



Written by [Joe Wolverton, II, J.D.](#) on September 10, 2016

Impeachment: The Constitutional Remedy for Clinton's Corruption

She's not even in the White House yet, but the movement to impeach Hillary Clinton is gaining momentum.

As one scandal after another attaches like a barnacle on the Clinton campaign, constitutionalists opposed to her occupation of the Oval Office are ignoring a remedy fundamental to the Founders' commitment to keeping public officials on a short leash: impeachment.



Article II, Section 4 of the U.S. Constitution provides the power to check corruption of all federal officials: "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."

In *The Federalist*, No. 65, Alexander Hamilton promoted the power of impeachment to protect public trust:

A well-constituted court for the trial of impeachments is an object not more to be desired than difficult to be obtained in a government wholly elective. 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. (Emphasis in original)

The Framers of the Constitution, while meeting in Philadelphia in 1787 recognized the necessity of writing a remedy into our founding charter for the disease of official abuse of the confidence of the people. Impeachment was the remedy and it was a central element of the overall scheme of tethering public servants to the anchor of popular consent.

On July 20, 1787, James Madison recorded the following question asked by George Mason during debates on the proper method of keeping federal officers inside their constitutional cages.

"No point is of more importance than that the right of impeachment should be continued. Shall any man be above justice?" the staunch supporter of state sovereignty asked.

On that same hot afternoon session, Madison himself described impeachment as an "indispensable" provision for "defending the community against the incapacity, negligence or perfidy" of government officials.

With the multiplicity of lies regarding her use of personal servers to process classified electronic communications, her participation in a pay-to-play scheme perpetrated by the Clinton Foundation, her instruction to purposefully destroy electronic devices in defiance of congressional subpoenas, her failure to protect American diplomats under attack in Libya, and a seemingly perpetual precipitation of corruption, there is no question that Hillary Clinton has betrayed the trust afforded her by the American



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people.

While many are pushing for Clinton to be held criminally liable for her alleged crimes, the constitutional remedy of impeachment is a more reliable, substantially simpler, and more constitutionally appropriate method of making government officials answer for their suspected violation of the confidence and consent of the governed.

One of the benefits of this approach is that Mrs. Clinton's abuses, in order to qualify for impeachment proceedings, need not be breaches of a criminal code. As Hamilton explained in *The Federalist*, No. 65 (quoted above), the trigger for impeachment is the "misconduct" of public officials or the "abuse or violation of some public trust."

It is nearly inarguable except to all but the most inveterate Clinton courtier that the Democratic presidential nominee's behavior while secretary of state in the Obama administration was rife with misconduct and abuse of the public trust.

Writing for *National Review*, Andrew McCarthy explained the propriety of pushing for Clinton's impeachment:

In impeachment, the official is held to a higher standard of conduct because public office is an extraordinary privilege, not a fundamental right. Public office is a trust with awesome attendant powers; a person may be manifestly unfit for it without having committed indictable crimes. Therefore, high crimes and misdemeanors — which, again, need not be indictable penal offenses — are easier to prove: Congress may fashion its own rules for the proceeding, there is no judicial oversight, and no requirement that all essential elements of criminal offenses be proved beyond a reasonable doubt under strict rules of evidence — Congress must merely determine that violations of the public trust have occurred and that they warrant removal of that trust. By contrast, because a criminal prosecution does involve the potential deprivation of fundamental rights, the standards of proof are more exacting and the protections of judicial due process are guaranteed.

While certainly an unorthodox approach to holding Clinton accountable for her habitual refusal to even satisfactorily shoulder the burden of public service, impeachment has the imprimatur of the Constitution and the men who drafted that document.

Regardless of the novelty of impeachment, the results of a recent Public Policy Polling survey of North Carolina voters revealed that 66 percent of respondents favored impeaching Clinton for her actions while serving as secretary of state.

For her part, when asked what she thought of the crescendo of calls for her impeachment, Hillary Clinton called the idea "laughable," "totally ridiculous," and "pathetic."

The last word on the purpose of impeachment and its appropriate application to the case of Hillary Clinton is given to Benjamin Franklin, who told the story of a political leader in Holland who committed offenses against the public trust, but was allowed to remain in office for the lack of a constitutional process for checking such abuses.

"Yet as he could not be impeached and no regular examination took place, he remained in his office, and strengthening his own party, as the party opposed to him became formidable, he gave birth to the most violent animosities and contentions," Franklin related.

"Had he been impeachable, a regular & peaceable enquiry would have taken place and he would if guilty have been duly punished, if innocent restored to the confidence of the public," he added.



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If Hillary Clinton is, as she maintains, innocent of all the allegations heaped upon her by her critics, then she has nothing to fear and everything to gain from having the purported error of those charges exposed by a process provided by the very document she was sworn as secretary of state to “preserve, protect, and defend”: the Constitution of the United States.

Photo of Hillary Clinton: AP Images



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