

# The Rule of Law in American Govt: Impeachment

## 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.”

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**Source:** National Constitution Center. Available at

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