

Policy, Party and Impeachment

The Crimes of Policy and Party versus High Crimes and Misdemeanors

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[Harper's Weekly](#) cartoon depicts "the situation". Cannon labeled "Congress," aimed at President Johnson and [Lorenzo Thomas](#) showing how he was using Congress to defeat the president. He holds a ramrod marked "Tenure of Office Bill." [Ulysses S. Grant](#) is at Stanton's right.

Before anyone too quickly dismisses the idea that there is no precedent for a sitting president to be impeached merely because of political disagreements or personal dislike, we need only to look back to the impeachment of President Andrew Johnson to see that what happened to Andrew Johnson is exactly what is happening now with the impeachment of Donald Trump.

Johnson was accused of violating the Tenure of Office Law – a law passed intentionally to entrap him - to force him either to back down from his stance on reconstruction and bend to the will of the Congress or to obey his conscience and ignore an unprecedented and unconstitutional law. To have standing with the court and challenge the law, Johnson needed to act in opposition to the law and attempt to dismiss one of his cabinet members, which is what

the law was created to prevent. His crime was his attempt to dismiss one of his cabinet members and bring the case before the courts.

Like the charges laid against President Trump, the charges laid against Johnson had nothing to do with the reasons behind Johnson's impeachment. At its essence, Johnson was impeached because of Congressional opposition to his policy on Reconstruction; and as much because he had the temerity to blatantly criticize his Congressional opponents with clear and visceral rhetoric. In colloquial terms, those who opposed him didn't like his style. They thought he was vulgar, much as those who dislike Mr. Trump claim Trump is vulgar. Of course, any quantification of Trump's vulgarity depends upon how you judge Trump's continually being called a "liar, Nazi, anti-Semite, traitor, Mafia Boss, morally unfit, Hitler, Russian agent, illegitimate President, misogynist, incompetent, faker..." - relative to Trump occasionally calling someone a liar or stupid, or using some other boorish personalization. In fact, there is no comparison in degree between the continual epithets and outright demeaning insults thrown at the President and the sarcastic barbs he tosses back. Still, it is the perception created by the media that seems to mold much of the opinion about him that is held by much of the public. It was no different for Andrew Johnson. The antagonistic media did what they could to disparage him in the minds of the public.

But, putting aside the sophomoric rhetoric, the larger question today is whether or not Speaker of the House Nancy Pelosi is aware of the fact that she is creating a scenario much too reminiscent of the impeachment of President Andrew Johnson in 1868 - one of the darkest events in American History; or even if she cares.

At its core, the Johnson Impeachment, like today's march to impeachment, was based on "policy and party" rather than actual High Crimes and Misdemeanors. Like today's march to impeachment the House was lined up almost along Party lines and impeachment lacked bi-partisan support, which one would assume would exist if the impeachment were truly based on deeds so malignant as to warrant the President being removed from office. In today's march to impeachment it is disagreement over the policies President Trump advocates versus the policies preferred by Progressive / Globalist oriented bureaucrats, Democratic Congress people and Leftist sycophant media. In fact, almost all of what has been testified to in the House

impeachment hearings of President Trump are policy opinions from Trump subordinates, which differ from Trump's opinions – and those disagreements are being portrayed as crimes.

Underlying this impeachment and also underlaid the impeachment of Andrew Johnson is a tremendous dislike for the man, and for political positions that each held before assuming office – and continued to hold once in office. Like Trump, Johnson wasn't one of the boys. Johnson gave little ground on those positions he held as a Senator before assuming the role of Vice President, and then President. Trump's crime is that he is actually doing what few if any presidents have ever done – fulfilling his campaign promises, rather than allowing the existing bureaucratic status quo to limit him.

It was no different in 1868. Johnson's "crime" was that he was intent upon following Lincoln's magnanimous policy towards the South, which, at its core, consisted of a desire for a speedy and magnanimous reconstruction.

The focus on slavery came late for Lincoln. Lincoln's focus during the War was to put the Union back together as quickly as possible - he subordinated the issue of former slaves' civil rights to a speedy reconstruction. Regardless of the issuance of the Emancipation Proclamation, which Lincoln issued as Commander in Chief of the Military, the issue of the abolition of slavery was not yet formalized. Lincoln's focus on a speedy reconstruction was the same focus that Johnson held when he ascended to the White House.

Johnson's other "crime" was that he believed in a limited central government and ending the Federal (military) presence in the former Confederacy as soon as possible.

Andrew Johnson's policies were initially supported by most Northerners, including most Republicans. Early on, there was no consensus as to what rights former slaves should receive along with Emancipation. It was the group known as the [Radical Republicans](#) who demanded that the rights promised in the [Declaration of Independence](#) be extended to include those men who were former slaves. A political power struggle was in the offing. This was a time when Women's suffrage was still generations away. For many the idea of universal voting was not a burning issue and therefore the idea of freed slaves having the vote was as much politically motivated as altruistically motivated.

In pursuit of defeating the secession, Lincoln sought military victory almost at any cost; yet even before the War ended, in 1863, he developed a plan that he felt would be best to bring about reconciliation between the Union and the Confederacy in the quickest way possible.

As stated by Lincoln in his second Inaugural Address March 04, 1865, a mere month before his murder,

“With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.”

Lincoln's generous plan was first enunciated on December 8, 1863 as the [Proclamation of Amnesty and Reconstruction](#), basically the same plan that Johnson was attempting to carry out when he was impeached. It was the continuing implementation of Lincoln's plan that was the foundation of the impeachment.

While Lincoln was overwhelmingly re-elected in 1864 by those states voting in the Federal election, from the moment Lincoln announced his plan in 1863, there were those entrenched in the bureaucracy, the media and the Congress who opposed Lincoln's charitable approach and wanted to punish the South because they felt the South started the War and deserved to be punished. It was a desire to punish based on pent-up hatred and anger of those who had allowed slavery to exist. The Abolitionists finally had the opportunity to inflict punishment upon those who had disagreed with their wishes. To a great degree the Abolitionists were zealots out to save the world. Lincoln, and then Johnson, merely wanted to save the Republic. It was this animus that drove the impeachment.

It is much the same today. Those who have made “Climate Change” their religion see Trump as an infidel, deserving punishment. From the Democratically controlled House spewing out opinions as evidence, to 16 year old Greta Thunberg castigating the world on how to behave, to the self indulgent strident tones of Congressional witness Stanford Law Professor Pamela Karlan, the blinkered self indulgent anger is evident. From the perspective of the Globalist Left, Trump and his supporters don't see the world the way they demand everyone should see it.

Trump is brashly unapologetic about standing in the way of his enemies remaking the world according to their plans. It was the same in 1868 – Johnson didn't see the Reconstruction the way the abolitionist zealots demanded he see it. He too was in their way.

The Radical Republicans leading the opposition to the Lincoln / Johnson Plan ultimately assumed control over the more moderate wing of the Republican Party. These northern Republicans, in and out of government, had, for the most part, been fervent Abolitionists before the Civil War, and they brought their agenda into the post War Reconstruction – primarily their intent was to punish the South and extend citizenship to all former slaves.

While citizenship for freed slaves seems perfectly logical today, it wasn't in 1865. Those former slaves now being considered for citizenship had just recently been considered property. Even ending slavery was still intolerant to many. It was the force of arms, not a change of hearts that decided the issue. The Thirteenth Amendment was yet to bring finality to the practice of slavery. Rightly or wrongly, morally or immorally, equality and citizenship for freed Negroes was a bridge too far for many to cross so soon after the War. Lincoln understood that while change would come, it would come slowly. He firmly believed that the first order of business was to heal the Union. The Radical Republicans disagreed. Their agenda had been abolition, freedom and full citizenship going into the War. They had no intention of slow walking the issue after the War.

When the "Ten Percent Plan," as it was popularly called, was announced in December 1863, the Union Army had already occupied several Confederate states, and some of those states were preparing to reconstruct their governments. Lincoln's reconstruction plan established a process through which this postwar reconstruction could come about quickly.

The Congress at that time consisted of none of the Southern States. It was dominated by Republicans, the Party of the President; yet Lincoln would choose a Southern Democrat Senator from Tennessee who had refused to join the secessionist movement as his 1864 vice presidential candidate – creating what was called the "Unity Ticket." Lincoln hoped this choice would appeal to the South and help establish a more inclusive Federal Government. It was a popular choice and Lincoln easily won re-election. The choice though was not liked by all. And just like today's "Never Trumpers," there were those in 1864 who took an immediate dislike to Johnson; which eventually was to build into a frenzy of pure animosity and hate.

President Lincoln wanted to end the war quickly, fearing that a protracted war would lose support, and the potential for reuniting North and South might become impossible if the fighting did not stop quickly.

Lincoln's goal was not to punish southerners or fundamentally change southern society. Lincoln saw Federal involvement in Reconstruction as a short term measure, an umbrella under which the Confederate States would draft new constitutions, allow Federal troops to be removed from the Southern states and quickly allow the United States to become what it had been before the War.

The one great exception to an assumption of pre-war norms was the institution of Slavery. Under his authority as Commander in Chief, Lincoln had issued the Proclamation Emancipation which became effective in January 1863. It was an Executive Order, and its reach only extended as far as the Army's presence, and against those states in rebellion, and had no continuing legal authority; in fact Lincoln was aware that it might be overturned by the Supreme Court. The authority to permanently and ubiquitously end slavery would come from the Thirteenth Amendment, which was passed by the Senate on April 8, 1864, and by the House on January 31, 1865. The Amendment still needed ratification by three quarters of the states, including the Southern states that had formed the Confederacy. The Amendment was only ratified by the required number of states on December 6, 1865 – several months after Lincoln's death on April 15th 1865.

But, in early 1864 Lincoln wanted as few impediments as possible to acceptance of the proposed Thirteenth Amendment, hoping that a conciliatory Reconstruction would be much more amenable to the former secessionists and allow the country to mend its wounds and move forward. The proposed Amendment was not universally supported in the Congress, which was still without full Southern representation; it took a delayed second vote in the House to reach the two thirds required majority for passage. Several Southern states and even northern New Jersey initially rejected the Amendment. Texas finally ratified in 1870, and the last state to [ratify the Amendment](#) was Mississippi in 1995.

One of the last acts passed with Lincoln's approval was the Freedman's Bureau Bill, passed on March 3, 1865. It was intended as a short term one year oversight program to help former slaves with food, housing, education, health care, and paid employment with landowners.

Putting the issue of slavery aside, much of the country still was very much opposed to an overly powerful central government, which the Civil War had indubitably created. Although later rescinded as unconstitutional until the passage of the Sixteenth Amendment, Lincoln had imposed an income tax to fund the War – in direct contradiction the “no direct capitation” clause in the Constitution. Johnson's concerns over an inordinately powerful central government were well grounded and shared by many others.

As much as slavery underlaid the War, there were many in the North who were willing to say “good riddance” to the South, and be done with those states. It was only military necessity and sheer political will coupled with a strong abolitionist news media that allowed the Abolitionists and their Congressional cadre of Radical Republicans to force the Federal government into making slavery the overriding issue during and after the conflict.

Lincoln understood the sentiment of the country. He created his reconstruction plan accordingly, the basic tenet of the plan being a general pardon (with certain exceptions), a return of most property (except slaves) and a requirement that once 10% of a state's population had sworn an oath of allegiance to the United States, that state would be considered as having been brought back into “[*their proper practical relation with the Union*](#)” (Lincoln's last speech, April 11, 1865). Lincoln had insisted that the states were never out of the Union, and that it was only certain citizens who were in rebellion. His goal was to restore the original relationship between the South and the North.

Objections immediately –

The Radical Republican coalition which felt the South needed to be treated more harshly and punished proposed the Wade–Davis legislation in July 1864. The bill treated the Southerners as traitors. Overall it highlighted how differently Lincoln and Radical Republicans wanted to deal with the Confederates. Lincoln felt the bill undercut and threatened his approach to dealing with

the South, and vetoed the Bill, infuriating the Radicals, and setting the stage for the later conflict with the less popular and more politically vulnerable Democrat Andrew Johnson.

The Ten-Percent Plan specified that a southern state could be readmitted into the Union once 10 percent of its voters (from the voter rolls for the election of 1860) swore an oath of allegiance to the Union.

As regards pardons, Lincoln based his authority to decide who would receive pardons from Article Two, Section Two of the Constitution. *"...he shall have Power to grant Reprieves and Pardons for Offences against the United States..."* Still, the Congress objected to Lincoln's choice of pardons and raised even more objections to Johnson's choices when he ascended to the Presidency. Those who disagreed with Lincoln's magnanimous policy – became more vocal after his death, stirred on by the ardent Abolitionist Radical Republicans.

Like today's situation with president Trump there were those surrounding Lincoln who opposed Lincoln's policies and worked against him as much as they could. They were in the news media, in Congress and in Lincoln's own Cabinet. Among those vehemently opposing Lincoln's policies were Secretary of War [Edwin Stanton](#), House Representative [Thaddeus Stevens](#) of Pennsylvania, who would eventually act as prosecutor for the Impeachment, and the very influential [Horace Greeley](#), editor of the leading Radical newspaper, the New York Tribune.

[In 1998](#), during the Clinton impeachment, Adam Cohen of CNN recalled the bitterness of the Johnson saga. The bitterness of 1868 has an even stronger comparison to 2019.

"Greeley, king of the pro-impeachment sound bite, called Johnson "an aching tooth in the national jaw, a screeching infant in a crowded lecture room," and said, "There can be no peace or comfort till he is out." ... One Republican Representative denounced Johnson as "an ungrateful, despicable, besotted traitorous man--an incubus."

Secretary of War Stanton was the staunchest opponent of Johnson's policies, a holdover from Lincoln's administration during the War; and was able to thwart much of Lincoln's, and then

Johnson's intent because of the tremendous power and influence he had accrued during the War. Supporting Johnson was well respected Secretary of State William Seward, of "Seward's Folly" notoriety – the purchase of Alaska. He was an early proponent of eliminating slavery, and became a confidant of Lincoln, remaining loyal to Johnson during the entirety of Johnson's administration.

Johnson has been described as having none of the charisma of Lincoln; and as a Democrat from Tennessee he was immediately disliked by the Radical Republicans as soon as he disavowed the Radicals when he became Lincoln's Vice President. Johnson came to the Presidency as the [Civil War](#) concluded. Like Lincoln he favored a quick restoration of the [seceded states](#) to the Union with as few impediments as possible; again, like Lincoln, making it as amenable as possible for Southern and Northern moderates to find common ground and align in reconstructing the Union as a whole.

Lincoln's and then later Johnson's [reconstruction plan](#) -

Johnson allowed all southerners, except for high-ranking Confederate army officers and government officials, to be granted a full pardon, continuing Lincoln's policy of generously granting pardons. He favored strong state government and states' rights and felt that it was not the place of the Federal Government to be involved in the economic and social affairs of a state and its people – this included not dissolving the plantation system, not reorganizing the southern economy, not legislating specific civil rights protections for the Negroes. He allowed the return of all property except slaves (a continuation of Lincoln's promise to the South.) But, to Johnson's consternation, some Southern Senators who had been involved in the Civil War and granted pardons were denied their seats once the Radicals controlled the Congress.

Johnson faithfully oversaw new constitutions for the Southern states provided they ratify the Thirteenth Amendment, which formally abolished slavery. But his approach, like Lincoln's, was thought by those opposing him to be too generous for a state's re-entry into the Union. On the other hand he was thought of as not being generous enough in granting freed slaves complete equality with Whites. Because of what he wouldn't do, Radical Republicans portrayed him as a supporter of the old system of slavery.

During Lincoln's tenure, by 1864, Louisiana, Tennessee, and Arkansas had established fully functioning Unionist governments.

But as early as the summer of 1864, the Radical Republicans passed a bill to oppose Lincoln's plan, the [Wade-Davis Bill](#), which made re-admission into the Union more difficult. The Bill stated that for a state to be readmitted, the majority of the state would have to take a loyalty oath, not just ten percent. Lincoln [pocket-vetoed](#) this new bill.

Much as the 1787 Federal Convention was influenced by the tumult of Shay's Rebellion, the election of 1866 was influenced by two anti-negro riots, one in New Orleans and one in Memphis. Although federal troops were quickly sent in to stop the violence, many Blacks were killed or wounded and several Black women raped. These events led to strong anti-Southern feelings in the North, and Republicans who demanded strong measures against the Confederate states gained complete control of the Congress. They were now able to force their will upon Johnson, and bring about much stronger, more punitive Reconstruction acts. Among other measures, the temporary one year Freedman's Bill was extended and the Congressional Radical [Reconstruction Act](#) established five military districts, removing Governors appointed by Johnson, replacing them with an Army general in each district.

While Johnson could exercise control as Commander in Chief, his authority was challenged and diminished by Secretary of War Stanton, and those in the bureaucracy responsible for enforcing laws and policies pursuant to the dictates of Stanton.

It became known that Johnson wanted to fire Stanton. The Congress moved quickly and passed the highly irregular (and ultimately unconstitutional) "[Tenure of Office Bill](#)" in March, 1867, over Johnson's veto. The Bill declared that a President could not dismiss a cabinet Secretary who had been confirmed by the Senate without the Senate's consent.

The Congress had boxed in Johnson -

Johnson's attempts to remove [Edwin Stanton](#) led directly to his [impeachment](#) in early 1868.

It cannot be overstated that the underlying dynamics of the disagreement over policy was so strong that those opposing Andrew Johnson would take extreme measures to thwart Johnson wherever they could, ultimately setting the stage for a confrontation over an obviously legal act on Johnson's part. Johnson had committed nothing equivalent to a high crime or misdemeanor; and his one "crime," challenging an unconstitutional law, was not a crime at all.

From the man who was continually disparaged and portrayed as being hateful came these words in his 1868 State of the Union Address.

"Our Government is now undergoing its most trying ordeal, and my earnest prayer is that the peril may be successfully and finally passed without impairing its original strength and symmetry. The interests of the nation are best to be promoted by the revival of fraternal relations, the complete obliteration of our past differences, and the reinauguration of all the pursuits of peace. Directing our efforts to the early accomplishment of these great ends, let us endeavor to preserve harmony between the coordinate departments of the Government, that each in its proper sphere may cordially cooperate with the other in securing the maintenance of the Constitution, the preservation of the Union, and the perpetuity of our free institutions."

It can be seen clearly that the path that Johnson pursued was very much the path originally set upon by Lincoln.

The Freedmen's Bureau was an important agency of early [Reconstruction](#), assisting freedmen in the South. The [Freedmen's Bureau Bill](#), established the Freedmen's Bureau and was made a part of the [United States Department of War](#), as it was the only agency with an existing organization that could be assigned to the South. The Bureau started operations in 1865. In 1866, over Johnson's veto, Congress renewed the charter for the Bureau. Johnson had vetoed the bill because he felt it usurped states' rights, inappropriately utilized the military in peacetime, and would inhibit former slaves from becoming self reliant by giving them too much assistance.

After the deathly anti-Negro [riots in Memphis](#) and [New Orleans](#), Johnson's support among moderate Republicans dwindled. In the 1866 congressional elections, Republicans achieved

large gains over the Democrats in both the [House](#) and [Senate elections](#). Republicans won a two-thirds majority of seats in the Senate. The Radical Republicans soon passed the [Tenure of Office Bill](#) on March 2, 1867. It was aimed at preventing Edwin Stanton from being fired. Never before had a President needed Congressional approval to dismiss a member of his cabinet.

The law passed by the Radical Republicans was "An act regulating the tenure of certain civil offices." Stanton was instrumental to the Radical Republicans, as they supported Stanton's military occupation proposal.

While the actual issues that separated Johnson from his detractors were policy disagreements, the Congress coyly impeached Johnson over a process crime – despite the fact that Johnson was exercising an authority every other President before him had, and which he had when he became President. The law he violated was in a sense a bill of attainder, in that it was aimed at one person for one particular act – not very different in intent from California's recent law aimed at Donald Trump, prohibiting a candidate access to the Presidential ballot if they would not disclose their tax returns.

The charges are best described by Johnson's attorney during the impeachments trial in the Senate, [Benjamin Curtis](#), a former justice of the Supreme Court remembered mostly for dissenting from the majority in the Dred Scott case.

“Senators, in all our history as a people, never before have the three great departments of the Government been brought on the scene together for such an occasion as this. We have had party strifes in our history before. Many a time the executive and legislative departments have been in fierce and bitter antagonism. Many a time before extreme party men have advised a resort to impeachment. Even as far back as the time of Washington his grand and tranquil soul was disturbed in that noted year, 1795, when he stood in antagonism with a majority in the House of Representatives upon that famous British treaty, when, upon their demand, he refused to surrender the correspondence, impeachment by the bad men of the party was then threatened. So, too, in many a subsequent day of our party contests. Oftentimes in the remembrance of men not older than myself, oftentimes when

to accomplish the purposes of the party there seemed to be this way and no other way have we heard this same advice given, "This is the remedy to follow;" but, happily for us, such bad counsels never heretofore have prevailed.

"This undoubtedly is a remedy within the contemplation of the Constitution, a remedy for a great mischief. Our wise forefathers saw that a time might come, an emergency might happen when nothing but the removal of the Chief Magistrate could save the nation; but they never made it to be used for party purposes. Has the time come now? Has, after the lapse of eighty years, the time at last come when this extreme remedy of the Constitution must be applied? If so, all just men will say, amen. But if, on the contrary, bad advice has at last prevailed, if this is a step at last in the interests of party, carried by the bad advice of the worst men of the party, if at last this great and august tribunal is to be degraded to carry out a party purpose, Oh, then, there remains a day of retribution for every man that participates in this great wrong, sure to come, nor long to be delayed"

"What new and unheard of conduct by a President has at last made a resort to this extreme remedy unavoidable? What presidential acts have happened so flagrant that all just men of all parties are ready to say "the time has come when the mischief has been committed; the evil is at work so enormous and so pressing that in the last year of his term of office it is not safe to await the coming action of the people? . . ."

In the case of Donald John Trump, his approach to foreign policy is 180 degrees counter to the direction that Barack Obama pursued. Trump is a nationalist and his policies threaten the developing Globalist agenda, which the United States has been more and more embracing over the past several decades. There are billions upon billions of dollars at stake - from the IMF to the World Bank, to Wall Street, to the City of London – to those who suck at the teat of the Military Industrial Complex.

Trump's policies are an existential threat to what the globalists believed was a *Fait Accompli* with the election of Globalist George Soros' sponsored President, Barack Obama. Hillary

Clinton's election was to be a consolidation and furtherance of the progress that Obama had made in incorporating America into the globalized world order.

It was incomprehensible to the Globalist puppet masters that Clinton and the mighty Clinton political machine, backed by a supportive mainstream media and America's deep state should suffer defeat at the hands of an amateur politician. But, Donald Trump did what no one thought he could do – win the presidency.

What is being done to Trump in the never ending Congressional investigations and barrage of character assassinations and accusations of malfeasance and wrong doing is more than just an attempt to remove Trump from office or cause his defeat at the polls, it is a stern warning to any political heretic who might want to repeat Trump's performance.

Although times have changed since the Civil War, and the issues facing the nation have changed, the machinations of those behind the curtain of the bureaucratic establishment are surprisingly and shamefully the same.

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