Impeachment Of Clinton&Johnson Essay, Research Paper

The Federalist Papers were written by Alexander Hamilton, James Madison, and John Jay in order to garner support for the soon to be Constitution of the United States. In 65, Hamilton discusses the powers of the senate in relation to the impeachment process. The Senate is designated as sufficiently dignified and sufficiently independent since it is able to remain unawed and uninfluenced , and therefore, able to preserve the impartiality between accused and accuser/s. Yet in the impeachment trials of both Presidents Johnson and Clinton, the Senate proved to be anything but uninfluenced as politics came into play during both cases.

During his reintegration of the South into the union, Johnson made enemies of an influential faction in the Republican Party, the Radicals. They believed that their goals could only be achieved once the president had been removed from office. Many other Republicans had been offended with his leniency towards the former Confederate States, forcing them to cooperate with the Radicals, yet impeachment seemed to drastic a measure. Two attempts of impeachment were made, but they resulted in failure. The action of President Johnson that led directly to his impeachment was his deliberate violation of the Tenure of Office Act. The Tenure of Office Act expanded the power to advise and consent” by giving the Senate the right to accept or to reject the dismissal of presidential appointees. Under this law, the president could not remove incumbents in the executive branch while the Senate was in session without a majority vote in favor of the action. When the Senate was not in session, the president could suspend an official and appoint a temporary replacement that would remain until the Senate returned and confirmed it. The president had vetoed the act, but the Republican majority in Congress overrode the veto. Believing that the act was unconstitutional, Johnson discharged Stanton on February 21, 1868, intentionally defying Congress. Eleven articles of impeachment were drafted only after the impeachment vote in the House. The articles dealt with his violation of the Tenure of Office and related events. Former Supreme Court Justice Benjamin Robbins Curtis, representing the President, emphasized that Andrew Johnson had been within his rights under the Constitution in firing Stanton and questioned whether Stanton was even covered under the statute. Also, Johnson, as any other man in the United States, had the right to disobey any law set forth if he believed it to be unconstitutional. However, if such was the case, the trial should have been brought to the Supreme Court rather than the Senate. The basic implication of Curtis was that Johnson could not be removed because he had not committed a crime. Radicals in the Senate countered that even if Johnson had not committed criminal acts he could still be removed for political reasons. According to Alan Hirsch in his Guide to Impeachment:

The fact that the House also voted to impeach Johnson for hostile remarks reveals the political nature of their effort to oust him — to punish the President for criticizing Congress is a violation of the First Amendment’s protection of free speech, not a legitimate use of the impeachment process.

On May 16, 1868, the Senate began voting on the eleven articles of impeachment. Thirty-five Senators voted to convict. Thus, Johnson failed to be removed by one vote, thirty-six votes–a two-thirds majority–being needed to convict. Twelve Democrats and seven Republicans voted for acquittal. Enough Senate Republicans had pledged they would vote to acquit if necessary to prevent the two-thirds majority necessary for conviction because they feared that removing a president over what was essentially a policy disagreement would set a dangerous precedent for the future. (Donald Shafffer) The Tenure of Office Act would later be repealed in 1887 and ruled unconstitutional in 1926 by the Supreme Court.

President Clinton, as the first elected official to be impeached, was charged in two Articles with: 1) Perjury and false and misleading testimony and statements under oath before a federal grand jury (Article I), and 2) engaging in a course of conduct or scheme to delay and obstruct justice (Article III). In response, President Clinton s defense gave the following rebuttal:

The charges in the two Articles of Impeachment do not permit the conviction and removal from office of a duly elected President. The President has acknowledged conduct with Ms. Lewinsky that was improper. But Article II, Section 4 of the Constitution provides that the President shall be removed from office only upon Impeachment for, and Conviction of, Treason, Bribery or other high Crimes and Misdemeanors. The charges in the articles do not rise to the level of high Crimes and Misdemeanors as contemplated by the Founding Fathers, and they do not satisfy the rigorous constitutional standard applied throughout our Nation s history. Accordingly, the Articles of Impeachment should be dismissed.

Arguments arose on whether the issue was a moral issue rather than impeachable one and whether public figures were entitled to private lives. To many, there had never been a true case against Clinton due to lack of evidence that his actions proved to be a threat to national security. Unlike Andrew Johnson, Bill Clinton had public support even after the scandal had been made public. In addition, the American people twice elected Clinton. For a majority in Congress to remove him from office in the absence of persuasive evidence that his actions have damaged the body politic would do far more harm to American democracy than Clinton’s own sordid deeds. (Eric Foner) The American publics, as well as the Senators themselves, were like kids waiting in class for the bell to ring, with both sides tiring of the scandal. (Time 2/18/99) In the end, Clinton was acquitted on both accounts due to lack of a 2/3 vote with a vote guilty to not guilty of 45 to 55 with Article I and a 50 to 50 vote over Article II. In an interview with CBS s Dan Rather (April 1999), Clinton stated the following:

Those that did not agree with what I had done and were furious that it had worked and that the country was doing well, and attempted to use what should have been a constitutional and legal process for political ends, did not prevail That’s the way I saw it….

Not everyone was satisfied with the outcome of the case, though. According to Judicial Watch Chairman Larry Klayman, By limiting impeachment to the Lewinsky affair, the house judiciary committee doomed the quest for justice Ignoring concrete evidence of bribery, likely treason and obstruction of justice in the Chinagate scandal. However, whether that specific case or others will be investigated is open to question.

Thus, both presidents were acquitted for the crimes that they were accused of due to reasons justified in the Constitution. Yet, was impeachment necessary in both cases? By today s standards, Johnson would never have been impeached because what would b thought of as an impeachable offense in the past may not be so anymore in today s times. Political motives were clearly present in both the trials of Johnson and Clinton. However, in Clinton s case, politics has been brought to a new level with various issues, such as morality, coming into play. Party lines were dissolved during his trial as well as loyalties lay not within the parties, but in the color green, which was certainly plentiful during the economic prosperity during Clinton s time. Although the American public may not agree with the decision in Clinton s case, the point of the matter is that the foundation that our Founding fathers created still functions. Whether it is as they envisioned it is another question.