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Impeachment Grounds: Part 4A: Articles of Past Impeachments

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Summary

This is a collection of selected background materials pertinent to the issue of what constitutes impeachable misconduct for purposes of Article II, section 4 of the United States Constitution quoted below. It includes summaries and excerpts of impeachments under this section. It is the fourth of six segments that together with footnotes comprise, *Impeachment Grounds: A Collection of Selected Materials*, CRS Report 98-882. Due its length, this part has itself been divided in half and consists of two reports, Parts 4A and 4B.

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. U.S.Const. Art. II, §4

American Impeachment Experience

President Andrew Johnson

A. Proceedings:

1. The first resolution for impeachment was defeated in the House (Dec. 12, 1867), III HIND'S PRECEDENTS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES (HIND'S) §2407 (1907).
2. President Johnson was subsequently impeached by the House (Feb. 24, 1868), III HIND'S §2412.
3. The Senate acquitted President Johnson, no article of impeachment having received the constitutionally required vote (May 26, 1868), III HIND'S §2443.

B. Articles of Impeachment

“Article I charged that Johnson, `unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully and in violation of the Constitution and laws

of the United States, issue an order in writing for the removal of [Secretary of War] Edwin M. Stanton.’

“*Article I* concluded that President Johnson had committed ‘a high misdemeanor in office.’

“*Articles II and III* characterized the President’s conduct in the same terms but charged him with the allegedly unlawful appointment of Stanton’s replacement.

“*Article IV* charged that Johnson, with intent, unlawfully conspired with the replacement for Stanton and Members of the House of Representatives to ‘hinder and prevent’ Stanton from holding his office.

“*Article V*, a variation of the preceding article, charged a conspiracy to prevent the execution of the Tenure of Office Act, in addition to a conspiracy to prevent Stanton from holding his office.

“*Article VI* charged Johnson with conspiring with Stanton’s designated replacement, ‘by force to seize, take and possess’ government property in Stanton’s possession, in violation of both an ‘act to define and punish certain conspiracies’ and the Tenure of Office Act.

“*Article VII* charged the same offense, but as a violation of the Tenure of Office Act only.

“*Article VIII* alleged that Johnson, by appointing a new Secretary of War, had, ‘with intent unlawfully to control the disbursements of the moneys appropriated for the military service and for the Department of War,’ violated the provisions of the Tenure of Office Act.

“*Article IX* charged that Johnson, in his role as Commander in Chief, had instructed the General in charge of the military forces in Washington that part of the Tenure of Office Act was unconstitutional, with intent to induce the General in his official capacity as commander of the Department of Washington, to prevent the execution of the Tenure of Office Act.

“*Article X*, which was adopted by amendment after the first nine articles, alleged that Johnson, ‘unmindful of the high duties of his office and the dignity and proprieties thereof, . . . designing and intending to set aside the rightful authority and powers of Congress, did attempt to bring into disgrace, ridicule, hatred, contempt, and reproach, the Congress of the United States, [and] to impair and destroy the regard and respect of all good people . . . for the Congress and legislative power thereof . . .’ by making ‘certain intemperate, inflammatory, and scandalous harangues.’ In addition, the same speeches were alleged to have brought the high office of the President into ‘contempt, ridicule, and disgrace, to the great scandal of all good citizens.’

“*Article XI* combined the conduct charged in Article X and the nine other articles to allege that Johnson had attempted to prevent the execution of both the Tenure of Office Act and an act relating to army appropriations by unlawfully devising and contriving means by which he could remove Stanton from office.”

President Richard Nixon

A. Proceedings:

1. The House Committee on the Judiciary voted to report articles of impeachment, H.R.REP.No.93-1305 (July 30, 1974).
2. President Nixon resigned on August 9, 1974, 120 *Cong.Rec.* 29361.
3. The House voted to take notice of these facts and to thank the Committee; it adjourned without voting on articles of impeachment, 120 *Cong.Rec.* 29361.

B. *Articles of Impeachment*

Article I charged that President Nixon “us[ed] the powers of his high office . . . to delay, impede, and obstruct” the Watergate investigation by means of false and misleading statements, withholding evidence, condoning and counseling others to give false or misleading testimony, interfering with FBI, Justice Department and Congressional investigations, bribing witnesses, and leaking information about investigations, and “making false or misleading public statements for the purposes of deceiving the people of the United States” and that in doing so he “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.”

Article II alleged that he had misused the FBI, Secret Service, IRS, and CIA for unauthorized, political and oppressive purposes.

Article III accused the President of withholding subpoenaed information from the Judiciary Committee.

Senator William Blount

A. *Proceedings:*

1. The Senate expelled Blount for committing a high misdemeanor inconsistent with the duties of his office, *5 Annals of Congress* 43-4 (1797).

2. The House adopted a resolution impeaching him, *5 Annals of Congress* 440-41 (1797).

3. The Senate dismissed the impeachment in response to a motion arguing that “(1) a Senator was not a ‘civil officer,’ (2) having already been expelled, Blount was no longer impeachable, and (3) no crime or misdemeanor in the execution of the office had been alleged.” *Impeachment Staff Report* at 42.

B. *Articles of Impeachment*

Article I alleged that Blount had conspired to help Britain oust Spain from its possession of Louisiana and Florida “contrary to the duty of his trust and station as a Senator of the United States, in violation of the obligations of neutrality, and against the laws of the United States, and the peace and interests thereof.”

Article II charged that he had conspired to incite an Indian uprising against the Spanish in violation of those same duties, laws, and interests.

Articles III and IV accused him of attempting to corrupt a federal Indian agent and interpreter in furtherance of his conspiratorial plans.

Article V condemned him for trying to undermine the confidence of the Indian tribes in the promises of the United States made to encourage the Indians to remain within lands prescribed by treaty and out of the lands occupied by Spanish authorities.

Secretary of War William Belknap

A. *Proceedings*

1. Secretary Belknap resigned immediately prior to the House adoption of an impeachment resolution.

2. The House passed a resolution of impeachment on March 2, 1876, III HINDS §2445.

3. The Senate acquitted Belknap, no article of impeachment having received the constitutionally required vote (August 2, 1876), III HINDS §2468.

B. *Articles of Impeachment*

Article I accused Belknap of high crimes and misdemeanors when as Secretary of War he sold an appointment to run the trading post on an Army base.

“*Article II* charged Belknap with a ‘high misdemeanor in office’ for ‘willfully, corruptly, and unlawfully’ taking and receiving money in return for the continued maintenance of the post trader.

“*Article III* charged that Belknap was ‘criminally disregarding his duty as Secretary of War, and basely prostituting his office to his lust for private gain,’ when he ‘unlawfully and corruptly’ continued his appointee in office, ‘to the great injury and damages of the officers and soldiers of the United States stationed at the military post. . . .’

“*Article IV* alleged seventeen separate specifications relating to Belknap’s appointment and continuance in office of the post trader.

“*Article V* enumerated the instances in which Belknap or his wife had corruptly received ‘divert large sums of money.’

District Court Judge John Pickering

A. *Proceedings*

1. The House impeached Judge Pickering on December 30, 1803, III HINDS §2323.

2. Although not mentioned in the articles, the Judge did not appear and his son submitted sundry petitions indicating that the Judge was “insane” and had been “deranged” for some time, III HINDS §2333.

3. The Senate convicted the Judge on all four articles, III HINDS §2341.

B. *Articles of Impeachment*

“*Article I* charged that Judge Pickering, ‘not regarding, but with intent to evade’ an act of Congress, had ordered [a] ship and merchandise delivered to its owner without the production of any certificate that the duty on the ship or merchandise had been paid or secured, ‘contrary to [Pickering’s] trust and duty as judge . . . , and to the manifest injury of [the] revenue.’

Article II accused the Judge of refusing to hear witnesses whose testimony was offered in evidence by the government in the customs’ claims case.

Article III alleged that the judge had refused to allow the government to appeal the same admiralty claims case.

“*Article IV* charged that . . . [Judge] Pickering, being a man of loose morals and intemperate habits, . . . did appear upon the bench of the said court . . . in a state of total intoxication . . . and did then and there frequently, in a most profane and indecent manner, invoke the name of the Supreme Being, to the evil example of all the good citizens of the United States, and was then and there guilty of other high

“misdemeanors, disgraceful to his own character as a judge, and degrading to the honor and dignity of the United States.”

District Court Judge West Humphreys

A. Proceedings

1. The House impeached Judge Humphreys on May 6, 1862, III HINDS §2385.
2. The Senate convicted on all articles other than the second part of article VI (June 26, 1862), III HINDS §2396.

B. Articles of Impeachment

“*Article I* charged that in disregard of his `duties as a citizen . . . and unmindful of the duties of his . . . office’ as a judge, Humphreys `endeavor[ed] by public speech to incite revolt and rebellion’ against the United States; and publicly declared that the people of Tennessee had the right to absolve themselves of allegiance to the United States.

“*Article II* charged that, disregarding his duties as a citizen, his obligations as a judge, and the `good behavior’ clause of the Constitution, Humphreys advocated and agreed to Tennessee’s ordinance of secession.

“*Article III* charged that Humphreys organized armed rebellion against the United States and waged war against them.

“*Article IV* charged Humphreys with conspiracy to violate a civil war statute that made it a criminal offense `to oppose by force the authority of the Government of the United States.’

“*Article V* charged that, with intent to prevent the administration of the laws of the United States and to overthrow the authority of the United States, Humphreys had failed to perform his federal judicial duties for nearly a year.

“*Article VI* alleged that Judge Humphreys had continued to hold court in his state, calling it the district court of the Confederate States of America. Article VI was divided into three specifications, relating to Humphreys’ acts while sitting as a Confederate judge. The first specification charged that Humphreys endeavored to coerce a Union supporter to swear allegiance to the Confederacy. The second charged that he ordered the confiscation of private property on behalf of the Confederacy. The third charged that he jailed Union sympathizers who resisted the Confederacy.

“*Article VII* charged that while sitting as a Confederate judge, Humphreys unlawfully arrested and imprisoned a Union supporter.”

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