

# Andrew Johnson's ordeal

By Scott Tubbs

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Andrew Johnson holds the dubious distinction of being the only American president ever impeached. The pressing thought among the American populace is if Bill Clinton will suffer the same punishment.

Last week, the Republican-controlled House Judiciary Committee approved four articles of impeachment against Clinton alleging perjury and obstruction of justice. With just one exception, the votes followed party lines. Now the president must face the disposition of the entire 435-member House.

Two other chief executives were threatened by impeachment. During the early 1840s, a congressional committee chaired by ex-President John Quincy Adams drafted a resolution of impeachment against President John Tyler for abusing his power of veto. The resolution was defeated by a vote of 127-83. In 1974, Richard M. Nixon avoided certain impeachment over his involvement in the Watergate scandal by becoming the only president to ever resign.

The Constitution provides a specific manner in which certain elected officials, deemed disloyal or dishonest, may be subsequently removed from office prior to expiration of their established terms. This process involves impeachment. Many Americans are somewhat confused with the procedure. To impeach is to charge with wrongdoing (it is the equivalent of a grand jury indictment) — it does not mean to remove from office. Therefore, it is only one step in the entire process. Dismissal from office would result only through the successful completion of an impeachment case.

Once investigation is completed and formal charges are issued by the House of Representatives, the Senate hears the evidence and acts as jury for the impeached official. The Chief Justice of the Supreme Court presides over the trial.

In early 1868, the Radical Republicans' relentless efforts to install their vindictive Reconstruction measures, coupled with their growing dissatisfaction with Johnson, culminated in a shameful attempt to remove Johnson from office. Even though the entire Radical Republican program passed through Congress despite Johnson's power of

veto, his stubbornness had nonetheless become a persistent thorn in the Radicals' side. In addition, some Radicals had simply grown to hate him personally.

Consequently, the House brought a number of charges against Johnson as grounds for impeachment. Most of the accusations were downright silly. For instance, Johnson was charged with attempting to deal with the ex-Confederate states "in accordance with his own will, in the interests of the great criminals who carried them into rebellion" and with trying "to bring into disgrace, ridicule, hatred, contempt, and reproach the Congress of the United States." Although these allegations might very well have been accurate, they were far from the "high crimes and misdemeanors" stipulated by the Constitution as necessary grounds for impeachment.

The one conceivably credible charge against Johnson centered around the Tenure of Office Act, passed in 1867 over the president's

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— Scott Tubbs,  
Stevens history teacher

veto. The law stated that any presidential appointee whose position was confirmed by the Senate could not be later terminated by the president without like Senate approval.

Johnson deliberately challenged the Tenure of Offices Act by dismissing Secretary of War Edwin M. Stanton, an ally of the Radicals. Just three days later, now armed with a charge of some substance, the House impeached Johnson. The furious House was so bent on indicting the president that it didn't even bother to issue formal charges before taking the vote!

The Radicals' case was flimsy, at best. (Actually, modern authorities consider Johnson's systematic and belligerent efforts to undermine enforcement of the Military Recon-

struction Act a far more serious offense.) To begin with, there was ample question as to the constitutionality of the Tenure of Office Act. This, of course, was of no concern to the judgment-impaired Radical Republicans.

Johnson's attorneys pointed out that even if the law was constitutional, it could not logically apply to this case for two reasons — Stanton was named to his position prior to the enactment of the law, and furthermore, he was appointed not by Johnson, but by the previous president, Abraham Lincoln! The bottom line in this messy affair is the Radicals were out to humiliate Johnson — it was strictly a power play to solidify their control of the federal government.

The trial convened in March, with Chief Justice Salmon P. Chase presiding. Tickets were issued as if the event were a play or concert, and spectators clamored to see the political show. Benjamin Butler and Thaddeus Stevens led the Republican prosecution. Stevens was so ill he had to be carried into the chamber. When he stood to speak, leaning heavily on his cane, he addressed the absent president in dramatic style, saying, "Unfortunately, unhappy man, behold your doom." The trial would hold the nation at bay for two months.

Stevens and his Republican cohorts did not get their wish. The

Senate failed to tally the necessary two-thirds majority to convict Johnson, but it was breathtakingly close. The final count of 35-19 was just one vote shy of conviction! However, it really was not that close at all — half a dozen more practical-minded senators voted with the majority only as a political move. That is to say, an anti-Johnson vote would be popular for those senators in their respective home states come re-election time. (Indeed, of the seven Republicans who did vote against their party, none were returned to office in the next election.) In truth, the group of senators had privately agreed that if their votes would make the difference, they would vote instead on Johnson's behalf.

The real significance of this dis-

gusting affair rests in the larger scope of our constitutional government. It is fortunate the Radicals failed to remove Johnson from office. For Congress to threaten impeachment as a weapon against the office of the president, based on sheer vindictiveness, would have set a dangerous precedent and substantially upset the balance of power in our national government for many years to come.

In fact, it was for this very reason that some senators voted to support the president, for they later acknowledged they were less concerned with retaining Johnson, whom they considered inept and insensitive, than they were with upholding the office of the presidency. Thankfully, the wisdom of some senators, rather than the short-sided and blatant partisan politics of the Radical Republicans, carried the day.

Although Johnson survived the Radicals' assault and retained office, his presidency was severely weakened for its remaining short duration. No longer did he interfere with the Reconstruction policies already in place. Hence, the Radicals actually accomplished what they had set out to do — effectively shift the management of Reconstruction from the president to Congress.

During the entire two-month affair, Stanton, prodded by his dimwitted Radical Republican friends, barricaded himself in his office, remaining there day and night. Johnson's new appointee to the position, Lorenzo Thomas, was unable to access the office, and so could not do much except attend a few Washington social functions! By virtue of the failed impeachment proceedings, Stanton was ultimately removed. But the appointment of Thomas as the replacement for Stanton was not approved by the Senate. Instead, Ulysses S. Grant became the new Secretary of War.

Johnson left the White House, in normal fashion, less than a year later. In the ensuing election, Grant, a supporter of the Republican Reconstruction policies, became president. The ruthless crusade of the Radical Republicans for complete dominance of Reconstruction government was now complete.

In 1874, the maligned but proud Johnson returned to Washington to face many of his former adversaries, this time from a different perspective — the former president's fellow Tennesseans elected him to the Senate. He died one year later. The Tenure of Office Act was repealed in 1887.