

Impeachment Again--The Process and its Results.

The *Detroit Advertiser*, in common with a good many other papers, mistakes, and therefore misstates, the position of the *Times* in regard to the President's claim that his object in the removal of Mr. STANTON was to bring the constitutionality of the Tenure of Office bill to a judicial test. We do not insist that he has the right to violate that or any other law, for that or any other purpose. On the contrary we said, distinctly and emphatically, in the very article thus criticised, that it is the duty of the President, as it is the duty of every other citizen, to obey every law; and it is the sworn duty of the President to execute every law, so long as it stands upon the statute book. When, in the due course of judicial proceedings, any law is declared to be invalid, because it is not in pursuance of the Constitution, the President may, like every other officer or citizen, take notice of that decision, and govern his action accordingly. But until such a decision has been pronounced, in a case properly before the Court, the President is bound to obey and execute the law, no matter what may be his personal opinion of its constitutionality.

The Constitution gives him the right to "object" to the enactment of a law, either on the ground that it is not within the constitutional power of Congress to pass it, or on any other ground that may seem to him sufficient; and it gives a certain, definite weight to his objections,—specifying distinctly what that weight shall be. But if it is not sufficient to prevent the enactment of the law objected to by a *two-thirds* vote, the law stands precisely as it would have stood if he had not objected to it at all, and his duty under it is precisely the same. He has no more right to violate it, or to refuse or fail to put it in execution, or to set it aside either temporarily or permanently, for any reason whatever, than he would have to violate or set aside a law which had been enacted with his approval.

What we do hold on this point is that his purpose in the matter—the *motive* of his action, may and must enter into the question which the Senate has to try. He is impeached as guilty of "high crimes and misdemeanors." The *acts* in which those crimes and misdemeanors consist are distinctly specified; they are the removal of Mr. STANTON and the appointment of Gen. THOMAS as Secretary of War. The acts themselves are admitted, but the President denies that they were "crimes" or "misdemeanors," because they were done in the belief that they were within the proper sphere of his constitutional authority, and were not prohibited by any law; and that in doing them he intended simply to create, or afford the means of creating, a case by which a judicial decision could be reached as to the validity of any adverse law. And in deciding the question of *intent*, which enters necessarily into the question whether his act was a "crime" or not, the Senate may properly inquire whether this was, or was not, the mo-

tive upon which he acted. We do not say that the motive would justify his action; but it might materially modify the judgment as to whether that action was, or was not, a "crime."

We do not urge these considerations with any desire to promote the President's acquittal,—but only to show the necessity of giving him a fair, impartial and judicial trial. The language of the *Tribune* and the party Press generally carries the idea that the President is unfit for his place, and that he must *therefore* be convicted and removed. The *St. Louis Democrat* urges that "it is the duty of the representatives of the people to see that no harm comes to the country,"—that harm is likely to come if the President remains in office, and that "the country *will be safer* if the Senate hold him to a strict account for his transgression, and *remove him from office.*" This may all be true. We have very little doubt that it would be to the advantage of the country, in very many ways, to have somebody besides Mr. JOHNSON in the Executive chair. It would, as we have already urged, put an end to the conflict which has been going on for the last three years between the President and Congress, and which has paralyzed the action of the Government precisely at a time when vigorous and decisive action was imperatively demanded by the public good. It would unquestionably be a great boon to the country to end this most disastrous strife, and restore unity of action and harmony of sentiment between the two departments on which the whole vigor and efficiency of the Government depends. We admit this fully, and should heartily rejoice to see that result brought about.

We need not say that we have never advocated the impeachment of the President,—not because we were blind to the incidental advantages which might result from it, and still less from any special sympathy, personal or political, with the President himself;—but because we could not see that he had been guilty of such "high crimes and misdemeanors" as alone subject him to impeachment and removal. The Constitution provides two ways of securing a change in the Executive; one by impeachment, the other by election. The latter is the one to which resort must be had in all ordinary cases. If the people find that they have put into the Presidency, directly or indirectly, an unfit man—one whose political principles, personal character or official conduct render him unworthy of the office, they can, at the end of his term, put some one else in his place. Four years was considered long enough to test his merits, and not too long for the public safety—and in certain specified cases, if the emergency required it, he might be displaced sooner. If he should be guilty of certain specified misconduct—of certain acts of personal and official guilt,—acts of "treason, bribery or other high crimes and misdemeanors," the Constitution provides that he may be removed, on conviction, by impeachment. But he is entitled to a trial on such charges, and that trial, like all other trials, must be fair, impartial, and judicial in its character. The "crimes" alleged must be specific and must be distinctly proved. He cannot be impeached by the House, and convicted and removed by the Senate, for general "unfitness," or because it is believed that "the country will be safer" for his removal. The *people* can remove him for these reasons, or for any others, or for none at all beyond their desire for a change—but the Senate cannot. And it would be a gross abuse of the power of impeachment, if the Senate were to use the forms of that extraordinary proceeding, to serve the purpose and anticipate the result of a popular election.

It is of the utmost importance to the peace and welfare of the country, as well as to the credit of Republican institutions, that the trial of the President should be rigidly just and judicial in its character. Every one will acknowledge, in words at least, that it would be a gross and flagrant wrong to commit it in any degree to the verdict of party resentment or to the attainment of party ends. And yet what else are the heated appeals of party organs, the fervid exhortations of party orators, the instructions of party majorities in State Legislatures, and the resolutions of party meetings, but attempts to use the forms of the most solemn judicial proceeding known to our Constitution, for the purpose of accomplishing party ends and anticipating the result of next Fall's election? If President JOHNSON may be thus ejected from office,—not because he is guilty of the "crimes and misdemeanors" for which he has been impeached, but because he is deemed "unfit" for the place, and because the "country will be safer," in the Senate's judgment,—so may his successor: so may any President who shall come after him. And, under such a precedent, whenever the President shall belong to one party and the Congress to another, the former may be removed, and the Senate may appoint one of their number to take his place.

It seems to be eminently desirable that no warrant should be given in the trial of President JOHNSON, for practices so dangerous to the fundamental principles of Constitutional Republican Government.