

THE FEDERAL IMPEACHMENT PROCESS

A Bibliographic Guide
to English and American Precedence,

Historical and Procedural Development,

and Scholarly Commentary.

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PREFACE TO THE ORIGINAL EDITION

Federal Impeachment is designed to reach the most powerful public officials and to protect our institutions of government. It is one remedy that is available in order that the body politic may express its intolerance for such abrogation of duty, misconduct, or violation of some public trust, that may have been committed by the President, Vice President, or any Civil Officer of the United States.

It is clear that Impeachment is a political process more than a legal one. It is characterized by political possibilities rather than the clearly measured principles and remedies of law. Our Constitution provides only the authority for Impeachment. It has left the question as to what may be an impeachable offense to the Congress, to the people. The Impeachment process, then, especially when it involves the President of the United States, deeply involves us all.

What is provided in this compilation is a cogent path through the most important components of this process. Attention has been given to the historical development of Impeachment, the complex procedure that has evolved, the nature of an impeachable offense as revealed through specific English and American cases of Impeachment, and the various discussions of Impeachment by legal scholars and historians. This is the material that continues to be cited in practically every discussion of Impeachment, whether it be through monograph, journal article, government report, or newspaper editorial. Lawyers, government officials, and historians who have been most directly involved with the Federal Impeachment process, whether through actual cases or scholarly interest, would consider this material to be the most important.

Practically all of the following items are available in Cornell University Libraries, and especially, in the Cornell Law Library. The various call numbers have been provided, as well as the means whereby additional information may be accessed.

It is felt that this compilation will be of significant value to undergraduates, graduates, teachers, lawyers, and to the general public.

NOTE ON THE UPDATE

The updater has tried to keep as much of the original work and format as possible. Since the original included information on impeachment at a time leading up to President Nixon's resignation, many of the items noted in the supplementary literature may not be readily available. The review of the literature is divided into two parts, dividing it by its chronological relation to Watergate (1974 and before; after 1974). Some of the articles after 1974 may concentrate more on analysis of the issues surrounding the separation of powers clause, or special prosecutors, which has often entered into scholarly considerations of impeachment. Two small sections have been added. One section notes important cases, the other includes Internet sites of possible interest to researchers.

DEFINITIONS

The verb impeach, derived from the French, empêcher, literally means to prevent or hinder; also, to accuse, to impute some fault or defect to. An act of impeachment would entail a "calling in question or discrediting as purity of motives, rectitude of conduct, credibility, etc." Cf. WEBSTER'S 3d NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE 1961.

In the realm of evidence, impeachment might involve the calling into question the veracity of a particular

witness. But it is also used to denote a criminal proceeding, or process, brought against a public officer, instituted by a written accusation (i.e., "Articles of Impeachment"), and before a competent tribunal. In England, it is the privilege of the House of Commons to impeach, and the right of the House of Lords to determine impeachment. In the United States, the former is vested in the House of Representatives, while the responsibility of Judgment rests with the Senate. Cf. BLACK'S LAW DICTIONARY. 6th ed., St. Paul, West, 1990 LAW KF 156 B62 1990

ENGLISH LAW IMPEACHMENT PRECEDENTS
AND THE EVOLUTION OF THE UNITED
STATES IMPEACHMENT PROVISIONS

Part I

Holdsworth, Sir William Searle. A HISTORY OF ENGLISH LAW. 17 Vols., London, Methuen, 1903-66. This edition is thoroughly indexed, for Impeachment, generally, consult Vol. 17, General Index, p. 254. See especially, Vol. pp. 379-383: " the Jurisdiction Now Existing," " the Origin of Impeachments," " the Constitutional Importance of Impeachments," and " the Disuse of Impeachments." KF536.H72 H4.

THE DIGEST: ANNOTATED BRITISH, COMMONWEALTH AND EUROPEAN CASES. 48 Vols., London, Butterworth, 1990.

For references and annotations to actual cases of Parliamentary Impeachment, and where these cases are reported, consult Vol. 36(2), p. 220 (notes 1698-1714). KD296.E52.

Blackstone, Sir William. COMMENTARIES ON THE LAWS OF ENGLAND. 4 Vols., Boston, Beacon Press, 1962. Consult Vol. 4, "Of Misprisions and Contempts Affecting the Sovereign and Government," Ch. IX; "Of Courts of Criminal Jurisdiction," Ch. XIX; "Trial by High Courts of Parliament," Ch. XVII, Sect. IV. LAW KD 600 B63 1962.

Hatsell, John. PRECEDENTS OF PROCEEDINGS IN THE HOUSE OF COMMONS. 4 Vols., London, Luke Hansard, 1818. See especially, Vol. 4, "Relating to Conference and Impeachment," pp. 56-487. LAW Inquire at Reference Desk.

Russell, Sir William. RUSSELL ON CRIME. 2 Vols., London, Stevens, 1958
This treatise was originally published in 1819, under the title: A TREATISE ON CRIMES AND MISDEMEANORS. LAW Inquire reference Desk.

.Part II

Farrand, Max. Ed. THE RECORDS OF THE FEDERAL CONVENTION OF 1787. 4 Vols., New Haven, Yale University Press, 1937. The Index in Vol. 4 affords comprehensive treatment of Impeachment as discussed during the Convention. All of the various plans for an Impeachment clause, as well as the provisions for the establishment of a federal judiciary and judicial tenure, are easily accessed (Cf. commentary by William Mason, James Madison, Gouverneur Morris, Alexander Hamilton and Benjamin Franklin.) It may be of special interest to trace the impeachment provision from the date of its original phrasing on July 20 ("...to be removable on impeachment and conviction for malpractice or neglect of duty," Vol. II, p. 64), to the final version accepted on September 8 (Vol. II, p. 550). LAW KF 4510 1911 and 1937 (Index Volume).

Koch, Adrienne, Ed., NOTES OF DEBATES IN THE FEDERAL CONVENTION OF 1787, REPORTED BY JAMES MADISON. Athens, Ohio, Ohio University Press, 1966. Unfortunately, this text is without an index. However, entries noted on the following pages may prove helpful: 331, 334-5, 383, 386, 392-3, 574, 579, 605-6. Another way in which to locate Madison's notes on Impeachment is to consult the corresponding date of entry as indicated in the FARRAND edition, noted above. LAW KF 4513 U58.

Hamilton, Alexander, James Madison and John Jay. THE FEDERALIST. Cambridge, Mass., Belknap Press, 1966. See especially the following numbers by James Madison: 44, 48, 51; and by Alexander Hamilton: 65, 78. LAW KF 4515 F29 1966a.

Elliott, Jonathan. DEBATES IN THE SEVERAL STATE CONVENTIONS ON THE ADOPTION OF THE FEDERAL CONSTITUTION. 5 Vols., Philadelphia, J.B. Lippincott, 1896. LAW KF 4510 E46 1896.

Storey, Joseph. COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES. 5th ed., 2 Vols., Boston, Little, Brown, 1891. LAW KF 4528 S88 1891.

IMPEACHMENT PROVISIONS OF THE UNITED STATES CONSTITUTION

The House of Representatives shall chuse [sic] their Speaker and other Officers; and shall have the sole Power of Impeachment." ARTICLE I, SECTION 2, CLAUSE 5.

"The Senate shall have the sole Power to try all Impeachments. When sitting for the Purpose, they shall be on Oath. 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 I, SECTION 3, CLAUSE 6.

"Judgement 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." ARTICLE I, SECTION 3, CLAUSE 7.

"[The President] shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment." ARTICLE II, SECTION 2, CLAUSE 1.

"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." ARTICLE II, SECTION 4.

"The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior..." ARTICLE III, SECTION 1.

"...the Trial of all crimes, except in cases of Impeachment, shall be by jury." ARTICLE III, SECTION 2.

There are numerous editions of the Constitution of the United States. Certainly one of the most worthy is THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION, Library of Congress ea., Washington, Government Printing Office, 1996. This text is complete with case annotations, analysis and comment.
LAW KF 4527 U58 C6 1996

Updates beyond 1996 may be accomplished through one of the annotated codes, e.g., in the CONSTITUTION volumes of the UNITED STATES CODE ANNOTATED. St. Paul, West, 1968.
LAW KF 62 1927 W51

DOCUMENTARY SOURCES OF FEDERAL IMPEACHMENT

Since 1789, more than fifty Impeachment proceedings have been initiated in the House of Representatives. However, only fifteen cases have reached the Senate; and of the fifteen, only one involved a President. Two of the cases were dismissed on jurisdictional grounds, six ended in acquittal and seven in conviction.

WILLIAM BLOUNT, UNITED STATES SENATOR

IMPEACHED:1797

CHARGED: Attempting to seduce an Indian agent from performing his duty and trust.

REPORTED 1797-99 ANNALS OF CONGRESS Cols. v, vi, xii, xiii, (Index),
and Cols. 2244-2416 (Trial).
LAW KF 35 U58,

REPORTED: HINDS' PRECEDENTS OF THE HOUSE OF REPRESENTATIVES OF THE
UNITED STATES, INCLUDING REFERENCES TO PROVISIONS OF THE
CONSTITUTION, THE LAWS, AND DECISIONS OF THE UNITED STATES SENATE. III: 2294-2318.
Washington, Government Printing Office, 1907.
LAW KF 4992 H66 1935 B.C.

This edition, in 5 volumes, by Ascher C. Hinds, was originally published by authority of the Act of Congress approved March 4, 1907. Authority was given to Clarence A. Cannon in 1921 to expand the series to 11 Volumes, hence: CANNON'S PRECEDENTS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES INCLUDING REFERENCES TO THE PROVISIONS OF THE CONSTITUTION, THE LAWS, AND DECISIONS OF THE UNITED STATES SENATE. 6 Vols. Washington, Government Printing Office, 1935-41. However, the series is numbered consecutively 1-11 (Vole. 9-11 are an index-digest to the complete work), and has been cataloged as one work. It is normally cited as HINDS'-CANNON'S PRECEDENTS OF THE HOUSE OF REPRESENTATIVES, and hereinafter will be cited as simply HINDS'-CANNON'S.

JUDGMENT:United States Senator is not subject to Impeachment.

JOHN PICKERING, FEDERAL JUDGE

IMPEACHED: 1803

CHARGE: Misconduct in a trial and being on the Bench while
intoxicated

REPORTED: 1803 ANNALS OF CONGRESS Cols. v, viii, xv (Index);
1803 ANNALS OF CONGRESS 315-367 (Trial).
LAW KF 35 U58.

REPORTED: III HINDS'-CANNON'S 23L9-2341.
LAW KF 4992 H66 1935 B.C.

JUDGMENT: Removed from office.

SAMUEL CHASE, ASSOCIATE JUSTICE OF THE SUPREME COURT

IMPEACHED: 1804

CHARGE: Misconduct in trials impairing the confidence and respect for the courts.

REPORTED: 1804-05 ANNALS OF CONGRESS Cols. iii, viii, xxi (Index);
Cols. 92-676 (Trial).
LAW KF 35 U58.

REPORTED: III MINDS '-CANNON' S 2342-2363.
LAW KF 4992 H66 1935 B.C.

JUDGMENT: Acquitted.

See also Chase, Samuel. TRIAL OF SAMUEL CHASE, AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, IMPEACHED BY THE HOUSE OF REPRESENTATIVES FOR HIGH CRIMES AND MISDEMEANORS BEFORE THE SENATE OF THE UNITED STATES. Washington City, Samuel H. Smith, 1805. A transcript of the proceedings taken by Samuel H. Smith and Thomas Lloyd.

JAMES H. PECK, FEDERAL DISTRICT JUDGE

IMPEACHED: 1826

CHARGE: Misconduct in office by misuse of contempt power.

REPORTED: REPORT OF THE TRIAL OF JAMES H. PECK. Boston, Hilliard, Gray, 1833.
This publication has the proceedings of the trial in full; unfortunately, THE DEBATES OF CONGRESS give them in a very fragmentary form.
LAW Special Collection, Inquire at Reference Desk.

REPORTED: III HINDS'-CANNON'S 2364-2384.
LAW KF 4992 H66 1935 B.C.

JUDGMENT: Acquitted.

WEST H. HUMPHREYS, FEDERAL DISTRICT JUDGE

IMPEACHED: 1862

CHARGE: Supported secession of Tennessee and acted as a Judge of a District Court of the Confederate States of America.

REPORTED: 1861-62 CONGRESSIONAL GLOBE Pt. 4, 2942-2955 (Trial).
LAW KF 35 U582.

REPORTED: III MINDS '-CANNON 'S 2385-2397. LAW KF 4992 H66 1935 B.C.

JUDGMENT: Removed from office and disqualified to hold any office of trust, honor, or profit under the United States.

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES

IMPEACHED: 1868

CHARGE: That he removed Edwin M. Stanton from the Office as Secretary of War contrary to an Act of Congress, and that he criticized Congress in speeches.

REPORTED: 1868 CONGRESSIONAL GLOBE Pt. 2, pp. cxl-cxli (Index); 1868 SUPPLEMENT TO CONGRESSIONAL GLOBE: THE PROCEEDINGS OF THE SENATE SITTING FOR THE TRIAL OF ANDREW JOHNSON (Trial). LAW KF 35 U582.

REPORTED: III MINDS '-CANNON 'S 2408-2443.
LAW KF 4992 H66 1935 B.C.

JUDGMENT: Acquitted.

WILLIAM W. BELKNAP, SECRETARY OF WAR

IMPEACHED: 1876

CHARGE: That he received about six thousand dollars per year for several years in consideration for appointing and continuing in office a post trader at Fort Sill.

REPORTED: IV CONGRESSIONAL RECORD 44th Congress, 1st Session, Index to Pts. 1-6, pp. 22, 202; IV CONGRESSIONAL RECORD PT. 7
TRIAL OF WILLIAM W. BELKNAP.
LAW KF 35 U582.

REPORTED: III HINDS'-CANNON'S 2444-2468.
KF 4992 H66 1935 B.C.

JUDGEMENT: Acquitted.

CHARLES SWAYNE, FEDERAL DISTRICT JUDGE

IMPEACHED: 1903

CHARGE: Padding expense accounts; using railroad property in receivership for his personal benefit; misusing contempt power.

REPORTED: 39 CONGRESSIONAL RECORD Index to Pts. 1-4, p. 300; 39 CONGRESSIONAL RECORD 1281 et seq. (Trial).
LAW KF 35 U582.

REPORTED: III HINDS'-CANNON's 2469-2485
LAW KF 4992 H66 1935 B.C.

JUDGMENT: Acquitted.

ROBERT W. ARCHIBALD, JUDGE, UNITED STATES COMMERCE COURT

IMPEACHED: 1912

CHARGE: Misconduct including personal profits, free trips to Europe, improper appointment of Jury Commissioner.

REPORTED: 48 CONGRESSIONAL RECORD Index to Pts. 1-12, p. 23; 49 CONGRESSIONAL RECORD Index to Pts. 1-5, pp. 12-13.
LAW KF 35 U582.

REPORTED: VI MINDS '-CANNON 'S 498-512
LAW KF 4992 H66 1935 B.C.

JUDGMENT: Removed from office, disqualified hereafter from holding office of trust or profit under the United States.

GEORGE W. ENGLISH, FEDERAL DISTRICT JUDGE

IMPEACHED: 1926

CHARGE: Abuse of judicial power, bringing disrepute upon the administration of justice, misbehavior in office in the extension of partiality and favoritism, oppressive and tyrannical conduct while on the Bench, etc.

REPORTED: 66 CONGRESSIONAL RECORD Pt. 6, p. 65 (Index); 67 CONGRESSIONAL RECORD Pt. 12, p. 158 (Index); 68 CONGRESSIONAL RECORD Pt. 6, pp. 9, 77 (Index).
LAW KF 35 U582.

REPORTED: VI HINDS'-CANNON'S 544-5.
LAW 4992 H66 1935 B.C.

JUDGMENT: Respondent having retired from office, the Managers recommended that impeachment proceedings be discontinued in the Senate.

HAROLD LOUDERBACK, FEDERAL DISTRICT JUDGE.

IMPEACHED: 1932

CHARGE: Appointing incompetent receivers and allowing them excessive fees.

REPORTED: 75 CONGRESSIONAL RECORD Pt. 15, p. 380 (Index); 77
CONGRESSIONAL RECORD Pt. 7, pp. 163-4 (Index).
LAW KF 35 U582

REPORTED: VI HINDS'-CANNON'S 513-524.
LAW KF 4992 H66 1935 B.C.

JUDGMENT: Acquitted.

HALSTED L. PITZER, UNITED STATES DISTRICT COURT JUDGE

IMPEACHED: 1936

CHARGED: Participating in champertous proceedings brought before him for a cash consideration; practicing law while serving as a Federal Judge; preparing and filing false income tax return

REPORTED: 80 CONGRESSIONAL RECORD Pt. 11, pp. 324-5 (Index); 80
CONGRESSIONAL RECORD Pt. 5, pp. 4971-5004 (Trial).
LAW KF 35 U582.

JUDGMENT: Removed from Office.

WILLIAM O. DOUGLAS, ASSOCIATE JUSTICE OF THE SUPREME COURT

Although Justice Douglas was never impeached, a formal investigation of charges was undertaken by The House of Representatives Committee on the Judiciary in 1970. The documents relevant to this investigation were published in three reports; these reports are cited below in "GOVERNMENT DOCUMENTS." See also, 116 CONGRESSIONAL RECORD Pt. 34, p. 336 (Index). LAW KF 35 U582.

RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES

Although Nixon was never impeached, the Committee on the Judiciary voted to recommend to the House of Representative three articles of impeachment. The committee debates and votes took place July 26, 1974 through July 30, 1974. The President resigned before the House of Representatives voted on the articles.

CHARGE: The President knowingly interfered with and obstructed the investigation of the Watergate break-in, attempted to misuse the CIA, FBI and IRS in order to surveil citizens of the United States illegally, maintained his own secret investigative unit which engaged in covert, unlawful activity and failed to produce subpoenaed documents and other things.

REPORTED: Congress published the hearings before the Committee on the Judiciary: Statement of Information: HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES NINETY-THIRD CONGRESS, SECOND SESSION PURSUANT TO H. RES. 803 A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH RICHARD M. NIXON PRESIDENT OF THE UNITED STATES OF AMERICA, Washington, Government Printing Office, 1974. This material includes 10 books for the statement of information, three books of testimony by witnesses and a volume of presidential statements in response, transcripts of eight of President Nixon's taped conversations, etc. LAW KF 28 J8 93rd

A compact work containing the final committee debates and votes is: THE IMPEACHMENT REPORT: A GUIDE TO CONGRESSIONAL PROCEEDINGS IN THE CASE OF RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES. New York, New American Library, 1974. Olin E 861 I34 1974.

All of the various statements, motions, resolutions and material relating to this investigation can be accessed by means of the CONGRESSIONAL RECORD INDEX, Vol. 119, Nos. 155162, 93d Congress, 1st session (1974) and succeeding numbers. These entries are located under the heading "President of the United States." The issues of the INDEX are found at LAW KF 35 U582.

HARRY E. CLAIBORNE FEDERAL DISTRICT COURT JUDGE

IMPEACHED: 1986

CHARGE: Willfully and knowingly failed to file a true and correct Federal tax return for calendar years 1979 and 1980. Through the tax evasion convictions, betrayed the trust of the people of the United States and reduced confidence in the integrity and impartiality of the judiciary, thereby bringing disrepute on the Federal courts and the administration of justice by the courts and as convicted felon was unfit for duty on the bench.

REPORTED: Impeached by the House of Representatives reported in 132 CONGRESSIONAL RECORD H4710-21 (daily ed. July 22, 1986), and removed from office by the Senate, reported 132 CONGRESSIONAL RECORD S15759-62 (daily ed. Oct. 9, 1986) The Senate Impeachment Trial Committee reported its proceedings in Sen. Rpt. No. 99-812 (1986). LAW KF 35 U582

ALCEE L. HASTINGS FEDERAL DISTRICT COURT JUDGE

IMPEACHED: 1989

CHARGE: Engaging in a conspiracy to receive a bribe in order to change the sentence of a convicted felon, improperly disclosing information on wiretapping; falsely testifying at his criminal trial; betraying the trust of the people and undermining their confidence in the judicial system.

REPORTED: PROCEEDINGS OF THE UNITED STATES SENATE IN THE IMPEACHMENT TRIAL OF ALCEE L. HASTINGS, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA. Sen. Rpt. 101-18 (1989). LAW KF 34

See also:

PROCEDURE FOR IMPEACHMENT TRIAL OF U.S. DISTRICT JUDGE ALCEE L. HASTINGS IN U.S. SENATE. Sen. Rpt. 101-1 (1989). LAW KF 34

DOCUMENTS RELATING TO THE IMPEACHMENT PROCEDURE: IMPEACHMENT OF JUDGE ALCEE L. HASTINGS: CONSTITUTIONAL AND STATUTORY PROVISIONS; RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON IMPEACHMENT TRIALS; ARTICLES OF IMPEACHMENT AGAINST JUDE ALCEE L. HASTINGS; JUDGE HASTINGS' ANSWER, AND REPLICATION OF THE HOUSE OF REPRESENTATIVES. Sen. Doc. 101-3 (1989). LAW KF 34

IMPEACHMENT OF JUDGE ALCEE L. HASTINGS: MOTIONS OF JUDGE ALCEE L. HASTINGS TO DISMISS ARTICLES I-XV AND XVII OF THE ARTICLES OF IMPEACHMENT AGAINST HIM AND SUPPORTING AND OPPOSING MEMORANDA. Sen. Doc. 101-4 (1989). LAW KF 34

REPORT OF IMPEACHMENT TRIAL COMMITTEE ON ARTICLES AGAINST JUDGE ALCEE L. HASTINGS. Sen. Rpt. 101-156. LAW KF 34

JUDGMENT: Removed from office

WALTER L. NIXON, JR. FEDERAL DISTRICT COURT JUDGE

IMPEACHED: 1989

CHARGE Committing perjury before a grand jury and being guilty of an impeachable offense.

REPORTED: House of Representatives action reported May 10-11, 1989, and action in the Senate November 2-3, 1989. 135 Congressional Record Part 23 (index), p. 1951. House actions reported H8814-24, H8818-21. Senate action reported S14493-517, S14633-39. KF 35 U582.

See also: REPORT OF IMPEACHMENT TRIAL COMMITTEE ON ARTICLES AGAINST JUDGE WALTER L. NIXON, JR. Sen. Rpt. 101-164 (1989);. and CONSTITUTIONAL PROVISIONS; RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON IMPEACHMENT TRIALS; ARTICLES OF IMPEACHMENT AGAINST JUDGE WALTER L. NIXON, JR.; JUDGE NIXON'S ANSWER; AND REPLICATION OF THE HOUSE OF REPRESENTATIVES Sen. Doc. 101-8 (1989), and Sen. Doc. 101-247 (1989). All material found in the law library at KF 34.

JUDGMENT: Removed from office.

COURT CASES

Starting with Watergate, certain features of impeachment procedures (or the special prosecutor) were disputed in court. The most important cases are:

Morrison v. Olson, 487 U.S. 654 (1988), holding that the independent counsel provisions of the Ethics in Government Act are Constitutional (do not violate separation of powers principle, nor Article III clause).

Nixon V. United States, 506 U.S. 224 (1993), held nonjusticeable the question of the Constitutionality of Senate rules allowing committees to hear evidence against impeached persons.

Nixon V. United States 418 U.S. 683 (1974), denied claims of absolute executive privilege to President Nixon in a dispute over subpoenaed tape recordings in the possession of the President.

Clinton V. Jones, 520 U.S. 681 (1998), held that the Constitution does not require that a sitting president finish his term before civil suits may be brought against him.

IMPEACHMENT PROCEDURE Part I: Basic Procedure and Precedent

The following references are to volume and section of MINDS '-CANNON 'S PRECEDENTS OF THE HOUSE OF REPRESENTATIVES, op. cit., "DOCUMENTARY SOURCES". Each of the Impeachment Procedures herein discussed is presented in conjunction with a particular case of Impeachment.

INITIATION OF IMPEACHMENT.

III: 2050, 2051, 2053, 2294, 2319, 2342, 2364, 2400, 2469, 2486, 2487, 2491, 2494, 2496, 2499, 2515;

VI: 470.

INVESTIGATION OF CHARGES.

III: 1741, 2319, 2342, 2343, 2365, 2376, 2403, 2445, 2471, 2499, 2514, 2516, 2517, 2519;

VI: 499.

IMPEACHMENT VOTED.

The form of the Impeachment Resolution has varied from case to case. Generally, it is submitted thus: "Will the House adopt the articles, as its articles of impeachment, against-----, -----.

..

X: 496-497.

This volume is the INDEX-DIGEST: Cf. p. 496 (80) "Articles of Impeachment. Consideration in House or Committee of the Whole."

SELECTION OF MANAGERS.

III: 2031, 2300, 2323, 2345, 2368, 2388, 2417, 2448, 2475.

FOLLOWING IMPEACHMENT, SENATE NOTIFIED BY MESSAGE.

III: 2413, 1446.

HOUSE NOTIFIED THAT SENATE IS READY TO RECEIVE ARTICLES.

III: 2078, 2235, 2345.

MANAGERS PRESENT ARTICLES OF IMPEACHMENT TO SENATE.

III: 2126, 2296, 2302, 2343, 2367, 2370, 2390, 2413, 2420, 2446, 2449, 2473.

MANAGERS REPORT TO HOUSE THE PRESENTMENT OF THE ARTICLES.

III: 2296, 2343, 2413, 2446.

SENATE NOTIFIES HOUSE IT IS ORGANIZED FOR TRIAL.

VI: 502

APPEARANCE OF RESPONDENT.

III: 2127, 2307, 2333, 2349, 2393, 2424.

ANSWERS OF RESPONDENT.

III: 2124, 2310, 2453.

REPLICATION OF HOUSE.

III: 2455.

VI: 506

ATTENDANCE OF HOUSE AT TRIAL.

III: 2354, 2483.

TRIAL PROCEDURE.

III. 2055.

JUDGMENT.

III. 2098.

A comprehensive index and digest to Impeachment can be consulted at X HINDS'-CANNON'S 458 et seq. LAW KF 4992 H66 1935 B.C.

Part II: Additional Material on Impeachment Procedure

Cannon, Clarence.' CANNON'S PROCEDURE IN THE HOUSE OF REPRESENTATIVES. Washington, Government Printing Office, 1939. Cf. "Precedence," Section viii. LAW KF 4992 C22 1939 B.C.

House of Representatives, Committee on the Judiciary, 93d Congress, 2d Session, January, 1974. OLIN KF 5075 A81 I3 1974.

JEFFERSON'S MANUAL AND RULES OF THE HOUSE OF REPRESENTATIVES. House of Representatives, 102nd Congress, 2d Session, (House Doc. 405) 1992. LAW KF 34.

SENATE MANUAL CONTAINING STANDING RULES, ORDERS, LAWS, AND RESOLUTIONS AFFECTING THE BUSINESS OF THE UNITED STATES SENATE. Sen. Doc. 101-1 (1992). LAW KF 34.

RIDDICK'S SENATE PROCEDURE, Revd. and edited by Alan S. Frumin, Sen. Doc No. 101-28 (1992).

GOVERNMENT PUBLICATIONS

AN ANALYSIS OF THE CONSTITUTIONAL STANDARDS FOR PRESIDENTIAL IMPEACHMENT. James D. St. Clair, et. al. Washington, Government Printing Office, 1974. OLIN KF 5075 A53+ 1974,

ASSISTANT JUSTICE WILLIAM O. DOUGLAS. Final Report by the Special Subcommittee on House Resolution 920, of the Committee on the Judiciary. House of Representatives, 91st Congress, 2d Session, September 17, 1970. LAW KF 8745 D73 U58 1970.

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Tuttle, Elbert P. and Dean W. Russell. "Symposium: Separation of Powers: Preserving Judicial Integrity: Some Comments on the Role of the Judiciary under the 'Blending' of Powers," 37 EMORY LAW JOURNAL 587 (1988). LAW KF 10 J797.

Van Tassel, Emily Field. "Resignations And Removals: a History of Federal Judicial Service--and Disservice--1789-1992," UNIVERSITY OF PENNSYLVANIA LAW REVIEW 333 (1993). LAW KF 10 U71.

Verkuil, Paul R. "The American Constitutional Tradition of Shared And Separated Powers: Separation of Powers, The Rule of Law And The Idea of Independence," 30 WILLIAM & MARY LAW REVIEW 301 (1989). LAW KF 10 W71.

Walton, R. Brent. COMMENT. "We're No Angels: Paula Corbin Jones v. William Jefferson Clinton," 71 TULANE LAW REVIEW 897 (1997). LAW KF 10 T91.

Wilkinson III, J. Harvie. "The Role of Reason in the Rule of Law," 56 UNIVERSITY OF CHICAGO LAW REVIEW 779 (1989). LAW KF U652.

Williams, Jr., Napoleon B. "Historical and Constitutional Bases for the Senate's Power to Use Masters or Committees to Receive Evidence in Impeachment," 50 NEW YORK UNIVERSITY LAW REVIEW 512 (1975). LAW KF 10 N62.

SUPPLEMENTARY MATERIAL ON
IMPEACHABLE OFFENSES

NOTE: The material presented below was found in 1974 for the original guide. Prices and availability are not current. They have been left in so that researchers would know of their existence and their distribution.

The following material constitutes points of view that are obviously prejudiced. However, this material does represent a serious attempt on the part of individuals and organizations to articulate what is felt to be the impeachable conduct of certain civil officers.

Brownfeld, Allan C. DOSSIER ON DOUGLAS. Washington, The New Majority Book Club, 1970. LAW KF 8745 D73 B88.

Americans for Democratic Action. THE CASE FOR IMPEACHMENT (1973).

This has not been received by the Library. However, it may be purchased for 25 cents by writing to: Americans for Democratic Action, Suite 704, 1424 16th Street, N.W. Washington D.C. 20036.

Dobrovir, William A., et al., BRIBERY, AND OTHER HIGH CRIMES AND MISDEMEANORS: THE OFFENSES OF RICHARD M. NIXON. New York, Public Issues Press; Quadrangle/ The New York Times Book Co., 1974. LAW KF 5075 B84.

Lurie, Leonard. THE IMPEACHMENT OF RICHARD NIXON (1973).

This may be purchased for 95 cents by writing to: Berkeley Medallion Book Co., Berkeley, California. 94707.

American Civil Liberties Union. WHY PRESIDENT NIXON SHOULD BE IMPEACHED (1973).

This may be purchased for \$1.40 by writing to: ACLU, 410 First Street, S.E. Washington D.C. 20003,

AFL-CIO. WHY PRESIDENT NIXON MUST BE IMPEACHED NOW (1973).

This may be received free by writing: AFL-CIO, 815 16th Street, N.W. Washington D.C. 20006.

Williams, James M. and John R. Graham. THE CONSTITUTIONAL BASIS FOR THE IMPEACHMENT OF LYNDON BAINES JOHNSON. Minneapolis, Citizens for Governmental Restraint, 1968. OLIN PAM K 445.

Williams, Julian E. THE CASE AGAINST JUSTICE WILLIAM O. DOUGLAS, Tulsa, Christian Crusade Publications, 1970. LAW KF 8745 D73 W72.

INTERNET SITES OF INTEREST

For Watergate:

<http://www.washingtonpost.com/wp-srv/national/longterm/watergate/front.htm>

Most sites presently available advocating Clinton impeachment are of limited scholarly interest. One that may be an exception: http://www.house.gov/barr/i_.htm

RELEVANT INDEXES, SUBJECT HEADINGS AND CLASSIFICATION NUMBERS FOR FURTHER RESEARCH

ELECTRONIC DATABASES: Neither Lexis nor Westlaw has a database dedicated to the developments in the possible impeachment of President Clinton, one may search in the databases devoted to White House press releases, presidential documents, general political and legislative news as well as general news databases.

INDEXES: INDEX TO LEGAL PERIODICALS. LAW KF 8 I37 RR/REF.

Access is provided by subject, author, case name. Prior to 1943 Cf. "Impeachment." Following 1943, Cf. "Constitutional Law: U.S. Construction, Operation, and Enforcement of Constitutional Provisions."

CURRENT INDEX TO LEGAL PERIODICALS. LAW KF 8 W31 RR/REF. Cf. "Constitutional Law."

SUBJECT HEADINGS: In addition to "Impeachment," and "Constitutional Law", it may be helpful to consult the following entries in the subject catalog of Cornell Law Library: "Privileges and Immunities," "Recall and Review," "Government Immunity and Liability," "Judiciary," "President of the United States."

LIBRARY OF CONGRESS CLASSIFICATION NUMBERS: KF 4958 - Impeachment Power and Procedure; KF 5075 - Impeachment: President; KF 8781-8782 - Impeachment: Federal Judges

The following paragraph, contained in the unupdated version of the guide, provides suggestions on what names and sources to search for Watergate related information. One should also look at the Washington Post's website on Watergate for original articles and other information on Watergate:

<http://www.washingtonpost.com/wp-srv/national/longterm/watergate/front.htm>

A Note on Essays, Editorials and Opinions

Since October, 1973, there has been a wealth of material on impeachment that has appeared in such newspapers as THE NEW YORK TIMES, THE WASHINGTON POST, and in such magazines as TIME, and NEWSWEEK. This material has been given impetus by the present impeachment inquiry being conducted by the Committee on the Judiciary of the House of Representatives into the conduct of Richard M. Nixon, President of the United States. Until the conclusion of this inquiry, extensive material will, no doubt, continue to appear, and may be worthy of inspection. In addition, excerpts of such memoranda, briefs, opinions and reports, as are published by the House of Representatives Committee on the Judiciary, Mr. James D. St. Clair and/or various counsel for The President, will appear in the news media long before this information is made officially available by the Government Printing Office. Moreover, various statements that may be made through the news media, by Congressman Peter W. Rodino, Jr., Chairman of the House Committee on the Judiciary, and Mr. John Doar who heads the inquiry staff will have certain importance in monitoring the progress of this inquiry.

As President Clinton is presently undergoing an investigation, relevant news and analysis may be found in analogous sources (THE NEW YORK TIMES, THE WASHINGTON POST, TIME, NEWSWEEK, etc.).

BOOKS ON PRESIDENT CLINTON

A selection of books that might shed light on the present President Clintons present problems is:

Bartley, Robert L., Ed. WHITEWATER : FROM THE EDITORIAL PAGES OF THE WALL STREET JOURNAL : A JOURNAL BRIEFING. New York: Dow Jones & Co., 1994. Olin E 886 .2 .W48x 1994.

Bugliosi, Vincent. NO ISLAND OF SANITY: PAULA JONES V. BILL CLINTON : THE SUPREME COURT ON TRIAL. New York: Ballantine, 1998. LAW KF228.J66 B84x 1998.

Campbell, Colin. THE U.S. PRESIDENCY IN CRISIS : A COMPARATIVE PERSPECTIVE. New York: Oxford University Press, 1998. A comparative law perspective on presidencies in crises using data from U.S., Great Britain, Canada and Australia. LAW JK516 .C18 1998.

Cockburn, Alexander and Ken Silverstein. WASHINGTON BABYLON. London ; New York : Verso, 1996. Olin Library E 885 .C63w 1996.

Evans-Pritchard, Ambrose. THE SECRET LIFE OF BILL CLINTON : THE UNREPORTED STORIES. Washington, DC : Regnery Publishing, 1997. Olin E 885 .E93x 1997.

Jackley, John L. BELOW THE BELTWAY : MONEY, POWER, AND SEX IN BILL CLINTON'S WASHINGTON. Washington, D.C.: Regnery, 1996. Olin E 885 .J33x 1996.

Lynch, Timothy. DERELICTION OF DUTY: THE CONSTITUTIONAL RECORD OF PRESIDENT CLINTON. Washington, D.C.: Cato Institute, [1997]. Olin E 885 .L96 1997.

McDougal, Jim and Curtis Wilkie. ARKANSAS MISCHIEF : THE BIRTH OF A NATIONAL SCANDAL. New York: Henry Holt, 1998. Olin F 415 .3 .M38 A3x 1998.

Moldea, Dan E. A WASHINGTON TRAGEDY: HOW THE DEATH OF VINCENT FOSTER IGNITED A POLITICAL FIRESTORM. Washington, D.C.: Regnery, 1998.

Roberts, Robert North and Marion T. Doss, Jr. FROM WATERGATE TO WHITEWATER : THE PUBLIC INTEGRITY WAR . Westport: Praeger, 1997. Olin JK 468 .E7 R558x 1997.

Ruddy, Christopher. THE STRANGE DEATH OF VINCENT FOSTER : AN INVESTIGATION. New York: Free Press, 1997. Olin E 840 .8 .F69 R83x 1997.

Tyrrell, Jr., R. Emmett and "Anonymous". THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON : A POLITICAL DOCU-DRAMA (As a docu-drama, the updater reiterates it is a work of fiction). Washington, DC : Regnery c1997. Olin PS 3570 Y63 I47x 1997.

Wilson, Brian M. THE LITTLE BLACK BOOK ON WHITEWATER. edited by Timothy D. Jones. Monkton: Myrmidon Press, 1996. Olin Library E 886 .2 .W55x 1996.