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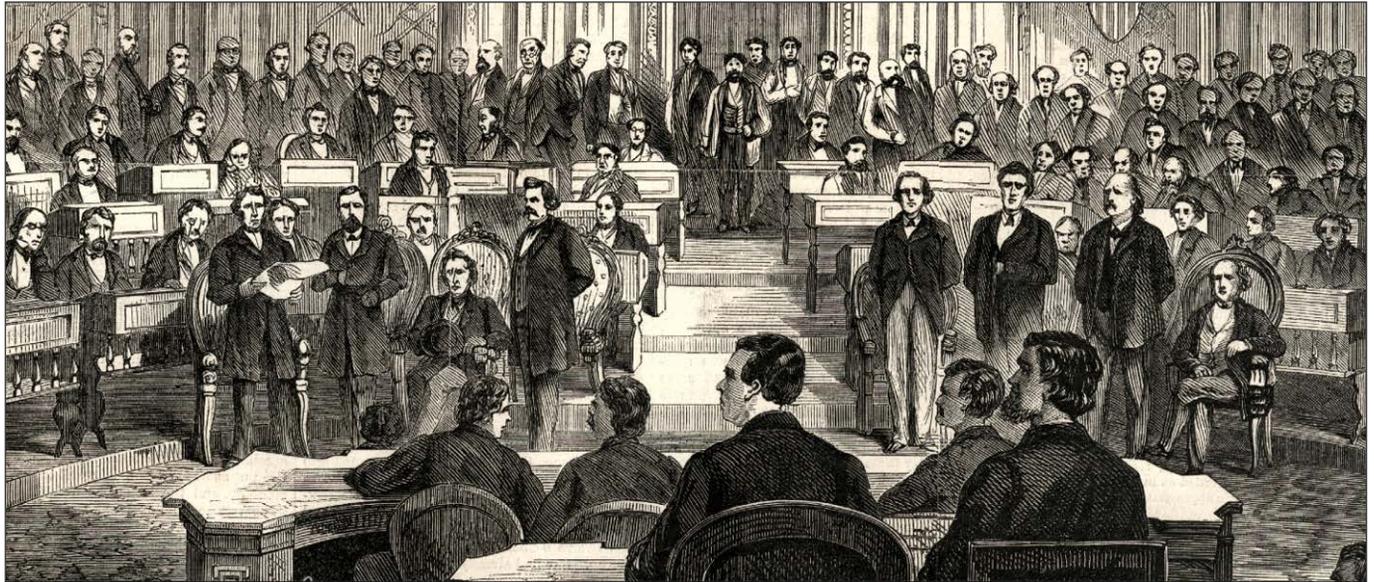


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IMPEACHMENT AND THE CASE OF ANDREW JOHNSON



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Members of the House of Representatives delivering the formal notice of impeachment of President Andrew Johnson to the Senate on February 25, 1868.

Impeachment to remove a government official has a long history, but the grounds for it remain controversial. Congress has impeached, tried, and acquitted three presidents: Andrew Johnson, Bill Clinton, and Donald Trump. Andrew Johnson's impeachment was the first, and it highlights the controversies of this practice.

Impeachment originated in England where the House of Commons impeached or accused high officials of serious misconduct such as accepting bribes. The House of Lords then tried the impeached official. Members of the House of Commons, called “managers,” prosecuted while the Lords judged. If convicted, the official was removed from office and could suffer other punishments, including prison and even execution.

Some of the American colonies adopted the practice of impeaching executive officials. After the Declaration of Independence in 1776, most states of the now-independent United States included impeachment in their constitutions. However, there was one important difference between the impeachment process in England and that

in American states. Conviction did not result in any penalty beyond removal from office.

After the Revolutionary War, delegates from the states assembled in Philadelphia and wrote a Constitution for the new United States. They designed ways to try to prevent the legislative, executive, and judicial branches of government from becoming too powerful.

The delegates debated the question of impeaching the president. George Washington worried about “some aspiring demagogue who will not consult the interest of his country as much as his own ambitious views.” The delegates finally decided impeachment was a necessary safeguard against a president who abused his powers.

What Does the Constitution Say About Impeachment?

Article II, Section 4, states that the president, vice president, “and all civil officers of the United States” may be impeached and then removed from office if convicted of “treason, bribery, or other high crimes and

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misdemeanors.” The term “civil officers” includes judges and other officials appointed by the president and confirmed by the Senate. Article I, Sections 2 and 3 state the procedures for the impeachment process. The House of Representatives “shall have the sole power of impeachment,” and the Senate “shall have the sole power to try all Impeachments.” An official can only be convicted by a vote of two-thirds of the senators.

Under Article I, Section 3, the consequences of conviction include removal from office and disqualification from holding any future federal office. Once removed, the official would become a private citizen, subject to trial and judgment in criminal and civil courts. Article II, Section 2, prohibits the president from pardoning anyone who had been impeached.

‘Other High Crimes and Misdemeanors’

Early in their debates on impeachment, the delegates at the Constitutional Convention chose to limit the grounds for impeachment. They quickly agreed on treason and bribery.

The delegates debated other grounds for impeachment. Some were serious crimes like embezzlement of public funds. However, they also argued for non-criminal behavior like misuse of presidential powers.

James Madison and George Mason realized that the list of offenses could be endless. They finally joined to add to treason and bribery “other high crimes and misdemeanors.” The English often used this phrase in their impeachments, which referred to serious offenses and behavior that could include criminal or non-criminal acts.

According to Madison’s notes from the Convention, the delegates adopted “other high crimes and misdemeanors” without much discussion. They seemed to know that this phrase meant acts equal in seriousness to treason and bribery.

In *Federalist Paper* No. 65, Alexander Hamilton wrote perhaps the most quoted definition of impeachable offenses: “The subjects of [an impeachment trial] are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust.” Furthermore, the offenses “are of a nature . . . POLITICAL, as they relate chiefly to injuries done immediately to society itself.” (Emphasis added by Hamilton himself.) In



Library of Congress

Senate Sergeant-at-Arms George T. Brown serving the summons on President Johnson for Johnson’s impeachment trial in the Senate. Born in Scotland, Brown was elected in 1861 as the Senate’s first Republican sergeant-at-arms, the Senate’s chief law enforcement officer.

other words, an impeachment trial is a political, and not a criminal, process.

The Founding Fathers rejected impeaching someone for making a mistake, using poor judgment or committing a minor crime. They appeared to leave “other high crimes and misdemeanors” to be clarified over time by the House of Representatives in actual impeachments.

Some today argue that *only* the violation of some criminal law is within the meaning of “other high crimes and misdemeanors.” The defense argued this in the Andrew Johnson and Donald Trump impeachment trials. Harvard law professor emeritus Alan Dershowitz was on Trump’s defense team in 2020 and argued that “high crimes and misdemeanors” originally were viola-

tions of “laws written or unwritten . . . [which] meant . . . at the time of the Constitution . . . common law crimes.”

However, most constitutional scholars disagree. For example, Professor Frank O. Bowman III of University of Missouri School of Law wrote in 2020, “The almost universal consensus — in Great Britain, in the colonies, in the American states between 1776 and 1787, at the Constitutional Convention and since — has been that criminal conduct is not required.”

Most impeachments in American history have been of judges who serve life terms on “good behavior.” Fifteen federal judges have been impeached, but the Senate removed only eight of them from office. In less than a third of those impeachments, the House has specifically referred to a criminal law.

Besides these cases involving federal judges, the Senate has convicted and removed only five other impeached federal officials. Most constitutional scholars say that the writers of the Constitution purposely set the two-thirds requirement for conviction by the Senate high to make it rare.

Andrew Johnson vs. the Radical Republicans

Andrew Johnson’s political career began in Tennessee. He was a Democrat who won elections to the House of Representatives, the governorship of Tennessee, and finally the U.S. Senate in 1856.

Although he owned slaves and rejected abolition, Johnson opposed Tennessee’s secession from the Union. When the state did vote to secede in 1861, Johnson feared for his safety and fled. He was the only Southern senator who did not resign his seat when his

state seceded. In Lincoln's re-election campaign of 1864, the Republicans chose Johnson, still a Democrat, to run with Lincoln as his vice presidential running mate to draw Democratic voters.

Johnson ignored the plight of ex-slaves, called freedmen, who were impoverished, landless, unemployed, and already subject to persecution and violence. He also opposed granting freed slaves the right to vote. "As long as I am president it shall be a government for white men," he declared.

The overwhelming Republican majority in Congress was split between moderates, who wanted Johnson to simply modify his plans, and the Radical Republican faction. Both groups wanted equal civil rights for the freedmen and their integration into American society. But the Radicals strongly objected to Johnson allowing former Confederate leaders to regain political power. Newly formed Southern governments passed "black codes" that restricted the freedmen's rights. The Radicals demanded protection and equal rights for the freedmen.

Johnson and the Congress disagreed over who should be in charge of restoring the South to the Union, a policy called Reconstruction. Johnson vetoed black civil rights laws passed by the Republican-dominated Congress. He vetoed every Reconstruction law passed by Congress, but Congress overrode the vetoes. Johnson still resisted enforcing these laws.

Johnson argued that the Reconstruction laws and even Congress itself were unconstitutional because not one of the former Confederate states was yet represented in the House or Senate. During the congressional elections of 1866, Johnson went on a speaking tour and attacked the Radical Republican Congress. However, the Republicans won big victories and ended up with more than two-thirds majorities in both houses of Congress.

Congress then passed the Reconstruction Act of 1867 that established military rule and voting rights for black men in the Southern states. Johnson vetoed the act, but the Congress overrode him again.

Impeachment of Johnson

The Radical Republicans were worried that Johnson might start firing members of the Cabinet whom Lincoln had appointed. In March 1867, Congress passed the Tenure of Office Act, which barred the president from removing federal officials confirmed by the Senate, including Cabinet officers, without consent by the Senate. The Radicals made violating this act a "high misdemeanor."

The Radicals especially wanted to protect Secretary of War Edwin Stanton, a strong supporter of their Reconstruction program. Johnson wanted to dismiss Stanton, but Lincoln was the president who had appointed Stanton. Would Stanton then be entitled to remain in office until the end of Lincoln's term (unless the Senate consented to his removal)? Or, would Stanton's appointment end with the death of Lincoln,

thus allowing Johnson to fire and replace him with someone else with the Senate's consent? The Constitution did not say anything about this. As expected, Johnson vetoed the Tenure of Office Act. But Congress promptly overrode the veto.

After Johnson suspended Stanton and replaced him in 1867, the Senate reinstated Stanton. Johnson finally fired and replaced Stanton on February 21, 1868, informing the Senate of his decision. Johnson's position was that the law was an unconstitutional violation of separation of powers, and he violated it to test it in the courts. The Senate refused to confirm Johnson's replacement of Stanton and voted to reinstate Stanton as secretary of war. Stanton even barricaded himself inside his office and ordered his replacement to be arrested.

Just a few days later, on February 24, the House of Representatives voted to impeach Andrew Johnson, 126 to 47. He was the nation's first president to face impeachment and a trial for his removal. On March 11, the House sent 11 articles of impeachment to the Senate for his trial. The Senate only needed to find him guilty on one article in order to remove him.

Most of the articles detailed Johnson's violation of the Tenure of Office Act. Article 10 accused him of attempting "to bring into disgrace, ridicule, hatred, contempt and reproach the Congress of the United States." Article 11 stated Johnson violated his oath of office to "take care that the laws be faithfully executed."

Senate Trial of Johnson

At the Senate trial, there were seven House "managers" (prosecutors) and five lawyers defending the president. Chief Justice of the United States Salmon P. Chase presided over the trial, but the senators could and did overrule him. Dozens of witnesses testified. Johnson himself did not appear at the trial upon the advice of his lawyers.

The House managers began their case on March 30. The entire trial lasted about two months.

The House managers' main case against President Johnson:

- Johnson violated the Tenure of Office Act when he fired Stanton and appointed a replacement. Since Lincoln had appointed Stanton, Stanton was entitled to remain in office until the end of Lincoln's term. Johnson could only fire and replace Stanton with Senate consent, which it denied.
- Johnson violated his oath of office by refusing to enforce the Reconstruction laws enacted by Congress.
- Johnson encouraged the Southern states to resist the Reconstruction laws that included the right of black men to vote.
- Johnson insulted Congress by saying such things as it had "undertaken to poison the minds of the American people," which undermined the Constitution's article I on the legislative branch of government.

President Johnson's lawyers' main case defending him:

- Stanton's tenure of office ended with the death of Lincoln. Thus, the Tenure of Office Act did not apply to him, and Johnson's firing of him did not require Senate consent. Therefore, Johnson did not violate the law but wanted to test it in the courts.
- The Tenure of Office Act intruded on the Constitution's Article II powers of the president.
- Johnson was reluctant to execute the Reconstruction acts because he believed they were unconstitutional since the southern states were not represented in Congress.
- As for Johnson's insulting speeches against Congress, the First Amendment's free speech clause protected him just like any other citizen.

One of Johnson's lawyers, Benjamin Curtis, a former Supreme Court justice, argued that "high crimes and misdemeanors" meant "only high criminal offenses against the United States . . . so high that they belong in [the] company with treason and bribery." The president had committed no such crimes, Curtis concluded; therefore he must be acquitted.

Manager John Bingham replied to Curtis that President Johnson did violate the Tenure of Office Act. But, Bingham argued, Johnson did not have to violate a law or commit a crime to be impeached. His refusal to enforce the Reconstruction and black civil rights laws along with his speeches attacking Congress were "high crimes and misdemeanors."

The Verdict

When the trial ended in early May, the senators deliberated in secret for several days. Three conservative Republicans announced they would vote not guilty. Seven Republicans were undecided. There is evidence that friends of Johnson offered undecided Republicans attractive government jobs if they voted to acquit him.

The decisive vote took place on May 12. Under the two-thirds rule, 36 of the 54 senators had to vote guilty to convict. If 19 voted not guilty, the impeachment

would fail, and that is how it ended up. Nine Democrats and ten Republicans voted to acquit Johnson. The impeachers failed by one vote.

Republican Sen. Edmund Ross of Kansas cast the 19th not guilty vote. For years, many celebrated Ross as a "profile in courage" who voted against his party to sustain a strong independent presidency. However, recent research has revealed that soon after his vote, Ross got federal appointments for close friends as the price for his not-guilty vote.

Johnson served out his last eight months, hated by the Republicans. When he left office, he failed to win the Democratic nomination for president. In 1875, Tennessee returned him to the Senate where he had been tried, and he died soon after.

Meanwhile, Congress passed the 15th Amendment, granting black men the right to vote (ratified in 1870). Congress eventually repealed the Tenure of Office Act, which the Supreme Court found to be unconstitutional in 1926.

WRITING & DISCUSSION

1. Andrew Johnson argued he had the right to fire Secretary of War Stanton and submit his own appointment for Senate consent. The House managers argued Stanton had the right to remain in office to fill out Lincoln's term unless the Senate gave consent to a replacement. Which side do you think had the better argument? Why?
2. Conviction after a Senate impeachment trial requires a two-thirds vote by the senators. Do you think two-thirds is too high? Why or why not?
3. At President Donald Trump's impeachment trial in 2020, the president's lawyer Alan Dershowitz echoed Andrew Johnson's lawyer Benjamin Curtis by stating that a president could only be impeached and removed for a specific crime or for "criminal-like conduct akin to treason and bribery." Do you agree? Why or why not? Use evidence from the article.

ACTIVITY: Who Should Be Impeached?

- A. As a class, discuss whether Andrew Johnson should have been impeached. Consider the House grounds for impeachment and the arguments of both the House managers and the lawyers for Johnson.
- B. Students will meet in small groups to discuss which if any of the following hypothetical cases would be valid grounds for impeachment. Review what the article says about the meaning of "other high crimes and misdemeanors." Each group will report its conclusions and discuss them with the rest of the class.
 1. A judge accepts gifts from lawyers who practice law in her court.
 2. While in office, a president cheats on paying taxes, which is a crime.
 3. A president lies to the American people about the reasons for going to war, even though he sincerely believes the war is necessary for the nation's defense.
 4. A president orders the FBI to collect embarrassing information about a political opponent's private life to use against him in an election.
 5. After a terrorist attack on the U.S., a president orders detention of suspects without trial, authorizes the use of torture, and records cellphone calls of many U.S. citizens.

THE KURDS: STRADDLING THE MAP OF THE MIDDLE EAST



Numbering up to 35 million people, the Kurds are among the original inhabitants of Mesopotamia. Today, they can be found throughout the Middle East – in Armenia, Iran, Iraq, Syria, and Turkey (see map above). They live mostly in the mountains weaving along the borders of these countries and, though they are a distinct ethnic group, lack a nation-state of their own. Although they speak many dialects, Kurds are religiously mostly Sunni Muslims.

Unwelcome 'Guests'

Like the other indigenous populations of the Middle East, Kurds lived under the control of the Ottoman Empire for some six centuries, maintaining their traditions while paying taxes to the Ottoman sultan in Constantinople. As World War I approached, the empire began to lose control over its territories, and the Kurds, like many Arab populations in the region, sought to position themselves for independence.

The 1920 Treaty of Sèvres was to be their ticket. That document, signed by the war's victorious Western powers, provided for a Kurdish homeland that was to be known as "Kurdistan." Before it could take hold, however, that provision was replaced three years later by the Treaty of Lausanne, which established the boundaries of today's Turkey. With their hopes for a homeland diminished, the Kurds were relegated to minority status in the countries where they were concentrated. Separated from each other and lacking political influence, they were to become convenient scapegoats for the Middle East's ills, suffering at the hands of its dictators with virtually no support from the international community.

It was not always this way. In fact, a Syrian Kurd of the 12th century, Salah ud

Din al Ayubbi — known in the West as Saladin — became arguably the most famous of Middle Eastern rulers. Having risen to the helm of a Muslim empire spanning Iraq, Syria, and Egypt, he turned his sights to retaking Jerusalem, Islam's third holiest site, which had been conquered by European Crusaders.

When the Crusaders surrendered Jerusalem to Saladin in 1187, he instructed his followers to respect the city's Jewish and Christian inhabitants and landmarks. This policy came in stark contrast to the Crusaders' prior treatment of Jerusalem's indigenous Jewish and Muslim populations.

According to the British historian Karen Armstrong, Jews who had been expelled from Jerusalem by the Crusaders were able to return under Saladin. This earned the Kurd a reputation as the Jewish people's "new Cyrus," a reference to the Persian king who, in the Bible, is remembered as having freed the Jews from captivity in Babylon. Saladin later negotiated with England's King Richard I to allow Muslim control of Jerusalem.

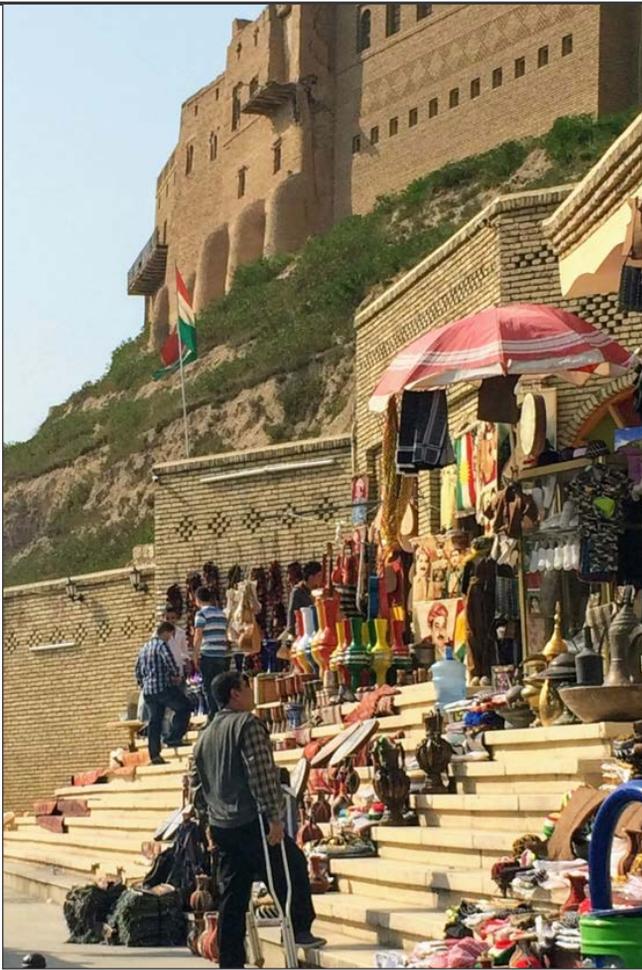
Despite their deep roots in the region, the Kurds have remained unwelcome "guests" in the Middle East. This has had tragic consequences for innocent civilians. The most widely known atrocities committed against Kurdish civilians came as part of the 1988 Anfal campaign led by Iraqi dictator Saddam Hussein.

Carried out between February and September of that year, the Anfal campaign included the March 16 poison gas attack on the village of Halabja. Human

Rights Watch estimates the attack killed between 3,200 and 5,000 Kurdish residents and amounted to an act of genocide.

What Is a Nation-State?

The Cambridge Dictionary defines a nation-state as "an independent country, especially when thought of as consisting of a single large group of people all sharing the same language, traditions, and history."



The Citadel in the Kurdish city of Erbil in northern Iraq has been designated a World Heritage Site by the United Nations, which traces the site's history back to the early cities of Mesopotamia.

The U.S. Role

The Anfal campaign elicited widespread condemnation. It also took place during Iraq's ongoing war with Iran, which had started in 1980. During that war, many countries — including Saudi Arabia, Great Britain, France, the Soviet Union, and the United States — supported Saddam Hussein against Iran. In fact, the U.S. began selling weapons to Iraq early in the conflict. Though it called the attack on Halabja “abhorrent,” the U.S. turned a blind eye to the Hussein regime's chemical-weapons attacks against Iranian civilians during the war.

With most of Iraq's Kurdish population living near the Iranian border, the Iraqi dictator viewed the Kurds as a potential threat to his rule. Since his Anfal campaign, launched near the end of the war, followed years of similar attacks against Iran, Saddam had no reason to fear U.S. condemnation or reprisal.

Fewer than three years after the Halabja massacre, however, the United States would lead a bombing campaign against Iraq that would drop 88,500 tons of munitions on its army in Kuwait and Iraq. Operation Desert Storm, which also included a brief ground invasion of Kuwait to expel Iraqi troops from the country, would be followed by 13 years of sanctions against the regime of Saddam Hussein.

As part of the sanctions, the United States also enforced a no-fly zone over northern Iraq, where the country's three predominantly Kurdish provinces would coalesce around what was to be known as the Kurdistan Regional Government (KRG). The no-fly zone meant that Iraq's Kurds were protected from attacks, by air and by land, from Saddam's army.

With this newfound stability, three northern Iraqi provinces with large Kurdish populations became semi-autonomous zones, free to govern their own populations without interference from the country's central government.

Self-Government

And govern they did. In the decade after the establishment of the no-fly zone in February 1991, the Kurds' two main political factions forged an uneasy alliance. They held parliamentary elections in 1992 and formed the KRG. Persistent power struggles between the two factions led to the deaths of some 2,000 Kurds during a 1994 civil war. But the KRG would grow to become a potent force in northern Iraq.

The KRG launched a region-wide effort to reform the education system, issuing new textbooks that centered on Kurdish culture and history. The textbooks also documented the history of the Iraqi government's repression of Kurdish aspirations. School curricula, which had been taught in Arabic, were converted to Kurdish, and Kurdish literature enjoyed a resurgence. Since its formation, the KRG has spent a larger percentage of its budget on

The Kurdish National Anthem

Reviving the Kurdish language, including as part of the official school curriculum, was an early priority of the Kurdistan Regional Government. The region's national anthem, translated below, hails “the nation whose language is Kurdish.” It was written by the twentieth century Kurdish poet Yûnis Reuf, known by his pen name, Dildar. *How is the history of the Kurds reflected in the words and images Reuf uses?*

Ey Reqîb (Oh foes who watch us)

Oh foes who watch us, the nation whose language is Kurdish is alive

It cannot be defeated by makers of weapons of any time

Let no one say the Kurds are dead, the Kurds are alive

The Kurds are alive and their flag will never fall

We are the sons of the red colour of revolution

Our history is one filled with blood

Let no one say the Kurds are dead, the Kurds are alive

The Kurds are alive and our flag will never fall

We are the sons of the Medes and Kai Khosrow

Our homeland is our faith and religion

Let no one say the Kurds are dead, the Kurds are alive

The Kurds are alive and our flag will never fall

The Kurdish youth has risen like noble warriors

To draw the crown of life with blood

Let no one say the Kurds are dead, the Kurds are alive

The Kurds are alive and our flag will never fall

The Kurdish youth are ever-ready

And always prepared to sacrifice their lives

To sacrifice their lives, to sacrifice their lives.

education — 16% according to government figures — than the United States, Canada, Germany, or Japan.

Although the Kurds have tried to preserve the tolerant legacy of Saladin, the KRG's educational reforms caused unease among minority populations under its control. That is because Iraq's ethnic diversity is largely concentrated in the three Kurdish governorates. Other cultural and ethnic minorities, such as the Assyrians, Chaldeans, and Yazidis, suffered a common fate under Saddam's regime. But they do not define themselves as Kurdish. Nor do they speak Kurdish. Finding a place in the new KRG would prove to be challenging for them. Still, their lives under the Kurdish regime were far preferable to the precariousness of living under the authoritarian grip of Saddam Hussein.

Iraq's Kurds have also taken in millions of refugees, many of them Kurds, from neighboring countries, including Syria. According to KRG statistics, one in four residents of the region had been displaced, either from Iraqi provinces to the south or from countries bordering the Kurdish region.

What Next for the Kurds?

With nearly two decades of self-rule in Iraq, where approximately 15% of the world's Kurds live, what prevents an independent Kurdistan? Part of the answer lies in the conflict in neighboring Syria. A nearly decade-long civil war there has claimed more than half-a-million lives and displaced up to a third of Syria's population. Although the proportion of these displaced who are Kurdish remains unconfirmed, what is clear is that hundreds of thousands of Syrian civilians have fled to KRG areas to escape the war. This, in turn, put a strain on infrastructure in the Kurdish region and gave rise to fears about encroaching extremism from groups like the Islamic State (aka ISIS), which found a foothold amid the chaos of the war.

Into this turmoil, the administration of former U.S. President Barack Obama sought to bolster Kurdish forces as they fought off the rapidly expanding Islamic State. These forces included some elements that Turkey, a U.S. ally with a sizable Kurdish population of its own, accused of trying to foment instability along the Turkish border. With little appetite among Americans to wage battle directly against Islamic State fighters, this left the Obama administration with a perplexing choice: continue arming the Kurds and risk alienating an important ally, or abandon the Kurds to fend for themselves.

Ultimately, the Obama administration deferred a decision, bequeathing the problem to incoming president Donald Trump. By December 2018, less than a year into his tenure, Trump had decided to withdraw U.S. troops from Syria, effectively ending support for the Kurds. Since then, Kurdish fighters, known as *peshmerga*, have remained engaged on the Syrian side of the border, in an area that, under the abandoned Treaty of Sèvres, was to be part of a larger Kurdistan. That imagined entity, though, remains as elusive as ever.

WRITING & DISCUSSION

1. Describe the hardships faced by the Kurdish people as minorities within other nation-states. What affects have these hardships had on the Kurds?
2. What effect has the U.S. had on Kurdish affairs? What role should it have? Use evidence from the article in your answer.
3. In what ways could the KRG's behavior toward refugees serve as a model for other members of the community of nations?

ACTIVITY: A Nation-State for the Kurds?

You are a U.S. diplomat preparing to make a recommendation to the United Nations on the formation of the independent nation of Kurdistan. Meet with three other U.S. diplomats in a small group to (a) read the two challenges described below, and (b) deliberate with your team members to decide an answer to this question: **Will the U.S. support the formation of an independent Kurdistan?** Consider what the consequences would be to either a *Yes* or *No* answer to the question. And always use evidence from the article in making your group's decision and in providing reasons for your group's decision. (Note: The excerpt below refers to "greater Kurdistan," which means all the Kurdish-majority areas of the Middle East.)

When all groups have reached a decision, a spokesperson for each group will share their decision.

The political ascendancy of the Kurds . . . faces two significant challenges. The first challenge concerns itself with the international political system: Kurds are trying to exist as non-state actors in a world that is dominated by nation-states. . . . Despite the Kurds' . . . role in fighting against ISIS, their secularism, and the media coverage of [Kurdish] female fighters, in official political [arenas]. . . Kurdish affairs are rarely discussed.

The second major challenge concerns political geography. The Kurds live in a landlocked area dominated by the central governments of Turkey, Iran, Iraq, and . . . Syria. Consequently, the Kurds of greater Kurdistan are in a worse situation than many other ethnic minorities without states, which exist within the borders of a single nation. This interstate separation reduces the Kurdish population — which according to some estimates numbers in total 35 to 40 million — to smaller minorities in each of the countries in which they live.

Source: Yildiz, Guney. "Kurdistan: A State or a State of Mind?" *The Cairo Review of Global Affairs*, Spring 2019. (URL: www.thecairoreview.com/essays/kurdistan-a-state-or-a-state-of-mind/)

'EVERY MAN A KING': HUEY LONG'S TROUBLED POPULISM



Louisiana State University Libraries, Baton Rouge, Special Collections

U.S. Senator Huey Long from Louisiana campaigning for an Arkansas Senate candidate in 1932. Long often attracted large crowds to his speeches.

Populists come in many varieties, some on the left, others on the right. But they all claim to represent the interests of ordinary people without much money who feel like a wealthy elite have ignored or even harmed them. Huey Long was the most well-known American populist in the 1930s.

In 1893, Huey P. Long Jr. was born in Winnfield, Louisiana. His father was a cotton farmer, and his family was poor but not as poor as nearly everyone else in Winn Parish (parishes are counties in Louisiana).

Huey Long was the seventh of nine children. His parents demanded that he and his brothers and sisters become readers and well-educated. Huey was known for rowdy behavior, but he also became well-versed in the Bible and Shakespeare.

After high school, Long went on the road as a traveling salesman, convincing many homemakers to buy a cotton-based substitute for hog lard. In his travels he met Rose McDonnell, a stenographer. They married in 1913. Long was 19 years old.

He considered becoming a preacher, but instead enrolled in Tulane University's law school. When he got bored with school, he petitioned to take the state bar exam and passed with little difficulty.

In 1915, Long opened a law office in his hometown where he took lawsuits against banks and wealthy individuals. He invested in an oil-drilling company. But he was enraged at Rockefeller's Standard Oil company for importing crude oil from Mexico rather than buying from his own outfit.

He turned to politics. In 1918, Long won his first election as a member of the Louisiana Railroad Commission, which regulated oil production. He demanded Standard Oil buy more crude oil from companies

in Louisiana rather than Mexico and fought for lower telephone and other utility rates.

Campaigning for Governor

Long first ran for governor of Louisiana in 1924. But he was defeated by the Democratic Party primary candidate of the "Old Regulars." This group, comprised of wealthy businessmen from New Orleans and wealthy planters, dominated state politics. Old Regulars were notorious for committing bribery and election fraud. And they often aligned themselves with Standard Oil. Neither Long nor anybody had a chance of winning the Democratic primary without their support.

And it was the Democratic primary election that mattered. In the primary, party members chose candidates for the general election. Whoever won the Democratic primary always won the general election against the Republican Party, which had been weak in the state since Reconstruction.

Most black voters would probably have voted Republican if they could. But they were blocked from voting in either party's primary in Louisiana by literacy tests and other forms of discrimination.

Despite his defeat in 1924, Long ran again for governor in 1927, again challenging the Old Regular choice. The Old Regulars depended mainly on voters in New Orleans and the other big cities. Long decided to encourage the poor white rural voters, many of whom were farmers who had little enthusiasm for voting because the Old Regular politicians did little for them.

Long woke up rural Louisiana. He traveled from small town to small town, giving electrifying speeches. He quoted the Bible while damning the politicians in the state capital, Baton Rouge. The large crowds yelled,

“Pour it on ‘em Huey!” He charged that the rich were grabbing more than their fair share of the public’s wealth. He sent sound trucks into the parishes to spread his message. He was the first candidate in the state to broadcast his speeches over the radio.

Long made many promises: free textbooks for schoolchildren, better roads to transport crops to market, repeal of the poll tax to register to vote, taxing the rich and the big corporations, and much more. He adopted a slogan from prominent Democratic populist politician William Jennings Bryan: “Every Man a King.”

Along with his promises, Long displayed a readiness to use violence. He assaulted a newspaper editor on the street. And when the sitting governor called him a liar during a chance meeting, Long punched him in the face.

Long won the Democratic primary for governor in a landslide of rural votes. In April 1928, he swept aside the token Republican candidate in the general election to become governor.

Governor of Louisiana

Once in office in Baton Rouge, Long fired hundreds of state employees loyal to the Old Regulars and appointed others loyal to him. He also created a re-election fund that required everyone he hired to contribute to it.

Members of state commissions, sheriffs, teachers, and secretaries in government offices who owed their jobs to Long were tied to his political machine. Better to own parish commissioners who counted the votes, he believed, than leave an election to the voters.

Long quickly began to take control of the state legislature. He frequently appeared on the legislative floor to threaten legislators: they would have to vote for his bills, or he would make sure they would never be re-elected.

By bullying legislators, Long delivered on many promises he had made to his voters. His programs built hospitals, paved thousands of miles of roads, repealed the poll tax (allowing thousands of poor farmers to vote), provided free textbooks to children, and taught 175,000 black and white adults among the state’s poor to read. He became a hero to the previously ignored rural poor. Others called him a demagogue, a person who manipulates the fears and anger of followers in order to satisfy a hunger for personal power.

Long needed money to pay for his promises. In 1929, he sent a bill to the legislature that would tax refined oil. This was a direct attack on his old enemy, Standard Oil, whose refinery in Baton Rouge was the largest in the world and a major employer.

The company threatened to shut down the refinery, crippling the city’s economy. Standard Oil’s president also personally paid legislators cash to vote against Long’s bill. One legislator at the time said, “You could

pick up fifteen or twenty thousand dollars any evening.”

The refinery bill proved to be too much for Long’s enemies. They impeached him in the Louisiana House of Representatives. The articles of impeachment included bribery, improper spending of state funds, and illegal influence of judges.

When impeachment moved over to the state senate for a trial of removal, both Long and Long’s opponents went into action. Standard Oil offered large bribes to sway some pro-Long senators. At the same time, Long mounted a statewide campaign, speaking before huge crowds. He also used bribes, blackmail, and political favors to win the support of enough senators to block his removal. The trial collapsed, and Long remained in office. The refinery tax also failed, but only temporarily.

After his impeachment, Long got his revenge. And he became increasingly authoritarian in his governance. He fired relatives of the legislators who had voted against him, and promised to unseat them in the next primary. Legislators now feared Long. “I dynamite ‘em out of my path,” he roared.

In 1930, he announced he was running against the Old Regulars’ U.S. senator in the Democratic primary. He campaigned with the slogan “Every Man A King” and declared the primary election would be a vote of confidence in his accomplishments.

While Long was extremely popular among the rural poor, every newspaper in Louisiana opposed him. Long relied on intimidation tactics to suppress opposition. His henchmen (loyal supporters willing to commit crime) even kidnapped one pair of critics in order to scare them. He won the election overwhelmingly.

Long had nearly two years left in his governor’s term. He shocked everyone when he said he would remain in the state to finish his term before taking his Senate seat. Long continued to govern and got the legislature to approve a statewide highway system, a medical school, and a new state capitol building in Baton Rouge.

On January 19, 1932, Oscar K. Allen (known as O.K. Allen), whom Long had handpicked to succeed him, easily won the Democratic primary for governor. A few days later, Long departed for Washington just as the Great Depression was deepening, and Franklin D. Roosevelt was preparing to run for president.

U.S. Senator

Once Long got to the U.S. Senate, he had a single-minded agenda: “to spread the wealth of the land to all of the people.” But he also continued to effectively rule Louisiana through his puppet, Governor O.K. Allen.

In his first major speech before the Senate on April 4, 1932, Long warned, “Unless we provide for the redistribution of wealth in this country, the country is doomed.”

He also used bribes, blackmail, and political favors to win the support of enough senators to block his removal.

Long blamed American capitalists for the Depression because they took too big a share of the earnings of the economy. He explained that machines now enabled a worker to produce more than a thousand men in the past, yet the American people had not fairly shared in the benefits of productivity. Long's solution to the Great Depression was to redistribute the "surplus wealth" of the millionaires.

Long helped Roosevelt win the Democratic nomination for president and campaigned for him. Long believed Roosevelt had promised to enact Long's philosophy of wealth redistribution. But Roosevelt never went that far. Long claimed President Roosevelt betrayed his promise and called him "a liar and a faker."

Long opposed many of Roosevelt's New Deal proposals, arguing they did not go far enough. Roosevelt told friends that Long was one of the most dangerous men in America.

Back in Louisiana

Long was often absent from the Senate, continuing to dominate the government in Louisiana even though he held no state office. He introduced laws in the legislature that passed in minutes. He finally secured passage of the tax on refined oil — the bill that had led to his impeachment in 1929. He taxed big city newspapers that opposed him, calling it a "tax on lying." O.K. Allen automatically signed all his bills.

Bribery and other forms of corruption kept the Long political machine running smoothly. The national press called him a "ruthless dictator." Long laughed at that and said everything he did was for the "little guy." He called himself "Kingfish," a nickname implying he was the authority over Louisiana.

At least at the beginning of his political career, Long did more for the neglected common people of Louisiana than anyone else did in the South. But his record was mixed. He did not try to end child labor, and he actually cut public school teachers' salaries. He plunged the state deeply into debt. At the same time, Long opposed minimum-wage laws and labor unions. Though his programs did end up benefiting many poor black people in Louisiana, he nonetheless ignored their specific needs, largely because they were still unable to vote due to racially discriminatory laws.

Share Our Wealth

In 1933, Long introduced a series of bills in the Senate that he called the "Share Our Wealth" program. Only a handful of senators supported the program, and Roosevelt did not. But public support for Long's ideas began to pick up steam.

Seeking to build on that interest, Long mounted a nationwide campaign to promote what was essentially his alternative to the New Deal. He organized a network of Share Our Wealth clubs that millions joined. He competed over the radio with Roosevelt's "Fireside Chats." In mid-1934, he was getting more mail than the president.



Senator Long with his mail in 1932.

Library of Congress

By early the following year, Long had spelled out more fully what Share Our Wealth would mean for the ordinary American. He was calling for benefits such as:

- a "fairly comfortable house," car, and radio
- \$5,000 guaranteed minimum wealth
- a minimum annual income of about \$2,500 (about \$50,000 in today's dollars); a \$1 million maximum annual income (the equivalent of about \$19 million in 2020)
- free education for every child through high school; and for anyone qualified, free college or vocational school
- a guaranteed job for all who could work
- a limit of 40 work hours per week to reduce unemployment
- a limit on agricultural production to what was needed; store the surplus; employ farmers not working on public works projects
- programs to combat disease, mental illness, drug addiction, and care for war veterans
- an old age pension of \$30 (about \$600 in today's dollars) per month for those 60 and older
- taxing the wealth of the rich, ranging from 1% of a \$2 million fortune to 100% of the amount over \$8 million in any fortune, effectively capping a person's total wealth at \$8 million

According to Long, there would be no limit to opportunity. He said, "Our plan would not break up big concerns [companies]. The only difference would be that maybe 10,000 people would own a concern instead of 10 people owning it."

Economists soon pointed out flaws in Long's plan. Share Our Wealth depended on taxing wealthy capitalists. But there were not enough millionaires in the U.S. (about

20,000 households in 1933) who would be the only ones taxed to fund Share Our Wealth. In addition, heavy taxation of the wealthy would deter individuals from accumulating wealth necessary for investing in enterprises.

Some historians believe it was Long's run for president that prompted Roosevelt to institute some of Long's ideas into the New Deal. For example, in 1935, Roosevelt signed the Social Security Act that included an old age pension.

Campaigning for President

The growing popularity of Long's Share Our Wealth plan convinced him to challenge Roosevelt, a fellow Democrat, for the presidency in the 1936 election. One strategy he considered was to form a third party that would draw enough votes away from Roosevelt to allow a conservative Republican to win. Long thought this would drag the country into disaster, and voters would be ready to turn to him in the election of 1940 to save the nation.

By the spring of 1935, Long was touring the country, drawing large audiences to his speeches.

Assassination

In Louisiana, Long still had many enemies. Old Regulars were bitter. Others condemned him as a dictator. Hundreds of state employees hated Long for firing them because he thought they were disloyal to him. He went nowhere without bodyguards.

Benjamin Pavy was a state judge who had made court rulings against the Kingfish. Long was in the process of changing the lines of Judge Pavy's court district to ensure his defeat in the next election.

On September 8, 1935, Long was walking the halls of the new State Capitol building when a man with a handgun fired one shot at him. His bodyguards then shot the man at least 61 times. A badly done operation caused Long to bleed internally, and he died two days later at age 42.

The attacker was Carl Weiss, Judge Pavy's son-in-law. Everyone assumed he was the assassin, whose motive was revenge for Long's mistreatment of Judge Pavy. (Because Weiss had no history of violence, some today argue that Weiss only intended to confront Long, but that a bodyguard's stray bullet at Weiss killed Long.)

About 200,000 attended Long's funeral on the grounds of the State Capitol where he is buried. Long's political machine continued to function for a while. But corruption caught up with many of its politicians who ended up in prison. By 1960, the political machine that the Kingfish had built in Louisiana was no more.

WRITING & DISCUSSION

1. Long once said that "a perfect democracy can come close to looking like a dictatorship." Using evidence from the article, describe what Long likely meant by this statement.
2. To what extent was Long a demagogue when he was (a) governor and (b) senator? Use evidence from the article.
3. What were the strongest arguments in favor of Long's Share Our Wealth program? What were the strongest arguments against it?

ACTIVITY: Long's Populist Predecessors

Huey Long modeled himself after William Jennings Bryan, a Democratic congressman and presidential candidate from Nebraska of a generation earlier. Though a Democrat, Bryan supported the ideas of the Populist Party, which organized at a convention in Bryan's home state in 1892. The party drafted a platform that included the following principles and proposals, among others:

- a free ballot and a fair count in all elections
- a graduated income tax (or progressive income tax, in which tax rates increase from low to high wage-earners)
- generous pensions to ex-Union soldiers and sailors from the Civil War
- strict enforcement of the eight-hour workday
- limiting the office of president and vice-president to one term
- a ban on all federal subsidies to "any private corporation for any purpose"
- strict controls on immigration for fear it would "crowd out our wage-earners" (driving wages down)
- declaring organized labor to be the "the salvation of the Republic and the uplifting of mankind"

Procedure:

1. Form a small group of 4-5 members. Choose a spokesperson for your group.
2. With all other members of your group, discuss the differences and similarities between Long's Share Our Wealth proposals from 1934 and the Populist Party platform of 1892. Note any of the populist proposals that have since become government policy in the United States.
3. Have your spokesperson report on your group's findings to the rest of the class. Take notes on what the main differences and similarities are.
4. After each group reports, every student should write a paragraph on what they think the top two best ideas of historic populism are and why, and what the worst two ideas of historic populism are and why, based on the article and notes from the discussion activity.

Standards Addressed

Impeachment and the Case of Andrew Johnson

National U.S. History Standard 15: Understands how various reconstruction plans succeeded or failed. **Middle School:** (2) Understands the reasons for and consequences of President Johnson's impeachment and trial (e.g., the escalating conflict between Johnson and Congress, Johnson's resistance to Congressional authority, the Tenure of Office Act).

California HSS Standard 8.11: Students analyze the character and lasting consequences of Reconstruction.

California HSS Standard 12.4: Students analyze the unique roles and responsibilities of the three branches of government as established by the U.S. Constitution. (1) Discuss Article I of the Constitution as it relates to the legislative branch, including . . . the roles of the House and Senate in impeachment proceedings . . .

Common Core State Standards: SL 6-8/11-12.1, SL 6-8/11-12.3, RH 6-8/11-12.1, RH 6-8/11-12.2, RH 6-8/11-12.3, RH 6-8/11-12.4, RH 6-8/11-12.10, WHST 6-8/11-12.1, WHST 6-8/11-12.2, WHST 6-8/11-12.9, WHST 6-8/11-12.10

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National World History Standard 45: Understands major global trends since World War II. **Middle School:** (1) Understands the changing configuration of political boundaries in the world since 1900 and connections between nationalist ideology and the proliferation of sovereign states.

National Geography Standard 13: Understands the forces of cooperation and conflict that shape the divisions of Earth's surface. **High School:** (1) Understands how cooperation and/or conflict can lead to the allocation of control of Earth's surface (e.g., formation and delineation of regional planning districts, regional school districts, countries, free-trade zones).

California HSS Standard 10.9: Students analyze the international developments in the post-World War II world. (6) Understand how the forces of nationalism developed in the Middle East . . .

California HSS Standard 10.10: Students analyze instances of nation-building in the contemporary world in at least two of the following regions or countries: the Middle East, Africa, Mexico and other parts of Latin America, and China. (2) Describe the recent history of the regions, including political divisions and systems,

key leaders, religious issues, natural features, resources, and population patterns.

Common Core State Standards: SL 6-8/9-10.1, SL 6-8/9-10.2, SL 6-8/9-10.3, RH 6-8/9-10.1, RH 6-8/9-10.2, RH 6-8/9-10.3, RH 6-8/9-10.10, WHST 6-8/9-10.1, WHST 6-8/9-10.2, WHST 6-8/9-10.9, WHST 6-8/9-10.10

'Every Man a King': Huey Long's Troubled Populism

National U.S. History Standard 13: Understands the rise of the American labor movement and how political issues reflected social and economic changes. **High School:** (3) Understands the appeal of various political parties and the positions they took (e.g., the Populist's Omaha Platform of 1892 . . .

California HSS Standard 8.12: Students analyze the transformation of the American economy and the changing social and political conditions in the United States in response to the Industrial Revolution. (8) Identify the characteristics and impact of Grangerism and Populism.

California HSS Standard 11.2: Students analyze the relationship among the rise of industrialization, largescale rural-to-urban migration, and massive immigration from Southern and Eastern Europe. (8) Examine the effect of political programs and activities of Populists.

California HSS Standard 11.6: Students analyze the different explanations for the Great Depression and how the New Deal fundamentally changed the role of the federal government.

Common Core State Standards: SL 6-8/11-12.1, SL 6-8/11-12.3, RH 6-8/11-12.1, RH 6-8/11-12.2, RH 6-8/11-12.3, RH 6-8/11-12.4, RH 6-8/11-12.10, WHST 6-8/11-12.1, WHST 6-8/11-12.2, WHST 6-8/11-12.9, WHST 6-8/11-12.10

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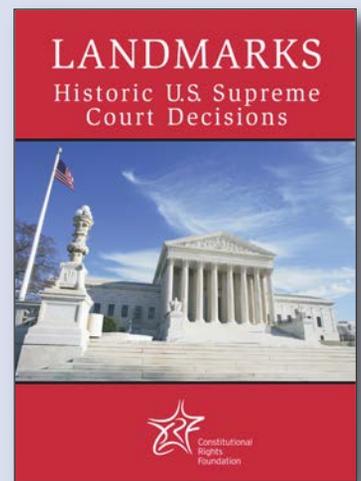
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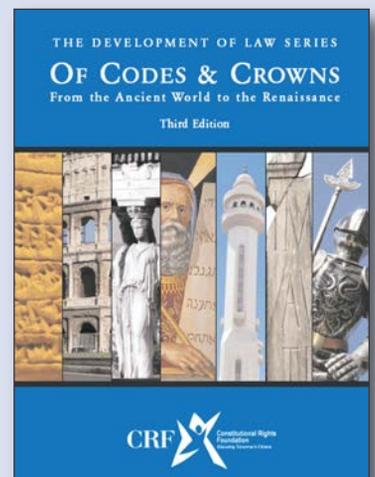
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The defense argues that Reagan neither threatened Sawyer nor made the false text to the police. The defense further argues that Reagan had no more animosity toward Sawyer than other coworkers who all disliked Sawyer's influencer personality and who had all engaged in the cyberbullying of Sawyer.

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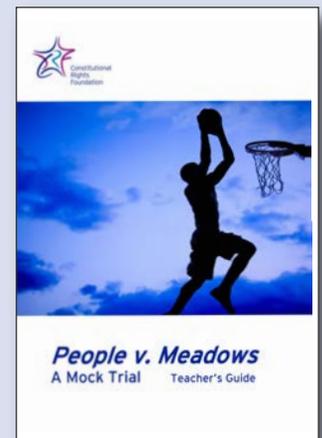
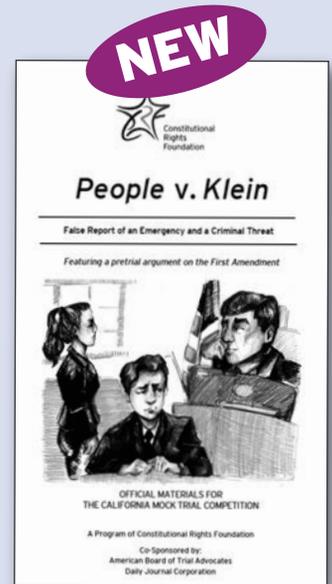
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