

Case Study: The Impeachment Trial of Andrew Johnson

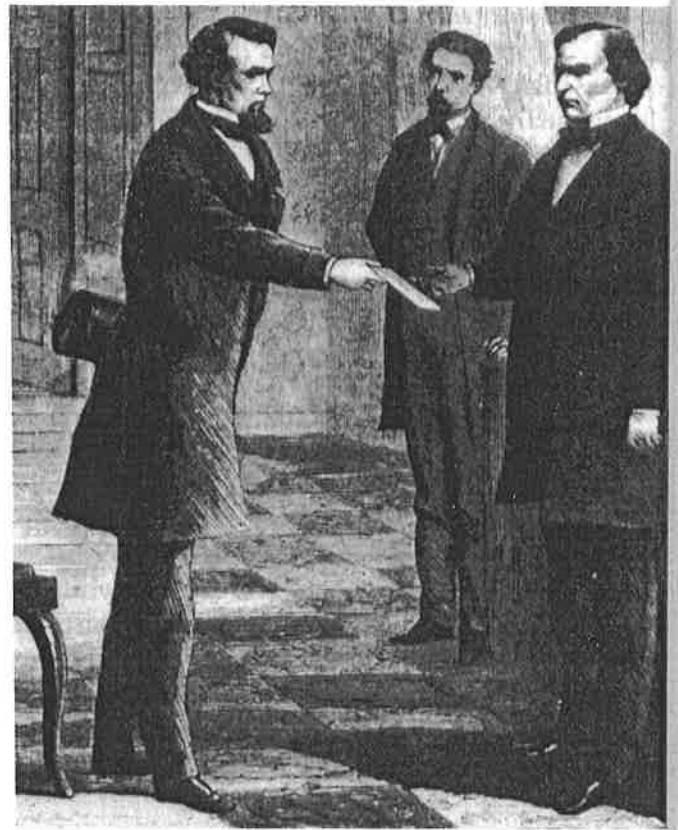
On April 15, 1865, the morning after the assassination of President Abraham Lincoln, Vice-President Andrew Johnson was sworn in as President. The new President faced a difficult task. The Civil War had only recently ended, and opinion was divided on how to deal with the defeated South. Like Lincoln, Johnson favored leniency. He supported a plan of **Reconstruction** that would bring the South back into the union peacefully.

The radicals who controlled the Republican Party were opposed to this lenient approach. They wanted to set up military governments in the South that would punish the rebel states and keep their own party in power.

The President and the radical-led Congress were soon openly at odds. Congress refused to accept the President's Reconstruction program, while the President regularly vetoed radical-sponsored bills. In March 1867, to protect its power against "executive tyranny," Congress passed the **Tenure of Office Act**. The act forbade the President to remove federal officials who were previously confirmed by Congress without congressional consent. To test this act, which he considered unconstitutional and had already tried to veto, Johnson dismissed his radical secretary of war, Edwin M. Stanton. The radicals charged that the President had broken the law, and the House voted to impeach.

The impeachment trial began in the Senate in March 1868 and lasted over two months. In many ways the issues involved were more political and personal than constitutional. Still the basic idea of **separation of powers** was at stake: Congress wanted to control the President's actions, and the President wanted to act as he thought proper.

On May 16 the senators came to a vote on the most serious impeachment charge. Thirty-five voted to convict, nineteen to acquit. Since the vote fell one short of the two-thirds majority needed to convict, the President was found not guilty. Ten days later he was acquitted on lesser charges as well.



The sergeant-at-arms of the House hands Johnson (at right) a bill of impeachment. Johnson's acquittal reaffirmed the principle of separation of powers.

The effects of the impeachment verdict were far reaching. The powers of the presidency were secured against congressional interference, and the independence of the executive and legislature was reaffirmed. In the end, the constitutional machinery performed exactly as the framers had intended. It showed that a federal model could function in spite of tensions between its separate parts.

REVIEW

1. What was the real reason why Andrew Johnson was impeached?
2. What Article and Section in the Constitution gives Congress the power to impeach? What does it say?