

The Tyranny Motivation: Why the Radical Republicans Felt Motivated to Impeach the President

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Only twice in the history of the United States has the House of Representatives used the power given to it under Article I Section 2.E of the Constitution: to impeach the president. The first instance occurred on February 24, 1868, when Radical Republicans in the House voted to impeach Andrew Johnson, a man their party had helped elect in 1864. The proximate motivations of this politically daring move are undeniable. The House impeached Johnson for violating the Tenure of Office Act by removing Secretary of War Edwin Stanton and replacing him without the consent of the Senate (which the bill had required). But this alone does not fully explain why they created so much political drama over what is now viewed as a small infraction. For as Charles Sumner admits, “if [the violations of the Tenure of Office Act] were alone, ... they [would] have remained unnoticed. Impeachment would not have been ordered.”¹ Therefore there must have been other longer-term motivations that drove the Radicals to take such a risky political gamble. These motivations are much less clear than the more proximate ones, and have been under debate by Reconstruction historians for over a century.

The classic explanation for what motivated the Radicals to impeach Johnson is simple. It stipulates that the Radicals impeached Johnson to put Benjamin Wade, a Radical Senator, in the White House, and were therefore motivated simply by the prospect of gaining more political power for themselves. As one of the early Reconstruction historians, William A. Dunning, puts it: impeachment was “the policy of removing the president, not necessarily for any crime, but on the considerations of party expediency.”²

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However, after the Watergate scandal in the 1970s, historians including Michael Les Benedict began to view the Johnson impeachment in a different light. They have found that in the eyes of many Radicals, Johnson was the one who had been trying to gain more powers by interfering in congressional affairs, and thus had to be impeached to protect the public from a tyrant.³

There are two reasons the Radicals felt that Johnson was getting too repressive. First was the unprecedented number of vetoes he used to obstruct Radical legislation. The second was his implementation of executive orders that nullified the laws of the Congress. There is sufficient evidence to show that not only did he act in such a way, but also that many of the Radicals interpreted these actions as evidence of despotism.

The Partisan Element

While there was more to the impeachment decision than pure partisanship, it would be naïve to argue that the lure of gaining more political power did not influence the Radicals' decision at all.

It is undeniable that with Johnson impeached, the Radicals stood to gain much more power. First there is the issue of who would become president if Johnson were removed. As Johnson had become president only after Lincoln was assassinated, his successor would be the president pro tempore of the Senate, Benjamin Wade. Historians such as Raoul Berger see Wade as "a dyed-in-the-wool Radical."⁴ Thus, if Johnson had been impeached, the White House would immediately have fallen into Radical hands, far increasing their political power. It is hard to believe that such a factor did not at all figure into the Radicals' calculations.

Not surprisingly, in the opinions of Johnson and the Democrats, the quest for power alone motivated the Radicals to take up such a harsh measure. The *Pittsfield Sun's* editorial on the impeachment trial best represents the opinions of the Democrats. In the paper, the writers claim that they see no reason why the president had to be impeached. They point out how even Republican legal scholars like Chief Justice Chase find the impeachment to have no constitutional or legal grounds.⁵ In

their opinion, the impeachment came out of a deep-seated hatred of the president and the Radicals' own "personal ambition."⁶ The editorial obviously has its own political motivation, being from a pro-Johnson paper, but the fact that the editors feel so disgusted by the proceedings suggests that the Radicals must have been conducting themselves in a manner that seemed politically motivated.

More telling than the biased opinions of the Democrats are the opinions of some of the Radicals themselves. Fast-forwarding a little, when the impeachment trial eventually came to a close, seven Radicals joined the Democrats in voting to acquit the president, and the impeachment failed by one vote. James Grimes, one of those seven Radicals, wrote the leading opinion explaining why he voted to acquit. In it he says that he has seen no reason that the president should be impeached, other than his political differences.⁷ In this way, Grimes implies that his fellow Radicals must have been motivated by political power because, to him, there was no other motivation. What makes his claims most compelling, though, is that he had no political motivation to make them. In fact, his political convictions would have served as a temptation to say quite the opposite, and to help remove his political rival.

Whether one examines Democrat or Republican dissent from the impeachment, then, one cannot deny that impeachment was at least partly a political calculation. However, the Radicals certainly acted on additional concerns beyond their own desire for power.

The Over-Use of the Veto Power

The Radicals denounced Johnson's abuse of power in the unprecedented (at that time) number of vetoes he used to try to block their legislation. The president of course has the right to veto; however, in Johnson's time, the veto was considered to be a power that must be used sparingly. Johnson, on the other hand, vetoed a total of twenty-nine bills in less than four years in office.⁸ This number would seem insignificant by today's standards (FDR vetoed a total of 635 bills), but if he is compared to his predecessors, he dwarfs them. Andrew Jackson, who was himself hated for his use of the veto power, came in a distant second with a total of

twelve vetoes in eight years.⁹ Even for a president who sat in office with two unfriendly Houses of Congress, his total is unmatched, as both John Quincy Adams and Millard Fillmore (the only two presidents in a similar situation) didn't veto a single bill.¹⁰ While all these facts are interesting, the more important consideration is how the Radicals like Charles Sumner actually saw these vetoes.

As part of the impeachment trial, Charles Sumner, a Radical Senator from Massachusetts, was chosen to write the leading opinion for conviction. In it he listed the reasons that he and his fellow Radicals voted to convict the president. One of the important transgressions he finds in Johnson's presidency is his use of the veto power. He specifically states "the veto power conferred by the Constitution as a remedy for ill-considered legislation, was turned by him into a weapon of offence against Congress and an instrument to beat down the just opposition."¹¹ So to Sumner, the Radicals were really the victims of Johnson's bullying through the veto power. Two things make this opinion important in analyzing the Radicals' view on Johnson's vetoes. First, he acknowledges the counter argument by stating that this power is in the Constitution. His concession that the veto power exists also implies that Johnson must not have been using it in an appropriate way. Secondly, he is speaking for all those who voted for conviction, all of whom were Radicals, suggesting that at least a majority of Radicals in the Congress must have held this opinion as well.

The Nullification of Congress's Laws

After the 1866 midterm elections in which the northern electorate returned a super majority of Radical Republicans to both the House and Senate, Andrew Johnson's veto power ceased to be an obstacle to Radical aims. The president continued to thwart Congressional aims by adopting policies in the executive branch that ran contrary to the laws enacted by Congress. The Radicals interpreted Johnson's actions as infringing on the rights of the legislative branch by invalidating their laws. The two best examples of Johnson's interference in Congressional affairs are in the implementation of the Reconstruction Acts and the creation of the Freedmen's Bureau.

In 1867 Congress passed “An Act to Provide for the More Efficient Government of the Rebel States,” more commonly known as the Reconstruction Act. The bill reorganized the South into five military districts and gave the military the power to oversee reconstruction of the Southern state governments. In other words, it set a strict guideline for how the Southern states would be readmitted into the Union. However, Johnson’s attorney general, Henry Stanbery, wrote a formal opinion that completely contradicted the objectives the Radicals had intended for the law. As Michael Les Benedict explains:

*Stanbery’s interpretation minimized the power of the military authorities to which Congress had entrusted administration of the unreconstructed states. According to the Attorney General, the military could not remove recalcitrant officials of the Johnsonian provisional governments, enforce national laws in military courts, take cognizance of crimes committed before Congress passed the Reconstruction Act, or prohibit activities not in violation of state or national statute law.*¹²

Thus the Johnson administration had completely changed the meaning of the law and usurped Congress’s right to legislate. George William Curtis criticized Johnson in his editorial in *Harper’s Weekly* (a Radical newspaper) denouncing what he saw as blatant obstruction of the law. He complains that Stanbery’s opinion defeated the purpose of the Reconstruction Acts, and that in doing so Johnson was not fulfilling his job as president.¹³ This shows that not only were the Radicals enraged by Johnson’s actions, but that they believed him to be overstepping his constitutional authority.

Johnson continued to thwart the intentions of Congress in the Reconstruction Acts by using his powers as Commander in Chief to remove those in the military whom Congress had put in charge of Reconstruction. In August of 1867, Johnson proceeded to suspend Secretary of War Edwin Stanton and dismiss General Philip Sheridan, who was in charge of the Louisiana district.¹⁴ This event is depicted in Thomas Nast’s cartoon in *Harper’s Weekly*, in which he shows how by knocking down the pillars of Stanton and Sheridan, Johnson brought down the temple of Reconstruction (see Appendix A).¹⁵ The cartoon

shows that to Radicals, by dismissing these two key enforcers of Congressional Reconstruction, Johnson again rendered the Reconstruction Acts ineffective and void.

The other main example of an act of Congress annulled by Johnson's actions is the 1866 Freedmen's Bureau. The Freedmen's Bureau was an administration created by the Radicals to oversee the transition of the southern blacks from slaves to freedmen. One of the most important functions of the Bureau was to distribute government-confiscated land to the new freedmen for them to live and farm on. However, once Johnson adopted a policy of amnesty towards the South, "800,000 acres of abandoned lands in the hands of the Freedmen's Bureau melted quickly away" as it was given back to its previous owners, rendering the Bureau ineffective.¹⁶ Radicals became greatly offended by Johnson's policies. In the opinion of Charles Sumner, "the Freedmen's Bureau, that sacred charity of the Republic, was despoiled of its possessions for the sake of rebels."¹⁷ Thus, like the Reconstruction Acts, the Freedmen's Bureau was rendered effectively powerless by Johnson's executive policies to the frustration and indignation of the Radicals.

By invalidating the laws of Congress through his executive policies, Johnson was, or at least seemed to be, breaking the central pillar of the Constitution: the separation of powers. In both cases mentioned above the Radicals felt that it was their right to pass such legislation, and that the president had a duty to respect and enforce those laws as they had been created. As Curtis's editorial reveals, some Radicals felt that a president who does not fully execute the mandates of Congress has no right to hold his office. Thus Johnson's reluctance to do so is a clear motivation for those who pursued his impeachment. Any differences between our current interpretation of the Constitution and that of the Radicals are irrelevant in answering the question of why they impeached the president.

Tyranny and Treason

Radicals, who believed that Johnson abused his executive power, came to see him as either a tyrant or a traitor (or both). In some ways these

ideas were much like conspiracy theories in that they were not based on any proof, only examples.

Thomas Nast, the Radical cartoonist from *Harper's Weekly*, published a set of political cartoons, most of which portrayed Johnson as a king. A particularly revealing one, "King Andy I," hyperbolically depicts Secretary of State Seward's remark that compared his relations with the president to one between a king and his minister (see Appendix B).¹⁸ The idea of Johnson as king suggests that Nast considered him to be acting more like a king than a democratically elected president. Also, the background image of Radicals being executed under Johnson's orders and of Lady Liberty chained at his feet indicate that he believed not only that Johnson was seizing too much control, but also that the Radicals and the people were suffering for it. These views are not unique to Nast and *Harper's Weekly*. Sumner's opinion alludes to this idea when he states that the impeachment was issued because of the concern for "the safety of the Republic."¹⁹

The alternative and possibly more outlandish claim, that Johnson was in fact a traitor scheming to help the defeated South, made its way into Radical papers like the *Troy Weekly Times* (NY). In an article denouncing Johnson's removal of Stanton, which would lead to his impeachment, the paper openly and loudly labels Johnson a "perjured rebel and a traitor."²⁰ Such opinions cannot be accepted as fact, but the point remains that clearly some Radicals did hold them. Today this seems like an absurd conspiracy theory; however, if seen in the context of the time, with the fierce and frustrating battle of Reconstruction that never seemed to go the way the Radicals intended, the idea that a man who had done everything in his power to block their legislation was a traitor makes more sense.

By accepting that to some Radicals Johnson was a traitor, it becomes clearer that the impeachment was not simply driven by political greed. Instead if they did indeed believe this, as it appears many of them did, impeachment would have been their only option to save Reconstruction and protect the Republic from tyranny.

Conclusion

Radical newspapers and documents of the time reveal that the impeachment of Andrew Johnson can be attributed to more than the Radicals' political ambitions. Instead they were attempting to stop what they saw as a tyrant from spoiling their plans for reconstruction. The political battles of the impeachment and the views of the opposing sides offer an interesting insight into Reconstruction as a whole.

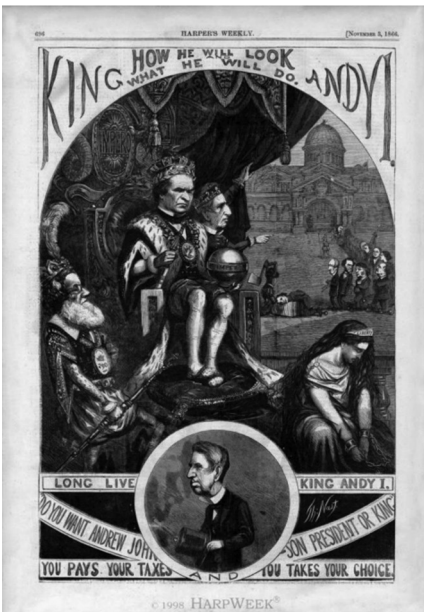
The frustration of the Radicals with Johnson's incessant attempts to veto and then nullify their laws helps explain Grant's later harsh policies toward the South. Because the Radicals had been able to get very little done under the Johnson presidency, they overcompensated by continuing their heavy-handed control so long. For example, the Union army stayed in the South until 1877, when popular northern commitment to the Radicals abated. This over-compensation was among many reasons that the Hayes-Tilden election in 1876 was so close.

Moreover, the fighting between the Radicals and Johnson can help explain why the Radicals ultimately failed to accomplish their reconstruction goals. While the Radicals busied themselves fighting what they saw as a tyrant, the white Southerners were busy organizing political and social resistance to Radical aims. Such organizations as the Klu Klux Klan were founded in the early years of Reconstruction while the president and Congress were too busy fighting over political power. As a result, nothing was done to force Reconstruction until 1870 with the passing of the Enforcement Acts. There were of course many other powerful contributory causes, but the conflict with the Johnson Presidency certainly helps explain the eventual failure of the Radical aims in Reconstruction. ●

Appendix A



Thomas Nast, “Sampson Agonistes at Washington,” cartoon, Harper’s Weekly (August 24, 1867) 696.



Thomas Nast, “King Andy I,” cartoon, Harper’s Weekly (November 3) 1866, 696.

Notes

1. Charles Sumner, "Impeachment of Johnson—For Conviction," (1868) in *Essential Documents of American History*, ed. Norman P. Desmarais and James H. McGovern (2009), EBSCO, accessed March 18, 2013, <http://search.ebscohost.com>.
2. William A. Dunning, *Reconstruction, Political and Economic, 1865-1877* (New York: Harper and Bro.s, 1907), 103.
3. Michael Les Benedict, "A New Look at the Impeachment of Andrew Johnson," *Political Science Quarterly* 88, no. 3 (1973): 366-67.
4. Raoul Berger, *Impeachment: the Constitutional Problems*, (Cambridge: Harvard University Press, 1973), 262. Benjamin Wade was such a radical that he even supported women's suffrage. Such extreme views were one of the reasons that seven less fanatic Republicans voted to acquit Johnson and keep Wade from becoming president.
5. "The Impeachment Business," *Pittsfield Sun* (MA), March 5, 1868, 2.
6. Ibid.
7. James Grimes, "Impeachment of Andrew Johnson—For Conviction," (1868) in Desmarais and McGovern.
8. Gregory Harnes, *Presidential Vetoes 1789-1988* (Washington DC: US Government Printing Press, 1992), ix.
9. Ibid.
10. Ibid.
11. Sumner.
12. Benedict, 359.

13. George William Curtis, "Reconstruction and Obstruction," *Harper's Weekly*, July 6, 1867, 418.
14. Benedict.
15. Thomas Nast, "Sampson Agonistes at Washington," cartoon, *Harper's Weekly* (August 24, 1867) 696.
16. W.E.B Du Bois, "The Freedmen's Bureau," *Atlantic Monthly* 87 (1901) in Desmarais and McGovern.
17. Sumner.
18. Thomas Nast, "King Andy I," cartoon, *Harper's Weekly* (November 3) 1866, 696.
19. Sumner.
20. "Law Defied! Executive Usurpation and Crime - Andrew Johnson as Dictator and Traitor - A Bold Attempt at Revolution," *Troy Weekly Times* (NY), February 29, 1868, 1.

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