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Impeachment: A Handbook (Yale Fastback Series)



Synopsis

In the classic guide to presidential impeachment, Charles L. Black clarifies the issues and questions that surround this timely topic. With a foreword by constitutional expert Akhil Reed Amar, this authoritative book is essential reading for every concerned citizen. "The best essay written on the subject." — Jeffrey Rosen, *New Republic* "[Black's] timely volume clearly and lucidly covers everything from what constitutes 'high crimes and misdemeanors' to the scope of Executive privilege. . . . The measure of his book's achievement is that it tells the reader not what to think but what to think about." — *Time* "A citizen's guide to impeachment. . . . Elegantly written, lucid, intelligent, and comprehensive." — Mary Ann Gale, *New York Times Book Review* "Black's survey is a dispassionate, invaluable beam of light. . . . This everyman's guide to impeachment outlines the process leading to the removal of a President by Congress, places it in historical perspective, [and] discusses the conundrums that spring from it. . . . It provides a major contribution to sanity in our government." — *Newsweek* "A model of how so serious an act of state should be approached." — *Wall Street Journal*

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reader not what to think but what to think about." -- Time

Charles L. Black, Jr., was Sterling Professor Emeritus at Yale Law School and adjunct professor of law at Columbia Law School. He wrote extensively on constitutional matters and played an active role in congressional hearings and before the Supreme Court.

This is probably the most accessible description of the grounds and processes for impeachment of a President. Needless to say, this book, which was written during the impeachment proceedings involving President Nixon, is just as timely today. Undoubtedly the impeachment process will begin within the next year and this is a good guide to the likely issues.

Considered by many to be the standard and authoritative outline of the procedures involved in impeaching a president. The vast majority of scholarly papers on impeachment cite Prof. Black and this book. If that's what you want, there is no better reference.

The Impeachment Handbook was first published in May 1974 By Yale University and updated in subsequent reissues. The author Charles L. Black Jr., an Emeritus Professor of Constitutional Law, wrote the Handbook during the Nixon era against which he admits a bias but goes on to say "I confess to a very strong sense of the dreadfulness of the step of removal and the deep wounding such a step must inflict upon the country -----to be resorted to only when the rightness of diagnosis and treatment are sure." As a matter of fact Nixon was not impeached, as he resigned from office prior to the Articles of Impeachment being submitted by the House of Representatives to the Senate. Only two Presidents, Andrew Johnson and Bill Clinton have been impeached and neither was convicted by that body, although Johnson was censured. Impeachment is a process wherein the House is charged with specifying a list of Articles of Impeachment which are limited to treason, bribery, and high crimes and misdemeanors., which are then submitted to the Senate with the trial being chaired by the Chief Justice of the Supreme Court. The major issues discussed involve the vast range of interpretation of terms and conditions of the impeachment process, and the idealistic hope that it be devoid of political bias. The role of the Senate chaired by the Chief Justice is relied upon to counter such bias. The text concludes with an extensive bibliography and appendix for those who choose to delve into the intricacies of the law given the current controversies surrounding the issues of presidential powers and the constitution.

I think everyone should be acquainted with the information in this handbook, especially now.

Black's "Impeachment" is the ideal guide for the average citizen who hasn't studied constitutional law. Black gives a thumbnail sketch of the impeachment process' mechanics and explains what we know about the framers' intentions. He discusses the most often debated impeachment issues, and he offers his own interpretation of the process in general and comments on Nixon's impeachment. The main points I took from this book are that impeachment gravely frays the fabric of American society, and that partisan politics has no place in the process; the linchpin of impeachment is the solemn statesmanship of our congressmen. If another impeachment comes about in my lifetime, I'll let my congressmen know early in the proceedings that I'm counting on them to act without partisan bias.

'The process of presidential impeachment and trial thereon, culminates in a judgement of the Senate, either that the president is not guilty, or that he is guilty on one or more of the Articles of Impeachment voted by the House, and is to be removed from office. Is this judgement of conviction final, or is it in some manner appealable, to the United States Supreme Court or elsewhere?' Good question, huh? And so begins Chapter 4 of Charles L. Black's marvelous essay on the subject of impeachment. Black wrote this book when President Richard M. Nixon occupied the White House, yet the clarity of his writing, the reasonableness of his arguments and the vigor of his analysis, still hold true today nearly a quarter of a century later. This edition, republished in 1998, includes an impressive new forward by Prof Akhil Reed Amar of Yale University. If you're looking somewhat bewildered by the goings on Capitol Hill, and by implication, the lead stories on the news, rest assured you're not alone. One moment you hear the House of Representatives' Judiciary Committee recommending four Articles of Impeachment and the next moment you see the House vote to send the President to be tried by the Senate. What gives? You ask. Black's book takes the reader on a journey in search of the facts relating to impeachment: what it means, where it originated and how we apply tests to determine the case for or against an impeachable offence. Black also examines the role of lawyers and of the Courts. The author's objective throughout is not so much as to provide the reader with solutions, rather it is to illuminate why certain answers are incorrect. He does this by laying the evidence before the reader, so that the reader has every chance to examine both the evidence and his conscience, prior to arriving at a determination. As in other aspects of life, the book highlights that not all issues are clearly defined, and there is indeed room for some interpretation. Irrespective of whether you're keen to turn the first sod in the political

grave of the President William Jefferson Clinton, or whether you'd prefer to stand at his side as the United States Senate charges him; Black's essay is lucid, elegant and entertaining. As a contribution to the debate it is invaluable.

Black's book is remarkably relevant to the current impeachment situation, even after 25 years. Though his examples are contemporary to the Nixon near-impeachment (and prior to his resignation), it is refreshing to read a treatise on impeachment that does not constantly refer to Starr, Lewinsky, Tripp, et al. It is not written for the lawyer, so it has a popular flavor that made it a quick read while still imparting a great deal of information.

good

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