

THE HISTORY OF IMPEACHMENT

If it were possible to define precisely an "impeachable offense", it follows that it ought to be possible to answer with greater confidence the central question, "Should the President be impeached?"

Is an impeachable offense "whatever a majority of the House of Representatives considers it to be at a given moment in history," as House Republican Leader Gerald R. Ford maintained when he led the unsuccessful effort to impeach Associate Justice William O. Douglas in 1970? Or at the other extreme, should an official be impeached only for criminal offenses indictable in the courts?

The Constitution is not specific, nor is it clear from the discussions and debates of that time whether the framers intended for the definition of an impeachable offense to remain ambiguous.

Can we find guidelines, then, in historical precedent? "None of the impeachments or attempted impeachments in American history are free from abuses," writes Professor Gaddis Smith in the following article.

He concludes, however, that there is much to be gained from a reading of the history of impeachment: "And yet, out of this sorry record there does emerge a set of procedures to govern a proper impeachment and trial."