

"Politicians should have immunity from prosecution"

FACTS AND FIGURES

- Diplomatic immunity is a form of legal immunity that ensures diplomats are given safe passage and are considered not susceptible to lawsuit or prosecution under the host country's laws, although they can still be expelled. When the accused leave their offices, they are liable to be prosecuted for crimes committed before or after their term in office.
- In the US, when a new president is elected to office, he or she takes an oath that lists many heavy responsibilities. Abuse of power or failure to uphold them cannot be tolerated. The Constitution gives the House of Representatives the right to impeach the president. Impeachment means that a charge of misconduct is filed against the president. 2/3 of the senators must vote for conviction to impeach the president.
- The 17th US president, Andrew Johnson, was impeached in 1868 while in office for his removal of Secretary of War Edwin Stanton.
- Richard Nixon resigned from office not to face impeachment charges in the Watergate scandal (1974).
- Bill Clinton became the 2nd president to be impeached (1998), for concealing an extramarital affair. Later, the Senate found him not guilty.
- Donald Trump underwent 2 impeachment trial during his mandate, one in September 2020 and the other in January 2021. Both trials were unsuccessful due to the Republican majority in the Senate.
- There were 97 charges pressing against Trump in 4 different court cases early 2024.

VOCABULARY:

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| ◦ Politics and justice | ◦ To be spared from : échapper à |
| ◦ Abuse of power : abus de pouvoir | ◦ To break rules : enfreindre des règles |
| ◦ Accountable for : responsable de | ◦ To deserve : mériter |
| ◦ Atonement = redemption | ◦ To discharge the mandate: mener à bien le mandat |
| ◦ Consistency : cohérence | ◦ To grant : accorder # lift immunity |
| ◦ Criminal charges : accusations pénales | ◦ To impede : entraver |
| ◦ Defendant : l'accusé | ◦ To prosecute: juger/prosecution : poursuites |
| ◦ Deterrent: dissuasif | ◦ To sue: poursuivre en justice |
| ◦ Duties : devoirs | ◦ Trustworthy : digne de confiance |
| ◦ Fraudster : fraudeur | ◦ Underhanded : sournois |
| ◦ Guilt : coupable | ◦ Unfair = unjust |
| ◦ Indictable offence : acte criminel | ◦ Unfit : inapte |
| ◦ Misdeed = wrongdoing : méfait | ◦ Unpunished : impuni |
| ◦ Reprieve : sursis, grâce | ◦ Worthy of : digne de |
| ◦ Retribution : châtiment | ◦ Wracked with : rongé par |
| ◦ To be bogged = mired : être embourbé | |

Up to you!

Tips for referees – Politicians should have immunity from prosecution

PROS

- Help politicians focus on their duties and issues that directly affect citizens.
- Accusations: harm their credibility and the integrity of their office.
- Prosecutions of politicians: triggered / exposed by political opponents. Mean, underhanded denunciation.
- Jeopardise future electoral success, even if right skills and qualities. Long-term reputational damage.
- Penalised for sometimes minor mistakes. Voters' role to sanction them.
- Situations in which wrongdoings are justified: serve an overwhelming state interest. Become risk-averse.

CONS

- Ultimate protection against abuse of power and uncontrolled authority.
- Immunity: unfair for ordinary citizens who do not escape justice. Contradict the principle of a free and fair democracy.
- Dishonest: unfit to serve a nation. Irresponsible and untrustworthy. Hurt the image of their office and of all politicians; lose credibility and trust. No consistency with what they urge people to do. Politics: wracked with corruption.
- Incentive to hold on to their office as long as possible and to continue wrongdoings with impunity.
- Prosecution: deterrent effect.

Questions

- Can you give an example of wrongdoing that may be justified?
- Can you mention some examples of politicians' misdeeds?
- Can impeachment be used against a former President?
- Is parliamentary immunity a protection of democracy or of corruption?
- Does immunity mean that a president can do whatever he wants?

Suggestions de réponses aux questions

- a We may think of an illegal raid on a private building in order to prevent a nuclear bomb from going off.
- b In March 2015, Hillary Clinton publicly admitted that she had used an unsecured private email server to handle her official emails while Secretary of State.
- c No, the objective of impeachment is to remove someone from office. After he is out, he cannot be impeached. However, he is still subject to criminal prosecution for any crimes committed while in office.
- d Immunity is necessary to let elected representatives take actions and fulfill their duties freely, without fear of retaliation, but it hampers legitimate legal actions and increases cases of corruption. It means that in his political functions he is covered to a large extent, but in his private conduct he could be treated like any citizen.

Politicians should have immunity from prosecution

Diplomatic immunity is a form of legal immunity that ensures diplomats are given safe passage and are considered not susceptible to lawsuit or prosecution under the host country's laws. It gives leaders a wide range of action, but at the same time it can lead to abuse of power. So, should politicians have immunity from prosecution?

Diplomatic immunity helps politicians focus on their duties and issues that directly affect citizens.

Accusations and prosecutions are detrimental to their credibility and the integrity of their office. They may be the result of political rivalries and be triggered or exposed by political opponents. As such, they are a mean, underhanded way to denounce or put a leader at odds.

Prosecutions jeopardise a politician's future electoral success, even if he has the right skills and qualities. He may undergo long-term reputational damage. Depending on the severity of the law enforced in a country, leaders may be penalised for sometimes minor mistakes. For example, in Sweden in 2006, Swedish Culture Minister Cecilia Stego Chilo resigned after admitting she had not paid a mandatory TV licence fee for 16 years. It should be voters' role to sanction political leaders especially if they are democratically elected.

Finally, there may be situations in which wrongdoings could be justified and serve an overwhelming state interest. As a result, politicians may become risk-averse.

Politicians should not have immunity from prosecution

On the other hand, the possibility of prosecuting a leader is the ultimate protection against abuse of power and uncontrolled authority. In the US, when a new president is elected to office, he or she takes an oath that lists many heavy responsibilities. Abuse of power or failure to uphold them cannot be tolerated. The Constitution gives the House of Representatives the right to impeach the president. Impeachment means that a charge of misconduct is filed against the president. 2/3 of the senators must vote for conviction to impeach the president. Immunity is not only dangerous but unfair as regards ordinary citizens who do not escape justice. It contradicts the principle of a free and fair democracy.

It is also detrimental for a whole nation to have dishonest, irresponsible and untrustworthy leaders who are unfit to serve a nation.

It can hurt the image of their office and of all politicians; they lose credibility and trust, as we can see with lower turnovers at elections. There is no consistency with what they urge people to do and people see politics as wracked with corruption.

Immunity gives leaders an incentive to hold on to their office as long as possible and to continue wrongdoings with impunity, whereas the possibility of prosecution acts as a deterrent.

Giving political leaders immunity generates a risk of abuse of power and removes all credibility to the function in case of wrongdoing. Counter-powers are essential to a democracy.

Marking scheme: the referee takes away points out of a count of 15.

- **Each participant needs a catchphrase (2 points)**
- **Each participant needs 3 arguments minimum, illustrated with examples and/or references (6 points)**
- **Each participant needs a powerful conclusion (2 points)**
- **Each participant needs to use at least 6 words from the word bank (2 points), 3 expressions imposed by the referee (2 points) and make one attempt at complex grammar (1 point)**
- **Every time a student asks for help either from you, the teacher or AI; you need to take away a point ;-)**