Impeachment: Does It still Work in Democracy?

Prof. AJ dr hab. Grzegorz Górski
Akademia Jagiellońska w Toruniu, ul. Prosta 4, 87-100 Toruń, Poland, E-mail: g.k.m.gorski@gmail.com

Dr. Joanna Górska–Szymczak

Akademia Jagiellońska w Toruniu, ul. Prosta 4, 87-100 Toruń, Poland

Abstract

Impeachment is an institution with roots dating back to the late Middle Ages. It has cemented its place in the constitutional system of England/Great Britain for centuries. Since the 19th century, it has become a model tool for monitoring the most important public office holders. However, recent events seem to have become a more practical instrument of political struggle. It no longer applies exclusively to countries or those with less established democratic traditions. The accompanying text presents the history of the institution in selected configurations and provides a legal assessment of whether impeachment can be implemented in its basic form in its current composition.

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1. Introduction

Impeachment is an institution that arose under English law as a special criminal procedure. It is worth noting, however, that the original name of this institution derives from the Old French term impeechier, which is used in the sense of impedire. In its justification, it means to eliminate/protect. After the Norman Conquest in 11th Century, the invaders introduced the term into English law in force in France. It encompasses and applies to us. The institution established itself in the conquered country and, in the adapted language version, became impeachment. The very etymology of this term, which is used in these institutions, is precisely this principle of constitutional protection.

For over 600 years of its application, it has been applied to a large extent, which is present in all democratic models of government. However, a position is also important when it is a practical tool in political struggle. But – as history shows – it rarely brings the desired results to the initiators of such proceedings. It therefore represents a potential risk—a preventative tool—in combating the consequences, a fundamental tool in the countries where it is used. Let's take a look at how it has been used in practice in past centuries.

2. Impeachment – short history

England – Great Britain

The institution of *impeachment* was initially a procedure for removing a minister of the crown who had violated the law. Under the 14th – 15th Century English political and constitutional model, Parliament could remove a royal minister for high treason or other criminal offenses through this procedure. Gradually, however, this procedure also extended to individuals other than royal ministers who committed the specified offenses (Erskine May, 1844).

The above-mentioned acts were referred to as the crime of disloyalty to the crown and included, in particular: high treason consisting of planning the murder of the ruler; adultery with the ruler's wife, the ruler's eldest unmarried daughter, or the wife of the heir to the throne; instigating war against the ruler and adhering to the ruler's enemies, providing them with aid or comfort; attempting to undermine the legally established line of succession; counterfeiting money, and, for a period, also performing duties as a Catholic priest. Until 1828, one could also be held liable for "petty treason," which included, among other things, the murder of a master by a servant, a husband by a wife, or a bishop by a clergyman.

The basis of liability and the procedure for applying this institution were first established in the *Treason Act* of 1351 (Erskine May, 1844). This regulation remains in force – after numerous amendments – to this day. Its most recent modifications were made in 2013 in the *Succession of the Crown Act*. This clearly demonstrates the continuity of this institution in the British constitutional system (Succession to the Crown Act, 2013).

Originally, *impeachment* procedures required the involvement of both the entire House of Lords and the judicial bodies formed from within that house. The rules for formulating the indictment and the evidence used in these proceedings have systematically evolved. Depending on the type of crimes committed, the types of penalties applied have also evolved, with the principle being the imposition of the maximum penalty for the most serious crimes of high treason (Spencer, 2014).

The first such proceedings were conducted in 1376 against William Latimer, a minister of the crown who had served for many years in the war against the French. He was accused by Parliament of crimes committed in Brittany, of surrendering the castle of Saint-Sauvuer to the enemy, of taking bribes for the release of impounded ships, of misappropriating fines owed to the king, and of defrauding the crown to repay fictitious loans. Lord Latimer was deposed, convicted, and imprisoned. However, he was later pardoned by King Edward III (Spencer, 2014).

The most important and notorious *impeachment* was the trial of King Charles I in 1649, which ended with the king's death. This was the climax of the confrontation between the king and Parliament, which, after the king's death, led to the short-lived transformation of England into a republic (Spencer, 2014).

A significant *impeachment* was conducted in 1788 against Warren Hastings, who served as Governor-General of India from 1773 to 1786. After leaving India, where he had

significantly strengthened the British position, he was indicted by the House of Commons for alleged crimes in that colony. Specifically, he was charged with embezzlement, extortion, and coercion, as well as the alleged judicial murder of Maharaja Nandakumar. However, the House of Lords cleared him of the charges.

A dozen or so years later, the accusation reached Lord Henry Dundas. At the turn of the 18th and 19th centuries, he played a crucial role in organizing the British war effort against Napoleon. Despite the outstanding and undisputed merits and successes of these efforts, he was charged with alleged crimes committed twenty years earlier, relating to the earlier period, when he was responsible for the finances of the Royal Navy. And in this case the House of Lords acquitted him of the charges brought against him (Full, 2026).

The last *impeachment* trial conducted in the UK was against William Joyce in 1945. Joyce was an American who moved to the UK (It, n.d.). There, he became involved in the British fascist movement. Throughout the war, he then conducted anti-British radio propaganda against his country. Captured by the British Army in Flensburg, Germany, in May 1945, he was sentenced to death for high treason at trial. The sentence was carried out in 1946 (About, 1946).

The most recent attempt at *impeachment* was against Prime Minister Boris Johnson in 2019. He was charged with two counts. The first was gross misconduct in connection with the unlawful suspension of Parliament during the COVID-19 pandemic. The second was a threat to break the law by failing to comply with the European Union Act 2019. This regulation required the Prime Minister, under certain circumstances, to seek an extension of the withdrawal date from the EU, which was set for October 31, 2019. Johnson failed to do so during the tense negotiations. However, these initial efforts yielded no results (In, 2026).

The homeland of *impeachment*, in its more than six centuries of existence, has not abused it in practice (fewer than 10 proceedings have been conducted in total). This demonstrates that the British use this tool with extreme caution and only in very exceptional situations. This is worth bearing in mind.

United States

Impeachment in the United States is generally regulated by the United States Constitution, naturally with respect to federal officials. However, individual state constitutions regulate this matter with respect to officials within their states. The constitutional principle is the universal liability of civil officials for any crimes they commit.

Pursuant to Article II, Section 4 of the Federal Constitution, *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 and Misdemeanors*. (Spencer, 2014)

Congress then clarified the above provisions, indicating that the responsibility described generally in the Constitution includes:

- improperly exceeding or abusing the powers of office;

- conduct inconsistent with the function and purpose of the office;
- abuse of office for improper purposes or personal gain. (Spencer, 2014).

When it comes to "high crimes and misdemeanors," American legislators understood these offenses to be similar to those in the British model. Regarding the entities subject to this procedure (civil federal officer), this category includes all federal officials appointed by the President or his subordinates (Offices, 2026), as well as federal judges of all categories of federal courts (Judicial, 2026). Members of Congress, however, are not subject to this procedure. Members of the House of Representatives are potentially accountable to their own House, and members of the Senate are accountable to their own House. However, their accountability is very similar to the accountability of federal officials under federal impeachment.

Under this procedure, impeachment is brought by the House of Representatives—after conducting appropriate investigations. The indictment, known as articles of impeachment, must be passed by a simple majority vote of the House. The Senate then conducts the proceedings, which—in the case of the impeachment of the President of the United States—is led by the Chief Justice of the Supreme Court. A two-thirds majority of the Senate is required to convict the accused in this procedure.

In the nearly two and a half centuries since the Constitution has been in force, a total of 21 federal impeachments have been conducted. Of these, none involved treason. In three cases, the impeachment involved corruption and resulted in conviction and vacancy. The remaining cases fell into the category of high crimes and misdemeanors. Four proceedings involved U.S. presidents (A. Johnson, B. Clinton, and D. Trump twice), one involved the Secretary of War, and 15 federal judges. Of the accused judges, eight were convicted and removed from office (primarily for corruption), and four resigned after being impeached.

However, it was the impeachments against US presidents that attracted the most attention—as is obvious given the caliber of these cases and their significance for the country.

The first impeachment was against A. Johnson, a member of the Democratic Party. This was the second impeachment procedure against him, as the first, in 1867, was unsuccessful. A year later, in 1868, he was accused again – this time of violating the so-called Tenure Act, which guaranteed the irremovability of certain categories of officials. Unwilling to fully implement the policies of Reconstruction after the Civil War, the president dismissed a federal official in violation of the Act. Charges were brought against him on this basis. The indictment contained 11 articles of impeachment, which were passed by the Republican majority in the House of Representatives.

Following the Senate proceedings, Republicans, who held a sufficient majority to convict the president (45-9), supported only 35 of the charges brought against him. The remaining ten senators voted with the Democrats, meaning Johnson fell one vote short of being convicted. It is worth noting that the Tenure Act, which served as the basis for the impeachment, was later deemed unconstitutional (More, 2026).

Bill Clinton, another president from Democratic Party, was charged with perjury and obstruction of justice in 1998. This was the aftermath of the Lewinsky scandal. During the

investigation into this matter, Clinton provided false testimony under oath and took steps intended to avoid testifying in the proceedings.

The violations of the law were obvious, and the motion to impeach the president was passed by a Republican majority (228-205) in the House of Representatives. In the Senate, also dominated by Republicans, the proceedings found the president guilty. However, the hysterical atmosphere created by the Democrats during the trial resulted in 10 Republicans voting against the president's conviction (45-55) in the perjury vote. However, regarding obstruction of justice, the vote was strictly along party lines (55-45). This meant – in the absence of a sufficient majority – that the president was acquitted of the charges (More, 2026).

Donald Trump has been impeached twice, but it's important to note that the second impeachment was, in fact, groundless. It took place after Trump had already left office, so there was no formal basis for applying this procedure to him. However, in an atmosphere of political lynching, the Democratic majorities in both houses conducted impeachment proceedings.

Trump's first impeachment in 2020 was formally charged with abuse of power and obstruction of Congress. In reality, however, the accusation was about his alleged Russian ties. These were allegations manufactured for the then-violent political campaign, which were confirmed years later (Russia, 2025). It turned out that the promoters of this accusation, centered around then-former Vice President Biden, were in fact involved in cooperation with Russia and China (The, 2023).

The indictment containing these fabricated charges was approved by the House of Representatives with a Democratic majority of 228 to 193. However, the impeachment in the Senate, after several days of proceedings, failed – by a 52 to 48 majority on the first charge and by a 53 to 47 majority on the second charge. The president was thus exonerated from the fabricated charges (More, 2026).

The second impeachment was conducted in 2021—when, as I mentioned, Trump was no longer president. The accusation concerned his alleged co-responsibility for the events of January 6, 2021, which were hailed as an attempted rebellion against the American state (ibidem, n.d.). Democratic majorities in both chambers sought to prove that these events were instigated by the then-serving president. In a highly charged political climate, the House of Representatives impeached Trump by a 232-197 vote. Then, in a precedent-setting vote, the Senate ruled—despite the lack of constitutional grounds—that it was possible to pursue impeachment proceedings against the former president by a 55-45 majority. (ibidem, n.d.).

It's worth noting that the Senate's stance formally opened the door to similar proceedings against any former president, with virtually no time limits. As in the earlier proceedings, amidst an extremely heated atmosphere and with the participation of some Republican senators, the Senate voted 55-45 to find Trump guilty, again ending the impeachment process.

Regardless of the four proceedings described above, several other attempts were made to initiate impeachment proceedings against presidents. Thus, in 1860, corruption charges were brought against President J. Buchanan.

Despite the opinion that his administration was the most corrupt since the founding of the United States, a report prepared by a special congressional committee absolved the president of responsibility for this state of affairs. On this basis, Congress decided not to initiate this procedure (Strauss, 2016).

In turn, as I mentioned above, in 1867, general charges were brought against President A. Johnson for committing crimes justifying impeachment. The charges were brought in the House of Representatives, but the House refused to forward the indictment to the Senate by a majority of 108-56.

Finally, at the turn of 1973 and 1974, in connection with the so-called Watergate scandal charges of abuse of power, obstruction of justice and contempt of Congress were brought against President R. Nixon. In July 1974, the House of Representatives accepted the charges against the president, clearing the way for the Senate to begin the impeachment process. Although there was no chance of the Democrats obtaining a sufficient majority to convict the president, President Nixon resigned from office on August 8, 1974. (American Archive of Public Broadcasting, 2026).

In total, impeachment proceedings against US presidents have been attempted seven times, and for various reasons, they have never resulted in a conviction. As a rule, party loyalty in the Senate votes determined the final outcome of the proceedings. Only in the case of President Johnson did the Republicans – having a sufficient majority to convict him – vote in his best interest.

From this perspective, one could say that it is an ineffective tool. However, this is not a valid conclusion. Federal impeachment, while ineffective against presidents, has repeatedly proven effective against corrupt federal judges. It should be remembered that this tool is often used in individual states, and there – due to the incomparably lower political emotions accompanying these proceedings – its effectiveness is incomparably higher. Therefore, this institution cannot be denied its significant importance in the American political system.

Impeachment in Denmark

From the continental European experience in this area, it's worth examining the functioning of the institution of impeachment in Denmark. In 1849, a special Royal Court for Impeachment (Rigsretten) was established there, and rules for legal liability before this court were adopted. (The, 1953).Over the course of its nearly 200-year existence, the court has conducted six trials, three of which resulted in the conviction of the accused ministers.

The first trial, in 1856, involved Prime Minister A. Sandoe Oersted, who was accused, along with his cabinet, of unauthorized military expenditures during the Crimean War. The trial ended with an acquittal (Oersted, 2026).

In 1877, Finance Minister A. F. Krieger was accused of selling Frederick's Church at a reduced price and without parliamentary approval. Krieger was acquitted of the crime (Thorsen, 1967). That same year, Prime Minister C. C. Hall and his Minister of Culture, J. J. Asmussen, were accused of excessive spending on the construction of the Royal Theatre of Denmark. The trial also ended in an acquittal.

In 1910, an indictment was filed against Prime Minister J. C. Christensen and Interior Minister S. Berg. They were accused of allowing Justice Minister P. A. Alberti to steal 900 million kroner from a Danish bank. In this case, the Prime Minister was acquitted of the charges, but Minister Berg was found guilty and sentenced to a fine (Thorsen, 1972).

In 1995, Justice Minister Erik Ninn-Hansen was accused of preventing people of Tamil descent from bringing their families to Denmark. He was sentenced to four months in prison for these crimes. (Weekendavisen, 1995).

Finally, in 2021, Minister of Integration and Immigration I. Stojberg was indicted. She was accused of illegal actions against migrant families in refugee centers. Stojberg was sentenced to 60 days in prison for her actions. (https://rigsretten.dk/aktuelt/2021/12/rigsretten-har-afsagt-dom-i-sagen-mod-fhv-minister-inger-stoejberg/, 2021).

Denmark is the country with the richest and most recent experience in Europe with impeachment. It's important to note that this tool also has significant political implications. Recent procedures in this area have been closely linked to the games played by Danish political elites. From this perspective, this example paradoxically brings Danish practice closer to the practice of impeachment in Latin American and Asian countries. It is there that we observe the most intensive use of this institution as a *sui generis* tool of political vendetta against political opponents.

3. *Impeachment* in Poland

3.1. Gabriel Czechowicz case – first Polish *impeachment*

Constitutional accountability before the State Tribunal, in the form we are interested in, first appeared in the Polish political system with the adoption of the March Constitution in 1921. Detailed issues related to the functioning of the State Tribunal and its proceedings were regulated in a 1923 Act. This Act was later amended in 1936, primarily due to the constitutional amendment of 1935.

However, the presence of this institution in the Republic, which has democratic traditions, was neither new nor extraordinary. From the outset, it stirred emotions, and it was obvious that it could be used as a tool for political struggle. However, given the fluctuating parliamentary majorities that are also common in democratic systems, using this tool against political opponents necessarily exposed them to similar actions in the future.

In the interwar period, the State Tribunal was called into action to conduct proceedings regarding constitutional liability only once. This proceeding is the only modern

impeachment conducted in the Polish constitutional tradition. Therefore, this case deserves special attention. The proceedings in question took place in 1929 and concerned then-Minister of the Treasury, Gabriel Czechowicz.

Gabriel Czechowicz was born in 1876 on a family estate near Minsk, Belarus. He graduated with a law degree in St. Petersburg and then began a career as a bank and treasury clerk in the Russian Empire. In 1919, he managed to leave that country and reach the now independent Poland. Due to his high qualifications and extensive professional experience, he was hired in the treasury apparatus of the newly reborn state. After several years in the treasury administration, he became director of the Tax Department in the Ministry of Treasury and was subsequently promoted to Undersecretary of State in that ministry.

Following the May Coup of 1926, in Kazimierz Bartel's government, G. Czechowicz first briefly served as Minister of Treasury and then returned to the position of Undersecretary of State in that ministry. After another government upheaval, he became Minister of Treasury in Józef Piłsudski's cabinet, and then in the subsequent cabinet formed again by K. Bartel. In total, this second mission, under two successive cabinets, lasted approximately two and a half years. He was one of the main authors of the methods used to counter the "customs war" launched by Germany against Poland. It was as a consequence of these actions that it was possible to profit from this German aggression, including for the country's budgetary situation (G., n.d.).

Between 1918 and 1939, faced with a tense and volatile situation in a highly divided parliament, the government was unable to quickly amend the state budget to allocate the statutory surpluses. Therefore, the minister allocated these budget surpluses to various projects, submitting them to the Sejm for approval ex post. In such situations, the Sejm passed resolutions on so-called additional loans, legalizing these operations after some time (Rakowski, 1948). In the politically unstable Sejm, this practice became standard practice, facilitating the government's work. It's also important to remember that the Sejm at the time operated in session mode, with two regular sessions per year. This often necessitated rapid decision-making that went beyond the statutory framework of the adopted budget.

Czechowicz followed a similar pattern, spending a staggering sum in the 1927/1928 budget year – over half a billion złoty. This represented a third of state expenditures at the time. Roughly half of the projects on which these sums were spent sparked serious controversy in the Sejm. However, following the practice of previous years, the matter would likely have been resolved favorably if a new element had not emerged.

It turned out that, within these expenditures, Czechowicz transferred a total of nearly 8 million złoty to the Prime Minister's discretionary fund, which in the original state budget had been estimated at only 200,000 złoty. The problem was not so much the increase in the Prime Minister's fund itself, but rather the fact that these payments were subsequently used to fund the election campaign of the Bezpartyjny Blok Współpracy z Rządem. This new party was a political emanation of Piłsudski's camp, and to effectively compete in the elections scheduled for 1928, it needed financial support. Piłsudski's supporters decided that the described method of using the Prime Minister's disposable funds would be the best way to secure funds for their election campaign.

Due to the disclosure of these financial operations, on April 23, 1928, members of parliament from the National Democratic camp submitted a motion to the government in the Sejm (lower house of parliament), demanding an explanation for the additional expenditures and requests for additional loans. However, the government refused to provide any explanation, and this stance led to a political struggle lasting several months. The National Democratic camp, faced with the government's failure to respond to its demands, reiterated its earlier motion in November 1928. At that time, Prime Minister Bartel assured that the government would introduce appropriate legislation legalizing budget expenditures, thereby clarifying the situation. However, it turned out that the government did not submit such an initiative, forcing the parliamentary parties to take further action.

On February 12, 1929, members of parliament from the Polish Socialist Party, the Peasant Party, and the Polish People's Party "Wyzwolenie" (Liberation) filed a motion to hold Minister of the Treasury G. Czechowicz constitutionally accountable and to bring him before the State Tribunal (Z., 1961). After securing support for the motion in the Sejm Budget Committee, the chamber passed it by the required number of votes on March 20, 1929. This was tantamount to bringing Minister Gabriel Czechowicz before the State Tribunal. The indictment accused Minister G. Czechowicz of *spending over 500 million złoty for purposes unforeseen in the budget and beyond the limits of the credits in its established sections, (...) opening credits not covered by the budget, without submitting applications to the Sejm and without obtaining legislative approval (ibidem, n.d.)*. As you can see, the indictment formally did not refer directly to the PLN 8 million in the Prime Minister's discretionary fund or its intended use. However, the entire campaign surrounding this Sejm speech focused almost exclusively on this issue.

It was obvious that the culprit for the transgressions was not the formally accused G. Czechowicz, but J. Piłsudski himself. As prime minister during the period covered by the proceedings, he not only held formal responsibility for his minister but also inspired him to incur a series of additional state budget expenditures. However, since the circumstances at the time prevented Piłsudski from being effectively prosecuted directly, the opposition seized the opportunity to attack him through actions directed against Czechowicz. Czechowicz himself was also well aware of this, and—contrary to the opposition's expectations—proved loyal to his former superior and had no intention of joining in the attacks on Piłsudski.

The hearing before the State Tribunal took place on June 26–29, 1929 (ibidem, n.d.). After hearing the indictment, the Tribunal considered its content as presented in the written statement. Following this analysis, it concluded that the allegations presented therein were formulated in a very vague and rather journalistic manner. Therefore, it decided to stay the proceedings *until the Sejm issues a resolution containing a substantive assessment of the loans formally challenged by the Sejm (ibidem, n.d.).* In other words, the Tribunal took into account the fact that, in previous parliamentary practice, there had always been an ex post sui generis substantive assessment of government expenditures not included in the budget act. In this case, the Tribunal did not observe such an assessment by the Sejm. Therefore, finding that the submitted indictment does not contain a substantive position and is based solely on formal assessments, it concluded that the Chamber's position needed to be refined.

As a result, the proceedings in the case were suspended, and the accused minister was unable to even speak to present his position on the charges brought against him. Regardless of these shortcomings in the indictment, prosecutors bent over backward to ensure Józef Piłsudski was questioned as quickly as possible. This proved that the motivations in this trial were, in fact, purely political. When the case returned to the Sejm, representatives of the government camp exploited procedural rules to hinder the chamber from fulfilling the expectations expressed by the State Tribunal. Furthermore, Piłsudski himself launched a counter-offensive, unceremoniously attacking the main proponent of the accusation, H. Lieberman. Ultimately, on March 29, 1930, when the case was finally scheduled for consideration in the Sejm, Sejm Speaker Ignacy Daszyński, under pressure from Piłsudski's supporters, removed it from the agenda.

In the following months, the political situation escalated even further. As a result, at the end of August 1930, the president dissolved the Sejm. This effectively absolved Minister G. Czechowicz of constitutional liability and definitively ended the issue of the State Tribunal adjudicating in his case. In the newly elected Sejm, Józef Piłsudski's camp gained a sufficient majority to quash the proceedings.

It should be emphasized that the failure to bring the indictment against Czechowicz was primarily due to the formal flaws of the indictment and its poor substantive merits. Furthermore, if Czechowicz had been held accountable on the basis of such an indictment, it could have also led to the prosecution of virtually all of his predecessors as Ministers of the Treasury.

It is therefore not surprising that the State Tribunal, in assessing the statements of the prosecutors appointed by the Sejm and the indictment prepared by the Sejm, had to proceed as it did. He had to demand that the chamber make specific corrections to the indictment, taking into account the constitutional practice developed in the preceding years. The parliamentary majority pushing for the indictment was not substantively prepared for this and was unable to comply with the Tribunal's request.

3. 2. *Impeachment* in communistic Poland and after 1989

When the Soviet Union installed a communist regime in Poland after 1944, fully subordinate to itself, it also meant relegating many institutions characteristic of democratic systems to what was then called the "dustbin of history." The State Tribunal, present in the political system of the Second Polish Republic, also fell victim to this communist operation. This was because the communist constitution adopted in 1952 ultimately did not include this body in the system of state organs. It is also worth noting that communist constitutionalism did not employ the concept of constitutional accountability at all. This was a consequence of the fact that, in the practical operation of such regimes, all accountability was borne exclusively by the leadership of the communist party, and often simply within the dungeons of the communist apparatus of coercion. During the so-called period of the first "Solidarity" movement in 1980-1981, the demand for the reactivation of the State Tribunal was raised. Ultimately, however, it was only after the declaration of martial law in December 1981 that this topic was addressed as part of a broader set of systemic changes (For, 1989). Consequently, on March 26, 1982, the communist Sejm amended the constitution, reinstating the State Tribunal, and simultaneously passed the Act on the State Tribunal, regulating its organization and procedures. (Spencer, 2014)

The establishment of the State Tribunal was, in a sense, necessary due to the political needs of the then regime led by General Wojciech Jaruzelski. Seeking to demonstrate that this government wanted to "hold accountable" for the abuses committed by party and state officials during the rule of his predecessor, Edward Gierek, in the 1970s, it was decided that the reactivated State Tribunal would be a suitable tool for carrying out such an operation. As a result, in mid-1982, motions were filed to bring constitutional charges against former Prime Minister Piotr Jaroszewicz and former Deputy Prime Ministers Tadeusz Wrzaszczyk, Tadeusz Pyka, and Jan Szydlak. The motion, submitted to the Sejm, charged them with excessive expansion of the investment front and failure to respond to signals of the inability to repay loans due to economic inefficiency, and (...) increasing credit beyond generally accepted limits, taking into account the level of the national economy's capacity.

After reviewing this motion, the then Constitutional Accountability Commission recommended initiating proceedings against the first two defendants – Jaroszewicz and Wrzaszczyk. However, it recommended discontinuing them against the remaining two. Ultimately, however, the proceedings against all defendants were discontinued through an amnesty announced by the Jaruzelski regime in mid-1984. This meant the failure of the first attempt to initiate constitutional accountability proceedings after World War II.

Regardless of this, it must be stated that the very content of the allegations (cited above) essentially discredited the authors of this motion. It is clear that the initiators of this masquerade were solely concerned with the propaganda aspect of this undertaking. Assuming a basic level of decency in the judicial proceedings that would eventually be conducted before the Tribunal, such "charges" would have no chance of standing.

Significantly, this very masquerade clearly exposed the purely propaganda dimension of the regime's operation to reactivate the State Tribunal in 1982. This government, of course, wasn't interested in holding anyone in its circle accountable, but merely in attempting to create the appearance of creating new, democratic institutions. In reality, their significance was—as this case clearly demonstrated—zero.

After the changes that occurred in Poland in 1989, further attempts were made to initiate constitutional accountability proceedings. It seemed obvious that in the emerging new, democratic Poland, this form of accountability for politicians—unlike in previous times—would simply become standard practice (Zdziechowski, 1955).

The first attempt to pursue this path was made in 1990. A motion was then submitted to the Constitutional Accountability Committee to bring such charges against former Prime Minister Mieczysław Rakowski, former Deputy Prime Minister Kazimierz Olesiak, and former ministers Mieczysław Wilczek and Andrzej Wróblewski. These individuals were accused of making an unlawful decision to initiate the liquidation of the Lenin Shipyard in Gdańsk. Furthermore, they were also accused of making erroneous decisions and failing to exercise due diligence in their positions, which led to a significant budget deficit in 1988 and 1989. After reviewing the motions, the Sejm decided to indict only M. Rakowski. However, the proceedings against the remaining individuals were discontinued.

After the relevant resolution was adopted by the chamber, the Marshal of the Sejm sent only the resolution of the Constitutional Accountability Committee, along with the case

files, to the Tribunal of State. However, he did not forward the Sejm resolution bringing charges against Rakowski. Subsequently, despite the Chairman of the State Tribunal twice requesting the Speaker of the Sejm to forward the Sejm resolution on this matter, the Speaker did not forward the requested resolution to the Tribunal.

As a consequence of this position of the Speaker of the Sejm, a three-member panel of the State Tribunal refused to initiate proceedings before the Tribunal on September 8, 1997. At the same time, the Tribunal returned the case files to the Sejm, so that the chamber could take the actions provided for in the Act on the State Tribunal. Needless to say, the Sejm did not take such actions in the following years. (On, 2018).

In 1991, a motion was submitted to the Parliamentary Constitutional Accountability Committee to prosecute Deputy Prime Minister Leszek Balcerowicz, former Ministers of Internal Affairs Czesław Kiszczak and Krzysztof Kozłowski, and former head of the Central Customs Office Jerzy Ćwik. These individuals were accused of having, through their actions and omissions, allowed the so-called "alcohol scandal," which involved the smuggling of vast quantities of alcohol into Poland from abroad. As a result, the alcohol market in Poland was completely deregulated, and the alcohol industry suffered a blow that left it unable to function independently. These actions also resulted in enormous losses for the state budget, while simultaneously creating vast criminal fortunes for those who profited from the "mistakes" and "omissions" of state officials (Do, 2026). After many months of deliberations on this matter in the Sejm, on May 31, 1993, the Tribunal finally received an indictment against Czesław Kiszczak, Jerzy Ćwiek, as well as against Dominik Jastrzębski, Andrzej Wróblewski and Aleksander Mackiewicz, who were not included in the original motion.

The Tribunal heard the case between April 17, 1996, and June 18, 1997. Ultimately, it found Jerzy Ćwiek and Dominik Jastrzębski (former Minister of Foreign Economic Cooperation) guilty and sentenced them to five years of ineligibility in all elections in Poland, as well as a ban on holding managerial positions or functions involving special responsibility in state bodies and social organizations. The remaining defendants were acquitted of the charges. The verdict, following an appeal by both defendants, was upheld on June 21, 1999.

The constitutional proceedings against Emil Wąsacz will likely be associated with the State Tribunal for many years to come. Emil Wąsacz was a Solidarity activist in the 1990s and served as chairman of the board of the Katowice Steelworks for several years. In 1997, he was appointed Minister of the Treasury in Jerzy Buzek's government. In this cabinet, he was responsible for a number of activities related to the privatization of Poland's largest companies. He held this position until 2000, when he was dismissed by the Prime Minister – under multifaceted attacks.

After his dismissal from the ministerial position, numerous allegations of irregularities in the privatization proceedings surfaced from many quarters. However, it was not until the next term of Parliament, at the end of its term, on July 27, 2005, that the motion to bring E. Wąsacz to justice before the State Tribunal was passed. The charges brought against E. Wąsacz concerned failure to fulfill obligations during the privatization of great companies: *Domy Towarowe CENTRUM*, *Telekomunikacja Polska SA* and *Powszechny Zakład Ubezpieczeń*.

On November 24, 2006, the State Tribunal ruled to discontinue the proceedings due to formal deficiencies in the indictment submitted by the Sejm. In the second instance, the Tribunal reversed the first-instance ruling and remanded the case for reconsideration. However, for various reasons, the Tribunal took virtually no action in the subsequent years. As a result of this inertia, the question arose after some time whether liability for the acts for which Wąsacz was charged had already expired.

In 2017, E. Wąsacz's defense attorneys raised the objection—for the umpteenth time, in fact—that the statute of limitations for the acts attributed to E. Wąsacz had, in fact, expired in 2012. They pointed out that, pursuant to the Act on the State Tribunal, prosecution by this court is permissible within 10 years of the commission of the act, unless it concerns an offense for which a longer statute of limitations is provided (which was not the case in this case). They also pointed out that filing a preliminary motion with the Speaker of the Sejm to hold a person constitutionally liable interrupts the running of the statute of limitations.

Because there was no full clarity regarding the interpretation of this moment of "interruption of the limitation period," which was crucial for the final resolution of this case, in March 2017, a five-judge panel of the State Tribunal finally submitted a legal question on this matter to the entire Tribunal. After more than two years, on May 15, 2019, the entire panel of the State Tribunal ruled (with six dissenting opinions submitted by 19 judges) that in proceedings before the State Tribunal, after the limitation period has been interrupted, the limitation period runs anew (More, 2026).

This decision of the full bench of the Tribunal paved the way for the dismissal of the case of Emil Wąsacz, which took place as a result of the ruling of the State Tribunal of 3 July 2019. Thus, after almost eighteen years of mainly inaction and omissions by several subsequent benches of the Tribunal, the proceedings against the former Minister of the State Treasury have become – in the full sense of the word – history.

In summary, in the period following its reactivation, the Polish State Tribunal has undertaken four actions to hold politicians of various levels and political backgrounds accountable under the Constitution. It's easy to see that the Tribunal's "achievements" described certainly don't enhance its authority, and especially not the procedures governing proceedings before it.

The over 40 years of this body's existence have spanned a period of varying political circumstances. However, regardless of these circumstances and the accompanying political contexts in which it has operated, one cannot help but feel that it is merely an instrument for political maneuvering. It should be noted, however, that this is a broader phenomenon, extending beyond the borders of Poland.

4. *Impeachment* - is it still necessary

The above brief overview of the institution of impeachment, both its origins and the history of its use, reinforces our belief that it is a tool of an eminently preventive nature. Although politicians in various countries often talk a great deal about its use and threaten each other with it, in practice—in democratic countries—the actual significance of this instrument is highly questionable. It seems that the main reason for this state of affairs is

the awareness that in democratic systems, those who use this institution against their opponents may themselves become victims of similar practices. This, it seems, is the main factor influencing the prudent use of this instrument.

This situation, mutatis mutandis, is familiar from history elsewhere. During the Cold War, the doctrine of "assured mutual destruction" prevailed. The conflicting sides possessed vast nuclear arsenals capable of mutual total destruction. They refrained from the temptation to use these weapons, aware that they would immediately fall victim to a counterattack.

On the other hand, the practice of this institution is highly intensive. In the last decade of the 20th century, over 130 impeachment proceedings were conducted against heads of state in over 60 countries. Forty percent of these proceedings took place in Latin American countries. Significantly, as a result, 10 presidents from seven countries in this region were removed from office between 1978 and 2019 (I., 2019).

However, it would be highly risky to assume that the intensity of impeachment's use depends on the "quality of democracy." Observing recent use of this institution in the United States (against Donald Trump) or the attempted impeachment in the United Kingdom (against Benjamin Johnson), it is easy to see a desire for purely political instrumentalization.

This raises a broader question: does impeachment in its traditional form still make sense in the current political realities of so-called liberal democracies? It would be highly risky, however, to assume that the intensity of impeachment's use depends on the "quality of democracy." Observing recent use of this institution in the United States (against Donald Trump) or the attempted impeachment in the United Kingdom (against Benjamin Johnson), it is easy to see a desire for its purely political instrumentalization.

This raises a broader question: whether impeachment in its traditional form still makes sense in the current political realities of so-called liberal democracies? However, this question fits into the broader problem of the crisis of this model of state, which we have undoubtedly observed in recent years. We are witnessing growing ideological tensions, the essence of which is the stigmatization of political opponents as populists, extremists, fascists, Nazis, etc. Attempts to build various "cordons sanitaires" around such stigmatized opponents cast a shadow over the feasibility of using, among other things, such a tool as impeachment. It arose and developed under different political conditions and in a different political culture. These rules have largely ceased to apply. Therefore, the sui generis "Latinization" of impeachment is a broader phenomenon.

It can therefore be concluded that, assuming the current situation persists, we will likely experience the practice of impeachment as a tool of political vendetta, rather than an institution that dispenses fair justice through due process of law.

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