



A Constitutional and  
Historical Analysis  
THIRD EDITION

# **THE FEDERAL IMPEACHMENT PROCESS**

Michael J.  
Gerhardt



# Federal Impeachment Process A Constitutional And Historical Analysis

**Susan Navarro Smelcer**



## **Federal Impeachment Process A Constitutional And Historical Analysis:**

*The Federal Impeachment Process* Michael J. Gerhardt, 2000 Throughout President Clinton's impeachment proceedings the contending sides agreed on very little One exception was *The Federal Impeachment Process* the most complete analysis of the constitutional and legal issues raised in every impeachment proceeding in American history In this edition Michael Gerhardt draws on his experience as a commentator and expert witness to examine the likely political and constitutional consequences of President Clinton's impeachment and trial Placing the President's acquittal in historical perspective he argues that it fits easily within the impeachment process as it has evolved over the past two centuries Impeachment he shows is an inherently political process designed to expose and remedy political crimes Subject neither to judicial review nor to presidential veto it is a unique congressional power that involves both political and constitutional considerations including the gravity of the offense charged the harm to the constitutional order and the link between an official's misconduct and duties Significantly updated this book will be the standard work on the federal impeachment process for years to come On the first edition The most comprehensive analytic study of the federal impeachment process to date Choice This book is by some margin the most successful analysis of impeachment issues to have been written and it will be the standard work for years to come Constitutional Commentary

**The Constitution of the United States of America, Analysis and Interpretation, Centennial Edition, Analysis of Cases Decided by the Supreme Court of the United States to June 28, 2012** United States, 2013 Centennial edition Popularly known as the Constitution Annotated or CONAN encompasses the U S Constitution and analysis and interpretation of the U S Constitution with in text annotations of cases decided by the Supreme Court of the United States The analysis is provided by the Congressional Research Service CRS in the Library of Congress This is the 100th anniversary edition of a publication first released in 1913 at the direction of the U S Senate Since then it has been published as a bound edition every 10 years with updates issued every two years that address new constitutional law cases Audience Federal lawmakers libraries law firms constitutional scholars [Impeachment in U.S. History](#) William K. Bolt, Scott Kaufman, 2025-12-26 This book offers the most comprehensive study yet of the history behind impeachment in the United States considering its use against presidents judges justices and members of the cabinet Although the Founding Fathers intended for the impeachment of federal officials to take place rarely and only for the most egregious instances of malfeasance calls for impeaching members of the U S government seem today to be almost routine Presenting their arguments in a manner engaging to laypersons and specialists alike authors Bolt and Kaufman describe the precolonial and colonial origins of impeachment in the United States how the Founding Fathers intended for the process of impeachment to occur the changes that have taken place to that process since the country's founding and why one hears the word impeachment used so often at present Incorporating dozens of cases including many that are oftentimes forgotten this book demonstrates that partisanship is not new when it comes to trying to remove federal officers from their post and that

unseating those officers via impeachment proceedings has proven very difficult Accessibly written and featuring a number of primary source documents and tools for student learning Impeachment in U S History is ideal for students of American history and American political history in particular **Background and History of Impeachment** United States.

Congress. House. Committee on the Judiciary. Subcommittee on the Constitution,1998 *Role of the Senate in Judicial Impeachment Proceedings* Susan Navarro Smelcer,2010-08 Contents 1 Intro 2 Overview of the Impeachment Process in the House and Senate 3 Rules Governing Senate Impeachment Proceedings 4 Organizing the Senate for Trial 5 Role of the Presiding Officer 6 Use of an Impeachment Trial Committee Org and Respon of the Committee Procedure During the Preliminary Phase of Its Proceedings Procedure During the Evidentiary Phase of Its Proceedings Submitting a Report to the Full Senate 7 Deliberation by the Full Senate 8 Judgment by the Full Senate 9 Length of Senate Impeachment Trials 10 Concluding Observations App A H Res 1031 Articles of Impeachment Against Judge G Thomas Porteous App B Chart of the Senate Impeachment Trial Process Tables *Examining the Allegations of Misconduct Against IRS Commissioner John Koskinen* United States. Congress. House. Committee on the Judiciary,2016

**The Federal Impeachment Process** Michael J. Gerhardt,2019-04-12 As President Trump and Congressional Democrats battle over the findings of the Mueller report talk of impeachment is in the air But what are the grounds for impeaching a sitting president Who is subject to impeachment Is impeachment effective as a safeguard against presidential misconduct What challenges does today s highly partisan political climate pose to the impeachment process and what if any meaningful alternatives are there for handling presidential misconduct For more than twenty years The Federal Impeachment Process has served as the most complete analysis of the constitutional and legal issues raised in every impeachment proceeding in American history Impeachment Michael J Gerhardt shows is an inherently political process designed to expose and remedy political crimes serious breaches of duty or injuries to the Republic Subject neither to judicial review nor to presidential veto it is a unique congressional power that involves both political and constitutional considerations including the gravity of the offense charged the harm to the constitutional order and the link between an official s misconduct and duties For this third edition Gerhardt updates the book to cover cases since President Clinton as well as recent scholarly debates He discusses the issues arising from the possible impeachment of Donald Trump including whether a sitting president may be investigated prosecuted and convicted for criminal misconduct or whether impeachment and conviction in Congress is the only way to sanction a sitting president what the Emoluments Clause means and whether it might provide the basis for the removal of the president whether gross incompetence may serve as the basis for impeachment and the extent to which federal conflicts of interest laws apply to the president and other high ranking officials Significantly updated this book will remain the standard work on the federal impeachment process for years to come **The Heritage Guide to the Constitution** David F. Forte,Matthew

Spalding,2014-09-16 A landmark work of more than one hundred scholars The Heritage Guide to the Constitution is a unique

line by line analysis explaining every clause of America's founding charter and its contemporary meaning In this fully revised second edition leading scholars in law history and public policy offer more than two hundred updated and incisive essays on every clause of the Constitution From the stirring words of the Preamble to the Twenty seventh Amendment you will gain new insights into the ideas that made America important debates that continue from our Founding and the Constitution's true meaning for our nation

*The Age of Impeachment* David E. Kyvig, 2008 A Bancroft Prize winning historian chronicles the modern history of impeachment and the shift in American politics and constitutional culture revealed by its evolving interpretation and use

*Separation Of Powers: Documents and Commentary* Katy Harriger, 2003-02 The dozen introductory essays and 56 documents are designed to help spice up the usually dreary courses on the separation of powers in the US government by illuminating the dynamics and complexity of the concept and the conflict that often accompanies its practice Annotation c 2003 Book News Inc Portland OR booknews.com

**The Presidency and the Law** David Gray Adler, Michael A. Genovese, 2002 Political scandals have always demonstrated the capacity of our executive officials for self inflicted injuries and the Clinton administration was no exception Unilateral warmaking claims of executive privilege and immunity and last minute pardons all tested the limits of presidential power while the excesses of the Special Prosecutor cast doubts on available remedies For eight years Republicans and Democrats engaged in guerrilla warfare aimed at destroying the careers and lives of their adversaries while tests of presidential power were resolved by the courts resulting in a reshaping of the scope and power of the presidency itself This book examines the many controversial and important battles that led to the shrinking of the presidency under the law during the Clinton administration Located at the intersection of law and politics it helps readers understand the dramatic changes that took place in the relationship of presidential power to the law during the Clinton years and shows how one president's actions and congressional and legal reactions to them have altered presidential prerogatives in ways that his successors cannot ignore The Presidency and the Law offers an assessment of changes in constitutional and legal understanding of the American presidency exploring such topics as war power executive privilege pardon power impeachment executive immunity independent counsel and campaign finance In examining these collisions between president and the law its distinguished contributors bring the lessons of Watergate and Iran Contra into the Clinton era and contribute to a Madisonian view that presidents should not operate outside statutory and constitutional constraints While the essays offer several criticisms of that administration's exercise of power and its interpretation of constitutional provisions and law many of the authors have been supportive of Clinton and his policy pursuits and all seek to examine the potential impact of the Clinton administration without being predictive or legalistic They offer instead commentary analysis and criticism that examine the legality and constitutionality of President Clinton's actions within a broader political and historical context The presidency is constitutionally weaker and politically more vulnerable than the office Bill Clinton assumed in 1993 and it remains to be seen what impact these changes will have on the presidency

in the 21st century This book points the way to assessing that impact and is essential reading for anyone concerned with the future of our democracy      **The Genius of Impeachment** John Nichols,2006 Stating that impeachment is as American as apple pie Nichols offers a fearless call to Americans to hold their leaders accountable to democracy      *The Oxford Companion to American Law* Kermit Hall (ed),David S. Clark,2002-05-02 A landmark in legal publishing The Oxford Companion to the Supreme Court is a now classic text many of whose entries are regularly cited by scholars as the definitive statement on any particular subject In the tradition of that work editor in chief Kermit L Hall offers up The Oxford Companion to American Law a one volume A Z encyclopedia that covers topics ranging from aging and the law wiretapping and electronic eavesdropping the Salem Witch Trials and Plessy vs Ferguson The Companion takes as its starting point the insight that law is embedded in society and that to understand American law one must necessarily ask questions about the relationship between it and the social order now and in the past The volume assumes that American law in all its richness and complexity cannot be understood in isolation as simply the business of the Supreme Court or as a list of common law doctrines Hence the volume takes seriously issues involving laws role in structuring decisions about governance the significance of state and local law and legal institutions and the place of American law in a comparative international perspective Nearly 500 entries are included written by over 300 expert contributors Intended for the working lawyer or judge the high school student working on a term paper or the general adult reader interested in the topic the Companion is the authoritative reference work on the subject of American law      Guide to Congress CQ Press,2012-08-10 The new edition of this comprehensive two volume reference has been thoroughly revised and expanded by expert CQ Press writers with years of experience covering Congress to offer a complete institutional history of Congress along with updated insight and analysis on the 2008 and 2010 shifts in power of the U S Senate and House of Representatives The 35 chapters of Guide to Congress Seventh Edition are divided into eight subject areas that cover all aspects of the U S Congress Origins and Development of Congress from the constitutional beginnings of the legislative branch to the histories of the House and Senate and their power shifts eras of partisanship and unity influential leaders and working relationships with presidents New coverage includes analysis of the tug of war between House Democrats and the George W Bush administration on Iraq war withdrawal timetables updates on criminal investigations of House members including William J Jefferson of Louisiana and Charles Rangel of New York and analysis of the Tea Party Movement and new Republican majority Powers of Congress including powers to tax spend and borrow to conduct foreign policy and investigations to confirm and impeach to regulate commerce to amend the Constitution and to select the president Updated material includes analysis of the George W Bush administration s use of immunity from questioning by congressional committees analysis of the signing of the new START treaty with Russia marking a cornerstone of U S relations with the country coverage of the War on Terror including the killing of bin Laden in a U S raid in Pakistan and perspective on the negotiations to raise the federal debt ceiling in 2011

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University of California, Davis. School of Law,2012 **Nexus** ,1997 **Law and Jurisprudence in American History** Stephen B. Presser,Jamil S. Zainaldin,2003 **American Government and Politics** Fenton S. Martin,Robert Goehlert,1997

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If a federal official commits a crime or otherwise acts improperly the House of

Representatives may impeach formally charge that official If the official subsequently is convicted in a Senate impeachment trial he is removed from office CONTENTS Impeachment The Impeachment Process in the House of Representatives Impeachment Investigations Law and Process Congressional Rules and Procedures Hinds Precedents Volume 3 Chapter 69 Rules of Evidence in an Impeachment Trial Impeachment and Removal Impeachment Grounds A Selection of Collected Materials Impeachment Grounds Part 2 Selected Constitutional Convention Materials An Overview of the Impeachment Process The Impeachment Process An Interview with Senate Parliamentarian Floyd M Riddick Senate Publications Related to the Impeachment of William Jefferson Clinton Presidential Impeachment Donald J Trump FAQs about the Mueller Report impeachment and more Response by Counsel to the President on behalf of President Donald J Trump 116TH CONGRESS 1ST SESSION H RES 660 Directing certain committees to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether sufficient grounds exist for the House of Representatives to exercise its Constitutional power to impeach Donald John Trump President of the United States of America and for other purposes Declassified Whistle blower Complaint



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