

SENATOR EDGAR A. COWAN**1861—1867**

By

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When the attack on Fort Sumter precipitated the Civil War, President Lincoln issued two calls for men to aid in suppressing the Rebellion. The one was for 75,000 men to serve for three months in the army of the United States. The other was a summons to the Thirty-Seventh Congress to assemble in special session on July 4th, 1861.

It is with the career of one of the Senators from Pennsylvania in this Congress and in the Thirty-Eighth and Thirty-Ninth which his senatorial term covered that this paper is concerned. However, before proceeding with the study of the official career of Senator Edgar A. Cowan a glance at the personnel of this body will not be amiss.

There were to be found in the Congress of the United States during the Civil War no men who equaled the leaders in the previous years. Yet there were many men of worth and ability who were sincerely devoted to the Union and served it as best they knew how. Of those in the Senate whose fame was already national in 1861 might be mentioned W. P. Fessenden of Maine, Charles Sumner of Massachusetts, J. P. Hale of New Hampshire, Benjamin F. Wade of Ohio, David Wilmot of Pennsylvania, Zachariah Chandler of Michigan and Jacob Collamer of Vermont. Of those present for the first time but who were destined to rank high among the leaders of their day were John Sherman of Ohio, Andrew Johnson of Tennessee, and Lyman Trumbull of Illinois. In the House of Representatives were Owen Lovejoy of Illinois, Schuyler Colfax of Indiana, Roscoe Conkling and Elbridge Spaulding of New York, Valentine B. Horton, George H. Pendleton and Clement L. Vallindigham of Ohio and Justin P. Morrill of Vermont. From Pennsylvania Thaddeus Stevens was the most important. He was among the most eminent

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of the men in the Lower House and his name will be mentioned whenever Reconstruction is discussed. Besides Stevens the only Pennsylvanian of note was Glusha A. Grow of Glenwood who served in the Thirty-Seventh Congress and was later returned to the Fifty-Third. In July, 1861, he was honored by being elected Speaker of the House, receiving 99 out of 159 votes on the first ballot.

Edgar A. Cowan was born in Westmoreland County, Pennsylvania, on September 19, 1815. He was of Scotch-Irish descent. His parents were poor so that he had to earn the money to secure an education. A part of his youth was spent in Allegheny County as a carpenter. In time he saved enough money to enter Greensburg Academy. After completing his course in this preparatory school he entered Franklin College at New Athens, Ohio. From this institution he was graduated in 1839. This same college conferred upon him the degree of L.L. D. in 1871. He now took up the study of law and was admitted to the bar in Westmoreland County in 1842. In his chosen profession he was very successful and soon made a reputation for himself. As to politics he was originally a Jackson Democrat but joined with the Whigs in 1840. In 1856 he supported Fremont as he held that Fillmore represented Knownothingism and Buchanan indifferentism to slavery in the territories. The Republicans of this state selected him as a Presidential elector in 1860.

Up to this time he had held no public office. But when the term of William Bigler in the United States Senate was about to expire he became a candidate for his seat. The contest was a spirited one and the result was not certain until the Republicans in the State Legislature had met in their caucus. The only dangerous opponent of Cowan was David Wilmot. He had the backing of many of the chief politicians. Yet to many of the Republicans he was too extreme. His record on the tariff and on slavery lost him many votes from conservative legislators who personally favored him. Cowan who was by no means so well known was believed to be conservative and therefore safe at a time when the people of the state wished to show the South that they did not favor extreme measures. On the first ballot in the caucus Cowan received 26 and Wilmot 23 votes with the

others scattered. A majority was not given any man until the sixth when the vote stood 58 for Cowan and 38 for Wilmot. When the Senate and House met in joint session to elect a Senator, Cowan was given 98 votes. The Democrats cast theirs, 35 in all, for Henry Foster. The disappointment of Wilmot in not being elected at this time was soon healed. The other Senator from the state, Simon Cameron, was chosen as Secretary of War, by Lincoln. Wilmot was elected to fill his unexpired term. Two years later he himself resigned when given a seat in the United States Court of Claims. Charles R. Buckalew was elected to succeed Wilmot.

The selection of Cowan was acceptable to the Republicans. The comments of several of the newspapers will illustrate this and also will describe the man. The *Philadelphia Press* while speaking of him "as a gentleman as yet unknown to fame" yet described him in these words: "He is a thorough Latin, French, Greek and German scholar. He is a great student acquainting himself with nearly all the modern sciences and possessed of one of the finest private geological, botanical and zoological cabinets in Western Pennsylvania. As a lawyer, Mr. Cowan stands in the very first rank of his profession and as an orator he has few equals in the state." The *Pittsburgh Gazette* asserted that Bigler the weak-kneed doughface had gone to the wall and his place had fallen to a man. Of Cowan it was said: "He is a man of middle age, gigantic in stature and also gigantic in intellect, untried in public life but possessing all the elements of a true statesman, of gentlemanly address and popular manners, well-rooted and grounded in the Republican faith and with backbone enough for a dozen senators." The *Pittsburgh Post* quotes a Washington paper as speaking of him as "entirely a self-made man having struggled alone, aided only by his commanding talent, indomitable will, untiring industry and persevering energy to the first rank among the lawyers of the state." This same tone of commendation pervaded most of the comments made in January, 1861.

By the time that Cowan had assumed the duties of his office the war had begun. In view of this he laid down five rules to guide him in the performance of his task. They were as follows:

1. The North must not violate the Constitution in co-

ercing the South to remain in the Union.

2. The Democratic Party in the Free States and the Union men in the Border States must be conciliated.

3. Congress should confine itself to raising revenues and an army.

4. The war should be waged according to the rules of civilized warfare.

5. The war was to suppress a rebellion and not to conquer the Southern States.

To these rules he steadfastly held though the course in which they led him was such as to render him extremely unpopular. Few men in our Congress at any time have so completely lost the confidence and support of those who elected them. This gives an interest to the study of his congressional life. His name is not attached to any of the prominent legislation of his time.

When Congress opened in July he was given a place on the Judiciary Committee, on that of Indian Affairs and on that of Patents and the Patent Office. Later he was appointed to fill a vacancy on the Finance Committee and withdrew from that on Indian Affairs. On the Finance Committee he served until the last session of which he was a member. Throughout his whole term in the Senate he was a member of that on Patents and the Patent Office, part of the time as chairman. At other times he served on those of Agriculture, Enrolled Bills and Territories.

During the special session of July and August, 1861, he voted for the main bills which were passed. It was not until the second session of the Thirty-Seventh Congress that he took the stand which cost him the support of his constituents. One of the Senators from Indiana, Jesse D. Bright, was charged with having written on March 1, 1861, a letter to Jefferson Davis, already President of the Confederate States, introducing a friend who desired to sell an invention improving firearms. A resolution was presented in the Senate declaring Bright guilty of treason. It was held, therefore, that he should be expelled from the Senate. The debate was very violent. A terrific outcry was raised against "the traitor Bright" as he was called. One of his most bitter antagonists was Andrew Johnson. Another was David Wilmot. In such an hour Cowan dared to defend Bright. He

did this because he felt that at that time Bright belonged to a party which did not believe in secession but held that coercion would only more completely sever the Union. He insisted that the accused did not have a fair trial. He argued that from the technical, legal standpoint Bright was not guilty of treason even if he did write the letter. That this was true was conceded by Wilmot during a clash between Cowan and himself. Those favoring expulsion took the stand that while the evidence for treason was not such as would lead them to return a verdict of guilty if they were sitting as jurors, it was such as to show that Bright was not a fit man to be a member of the United States Senate. Of the defenders of Bright no one was more zealous than Cowan. When the final vote was taken on February 5, 1862, Bright was expelled by a vote of 32 to 14.

The assumption of this position by Cowan was fatal to his popularity in Pennsylvania. As the session preceded the conviction steadily gained ground that he was not a friend of the Union. This led Ben Wade on one occasion to term him "the watchdog of slavery." Denunciation of him by the people of the state now became as strong as their praise had been when he was elected. In the spring of 1862 an Abolition convention in Allegheny County declared that he did not represent the sentiment of the loyal people of Pennsylvania. When the Republicans of this county met in June of that year they severely censured him in their resolutions. The course of Wilmot was highly commended; that of Cowan, just as unscathingly condemned. The *Pittsburgh Gazette*, formerly his ardent friend, in referring to this convention said: "Among the members of the large convention of Republicans which met in this city on Monday, there was not a man that had a word to say in defense of Edgar A. Cowan in the Senate of the United States. There was a universal feeling of execration against the ingrate who had so basely deceived his political friends who had elevated him to a seat so much beyond his capacity or deserts."

His attitude on the Confiscation Bill had likewise displeased his constituents and helped to bring on this unusual reversal of feeling. This bill provided for the confiscation of the property of all persons in rebellion. Cowan opposed it on

the ground that it was unconstitutional and would make the South more hostile. He also held that it was contrary to the law of nations which does not regard property taken on land as lawful prize in war. In the course of the debate on March 4th, 1862 he said: Pass this bill and all that is left of the Constitution is not worth much. Certainly it is not worth a terrible and destructive war such as we now wage for it." Again, on June 27th he said: "When I show that it is contrary to the law of nations I show that it is unconstitutional because there is nothing plainer in the world than that the Congress of the United States, the government of the United States, the whole people of the United States everywhere are bound by the law of nations and if we expect to have national rights and enjoy national privileges in the great family of nations, nothing can be clearer than that we are bound by the law of nations." When the bill was passed on July 12th, 1862, under the pressure of the military reverses around Richmond, Cowan voted, "nay".

Without further illustrations of his stand on particular bills we may show the manner in which the impression of his attitude towards slavery and the South which his defense of Bright gave clung to him until the end of his term, by an incident which occurred during the debate on the Freedman's Bureau Bill. In the course of the discussion Cowan declared that he was a friend of the negro. This drew from Senator Henry Wilson of Massachusetts the cutting rejoinder: "The Senator from Pennsylvania tells us that he is a friend of the negro. What sir, he a friend of the negro! Why, sir, there has hardly been a proposition before the Senate of the United States for the last five years leading to the emancipation of the negro and the protection of his rights that the Senator from Pennsylvania has not sturdily opposed. He has hardly ever uttered a word on this floor the tendency of which was not to degrade and to belittle a weak and struggling race. He comes here today and thanks God that they are free, when his vote and his voice for five years with hardly an exception have been against making them free. He thanks God, sir, that your work and mine, our work which has saved a country and emancipated a race is secured; while from the word 'go' to this time, he has made himself the champion of

'how not to do it.' " If there be a man on the floor of the American Senate who has tortured the Constitution of the country to find powers to arrest the voice of this nation which was endeavoring to make a race free, the Senator from Pennsylvania is the man." These were strong words yet underneath them there was much truth.

Of interest is his stand on the financial measures which were passed to help put down the Rebellion. Here our conviction is that he was right in some of his contentions notably on the Legal-Tender Acts. With the bills authorizing loans, increasing taxes, imposing internal revenue duties and raising the tariff he was in accord with the administration. But he was not on the bills to issue legal-tenders and the National Bank Act. The first bill to authorize the issue of \$150,000,000.00 in United States notes or greenbacks as they were called was introduced in January, 1862. As passed by the House it provided that these notes should be legal-tender for all debts public and private within the United States. Thaddeus Stevens as the Chairman of the Ways and Means Committee in the House had championed the bill with all his ability. In the Senate the bill was amended so as to provide that interest on bonds and notes should be paid in coin. Even as thus amended Cowan would not vote for it. His argument was that it was unconstitutional since the Constitution prohibits the making of anything except gold and silver legal-tender. He also pointed to the disastrous experience with Continental money during the American Revolution and that of the French Revolution with assignats. He closed his address on the amendment which proposed to strike out the legal-tender clause with these words: "The Constitution is the charter of our liberties and the covenant of the Union which we are all so anxious to defend. I will stand upon it to the last despite every necessity however imperious and if the time ever comes when we must all go down together, I say, let it come; but let us go down as honest men with our faith inviolate and in that spirit I hope the amendment to the bill will prevail." The bill, however, with the legal-tender clause remaining passed and became law on February 25th, 1862. The work of Cowan on this occasion was such as to lead the *Philadelphia Press* which supported the measure

to compare him favorably with Senator Fessenden of Maine. He was said to have "distinguished himself by the acumen, logic and force of his expression and style." In June another issue was asked for by Secretary of the Treasury, Chase. Again Cowan opposed it but the issue was made. He also did not favor the National Bank bill which became law on February 25, 1863. One source of his opposition was the fact that it gave the banks the opportunity to secure double interest on the money invested in the government bonds which they held as security for the notes issued by them. On the one hand, they received interest from the government on these bonds and on the other, they received interest on the notes which were secured by these bonds. This was a common ground of opposition to the national banks.

Of other matters before Congress during his term it may be said that he favored the suspension of the right of habeas corpus. The Homestead Act of 1862 also received his support. He cast his vote, too, for the Thirteenth Amendment when it passed the Senate in April, 1864. The draft bill was given his affirmative vote. While this was before the Senate he proposed the exemption of members of Congress but the amendment did not carry. He opposed the bill giving to the army the enforcement of the Civil Rights Bill. On December 10th, 1866 he created a sensation in Congress by introducing a bill to give negro women the right to vote. When he was charged with making this motion as a joke, he stoutly protested that he had acted in all seriousness. This movement for negro female suffrage received the favorable votes of 8 other senators but was lost as 37 were not willing to give this right to negro while denying it to white women.

The last months of his term were those in which the overshadowing question in Congress was the struggle with President Johnson which finally led to the impeachment of the President. In this contest Cowan supported the President. For example, he was absent when the Freedmen's Bureau Bill was passed on January 25th, 1866. But when the question of the President's veto was before the Senate he was present and voted to sustain the veto. Again he voted against the Civil Rights Bill on February 2d, 1866 and

refused to give his vote to pass it over the veto of the President. Likewise, he opposed the Tenure of Office Act of January 18th, 1867. On this occasion the other Senator from Pennsylvania, Buckalew, voted as he did.

It was probably this support of the President which secured him the appointment to a post in the diplomatic service and also led the Senate to decline to confirm the appointment. During the last session of the Thirty-ninth Congress which met in December, 1866 there was a general impression that such a post would be offered him as his reelection was plainly impossible. At one time the rumor was current that he would be made Secretary of War. During a discussion of this on the floor of the Senate, Senator Saulsbury of Delaware declared that as a statesman Cowan had no superior in the Senate if in the country. When the historian Motley who had been minister to Austria resigned, President Johnson sent to the Senate the nomination of Cowan to take his place. After long discussion the Senate left the matter laying on the table when the term ended on March 3rd, 1867. Cowan then retired to private life and resumed the practice of law. His death occurred August 31st, 1885.

As noted there was no chance of his reelection. Several candidates for his seat appeared. Among these were former Senator Cameron, Thaddeus Stevens, Galusha A. Grow, Col. Forney and Gov. Curtin. The last three retired from the race in favor of Stevens. There was a strong sentiment in favor of his election. Those who supported him openly hinted that money was being used in behalf of Cameron. Whether there was or not does not concern us here. He was selected as their candidate at the caucus of the Republicans. A change had been made in the method of electing United States senators. Each House now voted separately. The vote in the Senate stood, Cameron 19, Cowan 10; in the House, Cameron 62 and Cowan 37. Whence came these Cowan votes? They came from the Democrats. Here was indeed a most unusual reversal of political support. The man who had been elected by the Republican majority in 1861 became the candidate of the Democratic minority in 1867. The *Pittsburgh Gazette* which in 1861 had declared that Bigler the weak-kneed doughface had gone to

the wall and his place had fallen to a man, now rejoiced that Cameron had become the successor "to the renegade Cowan in the United States Senate."

What judgment can be passed upon the man whose official career has thus been briefly sketched? That he was an able lawyer, a well-trained scholar and a forceful orator was conceded by all. Yet his political career was singularly unfortunate. The stand which he took upon decisive questions was such, in most cases, as to cost him his popularity and support. Yet he always protested that he was doing what he believed to be just, equitable and constitutional. May the explanation, in part, not be found in the fact that he was above all else a constitutional lawyer. He could not make concessions in such matters even for the sake of winning the war. That he was a man with firm convictions and with the courage to be true to those convictions at whatever cost, is our judgment upon the man.