

The Impeachment Process: What You Need to Know

On September 24, 2019, Speaker Nancy Pelosi (D-CA) announced that the US House of Representatives was launching an official impeachment inquiry into President Donald Trump. The announcement came after news broke that an anonymous whistleblower had filed a complaint with the Inspector General for the intelligence community alleging that President Trump had pressured the president of Ukraine to investigate former Vice President Joe Biden, who is currently seeking the 2020 Democratic presidential nomination. On December 18, 2019, the House voted to impeach President Trump on two charges: abuse of power and obstruction of Congress. The first article of impeachment, abuse of power, was adopted by a vote of 230-197. Two Democrats joined Republicans in voting no. The second article, obstruction of Congress, was adopted by a vote of 229-198, with three Democrats voting no.

This represents only the third time in history that a president has been impeached. Andrew Johnson and Bill Clinton were both impeached by the House and ultimately acquitted by the Senate. Richard Nixon narrowly escaped impeachment by resigning. Since impeachment is such a rare occurrence, it is not surprising that many people have questions about how the process works.

Here is what you need to know.

The Constitution grants the House of Representatives the sole power to impeach executive branch officials, up to and including the president of the United States. Presidents may be impeached for committing “treason, bribery, or other high crimes and misdemeanors,” although the Constitution does not explicitly describe what those “high crimes” might be. Over the years, legal scholars have come to understand the “high crimes” term as referring to various abuses of power by government officials. An impeachable offense does not have to be a criminal act. Impeachment is by nature a political process, and removing the president from office does not mean he or she is convicted of a crime.

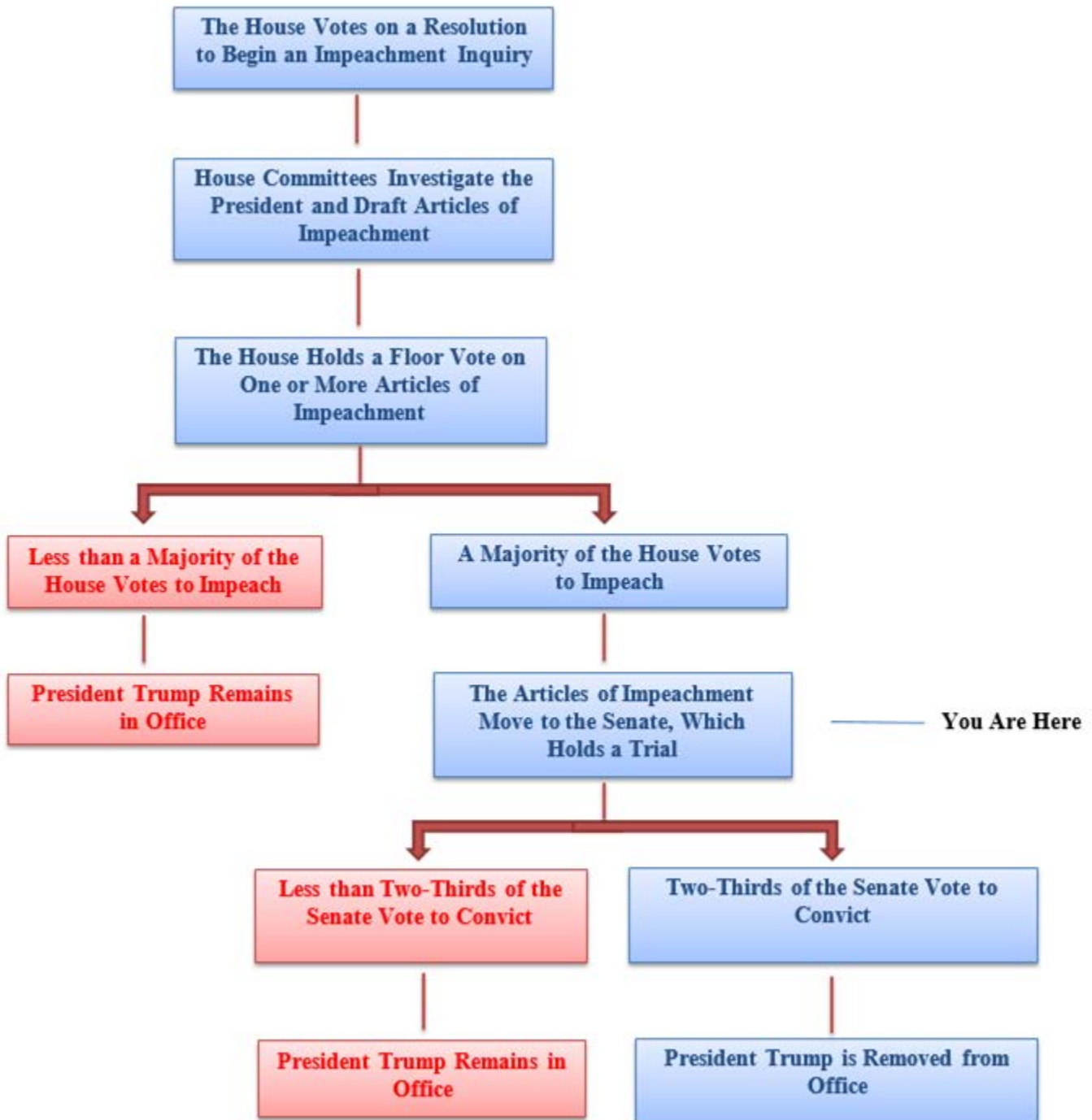
Impeachment in the House is akin to an indictment in a criminal case: it lays out the charges against the president. Once a president is impeached by the House, the process moves to the Senate. The Senate is responsible for holding a trial and ultimately determining whether to remove the president from office or clear him of the charges. On January 15, 2020, the House formally presented the articles of impeachment against President Trump to the Senate, kicking off the trial phase of the impeachment process.

On January 21, 2020, the Senate began the trial proceedings by voting on rules to govern the structure. According to the rules, both sides will have three days to present 24 hours of oral arguments, and evidence from the House’s investigation will be automatically admitted unless the President’s defense team moves to throw out evidence. The motion to adopt the rules passed on a party-line vote, 53-47. Republicans also defeated several Democratic amendments to subpoena additional documents and witnesses. After both sides give their opening statements, Senators will have 16 hours to submit questions before taking another vote on whether to subpoena witnesses or documents, which Democrats are expected to push for.

President Trump’s impeachment trial is expected to last a couple of weeks, though all signs indicate that the Republican-controlled Senate will not vote to remove him from office. Only 51 votes are needed to set the rules of the trial, while 67 are needed to remove the President from office.

Below is a timeline of how impeachment could play out, followed by a more detailed explanation of this complicated and consequential process.

How the Impeachment Process Could Play Out:



The House votes on a resolution to begin an impeachment inquiry

The process of impeaching a president begins in the House. Whether the House must vote to formally launch an impeachment inquiry has been a matter of dispute. During the Nixon and Clinton impeachment inquiries, the House voted to initiate proceedings, but impeachment inquiries have begun at the committee level in other cases.

The House can begin the impeachment process in one of three ways:

- A member may introduce a resolution (the same way that all simple House resolutions are introduced) calling for either impeachment or the initiation of an impeachment investigation.
- A member may offer a resolution on the floor calling for impeachment as a question of the privileges of the House, in which case the speaker must schedule a time to consider the resolution within two legislative days.
- A House committee may receive information or investigate possible wrongdoing before the approval of a resolution to formally authorize an impeachment inquiry.

On **September 24, 2019**, Speaker Pelosi announced that six House committees were beginning impeachment investigations into President Trump. Following the first method described above, the House voted on **November 4, 2019**, to authorize the Intelligence, Financial Services, Foreign Affairs, Judiciary, Oversight and Reform, and Ways and Means Committees to continue their impeachment investigations.

House committees investigate the president and draft articles of impeachment

The standing rules of the House as well as individual committee rules apply during impeachment investigations. Committees may subpoena witnesses and documents and hold public or private hearings.

House Intelligence Committee Chairman Adam Schiff (D-CA) led the investigation into President Trump. Committee members heard from several witnesses in closed-door sessions, and public hearings began on **November 13, 2019**.

Following a series of hearings, the House Judiciary Committee drafted two articles of impeachment against President Trump: abuse of power and obstruction of Congress. Articles of impeachment are offered and considered like pieces of legislation. The Judiciary Committee held a markup, during which members were able to offer amendments, and then voted to refer the measures to the full House.

The House holds a floor vote on one or more articles of impeachment

Floor consideration of articles of impeachment proceeds the same way as consideration of legislation, with one difference: members are permitted to allege that the president committed crimes or other misconduct during floor debate (which is prohibited during normal floor proceedings).

Articles of impeachment that pass out of the Judiciary Committee are given immediate consideration on the floor. A member may call up the resolution, and the House will consider it under the hour rule, which gives the majority in the House the power to control the length of the debate and prevent any amendments. The House may also consider the resolution under a special rule agreed to by the Rules Committee, which sets the terms of the debate. Members would first debate and agree to the rule before proceeding to the articles of impeachment. Finally, the House could proceed by unanimous consent agreement, which would set the terms of the debate similar to a special rule, but would not be voted on.

Members debate the impeachment resolution under the set conditions, and then the House votes on whether to agree to the articles of impeachment.

A majority of the House votes to impeach

A simple majority (218) of House members must agree to the impeachment resolution for it to pass. If it does, the president has been impeached. **On December 18, 2019**, the House voted to impeach President Trump on two charges: abuse of power and obstruction of Congress.

The articles of impeachment move to the Senate, which holds a trial

Once the House passes articles of impeachment, it votes to present the articles to the Senate and appoint members to serve as managers in the Senate trial. There is no requirement for the number of managers, nor that members be selected from both parties. The managers formally deliver the articles of impeachment to the Senate and argue the case against the president during the trial. **On January 15, 2020**, the House voted to present the articles of impeachment against President Trump to the Senate and appointed seven Democrats to serve as managers in the trial.

The Constitution offers very little guidance on how a Senate trial is to proceed or even if it is required after the House votes for impeachment. Some constitutional scholars believe that the Senate could simply refuse to hold a trial. However, Senate Majority Leader Mitch McConnell (R-

KY) said from the beginning that if the House voted to impeach President Trump, the Senate would take it up.

A few options exist for the Senate to cut the trial short without engaging in actual deliberations. First, a member may file a motion to dismiss. It would take a simple majority of senators to vote in favor of the motion and end the trial. The Senate could also vote on a motion to adjourn, which would also end the proceedings.

Assuming that the Senate does not vote on a motion to dismiss or adjourn and moves forward with a trial, it is largely up to Senate leadership to determine how to proceed. The only constitutional requirements are that the chief justice of the Supreme Court of the United States preside over the trial, and that a vote of two-thirds of the senators is necessary to remove the president from office.

A set of standing rules, first adopted in 1935, governs impeachment trial procedures and lays out the following steps:


- The House managers present the articles of impeachment to the Senate.
- The president responds to the charges through her counsel.
- Witnesses are called to testify and are cross-examined by the House managers and president's counsel.

The timeline of each step is determined by a resolution that needs a simple majority to pass. As with most activities in the Senate, the rules governing the impeachment trial can also be adopted or changed by unanimous consent.

All senators are sworn in as a Court of Impeachment to hear the case and act as jurors throughout the trial. This means that they do not speak publicly or to each other during the proceedings, and they may only communicate with the House managers and president's counsel through questions submitted in writing. The Senate may also appoint an Impeachment Trial Committee to receive evidence and testimony on behalf of the entire Senate. The committee is typically formed by passage of a resolution.

On January 21, 2020, the Senate adopted rules that will allow both the House managers and President Trump's defense team to have three days to present 24 hours of oral arguments, and to automatically admit evidence from the House's investigation. Senators will then have 16 hours to submit questions to both sides before taking another vote on whether to subpoena witnesses or documents. The trial is expected to last a couple of weeks.

Once all the evidence has been presented, the senators adjourn to deliberate. If an Impeachment Trial Committee received evidence, the committee submits a summary report to the full Senate to consider.



**Two-thirds of the Senate
vote to convict and
remove the president
from office**

Following the deliberation, the full Senate votes on each article of impeachment individually. A rollcall vote is taken in open session, with each senator stating “guilty” or “not guilty” with regard to each article of impeachment. If two-thirds (67) of the senators pronounce the president guilty on at least one article of impeachment, he is removed from office.