

ABSTRACT

“Quam Rem Publicam?” : Crisis and Recovery in Cicero’s Rome and Reconstruction America.

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Rome and the United States: two civilizations that shaped the world in their time. Neither nation climbed to such heights without great struggle, and this offering is a comparative analysis between respective moments of chaos in these two histories: The Catilinarian Conspiracy and the Impeachment of Andrew Johnson. The safety of the Roman Republic was threatened in 63 B.C. when the Senator Lucius Sergius Catilina formed a conspiracy to overthrow the government under the Consul, Marcus Tullius Cicero. To thwart the Conspiracy, Cicero would deliver four Orations against it, and the fate of the Republic would rest in his ability to persuade the Senate and People of Rome of the danger Catiline and his associates presented. Across the Atlantic and 1,931 years later, in the wake of a great Civil War, Andrew Johnson faced a powerful political enemy in the Radical Republicans who virulently opposed his moderate Reconstruction policy; after much provocation these enemies passed the articles of impeachment, and for the first time in American history, the President would stand trial before the Senate. The goal of this study is to analyze the two situations presented, understanding their context and significance, and then to find the common threads among the many differences between these two events.

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“QUAM REM PUBLICAM?” CRISIS AND RECOVERY IN CICERO’S ROME
AND RECONSTRUCTION AMERICA

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CHAPTER ONE

Introduction

On November 8, 63 B.C., in the Temple of Jupiter Stator, Marcus Tullius Cicero, the eminent orator of his time and the Consul for that year, rose to begin the first of four speeches against a man whom he considered a severe threat to the safety of the Roman Republic. The target of Cicero's suspicion was the Senator Lucius Sergius Catilina, or Catiline as history remembers him; he was a man of great ability and influence whose desire for power and station had driven him to extreme measures. His life, and as he believed, the future of the Republic itself was in the balance as Cicero stood before the Senate and began to make his case.

On March 4th, 1868, for the first time in American history, the Senate began the trial of Andrew Johnson on eleven articles of impeachment passed by the House of Representatives. Andrew Johnson had been Vice-President during Abraham Lincoln's second term, and after the revered man's assassination the former tailor assumed the highest office in the land. The nation was still broken by the Civil War, with much of the South in smoldering ruin, with both sections of the country also devastated by the human cost of the war. Johnson undertook the difficult task of putting the nation back together, but he quickly earned many enemies in Congress, and the radical elements of the Republican Party in particular had come out against the President; the conflict between Johnson and these Radical Republicans culminated in the vote to impeach the President. The

fates of the South, the freed slaves, national union, the partisan balance of Congress, and the Presidency of Andrew Johnson were at stake as the trial of the President commenced.

These two legislative trials are separated by 1,805 years, and a plethora of other details besides, and yet much can be learned from their comparison. These two societies share many things in common, and although they are vastly different situations, one being a violent conspiracy forcibly to overthrow the government and the other a Constitutional dispute fueled by partisan animosity, both events had a large bearing on the future of each nation, and both contain lessons and common themes applicable to a wide-range of socio-political disciplines. Thus the focus of this offering is not to offer an exhaustive study but rather a comparison built on common emphasis.

Numerous ancient and modern sources form the basis of this study, and due to the many differences between Ancient Rome and Reconstruction America, there are two distinct strains of scholarship and contemporary literature.

For contemporary, or at least ancient accounts of Cicero's Rome, Sallust, Appian, Plutarch, and Cicero himself proved invaluable. Cicero's writings provide information on his political philosophy, rhetorical style, and give glimpses to his larger political strategy. Sallust, who studied Cicero's work, compiled a history of the Catilinarian Conspiracy that tracks closely with the narrative presented by Cicero in his Catilinarian Orations. An excellent resource accompanying Sallust was Rudolph Paul Hock's "Servile Behavior in Sallust's *Bellum Catilinae*", an article that expounds on some of the concepts relating to debt that Hock includes

is Shaw's "Debt in Sallust". Appian's history is a wider focus, but it includes excellent background information into the cultural conflict that provides the setting for the Conspiracy. Biographical information on Cicero also was essential to understanding his actions as Consul, and the work of Plutarch on the life and work of Cicero was invaluable to giving an ancient view of his life.

Modern texts on the life of Cicero, as well as the events of the Catilinarian Conspiracy, offered not only information on the chronology and motives on the conspiracy, they offered a wider historical perspective that is lacking in contemporary texts. D.R. Shackleton Bailey's *Cicero* was a thoroughly engaging biography of Cicero, as was *Cicero: Politics and Persuasion in Ancient Rome*, by Katherine Tempest. These two works give great detail to Cicero's life and career and provide the background knowledge necessary to begin to dissect the events of his consulship. For an exhaustive treatment of the Conspiracy itself, Charles Matson Odahl's *Cicero and the Catilinarian Conspiracy* was extremely helpful in explaining the exact timeline of events as well as providing analysis on the motives and consequences of the actions taken on both sides of the Conspiracy. A book that was requisite for understanding the cultural roots of the political divide in Ancient Rome was R. Syme's *The Roman Revolution*, which gave a clear picture of the shifts in Roman culture and politics that precede the fall of the Republic. Robert J. Murray's "Cicero and the Gracchi" is a helpful work that explores Cicero's lingering distaste for the popular policies of the Gracchi brothers, that would have a firm bearing on his political opposition to Catiline.

Numerous scholarly articles treat smaller aspects of the Conspiracy and its attendant personalities and circumstances. Duane A. March's "Cicero and the "Gang of Five"" is a study on the fate of the urban conspirators that Cicero had executed based on his authority given by the *senatus consultum ultimum*. Cicero's consular authority is a key factor in his prosecution of the Conspirators, and Jean Goodwin's "Cicero's Authority" is a detailed work exploring Cicero's political power. E.J. Phillips' "Catiline's Conspiracy" was a short distillation of many facts presented by larger articles and books, as well as the contemporary accounts. This kind of succinct scholarship is perfect for writing a longer treatment of a subject without getting lost in it.

An article dealing with a very specific facet of history is also extremely helpful, this being the case with John T. Ramsey's "*Pro Sulla 68* and Catiline's Candidacy in 66 B.C.", which sheds some light on Catiline's previous political maneuvers and efforts. Several other articles were consulted regarding the career of Catiline prior to the Conspiracy. Both "The 'First' Catilinarian Conspiracy: A Further Re-Examination of the Evidence" by Patrick Alexander Holmes and Robin Seager's "The First Catilinarian Conspiracy" deal with the history surrounding the alleged first conspiracy of Catiline against the Roman government. A book that included a diverse array of background information on the time was a biography of Cato entitled *Rome's Last Citizen: The Life and Legacy of Cato, Mortal Enemy of Caesar*, which, though it was not written specifically on any of the events of the Conspiracy, was still immensely valuable of for gaining contextual knowledge of the late Republic.

For information on the sectional divide in the United States, the impeachment of Andrew Johnson, and the problems of Reconstruction, a number of primary and secondary sources were used.

Original speeches from Abraham Lincoln and his consummate opponent Stephen Douglas provide contemporary viewpoints on slavery and sectionalism that were vital to overcoming a modern bias in the way that the history of the Civil War is portrayed. Also the correspondence of southerners like Thomas Jefferson and Robert E. Lee offer insight into the views of those in the slave states that are more nuanced than their public rhetoric on sectional issues. A very important speech to understanding the tenor and force of the sectional debates is James Henry Hammond's "Cotton is King" speech, in which he begins to describe the coming war between the states and its ultimate benefit to the South. A contemporary account of Reconstruction, *American Reconstruction*, was written in retrospect by Georges Clemenceau, a former Prime Minister of France who had spent time in the United States after the close of the Civil War; this foreign perspective is useful because it is removed from some of the regional and political bias that inevitably crops up in contemporary literature.

There are uncounted works on the Civil War era in American History; such is the attraction it holds for the modern reader. Among the numerous works available, a number of them were quite useful in researching the circumstances leading up to the rise of the Republicans and their conflict with Andrew Johnson. Bruce Catton's *The Coming Fury* is a detailed work giving insight into the roots of the Civil War and all the complex factors that played into the bloody conflict. A

similar book is Avery Craven's *The Coming Civil War*, which also focuses on the causes of the conflict. Two central components of the Civil War were sectionalism and slavery, the beginnings of which are found in Daniel Coquillette's article, "Sectionalism, Slavery, and the Threat of War in Josiah Quincy Jr.'s 1773 "Southern Journal"", an article analyzing the writings of an eighteenth-century traveler who described the increasing sectional tension even before the Revolutionary War. Additional books that deal with eighteenth-century America are Richard Hofstadter's *America at 1750: A Social Portrait*, which describes the makeup of American society roughly a century before the outbreak of the Civil War, and Isaac Rhys' *The Transformation of Virginia 1740–1790*, that provides important details relating to the status of slaves in the South before the institution was completely formalized. The institution of slavery was supported greatly, particularly in later years, by the cotton trade, which is written about at length by Stephen Yafa in his *Big Cotton: How A Humble Fiber Created Fortunes, Wrecked Civilizations, and Put America on the Map*.

John Niven's *John C. Calhoun and the Price of Union*, which details the South Carolina Senator's efforts to protect his state's interests, contains discussion of several very important events, as does Stephen Puleo's *The Caning: The Assault that Drove America to Civil War*, an entertaining work that details the caning of Republican Charles Sumner by the Southerner Preston Brooks. An important event in Niven's work is the nullification crisis, discussed in detail in William Freehling's *Prelude to Civil War: The Nullification Crisis in South Carolina 1816-1836*. A similar discussion of Antebellum tensions is Robert

Remini's *At the Edge of the Precipice: Henry Clay and the Compromise That Saved the Union*, chronicling certain legislative efforts to avert the war. Michael Holt's *The Political Crisis of the 1850s* is an effective distillation of all the myriad of events and shifts that occur in the decade before the Civil War.

The rise of the Republican party was an important factor in the coming of war to the nation, and also to the politics of Reconstruction. Eric Foner has written extensively on this subject, and several of his works used are: *Free Soil, Free Labor, Free Men: the Ideology of the Republican Party Before the Civil War*, "Reconstruction Revisited", and "Thaddeus Stevens and the Imperfect Republic. Joining Foner, Hans L. Trefousse was a very important scholar to this undertaking, with two of his works being used: *Historical Dictionary of Reconstruction*, and, *Thaddeus Stevens: Nineteenth-Century Egalitarian*. For information on the Republicans themselves, Lewis Gould's *Grand Old Party: A History of the Republicans* was particularly valuable, as was "Nativism and the Creation of a Republican Majority in the North before the Civil War" by William E. Gienapp.

For information on Andrew Johnson himself, Albert Castel's *The Presidency of Andrew Johnson* is a great resource for his actions during Reconstruction. For a work dealing with the impeachment itself, *Andrew Johnson: President on Trial* was an excellent resource, in addition to *Impeached: the Trial of President Andrew Johnson and the Fight for Lincoln's Legacy*, by David O. Stewart, which describes the ways in which Johnson pursues Reconstruction policy during his Presidency.

The second and third chapters of this study are devoted to reviewing the background of the Catilinarian Conspiracy: the root political issues, the precursors to the political chaos of the 1st Century B.C. in Rome, and the personalities involved in the Conspiracy.'

The fourth and fifth chapters similarly deal with the American case, examining the roots of sectional conflict in the United States and the role that Sectionalism played in the Antebellum Era. From there, these sections review the political origins of the conflicts surrounding Reconstruction, and briefly examine the life of Andrew Johnson.

The sixth and final chapter of this work ties the events, the Conspiracy and the Impeachment together, finding the commonalities and the distinctions between the situations and time periods. An overall analysis of the lessons to be learned from the comparison follows.

CHAPTER TWO

The Consul and the Conspiracy

The heart of the Catilinarian Conspiracy and the reason for its notoriety that endures so many centuries later, are Cicero's dramatic orations denouncing Catiline. The Conspiracy was not just fodder for a speech to the Senate; it had dire and very real consequences were it to succeed, but the memories established by Cicero's orations against the Conspiracy have proved indelible. The speeches are given weight by the personality and luminous talent of Marcus Tullius Cicero, a man history well remembered as one of the last bastions of Republican virtue in the twilight of the time before the Caesars.

Lucius Sergius Catilina, is difficult to characterize: a man of consular rank by all accounts disgruntled in a tumultuous Republic dominated by Cicero and his fellow Optimates; but what more is there to the man and his conspiracy? What made a patrician into a Popularis and why did he bring so many other men of the upper class into a conspiracy that would have seen Roman citizens massacred, the city itself set ablaze, and the Republic destroyed? It is a strange twist of fate that the patrician Catiline would become the radical and the *novus homo* Cicero, as the leader of the conservative faction, would defend the Republic with every fiber of his being. The events of the winter of 63 B.C. were some of the most dramatic in Roman history, and the consequences of those days would echo in the centuries to come.

The Conspiracy has its immediate beginnings in a dissatisfied Catiline living in a fractured Republic increasingly marked by political division and personal rivalry. The historian Sallust places the decision to rebel as a result of Catiline's inherent greed and insurmountable debt, and debt would be a running theme throughout the conspiracy, just as Catiline's greed and vain ambition would be the center of Cicero's speeches against him. ¹The tense climate of 63 B.C. was rife with the names of not only Cicero and Catiline, but also of Cato, Pompey, Crasus and Caesar, men with names much more widely associated with the fall of Republican Rome than that of Lucius Sergius Catilina. Civil conflict had been on the rise in the Republic for some time, and consequently at the source of the tension that a study of the Catilinarian Conspiracy should begin.

Catiline, a political radical, was by no means the first or the last of them. The first men of high rank to have a serious impact on Roman politics with their liberalizing ideas and the support of the people were the Gracchi brothers, the subjects of two of Plutarch's biographies, and the foundation for the Roman political quasi-party, the Popularis.² Their influence on the politics of their day was significant, and Cicero himself expressed much disdain for the Popularis throughout his career. Cicero, being a tried-and-true Optimatis himself, displayed great antipathy towards the Popularis' viewpoint, and also towards the Gracchi

¹ Sallust, *Bellum Catilinae* 16.4

² Goodman and Soni, *Rome's Last Citizen* (St. Martin's Press 2012) ; c.f. also Robert J. Murray, "Cicero and the Gracchi" Vol. 97 *American Philological Association* 291-298

as its originators³. Cicero wrote bluntly on multiple occasions about the Popularis, in his writings *De Officiis*, *Pro Sestius*, and *De Amicitia* among others⁴. On the role of Tiberius Gracchus in founding the Popularis party, Cicero writes in *De Republica* “mors Ti. Gracchi et iam ante tota illius ratio tribunatus divisit populum Romanum in duas partes.”⁵

Specifically the Gracchi believed in universal Italian citizenship, the unilateral forgiveness of debt, and the redistribution of land.⁶ These same views (less Italian citizenship, which was resolved through interregional fighting in The Social War of 90-88 BC) would be widely echoed by Catiline a few decades later, causing Cicero to draw comparison⁷ (quite unfavorably as one might imagine) during his Catilinarian Orations. In fact, in his opening sentences of the First Catilinarian, Cicero rebukes the Senate for their tolerance of Catiline and he mentions that Publius Scipio put Tiberius Gracchus to death for a slight against the constitution.⁸ This connection that Cicero draws accomplishes several things: it links Catiline with the radical Gracchi; it paints Catiline as worse than those

³ Cicero, *De Republica* I.19.31 ; Cicero

⁴ Murray, “Cicero and the Gracchi” *American Philological Association*. Vol. 97, 291-298

⁵ Cicero, *De Republica* I.19.31

⁶ Goodman & Soni, pp. 9-11

⁷ Cicero, *In Catilinam* 4.2.4

⁸ Cicero, *In Catilinam* 1.1.3

radicals; and it justifies deadly force as an historical precedent for dealing with radicals like the Gracchi.

Catiline was a member of the patrician class: he was high-born, and yet he took the side of the poor and disenfranchised, echoing the Gracchi as he tried, by means of force and sedition, to turn the Republic down a more liberal path. Catiline's methods, though under more scrutiny than the actions of the Gracchi brothers, were much more violent and self-serving. Both Gracchi brothers held the office of Tribune and were killed in violent clashes with the conservative oligarchy for their actions while in political office. Catiline however did not hold office at the time of his Conspiracy, a circumstance that was a leading cause for the Conspiracy. Catiline was killed in battle as he led his ill-fated revolutionary army against fellow Romans; in contrast to Tiberius Gracchus killed within the Roman Forum as he spoke passionately to his fellow citizens. The Gracchi were regarded by many as martyrs, whose lives and deaths coincided with the beginning of the "Roman Revolution"⁹ whereas Catiline is almost universally reviled as a traitor.

Not only were the Gracchi important to the Conspiracy in terms of political affiliation and precedent, but their careers and deaths also mark a clear turning point in Roman politics. The Republic had violent foundations: Romulus kills his brother Remus in the founding of the city, and military might sustains and expands

⁹ R. Syme, *The Roman Revolution* (Oxford: Oxford University Press 1939)

Rome's reach. However, we learn from Appian's *Civil Wars*¹⁰ that the Gracchi changed Roman politics in several ways:

“The sword was never carried into the assembly, and there was no civil butchery until, Tiberius Gracchus, while serving as tribune and bringing forward new laws, was the first to fall a victim to internal commotion; and with him many others, who were crowded together at the Capitol round the temple, were also slain.”

The murder of the Gracchi, according to Appian, brings about in Roman politics a shift that sees violence become the servant of factionalism, and suddenly the forum is not just a place for discussion and democracy, but now is also a battleground both physically and philosophically. The importance of this shift is hard to overstate. The Catilinarian Conspiracy continues a tradition that begins with the Gracchi and extends through Sulla and his conflicts with rivals, and then into the Conspiracy of Catiline and finally to the murder of Julius Caesar and the beginnings of the Roman Empire.

Tiberius Gracchus held the office of Tribune in the year 133 B.C., many years before the Consulship of Cicero and the Conspiracy of Catiline, and in the intervening years, the Republic continued to face constant tension between the Optimates and the Populares, and as always wars were fought (some even on Italian soil), and families continued to rise and fall as territory was acquired and wealth was claimed. Of all the events occurring between the Gracchi and 63 B.C., the one that would have the most influence on both Cicero and Catiline was the dictatorship of Sulla. The reforms of Sulla and the scars left on the Republic by his bloody dictatorship serve as a good bridge between the changes

¹⁰ Appian, *The Civil Wars*, 1.2

attempted by the Gracchi and the Catilinarian Conspiracy. Sulla's life and career come in the formative years of Cicero and Catiline, and the events of Sulla's dictatorship will forever alter the mindsets and status of both men. Sallust places responsibility for Catiline's organization of the conspiracy squarely in the hands of Sulla, "Since the time of Sulla's dictatorship, a strong desire of seizing the government possessed him, nor did he at all care, provided that he secured power for himself, by what means he might arrive at it."¹¹

Lucius Cornelius Sulla Felix is an important figure in the pre-Conspiracy history of Rome. Sulla, a famous military leader and statesman who revived the practice of dictatorship in Rome, eventually surrendered the office (although without nearly the civic virtue that we saw in Cincinnatus) to die a private citizen. Sulla also was particularly bawdy and violent, with many licentious tendencies and a habit of dealing ruthlessly with his enemies. The reign of Sulla Felix as dictator cost the lives of as many as nine-thousand Romans; the autocrat Sulla had no tolerance for dissension, and the impact that this lack of tolerance had on young Romans like Cicero and Catiline (a lieutenant of Sulla) is hard to overestimate.¹² Sulla paves the way for the Conspiracy not only by his actions of violence and power, but also by stirring up the political chaos that lurked just below the surface of Republican society.

¹¹ Sallust, 5.6

¹² Goodman and Soni, pp.9

Sulla came from a wealthy but recently impoverished family, and he spent a great deal of time as a youth associating with those who were well below his social status. Sulla came into money as he matured, and he embarked on the traditional road to power that men of his means and rank would often undertake. Sallust seems to reckon that Sulla had many natural abilities of leadership and intellect¹³, just like Catiline, and thus was destined to make his mark. Sulla's mark will be more eminently clear than that of the Gracchi, because though both of those brothers sought power by forming a coalition and seeking to raise support, Sulla, as would Catiline, sought to raise an army and overthrow the Republic not with popular sentiment, but with the sword. It is important to remember that Catiline, like the Gracchi and Marius before and Pompey and Caesar after, was a *Popularis*, setting him in natural opposition to men like Cicero, and Catiline, although as the inter-triumvirate fighting between Pompey and Caesar would later prove, similar political views did not equate to an alliance. Catiline proved that he could be as slippery as needed, allying himself with the conservative Sulla during his dictatorship and aiding the dictator in his campaign of proscriptions.

The Jugurthine War began in 112 BC, when Sulla was twenty-six years old, and through an act of daring and valor in the capture of Jugurtha, an African King and enemy of Rome, Sulla achieved wide recognition and at the same time earned the permanent dislike of his superior, the popular reformer Gaius Marius. Marius and Sulla would be paired together in military command several more

¹³ Sallust, 5.1

times in the years to follow, as Marius was elected to five successive consulships from 104-100 BC and Sulla continued to shine brightly as a military commander, although he stood politically opposed to the influential reformer Marius. In the Social War of 91 BC, Sulla was particularly successful, earning a *Corona Graminea* (Grass Crown, a high honor for a commander who bravely leads a legion in the field).

The aging Popularis Marius and the younger, ambitious, and talented conservative Sulla were on a crash course, and in the year 88 B.C. the newly-elected Consul Sulla was outmaneuvered and removed of his command by Marius. This event prompted the unthinkable, a march on Rome herself by Sulla and his legions. The sacred boundaries of Rome had never before been violated by a Roman army, but Sulla though first, would not be last, and this bold invasion certainly represents a major blow to Republican stability, although it was not one without provocation by Marius.

Ironically, without the Marian reforms, this march on Rome was unlikely to have happened at all. Marius altered the recruitment requirements for service in the Roman Army; rather than using land as a prerequisite for military service, Marius allowed plebeians without property to fight in exchange for land in the regions the army conquered. This policy made the soldiers extremely loyal to their commander, whose success determined theirs. Marius intended to use this policy as a buffer against barbarians and as a way to equalize the various classes of Romans; instead it promoted factionalism and increased the influence of patronage in Roman politics. Sulla's veterans, professional soldiers, were loyal

to Sulla rather than to Rome, and thus had no qualms about violating sacred Rome, especially at the prospect of losing plunder in the East when Marius had Sulla's command revoked.

Sulla's gamble succeeded, and he marched to war and eventual victory in the East, although Marius would continue to stir trouble in Rome, thus prompting Sulla to march on Rome once his war against Mithridates ended, although by this time Marius had died. Sulla used this second march to declare himself dictator, and with this dictatorship he instituted sweeping, conservative reforms through a new constitution, strengthening the oligarchy and the Senate, weakening the office of Tribune, and ensuring that the traditional rule of the upper classes would continue. In the process of this dictatorship Sulla had thousands murdered, including many of his enemies and also those who sought to shelter them. Men like Caesar, a favorite of the people, were forced to flee for their lives. Catiline, later a champion of the people echoing the reforms of the Gracchi and Marius, sought to placate the conservative dictator. Cicero would later allege that Catiline tortured and killed his brother-in-law, carrying his head through the city to place it at the feet of Sulla.¹⁴ This behavior would be typical of the picture of Catiline that Cicero sought to create.

Catiline, a man who, it would seem, sought power similar to that of Sulla attempted to curry favor with the dictator, despite the fact that Sulla fundamentally opposed the policies of the Gracchi and the other Popularis politicians. Sulla's dictatorship instituted reforms much more in line with the

¹⁴ Cicero, *In Toga Candida*

political philosophy of Cicero than of Catiline. There is clear evidence then, for two details that Cicero needs his audience to understand when he builds his case against Catiline: that Catiline is a scheming opportunist ready to switch sides effortlessly, and that Cicero is a man of virtue and does not seek personal gain through the dictatorship of Sulla, despite their similar conservative sentiments.

The dictatorship of Sulla was established without limit, and it would not end in Sulla's death but in his retirement, when he ran successfully for the consulship one last time, and then he retired to write his memoirs. Sulla miraculously was never murdered by one of his many enemies, and after he stepped down Rome tried to return to a sense of normalcy, but things could not simply remain the same. Sallust claims that as soon as Sulla took power, Catiline became obsessed with the idea¹⁵, and certainly the success of Sulla must have appealed to men like Catiline, who does seem to have decidedly sought power, expending all of his resources and influence in his attempts to achieve position.

Perhaps Catiline had all the requisites for success at this time in the life of Rome; Catiline had influence, political savvy, and correct lineage, in a time of upheaval and chaos. Catiline, like his enemy Cicero, was a product of history. He borrowed his politics from men like the Gracchi and Drusus, and he learned his methods from men like Sulla and Marius. Catiline sought power, and he had been preparing for years to assume a central position in the Roman story; now his move was to be made. This thrust for power would bring war to Rome, and

¹⁵ Sallust, 5.6

Catiline had reason to anticipate victory, all that opposed him was the *novus homo* from Arpinum.

Cicero was Catiline's antithesis: while Catiline was noble and came from a family that had been in decline, Cicero was not of high birth, but his family had been gaining ground in the social strata of Arpinum for some time. Whereas Catiline was known for licentious and excessive behavior, Cicero was austere. Catiline was seen as a man of the people; Cicero was a champion of the Senatorial class. These two men were on a collision course by circumstance as well as nature, and the biographical details of Cicero's life offer insights into his treatment of the Conspiracy and its agents.

Cicero was born in 106 to a well-to-do equestrian family in the town of Arpinum, some sixty miles from Rome. In his eminent biography of Cicero, D.R. Shackleton Bailey notes that Arpinum had once been a stronghold of the Volscians, ancient Italian enemies of Rome.¹⁶ Cicero's ancestors had been full citizens of Rome for nearly a century. In fact, it would seem that this was a fortuitous time to be born ambitious in Arpinum, because the year before Cicero's birth, a *novus homo* from Arpinum named Gaius Marius, became Consul in Rome. Plutarch, in his *Life of Cicero* says that Cicero's family origins are difficult to pin down, although it was alleged that he was descended from Tullus Attius, "an illustrious king of the Volscians, who waged war upon the Romans with great ability."¹⁷ This rumor (which Bailey purports to be untrue) would further the

¹⁶ Bailey Bailey, D.R. Shackleton. *Cicero* (New York: Scribner, 1972) pp. 8

¹⁷ Plutarch, *Cicero*, 1.3

paradox of Cicero and Catiline. The identity of Cicero's ancestor does not really matter, but if his contemporaries placed any stock at all in his alleged ancestry, then it would heighten the dichotomy between Volscian-descended Cicero and the unquestionably nobly-born Catiline. As a young man Cicero served in the Social War under Sulla, albeit for a short amount of time, finding he had talents other than those of a soldier. Plutarch notes that young Cicero was a lover of poetry as well as a talented orator, and his knowledge and skill afforded him many opportunities of study, including learning the law under Quintus Mucius Scaevola, an eminent, and elderly legal expert. Cicero's first case offers a good microcosm of his later career, and provides another early example of his demarcation from the lifestyle and career of Catiline.

Political upheavals that dominated Cicero's youth have already been mentioned at length, and it is important to remember how foundational this turmoil was in the lives of both Cicero and also Catiline. Both men gained reputations during this era and began down paths that would, in the end, lead to both of their demises, albeit under vastly different circumstances. Catiline, a political chameleon, was eager to curry favor and remain in a safe camp. Cicero took a different route up the social and political ladder in Rome, and like his fellow conservative Cato, Cicero never avoided a chance to speak his mind. Cicero had remained fairly inactive during Sulla's first march on Rome and the subsequent resurgence by Marius and his followers; he bided his time and continued his education.¹⁸ When Sulla returned Cicero did not participate in the

¹⁸ Bailey, 11

ensuing bloodbath, which claimed the life of his mentor Scaevola, and many others. Sulla's dictatorship occurred at a time when men like Catiline were eager to betray others, even family, in order to secure a place in the new regime. Not so for Cicero, who, in a shining example of the personality and tenor of his political philosophy, took a case defending a certain Sextus Roscius, an unusual act for a young man of Cicero's bent, who risked reputation and even his life by taking the defense without precedent or experience in the courts. Sulla had attempted to reform and reinvent the Roman courts, designating seven courts to provide organized judicial services to the city. Young Cicero would defend the first case in the newly minted court for murder and poisoning.¹⁹

Sextus Roscius was accused of patricide, a particularly vile crime in a society that so valued tradition and filial piety. The case against Roscius was weak, a trumped up charge levied by cousins of young Roscius after he thwarted their attempts to seize his inheritance by having his father proscribed. These cousins were aided by Chrysogonus, a favorite of Sulla's. Cicero was aiming high in the first defense, but the risks were great, and the deck was stacked against him. The people of Rome were wearied of killing, and effective use of the courts was essential to placating them in this chaotic time.²⁰ Cicero would win the case, showcasing his talent for oratory and earning himself a reputation as an able and courageous man, yet not blindly courageous, in the vein of Cato. Cicero in his

¹⁹ Tempest, Kathryn *Cicero: Politics and Persuasion in Ancient Rome* (New York: Bloomsbury Academic, 2011) pp.35

²⁰ Tempest, pp. 33

castigation of the accusers of Roscius carefully sidesteps the dictator while listing the evils of the day, by saying that not even Sulla could be knowledgeable of all that his allies are up to.²¹ Cicero does here what neither Cato nor Catiline could, he neither brazenly accuses powerful men, nor does he debase himself to curry favor, rather he finds a balance of honor and cunning. Cicero is able to play politics, but he does so usually while attempting to serve higher virtue. The debut of Cicero augured well of his future success, and he spent the following years in and out of Rome, building his reputation as a conservative, indeed, the talent and star of the Optimatis faction, climbing the ladder of position in the Roman Republic and placing himself ever closer to the consulship.

²¹ Bailey, 11.

CHAPTER THREE

The Consul and the Conspiracy

Cicero and Catiline were opposites in many respects, as a multitude of evidence and their staunch opposition to one another show. But this same evidence would show one similarity between these men, and on this shared trait would ride the fortunes of the Republic. Cicero and Catiline were both highly ambitious; both desired power and influence; and both had careers with roots deep in their youth and family identity. Catiline's ambition would place the Republic in grave peril, while the genius of Cicero would preserve it, if only for a time.

In 68 B.C. both men were on the path of the careers for which they had worked so hard. Because of his brilliance and diligence, Cicero had continued to climb the ladder of political offices in Rome, a Quaestor, then Curule Aedile, and in 66 B.C. Cicero would become the Praetor, placing him finally within the range of the consulship he desired.

Catiline had also ascended the *cursus honorum*, although in a manner different from that of Cicero. Catiline was known for his extravagant lifestyle, spending freely to curry favor and to build a base of support for his political endeavors.¹ Catiline held the office of Praetor in 68 B.C., and served as the governor of Africa. Cicero, in his later speech in defense of Marcus Caelius would defend the young man by saying that while Catiline was in Africa, Caelius

¹ Plutarch, *The Life of Cicero*, 10.4

was with Cicero and had no knowledge of Catiline, implying that already there were negative associations with the man.² The accusation by a delegation from Africa leveled against Catiline in 66 B.C. of extortion committed as Praetor further besmirched the Senator's reputation; Catiline had returned from his Praetorship ready to stand for the consulship in 66, however his plans were upset when the Consul blocked his candidacy for that year.

The reason for this opposition is debated, but Sallust and Asconius both emphasize that it was prompted by the charges of extortion, ostensibly done to gather funds for the upcoming election.³ At trial, Catiline was supported by many high-ranking men, associations cultivated by Catiline's long campaign of excess and debauchery which gained him social connections, but that support would also provide Cicero with ample evidence for an attack in his oration before the Senate. In a strange twist, Cicero claims to have considered defending Catiline against these charges.⁴

With his candidacy blocked, Catiline probably grew more desperate in his considerations for ways to pursue political office. Without question Catiline was frustrated by the setback, and in truth the methods he had shown himself willing to use were truly costly, and would only exacerbate the frustration. Sallust

² Cicero, *Pro Caelio*, 4.9

³ John T. Ramsey, *Cicero*, "Pro Sulla" 68 and Catiline's Candidacy in 66 B.C." *Harvard Studies in Classical Philology*, Vol. 86, (1982), 124.

⁴ Cicero, *Epistulae Ad Atticam*, 1.2

believed that Catiline was affected by a deep need for power and success, a need that prompted him to greater and greater excess.⁵

Whether or not Sallust's belief was true is hard to know for certain, but perhaps for all of the bribery and pandering originated from Catiline's pathological need to achieve high rank. This need to attain rank, if real, is interesting also because Catiline, often portrayed as possessing intelligence, was known to have been an able soldier under Sulla, Catiline certainly was a capable politician and communicator, shown by his ability to persuade men of the senatorial class to betray the Republic along with him. Catiline was eminently resourceful, savvy with his alliances, and seemingly liked by his peers. It is hard to understand why he so often resorted to unsavory methods to promote his aims: why could he not climb the ladder less obviously? Why the urgency to achieve, which led him to ruin his reputation among the more staid conservatives, through his revelry and debauchery?

Catiline's family, though once prominent and still noble, had not held the consulship since 380 B.C., and that may have been a factor for his fruitless efforts to achieve the rank. With his ability to persuade his fellow nobles, and the lower classes as well, to flock to his revolutionary banner, it is a wonder that he resorted to fomenting an armed revolution when, maybe at an earlier point in his career he could have parlayed this influence into a more respectable effort. Cicero was on the same track to the consulship, and indeed, he arrives at a place in his career where he is able to make a run for it at just about the same

⁵ Sallust, *Bellum Catilinae*, 5.4

time as Catiline, although again, Cicero comes to this point by very different paths.

Cicero and Catiline would run against each other in the Consular elections of 64 B.C., with Cicero emerging victorious next to Gaius Antonius Hybrida. Plutarch pointedly notes that in this election, only Cicero belonged to the equestrian class.⁶ Sallust alleges that this defeat occurred because of the fear that conservatives had of Catiline's economic plan⁷, something very much in the popular vein, with its precedent in the ideas of the Gracchi, ideas that were dangerous enough to see them killed. Crucial to this plan was the cancellation of debt, a feature that would not only attract large numbers of the lower classes but also would benefit Catiline personally, because he had amassed heavy debt through his political ambition and personal extravagance.

The theme of indebtedness makes the entire career of Catiline, with Catiline often finding himself in debt to others trying to gather people who are in debt to himself. Sallust highly elevates debt in this narrative; according to Rudolph Paul Hock and others, indebtedness was the central reason for the conspiracy's very existence.⁸ The urgency posed by indebtedness would explain Catiline's need to rely upon unsavory means; he may have felt that this reliance was the only way to move forward in order to secure a personal future while

⁶ Plutarch, *The Life of Cicero*, 11.3

⁷ Sallust, *Bellum Catilinae*, 23.5-24.1

⁸ Rudolph Paul Hock, "Servile Behavior in Sallust's *Bellum Catilinae*" Vol. 82 No. 1 (Sep-Oct 1988) *The Classical World*, 15; c.f. also B.D. Shaw, "Debt in Sallust" 34 *Latomus* (1975) 187-96.

simultaneously using radical politics to build a broad base of popular support.

Catiline ran for Consul in 63 B.C., losing the election even without having to run against Cicero.⁹

Although Catiline was not opposed on the ballot by Cicero, he was frustrated at every turn by the Consul's strong desire to see him defeated. By all accounts, Catiline expended significant funds and influence in this particular run for the consulship, and Cicero and the other conservatives attempted to use this excess against him. The conservative elite was very powerful and often successful in thwarting the designs of the men outside their circle who sought political office.¹⁰ This power partially explains the furious spending by men like Catiline to garner support, and it also shows why these fringe candidates had to resort to very radical politics and unsavory methods of vote-gathering in order to compete. The difficulty of breaking the barrier to the consulship also created a sub-sect of disenfranchised men of senatorial rank, men that Catiline purposefully gathered to his cause.¹¹

Catiline built a broad base of support for the election of 63 B.C., through a strategy of modeling himself as the people's champion, in an attempt to secure support from all the groups in any way inhibited by the status quo, as he himself was. Luckily for Catiline, at this point in Roman history, the city and countryside were replete with those who had been maligned by the current Roman system.

⁹ Sallust, *Bellum Catilinae*, 26.1

¹⁰ Charles Matson Odahl, *The Catilinarian Conspiracy*, (Ann Arbor: College & University Press, 1972) 62

¹¹ Sallust, *Bellum Catilinae*, 37.10; Plutarch, *The Life of Cicero*, 10.1

There were Sulla's veterans, who had lived well under their patron and general but who now were unhappy with their lack of support.¹² Also unhappy in Rome were the farmers who had been displaced in order to give land to the veterans of Sulla; these farmers had moved into the city and were poor, unemployed, and bitter at the lot they had been cast.¹³ Both these groups had in common the problem of debt, and the current Roman policy on debt was a source of great frustration. As noted earlier, debt is regarded by many as a principal cause of the conspiracy. Slaves, allies, and subject peoples all had been dispossessed to a degree by recent events, and as the involvement of the Allobroges, or the support of the conspiracy for the slave revolt in Capua would show, these groups were not far from the conspirators' minds as potential allies.¹⁴

Catiline's best efforts to bribe and cajole a wide range of popular support for his campaign were in full swing; he sent a former Sulla centurion and now a staunch ally, Gaius Manlius, into Etruria where many of the veterans had settled to drum up support and make promises in return for their presence in Rome during the elections.¹⁵

Despite his great efforts, the election would not go Catiline's way. Thoroughly defeated and very much in debt, Catiline apparently felt that he had no conventional recourse but to gather what forces he could and rebel. There

¹² Cicero, *In Catilinam*, II.8, IV.6 ;

¹³ Charles Matson Odahl, *The Catilinarian Conspiracy*, 62

¹⁴ Ibid.

¹⁵ Sallust, *Bellum Catilinae*, 24.2 ; Plutarch, *The Life of Cicero*, 14.2

were whisper and rumor that in 65 B.C. Catiline had been involved in an earlier plot to overthrow the Roman government by the murder of the Consuls, but the veracity of this “First Catilinarian Conspiracy” is very much in question, especially because the facts as ancient sources report them do not even show Catiline leading this effort, but merely playing a role in it. The fact that it is known as the “First Catilinarian Conspiracy” even when it was led by other conspirators would lend itself to the explanation that it was more of a later invention, retroactively defined by the events of 63 B.C.¹⁶ At any rate, if a time was conducive to a bold, open rebellion, it would be 63 B.C.

At that time other great, popular leaders (e.g. Pompey) were out of the city, or out of hand at the moment, like Julius Caesar and Crassus, and the Consul Cicero was a familiar opponent to Catiline.¹⁷ Catiline had spent much of the last few years accumulating a broad base of support among all the malcontent in Roman and Italian society, his liberal economic policies not necessarily requiring him to be the wealthiest of Romans, which he no longer was, but rather he was able to promise spoils in the new Rome he was able to create.¹⁸

The urban poor, the disaffected veterans, the restless nobility some of whom, like Catiline himself, had fallen from grace with the reigning elite of either party and found themselves staring at a bleak political future, all of these groups

¹⁶ Robin Seager, “The First Catilinarian Conspiracy” *Historia: Zeitschrift für Alte Geschichte*, Bd. 13, H. 3 (Jul., 1964)

¹⁷ Charles Matson Odahl, *The Catilinarian Conspiracy*, 61

¹⁸ Appian, *Bella Civila*, ii. 1. 2. ; Dio 37.10.4 ; Sallust 24 (Odahl note 31 ch. 4)

played well into Catiline's needs in the consular election for 63 B.C., and he could find a place for all of them in his conspiracy. At this point in his career, Catiline knew that he had no chance to win by conventional election to the consulship, and consumed by debt, his ascendance to office was crucial in order to regain any semblance of respect. With his influence among the disenfranchised of all classes, and with the precedent of Marius' popular military reforms and Sulla's blood-soaked dictatorship, Catiline was ready to proceed along whatever path necessary to gain power. The influence of Sulla here is incalculable: Sulla ruled as a dictator, murdering thousands, and was never put on trial for his actions; indeed he relinquished the dictatorship and was elected once again to the position of consul, before retiring fully a year later. The effect this had on Catiline is hard to know exactly, but it would seem that Catiline was greatly emboldened by recent Roman history, as Caesar would be very soon.

Catiline saw Sulla's career arc; he saw the power and influence that Sulla exerted through his constitutional reforms, and so Catiline styled himself in the model of a new, more popular Sulla. Had his plan succeeded, Catiline would have been a combination of many different Roman characters: he had very liberal economic policies in the mold of the Gracchi; he encouraged lower classes to join his army, along the lines of the reforms of Marius; and he was not afraid to shed blood, as was Sulla. It took all three of these precedents in order to make Catiline's plan viable; without these reformers Catiline would have had to settle for less grand designs for his rise to power. The Marian reforms are also of grave importance to the conspiracy because without them, there would be no

restless veterans of Sulla and no displaced farmers, either. When land was required to serve in the army, then land as a reward was not so appealing as a payment for service. With Marius' reforms, a soldier would sign up to receive land, that would have to be taken from somewhere else. Both veterans and those whom they displaced would find common cause in the debt relief program of Catiline.

The Senate convened in the Temple of Jupiter Stator on the morning of November 8th, 63 B.C. at the behest of Cicero. Cicero and Catiline had been engaged in deft political maneuvering over the months prior; in particular Catiline had organized this conspiracy and worked feverishly in order to lay out a viable plan for the overthrow of the Republic. Cicero had been actively soliciting support and positioning himself against the conspirators as they readied their plot. After Cicero had alerted the Senate of a conspiracy on October 21st¹⁹, and that ruling body voted to pass the *senatus consultum ultimum*, the "final decree of the senate", a measure which Sallust describes as

"The power which according to Roman usage is thus conferred upon a magistrate by the senate is supreme, allowing him to raise an army, wage war, exert any kind of compulsion upon allies and citizens, and exercise unlimited command and jurisdiction at home and in the field; otherwise the consul has none of these privileges except by the order of the people."²⁰

This decree gave Cicero the political muscle he needed to act with authority against the conspiracy. However, Cicero was nothing if not clever, and he waited to make his final move until he had more hard evidence against the conspirators, knowing that an ill-timed move would give the powerful men that were members

¹⁹ Cicero, *In Catilinam*, 1.3.7

²⁰ Sallust 29.3

and friends of the conspiracy the opportunity to humiliate Cicero before the masses. Cicero had to show discernment and bide his time; move too soon, and the resultant shock could trigger the conspiracy's execution and success. One of the reasons that the *consultum ultimum* was passed on October 21st was that Cicero had produced letters that detailed plans for rebellion and massacre by Catiline and his conspirators on the day of October 28th. When no disorder broke out in the city, Senators briefly doubted Cicero's credibility. Cicero was saved by the miscommunication between the conspirators, because the delay in the city was unbeknownst to Gaius Manlius and the army in Etruria, and they took the field at the previously appointed time, despite the calm in the city. When news of the rebel army reached the Senate, they leapt into action, passing new emergency measures. The conspiracy had borne fruit, and there was no hiding it now; a phrase from an ever-nearing event in Roman history comes to mind, "alea iacta est".

Manlius' movements around Faesulae also galvanized the conspiracy to action. They had suffered some missteps, through the information given to Cicero by Quintus Curius and his mistress Fulvia. The letters were shown to the Senate; the assault on the Praeneste was a failure; and now the rebellion in the countryside began despite the unpreparedness of the urban wing of the conspiracy.

Catiline and the conspirators were fully committed, and with the missteps that had already befallen the conspiracy culminating in the legislative measures passed by the Senate, failure meant death for the members of the conspiracy.

The conspirators gathered on the evening of November 6th, at the house of Marcus Portia Laeca, on the street of the scythe-makers, to adjust their plans. It was decided that Catiline and another conspirator should leave the city to take command of the army and speed it to Rome, while the other conspirators used murder, theft, and arson to incite panic in the city. At the height of the chaos, the rebel army with Catiline at its head was to arrive and assume control of the city. Despite the early errors, the conspiracy had a strong chance of succeeding with this adjusted plan. There was one more stipulation of Catiline's that the conspiracy would adhere to, and that was the death of Cicero. The task was assumed by Gaius Cornelius and Lucius Vargunteius, who were to kill Cicero on the morning of November 7. Quintus Curius, Cicero's informer who had already betrayed the conspiracy several times made Cicero aware of the plot against his life. Cicero took precautions, making other prominent Romans aware of the impending attempt on his life and surrounding himself with guards. The preparations that Cicero made paid off, the assassination attempt was thwarted and Cicero had the proof he needed to denounce the conspiracy.

The conspiracy had blundered severely with the failed attempt on Cicero's life; it had galvanized a formidable enemy in Cicero, and had provided him the proof that he needed to act against the Conspiracy. With this proof, Cicero had all that he needed to call together a meeting of the Senate where he could make his case against Catiline and his associates; then, using the final decree of the Senate, he would be in a position to put an end to their plots once and for all. On November 8th, 63 B.C., as the Senate gathered in the temple of Jupiter Stator,

Cicero stood before the assembly and cried out, “Quo usque tandem abutere, Catilina, patientia nostra? Quam diu etiam furor iste tuus nos eludet? Quem ad finem sese effrenata iactabit audacia?”²¹ Cicero would deliver three more orations following this initial speech, two to the city populace in the forum and the final speech before the Senate once again.

The First Oration is, at its core, essentially an invective directed against Catiline, featuring a catalogue of Catiline’s many vices and corruptions, taking the Senators present through the long train of sins that Catiline committed during his long campaign of excess in his quest for power. During the oration Cicero calls for Catiline to flee the city, because he is a danger to all present.²² This speech, full of threats by Cicero against Catiline, offers assurances that Cicero will not rest until Catiline has been punished. For all these threats however, it would seem that Cicero was not prepared to deal the final blow to Catiline. It would take three more orations and a gift from some Gauls for Cicero to have what he considered an adequate case. As it stood, although the designs of the conspiracy in the city had failed, and although they had been denounced in front of the Senate, Catiline still was operating from a position of strength. Cicero was a master of *realpolitik* well before Otto Von Bismarck made it famous, and there is no better example of his strategic brilliance than the Catilinarian Orations.

²¹ Cicero, *In Catilinam* I.1

²²Cicero *In Catilinam* I.5

Cicero knew that Catiline still had Gaius Manlius conducting his portion of the conspiracy in Etruria; the conspirators might have failed to incite the urban chaos in the wake of the failed nocturnal assassination of Cicero, but they were still capable of fielding an army of 20,000 men, many of them veterans.²³ Besides his army, Catiline had swayed many powerful men to his cause, and Cicero could not be certain who would support Catiline if the army neared the city. Cicero was, therefore playing a delicate game, and he knew to wait to move decisively until he had the ability to push the situation to its completion. Cicero waited until he had firm evidence to make good on his threats to Catiline; he knew that failure could result in a shift in power and as a consequence the triumph of the conspiracy.

Cicero was not alone in his recognition of Catiline's position, and in light of the first Oration, Catiline himself resolved to continue his plans. He resolved to draw back to Etruria and assume command of the army himself. Catiline placed Lentulus and Cethegus in charge of the urban sedition as he departed for Etruria, claiming innocence even as he fled the city. The people of Rome were inflamed and cast into confusion by the conflicting stories of betrayal and falsehoods, and Catiline's agents stoked the flames in order to prepare the city for the chaos to come.²⁴

This was the context for Cicero's second Oration, delivered on November 9th in the Forum directly to the people of Rome. Subtlety lies in this action; and it

²³ Plutarch, *Life of Cicero* 16.6

²⁴ Sallust, *Bellum Catilinae* 34.2

provides an interesting turn of events because Catiline, not Cicero is the champion of the people. Cicero knew he had no chance to stop a civil revolt if Manlius and Catiline arrived in Rome. When Catiline delivers the second Oration, he makes a crucial case to the people in Rome; he knows that his ability to convince the people of Rome that Catiline is guilty will be a critical factor in his ability to save the Republic. The second and third Orations are given in the Forum, to the people of Rome; in these orations, the chief opponent of the Popularis faction, Cicero, met the people in the public space and convinced them that Catiline, their champion, was a liar and a traitor.

Between the second and third Oration, Cicero was handed the necessary proof of the sedition of Catiline from an unlikely source. The Allobroges, a barbarian tribe from Northern Gaul, had sent envoys to Rome to address some grievances that they had concerning the state of affairs in their province. The urban conspirators, led by Lentulus, saw in these Gauls the chance at further mayhem and decided to approach them with an offer of alliance. The Gauls wisely chose not to involve themselves in this intrigue, and they approached Roman authorities about the plot. Cicero saw his patience rewarded, and he gave the Allobroges instructions on their part to play in the trap he was going to spring. On the evening of December 3rd, 63 B.C., the Allobroges and two of the conspirators were apprehended on the Mulvian bridge, carrying written proof of the conspirators plans' for revolution.

Cicero had his proof, and the urban conspiracy had seen its last sunrise; Cicero knew that Lentulus had been left in charge of the sedition in the city, and

he had exactly what he needed to take Lentulus and the remaining conspirators into custody. Cicero delivered his third Oration to the people of Rome in the forum immediately following a meeting of the Senate where Cicero presented his evidence and received the passage of measures to imprison the conspirators. Cicero's third Oration is delivered from a position of strength, and with its exuberant reception by the city that Cicero had saved from fire and the mob, he had a strong foundation from which to defeat Catiline and his army.

With the recent passage of the *senatus consultum ultimum*, Cicero found himself in a dilemma, because the power lay solely in his hands, and were he to exercise his full authority in ordering the execution of the conspirators, he alone would face the consequences. Cicero knew that with Catiline approaching, he needed to be decisive in order to maintain his influence over the situation. With the backing of Silanus, the consul-elect, Cicero was prepared to issue the penalty of death to the conspirators now in custody, as well as to those who would soon be apprehended. Julius Caesar, the enduring name from this age, rose to offer his opinion on why the death penalty was too harsh for these conspirators, and as he spoke, Cicero felt the mood of the Senate begin to change, thus he rose as Caesar finished and gave his fourth and final Oration against Catiline.²⁵

The scene was the height of drama, and Cicero was in fine form, exhorting the Senators that they should vote without concern for his potential censure in

²⁵ Cicero, *In Catilinam* IV, 4.7. Sallust, *Bellum Catilinae*, 50.4. Appian, *Bellum Civile* ii.1.5

the future, that instead they should vote to save the Republic and know that he would do anything to preserve it as well. The speech ended with an assurance by Catiline that he would support whatever the vote decided. Catulus and the young Marcus Cato also offered their support, Cato's speech being extremely effective in the ensuing vote going out overwhelmingly in favor of the execution. Immediately Cicero called for the execution to be prepared and he posted guards along the way as he left personally to escort Lentulus to the execution chamber.²⁶

With the execution of the five main urban conspirators, all that remained was for Catiline and his army to be defeated, and a month after the executions, in a valley near the mountains leading to Gaul, Catiline and what remained of his once-large army was wiped out in a bitter struggle against government forces. Catiline was said to have been found deep within the enemy ranks, all wounds to his front, indicating that he fought bravely unto the end. Cicero weathered the storm at the end of his consulship, saving the Republic from chaos and destruction and surrendered his office to the highest possible acclaim from the people of Rome. Cicero managed to unite the factions in his resistance of Catiline, and with the death of many members of the radical popular party, in Catiline's last battle, the future of the Republic looked bright. Cicero's actions against Catiline would cement his reputation as a master of rhetoric and politics, and he would continue to defend the Republic in the tumultuous decades to come.

²⁶ Sallust, *Bellum Catilinae*, 55. Plutarch, *Cicero*, 22.

CHAPTER FOUR

A House Divided

On February 24th, 1868 Andrew Johnson became the first President to be impeached when the House of Representatives voted 126-47 to begin proceedings on the charge of “high crimes and misdemeanors”. A week later the House drafted and passed eleven articles of impeachment, mostly relating to the violation of Executive power, specifically regarding the Tenure of Office Act passed the year before by Johnson’s opponents in Congress. This legislation was passed over Johnson’s veto, to make certain that Johnson could not remove Radical Republican political appointments who might upset their plan for Reconstruction. The Tenure of Office Act came as the latest salvo in a series of skirmishes between Johnson and his Radical Republican enemies, who believed Johnson to be allied to their cause when he first took office.¹ The realization that he was not their ally left the Radical faction with great animosity towards the beleaguered Johnson, an accidental President who found himself serving in what was the most fragile period of America’s history.

The American Constitution, along with all the laws and mores of American democracy, was rewritten in blood by a great Civil War, and the man who had seen the young nation through that war was like so many others now dead. Never a man anyone intended to be President, Johnson stumbled often, and

¹ Castel, Albert. *The Presidency of Andrew Johnson*. Lawrence: University Press of Kansas, 1979. pp. 20

indeed he inflicted upon himself many of the problems he faced. But for all his flaws, Johnson stood at the crossroads of history and made his mark, surviving impeachment by a single vote in the Senate. The Senate's failure doomed the Radical Republicans who called for his impeachment and altered the landscape of American history forever. Andrew Johnson is a mysterious figure with a dubious historiography that obscures the modern vision of him. Widely remembered as one of our worst Presidents, he is a man who was either above the sway and influence of partisan politics or a man who was simply wildly inconsistent and too stubborn to make any attempt at political diplomacy.

Johnson, a Southerner who sided with the North, was a War Democrat who was just unpredictable enough that the Radicals considered him an ally before he assumed office in the wake of an assassination. He held the office he previously occupied less on the basis of merit and more because he was the picture of compromise to a nation that Lincoln hoped would soon be reunited.

The American Republic was founded as an experiment in real democracy, a purer form of representative government than Republican Rome or Ancient Greece. The American Republic was by no means all-inclusive; it would take the passing of two centuries for America to begin to assume the appearance of a democratic-republic with equal rights for its citizenry. The glowering fault of the American experience stands out in the tradition of chattel slavery, and even after emancipation, the long history of the disenfranchisement of African-Americans, particularly in the southern states, appears as an embarrassment.

The impeachment of Andrew Johnson came as a direct result of the political mire of the 1800's to that point, a period of American history known as the Antebellum Era and colored by extreme sectional conflict that grew steadily until war broke out. A popular explanation for this war is the existence of the system of slavery in the South, but as many prominent historians suggest, the reason for the war was the national divide along sectional lines, a separation strongly tied to slavery but not in a singular or fully exclusive manner. As one group of historians put it: "while slavery and its various and multifaceted discontents were the primary cause of disunion, it was disunion itself that sparked the war."²

Regardless of whether or not slavery was the main reason for the conflict between the North and the South, slavery certainly played an increasing role as the war went on, with the Emancipation Proclamation of 1863 placing slavery as an issue directly in the forefront of the conflict. As the war was ending, Congress passed the 13th Amendment, and on December 6th 1865 it was finally ratified by the states, and thus slavery ended forever, as was the Confederacy that it had sustained. The old South lay in ruins, ready to be reconstructed and rejoined into the Union that now occupied it. The North had suffered great loss of life and property as well, but it was an industrial giant, ready to surge forward into a new era of expansion and prosperity. The old United States was no more; the guns of Sumter had signaled the coming of a conflict that would end with either

² Walsh, David A. "Highlights from the 2011 Annual Meeting of the Organization of American Historians in Houston, Texas" *History News Network*. Walsh is summarizing the conclusions of a panel consisting of Elizabeth R. Varon, Bruce Levine, Marc Egnal, and chaired by Michael Holt

preservation or destruction for the old order. Destruction had come, but now the fate of the once-again new nation had to be decided. The battles were over, but now America would be re-forged in the House and the Senate, and in the offices of the White House.

Reconstruction was the second founding, a crucible for the American idea of government for and by the people. The Civil War was preceded by a long period of discord in the country, and was followed by a confused period of Reconstruction, the after-effects of which would color the direction of the United States for decades to come. The 19th century political landscape through Reconstruction was marked by a deep sectional divide, as well as by great philosophical division on the nature and scope of the Federal government and the rights of states, both of which underscored the long debate about slavery in the United States. The roots of this debate among the states themselves, and the states and the federal government are essential to modern understanding of the impeachment proceedings against Andrew Johnson and to the political conflict that led to his trial before the Senate. Nothing happens in a vacuum, and certainly when looking at Reconstruction and all the upheaval surrounding it, it is wise to begin far earlier in American history in order to gain a complete view of the situation.

The events of Reconstruction and the Johnson Presidency are rooted in the preceding Civil War, and so it becomes necessary to consider not just the war itself, but what led to the Civil War. The Civil War could have come about only as a result of a deep sectional divide, extending beyond considering the

morality of the slave system. This sectional divide is about more than the lines between states, or the slave system in the South, it extended also into political parties, religious denominations and the fabric of society itself, “brother against brother” as the conflict is often described. This sectional separation, in particular its consequences for the political parties in operation during the decades leading up to the Civil War, is essential to better understanding the context of Andrew Johnson’s political conflicts with the Radical Republicans.

Slavery had existed in the Americas beginning almost from their initial settlement. In the American colonies slavery was less popular in the North, with its puritanical culture, and settlers who relied on efforts as small farmers and tradesmen to make a living. Colonists (the Pilgrims) originally arrived in New England for religious reasons, not for profit, making slavery less of a cultural commodity. Additionally the climate in New England was not so conducive to large-scale agriculture as was true in the Mid-Atlantic and South. The earliest settled colony in the New World, Virginia, was founded by a different sort, men of joint-stock companies in London who sought to profit from the New World. These profiteers soon realized the potential profit in cash crops, particularly tobacco. Tobacco provided lucrative profits but it is a highly labor intensive crop to grow, necessitating a large and readily available workforce³. During the initial colonization of America, indentured servitude was extremely common, and historians estimate that half of all the early white immigrants to the New World

³ Rhys, Isaac. *The Transformation of Virginia 1740–1790*, (Chapel Hill, University of North Carolina Press, 1999) pp. 22–23

arrived as indentured servants.⁴ By the arrival of the 18th century, chattel slavery of Africans had surpassed white (and black) indentured servants as the most popular form of labor on the plantations.

For the better part of a century the slave system developed; there were no laws that formally regulated slavery as the trend began, but as the practice rapidly expanded, southern society coalesced around the institution of slavery and quickly it became *de rigueur* for life in the South. Slavery grew at a rate faster than the free population of the colonies; South Carolina for example, by 1720 had a population that was 65% enslaved.⁵ These slaves typically worked on large plantations that grew cash crops such as tobacco, cotton, rice, and indigo. By the time of the American Revolution, the slave system was the firm bedrock of the southern economy, and the increasing divergence between the sections began to cause tension in the colonies. Among those already troubled was Josiah Quincy Jr., a young Patriot lawyer, wrote in 1773 about slavery and the sectional divide in the colonies, at this time three years away from splitting with Britain. Quincy was on a tour of the southern states, to improve his failing health and also to help establish inter-colonial communication networks in case troubles with the British escalated. During this time he recorded his experiences

⁴ Hofstadter, Richard. *America at 1750: A Social Portrait*. (New York: Vintage Books, 1971) pp. 164

⁵ Trinkley, M. "Growth of South Carolina's Slave Population" *South Carolina Information Highway*. retrieved March 1, 2014.
<http://www.sciway.net/afam/slavery/population.html>

which he called his “southern journal”.⁶ In his observations, Quincy notes the wide cultural divide between these southern colonies and his home in Massachusetts and even finer differences between the individual southern colonies that he visits.

Quincy makes numerous disparaging observations critical of slavery and the culture that it sustained, and he constantly considers the potential it holds for disunity, while he expresses a fear that rather than worrying about tyranny from Britain, southerners expended their energy in the use of slaves, “Their fiercer passion seem to be employed upon their slaves.”⁷ Quincy recants his initial fear of disunion over slavery as tensions with Britain rise, stating that if a union between the colonies was ever established, it would be “invincible”.⁸ Probably to Quincy, faced with the task of uniting the colonies in the face of potential conflict with Britain, both complete union and then further disunion seemed like distant goals. Still, it is surprising to hear him express concern, especially so early in the lifespan of the American nation, over the ability of strikingly different cultures present within the colonies to join together and survive.

The slavery debate would not reach fever pitch until the nineteenth century, and as the colonies became the United States, the slavery issue, already divided along regional lines, was allowed to languish in favor of more

⁶ Coquilette, Daniel R. “ Sectionalism, Slavery, and the Threat of War in Josiah Quincy Jr.'s 1773 "Southern Journal"” *The New England Quarterly*, Vol. 79, No. 2 (Jun., 2006), pp. 181-201

⁷Ibid., 184.

⁸ Ibid., 183.

pressing issues of independence. As the new nation adopted a constitution, slavery was largely ignored in order to avoid potential conflict. The Constitution of the United States contains several oblique references to slavery, tacitly confirming the practice, in particular in Section 2 of Article I, the infamous 3/5 compromise. As the nation continued to grow, and the debates of the Revolutionary generation resolved themselves gradually, new distinctions and division began to permeate the young nation. Coinciding with the increasing sectional tensions, new political parties rose and fell, and the American political landscape began to take on new shape.

Shortly after the Constitution was passed on to the people of the United States for ratification, an invention arrived that would further cement the slave system's hold on the South and in turn further divide the country along sectional lines. This invention was the cotton gin, created in 1790 by Eli Whitney. This invention made the production of cotton the major activity of the agrarian South, exporting 75% of the World's cotton by 1860.⁹ This increase in the cotton trade is directly linked to a massive increase in the number of slaves present in the American South, rising from around 700,000 in 1790 to 3.2 million in 1850.¹⁰ This increase in cotton export touched almost every facet of Southern life and

⁹ Yafa, Stephen H. *Big Cotton: How A Humble Fiber Created Fortunes, Wrecked Civilizations, and Put America on the Map* (New York: Viking Adult, 2004) p. 21

¹⁰ Smith, N. Jeremy. "Making Cotton King". *World Trade*. July 2009, Vol. 22, Is. 7, p. 82.

society, cementing the agrarian tradition to the South and fostering a long-existing aristocracy of planters who controlled Southern politics.¹¹

Any doubts about the supremacy of the plantation culture in the South can be dispelled by looking at the political controversies in the 19th century. The first major national crisis that drew on sectional tensions and enmities was the nullification crisis created by the controversial “Tariff of Abominations” as the Tariff of 1828 was called by those who opposed it, mainly southerners, with South Carolina leading the opposition. This Tariff was vigorously opposed by Presidential hopeful John C. Calhoun, who planned to resign the Vice Presidency in order to run for the Senate where he could more ably promoted nullification of the Tariff.¹²

Calhoun’s resignation was prevented by the signing of an 1832 Tariff, but the signing still did not sate the South Carolinian’s ferocity and he did not return to the Vice-Presidency in 1832. The tensions increased when South Carolina nullified the new tariff and the Force Bill, a bill that granted President Jackson the right to use force to compel South Carolina to comply. Crisis was averted by the proposal of a Compromise Tariff of 1833 that allowed both sides to save face. The sectional wounds from that conflict would not soon heal however, with many Southerners beginning to feel edged out of national politics by Northern interests. Not surprisingly the first state to secede from the Union would be South Carolina,

¹¹ Moore, Barrington. *Social Origins of Dictatorship and Democracy*. (Boston: Beacon Press, Reprint edition 1993), p. 117

¹² Craven, Avery. *The Coming of the Civil War*. (Chicago: University of Chicago Press 1957) pg. 65

passing the Ordinance of Secession on December 20, 1860, and quickly adding a document to explain their frustration over perceived unconstitutionality called the, "Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union".¹³¹⁴

The South began to feel increasingly isolated and under attack as the North industrialized and grew; their model of small farms, trade, and manufacturing attracted far more immigrants than did the Southern system, and as a result the North wielded increasing influence over the direction of the nation. The South became defensive in their rhetoric and political maneuvering; their feelings of isolation became manifest in increasingly contentious dialogue with the North. The legislature was racked with divisive issues and aggressive rhetoric on both sides. The infamous caning of Senator Charles Sumner of Massachusetts by Preston Brooks of South Carolina over an anti-slavery speech offers a prime example of the depth of enmity that had arisen over time in the Senate.¹⁵

Another example of the nearly irreparable divide present in the United States by the 1850's comes from a speech entitled "Cotton is King" delivered to the Senate by James Henry Hammond in 1858. Senator Hammond's speech is a case for the Senate on the nature of a conflict between the North and South and

¹³ Freehling, William W. *Prelude to Civil War: The Nullification Crisis in South Carolina 1816-1836*. (Oxford: Oxford University Press, 1965)

¹⁴ Niven, John. *John C. Calhoun and the Price of Union*. (Baton Rouge: Louisiana State University Press, 1988)

¹⁵ Puleo, Stephen. *The Caning: The Assault that Drove America to Civil War*. (Yardley, PA: Westholme Publishing, 2013)

the reasons why the South would triumph over the North, reasons predicated upon the supremacy of cotton as an agricultural staple. Hammond delivers several warnings to the North about potential war:

“At any time, the South can raise, equip, and maintain in the field, a larger army than any Power of the earth can send against her, and an army of soldiers -- men brought up on horseback, with guns in their hands.” Hammond also warns the North that more than soldiers protect the South, the market for cotton does as well, without which, “England would topple headlong and carry the whole civilized world with her, save the South. No, you dare not make war on cotton. No power on earth dares to make war upon it. Cotton is king.”¹⁶

It is hard to believe that a Senator in the United States could stand and deliver a speech to a body of lawmakers while he openly and enthusiastically described a war between the two halves of the nation represented in the room. This nationalistic tendency of sectionalism prompted actions such as the “Bloody Kansas” conflict and John Brown’s Harpers Ferry insurrection. The specter of violence had become very real, and even comfortable in the rampantly compartmentalized nation. Hammond’s blatant assurance of the supremacy of the Southern way of life and of the world’s dependence on the South is a good example of the defensive culture that had arisen in the South. There was no consideration of an alternative for the South; they would defend their way of life at all costs and take a position that would prove as problematic for the North as it was for the South.

¹⁶ Hammond, James Henry. “Cotton is King” (speech, Washington D.C., March 4, 1858) Sewanee University, <http://www.sewanee.edu/faculty/willis/CivilWar/documents/HammondCotton.html>

This political dominance in the South created an establishment separate from slavery but undeniably reliant on the slave system for sustenance. The North was forced to find ways to respond to this Southern political machine whose sole purpose was the propagation of Southern culture. Faced with this seemingly immovable obstacle, Northern politicians scrambled to find ways to contend with this massive problem. Various groups advocated different strategies, and as the nineteenth century progressed, the traditional two-party system showed significant breakdown. National parties rose and fell in part because of the obstinate political machine created by the slave system helped to create. The 1850's saw the emergence of the Republican party that would come to hold the North, albeit with a strong Democratic minority. The Democratic party was divided between North and South, with Southern Democrats staunchly defending the Southern values against Northern incursion. In the election of 1860 the Southern Democrats held a ticket separate from their Northern counterparts after a mass walkout of Southern Delegates from the 1860 Democratic Convention following the rejection by Northern Democrats of a pro-slavery platform.¹⁷

This basis of separation is the means by which the country would divide itself; the Southern slave system had borne itself out into a full-fledged political monopoly that sought to preserve the Southern way of life at all costs. This monopoly pushed the Northern political entities to choose means by which to dismantle the Southern stranglehold and then divide themselves along which

¹⁷ Catton, Bruce. *The Coming Fury*. (New York: Doubleday, 1961) pp. 37–40

course of action seemed best. There occurred the Republican party significant division on how best to approach the problem of the South, and the more extreme elements of this new party became known as the Radical Republicans, almost a party unto itself by the time the war ended. The sectional divide in the United States had been building since its inception, and the political discord of the 19th century combined with and predicated upon the entrenchment of slavery as the foundation of the political, social, and economic framework of the South only served further to widen the nation's fracture. Andrew Johnson and the Radical Republicans both appear as good examples of the fruits of this division, and the dramatic events of the 1850s and 1860s would serve only to exacerbate the political chasm in the United States.

CHAPTER FIVE

The Trials of Reconstruction

The sectional conflict in the United States had been brewing ever since the foundation of the colonies. As the two distinct sections formed in the nation, every national social institution was forced to demarcate along sectional and ideological (often the same thing) lines as well. From religious movements to political parties to families, nothing in America escaped the schism that had festered in the United States for quite some time. Of all the topics in U.S. history, the time period that has most captured the imaginations of American society is probably the Civil War. Obviously one of the more dramatic and costly events in American history, it is a topic that has boundless information and commentary available on it, and as a result is very difficult to speak to on a practical and appropriately engaging level. The analyses given to the Antebellum/Civil War/Reconstruction periods in this contribution are focused not on the wider eras themselves, but rather as they constitute the roots of the impeachment proceedings against Andrew Johnson. This chapter does not offer an exhaustive treatment of the time period and its subtleties but instead appropriate background and analysis of the impeachment of Andrew Johnson.

The sectional divide carried with it so many satellite issues, not only slavery but also many issues of governmental authority: national direction, the national economy, and various disputes under the umbrella of federalism. As the 1850's began, the United States was more fractured than ever, having dealt with

overt sectional conflict dating back to the Presidency of Andrew Jackson. The 1850's saw the passage of several pieces of contentious legislation, the weakly conciliatory Compromise of 1850, the highly controversial Kansas-Nebraska Act of 1854, and the resultant initiation of the "Bleeding Kansas" conflict. The sectional tensions continued to worsen and the pervasive feeling of the time, as evidenced by the Hammond "Cotton is King" speech in 1858, was that war was increasingly likely to resolve the political deadlock.

The Republican Party rose from the ashes of the Missouri Compromise as it was repealed by the Kansas-Nebraska Act of 1854,¹ and the role that this party would come to play in the initiation of the Civil War and then later also in the attempted removal of Andrew Johnson is pivotal. The Missouri Compromise was written in 1820 with the purpose of keeping slavery out of the territory of the Louisiana Purchase by drawing a line at the 30' of the 36th parallel. Slavery was barred from the territory north of that line, with the exception of the territory of Missouri. This legislation caused the western portions of the country to follow the demarcations already present in the rest of the nation, and as Thomas Jefferson would write in 1820,

"But this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. it is hushed indeed for the moment. but this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry

¹ Gould, Lewis (2003). *Grand Old Party: A History of the Republicans*. (New York: Random House, 2003) pp. 8

passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper.”²

The plague of sectionalism was not soothed but intensified by this compromise, and it would not even come close to alleviating sectional tensions, as the nullification crisis would display a mere decade later. After the turmoil of the nullification crisis and the onerous Force Bill of 1833 that brought it to an end, the nation continued its unhappy marriage through the remainder of the 1830’s and 1840’s.

With the arrival of the 1850’s came a storm of new controversy and legislation, and clearly while that the compromises of the past may have delayed civil war but in the end they were unable to prevent it. The theme supporting the continued discord in the country was the blunt impossibility of resolution, because the issue at hand was not a mere constitutional disagreement or a difference in economic preference: it was a fundamental conflict, a war between two ways of life that could no longer exist within the same political bond.

The new decade was inaugurated by the Compromise of 1850 that settled the disputes caused by the ending of the Mexican War and the subsequent acquisition of the territory ceded by Mexico. The Westward expansion became a persistent problem in the fragile balance of sectional power that had developed as the 19th century wore on, and with the addition of large swaths of new territory the ability to maintain (effectively and cooperatively) the balance was of paramount importance. Many of the finest political minds arose in

² Jefferson, Thomas “Thomas Jefferson to John Holmes”, (letter, April 22, 1820) *Library of Congress*, <http://www.loc.gov/exhibits/jefferson/159.html>

the antebellum period on both sides of the slavery issue. Among these rank names like John Quincy Adams, Daniel Webster, Henry Clay, John C. Calhoun, Stephen Douglas, Henry Seward, and Abraham Lincoln. The antebellum period was a ticking time bomb; the nation was in a perpetual state of tension, and as a result intelligent men rose to the occasion in order to guide the country along a difficult path.

The Compromise of 1850 was a success, one of the more effective moments of 1850's politics, but the peace would not be lasting.³ Already the Whig party had suffered its final wounds and would soon be replaced with solid Democratic majorities in the South and firm (and recently formulated) Republican majorities in the North. The Republicans would arise from the firestorm of controversy surrounding the Kansas-Nebraska Act, and it is widely recognized that the rise of the Republican party is the final straw in the long-running tension between the North and South.^{4 5}

The Kansas-Nebraska Act was the brainchild of Stephen Douglas, Lincoln's opponent in the famous Lincoln-Douglas debates. Douglas is mostly remembered now for the contests with Lincoln, but he was a formidable politician in his own right. Douglas was an ardent Democrat and one of the leaders of the

³ Remini, Robert. *At the Edge of the Precipice: Henry Clay and the Compromise That Saved the Union* (New York, Basic Books, 2010) pp. 41

⁴ Belz, Herman. "Lincoln's Construction of the Executive Power in the Secession Crisis" *Journal of the Abraham Lincoln Association*, Vol. 27, No. 1 (Winter, 2006), pp. 13-38, pp. 14

⁵ Holt, Michael F. *The Political Crisis of the 1850s*. (New York: W. W. Norton & Company, revised edition 1983) pp. 11

party in the Senate in the 1850's. Douglas' overriding political philosophy was that of popular sovereignty, the idea that the people should determine their government and its direction. When it came to the debate over slavery Douglas believed that the people themselves should determine the presence of slavery in the territories, not compromises engineered by the Federal Government. Douglas in a speech in Chicago in 1858 enumerated this idea of popular sovereignty:

"It is an expression of your devotion to that great principle of self-government, to which my life for many years past has been, and in the future will be, devoted. If there is any one principle dearer and more sacred than all others in free governments, it is that which asserts the exclusive right of a free people to form and adopt their own fundamental law, and to manage and regulate their own internal affairs and domestic institution"⁶

Douglas passionately believed in the rights of the people to determine the society in which they live. With this principle in mind he was the chief designer of the Kansas-Nebraska Act that repealed many portions of the Missouri Compromise and was wildly unsuccessful as opposed to the recent Compromise of 1850 which was supported by both sections. The introduction of popular sovereignty into the slavery debate was disastrous in the new territory of Kansas, as out-of-state elements from both sides rushed into the state to sway the vote, leading to the infamous "Bleeding Kansas" precursor to the Civil War.⁷

⁶ Douglas, Stephen. "Speech of Senator Douglas, On the occasion of His Public Reception at Chicago, Friday Evening, July 9, 1858. Section 2. *Bartleby.com*. Retrieved March 5th, 2014. <http://www.bartleby.com/251/1002.html>.

⁷ Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era*. (Lawrence: University Press of Kansas, 2004) pp. 35

While Douglas' respect for the rights of the individual is admirable, the effects of the Kansas-Nebraska Act show how far gone the country was. The chief lesson of the situation in Kansas is that the American people as a whole had lost interest in the ideal of popular sovereignty. Had the nation been as concerned with that as was Douglas, doubtless the implementation of the new system in Kansas would have been smoother and less violent. Apparently few Americans cared about the autonomous choice of the citizens of Kansas, and preferred to ensure that their particular ideology secured enough votes in the state to tip it their way. As is evidenced by Kansas in the 1850's, sectionalism had replaced sovereignty as the chief concern of the American citizen. Significantly Hammond's speech, already considered several times, was given in response to the drafting of the Lecompton Constitution, the anti-slavery constitution written during the conflict in Kansas: such was the force of the dispute in the territory.

The highly sectional response to the Kansas-Nebraska Act also belied one important truth about the national predicament in the 1850's, something that had been a theme dating back to Article 6 of the Northwest Ordinance of 1790, which enumerated the following stipulation:

Art. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed

and conveyed to the person claiming his or her labor or service as aforesaid.⁸

The purpose of this article a half-dozen decades prior to the Compromise of 1850 is nonetheless almost identical to the spirit of that Compromise, as well as echoing the passions present in the Kansas conflict: the imperative in this situation was maintaining a balance between the slave states and the free. The Founding Fathers involved in the Northwest Ordinance knew that it was important to limit the spread of slavery lest it lead to further division in the nation. The compromisers of the 19th century understood that in order to maintain peace, the expansion of slavery must be limited, although both sections⁹ wished to export their way of life to new territories. The conflict in Kansas is the logical conclusion from the combination of this simple political strategy with Douglas' virtue of popular sovereignty. The people of Kansas and those who came to Kansas to help sway the vote all acted logically and predictably in the interests of their section to increase its influence, and the democratic ideals they were acting under were powerless to do anything but spur them on to greater aggression in the prosecution of that conflict.

If one thing became abundantly clear through the disaster that was the Kansas-Nebraska Act it was the notion that the spread of slavery would be the

⁸ "An Ordinance for the Government of the Territory of the United States, Northwest of the River Ohio." Article 6. *Library of Congress*. Retrieved March 5th, 2014.

⁹ Not for the first time, the terms "section" and "ideology" are used nearly interchangeably. Certainly there are dissenters on either side of the Mason-Dixon line, however it is a very safe rule of thumb to identify the South with the slave-system and the North with an anti-slavery position, particularly after the rise of the Republican Party.

determining factor in its longevity. Whichever side could emerge the victor in the disputes over how slavery would be settled in the territories would then control its own destiny. Slavery being adopted nationwide was never an option, rather the debate was over the persistence of slavery in the southern United States and the viability of its spread to the West. The North and South were both acutely aware that whoever owned the West would have the ability to decide the nation's future. For the Southerners, not so far removed from the privations they faced from the "Tariff of Abominations" and the resulting Force Bill to end the Nullification Crisis, realized that a loss of significant national influence would mean the end of their way of life.

The cultural nature for the sectional conflict accounts for the harsh measures desired by the Radical Republicans against the former-Confederate states in the aftermath of the war. These Radicals were fighting not just to end slavery or to more clearly define the Federal role in government; they were fighting a way of life, a system that was founded on slavery, but was not explicitly defined by the practice. We see in the Confederacy men like Robert E. Lee, notably not a proponent of the slave system;¹⁰ indeed, Lee was a man sought by Abraham Lincoln to lead the Union troops, such was his appeal to both sections. But during, and even still after the war, Lee advocated for the South, not for love of slavery, but for the filial loyalty that he felt as a son of the South, and as a product of its way of life. Lee, following the war, became a prime advocate of the

¹⁰ "In this enlightened age, there are few I believe, but what will acknowledge, that slavery as an institution, is a moral & political evil in any Country." From a letter to his wife Mary Anne Lee, 27 December 1856 (www.fair-use.org)

“Lost Cause” explanation for the war, seeing it more as a cultural contest than one of morality.¹¹ This distinctive explains why the Radical Republicans felt compelled to restrict further the Southern States even after their defeat; their goal was a complete restructuring of Southern society, and they feared continuity in any Southern identity after the war. Lee opposed the Radicals amending Johnson’s Reconstruction plan (heavily influenced by the plans of Lincoln) and even testified before Congress against changing the more lenient Reconstruction policies of Johnson.¹²

The Anti-Slavery movement had been steadily increasing in influence as the 19th century progressed, but it blossomed into a full-fledged political movement with the rise of the Republican Party, whose slogan was: Free Soil, Free Labor, Free Men”.¹³ The Whig party crumbled in the face of the Democrats, Northern and Southern, and, as a result, a massive partisan realignment began in the early 1850’s. The Republican party grew from an amalgam of different groups, all Anti-Democrats, but with various strains of other political ideology

¹¹ “The architects of the Lost Cause acted from various motives. They collectively sought to justify their own actions and allow themselves and other former Confederates to find something positive in all-encompassing failure. They also wanted to provide their children and future generations of white Southerners with a 'correct' narrative of the war.” Gallagher, Gary W. and Alan T. Nolan (ed.), *The Myth of the Lost Cause and Civil War History* (Bloomington: Indiana University Press, reprint edition 2010) pp. 1

¹² Fellman, Michael. *The Making of Robert E. Lee*. (New York: Random House, 2000) pp. 265

¹³ Foner, Eric *Free soil, free labor, free men: the ideology of the Republican Party before the Civil War*. (New York: Oxford University Press, USA, 1995)

running through each group, often to the detriment of the new party as a whole.¹⁴

This tendency provides the basis for the existence of the Radical Republicans who so opposed and frustrated Andrew Johnson's Presidency.

The Republican Party developed more as a means to power than from any solid ideological movement. The main political philosophy of the Republican Party was to seize control of the national government, and undergirding that notion was the simple idea: slavery had to end.¹⁵ The meteoric rise of the Republican Party can be attributed both to its singular overarching goal and to the desperate times of the 1850's, although a separate consequence of the fast rise of the Republican Party was the failure to develop strong party leadership, hence the division between factions in the Party.

The Republican Party, from its inception was viewed as a radical force in national politics, in part because of its policies and partly because it was a new party that arose extremely quickly to take a central place on the stage of American political life. Historians point out that due to its early fragmented and disjointed nature¹⁶, The Republican Party should be viewed more as a protest movement and less as a party.¹⁷ Their motto of "Free Soil, Free Labor, Free

¹⁴ Gienapp, William E. "Nativism and the Creation of a Republican Majority in the North before the Civil War" *Journal of American History*, 72 (1985) pp.531

¹⁵ Heiny, Louisa M.A., "Radical Abolitionist Influence on Federalism and the Fourteenth Amendment" *The American Journal of Legal History*

¹⁶ "early" is a bit misleading here, the party had a President in office after only entering one previous election.

¹⁷ Silbey, Joel H. "After 'The First Northern Victory': The Republican Party comes to Congress, 1855-1856" *The Journal of Interdisciplinary History*, 10, pp. 1-24.

Men.” bluntly refutes everything upon which the slave-system and Southern culture was built. Naturally the threat of the Republicans was taken seriously in the South, so seriously in fact that Lincoln, as the 1860 Republican candidate, was not even present on the ballot of most Southern states. Lincoln would carry the 1860 election however, a four-way affair that was the most pivotal election in history up to that point.

The Republican Party remained divided through the course of the war, with a Radical faction that gained strength as the country was weakened by the prolonged Civil War. The Radical faction of the Republican Party had a dubious public reputation, often portrayed as cruel and contentious; Republicans are often seen as trying to punish the slave system through harsh Reconstruction policies. This view has come to be opposed by a number of historians, notably Eric Foner.¹⁸ At any rate, the reason for the hardline stance on Reconstruction notwithstanding, the Republicans sought to end the South’s long-running campaign to preserve and expand slavery. How best to end the practice of slavery, and how to deal with the resulting fracture of the South, would remain an ongoing debate within the Republican Party.

The Radical Republican faction was the most aggressive in its policies towards the South, although the prefix “Radical” is not derived solely from their hardline stance towards the states that seceded from the Union, but also from these men’s stance on a number of satellite issues that cropped up alongside the

¹⁸ Foner, Eric. “Reconstruction Revisited”, *Reviews in American History*, 10 (1982) pp.82-100

quintessential Republican question over slavery. They were a naturally contentious group, opposed to moderate and conservative Republicans during the war, those factions having found a champion in Abraham Lincoln. The Radicals were exacting in their demands for war reparations and in their policies for re-admittance into the Union for ex-confederates, and they strongly supported equal civil rights and voting rights for freedmen.¹⁹ Charles Sumner was the author of the legislation creating the Freedmen's bureau, which Lincoln supported, offering evidence of his ability to mediate the various groups within the Republican Party. The factions of the Republican Party were never formally organized, and there was fluctuation among those who were aligned with either the Radical, Liberal, or Conservative wing of the Party.

As the war ended and Lincoln furthered his plans for Reconstruction, it became clear that the growing divide in the Republican Party would bring conflict over Reconstruction. The plans of Lincoln, which would be later adopted by Johnson, were directed towards reconciliation and the restoration of Union. The Union had long been the great concern of Lincoln, and his stated position towards the end of the war was one of healing and reunion.²⁰ The plans of

¹⁹ Treffouse, Hans. L. , *Historical Dictionary of Reconstruction*. (Westport, Connecticut: Greenwood Press, 1991), pp. 175–176.

²⁰ "With malice toward none, with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan — to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations." Lincoln, Abraham. "Second Inaugural Address" (speech, March 4, 1865). *The Avalon Project*, http://avalon.law.yale.edu/19th_century/lincoln2.asp

Stevens and the other leading Radicals, had a different set of goals in mind, namely to “revolutionize Southern institutions, habits, and manners... The foundations of their institutions... must be broken up and relaid, or all our blood and treasure have been spent in vain.”²¹ Lincoln initiated Reconstruction in 1863 with the introduction of his lenient “Ten-Percent Plan”, which asked that only 10% of the voting population in a seceded state vote to re-join the Union before they were admitted. The plan also required that state to observe the legality of the Emancipation Proclamation instituted in all rebellious states that same year.

Reconstruction was a time not only of resolving conflict but also a time of conflict unto itself as different factions in the government scrambled for position in the national realignment. On April 14, 1865, a talented young actor shot Mr. Lincoln as he watched a play with his wife, a mere five days after Lee’s final surrender at Appomattox. Abraham Lincoln died the next day, and with his death, the Reconstruction debate experienced a great paradigm shift, and all eyes would now turn to the most unlikely of candidates, the tailor Andrew Johnson.

Andrew Johnson was unique, a Southerner who sided with the North, a Democrat who staunchly supported the war, a tailor who would become one of the most unpopular Presidents ever to hold the office. Johnson was born into a poor family in North Carolina, and in his early life he moved around the frontier several times working as a tailor until he settled in Tennessee. He began to become active as a local politician, and in 1835 he first was elected to the

²¹ Foner, Eric. “Thaddeus Stevens and the Imperfect Republic” Vol. 60, No. 2 (April 1993) *Pennsylvania Histories* pp. 146

Tennessee House of Representatives. In 1843 he was elected to his first of two terms in Congress; after that he served as Governor of Tennessee, and following that term he became a United States Senator. As the states began to secede from the Union, Johnson remained a staunch Unionist, giving a speech in the Senate calling for Southern Senators to remain in the legislature if secession occurred. Secession did occur and he remained the only Southern Senator to hold his seat, garnering him a modicum of note and influence for being the last man standing. As the war progressed Johnson was chosen by Lincoln to become the Military Governor of Tennessee, which had been largely retaken by 1862 when Lincoln chose him for the office.^{22 23}

As the 1864 election neared, Johnson emerged as an excellent candidate to oversee the reconciliation that Lincoln so desperately sought. Johnson was a War Democrat and therefore highly preferable to the Republican Lincoln (moderate Republican though he was), and with these qualities, merits of identity rather than overt talent, Johnson became Vice-President. This assessment is not to say that Johnson was incompetent: he had impressed Lincoln in his governorship, and his prior record as a Senator was also respectable, although there were certainly other men who might have received the spot on Lincoln's ticket.²⁴ The election of 1864 would go in Lincoln's favor without much struggle,

²² Castel, Albert *"The Presidency of Andrew Johnson"* (Lawrence: University Press of Kansas, 1979) pp. 73

²³ Trefousse, Hans L. *"Andrew Johnson: A Biography"* (New York: W.W. Norton & Company, 1991)

²⁴ Castel, p. 9

and his thoughts became increasingly focused on Reconstruction as the war progressed.

The tradition that remembers Andrew Johnson as an incompetent lout deserving of all the ridicule he received does not seem to be the story of his entire career, but the tradition of incompetence certainly begins in earnest, literally, as he assumes the Vice-Presidency. By many accounts Johnson was under the influence as he was sworn in as Vice-President, which was extremely embarrassing for the newly elected Johnson, and he endured great public ridicule over the incident. Whether Johnson was actually drunk, sick, or perhaps just nervous is irrelevant because the prevailing opinion was that Johnson was inebriated, prompting Lincoln to comment, "I have known Andy Johnson for many years; he made a bad slip the other day, but you need not be scared; Andy ain't a drunkard".²⁵

As victory for the Union neared, Lincoln's battle with the Radicals had become more pronounced, as the Radicals' numbers and influence had increased with the war's duration and severity. With Lincoln's assassination, the Reconstruction envisioned by the deceased President, a lenient policy of quick re-admittance and minimal reparation, was absorbed by Johnson, a turn of events that came as a surprise to the Radical Republicans who saw in the ascendancy of Johnson a hope of support for their cause.

As he assumed the Presidency, Johnson was left to blend the diverse attitudes towards the South into a coherent plan of Reconstruction. Following the

²⁵ Trefousse, pp. 191

spirit of Lincoln's plan, which had never formally been written, Johnson enjoyed solid support in his early measures regarding the re-admission of rebel states and pardons for rebel soldiers. As the areas of consensus were quickly dealt with, looming conflicts like rights for freedmen (the point of divergence for many Radical Republicans with their Moderate Republican and Democratic counterparts) and the seating of Southern Senators, mostly former and unrepentant Confederates, was enough to end the period of calm Johnson had enjoyed. With the rapid re-admission of states, and the election of Senators from these new states, the Republicans saw their slim majority severely threatened.²⁶ If the Radicals could extend voting rights to all freed slaves, they could hope to stymie the election of belligerent Southerners to Congress, preserving their power and ensuring the survival of their future plans for the nation. Under Johnson's policy of leniency however, the new states were already passing the Black Codes to limit the rights of freedmen and preserve a semblance of the old South.²⁷ The priority for the Radicals then was to limit the power of Johnson and cement the Republican majority before too many Southern Democrats were elected to Congress by their newly-formed state legislatures.

Tensions with Johnson increased when he vetoed bills sponsored by Moderate Republicans seeking to protect the rights of African-Americans, an interest shared by Moderates and Radicals alike. Johnson was now firmly reviled by Republicans as he began to be increasingly admired by Southerners. On the

²⁶ Castel, 48-60

²⁷ Ibid.

birthday of George Washington he gave a disastrous impromptu speech when he stated that he could not extend a hand of reconciliation to certain Northerners who did not desire Union, as he could to former rebels who did. Johnson compounded the insult by naming names of Congressmen to whom he was referring, including those of Thaddeus Stevens and Charles Sumner, the men who would later champion his impeachment.²⁸ From this point, it was open war with the Republicans, and Congress soon overrode the Presidential veto on the Civil Rights Bill of 1866, the first time in history that the Presidential veto was overridden.²⁹ Many modern analysts consider this veto Johnson's greatest mistake, although it would not be his last.

Now all clearly saw that Johnson had isolated himself, and instead of attempting reconciliation, Johnson became increasingly aggressive. The Fourteenth Amendment and several other pieces of Republican legislation passed in spite of Johnson's displeasure; the Amendment, of course, went to the states for ratification. In order to combat the looming Republican majority that could have been achieved in the 1866 midterm elections, Johnson engaged in a national tour to rally support for his platform. This tour, called the "Swing 'Round the Circle" was a disaster; Johnson was not a great orator, and he was frequently baited into altercations with hecklers, reinforcing his new image as belligerent and incompetent. As a result of this blunder, combined with Johnson's recent impotence in Congress, the Radical Republicans made sweeping gains in the

²⁸ Trefousse, 263

²⁹ *ibid.*

1866 election. Among the host of legislation that this new, emboldened Congress passed was the Tenure of Office Act, an act passed over Johnson's veto directly in response to the "Swing 'Round the Circle" where Johnson threatened to remove dissenting Cabinet members. The Tenure of Office Act barred the Executive from removing cabinet members without the consent of Congress. Even as the bill was passed there was debate surrounding its constitutionality a debate, which would give Johnson the confidence he needed to oppose the bill when he had the chance.³⁰

On February 24, 1868, Johnson ordered the dismissal of Edwin Stanton, a friend to the Radicals, and Lincoln's Secretary of War. Stanton was one of the men whom the Tenure of Office Act had been designed to protect. In August of 1867 Stanton was suspended by Johnson within the limits of the Tenure of Office Act, although in December Johnson faced a resolution of impeachment that was defeated in the House of Representatives on lack of basis. The situation had festered, and despite the clear disapproval of the Senate, Johnson continued with his removal of Edwin Stanton, who subsequently refused to leave his office. His attempt to remove Stanton offered his adversaries the justification to impeach Andrew Johnson, a move that the Radical Republicans had been waiting for.³¹ The impeachment trial began less than a week later on March 5, 1868.

³⁰ Lomask, Milton, *Andrew Johnson: President on Trial* (New York: Farrar, Straus and Giroux, 1973) pp. 243-291

³¹ *ibid.*

The trial lasted for three months, and was decided three separate times by a vote of 35-19, just one vote short of the required 2/3 majority. The prosecution was led by Thaddeus Stevens, George Boutwell, and Benjamin Butler, all of whom were stalwart Republicans and ardent abolitionists.³² The defense's response to the central charge of the violation of Executive power under the Tenure of Office Act was that the wording of the Act applied to the current administration, and because Lincoln appointed Stanton, it was then legal for Johnson to dismiss him.³³ The result derived from excessive campaigning by Johnson, who made many assurances to more moderate Senators about his post-impeachment Presidency. Some historians attribute the reason for the acquittal votes to fear of Johnson's successor, the extremely radical Benjamin Wade, who supported causes as extreme as women's suffrage, full equality for African-Americans, and some less-than-capitalist policies. He was thus a highly unpleasant choice for most Senators.³⁴ Whether it was political maneuvering, a highly unpopular alternative, or lack of Constitutional foundation for the charges, the Radical prosecution tried only the eleventh, second, and third articles of impeachment, ending the trial after all three were defeated by a single vote.

³² Georges Clemenceau once wrote of Boutwell that he was "too much of a fanatic to command the attention of the Senate, but too honest and sincere for his opinions to be ignored by his party." Clemenceau, Georges. *American Reconstruction* (Cambridge, Massachusetts: Da Capo Press, 1928) pp.178

³³ Trefousse, 315-319.

³⁴ Stewart, David O. *Impeached: the Trial of President Andrew Johnson and the Fight for Lincoln's Legacy* (New York: Simon & Schuster, 2009) pp.156

Johnson would remain President through the 1868 election, and despite his acquittal, he would never recover his reputation. It was not one particular scandal that placed Johnson in his position (Clinton and Nixon are examples of more unified misconduct) but rather the blunt use of Executive power and his non-existent attempts at consensus building. Johnson was no diplomat, and although Lincoln also seemed to possess a very liberal view of the limits of Executive authority, he was without parallel as a unifier, a talent that can be seen as a simple reason for Lincoln's success and Johnson's failure. The Radical Republicans did not maintain the power and influence they enjoyed at the height of Johnson's presidency, and as the war faded and tensions eased, they faded into obscurity as relics of the Johnson administration.

Interestingly enough, in 1926, *Myers v. United States* would state in the majority opinion that

“After President Johnson's term ended, the injury and invalidity of the Tenure of Office Act in its radical innovation were immediately recognized by the executive and objected to. General Grant, succeeding Mr. Johnson [272 U.S. 52, 168] in the presidency, earnestly recommended in his first message the total repeal of the act...”

In the end, for all his errors, Andrew Johnson was vindicated of the charges against him.

CHAPTER SIX

Conclusion

The comparison of the Catilinarian Conspiracy and the Impeachment of Andrew Johnson is built on the intrinsic similarity in the respective societies where these events transpired. Rome and the United States stand as two of the greatest civilizations the world has ever seen. In future generations America will dominate the history of its era in the same way that the Roman Republic (and later Empire) has come to dominate the modern view of the centuries in which it thrived. Modern America shares a unique kinship with Ancient Rome: both possess an intoxicating blend of power, virtue, and decadence. In the same breath, America can be described as a benevolent, civilizing influence in the world, and also as a world power bent on maintaining status through the imposition of its will on friend and enemy alike. The Romans legacy is equally inconsistent. For the Ancient Romans, a root language, a sprawling network of roads and other architectural feats, and a common intellectual tradition still stand as reminders of the power and reach of the Romans. For America, the presence of a McDonald's in what used to be Red Square, the international recognition and exportation of almost every facet of American consumer culture, the omnipresence of English,(with some help from Britain), as the de facto language of international commerce and diplomacy. These are the American Coliseum of Forum, lasting testimony of the vitality and force of American culture. A sign of the changing world: America did not even have to invade most of those countries

for its culture to leave an imprint on their societies; our economy provided the vehicle for the bulk of our cultural imperialism.

America was founded in a world already besotted with the wisdom of its classical forebears, Greece and Rome. An indicator of the lasting influence of the Romans, Cicero in particular, was the choice of *De Officiis* as the second work ever to be printed using the Gutenberg press; Cicero was the author of what was regarded (behind only the Bible), as the second-most important work in human history.¹ The Declaration of Independence was signed 340 years after the Gutenberg press was invented, and for the Revolutionary generation, the importance of Classical literacy to the educated members of Western society had not diminished. The Founding Fathers knew their Roman and Greek history well: it was an assumed part of a civilized education. The link between Classical culture and the United States is inextinguishable and highly relevant.²

Rome, not Greece, is the more accurate comparison to the United States, in scope, composition, and ambition. As should already be clear, both nations were not spared their times of turmoil, and through both of the crises that this offering has analyzed, common threads run equally between the two. It cannot be said that these periods of time, the Catilinarian Conspiracy and the Impeachment of Andrew Johnson, are identical, or even fully correspondent; they are neither. However, these two historical events are characterized by similar

¹ Grafton, Anthony et. al. *The Classical Tradition* (Cambridge, Massachusetts: Belknap Press, 2010)

² Latimer, John F. "The Classical Tradition in America" (January 1965) *The Classical*, Vol. 58, No. 5. Pp. 76-

themes and issues that could easily be found in some iteration in the problems of our nation today. These themes are the locus of this study, as opposed to an exhaustive analysis of every event and personality associated with these two periods of history. The different time periods present a unique struggle for the analyses, but this diversity strengthens the overall comparison.

The comparison of these two historical events is hindered by an initial difficulty, that of reconciling the distinct personalities of each era. Is Andrew Johnson the American Cicero? Most certainly he is not. But is Johnson a villain in the mold of Catiline? That case is equally difficult to make. Here is the initial divergence of these two situations: there is no strict, analogous comparison between the key figures in each era. Not the events themselves, but the themes, ideas, and concepts behind the events, are of importance. Andrew Johnson needs to represent neither Catiline nor Cicero in order to contrast his presidency with the events of 63 B.C., and vice-versa.

Johnson, like Cicero, has the role of the executive, although unlike Cicero, Johnson was never regarded as a master of oratory or statecraft. Both men inherited a disjointed nation with simmering factional divides. For Cicero, the war of Sulla was comfortably past, although it still echoed heavily in the politics of the day. The Civil War however, in the case of Johnson, was still fresh at hand when his troubles began. Also, the Radical Republicans never formed what could be counted as a “conspiracy” and certainly nothing in the vein of the violent spectacle that Catiline was plotting. In light of this distinction it is tempting to view the American case as the more sophisticated and less brutish of disputes, but

that approach would be a grave error, because the impeachment of Johnson came after a conflict that saw nearly 750,000 soldiers killed, and by an assassin's hand, the death of the President of the United States.³ The immense loss of life in the Civil War makes the Romans begin to seem the more civilized of the two.

Although the Radical Republicans never concocted a plan to murder Johnson and launch subversive attacks on Washington D.C., they certainly still bear similarities to the Catilinarian conspirators. The Radicals in both Rome and the United States were unhappy with the status quo, namely with the way that the social order translated into political power. A great fear of the Radical Republicans was the resurgence of the Democratic Party with the admission of the Southern states back into the Union. The conspirators at the center of Catiline's plans for the overthrow of the Roman government were wealthy men of the senatorial class that for a variety of reasons had been excluded from positions of power in the Roman government, and many also found themselves in great debt. Both groups, Catiline's conspirators and the Republicans, feared and hated the dominance of a certain class. The radicals of Cicero's time were acting from a place of political isolation; in Johnson's time, the Radicals were operating from a position of strength, but also out of fear of eventually losing their political influence to the newly-admitted Democratic states.

Another interesting difference between these crises is that Cicero initiates the Senatorial conflict with Catiline (although obviously this happens because

³ Hacker, J. David. "A Census-based Count of the Civil War Dead" *Civil War Journal*. Vol. 57 No. 4 (December 2011) pp.307-348

Catiline had been acting seditiously outside of the Senate) and for Johnson, because the Senators came after him. The stakes for the impeachment of Johnson are much different from those of the Rome of a victorious Catiline. As much as the Radical Republicans wanted to punish the South, it is impossible to imagine them embarking on a spree of prescription and massacre as Catiline intended. If the Radical Republicans were successful in impeaching Johnson and assuming full control of Reconstruction policy, it is likely that they would have enacted significant reforms regarding the enfranchisement of African-Americans, and this powerful move would either have soothed or further ignited simmering racial tension in the South. The country would probably move in a more liberal direction, as Radical Republicans were likely to move from changing the social fabric of the conquered South to the complete redistribution of land among the Southern population, which occurred to a degree in Reconstruction and certainly would have continued with a solid Republican majority.⁴

Rhetorical capabilities aside, Cicero and Johnson have a variety of differences. Political expediency is a difficult concept for Johnson, while Cicero is a master of adroit political maneuvering. As we see from Cicero's role as defense in the trial of Sulpicius, he is not a man immune to placing politics above principle when the situation calls for it, but Johnson lacks this subtlety.⁵ The beleaguered President could have eased his situation with the Republicans through attempts

⁴ Trefousse, Hans L. *Thaddeus Stevens: Nineteenth-Century Egalitarian* (Chapel Hill: University of North Carolina, 1997) pp. 163-164

⁵ Goodman, Robert & Soni, Jimmy. *Rome's Last Citizen* (2012) pp. 85

at cooperation, or even simply through a judicious use of his veto power; instead Johnson seemed bent on exercising his authority at every possible turn, only seeking out his opponents for compromise after the impeachment proceedings began.

Andrew Johnson is similar to Catiline in that he overextended himself in response to personal affront, much to his detriment. For example, in the “Swing ‘Round the Circle” Johnson was attempting to salvage public opinion, but he instead drastically alienated himself through poorly delivered speeches coupled with engaging in shouting matches with hecklers; the President also drew increased animosity from Radicals because of his outright personal attacks against them during these speeches. In a similar move that led to his prosecution in the Senate, Catiline’s insistence on the murder of Cicero prior to the initiation of the conspiracy, and its resulting failure, gave Cicero the opportunity to bring charges against Catiline in the Senate before the conspiracy could begin in earnest.

Both the Conspiracy and the Impeachment have their roots deep in the political fabric of their countries. Without the Gracchi, Sulla, and Marius, there would be no chance for Catiline. By the same token, it would take a century of growing sectional divide, a great and terrible war, and the assassination of perhaps the most talented statesman America ever produced to launch Andrew Johnson into the presidency, setting him in opposition to the Radical Republicans. The Gracchi pushed sweeping social reforms that would see a great redistribution of land and therefore power, and a policy of debt forgiveness

that would shift the economic balance of Roman Society. On the opposite side, the sectional divide was fueled in part by conflict over slavery, not only from a moral argument against the unwilling imprisonment of another human being, but also for a variety of economic concerns.

The division of land in the Deep South was heavily skewed in favor of the quasi-aristocratic plantation owners as opposed to the independent farmers, who wielded much less influence in the South than in the North. The Southern economy was built on sprawling, slave-driven agrarianism, and the conflict over the expansion of slavery was due partially to differing economic interests in the North and South.⁶ The end of slavery sought by radical abolitionists would have drastic social consequences for the South, and as a result most Southerners were violently opposed to abolitionist efforts in the Antebellum period, much the same way as the Senatorial class was generally very opposed to the popular reformers in the Roman Republic.

These reformers, namely the Gracchi, are remembered in a generally positive light, whereas Catiline's historiography is much less generous. It is no surprise this happened because despite having socioeconomic policies similar to those of the Gracchi, the means by which the conspirators sought to accomplish their goals preclude any nobility in their endeavors. This disparity introduces another peculiarity in the comparison: in the Roman case, it is easy to view each side as good or evil. Although Catiline can be called a champion of the people,

⁶ Berlin, Ira. *Generations of Captivity: A History of African American Slaves*. (Cambridge Massachusetts: Belknap Press, 2003) pp. 165-172

he was also a debauched madman seeking to spread fire and slaughter. Cicero is the defender of justice and tradition, and though he is no popular hero, he earns the respect and love of the people through his defense of the city. In the American case, the lines are not so clear, as both Johnson and the Radicals play hero and villain, and the view of the situation is heavily clouded by our modern convictions regarding racial equality and universal suffrage.

Andrew Johnson's efforts at Reconstruction promoted policies that would hasten the transition back to full Union, while simultaneously resisting legislation that would provide for the rights of the freed slaves, giving them the right to vote and allowing the freedmen the means to determine their own future. The rationale Johnson and his fellow Democrats used to reject the Fourteenth Amendment among other pieces of legislation, was that the South was too fragile to interject such radical reforms in the midst of Reconstruction. The Democrats felt these changes would imperil the delicate Union, which had been the stated purpose of the war from its outset.

This is the dilemma of the entire era, the preservation of Union at the expense of morality and humanity, and even though the war was over the specter of disunion was enough to dissuade many Americans from rocking the boat on behalf of the recently freed slave population, a circumstance that explains why it would take the passing of another century for the semblance of equality to take hold in the South. The Democratic Party had its reasons for holding their beliefs, and it should also be noted that while Johnson was no secessionist, he was certainly not an abolitionist either, not in the moral sense at

least. This attitude toward the plight of the millions of newly freed African-Americans makes it difficult to see Johnson in a positive light, even given his larger purpose of restoring the Union. This, coupled with his belligerent and uncompromising nature, causes the Presidency of Andrew Johnson to assume a generally bitter tone, particularly when viewed in light of the promise of Lincoln. Still though, Johnson lacks the vileness of Catiline; he is incompetent at times, but Johnson is nowhere close to the insidious and violent man that Catiline became.

The comparison of these two distinct events yields a variety of similarities already proposed that are evident in both crises: the attempt by a radical group to effect drastic social change, political class-conflict, personal rivalries spilling into political dispute, the maintenance or seizure of power, the effect of violence on political discourse, the lingering social wounds of civil conflict and the danger of the status quo and its implications to radicals and conservatives alike.

Throughout both time periods, in each nation, factionalism and the acquisition and preservation of factional power are at the center of each crisis. In the Antebellum period it was not necessarily factions but sections (geographic factions) that were the chief agents of conflict (although certainly political factionalism was an undercurrent in Antebellum political discourse). As that sectional conflict became war in full, the various factions with their respective philosophies present in the Union, began to face the conflict that would emerge from the ashes of war.

In Rome there was a long history of tension between the senatorial class and the plebeians represented by the Tribune, and from the Gracchi through Marius and Sulla, political class played a role in the various upheavals that beset the Republic. America during Reconstruction and Rome in 63 B.C. are the products of simmering factionalism, and the logical consequences of such entrenched partition in representative government. These lingering factional disputes, coupled with personal ambition would soon undo the Roman Republic that Cicero so dearly loved, and the factional culture that was manifested throughout 19th century politics would become an fixture of American political discourse. The Civil War and Reconstruction would give birth to the two modern American political parties, although in their nascent form they are almost unrecognizable in comparison to their modern counterparts.

What lesson is to be learned from these two periods of turmoil? It is not revolutionary, but it is still significant: when partisanship increases, then dialogue decreases; differing opinions are not dangerous to a Republic, in fact representative government is built on dissenting opinion.. Compromise and dialogue are at the heart of effective governance, and that can be easily seen in both of the situations present in this study: Cicero found ways to bind together the patriarchs and the plebeians to a common cause when the Republic was threatened. The Consul Cicero also defended Sulpicius from a law he himself had enacted when he realized the greater danger Catiline posed to the Republic. While in the throes of impeachment Andrew Johnson began to compromise with his more open-minded adversaries in Congress, and through his assurances of

future cooperation he secured the votes needed to acquit him of the charges. The acquittal of Johnson alienated the Radicals from other Republicans who broke party ranks and voted in favor of Johnson, and this humiliation would embolden the Moderate Republicans as well as the Democrats to pass legislation previously blocked by Johnson, who true to his word did not exercise the veto he had wielded so liberally. The Radicals refused to join the compromise, and they never again enjoyed the legislative authority they enjoyed in 1868, as they faded from the American political landscape just as quickly as they had arrived.⁷

The threat of factional conflict is mitigated by an emphasis on dialogue and cooperative government; the removal of political dialogue results in ugly episodes of factional violence like the murder of the Gracchi, the proscriptions of Sulla against the supporters of his personal and factional rival Marius, and obviously the Civil War. The redeeming quality of political turmoil is that it can necessitate the return to dialogue, as evidenced by the healing of the United States through the Reconstruction period. Lincoln once said, “A house divided against itself cannot stand” and this truism is reinforced by the origins of crisis and the progression to recovery in both the Catilinarian Conspiracy and the Impeachment of Andrew Johnson.

⁷ Stewart, David O. *Impeached: the Trial of President Andrew Johnson and the Fight for Lincoln's Legacy* (2009) pp. 243

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