

Answer Key

Unit 4—High Crimes and Misdemeanors: Impeachment and the Constitution

Constitutional Connection: Impeachment and the Constitution

1-10: Accept reasoned answers.

ANDREW JOHNSON

Handout A: The Impeachment of Andrew Johnson

1. Johnson believed in “restoration” of the states to the Union, ending slavery but leaving the states in control of the rights of the freedmen. Republicans believed that Congress was in charge of a “reconstruction” process that would return the states to the Union only after those states had consented to a significant shift away from state power to federal control.
2. Stanton strongly opposed Johnson’s lenient approach toward the South and resisted Johnson’s policies.
3. A law requiring that any federal official whose appointment had required confirmation by the Senate could not be dismissed without the Senate’s approval.
4. The impeachment process proved to be effective to preserve the separation of powers. Some Senators worried that if Johnson had been removed from office in this impeachment trial, the systems of separation of powers and checks and balances built into the Constitution by the Framers would have been seriously jeopardized for all future presidents.
2. For Conviction. Johnson is guilty of the constitutional crimes, but those are not the main point. We shouldn’t argue over the wording of laws when the President is a tyrant.
3. For Conviction. The President fired Stanton and has hired Thomas, and insists he can do so even though the Tenure of Office Act says he can’t. Case closed.
4. Against Conviction. I see no evidence that Johnson violated the Constitution. If we impeach a President when there is not proof of wrongdoing, no future President will be safe from impeachment anytime he disagrees politically with two-thirds of both Houses of Congress. The checks and balances of the Constitution are too important to be subject to politics.
5. Against Conviction. The Constitution has an important separation of powers. I may not like Johnson, but I can’t vote to impeach him for that reason alone. That would send a message to future generations that impeachment for political purposes is okay.
6. Against Conviction. The people may want us to remove Johnson, but in this situation it is not my job to do what the people say they want; it is to do justice. That is what I was elected to do.

Handout C: Senators’ Statements on the Trial of Andrew Johnson

1. For Conviction. This impeachment trial is a continuation of the fight against slavery, because Johnson represents slavery and its power.

RICHARD NIXON AND THE WATERGATE SCANDAL

Handout A: Nixon and the Watergate Scandal

1. Nixon’s re-election campaign conducted several break-ins at the Democratic National Committee (DNC) Headquarters in the Watergate office apartment complex in Washington, DC. The purpose was to spy on the Democrats’ campaign plans.

2. The series of events from the Watergate burglary, through the Nixon administration's attempts to conceal illegal activities, resulting in Nixon's resignation.
3. The tape recordings of conversations would allow investigators to determine "What the President knew and when he knew it."
4. Executive privilege is the idea that the separation of powers doctrine gives the president the right to keep certain information secret. In *United States v. Nixon* (1974), the unanimous opinion of the Court was that, while executive privilege is an important and legitimate principle, "The generalized assertion of privilege must yield to the demonstrated, specific need for evidence in a pending criminal trial."
5. Accept reasoned answers.

BILL CLINTON

Handout A: The Impeachment of Bill Clinton

1. Paula Jones was an Arkansas state employee who sued President Clinton for sexual harassment as a result of an encounter that took place when Clinton was the governor of Arkansas. She subpoenaed Lewinsky and Tripp in order to attempt to show a pattern of Clinton's sexual misconduct.
2. Starr thought that Clinton might have tried to keep the Lewinsky affair secret by encouraging Lewinsky to lie in the Jones case, or that he might have attempted to "buy her silence" by getting her a high-paying New York job.
3. He gave misleading testimony in his pretrial deposition in the Jones lawsuit and in his testimony to Starr's grand jury. (In addition, he made misleading statements to his aides and to the American people.)
4. the President's lies regarding his relationship with Monica Lewinsky
5. Accept reasoned answers.
6. Some may say that perjury and obstruction of justice are felonies deserving of impeachment even when the lies are only about private sexual matters. Others may say that whatever wrongs the President had committed were wrongs against his family, not matters of public concern because they did not threaten the national interests that the President is sworn to uphold. They may question how the President could be guilty of obstruction of justice when the Paula Jones suit was dismissed.

Handout C: Glossary

Affidavit: Written statement under oath. Lewinsky signed an affidavit in the Jones lawsuit, denying an affair with Clinton.

Grand jury: A group of people selected and sworn in by a court to determine whether sufficient evidence exists for a person to be charged with a crime. Kenneth Starr empaneled a grand jury to determine if Clinton had committed perjury and obstructed justice.

House Judiciary Committee: A standing committee in the US House of Representatives. One of the jobs of this committee is to investigate questions of impeachment and make recommendations to the full House of Representatives based on their findings. Starr delivered his report to this committee.

Immunity: Exemption from prosecution in return for providing information regarding the prosecution of others. Starr offered Lewinsky immunity in exchange for her cooperation in the case against Clinton.

Impeach: To accuse and bring to trial. The House of Representatives approved two articles of impeachment against Clinton.

Independent Counsel: An official appointed on a temporary basis to investigate a matter in which regular law-enforcement officers might have a conflict of interest. Kenneth Starr was