

An Overview of Impeachment

Feb. 19, 2021

Eighth update

Dec. 20, 2019; Jan. 22, 2020; Jan. 25; Jan. 29; Jan. 31; Feb. 4; Feb. 5, Feb. 10

Report Commissioned by

The A-Mark Foundation

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An Overview of Impeachment

I. What is Impeachment?

“Impeachment technically refers to a vote by the US House of Representatives to charge a high-ranking [federal] government officer with misconduct and begin the process of removing him or her from office...

This is a process that is spelled out in the United States Constitution — it requires a majority vote of the House to impeach followed by a two-thirds majority in the Senate to convict and remove — but there aren’t a lot of details provided as to exactly

how it needs to work or what constitutes an impeachable offense. Unlike in the criminal code, there are no elaborate rules of procedure or vast set of detailed statutes and case law to guide impeachment. It’s fundamentally a political process built on the fly by political actors and only rarely used over the course of American history.”¹

“The House impeachment process generally proceeds in three phases: (1) initiation of the impeachment process; (2) Judiciary

Committee investigation, hearings, and markup of articles of impeachment; and (3) full House consideration of the articles of impeachment.”²

“If a president is impeached by a simple majority in the House, the articles then are delivered to the Senate. If 2/3 of the Senate votes to convict the president, the president is removed from office.”³

II. Our U.S. Constitution on Impeachment

The following are all the words on impeachment in the U.S. Constitution.

Article I

Section 2: “ ... The House of Representatives shall chuse [choose] their Speaker and other Officers; and shall have the sole Power of Impeachment.”

Section 3: “ ... The Senate 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.”

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Article II

Section 2: “The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the

principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment. ...”

Section 4: “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.”

Article III

Section 2: “ ... The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the

State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such

Place or Places as the Congress may by Law have directed.”

Notes

Presidents who have had “proposed articles of impeachment filed against them in the House of Representatives”⁴ include John Tyler, Andrew Johnson, Grover Cleveland, Herbert Hoover, Harry S. Truman, Richard M. Nixon, Ronald W. Reagan, and George H. W. Bush, William J. Clinton and Donald J. Trump. “So far, a president has been impeached only four times — Andrew Johnson in 1868, Bill Clinton in 1998 and Donald Trump in 2019 and 2021. None has been removed from office. Richard Nixon resigned in 1974 before the full House voted on articles of impeachment.”⁵

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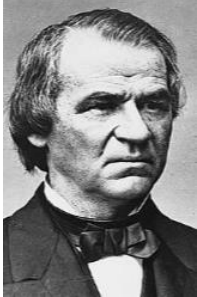



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III. The Process of Impeachment

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Background on the Impeachment Process

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	A. Andrew Johnson (D) <i>(Republican-controlled House)</i>	B. Richard Nixon (R) <i>(Democratic-controlled House)</i>	C. Bill Clinton (D) <i>(Republican-controlled House)</i>	D. Donald Trump (R) <i>(Democratic-controlled House)</i>
	 <p>There were two successful resolutions to start the impeachment process against Andrew Johnson.</p> <p>The trigger that led to the second successful resolution and Johnson being impeached “was the firing of Secretary of War Edwin M. Stanton, a Lincoln appointee and ally of the Radical Republicans in Congress.”⁶</p>	 <p>There were unsuccessful impeachment resolutions starting in 1972 that were not related to Watergate.⁷</p> <p>From 1973-1974, 17 unsuccessful resolutions for impeaching Nixon were introduced and referred to the Judiciary Committee.⁸</p> <p>One of the triggers for formal impeachment proceedings against President Richard Nixon was “The Saturday Night Massacre,”⁹ when Nixon ordered the firing of Special Prosecutor Archibald Cox¹⁰</p>	 <p>Formal impeachment proceedings for William Clinton were triggered in response to the Starr report of Sept. 10, 1998, and its recommendations by Independent Counsel Ken Starr “for impeaching President Bill Clinton on 11 grounds, including perjury, obstruction of justice, witness-tampering and abuse of power, while providing graphic details of the sexual relationship between the president and former White House intern Monica Lewinsky.”¹³ The report was a result of the Independent</p>	 <p>Trump is the only president to be impeached twice.</p> <p>FIRST: Impeachment proceedings were triggered in Sep. 2019 when a whistleblower complaint about Trump’s phone call with the Ukrainian president became public.¹⁶ The Democrats, who regained control of the House in 2019, believed that Trump had indicated he would withhold US aid to Ukraine unless President Zelensky agreed to investigate the son of Trump’s political rival, Joe Biden, for the son’s role in a</p>

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		<p>on Oct. 20, 1973,¹¹ during the investigation into the June 17, 1972, break-in of the Democratic Party’s national headquarters¹² in the Watergate apartment-hotel complex in D.C.</p>	<p>Counsel investigation [which began on Jan. 20, 1994]¹⁴ into what was known as “Whitewater” and “any possible violations of law relating in any way to” Clinton’s relationship with the Whitewater Development Corporation, and other matters.¹⁵</p>	<p>business deal in Ukraine.¹⁷</p> <hr/> <p>SECOND: In Jan. 2021, a second impeachment proceeding was triggered by Trump’s role in a Jan. 6, 2021 riot at the US Capitol building,¹⁸ during which five people died and about 140 police officers were injured.¹⁹</p>
<p style="text-align: center;">2</p> <p style="text-align: center;">Resolution Recommending the Start of Impeachment Hearings</p> <p style="text-align: center;">Back to Table of Contents</p>	<p>1-7-1867: The resolution to start an impeachment inquiry that ended in a House vote²⁰ was presented by Representative James M. Ashley of Ohio on Jan. 7, 1867, charging high crimes and misdemeanors.²¹</p> <p>The second was a resolution for impeachment without an inquiry.</p>	<p>2-4-1974: Rep. Peter W. Rodino, Jr. [D-NJ-10] of the House Judiciary Committee introduced “H.Res.803 - Resolution providing appropriate power to the Committee on the Judiciary to conduct an investigation of whether sufficient grounds exist to impeach Richard M. Nixon, President of the United States.”²²</p>	<p>10-5-1998: The “Republican-controlled House Judiciary Committee” recommended an impeachment inquiry by a vote of 21 to 16. Resolution “H.Res. 581 - Authorizing and directing the Committee on the Judiciary to investigate whether sufficient grounds exist for the impeachment of William Jefferson Clinton, President of the United States” was introduced to the House on Oct. 7, 1998, by Rep. Henry J. Hyde, [R-IL-6] of the House Judiciary Committee.²³</p>	<p>FIRST:</p> <p>8-22-2019: “House Judiciary Committee Chairman Jerry Nadler on Thursday [Aug. 22, 2019] asked four House panels investigating President Donald Trump to share documents and other information to aid his committee’s investigation into whether to file articles of impeachment against the president.”²⁴</p> <p>9-17-2019: The first impeachment hearing by House Democrats was held on Sept. 17, 2019.²⁵</p> <p>9-24-2019: Formal Impeachment Inquiry – House Speaker Nancy Pelosi announced a formal</p>

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				<p>impeachment inquiry on Sept. 24, 2019.</p> <p>10-29-2019: “Chairman of the House Rules Committee James McGovern introduced House resolution H.Res.660, along with a fact sheet, outlining procedures going forward for the impeachment inquiry into the president.”</p> <p>10-30-2019: “On Oct. 30, after robust discussion and the rejection of 18 amendments offered by Republicans, the Rules Committee reported the resolution favorably with a 9-4 party-line vote.”²⁶</p> <hr/> <p>SECOND:</p> <p>1-11-2021: “The House introduced one article of impeachment against Mr. Trump for his role in whipping up a mob that stormed the Capitol.”²⁷</p>
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Resolution to Begin Impeachment Inquiry Approved by the House

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	<p>1-7-1867: There were two successful impeachment resolutions against Johnson, the first one began an inquiry and the other did not.</p> <p>Rep. James M. Ashley of Ohio on Jan. 7, 1867, presented a resolution charging Johnson with high crimes and misdemeanors²⁸ that passed a [Republican-controlled] House vote of 109 to 36.²⁹</p> <p>Although there was an inquiry, the Committee decided not to impeach on June 3, 1867.³⁰ On Nov. 25, 1867, it was reconsidered by a Committee member.³¹</p> <p>“On December 6, 1867, at the next session of Congress, the House took up for consideration the resolution proposed by the majority of the committee” to impeach Johnson³² but it was defeated in the House 57 to 108.³³</p> <p>2-24-1868: On 2-21-1868 a resolution is introduced by Representative John Covode of Pennsylvania³⁴ to the House to impeach Johnson of high crimes and</p>	<p>2-6-1974 : “... on Feb. 6, 1974, the [Democratic-controlled] House of Representatives voted 410 to 4 to pass HR 803, authorizing the House Committee on the Judiciary to investigate whether sufficient grounds existed to impeach President Richard Nixon. The vote came nearly a year after the U.S. Senate created a select committee to investigate the Nixon campaign’s activities related to the Watergate scandal during the 1972 presidential election.”³⁸</p>	<p>10-8-1998: “The Republican-controlled House voted [258-176; H.Res.581]³⁹ in October [8,] 1998 to begin impeachment proceedings against Clinton after months of controversy over his relationship with White House intern Monica Lewinsky. That vote was triggered by two rounds of testimony given by Clinton earlier in the year.”⁴⁰</p> <p>Committee on the Judiciary authorized to investigate.⁴¹</p> <p>H.Res.581 - Authorizing and directing the Committee on the Judiciary to investigate whether sufficient grounds exist for the impeachment of William Jefferson Clinton, President of the United States.⁴²</p>	<p>FIRST:</p> <p>10-31-2019: “The [Democratic-controlled] House of Representatives voted Thursday 232-196 to pass a resolution [H.Res.660] formalizing its impeachment inquiry into President Trump. Just two Democrats voted no — Reps. Collin Peterson of Minnesota and Jeff Van Drew of New Jersey.”⁴³</p> <hr/> <p>SECOND:</p> <p>The second impeachment moved quickly, and the House did not conduct a formal impeachment inquiry before voting.⁴⁴</p>
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	<p>misdemeanors.³⁵ The second successful impeachment resolution was passed out of committee³⁶ on Feb. 24, 1868, and "...the Joint Committee on Reconstruction rapidly drafted a resolution of impeachment, which passed the House on Feb. 24, 1868, by a vote of 126 to 47."³⁷</p>			
<p style="text-align: center;">4</p> <p>Were the impeachment investigations based on a resolution to start an inquiry conducted in private or public?</p> <p>Back to Table of Contents</p>	<p>"The impeachment of President Johnson was first proposed indirectly through general investigations"⁴⁵ starting in 1866.</p> <p>The Judiciary Committee was appointed to investigate after the first successful resolution to start an inquiry was passed on Jan. 7, 1867. "It appears that the examination was conducted ex parte, there being no one present to cross examine witnesses on behalf of the President, nor does it appear that any testimony was introduced at his suggestion or sought to be introduced. The witnesses were examined generally by the chairman or other members of the committee. In one instance Mr. Benjamin F. Butler, a Member of the</p>	<p>"After the Watergate hearings ended, though, the Judiciary Committee also conducted several closed-door hearings as it proceeded with impeachment."⁴⁸</p>	<p>"After its [Judiciary Committee] staff interviewed various witnesses in private, the Judiciary Committee's public hearings commenced on November 19."⁴⁹</p>	<p>FIRST: There was a mix of closed-door investigations / depositions and open / public hearings.</p> <p>House impeachment investigations were being held in Committees before Nancy Pelosi formalized the procedure on Sept. 24, 2019.⁵⁰</p> <p>A resolution to start a formal impeachment inquiry was passed by the House on Oct. 31, 2019, allowing for public hearings as well as private Committee investigations, hearings, and depositions.</p> <p>"The 232-196 vote passed nearly along party lines, with no Republicans voting for the resolution and two</p>

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	<p>House, but not a member of the committee, was permitted to examine a witness; but his examination was in no sense an appearance in behalf of the President, but rather the reverse. In the minority views presented by Mr. Marshall the investigation is spoken of as 'a secret, ex parte one.'"⁴⁶ They reported their findings to the House. The second resolution did not produce an investigation or hearings as a team was appointed to draft up articles of impeachment directly.⁴⁷</p>			<p>Democrats voting against it."⁵¹</p> <p>Prior to the 10/31 resolution, Republicans on complained that the investigations had been too secretive.⁵² In November 2019, the House began to hold public hearings and testimonies.⁵³</p> <hr/> <p>SECOND:</p> <p>No investigations were held. Rep. Zoe Lofgren (D-CA) "said there was no need for the extensive review of the facts and uncovering of evidence required in previous cases. 'What happened this time was in plain view,' said Lofgren...</p> <p>Rep. Tom Cole of Oklahoma, the top Republican on the Rules Committee, said a committee should have held an investigation, to call witnesses and gather other evidence. That process would have provided Trump due process to challenge the evidence."⁵⁴</p>
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Date Public Impeachment Hearings Started After Impeachment Resolution was Passed by the House

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Witnesses in the

		<p>5-9-1974: “On May 9, 1974, under the chairmanship of Peter Rodino, the [House Judiciary] Committee began public hearings to review the results of the Impeachment Inquiry staff’s investigation.”⁵⁵</p>	<p>11-19-1998: Public hearings started Nov. 19, 1998, by House Judiciary Committee.⁵⁶</p> <p>Other hearing dates:⁵⁷</p> <p>12-1-1998 12-8-1998 12-9-1998 12-10-1998 12-11-1998 12-12-1998</p>	<p>FIRST: 11-13-2019: The first public impeachment hearing was held, with testimony from William B. Taylor Jr., the top U.S. diplomat in Ukraine, and George P. Kent, a senior State Department official.⁵⁸</p> <p>12-3-2019: A 298-page report titled “The Trump-Ukraine Impeachment Inquiry Report” was transmitted to the Judiciary Committee as required under “required under House Resolution 660.”⁵⁹</p> <p>12-4-2019: The House Committee on the Judiciary then held its own public hearings before deliberating for two days and voting to approve two articles of impeachment on Dec. 13, 2019.</p> <hr/> <p>SECOND: No hearings were held.</p>
	<p>First inquiry⁶⁰ - closed testimony⁶¹ “The following are the material portions of the testimony taken by the House Committee on the Judiciary under authority of</p>	<p>Closed testimony⁶² 7-2-1974 1. Alexander P. Butterfield, former deputy assistant to president</p>	<p>Public testimony 11-19-1998⁶³ 1. Judge Kenneth W. Starr 12-1-1998: ⁶⁴ 2. Pam Parsons, former</p>	<p>FIRST: Closed-door testimony.⁶⁷ 10-3-2019 1. Kurt Volker 10-11-2019 2. Marie Yovanovitch</p>

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<p style="font-size: 24pt; font-weight: bold;">Impeachment Inquiry</p> <p>Back to Table of Contents</p>	<p>the resolutions passed by the House of Representatives on March 7, 1867, for the impeachment of Andrew Johnson.</p> <p>Eighty-nine witnesses were summoned before the committee. All of them were rigidly examined, and several of them were called and examined the second and third times.”</p>	<p>7-3-1974 2. Paul L. O’Brien, former counsel to Nixon campaign 3. Fred C. La Rue, former campaign special assistant to campaign directors</p> <p>7-9-1974 4. William O. Bittman, former counsel to E. Howard Hunt</p> <p>7-10-1974 5. John N. Mitchell, former attorney general, former Nixon campaign director</p> <p>7-11-1974 6. John W. Dean III, former counsel to president</p> <p>7-12-1974 7. Henry E. Petersen, Assistant Attorney General DOJ</p> <p>7-[15-16]-1974 8. Charles W. Colson, former special counsel to President</p> <p>7-[16-17]-1974 9. Herbert W. Kalmbach, former Nixon personal attorney</p>	<p>Atlanta basketball coach convicted of perjury</p> <p>3. Barbara Battalino, California resident also convicted of perjury</p> <p>12-8-1998⁶⁵ - defense witnesses</p> <p>4. Nicholas Katzenbach, former U.S. Attorney General</p> <p>5. Sean Wilentz, Princeton history professor</p> <p>6. Samuel Beer, Harvard professor</p> <p>7. Bruce Ackerman, Yale Law professor</p> <p>8. Elizabeth Holtzman, former congress person</p> <p>9. Wayne Owens, , former congress person</p> <p>10. Father Robert Drinan</p> <p>11. James Hamilton</p> <p>12. Richard Ben-Veniste</p> <p>12-9-1998⁶⁶</p> <p>13. Thomas P. Sullivan, senior partner at Jenner & Block</p> <p>14. Richard Davis, partner with law firm Weil, Gotschal and Manges</p>	<p>10-14-2019 3. Fiona Hill</p> <p>10-15-2019 4. George Kent</p> <p>10-16-2019 5. Michael McKinley, former policy adviser to Secretary of State Mike Pompeo</p> <p>10-17-2019 6. Gordon Sondland</p> <p>10-22-2019 7. William Taylor</p> <p>10-23-2019 8. Laura Cooper</p> <p>10-26-2019 9. Philip Reeker, acting assistant secretary of state for European and Eurasian affairs</p> <p>10-29-2019 10. Alexander Vindman</p> <p>10-30-2019 11. Catherine Croft, former adviser to Volker on Ukraine policy</p> <p>12. Christopher Anderson, former specialist on Ukraine at the State Department</p> <p>10-31-2019 13. Timothy Morrison</p> <p>11-6-2019 14. David Hale</p>
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			<p>15. Edward S.G. Dennis Jr., partner at law firm Morgan, Lewis and Bockius</p> <p>16. William F. Weld, former Massachusetts governor</p> <p>17. Ronald Noble, associate professor at NYU Law School</p>	<p>11-7-2019 15. Jennifer Williams</p> <p>11-15-2019⁶⁸ 16. David Holmes, the top political affairs officer at the U.S. embassy in Kiev</p> <p>11-16-2019⁶⁹ 17. Mark Sandy, director of national security programs at the Office of Management and Budget.</p> <p>Public Testimony:</p> <p>11-13-2019⁷⁰ 1. George Kent, the deputy assistant secretary of state for European and Eurasian affairs</p> <p>2. William Taylor, the top U.S. diplomat in Ukraine.</p> <p>11-15-2019⁷¹ 3. Marie Yovanovitch, former U.S. ambassador to Ukraine</p> <p>11-19-2019⁷² 4. Jennifer Williams, an aide to Vice President Mike Pence</p> <p>5. Lieutenant Colonel Alexander Vindman, who serves as the director for European affairs at the National Security Council</p> <p>6. Ambassador Kurt Volker, the former U.S. special envoy to Ukraine</p>
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				<p>7. Tim Morrison, a White House aide with the National Security Council focusing on Europe and Russia policy</p> <p>11-20-2019⁷³</p> <p>8. Ambassador Gordon Sondland, U.S. Ambassador to the European Union</p> <p>9. Laura Cooper, the deputy assistant secretary of defense for Russian, Ukrainian, and Eurasian Affairs</p> <p>10. David Hale, the under secretary of state for political affairs</p> <p>11-21-2019⁷⁴</p> <p>11. Fiona Hill, former National Security Council senior director for Europe and Russia</p> <p>12. David Holmes, an American diplomat stationed in Ukraine⁷⁵</p> <p>12-4-2019 ⁷⁶ Called by Democrats</p> <p>13. Noah Feldman, a Harvard Law professor</p> <p>14. Pamela Karlan, a law professor at Stanford</p> <p>15. Michael Gerhardt, a law professor at the University of North Carolina</p>
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				<p>Called by Republicans</p> <p>16. Jonathan Turley, George Washington University</p> <p>12-9-2019⁷⁷</p> <p>17. Barry Berke, staff lawyer for Democratic House committees</p> <p>18. Daniel Goldman, staff lawyer for Democratic House committees</p> <p>19. Stephen Castor, Republican lawyer</p> <hr style="width: 20%; margin-left: 0;"/> <p>SECOND:</p> <p>No witnesses called.</p>
<p style="text-align: center;">7</p> <p style="text-align: center;">Articles of Impeachment Drafted and Voted on in Committee</p> <p style="text-align: center;">Back to Table of Contents</p>	<p>2-24-1868: “Immediately, [Feb. 24, 1868] the House proceeded to establish an impeachment committee, appoint managers, and draft articles of impeachment.”⁷⁸</p> <p>“The Johnson Impeachment Committee produced the charges that eventually became the eleven articles of impeachment against President Johnson.”⁷⁹</p> <p>“Article 1 stated that Johnson ordered Stanton removed with the intent to violate the act.</p>	<p>7-1974: “In July 1974, [July 27, 29 and 30]⁸¹ the Judiciary Committee approved three articles of impeachment against Nixon.”⁸²</p> <p>House Judiciary Committee votes:⁸³</p> <p style="text-align: center;">Article 1 Obstruction of justice, abuse of power and contempt of Congress July 27, 1974, vote – 27 to 11</p> <p style="text-align: center;">Article 2 <i>Abuse of power</i> July 29, 1974, vote – 28 to 10</p>	<p>12-11-1998: On Dec. 9, 1998, House Judiciary Committee Republicans released drafts of four articles of impeachment.⁸⁴</p> <p>On Dec. 11, the Committee voted and approved three of the articles.⁸⁵ It approved the fourth on Dec. 12.⁸⁶</p> <p>The Committee vote on those articles:</p> <p style="text-align: center;">Article 1 <i>Perjury</i> Passed 21 to 16</p>	<p>FIRST:</p> <p>12-13-2019: “Following two days of heated debate, the House Judiciary Committee on Friday [12-13-2019] approved two articles of impeachment against President Donald Trump, sending them to the House floor for a final vote. Both articles were passed by a 23-17 margin along party lines.”⁸⁷</p> <p>The House Judiciary Committee submitted a 658-page report⁸⁸ dated 12-13-2019 7:48 p.m. and released on 12-16-2019⁸⁹ titled</p>

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	<p>Articles 2, 3 and 8 alleged that the appointment of Thomas, to replace Stanton, without the advice and consent of the Senate was a further violation of the Constitution.</p> <p>Articles 4 [5, 6,] 7 accused Johnson of conspiring with Thomas to remove Stanton, citing such conspiracy as a 'high crime in office,' thus illegally depriving Stanton of his rightful position. ...</p> <p>Article 9 accused Johnson of diverting orders and instructions related to military operations through the general of the army, bypassing Secretary Stanton.</p> <p>Another article [Article 10], proposed by Massachusetts representative Benjamin Butler, charged Johnson with making speeches 'with a loud voice, certain intemperate, inflammatory, and scandalous harangues' with the intent to disgrace Congress. This article was initially rejected, but later adopted as Article 10. The final article [Article 11] was championed by Thaddeus Stevens, accusing Johnson of</p>	<p style="text-align: center;">Article 3 <i>Contempt of Congress</i> July 30, 1974, vote – 21 to 17</p>	<p style="text-align: center;">Article 2 <i>Perjury, written testimony</i> Passed 20 to 17</p> <p style="text-align: center;">Article 3 <i>Obstruction of justice</i> Passed 21 to 16</p> <p style="text-align: center;">Article 4 <i>Abuse of office</i> Passed 21 to 16</p>	<p>“Impeachment of Donald J. Trump President of the United States.”</p> <p style="text-align: center;">Article 1 <i>Abuse of Power</i> <i>(page 4 of the PDF)</i> Passed 23 to 17</p> <p style="text-align: center;">Article 2 <i>Obstruction of Congress</i> <i>(page 5 of the PDF)</i> Passed 23 to 17</p> <hr/> <p>SECOND: 1-12-2021: The House Rules Committee debated the resolution (H. Res. 24) to impeach Trump; the resolution passed 7-4 along party lines.⁹⁰</p>
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	<p>declaring the 39th Congress unconstitutional, since it was a Congress of only part of the states, and therefore did not have legislative powers nor the power to propose constitutional amendments. This, argued Stevens, placed Johnson in violation of his presidential oath requiring him to 'take care that the laws be faithfully executed.'"80</p>			
<p style="text-align: center;">8</p> <h3 style="text-align: center;">House Vote on Articles of Impeachment</h3> <p style="text-align: center;">Back to Table of Contents</p>	<p>3-2-1868: "Mar 2, [and 3rd] 1868: House approved [11] articles of impeachment. House managers appointed. ... Senate adopted updated rules of impeachment."⁹¹</p> <p>3-2-1868: House votes for approval on the Articles⁹²</p> <p style="text-align: center;">Article 1 127-42 (20 not voting)</p> <p style="text-align: center;">Article 2 124-41 (24 not voting)</p> <p style="text-align: center;">Article 3 124-40 (25 not voting)</p> <p style="text-align: center;">Article 4 117-40 (32 not voting)</p> <p style="text-align: center;">Article 5 127-42 (20 not voting)</p> <p style="text-align: center;">Article 6 127-42 (20 not voting)</p>	<p>"Before the full House could vote on the articles of impeachment, a previously undisclosed audio tape was released that made clear Nixon had a role in the cover-up.</p> <p>He resigned from office on Aug. 9, 1974."⁹⁴</p>	<p>12-19-1998: On Dec. 19, 1998, four articles of impeachment were voted on by the House, with Articles 1 and 3 passing:</p> <p>Article 1 – on perjury "regarding the Paula Jones case and [Clinton's] relationship with Monica Lewinsky."⁹⁵</p> <p>The House vote was 228-206. "Only five Democrats voted for that article, and five Republicans against."⁹⁶</p> <p>Article 2 – "The president provided perjurious, false and misleading testimony in the Jones case in his answers to written questions and in his deposition."⁹⁷</p>	<p>FIRST:</p> <p>12-18-2019: The House voted on and passed the two articles of impeachment.</p> <p style="text-align: center;">Article 1</p> <p>Vote on – 695 – H RES 755¹⁰¹</p> <p style="text-align: center;">230 – Yeas Democratic - 229 Independent - 1</p> <p style="text-align: center;">197 – Nays Republican - 195 Democratic - 2</p> <p style="text-align: center;">1 Present – 1 Democratic</p> <p style="text-align: center;">3 – No-Vote Democratic - 1 Republican - 2</p> <p style="text-align: center;">Article 2</p> <p>Vote on – 696 – H RES 755¹⁰²</p>

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	<p style="text-align: center;">Article 7 127-42 (20 not voting)</p> <p style="text-align: center;">Article 8 127-42 (20 not voting)</p> <p style="text-align: center;">Article 9 108-41 (40 not voting)</p> <p>3-3-1868: House votes for approval on the Articles⁹³ (pages 461-466)</p> <p style="text-align: center;">Article 10 ("additional article") – 88-44 (57 not voting)</p> <p style="text-align: center;">Article 11 109-32 (48 not voting)</p>		<p>"Article II failed 229-205, with many more Republican defections."⁹⁸</p> <p>Article 3 – "The president obstructed justice in an effort to delay, impede, cover up and conceal the existence of evidence related to the Jones case."⁹⁹ House passed 221-212.</p> <p>Article 4 – "The president misused and abused his office by making perjurious, false and misleading statements to Congress."¹⁰⁰ House failed vote 285-148.</p>	<p style="text-align: center;">229 – Ayes Democratic - 228 Independent - 1</p> <p style="text-align: center;">198 – Noes Republican - 195 Democratic - 3</p> <p style="text-align: center;">1 – Present – Democratic</p> <p style="text-align: center;">3 – Not Voting Democratic - 1 Republican - 2</p> <hr style="width: 20%; margin-left: auto; margin-right: 0;"/> <p>SECOND:</p> <p>1-12-2021: "The House passed a resolution on Jan. 12 that called on former Vice President Mike Pence to invoke the 25th Amendment to strip Mr. Trump of his powers. Mr. Pence refused."¹⁰³</p> <p>1-13-2021: The House voted on and passed one article of impeachment, impeaching Trump for the second time.</p> <p style="text-align: center;">Article 1: Incitement of Insurrection¹⁰⁴</p> <p style="text-align: center;">Vote on H RES 24</p> <p style="text-align: center;">232 - Ayes Democratic - 222 Republican - 10</p>
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				<p>197 - Noes Democratic- 0 Republicans - 197</p> <p>4 - Not Voting Democratic - 0 Republican - 4</p>
<p>9 House Impeachment Managers</p> <p>Back to Table of Contents</p>	<p>House Managers¹⁰⁵</p> <ol style="list-style-type: none"> 1. John A. Bingham (R-OH) 2. George S. Boutwell (R-MA) 3. James F. Wilson (R-IA) 4. Benjamin F. Butler (R-MA) chief prosecuting attorney 5. Thomas Williams (R-PA)¹⁰⁶ 6. Thaddeus Stevens (R-PA) 7. John A. Logan (R-IL) <p>3-2-1868: "... House managers appointed." ¹⁰⁷</p>		<p>House Managers</p> <ol style="list-style-type: none"> 1. Henry J. Hyde (R-IL-6) 2. F. James Sensenbrenner Jr. (R-WI-9) 3. Bill McCollum (R-FL-8) 4. George W. Gekas (R-PA-17) 5. Charles T. Canady (R-FL-12) 6. Steve Buyer (R-IN-5) 7. Ed Bryant (R-TN-7) 8. Steve Chabot (R-OH-1) 9. Bob Barr (R-GA-7) 10. Asa Hutchinson (R-AR-3) 11. Chris Cannon (R-UT-3) 12. James E. Rogan (R-CA-27) 13. Lindsey Graham (R-SC-3) <p>12-19-1998: House passes H. Res. 614, "Appointing and authorizing managers for the impeachment trial of William</p>	<p>FIRST:</p> <p>House Managers</p> <ol style="list-style-type: none"> 1. Adam Schiff (D-CA-28), Intelligence Committee Chairman 2. Jerrold Nadler (D-NY-10), House Judiciary Committee Chairman 3. Zoe Lofgren (D-CA-19) 4. Val Demings (D-FL-10) 5. Hakeem Jeffries (D-NY-8) 6. Sylvia Garcia (D-TX-29) 7. Jason Crow (D-CO-6) <p>12-18-2019: Speaker Nancy Pelosi stated during a press conference after the House passed the two Articles of Impeachment that she was not sending them to the Senate that night because "it is difficult to determine who the managers would be until we see the arena in which</p>

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			<p>Jefferson Clinton, President of the United States.”¹⁰⁸</p> <p style="text-align: center;">The Vote¹⁰⁹ 228 – Yeas Republican - 223 Democratic - 5</p> <p style="text-align: center;">190 – Nays Republican - 2 Democratic - 187 Independent - 1</p> <p style="text-align: center;">17 – Not Voting Republican - 3 Democratic – 14</p> <p>“All of the managers for Clinton's impeachment were members of the Judiciary Committee ...”¹¹⁰</p> <p>1-6-1999: H. Res. 10 “Appointing the authorizing managers for the impeachment trial of William Jefferson Clinton, President of the United States” passed to reappoint the managers when the House reconvened in the 106th Congress on 1-6-1999.¹¹¹</p> <p style="text-align: center;">The Vote¹¹² 223 – Yeas</p>	<p>we will be participating.”¹¹³</p> <p>12-19-2019: House voted to adjourn for the holidays.¹¹⁴</p> <p>1-7-2020 : House back from the holidays.¹¹⁵</p> <p>1-15-2020: The House voted 228 to 193 to pass H. Res. 798 “Appointing and authorizing managers for the impeachment trial of Donald John Trump, President of the United States”¹¹⁶ and to authorize sending the two Articles of Impeachment against President Donald Trump to the Senate.</p> <p style="text-align: center;">The Vote¹¹⁷ 228 –Yeas Democratic - 227 Independent - 1</p> <p style="text-align: center;">193 – Nays Republican - 192 Democrat - 1</p> <p style="text-align: center;">9 – Not Voting Democratic - 4 Republican - 5</p> <p>The resolution, submitted by Jerrold Nadler (D-NY-10), states that the seven managers are appointed “to conduct the impeachment trial against Donald John Trump, President of the</p>
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			<p>Republican - 218 Democratic – 5</p> <p>198 – Nays Democratic - 197 Independent - 1</p> <p>7 – Not Voting Republican - 3 Democratic – 4</p>	<p>United States, that a message be sent to the Senate to inform the Senate of these appointments.”¹¹⁸</p> <p>“The staffs of the House Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Oversight and Reform are assisting the Managers during the impeachment trial.”¹¹⁹</p> <hr/> <p>SECOND:</p> <p style="text-align: center;">House Managers¹²⁰</p> <ol style="list-style-type: none"> 1. Jamie Raskin (D-MD-8), Lead House impeachment manager 2. Diana DeGette (D-CO-1) 3. Eric Swalwell (D-CA-15) 4. David Cicilline (D-RI-1) 5. Madeleine Dean (D-PA-4) 6. Joaquin Castro (D-TX-20) 7. Ted Lieu (D-CA-33) 8. Stacey Plaskett (D-Virgin Islands) 9. Joe Neguse (D-CO-2) <p>1-13-2021: The House passed H. Res. 40</p>
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				<p>“Appointing and authorizing managers for the impeachment trial of Donald John Trump, President of the United States” (no vote count found).¹²¹</p>
<p>10 Defense Team</p> <p>Back to Table of Contents</p>	<p style="text-align: center;">Defense Team¹²²</p> <ol style="list-style-type: none"> 1. Henry Stanbery lead, Attorney General¹²³ 2. William M. Evarts New York attorney, former attorney general¹²⁴ 3. Benjamin Robbin Curtis of Boston, former Supreme Court Justice 4. Thomas A.R. Nelson Judge from Tennessee 5. William S. Groesbeck Ohio attorney 		<p style="text-align: center;">Defense Team¹²⁵</p> <ol style="list-style-type: none"> 1. Gregory Craig White House counsel 2. Cheryl Mills deputy White House counsel 3. Charles F.C. Ruff Watergate prosecutor 4. David E. Kendall private attorney 5. Dale Bumpers former Arkansas Senator 6. Bruce Lindsey deputy White House counsel 7. Lanny A. Breuer White House special counsel 8. Nicole K. Seligman private attorney 	<p style="text-align: center;">FIRST: Defense Team¹²⁶</p> <ol style="list-style-type: none"> 1. Pat Cipollone White House counsel 2. Jay Sekulow private attorney 3. Ken Starr former Independent Counsel in the President Clinton investigation 4. Alan Dershowitz Harvard law professor 5. Robert Ray former head of the Office of the Independent Counsel 6. Jane Raskin former federal prosecutor 7. Pam Bondi former Florida Attorney General 8. Patrick Philbin deputy to Cipollone

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				<p>9. Mike Purpura deputy to Cipollone</p> <hr/> <p>SECOND:</p> <p>Defense Team¹²⁷</p> <ol style="list-style-type: none">1. David Schoen civil rights and criminal defense lawyer who represented Roger Stone before Stone was pardoned by Trump2. Bruce Castor Jr. former Pennsylvania district attorney3. Michael van der Veen Philadelphia criminal and personal injury4. William J. Brennan Philadelphia criminal defense attorney <p>“Former President Donald Trump announced a new impeachment legal defense team [on Feb. 1, 2021] just one day after it was revealed that he had parted ways with an earlier set of attorneys with just over a week to go before his Senate trial...”</p>
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				<p>Trump’s team had initially announced that Butch Bowers, a South Carolina lawyer, would lead his legal team after an introduction from Republican Sen. Lindsey Graham. But that team unraveled over the weekend due to differences over legal strategy.”¹²⁸</p>
<p style="font-size: 2em; font-weight: bold; margin: 0;">11</p> <p style="margin: 0;">House Informs Senate and Presents its Articles of Impeachment</p> <p style="margin: 0;">Back to Table of Contents</p>	<p>2-25-1868: “House informed Senate of impeachment vote.”¹²⁹</p> <p>2-28-1868: “Rules of procedure in impeachment trials reported in the Senate.”¹³⁰</p> <p>3-4-1868: “House presented articles of impeachment to the Senate.”¹³¹</p>	<p>“Following President Nixon’s resignation, the House adopted a resolution to ‘accept’ the House Judiciary Committee’s report recommending impeachment, but there was no vote adopting the articles and thereby impeaching the former President, and consequently there was no Senate trial.”¹³²</p>	<p>12-19-1998: “[House Judiciary] Committee Chairman Henry Hyde, who will prosecute the case in the Senate, delivered the impeachment articles to the Secretary of the Senate at 3 p.m. ET. [Dec. 19, 1998]”¹³³</p> <p>1-7-1999: House Managers exhibited the Articles of Impeachment to the Senate and the Chief Justice of the United States.¹³⁴</p>	<p>FIRST:</p> <p>1-15-2020: Pelosi signed the Articles of Impeachment at an Engrossment Ceremony, and then the Impeachment Managers followed House Clerk Cheryl Johnson¹³⁵ as she carried the Articles to the Senate where she presented the Articles to the Secretary of the Senate Julie Adams.¹³⁶ Schiff introduced the House Managers and read the Articles of Impeachment.¹³⁷</p> <hr style="width: 20%; margin-left: 0;"/> <p>SECOND:</p> <p>1-25-2021: House managers formally triggered the start of Trump’s second impeachment trial by delivering the charges to the Senate.¹³⁸</p>

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Trial Begins as Oaths are Taken by Justice and Senators

(Date of beginning of trial in red)

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3-5-1868: “With Chief Justice Salmon P. Chase presiding, Senate trial began at 1:00 p.m.”¹³⁹ He was sworn in¹⁴⁰ by Judge Nelson.¹⁴¹

The Chief Justice gave the oath to the Senators (absent were Doolittle (VT), Patterson (NH), Saulsbury (DE), Edmunds (VT).)¹⁴² Edmunds, Patterson and Vickers sworn in 3-13-1868.¹⁴³

1-7-1999: “A Senate trial against Clinton commenced on Jan. 7, 1999, and unfolded over four weeks, with Chief Justice William Rehnquist presiding.”¹⁴⁴ It began a little after 1 p.m. ET.

The Chief Justice was sworn in by the President Pro Tempore and then was responsible for swearing in the 100 senators as jurors, who then signed the oath book.¹⁴⁵

House Managers exhibited the Articles of Impeachment.¹⁴⁶

FIRST:

1-16-2020: At 2:10 p.m. ET, Chief Justice John Roberts was sworn in by President Pro Tempore Sen. Chuck Grassley (R-IA). The Chief Justice then swore in 99 Senators as jurors, who then signed the impeachment oath book.¹⁴⁷ Sen. Jim Inhofe (R-OK) was not sworn in as he was not in D.C. at the time.¹⁴⁸

McConnell secured approval for three unanimous consent agreements from the Chief Justice for details of the impeachment trial, including issuance of a summons, printing of trial paperwork, deadlines for filing of the president’s trial briefs and the House rebuttal.¹⁴⁹

SECOND:

1-26-2021: “Senator Patrick J. Leahy, Democrat of Vermont and the Senate president pro tempore, was sworn in to preside over the trial and all 100 senators swore an impeachment oath to ‘do impartial justice.’”¹⁵⁰

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				<p>1-26-2021: The Senate voted 55-45 to table a motion from Republicans who claimed the impeachment trial was unconstitutional after Trump's term ended on January 20. Five Republicans voted to move forward with the trial while the other 45 Republicans voted to dismiss.</p> <p>2-9-2021: The Senate convened as a Court of Impeachment.</p>
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13

Senate Writ of Summons, Responses & Trial Briefs

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<p>3-7-1868: Sergeant at Arms George Brown presented a “Writ of Summons” signed by Chief Justice Salmon P. Chase to President Johnson, “who chose not to appear at trial.”¹⁵¹</p> <p>3-13-1868: Plea of the president entered by Stanbery in reply to the summons. The House Manager Bingham made a statement noted as the Replication and reported by the Secretary.¹⁵²</p> <p>3-23-1868: President Andrew Johnson’s “Answer” to Article III of the Articles of Impeachment and other articles were read by Curtis.¹⁵³</p> <p>3-24-1868: The House Managers presented their Replication to the president’s Answer.¹⁵⁴</p>	<p>1-8-1999: Precept issued.¹⁵⁵</p> <p>1-8-1999: Senate Majority Leader Trent Lott (R-MS) submitted S. Res. 16, “A resolution to provide for the issuance of a summons and for related procedures concerning the articles of impeachment against William Jefferson Clinton, President of the United States,” that is agreed to unanimously in the Senate.¹⁵⁶</p> <p>Sergeant at Arms of the United States James W. Ziglar was tasked with delivering the summons [page 776] witnessed by Strom Thurmond.¹⁵⁷ The receipt of summons is dated 1-8-1999¹⁵⁸ with a copy to Charles Ruff at 5:27 p.m.</p> <p>1-11-1999: The Secretary of the Senate received White House “Answers” to the summons. Under Preamble in the response, the following is stated: “The Charges in the Articles Do Not Constitute High Crimes or Misdemeanors.”¹⁵⁹</p> <p>1-11-1999: The Secretary of the Senate received the trial brief [page 71] filed by the House titled “Trial</p>	<p>FIRST:</p> <p>1-16-2020: Precept received by the Secretary of the Senate.¹⁶⁷</p> <p>1-16-2020: The Senate issued a summons to be delivered to Donald John Trump by the Sergeant at Arms of the United States Senate, Michael C. Stenger, notifying the President that he was to provide an “answer” to the Articles of impeachment against him no later than 6 p.m. 1-18-2020. The summons was served to the White House and received by Derek S. Lyons at 5:25 p.m.¹⁶⁸</p> <p>1-18-2020: Impeachment Managers released a trial brief in response to the Senate summons, and it was received by the Secretary of the Senate 1-18-2020. Trial Memorandum and Statement of Material Facts in the impeachment trial of the President of the United States, Donald J. Trump.^{169 170}</p> <p>1-18-2020: President Trump’s lawyers Jay Sekulow and Pat Cipollone send 6-page “Answer” to the House</p>
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			<p>Memorandum of the United States House of Representatives.”¹⁶⁰ The summary read in part: “The evidence contained in the record, when viewed as a unified whole, overwhelmingly supports both charges.”¹⁶¹</p> <p>1-13-1999: The Secretary of the Senate received the trial brief filed by the President “Trial Memorandum of President William Jefferson Clinton.”¹⁶² In the introduction it stated: “ ...The Articles of Impeachment that have been exhibited to the Senate fall far short of what the Founding Fathers had in mind when they placed in the hands of the Congress the power to impeach and remove a President from office.”</p> <p>1-14-1999: Replication [page 735] of the House received by the Secretary of the Senate.¹⁶³ The Preamble began: “ The House of Representatives denies each and every material allegation in the Preamble to the Answer, including the sections entitled “The Charges in the Articles Do Not</p>	<p>Managers’ impeachment charges. It starts with: “The articles of Impeachment submitted by House Democrats are a dangerous attack on the right of the American people to freely choose their President.”¹⁷¹ Received by the Secretary of the Senate 1-18-2020.¹⁷²</p> <p>1-20-2020: Counsel to President Trump submitted a 171-page trial brief titled “Trial Memorandum Of President Donald J. Trump.” Received by the Secretary of the Senate 1-20-2020.¹⁷³</p> <p>The Executive Summary begins: “The Articles of Impeachment now before the Senate are an affront to the Constitution and to our democratic institutions. The Articles themselves—and the rigged process that brought them here—are a brazenly political act by House Democrats that must be rejected.” This is the final written document that the President’s counsel was required to present before trial.¹⁷⁴</p> <p>1-20-2020: House Managers at noon filed a 9-page</p>
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			<p>Constitute High Crimes or Misdemeanors” and “The President Did Not Commit Perjury or Obstruct Justice.”¹⁶⁴</p> <p>1-14-1999: Rebuttal brief [page 740] filed by the House received by the Secretary of the Senate.¹⁶⁵ The Introduction began: “The President’s Trial Memorandum contains numerous factual inaccuracies and misstatements of the governing law and the Senate’s precedents.”¹⁶⁶</p>	<p>replication, a rebuttal to Trump’s “Answers” of 1-18-2020, with the Secretary of the Senate. It was titled “Replication to the Response to the Summons of President Donald J. Trump to the Articles of Impeachment.” The First sentence of the Preamble: “The House denies each and every allegation and defense in the Preamble to the Answer.”¹⁷⁵</p> <p>1-21-2020: Secretary of the Senate received the House rebuttal brief.¹⁷⁶</p> <hr/> <p>SECOND:</p> <p>1-26-2021: The Senate issued a summons to the Trump, requesting a response to the article of impeachment by February 2.¹⁷⁷</p> <p>2-2-2021: “The House impeachment managers filed a 80-page trial brief. They argued that Mr. Trump was ‘singularly responsible’ for the Capitol riot and cited the Constitution’s framers in urging that Mr. Trump be convicted and disqualified</p>
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				<p>from ever holding office again.”¹⁷⁸</p> <p>2-2-2021: Trump’s lawyers file a 14-page response addressing “the constitutionality of removing a former president and his First Amendment right ‘to express his belief that the election results were suspect.’”¹⁷⁹</p> <p>2-8-2021: Trump’s lawyers submit a 78-page pre-trial brief to the Senate, laying out his defense against the House charges.</p> <p>2-8-2021: House managers reply to the Trump brief, stating, “The evidence of President Trump’s conduct is overwhelming. He has no valid excuse or defense for his actions.”¹⁸⁰</p>
<p style="font-size: 2em; font-weight: bold; margin: 0;">14</p> <p style="margin: 0;">Senate Trial Procedures</p> <p style="margin: 0;">Back to Table of Contents</p>	<p>3-2-1868: “Senate adopted updated rules of impeachment.”¹⁸¹</p> <p>Some of the rules included: “XVIII. If a senator wishes a question to be put to a witness, or to offer a motion or order, (except a motion to adjourn,) it shall be reduced to writing, and put by the presiding officer.</p>		<p>1-8-1999: “In a closed-door meeting, the Senate unanimously agrees on a process for continuing the trial, but puts off deciding the sticking point — whether to call witnesses.”¹⁸⁵</p> <p>Some of the trial procedures agreed to in S. Res. 16: “Arguments on such motions shall begin at 1:00 p.m. on</p>	<p>FIRST:</p> <p>1-21-2020: Senate convened as a Court of Impeachment at 10:18 a.m. PT. Chief Justice John Roberts gave the oath to the only Senator who wasn’t present at the previous swearing in, Inhofe, who signed the oath book.¹⁸⁷</p> <p>There were debates and votes on S. Res. 483, Senate</p>

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	<p>XIX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions.”</p> <p>3-5-1868: Trial began with procedural motions.¹⁸²</p> <p>3-13-1868: Chief Justice Salmon P. Chase swore in the House Managers for the trial.¹⁸³</p> <p><i>“On the advice of counsel, the president did not appear at the trial, although he did agree to a number of press interviews during the trial process.”¹⁸⁴</i></p>		<p>Wednesday, January 13, 1999, and each side may determine the number of persons to make its presentation, following which the Senate shall deliberate and vote on any such motions. Following the disposition of these motions, or if no motions occur then at 1:00 p.m. on Thursday, January 14, 1999, the House of Representatives shall make [its] presentation in support of the articles of impeachment for a period of time not to exceed 24 hours. ... Following the House of Representatives presentation, the President shall make his presentation for a period not to exceed 24 hours as outlined in the paragraph above with reference to the House of Representatives presentation. Upon the conclusion of the President's presentation, Senators may question the parties for a period of time not to exceed 16 hours.”¹⁸⁶</p>	<p>Majority Leader Mitch McConnell’s (R-KY) proposed impeachment trial rules resolution titled “To provide for related procedures concerning the articles of impeachment against Donald John Trump, President of the United States.”</p> <p>S. Res. 483 “Resolution agreed to in Senate without amendment by Yea-Nay Vote. 53 - 47.”¹⁸⁸</p> <p>Seven amendments to these proposed rules were presented by Senate Minority Leader Chuck Schumer (D-NY) and all were tabled by Senate votes of 53 to 47.¹⁸⁹</p> <ol style="list-style-type: none"> 1. S.Amdt. 1284 To subpoena certain White House documents and records. 2. S.Amdt. 1285 To subpoena certain Department of State documents and records. 3. S.Amdt. 1286 To subpoena certain Office of Management and Budget documents and records. 4. S.Amdt. 1287 To subpoena John Michael "Mick" Mulvaney. 5. S.Amdt. 1288 To subpoena certain Department of
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				<p>Defense documents and records.</p> <p>6. S.Amdt. 1289 To subpoena Robert B. Blair and Michael P. Duffey.</p> <p>7. S.Amdt. 1290 To prevent the selective admission of evidence and to provide for appropriate handling of classified and confidential materials.</p> <p>1-22-2020: The debate on trial rules continued on Tuesday 1-21-2020 into Wednesday morning.</p> <p>Five amendments to these proposed rules were presented by Senate Minority Leader Chuck Schumer (D-NY) and all were tabled by Senate votes of 53 to 47, except S.Amdt. 1293 which was voted on 52-48.¹⁹⁰</p> <p>1. S.Amdt. 1290 To prevent the selective admission of evidence and to provide for appropriate handling of classified and confidential materials.</p> <p>2. S.Amdt. 1291 To subpoena John Robert Bolton.</p> <p>3. S.Amdt. 1292 To provide that motions to subpoena witnesses or documents</p>
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				<p>shall be in order after the question period.</p> <p>4. S.Amdt. 1293 To allow additional time to file responses to motions.</p> <p>5. S.Amdt. 1294 To help ensure impartial justice by requiring the Chief Justice of the United States to rule on motions to subpoena witnesses and documents.</p> <p>“Senators adopted the updated resolution [S. Res. 483], 53-47, shortly before 2 a.m. Wednesday morning. There were 12 roll call votes. 191</p> <p>Some of the final procedures that were passed: “... the House of Representatives shall make its presentation in support of the articles of impeachment for a period of time not to exceed 24 hours, over up to 3 session days. Following the House of Representatives' presentation, the President shall make his presentation for a period not to exceed 24 hours, over up to 3 session days. Each side may determine the number of persons to make its presentation. Upon the</p>
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				<p>conclusion of the President's presentation, Senators may question the parties for a period of time not to exceed 16 hours."¹⁹²</p> <hr/> <p>SECOND:</p> <p>2-8-2021: Sen. Schumer (D-NY) and Sen. McConnell (D-KY) agreed to a resolution on how the trial would be structured and governed.¹⁹³</p> <p>The resolution specified that on February 9, the Senate would debate and vote on whether the trial was constitutional.</p> <p>Opening arguments were set to begin on February 10. House impeachment managers and the Trump defense team each received 16 hours over the course of two days to present their cases.</p> <p>The procedures left open the possibility of calling witnesses during the trial, although Trump's defense team rejected the House managers' request to testify under oath. Then the Senate asked questions and</p>
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Arguments by Both Parties, Senate Questioning, and Closing Arguments

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				deliberated, followed by closing arguments. ¹⁹⁴
	<p>3-30-1868 to 4-20-1868: Opening arguments and testimony.¹⁹⁵</p> <p>- 3-30-1868 to 4-9-1868: Prosecution presented its case.¹⁹⁶</p> <p>- 4-15-1868 to 4-20-1868: Defense presented its case.¹⁹⁷</p> <p>4-22-1868: Summary phase of trial began, and ended on 5-7-1868.¹⁹⁸</p>		<p>1-14-1999 to 1-16-1999: The House Managers presented their case to the Senate.¹⁹⁹</p> <p>1-19-1999 to 1-20-1999: President’s counsel presented its case to the Senate.²⁰⁰</p> <p>1-22-1999 to 1-23-1999: Senate posed questions to the House Managers and President’s counsel.²⁰¹</p> <p>1-27-1999: The Senate rejected a motion, Yea – 44 to Nay – 56, in Vote No. 4 “Byrd motion to dismiss the impeachment proceedings.”²⁰²</p> <p>2-4-1999: The Senate voted down a Daschle motion 56 to 44 to proceed to closing arguments.²⁰³</p> <p>2-8-1999: Parties presented final arguments to the Senate.²⁰⁴</p>	<p>FIRST:</p> <p>1-22-2020 to 1-24-2020: Opening arguments began in the afternoon session with House Manager Adam Schiff making a presentation, and the House Managers’ arguments continued on 1-23-2020 and 1-24-2020.</p> <p>1-25-2020 to 1-28-2020: President’s counsel presented their opening arguments for three days starting Saturday 1-25-2020 and continued on Monday 1-27-2020 and concluded on 1-28-2020.²⁰⁵</p> <p>1-29-2020 to 1-30-2020: Senate question and answer period began on 1-29-2020 and continued through 1-30-2020.²⁰⁶</p> <p>2-3-2020: Senate heard closing statement from House Managers and president’s counsel. Both sides were given a total of four hours divided equally.²⁰⁷</p> <hr/> <p>SECOND:</p>

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				<p>2-9-2021: The Senate spent the first day of the trial debating whether a president can stand trial for impeachment after leaving office. "On the question of jurisdiction, only a simple majority was required, unlike the two-thirds majority needed for a conviction. Six Republicans joined all 50 Democrats in deciding that the Senate could proceed with the trial."²⁰⁸</p> <p>2-10-2021 to 2-11-2021: Opening arguments began on day 2 of the trial, with lead impeachment manager Rep. Jamie Raskin (D-MD) making a presentation about the evidence the House managers would present.²⁰⁹ House managers concluded their oral arguments on Thursday, 2-11-2021, having used 10 of their allotted 16 hours.²¹⁰</p> <p>2-12-2021: President's counsel presented their defense arguments on Friday, 2-12-2021, having used three of their allotted 16 hours. The Senators then asked the defense and prosecution questions.²¹¹</p>
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16 Witnesses & Depositions

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			<p>2-13-2021: Closing arguments made by both sides.</p>
<p>The impeachment trial included 41 witnesses, “testimony of 25 prosecution and 16 defense witnesses.”²¹² (40 separate individuals, one called by both sides)²¹³</p> <p>Witness List²¹⁴ (<i>P=for the prosecution; D=for the defense</i>)²¹⁵</p> <p>3-31-1868:</p> <ol style="list-style-type: none"> 1. William McDonald, a clerk of the Senate (P) 2. J.W. Jones, keeper of the stationery of the Senate (P) 3. Charles C. Creecy, appointing clerk of the Treasury Dept. (P) 4. Burt Van Horn, New York congressman (P) 5. James K. Moorhead, Pennsylvania congressman (P) 6. Walter A. Burleigh, Dakota delegate in Congress (P) <p>4-1-1868:</p> <ol style="list-style-type: none"> 7. Samuel Wilkeson (P) 8. George W. Karsner (P) <p>4-2-1868:</p> <ol style="list-style-type: none"> 9. Thomas W. Ferry, congressman from Michigan (P) 10. General William H. Emory (P) 11. Lt.-Col. George W. Wallace (P) 12. William E. Chandler (P) 13. Charles A. Tinker, telegrapher (P) <p>4-3-1868:</p> <ol style="list-style-type: none"> 14. James B. Sheridan, stenographer (P) 	<p>1-27-1999: Senate votes Yea - 56 to Nay - 44 to pass Vote No. 5 “On the Motion (House Mgrs. motion to subpoena witnesses ...”²¹⁶</p> <p>1-28-1999: Sen. Trent Lott (R-MS) submitted a resolution that was agreed to concerning procedures for depositions,²¹⁷ S.Res.30 “A resolution relative to the procedures concerning the Articles of Impeachment against William Jefferson Clinton.”²¹⁸</p> <p>1-29-1999: Subpoenas issued for witnesses Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal.²¹⁹</p> <p>2-1-1999 to 2-3-1999: The three witnesses were deposed.</p> <p>2-4-1999: The Senate voted unanimously to admit the videotaped testimony into evidence,²²⁰ and to call witnesses to testify on the Senate floor.²²¹</p> <p>The Senate rejected calling live witness 70 to 30</p>	<p>FIRST:</p> <p>1-31-2020: Senate voted down the motion to subpoena witnesses 51 – Nay to 49 – Yea.²²⁶</p> <p>“2. Motion to table Schumer amendment #1295, to subpoena Mulvaney, Bolton, Duffy, Blair and White House, OMB, DOD and State Department documents; tabled: 53-47.</p> <p>3. Motion to table Schumer amendment #1296, to subpoena John Bolton; tabled: 51-49.</p> <p>4. Motion to table Schumer amendment #1297 to subpoena John Bolton; provided further that there be one day for a deposition presided over by Chief Justice, and one day for live testimony before the Senate, both of which must occur within 5 days of adoption of the underlying resolution; tabled: 51-49.</p> <p>5. Motion to table Van Hollen amendment #1298, to require the Chief Justice</p>	

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	<p>15. James O. Clephane, Supreme Court deputy clerk (P) 16. Francis H. Smith, official reporter of the House (P) 17. Col. William G. Moore (P, D) 18. William N. Hudson, journalist (P) 19. Daniel C. McEwen, short-hand reporter (P) 20. E. (Edwin or Everett) B. Stark, former editor (P) 4-4-1868: 21. L.L. Waldrige (Walbridge), short-hand writer (P) 22. Joseph A. Dear, reporter (P) 23. Robert T. Chew, State Dept. chief clerk (P) 4-9-1868: 24. W.H. Wood (P) 25. Foster Blodgett (P) 4-10-1868: 26. Maj.-Gen. L. Thomas (D) 4-11-1868: 27. Lt.-Gen. William T. Sherman (D) 4-13-1868: 28. R.J. Meigs, Supreme Court clerk (D) 4-15-1868: 29. Dewitt Clark (D.W.C. Clarke), executive clerk of the Senate (D) 4-16-1868: 30. Walter S. Cox, lawyer (D) 31. Richard T. Merrick (D) 32. Edwin O. Perrin(e) (D) 4-17-1868: 33. William W. Armstrong (D) 34. Barton Able (D) 35. George Knapp (D) 36. Henry F. Ziber (D) 37. F.W. Seward, Asst. Sec. of State (D) 38. Gideon Welles (D) 4-18-1868: 39. Edgar T. Welles (D) 40. Alexander W. Randall, Post-Master General (D)</p>		<p>(Republicans, 30 yes, 25 no; Democrats, 45 no)²²² in Vote No. 10 on the Motion (Division III House Mgrs Motion Re: Appearance of Witnesses).²²³</p> <p>They approved 62-38 (Republicans, 53 yes, 2 no; Democrats: 9 yes, 36 no) to present six hours of videotaped presentations of the witnesses²²⁴ in roll call No. 12 Division III of the House managers motion regarding presentation of evidence.²²⁵</p> <p>2-6-1999: Video excerpts from the depositions were shown on Senate floor.</p>	<p>to rule on motions to subpoena witnesses and documents, and to rule on any assertion of privilege; tabled: 53-47.</p> <p>6. Adoption of McConnell S.Res.488, providing for procedures concerning the Articles of Impeachment; agreed to: 53-47.”²²⁷</p> <hr/> <p>SECOND:</p> <p>No witnesses were called. The rules of the trial allowed House managers to request witnesses, which would then require a vote by the Senate. On the fifth day of the trial, House managers asked to call witnesses. The Senate voted 55-45 in favor of allowing witnesses. House managers then made a deal with the Trump defense team to enter a statement into record rather than calling the witness.²²⁸</p> <p>“Democrats defended their decision not to subpoena additional witnesses and documents in former President Donald Trump’s second impeachment trial,</p>
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				saying Sunday [2-14-2021] that the additional testimony would have made no difference.” ²²⁹
17	<p>Senate Deliberations</p> <p>Back to Table of Contents</p>	<p>5-7-1868: “Senate deliberated in closed session on articles of impeachment.”²³⁰</p>	<p>2-9-1999 to 2-12-1999: The Senate began final deliberations that lasted until 2-12-1999. There was a vote on a motion to have closed door deliberations that passed 53 to 47 (Rollcall Vote No. 16). ²³¹ “At 1:52 p.m. [2-9-1999], the doors of the Chamber were closed.”²³²</p> <p>“At 9:44 a.m. [2-12-1999], the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 12:04 p.m.; whereupon, the Senate resumed open session.”²³³</p>	<p>FIRST:</p> <p>2-2-2020 to 2-5-2020: Senators were given 10 minutes to publicly state their position on impeachment 2-3-2020, 2-4-2020 and 2-5-2020.²³⁴</p> <hr style="width: 20%; margin-left: 0;"/> <p>SECOND:</p> <p>2-13-2021: No deliberation was held. The Senate began voting immediately after the House managers delivered a rebuttal to the defense team’s closing remarks.²³⁵</p>
18	<p>Senate Vote</p> <p>Back to Table of Contents</p>	<p>5-16-1868: “Senate voted 35 to 19 to acquit on article 11.”</p> <p>5-26-1868: “On May 26 the Senate also failed by the same margin (35 to 19) to convict Johnson on articles two and three. At this point the Senate voted to adjourn the trial <i>sine die</i> without considering the remaining articles.”²³⁶</p>	<p>2-12-1999: “On Feb. 12, the Senate voted to acquit ²³⁸Clinton on both charges — falling far short of the 67 votes needed to convict.”²³⁹</p> <p>Not Guilty – H. Res. 611 “A resolution impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors”</p>	<p>FIRST:</p> <p>2-5-2020: The Senate acquitted Trump on both articles of impeachment.²⁴² Sen. Mitt Romney (R-UT) was the only Republican to vote guilty on either article, and all Democratic and Independent Senators voted guilty on both articles.</p>

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	<p>Votes for the following Articles²³⁷</p> <p>Article 2</p> <p>Article 3</p> <p>Article 11</p> <p>35 – Guilty Republican - 35</p> <p>19 – Not guilty Republican - 7 Democratic - 12</p>		<p>Article 1²⁴⁰ – 45 to 55</p> <p>45 – Guilty Republican - 45</p> <p>55 – Not Guilty Democratic - 45 Republican – 10</p> <p>Article 2²⁴¹ – 50 to 50</p> <p>50 – Guilty Republican - 50</p> <p>50 – Not Guilty Democratic - 45 Republican - 5</p>	<p>Article 1²⁴³ H.Res. 755, Vote 33 48 to 52</p> <p>48 – Guilty Democratic - 45 Republican - 1 Independent - 2</p> <p>52 – Not Guilty Republican - 52</p> <p>Article 2²⁴⁴ H.Res. 755, Vote 34 47 to 53</p> <p>47 – Guilty Democratic - 45 Independent - 2</p> <p>53 – Not Guilty Republican - 53</p> <hr style="width: 20%; margin: 10px auto;"/> <p>SECOND: 2-13-2021: The Senate acquitted Trump on the article of impeachment. The vote to convict was 57-43, falling 10 votes short of the 67 votes needed. Seven Republicans voted with all 50 Democrats to convict, while 43 Republicans voted to acquit.²⁴⁵</p> <p>Article 1 - 57 to 43</p>
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				<p align="center">57 – Guilty Democratic – 50 Republican – 7</p> <p align="center">43 – Not Guilty Democratic – 0 Republican – 43</p>
19	<p>Days Senate Impeachment Hearings Lasted</p> <p>From the start of the Senate trial to the end²⁴⁶</p> <p>Back to Table of Contents</p>	<p align="center">83 Days</p> <p>Start Date – 3-5-1868 End Date – 5-26-1868</p>	<p align="center">37 Days</p> <p>Start Date – 1-7-1999 End Date – 2-12-1999</p>	<p align="center">FIRST: 21 Days</p> <p>Start Date – 1-16-2020 End Date – 2-5-2020</p> <hr/> <p align="center">SECOND: 5 Days</p> <p>Start Date – 2-9-2021 End Date – 2-13-2021</p>
20	<p>Days from Formal Impeachment Vote by the House to Senate Vote</p>	<p align="center">83 Days & 93 Days</p> <p>Formal Impeachment Date – 2-24-1868 Vote Date – 5-1868 (16th and 26th) – two vote days</p>	<p align="center">56 Days</p> <p>Formal Impeachment Date – 12-19-1998 Vote Date – 2-12-1999</p>	<p align="center">FIRST: 50 Days</p> <p>Formal Impeachment Date – 12-18-2019 Vote Date – 2-5-2020</p> <hr/> <p align="center">SECOND:</p>

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<p>[Both Johnson and Clinton were acquitted, and finished their terms.²⁴⁷ Trump was acquitted in both trials; he finished his term after the first trial, and his term had ended before the second trial.]</p> <p>Back to Table of Contents</p>			<p>32 Days</p> <p>Formal Impeachment Date – 1-13-2021</p> <p>Vote Date – 2-13-2021</p>
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