

The Rule of Law in American Govt: Impeachment

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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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.