



Rep. Thomas L. Ashley's great-grandfather demanded Johnson's impeachment.

Impeachment: History's Lessons

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Rep. Robert Stephens' great-uncle was vice president of the Confederacy.

THE FADED portrait photograph on the wall reminds Rep. Robert G. Stephens of Georgia that, on the great question of impeachment, distant generations speak to one another.

Severe and self-confident in the manner of 19th Century portraiture, the lean young face in the picture belongs to the congressman's great-uncle, Alexander H. Stephens, who once represented the same Georgia district. He as a planter-statesman of the Old South, a vice president of the Confederacy and, according to popular history, one of the victims in the terrible political struggle which produced the impeachment of President Andrew Jackson.

"The end result that I think was concluded from the impeachment of President Johnson," said the present Stephens, a Democrat, "is the political differences are not grounds for impeachment."

A few doors down the hall, Rep. Thomas Ashley, also a Democrat, offers mild apologies for the excessive zeal of his great-grandfather. He was Rep. James M. Ashley, who served the same Toledo, Ohio, district 106 years ago, a huge man ruled by giant political passions. In the literature on impeachment, Ashley's great-grandfather is portrayed mainly as a venomous scoundrel.

BOTH CONGRESSMEN appreciate the irony. If another American president is impeached, then future generations will ask similar questions about this moment in history—who were the scoundrels and who were the victims in the impeachment of Richard Nixon?

"There's no question," said the present Ashley, of the ancestor, "that his impeachment resolution revealed an extreme partisanship on his part. He put all of the ornaments on the Christmas tree and a lot of them were purely for display."

One of the first Congressman Ashley's "ornaments" was his slanderous charge that President Johnson conspired in the assassination of Lincoln, in order to become President himself. Ashley spent the summer of 1867 digging feverishly in the muck of Washington gossip, searching for a non-existent letter which would prove the plot.

Yet the first Ashley was also a man of principle. "A magnificent man," said his great-grandson in defense. An abolitionist who spirited runaway slaves to freedom in Canada, a radical Republican who believed that the Civil War was won, not simply to emancipate 4 million Negro slaves, but to secure for them equal rights as American citizens.

"He was an enormously strong-willed person with a deep moral commitment to what he felt was essential for a just social system," said the present Congressman Ashley.

"Of course, they were right, the radicals, not in their strategy and so forth, but in their commitment. It had to happen. It would have been impossible for him to do otherwise, he believed so strongly in the abolitionist case."

ALEXANDER STEPHENS believed deeply, too—in the opposing cause, state's right. His convictions led him reluctantly to a place in the secessionist government and eventually a cell in a federal prison.

"He was at his home in Crawfordsville, Ga., when the surrender took place at Appomattox," the present Rep. Stephens explained. "Alexander Stephens said he hadn't done anything wrong and, if they wanted to come and arrest him, he would be there. And that's what transpired."

For five months, Stephens was imprisoned at Boston Harbor while federal authorities decided whether to prosecute him for treason. They did not. And, less than a year later, Georgia sent him back to Washington as its duly elected U.S. senator.

Alexander Stephens never served as U.S. senator — because radicals like Ashley wouldn't let him. They turned away the "unreconstructed rebels" which the Southern states sent to Congress. Instead, they insisted on voting rights for blacks.

President Andrew Johnson wanted a quick, peaceful reunion with the 10 rebel states — to recognize their elected officials, to salve old wounds without creating new ones. It was this conflict, more than anything else, which inspired the two-year battle to impeach the President.

One hundred years from now, historians may search for the same answers about our time. The grandchildren will want to know, not simply about the legal issues and the nature of the allegations, but about the larger issues which inspired the crisis.

Was the impeachment of Richard Nixon, they may wonder, based on genuine abuses of his high office? Did it stem from "high crimes" which will still be regarded as such in future generations, a moral revulsion that they will share?

Or did Congress go after the President as a matter of visceral animosity, because they were Democrats and he was Republican, because he was a powerful chief executive, with a lopsided majority behind him, and they were intent on diminishing him for raw political purposes?

Those who would impeach Mr. Nixon or defend him think they already know the answers. His critics have been scrupulously insisting that this impeachment will be non-political, based on hard evidence of real crime by the chief executive. But the White House and its allies see a sinister motive — a naked attempt to steal the popular mandate which the Nixon Administration won in 1972. Which version will history settle upon?

What the past says most clearly to the present, a cautionary tale told by the impeachment of Andrew Johnson, is that none of the current players should be overly confident about how they will be judged. What

seems obvious to them may be obscure to the future.

FOR EXAMPLE, the radical Republicans who impeached Andrew Johnson were certain of their virtue. As their angry leader, Thaddeus Stevens, put it, "the infamy of posterity" would be visited on their adversaries, the men who saved Johnson from removal. We now know, of course, that posterity has generally condemned the radicals and even made something of a martyr out of Johnson.

Traditional history remembers the radicals principally for crude tactics and zealotry — the hoked-up charges, the inflammatory speeches, the rankest plotting among Johnson's own cabinet officers, the vengeful attempts to destroy politicians who resisted them.

The radical idealism is largely obscured, the great social question which made them so self-righteous: equal rights for the emancipated blacks. From their viewpoint, Andrew Johnson was giving away the victory which had cost half a million lives — allowing ex-Confederates to impose new forms of peonage on 4 million former slaves and undo the social revolution which the Civil War had wrought.

"Our loyal people," Congressman Ashley warned, "would not deny those loyal blacks political rights while consenting that pardoned, unrepentant white rebels shall again be clothed with the entire political power of these states."

The radical abolitionists had ample reason for their fears. Andrew Johnson, among other things, was blatantly racist in his opposition to Negro suffrage. In one message to Congress, he asserted that blacks display "a constant tendency to relapse into barbarism whenever they have been left to their own devices."

Johnson vetoed a bill extending voting rights to blacks in the District of Columbia because "it would engender a feeling of opposition and hatred between the two races which, becoming deep-rooted and irradicable, would prevent them from living together in a state of internal friendliness."

The Southern state governments, which Johnson supported, were also redefining "freedom" for emancipated slaves. South

Carolina enacted a law prohibiting any Negro from working as "artisan, mechanic or shopkeeper or any other trade or employment besides that of husbandry" without a special license. Alabama decreed that "servants who loiter away their time" would be fined \$50—payable by six months labor. Mississippi ordered all orphaned blacks under 18 to be "apprenticed" to whites, preferably their former owners.

Ironically, though the South didn't want blacks to vote, the rebel states stood to gain extra political strength from their emancipation. Before the Civil War, the South's representation in Congress and its electoral votes were based on the white population plus three-fifths of the slave population. Post-war, the south would gain at least nine congressional seats by counting Negroes as full citizens. Once back in the Union, the South with its new strength, could help topple Republicans from control.

In the summer of 1866, this political struggle produced bloodshed—a massacre in New Orleans where 40 blacks were killed and 160 injured when the city police broke up a fledgling black political convention. The radicals blamed Johnson and, indeed, when the military commander, Gen. Phil Sheridan, tried to punish local authorities, President Johnson yanked him.

THAT POLITICAL issue permeated the struggle to impeach Johnson and, in

hindsight, some recent historians have concluded that, if the radicals were outrageous in their tactics, they were fundamentally right in their cause.

In the long run, however, tactics may be as important as substance. The charge on which Andrew Johnson was impeached—firing a cabinet officer without the consent of Congress—seems absurd today, when modern Presidents disregard statutory injunctions so casually. That simply does not stand up as "criminal" behavior, even in the broadest sense.

Yet the radicals thought they had a cold case for impeachment. When Johnson fired his Secretary of War and defied Congress, it produced an angry emotional outburst on Capitol Hill as intense as when Richard Nixon fired his special Watergate prosecutor. When impeachment finally succeeded in the House, Ashley thought Johnson was being tried on the least of his crimes—but the accusation was one on which everyone could agree.

IS THERE a parallel in the current events?

The popular movement to impeach Richard Nixon lacks the great moral energy which motivated the radicals. There is no broad social issue behind impeachment today as fundamental as adoption of the 14th Amendment, only the gut-level conviction that Mr. Nixon has abused his office.

If there is a moral imperative, it is a generalized sense of indignation aimed at the seamy practices of government and politics, a feeling that the epic condemnation of impeachment is needed to cleanse the presidency and politics in general. In that sense, the Nixon impeachers, like their forbears, believe they are reining in the presidency, and reforming it.

The lesson of the past—which is widely appreciated by members of Congress—is that the specific charge must be not only clearly proven but in harmony with the broader sense of public indignation. Otherwise, it will look political. If President Nixon is to be impeached for abusing the Constitution, then it won't do to charge him with petty chiseling at San Clemente. The impeachers, in other words, must sort out

their genuine motives or risk the scorn of history.

From the Nixon White House, the political motive already seems clear. The drive to impeach Nixon is led by the same elements which he has defeated politically—the left-liberal intellectuals, the titans of organized labor, the eastern media influentials, all supposedly so despised by the "silent majority" that was emerging behind Mr. Nixon.

Their purpose, as Nixon's people see it, is to stalemate his hard-nosed reform of the federal government, just as the radical Republicans of 1868 were trying to neutralize Andrew Johnson's conciliatory Reconstruction policies.

RUMMAGING through history, one of the small ironies which appears is the similarity between the two impeachment movements. In cultural and social terms, Johnson and Mr. Nixon had the same enemies. Eastern intellectuals like James Russell Lowell, first editor of the *Atlantic Monthly*, sneered at Johnson's coarseness: "He gave to the White House the ill savor of a corner grocery."

The two Presidents also share some of the same personal qualities—two private men who rose from humble origins, combative yet aloof. "There was a temperamental coldness about this plain-featured, grave man that kept him from easy, intimate rela-

tions with even his political supporters." An historian's description of Andrew Johnson which someone in the future can use for Richard Nixon.

Andrew Johnson lashed out at his critics. "A common gang of cormorants and bloodsuckers who have been fattening upon the country," he said. "I have never heard or seen such outrageous, vicious, distorted reporting," said Richard Nixon.

"Notwithstanding a mendacious press, notwithstanding a subsidized gang of hirelings who have not ceased to traduce me, I have discharged all my official duties and fulfilled my pledges," Johnson said. Nixon has expressed himself in the same vein.

The radical Republicans, in fact, were a classic expression of a familiar phenomenon in American politics—idealism and selfish interests lying close together in the same bed. The radicals wanted equal rights for black citizens—but they also wanted the political power which that promised for their party. The opposition, likewise, saw power as the basic ingredient.

Who knows, perhaps the long view of history will say something like that about the Nixon impeachers—they wanted to defend civil liberties from presidential abuse, but they also hoped to pull down an old adversary.

IN ANY CASE, the political dynamics of the Johnson impeachment provide a crude glimpse of what conceivably could happen in the approaching months. It was not a neat and rational event. The issue rolled in the public arena for two years, fading and reviving. Public opinion, as much as it could be divided, went up and down like a roller coaster through two elections—leaving both sides confused about who would gain and who would lose if the President were removed.

At one point, the Chicago Tribune expressed the sort of public impatience which is commonplace today: "The people demand that the Reconstruction imbroglio be brought to an end, and they will not go back to fight the battle ever again, no matter how it is to end." Read Watergate instead of Reconstruction and it sounds familiar.

What did the public want? There was no

Gallup Poll in 1867, no television. The political leaders of that era found expressions of public opinion as confusing and conflicting as these surveys today which tell us that the people want Nixon out—but not impeached.

In 1866, the Republicans won "veto proof" control of Congress and the radicals among them thought anything was possible. Yet twice they attempted to impeach and their majority disintegrated—the resolutions failed by overwhelming majorities.

In the fall of 1867, the Democrats won impressive victories across the North in state and local elections, a welcome signal to them and the President that the public was fed up with the Republican fussing over the South and the constant talk of impeachment. Yet three months later the House voted to impeach, 126-47.

WHAT CHANGED things? It was not so much shifting public opinion, but the behavior of the President himself. He was unyielding and provocative in his battle with Congress. Each time that the more restrained conservatives thought they had settled matters. Andrew Johnson reopened the impeachment talk with his actions—eventually driving middle-of-the-road men, eager for compromise, into the camp of the radicals who insisted on his ouster.

"If he isn't impeached, it won't be his fault," Henry L. Davies, a conservative congressman, complained about Johnson, a lament which Mr. Nixon's congressional allies have echoed from time to time.

Thus, the common assumption in Washington these days that impeachment will be decided promptly, perhaps in the next few months, might be wishful thinking. If impeachment fails in the House, that is no assurance that it will go away.

If impeachment is defeated, for instance, but Democrats win "veto proof" majorities in this fall's congressional elections, it is entirely possible that President Nixon's strongest critics would revive impeachment next year, intent on doing what the 93d Congress failed to accomplish.

Again, the tempo of impeachment may depend as much upon how Richard Nixon performs in the White House as it does on the exhaustive investigations under way on Capitol Hill. If he conciliates and deflects the opposition with a skill which Andrew Johnson lacked, he might keep the impeachment minority from growing to fatal proportions.

IF RICHARD NIXON is impeached, what lasting impact will that have on the democratic balance-wheel, the presidency and the Congress and how the American people regard those institutions? In debate at Andrew Johnson's trial, Sen. William P. Fessenden of Maine offered a warning which the Nixon White House is advancing now:

"The office of President is one of the great coordinate branches of the government . . . Anything which conduces to weaken its hold upon the respect of the people, to break down the barriers which surround it, to make it the mere sport of temporary majorities, tends to the great injury of our government and inflicts a wound upon constitutional liberty."

Despite those fears, the impeachment of Andrew Johnson did not weaken the presidency. On the contrary, the divisive episode left such traumatic memories that impeachment was placed high on the shelf like a forgotten tool. This time, if it is done soberly and with evidence strong enough to convince future generations, perhaps impeachment would establish the opposite precedent: Namely, that Congress has an active responsibility to punish presidential abuses.

The present congressman Ashley, speculates on what the future will think of him:

"If Nixon is impeached, I think that my grandchildren might well say that I helped make it possible for other Presidents to be impeached. If I should vote against impeachment and if the light of history then concludes that he should have been removed, my grandchildren might well say that I helped make it impossible to preserve the integrity of the Presidency."