

*The*  
FEDERAL  
IMPEACHMENT  
PROCESS

*A Constitutional  
and Historical Analysis*

Second Edition

MICHAEL J. GERHARDT

# Federal Impeachment Process A Constitutional And Historical Analysis

**John Nichols**



## **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 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 Federal Appointments Process* Michael J. Gerhardt, 2001-01-02 The history of how judges and others get appointed to federal positions and the political jockeying that has always accompanied the process     *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     Examining the Allegations of Misconduct Against IRS Commissioner John Koskinen United States. Congress. House. Committee on the Judiciary, 2016     **The Heritage Guide to the Constitution** David F. Forte, Matthew Spalding, 2014-09-15 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     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 Congressional Procedures detailing the party and leadership structures rules and the legislative process the committee system assignment and procedures and congressional staff Revised coverage profiles the methods styles and legislative successes and defeats of House Speakers Pelosi and Boehner and Senate majority leader Reid The Guide also analyzes the new hyperpartisanship emerging in Congress and provides updates on congressional travel reforms and aide statistics and trends Pressures on Congress including influence from constituents political parties the president the Supreme Court lobbyists and the media New material explores the use of social media to communicate with constituents examines the role of the new Consumer Financial Protection Bureau and analyzes the Obama administration s relationship with Congress Housing and Support covering the U S Capitol House and Senate office buildings the Library of Congress and organizations such as the Government Accountability Office and the Congressional Research Service Updates are provided on new initiatives by the Library of Congress and reforms to the General Accounting Office Pay and Perquisites including honoraria and allowances franking and travel privileges and other benefits Updates include revised figures for congressional pay and benefits and analysis of efforts to control privately sponsored foreign travel Congress and the Electorate covering the right to vote the demographic composition of congress the role of parties in elections campaign financing and redistricting New information discusses elections statistics in recent elections the impact of third parties Tea Party gains and the creation of super PACs and 527 groups Qualifications and conduct detailing congressional ethics investigations and procedures for disciplining members Updated coverage reviews ethics investigations including the creation of the Office of Congressional Ethics Specific investigations and outcomes are discussed including the censure of Charles Rangel and disapproval of Joe Wilson s outburst during a speech by President Obama Volume 2 concludes with a selected bibliography and key reference materials a list of all members of congress who have served since 1789 congressional election results floor leaders and committee chairs dates for sessions of congress women black Asian and Hispanic members and many more Boxed features tables and figures and a generous number of photos enhance the topical coverage of this definitive resource on Congress

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 United States Senate** Alexander P. Kessler, 2006 Created in 1787 the United States Senate is one of the two chambers of the Congress of the United States the other being the House of Representatives In the Senate each state is equally represented by two members regardless of population as a result the total membership of the body is 100 Senators

serve for six year terms that are staggered so elections are held for approximately one third of the seats a class every second year The Vice President of the United States is the presiding officer of the Senate but is not a senator and does not vote except to break ties The Senate is regarded as a more deliberative body than the House of Representatives the Senate is smaller and its members serve longer terms allowing for a more collegial and less partisan atmosphere that is somewhat more insulated from public opinion than the House The Senate has several exclusive powers enumerated in the Constitution not granted to the House most significantly the President must ratify treaties and make important appointments with the Advice and Consent of the Senate Article I This fully indexed chronology and institutional bibliography traces the sometimes tumultuous history of this august body

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

*Proceedings of the United States Senate in the Impeachment Trial of President William Jefferson Clinton: Statements of Senators regarding*

*the impeachment trial of President William Jefferson Clinton* United States. Congress. Senate. Office of the Secretary, Bill Clinton, 1999

**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

**The Complete Idiot's Guide to Impeachment of the President** Steven D. Strauss, Spencer Strauss, 1998 An inside look at the possible impeachment President Clinton and what it would mean to the country Including detailed information on the Starr report a history of impeachment and the impeachment process

America's Courts and the Criminal Justice System David W. Neubauer, 1999 By far the best selling text in this market AMERICA S COURTS focuses on the dynamics of the court by introducing the concept of the courtroom work group and the relationship between the three main actors judge prosecutor and defense attorney thus illustrating the law in action not just dry theory and facts

American Constitutional Development: The powers of government Richard S. Randall, 2002 This volume examines constitutional law in a unique developmental framework that shows how key events through American history have shaped the Supreme Court s understanding of the Constitution Places unique emphasis on the political economic social and developmental aspects of the Supreme Court s constitutional decisions The book examines the great issues and events of government and politics in the early middle and modern constitutions how they have shaped the Supreme Court s understanding of the Constitution and how the distributive consequences of that understanding in turn affect American political life For those who are interested in the American constitution

Congress A to Z. David R. Tarr, Ann O'Connor, 1999 Offers nontechnical explanations of congressional operations as well as background on the development of the modern Congress Provides information on such subjects as the legislative process and the congressional committee system Also

includes profiles of individual committees and short biographies of important members of Congress past and present

**Georgia State University Law Review**, 2002      **Sober as a Judge** Richard G. Stevens, Matthew J. Franck, 1999

Political scientists profile the work of five US Supreme Court Justices deemed innocent of overstepping the bounds of the Constitution by tempering laws with mercy or discovering rights They are Nathan P Clifford Stanley Matthews Edward Douglass White Fred M Vinson and Antonin Scalia An introduction characterizes the justices as guardians of republican Republican liberty an epilogue considers staying clean and sober in the future Only names are indexed



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