

Basis for State Initiated Impeachment

This document describes the legal basis by which a state legislature or other local government entity can initiate impeachment proceedings in the US House of Representatives. More information available at "<http://www.impeachbush.tv/impeach/bystate.html>".

The Jefferson Manual is part of the House Rules, which govern the US House of Representatives. Section LIII, 603 states:

"In the House there are various methods of setting an impeachment in motion: ... by charges transmitted from the legislature of a State (III, 2469) ..."

The (III, 2469) refers to the Hinds Precedents, section III, 2469. It tells of how in 1903 the Florida legislature passed a bill to impeach a corrupt US District Judge named Charles Swayne. With the power of a joint resolution from his home state behind him, Mr. William B. Lamar, of Florida, claiming the floor for a question of privilege, introduced a resolution of impeachment. Judge Swayne was eventually impeached but was later acquitted.

A Member of the House of Representatives can always initiate impeachment by introducing a resolution as a question of privilege. But there is a mechanism by which a state can initiate impeachment without requiring that a member introduce the resolution.

Impeachment charges from a state can be sent to the Clerk of the House of Representatives. The charges must be marked with the word "Petition" at the top, and bear the authorizing signature of the Secretary of State from that state. The Clerk will then add a note to the Congressional Journal that the charges were received. The charges will then be referred to the House Judiciary Committee for consideration.

The Judiciary Committee may then investigate the charges, draft Articles of Impeachment and submit them to the floor of the house for a vote. It is also possible that the Committee may ignore the charges. That will depend on the ever shifting political situation and cannot be predicted. But the fact that success is not guaranteed does not relieve the state of their obligation to do whatever they possibly can to defend the United States Constitution according to their oath of office.