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A POLITICAL NOT JUDICIAL PROCESS: IMPEACHMENT IN THE U.S.

6.11.2019

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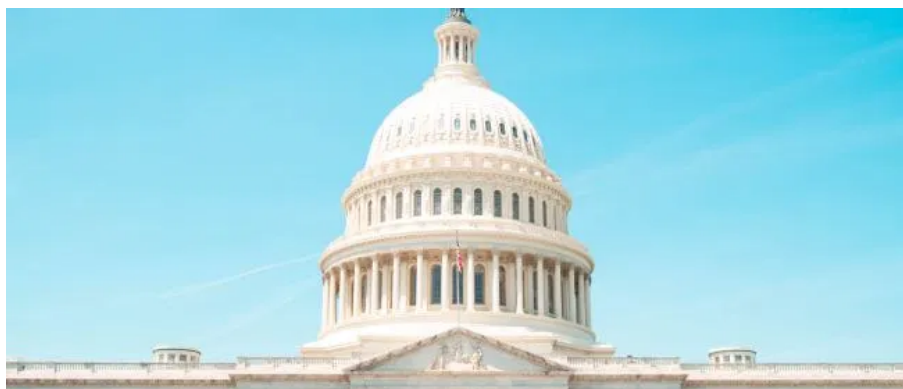


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Lukuaika: 6 min.

Impeachment is inherently a political process in the United States. The political nature of impeachment makes political expediency a greater factor than any legal or even moral framework applicable. Therefore, the 2020 elections plays a significant role.

Impeachment went viral when Speaker of the House of Representatives Nancy Pelosi (D-CA) introduced the articles of impeachment on President Donald J. Trump. The idea of impeachment has been an issue for some time now with previous efforts, most notably by Representative Al Green (D-TX), based around alleged violations of the Foreign Emoluments Clause, collusion with Russia, obstruction of justice, and associations with neo-right wing hate groups.

But the recent call between Ukrainian President Volodymyr Zelenskyi and President Trump seemed to create a controversy finally resulting in the introduction of the articles. The impeachment procedure is especially interesting from a separation of power perspective and during a time when houses of the U.S. government are controlled by both parties.

Anna Kronlund

YTT Anna Kronlund on tutkijatohtori Jyväskylän yliopistossa.

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Sela arkistoa

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MIKKO POUTANEN



1. "Kirjailijahaastattelussa Jussi Ja... 44:49
2. "Myytti nuorten poliittisesta passi... 13:48
3. "Suomi on kokoaan suurempi ym... 6:15
4. "Tasa-arvopoliitikan vastaisku 5.6... 13:46
5. "Kansalaisaloite poliittisen osallist... 34:43

While in the U.S. the president is directly elected and therefore not responsible to Congress as in a parliamentary system, there are, however, other ways to provide oversight including hearings, special committees, investigations, and issuing subpoenas.

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The problem with impeachment is its timing and potential backlash in the upcoming 2020 presidential election.

The problem with impeachment is its timing and potential backlash in the upcoming 2020 presidential election. The election will either be a mandate for or against the domestic and international policies of the current U.S. government and as such, could have worldwide ramifications.

For this reason, we feel that it is important to remind readers of the impeachment process in the U.S., its history, and its possible impact on the 2020 U.S. election.

The Impeachment Process in a System with Checks and Balances

The impeachment process in the U.S. is based on [Article 2, Section 4](#) of the U.S. Constitution which states that "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."

Impeachment is simply a process conducted by the House of Representatives to determine whether an action by a sitting politician amounts to treason, bribery, or other crimes and misdemeanors. Impeachment is not a removal of a politician from office, that is a process that takes place after the impeachment and is conducted by the US Senate.

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The U.S. Supreme Court is the highest tribunal for cases and controversies deriving from the laws or the Constitution. However, in the context of impeachment, the Court does not take part outside of two restricted areas.

First, the court might consider questions related to executive privilege versus congressional oversight in relation to relevant information to have the grounds for the impeachment. For example during the Watergate investigations, the court [ordered](#) the President to turn over the relevant materials for Congress. Second, the Chief Justice of the U.S. Supreme Court presides over the proceedings in the U.S. Senate, but does not have a substantive role.

In summary, it is important to restate that the impeachment process in the US is a political process and not a legal process. For this reason, in order to understand impeachment, we have to understand its history, congressional perspective, and possible political impact on the 2020 election.

The Historical Context of Impeachment

In the history of the United States, only [19 federal politicians](#) have been impeached. Included in this list are 15 judges, two presidents, one senator, and one cabinet secretary. The two U.S. Presidents that have been impeached are President Bill Clinton and President Andrew Johnson.

President Clinton was impeached on claims of perjury and obstruction of justice but was not removed from office. President Andrew Johnson was impeached on violation of the US Tenure of Office Act but was not removed from office by one vote.

It is worth mentioning that maybe the most famous connection between a US President and the impeachment process, President Richard Nixon, was not impeached. Nixon resigned from office before the House held an official vote on impeachment.

Impeachment from a Congressional perspective

While impeachment is an inherently political procedure the political aspect of it is often considered problematic. The vagueness of the constitutional language has provided grounds for controversies.

Representative Gerald Ford **declared** in accordance with an attempt to impeach Supreme Court Justice William O. Douglas in 1970s: "An impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history."

The political nature of impeachment is very apparent between the two parties. Pelosi argued for the impeachment articles by **saying** how "The actions taken to date by the president have seriously violated the Constitution".

The Senate Majority leader's **argument** in a campaign ad, however, emphasized the Republican majority of the Senate: "All of you know your Constitution. The way that impeachment stops is a Senate majority, with me as majority leader".

While it is enough to move the impeachment from the House by a simple majority of the vote to the Senate, two-thirds of the Senate votes (67) are needed for removal. This means that Democrats need 22 of the 53 Republicans to join them.

Impeachment is an inherently political procedure, but it should not be used for political purposes.

According to Constitutional scholar Cass R. Sunstein the problem with the impeachment procedure indeed is that it has become politicized. Impeachment is an inherently political procedure, but it should not be used for political purposes.

Republican Senator Marco Rubio from Florida **has criticized** how impeachment is used too loosely nowadays and how it is not the right way to respond if you disagree with your opponent. Republican views on impeachment so far have been somewhat anticipated.

For example, Chairman of the Senate Judiciary Committee Lindsey Graham (R-SC) was quoted stating that the impeachment inquiry should take place on the floor of the House and thus pressing the Democratic votes on the record. Senator Jim Rich, Chairman of the Senate Foreign Relations Committee (R-ID) **encouraged** every American to read the report and "make up his or her own mind" in his comment on the issue.

The impeachment process will control most of the headlines and the discussions.

The impeachment process will control most of the headlines and the discussions. This could be a problem for the Democrats in advancing their **agenda** in relevant

issues including climate change, gun legislation, U.S.–Mexico–Canada trade deal (USMCA) that would replace NAFTA, health care, prescription drug prices and so on.

While discussions have recently mainly focused on impeachment, there are actually two provisions in the U.S. Constitution focusing on removal of the president from office: impeachment and the [25th amendment of the U.S. Constitution](#).

The 25th amendment has four sections. The first one concerns the succession of order and the fourth section concerns the possibility of members of Congress removing the president from office if he or her is not capable of taking care of his or her duties.

Possible Impact of Impeachment on the 2020 Election

The 2020 elections are soon approaching and impeachment is especially relevant in the context of the election. Currently, the Republicans control the Presidency and the Senate while the Democrats control the House. Current [Rasmussen projections](#) have 46 electoral college votes as a toss-up: Arizona, New Hampshire, Pennsylvania, and Wisconsin.

In addition, twenty-two of the seats in the U.S. Senate are up for grabs. In order for the Democratic party to gain control of the U.S. Senate, they will need a net-gain of four seats. For this to occur, they will need to keep control of their current seats in [Alabama, Michigan, and New Hampshire](#).

The 2020 elections are soon approaching and impeachment is especially relevant in the context of the election.

[Current projections](#) indicate that for the Democrats to gain control of the U.S. Senate, they will need to also pick up seats in traditionally left-leaning states, Colorado and Maine. They will also need to win the semi open-race in Arizona.

Furthermore, they will need to pull an upset and unseat a current incumbent. The [best chances](#) for this to occur would be in Georgia, Iowa, or North Carolina, because the states partisan divide is lower in those states than in others.

Lastly, [most non-right leaning publications](#) are reporting that the chances of the Democrats losing their control of the House are minimal at best.

Still, Pelosi is in a precarious position. Her job is not only to represent her constituency, but she also has to secure victory for her party. Whether or not the House impeaches President Trump or even holds a vote, depends on whether or not the Democratic Party believes that it will increase or decrease their chances of winning.

That is a difficult prediction to make but it is the central question behind any impeachment efforts in the U.S.

Based upon the previously discussed 2020 election situation, whether or not an impeachment vote is held depends on whether or not it will help the Democratic Party secure their current seats in the U.S. Senate and switch party control in the remaining states that are up for grabs.

As for the Presidential election, whether an impeachment vote is held depends upon its projected impact in Arizona, New Hampshire, Pennsylvania, and Wisconsin. Lastly, whether an impeachment is held or not depends upon whether

or not it will help secure the Democratic majority also in U.S. House of Representatives.

To say that impeachment is a difficult position for Speaker Pelosi is an understatement. The upcoming election and how impeachment projects to impact the results in those key states and races will be key to determining whether an impeachment vote is held especially considering the fact that Senate Majority Leader Mitch McConnell has already **stated** that he may not even hold a vote of removal if impeachment were to occur.

In summary, impeachment is a political, not a legal decision. This article has not even considered the institutional impacts of impeachment, a process that has defined the separation of powers between the Presidency, Senate, and House of Representatives, every time it has occurred.

Now that the House has passed a motion to formally proceed with the impeachment inquiry, the process will be carried out in front of the world and both sides will have equal opportunity to shape the impeachment process into something they hope will produce a political victory in 2020.

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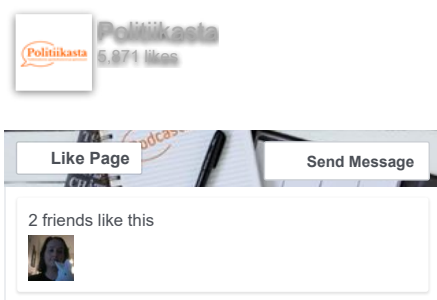
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