

Describe the process of Presidential impeachment and explain why it is difficult to remove the president through impeachment.

Presidential impeachment is the removal of the US President “for and conviction of, treason, bribery, or other high crimes”. The impeachment of the US President can be found in section four of Article II in the US constitution. In over 200 years of the US Constitution, no president has ever been impeached. Clinton came close and Nixon was almost certainly going to be impeached, if he hadn't resigned. Perhaps the reason why no President has been impeached is not because there hasn't been a reason to impeach a President but instead, that it is so difficult to impeach a President.

The process of impeachment isn't mentioned in the US constitution however, should a case for impeachment come about, the following process is followed. Firstly, the House of Representative's Judiciary Committee will decide whether or not to proceed with the impeachment proceedings. After careful deliberation, the full house will debate and vote each Article of Impeachment. If any one of those articles is approved by a simple majority, the President will be impeached. As with any criminal conviction, a fair trial must happen so, the House of Representatives passes on the Articles of Impeachment to the Senate. The Articles for Clinton's impeachment passed this stage and went onto the Senate, the same happened to Johnson too.

When the Senate receives the Articles of Impeachment, they then set out the rules and procedures for a fair trial of the President. At this stage, the President will hire lawyers to defend his case as the trial will begin. The Chief Justice of the Supreme Court will lead the trial with all 100 members of the Senate acting as the jury. Concluding the trial, the Senate will meet to discuss a verdict. To be convicted, the President must receive two thirds of the Senate to vote for his conviction. If this happens, the Senate will then vote to remove him from office. No President has been removed from office after an impeachment process, although Clinton came extremely close in 1999 when 50% of the Senate voted for his conviction, of course two thirds is required so he wasn't convicted.

A President in the US is more likely to be assassinated in office than to be impeached, so why is it so hard for a President to be impeached? Nixon for example, is possibly the most corrupt President in US history, yet he resigned before there was a chance for him to be impeached.

Firstly, impeachment of the executive isn't very well defined in the US constitution. The President will be impeached “for and conviction of, treason, bribery, or other high crimes.” This is very vague and a possible reason for 50% of the Senate voting against Clinton's impeachment. He was impeached for perjury, obstruction of justice and malfeasance in office. The Constitution doesn't outline these as impeachable offences. The term “high crimes” may vary in opinions of different people. So, the lack of clarity of the terms for impeachment may give supporters of the President an excuse to vote against his removal but, still look like they are supporting the US constitution.

Secondly, the process of impeachment is extremely difficult to complete. This point is similar to the difficulty in changing the constitution. Such a high majority is required in several stages. To convict the President, the Senate has an open vote where two thirds of the Senators has to vote in favour for the conviction. In the Johnson impeachment case, the President was put on trial for three separate crimes and in each case was just one vote away from being convicted of his crimes. In the Clinton case, the President received 50% of the Senate vote in favour of his conviction but, the rules state a 67% vote must be received. Most say that Nixon would have definitely been convicted, had he been impeached. However, Nixon had resigned just before impeachment proceedings began. To get through the whole impeachment proceedings is extremely unlikely as so many tight and difficult quotas need to be met.

Thirdly, the impeachment of the President, who is the head of the executive, is going to significantly disrupt government. This can have effects on the US economy and the passing of importantly vital legislation. Instead of going through an impeachment trial, Nixon resigned in 1974 which lowered the length of disruption to government. It could also be argued there are already sufficient checks on Executive power such as the separation of power within government. The President is held to account by both the Judiciary and Congress (the legislature). However, there does have to be an appropriate way of removing the President for crimes such as treason and bribery and other high crimes. It could be argued that the threat of impeachment is sufficient to achieve this. It certainly worked with Richard Nixon in 1974 who was a very corrupt President and resigned because of fear for being impeached. However, his Vice President then stepped up to become President and of course, used his power to pardon Nixon of his crimes so, perhaps Nixon did get away with not being held to account.

When considering the reasons for the difficulty of impeaching a President, it is important to consider each case individually. In the 233 years of the US Constitution there have been two cases of Presidential impeachment: Andrew Johnson and Bill Clinton plus, the case of Richard Nixon, who was never actually impeached but, extremely close to it. Each of the three cases were for different crimes and different circumstances.

Andrew Johnson was the first president to be impeached. Johnson was put up for impeachment with eleven Articles of Impeachment of which three passed through to the Senate for his trial. Johnson is a very good example of how hard the criteria to be convicted is, as he missed out on being convicted by one Senate vote in each of the three articles he was trialled for. This case of impeachment happened in the 19th century, well over a hundred years ago and circumstances were much different then. The Senate had just 54 members and it was much easier for a more biased trial. In fact, seven Republicans (who in effect had the decisive votes) voted against their party and voted against the impeachment because of accusations that the trial was neither free, fair or unbiased.

For over one-hundred-and-thirty years Johnson was the only President to ever be impeached in US history. Nixon came extremely close to impeachment in 1974 but resigned just after the House of Representatives had passed the Articles of Impeachment to the Senate and escaped a Senate trial. Nixon was put forward for impeachment due to the scandal throughout his years as President, specifically the Watergate scandal where he was accused of constant cover ups. Nixon escaped impeachment by becoming the only US President to resign whilst in office. He was the most likely candidate to be removed from office in the US history but, still escaped by resigning before impeachment and was then pardoned of his crimes, by his previously Vice President, now US President, Ford. If such a controversial and corrupt man isn't impeached, the likelihood of future Presidents being impeached and subsequently removed would seem unlikely. It could be concluded that the Presidents who are likely to be impeached and removed, resign beforehand whereas those that are impeached but unlikely to pass the Senate will stay on.

Bill Clinton is only the second case of impeachment in the US history. Like Johnson, he escaped being convicted in the Senate and also like Johnson he did receive at 50% of the Senate vote to be impeached for an article. Clinton escaped impeachment because a two thirds majority is required. So, both of the Presidents that have been through the impeachment process have escaped conviction because a two thirds majority is required, instead of a simple majority. If a simple majority was required, cases of Presidents being removed from office may actually exist. Bill Clinton is another President who is known for scandal, specifically to do with his personal life. He was impeached for perjury, obstruction of justice and malfeasance in office.

The most worrying statistic in the Impeachment debate is that Presidents have been removed from office via assassination and never removed via impeachment. Although the constitution deals with checks on the executive, American politicians may have to accept that the President isn't appropriately held to account for his crimes such as Nixon, who was pardoned for his crimes and escaped conviction. To conclude, the process of impeachment isn't sufficient in removing a President but, perhaps the threat of being impeached is enough to keep a President in check. Impeachment may work as a deterrent but, not as a real method of Presidential removal.