

ARTICLE OF IMPEACHMENT

ARTICLE I

INCITEMENT TO DEFIANCE OF THE FEDERAL JUDICIARY AND BREACH OF THE CONSTITUTIONAL OATH OF OFFICE

AGAINST

JAMES DAVID VANCE

VICE PRESIDENT OF THE UNITED STATES

RESOLVED, THAT JAMES DAVID VANCE, VICE PRESIDENT OF THE UNITED STATES, IS IMPEACHED FOR HIGH CRIMES AND MISDEMEANORS, AND THAT THE FOLLOWING ARTICLE OF IMPEACHMENT BE EXHIBITED TO THE UNITED STATES SENATE:

I. CONSTITUTIONAL FOUNDATION

ARTICLE II, SECTION 1 OF THE CONSTITUTION REQUIRES THAT THE VICE PRESIDENT, BEFORE ENTERING UPON THE EXECUTION OF HIS OFFICE, SHALL TAKE AN OATH TO PRESERVE, PROTECT AND DEFEND THE CONSTITUTION OF THE UNITED STATES. THAT OATH IS NOT CEREMONIAL. THE CONSTITUTION WHOSE PRESERVATION THE VICE PRESIDENT SWEARS TO UPHOLD INCLUDES, AS ITS MOST FOUNDATIONAL STRUCTURAL PRINCIPLE, THE SEPARATION OF POWERS AND THE AUTHORITY OF THE FEDERAL COURTS – ESTABLISHED IN MARBURY V. MADISON (1803) AND UNBROKEN FOR MORE THAN TWO CENTURIES – TO DETERMINE WHETHER ACTS OF THE EXECUTIVE BRANCH COMPORT WITH THE LAW.

A VICE PRESIDENT WHO PUBLICLY AND REPEATEDLY URGES THE EXECUTIVE BRANCH TO DEFY THIS FOUNDATIONAL PRINCIPLE – WHO ADVOCATES FROM HIS OFFICE THAT THE PRESIDENT TREAT COURT ORDERS AS OPTIONAL, AND WHO INVOKES THE EXAMPLE OF ANDREW JACKSON'S DEFIANCE OF THE SUPREME COURT AS A MODEL FOR EXECUTIVE CONDUCT – HAS VIOLATED HIS OATH OF OFFICE AND COMMITTED ACTS CONSTITUTING HIGH CRIMES AND MISDEMEANORS WITHIN THE MEANING OF ARTICLE II, SECTION 4 OF THE CONSTITUTION.

II. STATEMENT OF FACTS

JAMES DAVID VANCE, VICE PRESIDENT OF THE UNITED STATES AND A GRADUATE OF YALE LAW SCHOOL, HAS ENGAGED IN A DOCUMENTED, SUSTAINED, AND DELIBERATE CAMPAIGN – SPANNING FROM HIS PRE-OFFICE PUBLIC STATEMENTS THROUGH HIS CONDUCT AS VICE

PRESIDENT – TO UNDERMINE PUBLIC CONFIDENCE IN THE FEDERAL JUDICIARY AND TO ENCOURAGE EXECUTIVE DEFIANCE OF JUDICIAL AUTHORITY. SPECIFICALLY:

- 1. IN OR ABOUT 2021, WHILE CAMPAIGNING FOR THE UNITED STATES SENATE, JAMES DAVID VANCE PUBLICLY STATED THAT A FUTURE PRESIDENT SHOULD ADOPT THE EXAMPLE OF PRESIDENT ANDREW JACKSON AND SAY OF A COURT RULING: 'THE CHIEF JUSTICE HAS MADE HIS RULING. NOW LET HIM ENFORCE IT.' THIS STATEMENT WAS MADE BY A LAW SCHOOL GRADUATE WHO UNDERSTOOD PRECISELY WHAT HE WAS ADVOCATING: THAT THE PRESIDENT SHOULD TREAT LAWFUL ORDERS OF THE FEDERAL COURTS AS NON-BINDING. IT REFLECTS A PRE-FORMED INTENT TO SUBVERT JUDICIAL AUTHORITY THAT VANCE CARRIED INTO THE VICE PRESIDENCY.**
- 2. ON OR ABOUT FEBRUARY 9, 2025, WHILE SERVING AS VICE PRESIDENT, AT A MOMENT WHEN THE EXECUTIVE BRANCH WAS SUBJECT TO NEARLY FIFTY PENDING FEDERAL LAWSUITS AND MULTIPLE OUTSTANDING COURT ORDERS, JAMES DAVID VANCE PUBLICLY POSTED: 'JUDGES AREN'T ALLOWED TO CONTROL THE EXECUTIVE'S LEGITIMATE POWER.' THIS STATEMENT WAS MADE WITH FULL KNOWLEDGE OF THE PENDING PROCEEDINGS AND THE ADMINISTRATION'S POSTURE OF RESISTANCE TO THOSE ORDERS. IT WAS A SIGNAL – BROADCAST FROM THE OFFICE OF THE VICE PRESIDENT – THAT THE ADMINISTRATION REGARDED COURT ORDERS AS SUBJECT TO EXECUTIVE DISCRETION RATHER THAN BINDING AS A MATTER OF LAW.**
- 3. THE STATEMENT WAS IMMEDIATELY AND UNIVERSALLY RECOGNIZED BY CONSTITUTIONAL LAW SCHOLARS, FORMER FEDERAL JUDGES, AND MEMBERS OF CONGRESS OF BOTH PARTIES AS AN ASSAULT UPON THE FOUNDATIONAL PRINCIPLE OF JUDICIAL REVIEW. SENATOR ADAM SCHIFF RESPONDED: 'JD, WE BOTH WENT TO LAW SCHOOL. BUT WE DON'T HAVE TO BE LAWYERS TO KNOW THAT IGNORING COURT DECISIONS WE DON'T LIKE PUTS US ON A DANGEROUS PATH TO LAWLESSNESS. WE JUST HAVE TO SWEAR AN OATH TO THE CONSTITUTION. AND MEAN IT.'**
- 4. IN 2023 AND 2024, VANCE PUBLICLY STATED THAT IF A COURT RULED AGAINST PRESIDENTIAL AUTHORITY OVER THE CIVIL SERVICE, 'THAT IS THE CONSTITUTIONAL CRISIS' – INVERTING THE CONSTITUTIONAL ORDER TO CHARACTERIZE JUDICIAL REVIEW ITSELF AS THE CRISIS. AS VICE PRESIDENT, HE AMPLIFIED THAT FRAMING FROM THE NATION'S SECOND-HIGHEST OFFICE, PROVIDING POLITICAL COVER FOR AN ADMINISTRATION ACTIVELY RESISTING JUDICIAL AUTHORITY.**
- 5. BY MAKING THESE STATEMENTS WHILE SERVING AS VICE PRESIDENT, AT A MOMENT WHEN THE EXECUTIVE BRANCH WAS ENGAGED IN ACTIVE RESISTANCE TO COURT ORDERS, JAMES DAVID VANCE USED THE AUTHORITY AND PLATFORM OF HIS OFFICE TO LEGITIMIZE AND ENCOURAGE DEFIANCE OF THE FEDERAL JUDICIARY, THEREBY BREACHING HIS SWORN OBLIGATION TO PRESERVE, PROTECT AND DEFEND THE CONSTITUTION OF THE UNITED STATES.**

III. LEGAL ANALYSIS

THE OATH OF OFFICE IS NOT A FORMALITY. ITS BREACH IS AMONG THE MOST SERIOUS OFFENSES A CONSTITUTIONAL OFFICER CAN COMMIT. JAMES DAVID VANCE SWORE TO DEFEND THE CONSTITUTION, WHICH INCLUDES AS ITS MOST ESSENTIAL FEATURE A JUDICIARY EMPOWERED TO DETERMINE WHETHER EXECUTIVE ACTION COMPORTS WITH LAW. A VICE PRESIDENT WHO PUBLICLY AND REPEATEDLY URGES THAT THE EXECUTIVE NEED NOT COMPLY WITH JUDICIAL RULINGS – WHO DOES SO FROM HIS OFFICE, BEFORE A NATIONAL AUDIENCE, IN THE MIDST OF AN ADMINISTRATION ACTIVELY RESISTING COURT ORDERS – HAS BETRAYED THE OATH HE SWORE AND HAS COMMITTED AN ACT INJURIOUS TO THE CONSTITUTIONAL ORDER ITSELF.

THE FRAMERS UNDERSTOOD THAT THE CONSTITUTIONAL ORDER COULD BE DESTROYED NOT BY DRAMATIC ACTS OF FORCE ALONE BUT BY THE PATIENT EROSION OF ITS FOUNDATIONAL PRINCIPLES. JAMES DAVID VANCE HAS UNDERTAKEN THAT EROSION FROM THE SECOND-HIGHEST OFFICE IN THE LAND. THAT CONDUCT CONSTITUTES HIGH CRIMES AND MISDEMEANORS WITHIN THE MEANING OF ARTICLE II, SECTION 4 OF THE CONSTITUTION.

IV. CONCLUSION

WHEREFORE, JAMES DAVID VANCE, BY SUCH CONDUCT, WARRANTS IMPEACHMENT AND TRIAL, REMOVAL FROM OFFICE, AND DISQUALIFICATION TO HOLD AND ENJOY ANY OFFICE OF HONOR, TRUST, OR PROFIT UNDER THE UNITED STATES.

RESPECTFULLY SUBMITTED,

GREG GUTHUES

CANDIDATE, HAWAII'S 2ND CONGRESSIONAL DISTRICT
STATE OF HAWAII