Handout A: Background Essay: The Golden Age of Parties—The Civil War to 1910 - Answer Key

1. Sample Answers:
   a. Andrew Johnson’s firm opposition to the moves of the Radical Republicans in Congress led them to curtail the executive’s ability to control Congress. Popular support of the Congress’s agenda also contributed to a reduction in the president’s influence.

   b. Andrew Johnson’s strong opposition to the Radical Republicans’ agenda put him at odds with them. When he strongly opposed popular elements of their agenda, the electorate responded by electing more Radical Republicans.

   c. There was a strong reaction against states’ powers in the wake of the Civil War as the war had pitted rebellious states against the Union. After Lincoln’s death, congressional leaders who advocated revenge against the South gained influence, and Johnson’s attempts to treat the Southern states less harshly set him against the Radical Republicans.

2. If President Johnson had been convicted due to political reasons, it may have set a precedent that any president who was not of the same political mind as Congress could be removed from office. By crippling separation of powers and checks and balances, the government structure would have likely become much more political and less stable.

3. The Republicans’ heavy handed political dealings, as well as corruption scandals and a financial panic led to the Republicans losing their solid control over Congress. This, along with corrupt electioneering practices in the South, helped the Democrats to secure a majority.

4. Committees really controlled Congress and the congressional agenda. Because these committees were awarded to those most loyal to the party, a congressman who wanted any sort of power or continued success had to put party loyalty above all else.

5. Sample Answers:
   a. Yes, Reed believed that members of Congress were putting their own self-interest above the interests of the country and so he had to act. The people had elected the Republicans to a majority and it would be unjust to not allow their agenda to be voted on openly in Congress.

   b. No, Speaker Reed abused his power by removing a vital protection afforded to the minority in the House of Representatives. It opened the door for possible majority tyranny at the expense of the minority.
6. Answers will vary but should be logically reasoned given the information provided in the essay. An example follows.

Cannon, unlike Reed, worked hard to stop the passage of some legislation, but was not as eager to pass his own. This stance against what many saw as reform and progress, during a period of social change, sealed his fate.

Handout C: Separation of Powers – The Articles of Impeachment of Andrew Johnson - Answer Key

Sample answers are listed below. Student answers may vary, though they should demonstrate logical thinking and support their answers with solid evidence from the text.

1. Congress charged that Johnson had neglected his oath of office and failed to faithfully execute the laws, violating the Constitution and the laws in the following ways:
   a. He violated the Tenure of Office Act in removing Secretary of War Edwin Stanton without receiving advice and consent of the Senate in the dismissal.
   b. He violated the Tenure of Office Act by appointing Lorenzo Thomas as Secretary of War without seeking the advice and consent of the Senate.
   c. He conspired with Thomas and others to prevent Stanton from holding the office to which he had been duly appointed.
   d. He conspired with Thomas to take over War Department property and papers that were properly in Stanton’s custody.
   e. He illegally instructed Major General Emory that Congress had passed unconstitutional laws, enlisting Emory’s help in violating the will of Congress.
   f. He said mean things about Congress.
   g. He denied that the Thirty-ninth Congress had legitimate authority to legislate because not all of the states were represented.

2. Student may answer yes or no
   a. Yes, it is clear the President Johnson deliberately ignored the Tenure of Office Act.
   b. No, President Johnson was acting within his rights as the executive of the United States. He believed the Tenure of Office Act to be unconstitutional and so justly vetoed and then ignored it.

3. “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.”
a. Yes, President Johnson broke his oath when he refused to follow the Tenure of Office Act passed by Congress. In doing so, he failed in his duty to faithfully execute the office of President.

b. No, President Johnson did not break his oath. Johnson believed the Tenure of Office Act violated the Constitution. Since his primary role is to protect and defend the Constitution, his actions are consistent with his Oath of Office.

4. The power to impeach helps to maintain the balance of power between the legislative and executive branches by ensuring the Congress has a device to require the president to execute the laws that they, as the people's representative body, legitimately passed.

5. Students may answer yes or no
   a. Yes, the president should always act in accord with Congress because they represent the true will of the people. The president's job is merely to execute the laws they pass.
   b. No, the president is elected to be a guardian of the Constitution and the nation as a whole. If he believes the Constitution is being violated, then he ought to act contrary to the will of Congress.

6. Student answers will vary but they should include points concerning the dangers of calling into question the functioning of government at a time when the nation is still unstable.

7. Answers will vary, but they should include reasoning as to why or why not they believe Johnson should have been convicted given the evidence presented in the Articles of Impeachment.

8. Answers will vary, but student responses should include the challenges posed to a constitutional system that is constantly undermined by drastic political action.

9. Students may answer that
   a. The impeachment trial shows an assertion of federal legislative power and is a clear statement that Congress is going to be the voice of the people moving forward.
   b. Johnson's acquittal shows the limits of Congress's power, even when it is dominated by a one party majority. It shows the president would continue to have a role, even as Congress asserted more influence.
   c. The results of this politically motivated impeachment trial demonstrate that the system the Framers devised, while sometimes messy, works.