

A Struggle for Office:

The Sherman-Brown Imbroglia

by Loren N. Horton

The following article by Loren N. Horton, "A Struggle for Office: The Sherman-Brown Imbroglia," was not presented as a paper at the Missouri Valley History Conference. The subject is so closely related to the three previous articles, however, that an editorial decision was made to publish it in this issue.

— Ed.

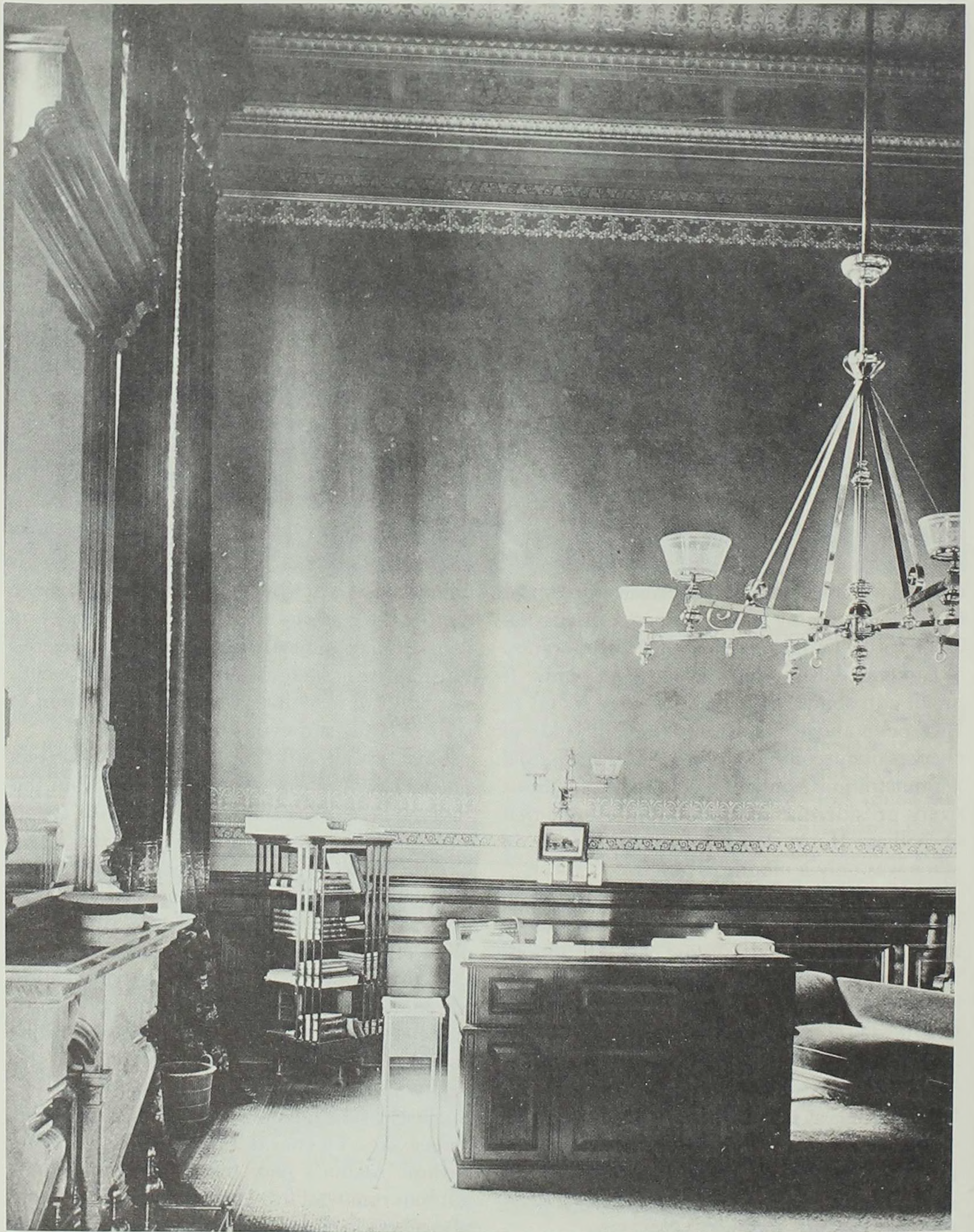
Charges of malfeasance, criminality, corruption, and crookedness in high public office have been part of American life almost from the beginning of our nation. A discussion of the subject might begin with a consideration of General Washington's expense accounts. It might end almost anywhere. No one seems to have been above suspicion. A recent study of charges of misconduct in previous presidential administrations contained comment on almost every presidential administration except that of William Henry Harrison, whose tenure in office was only a month in length.

But of all the periods in our history when corruption was a major issue, none was more noted than the period ushered in by the administration of President Ulysses S. Grant. It was an era which a pair of wits, Mark Twain and Charles Dudley Warner, dubbed "The Gilded Age." The term described the years in the latter half of the nineteenth century when there was great industrial expansion, an enormous amount of financial chicanery, much political wire-pulling, and clearly, a lot of cor-

ruption in high places. It was a time when some people in high office were certainly purchasable.

Corruption appeared on all levels and in all branches of government. County treasurers were known to abscond with county funds. Magistrates, legislators, elected and appointed officials alike, felt the temptation at times to listen to the alluring promises of individuals who approached them with offers of passes or positions or even money. Such individuals offered whatever they believed it would take to secure the passage of some desired piece of legislation or to block the passage of undesired bills. Bosses, such as William Marcy Tweed, ran political machines which allowed them to control cities and even states.

Mark Twain and Charles Dudley Warner's *The Gilded Age* was published in 1873 but the "Gilded Age" in a more general sense lasted well past the Grant administrations. The *Crédit Mobilier*, a magnificent scheme for huge profits for the visionaries who built the first transcontinental railroad, was certainly a piece of Gilded Age finagling. And it might be suggested that the 1876 presidential election was a high moment in Gilded Age politics. In that election the will of the electorate was probably thwarted and the election taken from the man who had won. It may have been given to the loser because he was willing to dicker for it if necessary. Or consider the case of Chester A. Arthur. Arthur's poor management practices got him removed from his position as collector of customs in the New York Customs House in



1878 but he was elected vice-president in 1880 and he became president in 1881 after the death of James A. Garfield.

The frequency of disclosures of corruption in high places in the last quarter of the nineteenth century dulled the sensibilities of the public who became inured to such charges. Moreover, they could not always be certain that the charges were not being made by unscrupulous people who sought to gain political advantage by blacking their opponents in some particularly vicious manner. Lemuel Bolter, running against an incumbent Republican, Colonel Sapp, in an 1876 Iowa congressional race, found himself charged with being a fugitive from justice from Michigan where he was supposedly wanted for incest. The charge was made a bare week before the election. In many cases it is impossible to tell at this time whether particular charges of corruption or criminality leveled at an individual in the nineteenth century were based on an honest attempt to root out immoral or criminal behavior, or whether they were put forth for simple electoral benefit.

* * *

Neither Iowa nor Iowans were free from the period's penchant for accusations of political corruption. One of the major scandals during the Grant administration concerned an Iowan, Major General William Worth Belknap, who made a hasty and voluntary exit from President Grant's cabinet on 2 March 1873. As Grant's secretary of war, General Belknap was accused of receiving cash payments from a man for whom he had arranged a partnership with the post trader at Fort Sill, Indian Territory. Belknap's resignation did not prevent him from being impeached but the fact that he was no longer a member of the cabinet

Opposite: The auditor's private room in the Iowa State Capitol Building, 1885. (SHSI)

led to his acquittal since a number of senators based their vote on a lack of jurisdiction.

But the most flamboyant episode in Gilded Age shenanigans in Iowa occurred in 1885 and 1886 when the governor of the state, Buren R. Sherman, became involved in a lengthy and notorious dispute with the Auditor of State, John L. Brown. The protagonists were both elected Republican officials, both veterans of the Civil War, and both rather unspectacular gentlemen who would long ago have been forgotten had it not been for their battle over the policies and procedures of the state auditor's office. That battle received much attention from Iowa's newspaper editors in 1885 and 1886. There were pro-Sherman papers, most prominent among which was the *Iowa State Register* where Ret Clarkson called the shots. There were the pro-Brown papers such as the *Fort Madison Plain-Dealer* or the *Osceola Sentinel*. And there were a few papers which either straddled the fence or called for a pox on both men. The heat which the controversy generated was intense but what did it all mean?

* * *

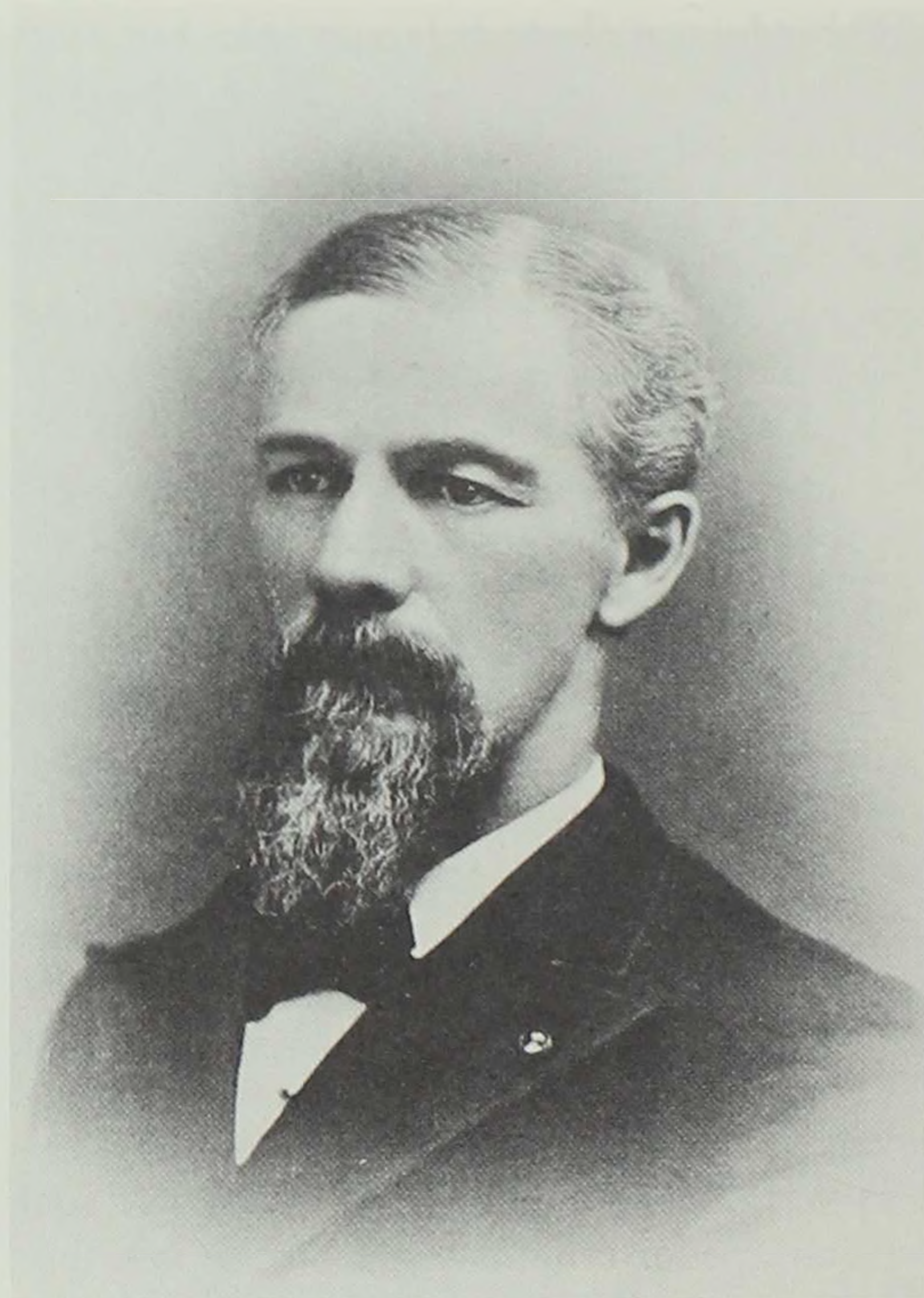
Originally from New York State, Buren Robinson Sherman settled in Vinton, Iowa, in 1860, and then almost immediately went off to war as a private in Crocker's Brigade. Severely wounded at Shiloh, he was later discharged with the rank of captain. In the aftermath of the Civil War, Sherman had all the attributes necessary for a successful political career in Iowa: he was a wounded Civil War veteran, a lawyer, and a Republican. His first victory at the polls was election as clerk of the district court in Benton County. In 1874 he was elected Auditor of State, a post to which he was twice re-elected. He served two terms as governor of the state, having been initially elected in October 1881. Biographers have described Governor Sherman in a variety of ways. One pointed to his rare combination of good-fellow-

ship and an aptitude for details in business affairs. His obituary in the *Annals of Iowa* included the statement that "he was a man of pronounced views upon the various questions in agitation during his career — one who had warm, devoted friends and bitter enemies." Without malice, perhaps it is safe to agree with the individual who simply admitted that Sherman "can scarcely be named among the great governors of Iowa."

On the other hand, John Lee Brown came to Iowa a bit later than Governor Sherman. He fought in the Civil War in the 70th Indiana Infantry under Colonel Benjamin Harrison. He was wounded at the Battle of Resaca in 1864, and lost an arm as a result. Following the war, he had a short career as a school-teacher, as a county recorder, and finally he came to Iowa in 1870. His political interests led to his election as constable in 1871, an appointment as justice of the peace in 1873, and finally, his election as auditor of Lucas County in 1875, a post he held for six years. He became Auditor of State in January 1883. Brown was very neatly described by one of his contemporaries as a "very upright and a downright man, and did not depend upon his suavity of manner for his success in life." He was a man of temper, a man difficult to get along with, and, in the opinion of his opponents, "a crank."

Neither man showed any magnetism or even much imagination. In the aftermath of their 1885-1886 set-to, neither man would ever be elected to political office again, and it can probably be said equally of Brown as it was of Sherman that "His after-life was without especial incident."

The struggle between the governor and the auditor seemed to have had a pair of causes. It perhaps began when the executive council, which included Auditor Brown, took up the question of reappointing a Major Anderson to the Board of Railroad Commissioners.



Governor Buren R. Sherman. (SHSI)

The railroads opposed the reappointment of Anderson and pressured Governor Sherman to appoint Judge J.W. McDill in his stead. A deadlock resulted among the council members when Governor Sherman refused to reappoint Anderson and continued to push for McDill. The deadlock was finally broken but Auditor Brown voted against McDill to the end and even filed a protest in which he stated that McDill's opinions on railroad matters "as evidenced by his former rulings as a railroad commissioner, are not in accord with the demands of the public interests." Brown lost in the council and his relations with the governor were sadly impaired.

Those relations soured even further when Auditor Brown began to take seriously certain duties which devolved upon him as insurance and bank commissioner. He set out to "secure a thorough examination of every insurance com-

pany doing business in the state that [had] not been examined within five years." Auditor Brown hired as examiner H.S. Vail, and his examinations did not prove favorable to many companies. The companies complained and they had powerful individuals who were prepared to act upon their complaints. Charges were made that the auditor had demanded and received "excessive and illegal [examination] fees" from the insurance and banking companies, and that "funds [had] been retained by [the auditor's] office or those connected with it, which should have been paid into the State Treasury, and that other irregularities existed in connection with [the] Auditor's office." Some people suggested that perhaps Auditor Brown's difficulties actually resulted from the simple fact that the carrying out of his official duties in strict fashion was not totally appreciated by the governor, who was also the president of the Globe Insurance Company, or by the Clarksons, who owned a great deal of stock in that company.

When Brown asked for Governor Sherman's approval of his bond on 2 January 1885, the governor requested the auditor's fee book. As an ex-auditor, the governor made a perfunctory examination of the fee book, then sent a clerk to examine it in more detail, and finally appointed a three-man commission to examine the books of a number of state offices. The committee spent some time in the insurance room pouring over the fee books and then wrote a report which provided the basis for the governor's suspension of the auditor on 3 March. The governor's notice to the auditor began:

Having failed and refused to produce and fully account for the public funds and property heretofore under your control as Auditor and failed and refused to make reports of your official acts as such officer, as required by law, therefore your official bond as a re-elected officer is

not approved and your said office is now hereby terminated.

The governor notified Brown that he was no longer to exercise any of the powers of his office and that he was to turn everything pertaining to the office over to Jonathan W. Cattell. Cattell had been, curiously enough, Governor Sherman's predecessor as Auditor of State, and thus a third auditor entered the fracas. Whatever differences had existed between Sherman and Brown now grew into what the *Sioux City Journal's* editor described as a "Chinese tussle," a "scandalous row," and an "inconsequential mole-hill of difference of opinion" which was being transformed into a "mountain of scandalous development."

In almost comic opera fashion, Brown refused to give up his office, Cattell sought a court order to compel him to do so, and the court, on 17 March, announced that the statutes under which the governor had issued the suspension order were constitutional, but that the court had no jurisdiction in the case. Governor Sherman then acted with boldness and seized the auditor's office with the help of the state militia. The takeover of the auditor's office by force was graphically described by the *Iowa State Register*:

The manner in which the Guards were gotten over was a source of wonder to a great many as they were not seen coming over and when needed seemed to "grow out of the earth," as one spectator expressed it. They went over to the new Capitol in citizens' dress, and there were uniformed, equipped and marched to the scene of action. This was done to avoid the crowd that would have been drawn by their marching over in line. . . . Adjutant General Alexander marched up the head of the stairs at the head of a squad of the Governor's Guards. Approaching the

group [outside the auditor's office] the General addressed Mr. Brown: "I have an order here from Governor Sherman directing me to take possession of this office [and to remove all officials other than Catell from the auditor's office]." . . . General Alexander then ordered the boys to take possession of the office, when Brown and Stewart [the deputy auditor] both stepped into the door and shoved back the men. They were quickly seized by several pairs of strong hands and carried struggling as best they could back into the hall. The door was found to be locked and first the butts of their muskets were used and these proving insufficient a ten pound sledge was brought, and in the hands of Sergeant Parker it soon caused the door to yield.

Auditor Brown and his deputy put up a bit of resistance, the office doors were battered in, and the auditor was arrested by the sheriff.

By this time the newspapers of the state were having a field day. Nor was it only Iowa newspapers that felt obliged to comment upon what was coming to be known as "The Iowa Imbroglio." Nor would the affair fade away. Was the governor "justified in removing from a State office, by military power an officer duly elected by the people"? Auditor, or ex-Auditor Brown, took to the courts himself in April to test the constitutionality of the law under which he had been suspended. By this time certain Republicans were becoming nervous about the effect of the struggle on the party itself in an election year. One snippet from a newspaper in western Iowa summed it all up in the following fashion:

There are some envious people who think that the Sherman-Brown controversy has resolved itself into a count of the I's in two small potatoes. Certain it is that the great republican party of Iowa will take no

hand in the Pickwickian quarrel.

But finally on 12 May 1885, the Supreme Court of Iowa declared the statute under which Brown had been suspended was indeed constitutional and further the "legality of all things done under it." The end had certainly come to this unseemly quarrel between Governor Sherman and Auditor Brown. Or had it?

* * *

Perhaps one might say that the struggle between Governor Sherman and Auditor Brown had ended but there was a long and involved postscript to the affair. That came about when William Larrabee was elected governor in November 1885. Governor Larrabee issued an executive order declaring Brown's bond to be approved. He was restored to office on 23 January 1886. Those who were outraged by the governor's act initiated an investigation into Brown's actions by a Joint Committee of the General Assembly. The committee report concluded that all had not been handled well or correctly in the auditor's office during Brown's tenure there. The main areas of concern included Brown's failure to keep records detailed or itemized enough, or to report to other state offices with the "accuracy and particularity" the law required. The House of Representatives voted articles of impeachment against Auditor Brown.

It was a lengthy trial and one conducted in an age of oratorical flights, yet one must feel, in reading the 2,610 pages of trial documents, that most of the stops were pulled out. Judge Nourse, speaking for the defense, gave a three-day opening statement! The individual who stole the oratorical show at the impeachment trial, however, was a twenty-seven year old member of the House of Representatives, Robert G. Cousins, who assisted in presenting the case to the Senate. In almost inspired fashion, he presented his portion of the case:

I know, sir, that in a case of this kind where the State is one party and the respondent is the other, the private feelings, and all the chivalry and all the sympathy attaches to the accused. I know that the State is regarded as great and strong and wealthy. She simply stands with marble hand pointing to the violated statute. In her behalf no tears fall, and no sympathy is enlisted. All the sympathy and all the chivalry is on the side of the defense. And for my part I had rather be, in fact it is my nature to be, rather in favor of, and to be engaged in the defense of those who are accused, and those who are unfortunate, than to be engaged as a prosecutor. But, sir, I conceive that in this day and age the time is well spent by any man, young or old, standing in defense of the public morals of his State, standing in defense of the doctrine that in order to be safe we must exercise eternal vigilance, even in times of peace, or we cannot perpetuate our free institutions and our republic.

And he concluded with ringing phrases:

You may build your Capitol of granite, and pile it as high as the Rocky Mountains, if it be founded on or mixed up with iniquity, the pulse of a girl will, in time, beat it down.

The editors of the state carefully tracked the lengthy trial proceedings and filled their papers with expressions of concern about the nature of the protagonists, the mounting costs of the trial, and the effect of the proceedings on Iowans generally. The consensus seemed to be that Brown was not guilty of intentional wrongdoing, but that he was so unpleasant an individual that no one much cared that he was in trouble. The *Union Star* declared that it was obvious that "Brown had been bull-headed and

pig headed, indiscreet, refused advice and performed acts unbecoming to the office he held." Few editors bothered to support Sherman either, but most believed that he had been out of line in calling out the militia to evict the auditor from his office. The cost of the impeachment trial was estimated at \$40,000, a sum that seemed to exorbitantly exceed the importance of the issues involved. Indeed, the *Carroll Sentinel's* editor suggested that the trial was extended longer than necessary in order for the attorneys representing each side to collect larger fees: "We think we can see Judge Nourse and Galusha Parsons nudge each other and say: 'Here are two geese; you pluck one and I'll pluck the other.'" To add greater perspective to the costs of the impeachment trial, the *Indianola Herald* pointed out that "it will take about 200,000 bushels of the farmers' corn, the product of 5,000 acres of rich Iowa soil to pay the expenses resulting from the most infamous conspiracy ever concocted in a free country to ruin an honest official." And in terms of the overall benefit of the trial to the state, the *Cedar Rapids Gazette* summed it up aptly: "If some able bodied man would go out to Des Moines and kick the stomach and gall out of Brown, and wear out Sherman's pants at the seat with a slipper, thereby saving the State from further disgrace and ruin, he would be doing the State a great service." There was strong feeling that little good had come from the lengthy proceedings. It seemed to be much more a personal quarrel than a matter of public concern, and the citizens of the state were paying a high price for the quarrel. The *Boone County Republican* caught the spirit of many Iowans with the following editorial:

When it will end nobody knows and but few would care, were it not that the unfragrant hoe-down is being carried on in the name of the State and at the expense of the people. Nothing not already an old story in the columns of the press is being

developed, except an additional manifestation of six dollars a day avarice on the part of senators whose greatest concern seems to be the profit they are to obtain from the vomiting that heaved them out of the belly of obscurity into public notice as members of a so-called court of impeachment, the record of which in future years will serve to revive only the memory of a plague. . . . In trying to make a record of this uncommon exhibition consciencious [sic] reporters and faithful proof readers have been driven to the verge of insanity. To write about it in detail as a matter in which there are pros and cons worthy of serious consideration, would require all the patience of Job unmolested by even a solitary boil, as well as the utter obliviousness of the fact that citizenship in Iowa should carry with it an honorable prestige.

* * *

But it ended with a victory for John L. Brown. He was not found guilty on a single one of the thirty articles of impeachment. The vote varied from article to article but he was exonerated. He was reinstated in office on 29 July 1886, and served out the remainder of his term. John L. Brown was the only prominent state official suspended from his duties by an Iowa governor in the nineteenth century. Moreover, he was the only prominent official to be impeached by the Iowa State House of

Representatives in the nineteenth century. Perhaps Iowa was freer of corruption than other states in the Gilded Age. But then perhaps one has to consider the manner in which appointments were made by governors in the period, or perhaps one has to look carefully at what we would today refer to as "conflict of interest." In the Brown-Sherman affair, one can understand the case of poor practices which was made against Auditor Brown and one can agree that there was a certain ambiguity in the manner in which certain fees or charges were handled. It may not seem very important, however. The case against the auditor, even to contemporaries, seemed a bit too contrived. Perhaps Governor Sherman and Auditor Brown were best described by the *Sioux City Journal* as "small men in office whose supreme fear is lest their importance be not recognized or the majesty of their personal notions overlooked." □

Note on Sources

Thanks to Sheralee Connors, Michael J. Carlson, and Debra Rolston for their help and research assistance in preparing the material for this article. The bulk of the documentary information on the Sherman-Brown controversy was found in the *Report of Joint Committee Appointed to Investigate Office of Auditor of State* (Des Moines, 1886), and in the three-volume *Journal of the Senate of the Twenty-first General Assembly of the State of Iowa, with Reference to the Impeachment of John L. Brown, Auditor of State* (Des Moines, 1886). Reference was also made to a large number of 1885 and 1886 Iowa newspapers. We selected newspapers representative of Iowa towns and cities of all sizes, and representative of all political parties as well. The controversy aroused a great deal of editorial comment at the time, and the story was well known. The context of corruption on the national and regional scene was drawn from information in a variety of general history books about the United States during the period from the Civil War to the end of the nineteenth century.