

VOL. XXVII, No. 8,369.

THE WAR DEPARTMENT.

CORRESPONDENCE BETWEEN GEN. GRANT AND PRESIDENT JOHNSON.

WASHINGTON, Tuesday, Feb. 4, 1863.

The Speaker laid before the House a communication from the War Department, inclosing the following document:

WAR DEPARTMENT, Feb. 4, 1863. Sir: In answer to the resolution of the House of Representatives of the 8th, I transmit herewith copies furnished me by Gen. Grant of the correspondence between him and the President relating to the Secretary of War, and which he reports to be all the correspondence he had with the President on the subject. I have had no correspondence with the President since the 12th of August last. After the action of the Senate on his alleged reason for his suspension from the office of Secretary of War, I resumed the duties of that office as required by the act of Congress, and have continued to discharge them without any personal or written communication with the President. No orders have been issued from this Department in the name of the President, with my knowledge, and I have received no orders from him. The correspondence sent herewith embraces all the correspondence known to me on the subject referred to in the resolution of the House of Representatives. I have the honor to be, Sir, with great respect, your obedient servant.

EDWIN M. STANTON, Secretary of War.

HEADQUARTERS ARMY OF THE UNITED STATES, WASHINGTON, D. C., Jan. 25, 1863.

His Excellency ANDREW JOHNSON, President of the United States. Sir: On the 24th inst. I requested you to give me in writing the instructions which you had previously given me verbally, not to obey any order from the Hon. E. M. Stanton, Secretary of War, unless I knew that it came from yourself. To this written request I received a message that has left doubt in my mind of your intentions; to prevent any possible misunderstanding, therefore, I renew the request that you will give me written instructions, and until they are received will suspend action on your verbal ones. I am compelled to ask these instructions in writing in consequence of the many gross misrepresentations affecting my personal honor, circulated through the press for the last fortnight purporting to come from the President, of conversations which occurred either with the President previously in his office, or in Cabinet meeting. What is written admits of no misunderstanding. In view of the misrepresentations referred to it will be well to state the facts in cases.

Some time after I assumed the duties of Secretary of War ad interim, the President asked my views as to the course Mr. Stanton would have to pursue, in case the Senate should not concur in his suspension, to obtain possession of his office. My reply was, in substance, that Mr. Stanton would have to appeal to the Courts to reinstate him, illustrating my position by citing the grounds I had taken in the case of the Baltimore Police Commissioners. In that case I did not doubt the technical right of Gov. Swann to remove the old Commissioners and to appoint their successors, as the old Commissioners refused to give up. However, I contended that no recourse was left but to appeal to the Courts. Finding that the President was desirous of keeping Mr. Stanton out of office, whether sustained in the suspension or not, I stated that I had not looked particularly into the Tenure-of-Office bill, but that what I had stated was a general principle, and if I should change my mind in this particular case, I would inform him of the fact. Subsequently, on reading the Tenure-of-Office bill closely I found that I could not, without violation of the law, refuse to vacate the office of Secretary of War the moment Mr. Stanton was reinstated by the Senate, even though the President ordered me to retain, which he never did. Taking this view of the subject, and learning on Saturday, the 11th inst., that the Senate had taken up the subject of Stanton's suspension, after some conversation with Lieutenant-Gen. Sherman, and some members of my staff, in which I stated that the law left me no discretion as to my action, should Mr. Stanton be reinstated, and that I intended to inform the President. I went to the President for the sole purpose of making this decision known, and did so make it known. In doing this, I fulfilled the promise made in our last preceding conversation on the subject. The President, however, instead of accepting my view of the requirements of the Tenure-of-Office bill, contended that he had suspended Mr. Stanton under the authority given by the Constitution, and that the same authority did not preclude him from reporting, as an act of courtesy, his reasons for the suspension to the Senate. That having been appointed under the authority given by the Constitution, and not under any Act of Congress, I could not be governed by the act. I stated that the law was binding on me, constitutional or not, until set aside by the proper tribunal. An hour or more was consumed, each reiterating his views on the subject, until, getting late, the President said he would see me again. I did not agree to call again on Monday nor at any other definite time, nor was I sent for by the President until the following Tuesday. From the 11th, to the Cabinet meeting on the 14th inst., a doubt never entered my mind about the President's fully understanding my position, namely: That if the Senate refused to concur in the suspension of Mr. Stanton, my powers as Secretary of War ad interim would cease, and Mr. Stanton's right to resume at once the functions of his office, would, under the law, be indisputable, and I acted accordingly. With Mr. Stanton I had no communication, direct or indirect, on the subject of his reinstatement during his suspension. I knew it had been recommended to the President to send in the name of Gov. Cox of Ohio, for Secretary of War, and thus save all the embarrassment, a proposition that I sincerely hoped he would entertain favorably. Gen. Sherman seeing the President at my particular request, to urge this on the 13th inst. On Tuesday, the day Mr. Stanton reentered the office of the Secretary of War, Gen. Comstock, who had carried my official letter, announcing that with Mr. Stanton's reinstatement by the Senate I had ceased to be Secretary of War ad interim, and who saw the President open and read the communication, brought back to me, from the President, a message that he wanted to see me that day at the Cabinet meeting, after I had made known the fact that I was no longer Secretary of War ad interim. At this meeting, after opening it as though I were a member of his Cabinet, when reminded of the notification already given him, that I was no longer Secretary of War ad interim, the President gave a version of the conversation alluded to already. On this statement it was asserted that in both conversations I had agreed to hold on to the office of Secretary of War until displaced by the courts, or resign, so as to place the President where he would have been had I never accepted the office. After hearing the President through, I stated our conversation substantially, as given in his letter. I will add that my conversation before the Cabinet embraced other matters not pertinent here, and are therefore left out. In no wise admitted the correctness of the President's statement of our conversation, though to soften the evident contradiction my statement gave, I said, alluding to our first conversation on the subject, the President might have understood me the way he said, namely, that I had promised to resign if I did not resist the reinstatement. I made no such promise. I have the honor to be, very respectfully, your obedient servant.

U. S. GRANT, General.

HEADQUARTERS ARMY OF THE UNITED STATES, WASHINGTON, Jan. 20, 1863.

His Excellency ANDREW JOHNSON, President of the United States.

Sir: I have the honor to acknowledge the return of my note of the 24th inst., with your indorsement thereon. "That I am not to obey any order from the War Department, assumed to be issued by the direction of the President, unless such order is known by the General commanding the armies of the United States to have been authorized by the Executive." I have heretofore been his practice under the law and customs of the Department. While his authority to the War Department is not contended it will be satisfactory evidence to me that any orders issued from the War Department, by direction of the President, are authorized by the Executive. I have the honor to be, very respectfully, your obedient servant.

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Sir: I have the honor to acknowledge the receipt of your communication of the 21st ult., in answer to mine of the 23rd ult. After a careful reading and comparison of it with the article in The National Intelligencer of the 15th ult., the article over the initials "J. B. S." in The New York World of the 27th ult., purporting to be based upon your statement and that of the members of the Cabinet therein named, I find it only to be but a reiteration, only somewhat more in detail, of the many and gross misrepresentations contained in these articles, and which my statement of facts set forth in my letter of the 23rd ult., was intended to correct; and here I reassert the correctness of my statements in that letter, anything in yours in reply to it to the contrary notwithstanding. I am very surprised that the Cabinet officers referred to should so greatly misapprehend the facts in the matter of admissions alleged to have been made by me at the Cabinet meeting on the 14th ult., as to suffer their names to be made the basis of charges in the newspaper article referred to, or agree to the accuracy, as you affirm they do, of your account of what occurred at that meeting. You know that we parted on Saturday, the 11th ult., without any promise on my part, either expressed or implied, to the effect that I would hold on to the office of Secretary of War ad interim against the action of the Senate, or declining to do so myself, would surrender it to you before such action was had, or that I would see you again, at any fixed time, on the subject. The performance of the promises alleged to have been made by me would have involved a resistance of the law, and an inconsistency with the whole history of my connection with the suspension of Mr. Stanton. From our conversation and my written protest of August 1, 1862, against the removal of Mr. Stanton, you must have known that my greatest objection to his removal was the fear that some one would be appointed in his stead who would, by opposition to the laws relating to the restoration of the Southern States to their proper relation to the Government, embarrass the army in the performance of the duties especially imposed upon it by the laws, and that it was to prevent such an appointment that I accepted the appointment of Secretary of War ad interim, and not for the purpose of enabling you to get rid of Mr. Stanton by my withholding it from him in opposition to the law, or not doing so myself, surrender to one who, as the statement and assumptions in your communication plainly indicate, was sought; and it was to avoid this doubt, as well as to relieve you from the personal embarrassment in which Mr. Stanton's reinstatement would place you that I urged the appointment of Gov. Cox, believing that it would be agreeable to you and also to Mr. Stanton, satisfied as I was of the good of the country, and not the office, the latter desired. On the 13th ult., in the presence of Gen. Sherman, I stated to you that I thought Mr. Stanton would resign, but did not say I would advise him to do so. On the 18th I did agree with Gen. Sherman to go and advise him to that effect, and on the 19th I had an interview with Mr. Stanton, which led me to the conclusion that any advice to him of this kind would be useless, and so informed Gen. Sherman. Before I consented to advise Mr. Stanton to resign, I understood from him, in a conversation on the subject, immediately after his reinstatement, that it was his opinion that the act of Congress entitled "An Act temporarily to supply vacancies in the Executive Department in certain cases," approved February 20, 1863, was repealed by subsequent legislation, which made ground for my opinion. Previous to this time I had no doubt that the law of 1863 was still in force, and notwithstanding my action, a fuller examination of the law leaves a question in my mind whether it is or is not repealed. In being the case, I could not now advise his resignation, lest the same danger I apprehended from his removal might follow. The contentions in violation of law, and that without orders from you, while the course I will pursue, and which I never doubted you fully understood, was in accordance with law, and not in disobedience of orders from you. And now, Mr. President, where my honor as a soldier and integrity as a man have been so violently assailed, I cannot but say that I can but regard this whole proceeding as a gross insult to me, and as an attempt to involve me in the responsibility, in order thus to destroy my character before the country. I am, in a measure, confirmed in this conclusion by your declaration that you have never conversed with the Secretary of War, my superior, and your subordinate, without having contemned his authority. I am to do so. With assurance, Mr. President, that nothing less than a vindication of my personal honor and character will induce me to correspond on my part, I have the honor to be, very respectfully, your obedient servant.

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Sir: I have the honor very respectfully to request in writing the order which the President gave me

who is accountable for the faithful execution of the law. I have not yet been informed by you whether, as twice proposed by yourself, you had called upon Mr. Stanton and made an effort to induce him voluntarily to resign from the War Department. You conclude your communication with a reference to our conversation at the meeting of the Cabinet held on Tuesday, the 14th inst. In your account of what then occurred you say that "after the President had given his version of our previous conversations, you stated them substantially as given in your letter, and that you in no wise admitted the correctness of his statement of them; though, to soften the evident contradiction my statement gave, I said, alluding to our first communication on the subject, the President might have understood in the way he said, viz., that I had promised to resign if I did not resist the reinstatement. I made no such promise." My recollection of what then transpired is diametrically the reverse of your narration. In the presence of the Cabinet I asked you, first, if, in a conversation which took place shortly after your appointment as Secretary of War, ad interim, you did not agree either to remain at the head of the War Department and abide any judicial proceedings that might follow the non-concurrence by the Senate in Mr. Stanton's suspension, or should you wish not to become involved in such a controversy to put me in the same position with respect to the office as I occupied previous to your appointment, by returning it to me in time to anticipate such action by the Senate? This you admitted. Second: I then asked you if at the conference on the preceding Saturday I had not, to avoid misunderstanding, requested you to state what you intended to do; and, further, if in reply to that inquiry you had not referred to my former conversations, saying, that from them I understood your position, and that your action would be consistent with the understanding which had been reached? To these questions you also replied in the affirmative. Third: I next asked if, at the conclusion of our interview on Saturday, it was not understood that we were to have another conference on Monday, before final action by the Senate on the case of Mr. Stanton? You replied that such was the understanding, but that you did not suppose the Senate would act so soon; that on Monday you had been engaged in a conference with Mr. Sherman, and were occupied with "many little matters," and asked if Gen. Sherman had not called on that day. What relevancy Gen. Sherman's visit to me on Monday had with respect to the case of Mr. Stanton, I do not know, but I do know that I had no conversation with him on Monday which would have led me to believe that I was at a loss to perceive, as he certainly did not inform me whether you had determined to retain possession of the office, or to afford me an opportunity to appoint a successor in advance of any attempted reinstatement of Mr. Stanton. This account of what passed between us at the Cabinet meeting on the 14th inst. widely differs from that contained in your communication, for it shows that, instead of having "stated our conversations as given in the letter," which has made this reply necessary, you admitted that my recital of them was entirely accurate. Sincerely anxious, however, to be correct in my statement, I have to-day read this narration of what occurred on the 14th inst. to the members of the Cabinet who were then present. They, without exception, agree in its accuracy. It is only necessary to add that on Wednesday morning, the 15th, you called on me in company with Lieut. Gen. Sherman. After some preliminary conversation you remarked that an article in The National Intelligencer of that date did you much injustice. I replied that I had not read The Intelligencer of that morning. You first told me that it was your intention to urge Mr. Stanton to resign his office. After you had withdrawn, I carefully read the article of which you had spoken, and found that its statements of the understandings between us were substantially correct. On the 17th I caused it to be read to four of the five members of the Cabinet who were present at our conference on the 14th, and they concurred in the general accuracy of its statements respecting our conversation upon that occasion. In reply to your communication, I have deemed it proper, in order to prevent further misunderstanding, to make the simple recital of facts. Very respectfully yours,

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GEN. U. S. GRANT, Commanding U. S. Armies.

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Sir: I have the honor to acknowledge the return of my note of the 24th inst., with your indorsement thereon. "That I am not to obey any order from the War Department, assumed to be issued by the direction of the President, unless such order is known by the General commanding the armies of the United States to have been authorized by the Executive." I have heretofore been his practice under the law and customs of the Department. While his authority to the War Department is not contended it will be satisfactory evidence to me that any orders issued from the War Department, by direction of the President, are authorized by the Executive. I have the honor to be, very respectfully, your obedient servant.

U. S. GRANT, General.

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