TEACHING WITH PRIMARY SOURCES—MTSU

Lesson Plan:
Johnson’s Impeachment: Yea or Nay?

Grades: 8th, High School
Subjects: Social Studies, Tennessee History, A.P. U.S. History
Time Required: two class periods (70 minutes total)
Authors: Barbara Marks (Watertown High School) and Taylor McDaniel (Whitwell Middle School)

OVERVIEW
Andrew Johnson was thrust into the Presidency by the assassination of Abraham Lincoln. This lesson plan investigates Johnson’s firing of Secretary of War Edwin Stanton which led to impeachment proceedings against the President. Students will explore arguments for and against the impeachment of President Andrew Johnson at his trial.

GOAL
Students will understand what events led to the impeachment of President Andrew Johnson and how he overcame the allegations of his impeachment.

OBJECTIVES
The student will be able to
- Analyze how the Civil War and Reconstruction altered power relationships between the states and the federal government and among the executive, legislative, and judicial branches.
- Analyze how efforts by radical and moderate Republicans to reconstruct the defeated South changed the balance of power between Congress and the Presidency and yielded some successes.

INVESTIGATIVE QUESTION
What political actions led to the impeachment of Andrew Johnson and how did he overcome the allegations of the impeachment?

CURRICULUM STANDARDS
APUSH: POL-5: Analyze how arguments over the meaning and interpretation of the Constitution have affected U.S. politics since 1787.
8.71 Analyze the conflict between President Andrew Johnson and the Radical Republicans, including Johnson’s veto of the Tenure of Office Act and his impeachment.
TN.33 Discuss the impeachment of President Andrew Johnson and its impact both nationally and in Tennessee.
RESOURCES

- Political Cartoon Analysis Tool
- Andrew Johnson Presidential video clip from The Presidents
- Constitution: Article I and II
  - Worksheet
- This little boy would persist in handling books above his capacity and this was the disaster.
  - Worksheet
- The Senate as a court of impeachment for the trial of Andrew Johnson.
- Tenure of Office Act-39th Congress
  - Worksheet
- Information for teachers about the Tenure of Office Act-39th Congress

MATERIALS

- Worksheets with questions
- Graphic organizer
- Andrew Johnson impeachment tickets
- Ballots

PROCEDURE

Day 1

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<th>Step</th>
<th>Activity</th>
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<tr>
<td>Step 1</td>
<td>Distribute copies of the Constitution excerpts. Have students read the excerpts and answer the questions to gain an understanding of the function of the Presidency and how a President can be impeached. Students can complete the questions in pairs of small groups.</td>
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<td>Step 2</td>
<td>Distribute copies of the cartoon “This little boy….”. Ask each student to complete a primary source analysis. Have students work independently to answer the questions on the worksheet.</td>
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<td>Step 3</td>
<td>Have a class discussion on the questions addressed thus far. How did different interpretations of the Constitution lead to Johnson’s impeachment trial?</td>
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<td>Step 4</td>
<td>Lead discussion into Andrew Johnson Presidential video clip (0:34 to 12:10). While viewing clip, students will complete graphic organizer with Johnson’s name in the center and four details from the video that address questions raised in the previous exercises. Debrief the video and ask students to share any new conclusions they have drawn regarding the lead up to Johnson’s impeachment.</td>
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United States Constitution [1787]
## Procedure

### Day 2

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<td><strong>Step 5</strong></td>
<td>Distribute copies of <a href="#"><em>The Tenure of Office Act</em></a>. Have students work in pairs or small groups to answer the questions. After answering the questions, have students, in their groups, explain Johnson’s belief that the Tenure of Office Act supported his decision to remove Secretary of War Edwin Stanton from his position.</td>
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<td><strong>Step 6</strong></td>
<td>Distribute copies of the <a href="#"><em>Harper’s Weekly picture of the Senate during the impeachment trial</em></a> and students’ impeachment trial tickets. Invite them to attend the impeachment trial. Have a class discussion about who was attending the impeachment trial and why citizens would want to attend. Draw attention to the attire of those in attendance.</td>
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<td><strong>Step 7</strong></td>
<td>Have a class discussion that will lead students to their decision on whether to impeach or acquit Johnson. Students should cite evidence from the sources they have reviewed as much as possible.</td>
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<td><strong>Step 8</strong></td>
<td>Distribute copies of ballots and allow students to vote yea or nay to impeach President Johnson based on their historical research. Use the students’ decision to compare results with what happened historically.</td>
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## Evaluation

- Constitution Primary Source Analysis: 18 pts.
- “This little boy...” Political Cartoon Analysis: 18 pts.
- Tenure of Office Act Primary Source Analysis: 18 pts.
- Johnson Presidential Graphic Organizer: 18 pts.
- Active participation in class discussion: 18 pts.
- Voting for Johnson impeachment: 10 pts.

## Extension Activity

“Impeachment Crises: Andrew Johnson and Bill Clinton”

- Students will read the [article](#) by David Ofutt (pp. 10 & 11) to compare and contrast Andrew Johnson’s and Bill Clinton’s impeachment trials. Students will complete the [Venn diagram](#) to comprehend the differences and similarities with a connection to modern history.
- Students could also create a timeline for each President’s impeachment proceedings.

*The Senate as a court of impeachment for the trial of Andrew Johnson* [1868]
UNITED STATES CONSTITUTION

Article II, Section I

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years and, together with the Vice President, chosen for the same Term, be elected, as follows: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector…. No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been Fourteen Years a Resident within the United States. In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President declaring what Officer shall then act as President, and such Officer shall act accordingly until the Disability be removed, or a President shall be elected….Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Questions: Discuss the three minimum requirements to be President.

By reciting the oath of office, what does the President pledge?

Article I, Section III

….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.

Questions: Which House has the “sole power to try all impeachments”?

If the President is found guilty of impeachment charges, what is his course of action? Not guilty?
“THIS LITTLE BOY...”

http://www.loc.gov/item/2002713116/

1. Analyze the political cartoon by documenting your observations on the Library of Congress Analysis Tool Worksheet. Summarize your findings in the space below.

2. What experiences caused President Johnson to be “crushed by the Constitution”?

3. Does the title of this cartoon allude to Johnson’s lack of formal education? Why or why not?

4. Make predictions about the disastrous results. Who would consider these results disastrous and why?
EXCERPT:
Be it enacted…, That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: Provided, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney general, shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.
SEC. 2. And be it further enacted, That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate…; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer; and, by and with the advice and consent of the Senate appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended….

Questions:
1. According to this document who did President Johnson have to receive approval from in order to remove a federal official?

2. How did Johnson attempt to circumvent the Tenure of Office Act?

3. Create your own questions concerning this historical event.
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Impeachment Crises: Andrew Johnson and Bill Clinton

By: David Offutt

The opening of the Clinton Library in Little Rock renewed interest in the impeachment controversy. It is the most controversial part of the museum exhibits because it does not just chronicle what happened – as Clinton opponents would prefer: It attempts to explain exactly what was going on, and it succeeds up to a point. It does not even mention what was ultimately at stake: Do we want to replace our constitutional system with a parliamentary system? This was the second time in U.S. history that we have faced this crisis. The first, of course, was the impeachment and trial of Andrew Johnson in 1868.

Our constitutional system provides for the selection of the President by a combination of the popular vote and (officially) the electoral vote – with the Congress being separate and having nothing to do with it. The President can be removed from office if he is impeached (charged) for committing “high crimes and misdemeanors” by the House and found guilty by the Senate.

In contrast, the parliamentary system, such as the one in Great Britain, provides for the popular vote to elect the members of the legislative branch. The party with the most seats in the legislature selects the Prime Minister. The legislature can remove the Prime Minister with a vote of “no confidence.” As a rule, the legislature picks him, and it can get rid of him.

Andrew Johnson was the first of two presidents who were impeached for political reasons rather than “high crimes and misdemeanors.”

Andrew Johnson and Bill Clinton faced congresses that were controlled by the other party. The Republican Congresses did not like them personally, did not like their political policies, and determined to get rid of them. However, votes of “no confidence” would not work. In our constitutional system, for the Republicans to be able to overturn the elections of 1864 and 1992 and 1996, each of these Presidents would have to be charged and convicted of abusing his office to commit serious crimes.

Andrew Johnson was supposed to have been murdered on the same night as Lincoln, but that failed. Hence, the radical Republicans had to find another way to get him out of office. Since he was not guilty of any crimes, they decided to get him to commit one. They passed the Tenure of Office Act over his veto. It stated that if the Senate approved an appointment made by the President then the Senate would also have to approve that person’s removal by the President. This bill was clearly unconstitutional (the Supreme Court finally declared it so in 1926). It violated our constitutional system of checks and balances and of the separation of powers. The Senate can check the power of the President but does not have “parliamentary” control over him.

The Tenure of Office Act was passed because the radical Republicans knew that Johnson was getting ready to fire their man in his cabinet – Secretary of War Edwin Stanton. The act would either prevent Johnson from firing Stanton or get Johnson to break the law. Johnson said the law was unconstitutional and then attempted to fire Stanton and replace him with Gen. U.S. Grant. He was impeached by the House and put on trial in the Senate.
In 1994, the Republicans gained control of both houses of Congress. Newt Gingrich of Georgia (a.k.a. Gingrich Khan) became the new Speaker of the House and announced that the President was “irrelevant.” The Republicans then spent 70 million tax dollars trying to find some reason for which they could impeach Bill Clinton. The partisan Republican Kenneth Starr was made special prosecutor, but he came up dry except in Clinton’s private sex life. Since all the investigations indicated Clinton had committed no crimes, the only option left was to get him to commit one. They would publicly embarrass Clinton if he admitted to cheating on Hillary, or they would impeach him if they could get him to lie about it under oath. The House impeached him, and the Senate put him on trial.

Needless to say, neither President misused his office to commit high crimes and misdemeanors. Both were impeached and tried for political or personal reasons by legislative branches controlled by their opponents. This is contrary to our system under the U. S. Constitution, but is acceptable under a parliamentary system.

Radical Republican Benjamin Wade was President pro tempore of the Senate and would have replaced Andrew Johnson as President of the United States.

The constitutional system was in extreme jeopardy with the trial of Andrew Johnson. The radical Republicans controlled two-thirds of the Senate (36 of 54) which was the minimum required to convict. Six moderate Republicans voted “not guilty” with the twelve Democrats (making the potential vote 36 to 18). In an excellent example of a conflict of interest, Benjamin Wade of Ohio voted “guilty” – he was the President pro tempore of the Senate and would have become President if Johnson were removed from office! However, one of the 36 radical Republicans, Edmund Ross of Kansas, voted “not guilty” and saved the Constitution. Ross realized that Johnson was correct about the unconstitutionality of the Tenure of Office Act and that he was being charged only for political reasons. One senator breaking ranks made the difference! Ross’s public career, of course, was over.

In Bill Clinton’s case, the constitutional crisis was not over whether he would be found guilty and removed from office for the wrong reasons. The votes against him were not there. It would have taken 67 of the 100 senators to convict him, and the Republicans had only a 55-45 majority (and the five moderate Republicans voted “not guilty” with the Democrats while the fifty Republican conservatives and extremist radical-reactionaries voted “guilty” as a bloc). The crisis was this: Would Clinton let them get away with it? There were many who wanted Clinton to resign in embarrassment and disgrace to avoid the impeachment proceedings. If he had resigned, then all future presidents would be faced with parliamentary rule. They would have to placate the Congress in order to stay in office. Clinton withstood the pressure. Once again, the Constitution was saved against its enemies.

Our Founding Fathers never intended for the President to be removed from office just because the legislative branch did not like him or his policies. Thanks to Andrew Johnson, Edmund Ross, and Bill Clinton, we still have a president and not a prime minister.

Andrew Johnson

Reason for Impeachment:

Tenure of Office Act:

Vote:

According to the Constitution, could he be removed from office?

Should he have been removed from office?

Bill Clinton

Reason for Impeachment:

Party:

Party of Congress during Presidency:

Impeached:

Lied under oath:

Vote:

According to the Constitution, could he be removed from office?

Should he have been removed from office?