

114TH CONGRESS
1ST SESSION

H. RES. 198

To establish standards defining impeachable “high crimes and misdemeanors” within the meaning of Article II, section 4 as applied to the President of the United States.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2015

Mr. YOHO submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

To establish standards defining impeachable “high crimes and misdemeanors” within the meaning of Article II, section 4 as applied to the President of the United States.

Whereas Article II, section 4 of the Constitution provides 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”;

Whereas Article I, section 2, clause 5 provides that, “The House of Representatives . . . shall have the sole Power of Impeachment”;

Whereas the constitutional convention rejected “neglect of duty” or “maladministration” as impeachment standards

in favor of “high crimes and misdemeanors” because the former terms were too broad;

Whereas Alexander Hamilton in Federalist 65 explained that impeachable offenses “proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself”;

Whereas impeachable “high crimes and misdemeanors” has an objective meaning based on the intent of the Constitution’s framers and British impeachment precedents;

Whereas the House of Representatives has voted articles of impeachment against two Presidents, one Cabinet officer, one Senator, one Supreme Court Justice, and fourteen (14) Federal judges without providing a general standard for defining an impeachable offense;

Whereas the law should warn before it strikes;

Whereas the absence of impeachment standards creates an appearance that impeachment is a partisan exercise, which undermines its legitimacy and deters its use;

Whereas the impeachment power of the House of Representatives is a cornerstone safeguard against Presidential tyranny; and

Whereas the past neglect of the House of Representatives to use the impeachment power against Presidential usurpations and lawlessness has concentrated alarming power in the executive branch, crippled liberty, undermined transparency, and encouraged Presidents to further aggrandizements: Now, therefore, be it

1 *Resolved,*

1 **SECTION 1. DEFINITION OF PRESIDENTIAL IMPEACHABLE**
2 **OFFENSES.**

3 The House of Representatives declares the following
4 Presidential actions shall constitute impeachable “high
5 crimes and misdemeanors” within the meaning of Article
6 II, section 4, which will cause the House to vote an article
7 or articles of impeachment to send to the Senate for
8 trial—

9 (1) initiating war without express congressional
10 authorization;

11 (2) killing American citizens in the United
12 States or abroad who are not then engaged in active
13 hostilities against the United States without due
14 process (unless the killing was necessary to prevent
15 imminent serious physical danger to third parties);

16 (3) failing to superintend subordinates guilty of
17 chronic constitutional abuses;

18 (4) spending appropriated funds in violation of
19 conditions imposed for expenditure;

20 (5) intentionally lying to Congress to obtain an
21 authorization for war;

22 (6) failing to take care that the laws be faith-
23 fully executed through signing statements or system-
24 atic policies of nonenforcement;

25 (7) substituting executive agreements for trea-
26 ties;

1 (8) intentionally lying under oath to a Federal
2 judge or grand jury;

3 (9) misusing Federal agencies to advance a par-
4 tisan political agenda;

5 (10) refusing to comply with a congressional
6 subpoena for documents or testimony issued for a le-
7 gitimate legislative purpose; and

8 (11) issuing Executive orders or Presidential
9 memoranda that infringe upon or circumvent the
10 constitutional powers of Congress.

11 **SEC. 2. EFFECTIVE DATE.**

12 This Resolution shall take effect upon passage by the
13 House of Representatives.

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