



Impeachment and the 17th President



The Chief Justice announced that upon this article, thirty five Senators had voted "Guilty," and nineteen Senators, "Not guilty;" and declared that two-thirds of the Senators present, not having pronounced him guilty, Andrew Johnson, President of the United States, stood acquitted of the charges contained

Senate Journal - May 16, 1868

What the Constitution Says

"The House of Representatives shall...have the sole power of Impeachment."

- Article 1, Section 2

"The Senate shall have the power to try all Impeachments. ...When the President of the United States is tried, the Chief Justice shall preside. And no person shall be convicted without the concurrence of two thirds of the members present."

- Article 1, Section 3

"The President, Vice President and all 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."

- Article 11, Section 4

What Impeachment Means

Impeachment does not mean removal from office. The House of Representatives decides, through the Impeachment process, if there is sufficient evidence to warrant a Senate Trial. The House votes Impeachment - the Senate tries the case.

Similar to an indictment in a criminal case, impeachment is merely an accusation of wrongdoing. Any civil officer of the United States may be impeached. Removal from office only occurs after a conviction by the Senate.

Why was Andrew Johnson Impeached?

Andrew Johnson took office at a very difficult time in our history. The Civil War was over, yet North and South were far from being bound together as one nation. Johnson strove to implement Lincoln's plan of reconstruction - a lenient policy designed to "bind the nation's wounds." He faced a radical Congress, in which many of the members viewed the South as conquered territory. Johnson and Congress fought over almost every piece of reconstruction legislation, with most acts being passed over the President's veto. The radicals agreed that Johnson must be removed if their policies were to be carried out. But how could this be justified?

The answer lay in the Tenure of Office Act.

The Tenure of Office Act was a bill passed over Johnson's veto which prevented a President from dismissing appointed officials without the consent of Congress. Johnson thought the law unconstitutional, and defied it by removing Edwin Stanton from his post as Secretary of War. Stanton, who had also been a problem for Lincoln, was an ally of the radicals. Johnson wanted to test the law in the courts, but the radicals seized this opportunity to bring the President himself to trial. The Senate trial lasted from March to May 1868. On May 16, the Senate voted to acquit Andrew Johnson by a 35 guilty to 19 not guilty margin - one short of the two-thirds needed to convict.

The Significance of Johnson's Acquittal

Andrew Johnson stood fast in his strict interpretation of the Constitution. At the risk of his political career, he resisted the subjugation of a defeated South and the attempt to reduce the power of the executive. Vindicated in his own day by reelection to the Senate in 1875, Johnson's removal of Stanton was justified by the Supreme Court in 1926. The court ruled all Tenure of Office Acts unconstitutional. This first impeachment

of a President in our nation's history shows the delicate balance of the Constitution. Had we removed a President from office for what amounted to political unpopularity, a dangerous precedent would have been set. Instead, the acquittal of Andrew Johnson kept the constitutional power of the Presidency intact.

How the Senate Voted May 16, 1868

Anthony - Rhode Island
Cameron - Pennsylvania
Cattell - New Jersey
Chandler - Michigan
Cole - California
Conkling - New York
Conness - California
Corbett - Oregon
Cragin - New Hampshire
Drake - Missouri
Edmunds - Vermont
Ferry - Connecticut
Frelinghuysen - New Jersey
Harlan - Iowa
Howard - Michigan
Howe - Wisconsin
Morgan - New York
Morrill, J. - Vermont
Morrill, L. - Maine
Morton - Indiana
Nye - Nevada
Patterson, J. - New Hampshire
Pomeroy - Kansas
Ramsey - Minnesota
Sherman - Ohio
Sprague - Rhode Island
Stewart - Nevada
Sumner - Massachusetts
Thayer - Nebraska
Tipton - Nebraska
Wade - Ohio
Willey - West Virginia
Williams - Oregon
Wilson - Massachusetts
Yates - Illinois

Bayard - Delaware
Buckalew - Pennsylvania
Davis - Kentucky
Dixon - Connecticut
Doolittle - Wisconsin
*Fessenden - Maine
*Fowler - Tennessee
*Grimes - Iowa
*Henderson - Missouri
Hendricks - Indiana
Johnson - Maryland
McCreery - Kentucky
Norton - Minnesota
Patterson, D. - Tennessee
*Ross - Kansas
Saulsbury - Delaware
*Trumbull - Illinois
*Van Winkle - West Virginia
Vickers - Maryland

* Seven Republicans, placing their political futures (and in some cases their lives) in jeopardy, voted not guilty. All Democratic Senators cast not guilty votes.

