

How Dare You?!: Impeachment

A Lesson to Accompany *Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us Today*

Rationale:

The first president impeached in the United States was Andrew Johnson, who was impeached for violating the Tenure of Office Act when he fired Secretary of War Edwin Stanton. Johnson, who assumed the presidency after Lincoln's assassination, spent years prior to his impeachment locked in battle with Republicans in Congress whose ideas about Reconstruction and the government's responsibility to formerly enslaved people differed significantly from his. Johnson was acquitted by one vote and remained in office, and it would be more than a century before another US president was impeached. The impeachment process, in Johnson's time as well as in Clinton's and Trump's, continues to evoke questions about its use, challenges, and effectiveness at holding leaders accountable. As threats of impeachment become more frequent and the time between presidential impeachments decreases, it is important to understand its strengths and flaws and evaluate whether impeachment is, in fact, a *fault line* in the Constitution.

Essential Questions:

- To what extent does the Constitution's vagueness on impeachment create challenges to removing leaders from office?
- To what extent does political partisanship negatively impact the impeachment process?
- To what extent does impeachment represent a "fault line" in the Constitution?

Objectives: Students will be able to...

- Define impeachment.
- Describe the steps that the federal government must take to impeach a leader.
- Discuss the obstacles to impeaching leaders and removing them from office.
- Evaluate the extent to which vagueness in the Constitution makes impeaching and removing leaders more difficult than it should be.
- Assess the extent to which the impeachment process is a "fault line" in the Constitution.

Common Core Standards:

Middle School:

Key Ideas and Details:

CCSS.ELA-LITERACY.RH.6-8.1

Cite specific textual evidence to support analysis of primary and secondary sources.

CCSS.ELA-LITERACY.RH.6-8.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

Integration of Knowledge and Ideas:

CCSS.ELA-LITERACY.RH.6-8.7

Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

CCSS.ELA-LITERACY.RH.6-8.8

Distinguish among fact, opinion, and reasoned judgment in a text.

High School:

Key Ideas and Details:

CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERACY.RH.11-12.3

Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

Integration of Knowledge and Ideas:

CCSS.ELA-LITERACY.RH.11-12.7

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

CCSS.ELA-LITERACY.RH.11-12.8

Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

CCSS.ELA-LITERACY.RH.11-12.9

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

D) Impeachment: A History

Even before the Framers had decided how many presidents the country should have or how long they would serve or what powers they should have, they debated how and under what circumstances to get rid of one. They trusted George Washington, who they presumed would be the first president. But, as Benjamin Franklin muttered, “Nobody knows what sort may come after.” They especially feared a tyrant like King George III. The Electoral College would provide one guardrail against this eventuality. Impeachment would supply another.

The Framers’ to-do list on this issue called for answering three questions:

- Should there be a process to remove a president from office before his term is up?
- If so, for what kinds of behavior?
- How should this process be carried out?

...When they got around to addressing it, three delegates opposed including impeachment in the Constitution altogether. The next election would roll around within four years, and a scoundrel would surely lose.

...Others agreed that the Constitution should address impeachment but not what would trigger the process. Options included:

- “maladministration” (George Mason and Elbridge Gerry of Massachusetts)
- “abuse or violation of some public trust” (Alexander Hamilton of New York)
- “incapacity, negligence or perfidy”(James Madison of Virginia)
- “abusing his power, particularly in times of war” (Edmond Randolph of Virginia)
- “bribery, treachery, corrupting his electors, and incapacity (Madison and Randolph, after further reflection)

...Finally, in early September, Mason proposed terminology that the exhausted delegates accepted by a vote of eight states to three, even though they probably couldn’t agree on what all the terms meant.

...Having checked off two items on their to-do list, the delegates then had to figure out the method to carry out an impeachment. Dickinson suggested that a president could be impeached only after a majority of state legislatures asked Congress to do it. Congress would then make the final decision. This seemed like a complicated and unlikely scenario.

The Framers decide on a five step process: 1) The House brings articles—charges— of impeachment against an official; 2) The official is impeached if a majority of members vote to do so; 3) The Senate holds a trial; 4) If two-thirds of Senators vote to convict, the official is removed from office; 5) If found not guilty, the official stays in office.¹

QUESTIONS:

- Why might impeachment have been a source of disagreement for the Framers?
- How did the impeachment process reflect the Framers’ emphasis on checks and balances?

¹ Cynthia Levinson and Sanford Levinson, *Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us Today*, 3rd Edition (Atlanta: Peachtree Publishing Company, 2019), 185-188.

II) Impeachment in the Constitution

Article I, Section 2

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Article I, Section 3

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.

Judgment 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, Judgment and Punishment, according to Law.

Article II, Section 2

[The President] ... shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

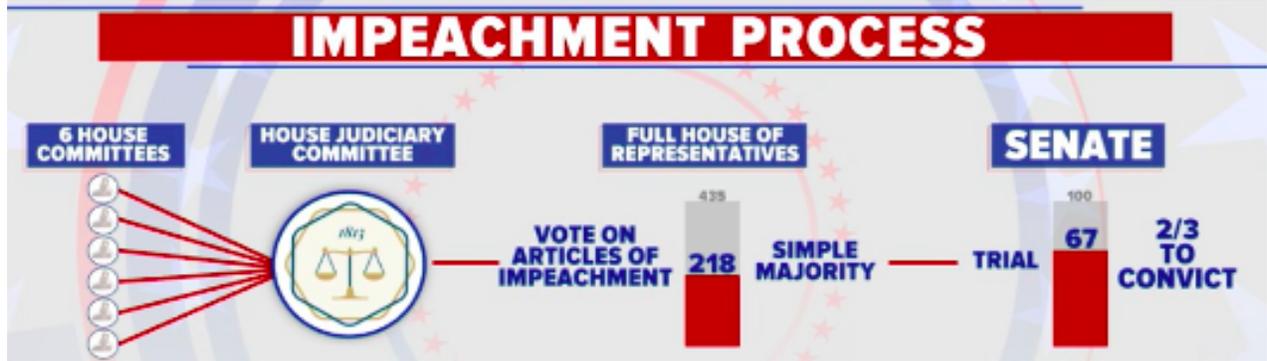
Article II, Section 4

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:

- How does the language in the Constitution, including the vague “high crimes and misdemeanors,” address the Framers’ debates over impeachment?
- Why might the Framers have believed it necessary to include information about impeachment in *both* Article I, which outlines the responsibilities of and limitations on the legislative branch, and Article II, which does the same for the executive branch?

III) The Impeachment Process



Source: [ABC News](#)

QUESTION:

- Based on this graphic, describe the impeachment process in your own words.
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Watch this video:

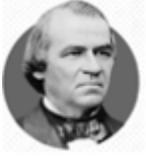


Sarah Kerr, Natalie Reneau and Aaron Byrd, "[How Does the Impeachment Process Work?](#)," *The New York Times*, accessed August 8, 2025.

QUESTIONS:

- How have past impeachment processes followed the process outlined in the Constitution?
- To what extent does the vagueness in the Constitution allow for each impeachment process to play out differently?

IV) Historical Examples of Presidential Impeachment

Name	Date	Charges	House Vote	Senate Vote
<p>Andrew Johnson</p>  <p><i>Remained in office by one vote</i></p>	February 24, 1868	Violating the Tenure of Office Act by removing Secretary of War Edwin Stanton from office	126-47 in favor of impeachment	35-19 All votes in favor of removal were Republican ; 12 Democrats (D) and 7 Republicans (R) voted against removal from office.
<p>Richard Nixon*</p>  <p><i>Resigned</i></p>	July 27-30, 1974	Obstruction of Watergate burglary investigation; misuse of law enforcement and intelligence agencies for political purposes; refusal to comply with Judiciary Committee's subpoenas	House Judiciary Committee voted 27-11 to approve articles of impeachment: YES: 21 D, 6 R NO: 11 R Committee's report accepted 412-3 .	N/A *House Judiciary Committee approved three articles of impeachment against Richard Nixon; Nixon resigned before they were officially approved.
<p>Bill Clinton</p>  <p><i>Remained in office</i></p>	Dec. 19, 1998	Lying under oath to a federal grand jury; obstruction of justice	Perjury: 228-206 YES: 223 R, 5 D NO: 201 D, 5 R Obstruction: 221-212 YES: 216 R, 5 D NO: 204 D, 8 R	Perjury: 55-45 ACQUIT: 45 D, 10 R REMOVE: 45 R Obstruction: 50-50 ACQUIT: 45 D, 5 R REMOVE: 50 R
<p>Donald Trump</p>  <p><i>Remained in office</i></p>	February 5, 2020	Investigation related to White House interactions with the Ukraine regarding interference in presidential elections	Abuse of power: 230-197 YES: 229 D, 1 Ind. NO: 195 R, 2 D Obstruction of Congress: 229-198 YES: 228 D, 1 Ind. NO: 195 R, 3 D	Abuse of power: 52-48 ACQUIT: 52 R REMOVE: 47 D, 1 R Obstruction of Congress: 53-47 ACQUIT: 53 R REMOVE: 47 D

<p>Donald Trump (<i>Second impeachment</i>)</p> <p><i>*Already out of office when the Senate vote was held.</i></p>	<p>January 13, 2021</p>	<p>Incitement of insurrection, related to the January 6, 2021 insurrection at the U.S. Capitol</p>	<p>Incitement of insurrection: 232-197 YES: 222 D, 10 R NO: 197 R</p>	<p>Incitement of insurrection: 57-43 CONVICT*: 50 D, 7 R ACQUIT: 43 R</p> <p>Though a majority of Senators voted to convict, it did not reach the 2/3 majority necessary to remove from office.</p>
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QUESTIONS:

- In your opinion, which of these presidents' actions, if any, should have led to removal from office? Why?
- Based on this information, what role has partisanship played in the impeachment process over time?
- Why do you think it's easier to impeach (charge) a president than it is to convict and remove them from office?

IV) “So What’s the Big Problem?”

The Constitution makes it very hard to eject a president. Since the beginning of Washington’s administration, three presidents have been impeached: Andrew Johnson in 1868, Bill Clinton in 1998, and Donald J. Trump in 2019 and 2021. None has been removed from office. A fourth, Richard M. Nixon, resigned on the verge of certain impeachment and likely conviction.

The impeached presidents escaped conviction by the Senate because a majority of senators voted to convict, not two-thirds as the Constitution requires....

A major reason that presidents have held onto their office despite possibly brazen behavior is that there is vigorous debate about the meaning of “high crimes or misdemeanors.” As a result, lawyers, rather than ordinary citizens, tend to dominate the conversation. It seems clear that not all crimes count. Would we want to impeach a president for drunk driving or hunting out of season?

There is some agreement that the president doesn’t have to commit a crime to be liable for impeachment. For instance, reckless indifference to safeguarding the fundamental interests of the country could be impeachable—assuming the lawyers and the senators concur on what that means.

Another explanation for why no president has been ousted is that members of a political party rarely vote to impeach a fellow party member. Republican senator Mitt Romney of Utah became the first senator in history to do so when he voted to convict Trump at his first trial. Several more Republicans voted against the president the second time around. No Democrat voted to convict Clinton.

It takes a long time for the House to investigate a president’s behavior and then to determine whether it amounts to high crimes and misdemeanors. Then, it takes more time for the Senate to hold a trial. Throughout this process, the presidents retain all of their powers. Most schools or businesses would probably put an employee suspected of committing a high crime on leave much more quickly. This requirement alone could amount to a constitutional fault line.²

QUESTIONS:

- How does the combination of the Constitution’s vagueness on impeachment and political concerns and priorities make it difficult to remove a president from office?
- In your opinion, which of the factors in this reading is the biggest obstacle to removing an impeached leader?

² Levinson and Levinson, *Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us Today*, 3rd Edition, 189-191.

V) Partisanship and Impeachment

A) [Gerald Ford Remarks on Impeachment](#) (1970)

“An impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history”; stated as the House considered impeachment charges against Justice William O. Douglas for alleged financial improprieties that were never proven.

B) Congress and Impeachment: Then and Now



Click the link to [watch this video from the Washington Post](#), which includes clips of Democrat and Republican lawmakers stances on impeachment during the Clinton and Trump administrations.

C) “Impeachment as a Weapon of Partisan Politics”



Click the link to [watch this video from PBS News](#) in which George Washington University professor Sarah Binder discusses the extent to which impeachment has become a political weapon in the twenty-first century. (Transcript included, as well.)

QUESTIONS:

- What conclusions can you draw about Ford’s perspective on impeachment based on this quote?
- What conclusions can you draw about the role of partisanship in the impeachment process based on these videos?
- In your opinion, to what extent does relying on impeachment in partisan fights diminish its effectiveness as a check on executive power?

Student Resources and Activities:

Directions: Students will fill in the following note catcher using the information in these resources.

1. How does the impeachment process, as described in the Constitution, seek to uphold the concept of checks and balances? To what extent does it do so in practice?
2. Based on your knowledge of the impeachment process, do you think that it is too vague, just right, or needs to be more open ended? Explain your response.
3. Describe the impact of partisanship on the impeachment process. Do you agree with the idea that impeachment has become a partisan weapon more than a means of accountability?
4. What would you add to the list of “high crimes and misdemeanors” to clarify that clause. Why do you think the things on your list should be impeachable offenses?
5. To what extent is it necessary to have an impeachment process in place when we presidents and other leaders come up for reelection at regular intervals (four years for presidents)?

Activity #1:

Using the resources and their graphic organizers, students will respond to the following questions:

- To what extent should impeachment be considered a “fault line” in the Constitution?
- What suggestions would you make to remove some of the obstacles to removing leaders from power?

Students can respond to the questions in one of the following ways*: newspaper editorial or letter to the editor; speech (recorded on video); legal brief or opening argument to Congress/Supreme Court; PowerPoint presentation/Google slides; captioned illustration; song (recorded on video); poem; or iMovie. (Other presentation methods at the teacher’s discretion.)

All work must meet the following requirements:

- Clearly state an opinion on impeachment and its limitations in the United States in the 21st century.
- Thoughtfully respond to both questions.
- Use evidence from the resources to support claims.
- Acknowledge multiple perspectives on impeachment.
- Include information on past events and current issues.
- Evaluate information to draw original conclusions.
- Remain focused on the topic and task assigned.

*The recommended activities refer to work students will complete independently. Teachers may also choose to use this information to prepare students for a debate, Socratic seminar, philosophical chairs activity, or any other large group activity where circumstances allow.

Activity #2:

As the Levinsons note in *Fault Lines*, other countries have different processes for holding leaders accountable for their actions. One option that they mention is the “no confidence” vote, writing:

“Parliamentary systems, such as that in Great Britain, allow the legislature to hold a vote of no confidence in the head of government. If more than half of the members of the House of Commons declare that they do not have confidence in the leader, then the prime minister must either resign or call for a new election.” ([More information](#) on this process from the House of Commons.)

The Levinsons also assert, *“It would be necessary to amend the Constitution to clarify the definition of impeachable offenses and to revise the process as laid out in the current impeachment clause. Allowing for a vote of no confidence would also require extensive revisions.”*³

As an expert on the ways that impeachment is and is not an effective means of holding leaders accountable in the US, consider whether a vote of no confidence might be a more effective method and whether it might be worth it to engage in the difficult process of amending the Constitution to include this parliamentary procedure.

First, you will decide whether a no confidence vote is preferable to the system we currently have in the US or if you think we should keep the current impeachment process (or some combination of the two!). After you make your decision, you will share your opinion with supporting evidence from the information in this packet and your knowledge of impeachment. You may express your ideas in any format that works for you, including (but not limited to): a letter to the Levinsons, a blog or vlog, a podcast, a visual representation, a speech delivered to your class, etc.

Make sure to make a clear argument and support it using concrete examples and acknowledging multiple perspectives.

³ Levinson and Levinson, *Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us Today*, 3rd Edition, 191.

Activity #3:

In Chapter 22 of *Fault Lines in the Constitution* Cynthia and Sanford Levinson grade the Constitution based on the way that it fulfills the goals asserted in the Preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The authors divide their report card into the following categories--form a more perfect union; establish justice; insure domestic tranquility; provide for the common defense; promote the general welfare; secure the blessings of liberty to ourselves and our posterity—and assign composite grades based on the various aspects of the Constitution they evaluate in their book.

After studying **gerrymandering**, including the material in *Fault Lines* and outside sources, it’s your turn to grade the Constitution! Based on what you learned and the ideas you formed about the Electoral College, please grade the Constitution in the following categories. Don’t forget to add comments!

The Constitution’s Report Card

Subject	Grade	Comments
Form a More Perfect Union		
Establish Justice		
Insure Domestic Tranquility		
Provide for the Common Defense		
Promote the General Welfare		
Secure Blessings of Liberty to Ourselves and Our Posterity		
AVERAGE		