Chapter 14

Accountability and Responsibility in the Public Sphere: Impeachment in the Political System of the United States of America

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ABSTRACT

The impeachment process, which is constitutionally based, provides a legislative mechanism for investigating possible illegal acts from the President, the Vice President, and other civil officers of the United States. The impeachment process needs the intervention of the House of the Representatives and the Senate. The House has the responsibility to make the initial research and to determine the possibility of an official’s impeachment. If the House decides that this is appropriate, the members of the House vote for the article or the articles of impeachment that explain the specific reasons upon which the impeachment is based. Then these facts and these reasons are presented to the Senate, which has the power to try all the impeachments. It is clear that the impeachment procedure is a very complex mechanism, and the US constitution gives only a skeletal guidance as to the nature of the proceedings letting the House and the Senate fill this void through their rules, procedures, and precedents. Impeachment is explored in this chapter.

1. INTRODUCTION

The form of the government of a nation distinguishes the system of the executive, legislative and judicial organs of the state. In the presidential system, the executive branch exists and presides independently from and is void of accountability to the legislator who, under ordinary circumstances, has no right to dismiss it. In the presidential system of the United States of America, the President represents one of the three branches of power in the federal government of the country.

In the federal government all executive powers are held by the President, evidently providing him
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with a wide range of authorities. Turning bills of the Congress into law, the power of veto over bills of the Congress, appointing all major federal officials, the power of giving pardons for federal offences are but a few of the authorities that the President of the United States holds.

Such authorities introduce the issue of the responsibility of the individual holding such powers, especially when these powers pertain to the public interest. Inevitably, responsibility concerns the President of the United States as well as all the officials holding offices and taking decisions that influence public life and the future of the citizens.

That being said, the present article aims to define the responsibility and the subsequent accountability of officials when holding positions in public offices. In the United States this is typified in the procedure of impeachment, originating from the British constitutional history.

2. THE MEANING AND THE BACKGROUND OF IMPEACHMENT

Impeachment in the United States is an expressed authority of the legislator allowing for formal charges against a civil officer of the government for crimes committed while in office. The actual trial on those charges and the potential subsequent removal of an official after conviction are separate from the act of impeachment itself. Impeachment corresponds to indictment in regular court proceedings, while trial in the other house equals a trial before a judge and a jury in regular courts. Typically, the lower house of legislation impeaches the official while the upper house conducts the trial.

Impeachment is a system originating from England with a different use from that in the United States. The first incidents of English impeachments may have begun as early as in 1376, while the establishment of this procedure has repeatedly been placed in 1283. However, the initiation of the impeachment in England has also been placed in 1399 (Bazan, 2010). Nonetheless, it is certain that the English application is rooted well before the colonial establishment of the practice in the United States.

Before the 14th century, the House of Lords in England used to judge ministers and other officials on their acts in the Kingdom through a process termed “petition of citizens”, where the King was present but the House of Commons did not participate in the procedure. When compared to the previous system, impeachment implies a new institutional development that upgrades the role of the House of Commons by granting more authorities than before.

In England impeachment has been associated with purely political ambitions due to the doctrine “The King can not do wrong”, while it is observed especially in uneven periods of the English history. Acts leading to impeachment were often comparable to the so-called “political errors”. Therefore, a bad piece of advice to the monarch, poor defensive organization of the Kingdom, maladministration at times of war or the mismanagement of public funds were but a few acts possibly leading to impeachment by the only known way at that time, that of the criminal conviction of those acting as mentioned before (Bazan, 2010).

This is the biggest difference between the system of impeachment in England and the United States. In England impeachment was regarded as a criminal sanction imposed against the rulers and then as a civil penalty. Penalties may have affected the rulers’ estate, personal freedom (through a possible imprisonment or exile) or even threaten their lives. The sole political penalty was disqualification from the public office they held, although only subsequent to a recurring criminal penalty (Loverdos, 1995).

Contrary, in the United States the introduction of impeachment brought along intervention in the structure of the public governance system. Although impeachment in the United States, as it first appeared in England, shows certain similari-