

**MR. REVERDY JOHNSON: THE
ALABAMA NEGOTIATIONS AND
THEIR JUST REPUDIATION BY THE
SENATE OF THE UNITED STATES**

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Mr. Reverdy Johnson: the Alabama negotiations and their just repudiation by the Senate of the United States by George Bemis

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GEORGE BEMIS

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Bemis, George.

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'THE ALABAMA NEGOTIATIONS,

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BY GEORGE BEMIS.

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Clyde S.

the Author
of 'Amalestown'
(H.C. 1835)

MR. REVERDY JOHNSON:

THE ALABAMA NEGOTIATIONS.

THE extraordinary avowal of Mr. Reverdy Johnson in vindication of his rejected "Alabama" convention, that the United States "*obtained, by the convention in question, all that we have ever asked*"—an avowal contained in a dispatch to Mr. Secretary Seward on the 17th of February last, but which has but recently found its way into circulation on this side of the water—is one so calculated to embarrass the country in its further negotiations with England, and to disparage American reputation abroad for fair dealing in diplomacy, that I feel called upon, as an advocate of American rights and American honor, to expose its groundlessness, and to uphold the perfect fairness and propriety of the Senate's repudiating alike Mr. Johnson's words and his works.

It is bad enough to have such a compromising assertion as this of the late Minister to England, caught up and echoed by our English opponents and European ill-wishers, generally; but to have it started by our own diplomatic representative, in the first instance, and that out of apparent pique, because the country had not approved of his doings, constitutes an offense against official propriety and national loyalty such as I believe has never before been witnessed on the part of an American Minister. I trust that the *exposé* which I am about to attempt of the justice of Mr. Johnson's extraordinary avowal, will be so conclusive, that the most charitable deduction to be made in his favor, after reading it, will be, that either his mind and memory had failed him, or that his ignorance of the subject which he was treating, may have left room for his honestly believing in the truth of what he was so rashly and unwarrantedly asserting.

The letter or dispatch of the 17th of February, referred to, contains various other obnoxious assertions of Mr. Johnson's, upon which I may have occasion to comment in the course of my remarks, such as, "at no time during the war, or since, has any branch of the Government [of the United States] proposed to hold Her Majesty's Government responsible, except to the value of the property destroyed" by the "Alabama" and similar vessels; "the Government [of the United States] never exacted anything on its own account"—"to demand more now * * * would be an entire departure from our previous course, and would, I am sure, not be listened to by this Government [the British], or countenanced by other nations," etc., etc.; and I would gladly reprint the whole of it, except for its length, and for the reason that the letter itself has, doubtless, already had a wide circulation through the American press—at least in the United States. The whole dispatch, I venture to predict, will be a memorable one in our diplomatic annals, and will hereafter set the seal of history, as I must think, upon the character of Mr. Reverdy Johnson's "Alabama" negotiations.

For the information of those of my readers who may not have happened to see it, I would say that it is to be found (at least) in the New York *Herald* of July 3, where it first met my eye, and where some editorial introduction shows that it had been recently furnished to that journal—apparently by Mr. Johnson himself—to meet, what was said to have been, "a garbled extract" from it published in some other New York newspaper. The whole letter, itself, would seem to have been laid before the Senate, in secret session and confidentially, prior to its action on the "Alabama" Convention; and I gather from other American journals (other than the *Herald*), which have happened to come within my observation here, that Mr. Johnson, before publishing it, asked the President's permission so to do. Whether President Grant actually gave that permission, or whether he could have constitutionally authorized the publication of a Senate confidential document at all, supposing him to have been indulgently inclined to grant the ex-minister's request, is more than I have ascertained; but I am confident that Mr. Reverdy Johnson's worst enemy could not have persuaded him to a more injurious step, for his own reputation, than that of thus giving this letter an unnecessary, and perhaps unjustified publicity.

Before entering upon my criticism of this extraordinary dispatch of the 17th of February, I must first premise a word of comment upon the circumstances attending Mr. Johnson's appointment as Min-

ister to England, and also call the reader's attention to the dates of the two conventions which he afterward negotiated in that capacity.

As to the appointment itself, which was made and confirmed in the early part of the month of July, 1868, I believe that even Mr. Reverdy Johnson's own friends will hardly contend that the English mission was offered to him on any other footing than as a graceful compliment for previous political services (probably, on the part of the President, for having so warmly befriended him during the Impeachment trial), or that his unanimous confirmation by the Senate afterward, was due to anything so much as to a feeling of kindly personal regard toward him on the part of his fellow-Senators, coupled with the belief that his functions would be mainly nominal and honorary. At any rate, as I shall presently have occasion to show, his original instructions, after *he was* so confirmed, gave him no latitude to do more than "*sound Lord Stanley* upon the subject" of the "Alabama" claims, and, as Mr. Seward adds, only "after the two more urgent controversies previously mentioned [the 'Naturalization' and 'San Juan' questions] can have been put under process of adjustment."

Mr. Johnson, thus confirmed and thus instructed, negotiated two conventions (or *treaties*, as they are more popularly called), viz.: one signed by Lord Stanley and himself, dated November 10, 1868, which was "unanimously" repudiated by every member of Andrew Johnson's cabinet; and a second, with Lord Clarendon, dated January 14, 1869, which was the one acted upon by the United States Senate, April 13th following, and rejected by a vote of fifty-four to one.

Now, in answer to Mr. Reverdy Johnson's assertion, that we obtained by his conventions—one or both—"all that we ever asked," I hope to show by official documents—some of them being Mr. Johnson's own dispatches—

1. That he himself was not originally authorized "to ask" for anything; instead of which he proposed, at one of his earliest interviews with Lord Stanley, "the payment of a lump sum of money," or "some cession of territory," in settlement of the Alabama claims.

2. That starting thus with asking money or territory, he dropped all mention of both in his convention of November 10th, which amounted to such a total abandonment of the American claims, national and individual, that even "President Johnson and his colleagues" (to quote Mr. Thornton's account of the reception of the treaty at Washington) "were unanimously of the opinion (that in its present form the convention would not receive the sanction of the Senate," and "its contents were not in accordance with the instructions which had been given to Mr. Reverdy Johnson."

3. That Mr. Reverdy Johnson and Mr. Seward united in agreeing to the convention of January 14th following, in total oblivion or ignoring of Mr. Seward's long record of complaints about belligerent recognition and the national injury which had resulted therefrom, and when both of the negotiators were well aware that any convention to which they might put their names, or give their approval, was subject to the final sanction of that Senate which had come within one vote of deposing with disgrace the President under whom both of them at that moment held their commissions.

4. That while the consideration of the convention of January 14th was pending before the Senate, and after the administration of Andrew Johnson had given way to that of President Grant, and at a time when Mr. Reverdy Johnson knew that the new President was about recalling him, and had given him no shadow of authority for the proceeding—viz., under date of March 25, 1869—Mr. Reverdy Johnson, of his own head, "*officially*" proposed to Lord Clarendon to amend the convention then pending before the Senate by adding to its terms a consideration of the *national* claims which the United States as a Government might have against the Government of Great Britain—the very claims which he himself has undertaken to decry in this lately published letter of February 17th, as such "as would not, I am sure, be listened to by this Government [the British], or countenanced by other nations."

5. And that, finally, when Lord Clarendon begins to be distrustful of Mr. Reverdy Johnson's attempt to represent or misrepresent the United States, and demands of him by what authority he undertakes to ask for so material an alteration of his previous arrangement, Mr. Johnson replies to him that he makes the proposal "*under the ample authority conferred upon me when I came to this country and since ; an authority which has never been revoked or in any particular modified :*" thus distinctly affirming that he had ample authority to negotiate for the settlement of those very national claims, which he would now make it appear had never been put forward, "during the war or since, by any branch of the Government."

From such a muddle of mistakes or misrecollections on the part of the American Minister as seems to be involved in the foregoing statement, which I promise presently to duly verify by official documents, the reader will doubtless be glad to be delivered, so far as may be, by a sight of Mr. Johnson's original instructions themselves. Accordingly I hasten to lay them before him, so far as they touch upon the negotiation of the Alabama question, with which alone I am now

dealing. I quote from what I believe to be an accurate reprint of them, contained in an elaborate and careful summary of the documents laid before the United States Senate at the time of acting upon the commission of January 14th, as recently published in the *New York Times* of July 6, 1869 :

DEPARTMENT OF STATE,
WASHINGTON, July 20, 1868. }

SIR:

[I here omit a long exposition confined exclusively to the "Naturalization" and "San Juan" questions. I shall also take the liberty to italicise the concluding lines of the extract following, as I intend to do in reference to future extracts throughout, where I think the use of italics will help the busy reader to more readily apprehend my points.]

Thirdly. If you shall find reason to expect that the British Government will be prepared to adjust the two questions already mentioned in some such manner as has been proposed, and satisfactory to both parties, you will then be expected to advert to the subject of mutual claims of citizens and subjects of the two countries against the Governments of each other respectively.

The difficulty in this respect has arisen out of our claims which are known and described in general terms as the Alabama claims. In the first place, Her Majesty's Government not only denied all national obligation to indemnify citizens of the United States for these claims, but even refused to entertain them for discussion. Subsequently Her Majesty's Government, upon reconsideration, proposed to entertain them for the purpose of referring them to arbitration, but insisted upon making them the subject of special reference, excluding from the arbitrator's consideration certain grounds which the United States deem material to a just and fair determination of the merits of the claims. The United States declined this special exception and exclusion, and thus the proposed arbitration has failed.

It seems to the President that an adjustment might now be reached without formally reviewing former discussions. A joint commission might be agreed upon for the adjustment of all claims of citizens of the United States against the British Government, and of all claims of subjects of Great Britain against the United States, upon the model of the joint commission of February 8, 1853, which commission was conducted with so much fairness, and settled so satisfactorily all the controversies which had arisen between the United States and Great Britain, from the peace of Ghent, 1814, until the date of the sitting of the convention.

While you are not authorized to commit this Government distinctly by such a proposition, you may sound Lord Stanley upon the subject, after you shall have obtained satisfactory assurances that the two more urgent controversies previously mentioned can be put under process of adjustment in the manner which I have indicated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., &c., &c.

The last sentence of the foregoing dispatch settles the question of the extent of ministerial powers conferred by "*the original instructions of July 20th,*" upon which we shall presently see that Mr. Johnson is continually dwelling. An authority "*to sound*" cannot certainly be equivalent to a power *to settle*. It may be best, however, once for all, to run through the American Minister's entire diplomatic career, so far as the matter of official discretion is concerned, in order to be