

IV. America's Future

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Using The Congressional Impeachment Power

August 15, 2023

One of the reasons that Republican activists are becoming frustrated with Speaker of the House Kevin McCarthy and leaders in the House of Representatives is their unwillingness to use one of their most potent Constitutional powers — the [Power of Impeachment](#). Democrats in the House of Representatives were not afraid to impeach President Trump (twice) for phony reasons, even though they were certain that the Senate would not convict. But many Republicans fear impeaching Biden despite solid evidence of “high crimes and misdemeanors” because they believe the Senate will not convict. What’s going on here? Why are Republicans so timid about using the impeachment power?

President Trump was inaugurated as the nation’s 45th President on January 20, 2017, and before he left office four years later, he had been impeached twice. President Trump’s first impeachment trial began on December 18, 2019, and [he was acquitted on February 5, 2020](#). Fully 67 votes were required in the Senate to convict, but only 47 and 48 Senators voted “guilty” on the two Articles of Impeachment. (The one Republican Senator who voted to convict was Mitt Romney (R-UT).)

The first failure to convict didn’t stop House Democrats from impeaching him again on January 13, 2021 — only one week before his term of office was to have expired. President Trump’s second trial did not actually begin until after he had left office and become a private citizen. [He was acquitted on February 13, 2021](#), when 57 senators voted “guilty,” but that was still well short of the 67 votes needed to convict. (This time, seven Republican Senators voted to convict: Richard Burr (R-NC), Susan Collins (R-ME), Bill Cassidy (R-LA), Lisa Murkowski (R-AK), Mitt Romney (R-UT), Ben Sasse (R-NE), and Pat Toomey (R-PA).)

After avoiding the issue of impeachment of President Biden for most of 2022 and thus far in 2023, the Republican establishment which controls the House of Representatives have at last begun to at least consider impeachment proceedings. It had become increasingly difficult even for the moderate Republican leadership to avert their eyes from the flood of revelations that Biden lied about supposedly not being involved with his son Hunter’s corrupt business dealings with the Ukrainians and Chinese Communist Party apparatchiks. On July 25, 2023, [Speaker McCarthy observed](#): “this is rising to the level of impeachment inquiry, which provides Congress the strongest power to get the rest of the knowledge and information needed.”

Others in Congress have been far more bold than the Speaker. On August 11, 2023, [Congressman Greg Steube](#) (R-FL) became the most recent Republican to file articles of impeachment against Biden. “It’s long past time to impeach Joe Biden,” said Steube, listing just some of his reasons:

He has undermined the integrity of his office, brought disrepute on the Presidency, betrayed his trust as President, and acted in a manner subversive of the rule of law and justice at the expense of America’s citizens. The evidence

continues to mount by the day — the Biden Crime Family has personally profited off Joe’s government positions through bribery, threats, and fraud. Joe Biden must not be allowed to continue to sit in the White House, selling out our country.

Congressman Steube joins [other House Members who favor impeachment](#)

- “House Republicans should initiate impeachment proceedings against President Biden,” said Rep. **Jim Banks**(R-IN). “Joe Biden was trading his personal influence to enrich himself and his family and must be held accountable for selling out America.”
- Rep. **Claudia Tenney** (R-NY) agreed, “Joe Biden committed crimes in plain sight....It’s time for impeachment.”
- “Biden NEEDS to be impeached. He is compromised and his son is selling access to him,” said Rep. **Anna Paulina Luna** (R-FL).

In view of the fact there just may be an impeachment of a Democrat someday soon, it is worth reviewing the procedures that would need to be followed. There are four key clauses of the Constitution governing impeachment. The first three are in Article I (dealing with the powers of Congress) and the fourth is in Article II (dealing with the powers of the Executive Branch):

- “The **House of Representatives** ... shall have the sole Power of **Impeachment**.” [Art. I, sec. 2](#) (emphasis added).
- “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.” [Art. I, sec. 3, cl. 6](#)(emphasis added).
- “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.” [Art. I, sec. 3, cl. 7](#).
- “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**.” [Art. II, sec. 4](#) (emphasis added).

From these clauses, it can be seen that impeachment by the House is similar to the issuance of a criminal indictment by a grand jury. The House “impeaches” when it determines that there are sufficient grounds to justify referring the matter for a trial in the Senate. Those grounds must meet the test of “Treason, Bribery, or other high Crimes and Misdemeanors.” Although not required by the Constitution, the process is that after the House impeaches, a committee of representatives from the House, called “managers,” serve as “prosecutors” during the Senate trial. The trial occurs in the Senate, with the Chief Justice presiding only when the President is impeached. Conviction occurs by a two-thirds vote in the Senate, which has the

consequence of removal from office. Once the Senate convicts and removes by a two-thirds vote, then a simple majority vote has been considered to be sufficient to **disqualify the official from future office.**

Over the next several weeks, we will be covering a number of important topics relating to impeachment, learning about its history in the United States, discussing which federal officials are subject to impeachment, and examining whether President Biden and some of his key officials have committed “high crimes and misdemeanors.” These articles, under the banner, “Using the Congressional Impeachment Power,” will help give a historical and constitutional context to the events that may soon dominate our headlines.

<https://www.americasfuture.net/using-the-congressional-impeachment-power/>

Impeaching a President for Crimes Committed in a Previous Office

August 24, 2023

When running for President in 2020, candidate [Biden assured voters](#) that there was “an absolute wall between the personal and private, and the government” and “that is why I have never talked with my son or brother, or anyone else in the distant family about their interests, period.” Well, it appears that may not be true. It seems as if every day [new information comes to light](#) about how President Biden may have abused his powers during his eight years as Vice President from January 20, 2009 to January 20, 2017.

The FBI and the Department of Justice certainly did nothing to unearth these activities while Obama was president, or even while Trump was President. Indeed, these two federal agencies seem to have spent a great deal of time working to [cover up Biden activities](#). Meanwhile, while Nancy Pelosi was Speaker of the House until January 20 of this year, the House of Representatives had no interest in pursuing impeachment of Biden. Only now are the details of the Biden family’s worldwide activities coming out — six and one-half years after Joseph Robinette Biden, Jr. left office as Vice President.

Let’s put aside for a moment all the reasons that House Republicans might want to impeach President Biden for “high Crimes and Misdemeanors” committed while President. What if the House Republicans wanted to impeach Biden also (or only) for what he did as Vice President. Could they? Harvard Law professor emeritus [Alan Dershowitz](#) answers that important question: “No one knows.” Although the history of impeachments in this country is certainly not clear, the better answer to that question appears to be — Yes, they could.

That was the view of President John Quincy Adams, who believed that an official could be impeached for crimes committed in any public office, at any time for the remainder of his life. “I hold myself, so long as I have the breath of life in my body, amenable to impeachment by this House for everything I did during the time I held any public office,” he stated on the floor of the House while serving there after he had left the Presidency. (III Deschler’s Precedents of the House of Representatives 648 (1977).)

The three previous Presidents to be impeached — Andrew Johnson, Bill Clinton, and Donald Trump — were all impeached specifically for allegations of actions occurring during their presidency. However, the issue has come up during the impeachment of other federal officials where at least some of the approved articles of impeachment involved conduct before the official assumed his current position.

In 1826, it was alleged that Vice President John C. Calhoun might have committed impeachable offenses in his prior position as Secretary of War. A House select committee investigated and recommended that no action be taken, and none was. (J. Cole and T. Garvey, “[Impeachment and Removal](#),” *Congressional Research Service*, at 15.)

In 1873, it was alleged that Vice President Schuyler Colfax might have been involved in a bribery scandal while Speaker of the House prior to his election as Vice President. The House Judiciary Committee considered the allegations, and a majority of the committee recommended against pursuing impeachment, arguing that the punishment was “remedial,” and not “punitive.” The committee report was briefly debated in the House, but no action was taken. That 1873 committee’s report noted that, “in all cases of impeachment or attempted impeachment under our Constitution there is no instance where the accusation was not in regard to an act done or omitted to be done while the officer was in office.” (III Hinds’ Precedents of the House of Representatives, §2509-2510 (1907).)

However, after the turn of the 20th Century and up to the present, it appears that thinking about the grounds for impeachment changed. There are at least two clear cases where the House impeached for conduct occurring prior to beginning in the office the office holder was serving when impeached.

In 1913, Judge Robert W. Archbald was convicted on five articles of impeachment. Although four of the articles had to do with conduct in his then-current role as a Court of Appeals judge, one had to do entirely with conduct committed in a prior position as a U.S. district judge.

Quite recently, in 2010, Judge G. Thomas Porteous was impeached and removed from office for conduct that included the period before he became a federal judge — during the application process for the judgeship, and during his previous service as a state court judge. (J. Cole and T. Garvey, “[Impeachment and Removal](#),” *Congressional Research Service*, at 15.)

Based on the limited number of impeachments where the issue has arisen, there is no absolutely certain answer. But impeachment is not a legal process — it is a political process. If the House chooses to impeach, no court can stop it. If the Senate chooses to convict, no court can stop it. The two impeachments of President Trump certainly broke new ground in a number of ways. Those politicians who supported impeachment of Trump for almost no reason whatsoever now resist impeachment of Biden for what appear to be compelling reasons. With at least two solid precedents for impeachment for prior conduct, if Biden were impeached, those offenses committed by him during his term as Vice President certainly should be included in the Bill of Impeachment and put before the Senate for trial.

<https://www.americasfuture.net/in-focus-impeaching-a-president-for-crimes-committed-in-a-previous-office/>

How to Begin a Presidential Impeachment

August 31, 2023

Finally, House Republicans seem to be moving, ever so cautiously, toward the impeachment of President Biden. But that process has been far too slow for most Republicans. With every new revelation about Biden family finances, rank-and-file Republicans have grown not just frustrated, but increasingly hostile to House GOP leadership. Some predict that if House Republicans do not move decisively toward impeachment right after the August break, they will (and should) lose next year's elections.

One House Republican ran out of patience two months ago and decided to take action on her own. On June 13, 2023, [Congresswoman Lauren Boebert \(R-CO\)](#) filed a House Resolution that would have impeached Biden for leaving open the nation's Southern Border. On June 20, 2023, she exercised her right to demand a floor vote. When the Boebert resolution came before the House on June 22, 2023, the matter was deferred by being referred to Committee — actually two Committees (Homeland Security and the Judiciary) — [on a party line vote, 219-208](#). If the resolution had passed, that would have been it — the House would have impeached Biden, sending the matter to the Senate for trial. The [Congressional Research Service](#) (CRS) agrees that impeachment could occur by passage of a resolution — such as the Boebert resolution — but the normal process normally involves an investigation by the Judiciary Committee, which then reports back to the House.

Now, two months later, [Speaker Kevin McCarthy](#) (R-CA) appears to be on the verge of taking a somewhat different approach toward impeachment. That step would be for the House to formally “authorize an impeachment inquiry.” Many support the House formally authorizing an “[impeachment inquiry](#),” although it is not required by House rules. Indeed, three of the last five judicial impeachments did not involve a vote by the full House to formally authorize an impeachment inquiry.

Whichever approach is taken, a House Committee — typically the House Judiciary Committee — investigates, holds hearings, and then may recommend impeachment in the form of a report to the full House. That report would set out its recommended “articles of impeachment” — the equivalent of a grand jury indictment in a criminal case. Each article of the impeachment resolution would state an independent ground constituting a separate impeachable offense.

It's worth reviewing the basics. The term impeachment is often misused, but it is not the same as removal from office. Article I of the Constitution vests the power of impeachment in Congress. Section 2 states the “[t]he House of Representatives shall ... have the sole Power of Impeachment,” and Section 3 provides that “[t]he Senate shall have the sole Power to try all Impeachments.” Other than providing that the Chief Justice of the United States presides over impeachments of the President, the Constitution is essentially silent on procedure, allowing each House to decide its own rules for how to conduct impeachment trials. In Section 5, the

Constitution provides: “[e]ach House may determine the rules of its proceedings” and this would include impeachments.

However, there are some established House practices — although not formal rules — which govern handling articles of impeachment, including the following:

- Articles of impeachment reported by the Judiciary Committee are privileged for immediate consideration on the House floor;
- Passage is by simple majority vote;
- If the House approves one or more articles of impeachment, the House appoints members as “managers” — essentially House prosecutors — to present the case for impeachment at the ensuing trial in the Senate.

One of the reasons that some prefer a vote formally authorizing an official impeachment inquiry is that it could facilitate efforts by the House to require the Executive Branch to turn over more documents. In fact, a [Congressional Research Service](#) analysis explains that: “[d]uring the Nixon impeachment, the Judiciary Committee noted that ‘not one’ subject of nearly 70 prior impeachment investigations ‘challenged the power of the committee conducting the impeachment investigation to compel the production of evidence it deemed necessary.’” There are at least two reasons that the Executive Branch is more willing to provide documents in response to a House-authorized impeachment.

First, failure to turn over documents could cause the Judiciary Committee to add another Article of impeachment for failure to comply with a committee subpoena. This happened during both the Nixon and Clinton impeachment investigations.

Second, if the Executive Branch failed to turn over documents, the matter could wind up in court, and the pendency of an official House-approved inquiry may improve the likelihood of obtaining a court ordering committee access to subpoenaed materials and overcoming executive privilege assertions made in response to congressional subpoenas. President Biden has already begun [asserting executive privilege](#) in refusing to turn over documents on Hunter Biden’s business dealings.

Indeed, Speaker McCarthy has cited the Biden administration’s refusal to turn over documents as a key reason to authorize a formal impeachment inquiry. He has “demanded that [the president furnish Congress with documents](#) that demonstrate that he did not accept a \$5 million bribe from Mykola Zlochevsky, the owner of Ukrainian gas company Burisma, as alleged by an FBI informant in June of 2020; talk to his son, Hunter Biden, about his overseas influence peddling operation; or accept foreign money from foreign nationals.” Since “the Biden administration still is resisting the sharing of information with the House,” legal scholar Jonathan Turley has argued that “there is [little choice but to commence an impeachment inquiry](#). The authority of the House is at its apex when carrying out its duties under the impeachment clause.” McCarthy noted that “if they withhold the documents and fight like they have now to not provide to the American public what they deserve to know, we will move forward with impeachment inquiry when we come back into session.” We shall see.

The charges against President Biden are serious, and grow more serious every day. Only devoted partisans like Trump impeachment manager **Congressman Jamie Raskin** (D-MD) take the position that there is **nothing to see here**. Based on what is publicly known about President Biden, failure to launch an impeachment investigation could reveal Republicans to be feckless, jeopardizing their chances of being voted back into power next year.

<https://www.americasfuture.net/in-focus-how-to-begin-a-presidential-impeachment/>

Biden Impeachment Resolutions Pile Up, But No Action

September 7, 2023

When Labor Day 2023 drew to a close, most Americans dutifully went back to work— but not the U.S. Congress. The House will need to take another week to rest up before [reconvening on Tuesday, September 12, 2023](#). It's not as if there wasn't anything to do. The continuing resolution for FY23 runs out on September 30, and the [mainstream media](#) is doing what it can to create a panic if it is not extended. Although Speaker McCarthy probably would like to continue “business as usual” by pushing the deadline back into December, the House Freedom Caucus is having nothing of it, taking a strong position on borders: “[No security, no funding.](#)”

All those on the government dole will loudly oppose a dreaded “government shutdown,” while many taxpayers would welcome shutting down the bloated federal government — even if only for a week or two. But the media are already trying to frame any time spent working on the impeachment of President Biden as an unjustified diversion from the true business of government — spending money.

Since nothing new on impeachment can occur until the House returns, we thought it useful to review the various bills of impeachment that have already been filed against Biden. Mostly ignored by the mainstream media, 14 impeachment resolutions have been filed against Biden by seven House Republicans, beginning with Representative Marjorie Taylor-Greene's resolution filed on January 21, 2021, Biden's second day in office, up to the most recent resolution filed by Representative Lauren Boebert on June 13, 2023.

During a recent National Public Radio segment, the host asked a guest: “What possible reason would they have to impeach President Biden?” The guest's immediate response was to defend the Biden regime: “That's the point — there is none.” A review of the grounds set out in these impeachment resolutions might help inform our state propagandists at NPR as to some of the possible grounds: participation in Ukrainian corruption, leaving open our borders, the botched Afghanistan withdrawal, jeopardizing energy security, and obstruction of justice.

Rep. Marjorie Taylor-Greene (R-GA)

1. [H. Res. 57](#) (Jan. 21, 2021). Rep. Marjorie Taylor-Greene (R-GA) (MTG) filed an impeachment resolution almost immediately upon Biden's inauguration. Drafted well before explosive testimony from former Hunter Biden associate Devon Archer, [H. Res. 57](#) nonetheless alleges “abuse of power” by then-Vice President Biden in connection with Hunter's dealings with Ukrainian company Burisma and with Communist Chinese officials. The resolution cites Biden's intervention in threatening to withhold U.S. financial assistance to Ukraine if its government did not remove “Ukraine's top anti-corruption prosecutor, Viktor Shokin,” who at the time “had an active and ongoing investigation into

Burisma....” The resolution also references apparent “quid pro quo” communications between Hunter Biden and his associate Sean Conlon, referencing a \$10 billion bond deal, of which Hunter and Conlon would receive a 10 percent commission, with one of the parts of the deal being Hunter arranging a meeting between the Vice President and the parties to the deal.

2. [H. Res. 596](#) (Aug. 23, 2021). Later in 2021, in August, MTG introduced three additional impeachment resolutions. The first charged Biden with “usurping Congress’s legislative authority and willfully circumventing the express guidance of the United States Supreme Court by extending the COVID–19 eviction moratorium.”

3. [H. Res. 597](#) (Aug. 23, 2021). MTG’s second August resolution would impeach Biden for his failure to secure the border. The resolution stated that Biden “has willfully refused to maintain operational control of the border as required by the Secure Fence Act of 2006. His actions have directly led to an increase in illegal aliens and illegal narcotics, including deadly fentanyl,” entering the country. The resolution also stated that Biden’s failure to maintain former President Trump’s Title 42 policy was allowing foreigners infected with COVID-19 to enter the country, endangering U.S. citizens.

4. [H. Res. 598](#) (Aug. 23, 2021). MTG’s third August resolution charged that Biden’s botched U.S. withdrawal from Afghanistan cost American lives, armed America’s enemies, and endangered America’s allies in Afghanistan.

5. [H. Res. 1362](#) (Sept. 19, 2022). Last year, MTG introduced a resolution to impeach Biden for his decision to sell oil from the U.S. Strategic Petroleum Reserve to China and other nations, while cancelling and barring production of U.S. energy sources. The resolution also accuses Biden of threatening America’s national security.

6. [H. Res. 420](#) (May 18, 2023). In May 2023, MTG introduced a new resolution of impeachment, dealing with the southern border, modeled on her H. Res. 597 resolution from 2021.

Rep. Randy Weber (R-TX)

[H. Res. 635](#) (Sept. 10, 2021). Congressman Weber also introduced an impeachment resolution charging Biden with malfeasance in Afghanistan. The resolution charges that Biden deliberately deceived the American people as to the progress of the Afghan war to improve his political capital, leading to the botched withdrawal. The resolution cites a transcript of a phone call between Biden and then-Afghan President Ashraf Ghani, in which Biden stated, “as you know and I need not tell you the perception around the world and in parts of Afghanistan, I believe, is that things aren’t going well in terms of the fight against the Taliban. And there’s a need, whether it is true or not, there is a need to project a different picture.”

Rep. Bob Gibbs (R-OH)

[H. Res. 671](#) (Sept. 21, 2021). Congressman Gibbs introduced a resolution containing three articles: neglect of the duty to protect the southern border; violation of his duty to execute the laws by extending the COVID eviction moratorium “despite publicly acknowledging it would

‘not pass constitutional muster;’” and the botched Afghanistan withdrawal which strengthened America’s enemies.

Rep. Lauren Boebert (R-CO)

1. [H. Res. 680](#) (Sept. 24, 2021). Also in September 2021, Rep. Lauren Boebert introduced her first resolution which centered around Biden’s botched Afghanistan withdrawal. The resolution alleged that Biden’s actions weakened America and strengthened our enemies abroad.

2. [H. Res. 503](#) (June 13, 2023). Rep. Boebert introduced a second resolution this year charging Biden with abuse of power and dereliction of duty in allowing an invasion at the southern border and the entry of large quantities of illegal drugs, including fentanyl.

Rep. Bill Posey (R-FL)

1. [H. Res. 1031](#) (Apr. 5, 2022). In April 2022, Rep. Bill Posey introduced an impeachment resolution focusing on Biden’s refusal to secure the southern border. The resolution alleged that Biden had failed to fulfill his duty under Article IV, Section 4 of the Constitution to protect the states from invasion, allowing “known terrorists” to cross the border.

2. [H. Res. 426](#) (May 18, 2023). In May 2023, Rep. Posey introduced another impeachment resolution focusing on Biden’s refusal to secure the southern border.

Rep. Louie Gohmert (R-TX)

[H. Res. 1532](#) (Dec. 27, 2022). As 2022 ended, Rep. Gohmert introduced an impeachment resolution charging Biden with treason. The resolution included a long list of charges, including dereliction of duty at the southern border, providing the Taliban with information that allowed them to target U.S. allies in Afghanistan, extending the unconstitutional COVID eviction moratorium, infringing freedom of the press by barring press access to migrant facilities at the border, infringing the right to keep and bear arms with executive orders that unconstitutionally infringed gun ownership rights, ending a Trump-era ban on Russian and Chinese interests owning portions of the U.S. power grid, and imposing bans on domestic U.S. energy production.

Rep. Andrew Ogles (R-TN)

[H. Res. 493](#) (June 12, 2023). Rep. Ogles’ impeachment resolution first charged that Biden has “obstructed, and impeded the administration of justice,” and “weaponized the Executive Office of the President” to cover the influence-peddling schemes of himself and Hunter Biden. The second article charges Biden for responsibility for human smuggling and drug trafficking across the southern border due to Biden’s willful failure to secure the border.

These seven members of Congress have filed 14 impeachment resolutions containing specific charges. All resolutions were referred to the Judiciary Committee — where they sit, not acted upon. They will only be seriously considered when and if the House Republican leadership decides to take them seriously. Next week, when the House returns from its August recess, we will see if the House Republican leadership makes an impeachment inquiry its first order of

business. Then we will know if the Republicans in the House are “the loyal opposition,” or “the real opposition.”

<https://www.americasfuture.net/in-focus-biden-impeachment-resolutions-pile-up-but-no-action/>

Impeachment — What Are “High Crimes and Misdemeanors”?

September 14, 2023

When the House reconvened on Tuesday, September 12, Speaker Kevin McCarthy finally did something to advance an impeachment investigation of President Biden. Before the August break, he had said the next step would be bringing to the floor a resolution to formally authorize an Impeachment Inquiry, but he did not do that. Rather, he [simply announced](#): “Today, I am directing our House committee to open a formal impeachment inquiry into President Joe Biden.”

McCarthy directed three committee chairmen to lead the inquiry: House Oversight Committee Chairman James Comer; House Judiciary Committee Chairman Jim Jordan; and House Ways and Means Committee Chairman Jason Smith. They no doubt will consider Biden’s dealings with Ukraine, Hunter Biden’s family influence peddling, the weaponization of federal law enforcement, dereliction at the border, and more. This inquiry likely will take many months, and if he is impeached, will be followed by a trial in the Senate — but President Biden leaves office in only 16 months — if not re-elected.

The response of the Democrats, who had twice impeached President Trump, was swift, and predictable. [Congressman Jamie Raskin](#) (D-MD) asserted: “The Constitution says that the standard for impeachment is treason, bribery and other high crimes and misdemeanors. They don’t have anything like that.” Raskin doesn’t even think it is a close call. Recently, he released a memo claiming that House Republicans had “[zero evidence](#)” of actual Biden wrongdoing in the Hunter Biden scandal. This despite emails between Hunter Biden’s business partners referencing “20 for H” and “10 held by H for the big guy?”, which one of the persons who received the email stated was [a reference to Vice President Biden](#).

Unlike Mr. Raskin, others share GOP Congressman Greg Steube’s conviction that Biden’s actions constitute high crimes and misdemeanors. “He has undermined the integrity of his office, brought disrepute on the Presidency, betrayed his trust as President, and acted in a manner subversive of the rule of law and justice at the expense of America’s citizens.”

Politics aside, the central legal issue is whether the actions of President Biden meet the Constitutional standard set out in [Article II, Section 4](#) which allows impeachment for “Treason, Bribery, or other high Crimes and Misdemeanors.” Let’s dive into that issue and consider what sorts of actions meet that standard. It is a complicated question with no certain answer. It took Constitutional scholar Raoul Berger 359 pages to explain Impeachment, but we can hit the high points. *See* R. Berger, *Impeachment: The Constitutional Problems* (Harv. Univ. Press: 1999).

First, must a “high Crime and Misdemeanor” be an actual criminal offense? There were many crimes at common law, but it is interesting that the Constitution expressly prescribes only three

federal crimes. [Article I, Section 8](#) identifies conspiracy and counterfeiting as federal crimes, and [Article III, Section 3](#) creates the federal crime of treason. Most commentators believe that: “[w]hen the Framers approved the term of art ‘high Crimes and Misdemeanors’ in 1787 ... they understood and accepted that it extended to gross misconduct in office that was not confined to criminal offenses.”

At common law, [according to Blackstone](#), “The ‘first and principal high misdemeanor,’ was the gross maladministration of governmental authority by ‘such high officers, as are in public trust and employment,’ and was ‘usually punished by the method of parliamentary impeachment.’” See William Blackstone, IV Commentaries on the Laws of England, “Of Public Wrongs” (1769).

Along that line, Hamilton wrote in [Federalist No. 65](#) that “high Crimes and Misdemeanors” are political offenses, where the society is the victim, not necessarily actual crimes:

those offenses which 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. [Emphasis added.]

In his Commentaries on the Constitution, Joseph Story followed this same theme:

The offences, to which the power of impeachment has been, and is ordinarily applied, as a remedy, are of a **political character**. Not but that crimes of a strictly legal character fall within the scope of the power (for, as we shall presently see, **treason, bribery**, and other high crimes and misdemeanours are expressly within it;) but that it has a **more enlarged** operation, and reaches, what are aptly termed, **political offences**, growing out of personal misconduct, or **gross neglect**, or usurpation, or habitual disregard of the public interests, in the discharge of the duties of political office. [J. Story, 2 Commentaries on the Constitution, Section 762 (1833) (emphasis added).]

Story suggested that the common law was the best measure of whether an offense was a “high crime or misdemeanor.”

[I]ndeed, **political offences** are of so various and complex a character, so utterly incapable of being defined, or classified, that the task of positive legislation would be impracticable, if it were not almost absurd to attempt it.... The only safe guide in such cases must be the common law, which is the guardian at once of private rights and public liberties. [*Id.* at 795 (emphasis added).]

In 1974, considering impeachment of President Nixon, the House Judiciary Committee took the position that a crime was not required, as it noted that “[c]omments in the state ratifying conventions also suggest that those who adopted the Constitution viewed impeachment as a remedy for **usurpation or abuse of power** or serious breach of trust.” See U.S. House of

Representatives, Committee on the Judiciary, “[Constitutional Grounds for Presidential Impeachment.](#)” 1974, p. 13.

The Nixon impeachment relied on statements made by Edmund Randolph in the Virginia ratifying convention where he “cited the example of the President’s **receipt of presents or emoluments from a foreign power** in violation of the constitutional prohibition of article 1, section 9” as an example. *Id.* at 13 (emphasis added). Future Supreme Court justice James Iredell argued at the North Carolina convention that a President’s **giving false information to Congress** would constitute such an offense. *Id.* at 14 (emphasis added).

The Judiciary Committee report on President Nixon also noted that not all prior impeachments involved crimes:

[e]ach of the thirteen American impeachments [before 1974] involved charges of misconduct incompatible with the official position of the officeholder. This conduct falls into three broad categories: (1) exceeding the constitutional bounds of the powers of the office in derogation of the powers of another branch of government, (2) behaving in a manner grossly incompatible with the proper function and purpose of the office, and (3) employing the power of the office for an improper purpose or for **personal gain**. [*Id.* at 17-18 (emphasis added).]

Thus, when Democrats assert that there can be no impeachment without a specific “crime” being committed, that argument is outside of the mainstream of thinking and historical practice about impeachment.

As additional evidence comes forward from the three House Committees investigating President Biden, whether he committed specific crimes will become more clear, but whether or not crimes are shown, his allies in Congress can be trusted to argue none of his actions meet the standard of “high Crimes and Misdemeanors.”

<https://www.americasfuture.net/in-focus-impeachment-what-are-high-crimes-and-misdemeanors/>

May a President Be Impeached for Mental Impairment?

September 21, 2023

House Republicans finally have set a date to begin impeachment proceedings against President Joseph Robinette Biden, Jr. The inquiry will kick off with a [hearing on Thursday, September 28](#) before the [House Oversight Committee](#). This first hearing apparently will deal more with constitutional and legal issues than presenting evidence — but they need to begin somewhere.

Don't expect to read much about the impeachment from our Deep State-controlled press. Last week, the [White House issued a directive to U.S. news organizations](#) as to how it should cover the Biden impeachment, boldly entitled: "It's Time For The Media To Do More To Scrutinize House Republicans' Demonstrably False Claims That They're Basing Impeachment Stunt On." The author was "[Ian Sams](#), Special Assistant to the President and Senior Advisor and Spokesman for White House Counsel's Office." The directive stated: "**It's time for the media to ramp up its scrutiny of House Republicans for opening an impeachment inquiry based on lies.**" (Emphasis original.) Attached to the memo was a "[14-page appendix](#)," which the memo claims "comprehensively addresses the 7 key lies House Republicans are suggesting they are basing an impeachment on." (Note that this "spokesman" for the White House Counsel's office ended this sentence with a preposition.) The 7 charges against Biden addressed in the press directive are that:

1. Biden engaged in a bribery scheme with a foreign national;
2. Biden got the Ukrainian prosecutor general fired in order to help the company where his son served on the board;
3. Biden participated in his family's global business ventures with America's adversaries;
4. Biden is compromised by deals with foreign adversaries and it is impacting his decision making;
5. The Biden Administration interfered with the investigation of Hunter Biden;
6. The Biden Administration stonewalled congressional investigations; and
7. Biden changed his story on his involvement with Hunter's business dealings.

Thus far, almost all of the grounds for impeachment of President Biden that have been raised have focused on corrupt actions committed while he was serving as Vice President from January 2009 through January 2017, and dereliction of duty while serving as President. But today we address a different issue as President Biden deteriorates mentally — can he be impeached for mental incapacity and the inability to do his job?

A May 2023 [poll by leftist National Public Radio](#) found that Americans believed, by a 62-36 percent margin, that Biden's notable mental stumbles are a real concern as he plans a run for a second four-year term. What does the nation do if the President is alive, will not resign, but is

obviously suffering from extreme mental deficiencies? What constitutional options are available?

During the debates on adoption of the Constitution, some Founders argued that impeachment's sweep should include protecting the nation against the mental decline of a President. James Madison, for example, argued it was "indispensable that some provision should be made for defending the community against the incapacity ... of the Chief Magistrate" as "[l]oss of capacity might be fatal to the Republic." Gouverneur Morris also argued that "incapacity" of the President would be among the "causes of impeachment." Raoul Berger, *Impeachment* (Harv. U. Press: 1999) at 189-190.

Nevertheless, Article II, Section 4, specifies that impeachment was to apply only to "high Crimes and Misdemeanors" – and that is quite different than mental incapacity. The problem of Presidential incapacity originally was covered briefly elsewhere in the Constitution — in Article II, Section 1 — which provided that:

In Case of the Removal of the President from Office, or of his Death, Resignation, or **Inability to discharge** the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or **Inability**, both of the President and Vice President.... [Emphasis added.]

Not until 1967 did Congress finally fill in the details of "inability to discharge the duties" by proposing the long and detailed 25th Amendment, which was ratified. The key provision addressing removal of the president states:

Whenever the **Vice President** and a **majority of either the principal officers of the executive departments** or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.
[25th Amendment, Section 4 (emphasis added).]

It could be possible that Biden's incapacity could become so great that even Vice President Harris and a majority of the deeply political Biden Cabinet would feel obligated to advise Congress that the President is incapable of functioning. However, it is not impossible that these leaders and the First Lady just might want to keep him in office nevertheless. This would not be the first time that the President's wife ran the country. President Woodrow Wilson suffered a stroke in October 1919, and [First Lady Edith Wilson](#) limited access to him and acted as President. Because Wilson was not dead, nor willing to resign, and Congress would not declare him "unable to discharge" his office, Edith Wilson exercised the power of the Presidency until Wilson's term concluded in March 1921.

To be sure, the Constitution clearly limits impeachments to “high Crimes and Misdemeanors,” and does not cover impeachment for incapacity. However, if Biden deteriorates and the Vice President and Biden Cabinet were to refuse to use the provisions of the 25th Amendment, it is at least possible that the constitutional standard would be disregarded by Congress to remove a non-functioning President’s finger from the nuclear trigger.

<https://www.americasfuture.net/in-focus-impeachment-may-a-president-be-impeached-for-mental-impairment/>

The Impeachment of President Andrew Johnson

September 28, 2023

The House held its first hearing on the Biden impeachment this morning — finally! Entitled “The Basis for an impeachment inquiry of President Joseph R. Biden, Jr.,” the hearing was held by the [House Committee on Oversight and Accountability](#) chaired by James Comer. This hearing began with opening statements highlighting items such as Biden’s ties to China and abuse of his powers as Vice President. Then the Committee heard from four witnesses to address the constitutional and legal questions surrounding impeachment. The lead witness was Professor Jonathan Turley of George Washington Law School, who had testified previously on the impeachments of Clinton and Trump. Turley submitted 36 pages of [written testimony](#).

Not addressed during today’s hearing was the history of Presidential impeachments. Shakespeare coined the phrase, “what’s past is prologue,” which applies here. While each impeachment is unique, a review of prior impeachments provides important insights into what can be expected in the coming weeks.

The first President to be impeached was Andrew Johnson, our 17th President, who was elevated to that office upon the assassination of Abraham Lincoln. Johnson had been a Senator from Tennessee when the Civil War broke out, but remained loyal to the Union. President Lincoln had spoken of reconciliation with the South, but when Johnson proposed conciliatory Reconstruction policies, such as pardoning Confederate leaders, he was targeted by “Radical Republicans” in Congress. Tensions increased when [Johnson vetoed a Freedmen’s Bureau bill](#), which Congress promptly overrode.

Johnson wanted to fire Secretary of War Edwin Stanton, a Lincoln appointee and a favorite of the Radical Republicans, and replace him with General Ulysses S. Grant, who Johnson believed would be more favorable to his conciliatory Reconstruction policies. To limit President Johnson’s power, Congress passed the Tenure of Office Act over Johnson’s veto, requiring Senate approval for the President to remove Cabinet members. Grant declined appointment, but Johnson acted to test the law by firing Stanton and replacing him with General Lorenzo Thomas. Congress promptly began impeachment proceedings.

On February 24, 1868, the House voted to impeach Johnson by a vote of 126 to 47. The first nine of the 11 articles of impeachment approved by the House dealt with alleged violations of the Tenure of Office Act. A tenth article pushed by Radical Republican leader Benjamin Butler, accused Johnson of giving speeches “with a loud voice, certain intemperate, inflammatory, and scandalous harangues” intending to put Congress in disrepute. The eleventh article pushed by another Radical Republican leader, Thaddeus Stevens, accused Johnson of accusing Congress of acting illegally and unconstitutionally bypassing constitutional amendments, because the Southern states were not yet restored to representation in Congress.

One can certainly understand why Congress came to be deeply offended politically by President Johnson. In one speech, Johnson referred to Congress as “a body called or which assumes to be the Congress of the United States, while in fact it is a Congress of only part of the States.” He argued that “[w]e have seen Congress gradually encroach, step by step, upon constitutional rights, and violate day after day, and month after month, fundamental principles of the government.... We have seen a Congress in a minority assume to exercise power which, if allowed to be consummated, would result in despotism or monarchy itself.”

In the Senate, Congressman Butler and Congressman Stevens led the prosecution against Johnson. In yet another historical paradox, one of Johnson’s defense team was former Supreme Court Justice Benjamin Curtis, known for his noble dissent in the Court’s infamous Dred Scott decision.

Johnson’s lawyers argued that he had not violated the Tenure of Office Act, but even if he had, Johnson had a right to challenge that law to test its constitutionality before the Supreme Court. They also argued that the First Amendment’s Free Speech clause [protected Johnson’s right to criticize Congress](#). Curtis also argued that the constitutional standard of “high crimes and misdemeanors” required criminal conduct.

In the end, the [Senate failed by just one vote](#), 35-19, to muster the required two-thirds majority to remove Johnson from office. One of those who voted no was Senator James Grimes who remarked, “I cannot agree to destroy the harmonious working of the Constitution for the sake of getting rid of an Unacceptable President.” In the end, Johnson served out his term, and later represented Tennessee in the U.S. Senate.

Most commentators agree that it was not President Johnson’s position on reconstruction that was on trial in the Senate. Instead, the legal issue on which the trial focused was the right of one branch of government to challenge unconstitutional actions by another branch. The seven Senate Republicans who broke with their party to oppose removal helped to preserve that right. As a historical note, many years later, the U.S. Supreme Court sided with Johnson’s position and ruled that the Tenure of Office Act, the primary basis for Johnson’s impeachment, was in fact unconstitutional. The High Court ruled the Constitution placed the removal power in the hands of the President alone. [Myers v. United States](#), 272 U.S. 52 (1926).

While there were important constitutional disputes that divided the President and the Congress, there is little question that President Johnson’s rhetorical attacks on Congress caused many in the House and Senate to seek his removal. But some in Congress refused to be governed by their emotions. Senator Grimes described Johnson’s attacks on Congress as “indiscreet, indecorous, improper, [and] vulgar.” But he refused to “repress the freedom of speech.” Senator Peter Van Winkle defended the principle that the First Amendment was “unquestionably of universal application,” including to the chief executive. Johnson’s fellow Tennessean Senator Joseph Fowler argued that Johnson had simply “exercise[d] that liberty of speech guaranteed to him by the Constitution.” Senator William Fessenden contended that impeaching Johnson for his speech would “den[y] him a right secured to every other citizen of

the republic,” and “might deprive the people of the benefit of his opinion of public affairs.” Senator John Henderson argued that the President “has the right to make foolish speeches.”

Those who resisted the impeachment of President Johnson helped preserve the constitutional principle that the First Amendment applies to us all, and that policy disagreements are not a proper basis to allege “high crimes and misdemeanors.”

<https://www.americasfuture.net/in-focus-impeachment-the-impeachment-of-president-andrew-johnson/>

Biden's Impeachment for Failure to Defend the Border

October 5, 2023

With the [removal of Kevin McCarthy as Speaker of the House](#), and Acting Speaker Patrick McHenry having declared a one-week recess, Representatives traveled home for what the House euphemistically calls "[district work periods](#)." The good news is that work on the Biden "impeachment inquiry" will continue.

The first House subpoenas were reported to have been issued for the personal and bank records of Presidential son Hunter Biden and Presidential brother James Biden. The House Oversight Committee believes that the Biden family and its business associates [raked in over \\$24 million between 2014 and 2019](#) by selling access to Joe Biden around the world. While we wait for documents proving which "[high Crimes and Misdemeanors](#)" Biden **may have committed** as Vice President and President, we take time to focus on what President Biden **failed to do** that could lead to his impeachment.

[Article II, Section 3](#) of the U.S. Constitution provides that the President "shall take Care that the Laws be faithfully executed...." That phrase covers a multitude of duties, and every President has different priorities, and therefore could be accused of neglecting enforcement of some matters. However, President Biden's failure to defend the nation's borders was not because he was busy solving other problems, like inflation, considering that [the price of baby food has soared 25 percent since he took office](#). Rather, not only has President Biden refused to enforce immigration laws, there is every reason to believe he did so to achieve a partisan political objective. He, just like President Obama before him, has encouraged illegal immigration in the hopes of growing our dependent class of immigrants who they assume will have natural affinity for the Democrat party and its big-spending policies.

With the national government's refusal to enforce the borders, one would think that the states would step in and enforce their portions of the border. However, the political will to defend the border certainly does not exist under Democrat Governors Gavin Newsom in California, Katie Hobbs in Arizona, and Michelle Luhan Grisham in New Mexico. Although Texas Republican Governor Greg Abbott gives the appearance of being strong on border issues, his efforts have failed, as well.

Part of the problem lies with the U.S. Supreme Court. In 2012, Arizona attempted to bring order to its own border, but the U.S. Supreme Court declared that only the federal government could protect the nation's border. That absurd decision is at odds with both the Constitution (which only gives the national government exclusive control over "[Naturalization](#)" of new citizens), the historic Law of Nations (which gives every sovereign state power over its borders), and American history. [Justice Scalia thoughtfully dissented](#) from the Supreme Court's decision refusing to allow Arizona to secure its own border, explaining that for most of

the nation's history it was states — not the federal government — that protected our borders. *Arizona v. United States*, 567 U.S. 387 (2012). (Additional explanation of this issue can be found in an [amicus brief](#) filed by a group of conservative organizations in that case.)

Predictably, the Biden Administration embraces the *Arizona v. United States* Supreme Court decision, and opposes every state effort to control the border. So, if President Biden believes only the federal government has the power to stop illegal immigration, and he still refuses to stop it, he is even more culpable under the Constitution's "take care" clause.

The Constitution contains another provision known as the Guarantee Clause, [Article IV, Section 4](#), which states that the United States "shall protect each of [every State] against Invasion." Instead, the President has thrown open the door and invited illegal aliens from every nation of the world to enter illegally, promising they would be housed and fed for while here, and not deported.

Biden could claim that massive immigration was not an invasion, but former law professor Rob Natelson explains that, according to dictionaries at the time of the Founding, the millions of illegals crossing our southern border meets the definition of an "invasion."

Here is the entry for invasion in Francis Allen's 1765 dictionary: "the entrance or attack of an enemy on the possessions or dominions of another; an encroachment, or unlawful attack of the rights of another." The latter two definitions clearly describe what is happening at the border today. [R. Natelson, "[Immigration: How the Biden Administration is Violating the Constitution](#)," Epoch Times (Oct. 19, 2021).]

The House Committee on [Homeland Security released a report](#) on immigration in August 2023 which demonstrated that "over 300,000 border encounters nationwide — a new all-time recorder under President Biden and Secretary Mayorkas' watch." The immigration invasion is so massive that just yesterday (October 4, 2023), Homeland Security Secretary Alejandro Mayorkas reversed course, and said the United States has an "[acute and immediate need](#)" to [build a border wall in southern Texas](#). This is the same Secretary Mayorkas who testified in Congress that there was no crisis at the southern border. In addition to tasking our "[word salad](#)" [Vice President Harris](#) with "stemming the migration" on the southern border, Biden assigned Mayorkas to protect our border. Nevertheless, as President Truman declared, "[the buck stops here](#)."

Impeachment for border neglect has been the subject of several resolutions already filed. Rep. Marjorie Taylor-Greene (R-GA) filed [H. Res. 597](#) based on Biden's refusal to execute longstanding federal immigration law. Rep. Bob Gibbs (R-OH) introduced [H. Res. 671](#). Rep. Andrew Ogles (R-TN) also introduced [H. Res. 493](#). Rep. Lauren Boebert (R-CO) introduced [H. Res. 503](#). Perhaps the impeachment resolution that best explains the constitutional grounds for impeachment for border inaction was offered by Rep. Bill Posey (R-FL). [H. Res. 1031](#) charges that:

in violation of the constitutional duties of the office of President of the United States as set forth in article IV, section 4 of the U.S. Constitution has failed to ensure that the United States protect each of the States against invasion, in that: President Biden has permitted and even encouraged the unlawful entry of thousands of migrants into the United States across the U.S.-Mexico Border.... President Biden, by failing to prevent the entry of known terrorists and persons known to belong to foreign political terrorist entities intending great harm to the U.S. across the U.S.-Mexico border, has failed to protect states from foreign invasion.

Biden's unconscionable refusal to defend border states from invasion has gone beyond just the border states at this point. "Drugs are flowing across the open Southern Border and addicting, even killing, Americans at alarming rates. Nothing that happens at the border stays at the border. **Every state is a border state**," said Rep. Bob Good (R-VA). Even far-left New York Gov. Kathy Hochul, alarmed at the surge of illegals to her state, recently demanded, "If you're going to leave your country, **go somewhere else**."

Biden has betrayed his oath and failed in his constitutional duty to protect the nation, costing countless American lives. He has not only allowed, but welcomed, the invasion. There is an abundance of evidence that would support his impeachment based on his unconscionable refusal to defend our nation's borders.

<https://www.americasfuture.net/in-focus-impeachment-bidens-impeachment-for-failure-to-defend-the-border/>

Nixon's Impeachment for Weaponization of the Government

October 12, 2023

More than a century passed between the impeachment of President Andrew Johnson in 1868 and the impeachment of President Richard Nixon in 1974. While Johnson survived the challenge to his Presidency, Nixon did not. Richard Milhous Nixon resigned on August 9, 1974, only days before being impeached by the House, thereby avoiding both impeachment while in office and a looming trial in the Senate.

Most Americans associate just one word with the Nixon impeachment — Watergate. The Watergate affair began during Nixon's first term, with the June 17, 1972 break-in of the offices of the Democratic National Committee at the Watergate Office Building in Washington. The Watergate scandal worsened as agencies of government were mobilized to cover up the crime.

However, on Election Day 1972, the Watergate scandal had not yet hit the public's consciousness, and President Nixon was re-elected with 61 percent of the popular vote, defeating George McGovern in the Electoral College by a vote of 520 to 17. Nixon won every state except Massachusetts and the District of Columbia. From that high water mark, his Presidency continued to unravel. From the date that President Nixon was sworn in for his second term on January 20, 1973, it took exactly 19 months for him to be driven from office.

The public's attention became riveted on the Watergate scandal when the Senate created a special committee chaired by Senator Sam Ervin (D-NC), which held hearings that were broadcast live on the nation's major television networks. Although the hearings were not technically about impeachment, it is a historical curiosity that it was the Senate that developed much of the evidence used by the House Judiciary Committee's adoption of three articles of impeachment. Nixon resigned on August 9, 1974, just eleven days before the House of Representatives impeached him, with only three dissenting votes.

The facts surrounding the unwinding of the Nixon Presidency were complex, but the grounds on which the impeachment was based went well beyond Watergate, establishing a precedent that could be used in the Biden impeachment inquiry.

The second article of impeachment approved by the House Judiciary Committee [accused Nixon](#) of violating the Constitution's "take care" clause by using executive branch agencies against the People.

He misused the Federal Bureau of Investigation, the Secret Service, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or continue electronic surveillance or other investigations for purposes unrelated to

national security, the enforcement of laws, or any other lawful function of his office....[Nixon Impeachment final report of the House Committee on the Judiciary, at 5 (emphasis added).]

Rep. Jerome Waldie (D-CA), a member of the House Judiciary Committee, expanded on that charge:

Richard Nixon ... has abused the powers of this office by authorizing **illegal acts** and dangerous intrusion into personal privacy **to further political objectives**. Wiretapping to obtain information that was used to counter political opponents; illegal entry to obtain information to **counter political opponents**; secret police not accountable to any authority but the President and whose primary function appears to have been to **further political objectives** of the President; the use of agencies of our Government such as the **IRS** to **persecute political enemies** and reward political friends; the pattern of excessive accumulation of power and of dangerous **abuse of power** is undeniable. [Nixon Impeachment final report of the House Committee on the Judiciary, at 410-411 (emphasis added).]

Nixon's misuse of federal agencies to attack his political opponents is eerily similar to the actions of President Biden today. Like Nixon, Biden has used government agencies to punish enemies and reward friends. It could be said that Biden has [declared war](#) on his political opponents. For example, in the aftermath of the January 6, 2021 election protests at the Capitol, [more than a thousand persons](#) have been unmercifully prosecuted by the Biden Justice Department, including those who were waved into the building by Capitol Police. In January 2022, the Justice Department created a [new unit to counter domestic terrorism](#), claiming an imaginary "growing threat from white supremacists and anti-government activists ... on par with that posed by foreign militant groups such as the Islamic State."

In an action unprecedented in American history, Biden's FBI raided the home of former President and current candidate Donald Trump, using the FBI's overwhelming force to attempt to obtain documents to use in criminal prosecutions of Trump. Biden repeatedly denied that the White House had any advance knowledge of the raid, but it has now been shown that [the White House specifically requested it](#). "This government, it seems, acknowledges no limits on its power to harass, intimidate, and silence its political opponents," said the lawyer who filed suit to force release of documents tying the White House demands to the FBI raid. And, matters are getting worse. Just last week, [Newsweek](#) reported that the Biden Administration is ramping up its assault on his opponents in preparation for next year's election:

[t]he federal government believes that the threat of violence and major civil disturbances around the 2024 U.S. presidential election is so great that it has quietly created a **new category of extremists** that it seeks to track and counter: **Donald Trump's army of MAGA followers**. [Emphasis added.]

If more illustrations of executive branch abuses were needed, the Fifth Circuit recently ruled that “the White House, acting in concert with the Surgeon General’s office, likely (1) coerced the [Big Tech social media] platforms to make their moderation decisions by way of intimidating messages and threats of adverse consequences, and (2) significantly encouraged the platforms’ decisions by commandeering their decision-making processes, both in violation of the First Amendment.” *Missouri v. Biden*, 2023 U.S. App. LEXIS 26191, at 61 (5th Cir. 2023). In 2021, the Supreme Court struck down Biden’s attempt to impose a nationwide moratorium on evictions through a Centers for Disease Control mandate, stating, “our system does not permit agencies to act unlawfully even in pursuit of desirable ends.” *Ala. Ass’n of Realtors v. HHS*, 141 S. Ct. 2485, 2490 (2021). The High Court also struck down Biden’s mandate for employers to force employees to receive the COVID “vaccine” or be fired, stating: “the mandate extends beyond the agency’s legitimate reach.” *Nat’l Fed’n of Indep. Bus. v. DOL, OSHA*, 142 S. Ct. 661, 666 (2022).

In the Nixon impeachment, Congressman Waldie explained: “Impeachment for such activities is clearly warranted that we might redefine executive power and thereby limit it that future Presidents will not so abuse their powers.” [Nixon Impeachment final report of the House Committee on the Judiciary, at 411.] The abuses of the Biden Administration demonstrate that the lesson Mr. Waldie hoped Presidents would learn has been lost after the passage of a half-century.

<https://www.americasfuture.net/in-focus-nixons-impeachment-for-weaponization-of-the-government/>

Eight Republican Congressmen Opposing a Biden Impeachment

October 19, 2023

Due to the fact that the House of Representatives has been [without a Speaker since October 3, 2023](#), there has been a complete stoppage of business on the House floor. Fortunately, some of the Committees working on impeachment have been moving along — albeit slowly.

House Oversight Committee Chairman James Comer (R-KY) has just written Special Counsel Robert Hur to [request access to the classified documents](#) taken home by Biden when he was Vice President. Hur was [named in January 2023](#) to investigate President Biden's handling of classified records, but like other Attorney General Merrick Garland's appointees, appears to be in no rush. Mr. Comer wants to see if the classified documents in Hur's possession could relate to Biden's selling of influence to certain other countries. There is no reason to believe Hur will cooperate. Whenever Hur is mentioned in the press, he is described as an [appointee of President Trump](#), but Hur was a key aide to two of DOJ's most aggressive anti-Trumpers — Chris Wray and Rod Rosenstein. Don't expect much from this "Republican" Department of Justice lawyer.

By any standard, the impeachment investigation is moving slowly simply because many old-line Republicans oppose impeachment. Republicans can afford to lose support from only **four** House Republicans, but at the moment, there are **eight** known holdouts — from eight different states.

So, who are those "Republican" Congressmen refusing to hold Biden accountable?

1. The most outspoken member is **Rep. Ken Buck** (R-CO), who once had a reputation as a conservative. But since Biden's election, [Buck has begun to cozy up to the Administration](#). Buck, a former federal prosecutor, has a "good relationship" with Biden's weaponized Attorney General Garland, who recently joined Buck at an event in his district. Buck also voted to certify Biden's 2020 election, and demanded that Colorado Republicans "trust the system," despite the myriad of state election laws broken in the 2020 election. Conservatives in Buck's district are furious, and several, including state Rep. Richard Holtorf, have begun [considering primary challenges to Buck](#) in 2024. "Right now it appears that it's about time for Ken Buck to pack his suitcase, just like Liz Cheney," Holtorf said.

2. **Rep. Nancy Mace** (R-SC) is a [mostly pro-abortion and anti-gun](#) "moderate" who has opposed impeachment. "I will tell you, every time we walk the plank, we are putting moderate members, members [in Biden-won districts]. [We are putting those seats at risk for 2024](#). We are putting the majority at risk. And it's not just impeachment that does that. Other issues, like abortion, et cetera, also put those members on the plank," Mace said in July.

3. Another Biden apologist is **Rep. David Joyce** (R-OH), who stubbornly claims he is “not seeing facts or evidence” to support impeachment. Like Buck, [Joyce opposes the conservative position](#) on other issues as well, finding the prospect of a temporary so-called “government shutdown” a greater threat than a \$30 trillion national debt. “You hear a lot of rumor and innuendo ... [but that’s not fact to me](#),” Joyce said.
4. Another dissenter is **Rep. Don Bacon** (R-NE) who argues there is [not enough “concrete evidence”](#) and stated that McCarthy “is going to have to sell us” on impeachment.
5. **Rep. Brian Fitzpatrick** (R-PA) said during the Trump impeachment that impeachment is “a constitutional nuclear option of last resort,” and he doesn’t appear to have changed his mind now, stating that “we’re converting into essentially a vote of no confidence [like] in the British Parliament. And [I don’t want to see our country go down that path.](#)”
6. **Rep. Michael Lawler** (R-NY) likewise argues that “[we’re not there yet](#)” to begin impeachment proceedings. “[Impeachment should not be political](#),” he said.
7. **Rep. Tony Gonzalez** (R-TX) also demurred. “[Impeachment is going to suck all the oxygen out](#) of this place.... The people back at home in my district are worried about ... real issues.”
8. **Rep. Dusty Johnson** (R-SD) told CNN in September: “There is a constitutional and legal test that you have to meet with evidence.” “[I have not seen that evidence.](#)”

On the other side of Capitol Hill, not surprisingly, **Senator Mitch McConnell** (R-KY) who seems content to be a permanent Minority Leader, has [warned House Republicans](#), “Impeachment ought to be rare. This is not good for the country.” McConnell, of course, led 18 Senate Republicans to join Democrats in passing the bloated 2022 “omnibus” bill, [adding \\$1.7 trillion to a \\$30 trillion national debt](#). Several other Senate Republicans echoed McConnell’s dodge. Impeachment “should generally be avoided for the interest of the country,” said **Senator Marco Rubio** (R-FL). “[It can’t become routine.](#)” **Senator Shelly Moore Capito** (R-WV) has said she “[does not believe there’s enough evidence](#)” to impeach.

Meanwhile, former President Trump is [calling for primary challenges](#) to House Republicans who refuse to impeach Biden. “The biggest complaint I get ... is that the Republicans find out this information and then [they do nothing about it](#),” he said. The filing deadlines for 2024 Congressional primaries are just a few months away in many states and challengers to these weak “Republicans” are emerging. As President Reagan said about incumbents — “When you can’t make them see the light, make them feel the heat.”

<https://www.americasfuture.net/eight-republican-congressmen-opposing-a-biden-impeachment/>

Lessons of the Clinton Impeachment

October 26, 2023

If the House of Representatives actually were to impeach Joe Biden, and the matter proceeded to trial in the Senate, it would be the fourth impeachment trial to be held in the brief span of 24 years — Clinton, Trump (2), and Biden. However, there once was a time when impeachment trials were not so common. In fact, somehow, the nation managed to survive without such a trial for more than half of its existence — 131 years — between the 1868 trial of Andrew Johnson and the 1999 trial of Bill Clinton.

While most Americans today likely associate the Clinton impeachment with “Slick Willie’s” sexual involvement with 22-year-old White House intern, Monica Lewinsky, the articles of impeachment against Clinton actually approved by the House were, as Senator Richard Lugar (R-IN) tried to frame the issue, “[not about adultery](#).”

The investigation into Bill Clinton and Hillary Rodham (still using her maiden name when in Arkansas) originally centered around their role in the [Whitewater real estate development](#) in Arkansas, while he was Governor. The investigation was begun by Special Prosecutor Robert Fiske, Jr., and then continued by Independent Counsel Ken Starr. (Although the Clintons were never convicted, their partner in Whitewater, James McDougal, was convicted of fraud and conspiracy charges.) The final report of the investigation, known as the “Starr Report,” was [submitted to the House of Representatives](#) on September 9, 1998. At that time, the House had a Republican majority, and [Newt Gingrich was Speaker](#).

Based on that Starr Report, [the House Judiciary Committee approved four articles of impeachment](#): perjury in defending against a sexual harassment suit against him by [Paula Jones](#); perjury to a grand jury in the Monica Lewinsky affair; obstruction of justice; and abuse of office based on refusing to respond to and lying to Congress.

The full House of Representatives was willing to impeach based only on two of those articles — perjury and obstruction of justice. The perjury charge alleged that Clinton “willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice.” Specifically, it alleged that “William Jefferson Clinton [willfully provided perjurious, false and misleading testimony](#) to the grand jury.” The obstruction of justice charge alleged that he had “encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony.”

Two-thirds of the Senate are needed to convict, but at the time, the Republican Party held a [55 to 45 majority in the Senate](#). Thus, conviction would require a dozen Democrat votes, but instead there were many defections from Republican ranks. Republicans voting against impeachment on the obstruction of justice count were five Northeastern Rhinos: John Chafee (RI), Susan Collins (ME), Jim Jeffords (VT), Olivia Snowe (ME), and Arlen Specter (PA). In

the end, the Senate [split 50-50 on the obstruction of justice charge](#). It would turn out that this would be the high-water mark for the House Managers.

Even though no one really disputed that “[Clinton flat-out perjured himself](#),” five more Republican Senators joined the other five dissenters on obstruction of justice, as [10 Republicans voted to acquit](#), this time adding Slade Gorton (WA), Richard Shelby (AL), Ted Stevens (AK), Fred Thompson (TN), and John Warner (VA). Thus, the Senate voted 55-45 against conviction on the perjury charge.

On February 12, 1999, it was all over. Clinton was acquitted on both charges. Neither charge could even muster a majority of Senators. The Republican defectors allowed Democrats to describe the Clinton acquittal as “bi-partisan.”

A bit of justice occurred in April 2001 when, after he left office, Clinton agreed to what amounted to a plea bargain to end Starr’s criminal perjury investigation. [Clinton’s law license was suspended for five years](#) in Arkansas. In October of the same year, the Supreme Court disbarred Clinton from practicing before it.

What can be learned from the Clinton Impeachment? Part of the lesson is that Democrat Senators do not take perjury or obstruction of justice all that seriously — if it’s by one of their own. Even more now than then, they have shown they will hang together, unless the politics of their state demands differently. A popular uprising would require the People of their state to be outraged, but rage is hard to generate when the establishment press covers for a Democrat President and rails against the Republican House Managers.

Additionally, we learned from the Clinton impeachment that since the Senate sets the rules for an impeachment trial, the game can be rigged by Senate leaders. With Clinton, the Senate Majority Leader was Trent Lott (MS), who never wanted Clinton to have been impeached in the first place. Lott had first served in Washington as administrative assistant to powerful House Democrat Congressman William Colmer (D-MS), and by the time Lott was elected to the Senate and rose to Majority Leader, he had become comfortable in the Washington swamp.

The great controversy was whether to call witnesses — and the Democrats (and Lott) did not want to risk matters of “sex” being discussed in the hallowed Senate Chambers. In the end, [the Senate refused to let the House managers call Lewinsky to testify](#) in person — by a 70-to-30 vote. Today, there is every reason to believe that Senate Minority Leader Mitch McConnell (R-KY) would work hand-in-glove with Senate Majority Leader Chuck Schumer (D-NY) to undermine however the House Managers would want to present their case.

Opposed by the establishment press in the days before alternative media had become well established, and faced with Senate leadership that did not want to even be there, the 13 House Managers became so demoralized that, at one point, most simply wanted to end the entire proceeding. The one Congressman who rallied the troops, calling on them to do their duty no matter what the political cost may be, was [Congressman James Rogan](#) (R-CA). As a curiosity of history, Rogan turned out to be the one house manager who [lost his seat in](#)

Congress primarily due to his work on the Clinton impeachment. And who was he defeated by? That would be then-state senator, now extreme leftist Congressman Adam Schiff (D-CA), who beat Rogan in the November 2000 election by a vote of 53-to-44 percent in what was the most expensive House race ever as of that time.

There is one huge difference between the Clinton impeachment and a possible Biden impeachment. In the case of Biden, the key charges likely will be bribery and abusing the powers of his office. Those charges are easier for the public to grasp than perjury, especially when the lying, in part, was to defend against an allegation of having committed a sexual act. Beyond that, Biden is not nearly as “likeable” as Clinton, and you could never describe Biden as “slick.” And with low approval ratings in the polls, it would be much harder for Senators to ignore the solid charges that the House is now developing, especially if voters become enraged by how our country has been sold to the highest bidder.

In any event, the courageous counsel former Congressman, now California state Judge James Rogan, gave to the Clinton House Managers is still instructive. House members should do their duty to impeach when the facts support impeachment, regardless of the political consequences.

<https://www.americasfuture.net/in-focus-lessons-of-the-clinton-impeachment/>

Impeaching Biden for Weaponizing Government

November 2, 2023

Among the many resolutions of impeachment that have been filed against President Biden is one authored by Congressman Andrew Ogles (R-TN): [H.Res. 493](#). That resolution charges that Biden has “obstructed, and impeded the administration of justice” and “weaponized the Executive Office of the President” to cover the influence-peddling schemes of himself and Hunter Biden. Mr. Ogles’ charges focus on how Biden has misused government to cover up his own criminal activities — which clearly would provide grounds for impeachment.

However, it is remarkable that to date, not one impeachment resolution has been filed against Biden for weaponizing government to target his political opponents. The list of such abuses is long and painful. It includes the arrests and overzealous prosecution of most January 6 Capitol protesters for minor offenses. It involves treating pro-life protestors as domestic terrorists. And most recently, the FBI has classified many Donald Trump supporters as what they call “[Anti-government, anti-authority, violent extremists](#)” — shortened to “AGAAVE.” Congress has viewed such abuses as so significant that it created the “[House Judiciary Select Subcommittee on the Weaponization of the Federal Government](#),” chaired by Congressman Jim Jordan (R-OH).

To be sure, the Department of Justice’s weaponization against political opponents was the focus of an impeachment resolution filed by Congresswoman Majorie Taylor Greene (R-GA), but there she sought to remove Attorney General Merrick Garland: [H.Res. 410](#). However, the responsibility for weaponizing the Justice Department is not limited to Garland — President Biden has equal, if not greater, responsibility. The Constitution does not mention the office of the Attorney General: Garland is an officer of the United States appointed by the President and confirmed by the Senate to a position created by Congress — but his job is not set out in the Constitution. The Constitution does not even mention the U.S. Department of Justice, which also is a creature of Congress.

Under the Constitution, the chief law enforcement of the United States is not the Attorney General; it is the President of the United States. The most familiar constitutional duty of the President may be to serve as “commander in chief of the Army and Navy of the United States.” But a President’s most important domestic responsibility is to “take care that the laws be faithfully executed.” [Article II, Sections 2 and 3](#).

There is ample precedent for presidential impeachment based on abuse of the law enforcement role. For example, one of the articles of impeachment approved by the House Judiciary Committee [accused President Nixon](#) of weaponizing federal agencies to punish political opponents, stating:

He misused the Federal Bureau of Investigation, the Secret Service, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or

continue electronic surveillance or other investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office.... [[“Impeachment of Richard M. Nixon](#), The Final Report of the House Committee on the Judiciary” at 5 (emphasis added).]

Nixon was famous for having created an “enemies list.” In 1971, White House counsel John Dean wrote a memo titled “[Dealing with our political enemies](#).” The memo discussed “how we can use the available federal machinery to [screw our political enemies](#), including grant availability, federal contracts, litigation, **prosecution**.” (Emphasis added.)

In 1972, John Dean gave Internal Revenue Service Commissioner Johnnie Mac Walters a list of some 200 prominent [Democrats he wanted the IRS to investigate](#). Horrified, Walters simply buried the list in his safe and never investigated anyone. The problem is not limited to Republicans, as the Obama administration used the IRS to deny exemptions to and investigate conservative and Tea Party groups. Retired IRS Commissioner Walters stated that he was “[distressed](#)” at Obama’s weaponization of the IRS.

But Nixon and Obama were pikers at weaponization compared to Joe Biden. Biden dispatched the FBI to raid his Republican predecessor’s home in an effort to find classified documents to use in a political prosecution. Meanwhile, when it was revealed that both [Biden](#) and [Obama](#) had taken classified documents, the administration was unconcerned. “What Richard Nixon tried to do, Barack Obama succeeded in doing,” [noted Senator Ted Cruz \(R-TX\)](#).

And now under Joe Biden, it has metastasized, where the institutional resistance of **DOJ and the FBI** has been worn down. They put hard partisans in the senior career levels at those institutions, and they now view themselves as the **jackbooted thugs for the DNC**.... And that’s not what the Department of Justice is supposed to be. That’s not what the FBI is supposed to be. [Emphasis added.]

Biden also created a “Disinformation Governance Board,” tasked primarily with censoring speech by political opponents of the Biden regime. The “DGB” was quickly disbanded, at least temporarily, when it drew massive protest and comparisons to the Soviet KGB and George Orwell’s “Ministry of Truth.” But as the House Oversight Committee noted, “[w]hile the Administration publicly paused the creation of its ‘Disinformation Governance Board,’ [the administration] continues to [suppress dissenting viewpoints](#).”

The states of Missouri and Louisiana filed suit to stop Biden from coercing social media to censor opposing views. Federal district judge Terry Doughty ordered the administration to stop what the plaintiff states called a “[vast censorship enterprise](#)” to suppress opposition views on election integrity, COVID-19 vaccines, and other issues. Judge Doughty called Biden’s censorship of political opponents perhaps “[the most massive attack against free speech](#) in United States’ history.”

On appeal, the Fifth Circuit upheld the heart of Doughty’s ruling, finding that the White House coerced social media platforms to shut down opposing speakers through “intimidating messages and threats of adverse consequences.” The matter is now pending before the U.S. Supreme Court. That litigation has proven to be popular with voters, as it was brought by two state Attorneys General who now have been promoted to higher office. Missouri Attorney General Eric Schmitt was elected in 2022 to the U.S. Senate. He explained why he filed suit: “Since taking office, President Biden and his team have labored to [suppress viewpoints with which they disagree](#).” Schmitt’s colleague in bringing that case, Louisiana Attorney General Jeff Landry is now [Governor-elect of Louisiana](#).

As if designed to prove the charges of weaponization, [IRS agents went to the home of journalist Matt Taibbi](#) on the same day he was scheduled to testify before Congress on Biden’s weaponization of government. “What are the chances of that being just luck?” Summarizing all the abuses, Dave Bossie, President of Citizens United, explained: “The precedent has now been set — [call it the Biden Doctrine](#) — and from here on in, using the Department of Justice and the other levers of power in government to punish political opponents is acceptable.”

The damage that the Biden Administration has done to the nation is incalculable, but impeachment continues to be slow-walked by House Republicans. The good news is that our new House Speaker Mike Johnson (R-LA) has courage and conviction, which he demonstrated in [organizing the filing of an amicus brief by 126 Congressmen](#) in the U.S. Supreme Court challenging the 2020 election. We trust that courage and conviction will now propel him to rally the House Republican troops to move forward on presidential impeachment.

<https://www.americasfuture.net/in-focus-impeaching-biden-for-weaponizing-government/>

Impeaching Biden Administration Officials

November 9, 2023

What do the following Biden Administration officials have in common: FBI Director Christopher Wray; Attorney General Merrick Garland; Homeland Security Secretary Alejandro Mayorkas; and U.S. Attorney for the District of Columbia Matthew Graves? Answer: They are all subjects of impeachment resolutions that have been filed in the U.S. House of Representatives. These are **in addition to the [14 impeachment resolutions filed against President Biden](#)**.

FBI Director Christopher Wray

In May 2023, Rep. Marjorie Taylor Greene (R-GA) introduced articles of impeachment against FBI Director Christopher Wray — [H.Res. 406](#). [Greene's statement](#) pulled no punches:

Under Wray's watch, the FBI has **intimidated, harassed, and entrapped** American citizens that have been deemed enemies of the Biden regime. As such, Director Wray has turned the FBI into Joe Biden and Merrick Garland's personal police force. The Soviet-style tactics used by the FBI against normal Americans are unprecedented in this country. [Emphasis added.]

Greene's articles of impeachment cited the FBI's [targeting of prolife activists such as Mark Houck](#), its [unprecedented raid on former President Trump's home](#), its plan to spy on what it calls "[Radical-Traditionalist Catholics](#)," and the [FBI-concocted plot to entrap](#) protestors into kidnapping Michigan Governor Gretchen Whitmer.

This is the same Christopher Wray who failed to provide meaningful protection for Republican Supreme Court justices when leftists illegally protested at their homes last summer. When questioned by Senator Tom Cotton (R-AR) as to his failures, Wray brushed it off as not important enough for the FBI's time. "[Our agents are ... up to their necks](#) enforcing all sorts of laws. And I wish that we were in a situation where every federal violation that occurred in this country was something the FBI could have the resources to investigate," Wray told Cotton dismissively. Senator Ron Johnson (R-WI) has also had it with Wray, telling him just last month: "We want credibility, integrity restored to the institution, but Director Wray, [you have not done that since assuming office](#)."

Attorney General Merrick Garland

Director Wray's superior at the Justice Department, Attorney General Merrick Garland, has also faced Republican calls for impeachment. In July, even [former Speaker Kevin McCarthy \(R-CA\) suggested](#) that Garland might be impeached. House Judiciary Chairman [Jim Jordan](#) (R-OH) agreed, stating that "it sure looks like we're moving ... at a pretty quick pace" toward having enough evidence to prove that Garland gave perjured testimony to the House about the DOJ's Hunter Biden investigation — or lack thereof.

Two resolutions were filed in the last (117th) Congress: [H.Res. 743](#) by Congressman Scott Perry (R-PA); and [H.Res. 1318](#), by Rep. Greene. One impeachment resolution has been filed against Garland in the current (118th) Congress: [H.Res. 410](#) by Rep. Greene.

[Rep. Darrell Issa](#) (R-CA) assailed Garland for targeting of parents who protest at local school board meetings. [The Federalist website](#) summed up Garland's performance as follows: "Under Garland, the Justice Department and the Federal Bureau of Investigation have been thoroughly politicized and weaponized, transformed into instruments of terror aimed at ordinary American citizens who have the temerity to oppose the Biden administration's radical agenda." Meanwhile, Garland has been "smearing parents who speak out at school board meetings as 'domestic terrorists.'"

Homeland Security Secretary Alejandro Mayorkas

Secretary Mayorkas has the most impeachment resolutions of all Biden lieutenants: [H.Res. 8](#) by Congressman Patrick Fallon (R-TX); [H.Res. 89](#) by Congressman Andy Biggs (R-AZ); [H.Res. 411](#) and [H.Res. 477](#) by Rep. Greene; and [H.Res. 470](#) by Congressman Clay Higgins (R-LA).

The first resolution was filed in January by Rep. Fallon for failing to protect the southern border. The articles blast Mayorkas for failing to maintain "operational control over the border," and allege that Mayorkas "willfully provided [perjurious, false, and misleading testimony](#) to Congress" and "knowingly slandered his own hardworking Border Patrol agents and mislead the general public."

Rep. Biggs, who represents another border state, filed articles of impeachment in February against Mayorkas, calling him "the [chief architect of the migration and drug invasion](#) at our southern border." Biggs continued:

His policies have incentivized more than 5 million illegal aliens to show up at our southern border — an all-time figure. Instead of enforcing the laws on the books and deporting or detaining these illegal aliens, the vast majority of them are released into the interior and never heard from again. Thousands of pounds of drugs — including deadly fentanyl — continue to pour across the border unabated.... It's clear Secretary Mayorkas has committed high crimes and misdemeanors. His conduct is willful and intentional. He is not enforcing the law and is violating his oath of office.

In filing his resolution, Rep. [Higgins \(R-LA\) asserted](#) that: "Secretary Mayorkas' deliberate actions to transition DHS away from actual enforcement of law, disintegrate the operational control of our southern border and cede U.S. sovereignty to criminal cartels."

[The Heritage Foundation](#) recently released a lengthy report detailing Mayorkas' misdeeds and urging his impeachment, explaining that: "Against the warnings of career border security experts, he has orchestrated policies for the mass release of huge numbers of illegal aliens into the U.S. in violation of law."

He has also ignored and failed to uphold the mandatory detention and deportation provisions of the immigration laws. These acts have resulted in the entry of inadmissible aliens and the continued presence of deportable aliens, such as criminals, drug traffickers, human traffickers, and suspected terrorists.

A month before his election as Speaker, Rep. Mike Johnson (R-LA) asserted that Mayorkas “has very obviously failed in his core mission of securing our border and our homeland, and [he well deserves to lose his job.](#)” Hard to disagree with that statement.

U.S. Attorney for the District of Columbia Matthew Graves

On May 16, 2023, Rep. Greene filed [H.Res. 405](#), who is not to be outdone on the matter of impeachment resolutions, filed an impeachment resolution against U.S. Attorney for the District of Columbia Matthew Graves. Some of the charges were based on his refusal to prosecute 67 percent of the persons arrested by police in 2022, blaming him for increases in the crime rate in D.C. Other charges surround his diversion of resources to prosecute January 6 protestors, many of whom were nonviolent, to criminalize political dissent.

All of these four Biden appointees are deserving of impeachment and removal. These and other Biden subordinates have worked mightily to destroy the rule of law and weaponize the federal government against his political enemies.

Last week, Speaker Johnson said [a decision will be made “very soon”](#) on whether to push forward with the effort to impeach Joe Biden. No mention was made about his subordinates, but if Biden is impeached, that likely will take all of the energy House Republicans can muster, and these efforts to remove his underlings will go by the board. That is not to say that filing impeachment resolutions against these appointees is a wasted effort. It is important to make a record in the hope that someday we may see that those who abuse their authority will be held accountable.

<https://www.americasfuture.net/in-focus-impeaching-biden-administration-officials/>

Lessons to be Learned from the Two Trump Impeachments

November 16, 2023

In 2019 and 2021, Donald Trump was impeached by the House of Representatives, thereby becoming the third president to be impeached (as Nixon had resigned before House impeachment), and the only president to be twice impeached. House Democrats have thus demonstrated that they have no qualms about impeaching Republicans. On the other hand, earlier this week House Republicans have shown that they do not have the political will even to impeach a Cabinet Member against whom the case for impeachment is compelling.

On November 13, 2023, Rep. Majorie Taylor Greene (R-GA) obtained a House vote on her resolution to impeach Homeland Security Secretary Alejandro Mayorkas — a Biden official who has thumbed his nose at Congress while leaving the border open to all comers. [Eight House Republicans](#) apparently believed that the charges against Mayorkas were not supported as they voted to refer the matter to a Committee for further study. The “no votes” were: Reps. Ken Buck (R-CO), Darrell Issa (R-CA), Tom McClintock (R-CA), former Acting Speaker Patrick McHenry (R-NC), John Duarte (R-CA), Virginia Foxx (R-NC), Cliff Bentz (R-OR), and Mike Turner (R-OH). On top of that, a dozen Republicans did not bother to vote on the measure.

There are now 221 House Republicans, but almost 10 percent of them do not care that the number of aliens who have entered illegally into the country under the Biden Administration now [exceeds the population of at least 22 states](#). Their reticence reminds us of [former Senator Alan Simpson](#) (R-WY) who called Democrats “the evil party” and Republicans “the stupid party.”

Democrat attacks on our 45th president began before he was inaugurated, continued during his presidency and have only intensified after he left office. Since March 30, 2023, President Trump has been [indicted four times](#): state charges of falsifying business records by leftist Democrat Manhattan District Attorney Alvin L. Bragg, Jr.; federal charges relating to mishandling of classified documents at Mar-a-Lago brought in Florida by Biden partisan Jack Smith; federal charges relating to overturning the 2020 election brought in the District of Columbia, also by Jack Smith; and state charges by leftist Democrat Fulton County District Attorney Fanni Willis.

With that pattern in mind, let’s go back and see how Congressional Democrats treated Donald Trump as President. The first impeachment was in December 2019, in an obvious attempt to damage Trump’s 2020 re-election chances. H. Res. 755, was introduced by Rep. Jerrold Nadler (D-NY), asserting [two articles of impeachment](#). The first alleged “abuse of power” in Trump asking the Ukrainian government to investigate actions by Vice President Biden; the second alleged “obstruction of Congress” for withholding information from Congress. The

House voted 230 to 197 to impeach on the first article, and 229 to 198 on the second, with no Republicans supporting impeachment. [The Senate acquitted on both](#): 52-48 for acquittal on the “abuse of power” charge, and 53-47 on the “obstruction of Congress” charges. The only Republican Senator to vote to convict was Mitt Romney (R-UT), and only on Article I.

The Democrats impeached Trump again on January 11, 2021, just nine days before his term ended. Rep. David Cicilline (D-RI) introduced [H. Res. 24](#) containing just one article of impeachment which dealt solely with [Trump’s January 6, 2021 speech](#). That article accused Trump of “inciting violence against the Government of the United States,” in that he made “false claims that ‘we won this election,’” having stated “if you don’t fight like hell you’re not going to have a country anymore,” and asserting that some of those who heard the comments then engaged in a struggle with police and an incursion into the Capitol building. No other statements or actions were alleged.

Thus, the entire article of impeachment revolved around Trump’s political statements. In context, Trump’s comments clearly regarded fighting for election integrity, not trespassing on Capitol grounds. In asking supporters at his rally to go to the Capitol, Trump admonished the crowd to “[peacefully and patriotically make your voices heard](#)” — a statement that was, for some reason, left out of the article of impeachment.

This time, six more Republicans voted in favor of impeachment. The Senate vote was 57-43, still well short of the required two-thirds to convict and remove Trump from office. [Seven Republicans voted to convict](#): Richard Burr (R-NC), Bill Cassidy (R-LA), Susan Collins (R-ME), Lisa Murkowski (R-AK), Mitt Romney (R-UT), Ben Sasse (R-NE), and Pat Toomey (R-PA).

What lessons for today can Americans draw from the twin Trump impeachments? We suggest there are at least two.

1. Facts Do Not Matter to Democrats or Rinos.

Recall that President Trump was first impeached for asking Ukraine to look into Biden having compelled the Ukrainian government to stop investigating Burisma — his son’s benefactor. Now that House Republicans have unearthed evidence that the [Biden family’s corrupt business dealings are much worse](#) than could ever have been imagined, what is to be done? No Democrats or Rinos seem to care in the least: none are calling for Biden’s impeachment, or even an investigation. Rather, they have circled the wagons. [Rep. Jamie Raskin](#) (D-MD) calls the House inquiry an “epic flop of an investigation.”

An epic flop? Really? In January 2018, [Biden himself bragged](#) that as Vice President in 2015, he had blackmailed the Ukrainian government into firing top prosecutor Viktor Shokin with threats to withhold \$1 billion in U.S. aid. “‘I looked at them and said: I’m leaving in six hours. If the prosecutor is not fired, you’re not getting the money,’ Biden told the Council on Foreign Relations in 2018. ‘Well, son of a bitch. He got fired.’” And why was Biden so insistent that Viktor Shokin be fired? [Shokin has explained](#): “[Then-Ukraine President Petro

Poroshenko] understood and so did Vice President Biden that had I continued to oversee the Burisma investigation, we would have found the facts about the corrupt activities that they were engaging in. That included both Hunter Biden and Devon Archer and others.”

We now know that Trump had valid reason to ask Ukraine to investigate the Bidens’ business dealings. Thus, in a demonstration of poetic justice, the same facts on which Trump’s 2019 impeachment was fraudulently based actually justify impeaching Biden.

2. Impeachments Should Not Be Based on Speeches.

The second lesson is that Presidents should not be impeached for their words. As [Rep. Jim Jordan](#) pointed out during Trump’s second impeachment trial:

[t]he First Amendment argument [made by Democrats against Trump] is very dangerous.... The president is engaged in constitutionally protected speech – speech that is protected by the First Amendment, the very document ... that we take the oath to uphold and they’re going to try to impeach him for that.

If Trump’s call to “fight like hell” for election integrity is an impeachable offense, what about [Senator Charles Schumer](#) (D-NY), who threatened Justice Brett Kavanaugh? “I want to tell you Kavanaugh. You have released the whirlwind and you will pay the price. You won’t know what hit you,” Schumer threatened. He was almost right. On June 8, 2022, a man was arrested outside of Kavanaugh’s home with a “small arsenal,” and admitted he had [planned to kill Justice Kavanaugh](#). By the Democrat standards of the 2021 impeachment, Chuck Schumer has also committed “high crimes and misdemeanors.”

Consider the inflammatory rhetoric generally used by Democrats. [Rep. Ted Lieu](#) (D-CA) threatened “widespread civil unrest” if Trump fired special counsel Robert Mueller. [Rep. Maxine Waters](#) (D-CA) defended widespread looting and arson in Los Angeles during the Rodney King trial in 2002, amazingly defending mob crime not as “rioting” (bad), but as “insurrection” (good)! Numerous Democrats have also [called for supporters to “fight like hell,”](#) including January 6 committee member Rep. Jamie Raskin (D-MD).

Each of these statements, including Trump’s, are protected by the First Amendment. None of them constitute “high crimes and misdemeanors.” None should be the basis for an impeachment.

<https://www.americasfuture.net/in-focus-lessons-to-be-learned-from-the-two-trump-impeachments/>

Impeaching President Biden for Selling Influence to Foreign Governments

November 30, 2023

Almost all of the mainstream media continues to defend Joe Biden against any and all charges of impropriety. A story this week by the [Associated Press](#) states:

Republicans are considering holding an official House vote [in December] to authorize their impeachment inquiry into Joe Biden, as the party looks to formalize **a process that has yet to yield any direct evidence of wrongdoing by the president.** [Emphasis added.]

Really? As nationally syndicated conservative talk radio host [Chris Plante](#) often says: “The Democrats and the News Media ... but I repeat myself.”

By any standard, the case for impeachment of President Biden is compelling. Biden is accused of bribery, financial impropriety, and abuse of power for personal gain — but before we examine the basis for these charges, let’s remove any doubt that these are all impeachable offenses. When we entrust governmental power to an individual, we must know that they are making decisions in the public interest — or at least, not making decisions to line their own pockets.

In the past, financial self-interest has been one of the primary reasons undergirding successful impeachments. The Constitution expressly provides: “The President ... shall be removed from Office on Impeachment for, and Conviction of, Treason, **Bribery**, or other high Crimes and Misdemeanors.” U.S. Constitution Art. II, sec. 4 (emphasis added).

In impeaching President Nixon, the Democrats on the House Judiciary Committee issued a 1974 report entitled “[Constitutional Grounds for Presidential Impeachment.](#)” That Report noted that “[c]omments in the state ratifying conventions also suggest that those who adopted the Constitution viewed impeachment as a remedy for **usurpation or abuse of power** or serious breach of trust.” Although “[Abuse of Power](#)” **certainly could be** a ground for impeachment, abuse of power *to enrich oneself* **certainly is** a ground for impeachment.

The House Judiciary Report pointed out that Founding Father and Governor of Virginia Edmund Randolph, in the Virginia ratifying convention, “cited the example of the President’s **receipt of presents or emoluments from a foreign power** in violation of the constitutional prohibition of article 1, section 9” as an example of an impeachable offense. The Judiciary Committee report also noted that: “[e]ach of the thirteen American impeachments [before 1974] involved charges of misconduct incompatible with the official position of the officeholder. This conduct [includes] employing the power of the office for an improper purpose or **for personal gain.**” (Emphasis added.) Of the eight federal judges who have been convicted and removed, five were removed for improper business relationships, financial improprieties such as bribery, and perjury.

Now, let's review some of the evidence collected thus far about Mr. Biden's financial improprieties that the Mainstream Media says does not exist.

The [House Ways and Means Committee](#) recently announced that new evidence provided by IRS whistleblowers "connects the **Biden Family global influence peddling operation** to more **than twenty-three countries** on four different continents." (Emphasis added.) "Millions of dollars were flowing through subsidiaries and LLCs to avoid taxes and shield visibility into how the money from foreign sources, including countries like Ukraine, Russia, and China, went to different entities and Biden family members," said Chairman Jason Smith (R-MO).

Even some media outlets have begun to admit Biden's aspects of his involvement with his son's corrupt business dealings with Ukraine and China. [Politico](#) has noted that Biden lied about his claim to have never met with Vadym Pozharskyi, a top executive of Ukrainian energy company Burisma. The [Daily Mail](#) reported that an FBI informant told Congress that Burisma paid Joe and Hunter Biden \$5 million each to help end a probe into Burisma's "money laundering, tax evasion, and corruption."

The media once admired Biden's prowess as Vice President when in 2018 he claimed that he [held up \\$1 billion in U.S. loan guarantees](#) hostage until Ukrainian prosecutor Shokin investigating Burisma was fired. Now that they know Hunter was on the Burisma payroll for no business reason, they have begun to understand Joe was inadvertently admitting to being corrupt when he said: "I looked at them and said: 'I'm leaving in six hours. If the prosecutor is not fired, you're not getting the money.' Well, son of a bitch. He got fired."

[Politico](#) also now admits that Biden's claim that Hunter never "made money from China" during a 2020 debate with President Trump was false. In fact, "Hunter Biden acknowledged hundreds of thousands of dollars in payments from a Chinese energy firm, CEFC, and people associated with it." In addition, "[e]ntities controlled by [Biden brother] James and Hunter Biden ended up receiving nearly \$5 million in legal and consulting fees from the ... company." But, as Hunter himself stated: Joe Biden is [the "brand" and his "family's only asset."](#)

Former Hunter Biden business partner [Tony Bobulinski](#), who has interviewed with the FBI and testified before Congress, stated that "Joe Biden and the Biden family are compromised" by their corrupt payments connected to foreign governments. Bobulinski also torpedoed Biden's claim never to have discussed Hunter's overseas business dealings with him. "That is false," Bobulinski said. "He said it was 'crystal clear' that Hunter Biden had discussed the [China deals] with his father." President Biden claims no involvement, but Hunter's former business partner [Rob Walker](#) revealed that "Hunter Biden arranged for his father to stop by a lunch with their Chinese business partners at the Four Seasons in Washington ... to help him close a deal with CEFC executives."

Biden's actions are not just corrupt; they raise the very real specter of extortion by foreign governments putting national security in danger. As far back as December 2020, the [Senate](#)

[Finance and Homeland Security and Governmental Affairs Committees](#) raised that concern. “The records acquired by the Committees show consistent, significant and extensive financial connections among and between Hunter Biden, James Biden [Joe’s brother], Sara Biden [Joe’s sister-in law], Devon Archer [Hunter’s business partner], and Chinese nationals connected to the Communist regime,” the committees reported. “These connections and the vast amount of money transferred among and between them ... raise [criminal financial, counterintelligence and extortion concerns](#).”

House Oversight and Reform Committee Chairman James Comer fears that Biden is “[turning a blind eye to China](#)” because “he was compromised by his son’s shady business dealings.” “[W]e know that [Hunter is] a national security threat and [we fear that he has compromised Joe Biden](#),” Comer said.

Making matters worse, the Biden administration has engaged in a pattern of covering up the trail of evidence pointing to Biden. “The Biden Administration — including top officials at the Justice Department — [lied to the American public and engaged in a cover-up](#) that interfered with federal investigators and protected the Biden family, including President Biden himself,” according to the Ways and Means Committee.

Numerous IRS whistleblowers, including IRS Supervisory Agent for IRS-Criminal Investigations, [Gary Shapley](#), have demonstrated that every effort which they made to investigate the Biden family was thwarted by political operatives in the government — especially the Justice Department. The response to this testimony by whistleblowers has been to attack the IRS officials — and, of course, attack President Trump: [Congressman Jamie Raskin](#) (D-MD) actually seemed to legitimize President Biden’s effort to derail prosecution of Hunter, stating: “Now, can you imagine Donald Trump saying nothing about a witch hunt or not trying to quash the prosecution if it were his son being prosecuted?”

At least two articles of impeachment have already been introduced based on Biden’s corrupt overseas dealings: [H. Res. 57](#) and [H. Res. 493](#). New Speaker of the House Mike Johnson (R-LA) has stated that the impeachment inquiry has his “full and unwavering support,” and that the investigation is nearing an “inflection point.” It would be utter malfeasance if House Republicans do not have the courage to take action this year to formally authorize the impeachment investigation.

<https://www.americasfuture.net/in-focus-impeaching-president-biden-for-selling-influence-to-foreign-governments/>

Does the House Have a Duty to Impeach?

December 7, 2023

It is no surprise that there is not one Democrat in the House of Representatives that has ever mentioned the possibility of supporting the impeachment of President Joe Biden. [A study of the votes taken in the House during 2022](#), when the Democrats held a slim majority, showed unprecedented party unity:

House Democrats have recorded the **highest level of party unity** in floor votes that either party has reached **in at least 50 years....** Democrats have passed legislation on virtually every element of their party's priority list – from the sweeping Build Back Better investment and social welfare package to bills setting a national floor for voting and abortion rights to major gun control proposals, legalization for big groups of undocumented immigrants and ambitious police reform – with **dissenting votes from no more than two of their members and often opposition from only one or none.** [Emphasis added.]

This pattern of party obedience has continued in 2023, with Democrats now in the minority. Former Nancy Pelosi (D-CA) was credited for her “masterful” service in keeping Democrats in line, but Speaker Hakeem Jeffries (D-NY) has had no significant problem with dissenting votes from his side of the aisle either. When the whip is cracked, House Democrats know how to fall in line.

Republicans are not nearly as unified. Just a few months ago, there were several House Republicans who publicly criticized impeachment — but now most are warming to the idea. For example, [Congressman Don Bacon](#) (R-NE) once was counseling against impeachment, says his reluctance is in the past.

While former Speaker Kevin McCarthy was a reluctant supporter of impeachment, [Speaker Mike Johnson](#) has announced plans to hold a House floor vote for an official “impeachment inquiry.” He explained: “The evidence is so clear you cannot look away.” Johnson then went further than any Republican leader before in calling for impeachment when he characterized the issue as follows:

The Constitution requires the House to follow the truth where it leads. **We have a duty to do this.** We cannot stop the process. [Emphasis added.]

Johnson's framing of the decision of an individual Congressmen to impeach the President as “**a constitutional duty**” is a horse of a different color than viewing impeachment “**a choice**” to be made based on a political calculation.

Article II, Section 4 of the Constitution states:

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. [Emphasis added.]

To be sure, the Constitution doesn't say "**shall be impeached**," but only **shall be removed** after impeachment by the House and conviction in the Senate. But an implicit duty can be found in these words from the Constitution — a duty of every House Member to vote to impeach when the evidence is clear that a President has committed "Treason, Bribery, or other high Crimes and Misdemeanors." A Congressman cannot avert his eyes to such behavior and still fulfill his [oath](#), where he pledged:

I do solemnly swear (or affirm) that I will support and **defend the Constitution** of the United States **against all enemies**, foreign and domestic; that I will bear **true faith and allegiance** to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will **well and faithfully discharge** the duties of the office on which I am about to enter: So help me God. [Emphasis added.]

To be sure, the duty of a House member to fulfil his oath may not be a duty that can be enforced by anyone other than the voters at the next election — but it is a duty all the same. Think of the impeachment power by analogy to law enforcement. Each state specifies different oaths taken by law enforcement officers, but as an illustration, the oath of the [International Association of Chiefs of Police](#) begins:

On my honor, I will never Betray my integrity, my character Or the public trust. **I will always have the courage to hold myself and others accountable** for our actions. [Emphasis added.]

Does a Congressman have a lesser duty to hold the President "accountable" for his actions? If Congress will not act to stop corruption, who can?

For 40 years, the [U.S. Department of Justice](#) has taken the (correct) legal position that a sitting President cannot be indicted or prosecuted, since that would impair his capacity to perform its constitutional duties. Thus, the only constitutionally permissible way to stop a rogue President is impeachment and removal, and a Congressman who refuses to impeach a President committing crimes is ensuring that the corruption will continue until the end of the President's term.

As the House moves toward that decision to officially authorize an impeachment inquiry, let's consider some of the high points of the information it has before it.

Bribes and Threats. In June, House Republicans announced the contents of an FBI document detailing conversations with an informant who had spoken with Mykola Zlochevsky, the owner of Ukrainian energy company Burisma. Zlochevsky told the informant that he had [paid Joe and Hunter Biden a bribe of \\$5 million each](#) to help call off an investigation into Burisma business practices by Ukrainian prosecutor Viktor Shokin. Biden later bragged in 2018 that, as

Vice President, he had pressured Ukraine to fire Shokin by delaying \$1 billion in U.S. aid to Ukraine. “I looked at them and said: ‘I’m leaving in six hours. If the prosecutor is not fired, you’re not getting the money.’ Well, son of a bitch. He got fired,” Biden said.

Lies about Finances. Again and again, Biden’s claims not to be personally associated with his son Hunter’s overseas money laundering and influence-peddling schemes have been exposed as lies. Biden has had to repeatedly move the goalposts, as each lie has been revealed. House Oversight Committee [Chairman James Comer](#) has detailed each of Biden’s lies. “President Joe Biden claimed there was an ‘absolute wall’ between his official government duties and his family’s influence-peddling schemes. This was a lie. President Joe Biden claimed his family didn’t receive money from China. This was a lie. President Joe Biden claimed he never spoke to his son, Hunter Biden, about the Biden family’s shady business dealings. This was a lie.”

Direct Payments. The Oversight Committee has released [bank records](#) showing that just one of Hunter Biden’s illicit businesses, Owasco PC, made payments directly to Joe Biden, of \$1,380. According to the New York Post, Owasco PC made three monthly payments to Joe Biden, in September, October and November 2018. Where did Owasco PC get that money? Well, “[a]t the time that the recurring payment was set up, Hunter also was at the tail end of [disbursing millions of dollars received from CEFC China Energy](#) — one of two major Biden family dealings with Chinese government-linked firms. Chinese Communist company CEFC.” CEFC “transferred \$5 million to another Biden family-linked entity, Hudson West III, in August 2017 after Hunter warned a China-based associate of his father’s wrath if a business deal was aborted, warning he was ‘sitting here with my father.’ [Much of the subsequent transfer later went to Hunter’s Owasco PC.](#)”

Direct Participation. As the Oversight Committee has detailed, “the Bidens and their associates [raked in over \\$24 million dollars](#) between 2015 and 2019 by selling Joe Biden as ‘the brand.’” And if the Biden family business partners didn’t do as they were told, Joe Biden himself was used as the heavy to force their hand. As Hunter Biden himself put it in a July 30, 2017 WhatsApp message to Henry Zhao, CEO of the Chinese company Harvest Fund Management:

I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled. Tell the director that I would like to resolve this now before it gets out of hand, and now means tonight. And, Z, if I get a call or text from anyone involved in this other than you, Zhang, or the chairman, **I will make certain that between [the man sitting next to me](#) and every person he knows and my ability to forever hold a grudge that you will regret not following my direction....** [Emphasis added.]

“Within 10 days of the threat, [\\$5.1 million flowed to Biden-linked accounts](#) in two transfers.”

Benefits to Family. The Oversight Committee has already noted that “the law recognizes [payments to family members to corruptly influence others can constitute a](#)

bribe.” As the Committee notes, “Under the Foreign Corrupt Practices Act, ‘Companies also may violate the FCPA if they give payments or gifts to third parties, such as an official’s family members, as an indirect way of corruptly influencing a foreign official.’”

If Donald Trump and his children had done anything near what Joe and Hunter Biden have done, Democrats would have voted to impeach him long ago. The breadth of evidence against the Biden family is so strong, doubt only creeps in when we are astonished that anyone could have acted that corruptly. Republicans already have all the evidence they need, not to just officially launch an investigation, but to approve articles of impeachment. The question now is whether Republicans have the character and courage to hold the President accountable. The goal is not to achieve a political advantage, but to fulfil a duty even if it results in political blowback. By exercising his duties irrespective of consequences, a politician demonstrates the characteristics of a statesman. We shall see.

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