

Hans L. Trefousse, Impeachment of a President: Andrew Johnson, the Blacks, and Reconstruction[1975]

The vacillating historiography of Andrew Johnson seems to be tied to the national attitude toward the racial question . . .

The impeachment issue of the Nixon years has forced a new look at the AJ Presidency. Author cites Irving Brant's Impeachment: Trials and Errors in which Brant contends that impeachment holds only for indictable cases. Raoul Berger in his Impeachment has taken the exact opposite view. And Michael Les Benedict holds that AJ merited his fate and should have been convicted.

Trefousse builds on the work of Benedict. . . Benedict's work opened up a whole new landscape for historical inquiry.

What is to be investigated further is the relationship between impeachment and the failure of Reconstruction, the causes of the failure to convict, and the consequences of acquittal. Why was AJ impeached in the first place? Wasn't he sufficiently shackled in the first place and rendered harmless as far as the Republican reconstruction program was concerned. . . He had only year to serve in office?

1. Andrew Johnson and Reconstruction

The swirling center of the problem: emancipation released 400 million blacks from slavery. What role would they play in the postwar scene? If blacks were denied the vote and the right to protect their civil liberties then what. The old leadership in the South would back in business and tied with the Northern Democrats would emerge as the political power in the new Union . . . Suffrage for blacks would assure the Republicans a viable political organization in the South. But there were many northerners who could not accept black suffrage. . .

Andrew Johnson the Last Jacksonian . . . Stood for Union, states rights, and for white supremacy . . . He was a white nationalist . . .

Johnson had stood for the defense of the peculiar institution. He was a slave holder before the war. He voted with Crittenden for limited war aims--that is, to maintain the social order despite the war. In 1860 he voted for Breckenridge and a Federal Slave Code for the territories. In short, he was and remained a white supremacist. . .

Unlike Lincoln, Johnson gave in not at all to any modification of his Negrophobic views despite the four years of Civil War. Unlike Lincoln, who described the radicals as "utterly lawless--the unhandiest devils to deal with" . . . but deal with them he would because "their faces were set Zionwards." AJ could not find common ground with the Radicals. . .

Trefousse suggests that had AJ modified his views and made compromises by half to the moderates he could have neutralized the radicals and keep his position in the party's council . . . He could have been elected on his own in 1868. . . But Johnson was not a good politician . . . Here the theme of stiff-necked resistance comes forward. . . Johnson the "political outsider" etc. . .

He discusses Johnson's Reconstruction policy -- the so-called North Carolina Plan . . .

His appeal to Mississippi to allow qualified blacks to vote--taling the pressure from the Radicals off his back. It was rejected by Governor Sharkey. However, Johnson did nothing. . .

His retreats on the land question . . .With the pardoning power Johnson]added the return of loss Confederate lands. . .Thus wiping out the experiments under the guidance of the Freeman's Bureau(see Feely). . .

Use of payronage to replace loyal Republicans with known conservatives. . .

Then the vetoing of the Trumbull Freedmans' Bureau Bill . . .This antagonized the Republican moderates.

Johnson was determined to push ahead with his policy of Reconstruction and the Congress could go to hell.

His policy toward the blacks--patience and good sense and trust in the new fairness of the returning former Confederate leadership. Or, as he told Frederick Dougless, they could emigrate. . .

2. Radicals and Reconstrcutio

Builds up the controversy between Johnson and the Republican majority.

Trefousse covers old ground. . .The fact that the ultras or radicals were not a well-organized monolithic and determined minority in the GOP . . .He notes their differences on all economic matters.

The northern resistance to the extension of the franchise to the blacks in the North. But would they accept these measures in the South?

The efforts of the moderates to keep the breach from widening into a "war" between Congress and the Executive. Majority of the Republicans did not want trouble with Johnson before the 1866 elections. There was simply too many other details of reconstruction that had to be looked to--banking legislation, currency, rebuilding,etc. . .

But AJ managed to go out of his way to antagonize the moderates. T talk about the measures of moderation and compromise--the Civil Rights Act and the Secpnd Freedmans' Bureau Bill . . .and the Fourteenth Amendment were measures short of enfranchisement to protect the blacks in the South against the black codes,etc. . . However, Johnson vetoed them . . .

3. The Widening Breach

Johnson was determined to take on the Congress if necessary to get his program through--states rights and white supremacy. . .not substantive change despite the war years. . .

Johnson dug in . . .His machinations over the establishment of a new Union Party in 1868 are discussed briefly. . . .But his veto of the FB bill and the Civil Rights Act drove from him even the moderate and some conservative Republicans. . .His Cabinet resigned except for Stanton . . .

The election of 1866 returned a decided Republican majority in the Congress, etc. Still Johnson did not make any concessions. . .He could have accepted the 14th Amendment but refused.

Trefousse deals with the origins of the Tenure of Office Act. This came up when AJ began to use his patronage power to remove loyal Republicans from office. He pretty nearly cleaned out the postmasters by removing some 1,644, mostly for political purposes. Would he now turn to oust Stanton?

Then came the Command of the Army Act framed to prevent AJ from removing generals who favored the Republican programs and replacing them with his own "tools." Johnson now had to send all orders to the generals through the general of the army (Grant), who could not be removed except with the approval of the Senate.

Then came the 1867 Reconstruction Act. . .

4. First Demands for Impeachment

Deals with the first and unsuccessful efforts by the ultras to get impeachment going. . .Trefousse points out that this early effort was cut off by the moderates in the party. The leaders of the impeachment forces were extremists with questionable motives and responsible--Wade, Butler, and Ashby. . .

Trefousse points throughout this whole period from December 1866 to early 1867 is that AJ's efforts were not rash and irresponsible and plainly vindictive. AJ was out to flatten his radical opposition. . . .Moreover, he was uninterested in any cooperation with the moderates. He was determined to use his office to obfuscate and obstruct Congressional reconstruction. T points to AJ's tactics that are carried in the Benedict book--the removal of generals who were favorable to the Reconstruction acts and replace them with conservatives like Hancock. . .His opposition gave further enforcement to Southern defiance to the new Reconstruction programs. . .This is borne out by the Perman book on Southern resistance to the new acts--for example, the refusal of southern whites to vote and thereby prevent a majority from forming a government. . .

Then came the results of the 1867 election. . .Northern resurgence of the Democrats in states where black suffrage was on the ballot. . .AJ thought he was being vindicated here. . .It was Johnson's belief that he would be vindicated in the long run by the voters in the North in time. . .

9. The Impeachment of the President

In this chapter Trefousse gives his reasoning for why the moderates finally joined the radical minority and decided to remove Johnson from office. .

Originally, the moderates believed that their control of Congress and the ease with which they could override presidential vetoes(2) the Tenure of Office Act(3) the Command of the Army Act. . all gave the moderates the belief that they could now control Johnson until he left office.. . . But when AJ removed generals Ord, Pope, Swayne, and began the quarrel with Grant, the mood of the Congress visibly stiffened.

Trefousse does not attribute the impeachment to a plot by the radicals. These historians charge that the attempts at removal were senseless efforts to humiliate an already defeated man. Trefousse joins Benedict and Hyman in believing that removal was more immediate and believed to be necessary by the Republicans. A majority had come to believe that Reconstruction could not be successfully completed as long as AJ occupied the presidency. The southern problem had become closely identified with the success of the party. It must be solved if the Democrats were to be defeated in 1868. AJ was viewed by the majority of the GOP as an obstruction to reconstruction. His influence, his patronage, his power made it almost impossible for Congress to prevail in the South.

He notes that Southern Unionists were of this opinion . . . That Johnson had to be removed before the Reconstruction program of Congress could be made to work in the South . .

The point is that it became a current apprehension among the moderates in the party, rank and file Republicans in the north, pressure from state politicians, etc. that Johnson be removed. Republicans were concerned about the potential axis between the South and the Northern Democrats. The reverses of 1867, the evident disunity of the GOP ranks over the impeachment issue within the party. Removing this ~~unity~~ disunity might be achieved by attacking the man in the White House. In short, removal of Johnson became an issue to forge party unity and prevent the resurgence to power by the Democrats. This view was galvanized to intensity by AJ's efforts to remove Stanton from office. Johnson was regarded as the great Orge or obstructionism and preventer of the issue of Reconstruction from taking off. . He had to be removed.

It is Trefousse's point that AJ still stood firm against the impeachment waves as it began to whip against him in early 1868. Trefousse argues consistently that Johnson was willing to take the chance of impeachment . . . He apparently believed that impeachment based on the Tenure of Office Act--in which AJ thought he had as good a case as the opposition--would be to place the opposition in a grave disadvantage. Determined to oust Stanton, he knowingly risked impeachment: if he succeeded, his cause, and especially the cause of white supremacy in the South, would be greatly enhanced.

10. The President's Trial

He discusses the dubious nature of the Republicans case against Johnson . . . Trying to remove him on the basis of violation of the Tenure of Office Act as a misdemeanor. . . .He implies that Johnson had forced their hand in this matter and pushed them into a position that would be impossible to make stick . . . Johnson was a gambler here. ..and he hoped his gamble would pay off. . . .

The factors that disturbed Republican unity over conviction. He cites the warriness of those who opposed Wade as a successor. . .Wade's ~~defl~~ inflationary politics disturbed the more financially orthodox. . .Wade was also disliked for other reasons. The Grant moderates hoped to keep the trial going until the Republican Presidential convention in order to assure their choice as the next Republican presidential candiadet. If Wade was allowed to occupy the office only for a short internim period it might harm the chances of Grant. There was Butler' savage vendetta against Grant. . .

Johnson's choice of the best legal talent in the nation . . .They were Giants compared to the Republican senators who organized the case against the President. .

Trefousse deals with the failure to impeachHe notes that some of the myths about the "brave Seven" are just thatThat there were enough moderates who would have changed their vote for conviction(a party vote) if they thought Johnson stood a change of conviction was readily know around the Capitol and Washington . . .So that the vote was not really as close as the figures reveal . . .The fact that the recusants were not penalized by the Republican party after acquittal . . .

(1)the very weakness of the case and the way the prosecution handled themselves all tended to drive the moderates away from conviction; (2)the constitutional ambivalence and uncertainty about impeachment and an unindictable offense . . . still hangs in question today . . .(3)Some, like Trumbull, were concerned about the presedent established in impeaching and removing a President under an insufficient case. What would it do to the history of the nation in the future; (4)Then there was a complex problem of Wade. Wade was a radical whose advocacy of womens' rights, high tariffs, advancement of labor, and black suffrage--all posed a serious threat to the moderates and to their hopes for electing Grant in 1868. It was a reading of the general conservatisim of the American electorate and they weighed the impact of removal against the chances of the party in 1868. Wouodn't Johnson's removal and Wade's elevation hurt the political chances of the Republicans in 1868?

12. The Results of Acquittal

Trefousse sees acquittal as helping in shoving the "revolution" backward. . . He does not see acquittal a victory for the radicals as does Mantell . . . That AJ did not behave himself after the trial or did behave himself was not the essential question . . . The acquittal afforded a trememdous morale boost to the white supremacists in the South. It is also certain that it demoralized the radicals. He cites the GOP party platform in 1868 and its moderate suffrage plank for blacks in the

South only and not in the North. Grant was the candidate of the conservatives and the moderates. The radicals wanted Wade. . .Wade was a victim of the impeachment fiasco; he lost his seat in Congress. . .

Trefousse speculates that the wave of reaction to the Reconstruction Governments and their policies was now made inevitable and its victory justly inevitable by the defeat of impeachment and removal . . .Even Grant could not stem the tide . . . In short, AJ's persistence paid off in the long run . . .It did not get AJ nominated on the Democratic ticket in 1868, which he was doubtlessly hoping for. No one would touch him with a twelve foot pole in 1868 . . .But he was returned to the Senate by his home state of Tennessee in 1874. . . .

It was the acquittal that gave the victory surge to the conservative white southerners in the South . . .It reduced the radicals in the party to an ineffective minority. . .It played a significant rôle in the future defeat of Reconstruction . .