# **Calls for Obama's Impeachment, From Benghazi to Bergdahl**

Allen West wants President Obama to be impeached over the Taliban prisoner swap.

In a [blog post](http://allenbwest.com/2014/06/case-impeachment-barack-hussein-obama/) titled, "The case for impeachment of Barack Hussein Obama," the Florida Republican and former congressman wrote that exchanging ["traitor" Army Sgt. Bowe Bergdahl](http://www.nationaljournal.com/defense/why-is-bowe-bergdahl-being-labeled-a-traitor-20140602) for five Afghan Taliban members should be an impeachable offense.

After supposedly going AWOL, Bergdahl was captured by the Taliban and held in Afghanistan for five years. The five senior Taliban members who were released had been detained at Guantanamo Bay, and will now spend another year [in Qatar](http://www.bbc.com/news/world-asia-27660630). (As a refresher, under the Constitution, the president may be impeached for "treason, bribery, or other high crimes and misdemeanors.")

"Why would the United States acquiesce to the demands of a non-state, nonuniform terrorist organization — the Taliban? The Taliban is our enemy and it is not a nation-state with whom we should enter into negotiations," West wrote on Tuesday. "Ladies and gentlemen, I submit that Barack Hussein Obama's unilateral negotiations with terrorists and the ensuing release of their key leadership without consult — mandated by law — with the U.S. Congress represents high crimes and misdemeanors, an impeachable offense."

Back in 2010, Jonathan Chait [predicted](http://www.newrepublic.com/article/politics/magazine/78198/republicans-impeach-obama) that by the end of Obama's second term, the House of Representatives would vote to impeach him. "Wait, you say. What will they impeach him over?" Chait wrote. "You can always find something. Mini-scandals break out regularly in Washington."

The Bergdahl affair (and West's assertion that it's an impeachable offense) is the latest iteration of these "mini-scandals." The difference is that, unlike the scandal surrounding Benghazi and the IRS's perceived political targeting, this presents an ongoing threat. If one of the released Taliban operatives were to become involved in a future terrorist attack, that's when it evolves into a full-grown, adult scandal.

Here's a short rundown of other White House scandals (or "scandals") that have led Republicans to call for Obama's impeachment (and for the full list, Wikipedia [has you covered](http://en.wikipedia.org/wiki/Efforts_to_impeach_Barack_Obama)):

* In 2010, Rep. Darrell Issa said Obama [could face impeachment](http://www.foxnews.com/politics/2010/05/25/congressman-white-house-job-offer-sestak-impeachable-offense/) after Rep. Joe Sestak claimed the White House offered him a job to prevent him from challenging Arlen Specter in a primary.
* In 2011, Rep. Michael Burgess [told a local Tea Party group](http://www.star-telegram.com/2011/08/08/3277547/burgess-meets-with-unhappy-tea.html#ixzz1UXhsF0el?rh=1) that Obama's impeachment "needs to happen," without specifying why.
* In 2012, Sen. Jon Kyl said ["impeachment is always a possibility"](http://thinkprogress.org/politics/2012/06/26/506195/top-republican-senator-suggests-impeaching-obama-over-immigration-policies/) over Obama's immigration policies.
* Last May, Rep. Jason Chaffetz said he was not pushing for impeachment, but didn't rule out that Obama [could be kicked out of office](http://www.abc15.com/news/national/rep-jason-chaffetz-doesnt-rule-out-impeachment-for-obama-over-benghazi) over the Benghazi affair.
* In 2013, Sen. Tom Coburn [told the audience](http://www.nbcnews.com/news/other/coburn-raises-possibility-impeachment-town-hall-f6C10980833) at a town-hall meeting that Obama was getting "perilously close" to qualifying for impeachment. Coburn's fellow Oklahoma senator, James Inhofe, [agreed](http://thehill.com/policy/defense/299009-inhofe-obama-could-be-impeached-over-benghazi).
* During the debt-ceiling crisis, Rep. Louie Gohmert [told an interviewer](http://www.politicususa.com/2013/10/14/house-republicans-default-reason-impeach-president-obama.html) that defaulting on the U.S. government's debt would be an "impeachable offense."

Few things get tea-party conservatives' blood boiling faster than Benghazi, the IRS scandal, and the Affordable Care Act. But it's not just middle-class Joes at tea-party rallies who get exercised about the idea of impeaching the president. Last week, McKay Coppins [wrote about](http://www.buzzfeed.com/mckaycoppins/manhattans-conservative-elite-celebrate-new-book-about-impea) upper-crust conservatives' efforts to join the Impeach Obama movement. At a tony event at the Harvard Club in Manhattan, elite conservatives celebrated the release of a new book titled [*Faithless Execution: Building the Political Case For Obama's Impeachment*](http://www.amazon.com/Faithless-Execution-Building-Political-Impeachment/dp/1594037760).

The book's author, Andrew McCarthy (a former federal prosecutor), does not directly argue for actually impeaching Obama. Instead, Coppins wrote, he "makes a more subdued argument; that Obama has abused his office, and that actively threatening impeachment is the best way for Congress to reign in the powers of the executive branch."

In this way, Republicans [can concede](http://www.slate.com/articles/news_and_politics/politics/2014/05/republicans_want_to_impeach_president_obama_for_benghazi_gop_fears_they.html) that impeaching Obama is an unlikely scenario — but they're good at staying on message nonetheless.

<https://www.theatlantic.com/politics/archive/2014/06/a-brief-history-of-gop-calls-for-obamas-impeachment-from-benghazi-to-bergdahl/455544/>

# **The Impeachment of George W. Bush**

Finally, it has started. People have begun to speak of impeaching President George W. Bush–not in hushed whispers but openly, in newspapers, on the Internet, in ordinary conversations and even in Congress. As a former member of Congress who sat on the House Judiciary Committee during the impeachment proceedings against President Richard Nixon, I believe they are right to do so.

As a matter of constitutional law, these and other misdeeds constitute grounds for the impeachment of President Bush. A President, any President, who maintains that he is above the law–and repeatedly violates the law–thereby commits high crimes and misdemeanors, the constitutional standard for impeachment and removal from office. A high crime or misdemeanor is an archaic term that means a serious abuse of power, whether or not it is also a crime, that endangers our constitutional system of government.

On December 17 President Bush acknowledged that he repeatedly authorized wiretaps, without obtaining a warrant, of American citizens engaged in international calls. On the face of it, these warrantless wiretaps violate FISA, which requires court approval for national security wiretaps and sets up a special procedure for obtaining it. Violation of the law is a felony.

While many facts about these wiretaps are unknown, it now appears that thousands of calls were monitored and that the information obtained may have been widely circulated among federal agencies. It also appears that a number of government officials considered the warrantless wiretaps of dubious legality. Reportedly, several people in the National Security Agency refused to participate in them, and a deputy attorney general even declined to sign off on some aspects of these wiretaps. The special FISA court has raised concerns as well, and a judge on that court has resigned, apparently in protest.

A President can commit no more serious crime against our democracy than lying to Congress and the American people to get them to support a military action or war. It is not just that it is cowardly and abhorrent to trick others into giving their lives for a nonexistent threat, or even that making false statements might in some circumstances be a crime. It is that the decision to go to war is the gravest decision a nation can make, and in a democracy the people and their elected representatives, when there is no imminent attack on the United States to repel, have the right to make it. Given that the consequences can be death for hundreds, thousands or tens of thousands of people–as well as the diversion of vast sums of money to the war effort–the fraud cannot be tolerated. That both Lyndon Johnson and Richard Nixon were guilty of misleading the nation into military action and neither was impeached for it makes it more, not less, important to hold Bush accountable.

Once it was clear that no weapons of mass destruction would be found in Iraq, President Bush tried to blame “bad intelligence” for the decision to go to war, apparently to show that the WMD claim was not a deliberate deception. But bad intelligence had little or nothing to do with the main arguments used to win popular support for the invasion of Iraq.

Upon assuming the presidency, Bush took an oath of office in which he swore to take care that the laws would be faithfully executed. Impeachment cannot be used to remove a President for maladministration, as the debates on ratifying the Constitution show. But President Bush has been guilty of such gross incompetence or reckless indifference to his obligation to execute the laws faithfully as to call into question whether he takes his oath seriously or is capable of doing so.

The most egregious example is the conduct of the war in Iraq. Unconscionably and unaccountably, the Administration failed to provide US soldiers with bulletproof vests or appropriately armored vehicles. A recent Pentagon study disclosed that proper bulletproof vests would have saved hundreds of lives. Why wasn’t the commencement of hostilities postponed until the troops were properly outfitted? There are numerous suggestions that the timing was prompted by political, not military, concerns. The United States was under no imminent threat of attack by Saddam Hussein, and the Administration knew it. They delayed the marketing of the war until Americans finished their summer vacations because “you don’t introduce new products in August.” As the Downing Street memo revealed, the timeline for the war was set to start thirty days before the 2002 Congressional elections.

President Bush recently proclaimed, “We do not torture.” In view of the revelations of the CIA’s secret jails and practice of rendition, not to mention the Abu Ghraib scandal, the statement borders on the absurd, recalling Nixon’s famous claim, “I am not a crook.” It has been well documented that abuse (including torture) of detainees by US personnel in connection with the wars in Afghanistan and Iraq has been systemic and widespread. Under the War Crimes Act of 1996 it is a crime for any US national to order or engage in the murder, torture or inhuman treatment of a detainee. (When a detainee death results, the act imposes the death penalty.) In addition, anyone in the chain of command who condones the abuse rather than stopping it could also be in violation of the act. The act simply implements the Geneva Conventions, which are the law of the land.

<https://www.thenation.com/article/impeachment-george-w-bush/>

**The Impeachment of Andrew Johnson**

During the years immediately following the Civil War, President [Andrew Johnson](http://bioguide.congress.gov/scripts/biodisplay.pl?index=J000116) clashed repeatedly with the Republican-controlled Congress over reconstruction of the defeated South. Johnson vetoed legislation that Congress passed to protect the rights of those who had been freed from slavery. This clash culminated in the House of Representatives voting, on February 24, 1868, to impeach the president. On March 5, the trial began in the Senate, where Republicans held more seats than the two-thirds majority required to remove Johnson from office. When the trial concluded on May 16, however, the president had won acquittal, not because a majority of senators supported his policies but because a sufficient minority wished to protect the office of the president and preserve the constitutional balance of powers.

The initial response to a Johnson presidency was optimistic. Even the so-called Radical Republicans, who would pursue impeachment proceedings three years later, supported the new president. “By the Gods,” proclaimed [Senator Ben Wade of Ohio](https://www.senate.gov/artandhistory/history/common/generic/Featured_Bio_Wade.htm), “there will be no trouble now in running this government.” Such good relations quickly soured, however, as Johnson's views on Reconstruction surfaced. Within weeks, Johnson opposed political rights for freedmen and called for a lenient reconstruction policy, including pardoning former Confederate leaders. The president looked for every opportunity to block action by the Radical Republicans. He had no interest in compromise. When Johnson vetoed the [Freedmen's Bureau bill](https://www.senate.gov/artandhistory/history/common/generic/FreedmensBureau.htm) in February of 1866, he broke the final ties with his Republican opponents in Congress. They responded with the [Fourteenth and Fifteenth Amendments](https://www.senate.gov/artandhistory/history/common/generic/CivilWarAmendments.htm) to the Constitution, promising political rights to African Americans. In March of 1867 they also passed, over Johnson’s presidential veto, the [Tenure of Office Act](https://www.senate.gov/artandhistory/history/resources/pdf/Johnson_TenureofOfficeAct.pdf) which was designed to limit the president’s ability to shape his cabinet by requiring that not only appointments but also dismissals be approved by the Senate.

By mid-1867, Johnson’s enemies in Congress were repeatedly promoting impeachment. The precipitant event that resulted in a third and successful impeachment action was the firing of Secretary of War Edwin M. Stanton, a Lincoln appointee and ally of the Radical Republicans in Congress. Stanton had strongly opposed Johnson's Reconstruction policies and the president hoped to replace him with Ulysses S. Grant, whom Johnson believed to be more in line with his own political thinking. In August of 1867, while Congress was in recess, Johnson suspended Stanton and appointed Grant as secretary of war *ad interim*. When the Senate opposed Johnson’s actions and reinstated Stanton in the fall, Grant resigned, fearing punitive action and possible consequences for his own presidential ambitions. Furious with his congressional opponents, Johnson fired Stanton and informed Congress of this action, then named Major General Lorenzo Thomas, a long-time foe of Stanton, as interim secretary. Stanton promptly had Thomas arrested for illegally seizing his office.

This musical chair debacle amounted to a presidential challenge to the constitutionality of the Tenure of Office Act. In response, having again reinstated Stanton to office, Radical Republicans in the House of Representatives, backed by key allies in the Senate, pursued impeachment.

Led by an aging and ailing Thaddeus Stevens, the Joint Committee on Reconstruction rapidly drafted a [resolution of impeachment](https://www.senate.gov/artandhistory/history/resources/pdf/Johnson_House_impeachment_resolution.pdf), which passed the House on February 24, 1868, by a vote of 126 to 47. Immediately, the House proceeded to establish an impeachment committee, appoint managers, and draft articles of impeachment.

The committee quickly produced charges that eventually became [eleven articles of impeachment](https://www.senate.gov/artandhistory/history/common/briefing/Impeachment_Johnson.htm#7). Some of the charges were petty, but most centered on the president’s alleged violation of the Tenure of Office Act. Article 1 stated that Johnson ordered Stanton removed with the intent to violate the act. Articles 2, 3 and 8 alleged that the appointment of Thomas, to replace Stanton, without the advice and consent of the Senate was a further violation of the Constitution. Articles 4 through 7 accused Johnson of conspiring with Thomas to remove Stanton, citing such conspiracy as a “high crime in office,” thus illegally depriving Stanton of his rightful position. The 8th article charged Johnson with conspiring to deprive Stanton of his rightful possessions. Article 9 accused Johnson of diverting orders and instructions related to military operations through the general of the army, bypassing Secretary Stanton. Another article, proposed by Massachusetts representative Benjamin Butler, charged Johnson with making speeches “with a loud voice, certain intemperate, inflammatory, and scandalous harangues” with the intent to disgrace Congress. This article was initially rejected, but later adopted as Article 10. The final article was championed by Thaddeus Stevens, accusing Johnson of declaring the 39th Congress unconstitutional, since it was a Congress of only part of the states, and therefore did not have legislative powers nor the power to propose constitutional amendments. This, argued Stevens, placed Johnson in violation of his presidential oath requiring him to “take care that the laws be faithfully executed.”

Argument for Nixon’s Impeachment

Richard Nixon was on course for a comfortable win in the 1972 presidential election when, on June 17, five burglars were caught prowling around the Democratic National Committee offices in the Watergate Hotel in the heart of Washington DC.

This was the second raid on the building. Burglars had broken in late May and made off with secret documents as well as planting listening devices on office phones.

They returned to plant fresh bugs on the DNC phones, because the first batch turned out to be faulty.

This time they were not so lucky with a security guard noticing that there was tape on some of the locks on the building including from the underground car park

The five men were charged with attempted burglary and attempted interception of telephone and other communications.

How did Nixon get involved?

Worried by the damage disclosure that his election team was involved in the Watergate burglaries,[Nixon and his team tried to contain the damage.](https://www.telegraph.co.uk/news/worldnews/northamerica/usa/3848570/Deep-Throat-Watergate-timeline-of-events.html)

The five burglars, who received hundreds of thousands of dollars in hush money, pleaded guilty heading off a trial. McCord and Liddy were convicted of conspiracy, burglary, and illegal wiretapping.

Publicly Nixon promised there would be “no whitewash at the White House”, but behind the scenes, there were frantic efforts to cover the tracks of a conspiracy which would lead to the president’s closest advisers.

But within a week of the burglary, Nixon was concerned that the FBI was delving into uncomfortable territory. In discussions with Haldeman, he suggested that the CIA - who he hoped would be more malleable - take over the inquiry.

Nixon was also involved in raising large amounts of money. The CIA was instructed to undermine the FBI’s investigation of the break-in at a time when suspicions were growing that the conspiracy involved far more people than the seven who were indicted following the burglary.

How did the plot unravel?

The involvement of several men linked to the Nixon election campaign piqued the interest of two Washington Post reporters, Bob Woodward and Carl Bernstein.

At the same time, the FBI was making progress. Less than two months after the burglars were arrested, the FBI found a $25,000 cheque which had been earmarked for the Nixon campaign in the bank account of one of those arrested.

John Sirica, who presided over the burglars’ trial, was also convinced that those arrested had not acted alone. Putting pressure on defendants - such as offering leniency if they provided information - he succeeded in breaking through the wall of silence.

It was McCord who broke, sending Sirica a letter in which he said that he and his fellow defendants had been put under “political pressure to plead guilty and remain silent.”

So how did Nixon get ensnared in the scandal?

Nixon had installed a secret taping system in parts of the White House, executive office and official retreat at Camp David in 1971.

Their existence was disclosed by Alexander Butterfield in July 1973, when he appeared before the Senate Watergate Committee.

Nixon fought tooth and nail to prevent the release of the tapes, which laid bare the extent of the cover-up and his involvement.

[Archibald Cox, who had been appointed special prosecutor by the administration](https://www.telegraph.co.uk/news/obituaries/1463231/Archibald-Cox.html), demanded the tapes as did the senate committee.

Cox was fired on October 20 1973 in what became known as the Saturday Night Massacre - prompting the resignation of several senior Department of Justice officials.

Nixon, meanwhile, agreed to release some - but not all - of the tapes.

What brought Nixon down?

On March 1 1974 a grand jury, appointed by Cox’s successor, Leon Jaworski, not only indicted seven of Nixon’s former aides but named the president as an “unindicted conspirator”

In July the Supreme Court ordered Nixon to turn over the remaining tapes, which he again tried to resist.

The House of Representatives lost patience, voting to impeach Nixon for obstruction of justice, abuse of power, criminal cover-up and several violations of the Constitution.

The tapes which were released on August 5 provided compelling evidence of Nixon’s complicity in the Watergate cover-up.