

THE PERIODIC TABLE OF THE PRESIDENTS™

Andrew Johnson & Impeachment



Essential Questions:

1. What is impeachment?
2. What gives Congress the power to impeach a president?
3. Why was Andrew Johnson impeached?

Context:

Andrew Johnson is widely regarded by historians as being one of our worst presidents. As a result, it is often difficult to teach students about his presidency. In this lesson, we will investigate a significant blemish on his presidential record: his impeachment.

After taking office following President Lincoln's assassination, President Johnson battled with Congress over many Reconstruction issues. The confrontations between Congress and President Johnson culminated with his violation of the Tenure of Office Act. This act stated that the president could not remove a government official without the approval of Congress. When President Johnson removed Secretary of War Edwin Stanton, Congress responded by drawing up impeachment charges for violating the act. On February 24, 1868, Andrew Johnson became the first president to be impeached by Congress.

In accordance with the U.S. Constitution, the House of Representatives brought up impeachment charges and the Senate tried the case. President Johnson's impeachment trial lasted almost two months. During each day of the trial, a packed gallery of ticket holders watched the drama unfold in the Senate chamber of the U.S. Capitol Building. By May 16, 1868, the first vote was taken. The Senate voted 35 – 19 to remove President Johnson from office, falling one vote short of the necessary two-thirds majority. Although President Johnson was impeached, he was not removed from office.

Lesson Ideas:

In this lesson, students will examine impeachment, in general, and Andrew Johnson's impeachment, in particular.

Idea #1:

Read the sources and answer the accompanying questions.

CCSS.ELA-Literacy.RH.6-8.1 Cite specific textual evidence to support analysis of primary and secondary sources.

Idea #2:

Use the sources and create a gallery walk in which students walk around the room and analyze the sources. Students may record evidence from the sources and/or answer the source questions.

CCSS.ELA-Literacy.RH.6-8.1 Cite specific textual evidence to support analysis of primary and secondary sources.

Idea #3:

Answer one or more of the essential questions, citing specific evidence from the sources.

CCSS.ELA-Literacy.RH.6-8.1 Cite specific textual evidence to support analysis of primary and secondary sources.

Source 1: The U.S. Constitution

Article II, Section IV

This section of Article II explains the acceptable reasons to impeach, and possibly remove, a president.

“The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.”

Article I, Section II

This section of Article I gives the House of Representatives the power to bring charges of impeachment against a president.

“The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.”

Article I, Section III

This section of Article I gives the Senate the power to try the impeachment and determine the guilt or innocence of a president.

“The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.”

Source 2: Diagram of Impeachment

All three branches of the U.S. government are involved in the impeachment process. The president is the head of the executive branch. The legislative branch is the U.S. Congress, which is divided into two houses: the House of Representatives and the Senate. Each house plays a significant role in the impeachment process. The Chief Justice of the Supreme Court, who represents the judicial branch, presides over the impeachment trial.

A "CRIME" IS COMMITTED:

A president does something that Congress views as a "high crime" (U.S. Constitution, Article II, Section IV).



THE IMPEACHMENT BEGINS:

The House of Representatives brings up impeachment charges against the president (U.S. Constitution, Article I, Section II).



THE TRIAL BEGINS:

The impeachment trial moves to the Senate, with the Chief Justice of the Supreme Court presiding over the trial (U.S. Constitution, Article I, Section III).



THE SENATE VOTES:

During the trial, senators hear arguments from both sides and then vote guilty or not guilty on the impeachment charges (U.S. Constitution, Article I, Section III).



GUILTY:

If two-thirds of the senators vote guilty the president can be removed from office.

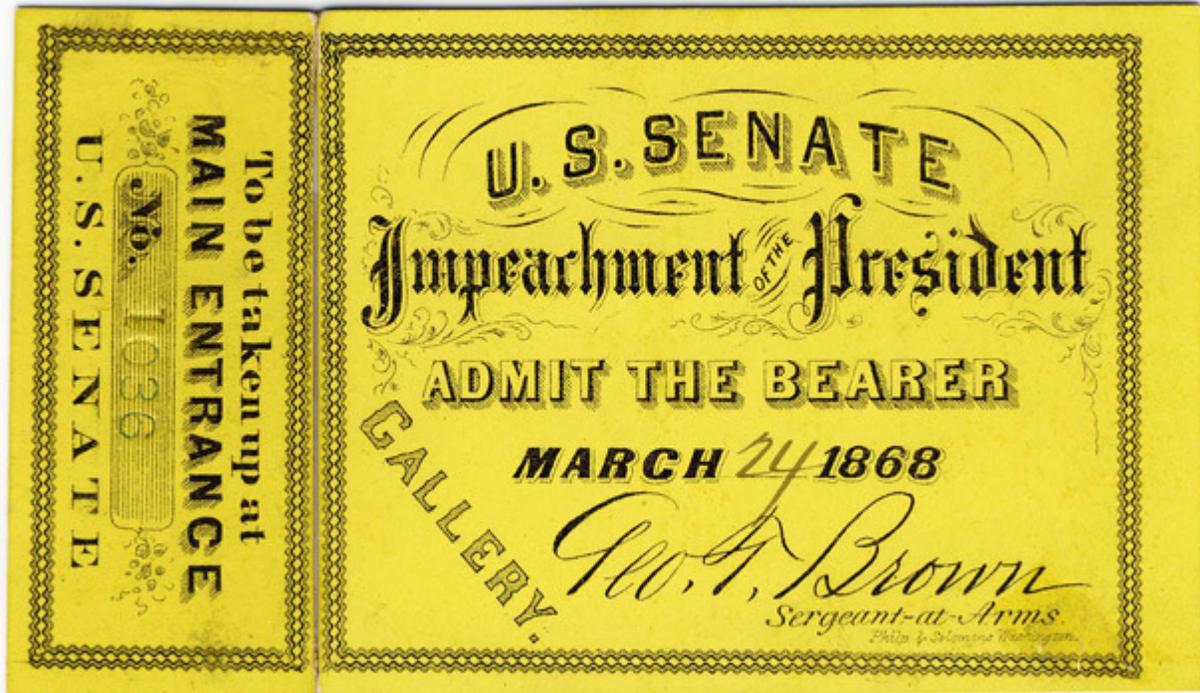


NOT GUILTY:

If less than two-thirds of the senators vote guilty, the charges are dropped, and the president is not removed from office.

Source 3:

Andrew Johnson Impeachment Ticket



Note:

This is a ticket that allowed the bearer to enter the impeachment trial of President Andrew Johnson. The impeachment trial of President Johnson was a first in American history, and as a result, attendance had to be limited to ticket holders. According to the National Park Service, tickets were issued each day by the following allotment:

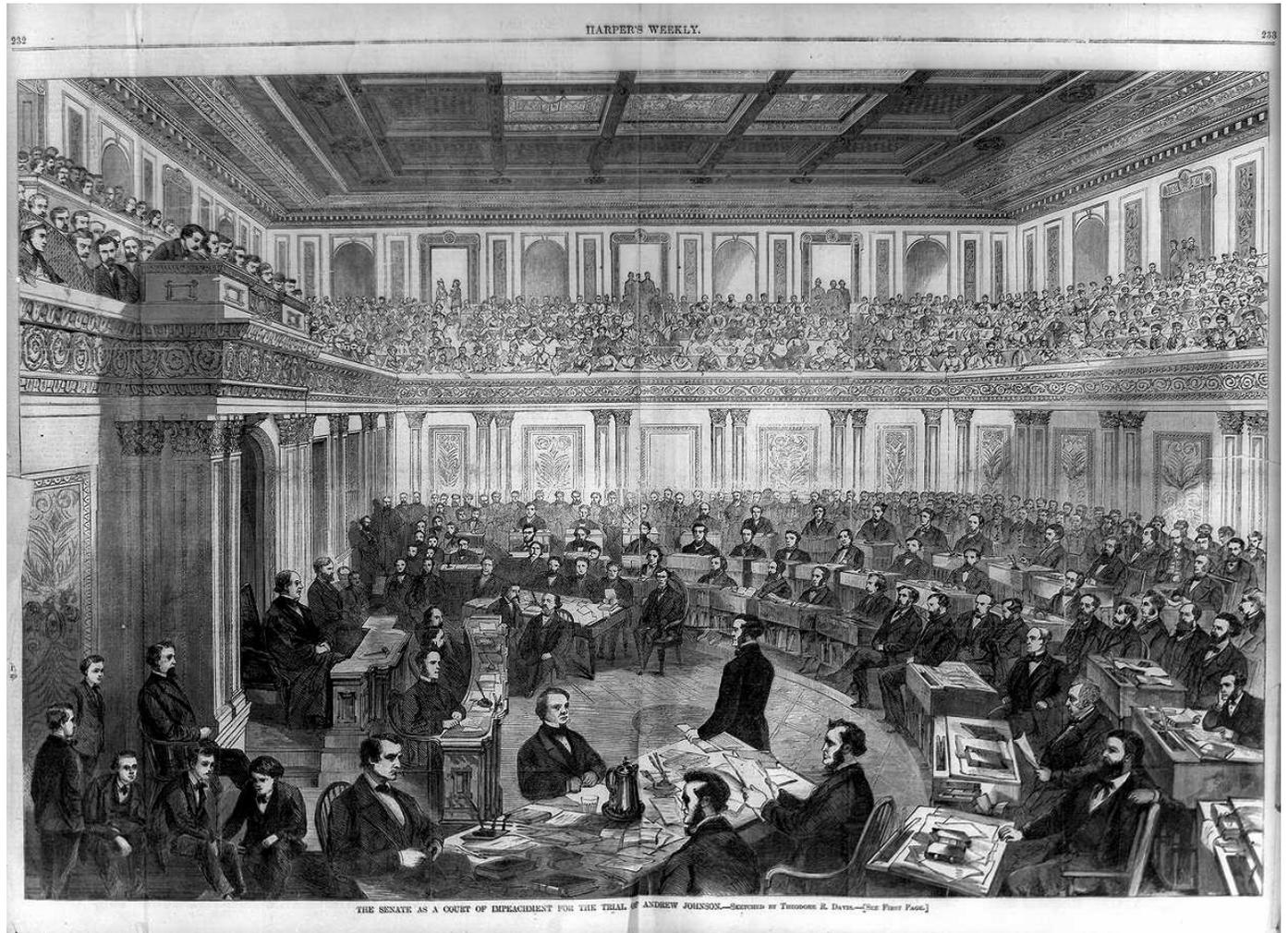
- 4 to each senator
- 4 to the Chief Justice
- 4 to the Speaker of the House
- 2 to each representative
- 2 to each associate justice of the Supreme Court
- 2 to the Chief Justice of the District of Columbia
- 2 to associate judges of D.C.
- 2 to Chief Justices of the Court of Claims
- 2 to each Cabinet member
- 2 to the general commanding the army
- 20 to the President
- 60 to the President pro tempore of the Senate for reporters
- The rest of the tickets were distributed to the senators.

Sources:

- Ticket image: The U.S. Senate
- Ticket allotment data: The National Park Service

Source 4:

"The Senate as a Court of Impeachment for the Trial of Andrew Johnson," *Harper's Weekly*, April 11, 1868, pp. 232-233



Source: Library of Congress

Source 5:

Articles of Impeachment Presented Against President Andrew Johnson

Article XI

“That the said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, and in disregard of the Constitution and laws of the United States, did, heretofore, to wit: ...On the 21st day of February, 1868, at the city of Washington, D.C., did, unlawfully and in disregard of the requirements of the Constitution that he should take care that the laws be faithfully executed, attempt to prevent the execution of an act entitled "An act regulating the tenure of certain civil office," passed March 2, 1867, by unlawfully devising and contriving and attempting to devise and contrive means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of the office of Secretary for the Department of War,...

...Whereby the said Andrew Johnson, President of the United States, did then, to wit: on the 21st day of February, 1868, at the city of Washington, commit and was guilty of a high misdemeanor in office.”

Note:

The House of Representatives charged President Johnson with a total of eleven articles of impeachment. These excerpts from Article XI mention the key charges against Johnson: his disregard for fulfilling his role as chief executive, his violation of the Tenure of Office Act, and his committing a “high misdemeanor” while president. Because it combined charges from the previous ten articles, the Senate chose to vote on Article XI first.

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Source 6:

Senate Vote on Article XI, May 16, 1868

Article XI

YEAS.	<i>May 16, 1868.</i>	NAYS.
<i>Guilty</i>	Anthony . . .	
	Bayard . . .	<i>not guilty</i>
	Buckalew . . .	<i>not guilty</i>
<i>Guilty</i>	Cameron . . .	
<i>Guilty</i>	Cattell . . .	
<i>Guilty</i>	Chandler . . .	
<i>Guilty</i>	Cole . . .	
<i>Guilty</i>	Conkling . . .	
<i>Guilty</i>	Conness . . .	
<i>Guilty</i>	Corbett . . .	
<i>Guilty</i>	Cragin . . .	
	Davis . . .	<i>not guilty</i>
	Dixon . . .	<i>not guilty</i>
	Doolittle . . .	<i>not guilty</i>
<i>Guilty</i>	Drake . . .	
<i>Guilty</i>	Edmunds . . .	
<i>Guilty</i>	Ferry . . .	
	Fessenden . . .	<i>not guilty</i>
	Fowler . . .	<i>not guilty</i>
<i>Guilty</i>	Frelinghuysen . . .	
	Grimes . . .	<i>not guilty</i>
<i>Guilty</i>	Harlan . . .	
	Henderson . . .	<i>not guilty</i>
	Hendricks . . .	<i>not guilty</i>
<i>Guilty</i>	Howard . . .	
<i>Guilty</i>	Howe . . .	
	Johnson . . .	<i>not guilty</i>
	McCreery . . .	<i>not guilty</i>
<i>Guilty</i>	Morgan . . .	
<i>Guilty</i>	Morrill, of Maine . . .	
<i>Guilty</i>	Morrill, of Vt. . .	
<i>Guilty</i>	Morton . . .	
	Norton . . .	<i>not guilty</i>
<i>Guilty</i>	Nye . . .	
<i>Guilty</i>	Patterson, of N. H. . .	
	Patterson, of Tenn. . .	<i>not guilty</i>
<i>Guilty</i>	Pomeroy . . .	
<i>Guilty</i>	Ramsey . . .	
	Ross . . .	<i>not guilty</i>
	Saulsbury . . .	<i>not guilty</i>
<i>Guilty</i>	Sherman . . .	
<i>Guilty</i>	Sprague . . .	
<i>Guilty</i>	Stewart . . .	
<i>Guilty</i>	Sumner . . .	
<i>Guilty</i>	Thayer . . .	
<i>Guilty</i>	Tipton . . .	
	Trumbull . . .	<i>not guilty</i>
	Van Winkle . . .	<i>not guilty</i>
	Vickers . . .	<i>not guilty</i>
<i>Guilty</i>	Wade . . .	
<i>Guilty</i>	Willey . . .	
<i>Guilty</i>	Williams . . .	
<i>Guilty</i>	Wilson . . .	
<i>Guilty</i>	Yates . . .	

35 19

MAY 11, 1868.

Note:

On May 16, 1868, the Senate voted on Article XI. The Senate voted 35 – 19 to remove President Johnson from office, falling one vote short of the necessary two-thirds majority. The Senate voted on two more articles with the same result, and the trial was subsequently ended. Although President Johnson was impeached, he was not removed from office.

Source:

National Archives and Records Administration, Records of the U.S. Senate



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Andrew Johnson & Impeachment

Questions:

1. What document gives the U.S. Congress the right to impeach a president?
2. According to Source 1, what are some acceptable reasons to impeach a president?
3. What are the two houses of the U.S. Congress?
4. Which house of Congress brings up charges of impeachment?
5. Which house of Congress tries an impeachment case?
6. A president cannot be convicted without _____ of Senate members voting guilty.
7. What branches of the U.S. government are involved in the impeachment process?
8. The U.S. Constitution outlines a system of checks and balances so that one branch of the government (legislative, executive, or judicial) does not become too powerful. How does the impeachment process show the system of checks and balances in action?
9. What is impeachment?
10. Look at Source 3. What is the purpose of the ticket?

Questions (continued):

11. What types of people were given an allotment of tickets to the trial?

12. Look at Source 4. Who is sitting on the lower level of the Senate chamber? Who is sitting in the gallery (upper level)?

13. What is the significance of Source 5?

14. According to Source 6, how many total senators voted on Article XI of the impeachment charges?

15. Did more senators vote guilty or not guilty?

16. Why was President Johnson not convicted of the charges and removed from office?

17. How many senators needed to vote guilty to convict President Johnson and remove him from office?

18. Why did Congress impeach President Johnson?

19. Why is it important for Congress to have the power to impeach a president?

20. Have any other presidents been impeached by Congress?