

The House of Representatives impeached President Donald Trump on December 18, 2019, approving the charges of abuse of power and obstruction of Congress – both of the two articles of impeachment that had been put forward. The *articles of impeachment* were voted on in separate majority votes. The vote tallies were 230-197 on abuse of power and 229-198 on obstruction of Congress. The charges go next to the Senate for a trial.

It is an unusual time in political history with a sharp partisan divide in our country. Previously, the House of Representatives initiated an *impeachment inquiry* of President Trump. This move stirred up much partisan debate and led to the formal charges. The Democrats, who control the House of Representatives, launched a formal investigation accusing the president of “betrayal of his oath of office,” betrayal of national security and betrayal of the integrity of American elections. The president and Republicans have argued that this is “presidential harassment” and a “total witch hunt.” The posturing of both political parties is to gain voter acceptance of the proceedings or dismissal of charges.

The constitutional process of impeachment is unique and described in more detail in the chart below and the following paragraphs.

What is Impeachment?

Impeachment is the political process of leveling charges against public officials of wrongdoing from office. After much debate at the 1787 Constitutional Convention in Philadelphia, the attendees—among them George Washington, Alexander Hamilton, and Benjamin Franklin—approved the concept behind the impeachment

of government officials. The impeachment process is included in Article 2, Section 4 of the U.S. Constitution. Here is what the Constitution says: “The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”

The purpose is to protect the public from officials who are unfit to wield power. Furthermore, it is not just for presidents; many federal officials have been impeached for offenses ranging from drinking on the job and petty corruption to sexual assault and obstruction of justice.

The Charges Against President Trump

The House of Representatives impeached President Trump for “high crimes and misdemeanors” based on the following two charges:

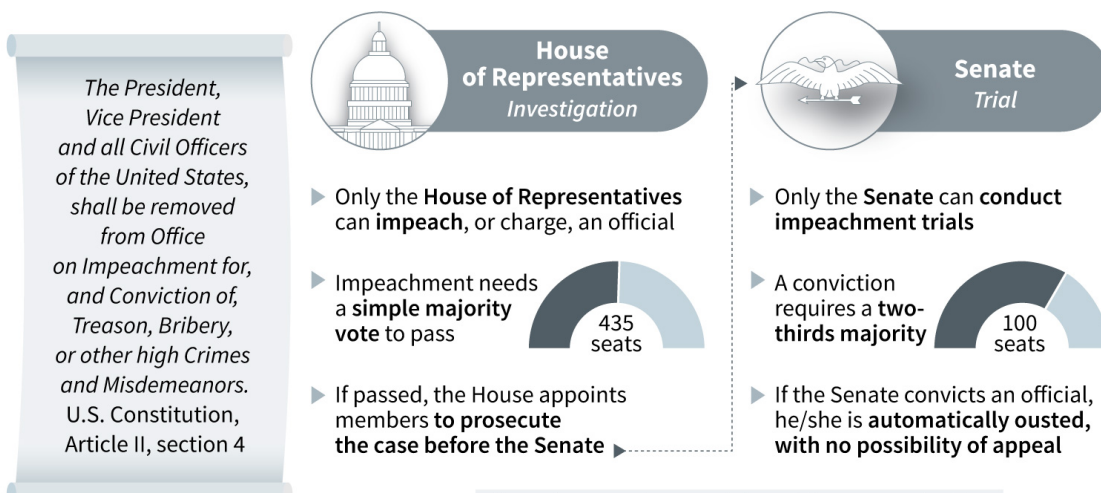
1. Abuse of Power - Article I of the articles of impeachment is “abuse of power.” This charge alleges that President Trump “solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election” for “personal political benefit” by asking Ukraine to investigate former Vice President Joe Biden and a discredited theory of 2016 election interference by Ukraine.

2. Obstruction of Congress - Article II of the articles of impeachment is “obstruction of Congress.” In October 2019, the White House sent a letter to the House committees conducting the impeachment inquiry stating that it would not respond to the committees’ subpoenas. It stated the House was not affording the President due process rights as he would have in a criminal trial, such as the ability to question witnesses.

(over)

The US impeachment process

Under the US Constitution, a federal official suspected of serious wrongdoing can be prosecuted by Congress



Source: House.gov, Senate.gov

Any other sanctions are left to civil courts to decide

Failure to comply with a congressional subpoena is a crime, and refusal to cooperate with subpoenas was an impeachment charge in the case of President Richard Nixon.

Our nation is sharply divided over this issue, here are a variety of perspectives:

<> **The Democrats:** *No one is above the law; this is a constitutional duty to impeach.*

<> **The Republicans:** *No crimes committed; the process was unfair.*

<> **The President:** *Nothing happened; this is an "assault" on America.*

<> **The People:** *United States is divided; profoundly split 50/50 on country's future.*

A Simple Timeline for Impeachment

Below is a simplified timeline of how impeachment and removal works; follow along in this political process:

Impeachment in the House of Representatives

1. Impeachment Inquiry - On Sept. 24, 2019, Speaker of the House Nancy Pelosi announced that the House of Representatives will move forward with an official impeachment inquiry.

2. Committee Reports - After investigating, committees will report their findings to the House as a whole. In the past, the House Judiciary Committee has voted on whether to recommend impeachment and has reported an impeachment resolution with specific allegations of misconduct.

3. Vote on Impeachment - The House would then vote on an impeachment resolution containing articles of impeachment, which are the charges of misconduct. This vote only requires a simple majority for passage. If passed, the subject of the inquiry is *impeached* — which means the matter is referred next to the Senate.

Trial in the Senate

4. Preparation for a Trial - If the House chooses to impeach, there will be a trial in the Senate to determine if the president is guilty. To start this process, the House will select "managers" to present evidence to the Senate and to subpoena witnesses, and the Senate will issue a writ of summons to the impeached official to appear.

5. Trial - The trial is roughly analogous to a criminal court trial, with the House managers playing the role of the prosecution, the Senate as the jury, the Chief Justice of the Supreme Court as the judge, and the impeached official is the defendant. However, the Constitution is clear that it is not a criminal trial, since the standards for evidence and conviction are up to the Senate.

6. Deliberation - Similar to a jury, the Senate meets in closed session to deliberate the substance of the trial.

7. Vote on Conviction - Finally, the Senate votes on each article of impeachment separately. These votes require a two-third majority to convict, which results in removal from office. The Senate may also vote on whether the convicted official becomes disqualified from holding a government position again, for which only a simple majority is required.

Our founding fathers wanted impeachment to be a lengthy and complicated process. So it is hard to remove any official from office, and that is by design. Impeachment has only been used three times against a sitting president. In its history, the United States has impeached 19 individuals, including 15 federal judges and one cabinet member. Only eight of those have been removed from office.

In the unlikely event that the president is removed from office, the vice president becomes president and then selects a vice president that must be confirmed by both houses of Congress. What if something should happen to the president and vice president at the same time? Then the speaker of the House takes the presidency, and the president pro tempore of the Senate becomes vice president. The line of succession then goes to the cabinet members, in the order of their creation.

QUESTIONS

TRUE OR FALSE? Write a **T** or **F** in the space provided.

- ___ 1. Impeachment is not actually mentioned in the Constitution.
- ___ 2. Currently, the House is controlled by the Democrats and the Senate by the Republicans.
- ___ 3. If the president is removed from office, the speaker of the House becomes president.
- ___ 4. The impeachment process is only used for sitting presidents.
- ___ 5. The first step in the impeachment process is the impeachment inquiry.
- ___ 6. After the initial investigation, the House requires a 3/4 majority to issue the articles of impeachment.
- ___ 7. The founding fathers wanted impeachment to be a quick and easy process.
- ___ 8. The legislative branch is given authority over impeachment powers.

IMPEACHMENT BY THE NUMBERS. Choose the correct number from the number bank that matches the statement.

Number Bank: 0, 1/2, 2/3, 1, 2, 3, 8, 100, 435

- ___ Number of presidents that have been formally impeached by the House.
- ___ Number of federal officials that have been removed from office.
- ___ Number of U.S. representatives in Congress.
- ___ Article number of the Constitution that mentions impeachment.
- ___ Fraction of votes the Senate needs to convict an official.
- ___ Number of U.S. Presidents removed from office by the impeachment process.

Answers: 1-F, 2-T, 3-F, 4-F, 5-T, 6-F, 7-F, 8-T, 100, 435, 2, 2/3, 0