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§ 8.12. Sanctions for Impeachment

The framers clearly rejected the English practice which allowed for impeachment sanctions beyond removal and disqualification; for example, British impeachment could result in imprisonment.[FN1] There are two places where the Constitution directly speaks to the issue of sanctions. Article II provides that all civil offices of the United States “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”[FN2] The most natural reading of this language is to read it as providing for a nondiscretionary sanction. If someone is impeached, he or she must be removed from office (assuming that person does not first resign).


- Chafetz, Impeachment and Assassination, 95 Minn. L. Rev. 347 (2010), which discusses the history and noted that, historically, opponents removed “obnoxious” chief executives by assassinating them. Benjamin Franklin suggested that a different and more civilized procedure for removal (impeachment) would be preferable. For a contrary position, see, Seth Barrett Tillman, Interpreting Precise Constitutional Text: The Argument for a “New” Interpretation of the Incompatibility Clause, the Removal & Disqualification Clause, and the Religious Test Clause—A Response to Professor Josh Chafetz’s Impeachment & Assassination, 61 Cleveland St. L. Rev. 285 (2013).