

Impeachment Imbroglia and "The Impeachment of Reason" in Nigerian Politics, 1999-2007

Simon P. I. Agi, University of Calabar, Nigeria.

Abstract

The paper is a philosophical and comparative analysis of the impeachment saga in Nigeria in the last quarter of 2005 and most of 2006. Since Nigeria borrowed the constitutional system she purports to practise from the U.S.A, the U.S. experience is brought to bear. The paper argues that in the U.S.A. impeachment is straight forward enough; it is a matter strictly within the purview of the legislature. In Nigeria, all manner of people and institutions, from the presidency to local godfathers were allowed to get involved in the impeachment process and praxis. The end result was the subversion of the constitution on a grand scale. The paper queries the motives and mental state of those who, directly or indirectly, took part in the impeachment exercise. While not holding brief as to the innocence or otherwise of those governors impeached, it is argued that impeachment of public officials must be carried out in accordance with the strict stipulations of the constitution; and due process backed by purity of motive must be the guiding principle. Only then can impeachment, if it becomes necessary, contribute to the advancement of the cause of law and democracy in Nigeria.

Introduction

One of the problems that beset Nigeria particularly in the dying days of the so-called Chief Olusegun Obasanjo civilian administration (1999-2007) manifested in and revolved around the political impeachment of governors. Between the last quarter of 2005 and all of 2006, impeachment developed into a hydra-headed monster consuming the state governors of Bayelsa, Oyo, Ekiti, Anambra and Plateau States. There were also rumours that other state governors such as those of Zamfara, Adamawa, Enugu, etc., were in the pipeline. The situation was getting so worrisome towards the close of 2006, particularly with all manner of individuals and governmental institutions getting involved or getting sucked into its vortex.

It was so bad that well-meaning Nigerians started sounding alarm that except the trend was reversed, the nation's democracy was heading for the rocks. And indeed, five impeachments, most of which were carried out in bizarre and undemocratic circumstances within a period of barely one year, does call a lot into question. This paper examines this question, and since Nigeria borrowed the constitutional- Democratic system she now purports to practise from the United States of America (U.S.A), the U.S experience is brought to bear in the analysis with a view to charting a course for future constitutional and democratic praxis in Nigeria. The paper therefore is, *inter alia*, comparative in scope.

The time purview indicated in the title of the paper notwithstanding, the analysis which follows will be limited to the examination of the impeachment of the five governors indicated in the opening so as to keep the paper within reasonable bounds. The author is

not unaware of the impeachment of several leaders of the senate of Nigeria's National Assembly (five presidents between 1999-2007) and that of Deputy-Governors of States such as Abia, Akwa Ibom, Anambra, Ekiti, and Ondo. Nor is he unaware that in 2002 and again in 2004 the National Assembly mounted impeachment efforts against the country's President that fizzled out each time after several months.

Operational Definitions

The title of this paper has been chosen advisedly, and to avoid misunderstanding due in some measure to any inherent ambiguity, we indicate below the senses in which the terms in the title are rightly used in the paper. The terms are: impeachment, imbroglia, and reason.

Answers.com, the online Dictionary defines impeachment as the act of impeaching, or the state of being impeached; a calling to account, arraignment; especially of a public officer for maladministration; a calling in question as to purity of motives, rectitude of conduct, credibility, etc.

In addition we note the definition in *Black's Law Dictionary* (sixth edition), 1990 to wit: A criminal proceeding against a public officer, before a quasi political court instituted by a written accusation called "articles of impeachment"; for example, a written accusation by the House of Representatives of the United States against the President, Vice-President, or an officer of the United States, including federal judges. To be noted also is the definition given by David Mervin in the *Oxford Concise Dictionary of Politics* (1996) to wit: "A formal accusation of wrong doing. To impeach a public official is to accuse him of crime, and misdemeanours in the execution of his duties".

According to *Webster's Encyclopedic Unabridged Dictionary of the English Language* (1994 edn) imbroglia is: an intricate and perplexing state of affairs; or complicated or difficult situation; a misunderstanding, disagreement, etc. of a complicated or bitter nature, as between persons or nations; an intricate and confusing interpersonal or political situation. All these will be taken into account in our analysis.

Reason is used here, following *Black's Law Dictionary*, in two broad senses: (1) A faculty of the mind by which it distinguishes truth from falsehood, good from evil, and which enables the possessor to deduce inferences from facts or from propositions; (2) An inducement, motive or ground for action. Again, both senses will be taken into account in the analysis which follows.

Impeachment in the United States of America

Federal Level

The United States operates a model federal system which has been copied by many other countries including Nigeria. In the United States a central (or federal) government exists side by side with state or provincial government, each with both executive, legislative and judicial powers. Both federal and states governments derive what powers they have from the single federal constitution, but both are supreme in their particular fields, so that (in theory at least) the state government cannot be construed as a delegation of federal power. (Scruton, 1982, 1983: s. v. Federalism).

To be noted also is the fact that the legislature in the United States, Congress is bicameral consisting of the lower house, the House of Representatives, and the upper

house, the Senate. On the states level, every state (except Nebraska) also has a bicameral legislature, "Larger Chamber" (paralleling the House of Representatives) and a "Smaller Chamber" (paralleling the Senate). It is most important to note all the foregoing for a proper understanding of the analysis which follows.

Impeachment in the United States, Wikipedia, the free [Online] encyclopedia informs, is an expressed power of the legislature which allows for formal charges to be brought against a civil officer of government for conduct committed in office. The actual trial on those charges, and subsequent removal of an official on conviction on those charges is separate from the act of impeachment itself: impeachment is analogous to indictment in regular court proceedings, trial by the other house is analogous to the trial before judge and jury in regular courts (<http://en.wikipedia.org/wiki/impeachment>).

The constitution, at the federal level, divides the impeachment power between the two houses of congress. The House of Representatives has the "sole power" of Impeaching the President, Vice-President and all other civil officers of the United States. Officials can be impeached for: "treason, bribery or other high crimes and misdemeanours". The constitution places the responsibility and authority to determine whether to impeach and to draft articles of impeachment in the hands of the House of Representatives. A number of means have been used to trigger the House's investigation, but the ultimate decision in all instances, as to whether or not impeachment is appropriate rests with the house. The Senate has the "sole power" to try all impeachment". (See Burns, Peltason and Cronin, 1978; Vicente 1998). That division of responsibility guards against potential abuse of the impeachment power (Vicente, 1998). Note also that as Slann (1998) points out, "to be constitutional, there must be good reason to believe the official involved has broken the law" (p. 111). To be noted also is the fact that congress traditionally regards impeachment as a power to be used only in extreme cases, guided perhaps by what James Bryce wrote in the celebrated American Commonwealth (1888, see 3rd edn, 1911, vol. 1:212). "Impeachment ... is the heaviest piece of artillery in the congressional arsenal, but because it is so heavy, it is unfit for ordinary use. It is like a hundred-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at".

State Level

At the state level in the U.S.A which is of particular relevance to this paper, impeachment matters are similar to what obtains at the federal level; the "Larger House" has the power of impeachment while the "Smaller House" tries all impeachments according to their respective constitutions. And just as on the federal level, the division of responsibility between the two houses guards against potential abuse of the impeachment power. That notwithstanding, impeachment and removal of governors has happened occasionally throughout the history of the United States, usually for corruption charges. As Wikipedia again informs, a total of at least eleven U.S. State governors have faced impeachment, and a twelfth, Governor Lee Cruce of Oklahoma, escaped impeachment by a single vote in 1912. As of 2005 the most recent impeachment of a U.S. State governor took place in Arizona and resulted in the removal of Governor Even Mecham in 1988. Several others, most recently Connecticut's John G. Rowland, have resigned rather than face impeachment, when events seemed to make it appear inevitable (<http://en.wikipedia.org/impeachment>

in the united states)

It is gathered from the same source that of the eleven state Governors impeached: two were acquitted; six removed; two resigned; and one “suspended from office”.

Situate this on a time-spectrum of 1862 to 2006, the latter being the terminal date for this paper, and one gets on average one impeachment in 12/13 years, or so. Compare this to the situation in Nigeria where in less than a year five Governors were impeached and removed from office, and there were rumours of many more slated for impeachment and near certainty of removal from office until the judiciary intervened to halt what many observers of the Nigeria political scene had begun to regard as sheer madness! I will return to this much later.

Impeachment in Nigeria

Legal framework for the impeachment process is provided for in the Nigerian Constitution, 1999.

Federal Impeachment

Political exigencies determined that Nigeria adopt an executive presidential system of government patterned after the constitution of the United States of America on October 1, 1979. That constitution has been replicated as the vident 1999 constitution.

As in the United States of America, the Nigerian constitution provides for the removal of a President or Vice-president by impeachment, but the procedure prescribed is substantially different, and is as set out in S. 143 of the constitution. The process is initiated by an allegation in writing of “gross misconduct in the performance of the functions of his office” levied against the holder of the office of President or Vice-president, with detailed particulars, signed by at least one-third of the members of the National Assembly and presented to the President of the Senate. In this section-“gross misconduct” means a grave violation or breach of the provisions of this constitution or a misconduct of such nature as amounts in the opinion of the National Assembly to gross misconduct (S. 143(11)).

The president of the senate shall within seven days of the receipt of the notice cause a copy thereof to be served on the person accused, and on every member of the National Assembly (with any reply by the accused). If within 14 days each House of the National Assembly resolves (without debate and by a two-thirds majority of all members) that the allegation should be investigated, then the Chief Justice of the Federation, upon a request from the President of the Senate, will set up a panel of seven persons of unquestionable integrity, not being members of any public service, legislative house or political party, to investigate the charges.

The holder of an office whose conduct is being investigated under this section shall have the right to defend himself in person and be represented before the panel by legal practitioners of his own choice.

A panel appointed under the section shall- (a) have such power and exercise its functions in accordance with such procedure as may be prescribed by the National Assembly; and (b) within three months of its appointment report its findings to each House of the National Assembly.

If the panel reports to each House of the National Assembly that the charges have not been proved, then the matter dies. But if the panel reports that the charges have been

proved, then within fourteen days of the receipt of the report, each House of the National Assembly shall consider the report, and if by a resolution of each House of the National Assembly supported by no less than two-thirds majority of all its members, the report of the panel is adopted then the holder of the office shall stand removed from office as from the date of the adoption of the report.

From all the foregoing, it can be seen that, in the words of Madunagu (2002) "the process of removing a Nigerian President or Vice-President from office through impeachment is a very complex and tedious one"; indeed, compared to what obtains in the United States, one can even say cumbersome.

Note that the constitution stipulates that no proceedings or determination of the panel or of the National Assembly or any matter relating thereto shall be entertained or questioned in any court. We will return to this later in this paper.

State Impeachment

Here, as on the Federal level the constitution provides for the removal of a governor or his deputy by impeachment, but again, the procedure prescribed is substantially different (S. 188) from what obtains in *pari materia* in the United States of America. It must be noted that unlike in the U.S.A where the states are overwhelmingly bicameral, Nigerian States are unicameral. Olujede (1988, 1991 reprint:36) thinks that "this makes the process of impeachment faster than it would be at the National Assembly" which is bicameral. He is unfortunately silent on the restraint element of a second chamber. As indicated earlier *pari materia* in the U.S.A., the division of responsibility between the two houses-upper and lower-guards against potential abuse of the impeachment power. This is probably why in Nigeria it was so easy to impeach governors compared to the National level where attempts at impeachment fizzled out after some months of sabre-rattling.

In Nigeria the constitution provides that the Governor or Deputy Governor of a state may be removed from office whenever a notice of any allegation in writing signed by not less than one-third of the members of the House of Assembly is presented to the speaker of the House of Assembly of the State, stating that the holder of such office is guilty of gross misconduct in the performance of the functions of his office, detailed particulars of which shall be specified. "Gross misconduct" means a grave violation or breach of the provisions of the constitution or a misconduct of such nature as amounts in the opinion of the House of Assembly to gross misconduct (S. 188(11))

A motion of the House of Assembly that the allegation be investigated shall not be declared as having been passed unless it is supported by the votes of not less than two-thirds majority of all the members of the House of Assembly. Within seven days of the passing of the motion, the chief Judge of the state shall at the request of the Speaker of the House of Assembly, appoint a panel of seven persons who in his opinion are of unquestionable integrity, not being members of any public service, legislative house or political party, to investigate the allegation. The holder of an office whose conduct is being investigated shall have the right to defend himself in person or be represented before the panel by a legal practitioner of his own choice. The constitution provides that the panel shall within three months of its appointment, report its findings to the House of Assembly.

Where the panel reports to the House of Assembly that the allegation has not been proved, no further proceedings shall be taken in respect of the matter. Where the report of

the panel is that the allegation against the holder of the office has been proved, then within fourteen days of the receipt of the report, the House of Assembly shall consider the report, and if by a resolution of the House of Assembly supported by not less than two-thirds majority of all its members, the report of the panel is adopted, then the holder of the office shall stand removed from office from the date of the adoption of the report.

The constitution goes on to state that no proceedings or determination of the panel or of the House of Assembly or any matter relating to such proceedings or determination shall be entertained or questioned in any court. Is this and similar provisions an absolute ouster of the court's jurisdiction in all matters or questions relating to the impeachment of the president or governor and their deputies? Until 2006, conventional wisdom indicated that Nigerian courts would not interfere in matters arising from the procedure of impeachment. Popular opinion was that the judiciary had no powers to query the proceedings of lawmakers in respect of impeachments. And the judiciary itself did not see its role differently. Not surprisingly it recoiled and shied away from inquiring into any dispute arising from matters, especially as they pertained to impeachment process, citing s. 132 (10) and 170 (10) of the 1979 constitution and [S. 143 (10) and 188 (10)] of the 1999 constitution as foreclosing any recourse to a court of law in the event of any such dispute arising therefrom.

It is thus that the courts refused to be drawn into the impeachment proceedings in two State Assemblies in the Second Republic (1979-1983): Kaduna (impeachment of the Governor), and Kano (impeachment of the Deputy-Governor); and in various State Assemblies (impeachment of Deputy-Governors) between 1999-2006, as indicated in the opening of this paper. This created an erroneous impression in the minds of mischief makers who then thought they could act with impunity, and without due regard to the stipulations of the constitution

Impeachment Imbroglia in Nigeria, 2005-2006

Earlier in the paper, we pointed out that imbroglia is defined *inter alia*, as an intricate and confusing interpersonal or political situation. Nothing characterizes the spate of impeachments in Nigeria during the period under examination than this. We say this because in the United States, impeachment is straight forward enough. The ultimate decision in all instances as to whether or not impeachment is appropriate rests with the House of Representatives or the lower house of the states legislatures.

Political impeachment is grossly misconceived in Nigeria. There has been no rhyme or reason in the way and manner that impeachments have been handled. If one were to strictly follow the United States exemplar, the decision as to whether or not to impeach any erring state official so stipulated in the constitution, is that of the State House of Assembly, in the words of Nwabueze (2007:285) "to be taken in its own free will without interference, dictation or coercion" from any source. This has not been the case in Nigeria. In none of the five cases of impeachment under study were assembly members free agents.

Political godfathers determined the impeachment of Governors Rashidi Ladoja (Oyo State, January 12, 2006), Peter Obi, and his Deputy, Dame Virgy Eitaba (Anambra State, November 2, 2006) and in part, Joshua Dariye (Plateau State, November 13, 2006). The Presidency, using the Economic and Financial Crimes Commission (EFCC), determined the impeachment of Governors Diepreye Alamiyeseigha (Bayelsa State, December 9, 2005), Ayo Fayose and his deputy, Mrs. Abiodun Olujimi (Ekiti State, October 16, 2006),

and played a significant role in the impeachment of Joshua Dariye of Plateau State, as stated above, on November 13, 2006. How were these done?

Diepreye Alamieyeseigha

Alamieyeseigha was the Governor of Nigeria's Bayelsa State. But he was regarded by his people as the "Governor-General" of the Ijaw nation, partly because he was the first Ijaw man to be elected Governor of a State, and partly because he "reigned" in Bayelsa State, considered as the political capital and headquarters of that nation. Alamieyeseigha was one of those in the vanguard of the "Resource Control" agitation, the platform used by the peoples of the Niger Delta area in the clamour for a bigger share in the wealth derived from oil, the bulk of which lies embedded in the swamps of the Delta. This certainly did not endear him to the Nigerian State headed by Chief Olusegun Obasanjo. From benefit of hindsight, Obasanjo seemed to have been waiting for an opportunity to embarrass this "Governor-General" of the Ijaw nation.

This opportunity came with the establishment of the Economic and Financial Crimes Commission (EFCC) in 2004 to fight the cankerworm of corruption, especially money laundering by Nigerians all over the world. Alamieyeseigha, like the other State Governors, had been under EFCC investigation for sometime, and the agency seemed to have concluded that it would use him to teach other Governors and indeed Nigerians that it no longer pays to fall into the temptation of deeping fingers into the public till and transferring funds to offshore accounts.

The journey to the travails of Governor Alamieyeseigha started when he traveled to Germany for a major surgery to reduce the fat around his abdominal area ["tummy-tuck"] at the Alfred Krupp Krankenhaus (hospital) Germany sometime in September 2005. After the successful operation, he planned to travel to London where he seemed to have some property to recuperate before traveling back to Nigeria. Before his departure from Germany, Nwabueze (2007:97) informs: "... he received a telephone call from the [Nigerian] presidency, ostensibly to commiserate with him, and quite unsuspectingly, he gave out information about his itinerary after leaving Germany. The information was promptly passed on to the London Metropolitan police who were at hand at London Heathrow Airport to arrest him on his arrival there." And indeed on arrival in London on September 15, 2005, the plane he traveled in was boarded by the London metropolitan police which arrested him and handcuffed him, charging him with money laundering (\$3.2 million was mentioned). The arrest and detention of Alamieyeseigha in the U.K. sparked off crisis in the core Niger Delta with the Ijaw Youth Council (IYC) threatening to blow up oil installations in the Niger Delta and kidnap British citizens in Nigeria.

Reportedly refused bail by the British judicial authorities Alamieyeseigha about 67 days after his arrest in London surfaced in Yenagoa, the Bayelsa State Capital. Obiagwu and Ndijihe (2007) report that his return threw Yenagoa into frenzy of celebration, disbelief and confusion. But the Federal Government which instigated his arrest in London was not particularly amused. No one was as aware of this as Alamieyeseigha. And so, as soon as he resumed duties as Governor, Alamieyeseigha dispatched emissaries led by Admiral Alfred Diete-Spiff (Retd), one-time military Governor of Old Rivers State, to Abuja to palley with the President, Chief Olusegun Obasanjo. The latter demanded that Alamieyeseigha must resign as Governor, an action Alamieyeseigha was not inclined to take, insisting that he

would not be cowed to surrender his mandate except it was done constitutionally.

This seemed to have infuriated the Federal Government which laid siege on Yenagoa the Bayelsa State Capital. Troops were deployed all over the state capital, with helicopter gun ships flying regular sorties over the Governor's office and Government House, the official residence of the State Governor. That was not all. Now the EFCC was unleashed on the governance institutions of the State. The EFCC directed Banks to freeze all accounts of the State Ministries, Parastatals and local government councils. After this, the EFCC turned its attention on the State House of Assembly which suddenly found itself under pressure to impeach Alamiyeseigha.

The lawmakers who had already designated the then Deputy Governor Goodluck Ebele Jonathan as Acting Governor were divided. The speaker whose sympathy lay with Alamiyeseigha was "impeached" and removed as speaker. A few days later, all the members of the Bayelsa State House of Assembly were summoned to Lagos by the EFCC which accused them of embezzling N100 million (about \$770,000) given to each of them by the State Government for constituency projects. They were threatened with mass indictment if they did not impeach Alamiyeseigha. Under duress the assembly men launched impeachment proceedings against Governor Alamiyeseigha from EFCC custody in Lagos. They later returned to the State Capital, Yenagoa under heavy Federal Security escort. They then held a hurried session of the House on Tuesday 29 November, 2005, and adopted a resolution requesting the State Chief Judge to appoint a seven-man panel to investigate the allegations of gross misconduct contained in the impeachment notice. This resolution was adopted by only 15 members out of a total of 24, which is one member less than the two-thirds majority of ALL the members required for the purpose by section 188 (4) of the constitution (Nwabueze, 2007:105).

The meeting also purported to suspend the members who refused to take part in passing the resolution. For this meeting, the 15 members who passed the resolution were brought to Yenagoa, the state capital, from Abuja where they were being quartered and taken back there after the meeting, for which reason they were referred to as "hostage" members, as indeed they were. They were certainly not free agents but were acting as directed by the Federal Government and the EFCC (Nwabueze 2007:105).

The Chief Judge of Bayelsa State, at the time justice Emmanuel Igoniwari acted not as a free agent, but under fear and irresistible pressure. As he himself complained in a report in the Punch newspaper of Tuesday December 6, 2005:

I was under unbelievable pressures from all corners. It was like a tsunami... Requests turned to threats and that was compounded by wicked or evil rumours. Some of the rumours and requests were even to the effect that a list of panel members would be drawn up for me to sign and the list will be taken away from me. Further that I might be whisked away and forced to sign a list, if I continued to say no to offers and requests.

These protestations by the Chief Judge notwithstanding, the panel he set up consisted majorly of Alamiyeseigha's political enemies, at least two of which were card-carrying members of the ruling People's Democratic Party (PDP) which out rightly disqualifies

them-membership of a political party is explicitly made a ground of disqualification by section 188(5) (see Nwabueze 2007:106).

Of course, Alamieyeseigha protested, but in vain, though he was not without supporters. The suspended members of the Bayelsa House of Assembly on Friday, 2 December 2005, filed a suit in the State High Court against their 15 colleagues who earlier adopted the resolution requesting the Chief Judge to appoint an investigating panel. Joining the Chief Judge as co-defendant, they prayed the court, among other reliefs, for an injunction restraining the chief judge "whether by himself, agents, privies and servants from giving effect to any request from the 1st defendants made pursuant to section 188(4) and passed on the 29th November 2005 or any other day whatsoever to appoint any investigative panel to investigate the governor of Bayelsa State". On the same day another suit was filed in the supreme court by the Attorney-General of Bayelsa State against the Attorney-General of the federation claiming, among other reliefs, an order of injunction "restraining president Obasanjo and agencies of the Federal Government from any attempt to forcibly remove or induce the removal of Governor Alamieyeseigha from office" and from "further unlawful and unconstitutional interference in the administration of the state" (Nwabueze 2007:109).

It all came to naught. The panel sat, and Alamieyeseigha's offence as reported after the "investigation": Jumping bail and failure to inform the House of Assembly of his arrest and pending trial for money laundering in London. These two out of the articles of impeachment were considered and reported on by the investigating panel because, being "notorious" facts, they required no proof (see Nwabueze 2007:106ff). Be that as it may, the panel went on to submit an interim report; but it was a report that recommended, as expected, the removal of Alamieyeseigha from the Governorship of Bayelsa State. This was adopted by the 15 members of the House of Assembly that earlier adopted the impeachment resolution.

Bayelsa State was fully and heavily militarized before Alamieyeseigha's impeachment was announced. This done, the law makers selected their speaker to serve as the new deputy governor following the elevation of Alamieyeseigha's erstwhile deputy, Goodluck Ebele Jonathan-now Nigeria's Vice-President. Aguma's (2006) comments on it all is valid today as it was when it was done in 2006. He stated:

Take the Alamieyeseigha's case for instance, it was based on an interim report; of course, we have not heard the final report up till today ... what of the lawmakers and the so-called N100 million that was collected by them for constituency projects [?]. What has happened to them [?]. Nothing. We have not heard anything about them again. That was just blackmail used to impeach Alamieyeseigha.

Rashidi Ladoja

The next governor to fall to the impeachment onslaught was Alhaji Rashidi Ladoja of Oyo State, Southwest Nigeria. He was impeached and removed from office, on January 12th 2006 to be precise, by a minority of lawmakers loyal to the states acclaimed political godfather, Lamidi Adedibu. However the lead-up to the impeachment had all the signs of

the involvement of Nigeria's President, Olusegun Obasanjo. This has been graphically established by Nwabueze (2007) who writes:

Although the involvement of president Obasanjo in the removal of Governor Ladoja of Oyo State was not as naked as his involvement in the removal of Governor Alamiyeseigha of Bayelsa State, yet there is abundant evidence to be garnered from his utterances and action both before and after the event that he was the real author. The actors on the stage visible to the public were 18 anti-Ladoja members of the Oyo State House of Assembly, directed by their former political godfather, popularly called "the strongman of Ibadan politics" and "Alafin of molete", but the real, if distant, author of the removal was president Obasanjo. The decision about Ladoja's removal was his own, and the actors and their "garrison commander" only acted on his orders.

His utterances leave no doubt about this. To the six-man delegation of Ibadan leaders who visited him on the matter in his Ota home, he had peremptorily and implacably announced with finality that "Ladoja must be removed from office". And while on a visit to Ibadan he again publicly declared that Ladoja should resign or face impeachment within 24 hours. These utterances establish conclusively his role as the author of the removal (p. 118f).

Be all that as it may, from the start, the impeachment of Ladoja was caught in illegalities. On December 13, 2005 Ladoja was served with the notice of allegations of gross misconduct against him by a faction of the State House of Assembly. His attempts to defend himself were unconscionably ignored. On January 4, 2006, a seven-man panel was inaugurated to investigate the allegations. This was done by Acting chief judge of Oyo State purportedly acting on a letter dated 22 December 2005 and written by the 18 anti-Ladoja lawmakers as a group in clear violation of the stipulations of section 188(5) which makes the speaker the bona fide officer to request the Chief judge to set up such a panel.

The decision to approach the Acting Chief Judge was taken by the 18-member anti-Ladoja faction of the House at a meeting not in the State House of Assembly, but in D'Rovans Hotel, Ibadan far away from the House of Assembly. At the same meeting and the same hotel the group according to Nwabueze (2007:122) purportedly amended the standing rules of the House and had, pursuant to the amended rules, suspended seven of the 14 pro-Ladoja members in the hope that they would thereby achieve the two-thirds majority of all members required by section 188(4) and (9) of the constitution. On January 5, 2006 the panel began its work, and after a week of sitting "unanimously agreed that Nine particulars of allegations were proved against Ladoja. One article of allegations is not proved, and four particulars of allegations were for further investigation by the appropriate statutory authority".

On January 12, 2006, Ladoja was impeached by 18 members of the State House of Assembly sitting for barely 30 minutes (8.22-8.52 a.m). It was the only business listed in the order paper. Like the Bayelsa State case treated earlier, the Oyo State Capital, Ibadan,

was heavily militarized preparatory to the impeachment announcement. As Nwabueze (2007:118f) informs:

An armoured personnel carrier was positioned at the Governor's Office in Ibadan very early in the morning of 12 January, 2006, the day of the removal. The police collaborated with 18 anti-Ladoja members of the House of Assembly by facilitating their surreptitious entry into the assembly chamber, which was barred to the 14 pro-Ladoja members. The state secretariat and the House of Assembly building were also surrounded by riot policemen in readiness of the announcement of the removal. And no sooner had the resolution removing Ladoja been passed by the House constituted by the 18 members than police and security was promptly withdrawn from Ladoja and extended to his successor, Ladoja's former Deputy, Alao-Akala, appointed by the House so constituted.

Ladoja was sternly warned by the police not to carry out his threat to return to office the following Monday after the weekend of his removal. The leaders of the Nigerian Labour Congress and the Trade Union Congress were picked up by operatives of the State Security Services (SSS) for directing workers in the State to stay away from work in protest against Ladoja's removal.

They were released when the dust of the impeachment had settled.

Ayo Fayose

This is the most interesting of all the impeachment cases under review in that Fayose was impeached twice in what Nwabueze describes as impeachment running riot (Nwabueze, 2007:26). As we shall see in a moment one of the impeachment exercises ended in favour of the governor; the other against him. Just as in the Bayelsa case and Oyo State, the impeachment crisis in Ekiti State was not the original idea of the State's House of Assembly. The immediate instigator was the EFCC; the remote instigator, the presidency, read President Olusegun Obasanjo. It all began when the EFCC while investigating some petitions against the State government interrogated several state functionaries, among them commissioners and members of the State House of Assembly. Their detention by the EFCC notwithstanding, the Legislators initially remained resolute in their support for Governor Fayose. They, however, started singing a different tune after travelling to Lagos on September 27, 2006 in response to an EFCC summons.

Rather than return to Ekiti State, the 26 lawmakers remained in Lagos from where, two days later, they issued a notice of impeachment against Governor Fayose and his Deputy, Mrs. Abiodun Olujimi, over allegations of corruption and abuse of power in office. Acting on the Assembly's directive the Ekiti State Chief Judge, Kayode Bamisile, constituted a seven-man panel [as the constitution stipulates, see s. 188(5)] to probe the allegations against Fayose and his Deputy. The Assembly, however, faulted the composition of the panel, claiming that it was full of the embattled governor's cronies and people of

questionable integrity. It ordered the chief judge to stop the inauguration of the panel. The Chief Judge, however, defied the directive, saying that it was within his constitutional duties to constitute the panel. He admitted that the lawmakers had the right to make observations about the composition of the panel and promised to change any member against whom the lawmakers could establish a case.

The Assemblymen promptly announced Bamisile's suspension, and approached Justice Fasanmi who rejected the offer, knowing full well that the substantive CJ was not removed in accordance with the stipulations of the constitution. Another Judge, Jide Aladejana accepted the offer. At this point, the Chief Justice of Nigeria (CJN), then Alfa Belgore, stepped in. In a letter dated October 13, 2006 and addressed to Justice Aladejana, the CJN voided the suspension of Bamisile by the Ekiti State House of Assembly and Aladejana's appointment as Acting chief judge of Ekiti State, insisting they contradicted S. 271 of the Nigerian Constitution-that section stipulates that a chief judge can be removed only by a state governor but after a thorough report, hearing and recommendation by the National Judicial Council, which is headed by the CJN. Meanwhile, ignoring the Assembly, the panel earlier set up by Justice Bamisile and inaugurated on October 10, 2006, sat and in only two days cleared Fayose and his deputy of the charges brought against them. It based its decision on the lawmakers' refusal to show up to substantiate their allegations (End of Impeachment 1). But in what has become a precedent in Nigeria, a judge of a State High Court disobeyed the verdict of the CJN. Aladejana, the purported acting Chief Judge of Ekiti State, disregarded CJN Belgore's warning and went ahead to inaugurate another panel, which after sitting for 15 minutes returned a guilty verdict on Fayose and Olujimi.

Two days before this second panel submitted its report, federal troops had taken over the Government House in Ado-Ekiti, capital of Ekiti state, as well as the Afao (country) home of Fayose, forcing him to flee and go underground for his safety. Sequel to the removal of the Governor and his Deputy, the lawmakers installed the speaker of the House of Assembly, Friday Aderemi as Acting Governor. Here the plot further thickens! President Olusegun Obasanjo, who initially gave his blessing to the moves to oust Fayose, was said too have directed that Olujimi should not be indicted, but should become the new governor, with speaker Aderemi as the new deputy governor. Rather than play according to the given script, the lawmakers removed both Fayose and Olujimi and made Aderemi Acting Governor.

It was, therefore, not surprising when the same Federal Government whose police and soldiers and EFCC had been used to accomplish Fayose's hasty removal, came out to declare his impeachment null and void. Fayose himself spoke from hiding, maintaining that he remained the governor. As he spoke, his attorneys went to court seeking a declaration that his removal was illegal. Meanwhile, his deputy, Olujimi resumed duty a day after her purported impeachment amid tight security provided by the police. She declared their purported impeachment null and void, insisting that she was in charge pending the resumption of work by her boss. (For the Ekiti case narrated here, the author is indebted to AFRICA TODAY, November 2006 and Nwabueze, 2007). At this stage, with both Fayose and Aderemi posing each as governor of Ekiti State, the Federal Government allegedly seeing anarchy on the horizon declared a state of emergency in Ekiti State. The outcome of this was to sweep away Fayose and his deputy as well as Friday Aderemi. In their place a sole administrator was imposed by the Federal Government!.

Joshua Dariye

The impeachment of Joshua Dariye, Governor of Plateau State was the most complicated, and took quite some gestation time. Like all the previous cases, it was master-minded from the presidency in Abuja, and is a clear manifestation of the low level of political development in Nigeria. Such a thing could not have been contemplated by the United States Presidency!

Again, the original plan to impeach Dariye was not that of the state legislature. It all began in a rather bizarre manner. As Nwabueze (2007) informs, the members of the Plateau State House of Assembly were summoned to the State House, Abuja, seat of the Federal Government on 8 November, 2004. They were briefed about Governor Dariye's alleged acts of corruption and embezzlement of the State Government funds, details of which were displayed on audio-visual screen for greater effect in creating a feeling of revulsion against the Governor. They were then told that he must be impeached and removed from office (p. 244).

The briefing of the Assembly members on 8 November, 2004 was followed up two days later by a letter dated 10 November and addressed to the speaker [of Plateau State House of Assembly] by the Attorney-General of the Federation, Chief Akinlolu Olujinmi, SAN (Senior Advocate of Nigeria). The letter rehashed in greater detail the criminal offences Governor Dariye was alleged to have committed under both British and Nigerian law. The object was undisguisedly to incite the House members to revulsion against the Governor and to instigate them to remove him by impeachment (ibid).

The Federal Attorney-General's letter of 10 November 2004 could not be replied to while the State House of Assembly was still under suspension. The matter was fully deliberated upon at the Assembly's post-restoration meeting on 24 November 2004, which resolved to send a negative reply-the House would not impeach the Governor (Ibid. p. 253f). President Obasanjo's plan to have Governor Dariye removed from office by impeachment confronted an impregnable brick wall in the Speaker of the Plateau State House of Assembly, Hon. Simon Lalong, a young, quiet and soft-spoken lawyer of unshakable principle and unflinching commitment not only to the defence of truth but also to the fight against injustice and oppression so characteristic of the administration of government under president Obasanjo. All efforts to entice him away from Governor Dariye's side by pressure, blandishments and other allurements failed (Nwabueze, 2007:256). So did the attempt to have him recalled (Ibid. pp. 256-260).

The instigation to remove Governor Dariye via impeachment was renewed in November 2005, this time by the EFCC. By a letter dated 21 November 2005, and signed by its chairman, Mr. Nuhu Ribadu, the Plateau State House of Assembly was requested to investigate Governor Dariye for alleged conspiracy, abuse of office, official corruption, diversion of public funds, stealing and money laundering. The letter was accompanied by a lengthy 24 page report of the commission's investigations into the offenses (Ibid. p. 263).

Following the EFCC's letter of 21 November 2005, the House of Assembly set up a special committee of ten of its members under the Chairmanship of the Deputy Speaker, Hon. Usman Zumunta Musa, to investigate the allegations contained in the letter. The committee's investigation lasting several days was held in public and extensively covered by the press. Both Governor Dariye and the EFCC were represented by their respective

attorneys (Ibid, p. 264).

After a thorough inquiry and a meticulous consideration of the evidence, the special committee came to the conclusion that the evidence given on behalf of the EFCC did not establish the commission of any of the criminal offences Governor Dariye was alleged to have committed, and, what is more, that the allegations against him were positively disproved by the uncontroverted evidence given for the Governor. It accordingly “exonerated” the Governor of all the offenses alleged against him. These findings and conclusions were accepted and adopted by the whole House meeting in plenary session on 9 June 2006 (Ibid. p. 264f).

Not satisfied with this, and hell-bent on the impeachment of Dariye the EFCC resorted to coercion by harassment and intimidation of the members of the Plateau State House of Assembly. The period between August and November, 2006 were really trying times for the Honourable members. Nkemjika (2007) sums up the tribulations the Lawmakers were subjected to when he writes:

Ribadu’s EFCC forces itself into Plateau State and arrests members of the State House of Assembly. The EFCC charges the legislators for obtaining car loans from the Government which they have not fully repaid. It is either the legislators cooperate with EFCC to impeach Governor Joshua Dariye or they are arrested and detained for undermining the Money Laundering Act. Yet, the car loans obtained by the Plateau State legislators are funds legally approved by the State Governor from monies sourced from the state’s own share of the Federation Account or internally generated revenue.

And indeed, at one stage, the EFCC arrested and incarcerated all the legislators in Abuja, the federal capital. According to Nwabueze (2007:297) “Eighteen stood their ground, but six after an initial resistance succumbed to the blackmail and intimidation, and were conscripted to begin an unconstitutional impeachment of the State Governor”.

On 5 October 2006, the EFCC brought its collaborators (8 at the time) to Jos from Abuja, and inter alia, constrained them to adopt and sign a notice of impeachment prepared by the same EFCC-though two of the eight would later dissociate themselves from the entire exercise. That same day, the Honourable members were taken back to Abuja to EFCC quarantine. On 13 October 2006 the collaborating House members were brought again to Jos to adopt a resolution that the allegations of gross misconduct against Governor Dariye be investigated. They met with resistance by youths massed in front of the Assembly building and blocked entry into it by the police and the EFCC collaborator members of the House of Assembly. In the confrontation that ensued the police shot into the crowd and killed two of the youths. Angered at the turn of events, the youths moved to the House of the deputy Senate President, Senator Ibrahim Mantu, one of those behind the plot to impeach Dariye, and burnt it down (Nwabueze, p.267-270). Mantu said then he was not perturbed by the incident, adding that if it is the price he has to pay for Dariye’s ouster, so be it. He boasted that the days of Dariye as Governor were numbered (see AFRICA TODAY, November 2006:18).

Subsequently, Justice Lazarus Dayken, Chief Judge of Plateau State, on October 20,

2006 announced the constitution of a seven-man committee to investigate alleged gross financial misconduct by Governor Dariye. The Plateau State CJ said he based his action on the request made by Michael Dapianlong, leader of the eight-member faction of the State House of Assembly, three of whose members later dissociated themselves from the move to impeach Dariye (AFRICA TODAY, November 2006:18).

The panel appointed by Chief Judge Dayken began sitting on 7 November 2006 on its investigation against Governor Dariye who was represented by counsel. The acts of misconduct alleged against him were the same as those imposed by the EFCC. But the bona fide speaker, Simon Lalong and some legislators in his group obtained from a State High Court an injunction restraining the panel from continuing its sitting. The panel adjourned for one day while the implications of the order were being studied. Governor Dariye himself, fearing that he would not get a fair hearing from the panel obtained an interim injunction from another High Court of the State ordering the panel to stay further proceedings on the investigation. The panel refused to obey the orders and continued to sit (Nwabueze, 2007:276).

The judge, Justice Dakwang, who granted the earlier injunction to Speaker Lalong and his colleagues, was ordered by acting Chief Judge Dayken to hands-off the case because of allegations of bias made against him. He duly withdrew from the case, whereupon governor Dariye terminated the appointment of Justice Dayken as acting chief Judge, though not his appointment as judge. In Dayken's place the Governor appointed Justice Dakwang as acting chief Judge of Plateau State. The latter promptly disbanded the investigating panel. But the panel, on Friday 10 November, rejected its sack, saying that "no court can sack" it (Nwabueze 2007:276).

The panel was expected to complete its investigation on Wednesday 15 November, 2006, but the House of six members, meeting suddenly at 4.30am on Monday 13 November, removed Governor Dariye on the basis of an "Interim report" said to have been submitted to it by the panel. Dariye then went underground, and was immediately declared a "wanted person" by the federal authorities who put out N5 million bounty for information leading to his arrest (Nwabueze 2007:276f).

Peter Obi

A brief background history is necessary as well in the case of the impeachment of Governor Peter Obi of Anambra State, Southeast Nigeria. In 2003, Mr. Peter Obi was elected governor of Anambra State for a four-year term under the platform of ALL Progressive Grand Alliance (APGA). But because of electoral manipulation by the PDP-dominated Federal Government, the victory was snatched from Peter Obi and handed to the PDP candidate who was sworn in as governor. However, as Ebonugo (2007) pointed out, the common belief that there is no honour among thieves soon came into play as the Governor [Chris Ngige] rebelled against his PDP benefactors who thereafter launched a sustained campaign to remove him from office through illegal means, including abduction and unconstitutional impeachment. While this absurd political drama lasted, Mr. Peter Obi kept faith with his resolve to reclaim his mandate by seeking judicial intervention and redress. This he got after a long and patient campaign that saw him through the election petition tribunal, the High Court and the Appeal Court before victory eventually came his way. The euphoria of that hard won victory was short-lived as the anti-democratic forces

in the State soon regrouped, and took the fight to another level.

On Monday, 16 October 2006, the same day Ekiti State Governor and his Deputy were illegally impeached, a faction of the Anambra State House of Assembly served an impeachment notice on Governor Peter Obi and his Deputy, Dame Virgy Etiaba. It is instructive to note that the impeachment notice preempted the outcome of any investigation as is required by the constitution which provides for an “impartial” panel of seven to “investigate” the allegation and report to the House (S. 188(5)). The Anambra notice of impeachment ended on this note: ... with this notice of allegations against Mr. Peter Obi and Dame Virginia Etiaba, the Governor and Deputy Governor respectively of Anambra State, who by the foregoing ARE GUILTY OF GROSS MISCONDUCT IN THE PERFORMANCE OF THE FUNCTIONS OF THEIR OFFICES AS GOVERNOR AND DEPUTY GOVERNOR RESPECTIVELY... (Emphasis mine!)

Shortly afterwards the House met and passed the impeachment resolution, and then approached the chief Judge of the State to set up a panel to investigate the allegations. That done, Twenty-two of the twenty-six legislators who served the notice then relocated to Asaba, Capital of nearby Delta State to hone the plot. But that is not where the un-constitutionality of the impeachment exercise ends.

The Chief Judge of Anambra State drew up a panel, the composition of which appeared tilted and skewed to achieve the pre-determined objective of the Governor’s hasty removal from office. Four of the panel members were from the same town as the chief Judge; one of the four was the chief judge’s Pastor at Nnewi. None of the seven was favourably disposed toward Governor Obi—all contrary to S. 188(5) of the constitution. In spite of public outcry against the composition of the panel, the Chief Judge was not deterred; but because of this outcry, the panel sat in secret and had no difficulty in coming to a guilty verdict. The faction of the House that carried out the impeachment exercise sat even in greater secrecy to “adopt” the panel’s alleged report and impeach the Governor at 5.30a.m. The speed with which the whole exercise was carried out can only be appreciated by these words of a commentator writing on the issue: “Justice delayed is justice denied, so is justice dispensed with the speed of light” (see Iyinbo, 2006). Be that as it may, the way and manner that Governor Peter Obi was removed from office made mockery of the spirit and provisions of the constitution and the proper conduct of legislative business.

Impeachment of Reason (1)

In the foregoing anthology of the impeachment of the five Governors, the term-impeachment was used to refer to the calling to account of a public officer for maladministration or to use the constitutionally preferred term, “Gross misconduct” in public office. In what follows, impeachment will be used to mean a calling in question as to the purity of motives, rectitude of conduct, and credibility of the reason, here defined as the motive or ground for action by the legislators in carrying out the impeachment exercise in the different States

It must be noted that in the United States of America, impeachment dwells only on legal issues that are calculated to advance the cause of the law and democracy. Nothing mundane or pedestrian is tolerated nor is there room for shadow-boxing. To the contrary, the Nigerian idea of impeachment is difficult to gauge, irredeemably mirrored in squabbles and calculated to satisfy the whims and caprices of unseen, and not so unseen, forces and selfish godfathers, as opposed to the interest of the Nation. Certainly, impeachment in

Nigeria has nothing to do with public order or morality.

It is in that light that one finds intriguing that in the words of Uwazurike (2006), in Oyo, Bayelsa, Ekiti and Plateau States, the legislators were held hostage by superior forces and marshaled into the assembly to read prepared statements. In fact, most legislators in these four states were arrested and accused of committing criminal offenses. After the impeachment, those offences were forgotten. In some instances, for example, Oyo State, Assembly members were bribed literally to impeach the Governor; those who resisted the temptation were threatened and subjected to all manner of indignities calculated to make them succumb. A case in point is that of the speaker of Oyo State House of Assembly, Honorable Adeolu Adeleke. An interview reported in the Vanguard Newspaper issue of Monday January 15, 2007, p. 5 under the caption "I was offered N25m and a building to support Ladoja's impeachment" – Speaker, reveals as follows:

The speaker of the Oyo State House of Assembly, Honourable Adeolu Adeleke, yesterday, in Ibadan, revealed how he was lured by the pro-Adedibu lawmakers with the sum of N25m and a building, which he rejected, so as to support the unconstitutional removal of Governor Rashidi Ademola Ladoja. Speaking further, he explained that all forms of threats were used so as to make him succumb to the unconstitutional act. He said that, at one point, he was threatened that members of his family would be kidnapped if he failed to yield to their request. He pointed out that a lot of pressure was mounted on him, his security [detail] was withdrawn while traveling from Oyo to Ibadan, his wife, children and associates were sent out of the government quarters by 11pm. "My deputy, Hon. Titilola Dauda, and Olufemi Josiah were stabbed on the floor of the House and nothing came of it. It is very unfortunate that Oyo State was put under the bondage, loaded with grievance, but today, we thank God we are liberated".

The impeachment was carried out by personal interest and ego, to satisfy one human being at the detriment of the state. Governor Ladoja was castigated for his inability to handover the treasury of the state to a single person and his closeness to somebody that has been perceived as a security threat to some people. A lot of intrigues happened before the illegal and unconstitutional impeachment and it is sad and disappointing that they went to D'Rovan Hotel to sit.

The situation was only slightly different in Anambra State. As Africa Today Magazine, already cited in this paper, opined at the time:

The lawmakers are believed to be working for the Uba family, which determines the political fate of Anambra. Members of the family are close to President Obasanjo and are untouchable. One of the brothers, Andy, is Obasanjo's personal assistant in charge of domestic affairs, while Ugochukwu is a senator. Though not holding any political office, Chris purports to be the

political godfather of Anambra. He has neither been questioned nor tried despite confessing to rigging elections in the state and despite being implicated in the desperate bid to take over the state illegally. Both Chris (who installed the lawmakers and most other 'elected' officials in and from Anambra State) and Andy want to rule Anambra and the thinking is that none of them can get it unless they engineer the removal of the incumbent, who belongs to another political party (APGA) and wishes to contest again next year [2007].

Durugbo (2007) approaches the matter from a different perspective but he reaches the same conclusion. According to him:

I have it on good authority that the major reason the impeachment of Obi was orchestrated was to make sure he did not go to court to ask for the enforcement of section 180(2) of the Constitution which deals with the tenure of governors. It says, plainly, that any person who is first elected to the office of governor of a state shall hold that office for a period of four years, commencing from the date the person takes oath of office and oath of allegiance. Those who had decided to take over Anambra State on May 29, 2007 had gone to seek legal advice from the highest quarters and they were reportedly told that Obi had a good case. Immediately, the impeachment storm was stirred against Obi to clear the way for them.

And, according to some legislators who abandoned the impeachment ploy, the impeachers were reportedly promised another fraudulent automatic return to the House in 2007, a car and a plot of land in Abuja by another Godfather (Jason, 2006). What all the foregoing portrays is the base motives underpinning the impeachment exercise embarked upon by the lawmakers of the Houses of Assembly under study, contrary to their claims of noble intent as indicated by the articles of impeachment adduced by those concerned. I am supported in this stance by Kayode Oladele in an article, "Nigeria in The Threshold of Constitutional Crisis" posted on the Internet on Tuesday, 21 November 2006, and in which he states, *inter alia*:

Parties impeach only for their gain and as a political weapon. By evaluating the constitutional provisions for impeachment and the nature of these impeachments, it can be seen that this is often the case, at least with Nigeria. Just like when the military intervene in politics, they often come with phony reasons ranging from corruption to election rigging to justify their action and gain people's confidence, [Legitimacy?] which they need for political control and credibility, parties also use the ambivalent provision in the constitution – gross misconduct of a governor to initiate and justify their impeachment process (see <http://www.nigeriavillagesquare.com>)

Impeachment of Reasons (2)

Reason in this section should be understood to be a faculty of the mind by which it distinguishes truth from falsehood, good from evil, and which enables the possessor to deduce inferences from facts or from propositions. Impeachment of reason in this context, therefore, would mean questioning the mental stability of those engaged in the exercise at the time they were doing what they did. If men have lost their reason, they have lost that faculty of the mind, and can no longer distinguish truth from falsehood, and good from evil. It is only in this context that one may perhaps understand that normally reasonable people would lose all sense of proportion, decorum and direction, and proceed to break all canons of correct constitutional behaviour in the mad rush to impeach their governors even at the risk of destroying their state/s. And this writer is not alone in thinking this way. Reading through various commentaries in serious academic works and the print media, one gets the uncomfortable feeling that those engaged in the impeachment exercise are not normal people, that there is some defect in their mental make-up. A few examples, one hopes, will suffice.

Foremost constitutional lawyer, Professor B. O. Nwabueze (2007) commenting on the impeachment saga in Ekiti State was forced to state that "It is like the Ekiti State Assembly members had gone crazy" (p. 286). Kayode Eso, a former Chief Justice of Nigeria, in an article serialized in Vanguard Newspaper in May, 2007 states inter alia that "One takes stock of the disgraceful period in the life of the country very recently when the legislature went on AN IMPEACHMENT RAMPAGE . . ." (underscoring mine!). Seyi Oduyela in an article, *The Acquired Impeachment Drama Syndrome (AIDS)* posted on the Internet on October 19, 2006, writes inter alia: "If serious steps had been taken on the Ladoja impeachment not in support of Ladoja but issues-fighting for what should have been done and how it should have been done, may be this MADNESS (underscoring mine!) would have been curtailed". (see http://us.f522.mail.yahoo.com/ym/showletter?msgld=1821_165420384_155726_1910_9261_0_470...).

Osa Inyinbo's article, *Nigeria's Impeachment Saga: Democracy on the Legislature's Butcher Block*, posted on the internet on November 26, 2006 states, inter alia: "some political leaders have stripped naked the rules of civil engagement, jettisoned the constitution and have allowed cacophony to hold sway. A weapon code-named 'Impeachment' has been refurbished and added to their arsenal; now some state Legislatures [Houses of Assembly] have RUN AMOK (underscoring mine!) with it. (see http://www.dawodu.com/iyinbo2_-htm).

Goddy Uwazurike's article in the Sun News On-line of Friday, November 10, 2006 entitled *The Judge as Gold-Fish, Ostrich* refers to "*the impeachment mania* (underscoring mine!) that is sweeping the nation" (see http://www.sonnewsonline.com/webpages/opinion/2006/nov/10/opinion-10_11_2006_002.h...).

Newspaper columnist Godwin Agbroko is quoted in AFRICA TODAY magazine of November 2006 at page 19 as saying inter alia: "For sure democracy for the brief periods it had existed in Nigeria since Independence has never been in short supply of strange ways. But what is happening in Ekiti and Plateau States has taken democracy from the narrow groove of strange ways SMACK INTO THE HIGHWAY OF LUNACY (underscoring mine!).

Sunday Ibrahim Ameh (SAN) in an interview with The Guardian Newspaper reporters

published on January 22, 2003:97 states inter alia: “Then we had the Ladoja and Dariye cases, where the Judiciary brought sanity to the Legislature by arresting and in fact, putting an end to the MADNESS OF IMPEACHMENT (underscoring mine!) as we had, where two or three people would decide in a hotel to impeach a governor”.

And Mac Durugbo in an article, “*The Glorious Moment of the Nigerian Judiciary*”. Financial Standard, Thursday February 15, 2007:12 states on the issue of impeachment in Nigeria: “An outsider will easily conclude that we are MENTALLY RETARDED (underscoring mine!) in Nigeria. It is a very glaring case of rascality and illegality being celebrated in a country that has laws and law enforcement agents. I hope to God that we will never witness this sort of MADNESS (underscoring mine!) in our country again...” One can only say, AMEN.

Summary and Conclusion

In his work, The Arrogance of Power (1966) Senator J. William Fulbright of the U.S.A. avers that:

To criticise one’s country is to do it a service and pay it a compliment. It is a service because it may spur the country to do better than it is doing; it is a compliment because it evidences a belief that a country can do better than it is doing. Criticism may embarrass the country’s leaders in the short run, but strengthen them in the long run. Criticism, in short, is more than a right; it is an act of patriotism—a higher form of patriotism, I believe, than the familiar rituals and national adulation.

Taking a cue from that this paper criticizes the spate of gubernatorial impeachments that swept through Nigeria, particularly in 2005 and 2006. The paper repeats the well-known fact that in more mature liberal democratic states, impeachment is arguably the most overwhelming, remarkable and awesome political and legal action directed against an executive; and because of its implications, it is the least used power of the legislature. Not so in Nigeria where, in the period under study, impeachments were rampant, frivolous and ill-motivated. This very instrument aimed at curbing dictatorship and abuse of office, itself became open to abuse and crass political manipulation.

In carrying out the impeachment exercise, of course, articles of impeachment were drawn up indicating that the assemblymen were carrying out constitutionally expected chores. Of course, nobody grudges them carrying out constitutionally expected chores. What is suspect is the way and manner they subverted the very constitution they swore on oath to preserve.

Assemblymen were so hell bent on pleasing their godfathers and other sponsors that they began to act irrationally like their sponsors, and those within their ranks not willing to be subverted with bribes, threats and intimidation, were subjected to all manner of indignities, including incarceration on trumped up charges.

Unfortunately no machinery is provided for checking abuse or perversion of the process. To paraphrase Abati (2006), what is unfortunate is that the faction of legislators engaging in the criminal act of illegal impeachments have gone scot-free, without any

punishment for their violation of the laws of the land. The circumstances leading to the removal of the five governors studied were the equivalent of an act of treason against the state. Abati concludes that "it is only when lawmakers who act outside the boundaries of their office are sanctioned accordingly that we may begin to discourage the transformation of the House of Assembly into an assembly of tin-gods with muscles but little sense".

While sharing Abati's sentiments, one hurries to add that such sanctions should not be reserved for the "lawmakers" [law-breakers] only. The President of the Country who, in a clear case of gross abuse of power, uses institutions of State to orchestrate impeachments of State Governors, subverts Federalism against the stipulations of the Constitution, should not only be impeached, but should be tried for treason. So should all his accomplices including godfathers and agents of the institutions of state who, for selfish reasons are only too willing to assist in the subversion of the constitution.

For now, unfortunately, only the erring Chief Judges of the various States whose governors were impeached, and who allowed themselves to be used in the impeachment "debacle" have been sanctioned, at least three of them losing their jobs ignominiously. By way of conclusion let it be clearly stated that none, least of all this writer, is saying that States Governors, victims of the impeachment mania, are without blemish/es; this is not the forum to examine whether the "offences" alleged against the Governors involved were indeed so committed or not. The position of this author is that things must be done in the proper way. In other words, impeachments must be carried out strictly in accordance with constitutional provisions; impeachment decisions should be made only by those genuinely interested in good governance after serious and painstaking deliberations. Only then can Nigeria be counted as one of the genuinely democratic nations of the world.

References

- Abati, Reuben (2006) "The Supreme Court and Ladoja's case" in *The Guardian* [Lagos], Friday, December 8, p.53.
- AFRICA TODAY magazine vol. 12 No. 11 November 2006, esp. pp. 16-19.
- Aguma, Emmanuel C. (2006) "Abuse of Judicial Process in Impeachment Matters" in *The Guardian* [Lagos] Sunday November 19. pp. 45 & 49
- Ameh, Sunday Ibrahim (2008) "Judicial Activism Sanitised the Polity in 2007" in *The Guardian* [Lagos] Tuesday, January 22, p. 97.
- Answers. Com-Online Dictionary (<http://www.answers.com/>) Blacks Law Dictionary, 6th edn., 1990.
- Bryce, James (1888, 3rd edn 1911) *The American Commonwealth* quoted in James MacGregor Burns, J. W. Peltason, Thomas E. Cronin (1978) *Government By the People* 10th edn. Englewood Cliffs, New Jersey: Prentice Hall, Inc.
- Mervin, David (1996) "Impeachment" in *Oxford Concise Dictionary of Politics*.
- Durugbo, Mac (2007) "The Glorious Moment of the Nigerian Judiciary" in *Financial Standard* [Lagos] Thursday, February 15, p. 12.
- Ebonugwo, Mike (2007) "Obi: Judiciary in the Right Direction" in *Vanguard*, Friday, June 29, p. 34.
- Eso, Kayode (2007) "The Leader Nigeria Needs" in *Vanguard* [Lagos] Friday, May 14, p. 23.
- Iyinbo, Osa (2006) *Nigeria's Impeachment Saga: Democracy on the Legislature's Butcher Block* (<http://www.dawodu.com/iyinbo2.htm>).
- J. William Fulbright (1966) *The Arrogance of Power*, New York, Random House.
- Jason, Pini (2006) "The Weighty Side of Impeachment" see <file:///C:/Documents%20and%20settings/Administrator/Local%20settings/Temporary%20Internet%20...>

- Madunagu, Edwin (2002) "Impeachment in Nigeria" in *The Guardian* [Lagos] Thursday, September 12, p.51.
- NIGERIA: 1999 Constitution of the Federal Republic of Nigeria, Lagos, Nigeria: Federal Government Press.
- Nkemjika (2007) "Ribadu and the Money Laundering Law" in *Vanguard* (Lagos) Wednesday, May 30, p.59.
- Nwabueze, Ben (2007) *How President Obasanjo subverted Nigeria's Federal System*, Ibadan: Gold Press in association with Givani Books (Export) Inc, Carry, NC, USA.
- Obiagwu, Kodilinye and Clifford Ndujihe (2007) "Alamieyeseigha: Return of Ijaw 'Governor General' in *The Guardian*, Monday, July 30, p.30.
- Oduyela, Seyi (2006) *The Acquired Impeachment Drama Syndrome (AIDs)* (http://us.f522.mail.yahoo.com/ym/showleter?msgId=8121_165420384_155726_1910_92610_0_470).
- Oladele, Kayode (2006) *Nigeria in the Threshold of Constitutional Crisis* (<http://www.nigeriavillagesquare.com>)
- Oluyede, P. A. (1988, 1991 reprint) *Nigerian Administrative Law*, Ibadan: University Press, PLC.
- Scruton, Roger (1982, 1983 edn) *A Dictionary of Political thought*, London: Pan Books in Association with The Macmillan Press.
- Shakespeare, William (1965) *Julius Caesar*, 2nd edn London: Longmans, Green and Co Ltd.
- Slann, Martin (1998) *Introduction to Politics: Governments and Nations in the Post Cold War Era*, Boston, Mas
- Vicente, Jason J. (1998) *Impeachment: A Constitutional Primer*, U.S.A. Cato Institute (see http://www.heartfland.org/pdf/480040_pdf).
- Webster's Encyclopedia Unabridged Dictionary of the English Language (New Revised Edition), 1994.
- Wikipedia, Impeachment (<http://en.wikipedia.org/wiki/Impeachment>).
- Wikipedia, Impeachment in the United States (http://en.wikipedia.org/wiki/impeachment_in_the-United_states)