

Impeachment of Johnson

In 1867, the political battle between President Johnson and Congress over southern Reconstruction came to a confrontation. The Radical Republicans in Congress were not content with curbing Johnson's authority by overriding his vetoes--they wanted to remove him altogether. Under the laws of the time, removing Johnson meant that Ben Wade, the president pro tempore of the Senate, would become president.

While many considered Johnson to be an inadequate president, he had done nothing to merit removal from office. Johnson believed that everything he did was in the interest of preserving a constitutional government. When Congress passed laws retracting powers granted to the president by the Constitution, Johnson refused to accept them.

For example, Congress passed the Tenure of Office Act in 1867, which prohibited the president from removing senate-approved officials without first gaining the consent of the Senate. The Senate's goal was to keep Johnson from firing Secretary of War Edwin M. Stanton, who had been appointed by President Lincoln. Stanton was a staunch supporter of the Congress and did not agree with President Johnson's Reconstruction policies.

Johnson believed the Tenure of Office Act was unconstitutional and challenged it head-on by dismissing Stanton in early 1868. In response, the House voted 126 to 47 to impeach Johnson for "high crimes and misdemeanors," and they started the procedures set up in the Constitution for removing the president. They charged him with eleven articles of impeachment, eight of which focused on the unlawful removal of Stanton.

Johnson faced a Senate tribunal, presided over by Chief Justice Salmon P. Chase. Johnson's lawyers set out to prove that the Tenure of Office Act did not protect Stanton because it gave Cabinet members tenure "during the term of the President by whom they may have been appointed," and it was President Lincoln who had appointed Stanton.

On May 16, 1868, the Senate voted and the Radical Republicans were a mere one vote short of the two-thirds majority needed to remove Johnson from office. If Johnson had been forced from office on such weak charges, it may have set a destructive precedent and permanently undermined the executive branch of the United States government.

To appease the Radical Republicans, Johnson agreed to stop obstructing the process of Reconstruction. He named a Secretary of War who was committed to enforcing the new laws, and Reconstruction began in earnest. Ironically, in 1926 the Supreme Court found the Tenure of Office Act to be unconstitutional.