

The Rule of Law in American Govt: Impeachment

Middle/ Junior High School

Objectives: Students will be able to:

- analyze primary and secondary sources;
- synthesize evidence from primary and secondary sources;
- use and create charts, diagrams, and pictures to determine characteristics of people, places, and events;
- summarize points and evidence to answer a question;
- use evidence to draw conclusions and make generalizations;
- construct arguments using evidence from multiple sources;
- compare and contrast people, places, and events;
- Compare and contrast historical, cultural, and political perspective;
- make connections between past and present;
- access a variety of media, including online resources.

2015 Standards

Virginia SOL: CE.6b Explaining the principle of separation of powers and the operation of checks and balances;
The Congress checks the president when legislators impeach and convict a president.
The Congress checks the courts when legislators impeach and convict judges/justices.

National: NSS-C.5-8.3, C.9-12.1 Principles of Democracy

Approx. Time: One and a half 90 minute blocks or three 45 minute blocks.

Hook: Start the lesson with a brief discussion and brainstorming activity with the students. Write “The Rule of Law” on the board. Ask the students if they know/remember what it means. Discuss briefly how the concept of the rule of law means that no one is above the law, not even the president of the United States.

Next, ask them what can be done if a president breaks the law or violates the Constitution. If they say that the president can be impeached, write the word “Impeachment” on the board under “Rule of Law.”

Ask them if they know how the impeachment process works, or if they know what a president or judge has to do, or not do, to be impeached.

Have the students outline the process and identify reasons why a president should be impeached. Write the reasons on the board. Once you have a fair number of reasons, have the students rank them from the most serious reason to the least serious reason.

Once they have done this, explain that today they will learn about the impeachment process and the reasons to impeach a president as well as examples of presidents who have been, or almost been, impeached.

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Divide students into groups and assign each group with one of the following topics: (i) a step in the impeachment process, (ii) the articles of impeachment, or (iii) historical examples of impeachment, including Andrew Johnson, Richard Nixon, and Bill Clinton.

Each group will (i) research a topic, (ii) create either a poster or a digital presentation (Google Slides, Prezi, infographic, etc.), and (iii) present their work to the class. Students will discuss each topic and take notes from each presentation.

Follow the order below for presentations so students start with an understanding of the process and then move to historical examples.

Presentations should include a basic, but thorough, explanation of each topic and include AT LEAST one picture.

Suggested sites for creating an infographic:

<https://www.creativebloq.com/infographic/tools-2131971>

GROUPS:

1. Role of the House of Representatives in the Impeachment Process
2. Role of the Senate in the Impeachment Process
3. Constitutional Reasons (Articles) for Impeachment
4. Impeachment of Andrew Johnson
5. Impeachment of Richard Nixon
6. Impeachment of Bill Clinton

Struggling Learners: Have students working in their groups highlight information on the excerpts they think is most relevant to their topic to summarize it. This will make it easier for them to focus on what needs to be on their infographic.

Advanced Learners: Have students use the web links instead of the excerpts to find their evidence in a broader context.

Assessment: “Students will play “To Impeach, or Not to Impeach?” by holding up signs supporting impeachment or not supporting impeachment (provided at end of this lesson) when presented with different scenarios and examples of possible impeachable offenses. (Signs can be distributed or allow students to draw the signs.)

Some of the scenarios are obvious whether they are impeachable offenses or not, but many are not clear. Make sure students can identify the constitutional reason if they support impeachment or why the scenario does not meet the requirement. This should lead to good discussion and debate about whether or not to impeach, demonstrating the same difficulty lawmakers have in deciding!

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1. Role of the House of Representatives in the Impeachment Process

“The House of Representatives ... shall have the sole Power of Impeachment.”

Art. I, Sec. 2, Cl. 5, U.S. Constitution

A. Initiation.

Impeachment proceedings may be commenced in the House of Representatives by a Member declaring a charge of impeachment on his or her own initiative,¹ by a Member presenting a memorial listing charges under oath,² or by a Member depositing a resolution in the hopper, which is then referred to the appropriate committee.³ The impeachment process may be triggered by non-Members, such as when the Judicial Conference of the United States suggests that the House may wish to consider impeachment of a federal judge,⁴ where an Independent Counsel advises the House of any substantial and credible information which he or she believes might constitute grounds for impeachment,⁵ by message from the President,⁶ by a charge from a State or territorial legislature or grand jury,⁷ or, finally, by petition.⁸

Resolutions regarding impeachment may be of two types. A resolution impeaching a particular individual who is within the category of impeachable officers under Art. II, Sec. 4 of the Constitution is usually referred directly to the House Committee on the Judiciary. A resolution to authorize an investigation as to whether grounds exist for the House to exercise its impeachment power is referred to the House Committee on Rules.⁹ Generally, such a resolution is then referred to the House Judiciary Committee.¹⁰ In the House impeachment investigation with respect to President Richard M. Nixon, a resolution reported out of the House Judiciary Committee, H. Res. 803,¹¹ was called up for immediate consideration as a privileged matter. The resolution authorized the House Committee on the Judiciary to investigate fully whether sufficient grounds existed for the House to impeach President Nixon, specified powers which the Committee could exercise in conducting this investigation, and addressed funding for that purpose. The resolution was agreed to by the House.¹²

While the House Committee on the Judiciary usually conducts impeachment investigations, such matters have occasionally been referred to another committee, such as the House Committee on Reconstruction in the impeachment of President Andrew Johnson, or to a special or select committee. In addition, an impeachment investigation may be referred by the House Judiciary Committee to one of its subcommittees or to a specially created subcommittee.

B. Investigation.

In all prior impeachment proceedings, the House has examined the charges prior to entertaining any vote.¹³ Usually an initial investigation is conducted by the Judiciary Committee, to which investigating and reporting duties are delegated by resolution after charges have been presented. However, it is possible that this investigation would be carried out by a select or special committee.¹⁴

The focus of the impeachment inquiry is to determine whether the person involved has engaged in treason, bribery, or other high crimes and misdemeanors. If the House Committee on the Judiciary, by majority vote, determines that grounds for impeachment exist, a resolution impeaching the individual in question and setting forth specific allegations of misconduct, in one or more articles of impeachment, will be reported to the full House.

C. House Action Subsequent to Receipt of Committee Report.

At the conclusion of debate, the House may consider the resolution as a whole, or may vote on each article separately.¹⁵ In addition, “as is the usual practice, the committee’s recommendations as

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reported in the resolution are in no way binding on the House.” The House may vote to impeach even if the House Judiciary Committee does not recommend impeachment.¹⁶ A vote to impeach by the House requires a simple majority of those present and voting, upon satisfaction of quorum requirements. If the House votes to impeach, managers are then selected to present the matter to the Senate. In recent practice, managers have been appointed by resolution, although historically they occasionally have been elected or appointed by the Speaker of the House pursuant to a resolution conferring such authority upon him.¹⁷

D. Notification by the House and Senate Response.

The House will also adopt a resolution in order to notify the Senate of its action.¹⁸ The Senate, after receiving such notification, will then adopt an order informing the House that it is ready to receive the managers.¹⁹ Subsequently, the appointed managers will appear before the bar of the Senate to impeach the individual involved and exhibit the articles against him or her.²⁰ After this procedure, the managers would return and make a verbal report to the House.²¹

SOURCE: Excerpts from T.J. Halsted, “An Overview of the Impeachment Process,” Congressional Research Service, The Library of Congress, 2005 (footnotes omitted). Available at <https://www.senate.gov/reference/resources/pdf/98-806.pdf>

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2. Role of the Senate in the Impeachment Process

"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 Concurrence of two-thirds of the Members present.

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."

Art. I, Sec. 3, Cl. 6 & 7, U.S. Constitution

A. Trial Preparation in the Senate.

Impeachment proceedings in the Senate are governed by the Rules of Procedure and Practice in the Senate when Sitting on Impeachment Trials.²² After presentation of the articles and organization of the Senate to consider the impeachment, the Senate will issue a writ of summons to the respondent, informing him or her of the date on which appearance and answer should be made.²³ On the date established by the Senate, the respondent may appear in person or by counsel.²⁴ The respondent may also choose not to appear.²⁵ In the latter event, the proceedings progress as though a "not guilty" plea were entered.²⁶ The respondent may demur, arguing that he or she is not a civil official subject to impeachment, or that the charges listed do not constitute sufficient grounds for impeachment.²⁷ The respondent may also choose to answer the articles brought against him or her. The House has traditionally filed a replication to the respondent's answer, and the pleadings may continue with a rejoinder, surrejoinder, and similer.²⁸

B. Trial Procedure in the Senate.

When pleadings have concluded, the Senate will set a date for trial.²⁹ Upon establishing this date, the Senate will order the House managers or their counsel to supply the Sergeant at Arms of the Senate with information regarding witnesses who are to be subpoenaed, and will further indicate that additional witnesses may be subpoenaed by application to the Presiding Officer.³⁰ Under Article I, Section 3, Clause 6 of the Constitution, the Chief Justice presides over the Senate impeachment trial if the President is being impeached.

In impeachment trials, the full Senate may receive evidence and take testimony, or may order the Presiding Officer to appoint a committee of Senators to serve this purpose. If the latter option is employed, the committee will present a certified transcript of the proceedings to the full Senate. The Senate will determine questions of competency, relevancy, and materiality. The Senate may also take further testimony in open Senate, or may order that the entire trial be before the full Senate.³¹

At the beginning of the trial, House managers and counsel for the respondent present opening arguments outlining the charges to be established and controverted, respectively. The managers for the House present the first argument.³² During the course of the trial evidence is presented, and witnesses may be examined and cross-examined.

The Senate has not adopted standard rules of evidence to be used during an impeachment trial. The Presiding Officer possesses authority to rule on all evidentiary questions. However, the Presiding Officer may choose to put any such issue to a vote before the Senate. Furthermore, any Senator may request that a formal vote be taken on a particular question.³³ Final arguments in the trial will be presented by each side, with the managers for the House of Representatives opening and closing.³⁴

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C. Judgment of the Senate.

When the presentation of evidence and argument by the managers and counsel for the respondent has concluded, the Senate as a whole meets in closed session to deliberate. Voting on whether to convict on the articles of impeachment commences upon return to open session, with yeas and nays being tallied as to each article separately.³⁵ A conviction on an article of impeachment requires a two-thirds vote of those Senators present. If the respondent is convicted on one or more of the articles against him or her, the Presiding Officer will pronounce the judgment of conviction and removal. No formal vote is required for removal, as it is a necessary effect of the conviction. The Senate need not vote on all of the articles before it. Where an individual has already been convicted on one or more of the articles, the Senate may decide that subsequent votes on the remaining articles are unnecessary. Conversely, when the Senate did not convict President Andrew Johnson in the votes on three of the articles of impeachment against him, the Senate did not vote on the remaining articles.

The Senate may subsequently vote on whether the impeached official shall be disqualified from again holding an office of public trust under the United States.³⁶ If this option is pursued, a simple majority vote is required.³⁷

SOURCE: Halsted (footnotes omitted). Available at <https://www.senate.gov/reference/resources/pdf/98-806.pdf>

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3. Constitutional Reasons (Articles) for Impeachment

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 II, Section 4, U.S. Constitution

TREASON

Treason against the United States, shall consist only 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.

Article III, Section 3, U.S. Constitution

BRIBERY

Definition

Corrupt solicitation, acceptance, or transfer of value in exchange for official action.

Overview

Bribery refers to the offering, giving, soliciting, or receiving of any item of value as a means of influencing the actions of an individual holding a public or legal duty. This type of action results in matters that should be handled objectively being handled in a manner best suiting the private interests of the decision maker. Bribery constitutes a crime and both the offeror and the recipient can be criminally charged.

Proof of bribery requires demonstrating a "quid pro quo" relationship in which the recipient directly alters behavior in exchange for the gift. Because the relationship does not occur directly enough, campaign donations from corporations or individuals to political candidates do not constitute bribery. Another element of proving bribery includes proving intent to influence the discharging of another's official duties. Some statutes also require proof that both parties understand and agree to the arrangement. Attempts to bribe exist at common law and under the Model Penal Code, and often, the punishment for attempted bribery and completed bribery are identical. Solicitation of a bribe also constitutes a crime and is completed regardless of whether the solicitation results in the receipt of a valuable gift. Economists consider bribery to negatively impact economic growth because it encouraged rent seeking behavior. Rent seeking behavior refers to an individual's or corporation's attempt to illicitly influence the open market in order to provide that individual or corporation with a disproportionate amount of wealth. Such an environment results in a sub-optimal allocation of resources, which results in depressed economic growth.

Violators may be prosecuted under federal statute [18 U.S.C. 201 - Bribery](#).

SOURCE: Legal Information Institute, Cornell University. Available at <https://www.law.cornell.edu/wex/bribery>

HIGH CRIMES AND MISDEMEANORS

"An early draft of the Constitution gave Congress the power to impeach and remove officers for "maladministration." James Madison objected to this because the term was so vague that it would allow impeachment for any reason at all. As he put it, "so vague a term will be equivalent to a tenure during the pleasure of the Senate." The term "maladministration" was then deleted from the draft

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and replaced by the phrase “other high crimes and misdemeanors.” This shows that the Framers meant for the phrase “high crimes and misdemeanors” to signify only conduct that seriously harms the public and seriously compromises the officer’s ability to continue. If the phrase is given a less rigorous interpretation, it could allow Congress to influence and control the President and the courts.”

Neil J. Kinkopf, Professor of Law, Georgia State

Source: National Constitution Center. Available at

<https://constitutioncenter.org/interactive-constitution/interpretations/the-scope-of-the-impeachment-power>

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4. Impeachment of Andrew Johnson

Why Was Andrew Johnson Impeached?

The impeachment of President Andrew Johnson was the result of political conflict and the rupture of ideologies in the aftermath of the American Civil War. It arose from uncompromised beliefs and a contest for power in a nation struggling with reunification.

"Sir, the bloody and untilled fields of the ten unreconstructed States, the unsheeted ghosts of the two thousand murdered negroes in Texas, cry...for the punishment of Andrew Johnson."

Rep. William D. Kelley, calling for impeachment of Andrew Johnson

Before Abraham Lincoln was assassinated in 1865, he had formulated a plan of reconstruction that would be lenient toward the defeated South as it rejoined the Union. He planned to grant a general amnesty to those who pledged an oath of loyalty to the United States and agreed to obey all federal laws pertaining to slavery (though high-ranking Confederate officials and military leaders were to be excluded from the general amnesty).

Lincoln's plan also stated that when a tenth of the voters who had taken part in the 1860 election had agreed to the oath within a particular state, then that state could formulate a new government and start sending representatives to Congress.

Andrew Johnson was intent on carrying out this plan when he assumed the presidency. This policy, however, did not sit well with the so-called Radical Republicans in Congress, who wanted to set up military governments and implement more stringent terms for readmission for the seceded states. As neither side was willing to compromise, a clash of wills ensued.

The political backing to begin impeachment proceedings against the president came when Johnson breached the Tenure of Office Act by removing Edwin Stanton, Secretary of War, from the cabinet. The Tenure of Office Act, passed over Johnson's veto in 1867, stated that a president could not dismiss appointed officials without the consent of Congress.

Both Lincoln and Johnson had experienced problems with Stanton, an ally of the Radicals in Congress. Stanton's removal, therefore, was not only a political decision made to relieve the discord between the president and his cabinet, but a test of the Tenure of Office Act as well. Johnson believed the Tenure of Office Act was unconstitutional and wanted it to be legally tried in the courts. It was the president, himself, however, who was brought to trial.

President Johnson was impeached by the House of Representatives on February 24, 1868 and the Senate tried the case in a trial that lasted from March to May 1868. In the end, the Senate voted to acquit President Andrew Johnson by a margin of 35 guilty to 19 not guilty - one vote short of the two-thirds needed to convict.

In a 1926 case, the Supreme Court declared that the Tenure of Office Act had been invalid.

Source: <https://www.nps.gov/articles/why-was-andrew-johnson-impeached.htm>

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5. Impeachment of Richard Nixon

Articles of Impeachment (EXCERPTS)

This is the full text of the Articles of Impeachment adopted by the House Judiciary Committee on July 27, 1974.

Note: The articles of impeachment were passed only by the Committee on the Judiciary. They were never voted on in the full House of Representatives. Nixon was **not** impeached.

RESOLVED, That Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment to be exhibited to the Senate:

ARTICLES OF IMPEACHMENT EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN THE NAME OF ITSELF AND OF ALL OF THE PEOPLE OF THE UNITED STATES OF AMERICA, AGAINST RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES OF AMERICA, IN MAINTENANCE AND SUPPORT OF ITS IMPEACHMENT AGAINST HIM FOR HIGH CRIMES AND MISDEMEANORS.

ARTICLE 1

In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

On June 17, 1972, and prior thereto, agents of the Committee for the Re-election of the President committed unlawful entry of the headquarters of the Democratic National Committee in Washington, District of Columbia, for the purpose of securing political intelligence. Subsequent thereto, Richard M. Nixon, using the powers of his high office, engaged personally and through his close subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such illegal entry; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

Article 2

Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposed [sic] of these agencies.

Article 3

In his conduct of the office of President of the United States, Richard M. Nixon, contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has failed without lawful cause or excuse to produce papers and things as directed by duly authorized subpoenas issued by the Committee on the Judiciary of the House of Representatives on April 11, 1974, May 15, 1974, May 30, 1974, and June 24, 1974, and willfully disobeyed such subpoenas. The subpoenaed papers and

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things were deemed necessary by the Committee in order to resolve by direct evidence fundamental, factual questions relating to Presidential direction, knowledge or approval of actions demonstrated by other evidence to be substantial grounds for impeachment of the President. In refusing to produce these papers and things Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the Presidency against the the [sic] lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

SOURCE:

<https://www.presidency.ucsb.edu/documents/articles-impeachment-adopted-the-house-representatives-committee-the-judiciary>

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-6. Impeachment of Bill Clinton

Articles of Impeachment against President Clinton, 1998

(While four articles of impeachment were created by the House Judiciary Committee, only the two below were approved by the full House. In the Senate, the vote fell short of the 2/3 majority that was required to convict Clinton and remove him from office.)

RESOLVED, That William Jefferson Clinton, President of the United States, is impeached for high crimes and misdemeanors . . .

Article One: In his conduct while President of the United States . . . in violation of his constitutional oath to faithfully execute the office of the President . . . has . . . undermined the integrity of his office . . . betrayed his trust as President . . . and acted in a manner subversive of the rule of law by:

- willfully corrupting and manipulating the judicial process of the United States for his personal gain and exoneration
- willfully committing perjury by providing false and misleading testimony to the grand jury in relation to his relationship with an employee
- willfully committing perjury by providing false and misleading testimony to the grand jury in relation to prior perjurious testimony in a civil rights action brought against him
- allowing his attorney to make false and misleading statements in the same civil rights action
- attempting to influence witness testimony and slow the discovery of evidence in that civil rights action

Article Three: . . . has [in the Paula Jones Case] prevented, obstructed, and impeded the administration of justice by:

- encouraging a witness to give a perjurious affidavit
- encouraging a witness to give false testimony if called to the stand
- allowing and/or encouraging the concealment of subpoenaed evidence
- attempting to sway a witness testimony by providing a job for that witness
- allowing his attorney to make misleading testimony
- giving false or misleading information to influence the testimony of a potential witness in a Federal civil rights action
- giving false or misleading information to influence the testimony of a witness in a grand jury investigation

Source: <https://www.congress.gov/bill/105th-congress/house-resolution/611>



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Assessment: To Impeach, or Not to Impeach? That Is the Question!

Now that you have learned the process of impeachment and what the Constitution establishes as impeachable offenses, it is time to see if you understand how it works!

You are all now members of the House of Representatives and will be given a placard where one side shows you support impeachment and the other side shows you do not support impeachment.

You will be given several scenarios and then vote on impeachment. Remember, you need a simple majority in the House to impeach the president or a federal judge. So, once the scenario is read, you will vote by holding up the placard showing whether you support impeachment or not.

Scenarios:

1. The president sends in the military in coordination with other countries to remove a leader of another country that has treated his people poorly. This is done without permission from Congress.

2. The president accepts a gift of a fancy car from another country in return for allowing that country to export cars to America without paying tariffs (taxes) on them.

3. The president knowingly lies to the American people about secretly making a deal with another country to place missiles in their country.

4. Justices on the Supreme Court make a decision that the majority of Americans and the president do not support.

5. The president orders a drone strike in Afghanistan that kills a 16-year-old American citizen, violating the 5th Amendment's Due Process clause (you cannot take away life, liberty, or property without due process).

6. The president refuses to enforce a law passed by Congress.



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7. The president gives top secret information to another country at war with the United States because he feels the war is wrong.

8. The president presents false information to Congress and the American public about another country having nuclear weapons and then uses that statement to gain support for the use of military force against that country.

9. The president fires the U.S. Attorney General because he is in charge of investigating the president.

10. The president lies to Congress while he is under oath (legally obligated to tell the truth).

STUDENT HANDOUT

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Assessment: To Impeach, or Not to Impeach? That Is the Question!

TEACHER KEY

Scenarios:

1. The president sends in the military in coordination with other countries to remove a leader of another country that has treated his people poorly. This is done without permission from Congress.

NOT CLEAR: Presidents have used the powers of "Commander-in-Chief" to use military force against other countries. Although there is much criticism from Congress and calls for impeachment for this, it has never been carried out. High crimes & misdemeanors

2. The president accepts a gift of a fancy car from another country in return for allowing that country to export cars to America without paying tariffs (taxes) on them.

IMPEACHABLE: Would be considered bribery.

3. The president knowingly lies to the American people about secretly making a deal with another country to place missiles in their country.

NOT IMPEACHABLE: Lying to the American public is not a crime, neither is making a secret deal with another country providing they are not at war with the U.S.

4. Justices on the Supreme Court make a decision that the majority of Americans and the president do not support.

NOT IMPEACHABLE: Often the president and many Americans are not happy with court decisions, but unpopular decisions are not impeachable offenses.

5. The president orders a drone strike in Afghanistan that kills a 16-year-old American citizen, violating the 5th Amendment's Due Process clause (you cannot take away life, liberty, or property without due process).

NOT CLEAR: The U.S. government has killed American citizens in other countries by using drones. American citizens are protected by the 5th Amendment in the Constitution from the government taking their life, liberty, or property without due process. Technically the Americans killed by drones did not receive due process, but no president has been impeached for this. High crimes and misdemeanors.

6. The president refuses to enforce a law passed by Congress.

NOT CLEAR: Presidents have, in the past, refused to enforce laws passed by Congress, but no president has been impeached for it. High crimes and misdemeanors.

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TEACHER KEY

7. The president gives top secret information to another country at war with the United States because he feels the war is wrong.

IMPEACHABLE: This is Treason!

8. The president presents false information to Congress and the American public about another country having nuclear weapons and then uses that statement to gain support for the use of military force against that country.

NOT CLEAR: Like the first example, presidents are given broad power as Commander-in-Chief to use military power without congressional approval and it is not illegal to lie to Congress or the American public as long as the president is not under oath. High crimes and misdemeanors.

9. The president fires the U.S. Attorney General because he is in charge of investigating the president.

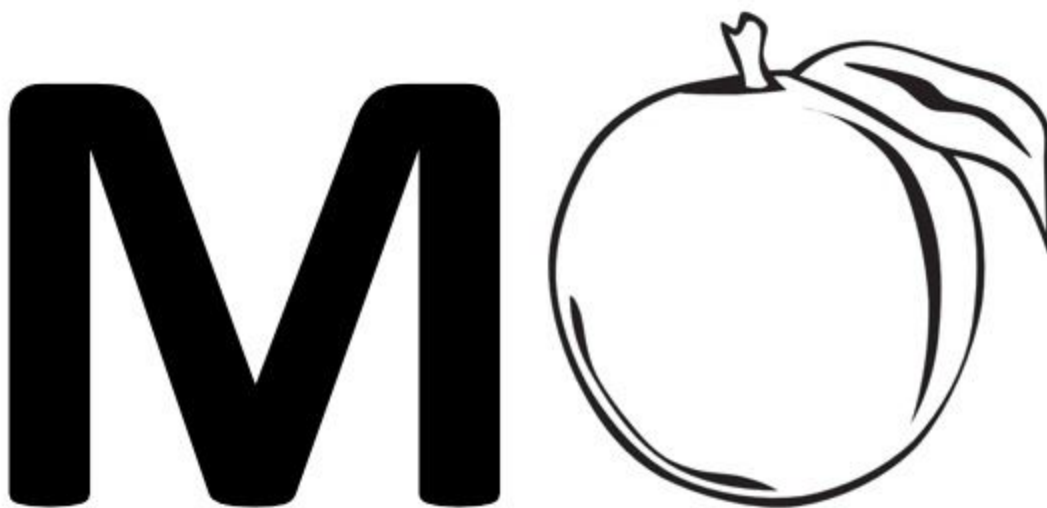
NOT CLEAR: The president can fire cabinet members at will, however if it appears the president is obstructing justice, articles of impeachment could be brought against him. High crimes and misdemeanors.

10. The president lies to Congress while he is under oath (legally obligated to tell the truth).

IMPEACHABLE: Lying under oath violates high crimes and misdemeanors.

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2



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NOT

M