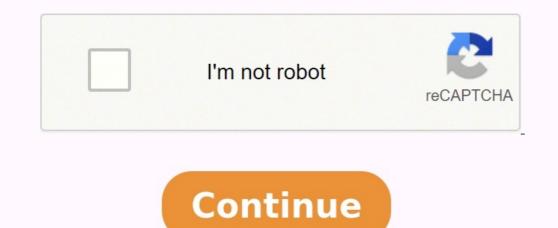
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Procedure of officially accusing a civil officer See also: Impeachment trial of Donald Trump, Chief Justice John Roberts presiding Impeachment trial of Presidents by which the House of Representatives brings charges against a civil federal officer, the vice president for misconduct alleged to have been committed. Impeachment may also occur at the state or commonwealth has provisions for it under its constitution. The federal House of Representatives can impeach a party with a simple majority of the House members present or such other criteria as the House adopts in accordance with Article One, Section 2, Clause 5 of the United States Constitution. Most impeachments have concerned alleged crimes committed while in office, though there is no requirement for the misconduct to be an indictable crime. There have been a few cases in which officials have been may continue to serve their term until a trial yields a judgement that directs their removal from office or until they leave office through some other means. Federally, a two-thirds majority of the senators present at the trial is required for conviction under Article One, Section 3, Clause 6 of the Constitution. The impeachment proceedings are remedial rather than punitive in nature, and the remedy is limited to removal from office. Because all officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate, officers in the federal government are confirmed in the Senate in the federal government are confirmed in the Senate in the federal government are confirmed in the Senate in the federal government are confirmed in the Senate in the federal government are confirmed in the Senate in the federal government are confirmed in the Senate in the federal government are confirmed in the Senate in the federal government are confirmed in the Senate in the federal government are confirmed in the Senate in the federal government are confirmed in the Senate in the federal government are confirmed in the federal gove not punitive, a party may also be subject to criminal or civil trial, prosecution, and conviction under the law after removal from office. Also because the conviction is not a punishment, the president is constitutionally precluded from granting a pardon to impeached and convicted persons. Federal impeachment Constitutional provisions Article I Section 2, Clause 5 of the United States Constitution provides: The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law. Article II, Section 2 provides: [The President] ... shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. Article II, Section 4 provides: The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.[2] Impeachable offenses The Constitution limits grounds of impeachment to "Treason, Bribery, or other high Crimes and Misdemeanors",[3] but does not itself define "high crimes and misdemeanors". Types of conduct Congressional materials have cautioned that the grounds for impeachment is intended to "reach a broad variety of conduct by officers that is both serious and incompatible with the duties of the office".[1][4] Congress has identified three general types of conduct that constitute grounds for impeachment, although these categories should not be understood as exhaustive: improperly exceeding or abusing the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior incompatible with the function and purpose of the office; behavior purpose or for personal gain.[1][4] High crimes and misdemeanors "High crimes and misdemeanors", in the legal and common parlance of England in the 17th and 18th centuries, is corrupt activity by those who have special duties that are not shared with common persons.[5] Toward the end of the 18th century, "high crimes and misdemeanors" acquired a more technical meaning. As Blackstone says in his Commentaries: "The first and employment."[6] The phrase "high crimes and misdemeanors" was a common phrase when the U.S. Constitution was written and did not require any stringent or difficult criteria for determining guilt, but meant the opposite. The crimes are called "high crimes" because they are carried out by a person in a position of public authority, or by misusing the position of public authority they have been given. It does not mean that the crimes themselves are unusual or "higher" types of crime. The phrase was historically used to cover a very broad range of crimes. In 1974 the Senate's Judiciary Committee's stated that "High Crimes and Misdemeanors' has traditionally been considered a 'term of art', like such other constitutional phrases as 'levying war' and 'due process'."[7] Several commentators have suggested that Congress alone may decide for itself what constitutes a "high Crime or Misdemeanor", especially since the Supreme Court decided in Nixon v. United States that it did not have the authority to determine whether the Senate properly "tried" a defendant.[8] In 1970, then-House Minority Leader Gerald R. Ford defined the criterion as he saw it: "An impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history."[9] Historical examples Of the 21 impeachments voted by the House: No official has been charged with treason. Three officials have been charged with treason. removed William W. Belknap - resigned prior to impeachment, later acquitted The remaining charges against all the other officials fall under the category of "high Crimes and Misdemeanors". Standard of proof The standard respectively. Defendants have argued that impeachment trials are in the nature of criminal proceedings, with convictions carrying grave consequences for the accused, and that therefore proof beyond a reasonable doubt should be the applicable standard. House Managers have argued that a lower standard would be appropriate to better serve the purpose of defending the community against abuse of power, since the defendant does not risk forfeiture of life, liberty, or property, for which the reasonable doubt standard was set.[10] Criminal activity In drawing up articles of impeachment, the House has placed little emphasis on criminal conduct.[1] Less than one-third of the articles that the House have adopted have explicitly charged the violation of a criminal statute or used the word "criminal" or "crime" to describe the conduct alleged.[1] Officials have been impeached and removed for drunkenness, biased decision-making, or inducing parties to enter financial transactions, none of which is
specifically criminal.[1] Two of the articles against President Andrew Johnson were based on rude speech that reflected badly on the office: President Johnson had made "harangues" criticizing the Congress and questioning its legislative authority, refusing to follow laws, and diverting funds allocated in an army appropriations act, each of which brought the presidency "into contempt, ridicule, and disgrace".[11] A number of individuals have been impeached for behavior incompatible with the nature of the office they hold.[1] Some impeachments have addressed, at least in part, conduct before the individuals assumed their positions: for example, Article IV against Judge Thomas Porteous related to false statements to the FBI and Senate in connection with his nomination and confirmation to the court.[1] Conversely, not all criminal conduct is impeachable: in 1974, the Judiciary Committee rejected an article of impeachable: in 1974, the Judiciary Committee rejected an article of an abuse of his authority as President".[1] Who can be impeaced The Constitution gives Congress the authority to impeach and remove "The President, vice President, or other high crimes and misdemeanors. The Constitution does not articulate who qualifies as a "civil officer of the United States".[12] Federal judges are subject to impeachment. In fact, 15 of 20 officers impeachment effort against a Supreme Court justice that resulted in a House of Representatives investigation was against Associate Justice William O. Douglas. In 1970, Representative Gerald R. Ford (R-MI), who was then House minority leader, called for the House minority leader, called for the House to impeach Douglas. In 1970, Representative Gerald R. Ford (R-MI), who was then House minority leader, called for the House to impeach Douglas. University of New Mexico, School of Law, Ford and Nixon sought to force Douglas off the Court in order to cement the "Southern strategy" as well as to provide cover for the invasion of Cambodia.[13] Within the executive branch, any presidentially appointed "principal officer", including a head of an agency such as a Secretary, Administrator, or Commissioner, is a "civil officer of the United States" subject to impeachment.[1] At the opposite end of the spectrum, lesser functionaries, such as federal civil service employees, do not exercise "significant authority", and are not appointed by the president or an agency head. may be a matter of allocation of House floor debate time by the Speaker, rather than a matter of law. The Senate has concluded that members of Congress (representatives and senators) are not "civil officers" for purposes of impeachment.[14] As a practical matter, expulsion is effected by the simpler procedures of Article I, Section 5, which provides and senators) are not "civil officers" for purposes of impeachment.[14] As a practical matter, expulsion is effected by the simpler procedures of Article I. "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members ... Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member" (see List of United States senators expelled or censured and List of United States representatives expelled, censured, or reprimanded). This allows each House to expel its own members without involving the other chamber. In 1797, the House of Representatives impeached Senator William Blount of Tennessee.[15] The Senate expelled Senator Blount under Article I, Section 5, on the same day. However, the impeachment proceeding remained pending (expulsion only removes the individual from office, but conviction after impeachment may also bar the individual from holding future office, so the question of further punishment remained to be decided). After four days of debate, the Senate concluded that a Senator is not a "civil officer of the United States" for purposes of the Impeachment Clause, and dismissed for lack of jurisdiction.[14][16] The House has not impeached a Member of Congress since. The constitutional text is silent on whether an officer resigns or his/her term ends. However, when the issue has arisen, the House has been willing to impeached after resignation and the Senate has been willing to try the official after resignation. As noted, in 1797, the Senate continued impeachment proceedings against William Blount even after he had been expelled from office, dismissing the proceedings against William W. Belknap was impeached by the House of Representatives hours after resigning as United States Secretary of War. The Senate held by a 37-29 vote that it had jurisdiction to try Belknap notwithstanding his resignation, but ultimately acquitted him after trial.[17] The permissibility of trying a former official was a major issue in the second impeachment trial of Donald Trump, which commenced 20 days after Trump's term in office expired, although Trump's impeachment itself occurred while he was President. By a 55–45 vote, the Senate rejected a motion asserting that the trial was unconstitutional.[18] The Constitution does not limit the number of times an individual may be impeached. As of 2022, Donald Trump is the only federal officer to have been impeached more than once. Procedure At the federal level, the impeachment inquiry began in the House Judiciary Committee, but may begin elsewhere. For example, the Nixon impeachment inquiry began in the House Judiciary Committee, but may begin elsewhere. Senate Judiciary Committee. The facts that led to impeachment of Bill Clinton were first discovered in the course of an investigation by Independent Counsel Kenneth Starr. This step was skipped during the second impeachment of Donald Trump. articles of impeachment, which constitute the formal allegation or allegations. Upon passage, the defendant has been "impeachment of a president, the chief justice of the United States presides over the proceedings. For the impeachment of any other official, the Constitution is silent on who shall preside, suggesting that this role falls to the Senate's usual president of the Senate, who is also the vice president of the Senate vote) disqualification from holding any federal office in the future, which requires a concurrence of only a majority of senators present.[20][21][22] Rules A number of rules have been adopted by the House and are honored by tradition. Jefferson's Manual, which is integral to the Rules of the House of Representatives,[23] states that impeachment is set in motion by charges made on the floor, charges proffered by a memorial, a member's resolution referred to a committee, a message from the president, or from facts developed and reported by an investigating committee, a message from the president, or from facts developed and reported by an investigating committee of the House and at once supersedes business otherwise in order under the rules governing the order of business. The House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules, Precedents and Procedures of the House Practice: A Guide to the Rules and Procedures of the Rules and Procedur chapter on the House's rules, procedures, and precedent for impeachment. In 1974, as part of the preliminary investigation in the Nixon impeachment inquiry of the House Judiciary Committee prepared a report, Constitutional Grounds for Presidential Impeachment. [4] The primary focus of the Report is the definition of the term "high Crimes and Misdemeanors" and the relationship to criminality, which the Report traces through history from English roots, through the debates at the 1787 Constitutional Convention, and the history of the impeachments before 1974. The 1974 report has been expanded and revised on several occasions by the Congressional Research Service, and the current version Impeachment and Removal dates from October 2015.[1] While this document is only staff recommendation, as a practical matter, today it is probably the single most influential definition of "high Crimes and Misdemeanors". The Senate has formal Rules and Procedures of Practice in the Senate When Sitting on Impeachment Trials.[25] Calls for impeachment, and Congressional power to investigate See also: Impeachment investigations of United States federal officials This section contains too many or overly lengthy quotations for an
encyclopedic entry. appropriate citations. Consider transferring direct quotations to Wikiguote or, for entire works, to Wikisource. (January 2021) While the actual impeachment, especially of presidents, are common, [26] going back to the administration of George Washington in the mid-1790s. While almost all of them were abandoned as soon as they were introduced, several did have their intended effect. Treasury Secretary Andrew Mellon[27] and Supreme Court Justice Abe Fortas both resigned in response to the threat of impeachment hearings, and most famously, President Richard Nixon resigned from office after the House Judiciary Committee had already reported articles of impeachment to the floor. In advance of the formal resolution by the full House to authorize proceedings, committee chairmen have the same power for impeachment as for any other issue within the jurisdiction of the committee: to investigate, subpoena witnesses, and prepare a preliminary report of findings. For example In 1970, House minority leader Gerald R. Ford attempted to initiate impeachment proceedings against Associate Justice William O. Douglas; the attempt included a 90-minute speech on the House did not vote to initiate proceedings. In 1973, the Senate Watergate hearings (with testimony from John Dean, and the revelation of the White House tapes by Alexander Butterfield) were held in May and June 1973, and the House Judiciary Committee authorized Chairman Rodino to commence an investigation, with subpoena power, on October 30, 1973. The full House voted to initiate impeachment proceedings on February 6, 1974, that is, after nine months of formal investigations by various Congressional committees. Other examples are discussed in the article on Impeachment investigations of United States federal officials. Targets of congress to investigate before a formal resolution commences impeachment proceedings. For example, President Buchanan wrote to the committee investigating his administration: I do, therefore, ... solemnly protest against these proceedings of the House of Representatives, because they are calculated to foster a band of interested parasites and informers, ever ready, for their own advantage, to swear before ex parte committees to pretended private conversations between the President and themselves, incapable, from their nature, of being disproved; thus furnishing material for harassing him, degrading him in the eyes of the country ...[29] He maintained that the House of Representatives possessed no general powers to investigate him, except when sitting as an impeaching body. When the Supreme Court has considered as an attribute of the power to legislate. ... [The power to investigate is deeply rooted in the nation's history:] It was so regarded in the British Parliament and in the colonial Legislatures before the American Revolution, and a like view has prevailed and been carried into effect in both houses of Congress, by itself or through its committees, to investigate matters and conditions relating to contemplated legislation."[31] The Supreme Court considered the power of the Congress to investigate, and to subpoen executive branch officials, in a pair of cases arising out of alleged corruption in the administration of President Warren G. Harding. In the first, McGrain v. Daugherty, the Court considered a subpoena issued to the brother of Attorney General Harry Daugherty for bank records relevant to the Senate's investigation into the Department of Justice. Concluding that the subpoena was valid, the Court explained that Congress's "power of inquiry ... is an essential and appropriate auxiliary to the legislative function", as "[a] legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change." The Supreme Court held that it was irrelevant that the Senate's authorizing resolution lacked an "avow[al] that legislative action was had in view" because, said the Court, "the subject to be investigated was ... [p]lainly [a] subject ... on which legislation could be had" and such legislation should be indulged by the information which the investigation was calculated to elicit." Although "[a]n express avowal" of the Senate's legislative objective "would have been better", the Court admonished that "the presumption should be indulged that [legislation] was the real object."[30] Two years later, in Sinclair, the president of an oil company, appealed his conviction for refusing to answer a Senate committee's questions regarding his company's allegedly fraudulent lease on federal oil reserves at Teapot Dome in Wyoming. The Court, acknowledging individuals' "right to be exempt from all unauthorized, arbitrary or unreasonable inquiries and disclosures in respect of their personal and private affairs", nonetheless explained that because "[i]t was a matter of concern to the United States, ... the transaction purporting to lease to [Sinclair's company] the lands within the reserve cannot be said to be merely or principally ... personal." The Court also dismissed the suggestion that the Senate was impermissibly conducting a criminal investigation. "It may be conceded that Congress is without authority to compel disclosures for the purpose of aiding the prosecution of pending suits, but the authority of that body, directly or through its committees, to require pertinent disclosures in aid of its own constitutional power is not abridged because the information sought to be elicited may also be of use in such suits." The Supreme Court reached similar conclusions in a number of other cases. In Barenblatt v. United States,[33] the Court permitted Congress to punish contempt, when a person refused to answer questions while testifying under subpoena by the House Committee on Un-American Activities. The Court explained that although "Congress may not constitutionally require an individual to private affairs except in relation to ... a valid legislative purpose", such a purpose was present. Congress's "wide power to legislate in the field of Communist activity ... and to conduct appropriate investigations in aid thereof[] is hardly debatable", said the Court, and "[slo long as Congress acts in pursuance of its consti the Judiciary lacks authority to intervene on the basis of the motives which spurred the exercise of that power." Presidents have often been the subjects of Congress's legislative investigations. For example, in 1832, the House vested a select committee with subpoena power "to inquire whether an attempt was made by the late Secretary of War ... [to] fraudulently [award] ... a contract for supplying rations" to Native Americans and to "further ... inquire whether the President ... had any knowledge of such attempted fraud, and whether the President ... had any knowledge of such attempted fraud, and whether the President ... had any knowledge of such attempted fraud, and whether he disapproved of the same." In the 1990s, first the House and Senate Banking Committees and then a Senate special committee investigated President and Mrs. Clinton's involvement in the Whitewater land deal and related matters. The Senate had an enabling resolution; the House did not. The Supreme Court has also explained that Congress has not only the power, but the duty, to investigate so it can inform the public of the operations of government: It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. legislative function.[34] House of Representatives: Impeachment "House Manager" redirects here. For theater operations, see House management. See also: U.S. presidential impeachment First day of the Judiciary Committee's formal impeachment hearings against President Nixon, May 9, 1974 Impeachment proceedings may be requested by a member of the House of Representatives, either by presenting a list of the charges under oath or by asking for referral to the appropriate committee. The impeachment process may be requested by non-members. For example, when the Judicial Conference of the United States suggests a federal judge be impeached, a charge of actions constituting grounds for impeachment may come from a special prosecutor, the president, or state or territorial legislature, grand jury, or by petition. An impeachment proceeding formally begins with a resolution adopted by the full House of Representatives, which typically includes a referral to a House committee.[19] The type of impeachment resolution determines the committee to which it is referred. A resolution impeachable conduct is referred to the House Committee on the Judiciary Committee. The House Committee on the Judiciary Committee on the Judiciary, by majority vote, will determine whether grounds for impeachment exist (this vote is not law and is not required, US Constitution and US law). Articles of impeachment, it will set forth specific allegations of misconduct in one or more articles of impeachment. The Impeachment Resolution, or Articles of Impeachment, are then reported to the full House with the committee's recommendations. The House debates the resolution and may at the conclusion consider the resolution as a whole or vote on each article for the resolution as a whole to pass. If the House votes to impeach, managers (typically referred to as "House managers", with a "lead House managers", with a "lead House managers") are selected by resolution, while historically the House would
occasionally elect the managers or pass a resolution allowing the appointment of managers at the discretion of the Speaker of the United States House of Representatives. These managers are roughly the equivalent of the prosecution or district attorney in a standard criminal trial. Also, the House will adopt an order notifying the House that it is ready to receive the managers. The House managers then appear before the bar of the Senate and exhibit the articles of impeachment trial of President Andrew Johnson in 1868, Chief Justice Salmon P. Chase presiding. Senate rules call for an impeachment trial to begin at 1 pm on the day after articles of impeachment are delivered to the Senate. On the set date, senators are sworn in for the impeachment trial.[35] The proceedings take the form of a trial, with the Senate having the right to call witnesses and each side having the right to research the prosecution case, and the impeached official has the right to mount a defense with his or her own attorneys as well. Senators must also take an oath or affirmation that they will perform their duties honestly and with due diligence. After hearing the charges, the Senate enters judgment on its decision, whether that be to convict or acquit, and a copy of the judgment is filed with the Secretary of State.[25] Upon conviction in the Senate trial is not an actual criminal proceeding and more closely resembles a civil service termination appeal in terms of the contemplated deprivation. Therefore, the removed official may still be liable to criminal proceeding. The president may not grant a pardon in the impeachment case, but may in any resulting federal criminal case (unless it is the president who is convicted and thus loses the pardon power). However, whether the president can self-pardon for criminal offenses is an open question, which has never been reviewed by a court.[37][failed verification – see discussion] Beginning in the 1980s with Harry E. Claiborne, the Senate began using "Impeachment Trial Committees" pursuant to Senate Rule XI.[25] These committees presided over the evidentiary phase of the trials, hearing the evidence and supervising the examination of witnesses. The committees would then compile the evidentiary record and present it to the Senate; all senators would then have the opportunity to review the evidence before the chamber voted to convict or acquit. The purpose of the committees was to streamline impeachment trials, which otherwise would have taken up a great deal of the chamber's time. Defendants challenged the use of these committees, claiming them to be a violation of their fair trial rights as this did not meet the constitutional requirement for their cases to be "tried by the Senate". Several impeached judges, including District Court Judge Walter Nixon, sought court intervention in their impeachment trials are political questions and could not be resolved in the courts.[38] In the case of impeachment trial of Donald Trump, some Senate Republicans argued that the Chief Justice was required to preside, even though Trump was no longer the President when the trial began. However, by a 55-45 vote, the Senate rejected a motion asserting that the trial was unconstitutional.[39] The trial was presided over by President pro tempore Patrick Leahy. The Constitution is silent about who would preside in the case of the impeachment of a vice president. It is doubtful the vice president would be permitted to preside over their own trial.[citation needed] As president of the Senate, the vice president would fall to the president pro tempore of the Senate. To convict an accused, "the concurrence of two thirds of the [senators] present" for at least one article is required. If there is no single charge commanding a "guilty" vote from two-thirds of the senators present, the defendant is acquitted and no punishment is imposed. Removal and disqualification Conviction immediately removes the defendant from office. Following the vote on conviction, the Senate may by a separate vote also bar the individual from holding future federal office, elected or appointed. As the threshold for disqualification is not explicitly mentioned in the Constitution, the Senate has used disqualification is not explicitly mentioned in the constitution, the Senate has used disqualification is not explicitly mentioned in the constitution. sparingly, as only three individuals have been disqualified from holding future office.[40][41][42] Conviction by the Senate, "the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, for example, loss of pension. After conviction by the Senate, "the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law"[43] in the regular federal or state courts. However, the Former Presidents Act of 1958, which provides a pension and other benefits, does not extend to presidents who were removed from office following an impeachment and conviction is still guaranteed lifetime Secret Service protection.[44] History of federal constitutional impeachment In the United Kingdom, impeachment In the United Kingdom, impeachment was a procedure whereby a member of the House of Lords. Unlike a bill of attainder, a law declaring a person guilty of a crime, impeachments did not require royal assent, so they could be used to remove troublesome officers of the Crown even if the monarch, however, was above the law and could not be impeached, or indeed judged guilty of any crime. When King Charles I was tried before the Rump Parliament of the New Model Army in 1649 he denied that they had any right to legally indict him, their king, whose power was given by God and the laws of the country, saying: "no earthly power can justly call me (who is your King) in question as a delinquent ... no learned lawyer will affirm that an impeachment can lie against the King." While the House of Commons pronounced his execution anyway, the jurisdictional issue tainted the proceedings. With this example in mind, the delegates to the 1787 Constitutional Convention chose to include an impeachment proceedings. With this example in mind, the delegates to the 1787 Constitutional Convention chose to include an impeachment proceedings. government official; they explicitly mentioned the president to ensure there would be no ambiguity. Opinions differed, however, as to the reasons Congress should be able to initiate an impeachment. Initial drafts listed only treason and bribery, but George Mason favored impeachment for "maladministration" (incompetence). James Madison argued that impeachment should only be for criminal behavior, arguing that a maladministration standard would effectively mean that the president would serve at the pleasure of the Senate.[45] Thus the delegates adopted a compromise version allowing impeachment by the House for "treason, bribery and other high crimes and misdemeanors" and conviction by the Senate only with the concurrence of two-thirds of the senators present. List of formal impeachment 21 times for 20 federal officers. Of these: Fifteen were federal judges: thirteen district court judges, one court of appeals judge (who also sat on the Commerce Court), and one associate justice of the Supreme Court Three were sitting presidents: Andrew Johnson, Bill Clinton, and Donald Trump (impeached twice).[46] One was a Cabinet secretary One was a U.S. Senator. Of the 21 impeachments by the House, eight defendants were convicted and removed from office, four cases did not come to trial because the individuals had left office and the Senate did not pursue the case, and nine ended in acquittal. To date, every convicted official was a federal judge.[47][48] Of the eight to have been convicted and removed, three were disqualified from ever holding federal office again by the Senate.[42] One of the remaining five is former congressman Alcee Hastings (D-Florida), who was convicted and removed from office as a federal judge in 1989, but was not barred from holding federal office, only to be elected to the United States House of Representatives in 1992, a seat he held until his death on April 6, 2021. No president impeached by the House has been convicted by the Senate. In two cases, a Senate majority voted to convict an impeached president, but the vote fell short of the required two-thirds majority and therefore the impeached president, but the second conviction by one vote), and the second convict an impeached president was not convicted. Senate trial of Donald Trump in 2021, where Trump missed conviction by 10 votes.[49] The following table lists federal officials who were impeached. Blue highlight indicates presidents of the United States. # Date of impeached. Blue highlight indicates presidents of the United States. # Date of impeached. Blue highlight indicates presidents of the United States. # Date of impeached. Blue highlight indicates presidents of the United States. # Date of impeached. Blue highlight indicates presidents of the United States. # Date of impeached. Blue highlight indicates presidents of the United States. # Date of impeached. Blue highlight indicates presidents of the United States. # Date of impeached. 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highlight indicates presidents of the United States. # Date of impeached. Blue highlight indicates presidents of the United States. # Date of impeached. Blue highlight indicates presidents of the United States. # Date of impeached. Blue highlight indicates presidents of the United States. # Date of the Unite to assist Britain in capturing Spanish territory Senate expelled him from the Senate on their own authority on July 8, 1797. The House approved articles of impeachment on January 11, 1799, Senate voted that they did not have jurisdiction. [Note 2][52] 2 March 2, 1803 John Pickering Judge (District of New Hampshire) Drunkenness and unlawful rulings Convicted; removed on March 12, 1804[50][52][53] 3 March 12, 1804[50][52][53] 4 April 24, 1830 James H. Peck Judge (District of Missouri) Abuse of power[55] Acquitted on January 31, 1831[50][53][52] 5 May 6, 1862 West Hughes Humphreys Judge (Eastern, Middle, and Western Districts of Tennessee) Supporting the Confederacy Convicted; removed and disqualified on June 26, 1862[52][50][53] 6 February 24, 1868 Andrew Johnson President of the United States Violating the Tenure of Office Act. The Supreme Court would later state in dicta that the (by then repealed) Tenure of Conviction, falling one vote short of two-thirds.[50][52] 7 February 28, 1873 Mark W. Delahay Judge (District of Kansas) Drunkenness Resigned on December 12, 1873[53][57] 8 March 2, 1876 William W. Belknap United States Secretary of War (resigned just before impeachment vote) Graft, corruption Resigned on March 2, 1876; acquitted on August 1, 1876[50][52] 9 December 13, 1904 Charles Swayne Judge (Northern District of Florida) Failure to live in his district abuse of power[58] Acquitted on February 27, 1905[50][53][52] 10 July 11, 1912 Robert W. Archbald Associate Justice (United States Commerce Court)Judge (Third Circuit Court of Appeals) Improper acceptance of gifts from litigants and attorneys Convicted; removed and disqualified on January 13, 1913[52][50][53] 11 April 1, 1926 George W. Florida) Champerty, corruption, tax evasion, practicing law while a judge Convicted; removed on April 17, 1936[50][52] 14 July 22, 1986 Harry E. Claiborne Judge (District of Florida) Accepting a bribe, and committing perjury during the resulting investigation Convicted; removed on October 20, 1989[50][53][Note 3][52] 16 May 10, 1989 Walter Nixon Chief Judge (Southern District of Mississippi) Perjury and obstruction of justice[59] Acquitted on February 12, 1999: 45-55 on perjury and 50-50 on obstruction of justice[50][60] 18 June 19, 2009 Samuel B. Kent Judge (Southern District of Texas) Sexual assault, and obstruction of justice during the resulting investigation Resigned on June 30, 2009,[53][61] proceedings dismissed on July 22, 2009[50][53][62][63] 19 March 11, 2010 Thomas Porteous Judge (Eastern District of Louisiana) Making false financial disclosures, corruption. Convicted; removed and disqualified on December 18, 2019 Donald Trump President of the United States Abuse of power and obstruction of Congress Acquitted on February 5, 2020: 48–52 on abuse of power and 47–53 on obstruction of Congress 21 January 13, 2021: 57–43 in favor of conviction on incitement of insurrection, falling 10 votes short of two-thirds. Other impeachment investigations Main articles: Impeachment investigations of United States federal officials and Impeachment investigations of United States federal judges The House of Representatives has initiated impeachment proceedings 63 times since 1789.[citation needed] An impeachment.[38] To date, no president or vice president has been removed from office by impeachment and conviction. Below is an incomplete list of impeachment investigations that did not lead to formal charges passing the House. Blue highlight indicates President of the United States. Year of investigations that did not lead to formal charges passing the House. of the United States Profiting from a contract during tenure as United States secretary of war Calhoun requested the impeachment investigation himself, in hopes of clearing his tenure as United States secretary of war. wrongdoing[66][67] 1860 James Buchanan President of the United States Corruption The Covode committee was established March 5, 1860, and submitted its final report on June 16, 1860. The committee found that Buchanan had not done anything to warrant impeachment, but that his was the most corrupt administration of the adoption of the US Constitution in 1789.[68][69] 1867 Andrew Johnson President of the United States High crimes and misdemeanors On January 7, 1867, the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch and the House of Representatives voted to launch an impeachment inquiry into Johnson run by the House of Representatives voted to launch and the H impeachment proceedings. On December 7, 1867, the full House rejected impeachment by a 108-56 vote.[71][72][73] Johnson would later, separately, be impeached in 1868. 1953 William O. Douglas Associate Justice of the U.S. Supreme Court Brief stay of execution for Julius and Ethel Rosenberg Referred to Judiciary Committee (Jun. 18, 1953); committee voted to end the investigation (Jul 7, 1953). 1970 Failure to recuse on obscenity cases while at the same time having articles published in Evergreen Review and Avant-Garde magazines; conflict of paid board positions with two non-profits Referred to a special subcommittee of the House Judiciary Committee (Apr. 21, 1970); subcommittee voted to end the investigation (Dec. 3, 1970). 1973–1974 Richard Nixon President of the United States Obstruction of justice, Abuse of Power, Contempt of Congress House Judiciary Report on committee investigation (Feb. 1, 1974);[74] House resolution 93-803 authorizes Judiciary Committee investigation (Feb. 6, 1974);[75] House Judiciary Committee votes three articles of impeachment to House floor (July 27-30, 1974);[76] proceedings terminated by resignation of President Nixon (August 8, 1974). There have been several unsuccessful attempts to initiate impeachment proceedings against presidents, including John Tyler (impeachment defeated in the House, 83-127),[77] George W. Bush, and Barack Obama. Impeachment in the states State legislatures can impeach state officials, including governors and judicial officers, in every state except Oregon.[78] The court for the trial of impeachments may differ somewhat from the federal model—in New York, for instance, the Assembly (lower house) impeaches, and the State Senate tries the case, but the members of the seven-judge New York State Court of Appeals (the state's highest, constitutional court) sit with the senators as jurors as well.[79] Impeachment and removal of governors has happened occasionally throughout the history of the United States, usually for corruption charges. At least eleven U.S. state governors have faced an impeachment trial; a twelfth, Governor Lee Cruce of Oklahoma, escaped impeachment trial; a twelfth, Governor Lee Cruce of Oklahoma, escaped impeachment trial; a twelfth of the second to make it inevitable.[80] The most recent impeachment of a state governor occurred on January 14, 2009, when the Illinois House of Representatives voted 117-1 to impeach Rod Blagojevich on corruption charges;[81] he was the eighth U.S state governor to be removed from office. The procedure for impeachment, or removal, of local officials varies widely. For instance, in New York a mayor is removed directly by the governor must find in order to remove a mayor. In 2018, the entire Supreme Court of Appeals of West Virginia was impeached, something that has been often threatened, but had never happened before. State and territorial officials impeached, something that has been often threatened, but had never happened before. State and territorial officials impeached, something that has been often threatened, but had never happened before. Smith Associate Justice, Illinois Supreme Court Acquitted[82] February 26, 1862 Charles L. Robinson Governor of Kansas Removed on June 12, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 12, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 12, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 12, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 12, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 12, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 12, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 12, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 12, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 16, 1862[84] George S. Hillyer State auditor of Kansas Removed on June 12, 1862[84] George S.
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Long Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. Johnston Governor of Collahoma Removed January 21, 1929 Henry S. 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Johnston Governor of Col 1941 May 1958[92] Raulston Schoolfield Judge, Hamilton County, Tennessee Criminal Court Removed on July 11, 1958[93] March 14, 1984[94] Paul L. Douglas Nebraska Attorney General Acquitted by the Nebraska Supreme Court on May 4, 1984[95] February 6, 1988[96] Evan Mecham Governor of Arizona Removed on April 4, 1988[97] March 30 1989[98] A. James Manchin State treasurer of West Virginia Resigned on July 9, 1989, before trial started[99] January 25, 1991[100] Ward "Butch" Burnette Kentucky Commissioner of Agriculture Resigned on February 6, 1991, before trial started[101] May 24, 1994[102] Rolf Larsen Associate Justice, Pennsylvania Supreme Court Removed on October 4, 1994, and declared ineligible to hold public office in Pennsylvania[103] October 6, 1994[105] November 11, 2004[106] Kathy Augustine Nevada State Controller Censured on December 4, 2004, not removed from office[107] April 11, 2006[108] David Hergert Member of the University of Nebraska Board of Regents Removed by the Nebraska Supreme Court on July 7, 2006[109] January 8, 2009(first vote)[110] Rod Blagojevich Governor of Illinois 95th General Assembly ended January 14, 2009(second vote)[111] Removed on January 29, 2009, and declared ineligible to hold public office in Illinois[112] February 11, 2013[113] Benigno Fitial Governor of the Northern Mariana Islands Resigned on February 20, 2013 August 13, 2018[114] Robin Davis Associate Justices, Supreme Court of Appeals of West Virginia Retired on August 13, 2018.[115] Allen Loughry Resigned on November 12, 2018.[116][117] Beth Walker Reprimanded and censured on October 2, 2018, not removed from office.[118] Margaret Workman Chief Justice, Supreme Court of Appeals of West Virginia Retired on December 31, 2020.[119] April 12, 2022[120] Jason Ravnsborg South Dakota[121] State governors At least five state governors have been impeached and removed from office: William Sulzer, Democratic Governor of New York; false report, perjury; convicted and removed October 1913. James E. Ferguson, Democratic Governor of Texas, was impeached for misapplication of public funds and embezzlement. In July 1917, Ferguson was convicted and removed from office. Jack C. Walton, Democratic Governor of Oklahoma, was impeached for a variety of crimes including illegal collection of habeas corpus, excessive use of the pardon power, and general incompetence. In November 1923, Walton was convicted and removed from office.[122] Evan Mecham, Republican Governor of Arizona, was impeached for obstruction of justice and misusing government funds[123] and removed from office in April 1988. Rod Blagojevich, Democratic Governor of Illinois, was impeached for abuse of power and corruption, including an attempt to sell the appointment to the United States Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Censure in the United States federal political scandals in the United States Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Censure in the United States federal political scandals in the United States Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Censure in the United States Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Censure in the United States Senate seat vacated by the resignation of United States Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Censure in the United States Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Censure in the United States Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Censure in the United States Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Censure in the United States Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related articles Senate seat vacated by the resignation of Barack Obama.[124] He was removed from office in January 2009. See also Related by the resignatis seat vacated by the resignation of Barack Obama. officials List of impeachment investigations of United States federal judges List of unsuccessful efforts to impeach Donald Trump (includes various unsuccessful attempts) Efforts to impeach Barack Obama Efforts to impeach Barack Obama Efforts to impeach Barack Obama Efforts to impeach Donald Trump (includes various unsuccessful attempts) Efforts to impeach Barack Obama John Tyler Impeachment investigation against James Buchanan Harry S. Truman-Truman's firing of Gen. Douglas MacArthur led to introduction of two resolutions of impeachment of Bill Clinton First impeachment of Donald Trump Second impeachment of Donald Trump Notes ^ a b "Removed and disqualified" indicates that following conviction the Senate voted to disqualify the individual from holding further federal office pursuant to Article I, Section 3 of the United States Constitution, which provides, in pertinent part, that "[j]udgment in cases of impeachment shall not extend further than to removal from office, and disgualification to hold and enjoy any office of honor, trust or profit under the House of Representatives did not have the power to impeach members of either House of Congress; though the Senate never explicitly ruled on this argument, the House has never again impeached a member of Congress. The Constitution allows either House impeached him (but before the Senate heard the case). ^ Judge Nixon later challenged the
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