Impeachment

1. Method for removing the president, v.president, federal judges and other federal officials from office, provided for in the Constitution.

2. The specific grounds set for impeachment are in cases of “treason, bribery, and other high crimes and misdemeanors.”

a. The Constitution defines treason as follows (Article III, Section 3, Clause 1):

   Treason against the United States, shall consist in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

b. The Constitution does not define bribery or high crimes and misdemeanors.
3. The steps in the impeachment process are as follows:

a. The House Judiciary Committee meets to determine if there are grounds for impeachment. If members of the committee believe there are grounds, articles for impeachment are drawn up and voted on by the committee. If a majority of the committee favors proceeding with impeachment by voting in favor of one or more of the articles of impeachment, the articles are taken to a vote in the full House.

b. In the full House, a majority (50+) vote is required to impeach the president or other charged official. The House may approve one or more articles of impeachment or vote them all down. If at least one article of impeachment is approved by a majority of the House, the official must then be tried before the Senate.
c. The Senate, presided over by the Chief Justice of the Supreme Court, hears the case for impeachment. If 2/3 of the Senate vote to convict the official on at least one article of impeachment, then the official is removed from office. If the Senate so chooses, they may forbid the official from holding governmental office again.

POLITICAL, NOT LEGAL – PRESIDENT OR OTHER IMPEACHED OFFICIAL MAY STILL BE PURSUED BY LEGAL AUTHORITIES AFTER LEAVING OFFICE.

Andrew Johnson, Lincoln’s Democratic Vice President: impeached for violation of Tenure of Office Act (firing his Secretary of War), criticizing Congress as not representing all the states, not enforcing Reconstruction Policy, among other things.

3 articles voted on by Senate – saved by 1 vote on each.
Richard Nixon: resigned when impeachment became apparent. The House Judiciary Committee had approved 3 articles of impeachment on charges of obstruction of justice, abuse of power, and contempt of Congress. Charges revolved around cover-up of burglary at Democratic Party headquarters at the Watergate hotel. Nixon was involved in raising hush money for the burglars and in using the FBI and the CIA to end the investigation.

Clinton: The House judiciary voted 4 articles of impeachment. The full House approved 2 of these articles by majority vote. The Senate acquitted on both charges, largely along a party-line vote.
You are each members of the House Judiciary Committee. You must decide whether to draw up articles of impeachment against the President in each of the following scenarios. Be prepared to explain your decision. You do not have to come to an agreement, but be prepared to explain different views.

Scenario 1: It becomes known that the Democratic President has committed bigamy. He and wife thought that her earlier marriage had been annulled before they married, but the annulment had not taken place.

Scenario 2: It becomes known that the Democratic President has been involved in efforts by the CIA to assassinate a foreign dictator. The dictator was indeed assassinated, although it is unclear if anyone working directly for the CIA or the U.S. government was involved. Five years before the assassination, we were at war with the dictator’s country, but we were not at war at the time of the assassination.

Scenario 3: A Republican president pardons five high-ranking members of her administration who had been convicted and sentenced to five years in prison for bribery. The president herself was not involved in the scandal.

In your deliberations, SHOULD IT MATTER WHETHER PUBLIC OPINION FAVORS OR OPPOSES IMPEACHMENT? WOULD PUBLIC OPINION MATTER REGARDLESS? Should partisanship matter? Would partisanship matter regardless? Be prepared to discuss these questions.