

more public importance than if it arose between two obscure individuals. If Andrew Johnson tells the truth then he is guilty of a high official misdemeanor, for he avows his effort to prevent the execution of the law. If the General commanding tells the truth then the President is guilty of a high misdemeanor, for he declares the same thing of the President, denying only his own complicity. No argument can make this point plainer than the statement of the culprit. If he and the General told the truth then he committed willful perjury by refusing to take care that the laws should be duly executed.

To show the *animus* and guilty knowledge with which this law was violated we have only to turn to the proceedings of the Senate notifying him of his illegal and void conduct, and then to consider that he has since persevered in attempting to enforce it. Indeed, to show his utter disregard of the laws of his country, we have only to turn to his last annual message, in which he proclaims to the public that the laws of Congress are unconstitutional and not binding on the people. Who, after that, can say that such a man is fit to occupy the executive chair, whose duty it is to inculcate obedience to those very laws, and see that they are faithfully obeyed? Then the great beauty of this remedial and preventive process is clearly demonstrated. He is dull and blind who cannot see its necessity and the beneficial purposes of the trial by impeachment.

By the sixth section of the act referred to, it is provided:

"That every removal, appointment, or employment made, had, or exercised contrary to the provisions of this act, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed, and are hereby declared to be, high misdemeanors; and upon trial and conviction thereof every person guilty thereof shall be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court."

Now, in defiance of this law, Andrew Johnson, on the 21st day of February, 1868, issued his commission or letter of authority to one Lorenzo Thomas, appointing him Secretary of War *ad interim*, and commanded him to take possession of the Department of War and to eject the incumbent, E. M. Stanton, then in lawful possession of said office. Here, if this act stood alone, would be an undeniable official misdemeanor—not only a misdemeanor *per se*, but declared to be so by the act itself, and the party made indictable and punishable in a criminal proceeding. If Andrew Johnson escapes with bare removal from office, if he be not fined and incarcerated in the penitentiary afterward under criminal proceedings, he may thank the weakness or the clemency of Congress and not his own innocence.

We shall propose to prove on the trial that Andrew Johnson was guilty of misprision of bribery by offering to General Grant, if he would unite with him in his lawless violence, to assume in his stead the penalties and to endure the imprisonment denounced by the law. Bribery is one of the offenses specifically enumerated for which the President may be impeached and removed from office. By the Constitution, article two, section two, the President has power to nominate and, by and with the advice and consent of the Senate, to appoint all officers of the United States whose appointments are not therein otherwise provided for and which shall be established by law, and to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session. Nowhere, either in the Constitution or by statute, has the President power to create a vacancy during the session of the Senate and fill it without the advice and consent of the Senate, and yet, on the 21st day of February, 1868, while the Senate was in session, he notified the head of the War Department that he was removed from office and his successor *ad interim* appointed. Here is a plain, recorded violation of the Constitution and laws, which, if it stood alone, would make

every honest and intelligent man give his vote for impeachment. The President had persevered in his lawless course through a long series of unjustifiable acts. When the so-called confederate States of America were conquered and had laid down their arms and surrendered their territory to the victorious Union the government and final disposition of the conquered country belonged to Congress alone, according to every principle of the law of nations.

Neither the Executive nor the judiciary had any right to interfere with it except so far as was necessary to control it by military rule until the sovereign power of the nation had provided for its civil administration. No power but Congress had any right to say whether ever or when they should be admitted to the Union as States and entitled to the privileges of the Constitution of the United States. And yet Andrew Johnson, with unblushing hardihood, undertook to rule them by his own power alone; to lead them into full communion with the Union; direct them what governments to erect and what constitutions to adopt, and to send Representatives and Senators to Congress according to his instructions. When admonished by express act of Congress, more than once repeated, he disregarded the warning and continued his lawless usurpation. He is since known to have obstructed the reestablishment of those governments by the authority of Congress, and has advised the inhabitants to resist the legislation of Congress. In my judgment his conduct with regard to that transaction was a high-handed usurpation of power which ought long ago to have brought him to impeachment and trial and to have removed him from his position of great mischief. He has been lucky in thus far escaping through false logic and false law. But his then acts, which will on the trial be shown to be atrocious, are open evidence of his wicked determination to subvert the laws of his country.

I trust that when we come to vote upon this question we shall remember that although it is the duty of the President to see that the laws be executed the sovereign power of the nation rests in Congress, who have been placed around the Executive as monuments to defend his rights, and as watchmen to enforce his obedience to the law and the Constitution. His oath to obey the Constitution and our duty to compel him to do it are a tremendous obligation, heavier than was ever assumed by mortal rulers. We are to protect or to destroy the liberty and happiness of a mighty people, and to take care that they progress in civilization and defend themselves against every kind of tyranny. As we deal with the first great political malefactor so will be the result of our efforts to perpetuate the happiness and good government of the human race. The God of our fathers, who inspired them with the thought of universal freedom, will hold us responsible for the noble institutions which they projected and expected us to carry out. This is not to be the temporary triumph of a political party, but is to endure in its consequence until this whole continent shall be filled with a free and untrammelled people or shall be a nest of shrinking, cowardly slaves.

The SPEAKER. There are two minutes remaining of the time of the gentleman from Pennsylvania, [Mr. STEVENS.] If there be no objection the Clerk will read the resolution upon which the House is about to vote.

There being no objection, the Clerk read, as follows:

Resolution providing for the impeachment of Andrew Johnson, President of the United States.

Resolved, That Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors in office.

Mr. STEVENS, of Pennsylvania. On that resolution I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 126, nays 47, not voting 17; as follows:

YEAS—Messrs. Allison, Ames, Anderson, Arnell, Delos R. Ashley, James M. Ashley, Bailey, Baker, Baldwin, Banks, Beaman, Bently, Benton, Bingham,

Blaine, Blair, Boutwell, Bromwell, Broomall, Buckland, Butler, Cake, Churchill, Reader W. Clarke, Sidney Clarke, Cobb, Coburn, Cook, Cornell, Covode, Cullom, Dawes, Dodge, Driggs, Eckley, Eggleston, Eliot, Farnsworth, Ferriss, Ferry, Fields, Gravely, Griswold, Halsey, Harding, Higby, Hill, Hooper, Hopkins, Asahel W. Hubbard, Chester D. Hubbard, Hubbard, Hunter, Ingersoll, Jenckes, Judd, Julian, Kelley, Kelsey, Ketcham, Kitchen, Ladin, George V. Lawrence, William Lawrence, Lincoln, Loan, Logan, Loughridge, Lynch, Mallory, Marvin, McCarthy, McClurg, Meaurio, Miller, Moore, Moorhead, Morrell, Mullins, Myers, Newcomb, Nunn, O'Neill, Orth, Paine, Perham, Peters, Pike, Pile, Plants, Poland, Polsler, Price, Raab, Robertson, Sawyer, Schenck, Scofield, Selye, Shanks, Smith, Spaulding, Starkweather, Aaron E. Stevens, Thaddeus Stevens, Stokes, Taffe, Taylor, Townbridge, Twichel, Upton, Van Aernam, Burr Van Horn, Van Wyck, Ward, Badwalader C. Washburn, Elihu B. Washburne, William B. Washburn, Wolker, Thomas Williams, James T. Wilson, John T. Wilson, Stephen B. Wilson, Windom, Woodbridge, and the Speaker—126.

NAYS—Messrs. Adams, Archer, Artell, Barnes, Barnum, Beck, Boyer, Brooks, Burr, Cary, Chanler, Eldridge, Fox, Getz, Glossbrenner, Golladay, Grover, Haight, Holman, Hotchkiss, Richard D. Hubbard, Humphrey, Johnson, Jones, Kerr, Knott, Marshall, McCormick, McCallough, Morgan, Morrissey, Mungen, Niblack, Nicholson, Phelps, Pruyn, Randall, Ross, Sitgreaves, Stewart, Stone, Taber, Lawrence S. Tomblin, Van Auken, Van Trump, Wood, and Woodbridge—47.

NOT VOTING—Messrs. Benjamin, Dixon, Donnelly, Ela, Finney, Garfield, Hawkins, Koontz, Maynard, Pomeroy, Robinson, Shellabarger, Thomas, John Trimble, Robert T. Van Horn, Henry D. Washburn, and William Williams—17.

During the roll-call, the following announcements were made:

Mr. BARNES. My colleague, Mr. ROBINSON, is absent on account of sickness. If he were here he would vote "no."

Mr. LOAN. My colleague, Mr. BENJAMIN, who is paired on this question with the gentleman from New York, [Mr. ROBINSON,] would, if present, vote "ay."

Mr. ORTH. My colleagues from Indiana, Mr. WASHBURN and Mr. WILLIAMS, who are absent, would, if they were present, vote for the adoption of this resolution.

Mr. PILE. My colleague, Mr. VAN HORN, of Missouri, has been called home by business. If he were here I have no doubt he would vote "ay."

Mr. ARNELL. My colleague, Mr. TRIMBLE, of Tennessee, is absent by leave of the House. If present, he would vote "ay."

Mr. LAFLIN. My colleague, Mr. POMEROY, is detained at home by sickness in his family.

Mr. WINDOM. My colleague, Mr. DONNELLY, is detained in New Hampshire. If he were present he would vote "ay."

Mr. LAWRENCE, of Pennsylvania. My colleague, Mr. KOONTZ, is absent by leave of the House. If he were here he would I have no doubt vote "ay."

Mr. MULLINS. My colleague, Mr. MAYNARD, is absent on leave. If here he would vote "ay."

Mr. WELKER. My colleague, Mr. SHELLABARGER, is detained at his home by sickness. If he were here he would vote "ay."

Mr. BROOMALL. My colleague, Mr. KOONTZ, who is necessarily absent, would, if here, vote "ay."

When the roll-call had been concluded, The SPEAKER said: The occupant of the Chair cannot consent that his constituents should be silent on so grave a question, and therefore, as a member of this House, he votes "ay." On agreeing to the resolution, there are—yeas 126, nays 47. So the resolution is adopted.

Mr. STEVENS, of Pennsylvania, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEVENS, of Pennsylvania. Mr. Speaker, I submit the following resolutions, on which I demand the previous question:

Resolved, That a committee of two be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him and make good the same; and that the committee do