

THE ASSAULT UPON JOSIAH B. GRINNELL BY
LOVELL H. ROUSSEAU

INTRODUCTION

It is the purpose of this paper to narrate the main facts and circumstances connected with an unfortunate incident in Congressional history, namely an assault made by Lovell H. Rousseau, member of Congress from Kentucky, upon Josiah B. Grinnell, member of Congress from Iowa, in the capitol building at Washington, D. C., in June, 1866. The trouble arose over a debate in the House on the "Freedmen's Bureau Bill", and in many ways this attack resembles the assault made by Preston Brooks on Charles Sumner ten years earlier. It is significant to note that the participants in the affair were affiliated with the same political party and that both were staunch supporters of the cause of the Union during the Civil War.

JOSIAH B. GRINNELL

Josiah Bushnell Grinnell was born at New Haven, Vermont, on the 22nd of December, 1821. His ancestors on his father's side were of French descent. They were members of the party of Huguenots who, when the Edict of Nantes was revoked in 1685, migrated from France and established themselves on the chalky cliffs of Cardiff, Wales. Here they remained for about twenty-five years, and then they migrated to America and became well settled in this country in time to assist the thirteen colonies in their strife with England.¹

Grinnell's ancestors on his mother's side were Scotch. The family name was Hastings and they were justly proud

¹ Grinnell's *Men and Events of Forty Years*, pp. 1-4.

of the eminence of the name in the annals of that country of renowned heroes. Nathaniel Hastings, the grandfather of Josiah B. Grinnell, came from Scotland to this country when but a youth and took part in the Revolutionary War. He was killed at the Battle of Plattsburg, and Grinnell's mother was left an orphan at a very early age.²

Thus it will be seen that Grinnell's ancestors on both sides sprang from good families of the substantial middle classes. This fact probably had a far-reaching effect on the attitude of Josiah B. Grinnell toward great public issues. His sympathies were always with the down-trodden or persecuted.³

Grinnell's parents were farmers of the old Puritan type and Josiah was brought up in a strict, religious atmosphere. He was given the best early education that was possible at that time in the community. At the age of twenty-two he was graduated from Oneida Institute. In 1847, five years later, he graduated from the Auburn Theological Seminary. He was then ordained a Presbyterian clergyman and followed this calling for about seven years. During this time he occupied several important pulpits, preaching in Union Village, New York, in Washington, D. C., and in New York City.⁴

In 1854 he came to Iowa and located at the small village which stood on the present site of Grinnell. He founded the Congregational Church at that place and preached there gratuitously for several years, although he later devoted the greater part of his time to farming and wool growing. At this time Iowa was just beginning to take a real part in national affairs, having been admitted to the Union as a State but eight years before. Grinnell took a

² Grinnell's *Men and Events of Forty Years*, pp. 1-7.

³ Grinnell's *Men and Events of Forty Years*, pp. 8, 9.

⁴ Appleton's *Cyclopaedia of American Biography*, Vol. III, p. 1.

keen interest in politics and in a short time became one of Iowa's best known citizens. In 1856 he was elected to the State Senate and served in that body until 1860. For the next two years he served as special agent for the Post-Office Department. In 1863 he was elected Representative in Congress from the Fourth District of Iowa on the Republican ticket. He held this position for four years; and it was during his second term as Congressman that the episode which forms the title of this paper occurred.⁵

Mr. Grinnell made an enviable record while in the Iowa Senate. He took an active part in the establishment of the free school system in Iowa. He was a bitter enemy of slavery, was an intimate friend of the notable John Brown, and was so active in aiding the escape of fugitive slaves that at one time a reward was offered for his head. At different times he was connected in various capacities with six railroads and he laid out five towns including Grinnell, Iowa, which was named for him. The proceeds of the sale of the building lots in that town were donated by him to Grinnell University, later known as Iowa College and now called Grinnell College, and he served as President of this so-called University for a time.

Thus it will be seen that Josiah B. Grinnell lived an extremely busy and useful life. He was an ever ready opponent of slavery and was a strong advocate of temperance. Fearless by nature, he stood boldly for what he thought was right, and his activities in religious, educational, and political fields mark him as one of the distinguished citizens of Iowa during the period of the Civil War and Reconstruction.

LOVELL H. ROUSSEAU

Of no less prominence was Grinnell's assailant, Lovell

⁵ *Biographical Congressional Directory*, p. 565.

H. Rousseau, who was born in Lincoln County, Kentucky, on August 4, 1818. He received a very limited education and in 1833 his father died leaving the family in straitened circumstances. In 1839 when he became of age Rousseau removed to Louisville, Kentucky, and began the study of law. In 1841 he moved to Indiana, was admitted to the bar in that State, and began the practice of law at Bloomington. He was elected to the State legislature of Indiana in 1844 and became a very active member of that body. When the Mexican War broke out he raised a company of volunteers, as captain of which he served valiantly throughout the war. He returned to Indiana in 1847 and served two terms in the State Senate.⁶

In 1849 Rousseau returned to Louisville, Kentucky, where he very successfully continued the practice of law. He was an especially able man before a jury. At the outbreak of the Civil War he was one of the men who used their influence to induce Kentucky not to join the Confederacy. He was at that time a member of the State Senate of Kentucky, but resigned in 1861 and began raising troops for the Union army. He was appointed Colonel of the Fifth Kentucky Volunteers in September, 1861,⁷ and was subsequently raised to the rank of Brigadier-General of Volunteers, being attached to the army of General Ormsby M. Mitchel. Still later he was appointed Major-General of Volunteers. He served valiantly in the battles of Shiloh, Stone River, Chickamauga, in the Tullahoma Campaign, and in the movements around Chattanooga. From November, 1863, until November, 1865, when he resigned, he had command of Nashville, Tennessee.

In 1865 Rousseau was elected to Congress from Kentucky on the Republican ticket, serving from December 4, 1865, to

⁶ *Biographical Congressional Directory*, p. 777.

⁷ *Appleton's Cyclopaedia of American Biography*, Vol. III, p. 336.

July 26, 1866, when he resigned after being censured for personally assaulting Josiah B. Grinnell in the capitol. During his short term in Congress he served on the Committee on Military Affairs.⁸

Lovell H. Rousseau, therefore, was a man who rendered great service to the Nation. Like Grinnell he possessed a fearless personality and was staunch in the support of the principles which he believed to be right. In spite of statements which are sometimes made, Rousseau was not a coward. His assault upon Grinnell was the result of a hot temper and does not portray the real character of the man. Judging from their public careers, Rousseau was without doubt the abler of the two men, but perhaps from the standpoint of personality and general character Grinnell attracted greater admiration.

THE DEBATE ON THE FREEDMEN'S BUREAU BILL

As proved by the investigating committee of the House and by the admissions of Rousseau, there is no doubt as to the cause of the assault upon Grinnell. The trouble arose out of a debate which took place in the House of Representatives on June 11, 1866, relative to the Freedmen's Bureau Bill.⁹

This bill was introduced in the Senate on January 5, 1866, by Lyman Trumbull, Senator from Illinois. It will be remembered that the Civil War had just closed and the country, especially the South, was still in an extremely unsettled condition. Congress had but a short time previous to the introduction of this bill passed the constitutional amendment abolishing slavery. But at the time Trumbull introduced his bill that amendment had not yet been ratified by two-thirds of the States. Indeed, it was in

⁸ Appleton's *Cyclopaedia of American Biography*, Vol. III, p. 336.

⁹ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, p. 2.

view of this fact that Senator Trumbull presented the bill in Congress. The purpose of the bill in the words of the originator was "to enlarge the powers of the Freedmen's Bureau so as to secure freedom to all persons within the United States, and protect every individual in the full enjoyment of the rights of person and property and furnish him with means for their vindication."¹⁰

It should be borne in mind that a bill establishing a Freedmen's Bureau had been passed at the preceding session of Congress. The Bureau thus created was an institution with certain well defined powers for securing the absolute freedom of slaves where their former masters were obstinate. It also to a rather limited extent sought to find employment for slaves and in general looked after their interests. Many people in the North had grave apprehensions lest by local legislation or a prevailing public sentiment in certain communities the negroes would still be oppressed and in fact deprived of their freedom. It was to quiet this widespread idea that this bill was introduced on January 5, 1866. According to Senator Trumbull, the bill was introduced "for the purpose also of showing to those among whom slavery has heretofore existed that unless by local legislation they provide for the real freedom of their former slaves the Federal Government will, by virtue of its own authority, see that they are fully protected."¹¹

Senator Trumbull stated that he humbly believed and hoped that it would not be necessary for the Federal Government to interfere in this matter, but as long as Congress had passed the constitutional amendment abolishing slavery it devolved upon Congress to see that every slave got his freedom in case the States failed to enforce the law.

¹⁰ *Congressional Globe*, 1st Session, 39th Congress, p. 77. See also p. 129 for the introduction of the bill.

¹¹ *Congressional Globe*, 1st Session, 39th Congress, p. 77.

The bill was duly filed in the House and referred to a committee on January 25, 1866, but did not come up for consideration until early in February. Mr. Grinnell was a strong supporter of the bill, while Mr. Rousseau opposed it with equal vigor. The bill was being debated in the House on February 3, 1866, and in the course of the debate Rousseau related a certain incident that occurred in Kentucky under the existing Freedmen's Bureau laws. The incident in the words of Rousseau is as follows:

A man by the name of Blevins in my town came home one evening and found his wife engaged in some controversy and collision with a negro woman who had been her servant — not one who had belonged to her as a slave. He took part with his wife. . . . The negro woman complained to this agent of the bureau, and a couple of negro soldiers were sent there to arrest him and his wife. And because one of his little girls had said something in the matter an order was also sent for her arrest. The man came to me, supposing that I might be able to assist him. . . . Early the next morning I went to the commandant's headquarters, and there I found Mr. Blevins and his wife and children seeking protection against the Freedman's Bureau, acting on the complaint of the negro woman.

Now sir, I told the agent of that bureau just what I thought and felt in reference to this matter. I said to him, "If you want to protect the freedmen of this community I am with you heart and soul; I will stand by you in all just measures; but if you intend to arrest white people on the *ex parte* statement of negroes, and hold them to suit your convenience for trial, and fine and imprison them, then I say that I oppose you; and if you should so arrest and punish me, I would kill you when you set me at liberty; and I think you would do the same to a man who would treat you in that way, if you are the man I think you are, and the man you ought to be to fill your position here."¹²

Rousseau's purpose in relating this incident was to show that abuses had arisen under the operation of the Freedmen's Bureau; and instead of giving the Bureau more

¹² *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, pp. 39, 40.

power, as the proposed bill would do, he believed that much of the power it already had should be taken away or at least modified to a certain extent.

On February 5th the Freedmen's Bureau Bill was again under consideration. Grinnell was supporting it and Representatives Trimble and Rousseau were arguing against it. Representative Trimble had stated that the laws of Kentucky were honorable and just, and suited to the conditions of that State. In the course of his argument in reply to Mr. Trimble, Mr. Grinnell said: "I charge that they are monstrous and damnable laws, such as would be a dishonor to the most barbarous nation on the face of the earth, and I regret to apply the sound political maxim that no State is better than its laws. I would ask the gentleman why the legislature of Kentucky at its late session did not change or amend those laws, so that they might show that there was honor in the Kentuckian heart, that they were willing to mete out justice to all men."¹³ Grinnell then went on to say that the laws of Kentucky which made it a penal offence for a man who had won a government uniform to go into that State were indicative of barbarism, meaning of course the discriminations which were made against negroes in Kentucky.

Grinnell then referred to the incident which Rousseau had cited on February 3rd, stating that Rousseau had said that if he were arrested on the complaint of a negro and brought before one of the agents of this Bureau he would shoot the agent when he became free. Grinnell in speaking of this remark by Rousseau said:

It is the spirit of barbarism that has too long dwelt in our land — the spirit of the infernal regions that brought on the rebellion and this war. . . . I care not whether the gentleman [Mr. Rousseau] was four years in the war on the Union side or four years on

¹³ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, p. 40.

the other side; but I say that he degraded his State and uttered a sentiment I thought unworthy of an American officer when he said that he would do such an act on the complaint of a negro against him.¹⁴

On the following day, February 6th, Rousseau took the floor and attempted to make a personal explanation. He denied that he used the language imputed to him by Mr. Grinnell and he denounced Grinnell's assertion "that he had degraded his State and uttered a sentiment unworthy of an American officer" as vile slander and unworthy to be uttered by any gentleman upon the floor of the House.¹⁵

When the Freedmen's Bill was again debated on the 8th of February, Grinnell and Rousseau had a further discussion. The chief point of controversy was as to the power possessed by the particular officer in the incident which Rousseau had cited. Rousseau argued that the agent acted entirely outside of his sphere and hence deserved to be shot. Grinnell contended that the agent was simply fulfilling his duty as an officer of the Freedmen's Bureau.¹⁶ At this point the question was dropped for more than four months. The bill was referred to a committee and came up again on June 11th for further discussion. It was the words of Grinnell on June 11th that caused Rousseau to assault him a few days later, on June 14th.

The whole discussion between Rousseau and Grinnell on June 11th hinges around the statement made by Rousseau in regard to the incident connected with the Freedmen's Bureau in Kentucky, namely: "If you intend to arrest white people on the *ex parte* statement of negroes and hold them to suit your convenience for trial, and fine and im-

¹⁴ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, pp. 40, 41.

¹⁵ *Congressional Globe*, 1st Session, 39th Congress, p. 688.

¹⁶ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, p. 45.

prison them, then I say I oppose you; and if you should so arrest and punish me I would kill you when you set me at liberty." Grinnell again said that when Rousseau uttered this statement he degraded his State and uttered a sentiment unworthy of an American officer. Rousseau claimed that Grinnell insulted the good name of the State of Kentucky and also did him (Rousseau) a great personal wrong. A war of words was waged over this point for some time. Rousseau referred to Grinnell as a "pitiable politician from Iowa", whereupon Grinnell assailed the military record of Rousseau. He declared that when there was a big battle Rousseau always managed to escape it. "His military record!", asked Grinnell, "Who has read it? In what volume of history is it found?"¹⁷

The debate became purely personal in nature, despite the efforts of the Speaker of the House to stop it, and it was waged over extremely trivial points. At the close of the debate Grinnell had apparently a little advantage over his opponent. Rousseau's last words were: "I hope now that I have heard the last from the member of Iowa. I hope that I shall never have occasion to refer to the subject again. Whatever glory he has gained in this contest I am content that he should wear."¹⁸

Hence it seemed from all appearances that the incident was closed. Nothing more was heard or said about it and the unfortunate affair was being rapidly forgotten, when three days later, on Thursday, June 14th, Rousseau assaulted Grinnell with a cane on the steps of the capitol building.

THE ASSAULT

The assault took place just at the close of the session of the House at three-thirty on the afternoon of the 14th of

¹⁷ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, pp. 42-44, 46, 47.

¹⁸ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, p. 47.

June, 1866. The place of the attack was on the east portico of the capitol building. Immediately after the House had adjourned Mr. Grinnell passed out through the rotunda with the intention of taking a street car to his place of residence. He was stopped by Rousseau, who stated that he had waited four days for an apology for his conduct toward him in the House on Monday, June 11th. Grinnell calmly replied, "What of that", or something to that effect. Rousseau then changed his cane from his left hand to his right and without further words proceeded to administer a beating to Mr. Grinnell. The instrument used was a small rattan cane with an iron end and Rousseau struck Grinnell with the iron end. He struck him chiefly in the face, but one blow hit Grinnell's hand and another his shoulder. The blows were continued until the cane broke. All told, probably eight or ten blows were struck.¹⁹

As far as physical injury was concerned Grinnell was practically unharmed. His hand and shoulder were bruised so that he could not use them for several days, but beyond that his injuries were slight and he was able to attend to his duties the following day.

Grinnell made no effort whatever to resist Rousseau and when the latter had finished administering the caning Grinnell walked peacefully away to his place of residence. According to Grinnell's belief, the purpose of the attack was to get him to attack Rousseau, who then would have had a pretext for assassinating him. For that reason Grinnell made no attempt to defend himself.

As nearly as could be ascertained there were from fifteen to twenty persons upon the portico at the time of the assault, a part of whom were detained there because of a shower of rain which was falling at the time. There was no other member of the House present besides Grinnell and

¹⁹ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, p. 1.

Rousseau. Grinnell was totally unarmed and Rousseau had no weapons other than the small cane which he used in the assault.²⁰

No friends of Grinnell were present, probably because of the suddenness and unexpectedness of the attack. On the other hand three persons were present as friends of Rousseau: Mr. Charles D. Pennybaker of Kentucky, Mr. L. G. Grigsby of Kentucky, and Mr. John S. McGrew of Ohio. Mr. Pennybaker, a very close friend of Rousseau, was present because Rousseau had intimated to him that a personal assault was possible if not probable. After Rousseau had broken the cane on Grinnell he pushed the latter up against a pillar and was seemingly about "to finish the job" with his fists, but at this point Mr. Pennybaker stepped in and succeeded in restraining him. In the hearing before the committee, Pennybaker stated that he was armed with a loaded pistol. He was then questioned as to whether or not it was customary for him to carry a gun and he said that it was not. He finally made the statement that he carried the gun that day in order to protect Rousseau in case any bystanders interfered in the controversy. He said that it was not his intention to use the pistol unless he was obliged to, but that he feared for the personal safety of Rousseau.²¹

The other two friends of Rousseau had no intimation as to what was about to occur. Mr. Grigsby was a personal friend of both Rousseau and Pennybaker. He was visiting with Pennybaker in the latter's rooms when the latter informed him that he must go to the capitol building. Grigsby obtained Pennybaker's permission to accompany him, and hence was present on the portico as a guest of Pennybaker.²²

²⁰ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, p. 1.

²¹ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, pp. 15-20.

²² *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, pp. 21-24.

The third friend of Rousseau, Dr. John S. McGrew of Ohio, had been talking to Rousseau relative to a business trip to New York which they proposed to take together. McGrew had an appointment with Rousseau at the close of the session on that day and was waiting for him in the rotunda. Rousseau rushed into the rotunda, passed right by McGrew without noticing him, and passed out to the portico. McGrew noticed that he was very much excited about something and hence followed him and was present at the assault.²³ Both McGrew and Pennybaker were armed with pistols. It was admitted by all three of these men that in the event of any interference on the part of outside parties, they should have taken part in the contest. No interference being offered, they did not participate in the affair except to advise Mr. Rousseau to withdraw at the close.

THE INVESTIGATION BY THE COMMITTEE

The members of the House of Representatives were very much chagrined over the conduct of Grinnell and Rousseau, and a committee was appointed to investigate the entire affair and report back to the House. Mr. Rufus P. Spalding of Ohio, Mr. Nathaniel P. Banks of Massachusetts, Mr. John Hogan of Missouri, Mr. Henry J. Raymond of New York, and Mr. M. Russell Thayer of Pennsylvania made up this committee, which commenced its investigation on June 26th and continued for five days, making its report to the House on July 2nd.²⁴

It was found by the committee that there was no doubt as to the purpose or cause of the assault. Rousseau on the witness stand frankly admitted that the sole cause of the attack was the words spoken by Mr. Grinnell in the House, and that he had followed Grinnell to the east portico of the

²³ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, pp. 31-38.

²⁴ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, pp. 1, 5.

capitol for the purpose of assaulting him. Furthermore, he stated on the witness stand that he called to Mr. Grinnell who was then a few paces ahead of him. Mr. Grinnell stopped and he demanded of him an apology for his conduct in the House on the previous Monday. When Grinnell refused to respond with the sought-for apology, Rousseau called Grinnell a "damned coward" and a "damned poltroon", and then began to beat him with the cane. Grinnell said: "You are not hurting me." Whereupon Rousseau replied: "I don't want to hurt you, I want to disgrace you, you damned puppy." After the cane broke, Rousseau was evidently about to "finish the job" with his fists when Pennybaker interfered. Thereupon Rousseau after calling Grinnell a "damned scoundrel" went away with Mr. Pennybaker and Mr. Grigsby.²⁵ Throughout the assault Grinnell maintained perfect self-control, and when Rousseau had finished with the caning he calmly said: "If the crowd have done with me I will leave."

In the hearing before the committee the chief persons who testified were Mr. Grinnell, Mr. Rousseau, Daniel Morris, William P. Turpin, Charles C. Pennybaker, L. B. Grigsby, Willard Saulsbury, John S. McGrew, John Boyd, and Leonard Jones. The testimony of Grinnell, Rousseau, Pennybaker, Grigsby, and McGrew has already been referred to. Morris, Turpin, Boyd, and Jones added nothing further to that which has already been given. Practically the only distinguished person present at the assault and the only member of Congress besides Grinnell and Rousseau was Senator Willard Saulsbury of Delaware. The testimony which he gave, however, did not bring out any additional facts.

It was urged on behalf of Lovell H. Rousseau that he

²⁵ See testimony before the committee.—*House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, pp. 5-39.

“had been assailed by Mr. Grinnell with epithets and aspersions to which no man could be expected or required to submit; and that as the House had failed to protect him, upon his appeal, in his privileges as a member, he felt it to be his right to vindicate himself and the people he represented.”²⁶ Grinnell, on the other hand, maintained that his character had been assailed by Rousseau both upon the floor of the House and elsewhere in such a manner that he was perfectly justified in the remarks which he had made.

Nothing appeared in the hearing before the committee that indicated that Mr. Grinnell was actuated in the slightest degree by malice or personal feeling toward Mr. Rousseau. Moreover, the investigation by the committee did not reveal any other misconduct of Rousseau either as a member of the House or as an army officer. Rousseau's much disputed military record was investigated and it was found that his services had been honorable in every respect.

The committee, moreover, investigated the matter of “absolute privilege” of the members of Congress. The Constitution of the United States expressly provides that “for any speech or debate in either house they shall not be questioned in any other place.”²⁷ One of the rules of the House was to the effect that personal matters should not be discussed or debated on the floor. It was very evident that both Rousseau and Grinnell had exceeded their privileges in their various debates on the Freedmen's Bureau Bill. The committee undoubtedly felt that Rousseau was entitled to some relief, but it would be an exceedingly dangerous precedent to set if they should excuse his personal assault upon Grinnell. Hence the committee after long deliberation found that both Rousseau and Grinnell were guilty of a breach of privilege.

²⁶ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, p. 2.

²⁷ Constitution of the United States, Article I, Section 6.

THE REPORT OF THE COMMITTEE

The committee made the following recommendations to the House on July 2, 1866:

Resolved, That the Hon. Lovell H. Rousseau, a representative from Kentucky, by committing an assault upon the person of the Hon. J. B. Grinnell, a representative from the State of Iowa, for words spoken in debate, has justly forfeited his privileges as a member of this House, and is hereby expelled.

Resolved, That the personal reflections made by Mr. Grinnell, a representative from the State of Iowa, in presence of the House, upon the character of Mr. Rousseau, a representative from the State of Kentucky, were in violation of the rules regulating debate and the privileges of its members founded thereon, and merit the disapproval of the House.

Resolved, That Charles D. Pennybaker of Kentucky, L. B. Grigsby of Kentucky, and John S. McGrew of Ohio, by their presence and participation in a premeditated personal assault between Hon. Mr. Rousseau, of Kentucky, and Hon. Mr. Grinnell, of Iowa, on account of words spoken in debate, in which the persons if not the lives of members of this House were imperilled, were guilty of a violation of its privileges, and they are hereby ordered to be brought to the bar of this House to answer for their contempt of its privileges.²⁸

These were the resolutions adopted by the majority of the investigating committee, consisting of Mr. R. P. Spalding of Ohio, Mr. N. P. Banks of Massachusetts, and Mr. M. Russell Thayer of Pennsylvania. The minority, consisting of Henry J. Raymond of New York and John Hogan of Missouri, agreed that Rousseau was guilty of a breach of privilege without justification. But considering the failure of the House to protect him and the total absence of any intention to inflict great bodily injury on Grinnell they were of the opinion that expulsion from the House was too severe a punishment to inflict.²⁹ The resolution of the minority was as follows:

²⁸ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, pp. 3, 4.

²⁹ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, p. 4.

Resolved, That Hon. Lovell H. Rousseau be summoned to the bar of the House, and be there publicly reprimanded by the Speaker for the violation of the rights and privileges of the House, of which he was guilty in the personal assault committed by him on Hon. J. B. Grinnell for words spoken in debate.³⁰

THE ACTION OF THE HOUSE

The House, after carefully deliberating over the reports of both the majority and the minority of the committee for nearly three weeks, decided to adopt the minority report. On July 21st William B. Allison in conclusion called for the execution of the order of the House. Thereupon Speaker Colfax said:

General ROUSSEAU: The House of Representatives have declared you guilty of a violation of its rights and privileges in a premeditated assault upon a member for words spoken in debate. This condemnation they have placed on their Journal and have ordered that you be publicly reprimanded by the Speaker at the bar of the House. No words of mine can add to the force of this order, in obedience to which I now pronounce upon you its reprimand.³¹

EFFECTS OF THE EPISODE

It is needless to say that the Grinnell-Rousseau affair created much comment throughout the Nation. The friends of Grinnell of course took his part and severely denounced Rousseau in the newspapers, while the supporters of Rousseau were equally bitter in their denunciation of Grinnell. But on the whole it may be said that the preponderance of public sentiment in the North was in favor of Josiah B. Grinnell. The people of Iowa stood behind Grinnell almost to a man, thus indicating that his ability was appreciated in his home State.

“That General Rousseau, member of Congress from Kentucky, is a first class hero is now definitely settled”, de-

³⁰ *House Reports*, 1st Session, 39th Congress, Vol. I, Report No. 90, p. 4.

³¹ *Congressional Globe*, 1st Session, 39th Congress, p. 4017.

clared an Iowa editor. "He has claimed that distinction ever since he became a member of the House and has attempted several times to establish his claim by a lofty bearing and pompous declamation, but failing in these he has adopted the only infallible (Southern) test and has come out successful." The editor then presented the details of the assault and in conclusion said: "We trust that the House will promptly expell the blackguard and would be bully and prevent a return of this kind of Southern accomplishment to Congress."³²

The *Marshall County Times* of Marshalltown, Iowa, in the issue of July 4, 1866, also emphatically took the part of Mr. Grinnell. After recounting the circumstances of the assault the editor declared:

It is believed that the committee appointed by the House to investigate the Grinnell-Rousseau affair, will recommend the expulsion of Rousseau. It is the proper course to take. If the House would preserve its own dignity and character, bullies and blackguards should be expelled. Let it be understood that none but gentlemen shall occupy such positions, and the low blackguardism and fighting propensities of members of Congress will be effectually checked.³³

The attitude of the people of Grinnell, Iowa, toward the affair is especially noteworthy. A few days after the assault a public meeting was called in Grinnell for the purpose of expressing the feeling of the community on the matter. Among the resolutions adopted were the following:

Resolved, That Lovell H. Rousseau has conferred on Hon. J. B. Grinnell the highest compliment in his power, by his practical acknowledgment that he cannot cope with the Iowa member in debate.

Resolved, That we tender to Kentucky our friendly commiseration.

³² *Iowa City Republican*, Vol. XVII, No. 917, June 20, 1866.

³³ *Marshall County Times* (Marshalltown), Vol. VIII, No. 13, July 4, 1866. For a later comment, see the same paper for May 25, 1867.

tions, that in this hour of peril to her once untarnished honor, she is represented by a man so consciously incompetent and so obviously unworthy.

Resolved, That it is due to the dignity of Congress, the interest of good order, and the cause of freedom and right, that the assailant of Mr. Grinnell be at once expelled from the House of Representatives in disgrace, and that any member of Congress who may attempt a similar outrage hereafter, should be promptly expelled and rendered ineligible to a seat in either House.³⁴

The effect of this episode upon Lovell H. Rousseau was to lower him in public esteem and to brand him in the minds of many as a coward. Shortly after being publicly reprimanded by the Speaker of the House in accordance with the action taken by the House, he resigned as Representative. But this resignation by no means ended his career in public life. Some time later he was sent by President Johnson to officially receive Alaska for the United States from Russia. Then he was appointed to the command of the Department of the Gulf, with headquarters at New Orleans. He succeeded General Philip H. Sheridan and continued in this post until his death at New Orleans on January 7, 1869.³⁵

Likewise, the incident was by no means the last event in the public life of Mr. Grinnell, although this was the last term in which he held an elective office. Unfortunately the Congressional election occurred in the fall following the assault and the nominating convention took place at Oska-loosa, Iowa, one week after the assault and more than a week before the investigating committee in the House made its report. Grinnell was a candidate for re-nomination, but was defeated by Judge Loughridge. There seems to be no doubt but that this assault, and especially the fact that no resistance had been made to Rousseau, defeated Grinnell

³⁴ *Clinton Herald*, Vol. X, No. 26, June 30, 1866.

³⁵ *Appleton's Cyclopaedia of American Biography*, Vol. III, p. 336.

at the convention. But in spite of his failure to receive the re-nomination for Congress, Mr. Grinnell remained in public life for many years. In 1868 he was special agent of the Treasury Department, and in 1884 he was appointed Commissioner of the United States Bureau of Animal Industries. Later in life he was president of the St. Louis and St. Paul Railroad, president of the State Horticultural Society, and president of the First National Bank at Marshalltown, Iowa.³⁶

In spite of the fact, however, that the investigating committee of the House put the blame for the assault entirely upon Rousseau, after the episode Grinnell was never regarded with quite the same esteem and admiration that he received from the people of his State and the Nation at large before the assault.³⁷

The Grinnell-Rousseau affair must be regarded as an extremely unfortunate incident. It is indeed to be regretted that two such able men and two such staunch supporters of the Union should have been allowed to conduct themselves in such a reprehensible manner on the floor of the House. Fortunately this unpleasant episode in the lives of both men has been quite largely forgotten, and Josiah B. Grinnell and Lovell H. Rousseau are remembered mainly for the services which they rendered to the Nation at a time when its future existence was very much in doubt.

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³⁶ Appleton's *Cyclopaedia of American Biography*, Vol. III, p. 2.

³⁷ For instance in 1869 when Grinnell received some mention as a candidate for United States Senator, a newspaper correspondent declared that "the expression is very common in Iowa that Mr. Grinnell could have had from this people anything he would ask if he had given Rousseau 'as good or better than he sent'."—*Weekly Iowa State Register*, Vol. XIV, No. 42, December 1, 1869.