

**NEED** to  
**IMPEACH**

# **IMPEACHMENT:** A Guide for Candidates



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- + [An Explainer About the Meaning and History of Impeachment](#)
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“ He might lose his capacity after his appointment. He might pervert his administration into a scheme of speculation or oppression. He might betray his trust to foreign powers.”

JAMES MADISON ON IMPEACHMENT, 1787

**Dear Candidate:**

This booklet contains the materials you need to understand the issues regarding the case for the impeachment of Donald Trump, including a brief history of impeachment, an explanation of the term “high crimes and misdemeanors,” an overview of Donald Trump’s impeachable offenses, and a list of frequently asked questions.

As a candidate seeking elected office, it is important for you to understand this subject, which is too often misunderstood. Donald Trump is a clear and present danger to our country, and his actions have already superseded the threshold for impeachment as originally conceived by our nation’s Founding Fathers. With this guide, we hope to share why our grassroots movement, powered by millions of Americans, is demanding to hold Trump accountable for his offenses.

We thank you for taking the courageous step to pursue public life and service for our country. Please consider us as a resource to help inform you about the steps we must take to remove one of the gravest dangers our country has ever confronted. We have also created a way to continue this dialogue beyond this guide. You can sign up to receive more information at [www.needtoimpeach.com/candidates](http://www.needtoimpeach.com/candidates). We look forward to staying in touch.

Sincerely,



Tom Steyer

P.S. We would love to hear from you! Feel free to contact us by emailing us at [connect@needtoimpeach.com](mailto:connect@needtoimpeach.com).

# What Is Need to Impeach?

**Tom Steyer launched the Need to Impeach movement on October 20, 2017, calling on supporters to sign an online petition.** More than 5 million people have since signed the petition, creating a digital army of supporters that many political strategists call a formidable and powerful political tool. Learn more at:

[www.NeedtoImpeach.com](http://www.NeedtoImpeach.com)

## The Top Five Reasons Need to Impeach Supporters Believe Donald Trump Should Be Impeached

We recently asked Need to Impeach supporters for the top five reasons they believe Donald Trump should be impeached. They answered as follows: —————>

- 1 **Obstructed justice by firing FBI Director James Comey (92 percent)**
- 2 **58 legal scholars say he's committed impeachable offenses (91 percent)**
- 3 **Enriched himself and his family (91 percent)**
- 4 **He is too unstable to have nuclear weapons (91 percent)**
- 5 **Colluded with Russia (90 percent)**

Source: Change Research

For more information on current impeachment efforts, please contact us at [connect@needtoimpeach.com](mailto:connect@needtoimpeach.com) or

[www.needtoimpeach.com/candidates](http://www.needtoimpeach.com/candidates)

## Support for Impeachment Increases When Mueller's Investigation Uncovers Wrongdoing by the Trump Campaign

Recent polling by Stand Up America and Greenberg Quinlan Rosner demonstrates that support for impeachment will increase if Special Counsel Robert Mueller uncovers almost any type of illegal coordination, obstruction of justice, or financial crime committed by Donald Trump, his aides, or his campaign regardless of Trump's direct involvement with the wrongdoing.

Imagine this summer, Special Counsel Mueller announces he has proof that... At that point, would you support or oppose the impeachment of President Trump?	% Support Impeachment	% Oppose Impeachment
<b>[Illegal coordination, Trump involved]</b> He has proof that top people on Trump's campaign worked illegally with Russia to undermine the 2016 election, and announces that Donald Trump was personally involved in these efforts.	<b>65%</b>	<b>35%</b>
<b>[No illegal coordination, but financial crimes involving Trump]</b> There is no clear evidence that Donald Trump or his campaign worked illegally with Russia to undermine the 2016 election. But, during his investigation Mueller found evidence of crimes like money laundering committed by Trump's real estate company, done at his personal direction, in advance of the 2016 election.	<b>63%</b>	<b>37%</b>
<b>[Illegal coordination, Trump not involved, plus obstruction involving Trump]</b> He has proof that top people on Trump's campaign worked illegally with Russia to undermine the 2016 election, but Trump himself was not personally involved. However, he does find proof that Donald Trump personally obstructed justice in attempt to cover up his staff's actions, such as by firing FBI Director James Comey to try to block the Russia investigation.	<b>62%</b>	<b>38%</b>
<b>[Obstruction, Trump involved]</b> There is no clear evidence that Donald Trump or his campaign worked illegally with Russia to undermine the 2016 election. However, he does find proof that Donald Trump repeatedly obstructed justice, such as by firing FBI director James Comey to try to block the Russia investigation.	<b>62%</b>	<b>38%</b>
<b>[Illegal coordination, Trump not involved]</b> He has proof that top people on Trump's campaign worked illegally with Russia to undermine the 2016 election, but cannot prove that Trump himself was personally involved.	<b>59%</b>	<b>41%</b>
<b>[Obstruction, Trump not involved]</b> There is no clear evidence Donald Trump or his campaign worked illegally with Russia to undermine the 2016 election. However, he does find proof that many of the top people on the Trump campaign and staff, although not Trump himself, repeatedly obstructed justice, such as by pushing for firing FBI Director James Comey to try to block the Russia Investigation	<b>58%</b>	<b>42%</b>

Source: Stand Up America/Greenberg Quinlan Rosner

## Voters Less Likely to Re-Elect Republican Members of Congress for Attacking Robert Mueller and His Investigation

Both Independents and Republicans are less likely to re-elect a Republican Member of Congress if he or she was involved in efforts to attack or stall Robert Mueller's investigation.

Now, imagine that Special Counsel Mueller announces this summer he has evidence of criminal activity by President Trump and his team, such as working illegally with Russia to undermine the 2016 election, or obstructing justice to block the truth from coming out. At that point, if you found out that your member of Congress had been involved in efforts to attack or stall Special Counsel Mueller's investigation, would that make you more or less likely to vote for the re-election of your member of Congress?

### % "less likely to vote to re-elect"

<b>Total:</b>	<b>64%</b>
<b>Independents:</b>	<b>71%</b>
<b>All Republicans:</b>	<b>58%</b>
<b>Republicans in GOP-held House Districts:</b>	<b>62%</b>

Source: Stand Up America/Greenberg Quinlan Rosner

There is also no evidence that a robust defense of Robert Mueller will erode the congressional vote for Democrats in 2018. Indeed, recent polling conducted by Stand Up America and Greenberg Quinlan Rosner demonstrates that support for Democrats on a generic congressional ballot increases when voters are exposed to the facts about the Mueller investigation and to the Trump campaign's alleged complicity with Russia.

## Mueller Investigation Inquiring about Trump's Finances and Russian Business Dealings

Special Counsel Robert Mueller and his investigators are homing in on Donald Trump's finances and business dealings in Russia. According to multiple news sources, Mueller and his team are asking witnesses about Trump's financial dealings in Russia prior to his 2016 presidential run.

The Mueller investigation is asking about:

- The timing of Trump's decision to run for president
- Whether Russia had compromising information on Trump
- The failure of an attempt to brand and open a Trump Tower in Moscow

**Bottom line:** Mueller's team is ratcheting up the pressure and closing in on Trump's finances. More damning evidence of links between Russia and Trump is likely to follow.

## What is Impeachment?

The Founding Fathers granted Congress the power of impeachment as a key part of our system of checks and balances—in this case, the legislative branch (Congress) checking the executive (the president).

This power was granted as a fail-safe in case the country could not wait for another election to vote a president out of office.

As it is laid out in the Constitution, "the President shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

Importantly, impeachment is just one step in the process of removing a president from office. If there is a simple majority on one or more articles of impeachment introduced in the House of Representatives, then the case is presented to the Senate, which holds a trial before a vote that requires a two-thirds majority for removal from office.

## What Does "High Crimes and Misdemeanors" Mean?

Alexander Hamilton suggested that this meant the **"abuse or violation of some public trust."**

**That may seem hard to classify, but we do know that they granted this power to Congress instead of the judiciary because impeachable offenses are not necessarily criminal offenses, though criminal offenses could be used to build a case for impeachment.**

**A president caught shoplifting might cause a stir—but the crime committed would not amount to a misuse or abuse of presidential authority, and would therefore not be grounds for impeachment.**

On the other hand, **taking a six-month vacation in the middle of one's term in office may not be a criminal act—but it would warrant impeachment.**



Past Congresses have initiated impeachment proceedings against three presidents—**Andrew Johnson, Richard Nixon, and Bill Clinton.**

## Past Impeachment Proceedings In U.S. History

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**Johnson was charged with making unconstitutional appointments, misusing federal funds, and violating federal law** when he removed Secretary of War Edwin Stanton, defying the Tenure of Office Act that Congress had passed the year before—over his veto. Over March 2–3, 1868, the House adopted 11 articles of impeachment against Johnson, including one for giving three speeches that were disrespectful to Congress.

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Though **Richard Nixon** resigned before the House could complete the impeachment process, over July 27–30, 1974, they passed three articles of impeachment—**obstruction of justice, abuse of power, and contempt of Congress**—primarily linked to the Watergate scandal.

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On December 19, 1998, **Bill Clinton was impeached for perjury and obstructing justice amid a sexual harassment lawsuit** filed by Paula Jones, which uncovered his affair with Monica Lewinsky.

These previous efforts to remove presidents from office, along with subsequent legal debates, provide precedents and standards for impeachment—and **Donald Trump has far surpassed them.**

# Trump's Eight Impeachable Offenses

1

## Obstructing Justice

- After taking office, **Trump asked FBI Director James Comey to abandon the investigation** into Russian interference in the 2016 election—which the FBI had already connected to Michael Flynn.
- When Comey refused to alter course, **Trump fired him.**
- Trump then admitted the firing was over “the Russia thing” in a televised interview.
- In a tweet months later, he stated that he “**had to fire Michael Flynn because he lied to the FBI**”—further affirming that he dismissed James Comey in an attempt to quash the FBI’s investigation.

**BOTTOM LINE:** Trump has repeatedly attempted to interfere in the Russia investigation, and admitted as much.

2

## Violating the Emoluments Clause of the U.S. Constitution

- The **Constitution’s Foreign Emoluments Clause** prohibits the president from accepting personal benefits from any foreign government or official.
- **Trump has retained his ownership interests** in his family business while he is in office.
- Thus, every time a foreign official stays at a Trump hotel, or a foreign government approves a new Trump Organization project, or grants a trademark, **Trump is in violation of the emoluments clause.**

*For example:* Shortly after he was sworn into office, **the Chinese government gave preliminary approval to 38 trademarks** of Trump’s name. Then in June, **China approved nine Donald Trump trademarks** they had previously rejected.
- And every time he goes to golf at a Trump property, he funnels taxpayer money into his family business—violating the Domestic Emoluments Clause.

**BOTTOM LINE:** Because Trump never divested from his business interests, **he violates the Constitution every time the Trump Organization has business dealings with foreign or American government officials.**

3

## Conspiring with others to commit crimes against the United States, and attempting to conceal those violations

- In the middle of the 2016 election, **Trump’s son was invited to meet with a Russian national** regarding “information that would incriminate Hillary and...would be very useful to” Donald Trump.
- The Russian, **Natalia Veselnitskaya**, had ties to high-ranking Kremlin officials.
- **Donald Trump Jr., Paul Manafort, and Jared Kushner took the meeting**, offering a change to the 2012 Magnitsky Law in return for dirt on Clinton.
- **Federal law prohibits campaigns from soliciting anything of value from a foreign national.**
- After journalists broke this story, **Trump personally dictated a public statement on behalf of his son** that lied about the intended purpose of the meeting.
- This relationship between the Trump team and the Russian national raises questions of whether the campaign aided a hostile foreign power’s active operation against the United States.

**BOTTOM LINE:** Trump tried to cover up his campaign’s contacts with a Russian national—which, at the very least, constituted a violation of federal law.

4

## Advocating violence and undermining equal protection under law

- When **Trump gave cover to the neo-Nazis who rioted in Charlottesville** and murdered a protester, he violated his obligation to protect the citizenry against domestic violence.
- When **Trump encouraged police officers to rough up people they have under arrest**, he violated his obligation to oversee faithful execution of the laws.
- When **Trump shared anti-Muslim content on Twitter**, he violated his obligation to uphold equal protection of the laws.
- This represents a pattern of disregard for some of the president’s basic responsibilities as defined by the Constitution.

**BOTTOM LINE:** Trump has demonstrated a pattern of behavior amounting to advocating violence, undercutting equal protection, and, as a result, failing basic Constitutional duties.

# Trump's Eight Impeachable Offenses

5

## Abusing the pardon power

- President Trump's decision to **pardon Joe Arpaio** amounted to an **abuse of the pardon power** that revealed his indifference to individual rights and equal protections.
- **Joe Arpaio was convicted for contempt of court** after ignoring a court order that he stop detaining and searching people based on the color of their skin, which constitutes a violation of their rights.
- **Pardoning this conviction goes against the Fifth Amendment**, which allows the judiciary to issue and enforce injunctions against government officials who flout individual rights.

**BOTTOM LINE: Trump's pardon of Joe Arpaio violates the Fifth Amendment and harms the guarantee of Constitutional rights.**

6

## Engaging in conduct that grossly endangers the peace and security of the United States

- **High-ranking administration officials involved in foreign affairs have signaled that Trump does not have the capacity** to make informed decisions in the event of a military crisis.
- Even worse, **his actions could spark a needless confrontation stemming from misunderstanding or miscalculation.**
- We see this in full effect every time **Trump tweets or makes a public statement taunting and threatening the North Korean regime.**
- The president may be the "Commander in Chief of the Army and Navy of the United States," but **that does not give him the right to behave in reckless or wanton ways** that put millions of lives at risk.
- If **he is unfit to perform his duties as Commander in Chief**, he cannot be allowed to remain in the position.

**BOTTOM LINE: Trump cannot be permitted to recklessly and needlessly endanger millions of Americans over his unstable behavior.**

7

## Directing law enforcement to investigate and prosecute political adversaries for improper and unjustifiable purposes

- **President Trump has repeatedly pressured the Department of Justice and the FBI to investigate and prosecute political adversaries like Hillary Clinton.**
- This is not based in concerns with national security, law enforcement, or any other function of his office—**it is an attempted power play, plain and simple.**
- There's no question that this constitutes an outrageous and inappropriate **abuse of executive branch powers** and serves as clear grounds for impeachment.

**BOTTOM LINE: Trump's threats against political opponents are threats against American democracy.**

8

## Undermining the freedom of the press

- **President Trump has repeatedly attacked the concept of an independent press.**
- He's called critical coverage "fake news" and **journalists "the enemy of the American people,"** made threats to change libel laws and revoke licenses, and his battles with CNN led him to try to **interfere in the AT&T/Time Warner merger.**
- This demonstrates his unwillingness to respect and uphold the Constitution, and disdain for the crucial foundations to our free society.

**BOTTOM LINE: Trump's threats against freedom of the press are also threats against American democracy.**

Thanks to Free Speech for People, whose white paper, 'The Legal Case for a Congressional Investigation on Whether to Impeach President Donald J. Trump,' served as the basis for this list.

# FAQ About Impeachment

## Why talk about impeachment now, with Republicans in control of Congress and clearly unwilling to move forward with proceedings?

- Americans who sense that this president is unfit and should be removed from office need to know that they aren't wrong—they have history, the Constitution, and a near-majority of the public already on their side.
- The president has more than met the standard for impeachment, and the only thing holding the process back is political calculation.
- If candidates like you, representing your constituents, won't speak up, then who will?
- Candidates and elected officials all over the country are already supporting impeachment efforts. We need to make sure the president understands that his offenses are not going unnoticed.

## Shouldn't we want Democrats talking about their policy priorities and how they will actually help people if we want to take back one or both houses of Congress?

- The issues that Americans care about are all important. This is one of them. Pundits and politicians who want to avoid taking a stand on impeachment tell us this should be a matter of political calculation, but let's be clear: it is a false choice.
- Nothing is preventing Democrats from promoting an agenda focused on building a fairer economy, improving the health care system, and creating a more equal and just society—while also underscoring the need to impeach this president. In fact, we think they're all part of the same long-term campaign.
- We believe that impeachment is essential for the health of our democracy, and that making this case can boost turnout among the Democratic base. Here's why:

A recent poll from the nonpartisan Quinnipiac University Polling Institute—which polling guru Nate Silver has called a “gold standard” pollster—has shown that **76 percent of Democrats support impeachment, and want to see their views reflected by their representatives.**

Moreover, **57 percent of Americans do not believe this president is fit for office, and an increasing number are in support of impeachment regardless of party identification.**

Quinnipiac also **reported that 45 percent of Americans support impeachment as of January 10, 2018. Last August, a Public Religion Research Institute poll showed support at 40 percent, a 10-point increase from February 2016, just six months prior.**

- But there's perhaps no better evidence than what voters in Virginia, New Jersey, and Alabama had to say when they went to the polls at the end of last year—**they don't want “yes men” for Trump, they want representatives who will serve as a check against him.**

## Doesn't this set a dangerous precedent in which Republicans will try to impeach a future Democratic president over differences in policy?

- Republicans may claim that this is just about differences in policy, but that's ignoring the crisis at hand—Trump has clearly violated the Constitution, the spirit of his office, and the public trust, and there must be consequences.

- Moving forward with impeachment would not set any new precedent—we are applying the same historical standard that Congress used to justify impeachment proceedings for Richard Nixon and Bill Clinton.
- That should not stop us from finding the courage to do what is right.

## Let's say we succeed in removing Trump from office. Wouldn't Mike Pence be worse?

- We should not let “what ifs” derail morally right and urgently necessary action.
- It's also important to keep in mind that our work will not end with impeachment. Democracy is not a spectator sport—we can't disengage once the Trump administration comes to an end.

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**If we want to live in a country that guarantees dignity and respect for every American, we need to continue demanding a government that serves the public interest, no matter who is in the Oval Office.**



# NEED to IMPEACH

## Contact Us

[www.needtoimpeach.com/candidates](http://www.needtoimpeach.com/candidates)

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“A good magistrate will not fear [impeachments].  
A bad one ought to be kept in fear of them.”

ELBRIDGE GERRY, FOUNDING FATHER