



## LESSON 2

# The Civil War to 1910: The Golden Age of Parties

## OVERVIEW

With the defeat of the Confederate States of America in 1865, the victorious Union faced the question of how to rebuild a single nation. Congress and the Democratic Party were tainted by their association with “Copperheads,” who had sought peace at the price of recognizing the Confederacy as a sovereign nation. For this reason, the powers of both Congress and the Democratic Party were at their lowest point, and the Republicans and their president reigned supreme.

After President Abraham Lincoln’s assassination, the new president, Andrew Johnson, controversially attempted to allow the former Confederate States’ representatives to take their seats in Congress. This move outraged the populace of the North and West. Not only were former Confederate rebels returning to the Congress, but these states

would have even greater representation and power, as the passage of the Thirteenth Amendment allowed the Southern states to count their massive African American populations in full for the first time in their history.

## OBJECTIVES

- Students will examine the major events that shaped the methods and acts of Congress as they responded to a rapidly-changing political and economic landscape.
- Students will take an in-depth look at the impeachment of President Andrew Johnson, and analyze Congress’s power of impeachment.
- Students will analyze the separation of powers among the three branches, and understand how that balance is maintained in the Constitution.

## THE DEBATES IN THE FEDERAL CONVENTION OF 1787, JUNE 6, 1787

**James Madison [Virginia]:** The lesson we are to draw from the whole is, that where a majority are united by a common sentiment, and have an opportunity, the rights of the minor party become insecure. In a republican government, the majority, if united, have always an opportunity. The only remedy is, to enlarge the sphere, and thereby divide the community into so great a number of interests and parties, that, in the first place, a majority will not be likely, at the same moment, to have a common interest separate from that of the whole, or of the minority; and, in the second place, that in case they should have such an interest, they may not be so apt to unite in the pursuit of it. It was incumbent on us, then, to try this remedy, and, with that view, to frame a republican system on such a scale, and in such a form, as will control all the evils which have been experienced.”

### RECOMMENDED TIME

150 minutes

### MATERIALS LIST

- **Handout A: Background Essay: The Golden Age of Parties—The Civil War to 1910**
- **Handout B: Separation of Powers – The Impeachment of President Andrew Johnson**
- **Handout C: The Articles of Impeachment of Andrew Johnson**
- **Answer Keys**

### CONSTITUTIONAL PRINCIPLES

- Republican government
- Separation of Powers
- Checks and Balances
- Electoral College
- Federalism

### STANDARDS

- **National Council for the Social Studies (NCSS):** D2.Civ.4.9-12 and D2.Civ.6.9-12
- **Center for Civic Education (CCE):** CCE II, D, 5
- **UCLA Department of History:** National Center for History in the Schools, United States History Content Standards (NCHS): Era 5, Std. 3 and Era 7, Std. 1

## KEY TERMS

- Speaker of the House
- Political party
- Caucus
- Disappearing quorum
- Thomas B. Reed
- Joseph Cannon
- Standing Committee
- Stalwarts/Radical Republicans
- Insurgents
- Select Committee
- Rules Committee
- Ways and Means Committee
- Appropriations Committee
- Tenure of Office Act
- Impeachment
- “Pork-barrel”
- Whip
- Imperialism

# Lesson Plan

**Background or Warm-Up Activity: Discussion and Caucus** » *30 minutes homework and 15 minutes class time*

- A. Distribute and assign for homework **Handout A: Background Essay: The Golden Age of Parties—The Civil War to 1910**
- B. Lead the class in a discussion of the groups that contended for power during Reconstruction and the Gilded Age. Have the students identify and describe issues that were important to the people of the time.

**Main Lesson Activity: Separation of Power Activity** » *60 minutes*

- A. As a class, read the introduction on **Handout B: The Impeachment of President Andrew Johnson**
- B. As a class, read and discuss the introduction to **Handout B**. Ensure students have a general understanding of the circumstances surrounding the impeachment of President Andrew Johnson.
- C. Break students into groups of three to five and have them read **Handout C: Excerpts from the Articles of Impeachment for President Andrew Johnson** and answer the critical thinking questions.

**Wrap-up activity: Debriefing** » *60 minutes*

- A. Lead the class in a discussion about the impeachment of President Johnson. Possible discussion questions are listed below.
  - a. How is the power of impeachment intended to help to maintain the balance of power between the branches? To what extent is impeachment successful in that goal?
  - b. Johnson’s impeachment is often characterized as merely political, and not reflective of constitutional principles. After reading the articles of impeachment, to what extent do you believe this to be so? Explain.
  - c. What are the dangers of a political impeachment?
  - d. Today, the power of the executive branch has grown immensely. To what extent has this increase in executive power had an effect on the importance of the power of impeachment? Explain.

- e. The Senate conducts the trial in impeachment proceedings, yet they are also charged with being the president’s counsel. To what extent do you believe this is a possible conflict of interest? Explain.
- B. Lead the students to an understanding of how their choices compared and contrasted to the real historical strategies of the individuals involved.
- C. **Postscript:** Explain that, though the trial was primarily about the Tenure of Office Act, Johnson’s detractors also said that he represented the return of “Slave Power” to the United States because of his preference for leniency to the South. At the end of the impeachment trial, thirty-five senators voted to convict Johnson, only one vote short of the two-thirds majority necessary to remove him from office. Johnson served the remaining 10 months of his term, continuing to veto bills that he believed were unconstitutional. Congress continued to override his vetoes. However, he did enforce the laws when passed. The Tenure of Office Act was largely repealed in 1887, and its principles were declared unconstitutional by the Supreme Court in 1926 in *Myers v. United States*.

# The Golden Age of Parties—The Civil War to 1910

**Directions**

Read the essay and answer the critical thinking questions at the end.

## A Congress Rises From the Ashes

With the defeat of the Confederate States of America in 1865, the victorious Union faced the question of how to rebuild a single nation. Congress and the Democratic Party were tainted by their association with “Copperheads,” who had sought peace at the price of recognizing the Confederacy as a sovereign nation. For this reason, the powers of both Congress and the Democratic Party were at their lowest point, and the Republicans and their president reigned supreme.

John Wilkes Booth changed all of that with a single gunshot. With the death of Abraham Lincoln, Tennessee Senator Andrew Johnson, a pro-Union Southerner who had been elevated to the Vice-Presidency in 1864, became President of the United States.

While Congress was still out of session, Andrew Johnson controversially attempted to allow the former Confederate States’ representatives to take their seats in Congress. This move outraged many in the North and West.

Congress was determined not to let the victory won on the battlefield be turned into a defeat in its own chambers. It lost no time in curtailing the power of the president and the former rebel states. Refusing to seat the hastily elected Southern representatives, the Congress passed the Civil Rights Act of 1866 and the Freedmen’s Bureau Bill to safeguard the rights of the former slaves. When Johnson vetoed both bills, the Congress quickly overrode the vetoes, something that had rarely

been done up to that point. Because Johnson kept campaigning against the measures (though he could not take effective action against them), the people began to believe that he was determined to win a legal victory for the Southern states. This fear led the Radical Republicans to overwhelming victory in the elections of 1866. It also led them to a flurry of legislation, not only to squelch the resistance of former Confederates, but to remove the president who supported them. Senator James Grimes of Iowa remarked in December, 1866, “The President has no power to control or influence anybody, and legislation will be carried on entirely regardless of his opinion or wishes.”

To ensure its ascendancy, Congress voted itself into continuous session, removing any opportunity for President Johnson to manage the nation without them. The Congress then passed the Tenure of Office Act in order to safeguard its allies in the Cabinet against the president’s power to replace them. Believing the measure unconstitutional, Johnson defied it and fired Secretary of War Edwin Stanton. The House’s Joint Committee on Reconstruction recommended impeachment of Johnson that same day.

As the Senate moved to try President Johnson, a conviction seemed certain (and would have been, if the Senate had voted along party lines), but the Radicals, flush with power, seemed to put Johnson on trial more for the “crime” of not being Republican enough than for actually violating the law. Supreme Court Justice Curtis pleaded with the Senate not to make the conviction of

the president a matter of politics, but of justice. Enough senators listened so that President Johnson escaped conviction by one vote. Speaking for the Republicans who voted against conviction, Senator Grimes said, “Whatever my opinion of [Johnson]... I can do nothing which... may be construed into an approval of impeachment as a part of future political machinery.”

Justice Curtis’ warning helped the rule of law, critical to the maintenance of the balance of powers, to triumph over politics. However, even though the legal balance was maintained, the influence of the legislature grew tremendously.

## The Redemption of the Democrats and the Dominant House

The power of the Republicans in Congress appeared supreme as of 1868. They had apparently safeguarded both the citizenship and the suffrage of African Americans by the passage of the Fourteenth and Fifteenth Amendments, and elected President Grant to replace the hapless Andrew Johnson. Encouraged by their dominance in the House, Republican Speakers gathered increasing amounts of power to themselves through the end of the 1860’s and into the 1870’s. Speaker James G. Blaine, using his power to determine the order of speeches, simply refused to recognize anyone opposed to bills he supported. The party and its leaders controlled the agenda and used its authority to bring about the reforms the party was elected to enact.

At the same time, however, Republicans were losing the confidence of the North due to a financial panic and corruption scandals. Moreover, the Republicans faced a Southern Democratic Party willing and able to use both voter-restriction laws and terrorism in the form

of the Ku Klux Klan to stop African Americans from voting. With the loss of these Republican votes, Democrats swept the House in 1874, gaining a majority for the first time since the Civil War. Two years later, during the disputed presidential election of 1876, Republicans in Congress agreed to advise President Rutherford B. Hayes to withdraw federal troops from the last Southern states if Democrats would end the dispute. This resulted in the so-called “Solid South,” in which the Democratic Party reigned supreme, and African Americans would begin their long, voiceless march through the Jim Crow years.

Now in power, the Democrats of the House followed the Republicans’ lead in increasing the power of the Speaker. Speaker Samuel Randall changed the Rules Committee from a select committee of limited duration and power, into a standing committee with broader power. The Rules Committee was (and is) a powerful committee in the House because it determines the order in which bills are debated and voted upon in the House. It therefore can ensure that a bill has an opportunity to pass, or prevent it from even reaching the floor for a vote.

The rules of the House gave the Speaker power to appoint all members of all committees, and the Rules Committee, which the Speaker chaired, reserved the sole power to consider any further changes to House Rules. Randall’s successor, John Carlisle, went further by making sure that the chairman of the powerful Ways and Means Committee (in charge of taxation) and the Appropriations Committee (in charge of government spending) were always members of the Rules Committee. This made it easier for him to direct all the committees at once.

However, even Carlisle was frustrated by the practice of the “disappearing quorum,” in which

Congressmen opposed to a bill that they knew would pass refused to acknowledge that they were present to vote. Since the House could not vote without a minimum number of members (a quorum), Carlisle could not achieve his goal of lowering tariffs, which the Democrats had been elected to achieve. While the Speakers of the House had managed to increase their power to prevent legislation from being passed, they were still unable to force the passage of laws. Rather, they had ensured that all congressmen would have to vote strictly with their parties, or find themselves shut out of committees that would allow them to do meaningful work and be re-elected.

Reelection was not only determined by a congressman's ability to successfully achieve legislation. Gradually, the people became aware that lobbyists representing business interests such as railroad barons, oil magnates, and sugar manufacturers were "entertaining" their congressmen in Washington. The Constitution's requirement that Senators be elected by their state legislatures was supposed to ensure their skills as senior lawmakers and their status as superior statesmen. However, Senators such as Rhode Island's Nelson Aldrich were suspected of corruption. They passed tariffs designed to allow large trusts to charge Americans far more for American goods than they would sell for if exposed to international competition. With an abundance of tariff money at their disposal, Congressmen provided generous "pork barrel" spending, or federal funding for local projects with little or no broader value. In return, those who had received those local benefits provided many forms of support to their congressmen at election time, establishing a foul cycle of corruption.

## The Accession of the Czar and the Firing of the Cannon

By 1889 the solution to the problem of the deadlocked House was easily apparent to one man: Republican Thomas Reed of Maine. Disgusted with Democratic inability to ease the tariff, the nation had returned Republicans to power. Working with two like-minded friends, Joseph Cannon and William McKinley, Reed appointed them to the Rules Committee, and made them chairs of Ways and Means and Appropriations, respectively. The three were determined that the House would pass the laws they and their party wanted passed. They would not repeat the mistake of the Democrats; they would establish rules and procedures that would give them the power to enact the laws and policies they campaigned upon and which brought them into the majority.

The Republicans began the session by resolving to seat a Republican whose seat in the House had been contested. Knowing they would lose, the Democrats refused to answer the roll call, and the quorum "disappeared" again. Then, in a surprising move, Speaker Reed began to count the Democrats as present, whether they answered or not.

The House burst into screaming as the Democrats rose in dissent. One Kentucky Democrat cried out: "I deny your right, Mr. Speaker, to count me as present!" Reed coolly replied, "The chair is making a statement of fact that the gentleman from Kentucky is present. Does he deny it?" When Democrats threatened to physically leave the chamber, Reed ordered the doors locked. They hid under their desks. Reed's counting continued, and the vote was held. In subsequent votes, Reed lowered the number required for a quorum to 100 and

refused to recognize any motion that he felt would delay the passage of laws. The power of the Speaker over the House was now absolute.

The party's control over the Senate was less iron-clad. The Senate threatened to end its support for higher tariffs unless the House approved silver as valid currency and also gave the president more control over the tariff. The higher tariff and the resulting inflation cost many Republicans their seats, and threw the chamber to the Democrats in 1890. Reluctant to use Reed's strong-arm tactics at first, Democrats soon found themselves with no choice but to imitate him or fall victim to the disappearing quorum.

When Reed returned to the Speaker's chair in 1896 because of another financial crisis and fears of inflation, he quickly seized more control over his party. He was the first to appoint a "whip," a lieutenant who would ensure through committee assignments and political deal-making that the Republicans would vote with the party. Democrats soon appointed their own "whip" and the position is now a fixture of Congress. However, with his power came more public attention, much of it negative. He was accused of ruling the House and nullifying the will of the people by blocking the motions of their representatives. This attitude earned him the nickname of "Czar" Reed.

It is perhaps surprising that a politician as strong and ruthless as Reed finally broke with his party over a completely unrelated issue: that of the Spanish-American War of 1898. Regarding the war as imperialistic and unjustified, Reed could not stand against the popular demand for the war. He resigned from the speakership, and left "Uncle" Joe Cannon in charge with perhaps more power than any Speaker in U.S. history.

However, with popular pressure for reform mounting, and the Progressive-minded Theodore Roosevelt in the Oval Office, Cannon's days were numbered. Unlike Reed, Cannon relied very much on the power of stopping legislation, and this attitude did not match those of the people who were more and more convinced that they needed the Congress to actively intervene against the business interests and trusts that threatened them. Whereas Reed used party control to prevent the minority of Congress from obstructing the will of the people, Cannon used the same powers to thwart the ambitions of the majority in Congress.

Increasingly, the progressive Republican "Insurgents" as they were known, challenged Cannon's "Stalwarts" and their death-grip on the House. In 1909 Insurgents succeeded in establishing a rule called "Calendar Wednesday," a procedure in which a roll call is made of the committees. When a committee is called upon, it may bring up an "unprivileged bill" (one that the Rules Committee has not privileged to be considered) for consideration and a vote by the House. The following year Congressman George Norris of Nebraska surprised Cannon by introducing a resolution on Calendar Wednesday. His resolution undermined Cannon's iron grip on the House by forbidding the Speaker from sitting on the Rules Committee. Caught off-guard, Cannon's supporters responded that the resolution was not a matter of constitutional privilege and therefore could not be considered. Cannon allowed the debate over this point of order to last for days, and the nation was captivated.

Eventually the Republican Insurgents joined forces with the Democrats in the House. The Democrats agreed to support the Insurgents, but

only if the entire House could select the Rules Committee. Demanding a vote, they stripped “Uncle Joe” of his power, and gave the power to appoint the all-powerful Rules Committee back to the House itself. The era of parties dominated by Speakers was over, and with it, the parties

themselves lost much of the power they had formerly possessed to ensure congressmen’s obedience. The members of Congress had liberated themselves from this dictatorial style of party leadership.

## CRITICAL THINKING QUESTIONS

1. Explain why Andrew Johnson’s actions led to each of the following:
  - a. The dominance of the federal government by Congress.
  - b. The dominance of the Radical Republicans over the Moderates and Democrats.
  - c. The dominance of the federal government over the states.
2. Consider the possible consequences if the Radical Republicans had managed to convict President Johnson at his impeachment trial. How might this decision have affected politics in the United States?
3. How did the Republican-dominated Congress lose so much power so quickly in the 1870s?
4. What factors made party loyalty so important to both Republican and Democratic Congressmen during the end of Reconstruction?
5. Do you think that Speaker Reed was justified in using his power to compel the House to vote on laws? Why or why not?
6. What was the primary reason that Speaker Joe Cannon was unable to keep the power given to him by Thomas Reed?

# The Impeachment of President Andrew Johnson

## Directions

As a class, read and discuss the Introduction below. Then in groups, have students read **Handout C: Excerpts from the Articles of Impeachment for President Andrew Johnson** and answer the critical thinking questions.

## Introduction

The separation of powers is a fundamental principle of the structure designed by the Framers in the Constitution. By delegating specific responsibilities to each branch, the Constitution aimed to keep a balance among the branches and prevent too much power from accumulating in any one part of the government. The balancing of powers is an ongoing and active struggle. Throughout the history of the United States this balance has shifted and changed, sometimes dramatically, sometimes subtly.

The impeachment power was one tool the Framers designed as a legislative check against executive authority. Article II Section 4 of the Constitution states that, “The President, Vice President and civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.” The House of Representatives has the power to bring articles of impeachment, while the Senate has the power to try all impeachments.

In the wake of the Civil War, Congress, feeling its power was being undermined, used the power of impeachment to attempt to remove the President from office.

With the conclusion of hostilities in the Civil War, the nation was left needing to bind up the wounds suffered during the war. Hundreds of

thousands of young men had been killed on both sides. Nearly every family in the country had been impacted by this national tragedy. The government’s challenge was to craft a way forward that would help the country grow as a united people.

The legislative and executive branches had differing visions for how this healing would occur. The president, Andrew Johnson, had assumed office after the assassination of Abraham Lincoln. He favored a moderate approach to Reconstruction, calling for leniency for the South. Congress, particularly a group called Radical Republicans, called for a more aggressive plan. Johnson and Congress clashed from the beginning. Exercising his privilege as the executive, he vetoed several major pieces of legislation reasoning, among other things, that they were unconstitutional. In the midterm election of 1867, more Radical Republicans were elected, giving them a veto proof majority in both houses.

After another year of conflict, Congress voted to impeach Johnson. They brought impeachment on the grounds that Johnson violated an act specifically designed to entrap him, and passed over his veto. The act stated the president could not remove anyone from his Cabinet without the consent of the Senate. Johnson believed this law intruded on his privileges as the executive and

so he ignored the law, firing Secretary of War Edwin Stanton and replacing him with Major General Lorenzo Thomas. Though Johnson eventually was acquitted, the impeachment trial rocked the nation and raised fundamental questions regarding the roles and constitutional powers of the executive and the legislature.

Below are the formal Articles of Impeachment against President Andrew Johnson. Read them carefully, noting their format and what they say about Congress's motivations for the impeachment.

# Excerpts from the Articles of Impeachment of Andrew Johnson

## Directions

Analyze these excerpts from the Articles of Impeachment of Andrew Johnson and answer the questions that follow. Feel free to annotate the document to aid in understanding it.

## Articles of Impeachment of Andrew Johnson<sup>1</sup>

February 21, 1868

### PROCEEDINGS OF THE SENATE SITTING FOR THE TRIAL OF ANDREW JOHNSON PRESIDENT OF THE UNITED STATES

Exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Andrew Johnson, President of the United States, in maintenance and support of their impeachment against him for high crimes and misdemeanors *in office*.

#### ARTICLE I

... Andrew Johnson, President of the United States, ... unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully, and in violation of the Constitution and laws of the United States, issue and order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned,

by and with the advice and consent of the Senate of the United States, as such Secretary, ...

EXECUTIVE MANSION,

Washington, D.C., February 21, 1868

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from the office of Secretary for the Department of War, and your functions as such will terminate upon receipt of this communication. You will transfer to Brevet Major General, Lorenzo Thomas, Adjutant General of the army, who has this day been authorized and empowered to act as Secretary of War ad interim, all records, books, papers, and other public property now in your custody and charge.

Respectfully yours,

ANDREW JOHNSON.

*To the Hon. Edwin M. Stanton, Secretary of War Washington, D.C.*

Which order was unlawfully issued with intent then and there to violate the act entitled “An

<sup>1</sup><http://teachingamericanhistory.org/library/document/articles-of-impeachment-of-andrew-johnson/>

act regulating the tenure of certain civil offices,” ... , to remove said Edwin M. Stanton from the office of Secretary for the Department of War, ... whereby said Andrew Johnson, President of the United States, did then and there commit, and was guilty of a high misdemeanor in office.

## ARTICLE II

... Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled “An act regulating the tenure of certain civil offices,” ... without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, ... issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows, that is to say:

EXECUTIVE MANSION,

*Washington, D.C., February 21, 1868*

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War ad interim, and will immediately enter upon the discharge of the duties pertaining to that office. Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours.

ANDREW JOHNSON

*To Brevet Major General Lorenzo Thomas,  
Adjutant General U.S. Army, Washington, D.C.*

Then and there being no vacancy in said office of Secretary for the Department of War, whereby said Andrew Johnson, President of the United

States, did then and there commit, and was guilty of a high misdemeanor in office.

...

## ARTICLE IV

... Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and laws of the United States, ... did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, with intent, by intimidation and threats, unlawfully to hinder and prevent Edwin M. Stanton, ... from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States and of the provisions of an act entitled “An act to define and punish certain conspiracies,” ... whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of high crime in office.

...

## ARTICLE VI

... Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, ... did unlawfully conspire with one Lorenzo Thomas, by force to seize, take, and possess the property of the United States in the Department of War, and then and there in the custody and charge of Edwin M. Stanton, Secretary for said department, contrary to the provisions of an act entitled “An act to define and punish certain conspiracies,” ... and with intent to violate and disregard an act entitled “An act regulating the tenure of certain civil offices,” ... whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

...

**ARTICLE IX**

... Andrew Johnson, President of the United States, ... in disregard of the Constitution and the laws of the United States duly enacted, as commander-in-chief of the army of the United States, did bring before himself then and there William H. Emory, a major general by brevet in the army of the United States, ... as such commander-in-chief, declare to and instruct said Emory that part of a law of the United States, ... which provides, among other things, that “all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the army, and in case of his inability, through the next in rank,” was unconstitutional, ... Andrew Johnson then and there well knew, with intent thereby to induce said Emory, in his official capacity as commander of the Department of Washington, to violate the provisions of said act, and to ... obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the army of the United States, according to the provisions of said act, and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of an act entitled “An act regulating the tenure of certain civil offices,” ... to unlawfully prevent Edwin M. Stanton, then being Secretary for the Department of War, from holding said office and discharging the duties thereof, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

...

**ARTICLE X**

... Andrew Johnson, President of the United States, unmindful of the high duties of his office and the dignity and proprieties thereof, and of the harmony and courtesies which ought to

exist and be maintained between the executive and legislative branches of the government of the United States, designing and intending to set aside the rightful authorities and powers of Congress, did attempt to bring into disgrace, ridicule, hatred, contempt and reproach the Congress of the United States, ... did, ... make and deliver with a loud voice certain intemperate, inflammatory and scandalous harangues, and did therein utter loud threats and bitter menaces as well against Congress as the laws of the United States ... which are set forth in the several specifications:...

SPECIFICATION FIRST. In this, that at Washington, in the District of Columbia, in the Executive Mansion, to a committee of citizens who called upon the President of the United States, speaking of and concerning the Congress of the United States, said Andrew Johnson, President of the United States, heretofore, to wit, on the eighteenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, did, in a loud voice, declare in substance and effect, among other things, that is to say:

“So far as the Executive Department of the government is concerned, the effort has been made to restore the Union, ... but as the work progressed, as reconstruction seemed to be taking place, and the country was becoming reunited, we found a disturbing and marring element opposing us. ...

We have witnessed in one department of the government every endeavor to prevent the restoration of peace, harmony, and Union. We have seen hanging upon the verge of the government, as it were, a body called, or which assumes to be, the Congress of the United States, while in fact it is a Congress of only a part of the States. We have seen

this Congress pretend to be for the Union, when its every step and act tended to perpetuate disunion and make a disruption of States inevitable... We have seen Congress gradually encroach step by step upon constitutional rights, and violate day after day and month after month, fundamental principles of the government. We have seen a Congress that seemed to forget that there was a limit to the sphere and scope of legislation. We have seen a Congress in a minority assume to exercise power which, if allowed to be consummated, would result in despotism or monarchy itself.”

SPECIFICATION SECOND. ... at Cleveland, in the State of Ohio, ... before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did, in a loud voice, declare in substance and effect, among other things, that is to say:

“I will tell you what I did do. I called upon your Congress that is trying to break up the government... But what has Congress done? Have they done anything to restore the union of these States? No; On the contrary, they had done everything to prevent it; ... But Congress, factious and domineering, had undertaken to poison the minds of the American people.”

SPECIFICATION THIRD ... at St. Louis, in the State of Missouri, ... before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did, in a loud voice, declare, in substance and effect, among other things, that is to say:

...If you will take up the riot at New Orleans and trace it back to the radical Congress, you will find that the riot at New Orleans was substantially planned. ... When you read the speeches that were made, ... you will there find that speeches were made incendiary in their character, exciting ... the black population, to arm themselves and prepare for the shedding of blood. ...

And I have been traduced, I have been slandered, I have been maligned, I have been called Judas Iscariot and all that. Now, my countrymen here to-night, it is very easy to indulge in epithets; it is easy to call a man a Judas and cry out traitor, but when he is called upon to give arguments and facts he is very often found wanting. ...

Well, let me say to you, if you will stand by me in this action, if you will stand by me in trying to give the people a fair chance – soldiers and citizens – to participate in these offices, God being willing, I will kick them out. I will kick them out just as fast as I can. ... I care not for threats. I do not intend to be bullied by enemies nor overawed by my friends. But, God willing, with your help, I will veto their measures whenever any of them come to me.”

Which said utterances, declarations, threats, and harangues, highly censurable in any, are peculiarly indecent and unbecoming in the Chief Magistrate of the United States, by means whereof said Andrew Johnson has brought the high office of the President of the United States into contempt, ridicule and disgrace, to the great scandal of all good citizens, whereby said Andrew Johnson, President of the United States, did commit, and was then and there guilty of a high misdemeanor in office.

**ARTICLE XI**

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and of his oath of office, and in disregard of the Constitution and laws of the United States, did, ... by public speech, declare and affirm, in substance, that the thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, but, on the contrary, was a Congress of only part of the States, thereby denying, and intending to deny, that the legislation of said

Congress was valid or obligatory upon him, ... whereby the said Andrew Johnson, President of the United States, did, then, to wit, on the twenty-first day of February, A.D. one thousand eight hundred and sixty-eight, at the city of Washington, commit, and was guilty of, a high misdemeanor in office.

SCHUYLER COLFAX, *Speaker of the House of Representatives.*

Attest:

EDWARD MCPHERSON, *Clerk of the House of Representatives.*

**CRITICAL THINKING QUESTIONS**

1. What are the main charges that Congress issued against the president?
2. Given the evidence laid out in the articles, do you believe the charges are justified?
3. The Articles of Impeachment make reference to the Oath of Office taken by the President of the United States. What is the oath? Do you believe Andrew Johnson broke this oath? Why or why not?
4. Why did the Constitution's Framers give Congress the power to impeach?
5. Is the president ever justified in refusing to execute a law passed by Congress? Why or why not?
6. The year of the impeachment, 1868, was a mere three years after the cessation of hostilities in the Civil War. The country was still on edge. What effect do you believe a constitutional power struggle had or could have had upon the country?
7. Andrew Johnson was eventually acquitted and he stayed in office for the remainder of his term. After reading the Articles of Impeachment, do you believe he should have been convicted and removed from office? Why or why not?
8. For the next several decades, Congress dominated the national stage, while the office of the presidency became less prominent. Many historians point to the impeachment of Andrew Johnson as the beginning of a reign by Congress. How do you think the impeachment proceedings and their result contributed to an increase in the influence of Congress?

## EXTENSION

Have students research the following question. Their students write a short paragraph or journal entry in response to the question. Their answers should demonstrate sound logical thinking and articulate a clear thesis. The best answers will incorporate the principle of the separation of powers as part of their answer.

Impeachment was understood by the Founders to be a critical tool in maintaining the Separation of Power. However, only two president have ever been officially brought up on charges of impeachment. Other federal officials have been impeached and removed from office for various reasons, but no president has ever been convicted. Do you believe Congress's power to impeach the president has been used too much, too little, or just right? Please explain your answer.

## 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.

# Congress: Beginnings and Today

by Joseph Postell, Assistant Professor of Political Science, University of Colorado–Colorado Springs

Establishing a government in which laws are made by an assembly of elected representatives is one of the great achievements in the last several centuries of human history. Yet most people today have a low regard for our legislative branch. Congress has become more democratic since the Founding, and yet today people think their representatives care about their opinions less than ever. The Constitution places the lawmaking power in Congress, yet people look more to the president as our chief legislator. What accounts for these contradictions? Examining the ideas that inspired the creation of our legislative branch and the history of its development helps us to answer these questions.

## Constitutional Convention

At the Constitutional Convention, the structure of the legislative branch was the most contentious issue that the delegates faced. The amount of representation that would be granted to the large and the small states nearly tore the Convention apart. One side favored equal representation in the legislature – an arrangement befitting a league or confederacy of equal and independent sovereign states where each distinct sovereignty gets a single vote. Others advocated for proportional representation based on the idea of a republican government. After much debate, the issue was settled by a compromise which exists to this day: one house of Congress provides proportional, the other, equal representation.

## Ratification Debate

During the ratification debate over the Constitution, other aspects of the legislative branch prompted criticism. Opponents of the Constitution, known as Anti-Federalists, objected that the legislature would be too far removed from the people, and would become an aristocracy that would betray the people the legislators were supposed to serve. The term lengths were too long. The lack of term limits would allow representatives to serve for very long periods of time, becoming removed from the day-to-day concerns of their constituents. There would be too few representatives (the Constitution allowed *no more* than one representative per 30,000 inhabitants) and each representative would have too large a district, detaching the representative from personal contact and intimacy with his constituents. These arrangements, Anti-Federalists feared, would produce a legislative body that is aristocratic, elitist, and out of touch.

Federalists, those who supported the Constitution, responded by pointing to the problems occurring in the states during the 1780s as evidence that representatives needed time and space in order to “refine and enlarge the public views,” not simply reflect them. Sometimes majorities are tyrannical and representatives must protect the people from themselves. Longer term lengths would provide this space, and the opportunity for indefinite re-election would ensure the people get to decide, at intervals,

whether to keep their legislators in office. A smaller representative body would prevent the legislature from turning into mob rule. The Federalists' vision for Congress differed significantly from the Anti-Federalists', and the debates they had are still part of today's debates over how our legislators should behave and be held accountable.

In one of his most famous writings, *Federalist No. 10*, James Madison described an additional benefit of having a Congress covering a large territory and divided into local districts. This would prevent a majority faction from taking over the government and infringing the rights of the minority. By representing all of the different districts throughout the country, the diversity of the country would be brought into the deliberations in the legislative branch. This view of Congress would ensure that disagreement, and hopefully compromise, would be part of the legislative process. Individual members of Congress are *supposed* to represent the interests of their local constituencies. No single member is elected by the whole country, yet through bringing together all of the various interests some sort of compromise that advances the common good can be reached.

Federalists ultimately won the debate and the people ratified the Constitution through their state ratifying conventions. Federalists rejected the Anti-Federalists' view that the powers of the new Congress would be broad and expansive, focusing on the limited nature of Congress's powers under the Necessary and Proper Clause and the General Welfare Clause. They barely mentioned the Commerce Clause because, at the time of the Founding, nobody believed that power to be very broad. As Madison explained in *Federalist No. 45*, "The regulation of commerce, it is true, is a new power, but that seems to be an

addition which few oppose, and from which no apprehensions are entertained."

Federalists also advanced a new theory of separation of powers that included checks and balances. Prior to 1787, most people thought separation of powers would be preserved by simply laying out the three branches and mandating that no branch trample on the others. However, experience demonstrated that such "parchment barriers" would not be very effective. In a republic, the strongest branch of government is the legislature, and the Federalists were concerned that it would gradually usurp the powers of the other branches. Their remedy was to divide the legislature into two chambers and check each against the other. The House and the Senate, in other words, were designed to work against each other, not together. This would be accomplished by (to quote *Federalist No. 51*) giving each house "different modes of election and different principles of action" in order to make them "as little connected with each other" as possible. The internal division of Congress, the Federalists argued, would maintain the checks and balances needed to preserve separation of powers.

While Federalists won the major debates about Congress, the Constitution said very little about how Congress would function in practice. Many of the rules of Congress were left to be worked out through experience. As a result, Congress has been shaped by historical developments that have changed how it operates, resulting in the "Three Congresses" we have experienced throughout American history.

## The First Congress

The "First Congress" was in place during the early decades of American history. From today's perspective it probably looks chaotic,

unpredictable, and disorganized. In these years Congress didn't use committees to specialize in specific policy areas. Most bills were worked out collectively on the floor of the chamber, then referred to a special committee to be written and sent back to the whole assembly for passage. There were advantages and disadvantages to this arrangement. Everyone had an equal opportunity to contribute to every bill. This encouraged deliberation and ensured that every representative, reflecting the views of each part of the country, could influence the laws. Debate was extensive, and the speeches made during debates affected the outcome and were enlightening to the citizens who read them. Since strong and disciplined parties had not yet developed, legislators changed their minds frequently and were free to bargain and compromise. On the other hand, this setup was extremely inefficient, and leadership was lacking to coordinate policies. Because every legislator was a generalist, policy expertise was absent.

## The Second Congress

This arrangement worked while Congress was small. After the 1800 census there were 142 representatives in the House and even as late as 1833 there were only 48 senators. But as the nation grew, the Congress expanded and its business became more complex. These changes produced a new kind of Congress by the middle of the nineteenth century, very different from what came before. Two main parties had developed with extensive tools to ensure party discipline. Representatives were nominated by their parties, and therefore had to follow the party leadership to stay in office. Party platforms were carefully constructed and widely read, so that citizens knew where each party stood on

the major questions of the day. Permanent standing committees were created to ensure policy specialization, and these committees were supervised by the leaders in each chamber to ensure that the committees pursued the priorities of the party.

Especially in the House, party leaders became the most powerful members of the government. The Speaker of the House – not the president – was the center of power in the late nineteenth century. Speakers became so powerful that they were called “czars,” and the epitome of the strong Speaker was Joseph Cannon of Illinois. The Speaker's power over the House ensured that the party set the agenda in Congress. Today most are skeptical of party leadership and control, but there were significant advantages. Parties prevented Congress from becoming too fragmented, where all of the local interests simply clashed with each other and gridlock ensued. Because they were elected by a majority of the whole country, these parties reflected the will of the majority, were efficient in implementing that will, and ensured that elections mattered. Congress became a highly coordinated and responsive institution as a result of party leadership – at the expense of independent members representing their constituents' local interests.

## The Third Congress

This “Second Congress” came to a sudden end in 1910. In a dramatic sequence of events the Speaker was stripped of most of his powers over members. Similar events occurred in the Senate. This produced a very different, “Third Congress.” Just as power became centralized under party leaders during the “Second Congress,” it filtered back down in this new setup. But the committee

structure remained in place, so committee leaders, rather than all of the legislators, controlled the legislative process. Because committees could refuse to send bills to the floor for votes, the chairs of these committees could ensure (or prevent) the passage of a proposed law. If power was exercised collectively in the “First Congress” and by party leaders in the “Second Congress,” the “Third Congress” is characterized by committee leadership. Power was dispersed from party leaders, but centralized in the hands of the committee chairs.

At the same time, Congress changed the very nature of its functions. Originally designed as a legislative body, Congress began to transfer that power to administrative agencies by delegating its powers over to these agencies. But, just as Madison had predicted, legislators did not want to relinquish control over public policy. Therefore, Congress organized itself to maintain oversight and control over the programs it was delegating to administrative agencies. It did this by maintaining its organization into numerous committees whose members had the specialized knowledge to oversee these programs.

## Challenges for Today and Tomorrow

Today, we live in the world of the “Third Congress” that was set in place back in 1910. Some important changes have occurred, but the basic dynamic is the same. Power became even more decentralized in the 1970s, as reformers seized control from conservative Southern Democratic senators who used their powers to block important civil rights laws. They succeeded in placing more power and autonomy into subcommittees, which now can set their agendas without permission from the chairs of the committees that oversee them. More recently,

leaders of both parties have tried to regain control of the agenda in Congress by reclaiming powers to control debate and which bills are voted on. Their efforts have met with limited success, and it is an open question whether Congress will remain a decentralized, committee system where party leadership is weak, or whether party leaders can regain leadership and influence over their members.

Some of the aspects of Congress we dislike so much are rooted in these recent developments. The lack of party leadership and control, for example, has produced a Congress where representatives have more to gain by asserting their own districts’ interests than by bargaining and compromising. Because of the arrangement of Congress into districts, as Madison described in Federalist No. 10, there are very few incentives for members to work together without strong party leadership. The decentralization of power, moreover, has provided more access points for lobbyists and more checkpoints where an individual can stop even the majority in Congress from acting. The “Second Congress” was a responsive, majoritarian institution because of its centralized structure, but today Congress is decentralized, fragmented, and vulnerable to special interest influence.

There is no simple way to think about Congress. It is a complicated institution which raises critical questions about the nature of a republican form of government, and ultimately whether and under what conditions self-government is possible. Congress is the centerpiece of this American experiment in self-government. For that experiment to succeed, it is imperative that citizens understand how their legislature was meant to function, and how it actually functions today.

## CRITICAL THINKING ACTIVITY

1. Read the essay and underline the main sentence or two in each paragraph.
2. Next, use those main sentences to write a summary of the essay.
3. Finally, work with a partner or two to discuss the essay, compare your summaries and team-write an outline that traces the changes in Congress from its beginnings to the present.

# Founding Principles

**Checks and Balances:** Constitutional powers are distributed among the branches of government allowing each to limit the application of power of the other branches and to prevent expansion of power of any branch.

**Consent of the Governed/Popular Sovereignty:** The power of government comes from the people.

**Due Process:** The government must interact with all people according to the duly-enacted laws and apply these rules equally with respect to all people.

**Federalism:** The people delegate certain powers to the national government, while the states retain other powers; and the people, who authorize the states and national government, retain all freedoms not delegated to the governing bodies.

**Liberty:** Except where authorized by citizens through the Constitution, government does not have the authority to limit freedom.

**Limited Government:** Citizens are best able to pursue happiness when government is confined to those powers which protect their life, liberty, and property.

**Majority Rule/Minority Rights:** Laws may be made with the consent of the majority, but only to the point where they do not infringe on the inalienable rights of the minority.

**Natural/Inalienable Rights:** Rights which belong to us by nature and can only be justly taken away through due process. Examples are life, liberty, property, and the pursuit of happiness.

**Private Property:** The natural rights of all individuals to create, obtain, and control their possessions, beliefs, faculties, and opinions, as well as the fruits of their labor.

**Representative/Republican Government:** Form of government in which the people are sovereign (ultimate source of power) and authorize representatives to make and carry out laws.

**Rule of Law:** Government and citizens all abide by the same laws regardless of political power. Those laws are justly applied, consistent with an ethos of liberty, and stable.

**Separation of Powers:** A system of distinct powers built into the Constitution, to prevent an accumulation of power in one branch.

# Virtues

**Virtue** is conduct that reflects universal principles of moral and ethical excellence essential to living a worthwhile life and to effective self-government. For many leading Founders, attributes of character such as justice, responsibility, perseverance, respect, and others were thought to flow from an understanding of the rights and obligations of human beings. Virtue is compatible with, but does not require, religious belief. One's thoughts and words alone do not make a person virtuous. According to Aristotle, virtue must be based on a just objective, it requires action, and it must become a habit.

**Private Virtue:** The idea that, in order to sustain liberty, individuals must be knowledgeable and must conduct themselves according to principles of moral and ethical excellence, consistent with their rights and obligations.

**Civic Virtue:** A set of actions and habits necessary for the safe, effective, and mutually beneficial participation in a society.

**Civil Discourse:** Reasoned and respectful sharing of ideas between individuals is the primary way people influence change in society/government, and is essential to maintain self-government.

**Contribution:** To discover your passions and talents, and use them to create what is beautiful and needed. To work hard to take care of yourself and those who depend on you.

**Courage:** The ability to take constructive action in the face of fear or danger. To stand firm in being a person of character and doing what is right, especially when it is unpopular or puts you at risk.

**Honor:** Demonstrating good character, integrity, and acting honestly.

**Humility:** To remember that your ignorance is far greater than your knowledge. To give praise to those who earn it.

**Integrity:** To tell the truth, expose untruths, and keep your promises.

**Initiative:** Exercising the power, energy, or ability to organize or accomplish something.

**Justice:** Upholding of what is fair, just, and right. To stand for equally applied rules that respect the rights and dignity of all, and make sure everyone obeys them.

**Moderation:** The avoidance of excesses or extremes.

**Perseverance:** To continue in a task or course of action or hold to a belief or commitment, in spite of obstacles or difficulty. To remember how many before you chose the easy path rather than the right one, and to stay the course.

## Essential Virtues: Page 2

**Respect:** Honor or admiration of someone or something. To protect your mind and body as precious aspects of your identity. To extend that protection to every other person you encounter.

**Responsibility:** Acting on good judgment about what is right or wrong, or deserving the trust of others. To strive to know and do what is best, not what is most popular. To be trustworthy for making decisions in the best long-term interests of the people and tasks of which they are in charge. Individuals must take care of themselves and their families, and be vigilant to preserve their liberty and the liberty of others.

**Resourcefulness:** Taking constructive action in difficult situations quickly and imaginatively.

**Self-Governance:** To be self-controlled, avoiding extremes, and to not be excessively influenced or controlled by others.

**Vigilance:** Being alert and attentive to take action to remedy possible injustices or evils.

# Glossary

**Administrative State:** The idea that government agencies should be part of an efficient, planned bureaucracy in which legislative, executive, and judicial powers are combined in specific agencies organized according to scientific management, headed by experts, and empowered to solve social, economic, and political problems. This approach to government eliminates separation of powers, checks and balances, and removes most limits on government power.

**Agrarian:** The cultivation of land; agriculture; a person who favors equitable distribution of land.

**Agricultural Adjustment Act of 1933:** An act of Congress passed in 1933 as part of New Deal legislation to help relieve the economic emergency of the Great Depression by increasing agricultural purchasing power and provide emergency relief.

**Antebellum:** Before the war; in particular, the period before the American Civil War.

**Anti-Federalists:** A faction of Founders who supported amending the Articles of Confederation and opposed the Constitution of 1787, were concerned about a strong central government, wanted to maintain strong state governments, and fought for the Bill of Rights as a way to protect citizens from a strong central government.

**Antiquated:** Something that is no longer useful; old; out-of-date.

**Apothegm:** A short, witty, instructive saying.

**Appropriations Committee:** A legislative panel that is responsible for passing appropriations, or spending, bills.

**Articles of Confederation:** The original governing document of the United States that was written in 1777 and was in force until the ratification of the Constitution by nine of the thirteen states in 1788. Under the Articles, states retained sovereignty and created a firm league of friendship in which the national government held little power.

**Bicameral/Bicameralism:** A legislative body composed of two chambers; in the United States, the Congress is composed of the House of Representatives and the Senate.

**Brutus:** An Anti-Federalist writer, thought to be Robert Yates of New York. Brutus asserted that it was impossible to provide fair and true representation in such a large republic as the United States.

**Bureaucracy:** The administration of government through departments and subdivisions; the concentration of authority in a complex structure of administrative bureaus.

**Casework:** The work done by congressional staffers to assist constituents by contacting government agencies on behalf of the constituent to attempt to resolve problems.

**Cato:** An Anti-Federalist writer, thought to be George Clinton of New York, who believed that the legislature would not be able to respond to the needs of people from all walks of life and would end up representing the interests of only the wealthy and influential few.

**Caucus:** A meeting of supporters of a specific political party who gather to elect delegates to choose whom they believe should be the candidate in a given election that is organized by political parties. In the modern congress unit, *caucus* is not used in the electoral sense, but in the sense of a body of individuals belonging to the same faction —“a meeting of the members of a legislative body who are members of a particular political party, to select candidates or decide policy. *Synonyms:* meeting, assembly, gathering, congress, conference, convention, rally, convocation” - Webster’s

**Chief Executive:** The leader of the executive branch of government. In the British system, the Prime Minister is part of the legislative branch, whereas in the American system, the president is the head of the executive branch.

**Clayton Antitrust Act of 1914:** An act of Congress that prohibited mergers, interlocking directorates, and other forms of monopolistic business organization.

**Cloture:** the parliamentary procedure by which debate is closed and the measure under discussion is put to an immediate vote.

**Coalition:** An alliance of people who come together for a specific purpose.

**Coincide:** To occur at the same time; to occupy the same place.

**Commerce:** The economic system that constitutes the working environment for business including the legal, economic, political, social, cultural and technological systems that are in operation in any nation-state.

**Commerce Clause:** Article I, Section 8, Clause 3 of the U.S. Constitution states, “Congress shall have the power...to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

**Competing Interests:** Members of Congress are simultaneously expected to be lawmakers, representatives of the people, and members of a political party. As representatives of the people, they are expected to act for the benefit of both their particular district and for the nation as a whole. Passing laws frequently requires compromise among members, which necessitates sacrificing some constituent desires in hopes of achieving others.

**Comply:** To act in accordance with a request or order.

**Confederation:** A league or alliance of independent states, nations, or political organizations.

**Congressional Support Staff:** Employees of representatives or senators who assist members in their daily work including constituent communication and advocacy, drafting legislation, or research.

**Consent:** To give permission, approval, or assent.

**Constituent:** Being a voting member of a community or organization and having the power to appoint or elect.

**Contemptible:** Despicable; dishonorable; disgraceful.

**Contentious:** Being argumentative or causing controversy.

**Co-opt:** To cause or force someone to become part of your group or movement; to use or take control of something for your own purposes.

**Delegate:** A person designated to represent others.

**Deliberative:** Carefully weighing or considering.

**Democratize:** To make or become democratic.

**Disappearing Quorum:** The refusal to vote on a measure though physically present during a meeting of a deliberative body.

**Divisive:** Forming or expressing division or distribution.

**Dupe:** A person who is easily deceived.

**Dysfunction:** Any malfunctioning part or element.

**Economic Opportunity Act of 1964:** An act passed by Congress to combat poverty in the United States through work-training programs, urban and rural community action programs, adult education programs, and assistance to needy children under the Office of Economic Opportunity in the executive branch.

**Electoral College:** The Electoral College is the system used by the United States to elect its chief executive. The College is outlined in Article II, Section 1 and in the Twelfth and Twenty-Third Amendments to the United States Constitution. It calls for each state to be designated a number of electors that is equal to the number of senators and representatives in each state. To win the presidency, a candidate must receive an absolute majority of votes, currently 270 electoral votes.

**Enlightened Administrator:** A member of the government with specialized knowledge or education about a specific issue who acts as an administrator for government programs.

**Enumerated Powers:** The powers set forth by the Constitution to each branch of government.

**Excess of Democracy:** The idea that if there is too much democracy, governing decisions will reflect a mob mentality rather than the long-term best interests of the people.

**Executive:** The president leads the executive branch of the United States government; the executive is tasked with enforcing the laws, acting as commander in chief of the military, and making treaties and appointing officers with the advice and consent of the Senate.

**Federal Farmer:** An Anti-Federalist writer, thought to be Melancton Smith of New York, who believed that “a full and equal representation, is that which possesses the same interests, feelings, opinions, and views the people themselves would were they all assembled.”

**Federal Pyramid:** When James Wilson referred to the federal pyramid, he was arguing for a central government of a “considerable altitude,” or powerful enough to address the injustices and inadequacies that the union had experienced under the Articles of Confederation. A stable structure required a broad and deep foundation, and to Wilson, that meant a high level of participation by the people themselves in choosing their representatives. Wilson believed the new government must be both energetic and popular.

**Federal Supremacy:** Under the Supremacy Clause of Article VI of the Constitution, the Constitution, laws, and treaties of the federal government are the supreme law of the land.

**Federal Trade Commission (FTC):** An office under the executive branch created by the Federal Trade Commission Act in 1914 to promote consumer protection and anticompetitive business practices.

**Federalists:** A group of Founders that believed the central government was not strong enough under the Articles of Confederation and advocated for the new Constitution. They believed a bill of rights was not needed because the Constitution itself limited the government’s powers.

**Filibuster:** The use of obstructive tactics, especially long speeches, by a member of a legislative body to prevent the adoption of a measure or force a decision.

**Food and Drug Administration (FDA):** the oldest consumer protection regulatory agency in the federal bureaucracy. It began with the Pure Food and Drug Act of 1906, which prohibited interstate commerce in contaminated food or drugs.

**Free State:** A state that had banned slavery prior to the Civil War and the ratification of the Thirteenth Amendment.

**Gridlock:** A situation in which nothing can move or proceed in any direction.

**Hepburn Act of 1906:** An act by Congress that increased the power of the Interstate Commerce Commission by allowing it to set rates for railroad shipping.

**Impartial:** Not biased; fair; just.

**Impasse:** A position or situation from which there is no escape.

**Impeachment:** The presentation of formal charges against an elected official.

**Imperialism:** The policy of extending the rule or authority of an empire or nation over foreign countries.

**Impetuous:** Sudden or rash action, emotional; impulsive.

**Implied Powers:** Powers of Congress that are said to be implied by the Necessary and Proper Clause in Article I, Section 8 of the Constitution even if they are not listed under the enumerated powers in that section.

**Insurgent:** A person who rises in opposition to lawful authority, especially one who engages in armed resistance to a government or the execution of its laws.

**Interpose:** To put a barrier or obstacle in between or in the way of action.

**Interstate Commerce:** The movement of goods or money from one state to another. Congress has the power to regulate interstate commerce through Article I, Section 8 of the Constitution.

**Interstate Commerce Act of 1887:** An act passed by Congress that regulated interstate commerce including transportation of goods between states and established the Interstate Commerce Commission.

**Interstate Commerce Commission (ICC):** An executive agency created under the Interstate Commerce Act of 1887 to regulate trade practices.

**Joseph Cannon:** A member of the Republican Party and Speaker of the House of Representatives from 1903 to 1911. Cannon was considered to be one of the most dominant Speakers of the House in United States history.

**Laissez-faire:** The practice of noninterference in the affairs of others; the theory or system of government that upholds the autonomous character of the economic order, believing that the government should intervene as little as possible in economic affairs.

**Lame Duck:** An elected official or group of officials who continue in office during the period between an election defeat and the new officers' assumption of the office.

**Legislation:** A law that is made or enacted by a legislature.

**Legislature:** A deliberative body of persons, usually elected, who make, change, or repeal laws of a nation or state; the branch of government that has the power to make laws.

**National Industrial Recovery Act of 1934 (NIRA):** An act of Congress to encourage national industrial recovery, foster fair competition, provide for public works, and other purposes as part of New Deal legislation to combat the Great Depression.

**National Recovery Administration (NRA):** An executive agency created by the National Industrial Recovery Act of 1934 that set production quotas, prices of goods, and wages for each industry. The NRA regulated commerce between the states and within states.

**Nationalism:** Devotion or loyalty to one's country.

**New Jersey Plan:** A plan introduced by the New Jersey delegation to the Constitutional Convention that provided for equal representation of the states in a unicameral legislature—in essence just tweaking the Articles of Confederation to revise and strengthen the existing system.

**Nullification:** The failure or refusal of a U.S. state to enforce a federal law within its limits, usually on constitutional grounds.

**Oversight:** Supervision or care of a task or governmental agency.

**Parliament:** A legislative body; the legislature of Great Britain made up of the House of Lords and the House of Commons.

**Parliamentary:** Formal rules governing the methods of procedure, discussion, and debate in deliberative bodies.

**Parliamentary System:** A system of government in which there are two chambers of the legislative body, but which lacks separation between the executive and the legislative branch. Under a parliamentary system, the chief executive, usually called a prime minister, is a member of parliament.

**Patronage:** The power to make appointments to government jobs or the power to grant political favors.

**Perpetual Union:** A union in which members are not allowed to withdraw or overthrow the government. The Articles of Confederation purported to be a government document in which all members agreed to be members of a perpetual union.

**Political Party:** A group of people who agree on major policies, programs, and practices of government.

**Pork-barrel:** A government appropriation, bill, or policy that supplies federal funds for local improvements designed to allow legislators to establish favor with their constituents by benefitting local interests even though the project has little or no broader benefit.

**Prime Minister:** The head of the government in parliamentary systems.

**Privileged:** Favored; entitled.

**Procedural:** The course or mode of action in conducting legal, parliamentary, or other business proceedings.

**Progressive/ Progressivism:** A person who advocates for progress, change, improvement, or reform; the movement of the people who advocate for progress. As the term is often used in the United States, Progressives see the Constitution as a living document whose limits on the federal government's powers are obsolete.

**Proportional representation:** A method of voting by which political parties are given legislative representation in proportion to their popular vote.

**Quarrel:** An angry argument, dispute or altercation.

**Quorum:** The minimum number of members needed to conduct business in a deliberative body.

**Ratify/Ratification:** formal approval. With respect to the U.S. Constitution, the process required that nine of the thirteen original states had to approve the Constitution in order for it to become law.

**Reform:** To change by alteration, substitution, or abolition.

**Regulation:** A law, rule, or order prescribed by authority.

**Reins:** The controlling or directing of power.

**Repeal:** To officially revoke or withdraw.

**Representation:** The state, fact, or right of having one's interests expressed by delegates in the government.

**Republic:** A state in which the supreme power resides with the citizens who choose government representatives directly or indirectly through voting.

**Revolt:** To break away from or rise against authority.

**Rules Committee:** A committee of the House of Representatives that is in charge of determining which laws will come to the House floor based on the rules of the House.

***Schechter Poultry Corp. v. United States (1935)***: A unanimous Supreme Court case that ruled that the National Industrial Recovery Act was unconstitutional because the federal government could not regulate intrastate trade and because the Congress could not delegate its legislative authority to the executive branch.

**Sectionalism**: Regard for sectional, or local, interests.

**Select Committee**: A legislative panel made up of a small number of legislators who were appointed to deal with a specific issue.

**Seniority**: Priority, precedence, or status obtained as a result of a person's length of service or relative prestigiousness or authority of their position.

**Slave State**: A state that had not outlawed slavery prior to the Civil War and the ratification of the Thirteenth Amendment.

**Sovereign**: The supreme power or authority.

**Speaker of the House**: The leader of the majority party in the U.S. House of Representatives and presiding officer of the House.

**Special Interest Groups (SIGs)**: A group of people with shared interests who seek support of their interests from politicians through legislation, appropriations, or other means.

**Stalwarts/Radical Republicans**: A wing of the Republican Party whose platform was an opposition to slavery prior to and during the Civil War, fighting for the rights of freed slaves during Reconstruction, and punishing the South for the Civil War.

**Stamp Act**: An act passed by the British Parliament in 1756 that required colonists pay a tax on every piece of printed paper in order to help pay debts accumulated during the French and Indian War. The act was repealed in 1766.

**Standing Committee**: A permanent legislative panel in the House of Representatives or Senate that considers bills, recommends measures, or oversees programs and activities.

**Suffrage**: The right to vote.

**Tariff**: A bill, cost, or charge imposed by the government on imports or exports.

**Tenure of Office Act**: An act of Congress, in place from 1867 to 1887, which restricted the power of the president to remove officials from office without the advice and consent of the Senate.

***The Jungle* by Upton Sinclair (1906):** A novel that portrayed the harsh conditions of the meatpacking industry in the early twentieth century and led to the passage of the Meat Inspection Act and the Pure Food and Drug Act, also in 1906.

**Three-Fifths Clause:** A compromise regarding representation determined in the Constitutional Convention that counted three-fifths of the enslaved individuals in calculating representation and taxation. The clause was adopted as part of the Constitution.

**Transformative:** To change in form, appearance, structure, condition, or character.

**Trustee:** A person who administers the affairs of others.

**Unicameral/Unicameralism:** A legislative assembly consisting of one chamber.

**Vetting:** To appraise or verify validity or accuracy.

**Virginia House of Burgesses:** The first representative colonial assembly in the British American colonies.

**Virginia Plan:** A plan introduced by the Virginia delegation to the Constitutional Convention that recommended not just a revision of the existing confederation of sovereign states but the creation of a powerful national government that would be supreme over the states. The plan included a bicameral legislature in which the lower house was elected by the people of each state and the upper house was elected by the members of the lower house. In each chamber, the number of the state's delegates would be based on state population.

**Virtue:** Conduct that reflects universal principles of moral and ethical excellence essential to leading a worthwhile life and to effective self-government. For many leading Founders, attributes of character such as justice, responsibility, perseverance, etc., were thought to flow from an understanding of the rights and obligations of men. Virtue is compatible with, but does not require, religious belief.

**War Industries Board:** An executive agency that directed the wartime economy during World War I.

**Ways and Means Committee:** A legislative panel that reviews and makes recommendations for government budgets, usually involving taxation.

**Whip:** A party manager in a legislative body who secures attendance for voting and directs other members.