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Others directly affected by the new highway were Major and Dorothea Harding who had moved to Wichita in 1953 from Coffeyville in southeast Kansas. Within a short period of time they purchased a home on North Hydraulic. The Hardings liked the neighborhood, particularly because all the residents shared in the profits of an oil well located behind their street, which paid them each about three dollars per year in royalties. According to Mrs. Harding, their friends and relatives thought "we were in the money" because of the royalties of that pump.

But in 1965 the Hardings had to move from their home on Hydraulic to make room for the construction of I-135. Although the state paid them for their property, neither believed that they received the full value for their home. Nevertheless, they had to move, so they looked for a house farther north and east. Eventually, they settled in Census Tract 78. Initially, both black and white families lived on their block. Soon, however, whites began to move. Some of the families were in the military and changes in assignments forced them to relocate. The Hardings suspected, however, that the whites fled because they objected to blacks living in the same neighborhood.³⁹

Vashti Lewis, who returned to Wichita in the early part of the 1960s after working outside of Kansas for several years, also encountered opposition when trying to move into a white neighborhood. She became active in the NAACP and worked to secure open and fair housing in the city. In the early 1960s she and her husband, Chester Lewis, tried to buy a home in an area near Wichita State University where no other blacks lived. "It was like an iron curtain had come down to keep blacks out of the neighborhood." Finally, they joined a white couple who arranged to look at houses for sale with real estate agents. Mrs. Lewis posed as the couple's maid and while they looked inside, she inspected the yard. When they went outside,



In 1958 the NAACP Youth Council organized a sit-in at Dockum Drugstore's segregated lunch counter. After four weeks of protest, the lunch counter was declared integrated, and the protesters were served.

she went inside. The Lewis's finally purchased a home, but the residents on the block did not know their new neighbors were black until moving day arrived. Within a short period of time, someone burned a cross in the front yard and threw rocks through the front window. Eventually the violence ended, but it was not long before some of the white residents put their houses up for sale.⁴⁰ That neighborhood, located in Census Tract 77, was less than 2 percent African American in 1960, but within a decade, the black population had increased to 33 percent.

Not all whites in Wichita accepted the separation of the races. For example, an integrated group of residents formed a grassroots organization against residential segregation. Calling themselves the Fair Housing Committee, they claimed that tradition and real estate practices restricted where African Americans in the city could live. That organization joined members of the NAACP, religious leaders, and more than three thousand others who marched in downtown Wichita on Sunday, October 27, 1963, to convince the city commission to adopt a fair housing ordinance. Vashti Lewis was among the marchers. In

39. Major Harding, interview by authors, June 24, 1995; Dorothea Harding, interview by authors, June 24, 1995.

40. Vashti Lewis, interview by authors, June 30, 1995.

response, however, the Wichita Real Estate Board formed a special committee to oppose any changes in the regulations regarding the sale of properties. That committee charged that such an ordinance violated rights of owners and that "they (Negroes) destroy an area, damage houses and even whole sections as has happened repeatedly in Wichita."⁴¹ Finally in 1970 the state of Kansas added discrimination in housing to the original 1961 Kansas Act Against Discrimination, therefore making it illegal to exclude any race from purchasing or residing in a house in the state.⁴²

Other African Americans in the community challenged existing conditions, some in a unique way. Robert Mitchell related how tense race relations were in Wichita during the late 1960s. The police, he recalls, constantly harassed him and other young black males. In response, Mitchell and some of his friends organized a group they called the Northeast Patrol. Their plan was to act as a moderating force inside their own community, or in his words, "to deal with our own people a little better than the white folks had been doing." Mitchell, who was president of the patrol, said the purpose was to create more stability in northeast Wichita. Initially, twenty-eight young black males joined together as a self-policing group and then expanded their interests to commercial enterprises. In September 1967 the group formed a business corporation, sold stock, and then purchased a hamburger stand in the heart of the African American neighborhood at the intersection of Thirteenth and Hydraulic in Census Tract 6. After cleaning up and remodeling the structure, the patrol opened the stand for business. In December of the same year Mitchell oversaw the grand opening of a service station also owned by the patrol. It was after the experiences with the patrol that he determined to return to school and study to become a lawyer. As Mitchell and the others left the group to pursue other activi-



The proposed route of I-135 (indicated by the white dots) cut through the heart of Wichita's black sector. Although the African American community fought against it, they lost the battle, and the interstate was constructed, physically dividing the black community.

ties, interest in the patrol waned until it disbanded completely.⁴³

In spite of legal changes and community efforts, the separation of blacks and whites in the city remained constant and extended to the workplace. According to those interviewed, employment in northeast Wichita is a continuous problem. Among the older women, day work was at times the only option, which is reflected in the experience of Julia Scott Nelson, despite her work at Boeing during the war. After the war, employment in the aircraft industry

41. *Wichita Evening Eagle and Beacon*, April 22, 1963; *Wichita Eagle*, October 28, December 20, 1963.

42. Joseph P. Doherty, *Civil Rights in Kansas: Past, Present, and Future* (Topeka: Kansas State Commission on Civil Rights, 1972), 17.

43. Mitchell, interview; *Wichita Beacon*, December 12, 1967; *Wichita Eagle*, September 13, 1976.

was not readily available to African Americans. According to Brenda Gray:

In thinking back to when I was a kid in the late 1950s, I don't think working there was a big option because the males that I had contact with, my friends' dads, and everybody, they didn't work there. They worked at the packing houses and there were a lot of railroad workers. But there were no manufacturing jobs. Even when they did start to open up, I can remember they didn't have the good jobs there. I call them "the Plantations." Blacks did the menial labor there. They did the clean up, but they didn't do the welding.⁴⁴

Ron Thomas had a somewhat different experience when he worked in the plants in the 1980s.

At Cessna, my first job was to stamp out metal pieces that had jagged edges. I did that all week. But it was aircraft and they paid well. I tried to move into tooling which is the best job you can do in aircraft. I applied to go to their tooling school there, but my supervisor said I wouldn't be good at it. So I quit and went to Boeing. There weren't many black people in tooling because it was such an upper end job. Being bright and black in Wichita is one of the hardest things to do. Racism follows you everywhere.⁴⁵

Allen Teague, who was a student at Wichita State University at the time of his interview, had found employment in the aircraft industry during the early 1990s. He too related that he went there because the pay was so good, but he also had to endure overt racism. One day he found a rope noose placed on his work station. Other examples of racism, such as the jungle noises whites in his section made when he walked by, and people in a truck following him home after work, convinced Teague to give up his job in the aircraft industry and pursue a degree in education.

Although Thomas and Teague worked at the aircraft plants at different times, they both encountered constant reminders that the races in Wichita are still separate. As they mentioned in their interviews, lack of opportunities for advancement, a desire to enter a profession rather than continue in manufacturing, and a sense that the white workers did not want them there, motivated both of them to leave the aircraft industry and return to college.⁴⁶

Beyond the news stories and headlines, the oral histories of the participants in this study give a sense of what people feel about specific issues and the ongoing nature of race relations in Wichita. They also reveal that Wichita was and remains a divided city. While some of the more blatant examples of discrimination may have disappeared, constant reminders confront these African Americans who feel separated from the larger community. All participants said they are comfortable living in the northeast sector but at the same time see a wide gulf between their neighborhood and other areas of the city. These interviews also demonstrate a strong African American presence in Wichita that has deep roots and close ties. The participants recognize their history as valid and valuable to themselves and the city as a whole.

African Americans have been a part of Wichita since the city was founded in 1870. To this day these residents have contributed to the characteristics that define the city. The individuals who shared their stories provide an insight into the identity, the history, and the internal and external forces that bind them together. Rather than relying alone on powerful and influential leaders to recall a history, these narratives help place past events and issues into the larger historical context and perhaps prepare the community to meet challenges of the future.

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44. Gray, interview.
45. Thomas, interview.

46. Allen Teague, interview by authors, June 9, 1995.

Gilded Age Senator

The Election, Investigation, and Resignation of Alexander Caldwell, 1871–1873

by Robert S. LaForte

On March 23, 1873, Alexander Caldwell of Kansas resigned his seat in the United States Senate after serving only two years of a regular six-year term. Like the state's senior senator, Samuel C. Pomeroy, who left that august body just three weeks earlier, Caldwell quit under a cloud of suspicion, facing charges of corruption in his election.¹

Of the two senators, Pomeroy is by far the best known. Mark Twain and Charles Dudley Warner immortalized him in their novel *The Gilded Age: A Tale of To-day*, published by the American Publishing Company in December 1873. Pomeroy, derisively known as "Old Beans," was the model for Twain and Warner's Abner Dilworthy, the corrupt senator from the "Happy-Land-of-Canaan," who appears frequently throughout the book. In a dramatic scene Dilworthy is charged by state senator Noble with attempting to buy reelection and then is soundly defeated. Apparently, in this instance truth was not stranger than fiction; rather fiction was truth since the real event, which involved Pomeroy, state senator Alexander M. York, and the Kansas legislature, happened essentially as Twain and Warner described it.²

Caldwell is a lesser-known figure, but he has not been entirely overlooked. While no one has written an article or book about him, Robert W. Richmond devotes two paragraphs to Caldwell in

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1. Caldwell and Pomeroy were not the only high-ranking Kansans accused of misconduct. U.S. District Judge Mark Delahay was impeached for malfeasance and drunkenness and forced to resign in 1873. See John G. Clark, "Mark W. Delahay: Peripatetic Politician, A Historical Case Study," *Kansas Historical Quarterly* 25 (Autumn 1959): 301–12; George Templar, "The Federal Judiciary of Kansas," *ibid.* 37 (Spring 1971): 1–14.

2. Mark Twain and Charles Dudley Warner, *The Gilded Age: A Tale of To-day* (Hartford, Conn.: American Publishing Co., 1874), 518–19.



Alexander Caldwell

GILDED AGE SENATOR

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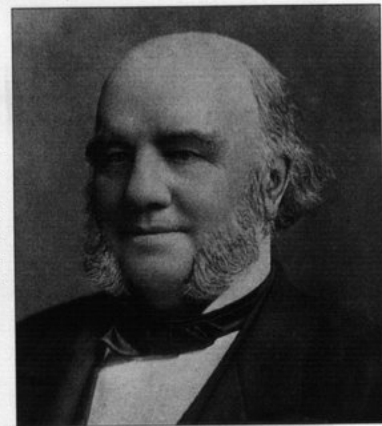
Kansas: A Land of Contrasts, and William Zornow's *Kansas: A History of the Jayhawk State* provides even slightly more coverage. Both discuss the senator's downfall. The most extensive treatment of Caldwell appears in Mark Plummer's biography of Governor Samuel J. Crawford. Plummer devotes several pages to the senatorial election of 1871, which Crawford lost to Caldwell. Of late, Kyle Sinisi in his work on Governor Thomas Carney has essayed on the election, especially Carney's role, which was pivotal.³

Senator Caldwell deserves more coverage than he has thus far received. His election, resignation, and activities as a senator reveal a great deal about politics in the immediate post-Civil War period in Kansas and the United States. Caldwell's place in the Senate's past confirms the older, negative opinion of "progressive historians," not the current upbeat views expressed by historical revisionists of the Gilded Age. If nothing else, the senator's experiences bolster Henry Adams's well-known lament that "one might search the whole list of Congress, Judiciary, and Executive during the twenty-five years 1870-1895, and find little but damaged reputation."⁴

Alexander Caldwell was born at Drake's Ferry, Huntingdon County, Pennsylvania, on March 1, 1830, where his father operated an iron foundry. He received a common school education, worked as a store clerk and bank officer, and fought in the Mexican War. In 1861 he moved to Leavenworth to manage the Irwin, Jackman, and Company freighting firm but soon quit to form his own cartage company in partnership with Len T. Smith. Early on they acquired numerous government contracts to carry supplies to western military posts in the territories of Colorado, New Mexico, Okla-

homa, Kansas, and Indian Territory. The venture blossomed. At its zenith it employed five thousand men, an equal number of wagons, and used thousands of oxen.

As railroads pushed west and the demand for wagon freighting declined, Caldwell shifted his interests to railroading and other activities. He helped build the Missouri Pacific from Kansas City to Leavenworth and later extended it to Atchison, serving briefly as its president before it sold. He then organized the Kansas Central Railroad Company, which was built about 170 miles due west between Leaven-



Kansas's senior
U.S. senator
Samuel C.
Pomeroy was ex-
posed in 1873 for
his involvement in
political bribery.

worth and Miltonvale, Kansas. Simultaneously, he speculated in town development through his Idaho and Oregon Improvement Company, owned the Kansas Manufacturing Company, which built wagons, and operated several farms. By 1870 he was one of the state's wealthier citizens.⁵

Until then Caldwell demonstrated little interest in politics. In September 1870 he spurned an offer of support in the congressional race at the Republican State Convention. But three months later, prodded by his former business associate, the inept political fixer

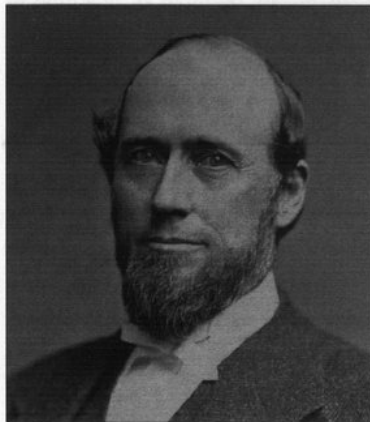
3. Mark A. Plummer, *Frontier Governor: Samuel J. Crawford of Kansas* (Lawrence: University of Kansas Press, 1971), 136-43; Kyle S. Sinisi, "Politics on the Plains: Thomas Carney and the Pursuit of Office During the Gilded Age," *Heritage of the Great Plains* 25 (Summer 1992): 25-38; Sinisi, "The Political Career of Thomas Carney: Civil War Governor of Kansas" (masters thesis, Kansas State University, 1990); Robert W. Richmond, *Kansas: A Land of Contrasts* (St. Louis: Forum Press, 1974), 173; William Frank Zornow, *Kansas: A History of the Jayhawk State* (Norman: University of Oklahoma Press, 1957), 128.

4. Henry Adams, *The Education of Henry Adams*, Modern Library ed. (New York: Random House, 1931), 294.

5. *Dictionary of American Biography*, s.v., "Caldwell, Alexander"; *National Cyclopaedia of American Biography*, s.v., "Caldwell, Alexander"; George W. Martin, "A Chapter from the Archives," *Kansas Historical Collections*, 1911-1912 12 (1912): 365; *Senator Caldwell's Election, Kansas, 1871*, 42d Cong., 3d sess., February 17, 1873, S. Rept. 451, serial 1548, 454; *Kansas Daily Commonwealth* (Topeka), January 26, 1871.

Len T. Smith, he agreed to run for the Senate. Smith hired a local newspaper and had two hundred prominent citizens of Leavenworth petition Caldwell to make the race. The two men erroneously reasoned that because Caldwell was not identified with any faction in the Kansas Republican Party, his candidacy would not cause bitter antagonism.⁶

Although confident, Caldwell and his friends were worried by the possible candidacy of Thomas Carney, Kansas's governor from 1863 to 1865, also from Leavenworth. They believed that if Carney, who had threatened to seek the office in 1871, did so he



Given monetary "incentive," former Kansas governor Thomas Carney stepped aside in the 1871 election to make way for Alexander Caldwell.

would split the local vote and hurt Caldwell's chances. Carney, a protege of Senator James H. Lane before breaking with him, had tried to become a U. S. senator several times. In February 1864 the state legislature had in fact elected him to replace Lane in an irregular vote, which was thrown out because the seat for which he stood was not to be vacated until a year later, on March 4, 1865.

In early January 1871 Caldwell's supporters solved the Carney problem by convincing Carney to publish an announcement in Topeka's *Kansas Daily Commonwealth* stating that he would not seek the office but would work with others to elect a "good

man." In the note, which appeared on January 14, he wrote, "I desire a well known and tried republican, who will strive to have the republican party meet all the requirements of a great people in politics, in finances and in measures most conducive to the public good." Carney was talking about Caldwell.

Because of the indirect method of electing senators, policy issues usually were unimportant in these contests. Personality, friendships, residence, factional relationships within the party, potential appointments to office, money, and the likes were much more significant. In December when Caldwell decided to run, a major question was whether Congressman Sidney Clarke of Lawrence would be elevated to the Senate. Clarke, who had a spotted but active Civil War record, had been elected to the House of Representatives from Kansas in 1864 and reelected twice. Despite his failure to gain renomination in 1870, Clarke appeared to be the favorite to succeed U.S. senator Edmund G. Ross (Kansas), who had very little support following his decisive vote to acquit President Andrew Johnson during the impeachment trial of 1868. Some candidates campaigned for the state legislature in November 1870 on a pro-Clarke-anti-Clarke stance.⁷

At year's end former Kansas governor Samuel J. Crawford of Emporia was the candidate considered capable of beating Clarke. Elected governor in 1864 at age twenty-nine, Crawford was the youngest person ever chosen to the position. He made a name for himself as commander of African American troops during the Civil War and later as an Indian fighter. In 1871 he was being styled as a reformer, a leader of the "purifier" faction of the Republican Party that was bent on cleaning up politics in the state. Residing south of the Kansas River, he was considered a spokesman for southern Kansas. He believed he was well positioned to be elected, and the *Garnett Plain-*

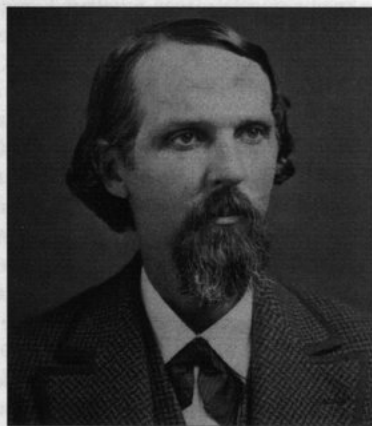
7. Quote in *Kansas Daily Commonwealth*, January 14, 1871; Homer E. Socolofsky, *Kansas Governors* (Lawrence: University Press of Kansas, 1990), 86-88; *Senator Caldwell's Election, Kansas, 1871*, 190-92.

8. *National Cyclopaedia of American Biography*, s.v., "Clarke, Sidney"; *Biographical Directory of the United States Congress, 1774-1996* (Alexandria, Va.: CQ Staff Directories, 1997), 787; *Senator Caldwell's Election, Kansas, 1871*, 454. Prior to the ratification of the Seventeenth Amendment to the U.S. Constitution in 1913, the various state legislatures were responsible for electing the states' U.S. senators.

6. *Senator Caldwell's Election, Kansas, 1871*, 454-55; Sinisi, "Politics on the Plains," 32.

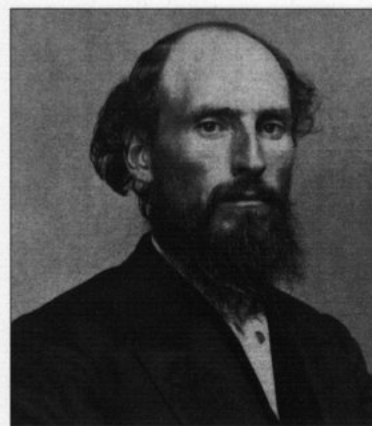
dealer, published in the town where Crawford first settled in the state, claimed he had "the inside track."⁹

When the legislature organized on January 10, the election of Benjamin F. Simpson as speaker of the house appeared to favor Crawford. Simpson, too, was a "purifier." Soon after the senatorial campaign began Ward Burlingame, editor of the *Kansas Daily Commonwealth*, complimented the candidates, noting that the "contest thus far has been highly creditable to all." He pointed out that "the time when elections could be carried with money in Kansas has passed. Men are required now to run upon their own merits."



As money again changed hands, Sidney Clarke was ousted from the senatorial race.

edition carried a letter from a Caldwell supporter, who signed himself "Leavenworth," in which the author claimed that opposition to his townsman was based on Caldwell's newness in politics and on the fact that some of his support came from Democrats. "Leavenworth" countered these points by noting that Clarke also had Democratic support and probably could not work with Congressman David P. Lowe, who had defeated him a few months earlier for the congressional nomination. "Leavenworth" added that since Caldwell was already wealthy, he would not use his office to enrich himself.¹²



With Carney's and Clarke's support sold to Caldwell, Samuel J. Crawford was the unfortunate loser in the 1871 election.

By Saturday, January 21, however, Burlingame admitted the situation was chaotic but predicted it would jell by Monday, the day before balloting began.¹⁰ Despite his optimism, on Sunday rumors of bribery caused the editor to acknowledge that "such a thing may be possible but we are not prepared to believe it." Nevertheless, this comment introduced a long editorial against the sin of bribery, signed "X."¹¹

The day the balloting began, January 24, the *Kansas Daily Commonwealth* editorialized that voting should be based on "honest convictions." The same

Caldwell appears to have had the largest number of workers operating on his behalf in Topeka. Former business partner Len T. Smith (Democrat) was in charge of the campaign and extremely active. Thomas J. Anderson, former state adjutant general and Kansas Pacific Railway representative, also was influential. His railroad was Caldwell's major corporate backer, but after the election its officers were reluctant to pay the thirty thousand dollars in campaign expenditures the senator demanded. Former governor Thomas Carney was there to swing whatever votes he could to Caldwell. Because of illness, the candidate himself was in Topeka for only three days during the

9. Plummer, *Frontier Governor*, 137-38; Socolofsky, *Kansas Governors*, 89-93; Report of the Joint Committee of Investigation, Appointed by the Kansas Legislature of 1872, to Investigate All Charges of Bribery and Corruption Connected with the Senatorial Elections of 1867 and 1871 (Topeka: Public Printer, 1872), 243.

10. *Kansas Daily Commonwealth*, January 11, 19, 21, 1871. State printer S. S. Prouty owned the paper, but Burlingame edited it.

11. *Ibid.*, January 22, 1871.

12. *Ibid.*, January 24, 1871.

campaign. His absences would be used later to "prove" he was not involved in alleged vote buying.

Although no one was singled out for purchasing votes during the campaign, several state legislators voiced concern about the practice, and one, Representative Thomas P. Fenlon, a Leavenworth Democrat, offered a resolution against bribery and corruption prior to the vote being taken in the legislature. After Fenlon's resolution passed, he claimed that two-thirds of the house swore the prescribed oath. Reading from a prepared script, Speaker Simpson, as required, recited the following:

You and each of you do solemnly swear, before Almighty God, the searcher of all hearts, that you have not received, and will not receive, any money or other valuable thing to influence or control your vote on the senatorial question.¹³

The *Kansas Daily Commonwealth*, which endorsed the measure, noted that "if a man's hands are clean, why should he not hold them up?" The newspaper's estimate of how many took the oath was much smaller than Fenlon's; the *Kansas Daily Commonwealth* reported that about thirty members made the pledge during a "boisterous and sometimes exceedingly rude and undignified" meeting. Those who opposed the procedure claimed they had already sworn to their honesty when they took their oaths of office. However, as one legislator pointed out, "a man who would steal must lie."¹⁴ Senator Oliver H. P. T. Morton (Republican, Indiana), who later learned of the oath during the U.S. Senate inquiry into the election, believed "the mere fact that such a resolution was offered, that the house would tolerate it, so insulting and dishonoring, showed a consciousness of guilt and demoralization that would hardly be believed if it were not well attested by history."¹⁵

Humiliating or not, Fenlon thought the oath was needed "to present myself as pure as I could." He did not believe the senatorial election in 1871 differed much from others he had observed in Kansas. He said that only Lane's reelection was freer of talk of corruption and bribery and added that the talk of money being used was commonplace at both Ross's and Pomeroy's elections to the Senate.¹⁶

As prescribed by federal law, initial balloting for senator was held with each house of the legislature meeting separately. Thus, on January 24 the state senate tally was Caldwell eight votes, Clarke six, Crawford five, and six other candidates with one vote each. The house vote was Caldwell thirty, Clarke twenty-one, Crawford twenty-two, James D. Snoddy eleven, Ross seven, Fenlon two, and five candidates with one each. When the house and senate tallies were combined, Caldwell received thirty-eight, Clarke twenty-seven, Crawford twenty-seven, Snoddy twelve, Ross eight, Fenlon two, and W. R. Laughlin two, with six candidates having one vote each on the first day. A simple majority, or sixty-two votes, was needed to win.¹⁷

Dispersal of the vote for the major candidates illustrates that regionalism was an important consideration in senatorial elections. Caldwell and Clarke received most of their support north of the Kansas River, with Crawford's strength in the area to the south. Legislators from the eastern-most tier of counties south of the river voted for Snoddy, who was from Linn County. That area included settlers struggling to gain title to the Cherokee Neutral Lands upon which they had squatted. They thought Snoddy's election would help solve their problem. Votes for the other candidates were scattered. In this ballot Carney's support proved crucial for Caldwell, who, despite later claims, was a political novice without a party base. Sol Miller, editor of the *White Cloud Kansas Chief* and a state senator, believed Carney would have led on the ballot if he had stayed in the race.¹⁸

13. Fenlon's quote in *ibid.*, January 25, 1871. For a slightly different version of the oath, Fenlon's opinion of the number taking it, and Caldwell's doctor's testimony, see *Senator Caldwell's Election, Kansas, 1871*, 349, 351, 444–45.

14. *Kansas Daily Commonwealth*, January 25, 1871.

15. *Congressional Record*, 43d Cong., special sess., March 10, 1873, 1: 43.

16. *Senator Caldwell's Election, Kansas, 1871*, 348, 350.

17. *U.S. Statutes At Large* 14 (1866): 243; *Kansas Daily Commonwealth*, January 25, 1871.

18. *White Cloud Kansas Chief*, January 19, 1871. For a somewhat different view of Carney's role and maneuvering during the election, see Sinisi, "Politics on the Plains," 34–35.

Following the initial balloting, Clarke played the preeminent role. On Tuesday evening, soon after the first vote, some of his supporters, realizing that defeat was imminent, tried to form an anti-Caldwell caucus. They proposed to other legislators, who had voted against Caldwell, that both Clarke and Crawford withdraw as candidates and a new candidate, someone not earlier involved in the race, be endorsed. Although seven men were suggested as compromise candidates none could be agreed upon. The majority of Crawford's supporters refused to even consider an arrangement with Clarke and his friends.¹⁹

Because the Clarke and Crawford backers could not unite, the Atchison delegation, which had voted for Clarke, switched to Caldwell. Although they did not explain their motives, later testimony revealed they were interested in electing a senator who would support railroads linked to Atchison, especially the embryonic Atchison, Topeka and Santa Fe. Wary of Crawford, the Atchison delegation accepted Caldwell's promise to help, if elected. Early on Wednesday morning Atchison legislators met with Clarke's other supporters and persuaded almost all of them to vote for Caldwell. Many of these legislators were angered by Crawford and his backers' "shabby" treatment of Clarke. Clarke reluctantly accepted the shift in support, which resulted in Caldwell overwhelming Crawford in the election.²⁰

When the houses met in joint convention on Wednesday, January 25, nominations were taken. Samuel M. Strickler, who had put Clarke's name before the house on Tuesday, withdrew it and asked that Caldwell be elected. He noted that Clarke's supporters, who had sought a compromise candidate, had been forced to choose between Crawford and Caldwell and had chosen the latter. Snoddy, the most outspoken "purifier" and the man who would later

chair the investigation into Caldwell's election, rose to extol and to renominate Crawford. After several speeches by various candidates' supporters, each legislator stood and stated his vote for senator. When the results were tallied, Caldwell received eighty-seven votes, Crawford thirty-four votes, and Wilson Shannon Jr., a Democrat and son of a former territorial governor of Kansas, two votes.²¹

After losing, Crawford believed that if Congress had not revised the election law in 1866, he would have won. That year the law was changed to lengthen the time between when the legislature convened and when it voted for a United States senator. The new law provided that the legislature "shall on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in Congress." Thus, candidates were given at least one week to campaign in Topeka before the balloting began. In 1871 the election commenced on January 24, allowing Caldwell and his supporters almost two weeks to gather votes. They needed this time much more than did the popular former governor.²²

Caldwell had meager newspaper support during his campaign, but immediately after the election he was praised lavishly. Burlingame's *Kansas Daily Commonwealth* said, "We believe the state will have no occasion to regret the election of Mr. Caldwell." It added that he was a man "of temperate and moral habits."²³ Lawrence's *Kansas Daily Tribune*, noting that

21. Plummer, *Frontier Governor*, 140–41. With fewer candidates receiving votes this time the regional nature of Kansas's Republican politics was more pronounced, starkly contrasting a north–south split. Three of Crawford's votes came from delegates living north of the Kansas River, while twenty-nine were from those south of it, and two were by men who had settled roughly west of the Flint Hills. Fifty-seven of Caldwell's ballots came from legislators living north of the river, fourteen were from western Kansas delegates, and sixteen were cast by men residing south of the river. Of Clarke's former supporters two, both from south of the river, voted for Crawford, and twenty-five cast their ballots for Caldwell, nineteen of whom came from northern Kansas. While Crawford picked up votes from Snoddy and other minor candidates, he lost twelve he had received on the first ballot, half of which were from western Kansas. Two Democrats from Wyandotte County voted for Shannon. Tallies are based on returns in *Kansas Daily Commonwealth*, January 26, 1871; D. W. Wilder, *Annals of Kansas, 1541–1885* (Topeka: Kansas Publishing House, 1886), 543–45.

22. U.S. *Statutes At Large* 14 (1866): 243–45; Plummer, *Frontier Governor*, 138–39.

23. *Kansas Daily Commonwealth*, January 26, 1871.

19. The compromise candidates included Governor James M. Harvey, Lieutenant Governor Peter P. Elder, Judge John T. Horton of Shawnee County, Judge Daniel M. Valentine of Franklin County, state senators John M. Price and H. C. Whitney, and former senator Samuel M. Strickler. See *Kansas Daily Commonwealth*, January 26, 1871; Plummer, *Frontier Governor*, 140.

20. *Report of the Joint Committee of Investigation, 186; Senator Caldwell's Election, Kansas, 1871*, 400–4; *Congressional Record*, March 10, 1873, 1: 36.

it had favored Clarke, asserted that Caldwell was a "faithful, true-hearted republican, and an able, energetic man." The Lawrence *Republican Daily Journal*, which also had not supported the new senator, said he was "the right man in the right place." The *Fort Scott Daily Monitor* was glad the state was rid of Clarke and hoped Pomeroy would soon follow. It praised Caldwell for coming to Kansas a poor man and enriching himself. It called him "earnest, honest, and determined," "a modest man and a true gentleman," and good orator, and opined that he would be a "strong influence in the senate." The *Atchison Daily Champion & Press* editor, John A. Martin, complained that the "purifiers" had beaten Clarke but endorsed Caldwell as a man of "integrity and capacity," a man who would do a good job. Sourer notes were sounded, but they were muted. On the whole the state's expectations were high.²⁴

Lacking seniority in a body governed by it, Caldwell accomplished very little in the Senate. He served in three regular sessions of the forty-second Congress and special sessions in both the forty-second and forty-third Congresses. He was assigned to six standing committees. His initial appointments, to the Committees on Naval Affairs, the District of Columbia, and Mines and Mining, were not particularly valuable to the state. During the second year his assignments improved when he was named to the Committees on Indian Affairs, Private Land Claims, and Military Affairs. Twelve days before he resigned, he was returned to the Committee on Mines and Mining, dropped from Military Affairs, and remained on Indian Affairs and Private Land Claims.²⁵

The most important bills Caldwell introduced into the Senate were directly related to his own financial interests or those of his closest backers. However, in several instances he embraced issues supported by a majority of the state's voters. He favored

an increase in the money supply, supported efforts to force Indian lands in Kansas onto the market, and wanted a post road extended from Kansas to Texas. He tried unsuccessfully to pass legislation that allowed the Kansas Pacific Railway to expand and that established another land office in the state. In a move that angered Topekans, he had one of the two terms of the U.S. District Court shifted from Topeka to Leavenworth. The change was justified on the grounds that Leavenworth was the larger city and deserved this recognition.²⁶

Caldwell's most prolonged legislative effort concerned the enlargement of Fort Leavenworth so that it could hold a regimental sized unit. He and other Kansas representatives argued that rather than continuing the practice of scattering troops in temporary housing throughout Kansas, New Mexico, and Colorado, they could be quartered more cheaply in an expanded Fort Leavenworth. Not only would the troops be safer and more comfortable in permanent quarters during the region's arctic-like winters, they could be deployed rapidly by rail when needed. Caldwell had to defend the legislation against charges of boodling. During debate he said, "It [the legislation] is a matter in which there is no money to be made; there is no 'steal' in it; . . . it is simply a matter for the promotion of the public interest and to economize the expenditure of the Army."²⁷

On significant issues of the day Caldwell spoke against Southern abuses of the freedmen and voted for the Enforcement Act of 1871, one of the Anti-Ku Klux Klan Acts. He also was involved in voting for a number of other important pieces of legislation, including a bill for the relief of victims of the great Chicago fire of 1871, the General Amnesty Act of 1872, and the so-called "Salary Grab Act of 1873." Many notable bills that he helped consider were passed without recorded votes, and as a new senator he said nothing about them. As was to be expected he

24. Ibid., January 28, 29, 1871; *Kansas Daily Tribune* (Lawrence), January 26, 1871; *Republican Daily Journal* (Lawrence), January 26, 1871; *Fort Scott Daily Monitor*, January 26, 1871; *Atchison Daily Champion & Press*, January 26, 1871.

25. *Congressional Globe*, 42d Cong., 1st and special sess., May 10, 1871: 845-46; *ibid.*, 42d Cong., 2d sess., January 25, March 20, 22, 1872: 581, 1820, 1881; *Congressional Record*, March 12, 1873, 1: 48.

26. *Congressional Globe*, 42d Cong., 1st sess., March 7, 14, 1871: 15, 90; *ibid.*, 42d Cong., 2d sess., January 9, 16, March 8, 27, May 3, 16-17, June 10, 1872: 318, 405, 1525, 1987, 3019, 3543-44, 4465.

27. Ibid., 42d Cong., 1st sess., March 24, 1871: 268-69.

presented a variety of petitions to the Senate sent him by his constituency.²⁸

Much of Caldwell's time as a senator was spent defending his election. Complaints about his use of money during the canvass began even before he was sworn in on March 4, 1871. On February 2 the *Lawrence Democratic Standard* lamented that "the future historian of our State will class the 24th day of January, 1871, among the dark days of her history." It was then, the paper said, "that the Senatorship for this State [was] . . . put up and sold to the highest bidder, for cash."²⁹

Other newspapers joined the grouching during the year, but nothing serious happened until January 1872 when Governor James M. Harvey in his message to the legislature inveighed against "the frequent appearance of money as an element of corrupt political power" and called for legislation to punish corporations who financed political campaigns.³⁰ More important, the *Democratic Standard* ran an article naming corrupt legislators. According to Nathan Cree, the paper's editor, he happened to meet Sidney Clarke in the Lawrence post office on the afternoon of January 16. After exchanging pleasantries, the two began discussing the corrupt nature of the previous senate campaign. Cree told Clarke that he had the names of a few legislators who had taken bribes. Clarke replied that he knew of even more and agreed to meet Cree later that day in the *Standard's* offices to list them. As promised, he provided the editor twenty additional names. After meeting with Clarke Cree, in conjunction with George A. Reynolds and Wilson Shannon Jr., newspaper associates, compiled a list of about twenty-four state legislators whom they believed had taken bribes. To be safe, when Cree published his article on January 17, 1872, specifying cor-

ruption, he accused only nineteen legislators. His list was all the more believable because it included a number of Democrats.³¹

Cree's intention, and apparently Clarke's, was to force the legislature, then in session, to begin a formal investigation. They never claimed political purification as their motive for wanting the inquiry, but they tried to make that impression. When criticized for his action Clarke piously said, "I trust I shall always be found, now and hereafter, instigating all possible resistance against any outrage against popular rights."³²

Others assigned baser motives to Clarke and Cree. Sol Miller, who had voted for Caldwell, claimed that Cree was "sour" because he planned to receive money from Clarke for Democratic votes, but Clarke had dropped out. In Miller's opinion Clarke had instigated the investigation "for purposes of revenge and black-mail."³³

James D. Snoddy agreed with Miller's assumptions about the inquiry's basis: "We do not believe the investigation was gotten up for the purpose of purifying our politics," Snoddy said. However, he disagreed with Miller's conclusion and believed the inquiry would prove Caldwell guilty. Senator Oliver Morton, who later would chair the Caldwell investigation by the Committee on Privileges and Elections in the U.S. Senate, accepted the allegations that Clarke had been promised from twelve thousand to fifteen thousand dollars for withdrawing in favor of Caldwell. The offer supposedly was made to Clarke's friend Robert S. Stevens in Caldwell's hotel room about 2:00 A.M. the day of the Kansas legislature's final vote. Morton believed that Caldwell had welshed on making the promised payment because he lacked ready cash, having spent more than sixty thousand dollars on the race, and for that reason Clarke contacted Cree.³⁴

28. *Ibid.*, 42d Cong., 2d sess., March 20, May 14, 21, 1872: 1828, 3431, 3738; *ibid.*, 42d Cong., 3d sess., March 4, 1873: 2184. For petitions, see "Index to Senate Proceedings, petitions presented by Caldwell, Alexander," 42d Cong., 1st sess., 1871: xxxv; 42d Cong., 2d sess., 1871-1872: xxxii.

29. Plummer, *Frontier Governor*, 141.

30. Wilder, *Annals of Kansas*, 565.

31. *Report of the Joint Committee of Investigation*, 19-22, 247.

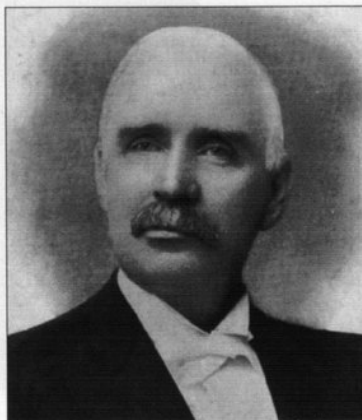
32. *Kansas Daily Commonwealth*, February 2, 1872.

33. *White Cloud Kansas Chief*, January 18, February 22, 1872. Miller was part of the Doniphan County delegation, which allegedly received seven thousand dollars from Caldwell for its votes.

34. *Kansas Daily Commonwealth*, January 26, 1872; *Leavenworth Daily Times*, January 28, 1872; *Congressional Record*, March 10, 1873, 1: 35-36.

The Kansas legislature, which would consider Caldwell's corruption in 1872, a year prior to the U.S. Senate's inquiry, was composed of a holdover state senate that included fifteen members who had voted for Caldwell. It had only one new member: Leavenworth resident Colonel Charles R. Jennison, leader of an infamous Civil War unit "Jennison's Jayhawkers," or the Seventh Kansas Cavalry. The house of representatives, which was elected in November 1871, had twelve holdovers and ninety-four new members. Most Kansas senators did not want to hold an investigation, but many members of the house appeared eager for an inquiry.³⁵

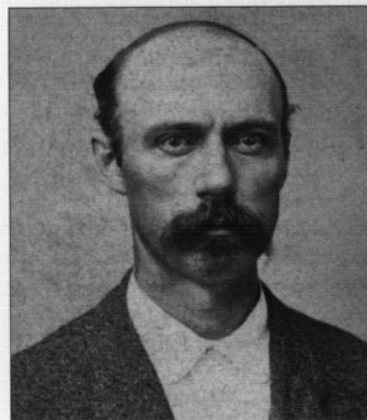
As rumors of bribery surfaced, Ward Burlingame, editor of the *Kansas Daily Commonwealth* stated, "such a thing may be possible but we are not prepared to believe it."



On January 18 William H. Clark of Ottawa introduced a concurrent resolution into the house providing for the appointment of a joint committee of the house and senate to investigate the 1871 senatorial election. While the measure faced no real difficulties in the house, Thomas P. Fenlon, who had voted for Caldwell, succeeded in amending it to include the senatorial election of 1867. Although Fenlon had authored the resolution promising an honest vote for senator in 1871, critics said he added Pomeroy's 1867 reelection to the investigation to confuse the issue. As it turned out, including Pomeroy's reelection mitigat-

ed matters only slightly. Bribery was used then as well, but it made no difference to the Caldwell case. However, Pomeroy's 1873 downfall may have occurred more swiftly as a result of this probe.³⁶

In the state senate the resolution was discussed extensively and at times with heated debate. Jennison proved to be Caldwell's most vocal supporter, pointing out that newspaper charges against the senator were unsubstantiated and asking that offending editors be brought before the legislature to provide proof before continuing the investigation. Senator Sol Miller did his most effective work through the *White Cloud Kansas Chief*, calling the inquiry a waste of time



Handling Caldwell's bribes and payoffs was Thomas J. Anderson, former state adjutant general and future state representative and senator.

and money because bribe givers and takers would not admit their activities. The hearing, he claimed, would be "for making political capital and for building up some politicians and breaking down others."³⁷

Among those supporting the undertaking, W. H. Fitzpatrick of Topeka charged that the delay in voting on the concurrent resolution contributed to the noxious odor emanating from the state's politics. "Kansas stinks in the nostrils of honest men," he said, "It is widely known as the 'rotten commonwealth.'"

36. *Leavenworth Daily Times*, January 19, 25, 1872; *Kansas House Journal*, 1872, 192, 259, 262-66, 299.

37. *Kansas Daily Commonwealth*, January 26, 1872; *White Cloud Kansas Chief*, January 25, February 8, 1872.

35. For the house's membership, see Wilder, *Annals of Kansas*, 543-45, 562-64.

Out-of-state newspapers likewise paid attention to the inquiry. The harshest evaluation came from the *Denver News*, whose editor wrote that an investigation would provide an opportunity to learn how much it costs to be a senator and "at the same time to get another peep into the corrupt mysteries of Kansas politics."³⁸

Locally, the cruelest judgment of Caldwell was rendered by state senator James D. Snoddy, who despite his bias co-chaired the inquiry. Snoddy said:

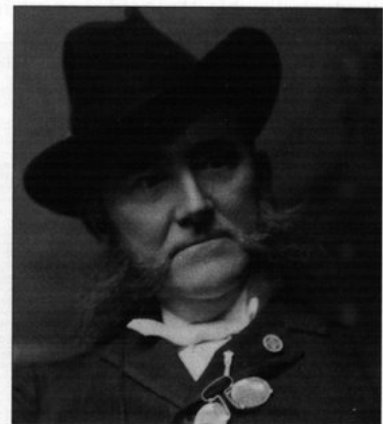
Mr. Caldwell was elected by money used corruptly and feloniously. It was impossible for Alexander Caldwell to secure an election to the United States senate in any other way. He was a member of no party, represented no clique. He was without an education, without influence. He stands an idiot and a dolt upon the floor of the United States senate.³⁹

When criticized for using the words "idiot and dolt," he replied, "Perhaps they were too severe and perhaps they were not strong enough."⁴⁰

On January 25 both legislative houses approved the resolution. The speaker then appointed William H. Clark to be chairman of the house delegation, which included J.J. Woods, J. Boynton, D. H. Johnson, and G. W. Clark. The senate chose Snoddy as chairman and designated E. S. Stover and H.C. Whitney as members. Snoddy was by far the joint committee's most vocal and active examiner. The three senators selected all had voted for Crawford in 1871, and the five members from the house were all new to the legislature. There would be no "whitewash" as some had feared. The decision to hold all sessions of the investigating committee in camera was criticized by Sol Miller as being a star-chamber proceeding. Nevertheless, testimony began on January 30 and lasted until February 23. Most of the witnesses called were involved in the 1871 contest, although a few testified about the election of 1867.⁴¹

Nathan Cree was among the first witnesses and, as previously noted, explained how he had received the names of the nineteen legislators. His testimony was followed by that of men who worked for various candidates in Topeka during the campaign and of a few members of the legislature, some of whom Cree had listed as accepting bribes. Most of the evidence given by campaign workers and others who had frequented the legislature during the time of the election was like Cree's: secondhand, hearsay. Nevertheless, prominent, believable personalities testified, including John P. Usher, secretary of the interior under

With concerns of vote purchasing rising, Representative Thomas P. Fenlon presented the legislature a resolution against bribery and corruption. Not all legislators swore the prescribed oath.



Abraham Lincoln; Noble Prentiss, then a young man but later one of the state's most esteemed journalists; Daniel M. Adams, John R. Mulvane, and Jacob Smith, respected leaders of banking in Topeka and the state; and former governors Thomas A. Osborn and Samuel J. Crawford. These men all agreed that money had been used to elect Caldwell. Some witnesses said that their opinions were mere feelings, but others based their testimonies on actions they had taken or that Caldwell workers, including Len T. Smith and Thomas Anderson, told them had been taken. Sixty thousand dollars was the figure most often stated as the amount Caldwell spent on his election, but Adams, whose Topeka bank cashed checks of large sums for the senator's confederates during the vot-

38. *Kansas Daily Commonwealth*, January 19, 20, 25, 1872.

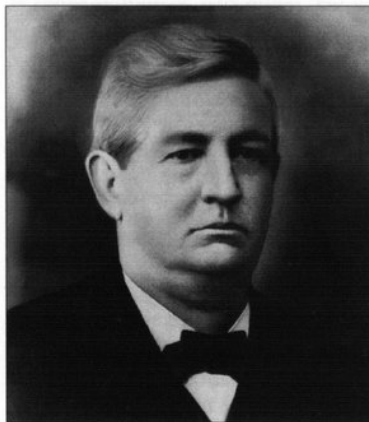
39. *Ibid.*, January 24, 1872.

40. *Ibid.*, February 2, 1872.

41. *Ibid.*, January 25-26, 1872; *White Cloud Kansas Chief*, February 8, 1872.

ing, said that he had heard Caldwell spent seventy-five thousand dollars, and he thought it was true.⁴²

All the legislators interviewed by the joint committee denied accepting bribes, although some gave feeble explanations for voting as they did. Incriminating testimony came from such men as Thomas L. Bond, representative from Salina and in 1872 a Caldwell appointee as register of the United States Land Office, Western District, Kansas. While denying that he had told Sidney Clarke he received three thousand dollars for his vote, as Clarke had testified, Bond admitted that "Mr. Caldwell and his friends frequently



In the pages of his White Cloud Kansas Chief, Kansas senator Sol Miller asserted that an inquiry into Caldwell's alleged corruption was a waste of time and money.

told me that I could have anything I wanted if I would support him." He concluded, "I told Mr. Caldwell—I don't remember of ever Mr. Caldwell promising me any position positively, before he was elected."⁴³

Representative Edwin C. Manning of Winfield reported that both Clarke and supporters of Caldwell had tried to buy his vote. He refused to say who had acted for the senator but noted that "a certain gentleman offered me eighteen hundred dollars or thereabouts to vote for Mr. Caldwell for United States Senator. He offered to lift a note in bank that was overdue that he knew I could not lift." When pressed by the committee, Manning still refused to divulge

the individual's name but stated he was told to call on Thomas Anderson who would handle matters.⁴⁴

Perhaps the strangest case involved Representative William H. Peckham of Big Springs. Peckham, who farmed in the area, not only testified in Topeka, but he later appeared before the U.S. Senate investigating committee. Peckham's troubles were the result of his wife's disillusionment with farming. At her insistence he arranged to sell the farm and purchase one-half interest in a drugstore in Topeka operated by Dr. H. S. Greeno. To buy into the firm, Peckham agreed to help pay off an existing debt. After the 1871 session closed, Peckham, who had fallen behind in making payments, was pressed by Greeno, and to calm his partner's fears told him that Caldwell would soon pay him two thousand dollars for influence Peckham had exerted during the recent session.

After Greeno testified to the Kansas investigators that his partner had sold his vote, Peckham appeared and denied the allegation. Unfortunately for him, a number of other witnesses testified that they too had been told by Peckham that he sold his vote and influence. At least one of these men, state senator J. C. Vincent of Lawrence, said he did not think Caldwell had actually paid Peckham because the Big Springs farmer could not deliver the Democratic vote as promised. By the time Peckham appeared in Washington, he had decided to own up to his actions and stated that he had told various people he received money for his vote. When asked why he would lie about accepting a bribe, if it were not true, he answered, "In order to deceive any man that would attempt to talk to me about buying my vote." The novice druggist confidently added, "I do not think anybody ever thought I got a cent." He was wrong; both committees believed he had been paid.⁴⁵

Representative D. A. Crocker of Mound City, who figured prominently in both the Kansas and Washington investigations, conveniently disappeared to

42. For the testimony of those listed, see *Report of the Joint Committee of Investigation*, 14–16, 18–24, 51–55, 135–49, 155–62, 176–82, 199–204, 232–33.

43. For Bond's entire testimony, see *ibid.*, 58–66 (quote on 61).

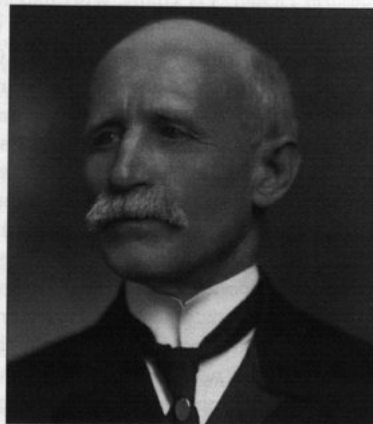
44. For Manning's entire testimony, see *ibid.*, 250–52 (quote on 251).

45. For Peckham's testimony in Topeka, see *ibid.*, 207–9; for Greeno's testimony, see *ibid.*, 11–14, 25–28; for Vincent's testimony, see *ibid.*, 213–15; for other testimony, see *ibid.*, 55–58. For Peckham's testimony in Washington, D.C., see *Senator Caldwell's Election, Kansas, 1871*, 156–63 (quotes on 157, 159). For other testimony in Washington, see *ibid.*, 163–66.

avoid testifying either in Topeka or in Washington, D.C. According to statements made by William H. Carson of Lawrence and William Spriggs, former state treasurer, Crocker received one thousand dollars to vote for Caldwell. Anderson had used Carson to pass the money on to Crocker, but Snoddy, also from Linn County, had learned of the arrangement. He forced Crocker to return the funds and keep his earlier pledge to vote for Crawford. Crocker returned the money to Carson, and Carson kept it.

When subpoenaed to testify at the state hearing, Carson fled to Missouri, having been paid to do so.

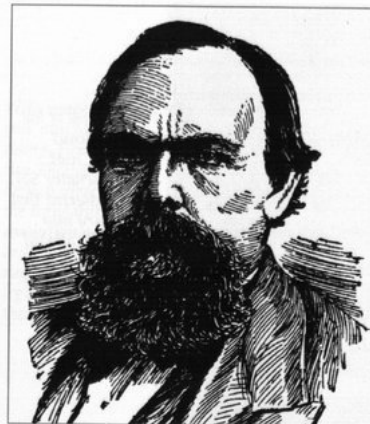
During the legislative inquiry, incriminating testimony came from such men as Thomas L. Bond, who stated, "Mr. Caldwell and his friends frequently told me that I could have anything I wanted if I would support him."



Apparently the one thousand dollars was his payment not to appear as he later told the U. S. Senate committee that he did not return the money. For his part Anderson said he "unqualifiedly and most positively" did not give Carson money to pass on to Crocker. He added, "I am positive of the matter. Of course, my recollection may be at fault." Caldwell later noted that he had been told by several people that Carson would publish his statement if he were not paid. It appears Carson both told his story and was paid.⁴⁶

The Kansas inquiry was hurt not only by Crocker and Carson failing to testify but by Thomas Ander-

son, Len T. Smith, and Thomas Carney, who avoided the proceedings. The trio disingenuously claimed that they were available, but no one had sought them out. As a consequence, full information about the arrangement between Carney and Caldwell did not become public in 1872. Some facts surfaced when James L. McDowell, Carney's former political friend and the author of the original Carney-Caldwell agreement, was called to testify. Pressed hard by Snoddy, he admitted he had copied a paper for Smith stating that Carney agreed not to be a candidate and if Carney ran he would forfeit his word or pledge of



Chairing the U.S. Senate investigating committee was Oliver H.P.T. Morton, who would later lament, if membership in the Senate can be purchased, "The honor and glory of this body are gone."

honor. When asked if the agreement contained additional information, McDowell dissembled saying he could not remember any other forfeiture.⁴⁷

The committee suspected a financial arrangement between Carney and Caldwell, and it mistrusted McDowell. In the committee's report McDowell, who in 1866 had been the National Union Party candidate for governor and had been defeated by Crawford, was noted as "working for and on confidential terms with Alexander Caldwell, in consideration of the promise of Caldwell to remove Mrs. Johnson, a widow, whose husband was killed early in the [Civil] war at Morris-town, Missouri, from the postoffice at Leavenworth." Members of the house of representatives who be-

46. Report of the Joint Committee of Investigation, 216-17, 242-43, 246; Senator Caldwell's Election, Kansas, 1871, 51-52, 59-68, 70-72, 398-99 (Anderson quote on 72).

47. Report of the Joint Committee of Investigation, 102-11.

longed to the president's party controlled postal patronage in their districts, but a senator almost always was allowed to name the postmaster in his hometown. When Caldwell chose McDowell, who had once been postmaster, to replace Mrs. Johnson, the selection caused an uproar, not only because of the corruption apparently involved but because the Union war veterans found it improper.⁴⁸

The star witness, Sidney Clarke, appeared on the second day of the hearing, January 31. His testimony lasted through the next day. He primarily provided hearsay evidence, although much of it was the same as other witnesses had given. He explained why he left the race, stating that at first he spurned Caldwell's request that he withdraw, but after his supporters decided to back Caldwell, he reluctantly followed their lead. He also noted that he later learned "Caldwell did make an arrangement with Mr. [Robert S.] Stevens, agreeing to pay Mr. Stevens the expenses that had been incurred." Stevens was Clarke's campaign manager and general manager of the nascent Missouri, Kansas and Texas Railroad.⁴⁹

The joint committee ended its hearing on February 23 and the next day unanimously reported its findings to both houses. Apparently the committee spent little time preparing the report's summary statement, for it was only eight pages long. Slightly more than two pages dealt with the senatorial election of 1867 and another two with Clarke's campaign in 1871. Like the testimony, which was included, the majority of the report dealt with Caldwell's election.

In four pages the committee discussed what it assumed was the amount of money used in Senator Caldwell's campaign, the promises he had made of future appointments, and the money that had been given or pledged to Carney and Clarke for withdrawing from the race. It noted that Carney, Smith, and Anderson were "fugitives from the State, for the purpose of depriving this Committee of their testimony" and that it found "Alexander Caldwell used bribery and other corrupt and criminal means, by himself and

his friends, with his full knowledge and consent, to secure his election in 1871, to the United State Senate, from the State of Kansas."⁵⁰

On the same day the report was filed, a concurrent resolution passed both houses providing that five thousand copies of the report and testimony be printed and that the joint committee deliver the testimony to the secretary of state, who was directed to distribute it to members of the legislature, the president of the senate, the governor, and state officers. The resolution accompanied the bound reports of which only five hundred actually were printed.⁵¹

The legislature then considered a second concurrent resolution. Because the state legislature could not take action against Caldwell, this resolution provided that the governor send the report and evidence to the state's two U.S. senators and the vice president of the United States. The house passed the resolution without difficulty, but the state senate struck the part regarding sending the report and testimony to the vice president. Representatives of the two houses could not reconcile the different versions, whereupon the house passed a resolution ordering the speaker to send the report to Washington. At this point the state senate receded from its opposition and passed the resolution. The house then rescinded its unilateral action.

The matter was not yet finished. Caldwell supporters in the state senate later tried to reconsider the measure by trading votes on an appropriations bill, but while the appropriations bill passed, the effort to reconsider the resolution failed. Additionally, on March 5 Caldwell addressed the U.S. Senate concerning the joint committee's report. He claimed that because it contained hearsay evidence the state senate had refused to send the report to the vice president, and the state house of representatives had rescinded a recommendation that the U. S. Senate investigate him.⁵²

The report and Caldwell's speech caused what one editor called a "hullabaloo" nationally and in

50. *Ibid.*, 7-10 (quotes on 9).

51. *Ibid.* [2].

52. *Leavenworth Daily Times*, March 9, 1872; *Kansas Daily Commonwealth*, March 12, 1872; *Congressional Globe*, 42d Cong., 2d sess., March 5, 1872: 1410.

48. *Ibid.*, 112-13.

49. For Clarke's entire testimony, see *ibid.*, 30-48 (quote on 37).

Kansas. Larger state newspapers printed the summary in its entirety or quoted and paraphrased it. In a front-page article the *New York Times* predicted that "the report will cause great commotion in the Senate, as it will show that money has been spent like water for years." Both the *Kansas Daily Commonwealth* and the *Leavenworth Daily Times* agreed and added that Caldwell needed to answer the charges.⁵³

Another speech, given in the Kansas house on February 26 by former congressman Marcus J. Parrott, received nearly as much attention as had Caldwell's. Parrott, who was busily engaged in organizing the Liberal Republican Party in Kansas, exclaimed:

The last senator . . . not only bought up the legislature, but the candidates, themselves, and you saw candidates drop from the list, under the soothing influence of paper, afterwards to be repudiated and dishonored; they were like the horse leech's daughter, mercilessly crying, "give! give!" It is the worst page in our history.⁵⁴

A week later in Leavenworth, Parrott added:

All the political shysters, prostitutes and profligates gathered around that Legislature, as obscene birds gather around a carcass, and then the bidding began. I happened to be a spectator of the carnival of rottenness.⁵⁵

On April 10 Parrott called to order the state convention of the Liberal Republican Party. Former governor Samuel J. Crawford, the candidate Caldwell had defeated in 1871, was elected the body's president, and plans were made to reform American government.⁵⁶

The speech Caldwell had given on March 5 had two repercussions. It caused an uproar in Topeka and forced officers of the legislature to find out why, despite the second resolution, Governor

James M. Harvey had not sent the joint committee's report to the vice president. They found that the governor had never received the resolution ordering him to do so, nor was it printed in the journals of the Kansas house or senate. Apparently, the clerks of both houses had not included the resolution in the journals or sent it to the governor.

No state official was willing to say why this had happened, but the *Kansas Daily Commonwealth* reported that many believed "a conspiracy has been entered into by the agents of Caldwell to defeat the action of the legislature by suppressing the resolution."⁵⁷ Forced to act, Alexander R. Banks, chief clerk of the house of representatives, acquired a copy of the resolution from state representative Dudley C. Haskell of Lawrence and certified it to the governor. Governor Harvey immediately forwarded the resolution and the report to Vice President Schuyler Colfax.⁵⁸

The second result of Caldwell's speech was to prepare the Senate to investigate his and Pomeroy's elections. In a disingenuous but carefully worded passage Caldwell heaped scorn upon the men who for "mean, mercenary, and despicable motives" had "unjustly, cruelly, outrageously assailed" his character. He promised that when he received the report he would ask the Senate to take proper action and would expose "a malicious report, prepared by men who are my bitter enemies." He possibly did not anticipate that Senator Pomeroy would follow his speech by entering a resolution asking the Committee on Privileges and Elections, after "examination," to direct what action the Senate should take. Pomeroy, who had been charged in the Kansas investigation with dishonesty in his 1867 reelection, had received a copy of the report summary as printed in the *Leavenworth Daily Times* and wanted the committee to use this account. He was nearing the end of his second term and may have expected to be exonerated for that reason alone, or perhaps the newspaper account had been altered. The report was not printed in the

53. *New York Times*, February 25, 1872; *Kansas Daily Commonwealth*, February 25, 27, 1872; *Leavenworth Daily Times*, February 25, 1872; *White Cloud Kansas Chief*, March 14, 1872.

54. *Kansas Daily Commonwealth*, February 27, 1872.

55. *Leavenworth Daily Times*, March 8, 1872.

56. *Kansas Daily Commonwealth*, April 11, 1872; Wilder, *Annals of Kansas*, 571.

57. *Kansas Daily Commonwealth*, March 9, 15, 1872.

58. *Ibid.*, March 17, 1872; *Congressional Globe*, 42d Cong., 2d sess., April 8, 1872: 2246.



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Congressional Globe. The Senate, after passing Pomeroy's resolution, voted to reconsider and then tabled it. They would await the official report.⁵⁹

The official account arrived in early April, and Vice President Colfax presented it and the state legislature's concurrent resolution to the Senate on April 8. Caldwell spoke briefly to the matter saying, "I desire that it be referred . . . so that we may have speedy action upon it." Although the issue was referred that day to the Committee on Privileges and Elections, speedy action did not follow. Committee chairman Oliver H.P.T. Morton was an honest and meticulous man. He did not call the committee together until April 23, but the illness of Senator Allen G. Thurman (Democrat, Ohio) forced postponement until May 11. On May 11 Morton sparked a brief debate in the Senate by asking that his committee be given the power to issue summonses and require that relevant papers be produced. A discussion ensued concerning who could administer oaths and whether false swearing before a congressional subcommittee constituted perjury. They agreed that it did.⁶⁰

Having received the necessary power, Morton began issuing subpoenas and on May 21 commenced a hearing on Pomeroy's election. After taking testimony for two weeks, he reported on June 3 that "there is no evidence that Mr. Pomeroy or anyone for him, used any money or other valuable thing to influence any vote in his favor." As was expected, Morton asked that the case be dismissed. Once again Pomeroy, sometimes known as the "Primrose Path Pussyfooter," was exonerated.⁶¹

Logically, the committee should have begun the Caldwell inquiry next, but it had already decided to leave his case until the recess, stating that "time was too short during the sitting of Congress to thoroughly investigate both senatorial elections." The second session ended on June 10. During the recess, which lasted until December, Morton tried to assemble his committee but found that except for Senator Ben-

jamin F. Rice (Republican, Arkansas) a meeting would inconvenience the members.⁶²

After Pomeroy's vindication, the matter of legislative bribery in both senatorial elections disappeared from Kansas newspapers. Sol Miller inferred that the Senate did not plan to investigate Caldwell. The *Kansas Daily Commonwealth* was unusually silent on the matter, being absorbed by news of the Republican National Convention in Philadelphia. In fact, "Pious Pom," another of Pomeroy's nicknames, had to write the *Commonwealth* asking it to run news of the Senate's decision in his case. Contrary to Miller's opinion, the editors of both the *Kansas City Times* and the *Leavenworth Daily Times* believed that the Caldwell investigation would be held during the next session.⁶³

When the third session of Congress convened in December, Morton was again forced to postpone matters, and it was not until January 10, 1873, that the Caldwell investigation began. It too lasted about two weeks, and many of the people who had given testimony in Topeka were called before the Committee on Privileges and Elections. Much of the testimony was a repeat of the hearsay given in Topeka, but the men who had eluded subpoenas in Kansas—former governor Thomas Carney, Thomas Anderson, and Len T. Smith—appeared. Additionally, former state treasurer William Spriggs elaborated on his role in the affair.

In his testimony Spriggs told of a small group of five or six men who gathered daily in a Topeka hotel to assess Caldwell's standing in the race. The group included Spriggs, Anderson, Carney, former governor Thomas A. Osborn, and former state republican chairman Frank Drenning of Doniphan County. Caldwell never attended but knew of the committee and its actions. According to Spriggs the members discussed which state legislators could be bought, who should approach them, and how much should be spent to secure their votes.

59. *Congressional Globe*, 42d Cong., 2d sess., March 5, 1872: 1410–11.

60. *Ibid.*, April 8, May 11, 1872: 2246, 3316.

61. *Ibid.*, June 3, 1872: 4188; *ibid.*, appendix, 607–8. For the entire report, see *ibid.*, appendix, 607–26; *Senator Pomeroy's Election, Kansas, 1867*, 42d Cong., 2d sess., June 3, 1872, S. Rept. 224, serial 1483.

62. *Congressional Globe*, 42d Cong., 2d sess., June 3, 1872: appendix, 607; *ibid.*, 42d Cong., 3d sess., December 16, 1872: 204.

63. *White Cloud Kansas Chief*, June 6, 13, 1872; *Kansas Daily Commonwealth*, June 13, 1872; *Leavenworth Daily Times*, June 4, 5, 1872.

Spriggs pointed out a large number of specific cases of bribery and noted that Drenning had been given seven thousand dollars to buy the votes of the Doniphan County delegation. If Spriggs were telling the truth, Caldwell had purchased his election. In their testimonies, Smith and Caldwell denied Spriggs's allegations, claiming that no committee had existed. Given the totality of the report, Smith and Caldwell's denials appear to be false. Caldwell may not have authorized such a group, but he certainly had Smith act as his chief advisor and aide, and Smith, just as surely, called on others for help.⁶⁴

The most damning evidence came from Carney who admitted that for the sum of fifteen thousand dollars, he had agreed to withdraw from the Senate race and help Caldwell secure the election. The agreement he signed was as follows:

I hereby agree that I will not under any condition or circumstance be a candidate for the United States Senate in the year 1871, without the written consent of A. Caldwell, and in case I do, to forfeit my word of honor hereby pledged. I further agree and bind myself to forfeit the sum of \$15,000, and authorize the publication of this agreement.⁶⁵

Carney had made the arrangement with Smith, who readily acknowledged it. Both he and Caldwell explained how the money had been paid to ensure that Carney kept the bargain, but their versions differed somewhat from Carney's: they denied that such a transaction was illegal.⁶⁶

Sidney Clarke, who had been urging the investigation, also testified. This time he was more certain about his agreement with Caldwell, claiming that if he withdrew from the senate race, Caldwell had promised to pay his expenses in the 1871 canvas and support him against Pomeroy in the 1873 Senate election. The sum discussed was fifteen thousand dollars. Clarke said that after the Atchison delegation per-

suaded his followers to switch their support to Caldwell, he let Robert Stevens handle the matter of payment. Caldwell, who never paid the money, later denied he had made a deal with either Clarke or Stevens. Clarke also detailed information about a number of legislators who accepted bribes and quoted Smith as boasting that they would win if it cost \$250,000. He said Len T. Smith and other of Caldwell's friends noted, "Politicians were corrupt; that the legislature could be bought, and that they were going to do it."⁶⁷

Smith's testimony was the most muddled of any of the witnesses' accounts. For example, when asked if he expected Carney to help Caldwell secure votes, Smith answered:

A. I did not expect Governor Carney to control any of his votes; he could control a few. I told him I believed he could control some, and he probably would be the means of electing Mr. Caldwell; but I had always a certain mistrust that he was a candidate still, or wanted to be; but he was not, I will say that.

Q. Did you not expect that he would control some votes? Could there have been any inducement for you to give him this money unless it gave Mr. Caldwell strength?

A. I thought he could.

Q. How many votes?

A. I have no idea. . . .

Q. Do you know what counties these voters came from that he proposed to control, or could control?

A. I don't. As I stated before, I didn't believe that he could control any. I do not know that he could.

Q. Did you pay him the money with the understanding that he could not control any votes?

A. Yes sir; I didn't count on his controlling any.⁶⁸

The majority of Smith's testimony dealt with the Carney arrangement, although some of it touched on other matters. One part, which received considerable attention, was his contradiction of allegations that a substantial bribe had been paid to the Doniphan County delegation. The charge, which Spriggs initially had made to the committee, brought Sol Miller to

64. *Congressional Globe*, 42d Cong., 3d sess., February 17, 22, 1873: 1407, 1409, 1609; *Senator Caldwell's Election, Kansas, 1871*, 46-59, 89, 457; *Leavenworth Daily Times*, December 15, 1872.

65. *Senator Caldwell's Election, Kansas, 1871*, i. For Carney's first testimony, see *ibid.*, 189-229.

66. *Ibid.*, 86-88, 96, 101, 106-7, 193-94, 455.

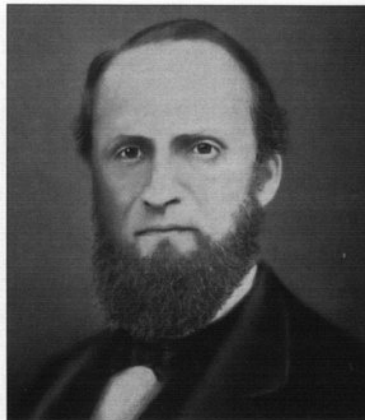
67. For Clarke's first testimony, see *ibid.*, 1-28 (quote on 24); for Caldwell's denial, see *ibid.*, 456.

68. For Smith's first testimony, see *ibid.*, 85-107.

Washington, where he too refuted it. The *Weekly Kansas Chief* editor later called Spriggs "a common political pimp." "Was there ever," he asked, "another state in which the public men were so vilified and relentlessly pursued by a venal, envious, or revengeful pack of political curs?" No wonder strangers called Kansas the "Rotten Commonwealth." "The rottenness," he added, "is in those who keep up the cry; they are the ones who are giving our state an infamous name."⁶⁹

The inquiry contained some humorous moments, but not many. State representative William Williams

Former Kansas state treasurer William Spriggs testified that at daily meetings in Topeka he and other Caldwell supporters would discuss which state legislators could be bought.



but usually was unable to support his statements with details. He asserted that his accusers had lied and that no bribery or violation of law had been proven that would bear the test of a courtroom trial.

Caldwell maintained that paying Governor Carney to withdraw was a "private transaction between citizens, neither of whom occupied any official position, and was not denounced as an illegal act by any statute, State or Federal." According to Caldwell it was an action into which the Senate had no legal right or power to inquire. In fact, the Senate could not constitutionally inquire into the election of a senator;



Outraged at the corruption among Kansas legislators, former congressman Marcus J. Parrott exclaimed, "All the political shysters, prostitutes and profligates gathered around that Legislature, as obscene birds gather around a carcass."

from Olathe rejected a charge that he had accepted money from Caldwell. He had been accused of taking a bribe and using the funds to construct some buildings on the town's square. He claimed that the money came from the sale of other property he owned, but he was forced to admit that the people of Olathe had dubbed his structures "Caldwell's Block." Williams was never reelected to the state legislature.⁷⁰

The hearing closed with Caldwell's statement to the investigators. He refused to swear the prescribed oath, a fact that his most vocal journalistic defender, Sol Miller, concluded was "a fatal blunder." In general, Miller thought the senator's defense was "terrible." Caldwell tried to disprove specific allegations

that power belonged to the states. The Senate could only determine if a senator possessed the proper qualifications for membership as specified in the Constitution.

Caldwell argued that bribery was not a criminal offense established by law and that a senator could not be unseated because he could not be indicted and punished. Last of all, he noted that the Senate could not expel a member for any cause arising before the senator joined that body. His troubles, he said, were caused by "personal enemies, men resentful, because the people of Kansas have preferred me to them—men seeking to extort money from me, without cause or just claim."⁷¹

69. *Weekly Kansas Chief* (Troy), February 20, March 6, 1873.
70. *Senator Caldwell's Election, Kansas*, 1871, 442–43.

71. For Caldwell's statement, see *ibid.*, 462–70 (quotes on 462–63). *Weekly Kansas Chief*, February 20, March 6, 1873.

Caldwell had hired two attorneys: Robert Crozier, from Leavenworth, whom Governor Harvey would later appoint to succeed Caldwell after the senator resigned, and Caleb Cushing, former Massachusetts congressman, diplomat, and attorney general of the United States, best known as the special envoy to Canton, China, and the author of the Treaty of Wang Hai in 1843. Cushing's assistance in the case is not evident, but Crozier questioned witnesses during the hearing. Moreover, Caldwell's statement had points of law and case citations, which his attorneys must have provided. These formed the basis of considerable long-winded debate in the Senate.

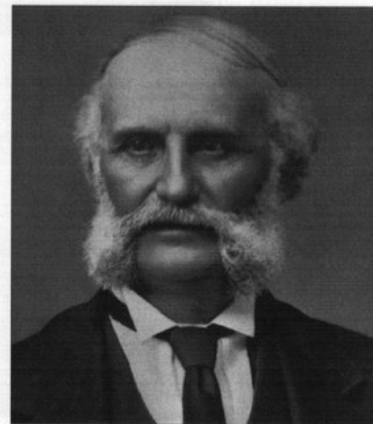
After the hearing closed on January 25, Senator Morton had the report printed and on February 17 presented it to the Senate. In its summary of the case, the committee listed the testimony it thought germane, stressing that given by Carney, Clarke, and Spriggs. It noted that Caldwell could either be expelled by a two-thirds vote or have his election declared null and void. The committee majority had decided "that Alexander Caldwell was not duly and legally elected to a seat in the Senate of the United States by the legislature of Kansas" and that his seat was vacant.⁷²

The *New York Times*, having closely covered the Caldwell hearing, reported that Senator Morton and the other committee members concluded that Caldwell's seat was vacated to save him from disgrace. The *Times* wanted him expelled "as a forcible assertion of the standard of membership in the Senate." If its editors remembered what their newspaper had said when Caldwell was elected two years earlier, they must have winced: "He is honest in his convictions . . . and too pure-minded to stoop to petty black-mailing, and [he] would scorn a mean act."⁷³

Three Republican members of the committee, Senators Matthew H. Carpenter (Wisconsin), John A. Logan (Illinois), and Henry B. Anthony (Rhode Is-

land), while not filing separate reports, disagreed with the recommendation. Logan and Carpenter were its most vocal opponents. Their opposition was directed more toward procedural questions than substantive matters. They argued that the case against Caldwell was essentially hearsay, based on information given by men who were mostly untrustworthy. Carpenter admitted "that men perjured themselves all around, that it was liar against liar." What he stressed, and what most of the Senate debate concerned, was whether the Senate could declare a state legislature's election of a senator invalid. Logan and

To assist in his defense, Caldwell hired attorney Robert Crozier from Leavenworth, who would later be appointed to Caldwell's vacated Senate seat.



others believed it could not and that Senator Caldwell should retain his seat.⁷⁴

Senator Morton wanted the report addressed during the third session of Congress, but Senator Carpenter preferred it be delayed until the long session in December 1873. Since neither man prevailed, a compromise was reached allowing that the matter be taken up on March 10, during the special session at which President Ulysses S. Grant was inaugurated for a second term.⁷⁵

On the day appointed for consideration, Morton began with the clerk reading the report's summary

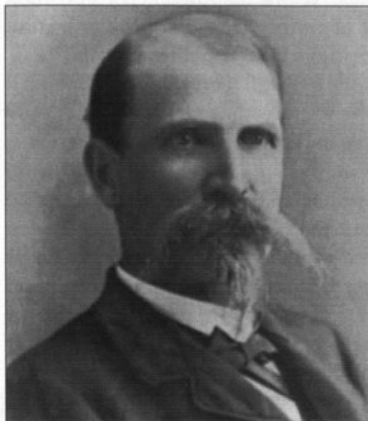
72. *Congressional Globe*, 42d Cong., 3d sess., February 17, 1873: 1407; *Senator Caldwell's Election, Kansas, 1871*, i-vi.

73. *New York Times*, January 30, 1871, February 18, March 11, 1873.

74. *Congressional Globe*, 42d Cong., 3d sess., February 17, 1873: 1407; *Kansas Daily Commonwealth*, February 27, 1873; *Congressional Record*, March 10, 1873, 1: 36; quote in *ibid.*, March 22, 1873, 1: 158.

75. *Congressional Globe*, 42d Cong., 3d sess., February 17, 22, 25, 1873: 1407, 1409, 1609, 1743.

statement and resolution into the record. He then explained point by point how and why the committee had reached its conclusion. While doing so, he answered challenges posed by Carpenter and Logan and an objection by Caldwell. As Morton ended his first day on the floor he said that his duty in leading the investigation had been an unpleasant one, one that he would gladly have avoided, but the task had been thrust upon him. He believed the country needed to know that no one could buy his way into the Senate. If the time should come when membership could be purchased, he concluded, "The honor and



Corruption seemed to abound around the U.S. Capitol. Among other persons under scrutiny was a former Kansan, Senator Powell Clayton of Arkansas, whose case opened as the Caldwell case closed.

glory of this body are gone, its power is gone, and its influence in the country from that time is gone."⁷⁶

Caldwell followed Morton's speech, noting that he wished to have his statement read into the record because he suffered from a severe cold, making speaking difficult. Leading senators thought otherwise. They believed he should deliver his message in person. The next day Caldwell presented his position. His speech was a slight modification and elaboration of his previous statement to the Committee on Privileges and Elections. It may have influenced some sen-

ators, but even late-nineteenth-century Americans, who seemed to love lengthy orations, were not moved by this one. Caldwell thought it a "pretty good antidote" to Morton's presentation.⁷⁷

After Caldwell finished, Senator Carpenter, who had just been elected president pro-tem, took the floor to ridicule Morton for the Indianan's naive attitude toward money. He sarcastically compared the Hoosier State, which was known nationally for its political wheeling and dealing in presidential matters, to the Garden of Eden. When Carpenter finished, presiding officer Senator Orris S. Ferry (Republican, Connecticut) tried to bring the matter to a vote. Senator Logan objected. He and others ensured the debate would continue for two more weeks, until Caldwell resigned on March 24.⁷⁸

Twenty senators other than Caldwell spoke at length. In addition to questioning whether the Senate could take action on a case involving bribery of a state legislature in the election of a senator, late in the debate the discussion centered on whether Caldwell's seat should be declared vacant or whether he should be expelled. Although senators took sides on these issues, their motives varied. Some, who agreed that the actions of a state legislature in electing a senator could not be countermanded, believed Caldwell was guilty of bribery and wanted him removed. They did not believe his seat could be vacated, rather he should be expelled.

Party division was not obvious in the debate, although many Southern Democrats tended to uphold the power of state legislatures from what they believed was Senate encroachment. It is interesting to note that Senator Roscoe Conkling (Republican, New York) dominated this issue. He argued that to declare Caldwell's seat vacant diminished the sovereignty of the states and that the Senate could only inquire into the qualifications of a candidate, the accuracy of his formal returns, and the authenticity of the certificate of election issued by the state's governor. His position was supported in speeches given by Democratic Sen-

76. *Congressional Record*, March 10, 1873, 1: 30-38 (quote on 38). These pages contain Morton's extensive remarks. He, as did many other senators, made numerous incidental remarks during the debate, asking questions, making specific points, or as on one occasion engaging in heated personal exchanges.

77. *Ibid.*, March 10, 11, 1873, 1: 38, 41-45.

78. *Ibid.*, March 11, 1873, 1: 45-47.

ators Thomas F. Bayard (Delaware), William T. Hamilton (Maryland), John P. Stockton (New Jersey), and Republicans John Scott (Pennsylvania) and William M. Stewart (Nevada). Logan and Carpenter also agreed but probably because they wished to exonerate Caldwell. On almost all other matters, they, like the vast majority of Republicans in the late nineteenth century, opposed states' rights and supported the centralization of power in Washington, D.C.⁷⁹

Of those who spoke against Conkling's argument and in favor of Morton's resolution, Morton and Justin S. Morrill (Republican, Vermont) said the most, but their stand was endorsed in speeches by Republican Senators William A. Buckingham (Connecticut), Carl Schurz (Missouri), and Daniel D. Pratt (Indiana) and Democrats Allen G. Thurman (Ohio), Eli Saulsbury (Delaware), and Thomas M. Norwood (Georgia).⁸⁰

Although Buckingham, Thurman, and Norwood preferred having Caldwell expelled rather than declaring his seat vacant, they would have voted with Morton. Senator James L. Alcorn (Republican, Mississippi) had presented a resolution of expulsion early in the debate but held it in abeyance to see whether Morton's resolution passed. As the debate continued, more senators appeared to move toward Alcorn's position. Thus, on March 21 Senator Ferry (Connecticut), no longer the committee chair, amended Morton's resolution from one that declared Caldwell's seat vacant to one that expelled him.⁸¹

Ferry explained his action by stating that Caldwell had given bribes and that to protect the Senate's

reputation, he should be expelled. "The crime of bribery," he said, "... goes down to the very foundations of the institutions under which we live. We all know it and ... we shall stifle our own consciences if we do not vote to expel." On the matter of witnesses lying, he admitted that much prevarication occurred on all sides, but he believed the testimony of former state treasurer William Spriggs. He pointed out that while others had something to gain from their testimony, Spriggs did not. Spriggs had been a Caldwell worker, and Ferry believed that the former state treasurer had told all and it "fit" with the testimony given by both sides. No one disputed Ferry's position on Spriggs. They obviously lacked Sol Miller's jaundiced view that Spriggs was "a political pimp."⁸²

As the senators debated Ferry's amendment, it became increasingly clear that Caldwell had only about twelve votes in his favor. Senators Frederick T. Frelinghuysen (Republican, New Jersey) and Timothy O. Howe (Republican, Wisconsin) claimed that to expel a senator he must be guilty of a crime adjudged in a court of law. Not many others agreed. An effort to arrange votes on both Ferry's amendment and Morton's resolution failed on March 23. When the Senate adjourned that day no one seemed to suspect that at the beginning of business the next day Vice President Colfax would announce Caldwell's resignation, and the debate would end.⁸³

The resignation caught most people by surprise. Caldwell gave no reason for it in letters to the U.S. vice president and the Kansas governor. He waited several days before explaining that having been treated badly, his honor compelled him to resign. The *New York Times* was more cynical, stating that he did so to avoid being expelled. "Washington opinion," as noted in the *Leavenworth Daily Times*, was that Conkling, Logan, and Carpenter persuaded him to step down because they were bound to lose with him on a vote. A reporter's canvas of the Senate claimed that

79. For speeches by Conkling, Bayard, Hamilton, Stockton, Scott, Stewart, and Logan, see the following, respectively: *ibid.*, March 12, 19–20, 1873: 49–50, 118–25, 129–33; *ibid.*, March 17, 22, 1873: 95–100, 161–62; *ibid.*, March 20, 1873: 126–29; *ibid.*, March 12–13, 1873: 57–61, 106–7; *ibid.*, March 14, 1873: 80–83; *ibid.*, March 21, 1873: 144–54; *ibid.*, March 12–13, 1873: 50–57, 66–74.

80. For speeches by Morrill, Buckingham, Schurz, Pratt, Thurman, Saulsbury, and Norwood, see the following, respectively: *ibid.*, March 14, 21, 1873: 83–85, 143–44; *ibid.*, March 13, 1873: 76–77; *ibid.*, March 14, 1873: 85–89; *ibid.*, March 17, 1873: 93–95; *ibid.*, March 13, 22, 1873: 109–13, 163–64; *ibid.*, March 17, 1873: 90–92; *ibid.*, March 18, 1873: 104–8.

81. For Alcorn's speeches, see *ibid.*, March 13, 21, 1873: 74–76, 151–54; for Alcorn's resolution, see *ibid.*, March 13, 1873: 66; for Ferry's amendment, see *ibid.*, March 21, 1873: 137.

82. *Ibid.*, March 22, 1873: 154–59 (quote on 157).

83. For Frelinghuysen speech, see *ibid.*, March 21, 1873: 137–38; for Howe speech, see *ibid.*, March 21, 1873: 139–43; see also *ibid.*, March 23–24, 1873: 164–65.

two-thirds favored his ouster. In sum, it seems as if by realizing the inevitable the senator took the best course for himself.⁸⁴

Soon after the resignation a rumor circulated that as a means of vindication, Caldwell planned to return to Kansas and seek reelection. His friends advised against it. Sol Miller wrote that his running would "be like a rat asking to be released from a steel trap, that he might submit his case to about thirty-seven hungry cats." The *St. Louis Republican* maintained, "Politically Mr. Caldwell is dead in Kansas," and the *New York Times* said, "Good riddance."⁸⁵ Daniel R. Anthony, who testified against Caldwell, wrote in the *Leavenworth Daily Times*:

We cannot find in our hearts to glory in the humiliation and disgrace of any fellow creature, but we do rejoice exceedingly, that in the termination of the trial, truth, justice and purity have been able to withstand the insidious and powerful advances of money used corruptly.⁸⁶

Several weeks later, when Caldwell returned to Leavenworth and supposedly was greeted by a throng of friends at the depot, Anthony wrote that the crowd was normal for that time of day. He thought that to represent it otherwise was to do the community a disservice and injustice. He concluded, "The people of Leavenworth are quite willing that Mr. Caldwell should sink unharmed into obscurity." That he did. On only a few subsequent occasions did his name ap-

pear in public in connection with political activity, and then his role was unimportant.⁸⁷

The Caldwell investigation occurred at a time when multiple scandals were plaguing Washington politics. The Credit Mobilier affair was coming to a head, and the corruption in the Grant administration was soon to be revealed. Senator Carpenter had said in February 1873 that the atmosphere around the Capitol was "a little feverish." Specifically, in the Senate, Pomeroy had just been exposed by state senator Alexander York, and U.S. senators had been forced to delay Caldwell's problem to deal with Pomeroy's bribery. A former Kansan, Senator Powell Clayton (Republican, Arkansas), also was under scrutiny, and a report concerning his alleged transgressions was taken up immediately after Caldwell's case closed. Implicated in the Credit Mobilier scandal, Vice President Colfax barely escaped formal censure by the House Judiciary Committee, which recommended against his impeachment. The Gilded Age, as Twain and Warner conceived it, was in full bloom, and Kansas was making its contributions. D. R. Anthony, who uncannily anticipated a term from their novel, noted, "Kansas is no longer the 'Happy Land' of Corruptionists," but he was wrong. Republican politics in the state were improving, but as later events would demonstrate, not substantially. For the moment, however, Kansans' attention turned from dishonesty to depression as the state's farmers slipped into economic hard times wrought by the Panic of 1873.⁸⁸

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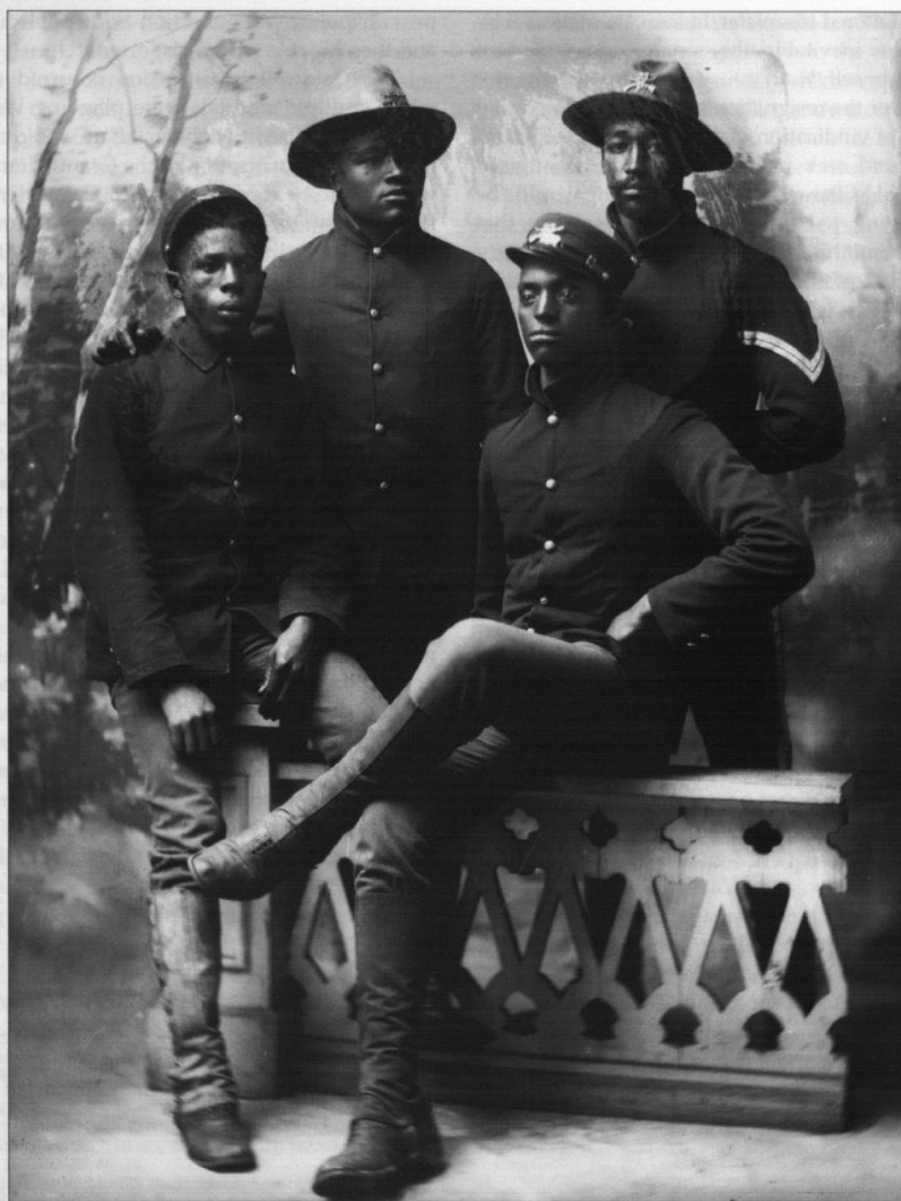
84. *Kansas Daily Commonwealth*, March 25, 1873; *New York Times*, March 25, 1873; *Leavenworth Daily Times*, March 27, 1873.

85. *Weekly Kansas Chief*, April 3, 1873; *Leavenworth Daily Times*, March 28, 1873; *New York Times*, March 25, 1873.

86. *Leavenworth Daily Times*, March 25, 1873.

87. *Ibid.*, April 17, 1873. For a different view, see *Weekly Kansas Chief*, April 24, 1873.

88. *Congressional Globe*, 42d Cong., 3d sess., February 25, 1873: 1743; *Kansas Daily Commonwealth*, January 29–31, 1873; *Congressional Record*, March 24, 1873, 1: 165; *Leavenworth Daily Times*, April 17, 1873.



Soldiers of the Twenty-third Kansas Volunteer Infantry.

“To Serve Faithfully”

The Twenty-third Kansas Volunteer Infantry and the Spanish–American War

by Christopher C. Lovett

During the 1870s many African Americans moved to Kansas from Kentucky, Louisiana, Texas, Mississippi, and Tennessee. These migrants sought better economic opportunities and an escape from the political oppression imposed by the so-called “Redeemers”—white elites who regained their pre-Civil War positions in the South following Reconstruction. Many settled in predominately white towns and cities, including Kansas City, Wichita, Lawrence, and Topeka, while others established colonies in such locales as Nicodemus and Dunlap. Although Kansas offered considerable promise, the state’s citizens and lawmakers practiced systematic discrimination toward the exodusters, as the new immigrants were called.¹ The profession of arms, according to some in the black community, offered one path to racial and social equality for African Americans in Kansas, and by 1898 many black Kansans believed that the Spanish–American War could provide them an opportunity to achieve equality with white Kansans. Many hoped for this result despite the U.S. Supreme Court’s 1896 ruling in *Plessy v. Ferguson*, which set the stage for *de jure* and *de facto* “Jim Crow” discrimination in accommodations, education, and transportation throughout most of the United States.

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1. Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York: Alfred A. Knopf, 1977); Thomas C. Cox, *Blacks in Topeka, 1865–1915: A Social History* (Baton Rouge: Louisiana State University Press, 1982).



African American soldiers served with distinction in all-black units from Kansas and several other Northern states during the Civil War.

This article is the story of the Twenty-third Kansas Volunteers, a "colored" regiment recruited for service in the Spanish-American War. Since the white press rarely gave the Twenty-third much notice or credit, the regiment's history and achievements have been virtually lost in the back pages of newspapers and forgotten documents in the state's archives. But it is a story that needs to be told and added to the rich military tradition of African Americans in Kansas. Even more important, it is a tale of achievement and victory against the racial stereotypes and prejudice prevalent in Kansas during the Gilded Age.

During the Civil War blacks enlisted in the army and fought for the Union. Senator and General James H. Lane, despite Washington's directives, helped organize a regiment of former slaves as early as August 20, 1862. Lane designated the unit as the First Kansas Colored Volunteers. The regiment, composed mostly of fugitives from Missouri and Arkansas, became a

first-rate unit and was the first African American unit formed in a Northern state during the Civil War. Soon after its organization and without permission from the War Department, Lane ordered the regiment into Missouri "in the finest Jayhawking tradition" and defeated Confederate guerrillas at Island Mound near Butler.²

Following the Civil War black Kansans served in the unorganized militia in Lawrence, Leavenworth, Kansas City, Topeka, and Wichita. The units mostly were ceremonial and fraternal. Officers were not commissioned by the governor and the units, such as the Lawrence Guards, the Garfield Rifles of Leavenworth, and the Logan Rifles of Topeka, were not officially sanctioned by the state. Samuel W. Jones, who became the commanding officer of Company E, Twenty-third Kansas Volunteer Infantry in July 1898, noted that he was a former "captain of an independent militia company" and not of the National Guard.³ As late as 1886-1887, according to the Kansas Constitution, membership in "the militia shall be composed of all able-bodied white male citizens between the ages of twenty-one and forty-five years except such as are exempt by the laws of the United States or of this State."⁴

In 1885 Adjutant General Alexander B. Campbell recommended that "the word 'white' be stricken from

2. Dudley Taylor Cornish, *The Sable Arm: Negro Troops in the Union Army, 1861-1865* (New York: W.W. Norton, 1956), 75-77; Thomas Goodrich, *Black Flag: Guerrilla Warfare on the Western Border, 1861-1865* (Bloomington: Indiana University Press, 1995), 58.

3. Samuel W. Jones, "The Colored Soldier of Sedgwick County in the Spanish-American War" in *History of Wichita and Sedgwick County Kansas: Past and Present*, vol. 2, ed. O. H. Bentley (Chicago: C. F. Cooper and Co., 1910), 544.

4. Kansas State Adjutant General, *Fifth Biennial Report, 1885-6* (Topeka: Kansas Publishing House, 1886), 15; Ariel E. Drapier, *Proceedings and Debates of the Kansas Constitutional Convention* (Wyandotte, Kans.: S. D. MacDonald, 1859), 10. The situation found in the militia was no different from the status of education in Kansas. Prior to the dismissal of blacks from the militia under the National Guard reorganization of 1885, the Kansas legislature passed an amendment to the state school code that maintained racial segregation on the elementary level. The law only applied to schools in cities or towns of more than fifteen thousand people, but by the 1890s approximately 90 percent of the black population of Kansas lived in urban areas where legal segregation was the rule. The 1879 law applied to only three districts, but that number increased to twelve, and in 1905 Kansas City, Kansas, was authorized to segregate its high schools. See Paul E. Wilson, *A Time To Lose: Representing Kansas in Brown v. Board of Education* (Lawrence: University Press of Kansas, 1995), 39.

... the constitution." Campbell believed that "it no longer means anything there, it being virtually stricken out by force of the constitution of the United States, yet it is a source of annoyance to many of our colored citizens, and our State constitution should be made to conform to the amendments affecting the colored race." Campbell created an opening in his recommendations that "if the colored people desire to perform military duty, they should not be in terms forbidden by our organic law." He believed that the provision was a mere "relic of the days of slavery which ought to be blotted out of our constitution."⁵

Ironically, the creation of the National Guard that same year allowed Kansas to purge blacks from the militia rolls by officially sanctioning designated units as fundamental to the Kansas National Guard. In 1889 Adjutant General John N. Roberts noted that the law of 1885, authorizing the establishment of the National Guard, repealed the old militia law.⁶ The repeal of that section of the law requiring annual enrollment of the unorganized militia meant those units not recognized as part of the Kansas National Guard vanished from the Kansas adjutant general reports after 1885. This was particularly true for black units that strove for official recognition. When blacks sought to integrate their paramilitary or fraternal units into the Kansas Guard, they were told that this could happen only if existing white units were disbanded. Guard officials, to placate African American concerns, inspected black formations but always found them to be deficient in training, leadership, and equipment. As a concession to the black electorate, the Republican legislature authorized payment to select black military organizations for armory space. But it was Governor John W. Leedy and the Populists, not the party of Lincoln, who were the

first to offer black Kansans the opportunity to serve during the Spanish-American War.⁷

The Republican Party usually took black voters for granted in the 1880s and 1890s, but the majority remained loyal. Before the outbreak of the Spanish-American War, however, blacks began questioning the tenets of the GOP, especially in regard to race. Consequently, some African Americans moved toward the Populist Party. On February 17, 1898, Topeka's *Colored Citizen* attacked the Republicans, telling readers that the Emancipation Proclamation was issued not "out of sheer love and affection," but out of military necessity. "The historical position occupied by the Republican Party in connection with emancipation, being constantly misrepresented, has created many mistaken ideas and impressions among our people."⁸ Those views were echoed earlier, particularly by J. Monroe Dorsey, editor and publisher of the *Parsons Weekly Blade*, who believed that blacks should place their faith only in "a good Winchester and the wrought iron determination to use it."⁹

As with the rest of America, the black community and the black press followed the situation in Cuba as early as 1895. The Spanish-American War's origins were linked to the quest to sell newspapers. Joseph Pulitzer and William Randolph Hearst had become involved in a fierce media competition that created a national frenzy involving sensational news stories, better known as "yellow journalism." Both publishing giants used the Cuban revolution of 1895 to hawk papers and to dramatize Spanish misrule in Cuba. When Cuban rebels attacked sugar plantations, mills, and ambushed Spanish troops, Spanish commander General Valeriano "Butcher" Weyler instituted a concentration camp

5. Kansas State Adjutant General, *Fifth Biennial Report*, 11.

6. *Ibid.*, *Seventh Biennial Report, 1889-90* (Topeka: Kansas Publishing House, 1890), 5. The Kansas Constitution was amended in 1887 and the word "white" was stricken from Article 8, Section 1, and adopted on November 6, 1888, by a vote of 223,474 to 22,251. See *Kansas Statutes Annotated, Kansas and the United States Constitutions* (1988), 148.

7. John N. Roberts to Lyman Humphrey, May 15, 1892, box 1, folder 2, Correspondence, Lyman Humphrey Administration, Records of the Governor's Office, Library and Archives Division, Kansas State Historical Society; Roberts to Humphrey, November 4, 1892, *ibid.* Unofficially blacks were barred from the Kansas Guard well into the 1960s.

8. *Colored Citizen* (Topeka), February 17, 1898.

9. *Parsons Weekly Blade*, January 23, 1897.

system where he randomly imprisoned Cuban insurgents. The newspaper moguls kept up the pressure on Madrid and Washington and inflamed passions on both sides of the Atlantic.¹⁰

As a result, the American public clamored for war with the "Dons," as newspapers called the Spanish at the time, and President William McKinley, the last Civil War veteran elected president, was sensitive to the national hysteria.¹¹ He had seen war firsthand and realized, more than many others, the horrors of battle. Shortly before his death in 1901, McKinley would tell his private secretary that the Spanish-American War was "the greatest grief of my life."¹² The Spanish minister in Washington, Dupuy de Lôme, realized McKinley's frustration and informed his government that the president was "weak and a bidder for the admiration of the crowd."¹³ The de Lôme letter was intercepted by the Cuban rebels and published by the Hearst press on February 9, 1898. Less than a week later, on February 15, the *USS Maine*, sent to Havana to protect American interests, mysteriously blew up while in the harbor.¹⁴ Many Kansans, both black and white, believed that the dastardly Spanish sunk the battleship, and they demanded swift retribution.

Hearst sent his best reporter, Richard Harding Davis, and his most talented artist, Frederic Remington, to Cuba to report on the conflict. In Havana, Remington became bored and wired Hearst: "There is no trouble here. There will be no war. I wish to return." Hearst quickly replied: "You furnish the pic-

tures and I'll furnish the war."¹⁵ Hearst organized the escape of Evangelina Cisneros, a woman Hearst claimed was imprisoned for defying the proposition of a Spanish officer. Her story only escalated the crisis, and created the impression that the Cuban rebels were "white."

The Spanish government realized that it was hopeless to challenge the Americans in the Caribbean and was willing to reach an agreement with Washington by April 9. Unfortunately, McKinley was pressured by those within and without Congress to declare war on Spain. The pressure was so great that McKinley resorted to sedatives in order to sleep.¹⁶ On April 11 the president sent a message to Congress asking for "the forcible intervention" of the United States to restore peace to the troubled island. The headlines of the *Topeka Daily Capital* on that day cried: "It Is Certain To Be Armed Intervention In Cuba" and "McKinley Asked To Inform Ignorant Americans" of the crisis with Spain.¹⁷

Historian Willard B. Gatewood Jr. was correct when he noted, "The editors of black newspapers in the state clearly sympathized with the oppressed Cubans whose plight was likened to that of black Americans in the South."¹⁸ The *State Ledger* of Topeka, for instance, argued that "we are for saving Cubans because they are black." Other African American papers believed that expansion would bring economic benefits to black Kansans, and some even wondered about the possibility of colonization to a more hospitable political climate. The *Colored Citizen* questioned whether "the Cuban government [can] offer an inducement to settle to American blacks?"¹⁹

10. See Charles Brown, *The Correspondent's War: Journalists in the Spanish-American War* (New York: Scribner, 1967); Arthur Lubow, *The Reporter Who Would Be King: A Biography of Richard Harding Davis* (New York: Scribner, 1992).

11. For the war's origins, see John L. Offner, *An Unwanted War: The Diplomacy of the United States and Spain over Cuba, 1895-1899* (Chapel Hill: University of North Carolina Press, 1992); Ivan Musicant, *Empire by Default: The Spanish-American War and the Dawn of the American Century* (New York: Henry Holt, 1998).

12. Gerald F. Linderman, *The Mirror of War: American Society and the Spanish-American War* (Ann Arbor: University of Michigan Press, 1974), 35.

13. Lewis Gould, *The Spanish-American War and President McKinley* (Lawrence: Regents Press of Kansas, 1980), 34; "Passports for De Lôme," *Emporia Daily Gazette*, February 10, 1898.

14. See Peggy and Harold Samuels, *Remembering the Maine* (Washington, D.C.: Smithsonian Institution Press, 1995), 97-131; "War Ship Maine is a Total Wreck," *Topeka Daily Capital*, February 16, 1898.

15. W. A. Swanberg, *Citizen Hearst* (New York: Scribner, 1961), 107; see William Randolph Hearst to John W. Leedy, April 19, 1898, box 3, folder 2, Correspondence, John W. Leedy Administration, Records of the Governor's Office, Library and Archives Division, Kansas State Historical Society, hereafter cited as Governor's Records.

16. Linderman, *Mirror of War*, 27.

17. "Dons On Their Knees," *Topeka Daily Capital*, April 11, 1898; "Message Goes To-day," *ibid.*

18. Willard B. Gatewood Jr., "Kansas Negroes and the Spanish-American War," *Kansas Historical Quarterly* 3 (Autumn 1971): 301-2.

19. *State Ledger* (Topeka), April 19, 1898; *Colored Citizen*, April 21, May 26, September 21, 1898.