# IMPEACHMENT.

## Trial of President Andrew Johnson for High Crimes and Misdemeanors.

## Bitter Speech of Old Thad Stevens.

## Denunciation of the President and Threats to the Senate.

## ARGUMENT OF MANAGER WILLIAMS.

SPECIAL TELEGRAM TO THE HERALD.

WASHINGTON, April 27, 1868.

Another fruitless effort was made to-day to secure the passage of the resolution admitting the official reporters to the deliberations in secret session of the Court of Impeachment after the arguments are over. The amendments to confine Senators to fifteen or thirty minutes in the debate also went over.

Mr. Stevens began his speech in a feeble voice from behind the Clerk's desk, and labored bravely to accomplish the reading of the whole, but was forced to succumb when about half way, and handed over his slips to Mr. Butler, who rattled quickly through the remainder.

Manager Williams followed, and also read his speech, which was a tolerably plausible one on the whole, the chief point consisting in a long array of charges other than those in the articles of impeachment, and which, the Manager averred, he would have incorporated in the articles if he had had the control of the matter. These charges are known to everybody who has heard a radical speech of late years, accusing the President of collusion with rebels, abuse of the pardoning power and other such accusations. Mr. Williams did not interest his hearers very deeply, and a visible depletion of the audience was noticeable after he commenced. Mr. Williams may be a great light in Pennsylvania, but his brilliancy seems under a cloud in presence of a court such as he addressed to-day.

Manager Williams will conclude his argument to-morrow, having delivered two-thirds of it to-day. He will be followed by Mr. Evarts, who is expected to occupy a part of to-morrow and Wednesday. Mr. Stanbery will read, or cause to be read, his argument on Thursday and Friday, and on Saturday Manager Bingham will close the case.

## PROCEEDINGS OF THE COURT.

### Twenty-fourth Day.

UNITED STATES SENATE CHAMBER,
WASHINGTON, April 27, 1868.

The court was opened in due form at noon. The pending question was stated to be the order of Senator EDMUNDS, that the official reporters be admitted to the secret session to take down the debates on the final question, to be reported with the proceedings.

Senator WILLIAMS moved to amend by inserting the following at the end:—

But no Senator shall speak more than once, nor to exceed fifteen minutes during such deliberations.

Senator JOHNSON called for the reading of rule 23, and it was read.

Senator JOHNSON—That will be on each article.

Senator HOWARD moved to amend the amendment by inserting after the words "fifteen minutes" the words "on one question."

The amendment was rejected by the following vote:—

YEAS—Senators Bayard, Buckalew, Davis, Dixon, Doolittle, Fessenden, Fowler, Frelinghuysen, Grimes, Hendricks, Howard, Johnson, McCreery, Norton, Patterson of Tenn., Saulsbury, Trumbull, Vickers and Willey—19.

NAYS—Senators Cameron, Cattell, Chandler, Conkling, Corbett, Cragin, Drake, Edmunds, Ferry, Harlan, Henderson, Howe, Morgan, Morrill of Me., Morrill of Vt., Morton, Nye, Patterson of N. H., Pomeroy, Ramsey, Ross, Sherman, Stewart, Sumner, Thayer, Tipton, Van Winkle, Wilson, Williams and Yates—30.

The question recurring on Senator Williams' amendment, Senator BAYARD moved to amend by striking out "fifteen" and inserting "thirty."

The amendment was rejected by the following vote:—

YEAS—Senators Bayard, Buckalew, Corbett, Davis, Dixon, Doolittle, Fessenden, Fowler, Grimes, Hendricks, Johnson, McCreery, Norton, Patterson of Tenn., Saulsbury and Vickers—16.

NAYS—Senators Anthony, Cameron, Cattell, Chandler, Conkling, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Henderson, Howard, Howe, Morgan, Morrill of Me., Morrill of Vt., Morton, Nye, Patterson of N. H., Pomeroy, Ramsey, Ross, Sherman, Stewart, Sumner, Thayer, Tipton, Trumbull, Van Winkle, Willey, Williams, Wilson and Yates—34.

On motion of Senator MORTON, seconded by Mr. HOWARD, the further consideration of the subject was postponed until after the argument is concluded.

The additional rules offered by Senator SUMNER were also upon his motion laid over until the close of the argument.

The CHIEF JUSTICE directed that the argument proceed, and at half-past twelve o'clock Manager THADDEUS STEVENS mounted to the Clerk's desk and read his argument in a pretty firm voice from printed slips. After about ten minutes he took a chair and read sitting. At five minutes before one o'clock his voice showed signs of weakness and Mr. Butler read the remainder of the argument. The following is

### Manager Stevens' Argument.

MAY IT PLEASE THE COURT—I trust to be able to be brief in my remarks, unless I should find myself less master of the subject which I propose to discuss than I hope, experience having taught that nothing is so prolix as ignorance. I fear I may prove thus ignorant, as I had not expected to take part in this debate until very lately. I shall discuss but a single article—the one that was finally adopted upon my earnest solicitation, and which, if proved, I considered then and still consider as quite sufficient for the ample conviction of the distinguished respondent, and for his removal from office, which is the only legitimate object for which this impeachment could be instituted. During the very brief period which I shall occupy I desire to discuss the charges against the respondent in no mean spirit of malignity or vituperation, but to argue them in a manner worthy of the high tribunal before which I appear and of the exalted position of the accused. Whatever may be thought of his character or condition, he has been made respectable and his condition has been dignified by the action of his fellow citizens. Railing accusation, therefore, would ill become this occasion, this tribunal or a proper sense of the position of those who discuss this question on the one side or the other. To see the chief servant of a trusting community arraigned before the bar of public justice, charged with high delinquencies, is interesting. To behold the Chief Executive Magistrate of a powerful people charged with the betrayal of his trust, and arraigned for high crimes and misdemeanors, is always a most interesting spectacle. When the charges against such public servant accuse him of an attempt to betray the high trust confided in him and usurp the power of a whole people, that he may become their ruler, it is intensely interesting to millions of men, and should be discussed with a calm determination, which nothing can divert and nothing can reduce to mockery. Such is the condition of this great republic, as looked upon by an astonished and wondering world. The offices of impeachment in England and America are very different from each other in the uses made of them for the punishment of offences, and he will greatly err who undertakes to make out an analogy between them, either in the mode of trial or the final result. In England the highest crimes may be tried before the High Court of Impeachment, and the severest punishments, even to imprisonment, fine and death, may be inflicted. When our constitution was framed all the personal punishments were excluded from the judgment, and the defendant was to be dealt with just so far as the public safety required, and no further. Hence it was made to apply simply to political offences—to persons holding political positions, either by appointment or election by the people. Thus it is apparent that no crime containing malignant or indictable offences, higher than misdemeanors, was necessary either to be alleged or proved. If the respondent was shown to be abusing his official trust to the injury of the people for whom he was discharging public duties, and persevered in such abuse to the injury of his constituents, the true mode of dealing with him was to impeach him for crimes or misdemeanors (and only the latter is necessary), and thus remove him from the office which he was abusing. Nor does it make a particle of difference whether such abuse arose from malignity, from unwarranted negligence or from depravity, so repeated as to make his continuance in office injurious to the people and dangerous to the public welfare. The punishment which the law under our constitution authorizes to be inflicted fully demonstrates this argument—that punishment upon conviction extends only to removal from office, and if the crime or misdemeanor charged be one of a deep and wicked dye, the culprit is allowed to run at large unless he should be pursued by a new prosecution in the ordinary courts. What does it matter, then, what the motive of the respondent might be in his repeated acts of malfeasance in office? Mere mistake in intention, if so persevered in after proper warning as to bring mischief upon the community, is quite sufficient to warrant the removal of the officer from the place where he is working mischief by his continuance in power. The only question to be considered, is the respondent violating the law? His perseverance in such a violation, although it shows a perverseness, is not absolutely necessary to his conviction. The great object is the removal from office and the arrest of the public injuries which he is inflicting upon those with whose interests he is entrusted. The single charge which I had the honor to suggest I am expected to maintain. That duty is a light one, easily performed, and which I apprehend it will be found impossible for the respondent to answer or evade. When Andrew Johnson took upon himself the duties of his high office he swore to obey the constitution and take care that the laws be faithfully executed. That, indeed, is and has always been the chief duty of the President of the United States. The duties of legislation and adjudicating the laws of his country fall in no way to his lot. To obey the commands of the sovereign power of the nation, and to see that others should obey them was his whole duty—a duty which he could not escape, and any attempt to do so would be in direct violation of his official oath; in other words, a misprision of perjury. I accuse him, in the name of the House of Representatives, of having perpetrated that foul offence against the laws and interests of his country. On the 2d day of March, 1867, Congress passed a law over the veto of the President entitled "An act to regulate the tenure of certain civil offices," the first section of which is as follows:—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who may hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: provided that the Secretaries of State, of the Treasury, of War, of the Navy and of the Interior, the Postmaster General and the Attorney General shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

The second section provides that when the Senate is not in session, if the President shall deem the officer guilty of acts which require his removal or suspension, he may be suspended until the next meeting of the Senate; and that within twenty days after the meeting of the Senate the reasons for such suspension shall be reported to that body; and, if the Senate shall deem such reasons sufficient for such suspension or removal the officer shall be considered removed from his office; but if the Senate shall not deem the reasons sufficient for such suspension or removal the officer shall forthwith resume the functions of his office, and the person appointed in his place shall cease to discharge such duties. On the 12th day of August, 1867, the Senate not being in session, the President suspended Edwin M. Stanton, Secretary of the Department of War, and appointed U. S. Grant, General, Secretary of War *ad interim*. On the 12th day of December, 1867, the Senate being then in session, he reported, according to the requirements of the act, the causes of such suspension to the Senate, which duly took the same into consideration. Before the Senate had concluded its examination of the question of the sufficiency of such reasons he attempted to enter into arrangements by which he might obstruct the due execution of the law, and thus prevent Edwin M. Stanton from forthwith resuming the functions of his office as Secretary of War, according to the provisions of the act, even if the Senate should decide in his favor. And in furtherance of said attempt, on the 21st day of February, 1868, he appointed one Lorenzo Thomas, by letter of authority or commission, Secretary of War *ad interim*, without the advice and consent of the Senate, although the same was then in session, and ordered him (the said Thomas) to take possession of the Department of War and the public property appertaining thereto, and to discharge the duties thereof. We charge that, in defiance of frequent warnings, he has since repeatedly attempted to carry those orders into execution, and to prevent Edwin M. Stanton from executing the laws appertaining to the Department of War, and from discharging the duties of the office. The very able gentleman who argued this case for the respondent has contended that Mr. Stanton's case is not within the provisions of the act "regulating the tenure of certain civil offices," and that therefore the President cannot be convicted of violating that act. His argument in demonstrating that position was not, I think, quite equal to his sagacity in discovering where the great strength of the prosecution was lodged. He contended that the proviso which embraced the Secretary of War did not include Mr. Stanton, because he was not appointed by the President in whose term the acts charged as misdemeanors were perpetrated; and in order to show that he contended that the term of office mentioned during which he was entitled to hold meant the time during which the President who appointed him actually did hold, whether dead or alive; that Mr. Lincoln, who appointed Mr. Stanton, and under whose commission he was holding indefinitely, being dead, his term of office referred to had expired, and that Mr. Johnson was not holding during a part of that term. That depends upon the constitution and the laws made under it. By the constitution the whole time from the adoption of the government was intended to be divided into equal Presidential periods, and the word "term" was technically used to designate the time of each. The first section of the second article of the constitution provides "that the executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows," &c. Then it provides that "in case of removal from office, or of his death, resignation, or inability to discharge the duties of said office, the same shall devolve on the vice President, and Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice President, designating what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected." The learned counsel contends that the Vice President, who accidentally accedes to the duties of President is serving out a new Presidential term of his own, and that, unless Mr. Stanton was appointed by him, he is not within the provisions of the act. It happened that Mr. Stanton was appointed by Mr. Lincoln in 1862 for an indefinite period of time, and was still serving as his appointee, by and with the advice and consent of the Senate. Mr. Johnson never appointed him, and, unless he held a valid commission by virtue of Mr. Lincoln's appointment, he was acting for three years, during which time he expended billions of money and raised hundreds of thousands of men, without any commission at all. To permit this to be done without any valid commission would have been a misdemeanor in itself. But if he held a valid commission, whose commission was it? Not Andrew Johnson's. Then in whose term was he serving, for he must have been in somebody's term? Even if it was in Johnson's term, he would hold for four years unless sooner removed, for there is no term spoken of in the constitution of a shorter period for a Presidential term than four years. But it makes no difference in the operation of the law whether he was holding in Lincoln's or Johnson's term. Was it not in Mr. Lincoln's term? Lincoln had been elected and re-elected, the second term to commence in 1865, and the constitution expressly declared that that term should be four years. By virtue of his previous commission and the uniform custom of the country, Mr. Stanton continued to hold during the term of Mr. Lincoln, unless sooner removed. Now, does any one pretend that from the 4th of March, 1865, a new Presidential term did not commence? For it will be seen upon close examination that the word "term" alone marks the time of the Presidential existence, so that it may divide the different periods of office by a well recognized rule. Instead of saying that the Vice President shall become President upon his death, the constitution says, "in case of the removal of the President from office, or of his death, resignation or inability to discharge the *powers and duties* of the said office, the same shall devolve on the Vice President." What is to devolve on the Vice President? Not the Presidential commission held by his predecessor, but the "duties" which were incumbent on him. If he were to take Mr. Lincoln's term he would serve for four years, for term is the only limitation to that office defined in the constitution, as I have said before. But the learned counsel has contended that the word "*term*" of the Presidential office means the death of the President. Then it would have been better expressed by saying that the President shall hold his office during the *term* between two assassinations, and then the assassination of the President would mark the period of the operation of this law. If, then, Mr. Johnson was serving out one of Mr. Lincoln's terms, there seems to be no argument against including Mr. Stanton within the meaning of the law. He was so included by the President in his notice of removal, in his reasons therefor given to the Senate, and in his notification to the Secretary of the Treasury; and it is too late when he is caught violating the very law under which he professes to act to turn round and deny that that law affects the case. The gentleman treats lightly the question of estoppel, and yet really nothing is more powerful, for it is an argument by the party himself against himself, and although not pleadable in the same way, is just as potential in a case *in pais* as when pleaded in a case of record. But there is a still more conclusive answer. The first section provides that every person holding civil office who has been appointed with the advice and consent of the Senate, and every person that hereafter shall be appointed to any such office, shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided. Then comes the proviso which the defendant's counsel say does not embrace Mr. Stanton, because he was not appointed by the President in whose term he was removed. If he was not embraced in the proviso, then he was nowhere specially provided for, and was consequently embraced in the first clause of the first section, which declares that every person holding any civil office not otherwise provided for comes within the provisions of this act. The respondent, in violation of this law, appointed General Thomas to office, whereby, according to the express terms of the act, he was guilty of a high misdemeanor. But whatever may have been his views with regard to the Tenure of Office act, he knew it was a law, and so recorded upon the statutes. I disclaim all necessity in a trial of impeachment to prove the wicked or unlawful intention of the respondent, and it is unwise even to aver it. In impeachments, more than indictments, the averring of the fact charged, carries with it all that is necessary to say about intent. In indictments you charge that the defendant, "instigated by the devil," and so on; and you might as well call on the prosecution to prove the presence, shape and color of his majesty, as call upon the Managers in impeachment to prove intention. I go further than some, and contend that no corrupt or wicked motive need instigate the acts for which impeachment is brought. It is enough that they were official violations of law. The counsel have placed great stress upon the necessity of proving that they were wilfully done. If by that he means that they were voluntarily done, I agree with him. A mere accidental trespass would not be sufficient to convict. But that which is voluntarily done is wilfully done, according to every honest definition; and whatever malfeasance is willingly perpetrated by an officeholder is a misdemeanor in office, whatever he may allege was his intention. The President justifies himself by asserting that all previous Presidents had exercised the same right of removing officers, for cause to be judged of by the President alone. Had there been no law to prohibit it when Mr. Stanton was removed the cases would have been parallel, and the one might be adduced as an argument in favor of the other. But since the action of any of the Presidents to which he refers, a law had been passed by Congress, after a stubborn controversy with the Executive, denying that right and prohibiting it in future, and imposing a severe penalty upon any executive officer who should exercise it: And that, too, after the President had himself made issue on its constitutionality and been defeated. No pretext, therefore, any longer existed that such right was vested in the President by virtue of his office. Hence the attempt to shield himself under such practice is a most lame evasion of the question at issue. Did he "take care that this law should be faithfully" executed? He answers that acts that would have violated the law had it existed, were practised by his predecessors. The President says that he removed Mr. Stanton simply to test the constitutionality of the tenure of office law by a judicial decision. He has already seen it tested and decided by the votes, twice given, of two-thirds of the Senators and of the House of Representatives. It stood as a law upon the statute books. No case had arisen under that law, or is referred to by the President, which required any judicial interposition. If there had been, or should be, the courts were open to any one who felt aggrieved by the action of Mr. Stanton. But instead of enforcing that law, he takes advantage of the name and the funds of the United States to resist it, and to induce others to resist it. Instead of attempting, as the Executive of the United States, to see that the law was faithfully executed, he took great pains and perpetrated the acts alleged in this article, not only to resist it himself, but to seduce others to do the same. He sought to induce the General-in-chief of the army to aid him in an open, avowed obstruction of the law, as it stood unrepealed upon the statute book. He could find no one to unite with him in perpetrating such an act until he sunk down upon the unfortunate individual bearing the title of adjutant general of the army. Is this taking care that the laws shall be faithfully executed? Is this attempting to carry them into effect, by upholding their validity, according to his oath? On the other hand, was it not a high and bold attempt to obstruct the laws and take care that they should not be executed? He must not excuse himself by saying that he had doubts of its constitutionality and wished to test it. What right had he to be hunting up excuses for others, as well as himself, to violate this law? Is not this confession a misdemeanor in itself? The President asserts that he did not remove Stanton under the Tenure of Office law. This is a direct contradiction of his own letter to the Secretary of the Treasury, in which, as he was bound by law, he communicated to that officer the fact of the removal. This portion of the answer may, therefore, be considered as disposed of by the non-existence of the fact, as well as by his subsequent report to the Senate. The following is the letter just alluded to, dated August 14, 1867:—

SIR—In compliance with the requirements of the act entitled, "An act to regulate the tenure of certain civil offices," you are notified that on the 12th inst. the Hon. Edwin M. Stanton was suspended from his office as Secretary of War, and General U. S. Grant authorized and empowered to act as Secretary *ad interim*.

HON. SECRETARY OF THE TREASURY.

Wretched man! a direct contradiction of his solemn answer! How necessary that a man should have a good conscience or a good memory! Both would not be out of place. How lovely to contemplate what was so assiduously inculcated by a celebrated Pagan into the mind of his son, "Virtue is truth and truth is virtue." And, still more, virtue of every kind charms us, yet that virtue is strongest which is effected by justice and generosity. Good deeds will never be done, wise acts will never be executed, except by the virtuous and the conscientious. May the people of this republic remember this good old doctrine when they next meet to select their rulers, and may they select only the brave and the virtuous. Has it been proved, as charged in this article, that Andrew Johnson in vacation suspended from office Edwin M. Stanton, who had been duly appointed and was then executing the duties of Secretary of the Department of War, without the advice and consent of the Senate; did he report the reasons for such suspension to the Senate within twenty days from the meeting of the Senate; and did the Senate proceed to consider the sufficiency of such reasons? Did the Senate declare such reasons insufficient, whereby the said Edwin M. Stanton became authorized to forthwith resume and exercise the functions of Secretary of War, and displace the Secretary *ad interim*, whose duties were then to cease and terminate; did the said Andrew Johnson, in his official character of President of the United States, attempt to obstruct the return of the said Edwin M. Stanton and his resumption forthwith of the functions of his office as Secretary of the Department of War; and has he continued to attempt to prevent the discharge of the duties of said office by said Edwin M. Stanton, Secretary of War, notwithstanding the Senate decided in his favor? If he has, then the acts in violation of law charged in this article are full and complete. The proof lies in a very narrow compass, and depends upon the credibility of one or two witnesses, who, upon this point, corroborate each other's evidence. Andrew Johnson in his letter of the 31st of January, 1868, not only declared that such was his intention but, reproached U. S. Grant, General, in the following language:—

You had found in our first conference "that the President was desirous of keeping Mr. Stanton out of office, whether sustained in the suspension or not." You knew what reasons had induced the President to ask from you a promise; you also knew that in case your views of duty did not accord with his own convictions it was his purpose to fill your place by another appointment. Even ignoring the existence of a positive understanding between us, these conclusions were plainly deducible from our various conversations. It is certain, however, that even under these circumstances you did not offer to return the place to my possession, but, according to your own statement, placed yourself in a position where, could I have anticipated your action, I would have been compelled to ask of you, as I was compelled to ask of your predecessor in the War Department, a letter of resignation, or else to resort to the more disagreeable expedient of suspending you by a successor.

He thus distinctly alleges that the General had a full knowledge that such was his deliberate intention. Hard words and injurious epithets can do nothing to corroborate or to injure the character of a witness; but if Andrew Johnson be not wholly destitute of truth and a shameless falsifier, then this article and all its charges are clearly made out by his own evidence. Whatever the respondent may say of the reply of U. S. Grant, General, only goes to confirm the fact of the President's lawless attempt to obstruct the execution of the act specified in the article. If General Grant's recollection of his conversation with the President is correct, then it goes affirmatively to prove the same fact stated by the President, although it shows that the President persevered in his course of determined obstruction of the law, while the General refused to aid in its consummation. No differences as to the main fact of the attempt to violate and prevent the execution of the law exists in either statement; both compel the conviction of the respondent, unless he should escape through other means than the facts proving the article. He cannot hope to escape by asking this high court to declare the "law for regulating the tenure of certain civil offices" unconstitutional and void; for it so happens—to the hopeless misfortune of the respondent—that almost every member of this high tribunal has more than once, twice, perhaps three times, declared, upon his official oath, that law constitutional and valid. The unhappy man is in this condition:—He has declared himself determined to obstruct that act; he has, by two several letters of authority, ordered Lorenzo Thomas to violate that law, and he has issued commissions, during the session of the Senate, without the advice and consent of the Senate, in violation of law, to said Thomas. He must therefore either deny his own solemn declarations and falsify the testimony of General Grant and Lorenzo Thomas, or expect that verdict whose least punishment is removal from office. But the President denies in his answer to the first and the eleventh articles (which he intends as a joint answer to the two charges) that he had attempted to contrive means to prevent the due execution of the law regulating the tenure of certain civil offices, or had violated his oath "to take care that the laws be faithfully executed." Yet while he denies such attempt to defeat the execution of the laws, in his letter of the 31st of January, 1868, he asserts, and reproaches General Grant by the assertion, that the General knew that his object was to prevent Edwin M. Stanton from forthwith resuming the functions of his office, notwithstanding that the Senate might decide in his favor; and the President and U. S. Grant, General, in their angry correspondence of the date heretofore referred to, made an issue of veracity—the President asserting that the General had promised to aid him in defeating the execution of the laws by preventing the immediate resumption of the functions of Secretary of War by Edwin M. Stanton, and that the General violated his promise; and U. S. Grant, General, denying ever having finally made such promise, although he agrees with the President that the President did attempt to induce him to make such promise and to enter into such an arrangement. Now, whichever of these gentlemen may have lost his memory, and found in lieu of the truth the vision which issues from the ivory gate—though who can hesitate to choose between the words of a gallant soldier and the pettifogging of a political trickster?—is wholly immaterial, so far as the charge against the President is concerned. That charge is, that the President did attempt to prevent the due execution of the Tenure of Office law by entangling the General in the arrangement; and unless both the President and the General have lost their memory and mistaken the truth with regard to the promises with each other, then this charge is made out. In short, if either of these gentlemen has correctly stated these facts of attempting the obstruction of the law, the President has been guilty of violating the law and of misprision of official perjury. But, again, the President alleges his right to violate the act regulating the tenure of certain civil offices, because he says the same was inoperative and void, as being in violation of the constitution of the United States. Does it lie in his mouth to interpose this plea? He had acted under that law and issued letters of authority, both for the long and short term, to several persons under it, and it would hardly lie in his mouth after that to deny its validity, unless he confessed himself guilty of law-breaking by issuing such commissions. Let us here look at Andrew Johnson's accepting the oath "to take care that the laws be faithfully executed." On the 2d of March, 1867, he returned to the Senate the Tenure of Office bill, where it had originated and had passed by a majority of more than two-thirds, with reasons elaborately given why it should not pass finally. Among these was the allegation of its unconstitutionality. It passed by a vote of 35 yeas to 11 nays. In the House of Representatives it passed by more than a two-thirds majority, and when the vote was announced, the Speaker, as was his custom, proclaimed the vote, and declared in the language of the constitution "that two-thirds of each house having voted for it, notwithstanding the objections of the President, it has become a law." I am supposing that Andrew Johnson was at this moment waiting to take the oath of office as President of the United States, "that he would obey the constitution and take care that the laws be faithfully executed." Having been sworn on the holy evangels to obey the constitution, and being about to depart, he turns to the person administering the oath and says, "Stop, I have a further oath. I do solemnly swear that I will not allow the act entitled 'An Act Regulating the Tenure of Certain Civil Offices,' just passed by Congress over the Presidential veto, to be executed; but I will prevent its execution by virtue of my own constitutional power." How shocked Congress would have been—what would the country have said to a scene equalled only by the unparalleled action of this same official, when sworn into office on that fatal 5th day of March, which made him the successor of Abraham Lincoln! Certainly he would not have been permitted to be inaugurated as Vice President or President. Yet such in effect has been his conduct, if not under oath, at least with less excuse, since the fatal day which inflicted him upon the people of the United States. Can the President hope to escape if the fact of his violating that law be proved or confessed by him, as has been done? Can he expect a sufficient number of his triers to pronounce that law unconstitutional and void—those same triers having passed upon its validity upon several occasions? The act was originally passed by 29 yeas to 9 nays. Those who voted in the affirmative were Messrs. Anthony, Brown, Cattell, Chandler, Conness, Cragin, Edmunds, Fogg, Foster, Frelinghuysen, Grimes, Harris, Henderson, Howard, Howe, Lane, Morgan, Morrill, Poland, Ramsey, Sherman, Sprague, Sumner, Van Winkle, Wade, Willey, Williams, Wilson, Yates—29. Subsequently the House of Representatives passed the bill with amendments, which the Senate disagreed to, and the bill was afterwards referred to a committee of conference of the two houses, whose agreement was reported to the Senate by the Managers and was adopted by a vote of 22 yeas to 10 nays. Those who voted in the affirmative were Messrs. Anthony, Brown, Chandler, Conness, Fogg, Fowler, Henderson, Howard, Howe, Lane, Morgan, Morrill, Ramsey, Ross, Sherman, Stewart, Sumner, Trumbull, Wade, Williams, Wilson and Yates—22. After the veto, upon reconsideration of the bill in the Senate, and after all the arguments against its validity were spread before that body, it passed by a vote of 35 yeas to 11 nays. It was voted for by the following Senators:—Messrs. Anthony, Cattell, Chandler, Conness, Cragin, Edmunds, Fessenden, Fogg, Foster, Fowler, Frelinghuysen, Grimes, Harris, Henderson, Howard, Kirkwood, Lane, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, Yates—35. The President contends that by virtue of the constitution he had the right to remove heads of departments, and cites a large number of cases where his predecessor had done so. It must be observed that all those cases were before the passage of the Tenure of Office act, March 2, 1867. Will the respondent say how the having done an act when there was no law to forbid it justifies the repetition of the same act after a law has been passed expressly prohibiting the same? It is not the suspension or removal of Mr. Stanton that is complained of, but the manner of the suspension. If the President thought he had good reasons for suspending or removing Mr. Stanton, and had done so, sending those reasons to the Senate, and then obeyed the decision of the Senate in their finding, there would have been no complaint; but instead of that he suspends him in direct defiance of the tenure of office law, and then enters into an arrangement, or attempts to do so, in which he thought he had succeeded, to prevent the due execution of the law after the decision of the Senate. And when the Senate ordered him to restore Mr. Stanton, he makes a second removal by virtue of what he calls the power vested in him by the Constitution. The action of the Senate on the message of the President, communicated his reasons for the suspension of E. M. Stanton, Secretary of War, under the act entitled an act to regulate the tenure of certain civil offices, was as follows:—

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES, Jan. 13, 1868.

Resolved, That having considered the evidence and reasons given by the President in his report of December 12, 1867, for the suspension from the office of Secretary of War of Edwin M. Stanton, the Senate do not concur in such suspension.

And the same was duly certified to the President, in the face of which he, with an impudence and brazen determination to usurp the powers of the Senate, again removed Edwin M. Stanton and appointed Lorenzo Thomas Secretary *ad interim* in his stead. The Senate, with calm manliness, rebuked the usurper by the following resolution:—

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES, Feb. 21, 1868.

Whereas, The Senate has received and considered the communication of the President stating that he had removed Edwin M. Stanton, Secretary of War, and had designated the Adjutant General of the army to act as Secretary of War *ad interim*; therefore,

Resolved by the Senate of the United States, 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 *ad interim*.

Yet he continued him in office. And now this offspring of assassination turns upon the Senate who have thus rebuked him in a constitutional manner and bids them defiance. How can he escape the just vengeance of the law? Wretched man, standing at bay, surrounded by a cordon of living men, each with the axe of an executioner uplifted for his just punishment. Every Senator now trying him, except such as had already adopted his policy, voted for this same resolution, pronouncing his solemn doom. Will any one of them vote for his acquittal on the ground of its unconstitutionality? I know that Senators would venture to do any necessary act if endorsed by an honest conscience and an enlightened public opinion; but neither for the sake of the President nor of any one else would one of them suffer himself to be tortured on the gibbet of everlasting obloquy. How long and dark would be the track of infamy which must mark his name and that of his posterity! Nothing is therefore more certain than that it requires no gift of prophecy to predict the fate of this unhappy victim. I have now discussed but one of the numerous articles, all of which I believe to be fully sustained, and few of the almost innumerable offences charged to this wayward, unhappy official. I have alluded to two or three others which I could have wished to have had time to present and discuss, not for the sake of punishment, but for the benefit of the country. One of these was an article charging the President with usurping the legislative power of the nation and attempting still his usurpations. With regard to usurpation, one single word will explain my meaning. A civil war of gigantic proportions, covering sufficient territory to constitute many States and nations, broke out, and embraced more than ten millions of men, who formed an independent government, called the Confederate States of America. They rose to the dignity of an independent belligerent, and were so acknowledged by all civilized nations, as well as by ourselves. After expensive and bloody strife we conquered them, and they submitted to our arms. By the law of nations, well understood and undisputed, the conquerors in this unjust war had the right to deal with the vanquished as to them might seem good, subject only to the laws of humanity. They had a right to confiscate their property to the extent of indemnifying themselves and their citizens; to annex them to the victorious nation, and pass just such laws for their government as they might think proper. This doctrine is as old as Grotius and as fresh as the Dorr rebellion. Neither the President nor the judiciary had any right to interfere, to dictate any terms or to aid in reconstruction, further than they were directed by the sovereign power. That sovereign power in this republic is the Congress of the United States. Whoever, besides Congress, undertakes to create new States or to rebuild old ones and fix the condition of their citizenship and union usurps powers which do not belong to him and is dangerous or not dangerous according to the extent of his power and his pretensions. Andrew Johnson did usurp the legislative power of the nation by building new States and reconstructing, as far as in him lay, this empire. He directed the defunct States to come forth and live by virtue of his breathing into their nostrils the breath of life. He directed them what constitutions to form and fixed the qualifications of electors and officeholders. He directed them to send forward members to each branch of Congress and to aid him in representing the nation. When Congress passed a law declaring all these doings unconstitutional and fixed a mode for the admission of this new territory into the nation he proclaimed it unconstitutional and advised the people not to submit to it nor to obey the commands of Congress. I have not time to enumerate the particular acts which constitute his high-handed usurpations. Suffice it to say that he seized all the powers of the government within these States and, had he been permitted, would have become their absolute ruler. This he persevered in attempting, notwithstanding Congress declared more than once all the governments which he thus created to be void and of no effect. But I promised to be brief, and must abide by the promise, although I should like the judgment of the Senate upon this, to me, seeming vital phase and real purpose of all his misdemeanors. To me this seems a sublime spectacle. A nation, not free, but as nearly approaching it as human institutions will permit of, consisting of thirty millions of people, had fallen into conflict, which among other people always ends in anarchy or despotism, and had laid down their arms, the mutineers submitting to the conquerors. The laws were about to regain their accustomed sway, and again to govern the nation by the punishment of treason and the reward of virtue. Her old institutions were about to be reinstated so far as they were applicable, according to the judgment of the conquerors. Then one of their inferior servants, instigated by unholy ambition, sought to seize a portion of the territory, according to the fashion of neighboring anarchies, and to convert a land of freedom into a land of slaves. This people spurned the traitors, and have put the chief of them upon his trial, and demand judgment upon his misconduct. He will be condemned, and his sentence inflicted without turmoil, tumult or bloodshed, and the nation will continue its accustomed course of freedom and prosperity without the shedding any further of human blood and with a milder punishment than the world has been accustomed to see, or perhaps than ought now to be inflicted. Now, even if the pretext of the President were true and not a mere subterfuge to justify the chief act of violation with which he stands charged, still that would be such an abuse of the patronage of the government as would demand his impeachment for a high misdemeanor. Let us again for a moment examine into some of the circumstances of that act. Mr. Stanton was appointed Secretary of War by Mr. Lincoln in 1862, and continued to hold under Mr. Johnson, which, by all usage, is considered a reappointment. Was he a faithful officer, or was he removed for corrupt purposes? After the death of Mr. Lincoln, Andrew Johnson had changed his whole code of politics and policy, and instead of obeying the will of those who put him into power, he determined to create a party for himself to carry out his own ambitious purposes. For every honest purpose of the government, and for every honest purpose for which Mr. Stanton was appointed by Mr. Lincoln, where could a better man be found? None ever organized an army of a million of men and provided for its subsistence and efficient action more rapidly than Mr. Stanton and his predecessor. It might, with more propriety be said of this officer than of the celebrated Frenchman, that he "organized victory." He raised and by his requisitions distributed more than a billion of dollars annually, without ever having been charged or suspected with the malappropriation of a single dollar; and when victory crowned his efforts he disbanded that immense army as quietly and peacefully as if it had been a summer parade. He would not, I suppose, adopt the personal views of the President, and for this he was suspended until restored by the emphatic verdict of the Senate. Now if we are right in our narrative of the conduct of these parties and the motives of the President the very effort at removal was a high-handed usurpation as well as a corrupt misdemeanor, for which of itself he ought to be impeached and thrown from the place he was abusing. But he says that he did not remove Mr. Stanton for the purpose of defeating the Tenure of Office law. Then he forgot the truth in his controversy with the General of the Army. And because the General did not aid him and finally admit that he had agreed to aid him in resisting that law he railed upon him like a very drab. The counsel for the respondent allege that no removal of Mr. Stanton ever took place, and that therefore the sixth section of the act was not violated. They admit that there was an order of removal and a recision of his commission; but as he did not obey say it was no removal. That suggests the old saying that it used to be thought that "when the brains were out the man was dead." That idea is proved by learned counsel to be absolutely fallacious. The brain of Mr. Stanton's commission was taken out by the order of removal—the recision of his commission—and his head was absolutely cut off by that gallant soldier, General Thomas, the night after the masquerade. And yet, according to the learned and delicate counsel, until the mortal remains everything which could putrify was shovelled out and hauled into the muck yard, there was no removal. But it is said that this took place merely as an experiment to make a judicial case. Now, suppose there is anybody who, with the facts before him, can believe that this was not an afterthought, let us see if that palliates the offence. The President is sworn to take care that the laws be faithfully executed. In what part of the constitution or laws does he find it to be his duty to search out for defective laws that stand recorded upon the statutes, in order that he may advise their infraction? Who was aggrieved by the Tenure of Office bill that he was authorized to use the name and the funds of the government to relieve? Will he be so good as to tell us by what authority he became the obstructor of an unrepealed law instead of its executor, especially a law whose constitutionality he had twice tested? If there were nothing else than his own statement, he deserves the contempt of the American people and the punishment of its highest tribunal. If he were not willing to execute the laws passed by the American Congress and unrepealed, let him resign the office which was thrown upon him by a horrible convulsion and retire to his village obscurity. Let him not be so swollen by pride and arrogance, which sprung from the deep misfortune of his country, as to attempt an entire revolution of its internal machinery and the disgrace of the trusted servants of his lamented predecessor.

The gentleman (Mr. Groesbeck) has spoken of the great purity of the President in his transaction with Black and others. I admit that is a fair subject from which to infer general purity of conduct. I will examine that a little. It was held by Socrates and Plato to be among the most atrocious offences to corrupt the youth, because that tended to overthrow the solid forms of government and build up anarchy and despotism in their place. If it were so in an oligarchy? how much more would it be so in a government where the laws control and where the laws should be pure, if that government is expected to be conducted with purity and to survive the temporary shocks of tyrants. If it is proved or known that Andrew Johnson attempted at any time to corrupt the legal voters of the United States so as to change them from their own true opinions to those which he himself had adopted, there are few who pretend that he was not guilty of a high misdemeanor. We need hardly call witnesses to prove a fact which everybody knows and nobody will deny. Does the sun shine at midday? It would hardly be thought necessary to answer that question by proof, and yet there is just as much necessity for it as to prove that Andrew Johnson had changed his whole principles and policy and entered into the most dangerous and damaging contracts with aspirants for office to induce them to aid him in changing the principles of those who sought office. Who does not believe that the patronage was put into the hands of Doolittle, Cowan and that tribe of men for distribution on precisely such terms and conditions as they chose to make? Show me a more shameless perversion of patronage in any country or in any government, however corrupt and despotic, and I will admit that Andrew Johnson is as pure as the icicles that hang on Diana's temple. He had before that appeared with Abraham Lincoln in the Senate chamber to take the oath of office; they took it at the same time and in the same manner, having some small variation in the manner of the Vice President; but his friends hoped that such variations had not obliterated or obscured his consciousness of the oath he had taken, and when he came to reflect he would still abide by all he had sworn to observe, notwithstanding his then condition. Unfortunately the President was taken away and a temptation for the higher aspirations of Mr. Johnson. Instead of being content with positions the people had given him and which he had gladly accepted, he sought to become thereafter as well as then the chief Executive of the nation. This he knew could only be done by changing principles and creating a new party to sustain him. After some little hesitation he resolved upon that course, and perpetrated a betrayal of the party that had elected him and the principles he professed. Baser than the betrayal by Judas Iscariot, who betrayed only a single individual, Johnson sacrificed a whole nation and the holiest of principles; in order to build up a party upon which he was to rely it became necessary for him to proclaim entirely new principles and a new policy, and to bring about him an entirely new set of politicians, as loose men enough already in the republican party could not be found to carry him into power. Corruption, therefore, became a necessity; that corruption was to be wrought by perverting the means which the republicans had placed in his hands, and which he had solemnly sworn to execute according to their principles. When he found that by an appeal to those principles he could rally but few followers, he did not hesitate to cast them off and seek recruits in the camp of the enemy. Instead of enforcing the penalties of the law, and rendering treason odious, as he had so loudly proclaimed while Vice President, he proceeded to pardon all the large, influential traitors and to restore to the conquered belligerents the property which had been confiscated by act of Congress of July, 1862. He thus restored confiscated land and abandoned estates, sufficient, had it all been honestly covered into the Treasury, to have have paid the national debt and all the damage done to loyal men by rebel raiders and by rebel confiscation. He set deliberately about corrupting the whole mass of those who aspired to office. Where he found an officeholder too virtuous to follow his treason he offered his place to another whose conscience was less scrupulous or whose ambition was greater. The removals which he made were of republicans who had been placed in office by Abraham Lincoln upon republican recommendations, because they held the same principles which he and Johnson had professed. He did not hesitate, through his agents, to bargain for their support as a condition of their appointment or retention. He found a few men of respectability who had been endorsed by respectable States—such as Wisconsin and Pennsylvania. Look at the trusted agents of Pennsylvania and Wisconsin who contracted to accept the office of recruiting sergeants for his shabby army to purchase the position of a commander of this band of pardoned traitors and corrupted renegades. They consented to lay down the Stars and Stripes and clothe themselves in the faded uniform of gray. The gentleman (Mr. Groesbeck) in his peroration on Saturday implored the sympathy of this Senate with all the eloquence and pathos of a Roman Senator pleading for virtue; and it is to be feared that his grace and eloquence turned the attention of the Senate upon the orator rather than upon the accused. Had he been pleading for innocence his great powers would have been well executed; had he been arguing with equal eloquence before such a Roman Senate for such a delinquent, and Cato the Censor had been one of the judges, his client would have soon found himself in the stocks in the middle of the forum instead of receiving the sympathies of a virtuous and patriotic audience.

### Argument of Manager Williams.

MR. WILLIAMS then took the floor. After speaking of the august character of the tribunal and the intense interest which is felt all over the country by the entire people who were awaiting with anxiety the verdict which is either to send thrills of joy to an afflicted land or rack it anew with the throes of anarchy and despair, he proceeded to state that the matter now presented for discussion was not a quarrel between two officials, but between the Executive and the American people. He, too, would ask who is Andrew Johnson? and would answer the question in a different manner from the President's counsel. He then intimated that Johnson's opposition to secession in the Senate was perhaps prompted by a doubt whether the step was advisable at that particular time; but, however that might be, he would consider him as he is now and as he had been since he came into power. Mr. Williams held that the master key to his conduct as President was his desire to favor and uphold traitors and to force the rebel States into the Union on his own plan, against the expressed will of Congress and the loyal people; and went on to recite a great number of acts of the President, which he claimed were usurpations and offences inexplicable only on the above supposition. Continuing, Mr. Williams said:—The great crime of Andrew Johnson, as already remarked, running through all his administration, is that he has

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