



Written by [Elad Hakim](#) on September 2, 2021

## For Now, the Only Realistic Way to Remove Joe Biden From Office Is if He Resigns

When President Trump was in office, he was impeached for purely political and partisan reasons by a party that was hell-bent on removing him from office. Fortunately, those efforts miserably failed, but not without putting the nation and the former president through several arduous, stressful, and costly witch-hunts. Unlike Trump, President Joe Biden's recent conduct regarding the southern border, his blatant disregard for Supreme Court precedent, his disastrous withdrawal from Afghanistan, and the recent [transcript](#) reflecting what he apparently knew about the situation in Afghanistan could all, arguably, reflect a dereliction of his duty/oath of office, and pose a real and existential threat to Americans and the nation. As a result, many are calling for Biden's impeachment or his removal from office. While such calls appear to be sincere, they are also likely to fail. Sadly, at the present time, the only realistic way that Biden will be removed from office is if he voluntarily resigns.



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Given what transpired during former President Trump's term in office, Americans are now all-too-familiar with the impeachment process, which the Democrats improperly abused and politicized. [Article II, Section 4](#) of the U.S. 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." To remove a president, a majority of the House first needs to approve articles of impeachment. Once this occurs, a trial is held in the Senate, where two-thirds vote is required to convict the president and remove him from office.

In [The Federalist, No. 65](#), Alexander Hamilton made the following comments regarding impeachment:

The subjects of its jurisdiction are 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. The prosecution of them, for this reason, will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. In many cases it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or on the other; and in such cases there will always be the greatest



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danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.

Assuming, for argument's sake, that Biden has committed one or more impeachable offenses (there is no clear consensus here, as "maladministration," for example, is no longer an impeachable offense), the odds of successfully impeaching and removing him from office are virtually nonexistent.

Given the current balance of power in the House and in the Senate, the likelihood of successfully impeaching Biden is quite low, as House Republicans would need help from several Democrats (assuming that all Republicans supported such a move). Assuming that a majority of the House agreed to impeach Biden, conviction would all but certainly fail given that Democrats control the upper chamber. Therefore, even if Biden has committed one or more impeachable offenses, impeachment is not a realistic option for House Republicans other than for the purpose of "appeasing" Republican voters and showing some much-needed toughness and unity, which some Republicans in Congress seriously lack. This is a questionable tactic, in that impeachment should not be politicized, is time consuming and expensive, and cripples the ability of Congress to get things done (Some might construe this final point as a good thing with the current Congress!). Of course, this could change if Democrats feel enough pressure from within their base and voters to remove Biden (i.e., if Democrats feel that Biden is too much of a liability for the party's future success, etc.).

If impeachment is not a realistic option to remove Biden from office, the 25th Amendment provides another potential avenue. [Section 4](#) of this amendment 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.

Notably, Section 4 applies when the president is unwilling to resign. Moreover, to invoke this provision, the vice president must also be on board. Therefore, in Biden's case, Kamala Harris would need to support and initiate removal under this section. This seems highly unlikely at this time, as it does not appear that Harris wants to shoulder the immense responsibilities associated with the office of the presidency. Additionally, as reported by [Insider](#):

[John D. Feerick](#), former dean of Fordham Law School, is one of the chief architects of the 25th Amendment who shepherded it through Congress in the early 1960s.

He told Business Insider in March 2017 that the senators who signed the provision into law specified that declaring the president unfit must rely on "reliable facts regarding the president's physical or mental faculties," not personal prejudice.

"If you read the debates, it's also clear that policy and political differences are not included, unpopularity is not included, poor judgment, incompetence, laziness, or impeachable conduct — none of that, you'll find in the debates in the congressional record, is intended to be covered by Section IV," Feerick said.



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Finally, even if [Section 4](#) was properly triggered, Biden could still reclaim the presidency if, within 21 days after receipt of a written declaration of Biden's inability to serve, two-thirds of both houses of Congress didn't vote to uphold the decision to remove him and to keep the vice president in charge.

Given that Democrats currently control Congress and the White House, it does not appear that Joe Biden's involuntary removal is imminent or likely. Even if Biden's conduct amounts to an impeachable offense, impeachment amounts to a game of numbers at the end of the day, and Republicans will fall short on this front. The 25th Amendment will also fail unless Harris supports Biden's removal (along with the necessary Cabinet members). For now, this is also doubtful. As a sidenote, many Republicans are not very eager to replace Biden with Harris.

Of course, things could change dramatically in 2022. If Republicans do very well in the midterm elections and alter the balance of power (i.e., take control of the House and elect a new speaker), they might be in a better position to utilize one or both of these options, if warranted. In addition, if Republicans take control of the House, they, at the very least, will be in a stronger position to lame-duck the current president.

For now, however, it does not appear that Biden is going anywhere unless he decides to resign on his own volition.



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