

Impeachment

IMPEACH - "1. to accuse (a public official) before an appropriate tribunal of misconduct in office, 2. to challenge the credibility of, 3. to bring an accusation against, 4. to call in question; cast an imputation upon, 5, to call to account" (Webster's Encyclopedic Unabridged Dictionary)

Article 2 Section 4 - "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."

Article 1 Section 2 (5) "The House of Representatives shall ... have the sole Power of Impeachment."

Article 1 Section 3 -

(6) The Senate 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.

(7) Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

All civilian public office holders in the federal government are able to be impeached, according to the Constitution, "for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." Not even public officers stand above the Law - they must obey the law or be removed from office so they can be tried, and the impeachment process is how this is done.

The House of Representatives, representing The People, has the sole power to "file charges" and formally accuse the public official of misconduct which warrants their removal from office. After the House has impeached - or, 'confronted', 'challenged', and 'accused' - them, the case is then sent to the Senate, which, according to the original intent of the Constitution, represented the States, for them to meet out the degree of punishment. The Senate can only remove them from office and bar them from holding any further public office or position of trust; they cannot meet out any criminal punishments. However, once they are removed from office, charges may be filed in criminal court, and they can be tried there.

When the President of the United States is being tried for impeachment, the Chief Justice of the Supreme Court presides over the hearings.

There have only been two presidents tried for impeachment and another who came close:

1868 - Andrew Johnson was impeached by the House of Representatives for disobeying a law they passed to purposely block his executive powers, but the Senate was one vote short of punishing him.

1974 - Impeachment charges were going to be filed against Richard M. Nixon over his attempted cover-up of the Watergate Scandal, but he resigned before any hearings could be held. Hence hearings were not held and he was not impeached. President Ford, who followed him in office, pardoned him before any criminal charges could be filed.

1998 - Bill Clinton was impeached by the House of Representatives over the accusation that he "has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice", but the Senate withheld punishment.