

IMPEACHMENT OF ANDREW JOHNSON
By John D. Beatty, Presented to Quest Club, 22 November 2019

With impeachment dominating the news cycle lately, most of us have gotten a refresher course about the intricacies of the impeachment process. Article II, Section Four of the Constitution states that “the President, the Vice President, and all civil Officers of the United States shall be removed from office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”¹ The House of Representatives has the sole power of impeachment, and a simple majority of its members can vote for it. The Senate then has the sole power to bring those impeached officers to trial, and if the President is impeached, the Chief Justice of the United States shall preside. Conviction requires a two-thirds vote by the Senate followed by the removal of the convicted official from office.

Scholars have debated what exactly the Framers meant by the phrase “high crimes and misdemeanors.” By all appearances they left that language deliberately elastic, because they intended those words to last long after their own lives. During the original deliberations, they had considered the alternate term of “maladministration,” but James Madison had objected, believing it too vague. Alexander Hamilton, writing in *Federalist 65*, defined a high crime as “an abuse or violation of some public trust,” while impeachment was “a national inquest into the conduct of public men.” He did not claim that the official had to have broken a specific law. In 1970, Gerald Ford, then House Republican leader, said that impeachment was “whatever the majority of the House of Representatives would vote for.”

Hamilton’s definition remains unclear and raises the question how and by what specific sorts of acts is the “public trust” violated. The adjective “high” surely applied to both crimes and misdemeanors, but they were never fully defined. More objectively, the Framers had intended the impeachment clause as a way of making government officials more accountable to the people, to

promote a responsible and good government. It was nothing less than “a democratic form of regicide.”ⁱⁱ Without impeachment, said Benjamin Franklin, a government would have to resort to assassination in order to rid itself of a corrupt president who acted like a king. And for the founders of the New Republic, schooled in the history of the English Civil War and the beheading of King Charles I, the murder of even a tyrannical leader was simply untenable.

For nearly eighty years after America’s founding, Congress had not impeached a president. A number of presidents had been extremely unpopular (John Quincy Adams, John Tyler, and Franklin Pierce), but none had committed crimes that caused Congress to seek their impeachment. Historically and collectively, congressmen felt a great reluctance to do it. To quote the historian Brenda Wineapple: “...the whole idea of impeachment does not fit comfortably within the national myth of a democratic country founded in liberty ... Impeaching a president implies that we make mistakes, grave ones, in electing or appointing officials ... Impeachment suggests dysfunction, uncertainty, and discord – not the discord of war, which can easily be memorialized as valorous ... but the far less dramatic and often squalid, sad, intemperate conflicts of peace, partisanship, race, and rancor. Impeachment implies a failure – a failure of government of the people to function, and of leaders to lead.”ⁱⁱⁱ

As we have seen in the recent past, impeachment has come with a political price for the party in power. After Bill Clinton was impeached by the Republican-controlled House in 1998, Democrats gained seats in the 2000 election. In the most recent impeachment inquiry against President Trump, the process came about after a long period of indecision in the wake of the Mueller Report. The chief reason against doing so, according to many political pundits, has been its political ramifications – whether or not it was better for the people to decide the president’s fate in the 2020 election than to remove him by impeachment.

Today we are going to examine the first presidential impeachment in 1868 of the seventeenth president, Andrew Johnson, the factors that led up to that event, and its legacy. As we shall see, some aspects of those times still resonate with us today as we grapple with evolving definitions of justice, racial equality, and the limits of presidential power. At the same time, I would urge caution when comparing Johnson to Trump or looking too closely for parallels between those times and now. The political landscape of 1868 was a vastly different place.

By nearly every measure, Andrew Johnson falls to near the bottom in the rankings of U.S. presidents. He was “the queerest man who ever occupied the White House” said one of his colleagues. Becoming president suddenly on the night of April 15 after an assassin’s bullet struck down Abraham Lincoln, he had thrust upon him an opportunity for greatness, but ultimately, he lacked the skills to lead the nation in one of its most grievous hours and most transitional periods. Both his personal prejudices against African Americans and his inability to compromise placed him directly at odds with the policies that Lincoln had hoped would guide the nation after the Civil War ended.

Born into poverty in 1808 in Raleigh, North Carolina, Johnson had received no formal education in his youth. His parents were illiterate. His father died when Andrew was three; his mother was a washer woman. At the age of 10, his mother apprenticed him and his older brother William to a tailor. There, young Andrew learned the rudimentary skills of reading from customers who entered the shop and would sometimes read to them while they were sewing. Johnson discovered early on that he enjoyed learning. In time he became an avid reader and found that he hated the experience of being an apprentice. Five years later, he and his older brother ran away from their master, moving to Carthage, North Carolina, and Laurens, South Carolina, where they worked briefly as tailors. Andrew returned to Raleigh and attempted to settle the claim with his

former master, but failing to reach agreement, he left again and moved permanently to Tennessee, eventually settling in the town of Greeneville, where he married and opened a successful tailor shop in front of his home.

Johnson's love for reading and desire for self-improvement have similarities to Lincoln. The two men had little or no schooling and never formally joined a church, but both read the Bible and considered themselves Christians. Both desired to raise themselves up socially and find success in their respective communities. Yet there were also important differences, and Johnson's biographer Lately Thomas points them out in a somewhat elitist tone. "Lincoln," he writes, "[enjoyed] a decided advantage over Johnson, and this was the former's daily association with men of education and superior mental capacity. Lincoln had read for the bar and in 1840 was practicing law in Springfield, where his associates were among the most able lawyers in the region... Such an association Andrew Johnson never enjoyed. His early intimacies were with workingmen, many of them uneducated like himself. Though sometimes endowed with natural shrewdness and penetrating minds, these men were untrained, unlearned, and not bred to systematic intellectual effort ... the debates held in Johnson's tailor shop, while rich in common sense, were conducted, in the main, in the pungent, limited vocabulary of unlettered men."^{iv} These educational deficiencies and social differences would play out decades later, separating Johnson from many of his most ardent critics, most of whom were better educated than he was.

Nevertheless, Johnson's educational attainments, however limited, proved sufficient for his rise on the political stage in Greeneville. At age 21, he organized a mechanics' ticket in the 1829 municipal election. He became an alderman and began making stump speeches supporting the adoption of a state constitution that disenfranchised free people of color. His efforts earned him statewide attention. In 1834, the aldermen of the town elected him mayor. The following year he

won a so-called “floater” seat in the Tennessee House of Representatives representing Greene and Washington counties. According to historian Annette Gordon-Reed, Johnson purchased a slave named Dolly, who gave birth to three children of lighter complexion to whom he gave gifts, leading some to speculate that he was their father.^v He joined the Tennessee Militia and attained the rank of colonel. Johnson revered the Democrat Andrew Jackson, a fellow Tennessean, but he did not initially join a political party while in the legislature. In time he became a strong Democrat. All during these years he honed his skills as an extemporaneous public speaker with crowds often swarming to hear him on the stump.

Johnson had higher ambitions for his career. He sold his tailor shop and invested heavily in real estate. After serving a stint in the state senate, he was elected to the U.S. House of Representatives in 1843, where he served for ten years. He became an advocate for the rights of poor whites while also speaking out as an anti-abolitionist. He believed that slaves were private property, and as such, the Constitution protected their ownership against the efforts of some state legislatures to abolish slavery. He opposed emancipation in the District of Columbia, and he supported American expansionism and the Mexican War under President Polk, even though Polk disliked him and called him a person “very vindictive and perverse in his temper and conduct.”

In 1853, Johnson ran and won a term as Tennessee’s governor, garnering the support of small farmers and tradesmen that made up the bulk of his constituency while facing opposition from the lawyer-planter class. In 1857, he returned to Washington, this time as a senator, where he supported a Homestead bill that would have given free or modestly-priced land to small farmers. It had strong support in the North but was viewed suspiciously by other southern senators who viewed it as a threat to slavery. The bill passed but was vetoed by President Buchanan.

With secession looming in 1860, Johnson took to the Senate floor where he declared, “I will not give up this government ... no, I intend to stand by it, and I invite every man who is a patriot to ... rally around the altar of our common country ... and swear by our God and all that is holy that the Constitution shall be saved and the Union preserved.”^{vi} He urged his fellow southern senators not to give up their seats, arguing that under Democratic control, Congress could thwart any action by President Lincoln. His appeals were not well received, however, and they alienated him from the Confederate cause. In spite of his words against Lincoln, Johnson, as the only senator from a seceded state to remain in Washington, won the president’s respect and provided him with a clear channel of communication during the early years of the war.

In March 1862, Lincoln appointed Johnson military governor of Tennessee. The state was deeply divided between secessionists and unionists, the latter wanting the union restored but remaining staunchly opposed to emancipation. Johnson was a realist who knew that his political future rested with the Republicans in Washington. When the Emancipation Proclamation came in 1863, he endorsed it, not out of any altruism for the freed slaves, but because it was a way toward his own political advancement and a means of hurting the economy of the Confederate planter class that he deeply despised. He was grateful for the passage of the Homestead Act in 1862, which appealed to his small farmer base.

During the Republican Convention of 1864, Johnson secured nomination on the second ballot to be Lincoln’s running mate over the sitting vice president, Hannibal Hamlin. Though Lincoln had maintained silence on the matter and did not want to appear disloyal to Hamlin, he worked behind the scenes to get Johnson nominated, urging two delegates to do the nominating. The symbolism that Johnson represented as both a Unionist Democrat and a war-time southern governor made him irresistible to many Republicans as a means of balancing the ticket and uniting

a deeply-divided nation. However, some have argued that Lincoln's choice of Johnson was one of his worst decisions as president. Rumors abounded that Johnson was overly fond of drinking Tennessee whiskey, but his supporters assured that he was not out of control.

Nevertheless, at the 1865 inauguration, just before the swearing-in ceremony, Johnson turned up drunk. Whether he had a bout of stage fright or was fighting typhoid fever, he took several drinks to fortify his constitution. In the Senate room, after Hamlin had given his farewell address, Johnson was asked to speak for seven minutes. Instead, he spoke for seventeen, giving what was described as a third-rate stump speech in a drunken, incoherent manner. Many Republicans hung their heads in shame, while Sen. Charles Sumner covered his face with his hands. Hamlin tugged at Johnson's coattail and whispered, "Stop, Johnson, stop!" Yet the speech continued, and when it was over, after Johnson planted a very wet kiss on a Bible, everyone agreed that the new vice president had humiliated himself and cast doubt on his competency. Lincoln exclaimed shortly after the debacle to his Secretary of the Treasury, Fort Wayne's Hugh McCulloch, "I have known Andy a great many years and he ain't no drunkard."^{vii}

Lincoln and Johnson met only once after the inauguration on April 14, 1865. Later that evening the Lincolns went to Ford's Theatre. Then in the early morning hours of April 15 came a pounding on Johnson's door in a second-rate hotel on Pennsylvania Avenue. The president was mortally wounded, the visitor said, and Secretary of State Seward was gravely stabbed. Johnson discovered later that he himself had been a target, but George Atzerodt, one of John Wilkes Booth's conspirators, had lost his nerve and failed to carry out that part of the plan. Under the leadership of Secretary of War Edwin Stanton, Booth was killed and the other conspirators rounded up and brought to justice.

Many profound national questions remained unanswered when Johnson became the seventeenth president. How and under what provisions would the eleven seceding southern states be admitted back into the Union? Should those states be allowed to send senators and representatives to Congress? Should all of the deeds of the South be forgiven? What should become of the four million former slaves in the South, most of which were illiterate? Should they have a place in our representative government, and should black men be allowed to vote? Or, conversely, should America return to its former model of white supremacy? These questions spoke to the core of what the Civil War had meant, how America in a new union would conceive of itself, and whether, as a nation, America would live up to the ideals set forth in the Declaration of Independence that all men are created equal.

Opinions ranged across the board on these questions. Johnson argued that since secession had been illegal, the Union had never been dissolved, and accordingly, the seceded states should resume their rightful place fully within the Union and in Congress. He believed in pardoning all Confederate leaders, arguing that in doing so he was fulfilling Lincoln's promise of "with malice toward none, with charity for all." He also remained adamantly opposed to any form of racial equality. He was heard to say, "This is a country for white men, and by God, as long as I am president it shall be a government for white men."^{viii} While these views aligned him with most whites of the South and even some in the North, they set him on a collision course with Congress.

During and after the Civil War, both the Senate and the House were led by a group called Radical Republicans, who soon became critics and arch-foes of the president. Many had been staunch abolitionists before the war and saw the North's victory as a great affirmation of the rights of man and the ideals of the Declaration of Independence. In the House, Thaddeus Stevens of Pennsylvania became the most prominent of the Radicals. Club-footed and in deteriorating health,

Stevens had a scowling face, wore a wig, and lived in a common-law marriage with a woman of mixed racial heritage. He also possessed a sharp wit and stinging tongue, which he used frequently to blast Johnson. “This is not a white man’s government,” he declared. “To say so is blasphemy, for it violates the fundamental principles of our gospel of liberty ... Equal rights to all the privileges of government is innate in every immortal being, no matter what the shape or color of the tabernacle which it inhabits.”^{xix}

Another prominent Radical in the Senate was Charles Sumner of Massachusetts. Sumner had been savagely beaten on the Senate floor in 1856 by pro-slavery Congressman Preston Brooks after a speech Sumner gave that insulted Brooks’s uncle. Standing over 6 feet in height, Sumner was a Harvard graduate, a skilled orator, and a vocal advocate for racial equality. He had attempted to work with Johnson, but after a two-hour meeting in the White House, Sumner discovered that his top hat had been used as a spittoon by the president. Others in the group of radicals included George Boutwell and Benjamin Butler of Massachusetts, as well as Ashley James and Benjamin Wade of Ohio.

Relations between the president and Congress unraveled through most of 1866. In February, Congress had passed a bill extending the charter of the Freedmen’s Bureau, an organization designed to provide food, fuel, and shelter to newly-emancipated slaves. Lincoln had signed the bill initially in March 1865, but had only given it a year-long charter. Johnson vetoed the extension. In April, Congress passed a civil rights bill that received overwhelming approval in both houses. A harbinger of the 14th Amendment, it defined citizenship and affirmed that all citizens were entitled to equal protection under the law. Again, Johnson vetoed the bill, to the astonishment of even his supporters. His argument was that since the southern states had still not been readmitted

to Congress, any bills that that it passed were null and void. Congress quickly worked to override the president's veto as well as successfully pass an extension of the Freedmen's Bureau charter.

These bills came against the backdrop of riots in Memphis and New Orleans, where white mobs committed almost unspeakable acts of violence against African Americans. In Memphis in May, after an altercation between white policemen and black soldiers, groups of whites rampaged through black neighborhoods, setting fire to the houses of freedmen, shooting innocent people and raping women. 46 African Americans were killed, 91 houses, four churches, and eight schools, all black, were destroyed. In New Orleans in July, a mob of whites, including police and firemen, attacked a peaceful group of mostly black Republicans who were parading outside of the Mechanics Institute, the site of a reconvened constitutional convention directed at repealing a series of so-called Black Codes that had restricted African American rights and denied them the vote. Fifty people were killed, all unarmed protesters, many of them viciously clubbed and kicked to death. A local newspaper editor suggested that one of the African American leaders be peeled of his skin, and the skin sent to P.T. Barnum for exhibition. Federal troops eventually intervened, but for many the effort was too little too late.

Johnson considered himself a tribune of the people and the victim of a runaway Congress that was bent on securing African American rights and preventing a proper return to the Union. In August and September 1865, he began an ill-advised speaking tour with Ulysses S. Grant, called Swing around the Circle, and appealed to voters to elect more moderate members to Congress who would support his program of reconciliation with the South. The entourage visited Maryland, New York, Pennsylvania, Ohio, Illinois, Missouri, Indiana, Michigan, and Kentucky, and in each case he spoke extemporaneously against the advice of advisors, often comparing himself to Jesus with a willingness to pardon repentant sinners, and comparing the Radical Republicans to Judas, whom

he said were bent on breaking up the Union. When he reached the Midwest, he was frequently heckled by the crowds. Sometimes they would yell out, “Hang Jeff Davis!” and the president would reply, “Why don’t you hang Thad Stevens and Wendell Philips?” In St. Louis, he accused the Radical Republicans of inciting the massacre in New Orleans. However, when he reached Indianapolis, the crowds were so hostile that he was unable to speak at all. In Johnstown, Pennsylvania, a temporary platform built near the railroad tracks collapsed after it became overcrowded with spectators. Thirteen were killed. Johnson had wanted to stop the train to help the injured, but other traffic on the line demanded that the train move on to Harrisburg, making the president appear callous and unconcerned in the wake of the tragedy.

When the president returned to Washington in the fall, he had lost almost all support in the North. He was excoriated by the press, and cartoonists such as Thomas Nast depicted him as King Andy, a president with diminishing political power. Radical Republicans secured veto-proof majorities in both houses of Congress in the mid-term elections, rendering Johnson even more politically impotent.

Once in place, the new Congress passed a series of Reconstruction acts over the president’s vetoes. These laws removed the civil governments in the South that had been hostile to African Americans and in their place established five military districts headed by former Union generals in all rebel states except Tennessee, whose representatives had already been readmitted. The acts imposed martial law in the South. All adult males who had not been convicted of felonies or taken part in the rebellion, including blacks, were permitted to vote, but some former white secessionists were removed from power and temporarily denied suffrage rights. New states were further required to ratify the 14th Amendment that extended citizenship rights to African Americans and offered equal protection to all citizens under the law, thereby paving the way for black suffrage.

The problem was that since the South was now under the administration of the Army, Johnson, as commander in chief, could mitigate any congressional efforts to impose all of the reforms that the Radical Republicans wished. States, for example, could impose property qualifications or poll taxes as requirements for voting. General Philip Sheridan was appointed commander of the Fifth Military District with jurisdiction over Louisiana and Texas under the new acts, and in that role, he sought to bring to justice those responsible for the massacre in New Orleans. He demanded that half of the police forces in those states be comprised of former Union soldiers. He fired Texas governor James Throckmorton after the governor told him he should fight Comanches and leave him alone. Sheridan had replied that there were more outrages committed against freedmen than against frontier settlers by the Indians.^x After registering thousands of black voters, Johnson had Sheridan relieved of command.

If the president had signed the Reconstruction Acts, much of the opposition to him would have quieted. However, he failed to do so, and Congress overrode his vetoes. Edwin Stanton, Lincoln's stalwart Secretary of War throughout the Civil War, remained in office and sided with the Radicals against the president.

Seeking to protect Stanton from Johnson, Congress had passed the Tenure of Office Act in 1867, requiring the president to obtain the advice and consent of the Senate before he could remove any official in the Cabinet that had previously required Senate approval. A clause in the act permitted the president to suspend an official when the Senate was not in session, and Johnson, who had failed to obtain Stanton's resignation, suspended him during summer recess in August 1867 and appointed Grant as interim Secretary of War. The Senate, when it reconvened, refused to accept Stanton's firing, causing Grant to offer to resign for fear of legal reprisal against him. Johnson persuaded Grant to stay on until a replacement could be found, but when the Senate voted

in January to reinstate Stanton, Grant immediately resigned. Johnson was furious and in a volatile cabinet meeting, accused Grant of betrayal and lying.

On February 21, 1868, Johnson appointed Lorenzo Thomas, a former brevet major general, as the new interim Secretary of War, who was personally sent to Stanton's office to deliver a letter of dismissal. Stanton refused to accept the notice, declaring it a violation of the Tenure of Office Act, and barricaded himself in his office. He informed Schuyler Colfax, the Speaker of the House, and Benjamin Wade, the president pro-tempore of the Senate, that the Tenure of Office Act had been violated, and he had Thomas arrested. Days later, when Stanton realized that the constitutionality of the act would likely be challenged in court, he had him released.

In the meantime, Johnson seemed to infuriate his enemies by his incivility. Though he had overseen the purchase of Alaska for \$7.2 million in 1867, his annual message to Congress, delivered in writing at the end of the year, had argued again that the southern states had never technically left the Union since secession had been illegal. The Radicals, he said, were proposing to cast the South into what he termed "negro domination," something far worse than military despotism. He declared: "Negroes have shown less capacity for government than any other race of people. If left to their own devices, they have shown a constant tendency to lapse into barbarism." He begged Congress not to accede to the demands of the Radicals to "Africanize the half of our country."^{xi} It was an incendiary message to the Radicals and to our modern ears, but not to everyone in 1868.

The response of the House to the crisis over Stanton was to vote for articles of impeachment against Johnson. Thaddeus Stevens and John Bingham had formally introduced the resolution and secured it on a vote of 126 to 47. Stevens had declared, "This is not to be a temporary triumph of

a political party, but is to endure in its consequence until this whole continent is filled with a free and untrammled people or shall be a nest of shrinking, cowardly slaves.”^{xii}

The House adopted the following eleven articles of impeachment:

1. The removal of Edwin Stanton had violated the Tenure of Office Act when he was deprived of his office after the Senate had given its consent for him to remain in office and had ordered him reinstated.
2. The appointment of Lorenzo Thomas had also violated the Act, since the office of the Secretary of War had not been vacant after the Senate had ordered Stanton’s reinstatement.
3. Thomas had been appointed against the advice and consent of the Senate.
4. The president had conspired with Thomas and unnamed members of the House of Representatives to deprive Stanton of his office.
5. The president had conspired to curtail the effective execution of the Act.
6. The president had conspired to seize the property of the Department of War and of the United States.
7. The president had conspired to seize such property in direct violation of the Tenure of Office Act.
8. The president had given unlawfully to Thomas the authority to control the disbursement of money appointed for military service and Department of War.
9. The president had given unlawful orders to Major General William Emory to violate federal law requiring that all military orders be issued through the General of the Army.
10. Johnson’s speeches during the Swing around the Circle had the intent to “bring into disgrace, ridicule, hatred, contempt, and reproach” to the Congress of the United States.

11. The president has brought disgrace and ridicule to the office of the president by his words and actions.

On February 25, the disabled Stevens, carried aloft in a chair until he reached the Senate chamber, stood up with the aid of John Bingham, and the two men slowly made their way down the main aisle to deliver the charges to Benjamin Wade, the presiding officer. There Stevens declared, “We do impeach Andrew Johnson for high crimes and misdemeanors in office.”

On March 4, when the newly-elected Senate was seated, Chief Justice Salmon P. Chase arrived to establish with the membership the rules that would govern the trial and proceedings. Senators were required to take juror’s oaths, and some questioned Wade’s impartiality, since he would become president if Johnson were removed from office. However, these objections were later withdrawn. The president’s defense team asked for 40 days to gather evidence, but Chase granted them ten. Proceedings began on March 23, and Henry Stanbery, who headed the defense team, asked again for an extension, this time for 30 days, but the request was voted down. At length six more days were offered and accepted.

The trial began on March 30, 1868. Senator Benjamin Butler opened for the prosecution with a three-hour speech that discussed the history of impeachment. Butler was described by a historian as “bald, stubby, with hooded eye lids that made him look a bit like the thief he was often accused of being,”^{xiii} yet he was a strong champion of the rights of women and laborers and believed in racial equality. Over the next several days he argued that the president had violated the Tenure of Office Act by sending direct orders to officers without sending them first through General Grant. The prosecution rested its case on April 9.

The chief argument of Johnson’s defense team held that since Lincoln had not formally reappointed Stanton as his Secretary of War at the beginning of his second term, he was nothing

more than a leftover appointment from 1860 and was not protected by the terms of the Tenure of Office Act. Moreover, before the Act was passed, the Senate had amended it and had never returned it to a Senate-House conference committee with the sole strategy being to keep Stanton in office. The defense called two witnesses: Lorenzo Thomas and General William Tecumseh Sherman, whom Johnson had considered as a possible Secretary of War. Thomas failed to provide meaningful testimony, but Sherman unexpectedly supported the defense by saying that Johnson had only wanted him to manage the War Department and not execute commands to the military.

The verdict of the Senate came on two separate days, May 16 and May 26. Johnson was acquitted. 35 Senators had voted to convict, 19 to acquit, and thus there was an insufficient two-thirds majority for conviction and removal. All of the Senate Democrats had voted for acquittal and were joined by seven Republicans. If one senator had changed his vote, however, that majority would have been reached. Some of those voting in the president's favor were unwilling to say he was not guilty, but that the proceedings had been conducted in such a way as to give a one-sided view of the evidence. Some felt the trial came too close to the election and were content to let Johnson finish his term. The senator who cast the deciding vote, Edmund Ross of Kansas, had received threats beforehand from another senator who said that if he voted to acquit, he would be investigated for bribery. Ross voted his conscience anyway. None of the seven Republicans who voted for acquittal ever served in elective office again.

Andrew Johnson was hardly vindicated by the outcome, despite the chance it gave him to finish out his presidency. He remained a lame duck, had no impact on the national debate, and left office on March 4, 1869. He returned to Tennessee determined to win some form of redress for his tarnished reputation. He campaigned unsuccessfully for an appointment to the U.S. Senate in 1872,

but won approval from the state legislature in 1874, returning triumphantly to Washington just months before his death on July 31, 1875 from a stroke.

Grant, who was elected president later in 1868, was no friend of Johnson, but neither did he want him removed from office for fear that it would disrupt his own campaign. If Wade became president with Johnson's removal, he and his fellow Radicals could cause inflation by circulating greenbacks and promote other candidates to challenge Grant. Thaddeus Stevens, who had led the impeachment effort, died just eleven weeks after the verdict in August 1868. Many Republicans, unwilling to accept many of Stevens's radical views on race, were overjoyed by his passing. Edmund Ross went on a national campaign to defend his vote of acquittal and blasted the Radicals for the impeachment trial. John Kennedy would later include him as a subject in *Profiles in Courage*.

But the greatest legacy of the impeachment trial involves race. For a brief period between 1866 and 1877, African American men in parts of the South were freely able to exercise their right to vote. This fact delighted the remaining Radicals in Congress, such as Charles Sumner, who believed that even more needed to be done to ensure that this right was not impinged. However, many other Republicans not among the Radicals were content only that the former slaves were now free. They had done all they could do for African Americans, and the rest, they believed, was up to the blacks themselves. One professor at the time stated unrealistically that in the North, "the man of African descent is as secure as his white neighbor in the possession of the rights to life, liberty and the pursuit of happiness. And, however just may be the prejudice of race, which causes his disenfranchisement here and there, he has slight cause to complain, so long as the blessings and privileges of a good government are his."^{xiv} History, of course, would prove him wrong.

The ratification of the Fifteenth Amendment in 1870 guaranteed that the right to vote could not be denied or abridged by any state on account of race, color, or previous condition of servitude. Former slaves voted in increasing numbers, and during this period the nation began to live at least partially to the ideals of the Declaration of Independence. Between 1866 and 1877, some 2,000 African Americans held public office from the local level up to the U.S. Senate, but they never achieved adequate representation according to their numbers.

This era of progress was destined to fade. After the deadlocked presidential election of 1876, a compromise between the two parties led Democrats to acknowledge the victory of Republican Rutherford B. Hayes as President, while Republicans agreed to withdraw federal troops from the South, a Democratic demand. That withdrawal brought an end to the progress on civil rights, prompting southern legislatures to disenfranchise black voters through literary tests, poll taxes, and stringent property requirements. New state constitutions were passed that purged thousands from the voter rolls. Many blacks were terrorized by the Ku Klux Klan. The era of Jim Crow had begun, and it was not until a century later under another President Johnson, Lyndon Johnson, that we would see the passage of the Civil Rights and Voting Rights Acts.

As for impeachment itself, many questions remained. A general discomfort hung over Congress in its wake, and many came to believe that while Johnson was corrupt, he had not broken an established law.^{xv} By the 1870s, many who had voted for impeachment came to view it as a mistake. For them, it was properly a court of last resort reserved only for investigating the breaking of laws, not overturning elections. The Tenure of Office Act was widely viewed as unsettled law and would be repealed by Congress in 1887.

Impeachment would remain rare, perhaps in a way that the Founding Fathers had envisioned. More than a century would pass until 1974, when the House voted to initiate impeachment

proceedings against Richard Nixon in the wake of the Watergate scandal. Bill Clinton was impeached in December 1998 on charges of perjury and obstruction of justice, but like Johnson, he was narrowly acquitted.

If Johnson's impeachment taught America anything, it is that the act of trying a president is a solemn one to be undertaken to preserve the Republic in unusual circumstances and not merely for achieving political advantage. It also demonstrated that the machinery for holding a president accountable provided by the Constitution worked properly and efficiently. The Founding Fathers would have been pleased about that. A significant question remains: Should a president be impeached only if he or she violates a specific law, as some constitutional scholars as Harvard law professor Alan Dershowitz argue, or can impeachment proceed as well if a president demonstrates corruption or malfeasance in general terms without the violation of a specific law? Johnson's impeachment did not settle that question definitively, and it is still being argued today.

ⁱ U.S. Constitution, Article II, Section 4.

ⁱⁱ Brenda Wineapple, *The Impeachers: The Trial of Andrew Johnson and the Dream of a Just Nation* (New York: Random House, 2019), xxi.

ⁱⁱⁱ *Ibid*, xxv.

^{iv} Lately Thomas, *The First President Johnson: The Three Lives of the Seventeenth President of the United States of America* (New York: William Morrow & Co., 1968), 49-50.

^v Annette Gordon-Reed, *Andrew Johnson* (New York: Times Books, 2011), 38-39.

^{vi} Andrew Johnson quoted in Frank Moore, *Speeches of Andrew Johnson* (1866), 172-173.

^{vii} John and Claire Whitcomb, *Real Life at the White House: Two Hundred Years of Daily Life at America's Most Famous Residence* (New York: Routledge, 2002), 149.

^{viii} The Independent, <https://www.independent.co.uk/news/presidents/andrew-johnson-1391124.html>: accessed 1 October 2019.

^{ix} Wineapple, 92.

^x Philip Sheridan quoted in *Ibid*, 202.

^{xi} Andrew Johnson quoted in his State of the Union message, 1867, <http://www.let.rug.nl/usa/presidents/andrew-johnson/state-of-the-union-1867.php>: accessed 1 October 2019.

^{xii} Thaddeus Stevens speech, 24 February 1868, *Politico* <https://www.politico.com/story/2015/02/this-day-in-politics-115420>: accessed 1 October 2019.

^{xiii} Wineapple, 167.

^{xiv} Sherman Adams Hill quoted in *ibid*, 398-399.

^{xv} Wineapple, 417.