**Civics 101**

**Episode 10: IMPEACHMENT**

**Virginia Prescott:** [00:00:17] I'm Virginia Prescott and this is Civics 101. It's the podcast refresher course on how our democracy works and how it's evolved since you learned this stuff in middle school. We've received questions from a number of listeners about a consequential government procedure that has never happened. Well it sort of happened. Just not all the way. You'll see what I mean.

[00:00:39] Hi this is Margaret from West Hartford Connecticut calling. Just a quick question regarding impeachment. I guess I'm a little unfamiliar with the process and the possibility of any any person being impeached in this case President Trump.

**Virginia Prescott:** [00:00:56] So there you have it today on Civics 101. How is a president impeach. And how is it that presidents have been impeached but not thrown out of office. Our guy today is Julia Azari, associate professor of political science at Marquette University and a regular contributor to Vox. Julia welcome to Civics 101.

**Julia Azari:** [00:01:14] Thank you so much for having me.

**Virginia Prescott:** [00:01:15] Is impeachment laid out in the Constitution?

**Julia Azari:** [00:01:18] So the constitution says that the president can be removed from office through impeachment for high crimes and misdemeanors. And if like me you're old enough to remember the Clinton impeachment, you remember that we talked about what this meant at great length. Out of that process was absolutely no consensus I think on what that really meant. The fact that Clinton wasn't impeached or excuse me wasn't removed from officen he was impeached. They did go forward with the proceedings in the Senate, probably indicates the things that Clinton did are not precedent for impeachment and that includes obviously his impropriety with an intern working in the White House but also lying about it. So there's not a good precedent for removing a president from office. For those reasons.

**Virginia Prescott:** [00:02:08] OK. So distinguish for me and I am by the way old enough to remember that and I do remember those conversations. But impeachment does not mean removal from office.

**Julia Azari:** [00:02:18] Right. So how this works. And again the Constitution sets up the barebones procedure by which the House votes to impeach and the Senate votes to convict. So it is a two stage process involving both chambers and the chief justice of the Supreme Court presides over those proceedings. So that's how that works. The way that it is developed since then is that the House Judiciary Committee takes up they're called articles of impeachment and those articles of impeachment would come out of the committee and go to the floor of the house and then the House would vote on those articles so those are kind of the charges, so the House of Representatives would vote on the charges. And then the Senate, then there's like an actual kind of trial type thing right. It looks sort of like what we expect this trial to look like.

**Virginia Prescott:** [00:03:07] Two lawyers arguing on two sides.

**Julia Azari:** [00:03:09] Exactly yeah. There can be right there. There's no specifics about who who represents the president in that case. But absolutely it would be lawyers it would be testimony of the witnesses and then the Senate votes on whether or not to convict of impeachment would be to remove the President from office.

**Virginia Prescott:** [00:03:26] President Clinton was impeached but he was not thrown out of office.

**Julia Azari:** [00:03:29] Yeah he was not convicted. The Senate voted not to convict him. So two articles of impeachment obstruction of justice and perjury.

**Virginia Prescott:** [00:03:36] First of all how many presidents have been impeached. You mentioned Clinton.

**Julia Azari:** [00:03:39] Yes so this is almost a trick question too; formally two. But when Richard Nixon resigned in 1974 there were articles of impeachment being drawn up in the house. That was the kind of case where they almost certainly would have convicted in the Senate and having going through that trial process. I think at that time a lot of people thought that would have been really bad for the country. But in retrospect it would have been good for the country to have some sense of what you know what the precedent might be for removing a president from office because as it is impeachment is kind of this you know it's this threat and it hangs there but the Clinton impeachment I think people thought was really partisan was kind of a waste of time was not probably going to result in him being removed from office. People kind of thought that was you know not a very productive process. And then the other president who has been impeached was Andrew Johnson. And that was the 1860s. For 11 articles of impeachment. So this was right after the Civil War and the death of Abraham Lincoln, Andrew Johnson becomes president after Lincoln's assassinated, right. And he's a real weird character. He was a kind of Southern Democrat who was put on the ticket with Abraham Lincoln during the civil war to win. And then all of a sudden he's president. And he's not in the same party as all these people who are in Congress and who are powerful and he's kind of not much like Lincoln in terms of his orientation and he's the person in charge of figuring out how the country is going to come out of the civil war and rebuild itself.

**Julia Azari:** [00:05:16] So this is a really politically contentious situation. There's 11 articles of impeachment. The one that people talk about the most is the tenure of office act. He is accused of having removed one of the members of the cabinet in a way that was illegal. There are a whole bunch that are kind of that are about violating various laws that Congress passed during the reconstruction and then another one I think is especially interesting is improper rhetoric. He was accused of having behaved improperly by talking about members of Congress in a way that was was an attempt to sway the public against them.

**Virginia Prescott:** [00:05:50] So he was impeached.

**Julia Azari:** [00:05:53] He was impeached he was not removed from office. He was not convicted.

**Virginia Prescott:** [00:05:56] OK. So if a president were to be impeached however does the vice president get the seat without question without procedure.

**Julia Azari:** [00:06:04] So that is I mean that is how the succession works in every other context, right. So no president has ever been removed by impeachment Nixon resigned and then yes Gerald Ford became president without any sort of question. The 25th Amendment to the Constitution lays out succession in a clearer way than the original Constitution. That plus precedent plus the sort of tradition that if the president dies or resigns the vice president takes over. I mean that would pretty much be you know unless the vice president was also in some trouble. That would also be what we would expect to happen.

**Virginia Prescott:** [00:06:38] Did Spiro Agnew get impeached.

**Julia Azari:** [00:06:40] No he resigned.

**Virginia Prescott:** [00:06:41] OK. He was he was vice president to Richard Nixon and if I got that right.

**Julia Azari:** [00:06:45] That is correct. So he was vice president Nixon. He resigned but then Gerald Ford was appointed by Nixon and confirmed by Congress per the 25th Amendment as as vice president. So Ford steps in again like never having actually been on the national ticket. He kind of went from Congress to oh I'm vice president then I'm president. So accidental presidencies can be really interesting moments.

**Virginia Prescott:** [00:07:12] I'm sure that for every president elected there have been people who have said Impeach them, you know various different numbers of people. But the question that we got is specifically how do you impeach the president. And you're talking about the House drawing up these articles of impeachment. Can citizens make that happen?

**Julia Azari:** [00:07:31] So as a citizen if that was what you wanted what you would want to do is pressure your elected representative to work for that through the house. It's not like the recall that we have here in Wisconsin where you can have a petition and then you can call a special election and recall the you know the governor we had a very very divisive recall election here a couple of years ago. I should also be noted that recall elections often don't don't actually remove people from office, that there is no process like that for the president. You have to go through Congress and so that would be the way to do it would be to pressure members of Congress and to pressure the judiciary committee specifically to report those articles of impeachment to the floor to then the rest of the House to vote on it and then the Senate to vote to convict.

**Julia Azari:** [00:08:21] So it is a very indirect process there is not a direct process by which citizens can check the president until the next election. That's just not how our system works.

**Virginia Prescott:** [00:08:31] So House votes to impeach. Senate has this trial. Then what happens? You know theoretically said they say OK you're out?

**Julia Azari:** [00:08:42] Right if they vote to convict that and again we don't know it's never happened and the Constitution doesn't supply any text other than saying that the president could be removed from office under those conditions, then right the president would leave the vice president would take office. Yeah that would be. That's the best we know. The impeachment process; to editorialize here I mean I think the impeachment process. It's not clear exactly what it's supposed to do. If it's supposed to provide a check to kind of keep the president honest or if it's supposed to be a little bit of a safety valve, like this conversation came up when we had the recall here. Is this a safety valve, can citizens say you know I don't really like what this person is doing and I can't wait till the next election. That's not really part of American constitutional tradition.

**Virginia Prescott:** [00:09:30] Gambling houses the world over are betting on whether Donald Trump will resign or be impeached. And odds apparently not that long just about even money from Ladbrokes of London. Now I know you are not here Julia to guess the odds. But how about politics. How about politics. I mean the likelihood that the Republican majority in the House and Senate that Donald Trump would be impeached.

**Julia Azari:** [00:09:54] So far Congress has voted like the most partisan Congress you can imagine. They haven't voted a lot right. They've mainly voted on appointments. But Republicans in Congress have pretty much fallen into line with President Trump even though many of them endorsed someone else in the primary. So you know I think that's a that's a definite impediment. That's a definite obstacle for people who think that that's the right course of action. On the other hand you know we keep getting these new developments that suggest that things are happening in this White House that no one really knows what to deal with. And I think that's what's driving those odds. But I think those are two pretty powerful countervailing factors.

**Virginia Prescott:** [00:10:34] What do you think is the most important thing that we as citizens should know about impeachment.

**Julia Azari:** [00:10:39] The most important thing that we as citizens should know about impeachment. I think the most important thing we should know as citizens about impeachment is to take it seriously as a process by which you, you would make a statement that a president has really violated the terms of the contract of their office as a public servant, that they have failed to serve the people and to execute the Constitution. And that it's not just a political response to a president we don't like the political response to presidents we don't like our elections and we have one coming up in 2018.

**Virginia Prescott:** [00:11:14] Julia thank you for joining us.

**Julia Azari:** [00:11:15] Thank you so much for having me.

**Virginia Prescott:** [00:11:17] Julia Azari associate professor and assistant chair in the department of political science at Marquette University. She's also a regular contributor to Vox's political science blog the mischiefs affection.

[00:11:33] ~~That's it for today's lesson. But before classes dismissed a little homework for you please rate and review this podcast. It's the best way to share our little civics lessons with other podcast listeners. And that means passing on the class information. I'm not going to tell you when it's due but just know that getting homework done early is its own reward. So subscribe if you haven't already. And let us know what you think about the class and the T.A. by leaving a review on iTunes. You can also contribute to the syllabus by sending your questions and topics suggestions. You can do it at Civics 101 podcast dot org. This episode was produced by Jimmy Gutierrez and edited by Taylor Quimby. Music in this episode came to us from broke for free to near Prescott Civics 101 is a production of new Hampshire Public Radio.~~