

CRS Report for Congress

<http://pennyhill.com>

Congressional Resolutions on Presidential Impeachment: A Historical Overview

Updated September 16, 1998

Stephen W. Stathis
David C. Huckabee
Specialists in American National Government
Government Division



ABSTRACT

This report summarizes instances in which Congress has considered proposals to impeach or to investigate the possibility of impeaching a President of the United States. It cites the formal impeachment charges that have previously been brought against eight Presidents (Tyler, Andrew Johnson, Cleveland, Hoover, Truman, Nixon, Reagan and Bush), as well as the current resolutions calling for an investigation of whether impeachment articles should be filed against President William J. Clinton. The report will be updated as new information becomes available. Further information on the impeachment process may be found in CRS Report 98-186 A, *Impeachment: An Overview of Constitutional Provisions, Procedures, and Practice*, by Elizabeth Bazan.

The Congressional Research Service works exclusively for the Congress, conducting research, analyzing legislation, and providing information at the request of committees, Members, and their staffs.

The Service makes such research available, without partisan bias, in many forms including studies, reports, compilations, digests, and background briefings. Upon request, CRS assists committees in analyzing legislative proposals and issues, and in assessing the possible effects of these proposals and their alternatives. The Service's senior specialists and subject analysts are also available for personal consultations in their respective fields of expertise.

Congressional Resolutions on Presidential Impeachment: A Historical Overview

Summary

On September 11, 1998, the House of Representatives approved H.Res. 525 (363 ayes to 63 nays). The resolution, which authorizes the House Judiciary Committee "to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced" of President William J. Clinton, has prompted interest in previous efforts to subject a President to the impeachment process. This report provides a chronological summary of each instance in which Congress has considered proposals to impeach, or to investigate the possibility of impeaching, a President of the United States.

Eight previous Presidents—John Tyler, Andrew Johnson, Grover Cleveland, Herbert Hoover, Harry S. Truman, Richard M. Nixon, Ronald W. Reagan, and George H. W. Bush—have had proposed articles of impeachment filed against them in the House of Representatives.

Only in the case of President Andrew Johnson (1868) has the House voted to impeach a President. The Senate, however, did not convict him. President Nixon's resignation after the House Judiciary Committee approved three impeachment articles rendered moot any further consideration of his impeachment by the House of Representatives in 1974.

The actions that have engendered resolutions of impeachment against Presidents are varied, but they fall into two broad categories: behavior considered to be offensive, but not necessarily illegal; and acts that violate statutory or constitutional law.

Resolutions alleging offensive but not necessarily illegal behavior; these charged that a President had:

- abused power (Tyler, Andrew Johnson, Hoover, Nixon, and Reagan);
- engaged in misconduct (Tyler, Andrew Johnson, Hoover, Truman, and Nixon);
- made bad policy decisions (Hoover, Truman, and Bush);
- withheld information from Congress (Truman and Nixon); or
- failed to demonstrate moral leadership (Nixon).

Resolutions alleging violations of statutory or constitutional law; these charged that a President had:

- violated statutory law (Tyler, Andrew Johnson, Cleveland, Hoover, Truman, Nixon, and Reagan);
- obstructed justice (Tyler and Nixon);
- defied court orders (Nixon);
- violated the United Nations charter (Nixon and Bush); or
- violated the U.S. Constitution (Cleveland, Hoover, Truman, and Nixon).

Contents

President John Tyler	2
President Andrew Johnson	4
President Grover Cleveland	7
President Herbert Hoover	8
President Harry S. Truman	9
President Richard M. Nixon	11
1972	11
1973-1974	12
Article I	15
Article II	16
Article III	18
President Ronald W. Reagan	18
Grenada	18
Iran-Contra	19
President George H. W. Bush	20
Gulf War	20
President William J. Clinton	21

Congressional Resolutions on Presidential Impeachment: A Historical Overview

The framers of the Constitution gave the House of Representatives the “sole Power of Impeachment,” and the Senate “sole Power to try all Impeachments.”¹ Impeachments could be brought against the “President, Vice President, and all civil Officers of the United States.” Conviction would result in “removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States.”²

Although the records of the Philadelphia Convention show that the delegates were primarily concerned with the impeachment of Presidents, Congress has used impeachment principally to remove federal judges. On only two occasions prior to the current review of the independent counsel’s report by the House Judiciary Committee has the impeachment process touched with any degree of seriousness upon the presidency of the United States. Thus far, only the proceeding against President Andrew Johnson has resulted in a trial in the Senate. President Nixon’s resignation on August 9, 1974, mooted further action by the House of Representatives, other than a 412 to 3 vote to “accept” the report of its Judiciary Committee on August 20, 1974.

There have been, however, resolutions introduced to impeach, or to investigate the possibility of impeaching, at least six other Presidents. Presidents John Tyler, Grover Cleveland, Herbert Hoover, Harry S. Truman, Ronald W. Reagan and George H. W. Bush have all at least momentarily faced the prospect of a full impeachment inquiry.

The form of the resolutions seeking to remove these Presidents from office varies. Most are in the form of charges alleging impeachable offenses by the President (usually referred to the House Judiciary Committee), but some are in the form of resolutions of inquiry, seeking to authorize investigations to determine whether a formal impeachment inquiry by the House is warranted (usually referred to the House Committee on Rules).

¹ *U.S. Constitution*, Article 1, section 2, clause 5. A simple majority vote of the House (so long as a quorum is present) is required to approve an impeachment resolution. For a legal analysis of the impeachment process see: U.S. Library of Congress, Congressional Research Service, *Impeachment: An Overview of Constitutional Provisions, Procedures, and Practice*, by Elizabeth Bazan, CRS Report 98-186 A (Washington: Feb. 27, 1998).

² U.S. Constitution, Article 1, section 3, clauses 6 and 7. A two-thirds vote by the Senate (of those present, providing there is a quorum) is required to convict on an article of impeachment. Removal from office is automatic upon conviction in an impeachment trial. Disqualifying a President from holding other offices of “honor, trust or profit under the United States,” when considered, only requires a simple majority vote.

The actions that have engendered resolutions of impeachment filed against Presidents are varied, but they fall into two broad categories: behavior considered to be offensive, but that does not necessarily violate the law; and acts that violate either statutory or constitutional law.

Resolutions alleging offensive but not necessarily illegal behavior; these charged that a President had:

- abused power (Tyler, Andrew Johnson, Hoover, Nixon, and Reagan);
- engaged in misconduct (Tyler, Andrew Johnson, Hoover, Truman, and Nixon);³
- made bad policy decisions (Hoover, Truman, and Bush);
- withheld information from Congress (Truman and Nixon);⁴ or
- failed to demonstrate moral leadership (Nixon).

Resolutions alleging violations of statutory or constitutional law; these charged that a President had:

- violated statutory law (Tyler, Andrew Johnson, Cleveland, Hoover, Truman, Nixon, and Reagan);
- obstructed justice (Tyler and Nixon);
- defied court orders (Nixon);
- violated the United Nations charter (Nixon and Bush); or
- violated the U.S. Constitution (Cleveland, Hoover, Truman, and Nixon).

This report is a chronological summary of instances in which Congress has considered, or investigated, proposals for impeaching a President.

President John Tyler

On January 10, 1843, Representative John M. Botts, of Virginia, made charges of corruption, misconduct in office, and high crimes and misdemeanors against the “acting President of the United States—charges that he stood ready to prove, by testimony”⁵ Subsequently, Representative Botts listed nine charges of misconduct

³ The misconduct category encompasses charges that the executive engaged in disrespect of Congress (Andrew Johnson, Hoover, and Truman).

⁴ The withholding of information from Congress also includes the violation of law stemming from a failure to obey a congressional subpoena (Nixon).

⁵ Rep. John M. Botts, “Impeachment of the President of the United States,” remarks in the House, *Congressional Globe*, vol. 12, Jan. 10, 1843, p. 144. To understand the motivations that prompted Representative Botts’s resolution, see: “Reports on the Veto,” *Congressional Globe*, vol. 10, Aug. 16, 1842, pp. 894-916; Oliver Chitwood, *John Tyler: Champion of the Old South* (New York: D. Appleton-Century Company, 1939), pp. 303, 325; and Robert Seager, *And Tyler Too: A Biography of John and Julia Gardiner Tyler* (New York: McGraw-Hill Book Company, Inc., 1963), pp. 167-169. President Tyler’s reaction to the resolution may be found in a letter written by Tyler to Robert McCandlish, July 10, 1842,

(continued...)

by President John Tyler, after which he introduced a resolution calling for the appointment of a committee of nine members to inquire into and report on the truth of the charges that he had laid before the House.

Specifically he charged the President with:

1. exercising improper and illegal conduct over the accounting officers of the Treasury Department;
2. abuse of the appointment and removal power;
3. "placing on the records of the State Department his objections to a law," whereby individual States "were invited to disregard and disobey a law of Congress;"
4. retaining men in office after their appointments had been rejected by the Senate;
5. withholding assent to laws necessary "to the just operations of government";
6. "arbitrary, despotic, and corrupt abuse of veto power";
7. "shameless duplicity, equivocation, and falsehood with his late Cabinet and Congress";
8. illegal and unconstitutional appointment of a commission to investigate the operation of the customs house in New York City under a former administration; and
9. withholding information necessary to the investigation of misdeeds by government agents.⁶

Representative Botts explained that these charges "were not articles of impeachment but charges for a committee to investigate the truth of, and to found an impeachment on, if substantiated."⁷

Following a short debate, however, the House voted 127 to 83 not to adopt the Botts resolution, and there the discussion ended.⁸

⁵ (...continued)

which is found in Lyon G. Tyler, *The Life and Times of the Tylers*, Vol II (Richmond, VA: Whitley and Shepperson, 1885), pp. 172-173.

⁶ "Impeachment of the President of the United States," remarks in the House, *Congressional Globe*, vol. 12, Jan. 10, 1843, p. 144.

⁷ *Ibid.*, p. 145.

⁸ *Ibid.*, p. 146.

President Andrew Johnson

Discussion on the impeachment of President Andrew Johnson began on January 7, 1867. Representative James M. Ashley, of Ohio, on that date introduced a “proposition” whereby he impeached “Andrew Johnson, Vice President and acting President of the United States, of high crimes and misdemeanors,” constituting usurpation of power and violation of law. Ashley charged the President with having:

1. “corruptly used the appointment power”;
2. “corruptly used the pardoning power”;
3. “corruptly used the veto power”;
4. “corruptly disposed of public property of the United States”; and
5. “corruptly interfered in elections, and committed acts which, in contemplation of the Constitution, are high crimes and misdemeanors.”

Representative Ashley’s resolution provided that the Committee on the Judiciary be “authorized to inquire into the official conduct of Andrew Johnson ... and to report ... whether, in their opinion, the said Andrew Johnson, while in said office, has been guilty of acts which ... are high crimes and misdemeanors”⁹ The House approved on the same day, by a vote of 105 to 39, Ashley’s call for an investigation of President Johnson’s official conduct. Forty-seven members of the House did not vote on the resolution.

Two days before the end of the 39th Congress, the committee recommended that the matter be given further study by the next Congress.¹⁰

On March 7, 1867, the third day of the 40th Congress, Representative Ashley introduced a resolution calling for a continuation of the impeachment investigation by the Judiciary Committee.¹¹ The committee studied the matter for the next eight months, before issuing its report on November 25, 1867.¹² The committee, by a 5-to-4 margin, reported an impeachment resolution. When the House took up the matter on December 7, 1867, however, the resolution was defeated, 57 to 108.¹³

⁹ “Impeachment of the President,” remarks in the House, *Congressional Globe*, vol. 37, Jan. 7, 1867, p. 320. Two other impeachment related resolutions offered on January 7, 1867, were in the form of sense of the House resolutions that the House should impeach Andrew Johnson. *Ibid.*, pp. 319-320.

¹⁰ *Ibid.*, March 2, 1867, pp. 1754-1755.

¹¹ *Ibid.*, March 7, 1867, pp. 18-25.

¹² U.S. Congress, House Committee on the Judiciary, *Impeachment of the President*, 40th Cong., 1st sess., H.Rept. 7 (Washington: GPO, 1867).

¹³ “Impeachment of the President,” remarks in the House, *Congressional Globe*, vol. 39, Dec. 7, 1867, p. 68.

The presidential firing of Secretary of War Edwin M. Stanton two months later rekindled the ever-present sentiment for the President's removal. Ignoring the Tenure of Office Act, in which Congress had declared that the President could not remove a Cabinet officer unless the Senate had approved the officer's successor, Johnson dismissed Stanton on February 21, 1868, citing the power and authority vested in him by the Constitution.¹⁴ Later the same day, an impeachment resolution was offered Representative John Covode, of Pennsylvania, and was referred to the Committee on Reconstruction.¹⁵ On Saturday, February 22, the committee, headed by Radical Republican Representative Thaddeus Stevens, reported a slightly amended resolution calling for impeachment.¹⁶ The following Monday, the House, for the first time in history, voted (126 to 47) to impeach a President.¹⁷

Subsequently, the House adopted 11 articles of impeachment, charging the President, essentially, with violation of the Tenure of Office Act and with attacking Congress in a series of political speeches. Seven managers were appointed to present and argue the charges before the bar of the Senate.¹⁸

The 11 articles charged that President Andrew Johnson had:

1. removed Secretary of War Stanton before the Senate confirmed his successor, a violation of the Tenure of Office Act;
Approved by the House, yeas 127, nays 42.
2. sent "a letter of authority" to Lorenzo Thomas regarding his appointment to be acting Secretary of War when there was no legal vacancy, because Secretary Stanton had been removed in violation of the Tenure of Office Act;
Approved by the House, yeas 124, nays 41.
3. appointed Lorenzo Thomas to be acting Secretary of War when there was no legal vacancy, because Secretary Stanton had been removed in violation of the Tenure of Office Act;
Approved by the House, yeas 124, nays 40.
4. conspired with Lorenzo Thomas and others "unlawfully to hinder and prevent Edwin M. Stanton, then and there Secretary of the Department of War" from carrying out his duties;
Approved by the House, yeas 117, nays 40.

¹⁴ J.G. Randall and Donald David, *The Civil War and Reconstruction*, 2nd ed. (Lexington, MA: D.C. Heath and Co., 1969), pp. 604-605.

¹⁵ "Impeachment of the President," remarks in the House, *Congressional Globe*, vol. 39, Feb. 21, 1868, pp. 1329-1330.

¹⁶ *Ibid.*, Feb. 22, 1868, p. 1336. At the time, the impeachment resolution and the articles of impeachment were considered separately. Under current practice, they are considered in the same resolution.

¹⁷ "Impeachment of the President—Again," remarks in the House, *Congressional Globe*, vol. 39, Feb. 24, 1868, p. 1400.

¹⁸ "Impeachment of the President," remarks in the House *Congressional Globe*, vol. 39, March 2 and 3, 1868, pp. 1613-1619, 1638-1642.

5. conspired with Lorenzo Thomas and others to “prevent and hinder the execution” of the Tenure of Office Act;
Approved by the House, yeas 127, nays 42.
6. conspired with Lorenzo Thomas “by force to seize, take, and possess the property of the United States in the Department of War” under control of Secretary Stanton in violation of “an act to define and punish certain conspiracies” and the Tenure of Office Act, thereby committing a *high crime* in office;
Approved by the House, yeas 127, nays 42.
7. conspired with Lorenzo Thomas “by force to seize, take, and possess the property of the United States in the Department of War” under control of Secretary Stanton in violation of “an act to define and punish certain conspiracies” and the Tenure of Office Act, thereby committing a *high misdemeanor* in office; *Approved by the House, yeas 127, nays 42.*
8. unlawfully sought “to control the disbursements of the moneys appropriated for the military service and for the Department of War,” by seeking to remove Secretary Stanton and appointing Lorenzo Thomas;
Approved by the House, yeas 127, nays 42.
9. unlawfully instructed Major General William H. Emory to ignore as unconstitutional the 1867 Army Appropriations Act language that all orders issued by the President and Secretary of War “relating to military operations ... shall be issued through the General of the Army”;
Approved by the House, yeas 108, nays 41.
10. on numerous occasions, made “with a loud voice, certain intemperate, inflammatory, and scandalous harangues, and did therein utter loud threats and bitter menaces ... against Congress [and] the laws of the United States duly enacted thereby, amid the cries, jeers and laughter of the multitudes then assembled and within hearing”; and
Approved by the House, yeas 88, nays 44.
11. unlawfully, and unconstitutionally, challenged the authority of the 39th Congress to legislate, because southern states had not been readmitted to the Union; violated the Tenure of Office Act by removing Secretary of War Stanton; contrived to fail to execute the provision of the 1867 Army Appropriations Act, directing executive orders to the military be issued through the General of the Army; and prevented the execution of an act entitled “An act to provide for the more efficient government of the rebel states.”
*Approved by the House, yeas 109, nays 32.*¹⁹

¹⁹ *Journal of the House of Representatives of the United States*, 40th Cong., 2nd sess. (Washington: GPO, 1868), pp. 440-450, 464-465. Slightly different voting results appear in “Impeachment of the President,” remarks in the House, *Congressional Globe*, vol. 39, March 2 and March 3, 1868, pp. 1616-1618, 1642; and Asher C. Hinds, *Hinds’ Precedents of the House of Representatives of the United States*, vol. III (Washington: GPO, 1907), pp. 863-869.

On March 5 and 6, the oath was administered by Chief Justice Salmon P. Chase to the Senators who were to try the impeachment.²⁰

The opening arguments of the trial were presented some three weeks later. The remarks of Representative Benjamin F. Butler, of Massachusetts, on March 30, 1868, lasted more than three hours.²¹

For approximately 50 days, the fate of President Andrew Johnson hung in the balance. Finally, on May 16, 1868, the 54 Senators were prepared to vote, with article 11 the first article to be considered. The final vote on article 11 was 35 “for” to 19 “against,” just one vote short of the two-thirds majority required for conviction.²² Two weeks later, on May 26, the Senate met again as a court of impeachment and two more ballots were taken, on articles two and three. By identical 35 to 19 votes, the Senate did not convict Johnson on these articles. Thereupon Senator George Henry Williams, of Oregon, moved to adjourn sine die, and the motion was adopted 34 to 16, abruptly ending the impeachment trial of President Andrew Johnson.²³

President Grover Cleveland

Representative Milford W. Howard, of Alabama, on May 23, 1896, submitted a resolution (H.Res. 374) impeaching “Grover Cleveland, President of the United States, of high crimes and misdemeanors” on the grounds that he had:

1. “sold or directed the sale of bonds without authority of law”;
2. “sold or aided in the sale of bonds at less than their market value”;
3. “directed the misappropriation of the proceeds of said bond sales”;
4. “directed the Secretary of the Treasury to disregard the law which makes United States notes and Treasury notes redeemable in coin”;
5. “ignored and refused to have enforced the anti-trust law”;
6. “sent United States troops into the State of Illinois without authority of law and in violation of the Constitution”;
7. “corrupted politics through the interference of Federal officeholders”; and

²⁰ “Impeachment of President Johnson,” remarks in the Senate, *Congressional Globe*, vol. 39, March 5 and 6, 1868, pp. 1671, 1701.

²¹ U.S. Congress, *Supplement to the Congressional Globe Containing the Proceedings of the Senate Sitting for the Trial of Andrew Johnson, President of the United States*, 40th Cong., 2nd sess. (Washington: F. & J. Rives & George A. Bailey, 1868), pp. 29-63.

²² *Ibid.*, pp. 410-412.

²³ *Ibid.*, pp. 412-415.

8. "used the appointment power to influence legislation detrimental to the welfare of the people."

Representative Howard further resolved to have the House Judiciary Committee investigate and report on the charges that he had presented.²⁴

The resolution, however, engendered no interest whatsoever. The only point of concern centered on whether the House would consider the resolution as a privileged matter. Without discussion, the House refused even to consider the resolution.²⁵

President Herbert Hoover

A resolution (H.Res. 318) impeaching President Herbert Hoover for high crimes and misdemeanors was offered by Representative Louis T. McFadden, of Pennsylvania, on December 13, 1932. (This occurred a month after Franklin D. Roosevelt had been elected to replace President Hoover.) In his lengthy resolution, Mr. McFadden accused the President of:

1. usurping power from, and showing disrespect to, the Congress of the United States;
2. attempting to impair the validity of war-debt contracts existing between the United States and foreign nations;
3. increasing both unemployment and taxes to the detriment of the American people;
4. unlawfully declaring the so-called Hoover moratorium and unlawfully initiating and allowing American participation in the international political conference that took place in London in July 1931;
5. attempting to negotiate treaties and agreements ignominious to the United States for the benefit of foreign nations and individuals;
6. accepting the resignation of Edmund Pratt as a member of the Federal Reserve Board in September, 1930, under circumstances that made it appear that a bribe might have been offered to bring about Pratt's resignation;
7. unlawfully designating Eugene Meyer governor of the Federal Reserve Board;
8. violating the Constitution by not appointing an individual to fill the vacancy on the Federal Reserve Board occasioned by the resignation of Roy A. Young in September 1930;
9. unlawfully permitting Eugene Meyer to act as a member and chairman of the Reconstruction Finance Corporation;

²⁴ H.Res. 374 (54th Cong., 1st sess.).

²⁵ "Question of Privilege," remarks in the House, *Congressional Record*, vol. 28, May 23, 1896, p. 5627.

10. permitting irregularities in the issuance of Federal Reserve currency; and
11. treating with contumely the Veterans of the World War who came to Washington in the spring and summer of 1932 to exercise their Constitutional rights and privileges.²⁶

In conclusion, Representative McFadden called upon the House Judiciary Committee to investigate the official conduct of President Hoover.²⁷ After a short discussion, the resolution was tabled by a vote of 361 to 8.²⁸

On January 17, 1933, Representative McFadden reintroduced his resolution. After considerable discussion, the resolution was once again tabled by a vote of 344 to 11.²⁹

No further action was taken on the resolution. Representative McFadden, however, was accorded time by the Speaker of the House on January 31, 1933, to deliver on the floor a lengthy response to published articles attacking him for having impeached President Hoover.³⁰

President Harry S. Truman

On April 22, 1952, Representative Noah M. Mason, of Illinois, suggested that impeachment proceedings should be immediately instituted against President Harry S. Truman for seizing the nation's steel mills.³¹ Subsequent to Representative Mason's remarks, Representative Robert Hale, of Maine, introduced a resolution (H.Res. 604) authorizing and directing the House Judiciary Committee to investigate the official conduct of President Truman in connection with the government's seizure and operation of privately owned steel plants. Representative Hale's resolution was thereupon referred to the Committee on the Judiciary.³² No committee action is recorded.

²⁶ H.Res. 318 (72nd Cong., 2nd sess.).

²⁷ "Impeachment of Herbert Hoover, President of the United States," remarks in the House, *Congressional Record*, vol. 76, Dec. 13, 1932, pp. 399-402.

²⁸ *Ibid.*, p. 402.

²⁹ "Impeachment Charges," remarks in the House, *Congressional Record*, vol. 76, Jan. 17, 1933, pp. 1965-1969.

³⁰ "Question of Personal Privilege," remarks in the House, *Congressional Record*, vol. 76, Jan. 31, 1933, pp. 3015-3017. See also; Feb. 1, 1933, pp. 3092-3097.

³¹ "What Are Inherent Powers?—Where Do They Lead?" remarks in the House, *Congressional Record*, vol. 98, April 22, 1952, pp. 4220-4221. (President Truman's term was due to expire in January 1953.)

³² H.Res. 604 (82nd Cong., 2nd sess.). See also "Seizure of Steel Mills," remarks in the House, *Congressional Record*, vol. 98, April 22, 1952, pp. 4222, 4240.

One day later, on April 23, 1952, Representative George H. Bender, of Ohio, introduced a resolution (H.Res. 607) calling for the creation of a select committee to inquire and report to the House whether President Truman should be impeached.³³ Once again, no committee action was taken on the resolution.

For the third consecutive day, the impeachment of President Truman was a topic of discussion, on April 24, 1952. Representative Thomas H. Werdel, of California, in a floor speech challenged President Truman's seizure of certain privately owned steel plants as an unconstitutional act that warranted impeachment.³⁴

The following week, Representative Paul W. Shafer, of Michigan, introduced a resolution (H.Res. 614) charging that President Truman had violated certain express provisions of the Constitution by:

1. authorizing the seizure of the steel plants;
2. assigning United States Armed Forces to the United Nations Command in Korea in violation of section 6 of Public Law 264, 79th Congress, which prohibited assignment of United States Forces to the United Nations without prior approval of Congress;
3. removing General of the Army Douglas MacArthur from his commands in the Far East;
4. attempting to disgrace the Congress of the United States;
5. repeatedly withholding information from Congress; and
6. making reckless and inaccurate public statements, which jeopardized the good name, peace, and security of the United States.

Representative Shafer's resolution concluded by arguing "that the public interest requires impeachment of the said Harry S. Truman, President of the United States, of high crimes and misdemeanors in office, in accordance with provisions of article II, section 4, of the Constitution." It resolved that President Truman be impeached of high crimes and misdemeanors in office.³⁵

On May 1, 1952, Representative Shafer demanded from the floor that committee action be taken on the resolution he had offered three days earlier. Again, on June 17,

³³ H.Res. 607 (82nd Cong., 2nd sess.).

³⁴ "There Can Be No Separation of Powers Between Demagogues, Weaklings, and Incompetents," remarks in the House, *Congressional Record*, vol. 98, April 24, 1952, pp. 4417-4419.

³⁵ H.Res. 614 (82nd Cong., 2nd sess.). See also "Impeachment Resolution," remarks in the House, *Congressional Record*, vol. 98, April 28, 1952, pp. 4518-4519.

1952, Mr. Shafer called for the impeachment of the President.³⁶ There, apparently, the matter rested. There is no record of committee action on any Shafer's motions.

President Richard M. Nixon

1972

In May 1972 three separate resolutions were introduced in the House of Representatives impeaching President Richard M. Nixon.

The first resolution (H.Res. 975) introduced by Representative William F. Ryan, of New York, on May 9 simply resolved, "That Richard M. Nixon, President of the United States, is impeached by this House of high crimes and misdemeanors in office."³⁷

A second resolution (H.Res. 576), introduced the next day by Representative John Conyers, of Michigan, specifically charged the President with:

1. breaking off negotiations with the Democratic Republic of Vietnam and the National Liberation Front, after having signed Public Law 92-156, which provided that a termination of all United States military operations in Indochina be concluded as soon as possible;
2. escalating the air war in Indochina to levels unprecedented in the history of warfare;
3. violating section 12 of Public Law 91-672, the congressional repeal of the Gulf of Tonkin resolution, which withdrew and terminated any power that might have been granted by the Gulf of Tonkin resolution; and
4. violation of the Charter of the United Nations, which obligates the United States to refrain from the unilateral use or threat of force in its international relations.

Mr. Conyers concluded his resolution by resolving that the President be impeached by the House, that the Speaker appoint a committee of impeachment managers on the part of the House, and that a message be sent to the Senate, informing it of the House's action, and thereafter directed such managers to carry the articles of impeachment to the Senate.³⁸ An identical resolution (H.Res. 989) was introduced by Mr. Conyers the following week.³⁹

³⁶ "Demand Action on Impeachment Resolution," remarks in the House, *Congressional Record*, vol. 98, May 1, 1952, pp. 4737-4738; and "Impeachment of the President," remarks in the House, *Congressional Record*, vol. 98, June 17, 1952, pp. 7424-7429.

³⁷ H.Res. 975 (92nd Cong., 2nd sess.).

³⁸ H.Res. 976 (92nd Cong., 2nd sess.).

³⁹ H.Res. 989 (92nd Cong., 2nd sess.).

Both resolutions, upon introduction, were referred to the House Judiciary Committee.⁴⁰ No further action on either resolution is recorded. President Nixon was reelected in November 1972.

1973-1974

During the first session of the 93rd Congress (January 21 to December 20, 1973), 16 resolutions to impeach President Nixon were introduced in the House of Representatives.⁴¹ In the first week of the second session, an additional impeachment resolution was introduced.⁴² All 17 resolutions were referred to the House Judiciary Committee.

The various resolutions, as a whole, alleged that in violation of his public trust the President had:

1. employed fraudulent schemes to muster support or the appearance of support for his policies, particularly the unlawful invasion of Cambodia, by inspiring newspaper ads, letters, and telegrams of support and by manipulating public opinion;
2. usurped the war-making and appropriation powers of Congress by authorizing the secret bombing of neutral Cambodia, by falsification of military reports, and by concealing the bombing from Congress and the American people;
3. defied an appellate court order for the production of various tapes and other materials requested by Special Watergate Prosecutor Archibald Cox;
4. dismissed Special Watergate Prosecutor Cox, abolished his office, and seized control of files and evidence relevant to various federal grand jury investigations, in violation of the President's commitment to the Senate respecting the office's independence;
5. neglectfully failed to supervise the collection and use of campaign funds for his 1972 reelection; and subverted the orderly investigation of the alleged misconduct of his subordinates and associates by firing Mr. Cox;
6. obstructed justice in the Ellsberg case by offering a high Federal post to the presiding judge and withholding knowledge of the burglary of one of the defendant's psychiatrist;⁴³

⁴⁰ "Public Bills and Resolutions," *Congressional Record*, vol. 118, May 10, 1972, p. 16663, and May 18, 1972, p. 18078.

⁴¹ The resolutions introduced during the first session containing specific articles of impeachment were: H.Res. 625, H.Res. 635, H.Res. 643, H.Res. 648, H.Res. 649, H.Res. 650, H.Res. 652, H.Res. 661, H.Res. 666, H.Res. 686, H.Res. 692, and H.Res. 703. Impeachment resolutions not containing specific charges were: H.Res. 513, H.Res. 631, H.Res. 638, and H.Res. 662.

⁴² H.Res. 769 (93rd Cong., 2nd sess.).

⁴³ In 1971, Daniel Ellsberg, a senior research associate at the Massachusetts Institute of
(continued...)

7. illegally dismantled the Office of Economic Opportunity, despite legislation extending its authority until June 30, 1974;
8. impounded \$40 billion in funds that Congress appropriated for various domestic programs;
9. attempted to annul the guarantees of the Bill of Rights, particularly the rights to privacy, freedom of speech, and freedom of the press, by conducting a campaign of harassment against the news media, illegally wiretapping journalists and other critics, encouraging his aides to devise means to intimidate the media through the use of governmental power and political trials to silence dissenters;
10. subverted the integrity of various federal agencies by sanctioning efforts to reverse the dairy price support policy to benefit major campaign contributors, involve the CIA and FBI in the unlawful activities of the "plumbers,"⁴⁴ and exert pressure on independent regulatory agencies;
11. conspired with his associates in various schemes to obstruct justice by tendering bribes to defendants or witnesses, persuading the former FBI director to destroy evidence, and ordering the Attorney General not to press the ITT antitrust cases;⁴⁵
12. conducted his personal affairs in a manner that directly contravened the Presidential obligation to demonstrate moral leadership, to wit, by using public funds for improvements on his private homes, taking every tax-loophole permitted by law (including some loopholes of doubtful legality), making questionable arrangements with his friends to acquire large personal property holdings at minimal cost, and defending one of his friends, C.B. (Bebe) Rebozo, while various federal agencies were conducting supposedly impartial investigations of his financial affairs; and
13. knowingly approved the "Houston plan" concerning "mail covers" and "surreptitious entry."⁴⁶

⁴³ (...continued)

Technology's Center for International Studies, was indicted for stealing and leaking to the *New York Times* the so called "Pentagon Papers," a classified history of the policy decisions that led to American involvement in Vietnam. Two years later the charges against Ellsberg were dropped after several instances of government misconduct in his case were revealed, including the burglary, by the White House "plumbers," of the office of his one-time psychiatrist. For a definition of the of "plumbers" see footnote 44.

⁴⁴ The "plumbers" was a special White House investigative unit created by the President's White House staff to stop leaks to the press of information whose secrecy was deemed to be vital to the national security.

⁴⁵ In October 1971, the *New York Times* published an article containing accusations that President Nixon had personally ordered Attorney General Richard G. Kleindienst to halt a Justice Department appeal of an antitrust ruling favorable to International Telephone and Telegraph, and that ITT had subsequently pledged funds to defer the cost of the 1972 Republican National Convention.

⁴⁶ The "Houston plan," an aborted plan for domestic espionage by the Federal Bureau of Investigation, Central Intelligence Agency, and other agencies, was drawn up by presidential
(continued...)

Twenty additional resolutions during the first session of the 93rd Congress called for an investigation of whether the House should undertake impeachment proceedings against President Nixon.⁴⁷ Two other resolutions sought to create a select committee for this purpose.⁴⁸

On February 6, 1974, the House passed a resolution (H.Res. 803) sponsored by Representative Peter W. Rodino, Jr., Chairman of the House Judiciary Committee, "to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America."⁴⁹ Mr. Rodino's resolution also granted subpoena power to the committee, and specifically approved the expenditure of funds, which had been made available to the committee the previous November under H.Res. 702, to conduct the investigation.⁵⁰

Subsequently, on April 29, 1974, the House provided an additional \$733,759.31 for continuation of the Judiciary Committee's impeachment inquiry.⁵¹ On May 9, 1974, formal hearings in the impeachment inquiry of President Richard M. Nixon began, culminating on July 30, 1974, when the Judiciary Committee approved three articles of impeachment. Further formal action was rendered moot when President Nixon resigned from office on August 9, 1974. On August 20, 1974, the House of Representatives adopted H.Res. 1333, by a vote of 412 to 3, which accepted the report of the Judiciary Committee and formally recognized the President's resignation.⁵²

⁴⁶ (...continued)

aide Tom Charles Houston and included proposals for entry without court authorization, electronic surveillance, the opening of mail, and increased use of undercover agents on college campuses. The plan was rejected by FBI Director J. Edgar Hoover in 1970.

⁴⁷ Resolutions seeking to authorize an impeachment inquiry (93rd Cong., 1st sess.): H.Res. 569, H.Res. 626, H.Res. 627, H.Res. 628, H.Res. 629, H.Res. 630, H.Res. 636, H.Res. 637, H.Res. 641, H.Res. 642, H.Res. 644, H.Res. 645, H.Res. 647, H.Res. 651, H.Res. 654, H.Res. 663, H.Res. 665, H.Res. 666, H.Res. 670, and H.Res. 685.

⁴⁸ Resolutions seeking to create a select impeachment inquiry committee (93rd Cong., 1st sess.): H.Res. 646 and H.Res. 671.

⁴⁹ H.Res. 803 (93rd Cong., 2nd sess.) was approved by a vote of 410 to 4. See: "Investigatory Powers of Committee on the Judiciary with respect to its Impeachment Inquiry," remarks in the House, *Congressional Record*, vol. 120, Feb. 6, 1974, pp. 2362-2363.

⁵⁰ H.Res. 702 was approved by a vote of 367-51. It authorized the expenditure of \$1,000,000 for an impeachment investigation. See: "Providing Funds for the Committee on the Judiciary," remarks in the House, *Congressional Record*, vol. 119, Nov. 15, 1973, p. 37151. See also: "Investigatory Powers of Committee on the Judiciary with Respect to its Impeachment Inquiry," remarks in the House, *Congressional Record*, vol. 120, Feb. 6, 1974, pp. 2350-2363.

⁵¹ "Providing Funds for the Committee on the Judiciary," remarks in the House, *Congressional Record*, vol. 120, April 29, 1974, pp. 12016-12020.

⁵² *Congress and the Nation: Vol. IV, 1973-1976* (Washington: Congressional Quarterly, Inc., 1977), pp. 938-949, and "Report on Committee on the Judiciary," remarks in the House,

(continued...)

The preamble and articles approved by the House Judiciary Committee follow verbatim below.⁵³

Resolution

Impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors.

Resolved, That Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors, and the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against Richard M. Nixon, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

Article I

In his conduct of the office of the President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

On June 17, 1972, and prior thereto, agents of the Committee for the Re-Election of the President committed unlawful entry of the headquarters of the Democratic National Committee in Washington, District of Columbia, for the purpose of securing political intelligence. Subsequent thereto, Richard M. Nixon, using the powers of his high office, engaged personally and through his subordinates and agents, in a course of conduct or plan designed to delay, impede and obstruct investigations of such unlawful entry; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

The means used to implement this course of conduct or plan have included one or more of the following:

(1) making or causing to be made false or misleading statements to lawfully authorized investigative officers and employees of the United States;

(2) withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;

⁵² (...continued)

Congressional Record, vol. 120, Aug. 20, 1974, pp. 29361-29362.

⁵³ U.S. Congress, House Committee on the Judiciary, *Impeachment of Richard M. Nixon, President of the United States*, 93rd Cong., 2nd sess., H.Rept. 93-1305 (Washington: GPO, 1974), pp. 1-4.

(3) approving, condoning, acquiescing in, and counseling witnesses with respect to the giving of false or misleading statements to lawfully authorized investigative officers and employees of the United States and false or misleading testimony in duly instituted judicial and congressional proceedings;

(4) interfering or endeavoring to interfere with the conduct of investigations by the Department of Justice of the United States, the Federal Bureau of Investigation, the Office of Watergate Special Prosecution Force and Congressional Committees;

(5) approving, condoning, and acquiescing in, the surreptitious payments of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals who participated in such unlawful entry and other illegal activities;

(6) endeavoring to misuse the Central Intelligence Agency, an agency of the United States;

(7) disseminating information received from officers of the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;

(8) making false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation has been conducted with respect to allegation of misconduct on the part of personnel of the Executive Branch of the United States and personnel of the Committee for the Re-Election of the President, and that there was no involvement of such personnel in such misconduct; or

(9) endeavoring to cause prospective defendants, and individuals duly tried and convicted, to expect favored treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office. *(Approved by the House Judiciary Committee, July 30, 1974, 27 to 11.)*

Article II

Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the

laws governing agencies of the executive branch and the purposes of these agencies.

This conduct has included one or more of the following:

(1) He has, acting personally and through his subordinates and agents, endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposes not authorized by law, and to cause, in violation of the constitutional rights of citizens, income tax audits or other income tax investigation to be initiated or conducted in a discriminatory manner.

(2) 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; he did direct, authorize, or permit the use of information obtained thereby for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; and he did direct the concealment of certain records made by the Federal Bureau of Investigation of electronic surveillance.

(3) He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional right of an accused to a fair trial.

(4) He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavored to impede and frustrate lawful inquiries by duly constituted executive, judicial and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, and concerning other unlawful activities, including those relating to the confirmation of Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in into the office of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President.

(5) In disregard of the rule of law, he knowingly misused the executive power by interfering with agencies of the executive branch, including the Federal Bureau of Investigation, the Criminal Division and the Office of Watergate Special Prosecution Force, of the Department of Justice, and the Central Intelligence Agency, in violation of his duty to take care that the laws be faithfully executed.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office. (*Approved by the House Judiciary Committee, July 29, 1974, 28 to 10.*)

Article III

In his conduct of the office of President of the United States, Richard M. Nixon, contrary to his oath faithfully to execute the office of the President of the United States and, to the best of his ability, preserve, protect and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has failed without lawful cause or excuse to produce papers and things as directed by duly authorized subpoenas issued by the Committee on the Judiciary of the House of Representatives on April 11, 1974, May 15, 1974, May 30, 1974, and June 24, 1974, and willfully disobeyed such subpoenas. The subpoenaed papers and things were deemed necessary by the Committee in order to resolve by direct evidence fundamental, factual questions relating to Presidential direction, knowledge, or approval of actions demonstrated by other evidence to be substantial grounds for impeachment of the President. In refusing to produce these papers and things, Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.

In all this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore, Richard M. Nixon, by such conduct, warrants impeachment and trial and removal from office. (*Approved by the House Judiciary Committee, July 30, 1974, 21 to 17.*)

President Ronald W. Reagan**Grenada**

On November 10, 1983, Representative Ted Weiss, of New York, and seven co-sponsors, introduced a resolution (H.Res. 370) impeaching President Ronald W. Reagan of high crimes or misdemeanors by ordering the invasion of Grenada.

The resolution charged that President Reagan ordered the invasion of Grenada on October 25, 1983.

1. in violation of Congress's war power authority (Article 1, section 8 of the Constitution);
2. in violation of certain treaty obligations; and
3. that he prevented news coverage of the invasion.⁵⁴

⁵⁴ H.Res. 370 (98th Cong., 1st sess.). See also: Rep. Ted Weiss, "Impeachment Resolution, (continued...)"

H.Res. 370 was referred to the House Judiciary Committee, where it received no further formal action. No further discussion is noted in the *Congressional Record*.

Iran-Contra

On March 5, 1987, Representative Henry B. Gonzalez, of Texas, introduced a resolution (H.Res. 111) impeaching President Ronald W. Reagan for high crimes and misdemeanors. Representative Gonzalez's resolution alleged that President Reagan violated "his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed." H.Res. 111 included six articles pertaining to President Reagan's actions in the Iran-Contra matter:

1. "his approval and acquiescence in shipping arms from Israel to Iran in violation of the Arms Export Act, 22 U.S.C. 2753";
2. "his approval and acquiescence in covert actions conducted by the Central Intelligence Agency regarding the shipment of HAWK missiles to Iran in violation of 22 U.S.C. 2422";
3. "his failure to notify Congress of continuing arms sales and covert actions in violation of the National Security Act, 50 U.S.C. 413, and the Arms Export Control Act, 22 U.S.C. 2753";
4. "his approval, acquiescence, or failure to prevent the diversion of proceeds from the Iran arms sale to the forces fighting the Government of Nicaragua, in violation of the Boland Amendment (P.L. 99-169, sec. 105)";
5. "his approval or acquiescence in the shipment of 500 U.S.-made TOW missiles from Israel to Iran on or about Oct. 29 1986, in violation of the prohibition contained in sec. 509 of P.L. 99-399 against arms transfers to nations such as Iran, that support terrorism"; and
6. "his disregard for the laws of the United States and a pattern of casual and irresponsible executive decision-making."⁵⁵

H.Res. 111 was referred to the House Judiciary Committee, where it received no further formal action, but Representative Gonzalez discussed his resolution on the House floor nine separate times in 1987.⁵⁶

⁵⁴ (...continued)

Statement of Introduction," remarks in the House, *Congressional Record*, vol. 129, Nov. 10, 1983, pp. 32208-32209.

⁵⁵ H.Res. 111 (100th Cong., 1st sess.). See also: Rep. Henry Gonzalez, "My Advice to the Privileged Orders," remarks in the House, *Congressional Record*, vol. 133, March 5, 1987, pp. 4899-4901.

⁵⁶ Rep. Henry B. Gonzalez, "My Advice to the Privileged Orders," remarks in the House, *Congressional Record*, vol. 133, March 5, 1987, pp. 4899-4901; "The Impeachment of
(continued...)

President George H. W. Bush

Gulf War

On January 16, 1991, Representative Henry B. Gonzalez, of Texas, introduced a resolution (H.Res. 34) impeaching President George H. W. Bush for high crimes and misdemeanors, including:

1. "his preparing, planning and conspiring to engage in a massive war against Iraq employing methods of mass destruction that would result in the killing of tens of thousands of civilians, many of whom would be children";
2. "his preparing, planning, and conspiring to commit crimes against the peace by leading the United States into aggressive war against Iraq";
3. "bribing, intimidating, and threatening others, including the members of the United Nations Security Council, to support belligerent acts against Iraq"; and
4. "committing the United States to acts of war without congressional approval and contrary to the United Nations Charter and international law."⁵⁷

H.Res. 34 was referred to the House Judiciary Committee and received no further action.

On February 21, 1991, Representative Gonzalez introduced a second resolution (H.Res. 86) impeaching George Bush for high crimes and misdemeanors. The President was charged with:

1. "violating the equal protection clause of the Constitution by putting U.S. soldiers in the Middle East who are overwhelmingly poor white, black, and Mexican-American, as well as basing their military service on the coercion of a system that denies viable economic opportunities to these classes of citizens";
2. "bribing, intimidating, and threatening others, including the members of the United Nations Security Council, to support belligerent acts against Iraq";

⁵⁶ (...continued)

Ronald Reagan—No. 2," March 9, 1987, pp. 5086-5091; "Impeachment of Ronald Reagan—No. 3," March 30, 1987, pp. 7229-7236; "Impeachment of Ronald Reagan—No. 4," April 6, 1987, pp. 8006-8016; "Impeachment of Ronald Reagan—No. 5," April 22, 1988, pp. 9301-9303; "Impeachment of Ronald Reagan—No. 6," April 27, 1987, pp. 9986-9990; "Impeachment of Ronald Reagan—No. 7," May 4, 1987, pp. 10999-11001; "Impeachment of Ronald Wilson Reagan," Nov. 16, 1987, pp. 31955-31960; and "Impeachment of Ronald Reagan," Nov. 30, 1987, pp. 33214-33221.

⁵⁷ H.Res. 34 (102nd Cong., 1st sess.). See also: Rep. Henry B. Gonzalez, "Resolution of Impeachment of President George Bush," remarks in the House, *Congressional Record*, vol. 137, Jan. 16, 1991, pp. 1736-1737.

3. "preparing, planning, and conspiring to engage in a massive war against Iraq employing methods of mass destruction that would result in the killing of tens of thousands of civilians, many of whom would be children";
4. "committing the United States to acts of war without congressional consent and contrary to the United Nations Charter and international law"; and
5. "preparing, planning, and conspiring to commit crimes against the peace by leading the United States into aggressive war against Iraq in violation of the U.S. Constitution and certain international instruments and treaties."⁵⁸

H. Res 86 was referred to the House Judiciary Committee. No further action was taken on the resolution.

President William J. Clinton

On November 5, 1997, Representative Bob Barr, of Georgia, and 17 cosponsors introduced H.Res. 304 directing the "House Committee on the Judiciary to (1) investigate whether grounds exist to impeach President William J. Clinton, and (2) report its findings, recommendations, and, if the Committee so determines, a resolution of impeachment."⁵⁹ H.Res. 304 was referred to the House Rules Committee and has received no further action.

On September 9, 1998, Independent Counsel Kenneth W. Starr submitted a report to the House of Representatives pursuant to 28 U.S.C. Section 595(c) providing that the independent counsel "shall advise" the House of Representatives of any "substantial and credible information" that may constitute grounds for an impeachment. The House, on September 11, 1998, approved H.Res. 525⁶⁰ by a vote of 363 ayes to 63 nays "providing for a deliberative review by the Committee on the Judiciary of a communication from an Independent Counsel," the text of which is as follows:

H.Res. 525

Resolved, That the Committee on the Judiciary shall review the communication received on September 9, 1998, from an independent counsel pursuant to section 595 of title 28, United States Code, transmitting a determination that substantial and credible information received by the independent counsel in carrying out his responsibilities under

⁵⁸ *Congressional Record*, vol. 137, Feb. 21, 1991, p. 3941.

⁵⁹ *Congressional Record*, daily edition, vol. 143, Nov. 5, 1997, p. H10105. As of August 31, 1998, cosponsors of H.R. 304 included: Reps. Bob Stump, Barbara Cubin, Lindsey Graham, Christopher H. Smith, Sam Johnson, Linda Smith, Todd Tiahrt, Jack Metcalf, Mark E. Souder, Ron Paul, Helen Chenoweth, Pete Sessions, Roscoe G. Bartlett, Duncan Hunter, John T. Doolittle, John L. Mica, Jack Kingston, Dana Rohrabacher, Ron Lewis, Cass Ballenger, Don Young, and Tom Campbell.

⁶⁰ *Congressional Record*, daily edition, vol. 144, p. H7584. As of September 11, 1998 Rep. Solomon was listed as the sponsor of H.Res. 525.

chapter 40 of title 28, United States Code, may constitute grounds for an impeachment of the President of the United States, and related matters, to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced. Until otherwise ordered by the House, the review by the Committee shall be governed by the resolution.

SEC. 2. The material transmitted to the House by the independent counsel shall be considered as referred to the Committee. The portion of such material consisting of approximately 445 pages comprising an introduction, a narrative, and a statement of grounds, shall be printed as a document of the House. The balance of such material shall be deemed to have been received in executive session, but shall be released from that status on September 28, 1998, except as otherwise determined by the Committee. Materials so released shall immediately be submitted for printing as a document of the House.

SEC. 3. Additional material compiled by the Committee during the review also shall be deemed to have been received in executive session unless it is received in an open session of the Committee.

SEC. 4. Notwithstanding clause 2(e) of rule XI, access to executive-session material of the Committee relating to the review shall be restricted to members of the Committee, and to such employees of the Committee as may be designated by the chairman after consultation with the ranking minority member.

SEC. 5. Notwithstanding clause 2(g) of rule XI, each meeting, hearing, or deposition of the Committee relating to the review shall be conducted in executive session unless otherwise determined by an affirmative vote of the committee, a majority being present. Such an executive session may be attended only by members of the Committee, and by such employees of the Committee as may be designated by the chairman after consultation with the ranking minority member.