# Miscellaneous.

## THE PROPOSED IMPEACHMENT OF PRESIDENT JOHNSON.

### Action of the House Judiciary Committee

#### THREE REPORTS PRESENTED.

**The Majority of the Committee Recommend the House to Prefer Articles of Impeachment to the Senate.**

The report of the House Committee on the Judiciary, on the subject of the impeachment of the President, was, in accordance with previous notice, made to that body yesterday. The majority report, signed by Messrs. Boutwell, Thomas, Williams, Lawrence and Churchill, concluding with a resolution that the President be impeached. Messrs. Wilson and Woodbridge presented a minority report, recommending that the whole subject be laid on the table, and Messrs. Eldridge and Marshall presented another report coinciding substantially with the views expressed by Messrs. Wilson and Woodbridge. The reports are all extremely voluminous, and contain much irrelevant matter. We give below complete abstracts of majority and minority reports:

MAJORITY REPORT.

WASHINGTON, Nov. 25.

The Committee on the Judiciary, to whom was referred the resolution of the 7th of March last, authorizing them to inquire into the official conduct of Andrew Johnson, Vice President of the United States, discharging the present duties of the office of President of the United States, and to report to this House whether in their opinion the said Andrew Johnson, while in said office, has been guilty of acts which were designed or calculated to overthrow or corrupt the Government of the United States, or any department or office thereof, and whether the said Andrew Johnson has been guilty of any act, or has conspired with others to do acts which in the contemplation of the Constitution are high crimes and misdemeanors, requiring the interfering of the constitutional power of this House—

Respectfully report: That in the performance of the important task assigned to them, they have spared no pains to make their investigation as complete as possible, not only by the examination of the public archives, but in following every indication that seemed to promise any additional light upon the real subject of inquiry, and they submit herewith the result of that portion of their labors in the voluminous exhibit that accompanies this report.

The charges made, and to which the investigation of the committee have been especially directed, are usurpation of power and violation of law; in the corrupt abuse of appointing, pardoning and veto powers; in the corrupt interference in elections, and generally in the commission of high crimes and misdemeanors under the Constitution; and upon this recital it was charged with the more general duty of inquiring into the official conduct of the President of the United States, and of reporting whether he had been guilty of any acts which are designed or calculated to overthrow, subvert or corrupt the Government of the United States, or which, in contemplation of the Constitution, would constitute a high crime or misdemeanor requiring the interposition of the constitutional power of the House. The report here says that the salient point is usurpation of power, especially in reference to the reconstruction of the Rebel States, and that around this all the "special acts of maladministration will be found to gravitate and revolve."

"It is a fact of history, that the obstinate and protracted struggle between the Executive and Legislative departments, arising out of the claim of more than kingly powers on the one hand, and as strongly maintained by the operation of the first rights of sovereignty lodged with it by the people on the other, which has convulsed this nation for the last two years, and presented a spectacle that has no example here, and none in England since the era of the Stuarts, began with the advent of the present Chief Magistrate."

At the close of the war, says the report, the extraordinary mission of the Executive was fulfilled, and merely to hold the conquered territory until the presumptive heirs of the nation should declare its will in relation to the rebels was all that remained for him to do. The civil governments in the rebel territory had been swept away, while a people remained subdued but still hostile, with a loyal element asking protection. "The duties and responsibilities of the men who founded the Union of these States, and of those who assembled here in 1861 to consult upon and provide the means for saving the Union; pressing this great rebellion, were as nothing in the comparison, and demanded certainly not higher sagacity and no broader wisdom than the task of bringing back the dismembered States and refusing these jarring and discordant elements into one harmonious whole. For this great work the supreme Executive of the nation, even though he had been endowed by nature with the very highest of organizing faculties was obviously unfitted by the very nature of his office."

If Mr. Lincoln had survived, it is not to be doubted, from his habitual deference to the popular will, that although a citizen of a loyal State, and enjoying the public confidence in the highest possible degree, he would have felt it to be his duty to convoke the Representatives of the people, to lay down his sword in their presence, and to refer it to their enlightened judgment and patriotic judgment to decide what was to be done with the territories and people that had been brought under the authority of the Government by our arms. The bloody hand of treason, unfortunately, hurried him away in the very hour of the nation's triumph. But if there were reasons which could have made this duty an imperative one with him, how powerfully were they reinforced by the double effect of the tragedy that not only deprived the nation of its trusted head, but set up a new form of government upon a successor. The new President was himself in the doubtful and delicate position of a citizen of one of the revolting States, which were to be summoned for judgment before the bar of the American people. It was perhaps but natural that he should sympathize with the communities from which he had mainly differed only on prudential reasons, or in other words, due to the wisdom of the revolt at that particular juncture of affairs.

If other arguments had not sufficed to convince him of the necessity of referring all these great questions to the only tribunal on earth that had the power to decide them, it ought to have been sufficient that he owes alike his honors and his accidental powers to the generous confidence of the loyal States. He would, of course, that they would insist, as they had a right to do, upon such conditions as would secure to them, if not indemnity for the past, at least the completest security in the future.

Instead, therefore, of convoking the Congress of the United States to deliberate upon the condition of the country, he seems to have made up his mind to undertake that mighty task himself, to forestall the judgment and the wishes of the loyal people, and to neutralize the power to undo his work, by bringing in the rebel States themselves to participate in the deliberations upon any and all questions which might be left for settlement.

To effect this object, he issues his imperial proclamations, beginning with that of the 29th of May, in virtue, as he says, of his double authority as President of the United States and Commander in Chief of the armies—declaring the governments of these States to have perished; creating, under the denomination of provisional governors, civil offices unknown to the law; appointing to these offices men who were notoriously disqualified, by reason of their participating in the rebellion, from holding any office under this Government, and yet allowed to hold the same and exercise the duties thereof, at salaries fixed by himself, and paid out of the contingent fund of one of the departments, in clear violation of the acts of July 2d, 1862, and February 9th, 1863. Declaring, moreover, that the government of these States had been destroyed, he assumes it to be his individual right, as being himself the State—rather the United States, to execute the guarantee of the Constitution, by providing them with new ones, and accordingly directed his pretended governors to call conventions of such of the people as it was his pleasure to indicate, to make constitutions for them on such terms and with such provisions as were agreeable to himself. Unprovided, however, of course in the absence of Congress, with the necessary resources to meet the expenses of these regulations, he not only directs the payment of a portion of them and of the contingent fund of the War Department, but with a boldness unequalled even by Charles the First, when he, too, undertook to reign without a Parliament, provides for a deficit by authorizing the seizure of property and the appropriation of money belonging to the Government, and directing his endeavors to levy taxes for the same purpose from the subject people.

[The further reading of the report was dispensed with, excepting the conclusion, which is as follows]:

In accordance with the testimony herewith submitted, and the view of the law herein present, the Committee are of opinion that Andrew Johnson, President of the United States, is guilty of high crimes and misdemeanors requiring the interposition of the constitutional powers of this House.

In that, upon the final surrender of the rebel armies and the overthrow of the rebel government, the said Andrew Johnson, President of the United States, neglected to convene the Congress of the United States, that by its act and authority legal and constitutional measures might have been adopted for the organization of legal and constitutional governments in the States then recently in rebellion.

In that, in his proclamation to the people of North Carolina on the 29th of May, 1865, assumed that he had authority to decide whether the government of North Carolina and whether any other government that might be set up therein was republican in form; and that in his office as President, it was his duty and within his power to guarantee to said people a republican form of government contrary to the Constitution, which provides that the United States shall guarantee to every State in this Union a republican form of government, and contrary also to a deliberate opinion of the Supreme Court, which declared that Congress, is vested exclusively with the power to decide whether the government of a State is republican or not.

In that he did thereafter reorganize and treat a plan of government set up in North Carolina under and in conformity to his own advice and discretion as republican in form, and entirely restored to its functions as a State, nothwithstanding Congress is the branch of the Government in which, by the Constitution, such power is exclusively vested, and notwithstanding Congress did refuse to recognize such government as a legitimate government or as a government republican in form.

In that way, by public proclamation and otherwise, he did, in the year 1865, write, solicit and convene in certain other States then secretly in rebellion, conventions of persons, many of whom were known traitors, who had been organized in an attempt to overthrow the Government of the United States, and urged and directed such conventions to frame Constitutions for such States.

In that he thereupon assumed to accept, ratify and confirm certain so-called Constitutions framed by such illegal and treasonable assemblies of persons, which Constitutions were never submitted to the people of the respective States, nor ratified and confirmed by the United States, thus usurping and exercising powers vested by the Constitution in the Congress of the United States exclusively.

In that he pardoned large numbers of public and notorious traitors with the design of receiving from them aid in such conventions called by his advice and direction for the purpose of organizing and setting up such illegal governments in the States then recently in rebellion, prior to the annual meeting of Congress, with the intent thus to constrain Congress to accept, ratify and confirm such illegal and unconstitutional proceedings.

In that he did within and for the States recently in rebellion create and establish, as a civil officer, the office of Provisional Governor so called, an office unknown to the Constitution or laws of the land.

In that he appointed to such office, so created in said States respectively, men who were public and notorious traitors, he well knowing that they had been engaged in open, persistent and formidable efforts for the overthrow of the Government of the United States; and well knowing, also, that those men could not enter upon the duties of said office without committing the crime of perjury or in violation of the laws of the country.

In that he directed the Secretary of State to promise payment of money to said persons so illegally appointed as salary or compensation for services to be performed in said office so illegally created, contrary to the provisions of the law of the United States, approved February 9, 1863, entitled an act making appropriation for the support of the army of the United States, for the year ending the 20th of June, 1864, and for a deficiency of the signal service for the year ending June 30th, 1863.

In that he directed the Secretary of War to pay moneys to said persons for service performed in said States so illegally created, which moneys were so paid under his direction, without authority of law, contrary to law, and in violation of the Constitution of the United States.

In that he deliberately dispensed with, and suspended the operation of a provision of a law of the United States, passed on the 2d day of July, 1862, entitled an act to prescribe an oath of office, and for other purposes. In that he appointed to offices created by the laws of the United States, persons who, as was well known to him had been engaged in the rebellion, who were guilty of the crime of treason, and who could not, without committing the crime of perjury, or otherwise violating criminally the said act of July 2d, 1862, enter upon the duties thereof. In that, without authority of law, and contrary to law, he used and applied property taken from the enemy in time of war, for the payment of the expenses and the support of the said illegal and unconstitutional governments so set up in the said States recently in rebellion, and for a like purpose, and in violation of the Constitution and of his oath of office, he authorized and permitted a levy of taxes upon the people of said States, thus usurping and exercising a power which, by the Constitution, is vested exclusively in the Congress of the United States. All of which acts was an usurpation of power contrary to the laws and Constitution of the United States, and in violation of his oath as President of the United States.

In that the said Andrew Johnson, President of the United States, has, in messages to Congress and otherwise, publicly declined substantially the right of Congress to provide for the pacification, government and restoration of said States to the Union; and, in like manner, he has asserted his exclusive right to provide governments therefor, and to accept and proclaim the restoration of said States to the Union. All of which is in derogation of the rightful authority of Congress, and calculated to subvert the Government of the United States.

In that, in accordance with said declaration, he has vetoed various bills passed by Congress for the pacification and government of the States lately in rebellion, and their speedy restoration to the Union, and upon the ground and for the reason that the said States had been restored to their places in the Union by his aforesaid illegal and unconstitutional proceedings; thus interposing and using a constitutional power of the office he held, so as to prevent the restoration of the Union upon a constitutional basis.

In that he has exercised the power of removals from and appointment to office for the purpose of maintaining effectually his aforesaid usurpation, and for the purpose of securing the recognition by Congress of the State governments so illegally and unconstitutionally set up in the States recently in rebellion. Such removals and appointments having been attended and followed with great injury to the public service and with enormous losses to the public revenue.

In that, in the exercise of the pardoning power, he issued an order for the restoration of 193 men belonging to West Virginia, who, upon the records of the War Department, were marked as deserters from the army in time of war, and this upon the representation of private and interested persons, and without previous investigation by an officer of the War Department, and for the sole purpose of enabling such persons to vote at an election then pending in said State, and with the expectation that they would so vote as to support him in his said unconstitutional proceedings, he then well knowing that the men so restored, and by virtue of such restoration, would be entitled to a large sum of money from the Treasury of the United States.

In that, by his message to the House of Representatives, on the 22d of June, 1866, and by other public and private means, he has attempted to prevent the ratification of an amendment to the Constitution of the United States, proposed to the several States by the two Houses of Congress, agreeably to the Constitution of the United States, although such proposed amendments provided among other things for the validity of the public debt of the United States, and rendered the payment of any claim for slaves emancipated, or of any debt incurred in aid of the rebellion or insurrection against the United States impossible, either by the Government of the United States, by any of the States recently in rebellion, he well knowing that the provisions inserted under and by his direction in the said illegal constitutions for said States were wholly inadequate to protect the loyal people thereof or the people of the loyal States against the payment of claims on account of slaves emancipated and of debts incurred by such States in aid of rebellion, thus rendering it practicable and easy for those in authority in the aforesaid illegal and unconstitutional governments set up to tax and oppress the loyal people of such States for the benefit of those who have been engaged in the attempt to overthrow the Government of the United States.

In that he has made official and other public declarations and statements calculated and designed to impair the credit of the United States; to encourage persons recently engaged in rebellion against its authority; to distrust and resist the organization of the rebel States, so called, upon a Republican basis, and calculated and designed also to deprive the Congress of the United States of the confidence of the people, as well in its patriotism as in its constitutional right to exist, and to act as the department of the Government, which, under the Constitution, possesses exclusive legislative power; and all of this with the intent of rendering Congress incapable of resisting either his said usurpations of power; or of providing and enforcing measures necessary for the pacification and restoration of the Union, and that in all this he has exercised the veto power, the power of removal and appointment, the pardoning power and other constitutional powers of his office, for the purpose of delaying, hindering, obstructing and preventing the restoration of the Union by constitutional means, and for the purpose of alienating from the Government and laws of the United States those persons who had been engaged in the rebellion, and who, without aid, comfort and encouragement thus by him given to them, would have resumed in good faith their allegiance to the Constitution, and all with the expectation of conciliating them to himself personally, that he might thereby finally prevent the restoration of the Union upon the basis of the laws passed by Congress.

And further, that the said Andrew Johnson, President of the United States, transferred and surrendered, and authorized and directed, the transfer and surrender of railway property of the value of many millions of dollars to persons who had been engaged in the rebellion, as to corporations, owned wholly, or in part, by such persons, he well knowing that in some instances, the railways had been constructed by the United States, and that in others that such railways or railway property had been captured from the enemy in war, and afterwards repaired at great cost by the United States, such transfers and surrenders being made without authority of law, and in violation of law.

In that he directed and authorized the sale of large quantities of railway rolling stock and other railway property of the value of many millions of dollars, the property of the United States by purchase and construction, to corporations and parties then known to him to be unable to pay their debts then matured and due, and this without exacting from said corporations and parties any securities whatever.

In that he directed and ordered subordinate officers of the Government to postpone and delay the collection of moneys due and payable to the United States on account of such sales, in apparent conformity to an order previously made by him; that the interest upon certain bonds issued or guaranteed by the State of Tennessee in aid of certain railways then due and unpaid for a period of four years and more should be first paid out of the earnings of the roads in whose behalf said bonds were so issued or guaranteed in that, in conformity to such order and direction, the collection of moneys payable and then due to the United States was delayed and postponed, and the interest on such bonds, of which he himself was a large holder, was paid according to the terms of his own order, thus corruptly using his office to defraud and wrong the people of the United States for his own personal advantage. In that he has not only returned to claimants thereof large amounts of cotton and other abandoned property that had been seized and taken by the agents of the Treasury in conformity to law, but has paid and directed the payment of the actual proceeds of sales made thereof, and this in violation of a law of the United States which orders and requires the payment into the treasury of the United States of all moneys received from such sales, and provides for loyal claimants a sufficient and easy remedy in the Court of Claims, and in manifest violation also of the spirit and meaning of the Constitution, wherein it is declared that no money shall be drawn from the treasury but in consequence of appropriations made by law; and further in that the said Andrew Johnson, President of the United States, authorized the use of the army of the United States for the dispersion of a peaceful and lawful assembly of citizens of Louisiana, and this by virtue of a despatch addressed to a person who was not an officer of the army, but who was a public and notorious traitor, and all with the intent to deprive the loyal citizens of Louisiana of every opportunity to frame a State government, republican in form, and with the intent further to continue in places of trust and emolument persons who had been engaged in an attempt to overthrow the Government of the United States, expecting thus to conciliate such persons to himself, and secure their aid in support of his aforesaid unconstitutional designs. All of which contaminous of duty, usurpation of power, violations of his oath of office of the laws and of the Constitution of the United States by the said Andrew Johnson, President of the United States, have retarded the public prosperity, lessened the public revenues, disordered the business and finances of the country, encouraged insubordination in the people of the States recently in rebellion, fostered sentiments of hostility between different classes of citizens, revived and kept alive the spirit of active rebellion, humiliated the nation, dishonored republican institutions, obstructed the restoration of said States to the Union, and delayed and postponed the peaceful and fraternal reorganization of the Government of the United States. The committee therefore report the accompanying resolution, and recommend its passage. Signed, George S. Boutwell, Francis Thomas, Thomas Williams, William Lawrence and John C. Churchill.

*Resolution providing for the Impeachment of the President of the United States:*

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

**The Minority Report.**

VIEWS OF MESSRS. WILSON AND WOODBRIDGE.

Representatives James F. Wilson and Frederick E. Woodbridge handed in a report dissenting from the conclusions arrived at by a majority of the committee. They say:

That on the third day of June, 1867, it was declared, by a solemn vote in the committee, that from the testimony then before them it did not appear that the President of United States was guilty of such high crimes and misdemeanors as called for an exercise of the impeachment power of this House. The vote stood, yeas 5, nays 4.

On the 21st inst., this action of the committee was reversed, and a vote of 5 to 4 declared in favor of recommending to the House an impeachment of the President. Forty-eight hours have not yet elapsed since we were informed of the character of the report which represents this changed attitude of the committee. The recentness of this event compels a general treatment of some features of the case as it is presented by the majority, which otherwise would have been treated of more in detail. The report of the majority resolves all presumptions against the President, closes the door against all doubts, affirms facts as established by the testimony, in support of which there is not a particle of evidence before us which would be received by any court in the land. We dissent from all of this, and from the temper and spirit of the report. The cool and unbiassed judgment of the future, when the excitement in the midst of which we live shall have passed away will not fail to discover that the political bitterness of the present time has in no inconsiderable degree given tone to the document which we decline to approve.

Dissenting as we do from the report of the committee both as to the law of the case and by the conclusions drawn from the facts developed by the testimony, a due regard for the body which imposed on us the high and transcendently important duty involved in an investigation of the charges preferred against the President, impels us to present at length our views of the subject which has been committed to us by a most solemn vote of the House of Representatives. In approaching this duty we feel that the spirit of the partisan should be laid aside, and that the interests of the public, as they are measured by its Constitution and laws, alone should guide us; and we most deeply regret that in this regard we cannot approve the report of our colleagues who constitute a majority of the committee. While we would not charge them with a design to act the part of partisans in this grave proceeding, we nevertheless feel pained by the tone, temper and spirit of their report. But regretting will not answer the demands of the present grave and commanding occasion, and we therefore respond to them by presenting to the House the results of a careful, deliberate, and, as we hope, a conscientious investigation of the case before us.

Messrs. Wilson and Woodbridge then proceeded to discuss the constitutional question with regard to impeachment, showing, by reference to legal authorities, that an impeachment cannot be supported by any act which falls short of an indictable crime or misdemeanor.

English precedents are refered to at length, and copious extracts are made from the testimony before the committee in order to refute the reasoning and conclusion of the majority. They conclude as follows:

A great deal of the matter contained in the volume of testimony reported to the House is of no value whatever. Much of it is mere hearsay, opinions of witnesses, and no little amount of it utterly irrelevant to the case. Comparatively, a small amount of it could be used on a trial of this case before the Senate. All of the testimony relating to the failure to try, and admission to bail of Jefferson Davis, the assassination of President Lincoln, the diary of J. Wilkes Booth, his place of burial, the practice of pardon brokerage, the alleged correspondence of the President with Jefferson Davis, may be interesting to a reader, but is not of the slightest importance so far as a determination of this case is concerned. Still, much of this irrelevant matter has been interwoven into the report of the majority, and has served to heighten its color and deepen its tone.

Strike out the stage effect of this irrelevant matter, and the prominence given to the Tudors, the Stuarts and Michael Burns, and much of the play will disappear; settle down upon the real evidence in the case that which will establish in view of the attending circumstances a substantial crime, by making plain the elements which constitute it, and the case in many respects dwarfs into a political contest. In approaching a conclusion we do not fail to recognize the stand-points from which the case can be viewed—the legal and the political.

Viewing it from the latter, the case is a success. The President has disappointed the hopes and expectations of those who placed him in power. He has destroyed their confidence and joined hands with their enemies. He has proved false to the express and implied conditions which underlie his elevation to power, and in view of the case deserves the censure and condemnation of every well-disposed citizen of the Republic. While we acquit him of impeachable crimes, we pronounce him guilty of many wrongs. His contest with Congress has delayed reconstruction and inflicted vast injury upon the people of the rebel States. He has been blind to the necessities of the times and to the demands of a progressive civilization.

Judge him politically, we must condemn him, but the day of political impeachments would be a sad one for this country. Political unfitness and incapacity must be fixed at the ballot-box, not in the high court of impeachment. We therefore declare that the case before us presented by the testimony and measured by the law, does not declare such crimes and misdemeanors with the meaning of the Constitution as requires the interposition of the constitutional powers of this House, and recommend the adoption of the following resolution:

*Resolved*, That the Committee on the Judiciary be discharged from the further consideration of the proposed impeachment of the President of the United States, and that the subject be laid upon the table.

JAMES F. WILSON,
FREDERICK E. WOODBRIDGE.

**Report of the Democratic Members of the Judiciary Committee.**

The undersigned, agreeing with our associates of the minority of the committee in their views of the law, and in the conclusions that the evidence before the committee presents no case for the impeachment of the President, might, if they had stopped there, been content simply to have joined in the report which they have submitted. But they, as well as the majority, having felt it their duty to go further, and express their censure and condemnation of the President, we feel that it is due to ourselves and to the position we occupy to present as briefly as possible a few additional remarks for the consideration of the House and of the country, having determined that the evidence does not show that the President has been guilty of any acts or crime for which, under our Constitution and laws, he can or ought to be impeached.

This conclusion, as it seems to us, is the determination of the whole question submitted by the House to the committee. It is the commission by the President of an impeachable offence only that can subject him to our official jurisdiction, or justify us as a committee of the House of Representatives, or were the House itself as such in challenging his official acts.

As the report of the majority does not charge the President with any act recognized by any statute or law of the land as a crime or misdemeanor, we can but regard the charges preferred as a political or partisan demonstration, tending and intended to bring him into odium and contempt among the people. As an unjustifiable attempt to excite their suspicions—"*Sparere voces in vulgum ambiguas*"—we utterly deny the right of the committee, or any member thereof as such, to do this.

As citizens, politicians, we may criticise, find fault with, and condemn the entire administration of the President, but as a committee of this House, considering the charge referred to it as members of Congress, acting officially, we have no such right, power or jurisdiction. The Executive is one of the co-ordinate departments of Government invested with certain defined constitutional powers and prerogatives, over which the Legislature has no control, and with the constitutional exercise of which the legislative department has no right to interfere.

The original source of all executive and legislative power is the same, the people—the warrant and measure of these powers the same—the Constitution. In his constitutional and legislative sphere in the exercise and conduct of his department, the President is as free to act and as independent as the Congress, while acting within the bounds prescribed for it by the Constitution. He is no more accountable or responsible to Congress than Congress is to him. Congress has no more authority to censure and condemn him than he has to censure and condemn Congress.

His discretion exercised within the bounds of the Constitution, is no more subject to the animadversion or reproof of Congress, than are the constitutional and discretionary acts of Congress to his. Neither Congress or the President has any power or authority not derived from and found in the Constitution. The only question with reference to which the committee were authorized to inquire, was whether the charges against the President were true, and constituted an offence or offences, subjecting him to impeachment. Certainly if this is not the only question referred to the committee, it is the only one which the committee, as such, has investigated.

The political purpose by the acts of the President for one moment engaged the attention of the committee—we must certainly have no other motive or interest than to serve our country and do our duty—the matters referred to us, have never once; in the taking of testimony, on the examination of witnesses, supposed that any question other than the impeachment was properly before us—the impeachment of the President, the chief officer of this great republic—the inquiry with a view to ascertain whether he had committed any offence for which he ought or might be put upon trial before the most august tribunal of the world, impressed us from the beginning with most solemn awe.

We endeavored, in the investigation, to exclude from our minds every question of mere politics, and as far as possible to be uninfluenced by party bias. We were admonished that, in some sense, the nation, the people—the personal chief Executive head—were on trial before the world, and that personal animosity and party politics should be inflexibly and scrupulously forgotten and ignored.

For any cause to have shrunk from a full and careful investigation of the great question of impeachment was cowardice; to have pursued it in the spirit of party—to have degraded it into a mere investigation of political policy with reference to partisan success would have been meanness, and would have disgraced the nation itself by scandalizing the nation's constitutional head.

We repeat, therefore, that the investigation of the committee was, so far as we took part in it, with the sole view to ascertain whether the President under the charge preferred against him, was guilty of any impeachable offence. Not only so, but with the belief that it was the only question we were authorized or expected to inquire into. Not a witness was called or examined with any view to proving a case, for merely censuring or condemning the political action of the President.

No suggestion was made, or intimation given, by the majority of the committee, till the resolution of censure was offered, that there was any purpose of considering as a committee any but the question of impeachment, nor was there then, as we understand it, any purpose of reporting such resolutions in the House for its official action. We think, therefore, that we are warranted in saying, that although much testimony, irrelevant, illegal, and experimental, was taken, there had no bearing upon the question of impeachment, and much more that was not testimony in any case, or for any purpose; that none was taken without any view, except the impeachment; and hence we insist that if the committee had the right and jurisdiction, which we deny, to inquire into the political and discretionary acts of the President, with a view to his condemnation, that it has not in any legitimate and proper manner investigated, or attempted to consider that subject.

We do not impugn the personal motives of any member of the committee who differs with us. Our intercourse upon the committee has been pleasant; and the courtesy with which we have been treated, uniform and uninterrupted. We entertain none but the most kindly personal feelings toward every member, but candor and a sense of duty compel us to declare that we can find no warrant or excuse for this travelling outside or beyond the subject with which the committee was charged, to censure and condemn the President, except in the prejudice and zeal of overheated partisanship.

The President needs, and can ask no defence from us, upon party grounds, or upon any other than those which spring from official obligation and duty. He was not the President of our choice, and was not elected by our votes. Nor is it necessary that we shall agree with him, or justify and approve all that he has done. Neither do we feel called upon to review the great cause of testimony taken by the committee to show that his censure and condemnation are not warranted by it, though taken as it has been, and unchallenged as it was.

In that regard we do not, however, believe the unbiased, the unprejudiced mind, will be able in the testimony to discover any just or reasonable cause for condemning or impugning the motives by which he was actuated. Indeed, differing with him in opinion, as we have, as to the policy and propriety of many things he has done, and many more that he has left undone, we feel compelled to declare that the proofs before us will not warrant a charge that he was in any instance controlled by motives other than those pure and patriotic.

His greatest offence we apprehend will be found to be that he has been able or willing to follow those who elected him to his office in their mad assaults upon and departure from the constitutional government of the Fathers of the Republic, and that, standing where most of his party professed to stand when they elevated him to his present exalted position, he has dared to differ with the majority of Congress upon great and vital questions. He has believed in the continuing and binding obligations of the Constitution, that the suppression of the rebellion against the Union was the preservation of the Union and the States comprising it, and that when the rebellion was put down the States were all and equally entitled to representation in the Congress of the United States.

Planting himself firmly and immovably upon this position, he has incurred the fierce and malignant hatred and opposition of all those who claim by virtue of the alleged conquest of the territory and the subjugation of the people of the lately rebellious States, the power and right to dictate to them the Constitution and laws they shall live under, and the liberties they shall be permitted to enjoy. In this difference between Congress and the President, and the desire of each for the adoption by the country of their respective views is, we suspect, to be found not only the cause for the movement to impeach the President, but of his censure and condemnation. Out of it has grown the embittered feeling and violent hatred of the President by his former friends.

The majority of Congress and of the committee have entertained and been prepared to declare at all times, in Congress and out of it, even more strongly than is expressed in their report, the same censure and condemnation. This opinion was not formed upon any testimony taken before the committee, or upon any facts elicited by its investigations. It was a political opinion growing out of a difference of views upon political questions. It was the opinion with which the majority of the committee entered upon the investigation. It was that which inspired and stimulated all its inquiries and examinations.

But notwithstanding these pre-existing opinions and prejudices, the minority of the committee have been compelled to find, after the fullest examination and the most protracted deliberation, that the President had committed no offence for which under our laws he can or ought to be impeached, and hence none, as we insist, subjecting him to the official jurisdiction of the committee or the House. The censure and condemnation of the President either by the majority or minority, is without our jurisdiction, not justified by the facts, or becoming one department of the Government towards the other, calculated to bring reproach upon the committee, the House, and the nation.

We cannot ignore the fact that time has been spent and testimony taken by the committee endeavoring to ascertain if the President, in his official capacity, has spoken censoriously or condemnatory of Congress, with a view to his impeachment. Therefore, can it be more becoming in a committee of this House or in the House itself, to go beyond its jurisdiction and censure and condemn the President, than for him to censure and condemn Congress? Is not the impropriety of the one as apparent as the other? If one is impeachable, is not the other wrong? What would be thought of the Supreme Court, if after having been compelled in a case properly pending before it to decide an act of Congress constitutional, it should, because it did not agree to the propriety or policy of the enactment, declare its severe censure and condemnation of the Congress for having passed it? Who would hesitate to pronounce this an objectionable and even an unwarrantable interference with the rights and duties of Congress by the Supreme Court, calculated to disturb the harmony of our governmental system, and to bring into unhappy if not fatal collision, the co-ordinate departments? Such is the attempt to reprove or censure the President for acts or wrongs not amounting to offences, subjecting him to the legal jurisdiction of the House of Representatives.

Such an act would, it seems to us, be sheer impudence; an act on the part of the court justly meriting obliquy and reproach. Such interferences by one department of the Government with the others without authority of law, must and will, most assuredly, break off that harmony which should at all times characterize their relations and intercourse. The end cannot but be foreseen; the antagonism will ultimately produce enmity, open hostility and aggressions, which must result in the destruction of one or more departments, and, as a consequence, destroy our system of government.

Altogether, with all due respect to the majority of the committee, we cannot regard the charges made against the President as a serious attempt to procure his impeachment without dwelling upon their utter failure to point to the commission of a single act that is recognized by the laws of our country as a high crime or misdemeanor.

The inconsistency of the majority cannot fail to challenge the attention of the country. Acts for which Mr. Lincoln was unanimously applauded are deemed high crimes in Mr. Johnson. For every act so gravely condemned the President had the sanction and approval of his Cabinet, and yet, while he is arraigned before the world as a criminal of the deepest dye, they are not only not impeached, but are recognized as especial favorites of the party for impeachment. The latter have even gone so far as to unite in the passage of an extraordinary and unprecedented law to prevent the President from removing these officers from the places which they hold.

Mr. Stanton, the late Secretary of War, gave his emphatic approval of the acts for which the President is arraigned, and yet the ex-Secretary is a favorite and popular martyr, and the whole country is vexed with clamor for his restoration to power and place. The President is held criminally responsible for the acts of subordinates of which he did not even have the slightest notice or knowledge, and yet those bringing him to trial enact a statute depriving him of all control over these same subordinates, and they are deemed worthy of the especial protection of Congress.

The President has used every means within his power to bring the great state prisoner, Jefferson Davis, to a speedy trial, and yet he has been denounced throughout the land for procrastinating and preventing the trial, while judges and prosecuting officers, having entire control of the matter, have been deemed worthy of the most honored plaudits.

Were inconsistencies more glaring and inexplicable than these? and can we possibly be mistaken when we assert that, however honest may be the majority of the committee, the verdict of the country and of posterity will be that the crime of the President consists, not in violations, but in refusals to violate the law; in being unable to keep pace with the party of progress, in the rapidly advancing movement, and to step outside of and above the Constitution in the administration of the Government; in preferring the Constitution of his country to the dictation of an unscrupulous partisan cabal; in bravely daring to meet the maledictions of those who have arrived at the accomplishment of a most wicked and dangerous revolution, rather than to encounter the reproaches of his own conscience, and the curses of posterity through all time? If the subject were not too grave and serious a one for mirth, some of the grounds of impeachment, presented by the majority, would certainly be sufficiently amusing.

The President is gravely arraigned for arraying himself against the loyal people of the country in vetoing the unconstitutional reconstruction acts of Congress, without dwelling upon the constitutional right and duty of the President in the premises, Congress itself has for these same acts just received most withering and indignant condemnation and rebuke of the entire people from Maine to California.

The impeachers, forgetting that they have been themselves impeached, and that the verdict of the tribunals before which they already been rendered against them, still persist in trifling with the peace, safety, and prosperity of the country, by precipitating upon it this dangerous question at a time so critical as this. It is wicked thus to trifle with the interests of a nation and disregard the voice of a great people, when spoken as in this case, so emphatically in favor of the preservation of our constitutional form of government, and the rights and liberties established by our revolutionary fathers.

We will not attempt to add anything to the able and, as we believe, unanswerable argument just presented by the minority of our committee upon the law of impeachment. Had not experience taught us the wonderful diversity of human judgment and conclusions, we should find it difficult to believe that there could, upon the questions submitted to us, possibly be two opinions among candid and intelligent men.

Blind bigotry and unbridled partisan rage, it is true, can see no crime in the most meritorious actions, and may governed by these unhallowed passions do not hesitate to drag to the stake of the torture of the inquisition all who will not conform to their wretched creeds and miserable dogmas. They substitute their own crude, and often crazy, theories for truth and justice, and, under pain of the severest penalties, demand of all men to bow down and worship the idol they have created.

That their own judgments may be fallible, or that other men, differing from them, may be equally wise and honest with themselves, does not occur to their minds, and they will, without hesitation, question the justice even of the Almighty if the ways of Providence do not conform to their own crude theories. This class of men has constituted a considerable portion of mankind in all ages, and in none have they been more numerous than in our own. They have punished the bigots and persecutors of all times, and their pathway through the long line of history, from its earliest dawn to the present time, has been marked with carnage and desolation.

With such men, no argument based upon the Constitution and established laws can have any avail. They are too pure and immaculate to be fettered by the restraints of constitutional or written laws. They are a law unto themselves, and both men and gods must conform to their views and theories, and receive their bitterest maledictions. But our people will never submit to have their Chief Magistrate arraigned for trial for offences unknown to the laws, and which exist only in the excited brains of her political enemies.

It would be a precedent disastrous in its consequences and subversive of our political institutions. We cannot doubt that the evidence herewith this day submitted will be received with one universal burst of indignation by the American people. If they retain any pride in their country and its institutions they will blush to find that the Chief Officer of their Government has for ten months been subjected to the scrutiny of a secret star chamber, an inquisition unparalleled in its character in the annals of civilization.

A drag-net has been put to catch every malicious whisper throughout the land, and all the vile vermin who had gossip or slander to retail, hearsay or otherwise, have been permitted to appear and place it upon record for the delectation of mankind.—Spies have been sent over the land to hear something which might blacken the name and character of the Chief Magistrate of our country. Unwhipped knaves have given information of fabulous letters and documents that, like the *ignis fatuus*, eternally eluded the grasp of their pursuers, and the chase ever resulted only in aiding the depletion of the public treasury.

That most notorious character, Gen. Lafayette C. Baker, chief of the detective force, even had the effrontery to insult the American people by placing his spies within the very walls of the Executive Mansion. The privacy of the President's home, his private life and habits, and most secret thoughts, have not been deemed sacred or exempt from invasion.

The members of his household have been examined, and their chief prosecutor has not hesitated to dive into loathsome dungeons, and consort with convicted felons, for the purpose of accomplishing the object of arraigning the President on a charge of infamous crime. When we consider all these facts, and that the investigation has been a secret and ex parte one, that it was so persistent and untiring, and carried on at a time of most unparalleled party excitement, when the masses of the dominant party were lashed into a wild frenzy, and led to believe that the President was guilty of treason; when thousands all over the land really thought that it would be a righteous act to get him out of the way, by any means, fair or foul; and when he has been hunted down by partisan malice, as no man was ever hunted and hounded down before, it is really wonderful that so little has been elicited that tends in the slightest degree to tarnish the fair fame of the President. The American people ought to congratulate themselves for the sake of the reputation of their country, that the failure has been so emphatic and so complete.

In what we have said of the character of the evidence taken before us, and the means used to procure it, we must not be understood as reflecting upon the action of the committee or any member thereof. Such an interpretation of our remarks would do great injustice to us and to them.

Whether such latitude should have been given in the examination of witnesses we will not now inquire. In an investigation before a committee it would be difficult and perhaps impossible to confine the evidence to such as would be deemed admissable before a court of justice; indeed, it may be questioned whether it would be proper so to restrict it, and it is perhaps better for the President that those who were managing the prosecution from outside were prompted to present anything that they might call or consider as evidence, as the world can thus better comprehend how utterly destitute of foundation is all this clamor that has been raised against him.

The first witness examined was Gen. Lafayette C. Baker—late chief of the detective police—and although examined on oath time and again, and on various occasions, it is doubtful whether he has in any one thing told the truth, even by accident. In every important statement, he is contradicted by witnesses of unquestioned credibility, and there can be no doubt that to his many previous outrages, entitling him to an unenviable immortality, he has added that of wilful and deliberate perjury, and we are glad to know that no one member of the committee deems any statement made by him as worthy of the slightest credit. What a blush of shame will tinge the cheek of the American student in future ages when he reads that this miserable wretch for years held, as it were, in the hollow of his hand the liberties of the American people. That, clothed with power by a reckless administration, and with his hordes of unprincipled tools and spies, penetrating the land everywhere, with uncounted thousands of the people's money placed in his hands for his vile purposes, that creature not only had the power to arrest without crime or writ, and imprison without limit, any citizen of the Republic, but that he actually did so arrest thousands all over the land, and filled the prisons all over the country with the victims of his malice, or that of his master. This whole system, such an outrage upon the Constitution and every principle of free government, so anti American and anti-republican, has, with its originators and supporters, already, thank God, been damned to eternal infamy; and it is pleasant to