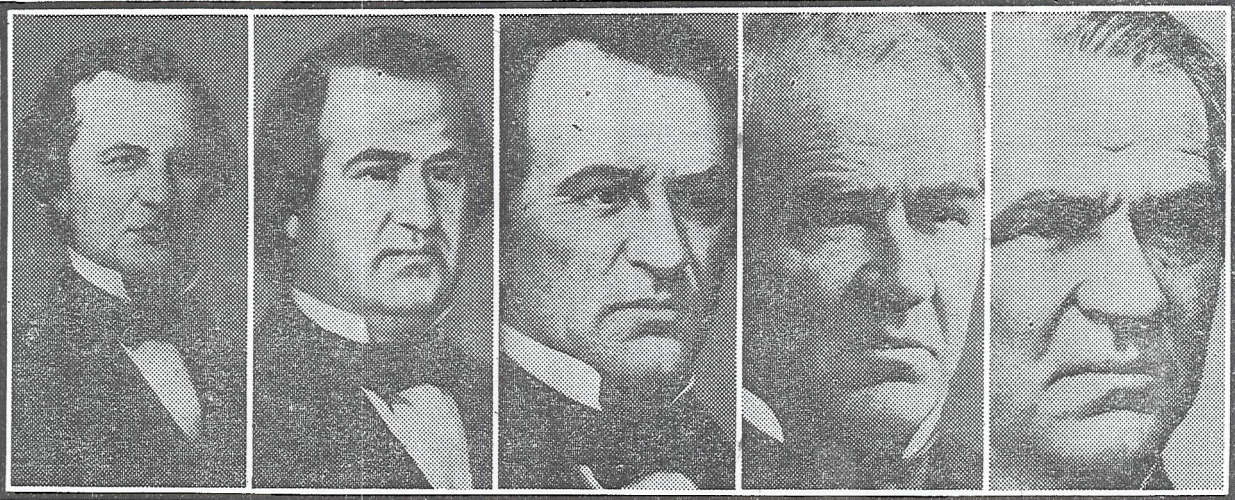


NYTimes

MAY 22 1974

# Andrew Johnson on Impeachment



These are excerpts from a message that President Andrew Johnson sent his Cabinet on Nov. 30, 1867. On Feb. 24, 1868, the full House voted to impeach him. The unsuccessful Senate trial began March 30, 1868, and ended May 26, 1868.

Gentlemen of the Cabinet: You no doubt are aware that certain evil-disposed persons have formed a conspiracy to depose the President of the United States, and to supply his place by an individual of their own selection. Their plan of operations seems to contemplate certain accusations against the President, which are to take the form of Articles of Impeachment, and that hereupon, before hearing or trial, he is, under color of law, to be placed under arrest, and suspended or removed from office.

The first intention, apparently, was to proceed by regular impeachment, in the mode prescribed by the Constitution. This, however, requires some credible evidence of an official act, criminal in its nature, and of a grade high enough to justify such proceeding before an enlightened and impartial public. Failing to obtain, after efforts of the most extraordinary and unscrupulous character, any plausible grounds for such an accusation, the persons engaged in this scheme discover that, to accomplish their purpose, they must now resort to a revolution changing the whole organic system of our Government.

Such a design has been openly and publicly avowed, in language unambiguous in meaning, by persons of great notoriety and much influence. While it is hoped that their declarations may be the mere ebullitions of intense party excitement, it must be remembered that at the present time the temper of many political leaders is desperate and extremely reckless, and that the most prominent among them have admitted and proclaimed that the Constitution has been set aside and repudiated by Congress.

It has never once occurred to him, however, that upon the mere demands of illegal and revolutionary violence he could surrender his office to a usurper, and thus yield the high duty imposed upon him by his oath "to preserve, protect, and defend the Constitution."

To do so would be to betray the most sacred trust committed to human hands. I can not deliver the great charter of our Nation's liberty to men who, by the very act of usurping it, would show their determination to disregard and trample it under foot. The strong probability that such a demand will be made, and the certainty that if made, it must, from a high sense of official obligation on my part, be resisted with all the legal and Constitutional means at the disposal of the President, thus bringing on a conflict between the co-ordinate branches of the Government, makes it absolutely necessary that the Executive and the heads of the several Departments should, upon a question so momentous, understand one another without any reserve whatever.

To that end, I request your separate opinions, in writing, on the following questions:

First. Can the President be removed from office in any other mode than that prescribed in the Constitution: viz., "on impeachment for and conviction of treason, bribery, or other high crimes or misdemeanors?"

Second. Pending impeachment, and before conviction and judgment, can the President, by an act of Congress and otherwise, be suspended from office, and the president *pro tempore* of the Senate, or other officer provided by law, be authorized to act as President during such suspension?

Third. If a law providing for such suspension and such exercise of the office by any officer other than the President should be passed, would it be the duty of the President to surrender his office and withdraw from the exercise of his official duties, or

continue to exercise them and to maintain his authority?

Fourth. Whether such deposition or arrest of the President, and the transfer of his official functions to another person, would be less a violation of the organic law, if attempted or done by members of Congress, or at their instigation, than if attempted or effected by private parties?

The temptation to join in a revolutionary enterprise for the overthrow of our institutions is extremely strong at the present moment. A combination of men directing the operations of Government without regard to law, or under a Constitution, which they hold themselves authorized to repudiate at pleasure, would be absolute masters of all the wealth of the country, the richest in the world, and they could hold at their mercy the life and liberty of every individual within our territorial limits.

Supreme and irresponsible power is always dangerous and seductive; but here, in the present condition of American affairs, with our large army and powerful navy and our vast resources, it is a prize so dazzling that we can not wonder that the desire to grasp it should overcome the public virtue of some ambitious men.

It can not be doubted that nine-tenths of the American people are true to the Constitution and the free institutions established by their fathers. So, in 1861, were the people of the South; yet they were misled by a few designing men, and forced into a disastrous revolution. A revolutionary party, once in full possession of the Government, with the entire control of the monetary affairs of the country and the immense revenue now paid annually into the Treasury, with universal suffrage and military supervision of elections, might even maintain some external show of popular approbation for its worst excesses.