

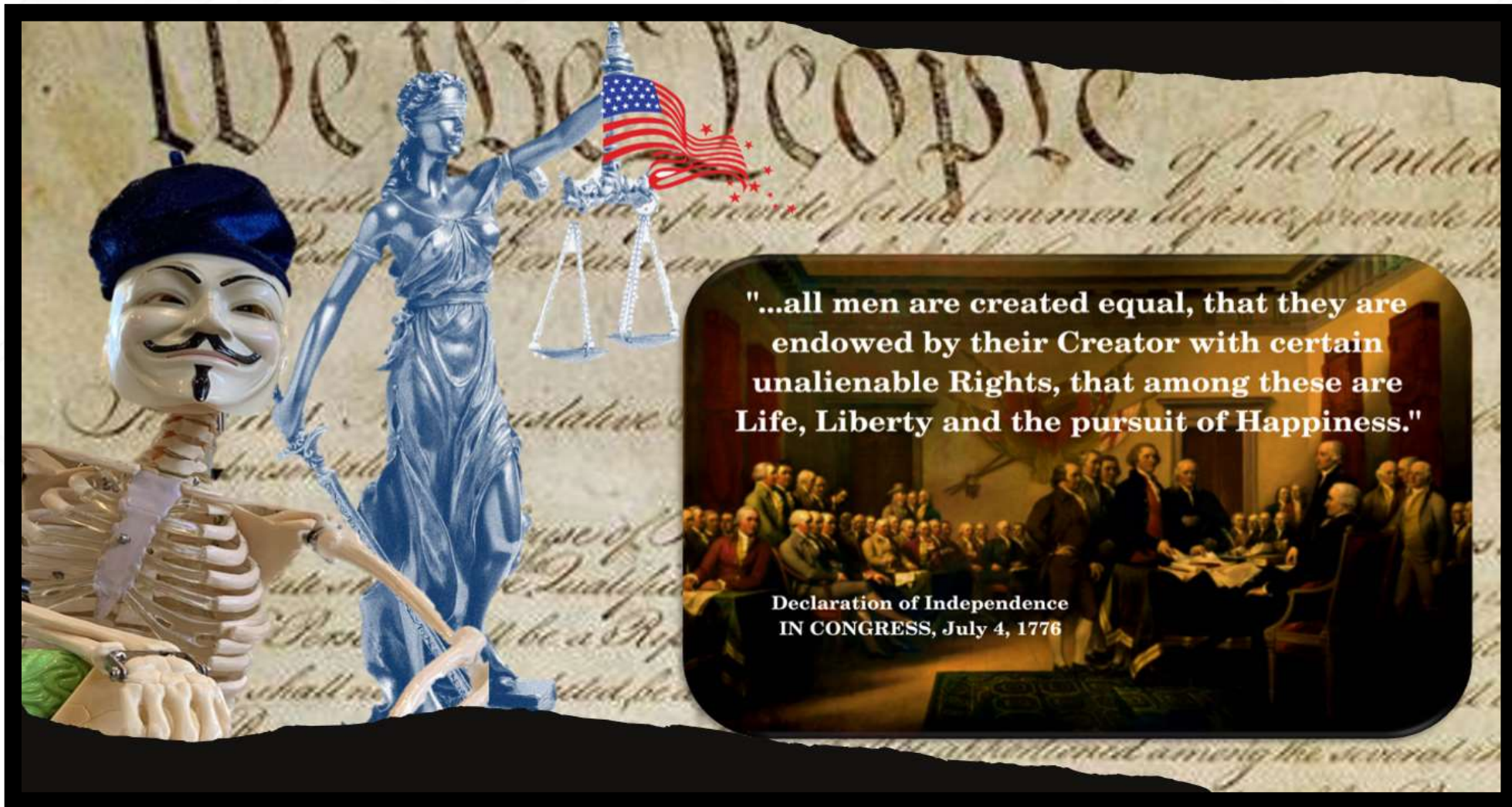
# IMPEACHMENT PROCESS

This presentation analyses the current process leverage by the U.S. Government to initiate the impeachment of U.S. Civil Officers and federal judges Since 1804.



**Cyberadeptness**  
LLC

See CRS Report: Impeachment and the Constitution [December 6, 2023 : [R46013 \(congress.gov\)](https://www.congress.gov/bills/117/46013) > <https://crsreports.congress.gov/product/pdf/R/R46013>



# What is Impeachment?



Is the *Procedure by which members of the federal judiciary, who hold their office for tenure during good behavior, can be removed from office.*

While such isn't noted under Article III of the U.S. Constitution, during the initial stages of the Judicial System, the branches were intermingled, and judges were considered civil officers of the United States.

The Impeachment Process is a tool specifically prescribed under the *U.S. Constitution Article II: Executive Branch, Section 4* that states ...

*“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.”*

The enforceability of the process has been split between the branches in Congress.

## Who falls under the term “*Civil Officers*”?

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Per *GPO-HPRACTICE 115-28, §2 Who May Be Impeached, pg. 604* > the term “civil Officers” in **article II, section 4** of the Constitution refers to those appointed by the President under **article II, section 3, clause 2**.

The term is broad enough to include all officers of the United States who hold their appointment from the Federal government, whether their duties be executive, administrative, or judicial, or whether their position be high or low.

**Impeachment—Selected Materials, Committee on the Judiciary, H. Doc. No. 93-7, Oct. 1973, p 691.**



**U.S. Officers appointed by  
the U.S. President**

# Who does not fall under the “*Civil Officers*” term and therefore not subject to Impeachment?

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## Military Officers

They are subject to disciplinary measures according to military codes. [*3 Willoughby, The Constitution (1929) § 929; 9 Hughes, Federal Practice (1931) § 7228.*]

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## Members of Congress

The Senate sustained that impeachment charges brought to its bar by the House on a member was beyond its jurisdiction back in 1799 during Blount’s impeachment process. [*3 Hinds § 2318; § 4, infra.*]

# What's the importance and main purpose of Impeachment under the U.S. Constitution?

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Impeachment is a constitutional remedy that is leveraged to address serious offenses against the system of government.

It is the first step in a remedial process – that of removal from public office and possible disqualification from holding further office.

## Purpose

The purpose of impeachment is not personal punishment; rather, its function is primarily to maintain constitutional government. *[Deschler Ch 14 App. pp 726–728]*



# Are the officers held accountable for their behavior as part of the impeachment process?

NO

Per *Article I, Section 3, Clause 7* Impeachment Judgements ....

*“Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: **but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.**”*

The main goal of the impeachment process is to remove the individual from office and in some instances barred him from ever holding a position of Trust or Profit under the United States.

While the second portion states that the party shall *“be liable and subject to indictment, Trial, Judgement and Punishment”* such rarely occurs. If they resigned during the process and remove themselves from the office, the process is dismissed. Whether further criminal charges are initiated against them for the actual wrongdoings that lead to their impeachment actually takes place is unknown.

**There is NO ACCOUNTABILITY nor evidence that anyone impacted by the individual impeached have led to re-examination of those treated unjustly.**

# How Impeachment became part of the U.S. Constitution?



Constitutional Convention Begins  
May 25<sup>th</sup>, 1787

The Impeachment process was used by various states prior to the ratification of the U.S. Constitution in 1788, especially for cases of “maladministration” or “corruption.”

During the Constitutional Convention, the founding fathers considered the “*Impeachment Process*” to be of essence, those they include it such in **Article I** of the Constitution prior to defining Article II of the Executive Branch for fear of abuse of executive power.

During the debate, they addressed the actions and behavior that could be constituted grounds for impeachment and ultimately settle on the following:

- Treason
- bribery
- High Crimes and Misdemeanors.

Since the last item is deemed *vague and general*, the matter of exactly what kind of behavior can make a federal judge liable to removal has been a matter of debate for centuries.

See <https://history.house.gov/Institution/Origins-Development/Impeachment/>

# Effect of Adjournment

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- An Impeachment Proceeding does not expire with adjournment when the dissolution of Parliament takes place, but rather resumes when the new parliament comes into place. [*Manual § 620*]
- An Impeachment may proceed only when congress is in session. [*3 Hinds §§ 2006, 2462.*]
- An impeachment proceeding that starts in the House in one Congress may be resumed in the next Congress. [*3 Hinds § 2321; 111-1, Jan. 13, 2009, p 568*]
- An official impeached by the House in one Congress may be tried by the Senate in the next Congress. [*s. Manual § 620; 3 Hinds §§ 2319, 2320.*]
- While impeachment may continue from one Congress to the next, the authority of the managers appointed by the House expires at the end of a Congress; and managers must be reappointed when a new Congress Convenes. [*Manual § 620*]
- Managers on the part of the House are reappointed by resolution. [*Manual § 604*]



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# IMPEACHMENT ROOTS TO UNITED KINGDOM

Overview

# Where did the Impeachment process initiate it from?

The Impeachment Process incorporated into the U.S. Constitution originated in England in the 14<sup>th</sup> century as a way to discipline the King's ministers and other high officials, during the final years of Edward III's reign. Anyone found guilty could be fined, jailed or get the death penalty- that, however, is not the case under the U.S. Constitution.

The earliest impeachment ever recorded involved **William Latimer, 4<sup>th</sup> Baron Latimer** who was a noble, soldier, and diplomat. After serving in France for Edward III, he was accused of corruption and was convicted by parliament. This is documented in the **Good Parliament of Spring 1376**.



Parliament Roll of the Good Parliament  
(catalogue reference: C 65/30)

See <https://blog.nationalarchives.gov.uk/good-parliament/>



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[King Edward III \(1312–1377\) | Art UK](#)

**King Edward III  
(1312-1377)**

# What was the original intent of England's Impeachment Process?

*To prosecute and try individuals, normally holders of public office, for high treason or other crimes and misdemeanors.*

- It was invented prior to the creation of popular political parties and the establishment of the conventions of collective and individual ministerial responsibility.
- During the 16<sup>th</sup> and 17<sup>th</sup> century, it was the only means by which Parliament could dismiss an individual holding office under the Crown.
- There were fewer than seventy impeachments during the whole course of English history.



A view of the trial of Warren Hastings Esqr. before the Court of Peers in Westminster Hall on an impeachment delivered at the Bar of the House of Lords by the Commons of Great Britain in Parliament assembled February 13, 1788. 1789.

*Drawn by E. Dayes; engraved by R. Pollard; aqt. by F. Jukes  
Library of Congress Prints and Photographs Division.*

## 1<sup>st</sup> Step > Who was tasked with initiating the impeachment case in the House of Commons and what was required?

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### A Member of the House of Commons

This was documented on the *Erskine May, Parliamentary Practice 1<sup>st</sup> ed 1844 p376* as follows ...

*It rests, therefore, with the House of Commons to determine when an impeachment should be instituted.*

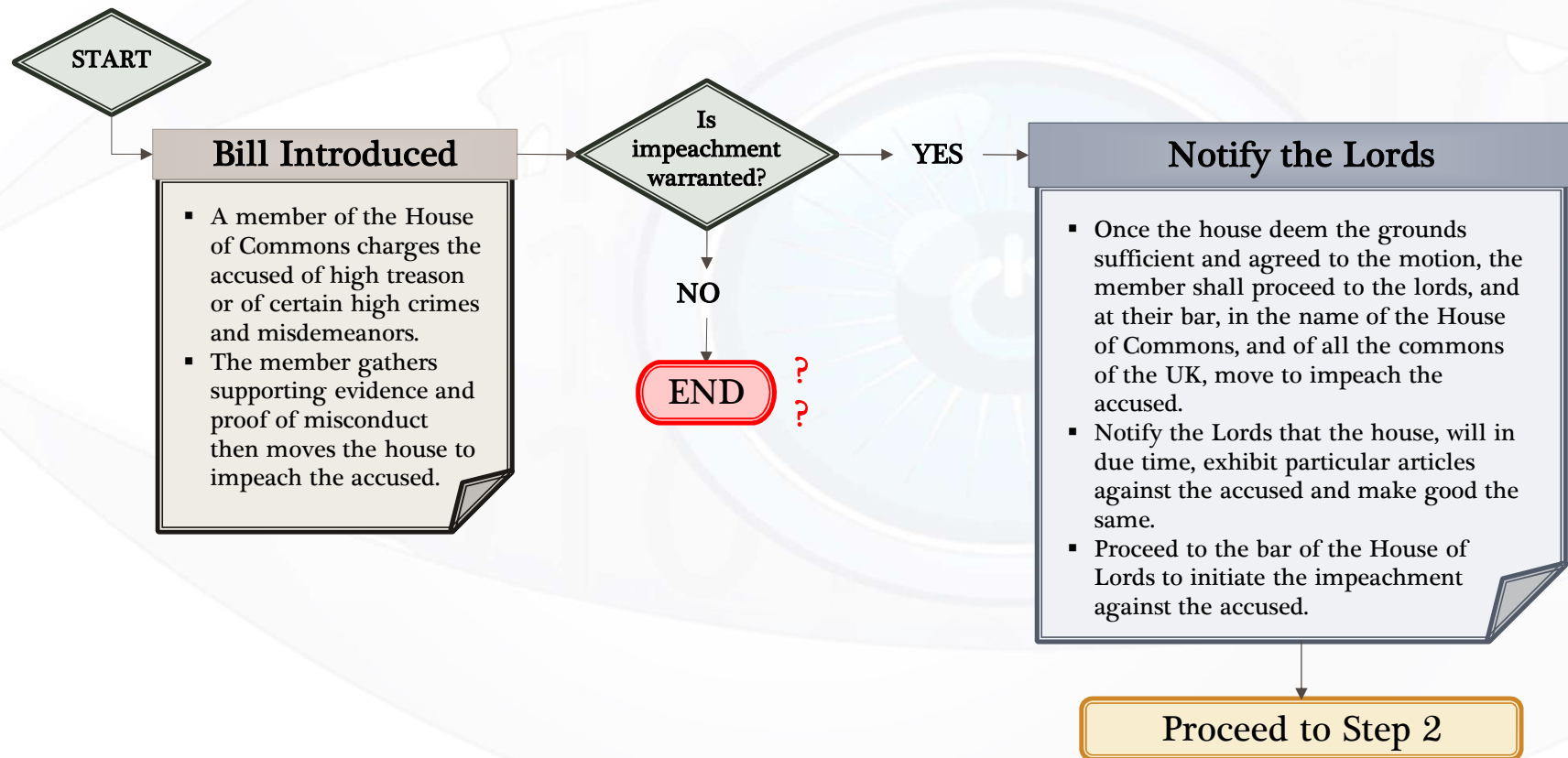
1 *A member, in his place, first charges the accused of high treason or of certain high crimes and misdemeanors, and after supporting his charge with proofs, moves that he be impeached.*

2 *If the house deem the grounds of accusation sufficient, and agree to the motion, the member is ordered to go to the lords, "and at their bar, in the name of the House of Commons, and of all the commons of the United Kingdom, to impeach the accused; and*

3 *to acquaint them that this house will, in due time, exhibit particular articles against him, and make good the same."*

*The member accompanied by several others, proceeds to the bar of the House of Lords, and impeaches the accused accordingly.*

# 1<sup>st</sup> Step > Impeachment Initiation Process

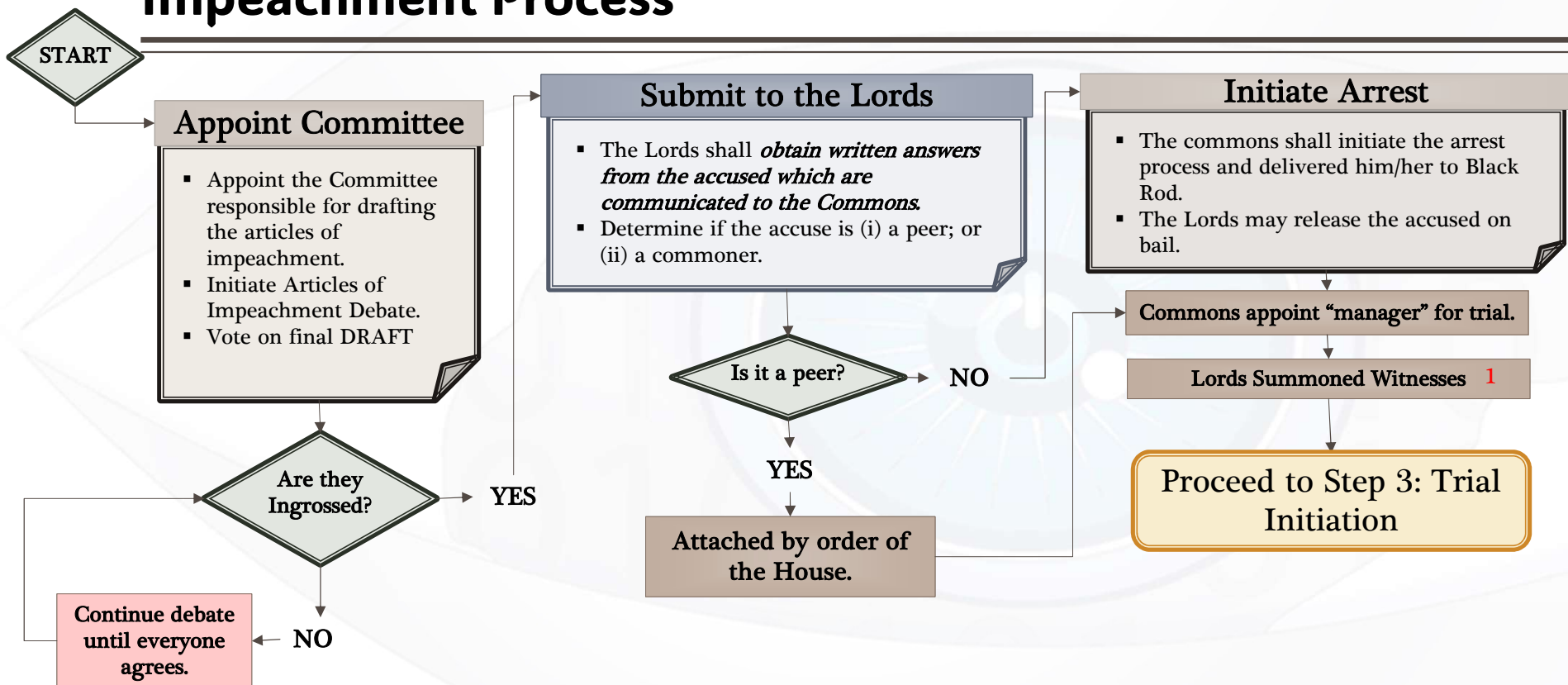


## 2<sup>nd</sup> / 3<sup>rd</sup> Step > Articles of Impeachment Drafting and Impeachment Process

According to *Joint Committee on Parliamentary Privilege, First Report, HL Paper 43-1 HC 214 1998-99 para 16, fn 71*; A fuller description of the historical procedure of impeachment in Great Britain is given by Hatsell in vol. 4 of his *Precedents: Hatsell's Precedents vol 4 1818*, the next step is to draw up articles of impeachment.

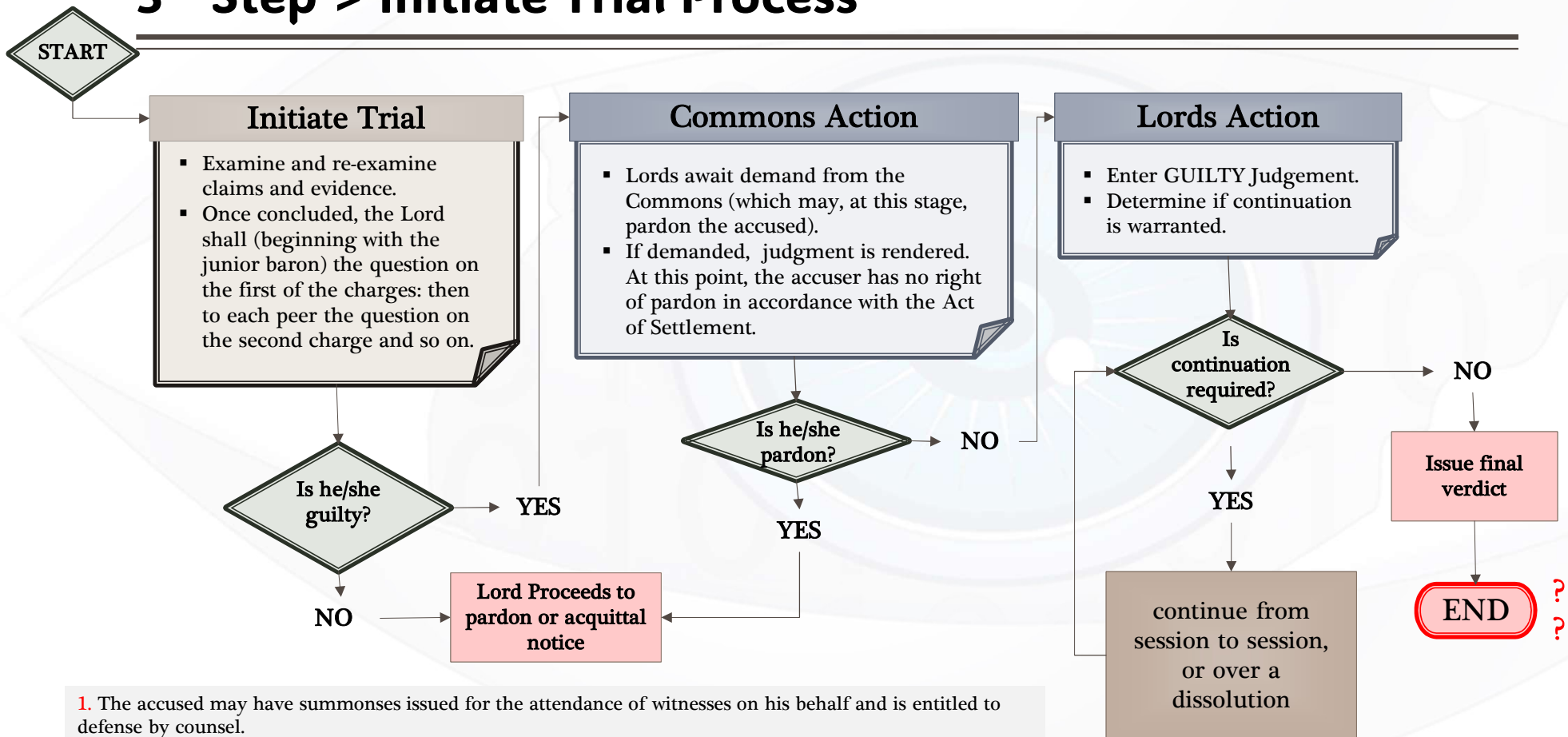
- 1 A Commons committee is then appointed to *draw up articles of impeachment which are debated*.
- 2 When *agreed they are ingrossed and delivered to the Lords*. The Lords *obtain written answers from the accused which are communicated to the Commons*.
- 3 The Commons may then communicate a reply to the Lords. **If the accused is a peer, *he is attached by order of that House*. If a commoner, *he is arrested by the Commons*** and delivered to Black Rod. The Lords may release the accused on bail.
- 4 The Commons appoints 'managers' for the trial to prepare the evidence; but it is the Lords that summons witnesses. The accused may have summonses issued for the attendance of witnesses on his behalf and is entitled to defense by counsel.
- 5 When the case, including examination and re-examination, is concluded, the Lord High Steward puts to each peer, (beginning with the junior baron) the question on the first of the charges: then to each peer the question on the second charge and so on.
- 6 If found guilty, judgment is not pronounced unless and until demanded by the Commons (which may, at this stage, pardon the accused).
- 7 An impeachment may continue from session to session, or over a dissolution. ***Under the Act of Settlement***, the sovereign has no right of pardon.

## 2<sup>nd</sup> Step > Articles of Impeachment Draft and Impeachment Process



<sup>1</sup>. The accused may have summonses issued for the attendance of witnesses on his behalf and is entitled to defense by counsel.

## 3<sup>rd</sup> Step > Initiate Trial Process



1. The accused may have summonses issued for the attendance of witnesses on his behalf and is entitled to defense by counsel.

# Is Impeachment still leveraged by the British Parliament?

NO

The Impeachment process is considered obsolete in England, as it has been superseded by other forms of accountability. The British Parliament stopped using the process in **1806** soon after the forefathers adopted it as part of the U.S. Constitution, due to the last three impeachments cases held, which demonstrated that the impeachment no longer worked as originally intended and failed to bring justice. While the issue has been raised multiple times, the outcome is always deemed obsolete.

Year(s)	Outcome
1967 <sup>1</sup>	The 1967 Select Committee on Parliamentary Privileged stated that the right to impeach should be formally abandoned via legislation. No such legislation was introduced.
1976-77 <sup>2</sup>	The recommendation was repeated in the third report of the committees for the years noted.
1999 <sup>3</sup>	The Joint Committee on Parliamentary Privilege Report stated that “the circumstances in which impeachment has taken place are now so remote from the present that the procedure may be considered obsolete.
2004-07 <sup>4</sup>	A notion calling for impeachment of Tony Blair was introduced multiple times, but the accused resigned before a statement.



Since 1806

**1.** HC 34 1967-68 para 115 10; **2.** HC 417,1976-77 para 16 11 HL Paper 43-1; **3.** HC 214 -1 1998-99 para 16; **4.** “MPs plan to impeach Blair over Iraq war record” 26 August 2004 Guardian

# Can the UK revive the Impeachment Process?

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- Per Parliament, the process describe cannot easily be transposed into a modern parliamentary or judicial Context.
- Since it was last used in 1806, no revisions have been made to reflect the fundamental changes that have occurred in Parliament.
- It is unclear if any of the judicial elements of the procedure would meet any modern procedural standards of fairness.

Direct Extract from the House of Commons Briefing Paper CBP7612, 6 June 2016: Impeachment by Jack Simson Caird, pg. 7

# What's the Parliament's stance on the Impeachment Process?

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Parliament and Congress, by Sir William McKay (the former clerk of the House of Commons) and Charles W. Johnson's, explains the status of impeachment in Parliament in the following terms ...

*"In the UK, despite a flurry of political interest recently, the doomsday weapon of impeachment, though not formally abandoned, is (at any rate in its traditional form) neither a credible nor a practical parliamentary weapon and has not been so for many years. Its formal abandonment was recommended by a Commons committee forty years ago. Reviving classical impeachment in the UK defies all logic.*

*It was a medieval means of removing the protection given to a royal servant whom the Commons found objectionable but could not otherwise persuade the Crown to dismiss. Ministerial responsibility to the House is the modern means of tackling that problem. There being no formal separation of powers on the US model, if the character of the action brought against a public officer is political, so ought to be its disposal, without quasi-legal trappings.*

*Moreover, the prospect of a universally elected Commons solemnly seeking a political judgement from an unelected or partially elected Lords, using forms dusted off from the last impeachment in 1805, is absurd. Impeachment in Britain is dead and will rise from its grave—if ever it does—only in political circumstances which cannot now be envisaged, and certainly in a form different from that which it previously assumed. These considerations alone may be sufficient barriers against its resurrection."*

Direct Extract from the House of Commons Briefing Paper CBP7612, 6 June 2016: Impeachment by Jack Simson Caird, pg. 7/8

# UK Impeachment Cases



## 1376 William Latimer, 6<sup>th</sup> Baron Latimer Impeachment

This was the *first impeachment ever recorded in the history of Impeachments in the United Kingdom*. It is *documented in the Parliament Roll of the Good Parliament, Spring of 1376*.



Parliament Roll of the Good Parliament  
(catalogue reference: C 65/30)

Process Started	Job Title	Charges	Outcome	Historical Resource
1376	On 1373 he was appointed to treat with King Fernando of Portugal, and previously to 1374 was constable of Dover Castle and warden of the Cinque ports. In 1376 he a commissioner of array in Kent.	<ul style="list-style-type: none"> <li>• Guilty of Oppression in Brittany.</li> <li>• Selling the Castle of St. Sauveur to the enemy, and impeded the relief of Becherel in 1375.</li> <li>• Taking bribes for the released of capture ships, and bribe others to keep silence.</li> <li>• Retaining fines paid to the King, notably by Sir Robert Knolles and the city of Bristol.</li> <li>• Obtained money from the crown by the repayment of fictions loans in association with Robert Lyons</li> </ul> <p>See <i>Chron.Anglice</i>, pp. 76-8; <i>Rolls of Parliament</i>, ii.324-6.</p>	<p><b>May 26 1376</b> &gt; Latimer was released on bail, and though Lancaster had been obliged to sentence him to imprisonment and forfeiture of his place, the attempt to bring him to justice proved unsuccessful.</p> <p>Moreover, when the Prince of Wales died, John of Gaunt recovered his influence and resorted Latimer to greater favor than ever.</p>	<p>Good Parliament of Spring 1376 ?  <a href="https://blog.nationalarchives.gov.uk/good-parliament/">https://blog.nationalarchives.gov.uk/good-parliament/</a></p> <p><b>Dictionary of National Biography &gt; Volume 32. pg. 181, dp. 194</b></p>

# 1788 Warren Hastings Impeachment

**ACQUITTED**



Warren Hastings was appointed the Governor of Bengal by the British East India Company (EIC) in 1772 and became its first Governor-General in India from 1774 to 1785.

Process Started	Job Title	Charges	Outcome	Historical Resource
1788	Former governor-general of Bengal, INDIA	Dishonesty. Attained Gifts and Bribes. Corruption. Scandalous violation of the rights of the Nobility and Country Gentlemen of Bengal. Initiated Corrupted Contracts. Appointed Corrupt Agencies. Gave illegal allowances with commission almost unlimited. Engaging the company in a smuggling trade to India [Opium noted as the main focus]. Embezzlement. Unauthorized Wars.	1795- Acquitted of all charges seven (7) years after the initial inquiry.	<b>The history of the trial &gt;</b> <a href="https://archive.org/details/dli.ministry.02915">https://archive.org/details/dli.ministry.02915</a>

This was the *longest impeachment ever recorded in the history of Impeachments in the United Kingdom*. It *lasted seven (7) years before the Lords acquitted him of ALL charges*.

# 1806 Henry Dundas Impeachment

**ACQUITTED**



**April 8<sup>th</sup>, 1805** > Parliament voted on the motion to censure Hendry Dundas. During the debate, the house was divided and therefore the results led to a tie 216 for and 216 against – shifting the final vote to the Speaker of House. After a few minutes trying to process what happened, the Speaker of the House provided his vote, which led to his acquittal.

Name	Process Started	Job Title	Charges	Outcome	Historical Resource
<b>Henry Dundas</b>	1806	Political Manager of Scotland Statesman, Cabinet Minister, Administrator of British India, Treasurer of the Navy, First Lord of the Admiralty	Malversation of the funds during his tenure as the Treasurer of the Navy. Using Navy money to speculate on share, principally in the East India Company that he has ministerial control and interest- which was done by his accountant Trotter. Destruction of Evidence. Negligence as Treasurer of the Navy.	<p>He was acquitted from all charges due to lack of evidence. It is believed that the evidence was destroyed by Mr. Dundas and his assistant Trutter.</p> <p>He denied all charges and stated that his assistant was acting on his own without his knowledge.</p>	<p>History of Parliament &gt; <a href="https://www.historyofparliamentonline.org/volume/1790-1820/member/dundas-henry-1742-1811">https://www.historyofparliamentonline.org/volume/1790-1820/member/dundas-henry-1742-1811</a></p> <p>The Manager in Distress: Reaction to the Impeaching of Henry Dundas&gt; <a href="https://durham-repository.worktribe.com/output/1361172/the-manager-in-distress-reaction-to-the-impeachment-of-henry-dundas-1805-7">https://durham-repository.worktribe.com/output/1361172/the-manager-in-distress-reaction-to-the-impeachment-of-henry-dundas-1805-7</a></p> <p>Henry Dundas First Viscount Melville by Holden Furber, 1931 Book</p> <p><b>Impeachment Record &gt;</b> <a href="https://babel.hathitrust.org/cgi/pt?id=nyp.33433075958896&amp;seq=11">https://babel.hathitrust.org/cgi/pt?id=nyp.33433075958896&amp;seq=11</a></p>

# What were the main reasons for impeachment in UK?

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There were several impeachments that have alleged the use of office for personal gain or the appearance of financial impropriety while in office. Based on those cases, the following reasons were noted ...

**Corruption**

**Bribery, Financial Gain**

**Breach of Trust**

**Oppression of Others**

**Stealing from Crown or Public Funds**

**Selling “Government” Property to the enemy**

**Obstruction of Justice**

**Fraudulent Behavior**

**Mishandling of “Crown” Funds**

**Corrupted Contracts**

# U.S. Constitution TREASON Overview

# What is considered Treason under the U.S. Constitution?

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- Under the *U.S. Constitution, Article III Section 3, Clause 1* Treason means...

*“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 over Act, or on Confession in open Court.”*

- The framers of the U.S. Constitution contemplated a restrictive concept of the crime of treason in order to prevent the politically powerful from escalating ordinary partisan disputes into capital charges of treason. By doing so, the framers limit Congress’s ability to make proof of the offense of treason easy to established.



See [Historical Background on Treason | Constitution Annotated | Congress.gov | Library of Congress](https://constitution.congress.gov/browse/essay/artIII-S3-C1-1/ALDE_00013524/) >  
[https://constitution.congress.gov/browse/essay/artIII-S3-C1-1/ALDE\\_00013524/](https://constitution.congress.gov/browse/essay/artIII-S3-C1-1/ALDE_00013524/)

# How has “*Levying War*” clause been interpreted by the U.S. Supreme Court?

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- The earliest interpretation of the clause aroused in the early 19<sup>th</sup> century during the trials of Aaron Burr and his associates.<sup>1</sup> Chief Justice Marshall distinguished the offense of conspiring to levy war and the offence of actually levying war to mean...
  - 1) Bringing into operation by the assemblage of men for a purpose treasonable in itself; however, he didn't think that the enlistment of men to serve against the government amounts to levying war.
  - 2) He also stated that “the crime of treason should not be extended by construction to doubtful cases.”
- 1. *Ex parte Bollman*, 8 U.S. (4 Cr.) 75 (1807)
- This was further defined in the ***Black's Law Dictionary*** as ...

*“The assembling of men for the purpose of effecting by force a treasonable object; LEWDNESS and all who perform any part; however, minute, or however remote from the scene of action, and who are leagued in the general conspiracy, are considered as engaged in levying war, within the meaning of the U.S. Constitution.”*

See [Historical Background on Treason](#) | [Constitution Annotated](#) | [Congress.gov](#) | [Library of Congress](#) >  
[https://constitution.congress.gov/browse/essay/artIII-S3-C1-1/ALDE\\_00013524/](https://constitution.congress.gov/browse/essay/artIII-S3-C1-1/ALDE_00013524/)

# Who has the Power to declare the Punishment of Treason?

According to the *U.S. Constitution, Article III, Section 3, Clause 2*:

*“The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.”*

***18 U.S.C. Title 18: Crimes and Criminal Procedure >  
Chapter 115: Treason, Sedition, and Subversive Activities >  
§2361*** states:

*“Whoever, owing allegiance to the United States, levies war against them or adhere to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five (5) years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.”*



U.S. Congress

See [https://constitution.congress.gov/browse/essay/artIII-S3-C2-1/ALDE\\_00001227/](https://constitution.congress.gov/browse/essay/artIII-S3-C2-1/ALDE_00001227/)  
See <https://uscode.house.gov/view.xhtml?path=/prelim@title18/part1/chapter115&edition=prelim>

# U.S. Constitution High Crimes and Misdemeanors

# How has the phrase “Crimes and Misdemeanors” been interpreted?

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- The phrase was used for more than 400 years by the British Parliament. *Many of the charges associated with the phrase were related to high treason or corruption, but later included both statutory offenses and non-statutory offenses, in which many of the charges involved abused of power or trust. [See Deschler Ch 14 App. pp 706-708.]*
- The phrase has been a topic of debate for centuries and it continues to be a topic of debate in present day.
- Historical evidence demonstrates that the phrase had a special and distinctive meaning, and *referred to a category of offenses that subverted the system of government. [See Deschler Ch 14 App. p 724]*
- *Of the fifteen impeachments voted by the House since 1789, at least 10 involved one or more allegations that did not charge a violation of criminal law. Those reflecting that impeachable conduct need not be criminal. [See Deschler Ch 14 App. p 725]*
- *The words noted can not be confined to crimes created and defined by a statute of the United States.*

# What falls under “*High Crimes*”?

What falls under “*High Crimes*” has been debated for centuries. While the outcome shall be based on a case-by-case basis, a general list of items can be delineated as follows:

High Crimes*	
Abuse of Power, Breach or Omission of an official duty impose by statute or common law	Interference with Foreign Policy
Breach of Public Trust, Misuse of Public Funds	*Disregard of National Interest, unconstitutional action willful or un-willful
Political Corruption	Disregard of U.S. Constitutional Law
*Blatant Disregard to the wishes of “WE THE PEOPLE”	Genocide, Harboring, Aiding and Abetting Terrorist Entities
*Alliance to another country	Treason against the U.S. Government
*Theft of American Taxpayers Funds	*RICO Crimes, Civil Rights Violations
Felony Level Crimes [murder, rape, burglary, robbery, larceny, and arson]	Maladministration to the point of endangering American Citizen, both Nationally and Internationally
*Endangering Others Life (Domestically or Internationally)	Corruption [As describe by the Whitehouse]
*Blatant Disregard for Lawlessness	*Disregard of International Law

\* This items have been added to the list by the author based on current events.

## BREACH OF



## What falls under “*High Misdemeanors*”?

What falls under “*Misdemeanors*” has been debated for centuries. While the outcome shall be based on case-by-case basis, we can delineate what falls under as follows:



Any charge deemed a “**FELONY**” for the general public should fall under this heading.

High Misdemeanors	
Illegal Financial Gains	Cybercrime
Aiding and Abetting Illegal Immigrants	Domestic Violence
Use of Illegal Substances [Alcoholism, Drugs]	Kidnapping
Tampering with Legal Proceedings	Homicide
Local, State, or Federal crimes	Human Trafficking
Fraud [All kinds]	Trespassing
Embezzlement	Disorderly Conduct
Vandalism	White-Collar Crime
Sexual Assault	Assault
Tax Evasion	Extortion

# Impeachment Determination

# What is the equation for determining what constitutes an impeachable offense?

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According to *GPO-HPRACTICE 115-28: Chapter 27 Impeachment [pg. 606]* and *GPO-HPRACTICE 104.27: Impeachment [pg. 534]* documents an extract from *Impeachment- Selected Materials, Committee on the Judiciary, 93-1, Oct. 1973, p. 682* - a commentator delineates what constitutes a serious, impeachable offence as ...

*To determine whether or not an act or a course of conduct is sufficient in law to support an impeachment resort ...*

- ☐ *It must be had to the eternal principles of right, applied to public propriety and civil morality.*
- ☐ *The offense must be prejudicial to the public interest, and it must flow from a willful intent, or a reckless disregard of duty. . . .*
- ☐ *It may constitute an intentional violation of positive law, or it may be an official dereliction of commission or omission, a serious breach of moral obligation, or other gross impropriety of personal conduct which, in its natural consequences, tends to bring an office into contempt and disrepute.*

*Brown, The Impeachment of the Federal Judiciary, 26 Harv. L. Rev. 684, 703, 704.*

# What are the common charges associated with impeachable misconduct?

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There are three (3) broad categories that are considered ...

1

Abusing or exceeding the lawful powers of the office.

2

Behaving in a manner grossly incompatible with the office.

3

Using the Power of the office for an improper purpose or for personal gain.

See Deschler Ch 14 App. p 719

# What constitutes *“Abusing or Exceeding the Powers of the Office”*?

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There's only being three (3) impeachment processes that included *“Abuse or Excess of Power”* and the charges related to this phrase included it ...

Engaging in conspiracy to compromise U.S. neutrality

Attempting to oust a President's lawful appointee.

Removal of members of the Cabinet by the President.

Obstruction of Justice.

Disregard of the fundamental principle of the rule of law in our system of government

## ***Which impeachment processes addressed “Abusing or Exceeding the Powers of the Office”?***

There's only being three (3) impeachment processes that included *“Abuse or Excess of Power”* and they are ...

Year	Officer Impeached	Charges	Outcome
1797	Senator William Blount	Charged with <i>engaging in a conspiracy to compromise U.S. neutrality</i> , and with attempting to oust the President's lawful appointee as principle agent for Indian affairs.	While the senate determine it didn't have jurisdiction over the trial of impeachment, he was expelled for being found guilty of a “high misdemeanor, entirely inconsistent with his public trust and duty as a Senator.”
1868	President Andrew Johnson	Charged with violation of the Tenure of Office Act, which purported to limit the President's authority to remove members of his own Cabinet. Johnson, believing the act unconstitutional, removed Secretary of War Stanton who was impeached three (3) days later.	He was acquitted in the Senate by a single vote. <i>[See e. 3 Hinds §§ 2399]</i>
1974	President Nixon	The Judiciary Committee found that he committed a serious abuse of power and determined that his conduct “constituted a repeated and continuing abuse of the powers of the Presidency in disregard of the fundamental principle of the rule of law in our system of government. He was accused of obstructing justice in the Watergate scandal.	President Nixon resigned before the House could vote on the impeachment articles. <i>[See Deschler Ch 14 § 3.7 ]</i>

# What constitutes “*Behavior Grossly Incompatible with the Office*”?

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There's only being four (4) impeachment processes, specifically involving judges, that included “*Behavior Grossly Incompatible with the Office*” and the charges related to this phrase included it ...

Trust and Duty Violation of Role Duties

Intoxication & Profane Language on the Bench

Levering partisan views to influence trial outcome

Joining the Confederacy while acting as a judge

Showing judicial favoritism and failure to give impartial consideration to legal cases under purview

## Which impeachments addressed “*Behavior Grossly Incompatible with the Office*”?

There's only being four (4) impeachment processes that included “*Behavior Grossly Incompatible with the office*” and they are ...

Year	Officer Impeached	Charges	Outcome
1803	Judge John Pickering	Errors in a trial in <i>violation of his trust and duty as a judge</i> and for appearing on the bench during the trial in a <i>state of intoxication while using profane language</i> .	Convicted in the Senate and removed from Office. [See 3 Hinds §§ 2319–2341]
1804	Supreme Court Justice Samuel Chase	Charged with <i>permitting his partisan views to influence his conduct in certain trials</i> . His conduct was alleged to be a serious breach of his duty to judge impartially and to reflect on his competence to continue to exercise the power of the office.	Acquitted in the Senate. [See 3 Hinds §§ 2342–2363]
1862	Judge West Humphreys	Charged with <i>joining the Confederacy without resigning his federal judgeship and alleged Judicial prejudice against Union supporters</i> .	Convicted in the Senate. [See 3 Hinds §§ 2385–2397]
1926	Judge George W. English	Charged with <i>showing judicial favoritism and for failure to give impartial consideration to cases before him</i> . It was alleged that his favoritism had created distrust of his official actions and destroyed public confidence in his court.	Resigned prior to commencement of trial by Senate and the proceedings were discontinued at that point. [See 6 Cannon §§ 544–547]

# What constitutes misconduct in regard to *“Using the Office for Improper Purpose or Personal Gain*

---

There were several impeachments that have alleged the use of office for personal gain or the appearance of financial impropriety while in office. Based on those cases, the following reasons were noted ...

Revenge against lawyer who criticized the judge's decisions.

Bribe > Received substantial payments for favors

Falsifying expense accounts, leveraging office for monetary gain

Falsifying federal income tax returns

Criminal Trial involving Judge

Perjury before Grand Jury /  
Attempt to Influence Case Outcome

Setting up fees for personal profit

Securing his office for business favors from litigants or potential litigants

Maliciously and unlawfully imprisoning lawyers and litigants for contempt of court

Personal gain or appearance of financial impropriety while in office

## Which impeachments addressed misconduct in regard to *“Using the Office for Improper Purpose or Personal Gain”*?

There were several impeachments that have alleged the use of office for personal gain or the appearance of financial impropriety while in office. Some of the key cases are ...

Year	Officer Impeached	Charges	Outcome
1826	Judge James Peck	<i>Taking action against a lawyer who had publicly criticized one of his decisions, imprisoning him, and ordering his disbarment.</i> The House charged that such conduct was unjust, arbitrary, and beyond the scope of his judicial duties.	He was acquitted by the Senate. [See 3 Hinds §§ 2364–2366]
1876	Secretary of War William Belknap	<i>Receiving substantial payments</i> in return for his making of an appointment	Acquitted by the Senate. [See 3 Hinds §§ 2444–2468]
1903	Judge Charles Swayne	It was alleged that he <i>maliciously and unlawfully imprisoned two lawyers and a litigant for contempt. Use of the office for direct or indirect personal monetary gain. Falsifying expense accounts.</i>	[See 3 Hinds §§ 2469–2485]
1986	Judge Harry Claiborne	Convicted of <i>falsifying federal income tax returns.</i>	Convicted.
1988	Judge Alcee L. Hastings	Allegation on which the judge had been acquitted in a federal criminal trial.	Convicted.
1989	U.S. District Court Judge Walter L. Nixon, Jr.	Convicted on two counts of perjury before a grand jury about his relationship to a man whose son was being prosecuted for drug-smuggling. Giving false information about whether he had discussed the case with local district attorney and attempt to influence outcome.	Convicted.

# What is a non-criminal offense/ misconduct?

It is a finding of inappropriate conduct or misconduct not constituting a criminal offense in any jurisdiction, including, but not limited to, a finding by either a designated governmental authority or a court of law of ...

Patient Abuse, neglect, mistreatment, or misappropriation of patient property

Spousal or intimate partner violence, unpermitted sexual contact

Child abuse, neglect or abandonment

Abuse, neglect or abandonment of the elderly or other vulnerable persons

Vehicle and traffic findings involving reckless or aggressive driving

Findings by any government entity of diversion of controlled substances from any health care facility, health care provider, or pharmacy

Findings involving dishonesty or other unethical conduct

and other abusive acts which compromise the public trust in the profession, regardless of the circumstances, including whether the licensee is acting in the capacity of an EMS provider or “on-duty”.

Ref. [Non-criminal offense Definition | Law Insider](https://www.lawinsider.com/dictionary/non-criminal-offense) > <https://www.lawinsider.com/dictionary/non-criminal-offense>

# How has non-criminal misconduct been translated in the history of impeachment?

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## BREACH OF



- The topic has been one of the most debatable issues in the history of impeachment; however, *the majority of individuals favor the broader definition which extends to non-criminal misconduct.*
- The *Ritter impeachment* provided some insight into the topic, denoting that the process not only applies to high crimes and misdemeanors, *but also acts which, though not defined as criminal, adversely affect the public interest.* [See H. Rept. No. 93-653, pp 9, 10 (1926)]
- The House placed little emphasis on criminal conduct when drawing up articles of impeachment. In fact, *less than one-third of all the articles the House adopted have explicitly charged the violation of a criminal statute or used the word “criminal” or “crime” to describe the conduct alleged. It was more common were allegations that the officer has violated his duties or his oath or seriously undermined public confidence in his ability to perform his official functions.* [See Deschler Ch 14 App. p 723]

# Impeachment Initiation Process

# Who initiates the Impeachment Process?

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The Impeachment process can be initiated by ...

1

A Member of the House of Representatives

2

A House of Representative Member on the Floor

They can offer an impeachment resolution as a “Question of the Privileges of the House”. This triggers the house to consider a resolution, vote to table it, and refer it to the Judiciary Committee.



**NOTE:** Only the U.S. House of Representatives can make the final determination on the impeachment process. They have the final say as to whether the process moves forward to trial or is dismissed.

# What triggers the Impeachment Process?

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The Impeachment process may be initiated as a result of various actions and events, including but not limited to the following ...

- 1 Receipt and Referral of information from an outside source.
- 2 Investigations by congressional committees under their general authority.
- 3 The introduction of articles of impeachment in the form of a House resolution.
- 4 A Referral from the U.S. Supreme Court Judicial Conference *[28 U.S.C. Chapter 16 > Complaints Against Judges]*

# Does the U.S. Chief Justice Preside over the impeachment of a judge?



According to the U.S. Constitution *Article I, Section 3, Clause 6* the U.S. Chief Justice shall ***“Preside the Impeachment Process when the President of the United States is tried”***.

The *U.S. Chief Justice is not required to preside over the impeachment of U.S. Civil Officers as it would call into question their ability to be independent*, as doing so would be a conflict of interest because Article III Judges fall under the impeachment process, which has been deemed a crucial legislative check.

See [Historical Background on Impeachment Trials | Constitution Annotated | Congress.gov | Library of Congress](https://constitution.congress.gov/browse/essay/artI-S3-C6-2/ALDE_00000707/) >  
[https://constitution.congress.gov/browse/essay/artI-S3-C6-2/ALDE\\_00000707/](https://constitution.congress.gov/browse/essay/artI-S3-C6-2/ALDE_00000707/)

# What happens if the civil officer resigns during the impeachment process?

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If an officer resigns during the impeachment process, *it puts an end to impeachment proceedings because the primary objective- removal from office- has been accomplished.*

Can the House and Senate continue the Impeachment process after resignation?

Yes. The House and Senate have the power to impeach and try an accused who has resigned; however, the main objective is removal from office. According to the *U.S. Constitution, Article I, Section 3, Clause 7*:

*Impeachment Judgements, the Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgement and Punishment, according to Law.*

Can the officer escape punishment simply by submitting his resignation?

No. During the Blount Impeachment proceedings it was conceded that a person who has been impeached cannot escape punishment simply by submitting his resignation. *[See 3 Hinds §§ 2317, 2318]*. This is further noted under the U.S. Constitution clause noted above, last sentence stating that the party is to be held liable and punished according to Law.

# Judicial Impeachments

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- Since Federal Judges hold office “during good behavior” (U.S. Constitution Article III § 1), it has been suggested that misbehavior properly defines the bounds of “high Crimes and Misdemeanors,” or even that lack of good behavior constitutes an independent standard for impeachment. *[See 6 Cannon § 464]*



- The more modern view; however, is that the “good behavior” clause is more aptly descriptive of judicial tenure; that is, that it does not constitute a standard for impeachability, but merely means that federal judges hold office for life unless removed under some other provision of the Constitution. Under this view, the power of removal, together with the appropriate standard, are contained solely in the impeachment clause. *[See Impeachment- Selected Materials, Committee on the Judiciary, 93-1, Oct. 1973, p 666.]*
- During the inquiry into Associate Justice Douglas of the Supreme Court, the report concluded that a federal judge could be impeached for judicial conduct which is either criminal or a serious abuse of public duty, or for non-judicial conduct which is criminal. *[See Deschler Ch 14 § 3.13 (proceedings discontinued for lack of evidence)]*



# Presidential Impeachments



Since the process was enacted, there have been four (4) Presidential Impeachments.

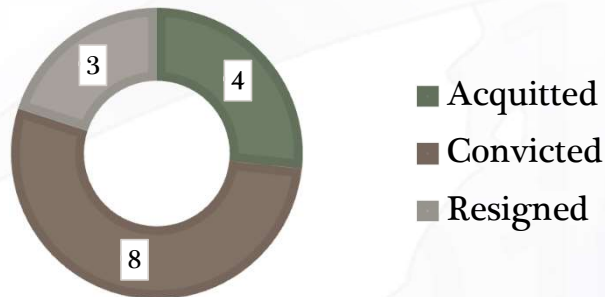
YR	President	Charges	Outcome
1868	Andrew Johnson	Violation of the Tenure of Office Act by dismissing a Cabinet Chief [3 Hinds §§ 2440, 2443. ]	Acquitted
1974	Richard Nixon	Abuse of Presidential Powers, Obstruction of Justice, and contempt of Congress. [Deschler Ch 14 § 3.7]	Resigned
1998	William J. Clinton	Providing perjurious testimony to a Federal grand jury, Obstructing justice in a Federal civil action. [106-1, Feb. 12, 1999, pp 2375-79]	Acquitted
2019 2021	Donald J. Trump	Abuse of Power, Russian Interference, Withholding Funding for Ukraine and pressuring Ukrainian President to launch investigations into Joe Biden, Obstruction of Congress	Acquitted Both Times



# OVERVIEW OF 15 JUDGES SUBMITTED TO THE IMPEACHMENT PROCESS SINCE THE PROCESS WAS ATTACHED TO JUDGES IN THE 1800'S

Overview

# Summary of Impeachments



- In 222 years [1800-2022] only...
  - Eight (8) Judges were impeached
  - Four (4) were acquitted, and
  - Three (3) resigned
- The last judge impeached was in 2010 – a lapse of 13 years.

According to the Analysis of Complaints submitted against Judges from 1997-2022 only (2) triggered the impeachment process, while 98% of complaints were dismissed.

2009	Samuel B. Kent	Resigned
2010	G. Thomas Porteous Jr.	Convicted

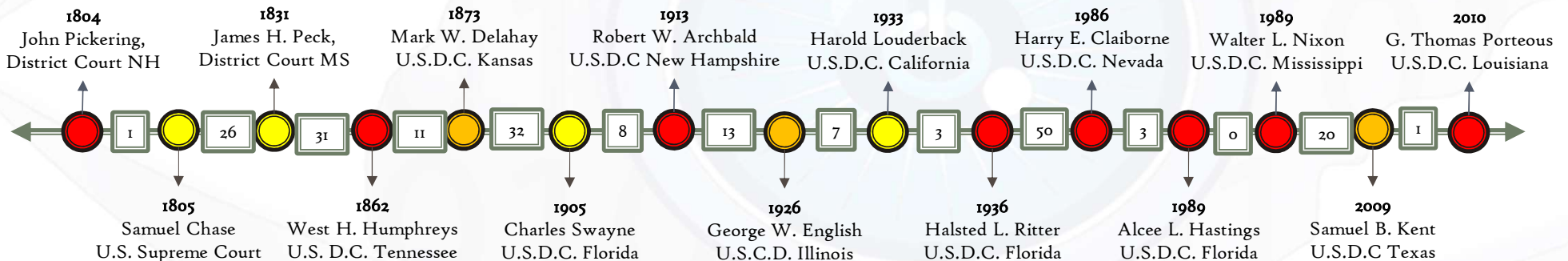
The Impeachment process was deemed inefficient in the early 1800's and current evidence demonstrates that the issues noted have not change. In fact, many of the early officers were against the idea of judges leveraging the impeachment process.

# How many federal judges have been successfully impeached?

According to the *Federal Judicial Center*, only 15 judges have undergone the impeachment process; however, not all were convicted..

-  Acquitted > 4
-  Convicted > 8
-  Resigned > 3

**ANSWER:** 8 Of 15



2024-2010 = 13 YR GAP

See Federal Judicial Center List > [Impeachments of Federal Judges](https://www.fjc.gov/history/judges/impeachments-federal-judges) | Federal Judicial Center (fjc.gov) > <https://www.fjc.gov/history/judges/impeachments-federal-judges>

# Overall Breakdown Report based on

Convicted	8
<ul style="list-style-type: none"> <li>1804 <ul style="list-style-type: none"> <li>John Pickering <ul style="list-style-type: none"> <li>Mental Instability &amp; Intoxication</li> </ul> </li> </ul> </li> <li>1862 <ul style="list-style-type: none"> <li>West H. Humphreys <ul style="list-style-type: none"> <li>Refusing to Hold Court and Waging War against U.S. Government</li> </ul> </li> </ul> </li> <li>1913 <ul style="list-style-type: none"> <li>Robert W. Archbald <ul style="list-style-type: none"> <li>Improper business relationship with litigants</li> </ul> </li> </ul> </li> <li>1936 <ul style="list-style-type: none"> <li>Halsted L. Ritter <ul style="list-style-type: none"> <li>Favoritism in the appointment of bankruptcy receivers and practicing law while sitting as a judge</li> </ul> </li> </ul> </li> <li>1986 <ul style="list-style-type: none"> <li>Harry E. Claiborne <ul style="list-style-type: none"> <li>Income tax evasion and of remaining on the bench following criminal conviction</li> </ul> </li> </ul> </li> <li>1989 <ul style="list-style-type: none"> <li>Alcee L. Hastings <ul style="list-style-type: none"> <li>Perjury and Conspiring to solicit a bribe</li> </ul> </li> <li>Walter L. Nixon <ul style="list-style-type: none"> <li>Perjury before a federal grand jury</li> </ul> </li> </ul> </li> <li>2010 <ul style="list-style-type: none"> <li>G. Thomas Porteous Jr. <ul style="list-style-type: none"> <li>Accepting bribes and making false statements under penalty of perjury</li> </ul> </li> </ul> </li> </ul>	

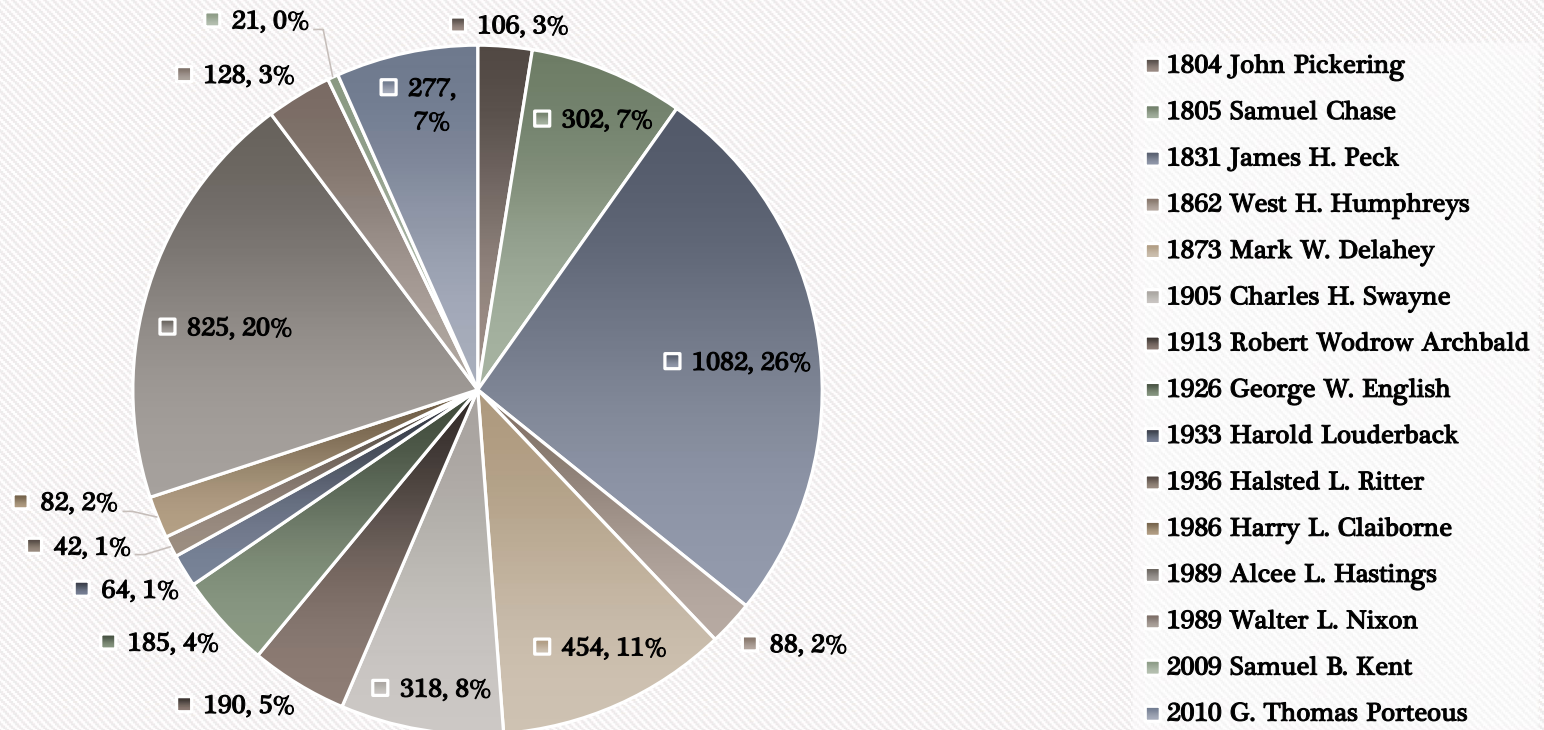
Resigned	3
<ul style="list-style-type: none"> <li>1873 <ul style="list-style-type: none"> <li>Mark W. Delahay <ul style="list-style-type: none"> <li>Intoxication on bench</li> </ul> </li> </ul> </li> <li>1926 <ul style="list-style-type: none"> <li>George W. English <ul style="list-style-type: none"> <li>Abuse of Power</li> </ul> </li> </ul> </li> <li>2009 <ul style="list-style-type: none"> <li>Samuel B. Kent <ul style="list-style-type: none"> <li>sexual assault, obstructing and impeding an official proceeding, and making false and misleading statements.</li> </ul> </li> </ul> </li> </ul>	

Acquitted	4
<ul style="list-style-type: none"> <li>1805 <ul style="list-style-type: none"> <li>Samuel Chase <ul style="list-style-type: none"> <li>Arbitrary &amp; Oppressive Conduct of Trials</li> </ul> </li> </ul> </li> <li>1831 <ul style="list-style-type: none"> <li>James H. Peck <ul style="list-style-type: none"> <li>Abuse of the contempt power</li> </ul> </li> </ul> </li> <li>1905 <ul style="list-style-type: none"> <li>Charles Swayne <ul style="list-style-type: none"> <li>Abuse of Contempt Power and other misuses of office</li> </ul> </li> </ul> </li> <li>1933 <ul style="list-style-type: none"> <li>Harold Louderback <ul style="list-style-type: none"> <li>Favoritism in the appointment of bankruptcy receivers</li> </ul> </li> </ul> </li> </ul>	

# Judges Impeached since the Judicial Branch was established

ID	YR	Name	Outcome	CaseInfo
1	1804	John Pickering	Convicted	<a href="https://guides.loc.gov/federal-impeachment/john-pickering">https://guides.loc.gov/federal-impeachment/john-pickering</a>
2	1805	Samuel Chase	Acquitted	<a href="https://guides.loc.gov/federal-impeachment/samuel-chase">https://guides.loc.gov/federal-impeachment/samuel-chase</a>
3	1831	James H. Peck	Acquitted	<a href="https://guides.loc.gov/federal-impeachment/james-peck">https://guides.loc.gov/federal-impeachment/james-peck</a>
4	1862	West H. Humphreys	Convicted	<a href="https://guides.loc.gov/federal-impeachment/west-humphreys">https://guides.loc.gov/federal-impeachment/west-humphreys</a>
5	1873	Mark W. Delahay	Resigned	No Record Found.
6	1905	Charles Swayne	Acquitted	<a href="https://guides.loc.gov/federal-impeachment/charles-swayne">https://guides.loc.gov/federal-impeachment/charles-swayne</a>
7	1913	Robert W. Archbald	Convicted	<a href="https://guides.loc.gov/federal-impeachment/robert-archbald">https://guides.loc.gov/federal-impeachment/robert-archbald</a>
8	1926	George W. English	Resigned	<a href="https://guides.loc.gov/federal-impeachment/george-english">https://guides.loc.gov/federal-impeachment/george-english</a>
9	1933	Harold Louderback	Acquitted	<a href="https://guides.loc.gov/federal-impeachment/harold-louderback">https://guides.loc.gov/federal-impeachment/harold-louderback</a>
10	1936	Halsted L. Ritter	Convicted	<a href="https://guides.loc.gov/federal-impeachment/halsted-ritter">https://guides.loc.gov/federal-impeachment/halsted-ritter</a>
11	1986	Harry E. Claiborne	Convicted	<a href="https://guides.loc.gov/federal-impeachment/harry-claiborne">https://guides.loc.gov/federal-impeachment/harry-claiborne</a>
12	1989	Alcee L. Hastings	Convicted	<a href="https://guides.loc.gov/federal-impeachment/alcee-hastings">https://guides.loc.gov/federal-impeachment/alcee-hastings</a>
13	1989	Walter L. Nixon	Convicted	<a href="https://guides.loc.gov/federal-impeachment/walter-nixon">https://guides.loc.gov/federal-impeachment/walter-nixon</a>
14	2009	Samuel B. Kent	Resigned	<a href="https://guides.loc.gov/federal-impeachment/samuel-kent">https://guides.loc.gov/federal-impeachment/samuel-kent</a>
15	2010	G. Thomas Porteous Jr.	Convicted	<a href="https://guides.loc.gov/federal-impeachment/thomas-porteous">https://guides.loc.gov/federal-impeachment/thomas-porteous</a>

# Impeachment Process Timeframe [Days/ Percentage]



**NOTE:** Weekends Excluded in Calculations



# 1804 John Pickering Impeachment

From and including: Monday, October 17, 1803

To and including: Monday, March 12, 1804

Excluding Weekends

148 calendar days – 42 days skipped:

Result: 106 days

**CONVICTED**

Question	Answer
Where and when did he served as a judge?	United States District Court of New Hampshire (1803)
Who initiated the impeachment Process?	The President of the United States initiated the process on February 4 <sup>th</sup> , 1803.
When did the process began?	October 17 <sup>th</sup> , 1803
What was the House of Representatives Outcome?	After examining the evidence, the House agreed to a resolution (45 yeas, 8 nays). The impeachment was presented in the Senate on the last day of the Seventh Congress. The Eight Congress met in its first session on October 17 <sup>th</sup> , 1803.
What was the Senate Outcome?	March 3 <sup>rd</sup> , 1803 > The House informs the Senate of Pickering's Impeachment for high crimes and misdemeanors. March 12, 1804 > He was found guilty on ALL four articles. And removed from office. <i>[Extracts from the Journal of the U.S. Senate in ALL cases of Impeachment 1798-1904, Document No. 876, DP32-34]</i>
What were the claims against him?	Refusing to listen to lawyers on behalf of the United States who seized a ship named Elisa which the prosecutors wished to assess for revenue with intent to defeat the just claims of the United States by refusing to hear the testimony and restoring the said ship to the claimant, contrary to his trust and duty and in violation of the laws of the United States to manifest injury of their revenue. Impartial Administration of Justice. Loose morals and intemperate habits. Intoxication on the bench. Profane Behavior. Insanity. Mental Instability.
See <a href="https://www.govinfo.gov/app/details/GPO-HPREC-HINDS-V3/GPO-HPREC-HINDS-V3-20">https://www.govinfo.gov/app/details/GPO-HPREC-HINDS-V3/GPO-HPREC-HINDS-V3-20</a> Direct Link: <a href="https://www.govinfo.gov/app/details/SERIALSET-06171_00_00-002-0876-0000">https://www.govinfo.gov/app/details/SERIALSET-06171_00_00-002-0876-0000</a>	



# 1805 Samuel Chase Impeachment

From and including: Thursday, January 5, 1804

To and including: Friday, March 1, 1805

422 calendar days – 120 days skipped

Result: 302 days

**ACQUITTED**

Question	Answer
Where and when did he served as a judge?	Associate Justice of the Supreme Court
Who initiated the impeachment Process?	A member in the House of Representatives via motion.
When did the process began?	January 5 <sup>th</sup> , 1804
What was the House of Representatives Outcome?	The house moved towards impeachment and submitted the details to the senate on December 7 <sup>th</sup> , 1804. They drafted eight (8) articles of impeachment.
What was the Senate Outcome?	January 2 <sup>nd</sup> , 1805 the Senate began the trial. Samuel Chase appeared accordingly and stated his case. He was acquitted on all accounts on March 1, 1805.
What were the claims against him?	Refusing to Hold Court and Waging War against the U.S. Government; corrupt intention to pack a jury for a trial for the purpose of rebutting the former testimony. Oppressive, Unjust, tending to prejudice the minds of the jury against the case of the prisoner, restricting counsel from using English authorities or citing certain statutes of the U.S., debarring the prisoner from his constitutional privilege of addressing the jury (through counsel). Overruling an objection with the intent to oppress and procure conviction of the prisoner. Awarding a Capias against the body of prisoner, indicted for an offence not capital in which he was arrested and committed to close custody, contrary to law. Refusing to discharge the jury.

See <https://guides.loc.gov/federal-impeachment/samuel-chase>

Direct Doc, Dpg. 35: [https://www.govinfo.gov/app/details/SERIALSET-06171\\_00\\_00-002-0876-0000](https://www.govinfo.gov/app/details/SERIALSET-06171_00_00-002-0876-0000)



# 1831 James H. Peck Impeachment

From and including: Friday, December 8, 1826  
To and including: Monday, January 31, 1831  
1516 calendar days – 434 days skipped  
Result: 1082 days

**ACQUITTED**

Question	Answer
Where and when did he served as a judge?	Federal District Court Judge in St. Louis, Missouri. 1825
Who initiated the impeachment Process?	Honorable John Scott, a representative from the State of Missouri, presented the complaint from Luke Edward Lawless, Esq. , a citizen of that State.
When did the process began?	December 8 <sup>th</sup> , 1826
What was the House of Representatives Outcome?	April 26 <sup>th</sup> , 1830 The House Notify Senate that they wished to impeach him of high misdemeanors in office.
What was the Senate Outcome?	The impeachment trial began on April 26 <sup>th</sup> , 1830. On January 31 <sup>st</sup> , 1831 the senate acquitted him of all charges contained in the article of impeachment exhibited against him.
What were the claims against him?	Abuse of contempt to power based on a ruling he issued and various opinions related to land ownership of those attained under Spanish grants and which titles, under the Spanish Government, of lands in a part of the Province of Louisiana, from year 1771 to the cession of the United States were documented in a book containing reports of confirmation by the recorder in the states noted. He erred in his assumptions, in various aspects of the case. Defamation of Character, Libel

See <https://guides.loc.gov/federal-impeachment/james-peck>  
Direct Doc: [https://www.govinfo.gov/app/details/SERIALSET-06171\\_00\\_00-002-0876-0000](https://www.govinfo.gov/app/details/SERIALSET-06171_00_00-002-0876-0000)



Forever disqualified from holding and enjoying any office of honor, trust or profit under the United States

# 1862 West H. Humphreys Impeachment

From and including: Tuesday, February 25, 1862  
To and including: Thursday, June 26, 1862  
122 calendar days – 34 days skipped  
Result: 88 days



Question	Answer
Where and when did he served as a judge?	Federal District Court Judge in the Eastern District, Middle District and Western District of Tennessee
Who initiated the impeachment Process?	A letter from honorable Edward Bates, Attorney General of the U.S.
When did the process began?	February 25 <sup>th</sup> , 1862
What was the House of Representatives Outcome?	May 7 <sup>th</sup> , 1862 > The house notifies the Senate that they wish to initiate the impeachment process for high crimes and misdemeanors. Seven Articles were introduced.
What was the Senate Outcome?	June 26 <sup>th</sup> , 1862 > They found him to be Guilty of High Treason and forbid him from holding any further public office on all seven counts.
What were the claims against him?	Publicly calling for secession, giving aid to an armed rebellion, conspiring with Jefferson Davis, serving as a Confederate judge, confiscating the property of Military Governor Andrew Johnson and U.S. Supreme Court Justice John Caltron, and imprisoning a Union sympathizer with “intent to injure him”. Engaging in public speech to incite revolt and rebellion within the state against the Constitution and Government of the United States, and publicly declare that it was the right of the people by an ordinance of secession, to absolve themselves from all allegiance to the Government of the United States, the Constitution and laws thereof. Openly and unlawfully support, advocate, and agree to an act commonly called an ordinance of secession, declaring the State of Tennessee independent of the Government of the United States and no longer within jurisdiction thereof. Organize armed rebellion against the U.S. and levy war against them. Aid and abet to overthrow the authority of the Government of the United States.

See <https://guides.loc.gov/federal-impeachment/west-humphreys> ; [https://www.govinfo.gov/app/details/SERIALSET-06171\\_00\\_00-002-0876-0000](https://www.govinfo.gov/app/details/SERIALSET-06171_00_00-002-0876-0000)



## 1873 Mark W. Delahey Impeachment

From and including: Tuesday, March 19, 1872

To and including: Friday, December 12, 1873

634 calendar days – 180 days skipped

Result: 454 days

**RESIGNED**

Question	Answer
Where and when did he served as a judge?	U.S. District Judge for Kansas
Who initiated the impeachment Process?	Mr. Benjamin F. Butler, of Massachusetts, from the Committee on the Judiciary.
When did the process began?	March 19 <sup>th</sup> , 1872
What was the House of Representatives Outcome?	They opted to impeach him on high crimes and misdemeanors. While he was accused of alleged corrupt transactions, there wasn't enough evidence to add the charges to the process.
What was the Senate Outcome?	No Senate action taken due to Delahay's resignation on December 12, 1873.
What were the claims against him?	Improper personal habits. High crimes and misdemeanors in office. Intoxicated off the bench and on the bench. Intoxicated to the great detriment of judicial dignity.

See 2504. The impeachment of Mark H. Delahay, dpg. 28 <https://www.govinfo.gov/content/pkg/GPO-HPREC-HINDS-V3/pdf/GPO-HPREC-HINDS-V3-28.pdf>



# 1905 Charles H. Swayne Impeachment

From and including: Thursday, December 10, 1903  
To and including: Monday, February 27, 1905  
446 calendar days – 128 days skipped  
Result: 318 days

**ACQUITTED**

Question	Answer
Where and when did he served as a judge?	Judge of the United States for the Northern District of the State of Florida
Who initiated the impeachment Process?	Mr. Lamar of Florida, a House Representative, raised a question of privilege asking for the impeachment of Charles Swayne for high crimes and misdemeanors on behalf of the State of Florida; however, the claims were very vague in nature.
When did the process began?	December 10 <sup>th</sup> , 1903
What was the House of Representatives Outcome?	December 14 <sup>th</sup> , 1904 the House notified the Senate that an impeachment of high crimes and misdemeanors in office was to be filed against the judge. January 24 <sup>th</sup> , 1905 > Twelve (12) articles of impeachment are given to the Senate.
What was the Senate Outcome?	February 27 <sup>th</sup> , 1905 > After being tried by the Senate, he was acquitted in ALL charges against him.
What were the claims against him?	Violation of section 551 of the Revised Statutes of the U.S. in that he does not reside in the district for which he was appointed and of which he is judge. According to the report he resided in the State of Delaware or Pennsylvania not Florida. Corruption in office. Lack of Legal Background. Maladministration of judicial matters in court. Nepotism Behavior. Oppression and Tyranny in his office. Using a false certificate and a false claim against the Government in the amount of \$250 dollars. False Travel expense claim in the amount of 310 dollars. False Travel claim in the amount of 410 dollars. Appropriation of a railroad car for the purpose of transporting himself, his family, and friends from Guyencout in the State of Delaware to Jacksonville, Florida. Contempt to Court

See <https://guides.loc.gov/federal-impeachment/charles-swayne>

Direct Doc: [https://www.govinfo.gov/app/details/SERIALSET-06171\\_00\\_00-002-0876-0000](https://www.govinfo.gov/app/details/SERIALSET-06171_00_00-002-0876-0000)



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# 1913 Robert Wodrow Archbald Impeachment

From and including: Tuesday, April 23, 1912  
To and including: Monday, January 13, 1913  
266 calendar days – 76 days skipped  
Result: 190 days

**CONVICTED**

Question	Answer
Where and when did he served as a judge?	U.S. Commerce Court Justice, Previous District Judge of the United States Court for the Middle District of Pennsylvania.
Who initiated the impeachment Process?	Mr. Norris, the author of Resolution H.Res. 511
When did the process began?	Introduced on April 23 <sup>rd</sup> , 1912; adopted by the House on April 24 <sup>th</sup> , 1912
What was the House of Representatives Outcome?	The committee is of opinion that his sense of moral responsibility has deadened, by prostituting his high office for personal profit and attempted to commercialize his potentiality as judge. The House moved with thirteen (13) articles of impeachment on July 11 <sup>th</sup> , 1912.
What was the Senate Outcome?	January 13 <sup>th</sup> , 1913 – He was found guilty of Articles 1, 3, 4, 5, & 13. The judgement as limited by the Constitution was removal from Office and disqualification to hold and enjoy any Office or honor, Trust or Profit under the United States.
What were the claims against him?	Receive payment in excess of \$500 while holding office. Entering into a partnership agreement to buy a property for the purpose of disposing of said property at a profit. Soliciting information directly from a lawyer secretly. Attempt to aid and assist a litigant in order to secure an operating lease of land. Receiving a promissory note in the sum of \$2,500 to be disbursed in cash in exchange for plaintiff to win a case.

See <https://guides.loc.gov/federal-impeachment/robert-archbald>  
Direct Doc: <https://babel.hathitrust.org/cgi/pt?id=umn.31951002168977f&seq=7>



# 1926 George W. English Impeachment

From and including: Tuesday, March 30, 1926  
To and including: Monday, December 13, 1926  
259 calendar days – 74 days skipped  
Result: 185 days

**RESIGNED**

Question	Answer
Where and when did he served as a judge?	Judge of the United States for the Eastern District of Illinois since May 3, 1918
Who initiated the impeachment Process?	Journal of the House of Representatives. 438 > Mr. Graham called up H.Res. 195 as a Privileged Resolution which included five articles of impeachment. It was equally divided and considered.
When did the process began?	March 30, 1926
What was the House of Representatives Outcome?	Upon resignation, the House declined to further prosecute charges of impeachment.
What was the Senate Outcome?	December 13 <sup>th</sup> , 1926 > The Impeachment proceedings against George W. English, late judge of the District Court of the United States for the eastern district of Illinois, be, and the same are, duly dismissed.
What were the claims against him?	Willfully, tyrannically, oppressively, and unlawfully suspended and disbar two members of the bar of the U.S. District Court for the Easter District of Illinois. Improper and unlawful conduct, filled with partiality and favoritism, resulting in the creation of a combination to control and manage in collusion for his own interests and profit and that of relatives and friends. Misbehavior in office in that be corruptly extended partiality and favoritism. Corruptly and improperly handle and control the deposit of bankruptcy and other funds under his control, by depositing, transferring, and using said funds for the pecuniary benefit of himself. Treating members of the bar in a manner course, indecent, arbitrary, and tyrannical to oppress and hinder members of the bar in the faithful discharge of their sworn duties to their clients, and to deprive such clients of their right to appear and be protected in their liberty and property by counsel.

See <https://guides.loc.gov/federal-impeachment/george-english>



# 1933 Harold Louderback Impeachment

From and including: Friday, February 24, 1933  
To and including: Wednesday, May 24, 1933  
90 calendar days – 26 days skipped  
Result: 64 days

**ACQUITTED**

Question	Answer
Where and when did he served as a judge?	Judge of the United States for the Northern District of California
Who initiated the impeachment Process?	The Committee on the Judiciary originally censured Louderback for his alleged misconduct but did not recommend impeachment. The minority disagreed and called for his impeachment which was approved by the full house.
When did the process began?	February 24 <sup>th</sup> , 1933
What was the House of Representatives Outcome?	House Resolution 387 > To be impeached of misdemeanors in office to include five (5) articles.
What was the Senate Outcome?	May 24, 1933 > For Articles I-IV he was found NOT GUILTY. Article V- he was found GUILTY; however, the senate adjudged that the respondent was not guilty as charged in the article, as amended. It was ordered that he be acquitted of all charges in said articles made and set forth.
What were the claims against him?	Abuse of Power for tyranny and oppression, favoritism, and conspiracy. Using his office for his own personal interest. Claiming residency in a different county, when he did not reside in such county and could not have established a residence without the concealment of his actual residence- a felony under Section 42 of the Penal Code of California. Improperly acquiring jurisdiction of a case unlawfully, improperly, and oppressively using his office to favor and enrich his personal and political friends and associates, to the detriment and loss of litigants in his, said judge's court, and improperly and unlawfully seeking to coerce said State commissioner of insurance and articles of interest to accept and acquiesce in the excessive fees and the exorbitant and unreasonable disbursements granted by him to others.

See <https://guides.loc.gov/federal-impeachment/harold-louderback>



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## 1936 Halsted L. Ritter Impeachment

From and including: Thursday, February 20, 1936

To and including: Friday, April 17, 1936

58 calendar days – 16 days skipped

Result: 42 days

**CONVICTED**

Question	Answer
Where and when did he served as a judge?	Judge of the United States for the Southern District of Florida
Who initiated the impeachment Process?	Mr. Sumners of Texas, from the Committee on the Judiciary, submitted a privileged report on charges of official misconduct. [H.Res. 422, 74 <sup>th</sup> Cong., 2d sess. (Rept. No. 2025)]
When did the process began?	February 20 <sup>th</sup> , 1936
What was the House of Representatives Outcome?	The House moved to impeach him for misbehavior and for high crimes and misdemeanors.
What was the Senate Outcome?	April 17 <sup>th</sup> , 1936 > Found Guilty of charges and ordered to be removed from office. It was further ordered that he be forever disqualified from holding and enjoying any office of honor, trust or profit under the United States.
What were the claims against him?	Corruptly and unlawfully accepted and received for his own use and benefits money amounting to \$4,500. Entering into an agreement to secure permission of the holder of at least \$50K or first-mortgage bond on a hotel property for the purpose of filing a bill to foreclose the first mortgage. Profiting from a previous partnership which violated section 258 of the Judicial Code of the U.S.A (U.S.C., Annotated, title 28, sec. 373). Turning the court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice in his said court, and to the prejudice of public respect for and confidence in the Federal Judiciary. Tax evasion.

See <https://guides.loc.gov/federal-impeachment/halsted-ritter> ; See pg. 724 <file:///C:/Users/NZeab/Downloads/GPO-CRECB-1936-pt3-v80.pdf>



# 1986 Harry E. Claiborne Impeachment

From and including: Tuesday, June 24, 1986  
To and including: Wednesday, October 15, 1986  
114 calendar days – 32 days skipped  
Result: 82 days

**CONVICTED**

Question	Answer
Where and when did he served as a judge?	Judge of the United States District Court of the District of Nevada
Who initiated the impeachment Process?	Mr. Rodino rise to a question of the privileges of the House and call up a privileged resolution (H.Res. 461)
When did the process began?	June 24 <sup>th</sup> , 1986 a prima facie case was initiated due to him refusing to remove himself from office after being found guilty of tax evasion in two counts
What was the House of Representatives Outcome?	June 26 <sup>th</sup> , 1986 The House voted to impeach him on four Articles of Impeachment.
What was the Senate Outcome?	October 15 <sup>th</sup> , 1986 > The Senate found him guilty of ALL charges against him and ordered him to be removed from office.
What were the claims against him?	1979 Calendar Year Individual Income Tax Return failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code. 1980 Calendar Year Individual Income Tax return failed to report substantial income in addition tot that stated on the return in violation of section 7206(1) of title 26, United States Code. August 10, 1984 – the judge was found guilty by a twelve-person jury of making and subscribing a false income tax return for the calendar years 1979 and 1980. Betraying the trust of the people of the United States and reducing confidence in the integrity and impartiality of the judiciary, those bringing disrepute on the Federal Courts and the Administration of justice by the courts. Tax evasion.

See <https://guides.loc.gov/federal-impeachment/harry-claiborne>



# 1989 Alcee L. Hastings Impeachment

From and including: Monday, August 25, 1986  
 To and including: Friday, October 20, 1989  
 1153 calendar days – 328 days skipped  
 Result: 825 days

**CONVICTED**

Question	Answer
Where and when did he served as a judge?	Judge of the United States in the Southern District of Florida
Who initiated the impeachment Process?	August 25 <sup>th</sup> , 1986 the federal judiciary made a formal recommendation to Congress. Sept. 2, 1986 the 11 <sup>th</sup> U.S> Circuit Court of Appeals in Atlanta voted to recommend impeachment to the House, despite his acquittal, and submitted the recommendation to the Judicial Conference.
When did the process began?	In 1983 a criminal case was open against him for conspiracy and obstruction of justice for soliciting a \$150K bribe in return for reducing the sentences of two mob-connected felons in his court. Despite the fact that he indeed reduced the sentences, he was acquitted in criminal court but further assessment by the judiciary denoted that he had lied and falsified evidence during the trial in order to attain the acquittal.
What was the House of Representatives Outcome?	<b>January 3<sup>rd</sup>, 1989-</b> House agreed to resolution H.Res. 14 notifying the Senate of the appointment of managers on the part of the House for his trial Seventeen (17) articles of impeachment were drafted. Six (6) Managers were appointed by the House.
What was the Senate Outcome?	October 20, 1989 > The Senate convicted him on eight articles(1-5, 7-9). He was removed from office; however, he was not disqualified from holding future office and served in the House of Representatives.
What were the claims against him?	Corrupt conspiracy to obtain a bribe in a criminal case pending before him, and knowingly making False Statements under oath in order to mislead the trier of fact during the trial. Engaging in extensive non-judicial activities while he was a state court judge. Violations of 18 U.S.C 371 (conspiracy); 18 U.S.C. 1503 (obstruction of justice); 18 U.S.C. (aiding and abetting); 18 U.S.C. 1952 (Travel Act) Defraud the U.S. and its citizens to have the lawful functions of the federal judiciary exercised and administered free from corruption, conflict of interest, fraud and obstruction. Fabrication of false documents. Alleged improper disclosure of confidential information. Thwarting Criminal Investigation.

See <https://guides.loc.gov/federal-impeachment/alcee-hastings> ; <https://www.senate.gov/about/powers-procedures/impeachment/impeachment-hastings.htm>



# 1989 Walter L. Nixon Impeachment

From and including: Wednesday, May 10, 1989  
To and including: Friday, November 3, 1989  
178 calendar days – 50 days skipped  
Result: 128 days

**CONVICTED**

Question	Answer
Where and when did he served as a judge?	Judge of the United States District Court for the Southern District of Mississippi
Who initiated the impeachment Process?	The U.S. Judicial Conference forwarded the recommendation in 1986 he was convicted of perjury and sentenced to five (5) years in prison for lying in testimony before a federal grand jury about his attempt to influence the prosecution of a business associate's son.
When did the process began?	May 10 <sup>th</sup> , 1989
What was the House of Representatives Outcome?	H.Res. 87 and H.Res. 150 Resolutions of impeaching was agreed upon by the House. May 10 <sup>th</sup> , 1989 > H.Res. 150 and H.Res. 151 is presented to the Senate by the managers. It included three (3) Articles of Impeachment.
What was the Senate Outcome?	<b>November 3<sup>rd</sup>, 1989</b> > While he was found guilty on ALL accounts, The Senate having tried him found him guilty of the charges contained in Articles I and II of the Articles of Impeachment and therefore removed him from office.
What were the claims against him?	Made a materially false or misleading statement to the grand jury during a case. Hide his business relationship. Judicial integrity, undermined confidence in the integrity and impartiality of the judiciary, breached the trust of the people of the United States, disobeyed the laws of the United States and brought disrepute on the Federal courts and the administration of Justice by the Federal Courts..

See <https://guides.loc.gov/federal-impeachment/walter-nixon>  
Direct Doc: <https://babel.hathitrust.org/cgi/pt?id=mdp.39015087526094&seq=985>



## 2009 Samuel B. Kent Impeachment

From and including: Wednesday, May 27, 2009

To and including: Wednesday, June 24, 2009

29 calendar days – 8 days skipped

Result: 21 days

**RESIGNED**

Question	Answer
Where and when did he served as a judge?	One-judge court for the Southern District of Texas
Who initiated the impeachment Process?	On May 11, 2009, Kent was sentenced to thirty-three (33) months in prison for lying to investigators about sexually abusing two female employees. after the impeachment began when he stated that he would take a disability retirement rather than resign which would have allowed him to collect his annual judicial salary for the remainder of his life.
When did the process began?	May 27 <sup>th</sup> , 2009, the Fifth Circuit Judicial Council issued an order “determine[ing]” that he ... by his own admission engaged in conduct which constitutes one or more grounds for impeachment under Article II.
What was the House of Representatives Outcome?	The House impeached Kent on June 19 <sup>th</sup> , 2009. They seek conviction and removal from office under three grounds: (1) making false statements; (2) & (3) abusing his position as a federal judge by engaging in non-consensual sexual contact with two individuals.
What was the Senate Outcome?	June 24, 2009 > Kent resigned, and the articles of impeachment were dismissed on July 22, 2009.
What were the claims against him?	He plead guilty to a single felony count of Obstruction of Justice as defined in 18 U.S.C. §1512 and as part of the plea agreement with the Government, admitted in open court that he had on several occasions nonconsensual sexual contact with his former case manager and his former secretary.

See <https://guides.loc.gov/federal-impeachment/samuel-kent>



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## 2010 G. Thomas Porteous, Jr. Impeachment

From and including: Tuesday, November 17, 2009  
To and including: Wednesday, December 8, 2010  
387 calendar days – 110 days skipped  
Result: 277 days

**CONVICTED**

Question	Answer
Where and when did he served as a judge?	Federal District Court judge for the Eastern District of Louisiana
Who initiated the impeachment Process?	In 2008, the U.S. Judicial Conference determined that Porteous had committed judicial misconduct, and that impeachment might be warranted.
When did the process began?	November 17 <sup>th</sup> , 2009- The House of Representatives met to consider possible impeachment.
What was the House of Representatives Outcome?	On January 21, 2010 The House of Representatives issue H. Res 1031 Impeaching G. Thomas Porteous, Jr. Which was referred to the Committee on the Judiciary to be impeached for high crimes and misdemeanors. Four (4) articles were drafted.
What was the Senate Outcome?	December 8 <sup>th</sup> , 2010 > Having tried him and finding him guilty of ALL articles of impeachment, he was removed from office and forever disqualified to hold and enjoy any office of honor, trust, or profit under the United States.
What were the claims against him?	Engaging in a pattern of conduct that is incompatible with the trust and confidence placed in him as a federal judge by refusing to recuse himself from a case in which he had a corrupt financial relationship with the law firm representing one of the litigants. Engage in a corrupt relationship with bail bondsman and his siter and solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefited the providers of such by setting, reducing, and splitting bonds. Engaging in a pattern of conduct inconsistent with the trust and confidence place in him as a Federal judge by knowingly and intentionally making material false statements and representation under penalty of perjury related to his personal bankruptcy filing and repeatedly violating a court order in his bankruptcy case. Making false statements in order to obtain the office as a Judge.

See <https://guides.loc.gov/federal-impeachment/thomas-porteous>



# FINAL INPUT

Overview

# Overall Input

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- Throughout History, the impeachment process has been more of a political tool, not an actual process that would hold the individuals accountable for any wrongdoings. This is one of the many reasons England abandoned such back in the 1800's and has not used it since.
- The U.S. inherited a process that was known to be faulty, and this was actually identified during the early stages of the process; however, despite its obvious faults the U.S. continues to use the process at ad-hoc times.
- When it comes to the impeachment of a President or other officers within the Executive Cabinet, the process is used mainly as a political tool. While Presidential and U.S. Officer Impeachments were not addressed as part of this presentation, given that the focus is Judicial, the past few impeachments were politically motivated.
- When it comes to the impeachment of judges, it seems to have worked as intended in the majority of cases; however, the *U.S. Judicial System Process established under 28 U.S.C. Chapter 16* which is used to hold judges accountable for misconduct is not working as intended as the process been monopolized in order to protect themselves from removal. Examination of 25 years of data demonstrate that 98% of cases against judges are dismissed, and taking action in less than 1% while the other 1% are withdrawals from the litigants.
- We are certainly witnessing this as this presentation is made... where a number of U.S. Supreme Court judges have gone against the U.S. Constitution and uphold political based ideologies despite the law of the land.



# Recommendation

- Due to the complexity of the process and the level of puzzle pieces deem essential for the process to function as intended, recommendations will only be noted under the connecting puzzle pieces leveraged as part of the process. Items impacting this process will be identified on the following presentations ...



# References

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