

Excerpts from the Articles of Impeachment of Andrew Johnson

Directions

Analyze these excerpts from the Articles of Impeachment of Andrew Johnson and answer the questions that follow. Feel free to annotate the document to aid in understanding it.

Articles of Impeachment of Andrew Johnson¹

February 21, 1868

PROCEEDINGS OF THE SENATE SITTING FOR THE TRIAL OF ANDREW JOHNSON PRESIDENT OF THE UNITED STATES

Exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Andrew Johnson, President of the United States, in maintenance and support of their impeachment against him for high crimes and misdemeanors *in office*.

ARTICLE I

... Andrew Johnson, President of the United States, ... unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully, and in violation of the Constitution and laws of the United States, issue and order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned,

by and with the advice and consent of the Senate of the United States, as such Secretary, ...

EXECUTIVE MANSION,

Washington, D.C., February 21, 1868

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from the office of Secretary for the Department of War, and your functions as such will terminate upon receipt of this communication. You will transfer to Brevet Major General, Lorenzo Thomas, Adjutant General of the army, who has this day been authorized and empowered to act as Secretary of War ad interim, all records, books, papers, and other public property now in your custody and charge.

Respectfully yours,

ANDREW JOHNSON.

To the Hon. Edwin M. Stanton, Secretary of War Washington, D.C.

Which order was unlawfully issued with intent then and there to violate the act entitled “An

¹<http://teachingamericanhistory.org/library/document/articles-of-impeachment-of-andrew-johnson/>

act regulating the tenure of certain civil offices,” ... to remove said Edwin M. Stanton from the office of Secretary for the Department of War, ... whereby said Andrew Johnson, President of the United States, did then and there commit, and was guilty of a high misdemeanor in office.

ARTICLE II

... Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled “An act regulating the tenure of certain civil offices,” ... without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, ... issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows, that is to say:

EXECUTIVE MANSION,

Washington, D.C., February 21, 1868

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War ad interim, and will immediately enter upon the discharge of the duties pertaining to that office. Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours.

ANDREW JOHNSON

*To Brevet Major General Lorenzo Thomas,
Adjutant General U.S. Army, Washington, D.C.*

Then and there being no vacancy in said office of Secretary for the Department of War, whereby said Andrew Johnson, President of the United

States, did then and there commit, and was guilty of a high misdemeanor in office.

...

ARTICLE IV

... Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and laws of the United States, ... did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, with intent, by intimidation and threats, unlawfully to hinder and prevent Edwin M. Stanton, ... from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States and of the provisions of an act entitled “An act to define and punish certain conspiracies,” ... whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of high crime in office.

...

ARTICLE VI

... Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, ... did unlawfully conspire with one Lorenzo Thomas, by force to seize, take, and possess the property of the United States in the Department of War, and then and there in the custody and charge of Edwin M. Stanton, Secretary for said department, contrary to the provisions of an act entitled “An act to define and punish certain conspiracies,” ... and with intent to violate and disregard an act entitled “An act regulating the tenure of certain civil offices,” ... whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

...

ARTICLE IX

... Andrew Johnson, President of the United States, ... in disregard of the Constitution and the laws of the United States duly enacted, as commander-in-chief of the army of the United States, did bring before himself then and there William H. Emory, a major general by brevet in the army of the United States, ... as such commander-in-chief, declare to and instruct said Emory that part of a law of the United States, ... which provides, among other things, that “all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the army, and in case of his inability, through the next in rank,” was unconstitutional, ... Andrew Johnson then and there well knew, with intent thereby to induce said Emory, in his official capacity as commander of the Department of Washington, to violate the provisions of said act, and to ... obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the army of the United States, according to the provisions of said act, and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of an act entitled “An act regulating the tenure of certain civil offices,” ... to unlawfully prevent Edwin M. Stanton, then being Secretary for the Department of War, from holding said office and discharging the duties thereof, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

...

ARTICLE X

... Andrew Johnson, President of the United States, unmindful of the high duties of his office and the dignity and proprieties thereof, and of the harmony and courtesies which ought to

exist and be maintained between the executive and legislative branches of the government of the United States, designing and intending to set aside the rightful authorities and powers of Congress, did attempt to bring into disgrace, ridicule, hatred, contempt and reproach the Congress of the United States, ... did, ... make and deliver with a loud voice certain intemperate, inflammatory and scandalous harangues, and did therein utter loud threats and bitter menaces as well against Congress as the laws of the United States ... which are set forth in the several specifications:...

SPECIFICATION FIRST. In this, that at Washington, in the District of Columbia, in the Executive Mansion, to a committee of citizens who called upon the President of the United States, speaking of and concerning the Congress of the United States, said Andrew Johnson, President of the United States, heretofore, to wit, on the eighteenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, did, in a loud voice, declare in substance and effect, among other things, that is to say:

“So far as the Executive Department of the government is concerned, the effort has been made to restore the Union, ... but as the work progressed, as reconstruction seemed to be taking place, and the country was becoming reunited, we found a disturbing and marring element opposing us. ...

We have witnessed in one department of the government every endeavor to prevent the restoration of peace, harmony, and Union. We have seen hanging upon the verge of the government, as it were, a body called, or which assumes to be, the Congress of the United States, while in fact it is a Congress of only a part of the States. We have seen

this Congress pretend to be for the Union, when its every step and act tended to perpetuate disunion and make a disruption of States inevitable... We have seen Congress gradually encroach step by step upon constitutional rights, and violate day after day and month after month, fundamental principles of the government. We have seen a Congress that seemed to forget that there was a limit to the sphere and scope of legislation. We have seen a Congress in a minority assume to exercise power which, if allowed to be consummated, would result in despotism or monarchy itself.”

SPECIFICATION SECOND. ... at Cleveland, in the State of Ohio, ... before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did, in a loud voice, declare in substance and effect, among other things, that is to say:

“I will tell you what I did do. I called upon your Congress that is trying to break up the government... But what has Congress done? Have they done anything to restore the union of these States? No; On the contrary, they had done everything to prevent it; ... But Congress, factious and domineering, had undertaken to poison the minds of the American people.”

SPECIFICATION THIRD ... at St. Louis, in the State of Missouri, ... before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did, in a loud voice, declare, in substance and effect, among other things, that is to say:

...If you will take up the riot at New Orleans and trace it back to the radical Congress, you will find that the riot at New Orleans was substantially planned. ... When you read the speeches that were made, ... you will there find that speeches were made incendiary in their character, exciting ... the black population, to arm themselves and prepare for the shedding of blood. ...

And I have been traduced, I have been slandered, I have been maligned, I have been called Judas Iscariot and all that. Now, my countrymen here to-night, it is very easy to indulge in epithets; it is easy to call a man a Judas and cry out traitor, but when he is called upon to give arguments and facts he is very often found wanting. ...

Well, let me say to you, if you will stand by me in this action, if you will stand by me in trying to give the people a fair chance – soldiers and citizens – to participate in these offices, God being willing, I will kick them out. I will kick them out just as fast as I can. ... I care not for threats. I do not intend to be bullied by enemies nor overawed by my friends. But, God willing, with your help, I will veto their measures whenever any of them come to me.”

Which said utterances, declarations, threats, and harangues, highly censurable in any, are peculiarly indecent and unbecoming in the Chief Magistrate of the United States, by means whereof said Andrew Johnson has brought the high office of the President of the United States into contempt, ridicule and disgrace, to the great scandal of all good citizens, whereby said Andrew Johnson, President of the United States, did commit, and was then and there guilty of a high misdemeanor in office.

ARTICLE XI

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and of his oath of office, and in disregard of the Constitution and laws of the United States, did, ... by public speech, declare and affirm, in substance, that the thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, but, on the contrary, was a Congress of only part of the States, thereby denying, and intending to deny, that the legislation of said

Congress was valid or obligatory upon him, ... whereby the said Andrew Johnson, President of the United States, did, then, to wit, on the twenty-first day of February, A.D. one thousand eight hundred and sixty-eight, at the city of Washington, commit, and was guilty of, a high misdemeanor in office.

SCHUYLER COLFAX, *Speaker of the House of Representatives.*

Attest:

EDWARD MCPHERSON, *Clerk of the House of Representatives.*

CRITICAL THINKING QUESTIONS

1. What are the main charges that Congress issued against the president?
2. Given the evidence laid out in the articles, do you believe the charges are justified?
3. The Articles of Impeachment make reference to the Oath of Office taken by the President of the United States. What is the oath? Do you believe Andrew Johnson broke this oath? Why or why not?
4. Why did the Constitution's Framers give Congress the power to impeach?
5. Is the president ever justified in refusing to execute a law passed by Congress? Why or why not?
6. The year of the impeachment, 1868, was a mere three years after the cessation of hostilities in the Civil War. The country was still on edge. What effect do you believe a constitutional power struggle had or could have had upon the country?
7. Andrew Johnson was eventually acquitted and he stayed in office for the remainder of his term. After reading the Articles of Impeachment, do you believe he should have been convicted and removed from office? Why or why not?
8. For the next several decades, Congress dominated the national stage, while the office of the presidency became less prominent. Many historians point to the impeachment of Andrew Johnson as the beginning of a reign by Congress. How do you think the impeachment proceedings and their result contributed to an increase in the influence of Congress?

EXTENSION

Have students research the following question. Their students write a short paragraph or journal entry in response to the question. Their answers should demonstrate sound logical thinking and articulate a clear thesis. The best answers will incorporate the principle of the separation of powers as part of their answer.

Impeachment was understood by the Founders to be a critical tool in maintaining the Separation of Power. However, only two president have ever been officially brought up on charges of impeachment. Other federal officials have been impeached and removed from office for various reasons, but no president has ever been convicted. Do you believe Congress's power to impeach the president has been used too much, too little, or just right? Please explain your answer.