that same period. However, this does not include several large categories such as clothes, transportation, taxes, and gifts. On a monthly scale, Jordan estimated that Belknap had $256 per month left over for these. Given their lifestyle, this would not seem sufficient, although other sources of funds might have been tapped. For instance, Belknap had reckoned his total value at $13,760 when he became secretary of war, and there is the estate of his wife to be considered.¹

The subject of Amanda Belknap's finances was only mentioned in passing by Jordan. Her extravagant tastes were well known, with her wardrobe reported to be "the richest in the city . . . every dress made by Worth of Paris."² Whether Belknap paid for these luxuries is unknown, it being a possibility that Amanda either used the Marsn payments or drew off her sizable private estate for these expenses.

²Ibid., p. 194.
In fact, this separate fortune might explain a great deal. Amanda had collected a $20,000 life insurance policy after the death of her first husband, which, along with her other property, she placed under the care of George Pendleton — whose management increased the value of these assets to an estimated $92,000 when she married Belknap in 1873. In a rather cryptic comment, James Garfield recounted a conversation he had during the trial with Jeremiah Black on this subject:

One reason they did not bring out the history of Mrs. Belknap's arrangement with Marsh is because the anti-nuptial contract between Belknap and her was written and witnessed by George Pendleton and the scandal would likely come from that quarter.

If true, this would at least support the possibility that Amanda had misled her husband about the reason for the money coming from Marsh, but what scandal would have ensued from this revelation is unclear.

For whatever reason, neither Belknap nor his wife testified during the trial. And with only Marsh, Belknap, and Belknap's wives knowing for certain the extent of the secretary's involvement, a large void exists in the case. Marsh stated that he had no agreement or understanding with Belknap, and had never discussed the reason for the payments with him. This testimony must be viewed with some skepticism, however, coming as it did from

\footnote{New York Times, March 4, 1876, p. 1; Brown and Williams, Diary of Garfield, p. 323.}
someone who admitted being an unwilling witness and who had close ties to Amanda Belknap.

Belknap himself did little to clear up the mystery. It will be remembered that on the day he was impeached, Belknap had requested a special meeting of the Clymer committee that afternoon to present a sworn statement. He failed to appear\(^1\) and made no further public comments on the case. In private correspondence he maintained his innocence, writing his sister Anna Wolcott on July 12, "The fact is that if it were not a political court in a political year there would be no trouble."\(^2\)

Matthew Carpenter backed up his client's claim of innocence, insisting that he had access to proof which would clear Belknap's name. Carpenter said that if he outlived Belknap he would place the blame where it belonged, but this was not to be. When Carpenter died in 1881, a still very much alive Belknap was among those who attended his funeral.\(^3\)

\(^1\)On the advice of counsel. Carpenter said that any good lawyer would have advised him not to appear, with McMahon retorting that that was first-rate advice to a guilty man, and bemoaning that Belknap "fell into the hands of the lawyers too soon." Cong. Record, "Trial of Belknap," p. 247.

\(^2\)Belknap, July 12, 1876, letter to Anna Belknap Wolcott, Belknap Papers (in possession of William Talbot, Keokuk, Iowa), as cited in Bridges, "Impeachment and Trial of Belknap," p. 136.

\(^3\)The National Cyclopaedia of American Biography, 1895 ed., s.v. "Carpenter, Matthew Hale."
While the issue of the precise nature of Belknap's involvement is open to question, there is no doubt that someone in the family received the money. It all boils down to whether it is reasonable to assume that Belknap did not know what the money was for — and this assumption would indicate that Belknap was either not very curious or else he was a witless fool. Belknap's previous career showed him to be an able man with an almost unbroken line of successes, and as someone judged by many eminent men to have competently administered the war department for over six years.

A more likely explanation for what happened would be that the secretary may not have originally known about the payoff scheme, but when he did discover the arrangement he may have been predisposed by circumstances to accept it. Saddled with a wife with expensive tastes, and surrounded by the moral laxness of some other members of Grant's cabinet which could serve to deaden his ethics, this was a way to improve his finances.

Belknap certainly must have suspected something after the 1872 Tribune article, Hazen testimony, and Grierson letter -- all of which specified Marsh by name. Marsh himself admitted telling Belknap about the contract with Evans. It is difficult to believe that no conversation would pass between the two about the source of the money, or that Belknap would not question his wife.
at some point about the details of the arrangement with Marsh. And if the arrangement was between Marsh and Mrs. Belknap, why involve the secretary at all? It would appear more natural for the payments to have been made directly to her, rather than using the secretary as a middle man.

Although there is no direct testimony to this effect, the overwhelming weight of circumstantial evidence points to Belknap's involvement. On technical grounds the Senate was undoubtedly correct in not convicting him, but there is little question that his removal from office was indicated. Being a fool may not be a criminal offense, but if Belknap did not know or suspect something illegal and unethical was going on between his wife and Marsh, then the country would have been better served with someone else occupying the position of secretary of war.

The most accurate assessment of the situation may well have come from Belknap's adopted hometown, Keokuk. After news of Belknap's resignation and impeachment first became known, the Daily Constitution quoted one citizen of Keokuk as saying, "Belknap had been training among thieves, and although he was honest when he left here, his evil associations corrupted him."¹

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