

The Facts About Impeachment

While few Americans are believed to take seriously the possibility of impeachment proceedings against Richard Nixon, the Watergate scandal has provoked substantial curiosity about the circumstances under which a President could be removed from office.

By dictionary definition, impeachment does not mean removal from office. It means formally charging a public official, before a competent tribunal, with misconduct in office. He is removed from office only if that tribunal finds him guilty.

The U.S. Constitution provides that "The House of Representatives . . . shall have the sole power of impeachment."

"The Senate," it adds, "shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. 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."

Andrew Johnson was the only President to be impeached. On Feb. 25, 1868, with public excitement high, Reps. Thaddeus Stevens (R-Pa) and John A. Bingham (R-Ohio) appeared at the bar of the Senate. In the name of the House of Representatives, they impeached the President of high crimes and misdemeanors in office.

A day earlier, the House had voted for impeachment by 136 to 47, with 17 members not voting.

Mr. Johnson was a Democrat, although he had been elected Vice President in 1864 on a ticket headed by Abraham Lincoln, a Republican.

Mr. Johnson became President when Mr. Lincoln was assassinated in April, 1865.

As recalled by Editorial Research Reports, the Washington reference service, the alleged impeachment offense grew out of the Tenure of Occupancy Act, which was passed in March, 1867, over Mr. Johnson's veto. This forbade the President to remove without the consent of the Senate an officeholder appointed by and with the advice of the Senate.

Cabinet officers were specifically included.

President Johnson tried twice to suspend Secretary of War Edwin M. Stanton, an informer and adviser of the Radical Republicans. The first time, the President



President Andrew Johnson was impeached by the House. But the Senate, acting as a court, voted against removing him from office.

appointed Gen. Ulysses S. Grant secretary ad interim. The Senate blocked Mr. Johnson both times, while the House Republicans impeached him.

Chief Justice Salmon P. Chase appeared in the Senate on March 5, 1868, and the chamber was organized as "a court of impeachment for the trial of the President of the United States." The trial actually began March 13 and ran through March 16.

There were 11 articles of impeachment. The last one was a catch-all vaguely worded by Rep. Stevens so as to making voting to convict easier for straddlers.

The vote on it was 35 to 19, one short of the number necessary for conviction. The vote was the same on the second and third articles. The other articles were not pressed.

Thus, the President stood acquitted.

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Agnew Would Take Over

Under the Constitution, "In case of the removal of the President from office or of his death, resignation or inability to discharge the powers and duties of said office, the same shall devolve on the Vice President . . ." Questions have been raised, but the Constitution appears to be clear on the matter.