

The Family Heritage Series

A weekly discussion of Americanist truths and traditions for those "heirs of all the ages" who will have to preserve that most important inheritance of all — freedom. Produced by the Movement To Restore Decency.



Volume II

Lesson Sixty-Nine

The Impeachment of Andrew Johnson

LESSON IDEA

To review the issues and events that led to the impeachment of Andrew Johnson, and to demonstrate that he was pilloried not for his wrongdoings but for trying to be just and fair.

PREPARATION

Review the previous lessons on the War Between the States, the Emancipation Proclamation, and Lincoln's assassination to better understand the political intrigues which prompted President Johnson's impeachment.

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WHEN ANDREW JOHNSON took the oath of office as President of the United States, following the assassination of Abraham Lincoln, two prominent Republican leaders — Thaddeus Stevens, a representative from Pennsylvania, and Edwin Stanton, Secretary of War — breathed a sigh of relief. There would be no more Presidential interference with their plans for a military dictatorship in the defeated South. Lincoln, their antagonist, was dead. Johnson, they were sure, would favor them. "Treason is a crime," the new President had said, "and crime must be punished. Treason must be made infamous; and traitors must be impoverished."

This vindictive attitude seemed to fit perfectly with the proposal Stanton had made — the very day of Lincoln's assassination — to divide the South into military districts, each to be run by a military commander accountable only to Stanton. And Stanton's military dictatorship was supported nicely by Stevens' dogma that the seceded states were no longer in the Union — that they were now "conquered territories" to be policed by Congress.

"I would lay a tax whenever I can, upon the conquered provinces," said Stevens, "just as all nations levy them upon provinces and nations they conquer." The United States "must treat those states outside of the Union as conquered provinces, and settle them with new men, and drive the present rebels as exiles from this country." If the Southern "territories" wanted to rejoin the Union, they would have to revise their state constitutions according to Congressional dictates, outlaw slavery, and give the Negroes the right to vote.

This line of reasoning had some strange twists, which Lincoln had been quick to see. As historian Lloyd Paul Stryker pointed out: "The Southern states were either in the Union or they were out. If they were in the Union, Congress had no power to provide what constitutions or laws they should adopt; if they were out of the Union, then they had succeeded in their war and Congress had no greater right to interfere with them than with Canada or Mexico. But the difference between Lincoln and his Congress lay far deeper than a mere dispute as to their constitutional prerogatives. Lincoln divined the inner purpose of the Radicals and he had set his will to thwart their hidden schemes to spoliage and trample down the South when her armies were defeated. If Congress could abolish slavery, it could disfranchise Southern white men and give the vote to the illiterate ex-slaves. Lincoln determined to prevent these things."

But Lincoln was dead, and Andrew Johnson was more likely to support than thwart the radical juggernaut. Or so Stanton and Stevens believed on the day he became President. In less than a

month, Johnson had proved them wrong.

The reconstruction plan which Lincoln had formed, and which Johnson put into effect immediately, was to have each Southern state elect delegates to a state convention. This convention would repeal the secession ordinance, abolish slavery, repudiate the State's war debt, and order elections for the state legislature and national and other state officers. To make doubly sure slavery would not be reestablished, the state legislatures would be required to ratify the Thirteenth Amendment, which outlawed slavery in all states of the Union. Why was it necessary to have a Thirteenth Amendment? [*Remind family members that the Emancipation Proclamation of 1863 only freed the slaves in the seceded states; slavery still existed in some of the northern and border states.*]

UNDER THE PRESIDENT'S PLAN, the voting in each Southern state was to be done by citizens who had reaffirmed their loyalty to the Constitution and the United States, but not by any of the political or military leaders of the rebellion. The question of voter qualifications — whether literacy, owning property, paying a poll tax, or whatever — would have to be decided by each individual state, Johnson believed. The Constitution was clear that it was not the business of the federal government to impose its will on the states in such matters.

Nothing could have ignited the radicals' fury more. While the Southern states reconstructed their governments according to Johnson's proclamation, Thaddeus Stevens impatiently waited for the December session of Congress to convene. The moment the House of Representatives was ready for business, Stevens presented a resolution for the appointment of a joint committee of the two Houses to inquire into the condition of the late Southern states and report by bill whether any of them were entitled to representation in either Congress. Until that report was made, the newly elected Southern representatives who had arrived in Washington to take their seats would have to cool their heels. Congress, under Stevens' leadership, was declaring war on Johnson's reconstruction procedures.

In January, Stevens and his allies began their legislative attack. The Freedman's Bureau, which had been operating for about ten months as a

humanitarian center providing food, clothing, jobs, hospital care, and protection for recently freed slaves, was to be transformed into a military organization with absolute power over domestic Southern affairs. The South was to be divided into five districts, each containing one or more states. These districts were to be controlled by commissioners appointed by Washington, and answerable only to the President, not to the people.

The bill was rushed through Congress and sent to the President for his signature. Secretary of the Navy Gideon Welles, Johnson's ally, was the first to read it and grasp its implications. In his diary he wrote: "Have examined the bill for the Freedman's Bureau, which is a terrific engine and reads more like a decree emanating from despotic power than a legislative enactment by Republican representatives. I do not see how the President can sign it . . . Certainly I shall not advise it . . . I am apprehensive that the efforts of our Northern philanthropists to govern the Southern states will be productive of evil, that they will generate hatred rather than love between the races. The Freedman's Bureau scheme is a governmental enormity. There is a despotic tendency in the legislation of the Congress."

JOHNSON DID VETO the harsh measure. Stevens, lacking enough support in Congress to pass it over a Presidential veto, waited until July. Then the bill was reintroduced, amended, approved by Congress, vetoed by the President, and repassed by Congress with a two-thirds vote.

In the meantime, the radicals readied a new political missile that was sure to destroy the mending process that Johnson's reconstruction plan had started. This was the infamous Fourteenth Amendment. By its provisions, the federal government would step directly into the affairs of the

FOR SERIOUS STUDENTS

Gideon Welles' diary provides an interesting insight into the back-room maneuverings which resulted in President Johnson's impeachment. The three-volume *Diary Of Gideon Welles — Secretary Of The Navy Under Lincoln And Johnson* should be available at your local library. If it is not, or if time prohibits such an extensive study, we recommend Lloyd Paul Stryker's biography, *Andrew Johnson*, which includes many excerpts from the Welles diary.

states to guarantee the civil rights of former slaves (including voting rights), deny positions of political power to all Southerners who had helped in the war in any way, and repudiate the war debts of the Confederacy. In one grand legislative decree, this so-called constitutional amendment proposed to make former slaves the political equals of the educated landowners of the South — which was about as “soothing” to the “nation’s wounds” as lobbing a grenade into a barrel of gasoline.

The result was predictable; the Southern states, with the exception of Tennessee, rejected the amendment by overwhelming majorities — as did California, Delaware, Maryland, and Kentucky. The radicals now had the excuse they needed for implementing the dictatorship Stanton had proposed all along. Rejection of the amendment was proof, they argued, that the new Southern governments, as designed by Johnson, would give no more than lip service to Negro freedom. It was proof, they shouted, that the reconstructed state governments were planning to reorganize the old system of slavery under a different name and on a somewhat different basis. It meant, they screamed, that the President was conspiring with the South, and with Northern Democrats, to drive the Republican party from power and restore pre-war conditions.

Under the pretense of keeping Johnson from “destroying the Republican Party” by dismissing those who were warring against him in his Cabinet or in other appointive offices, Congress passed the Tenure of Office Act, which forbid any such dismissal without the consent of the Senate. This meant that President Johnson was saddled with a battery of radical Republicans on his staff, who were openly hostile to him and to his conciliatory policies.

Having thus hamstrung the President, the Congressional radicals began to introduce a series of reconstruction acts. By these legislative coups, the existing governments were abolished in the ten Confederate states which had rejected the Fourteenth Amendment. They were replaced by military dictatorships, the commanding generals being ordered to form governments that would approve the Fourteenth Amendment. Johnson vetoed these measures, of course; but by now Stanton had his two-thirds majority, and Congress overrode his vetoes. The radicals then proceeded to impose their will upon a bewildered South.

WHEN IT BECAME obvious that the President would not yield in his determination to support just and moderate solutions, the radicals trimmed his powers as Commander-in-Chief of the Army and Navy, preventing his interference with the military dictatorship in operation. He was specifically forbidden to give orders to the Army which were contrary to the Congressional decrees for reconstruction. Had he tried to circumvent this legislation, Edwin Stanton, Secretary of the War, would have stopped him.

To have Stanton, a member of his Cabinet, playing Congressional watchdog, expressing hostility in every way possible, and questioning the President’s patriotism, was an intolerable situation for Johnson; and in August of 1878, he asked for Stanton’s resignation. Stanton refused to give it. One week later the radical Secretary of War was suspended by executive order; and in December, the President notified the Senate of his action. The Senate immediately reinstated Stanton, and Johnson again dismissed him.

Without delay, one of the radicals in the House of Representatives submitted a resolution that “Andrew Johnson, President of the United States, be impeached for high crimes and misdemeanors.” In the Senate, the radicals resolved that “under the Constitution and laws of the United States, the President has no power to remove the Secretary of War and to designate any other officer to perform the duties of that office . . .”

The frenzied attack on Johnson gained such momentum that on February 24, 1868, the House voted 126 to 47 to impeach the President. A stunned Gideon Welles wrote in his diary: “The impeachment is a deed of extreme partisanship, a deliberate conspiracy involving all the moral guilt of treason, for which the members if fairly tried would be liable to conviction and condemnation . . . In this violent and vicious exercise of partyism, I see the liberties and happiness of the government imperiled . . . the Radicals in Congress are in a conspiracy to overthrow not only the President but the government. The impeachment is but a single act in the drama . . .”

What do you think Welles meant? Could he possibly have been right in stating that a conspiracy existed in our nation’s capital? [*Encourage discussion. Explain the impeachment process if it is not*

clear to your family. If you feel it is appropriate, encourage discussion of more recent conspiratorial activities in this country.]

The radicals had drawn up eleven articles of impeachment which they hoped would persuade the Senate to convict the President and remove him from office. Of these eleven, eight concerned various aspects of Stanton's dismissal. The ninth accused Johnson of violating the act which restricted his military powers; the tenth charged that he had brought disgrace upon the Congress through three speeches he had made. And the eleventh accused him of trying to stop Congress from passing amendments to the Constitution, and of violating the Reconstruction Acts.

The Senate began the impeachment trial on March 13. As hundreds of onlookers peered down from the Senate galleries, Benjamin Butler led the prosecution's attack against the President. He brought his tirade to a close by saying: "We have . . . brought the criminal to your bar and demand judgment at your hands for his so great crimes." What were Johnson's "great crimes"? Was he being tried for dismissing Stanton, or was this merely an excuse for interfering with the radicals' plan for reconstruction? [*Encourage discussion.*]

On Tuesday, May 26, 1868, the vote was taken in the Senate on the articles of impeachment. The President was acquitted by one vote. A few Senators who did *not* understand the part reconstruction played in the impeachment drama saw at least the threat to constitutional government, and refused to go along with their more radical colleagues. Republican Senator Trumbull of Illinois, who voted in the President's favor, summed it up well when he warned that a guilty vote would mean "no future President will be safe who happens to differ with the Majority of the House and two-thirds of the Senate on any measure deemed by them important, particularly if of a political character . . . and what then becomes of the checks and balances of the Constitution so carefully devised and so vital in its perpetuity?"

Johnson may have been annoyed and inconvenienced by the impeachment threat, but he lost none of his determination to fight radicalism. In his final message to Congress six months after his acquittal, he boldly told the legislators that their reconstruction policies had succeeded only in setting

Negro against white in the South and had impaired, if not destroyed, the kindly relations that had previously existed between them. He asked that the Reconstruction Acts be repealed. He said that Congress had seriously impaired the power of the President by its Tenure of Office Act and had embarrassed the Executive in the exercise of his constitutional duties as Commander-in-Chief of the Army and Navy. He urged the repeal of the offending legislation.

On Christmas Day, he issued an unconditional pardon and amnesty to all persons who had participated in any way in the War Between the States and restored their political and civil rights under the Constitution. And on March 4, 1869, he stepped down as chief executive of the nation to welcome a new president, General Ulysses S. Grant.

Thus ends the ordeal of Andrew Johnson, but not the ordeal of the South under the radicals' dictatorial reconstruction policies. In next week's lesson, we will see what Reconstruction did to the South.

DURING THE WEEK

At the dinner table, discuss the similarities and differences between the impeachment of Andrew Johnson and the attempted impeachment of Richard Nixon. Were the real issues and more important disputes openly discussed in either case?

The Family Heritage Series

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