

# THE TRIAL OF PRESIDENT ANDREW JOHNSON

A re-creation of President Andrew Johnson's impeachment trial in 1868 for high crimes and misdemeanors

BILL LACEY, author of THE TRIAL OF PRESIDENT ANDREW JOHNSON, has written for **Interact** since 1974. He has authored/edited more than 25 simulations, re-creations, and similar role-playing works. Among the items he has written, he is most proud of GREEKS, SKINS, and CHRISTENDOM. Bill uses many of his creations in his history classes at Fountain Valley High School, Fountain Valley, California.

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*... this re-creation, by showing a president of the United States being tried for high crimes and misdemeanors in the Senate, will shed considerable light on the personalities and the issues of this divisive and critical period in our history ...*

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It seems incredible that any elected official would dare call the president of the United States “ungrateful, despicable, besotted (and) traitorous,” yet in the months of early 1868, these words—and others even worse—were leveled at President Andrew Johnson. He was the target for so much abuse, it appeared that he had no friends at all. In fact, his enemies in Congress would soon impeach and try to remove him from office.

What events could have caused such vile and hateful words to appear in the newspapers and to be spoken in private conversations of that time? This re-creation’s objective is not to examine in great detail the reasons for Reconstruction policy differences between the executive and legislative branches during the late 1860s. But this re-creation, by showing a president of the United States being tried for high crimes and misdemeanors in the Senate, will shed considerable light on the personalities and the issues of this divisive and critical period in our history.

The American presidency has been served by the great, the near great, the mediocre, and the incompetent. Andrew Johnson remains the only president to date who has been impeached and tried by the United States Senate. Only one other came close; Richard Nixon avoided this ultimate constitutional weapon by resigning in 1974 after a House committee recommended his impeachment for his alleged involvement in covering up the infamous Watergate scandal.

By participating in this re-creation your students will specifically experience the following:

### **Knowledge**

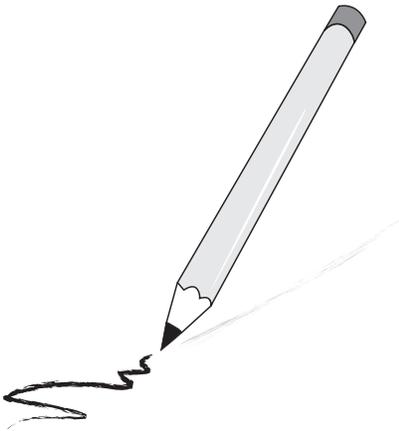
1. The major issues of the post-Civil War era
2. How the delicate balance of power in our government works and how it was tipped in favor of the legislative branch for a few years during the Reconstruction Era
3. How a trial of an impeached official is carried out following the procedure established in Article I, Section 3, Clauses 6 and 7, and Article II, Section 4 of our Constitution
4. The procedure of a “court” trial
5. The words “impeachment,” “high crimes and misdemeanors,” and “treason” as they apply to Andrew Johnson in this trial

### **Skills**

1. Taking notes during a trial and using them to decide President Johnson's guilt or innocence
2. Utilizing oral skills to sway several people toward one side or the other
3. Writing questions and summation statements for speeches to be used, if members of the prosecution or defense teams

### **Feelings**

1. Empathizing with a person who plays a vital role in a court trial
2. Developing a feeling of the guilt or innocence of the defendant, President Andrew Johnson
3. Sensing what it was like to have the congressional power to remove a president from office



*Consider helping your students take notes in various ways during this trial:*

1. *On 3" x 5" cards attorneys can reduce their questions—ones they ask witnesses—to sentence fragments.*
2. *Witnesses can annotate their background information by reducing key information to one 3" x 5" card—back to back.*
3. *Senators will have to take brief notes during the trial in order to judge President Johnson's guilt or innocence.*

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## HISTORICAL ACCURACY

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### How accurate is this re-creation?

You should note that while this re-creation has been carefully researched, some liberties have been taken to maintain continuity and student interest. Noteworthy points of history and their modification, if any, are given below.

1. Some of the witnesses and attorneys (managers) are composites (e.g., a witness is sometimes a combination of several people who gave testimony at the real trial).
2. The questions the managers ask are designed to capture the same line of questioning the managers used at the trial, but, of course, are not the exact questions asked.
3. The opening and closing statements are composites of actual speeches and strong opinions held by both sides during and after the trial. Much of the trial was spent listening to decidedly turgid and pompous harangues by both teams of managers. This was the style of the day, and then, as perhaps now, beautiful and persuasive oratory brought favorable verdicts. These speeches have been “up-dated” to be shorter and clearer.
4. President Andrew Johnson never appeared before the Senate, much as he wanted to and much as his bitter rival, Thaddeus Stevens, wanted him to do so. Johnson was counseled by a small but farsighted group of friends that his hot temper and argumentative disposition would aid in the prosecution’s case and dignify the radical Republicans’ cause against the president. Therefore, Johnson, as in history, is a non-participant in this re-creation.
5. A real attempt has been made to keep the Senate trial procedure as accurate as possible. The student who plays the chief justice acts as the presiding judge; he/she should follow the Trial Sequence on pages 5-6 in the Student Guide. Since a president’s trial had never happened before, Chief Justice Salmon Chase set his own procedure, which, many persons believed favored Johnson.
6. A Western Union telegraph operator and newspaper man did appear in the trial, but fictional names are used in this re-creation.
7. The trial lasted from March 5 to May 26 with many recesses and breaks. (Obviously, you must stress to your students that the real trial lasted more than one to two hours.)
8. Johnson was acquitted, as you know, by a close vote, 35-19, only one vote short of the two-thirds needed for removal. Your class can alter history if the testimony and persuasive speeches dictate it.

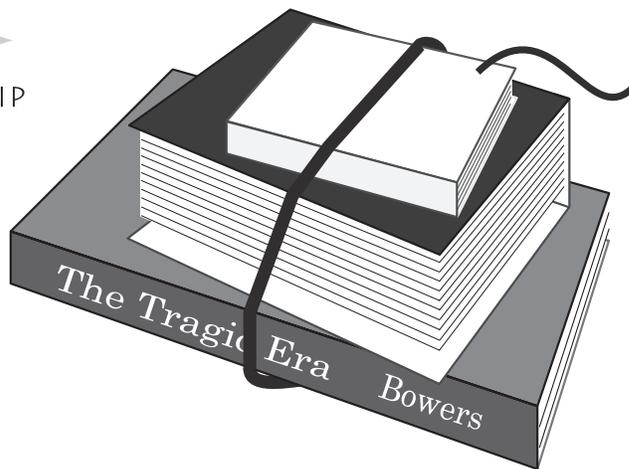
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Help students think of your class as something special ...

Have your friendly school librarian set up a special library shelf that says ...



**ANDREW  
JOHNSON  
RE-CREATION  
RESERVE SHELF**

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# SET-UP DIRECTIONS - 1

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**Note:** You will not need to duplicate the bulleted items the first time you use this re-creation, for *Interact* has given you different colored handouts for those students playing roles. If you choose to use the *SENATOR'S CONFIDENTIAL FORM* and the *HISTORICAL AFTERMATH*—optional activities—you will have to duplicate them. All other necessary items are in the *Student Guide*.

## Before the trial

1. See note at left the first time you use this re-creation. For subsequent classes—or if you are using this trial with more than one class—duplicate the number in parentheses, using the masters in this Teacher Guide.

### Prosecution

- LEGAL PLAN FOR THE PROSECUTION (three: one for each representative: Butler, Stevens, and Bingham—six pages, back to back)
- PROSECUTION WITNESS: General William H. Emory (four: one for Emory, three for prosecutors—one page)
- PROSECUTION WITNESS: Zachariah T. Pitts (four: one for Pitts, three for prosecutors—one page)
- PROSECUTION WITNESS: Leonard Vorst (four: one for Vorst, three for prosecutors—one page)

### Defense

- LEGAL PLAN FOR THE DEFENSE (three: one each for Stanberg, Evarts, and Curtis—six pages, back to back)
- DEFENSE WITNESS: General Lorenzo Thomas (four: one for Thomas, three for defense attorneys—two pages, back to back)
- DEFENSE WITNESS: General William Tecumseh Sherman (four: one for Sherman, three for defense attorneys—one page)
- DEFENSE WITNESS: Secretary of Navy Gideon Welles (four: one for Welles, three for defense attorneys—one page)

### Other

- CHIEF JUSTICE SALMON P. CHASE (one: one page)
- SERGEANT-AT-ARMS (one: one page)

### Optional

- \* SENATOR'S CONFIDENTIAL FORM (class set, two pages, back to back)
- \* HISTORICAL AFTERMATH (class set, two pages, back to back)

## SET-UP DIRECTIONS - 2



*The overview might be a textbook assignment, lecture, slide show, or short film. Of course, you might wish to vary the TEACHING SUGGESTIONS sequence beginning on the next page and have students read the Background Essay before this overview.*

2. Build up enthusiasm days before the classroom trial by teasing your students with chalkboard quotes. **Examples:** “Impeachment is done! Removal is nigh.” “The president is a drunkard!” “The South should be punished.” “The Devil himself eats and sleeps in the White House.” “Ben Wade for president.” “Conviction—we don’t need a trial!”
3. About two days before the trial begins, give an overview of the historical setting, issues, and trial that students will re-create.
4. Decide who will play Chase, the sergeant-at-arms, the prosecution, the defense, and the witnesses; or have students volunteer for the roles. (The author recommends that you dictate who plays each role so that the trial is carried out on the highest level of decorum, seriousness, and responsibility.) Pass out role-playing sheets to these students several days in advance since they have quite a bit to digest prior to the trial beginning.
5. Tell the remaining students that they will be senators convened as a court to try President Andrew Johnson for “high crimes and misdemeanors” while in office. As senators, they alone will decide if there is enough evidence to convict and remove President Johnson from office.



### Thaddeus Stevens

*Encourage students whom you have selected to be the chief justice and other roles where they sit behind desks to make name tags for themselves such as the one above.*

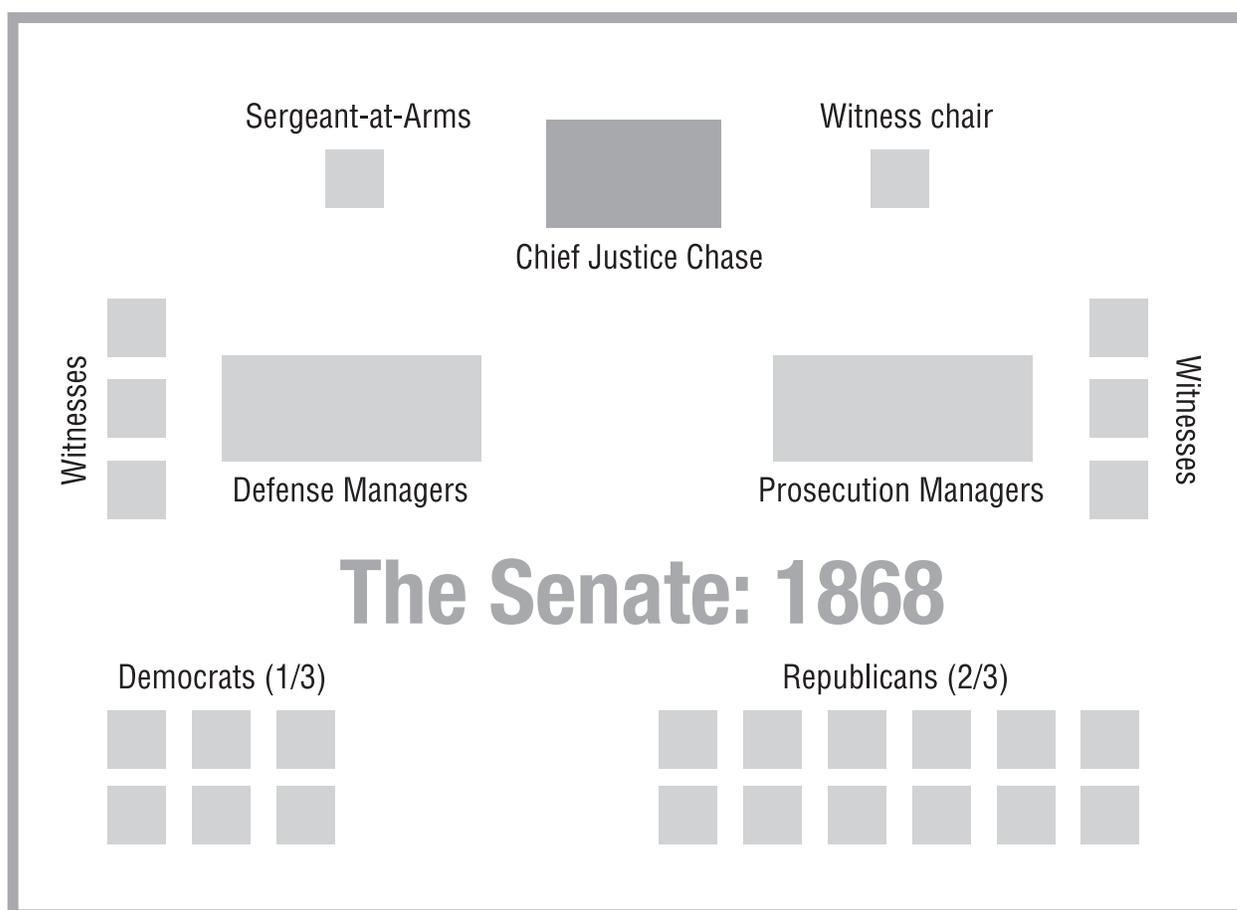
# TEACHING SUGGESTIONS - 1

## Day 1: Trial preparation

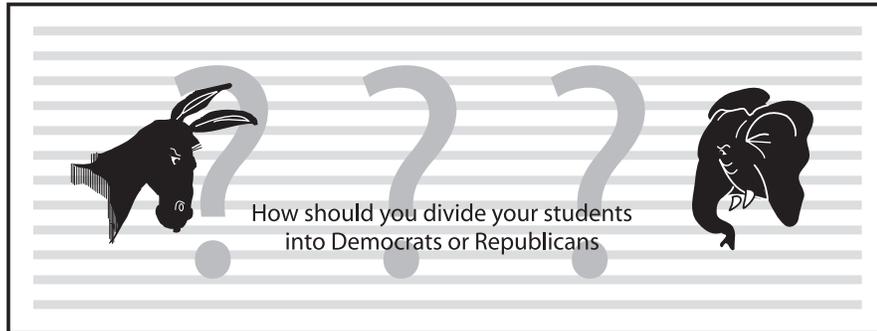
1. Hand out the Student Guides and have class members read the Overview, Purpose, and Brief Summary of Major Roles.
2. Announce who will role-play the major roles and that everyone else will be senators. If you have decided to use it, pass out the SENATOR'S CONFIDENTIAL FORM to the senators. The other role players already have their instructions (see Setup Directions on page 6).
3. Have the senators read the Background Essay while allowing the prosecution managers and defense managers time to talk with their respective witnesses about their testimony tomorrow. (You may wish to add a text assignment such as outlining the Background Essay.)

## Days 2-3: The trial

1. Arrange your room before class to re-create the Senate. Here is a possible room arrangement:



## TEACHING SUGGESTIONS - 2



2. There are four possible ways to divide your senators into Democrats and Republicans:
  - a. The least controversial and duller way is to randomly assign about 50 percent to be Radical Republicans, 25 percent to be open-minded, and 25 percent to be supporters of the president.
  - b. Another way is to assign students whose last names begin with A to M to be Radical Republicans, who want Johnson removed regardless of the evidence or persuasive oratory; students, N to Q, are “fence-straddlers,” who are open-minded but leaning slightly toward considering the president being guilty; students, R to Z, are “friends” of Andrew Johnson, or at least supporters of his cause and the future of the presidency.
  - c. A third way is to make all students with brown and black hair Radical Republicans, who are for conviction; those with light brown and red hair are Republicans, who are slightly suspicious of the president; and blondes are Democrats, who support the president.
  - d. Finally, you can make brown-eyed students senators who want conviction; blue-eyed students Republicans who want moderation; and hazel- and black-eyed students Democrats who believe in the president’s innocence.
3. Have students take out their Student Guides and turn to the Trial Sequence on page 5. Start with #1 and have the senators seat themselves; then continue with #2, etc.
4. **Special note:** Thaddeus Stevens (#3), one of the key movers of the impeachment proceedings, was a dying man (he died in August 1868, three months after the trial). The student playing the ashen-faced Stevens has to be carried in by two strong male senators; they carry him in on a chair and place him near the prosecution manager’s table in front of the Republican section.
5. Chase is in charge of the trial, following the Trial Sequence.

6. Remind students that the Articles of Impeachment are on page 7 in their Student Guides and that they should read them silently as the sergeant-at-arms reads them aloud.
7. Before the prosecution begins its opening statement, remind the senators about filling out the SENATOR'S CONFIDENTIAL FORM.
8. The trial will likely take two class periods to complete; hence, have Chase declare a recess whenever appropriate.
9. After the trial is over, tell students to finish and/or polish their written responsibilities, either now or as homework. Also, tell them to read the Debriefing on page 8 in their Student Guides. (You may also want them to write out answers to the Debriefing Questions as preparation for tomorrow's group discussion.)

### Day 4: Debriefing

1. If you have duplicated it, give each student a copy of the HISTORICAL AFTERMATH handout. If not, read aloud to the class.
2. Have students read and follow the Debriefing instructions on page 8 of their Student Guides.
3. Assign students to small discussion groups by having them number off 1 to 5. Then have all 1s sit in a circle, all 2s, and so on.
4. Appoint one student in each group as chairperson and one student as recorder.
5. The chairperson should then lead the group through the questions. The recorder should take notes on the main agreements and disagreements.
6. Finally, after 25–30 minutes of discussion, have all groups sit in one large circle. Sit in this circle, yourself, and chair the discussion with the entire group. Ask each recorder to give one major agreement and one major disagreement. Allow additional comments if time permits.
7. Following this circle discussion, you may wish to assign an essay based on the re-creation. (If so, **Interact's** STEPS writing program can be of major service. See our catalog or call our toll-free number 1 (800) 421-4246 for information.)



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