

# 2020 LANGFAN FAMILY CONSTITUTIONAL ORATORY COMPETITION

SUNDAY, FEBRUARY 23, 2020

10:00 AM

Jacob Burns Moot Court Room, Cardozo Law School

A total of four prizes will be awarded:

FIRST PLACE (WILF): \$1,000

FIRST PLACE (BEREN): \$1,000

SECOND PLACE: \$750

THIRD PLACE: \$500

*A \$100 Gift Certificate will be raffled on the day of the competition to those to participate.*

Special Thanks to the Langfan Family for their continued support.

## THIS YEAR'S TOPIC: SHOULD PRESIDENT TRUMP BE IMPEACHED?



### **Fact Pattern:**

President Donald J. Trump has been accused of deliberately withholding military aid to the country of Ukraine until and unless that nation's government investigates claims made against his political rival, Joe Biden. The United States Congress has commenced an impeachment inquiry into the veracity of these claims, and whether they rise to the level of an impeachable offense.

Impeachment is extremely rare in the United States. Proceedings against a sitting President have occurred only three times in American history, during the Presidencies of Andrew Johnson, Richard Nixon (begun but not completed due to resignation) and Bill Clinton. This

means that there is only a limited amount of precedent to determine justifiable grounds for impeachment and removal from office.

Article II, Section 4 of the United States Constitution declares that “The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes or Misdemeanors.” As specified in the Federalist Papers and reinforced through jurisprudence, “high crimes and misdemeanors” may extend to behavior which is not expressly criminal but a betrayal of the public trust.

If President Trump is impeached by a majority vote of the House of Representatives, the Senate will hold a trial to determine his guilt of the charge leveled against him. Their decision will rest on two factors: first, is the President guilty of the aforementioned conduct; second, does that conduct reach the threshold of an impeachable offense? You will only be required to consider the second of these questions. Assuming the charges made against the President are proved, does his conduct merit impeachment and removal from office under the US Constitution?

### **Preparation:**

This is not an invitation for an airing of political views. Skilled lawyers frequently represent clients whose beliefs and actions run contrary to their own. You are to consider only the legal aspects of this case and dismiss entirely whether the President is Republican or Democrat.

You will need to study the impeachment trials of Andrew Johnson and Bill Clinton and the impeachment process of Richard Nixon, with particular attention to the nature of the charges levelled against each one and how they were ultimately resolved. As presidential cases are rare, you may also wish to look at the more recent impeachment proceedings against other prominent political figures including Rod Blagojevich and Ricardo Rossello, or historic examples including William Sulzer, John C. Walton and Huey P. Long.

Two excellent studies for consideration are Raoul Berger, *Impeachment: The Constitutional Problems* and Cass Sunstein, *Impeachment: A Citizens' Guide*.

## JUDGING CRITERIA

In general, you will be judged based on:

- ✓ The clarity of your argument/thesis
- ✓ Cohesive use of research material to support your argument
- ✓ Effective rebuttal of anticipated counter-arguments
- ✓ Overall style and effective delivery

YOU WILL HAVE NO MORE THAN FIVE MINUTES TO PRESENT YOUR ARGUMENT BEFORE A PANEL OF THREE JUDGES. There will be no time allotted for a rebuttal. Timing will be strictly enforced, so please prepare your remarks accordingly.

If you plan to participate, please contact Ms. Debbie Beaudreau at [beaudrea@yu.edu](mailto:beaudrea@yu.edu) no later than Friday, February 13, 2020.

Please send any general questions you might have to either Ms. Lolita Wood-Hill ([woodhill@yu.edu](mailto:woodhill@yu.edu)) or Ms. Illana Milch ([illana.milch@yu.edu](mailto:illana.milch@yu.edu)).

Questions regarding the case and legal issues should be sent to Professor Douglas Burgess ([burgess@yu.edu](mailto:burgess@yu.edu)).