

impeachment has resulted in more resignations than impeachments. "It has been earnestly contended by a highly respected school of legal thought that only indictable offenses are within the contemplation of this provision (Article II, Section 4) for impeachment."<sup>10</sup>

Other eminent legal authorities maintain that while indictability may not be the true criterion of impeachability, impeachment under our Constitution presupposes the commission of an offense in contravention of a statute or against the precepts of the common law.

The impeachment process is inextricably intertwined with the political process at all levels of government.

"When the President nominates a candidate for a federal judgeship, he exercises the political power. When the Senate confirms the nomination, it exercises the political power. When the House of Representatives impeaches a judge, the political power is again brought into play. Upon conviction of the impeachment, the respondent is removed from office. Perhaps he may be perpetually dis-

qualified from holding office. Here political power ends and the respondent is still subject to court action. . . . Thus an impeachment in this country, though judicial in external forms is political in spirit. It is directed against a political offense. It culminates in a political judgment. It imposes a political forfeiture. In every sense, save that of administration, it is a political remedy, for the suppression of a political evil, with wholly political consequences."<sup>11</sup>

The power of Congress to remove all civil officers by impeachment has always been regarded as an integral part of the system of checks and balances on which the federal government is based. The legislative bodies, by constitutional grant, can expel their members. The President, through his power to appoint and his duty to enforce the laws, may remove all subordinate executive officers.<sup>12</sup> Others can be removed by agency and department heads, subject to congressional regulations. The judiciary alone among the three departments of the federal government, lacks the power to discipline its own members.

#### IMPEACHMENT PROVISIONS IN OTHER STATE CONSTITUTIONS

##### ALASKA:

"All civil officers of the State are subject to impeachment by the legislature. In this state impeachment originates in the Senate by two-thirds vote of its members, and the trial is conducted in the house of representatives."<sup>13</sup>

##### ARIZONA:

"The house of representatives shall

have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary for impeachment. . . . No person shall be convicted without a concurrence of two-thirds of the senators."<sup>14</sup>

##### DELAWARE:

"The Governor and all other civil officers under this state shall be liable to impeachment for treason, bribery or any high crime or misdemeanor in office."<sup>15</sup>

<sup>10</sup> HARV. L. REV., *supra* note 2.

<sup>11</sup> 26 HARV. L. REV. 697, 698 (1912-13).

<sup>12</sup> *Myers v. U.S.*, 272 U.S. 52 (1926); *Humphrey Ex's v. U.S.*, 295 U.S. 602 (1935).

<sup>13</sup> ALAS. CONST. art. II, §20 (adopted in 1959).

<sup>14</sup> ARIZ. CONST. art. VIII, §2(1) (adopted in 1912).

<sup>15</sup> DEL. CONST. art. VI, §2 (adopted in 1897).