



Written by [Alex Newman](#) on April 15, 2015

Congress Considers Defining Decrees, Wars as Impeachable Crimes

In an effort to rein in an increasingly out-of-control executive branch, Congressman Ted Yoho (R-Fla.) introduced a House Resolution on April 13 that specifically defines “impeachable offenses” as everything from starting a war without congressional authorization to issuing executive orders purporting to circumvent Congress. If approved by the full House of Representatives, the measure would put the Obama administration and future presidents on notice that perpetrating any of the specified high crimes or misdemeanors will result in articles of impeachment being voted on. The law “should warn before it strikes,” the measure explains, offering a series of reasons why such a resolution is needed. Commenting on the measure, Rep. Yoho made clear that the definitions — while clearly applicable to Obama’s ongoing constitutional abuses — are not intended to be partisan and must apply to future presidents of both parties.



“Many of the people I have the honor of representing are tired of executive overreach and the circumvention of the legislative process,” the congressman said. “It is a dangerous precedent to set when the President begins to rule by fiat and takes on the role that is specifically reserved for Congress. Today’s resolution addresses this issue and begins to set a standard to define what constitutes high crimes and misdemeanors.”

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The measure, [House Resolution 198](#), provides a list of 11 specific crimes “which will cause the House to vote an article or articles of impeachment to send to the Senate for trial.” Those include “initiating war without express congressional authorization; killing American citizens in the United States or abroad who are not then engaged in active hostilities against the United States without due process (unless the killing was necessary to prevent imminent serious physical danger to third parties); failing to superintend subordinates guilty of chronic constitutional abuses; spending appropriated funds in violation of conditions imposed for expenditure; intentionally lying to Congress to obtain an authorization for war; failing to take care that the laws be faithfully executed through signing statements or systematic policies of non-enforcement; substituting executive agreements for treaties; intentionally lying under oath to a Federal judge or grand jury; misusing Federal agencies to advance a partisan political agenda; refusing to comply with a congressional subpoena for documents or testimony



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issued for a legitimate legislative purpose; and issuing executive orders or presidential memoranda that infringe upon or circumvent the Constitutional powers of Congress.”

The Obama administration, of course, has violated every single provision outlined above. In Libya, the [president launched a war based on a United Nations resolution](#) without even a semblance of congressional authorization. In Yemen, he has [murdered multiple U.S. citizens via drone without even charging them with a crime](#) — much less securing a conviction in a court of law from a jury of their peers. Incredibly, administration lawyers [have even sought to justify the practice](#), which is in clear violation of the Fifth Amendment to the U.S. Constitution prohibiting the deprivation of life, liberty, or property without due process of law. Examples of failing to supervise subordinates guilty of chronic constitutional abuses abound as well — Attorney General Eric Holder, currently in criminal contempt of Congress, [being an especially noteworthy example](#), along with IRS officials involved in targeting conservatives. Obama has not only failed to uphold the laws — [on immigration](#) and [even his own ObamaCare](#), for instance — he has openly ordered his subordinates not to enforce it while [boasting about the lawlessness](#). The administration also recently signed a series of pseudo-treaties without ratification by the U.S. Senate, such as [the FATCA “intergovernmental agreements”](#) and Obama’s [deal with the Communist dictator ruling mainland China about CO2 emissions](#). It hopes to [impose a UN climate regime on America without Senate ratification as well](#). The current administration has also [promulgated more executive decrees than any other in history](#) — and many of them brazenly purport to make or change U.S. law in violation of the Constitution.

More than a few former U.S. presidents in both major parties have similarly perpetrated many of the high crimes and misdemeanors outlined in the resolution. And the trend is accelerating, with Obama becoming even more lawless than former President George W. Bush. Polls taken in recent years show [more than two thirds of Americans say the federal government is “out of control” and a threat to basic liberties](#). As far as impeachment goes, by 2013, [some surveys were showing majority support for impeaching Obama over a series of mega-scandals](#). Last summer, a poll [revealed that 68 percent of Republicans supported impeachment](#). Even some Democrats, citing Obama’s unconstitutional war on Libya and other constitutional abuses, [have said the president ought to be impeached for his crimes](#). Rep. Yoho was among the [lawmakers who filed articles of impeachment against Justice Department boss Eric Holder in late 2013](#), citing, among other crimes, defying subpoenas about his arming of Mexican drug cartels in “Fast and Furious,” failing to uphold his oath of office, lying about spying on journalists, and more.

But Obama and Democrats are not the only targets. “Let me be clear, this resolution isn’t directed at any one president and doesn’t favor one party or the other,” Rep. Yoho said about the measure. “Essentially, it will put all Presidents — current and future, both Democrat and Republican — on notice that Congress will finally begin holding them accountable. I swore to uphold the Constitution and defend the rule of law, regardless of who the President is. This is but a first step in reining in an overreaching executive and restoring the balance of power in our government — the way our founders intended.”

According to Rep. Yoho’s resolution, there are many reasons why a firm definition is needed when it comes to Article II, Section 4 of the U.S. Constitution. The relevant segment of the Supreme Law of the Land states that: “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.” For one, the term “high crimes and misdemeanors” has an objective meaning



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“based on the intent of the Constitution’s framers and British impeachment precedents,” the measure explains. “The absence of impeachment standards creates an appearance that impeachment is a partisan exercise, which undermines its legitimacy and deters its use.” The past neglect of the House of Representatives to use the impeachment power against presidential “usurpations and lawlessness,” the resolution continues, “has concentrated alarming power in the executive branch, crippled liberty, undermined transparency, and encouraged Presidents to further aggrandizements.” Finally, the impeachment power granted to the House in the U.S. Constitution is “a cornerstone safeguard against Presidential tyranny,” the text explains.

The resolution also cites the writings of Alexander Hamilton, one of America’s Founders, appearing in *The Federalist*, No 65. In the document, Hamilton explained that impeachable offenses “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.”

All Americans alarmed about the growing executive-branch lawlessness being tolerated and even funded by Congress ought to support the measure to define impeachable offenses. It may not fix all problems, but it could go a long way toward forcing lawmakers to uphold their oaths of office and hold the president accountable for violating his own oath to the Constitution regardless of party label.

Please help to create awareness of and support for this important new resolution by phoning your representative in Congress now. Phone numbers for members of the House can found [here](#).

Rep. Yoho’s [House Resolution 198](#) has been referred to the House Judiciary Committee. It would take effect upon passage by the House of Representatives.

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