

United States v. Nixon / Comparing Impeachments in U.S. History—Answer Key

Directions

1. Read **Understanding the Impeachment Process** below and answer the **Questions to Consider**.
 2. Read about the articles of impeachments issued against four presidents in U.S. history in the **Articles of Impeachment** section (page 2).
 3. Complete the **Mock Impeachment Vote** activity (page 5).
-

Understanding the Impeachment Process

Article I, Section 2 of the U.S. Constitution says, in part: *“The House of Representatives shall have the sole power of Impeachment.”*

Article I, Section 3 of the U.S. Constitution says, in part: *“The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried the Chief Justice shall preside: And no person shall be convicted without the Concurrence of two thirds of the members present.”*

Article II, Section 4 of the U.S. Constitution says, *“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.”*

Questions to Consider

1. In your own words, explain the process for impeaching and removing the president.
Student answers will vary but should include that the impeachment is an accusation that must start in the House of Representatives. Then the Senate will try the impeachment. The Chief Justice will preside over the Senate trial. The president will be convicted if two-thirds (2/3) of the senators vote to remove him.
2. For what types of crimes can a president be impeached and removed?
The president, vice president and others may only be removed for treason, bribery, or “other high Crimes and Misdemeanors.” (The terms or “other high Crimes and Misdemeanors” is not defined in the Constitution, and their exact meaning is still a matter of much debate.)

Articles of Impeachment

President Nixon was neither the first nor last American president to be threatened with impeachment proceedings.

1. **President Andrew Johnson (1868):** In 1868, the U.S. House of Representatives issued 11 articles of impeachment against President Andrew Johnson. In the Senate, the vote fell short of the 2/3 majority that was required to convict Johnson and remove him from office.

RESOLVED, That Andrew Johnson, President of the United States . . .

- **Article One:** did unconstitutionally [without the advice and consent of the Senate, as required in the 1867 Tenure of Office Act] issue an order removing Secretary Edwin M. Stanton from his position as the head of the Department of War.
- **Article Four:** did unlawfully attempt to intimidate the Secretary for the Department of War [to cause his resignation from the post].
- **Articles Five, Six and Seven:** did unlawfully conspire with another government official to prevent the execution of the Tenure of Office Act and An Act to Define and Punish Certain Conspirators.
- **Article Ten:** did, designing and intending to set aside the rightful authorities of Congress, attempt to bring into ridicule, disgrace, hatred, and contempt the United States Congress . . . by saying things such as . . . “We have seen a Congress in a minority assume to exercise power which, if allowed to be consummated, would result in despotism or monarchy itself.”
- **Article Eleven:** did, in disregard to the Constitution, declare in a public speech that the Thirty-Ninth Congress of the United States was not a valid Congress for all of the people in the United States . . . thereby denying its power.

2. **President Richard Nixon (1974):** In 1974, the House Judiciary Committee produced three articles of impeachment against President Richard Nixon. Before the full House could vote on the articles, Nixon resigned.

RESOLVED, That Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors . . .

- **Article One:** [for] making false or misleading statement to delay, cover up, or conceal evidence relating to the Watergate break-ins by:
 - making false and misleading statements to the government and the people
 - withholding information
 - allowing/encouraging witnesses to give false or misleading statements
 - attempting to interfere with FBI and other investigations into the break-ins
 - allowing secret payments to influence witnesses
 - attempting to misuse the CIA
 - leaking information about the investigation to help the accused

- insinuating that people who refuse to testify against him or who give false testimony will receive favors
 - **Article Two:** [for having] engaged in conduct violating the constitutional rights of citizens
 . . . and impairing the due and proper administration of justice . . . by:
 - using confidential tax return information to initiate tax audits in a discriminatory manner
 - misusing the FBI, Secret Service, and other government employees by allowing their information to be used for purposes other than national security or the enforcement of laws
 - allowing a secret investigative unit within his office
 - using campaign contributions and the CIA in an attempt to sway the fair trial process
 - has failed in faithfully executing the law
 - knowingly misusing the executive power by interfering with agencies within the executive branch
 - **Article Three:** has willfully disobeyed the subpoenas of and failed without lawful cause or excuse to produce papers and information for the House Judiciary Committee . . . assuming to himself the functions and judgments given to the House of Representatives by the Constitution.
3. **President Bill Clinton (1998):** In 1998, the House Judiciary Committee introduced four articles of impeachment against President Bill Clinton, two of which were approved by the entire House. In the Senate, the vote fell short of the 2/3 majority that was required to convict Clinton and remove him from office.

RESOLVED, That William Jefferson Clinton, President of the United States, is impeached for high crimes and misdemeanors . . .

- **Article One:** In his conduct while President of the United States . . . in violation of his constitutional oath to faithfully execute the office of the President . . . has . . . undermined the integrity of his office . . . betrayed his trust as President . . . and acted in a manner subversive of the rule of law by:
 - willfully corrupting and manipulating the judicial process of the United States for his personal gain and exoneration
 - willfully committing perjury by providing false and misleading testimony to the grand jury in relation to his relationship with an employee
 - willfully committing perjury by providing false and misleading testimony to the grand jury in relation to prior perjurious testimony in a civil rights action brought against him
 - allowing his attorney to make false and misleading statements in the same civil rights action
 - attempting to influence witness testimony and slow the discovery of evidence in that civil rights action

- **Article Three:** has [in the Paula Jones Case] prevented, obstructed, and impeded the administration of justice by:
 - encouraging a witness to give a perjurious affidavit
 - encouraging a witness to give false testimony if called to the stand
 - allowing and/or encouraging the concealment of subpoenaed evidence
 - attempting to sway a witness testimony by providing a job for that witness
 - allowing his attorney to make misleading testimony
 - giving false or misleading information to influence the testimony of a potential witness in a Federal civil rights action
 - giving false or misleading information to influence the testimony of a witness in a grand jury investigation

4. **President Donald Trump (2019):** In December of 2019, the House of Representative passed along party lines two articles of impeachment against President Donald Trump. The Senate held a trial and also voting largely along party lines voted to acquit to the president of the charges resulting in his remaining in office.

RESOLVED, That Donald John Trump, President of the United States, is impeached for high crimes and misdemeanors . . .

- **Article One:** Abuse of Power—Donald J. Trump has abused the powers of the Presidency by:
 - soliciting the interference of a foreign government, Ukraine, in the 2020 United States Presidential election.
 - corruptly solicited the Government of Ukraine to publicly announce investigations into former Vice President Joseph R. Biden, Jr. and a discredited theory alleging that Ukraine—rather than Russia—interfered in the 2016 United States Presidential election.
 - conditioned two official acts on the public announcements that he had requested: 1) the release of \$391 million of United States taxpayer for the purpose of providing vital assistance to Ukraine to oppose Russian aggression and which President Trump had ordered suspended; and 2) a head of state meeting for the President of Ukraine at the White House
 - ultimately released the military and security assistance to the Government of Ukraine, but has persisted in openly and corruptly urging and soliciting Ukraine to undertake investigations for his personal political benefit

In all of this, President Trump abused the powers of the Presidency by ignoring and injuring national security and other vital national interests to obtain an improper personal political benefit. He has also betrayed the Nation by abusing his high office to enlist a foreign power in corrupting democratic elections.

- **Article Two:** Obstruction of Justice—President Trump has abused the powers of the Presidency in a manner offensive to, and subversive of, the Constitution, by the following means:
 - Directing the White House to defy a lawful subpoena

- Directing other Executive Branch agencies and offices to defy lawful subpoenas
- Directing current and former Executive Branch officials not to cooperate with the Committees—in response to which nine Administration officials defied subpoenas for testimony

Mock Impeachment Vote Activity

Directions:

1. In the chart on page 6, summarize the most serious accusations against each president and determine if the accusations constituted “high crimes and misdemeanors” and warranted an impeachment. Write a concise argument to support your vote.
2. Your teacher will divide the class into the “House” and the “Senate” (2/3 of the class in the House and 1/3 in the Senate).
 - a. The House will briefly debate the accusations against each president and vote on each article of impeachment. If you were assigned to be in the House, share the argument you wrote supporting your vote. The House will vote. If a majority (more than half) of the members of the House vote to pass any article, the president has been impeached and a trial will be held in the Senate.
 - b. The Senate will hold a brief trial to determine if the president is guilty of the accusations in the articles of impeachment. Then the Senate will vote to decide whether to remove the president from office. First senators who intend to vote “yea” on removal will share their arguments. Then senators who intend to vote “nea” on removal will share theirs. Then the Senate will vote. If at least 2/3 of the Senate votes “yea,” the president will be removed from office.

President	Summary of most serious accusations	– Do accusations constitute high crimes and misdemeanors? – Will you vote “yea” or “nea” on impeachment (House) or removal (Senate)? Explain the reasons for your vote.
President Johnson	• removed Secretary Stanton from Department of War without consent of Congress • tried to intimidate Secretary Stanton • conspired to prevent the execution of a law • accused some in Congress of attempting to exercise power like that of a monarch • denied the power of the Congress (at that time)	Student answers will vary. Seek out student positions on this question.
President Nixon	made false or misleading statements to delay or conceal evidence relating to the Watergate break-ins • engaged in conduct violating the civil rights of citizens • willfully disobeyed the lawful subpoenas of the House Judiciary Committee	Student answers will vary. Seek out student positions on this question.
President Clinton	manipulated the judicial process for own personal gain • committed perjury • attempted to influence witness testimony • encouraged the concealment of subpoenaed evidence	Student answers will vary. Seek out student positions on this question.
President Trump	• solicited interference by Ukraine in the 2016 presidential election • directed the White House and agencies to disobey subpoenas • directed officials not to cooperate with congressional investigations	Student answers will vary. Seek out student positions on this question.

