

An Overview of Impeachment

March 10, 2022

Tenth update

Dec. 20, 2019; Jan. 22, 2020; Jan. 25; Jan. 29; Jan. 31; Feb. 4; Feb. 5, Feb. 10, Feb. 19, 2021

Report Commissioned by
The A-Mark Foundation
www.amarkfoundation.org

An Overview of Impeachment

- **Impeachment is a process in which the House of Representatives brings charges against an officer of the federal government**
- **An impeachment passes in the House with a simple majority vote**
- **After the House vote, a 2/3 majority vote in the Senate is required to convict and remove a person from office**
- **Three US presidents have been formally impeached (Andrew Johnson, Bill Clinton, and Donald Trump) but none have been removed from office**
- **Richard Nixon resigned before the full House voted on the articles of impeachment filed against him**

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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

Article II, Section 4 of the US Constitution states that the president, vice president and all civil officers of the United States are subject to impeachment, but does not define civil officers. In practice, federal judges and members of the Cabinet have been subject to impeachment, but impeachment has not applied to members of Congress.⁴

Four presidents have faced formal impeachment hearings: Andrew Johnson, Richard Nixon, Bill Clinton, and Donald Trump (twice). Since Nixon resigned before the full House vote, only three presidents have been formally impeached (Johnson, Clinton, and Trump). All three men were acquitted by the Senate and therefore remained in office.⁵ On January 13, 2021, Donald Trump became the first president to be impeached twice.⁶

¹ Ella Nilsen, Li Zhou, and Matthew Yglesias, "9 Things Everyone Should Know About the Impeachment Process," vox.com, October 9, 2019

² Congressional Research Service, "The Impeachment Process in the House of Representatives," fas.org, November 14, 2019

³ Ted Johnson, "The Second Impeachment Trial of Donald Trump: A Preview of What's Happening and What to Expect," deadline.com, February 8, 2021

⁴ Constitution Annotated, "ArtII.S4.1.2.1 Offices Eligible for Impeachment," constitution.congress.gov (accessed March 14, 2022)

⁵ Dave Roos, "How Many US Presidents Have Faced Impeachment?," history.com, February 17, 2021

⁶ BBC, "President Trump Becomes First President to Be Impeached Twice," bbc.com, January 13, 2021

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II. Our US Constitution on Impeachment

The following are all the words on impeachment in the US 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.”

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.”

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Notes: Presidents who have had “proposed articles of impeachment filed against them in the House of Representatives” 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.⁷

III. The Process of Impeachment

1. Impeachment Process Trigger

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>
			
There were two successful resolutions to start the	There were unsuccessful impeachment resolutions starting	Formal impeachment proceedings for William Clinton were triggered	Trump is the only president to be impeached twice.

⁷ Stephen W. Stathis and David C. Huckabee, "Congressional Resolutions on Presidential Impeachment: A Historical Overview," everycrsreport.com, September 16, 1998

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<p>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.”⁸</p>	<p>in 1972 that were not related to Watergate.⁹</p> <p>From 1973-1974, 17 unsuccessful resolutions for various reasons for impeaching Nixon were introduced and referred to the Judiciary Committee.¹⁰</p> <p>One of the triggers for formal impeachment proceedings against President Richard Nixon was “The Saturday Night Massacre,”¹¹ when Nixon ordered the firing of Special Prosecutor Archibald Cox¹² on Oct. 20, 1973,¹³ during the investigation into the June 17, 1972, break-in of the Democratic Party’s national headquarters¹⁴ in the Watergate apartment-hotel complex in D.C.</p>	<p>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.”¹⁵</p> <p>The report was a result of the Independent Counsel investigation [which began on Jan. 20, 1994]¹⁶ 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</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.¹⁸ 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 rival, Joe Biden, for the son’s role in a business deal in Ukraine.¹⁹</p> <p style="text-align: center;">—————</p> <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,²⁰ during which five</p>
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⁸ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

⁹ Stephen W. Stathis and David C. Huckabee, "Congressional Resolutions on Presidential Impeachment: A Historical Overview," everycrsreport.com, September 16, 1998

¹⁰ Congressional Research Service, "The Impeachment Process in the House of Representatives," fas.org, November 14, 2019 and Stephen W. Stathis and David C. Huckabee, "Congressional Resolutions on Presidential Impeachment: A Historical Overview," everycrsreport.com, September 16, 1998

¹¹ Ron Elving, "A Brief History of Nixon's 'Saturday Night Massacre'," npr.org, October 21, 2018

¹² Ron Elving, "A Brief History of Nixon's 'Saturday Night Massacre'," npr.org, October 21, 2018

¹³ Lydia Saad, "Gallup Vault: More Said 'Fire Nixon' After Nixon Fired Cox," gallup.com, January 26, 2018

¹⁴ History.com Editors, "This Day in History: July 27 1974: House Begins Impeachment of Nixon," history.com, accessed February 25, 2022

¹⁵ AllPolitics, "Explosive Starr Report Outlines Case for Impeachment," cnn.com, September 11, 1998

¹⁶ "Whitewater Timeline," academic.brooklyn.cuny.edu, accessed March 21, 2018

¹⁸ Zachary Basu, "July 26 Memo Claims White House Official Was "Visibly Shaken" by Ukraine Call," axios.com, October 9, 2019

¹⁹ Arden Farhi, "Read the Whistleblower's Memo About Trump's Ukraine Call, as Described to CBS News," cbsnews.com, October 9, 2019

²⁰ Nicholas Wu, Christal Hayes, and Ledyard King, "'Threat to Democracy': Democrats Prepare Monday to Begin Impeachment of Trump Over DC Riots," usatoday.com, January 13, 2021

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		other matters. ¹⁷	people died and about 140 police officers were injured. ²¹
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¹⁷ Author redacted, "Independent Counsels Appointed Under the Ethics in Government Act of 1978, Costs and Results of Investigations," everycrsreport.com, June 8, 2006

²¹ Tom Jackman, "Police Union Says 140 Officers Injured in Capitol Riot," washingtontimes.com, January 27, 2021

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2. Resolution Recommending the Start of Impeachment Hearings

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>1-7-1867: The resolution to start an impeachment inquiry that ended in a House vote²² was presented by Representative James M. Ashley of Ohio on Jan. 7, 1867, charging high crimes and misdemeanors.²³</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.”²⁴</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.²⁵</p>	<p style="text-align: center;">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.”²⁶</p> <p>9-17-2019: The first impeachment hearing by House Democrats was held on Sept. 17, 2019.²⁷</p> <p style="text-align: center;">9-24-2019: Formal Impeachment Inquiry – House</p>

²² The Avalon Project, "History of the Impeachment of Andrew Johnson: Chapter IV. First Attempt to Impeach the President," avalon.law.yale.edu, accessed February, 28, 2022

²³ Asher C. Hinds, "Hinds' Precedents, Volume 3 - Chapter 75 - The First Attempts to Impeach the President," govinfo.gov, accessed February 28, 2022

²⁴ Congress.gov, "H.Res.803 - 93rd Congress (1973-1974): 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," congress.gov, accessed March 1, 2022

²⁵ Congress.gov, "H.Res.581 - 105th Congress (1997-1998): 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," congress.gov, accessed March 1, 2022

²⁶ Andrew Desiderio and Kyle Cheney, "Nadler Asks House Committees Probing Trump to Share Docs for Its Impeachment Investigation," politico.com, August 22, 2019

²⁷ Mary Clare Jalonick and Laurie Kellman, "Lewandowski, House Democrats Spar at 1st Impeachment Hearing," apnews.com, September 18, 2019

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			<p>Speaker Nancy Pelosi announced a formal 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."²⁸</p> <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."²⁹</p>
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²⁸ Molly E. Reynolds and Margaret Taylor, "What's in the House Resolution on Impeachment?," lawfareblog.com, October 30, 2019

²⁹ Weiyi Cai, "A Step-by-Step Guide to the Second Impeachment of Donald J. Trump," nytimes.com, February 13, 2021

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3. Resolution to Begin Impeachment Inquiry Approved by the House

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>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 misdemeanors³⁰ that passed a [Republican-controlled] House vote of 109 to 36.³¹</p> <p>Although there was an inquiry, the Committee decided not to impeach on June 3, 1867.³² On</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.”³⁹</p>	<p>10-8-1998: “The Republican-controlled House voted [258-176; H.Res.581]⁴⁰ 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.”⁴¹</p> <p>Committee on the Judiciary authorized to investigate.⁴²</p> <p>H.Res.581 - Authorizing and directing the Committee on the</p>	<p>FIRST: 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.”⁴⁴</p> <p>SECOND: The second impeachment moved quickly, and the House did not</p>

³⁰ Asher C. Hinds, "Hinds' Precedents, Volume 3 - Chapter 75 - The First Attempts to Impeach the President," govinfo.gov, accessed February 28, 2022

³¹ Library of Congress, "Chronicling America: Historic American Newspapers - The Charleston Daily News, 11 Jan. 1867," chroniclingamerica.loc.gov, accessed March 1, 2022

³² United States House of Representatives, "Historical Highlights - Impeachment Efforts Against President Andrew Johnson, June 03, 1867," house.gov, accessed March 1, 2022

³⁹ Jason D'Andrea, "Opinion: Nixon's Impeachment Process Began 45 Years Ago Today. A Reminder: Presidents Don't Fall Quickly," latimes.com, February 6, 2019

⁴⁰ AllPolitics, "House Clears the Way for Impeachment Inquiry: Thirty-One Democrats Support the GOP Resolution," cnn.com, October 8, 1998

⁴¹ David Crary, "Impeachment a Rarely Used Path for Upending a President," apnews.com, September 24, 2019

⁴² Congress.gov, "H.Res.581 - 105th Congress (1997-1998): 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," congress.gov, accessed March 1, 2022

⁴⁴ Brandon Carter, "House Passes Resolution Formalizing Impeachment Inquiry," npr.org, October 31, 2019

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<p>Nov. 25, 1867, it was reconsidered by a Committee member.³³</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 Johnson but it was defeated in the House 57 to 108.³⁴</p> <p>2-24-1868: On 2-21-1868 a resolution is introduced by Representative John Covode of Pennsylvania³⁵ to the House to impeach Johnson of high crimes and misdemeanors.³⁶ The second successful impeachment resolution was passed out of committee³⁷ 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.”³⁸</p>		<p>Judiciary to investigate whether sufficient grounds exist for the impeachment of William Jefferson Clinton, President of the United States.⁴³</p>	<p>conduct a formal impeachment inquiry before voting.⁴⁵</p>
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³³ H. H. Walker Lewis, "The Impeachment of Andrew Johnson: A Political Tragedy," American Bar Association Journal, Volume 40, Number 1, January 1954

³⁴ Asher C. Hinds, "Hinds' Precedents, Volume 3 - Chapter 75 - The First Attempts to Impeach the President," govinfo.gov, accessed February 28, 2022

³⁵ United States House of Representatives, "Impeachment of Andrew Johnson," house.gov, accessed March 1, 2022

³⁶ US Capitol Visitor Center, "Resolution of Impeachment of President Andrew Johnson, February 21, 1868," visitthecapitol.gov, accessed March 1, 2022

³⁷ Gerhard D. Peters (Editor), John T. Woolley (Editor), and Michael Nelson (Editor), "The Presidency A to Z," CQ Press, June 15, 2012 (page 299)

³⁸ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

⁴³ Congress.gov, "H.Res.581 - 105th Congress (1997-1998): 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," congress.gov, accessed March 1, 2022

⁴⁵ Andrew Desiderio and Kyle Cheney, "5 Things to Watch at Trump's Second Impeachment Trial," politico.com, January 19, 2021

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4. Were the Impeachment Investigations Based on a Resolution to Start an Inquiry Conducted in Private or Public?

<p style="text-align: center;">A. Andrew Johnson (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">B. Richard Nixon (R) <i>(Democratic-controlled House)</i></p>	<p style="text-align: center;">C. Bill Clinton (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">D. Donald Trump (R) <i>(Democratic-controlled House)</i></p>
<p>“The impeachment of President Johnson was first proposed indirectly through general investigations”⁴⁶ 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 House, but not a member of the committee, was</p>	<p>“After the Watergate hearings ended, though, the Judiciary Committee also conducted several closed-door hearings as it proceeded with impeachment.”⁴⁹</p>	<p>“After its [Judiciary Committee] staff interviewed various witnesses in private, the Judiciary Committee's public hearings commenced on November 19.”⁵⁰</p>	<p style="text-align: center;">FIRST:</p> <p>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, 2019.⁵¹</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</p>

⁴⁶ Asher C. Hinds, "Hinds' Precedents, Volume 3 - Chapter 75 - The First Attempts to Impeach the President," govinfo.gov, accessed February 28, 2022

⁴⁹ Brian Naylor, "FACT CHECK: Is the Trump Impeachment Process Different From Nixon and Clinton?," kpbs.org, November 3, 2019

⁵⁰ Politics Archive, "Impeachment of President Clinton," politicsarchive.com, accessed March 1, 2022

⁵¹ Li Zhou and Ella Nilsen, "Nancy Pelosi Announces a Formal Impeachment Inquiry Into President Trump," vox.com, September 24, 2019

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<p>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.'⁴⁷ 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.⁴⁸</p>			<p>resolution and two Democrats voting against it."⁵²</p> <p>Prior to the 10/31 resolution, Republicans complained that the investigations had been too secretive.⁵³ In November 2019, the House began to hold public hearings and testimonies.⁵⁴</p> <p style="text-align: center;">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."⁵⁵</p>
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⁴⁷ Asher C. Hinds, "Hinds' Precedents, Volume 3 - Chapter 75 - The First Attempts to Impeach the President," govinfo.gov, accessed February 28, 2022

⁴⁸ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

⁵² Kevin Breuninger "House Passes Resolution That Lays Out Formal Rules of the Trump Impeachment Inquiry," cnbc.com, October 31, 2019

⁵³ Brian Naylor, "FACT CHECK: Is the Trump Impeachment Process Different From Nixon and Clinton?," kpbs.org, November 3, 2019

⁵⁴ Rebecca Shabad and Dartunorro Clark, "First Public Hearings in Trump Impeachment Inquiry to Begin Next Week," nbcnews.com, November 6, 2019

⁵⁵ Bart Jansen, "'Never Too Late': Trump's Second Impeachment Comes Quickly Compared to Months-Long Investigation Into Ukraine," yahoo.com, January 14, 2021

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5. Date Public Impeachment Hearings Started After Impeachment Resolution was Passed by the House

<p style="text-align: center;">A. Andrew Johnson (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">B. Richard Nixon (R) <i>(Democratic-controlled House)</i></p>	<p style="text-align: center;">C. Bill Clinton (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">D. Donald Trump (R) <i>(Democratic-controlled House)</i></p>
	<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.”⁵⁶</p>	<p>11-19-1998: Public hearings started Nov. 19, 1998, by House Judiciary Committee.⁵⁷</p> <p>Other hearing dates:⁵⁸</p> <p style="text-align: center;">12-1-1998 12-8-1998 12-9-1998 12-10-1998 12-11-1998 12-12-1998</p>	<p>FIRST:</p> <p>11-13-2019: The first public impeachment hearing was held, with testimony from William B. Taylor Jr., the top US diplomat in Ukraine, and George P. Kent, a senior State Department official.⁵⁹</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.”⁶⁰</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>

⁵⁶ Watergate.info, "Judiciary Committee Impeachment Hearings," watergate.info, accessed March 1, 2022

⁵⁷ Washington Post, "Clinton Accused: Impeachment Hearings Transcripts," washingtonpost.com, accessed March 1, 2022

⁵⁸ Washington Post, "Clinton Accused: Impeachment Hearings Transcripts," washingtonpost.com, accessed March 1, 2022

⁵⁹ Michael D. Shear, "Key Moments From the First Public Impeachment Hearing," nytimes.com, November 13, 2019

⁶⁰ US House of Representatives Permanent Select Committee on Intelligence, "The Trump-Ukraine Impeachment Inquiry Report," intelligence.house.gov, December 2019

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			SECOND: No hearings were held.
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6. Witnesses in the Impeachment Inquiry

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 style="text-align: center;">First inquiry⁶¹ - closed testimony⁶²</p> <p>“The following are the material portions of the testimony taken by the House Committee on the Judiciary under authority of 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 style="text-align: center;">Closed testimony⁶³</p> <p style="text-align: center;">7-2-1974</p> <p>1. Alexander P. Butterfield, former deputy assistant to president</p> <p style="text-align: center;">7-3-1974</p> <p>2. Paul L. O'Brien, former counsel to Nixon campaign</p> <p>3. Fred C. La Rue, former campaign special assistant to campaign directors</p> <p style="text-align: center;">7-9-1974</p> <p>4. William O. Bittman, former counsel to E. Howard Hunt</p> <p style="text-align: center;">7-10-1974</p> <p>5. John N. Mitchell, former</p>	<p style="text-align: center;">Public testimony</p> <p style="text-align: center;">11-19-1998⁶⁴</p> <p>1. Judge Kenneth W. Starr</p> <p style="text-align: center;">12-1-1998⁶⁵</p> <p>2. Pam Parsons, former Atlanta basketball coach convicted of perjury</p> <p>3. Barbara Battalino, California resident also convicted of perjury</p> <p style="text-align: center;">12-8-1998⁶⁶ - defense witnesses</p> <p>4. Nicholas Katzenbach, former US Attorney General</p>	<p style="text-align: center;">FIRST: Closed-door testimony⁶⁸</p> <p style="text-align: center;">10-3-2019</p> <p>1. Kurt Volker</p> <p style="text-align: center;">10-11-2019</p> <p>2. Marie Yovanovitch</p> <p style="text-align: center;">10-14-2019</p> <p>3. Fiona Hill</p> <p style="text-align: center;">10-15-2019</p> <p>4. George Kent</p> <p style="text-align: center;">10-16-2019</p> <p>5. Michael McKinley, former policy adviser to Secretary of State Mike Pompeo</p>

⁶¹ The Avalon Project, "History of the Impeachment of Andrew Johnson: Chapter IV. First Attempt to Impeach the President," avalon.law.yale.edu, accessed February, 28, 2022

⁶² United States House of Representatives, "Building the Case for Impeachment, December 1866 to June 1867," history.house.gov, accessed March 1, 2022

⁶³ Adam Clymer, "Washington Memo; An Impeachment to Go By: Andrew Johnson's in 1868," nytimes.com, December 7, 1998 and Watergate.info, "Testimony of Witnesses - Hearings Before The Committee on the Judiciary House of Representatives Ninety-Third Congress, Second Session, Books I through III," watergate.info, accessed March 1, 2022

⁶⁴ Federal News Service, "The Impeachment Hearings - Independent Counsel Kenneth Starr's Opening Statement," washingtonpost.com, November 19, 1998

⁶⁵ Federal News Service, "The Impeachment Hearings - Dec. 1 Morning Session: Two Perjurers," washingtonpost.com, December 1, 1998

⁶⁶ Federal News Service, "Dec. 8: Second Panel of White House Witnesses," washingtonpost.com, December 8, 1998 and AllPolitics, "Judiciary Committee Republicans Grill Clinton's Witnesses," cnn.com, December 8, 1998

⁶⁸ Reuters Staff, "Witnesses in the Trump Impeachment Inquiry," reuters.com, November 14, 2019

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<p>attorney general, former Nixon campaign director</p> <p style="text-align: center;">7-11-1974</p> <p>6. John W. Dean III, former counsel to president</p> <p style="text-align: center;">7-12-1974</p> <p>7. Henry E. Petersen, Assistant Attorney General DOJ</p> <p style="text-align: center;">7-[15-16]-1974</p> <p>8. Charles W. Colson, former special counsel to President</p> <p style="text-align: center;">7-[16-17]-1974</p> <p>9. Herbert W. Kalmbach, former Nixon personal attorney</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 style="text-align: center;">12-9-1998⁶⁷</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>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 style="text-align: center;">10-17-2019</p> <p>6. Gordon Sondland</p> <p style="text-align: center;">10-22-2019</p> <p>7. William Taylor</p> <p style="text-align: center;">10-23-2019</p> <p>8. Laura Cooper</p> <p style="text-align: center;">10-26-2019</p> <p>9. Philip Reeker, acting assistant secretary of state for European and Eurasian affairs</p> <p style="text-align: center;">10-29-2019</p> <p>10. Alexander Vindman</p> <p style="text-align: center;">10-30-2019</p> <p>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 style="text-align: center;">10-31-2019</p> <p>13. Timothy Morrison</p> <p style="text-align: center;">11-6-2019</p> <p>14. David Hale</p> <p style="text-align: center;">11-7-2019</p> <p>15. Jennifer Williams</p> <p style="text-align: center;">11-15-2019⁶⁹</p> <p>16. David Holmes, the top political affairs officer at the US embassy in Kiev</p>
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⁶⁷ Federal News Service, "Dec. 9: Fourth Panel of White House Witnesses," washingtonpost.com, December 9, 1998

⁶⁹ Nicholas Fandos, "Embassy Official Confirms Trump Asked About Ukraine Investigation," nytimes.com, November 21, 2019

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			<p style="text-align: center;">11-16-2019⁷⁰</p> <p>17. Mark Sandy, director of national security programs at the Office of Management and Budget.</p> <p style="text-align: center;">Public Testimony:</p> <p style="text-align: center;">11-13-2019⁷¹</p> <p>1. George Kent, the deputy assistant secretary of state for European and Eurasian affairs</p> <p>2. William Taylor, the top US diplomat in Ukraine.</p> <p style="text-align: center;">11-15-2019⁷²</p> <p>3. Marie Yovanovitch, former US ambassador to Ukraine</p> <p style="text-align: center;">11-19-2019⁷³</p> <p>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 US special envoy to Ukraine</p> <p>7. Tim Morrison, a White House aide with the National Security</p>
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⁷⁰ Manu Raju, Lauren Fox, Phil Mattingly, and Veronica Stracqualursi, "White House Budget Official Lays Out Unusual Process in Freeze of Ukraine Aid for Impeachment Investigators," cnn.com, November 16, 2019

⁷¹ Brian Naylor, "Public Impeachment Inquiry Hearings to Begin Next Week," npr.org, November 6, 2019 and Center for American Progress, "Congressional Impeachment Hearings, November 13, 2019," americanprogress.org, November 13, 2019

⁷² C-SPAN, "Impeachment Inquiry, House Hearings - Former Ukraine Ambassador Marie Yovanovitch," c-span.org, November 15, 2019

⁷³ C-SPAN, "Impeachment Inquiry, House Hearings - Lieutenant Colonel Vindman and Jennifer Williams," c-span.org, November 19, 2019 and C-SPAN, "Impeachment Inquiry, House Hearings - Ambassador Kurt Volker and National Security Aide Tim Morrison," c-span.org, November 19, 2019

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			<p>Council focusing on Europe and Russia policy</p> <p style="text-align: center;">11-20-2019⁷⁴</p> <p>8. Ambassador Gordon Sondland, US 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 style="text-align: center;">11-21-2019⁷⁵</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 Ukraine⁷⁶</p> <p style="text-align: center;">12-4-2019⁷⁷</p> <p style="text-align: center;">Called by Democrats</p> <p>13. Noah Feldman, a Harvard Law professor</p> <p>14. Pamela Karlan, a law professor at Stanford</p>
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⁷⁴ C-SPAN, "Impeachment Inquiry, House Hearings - Impeachment Inquiry Hearing with E.U. Ambassador Gordon Sondland," c-span.org, November 20, 2019 and C-SPAN, "Impeachment Inquiry, House Hearings - Impeachment Inquiry Hearing with Laura Cooper and David Hale," c-span.org, November 20, 2019

⁷⁵ C-SPAN, "Impeachment Hearing Witness: Idea Ukraine Interfered in Elections Instead of Russia Is 'Fictional Narrative'," mcclatchydc.com, November 21, 2019 and C-SPAN, "Impeachment Inquiry, House Hearings - Fiona Hill and David Holmes," c-span.org, November 21, 2019

⁷⁶ Christina Wilkie, "Democrats Add a Last-Minute Witness to Trump Impeachment Hearings," cnbc.com, November 18, 2019

⁷⁷ Roll Call Staff, "Impeachment News Roundup: Dec. 4," rollcall.com, December 4, 2019

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			<p>15. Michael Gerhardt, a law professor at the University of North Carolina</p> <p>Called by Republicans</p> <p>16. Jonathan Turley, George Washington University</p> <p>12-9-2019⁷⁸</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> <p>—————</p> <p>SECOND:</p> <p>No witnesses called.</p>
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⁷⁸ Russell Berman, "Impeachment Gets Weird," theatlantic.com, December 9, 2019

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7. Articles of Impeachment Drafted and Voted on in Committee

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>2-24-1868: “Immediately, [Feb. 24, 1868] the House proceeded to establish an impeachment committee, appoint managers, and draft articles of impeachment.”⁷⁹</p> <p>“The Johnson Impeachment Committee produced the charges that eventually became the eleven articles of impeachment against President Johnson.”⁸⁰</p>	<p>7-1974: “In July 1974, [July 27, 29, 30]⁸² the Judiciary Committee approved three articles of impeachment against Nixon.”⁸³</p> <p>House Judiciary Committee votes:⁸⁴</p> <p style="text-align: center;">Article 1 <i>Obstruction of justice, abuse of power and contempt of Congress</i> 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.⁸⁵</p> <p>On Dec. 11, the Committee voted and approved three of the articles.⁸⁶ It approved the fourth on Dec. 12.⁸⁷</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 style="text-align: center;">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.”⁸⁸</p> <p>The House Judiciary Committee submitted a 658-page report⁸⁹ dated 12-13-2019 7:48 p.m. and</p>

⁷⁹ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

⁸⁰ Throughline from NPR, "High Crimes And Misdemeanors," npr.org, October 3, 2019

⁸² History.com Editors, "This Day in History: July 27 1974: House Begins Impeachment of Nixon," history.com, accessed March 2, 2022

⁸³ David Crary, "Impeachment a Rarely Used Path for Upending a President," apnews.com, September 24, 2019

⁸⁴ Lewis Deschler, "H.Doc.94-661 - Chapter 14, § 15. Impeachment Proceedings Against President Nixon," in "Deschler's Precedents of the U.S. House of Representatives, Volume 3," govinfo.gov, January 1, 1994

⁸⁵ AllPolitics, "Text of Draft Articles of Impeachment," cnn.com, December 9, 1998

⁸⁶ AllPolitics, "Judiciary Approves Three Articles of Impeachment," cnn.com, December 11, 1998

⁸⁷ Washington Post, "Clinton Accused: Articles of Impeachment and Judiciary Committee Roll Call Votes," washingtonpost.com, December 19, 1998

⁸⁸ Yelena Dzhanova and Christina Wilkie, "Judiciary Committee Votes to Advance Articles of Impeachment Against Trump to the Full House," cnbc.com, December 13 2019

⁸⁹ Jerrold Nadler, et al, "Impeachment of Donald John Trump, President of the United States: Report of the Committee on the Judiciary, House of Representatives to Accompany H. Res. 755," rules.house.gov, December 13, 2019

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<p>“Article 1 stated that Johnson ordered Stanton removed with the intent to violate the act.</p> <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.</p> <p>The final article [Article 11] was championed by Thaddeus</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>released on 12-16-2019⁹⁰ titled “Impeachment of Donald J. Trump President of the United States.”</p> <p>House Judiciary Committee votes:⁹¹</p> <p style="text-align: center;">Article 1 <i>Abuse of Power</i> (page 4 of the PDF) Passed 23 to 17</p> <p style="text-align: center;">Article 2 <i>Obstruction of Congress</i> (page 5 of the PDF) Passed 23 to 17</p> <p style="text-align: center;">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.⁹²</p>
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⁹⁰ Jeremy Herb, "House Judiciary Committee Releases Report Explaining Impeachment Charges," cnn.com, December 16, 2019

⁹¹ Jerrold Nadler, et al, "Impeachment of Donald John Trump, President of the United States: Report of the Committee on the Judiciary, House of Representatives to Accompany H. Res. 755," rules.house.gov, December 13, 2019

⁹² C-SPAN, "House Rules Committee Debate on Impeachment Resolution Against President Trump," c-span.org, January 12, 2021

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<p>Stevens, accusing Johnson of 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.'"⁸¹</p>			
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⁸¹ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

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8. House Vote on Articles of Impeachment

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>3-2-1868: “Mar 2, [and 3rd] 1868: House approved [11] articles of impeachment. House managers appointed. ... Senate adopted updated rules of impeachment.”⁹³</p> <p>3-2-1868: House votes for approval on the Articles⁹⁴</p> <p style="padding-left: 40px;">Article 1 127-42 (20 not voting)</p> <p style="padding-left: 40px;">Article 2 124-41 (24 not voting)</p> <p style="padding-left: 40px;">Article 3 124-40 (25 not voting)</p> <p style="padding-left: 40px;">Article 4 117-40 (32 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. He resigned from office on Aug. 9, 1974.”⁹⁶</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.”⁹⁷</p> <p>The House vote was 228-206. “Only five Democrats voted for that article, and five Republicans against.”⁹⁸</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.”⁹⁹</p>	<p style="text-align: center;">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 755¹⁰³</p> <p style="padding-left: 40px;">230 – Yea Democratic - 229 Independent - 1</p> <p style="padding-left: 40px;">197 – Nay Republican - 195 Democratic - 2</p> <p style="padding-left: 40px;">1 Present – 1 Democratic</p>

⁹³ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

⁹⁴ United States House of Representatives, "Journal of the House of Representatives, 1867-1868: Monday, March 2, 1868," memory.loc.gov, accessed March 2, 2022

⁹⁶ David Crary, "Impeachment a Rarely Used Path for Upending a President," apnews.com, September 24, 2019

⁹⁷ Washington Post, "Clinton Accused: Articles of Impeachment and Judiciary Committee Roll Call Votes," washingtonpost.com, December 19, 1998

⁹⁸ AllPolitics, "House Impeaches Clinton," cnn.com, December 19, 2019

⁹⁹ Washington Post, "Clinton Accused: Articles of Impeachment and Judiciary Committee Roll Call Votes," washingtonpost.com, December 19, 1998

¹⁰³ United States House of Representatives, "Final Vote Results for Roll Call 695: H RES 755, On On Agreeing to Article I of the Resolution - Impeaching Donald John Trump, President of the United States, for High Crimes and Misdemeanors," clerk.house.gov, December 18, 2019

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<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 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 style="text-align: center;">3-3-1868: House votes for approval on the Articles⁹⁵ (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 style="text-align: center;">"Article II failed 229-205, with many more Republican defections."¹⁰⁰</p> <p style="text-align: center;">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."¹⁰¹ House passed 221-212.</p> <p style="text-align: center;">Article 4 – "The president misused and abused his office by making perjurious, false and misleading statements to Congress."¹⁰² House vote failed 285-148.</p>	<p style="text-align: center;">3 – No-Vote Democratic - 1 Republican - 2</p> <p style="text-align: center;">Article 2 Vote on – 696 – H RES 755¹⁰⁴</p> <p style="text-align: center;">229 – Yea Democratic - 228 Independent - 1</p> <p style="text-align: center;">198 – Nay 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> <p style="text-align: center;">SECOND: 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."¹⁰⁵</p> <p style="text-align: center;">1-13-2021: The House voted on and passed one article of</p>
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⁹⁵ United States House of Representatives, "Journal of the House of Representatives, 1867-1868: Tuesday, March 3, 1868," memory.loc.gov, accessed March 2, 2022

¹⁰⁰ AllPolitics, "House Impeaches Clinton," cnn.com, December 19, 2019

¹⁰¹ Washington Post, "Clinton Accused: Articles of Impeachment and Judiciary Committee Roll Call Votes," washingtonpost.com, December 19, 1998

¹⁰² Washington Post, "Clinton Accused: Articles of Impeachment and Judiciary Committee Roll Call Votes," washingtonpost.com, December 19, 1998

¹⁰⁴ United States House of Representatives, "Final Vote Results for Roll Call 696: H RES 755, On On Agreeing to Article II of the Resolution - Impeaching Donald John Trump, President of the United States, for High Crimes and Misdemeanors," clerk.house.gov, December 18, 2019

¹⁰⁵ Weiyi Cai, "A Step-by-Step Guide to the Second Impeachment of Donald J. Trump," nytimes.com, February 13, 2021

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			<p>impeachment, impeaching Trump for the second time.</p> <p>Article 1</p> <p><i>Incitement of Insurrection</i></p> <p>Vote on H RES 24¹⁰⁶</p> <p>232 - Yea Democratic - 222 Republican - 10</p> <p>197 - Nay Democratic- 0 Republicans - 197</p> <p>4 - Not Voting Democratic - 0 Republican - 4</p>
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¹⁰⁶ United States House of Representatives, "Roll Call 17 - Bill Number: H. Res. 24, On Agreeing to the Resolution - Impeaching Donald John Trump, President of the United States, for High Crimes and Misdemeanors," clerk.house.gov, January 13, 2021

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9. House Impeachment Managers

<p style="text-align: center;">A. Andrew Johnson (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">B. Richard Nixon (R) <i>(Democratic-controlled House)</i></p>	<p style="text-align: center;">C. Bill Clinton (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">D. Donald Trump (R) <i>(Democratic-controlled House)</i></p>
<p style="text-align: center;">House Managers¹⁰⁷</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)¹⁰⁸ 6. Thaddeus Stevens (R-PA) 7. John A. Logan (R-IL) <p>3-2-1868: House managers appointed.¹⁰⁹</p>	<p style="text-align: center;">N/A</p>	<p style="text-align: center;">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</p>	<p style="text-align: center;">FIRST: 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</p>

¹⁰⁷ United States House of Representatives, "Meet the People," history.house.gov, accessed March 1, 2022

¹⁰⁸ Robert C. Kennedy, "The Impeachment of Andrew Johnson > Who Was Who > Thomas Williams," andrewjohnson.com, accessed March 2, 2022

¹⁰⁹ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

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		<p>authorizing managers for the impeachment trial of William Jefferson Clinton, President of the United States."¹¹⁰</p> <p style="text-align: center;">The Vote¹¹¹ 228 – Yea Republican - 223 Democratic - 5</p> <p style="text-align: center;">190 – Nay 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.”¹¹²</p>	<p>determine who the managers would be until we see the arena in which we will be participating.”¹¹⁵</p> <p style="text-align: center;">12-19-2019: House voted to adjourn for the holidays.¹¹⁶</p> <p style="text-align: center;">1-7-2020: House back from the holidays.¹¹⁷</p> <p style="text-align: center;">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”¹¹⁸ and to authorize sending the two Articles of Impeachment against President Donald Trump to the Senate.</p> <p style="text-align: center;">The Vote¹¹⁹ 228 –Yea</p>
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¹¹⁰ Congress.gov, "H.Res.614 - 105th Congress (1997-1998): Appointing and Authorizing Managers for the Impeachment Trial of William Jefferson Clinton, President of the United States," congress.gov, accessed March 2, 2022

¹¹¹ United States House of Representatives, "Final Vote Results for Roll Call 547: H RES 614, On On Agreeing to the Resolution - Appointment of Managers," clerk.house.gov, December 19, 1998

¹¹² Nicholas Wu, "Who Are the 7 Impeachment Managers Selected for the Senate Trial of President Donald Trump?," usatoday.com, January 15, 2020

¹¹⁵ Nancy Pelosi, "Transcript of Speaker Pelosi, Committee Chairs Press Availability Following Passage of Articles of Impeachment," speaker.gov, December 18, 2019

¹¹⁶ Robert Costa, Philip Rucker, and Rachael Bade, "Pelosi's Delay Sparks Standoff With Senate GOP Over Trump Impeachment Trial," washingtonpost.com, December 19, 2019

¹¹⁷ Rational 360 "2020 Combined Congressional Calendar," rational360.com, accessed March 3, 2022

¹¹⁸ United States House of Representatives, "Legislative Activity - Floor Summary: January 15, 2020," clerk.house.gov, January 15, 2020 and Meg Wagner, Mike Hayes, and Fernando Alfonso III, "The Latest on President Trump's Impeachment," cnn.com, January 16, 2020

¹¹⁹ United States House of Representatives, "Final Vote Results for Roll Call 18: H RES 978, On On Agreeing to the Resolution - Appointing and Authorizing Managers for the Impeachment Trial of Donald John Trump, President of the United States," clerk.house.gov, January 15, 2020

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		<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 1-6-1999.¹¹³</p> <p style="text-align: center;">The Vote¹¹⁴ 223 – Yea Republican - 218 Democratic – 5</p> <p style="text-align: center;">198 – Nay Democratic - 197 Independent - 1</p> <p style="text-align: center;">7 – Not Voting Republican - 3 Democratic – 4</p>	<p>Democratic - 227 Independent - 1</p> <p style="text-align: center;">193 – Nay 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 United States, that a message be sent to the Senate to inform the Senate of these appointments.”¹²⁰</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.”¹²¹</p> <p style="text-align: center;">SECOND:</p>
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¹¹³ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

¹¹⁴ United States House of Representatives, "Final Vote Results for Roll Call 6: H RES 10, On On Agreeing to the Resolution - Appointment of Managers to Conduct an Impeachment Trial," clerk.house.gov, January 6, 1999

¹²⁰ Meg Wagner, Mike Hayes, and Fernando Alfonso III, "The Latest on President Trump's Impeachment," cnn.com, January 16, 2020

¹²¹ United States House of Representatives, "U.S. House of Representatives Files Replication to President's Answer to the Articles of Impeachment," intelligence.house.gov, January 20, 2020

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			<p>House Managers¹²²</p> <ol style="list-style-type: none">1. Jamie Raskin (D-MD-8), Lead House impeachment manager2. 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 "Appointing and authorizing managers for the impeachment trial of Donald John Trump, President of the United States" (no vote count found).¹²³</p>
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¹²² Peter W. Stevenson, "Who Are the Impeachment Managers Prosecuting Trump's Second Senate Trial?," washingtonpost.com, February 11, 2021

¹²³ Congress.gov, "H.Res.40 - 117th Congress (2021-2022): Appointing and Authorizing Managers for the Impeachment Trial of Donald John Trump, President of the United States," congress.gov, accessed March 2, 2022

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10. Defense Team

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 style="text-align: center;">Defense Team¹²⁴</p> <ol style="list-style-type: none"> 1. Henry Stanbery lead, Attorney General¹²⁵ 2. William M. Evarts New York attorney, former attorney general¹²⁶ 3. Benjamin Robbin Curtis of Boston, former Supreme Court Justice 4. Thomas A.R. Nelson Judge from Tennessee 5. William S. Groesbeck Ohio attorney 	N/A	<p style="text-align: center;">Defense Team¹²⁷</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 Team¹²⁸</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

¹²⁴ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

¹²⁵ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

¹²⁶ HarpWeek, "The Impeachment of Andrew Johnson > Who Was Who," andrewjohnson.com, accessed March 2, 2022

¹²⁷ Erin Fuchs, "Where Are They Now: The Stars Of The Clinton Impeachment Scandal," businessinsider.com, May 2, 2014 and AllPolitics, "Clinton Lawyers Attack Impeachment Charges," cnn.com, January 20, 1999 and Washington Post, "Clinton Accused: Defense Who's Who," washingtonpost.com, January 19, 1999 and BBC News, "Clinton Under Fire: President Clinton's Best Defence," bbc.co.uk, February 10, 1999

¹²⁸ Franco Ordoñez and Tamara Keith, "Starr, Dershowitz, Ray: Trump Leans On High-Wattage Lawyers For Impeachment," npr.org, January 14, 2020

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			<p>7. Pam Bondi former Florida Attorney General</p> <p>8. Patrick Philbin deputy to Cipollone</p> <p>9. Mike Purpura deputy to Cipollone</p> <hr/> <p style="text-align: center;">SECOND:</p> <p style="text-align: center;">Defense Team¹²⁹</p> <p>1. David Schoen civil rights and criminal defense lawyer who represented Roger Stone before Stone was pardoned by Trump</p> <p>2. Bruce Castor Jr. former Pennsylvania district attorney</p> <p>3. Michael van der Veen Philadelphia criminal and personal injury</p> <p>4. William J. Brennan Philadelphia criminal defense attorney</p> <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</p>
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¹²⁹ Monica Alba, Hallie Jackson, and Tim Stelloh, "Trump Lawyers Exit After He Pushed Them to Cite Baseless Voter Fraud Claims," nbcnews.com, January 31, 2021

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			<p>with an earlier set of attorneys with just over a week to go before his Senate trial...</p> <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."¹³⁰</p>
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¹³⁰ Associated Press, "Trump Names 2 Lawyers to Impeachment Trial Defense Team," pbs.org, February 1, 2021

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11. House Informs Senate and Presents Its Articles of Impeachment

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>2-25-1868: "House informed Senate of impeachment vote."¹³¹</p> <p>2-28-1868: "Rules of procedure in impeachment trials reported in the Senate."¹³²</p> <p>3-4-1868: "House presented articles of impeachment to the Senate."¹³³</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."¹³⁴</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]."¹³⁵</p> <p>1-7-1999: House Managers exhibited the Articles of Impeachment to the Senate and the Chief Justice of the United States.¹³⁶</p>	<p style="text-align: center;">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 Johnson¹³⁷ as she carried the Articles to the Senate where she presented the Articles to the Secretary of the Senate Julie Adams.¹³⁸ Schiff introduced the House Managers and read the Articles of Impeachment.¹³⁹</p> <hr/> <p style="text-align: center;">SECOND:</p> <p>1-25-2021: House managers</p>

¹³¹ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

¹³² United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

¹³³ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

¹³⁴ United States Congress, "The Constitution Of The United States Of America: Analysis & Interpretation," Government Printing Office, February 27, 2014

¹³⁵ AllPolitics, "House Impeaches Clinton," cnn.com, December 19, 1998

¹³⁶ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

¹³⁷ Jane C. Timm and Rebecca Shabad, "House Sends Impeachment Articles to Senate, Pelosi Names Trial Managers," nbcnews.com, January 15, 2020

¹³⁸ Nancy Pelosi, "Pelosi Remarks at Engrossment Ceremony Photo Opportunity for Articles of Impeachment and Procession of Impeachment Managers," speaker.gov, January 15, 2020 and Louis Jacobson, "The Senate Impeachment Trial Is Here. So What's Next?," politifact.com, January 15, 2020

¹³⁹ United States Senate Press Gallery, "Senate Floor Archives: Wednesday, January 15, 2020," dailypress.senate.gov, January 15, 2020

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			formally triggered the start of Trump's second impeachment trial by delivering the charges to the Senate. ¹⁴⁰
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¹⁴⁰ Patricia Zengerle and Susan Cornwell, "House Democrats Deliver Trump Impeachment Charge to Senate," reuters.com, January 25, 2021

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12. Trial Begins as Oaths are Taken by Justice and Senators

(Date of beginning of trial in red)

<p style="text-align: center;">A. Andrew Johnson (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">B. Richard Nixon (R) <i>(Democratic-controlled House)</i></p>	<p style="text-align: center;">C. Bill Clinton (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">D. Donald Trump (R) <i>(Democratic-controlled House)</i></p>
<p>3-5-1868: "With Chief Justice Salmon P. Chase presiding, Senate trial began at 1:00 p.m."¹⁴¹ He was sworn in¹⁴² by Judge Nelson.¹⁴³</p> <p>The Chief Justice gave the oath to the Senators (absent were Doolittle (VT), Patterson (NH), Saulsbury (DE), Edmunds (VT).)¹⁴⁴ Edmunds, Patterson and Vickers sworn in 3-13-1868.¹⁴⁵</p>	<p style="text-align: center;">N/A</p>	<p>1-7-1999: "A Senate trial against Clinton commenced on Jan. 7, 1999, and unfolded over four weeks, with Chief Justice William Rehnquist presiding."¹⁴⁶ It began a little after 1 p.m. ET.</p> <p>The Chief Justice was sworn in by the President Pro Tempore and then was responsible for swearing</p>	<p style="text-align: center;">FIRST:</p> <p>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.¹⁴⁹ Sen. Jim Inhofe (R-OK) was not sworn in as he was not in D.C. at the time.¹⁵⁰</p> <p>McConnell secured approval for</p>

¹⁴¹ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

¹⁴² Brenda Wineapple, "How to Conduct a Trial in the Senate," theatlantic.com, December 15, 2019

¹⁴³ United States Senate, "The Impeachment and Trial of Andrew Johnson, President of the United States: The Complete Record of the Impeachment in the House of Representatives, the Preliminary Proceedings in the Senate, the Articles of Impeachment, and the Full Proceedings in the Court of Impeachment of the Senate of the United States," Dover Publications Inc., 1974

¹⁴⁴ United States Senate, "The Impeachment and Trial of Andrew Johnson, President of the United States: The Complete Record of the Impeachment in the House of Representatives, the Preliminary Proceedings in the Senate, the Articles of Impeachment, and the Full Proceedings in the Court of Impeachment of the Senate of the United States," Dover Publications Inc., 1974

¹⁴⁵ United States Senate, "Trial of Andrew Johnson, President of the United States, Before the Senate of the United States on Impeachment by the House of Representatives for High Crimes and Misdemeanors, Volume I," Government Printing Office, 1868

¹⁴⁶ abc13, "Bill Clinton Impeachment: Looking Back at 1998 After Donald Trump's 2nd Acquittal," abc13.com, February 14, 2021

¹⁴⁹ Graham MacGillivray, "Watch: Chief Justice Roberts Swears in Senators, Starts Impeachment Trial," rollcall.com, January 16, 2020 and Grace Segers "What's Ahead in the Impeachment Trial of President Trump," cbsnews.com, January 17, 2020

¹⁵⁰ News On 6, "Inhofe Absent From Impeachment Trial Swearing-in to Be With Family Member," news9.com, January 16, 2020

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		<p>in the 100 senators as jurors, who then signed the oath book.¹⁴⁷</p> <p>House Managers exhibited the Articles of Impeachment.¹⁴⁸</p>	<p>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.¹⁵¹</p> <hr/> <p style="text-align: center;">SECOND:</p> <p>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.'"¹⁵²</p> <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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¹⁴⁷ Carin Dessauer, "History in the Making: Clinton on Trial," cnn.com, January 7, 1999 and AllPolitics, "Senate Grapples With Impeachment Trial Rules," cnn.com, January 7, 1999

¹⁴⁸ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial of President William Jefferson Clinton, Volume I: Preliminary Proceedings," govinfo.gov, February 12, 1999

¹⁵¹ United States Senate Press Gallery, "Senate Floor Archives: Thursday, January 16, 2020," dailypress.senate.gov, January 16, 2020 and Congressional Record, "Proceedings and Debates of the 116th Congress, Second Session, Vol. 166, No. 10," congress.gov, January 16, 2020

¹⁵² Weiyi Cai, "A Step-by-Step Guide to the Second Impeachment of Donald Trump," nytimes.com, February 13, 2021

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13. Senate Writ of Summons, Responses & Trial Briefs

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>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.”¹⁵³</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.¹⁵⁴</p> <p>3-23-1868: President Andrew Johnson’s “Answer” to Article III of the Articles of Impeachment and</p>	N/A	<p>1-8-1999: Precept issued.¹⁵⁷</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.¹⁵⁸</p> <p>Sergeant at Arms of the United States James W. Ziglar was tasked with delivering the summons [page 776] witnessed by Strom Thurmond.¹⁵⁹ The</p>	<p>FIRST:</p> <p>1-16-2020: Precept received by the Secretary of the Senate.¹⁶⁹</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</p>

¹⁵³ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

¹⁵⁴ United States Senate, "The Impeachment and Trial of Andrew Johnson, President of the United States: The Complete Record of the Impeachment in the House of Representatives, the Preliminary Proceedings in the Senate, the Articles of Impeachment, and the Full Proceedings in the Court of Impeachment of the Senate of the United States," Dover Publications Inc., 1974

¹⁵⁷ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

¹⁵⁸ United States Senate, "106th Congress 1st Session, S. RES. 16 To Provide for Issuance of a Summons and for Related Procedures Concerning the Articles of Impeachment Against William Jefferson Clinton, President of the United States," govinfo.gov, January 8, 1999

¹⁵⁹ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

¹⁶⁹ C-SPAN, "Senate Impeachment Trial, Day 2, Debate on Trial Rules," c-span.org, January 21, 2020

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<p>other articles were read by Curtis.¹⁵⁵</p> <p>3-24-1868: The House Managers presented their Replication to the president's Answer.¹⁵⁶</p>		<p>receipt of summons is dated 1-8-1999¹⁶⁰ 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."¹⁶¹</p> <p>1-11-1999: The Secretary of the Senate received the trial brief [page 71] filed by the House titled "Trial Memorandum of the United States House of Representatives."¹⁶² The summary read in part: "The evidence contained in the record, when viewed as a unified whole, overwhelmingly supports both</p>	<p>White House and received by Derek S. Lyons at 5:25 p.m.¹⁷⁰</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.^{171 172}</p> <p>1-18-2020: President Trump's lawyers Jay Sekulow and Pat Cipollone send 6-page "Answer" to the House Managers' impeachment charges. It starts with: "The articles of Impeachment submitted by House Democrats are a dangerous attack on the right of the</p>
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¹⁵⁵ United States Senate, "The Impeachment and Trial of Andrew Johnson, President of the United States: The Complete Record of the Impeachment in the House of Representatives, the Preliminary Proceedings in the Senate, the Articles of Impeachment, and the Full Proceedings in the Court of Impeachment of the Senate of the United States," Dover Publications Inc., 1974

¹⁵⁶ United States Senate, "The Impeachment and Trial of Andrew Johnson, President of the United States: The Complete Record of the Impeachment in the House of Representatives, the Preliminary Proceedings in the Senate, the Articles of Impeachment, and the Full Proceedings in the Court of Impeachment of the Senate of the United States," Dover Publications Inc., 1974

¹⁶⁰ Congressional Record, "Proceedings and Debates of the 106th Congress, First Session, Vol. 145, No. 5," congress.gov, January 14, 1999

¹⁶¹ AllPolitics, "Clinton Answers Senate Summons," cnn.com, January 11, 1999

¹⁶² United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume I: Preliminary Proceedings," govinfo.gov, February 12, 1999

¹⁷⁰ Michael D. Shear and Nicholas Fandos, "Senate Opens Trump Impeachment Trial as New Ukraine Revelations Emerge," nytimes, January 16, 2020

¹⁷¹ US House of Representatives Permanent Select Committee on Intelligence, "U.S. House of Representatives Files Brief in Impeachment Trial of President Donald J. Trump," intelligence.house.gov, January 18, 2020

¹⁷² United States House of Representatives, "Trial Memorandum of the United States House of Representatives in the Impeachment Trial of President Donald J. Trump," intelligence.house.gov, accessed March 3, 2022

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		<p>charges.”¹⁶³</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.”¹⁶⁴ 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.¹⁶⁵ 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 Constitute High Crimes or Misdemeanors” and “The President Did Not Commit Perjury</p>	<p>American people to freely choose their President.”¹⁷³ Received by the Secretary of the Senate 1-18-2020.¹⁷⁴</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 1-20-2020.¹⁷⁵</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.¹⁷⁶</p> <p>1-20-2020: House Managers at noon filed a 9-page replication, a rebuttal to Trump’s “Answers” of 1-18-2020, with the Secretary of</p>
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¹⁶³ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume I: Preliminary Proceedings," govinfo.gov, February 12, 1999

¹⁶⁴ Congressional Record, "Proceedings and Debates of the 106th Congress, First Session, Vol. 145, No. 5," congress.gov, January 14, 1999

¹⁶⁵ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

¹⁷³ NPR Staff, "Read the White House Response to the Senate Impeachment Trial Summons," npr.org, January 18, 2020

¹⁷⁴ C-SPAN, "Senate Impeachment Trial, Day 2, Debate on Trial Rules," c-span.org, January 21, 2020

¹⁷⁵ C-SPAN, "Senate Impeachment Trial, Day 2, Debate on Trial Rules," c-span.org, January 21, 2020

¹⁷⁶ Counsel to President Donald J. Trump, "Trial Memorandum of Donald J. Trump," justsecurity.org, January 20, 2020

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		<p>or Obstruct Justice.”¹⁶⁶ 1-14-1999: Rebuttal brief [page 740] filed by the House received by the Secretary of the Senate.¹⁶⁷ The Introduction began: “The President’s Trial Memorandum contains numerous factual inaccuracies and misstatements of the governing law and the Senate’s precedents.”¹⁶⁸</p>	<p>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.”¹⁷⁷</p> <p>1-21-2020: Secretary of the Senate received the House rebuttal brief.¹⁷⁸</p> <p style="text-align: center;">—————</p> <p style="text-align: center;">SECOND:</p> <p>1-26-2021: The Senate issued a summons to the Trump, requesting a response to the article of impeachment by February 2.¹⁷⁹</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</p>
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¹⁶⁶ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume I: Preliminary Proceedings," govinfo.gov, February 12, 1999

¹⁶⁷ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

¹⁶⁸ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume I: Preliminary Proceedings," govinfo.gov, February 12, 1999

¹⁷⁷ US House of Representatives Permanent Select Committee on Intelligence, "U.S. House of Representatives Files Replication to President's Answer to the Articles of Impeachment," intelligence.house.gov, January 20, 2020

¹⁷⁸ C-SPAN, "Senate Impeachment Trial, Day 2, Debate on Trial Rules," c-span.org, January 21, 2020

¹⁷⁹ Weiyi Cai, "A Step-by-Step Guide to the Second Impeachment of Donald Trump," nytimes.com, February 13, 2021

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			<p>framers in urging that Mr. Trump be convicted and disqualified from ever holding office again.”¹⁸⁰</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.’”¹⁸¹</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.”¹⁸²</p>
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¹⁸⁰ Weiyi Cai, "A Step-by-Step Guide to the Second Impeachment of Donald Trump," nytimes.com, February 13, 2021

¹⁸¹ Karen Heller, "Bruce Castor Is a Magnet for Controversy. Naturally, He's Trump's Impeachment Attorney," washingtonpost.com, February 8, 2021

¹⁸² United States House of Representatives, "Replication of the United States House of Representatives to the Answer of President Donald J. Trump to the Article of Impeachment," medium.com, February 8, 2021

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14. Senate Trial Procedures

<p style="text-align: center;">A. Andrew Johnson (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">B. Richard Nixon (R) <i>(Democratic-controlled House)</i></p>	<p style="text-align: center;">C. Bill Clinton (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">D. Donald Trump (R) <i>(Democratic-controlled House)</i></p>
<p>3-2-1868: “Senate adopted updated rules of impeachment.”¹⁸³</p> <p>Some of the rules included:</p> <p>“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>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.¹⁸⁴</p>	<p style="text-align: center;">N/A</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.”¹⁸⁷</p> <p>Some of the trial procedures agreed to in S. Res. 16:</p> <p>“Arguments on such motions shall begin at 1:00 p.m. on 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</p>	<p style="text-align: center;">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.¹⁸⁹</p> <p>There were debates and votes on S. Res. 483, Senate 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.”¹⁹⁰</p>

¹⁸³ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

¹⁸⁴ Library of Congress, "Research Guide on Impeachment: Historic Background on the Impeachment and Trial of President Andrew Johnson," memory.loc.gov, accessed March 3, 2022

¹⁸⁷ Sarah D. Wire, "A Look Back at How Clinton’s Impeachment Trial Unfolded," latimes.com, January 16, 2020

¹⁸⁹ C-SPAN, "Senate Impeachment Trial, Day 2, Debate on Trial Rules," c-span.org, January 21, 2020

¹⁹⁰ United States Senate Press Gallery, "Senate Floor Archives: Tuesday, January 21, 2020," dailypress.senate.gov, January 21, 2020

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<p>3-13-1868: Chief Justice Salmon P. Chase swore in the House Managers for the trial.¹⁸⁵</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.”¹⁸⁶</i></p>		<p>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.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 47.¹⁹¹</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 Defense documents and records. 6. S.Amdt. 1289 To subpoena Robert B. Blair and Michael P. Duffey. 7. S.Amdt. 1290 To prevent the selective admission of evidence and to provide for appropriate handling of classified and confidential materials.
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¹⁸⁵ National Constitution Center Staff, "On This Day, the Senate Summons President Johnson to His Impeachment Trial," constitutioncenter.org, March 13, 2019

¹⁸⁶ Office of the Federal Register, National Archives and Records Service, "Weekly Compilation of Presidential Documents: Monday, January 7, 1974 - Volume 10, Number 1 - through Monday, March 25, 1974 - Volume 10, Number 12," books.google.com, accessed March 3, 2022

¹⁸⁸ Congress.gov, "S.Res.16 - 106th Congress (1999-2000): 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," congress.gov, accessed March 3, 2022

¹⁹¹ Dareh Gregorian and Richie Duchon, "Trump's Senate Impeachment Trial: What Happened on Day 1," nbcnews.com, January 21, 2020 and United States Senate Press Gallery, "Senate Floor Archives: Tuesday, January 21, 2020," dailypress.senate.gov, January 21, 2020

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			<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 52-48.¹⁹²</p> <ol style="list-style-type: none">1. S.Amdt. 1290 To prevent the selective admission of evidence and to provide for appropriate handling of classified and confidential materials.2. S.Amdt. 1291 To subpoena John Robert Bolton.3. S.Amdt. 1292 To provide that motions to subpoena witnesses or documents shall be in order after the question period.4. S.Amdt. 1293 To allow additional time to file responses to motions.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>“Senators adopted the updated resolution [S. Res. 483], 53-47, shortly before 2 a.m. Wednesday</p>
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¹⁹² United States Senate Press Gallery, "Senate Floor Archives: Tuesday, January 21, 2020," dailypress.senate.gov, January 21, 2020

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			<p>morning. There were 12 roll call votes.¹⁹³</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 conclusion of the President's presentation, Senators may question the parties for a period of time not to exceed 16 hours."¹⁹⁴</p> <p style="text-align: center;">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.¹⁹⁵</p> <p>The resolution specified that on February 9, the Senate would</p>
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¹⁹³ Congress.gov, "S.Res.483 - 116th Congress (2019-2020): A Resolution to Provide for Related Procedures Concerning the Articles of Impeachment Against Donald John Trump, President of the United States," congress.gov, accessed March 3, 2022

¹⁹⁴ Congress.gov, "S.Res.483 - 116th Congress (2019-2020): A Resolution to Provide for Related Procedures Concerning the Articles of Impeachment Against Donald John Trump, President of the United States," congress.gov, accessed March 3, 2022

¹⁹⁵ United States Senate, "ALB21257 - 117th Congress, 1st Session, S.RES.___ To Provide for Related Procedures Concerning the Article of Impeachment Against Donald John Trump, Former President of the United States," democrats.senate.gov, accessed March 3, 2022

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			<p>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 deliberated, followed by closing arguments.¹⁹⁶</p>
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¹⁹⁶ Jordain Carney, "Schumer, McConnell Reach Deal on Trump Impeachment Trial," thehill.com, February 8, 2021

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15. Arguments by Both Parties, Senate Questioning, and Closing Arguments

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>3-30-1868 to 4-20-1868: Opening arguments and testimony.¹⁹⁷</p> <p>3-30-1868 to 4-9-1868: Prosecution presented its case.¹⁹⁸</p> <p>4-15-1868 to 4-20-1868: Defense presented its case.¹⁹⁹</p> <p>4-22-1868: Summary phase of trial began, and ended on 5-7-1868.²⁰⁰</p>	N/A	<p>1-14-1999 to 1-16-1999: The House Managers presented their case to the Senate.²⁰¹</p> <p>1-19-1999 to 1-20-1999: President's counsel presented its case to the Senate.²⁰²</p> <p>1-22-1999 to 1-23-1999: Senate posed questions to the House Managers and President's counsel.²⁰³</p> <p>1-27-1999: The Senate rejected a motion, Yea – 44 to Nay – 56, in Vote No. 4 "Byrd motion to</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-</p>

¹⁹⁷ Library of Congress, "Research Guide on Impeachment: Historic Background on the Impeachment and Trial of President Andrew Johnson," memory.loc.gov, accessed March 3, 2022

¹⁹⁸ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

¹⁹⁹ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

²⁰⁰ Library of Congress, "Research Guide on Impeachment: Historic Background on the Impeachment and Trial of President Andrew Johnson," memory.loc.gov, accessed March 3, 2022

²⁰¹ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²⁰² United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²⁰³ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

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		<p style="text-align: center;"><u>dismiss the impeachment proceedings.</u>²⁰⁴</p> <p>2-4-1999: The Senate voted down a Daschle motion 56 to 44 to proceed to closing arguments.²⁰⁵</p> <p>2-8-1999: Parties presented final arguments to the Senate.²⁰⁶</p>	<p>2020 and concluded on 1-28-2020.²⁰⁷</p> <hr/> <p>1-29-2020 to 1-30-2020: Senate question and answer period began on 1-29-2020 and continued through 1-30-2020.²⁰⁸</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.²⁰⁹</p> <hr/> <p style="text-align: center;">SECOND:</p> <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</p>
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²⁰⁴ United States Senate, "Roll Call Vote 106th Congress - 1st Session, Vote 4 On the Motion (Byrd Motion to Dismiss the Impeachment Proceedings)," senate.gov, January 27, 1999

²⁰⁵ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²⁰⁶ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²⁰⁷ Katherine Tully-McManus, "Trump's Legal Team Quickly Wraps Defense of President at Impeachment Trial," rollcall.com, January 28, 2020

²⁰⁸ Ted Barrett and Ali Zaslav, "Impeachment Trial Enters the Question-And-Answer Session: A Guide," cnn.com, January 29, 2020

²⁰⁹ Congressional Record, "Proceedings and Debates of the 116th Congress, Second Session, Vol. 166, No. 22," congress.gov, February 3, 2020

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			<p>Senate could proceed with the trial."²¹⁰</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.²¹¹ House managers concluded their oral arguments on Thursday, 2-11-2021, having used 10 of their allotted 16 hours.²¹²</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.²¹³</p> <p>2-13-2021: Closing arguments made by both sides.</p>
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²¹⁰ Eileen Sullivan, "5 Takeaways From Day One of Trump's Second Impeachment Trial," nytimes.com, February 9, 2021

²¹¹ Barbara Sprunt, "Trump Was the 'Inciter-In-Chief,' House Manager Says in Opening Argument," npr.org, February 10, 2021

²¹² Bart Jansen, Maureen Groppe, Savannah Behrmann, and Ledyard King, "Live Impeachment Updates: Prosecutors End Arguments; Trump Lawyer Calls Trial 'Weaponization' of Impeachment," usatoday.com, February 22, 2021

²¹³ Weiyei Cai, "A Step-by-Step Guide to the Second Impeachment of Donald Trump," nytimes.com, February 13, 2021

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16. Witnesses & Depositions

<p style="text-align: center;">A. Andrew Johnson (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">B. Richard Nixon (R) <i>(Democratic-controlled House)</i></p>	<p style="text-align: center;">C. Bill Clinton (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">D. Donald Trump (R) <i>(Democratic-controlled House)</i></p>
<p>The impeachment trial included 41 witnesses, “testimony of 25 prosecution and 16 defense witnesses.”²¹⁴ (40 separate individuals, one called by both sides).²¹⁵</p> <p style="text-align: center;">Witness List (<i>P=for the prosecution; D=for the defense</i>)²¹⁶ <small>217</small></p> <p style="text-align: center;">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) 	<p>N/A</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.”²¹⁸</p> <p>1-28-1999: Sen. Trent Lott (R-MS) submitted a resolution that was agreed to concerning procedures for depositions,²¹⁹ S.Res.30 “A resolution relative to the procedures concerning the</p>	<p style="text-align: center;">FIRST:</p> <p>1-31-2020: Senate voted down the motion to subpoena witnesses 51 – Nay to 49 – Yea.²²⁸</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>

²¹⁴ United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

²¹⁵ United States Senate, "Trial of Andrew Johnson, President of the United States, Before the Senate of the United States on Impeachment by the House of Representatives for High Crimes and Misdemeanors, Volume I," Government Printing Office, 1868

²¹⁶ Spellings of names may vary from publication. United States Senate, "The Impeachment and Trial of Andrew Johnson, President of the United States: The Complete Record of the Impeachment in the House of Representatives, the Preliminary Proceedings in the Senate, the Articles of Impeachment, and the Full Proceedings in the Court of Impeachment of the Senate of the United States," Dover Publications Inc., 1974 and T.B. Peterson & Brothers, "The Great Impeachment and Trial of Andrew Johnson: President of the United States," T.B. Peterson & Brothers, 1868 accessed via books.google.com, March 3, 2022

²¹⁷ United States Senate, "Trial of Andrew Johnson, President of the United States, Before the Senate of the United States on Impeachment by the House of Representatives for High Crimes and Misdemeanors, Volume I," Government Printing Office, 1868

²¹⁸ United States Senate, "Roll Call Vote 106th Congress - 1st Session, Vote 5 On the Motion (House Mgrs. Motion to Subpoena Witnesses, Admit Evidence Not in Recor)," senate.gov, January 27, 1999

²¹⁹ United States Senate, "106th Congress 1st Session, S. RES. 30 Relative to the Procedures Concerning the Articles of Impeachment Against William Jefferson Clinton," govinfo.gov, January 28, 1999

²²⁸ CSPAN.org live feed of Senate proceedings 1-31-2020

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<p>3. Charles C. Creecy, appointing clerk of the Treasury Dept. (P)</p> <p>4. Burt Van Horn, New York congressman (P)</p> <p>5. James K. Moorhead, Pennsylvania congressman (P)</p> <p>6. Walter A. Burleigh, Dakota delegate in Congress (P)</p> <p style="text-align: center;">4-1-1868:</p> <p>7. Samuel Wilkeson (P)</p> <p>8. George W. Karsner (P)</p> <p style="text-align: center;">4-2-1868:</p> <p>9. Thomas W. Ferry, congressman from Michigan (P)</p> <p>10. General William H. Emory (P)</p> <p>11. Lt.-Col. George W. Wallace (P)</p> <p>12. William E. Chandler (P)</p> <p>13. Charles A. Tinker, telegrapher (P)</p> <p style="text-align: center;">4-3-1868:</p> <p>14. James B. Sheridan, stenographer (P)</p> <p>15. James O. Clephane, Supreme Court deputy clerk (P)</p> <p>16. Francis H. Smith, official reporter of the House (P)</p> <p>17. Col. William G. Moore (P, D)</p> <p>18. William N. Hudson, journalist (P)</p> <p>19. Daniel C. McEwen, short-hand reporter (P)</p> <p>20. E. (Edwin or Everett) B. Stark, former editor (P)</p> <p style="text-align: center;">4-4-1868:</p>		<p>Articles of Impeachment against William Jefferson Clinton.²²⁰</p> <p>1-29-1999: Subpoenas issued for witnesses Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal.²²¹</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,²²² and to call witnesses to testify on the Senate floor.²²³</p> <p>The Senate rejected calling live witness 70 to 30 (Republicans, 30 yes, 25 no; Democrats, 45 no)²²⁴ in Vote No. 10 on the Motion (Division III House Mgrs Motion Re: Appearance of Witnesses).²²⁵</p> <p>They approved 62-38 (Republicans, 53 yes, 2 no; Democrats: 9 yes, 36 no) to</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 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: 53-47.²²⁹</p>
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²²⁰ Congress.gov, "S.Res.30 - 106th Congress (1999-2000): A Resolution Relative to the Procedures Concerning the Articles of Impeachment Against William Jefferson Clinton," congress.gov, accessed March 3, 2022

²²¹ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²²² AllPolitics, "Roll Call on Senate Motions for Handling Witness Depositions," cnn.com, February 4, 1999

²²³ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²²⁴ Washington Post, "Clinton Accused: Votes on Videos, Live Lewinsky Testimony," washingtonpost.com, February 4, 1999

²²⁵ United States Senate, "Roll Call Vote 106th Congress - 1st Session, Vote 10 On the Motion (Division III House Mgrs Motion Re: Appearance of Witnesses)," senate.gov, February 4, 1999

²²⁹ Senate Democrats, "The Floor - Wrap Up for Friday, January 31, 2020," democrats.senate.gov, January 31, 2020

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<p>21. L.L. Waldrige (Walbridge), short-hand writer (P)</p> <p>22. Joseph A. Dear, reporter (P)</p> <p>23. Robert T. Chew, State Dept. chief clerk (P) 4-9-1868:</p> <p>24. W.H. Wood (P)</p> <p>25. Foster Blodgett (P) 4-10-1868:</p> <p>26. Maj.-Gen. L. Thomas (D) 4-11-1868:</p> <p>27. Lt.-Gen. William T. Sherman (D) 4-13-1868:</p> <p>28. R.J. Meigs, Supreme Court clerk (D) 4-15-1868:</p> <p>29. Dewitt Clark (D.W.C. Clarke), executive clerk of the Senate (D) 4-16-1868:</p> <p>30. Walter S. Cox, lawyer (D)</p> <p>31. Richard T. Merrick (D)</p> <p>32. Edwin O. Perrin(e) (D) 4-17-1868:</p> <p>33. William W. Armstrong (D)</p> <p>34. Barton Able (D)</p> <p>35. George Knapp (D)</p> <p>36. Henry F. Ziber (D)</p> <p>37. F.W. Seward, Asst. Sec. of State (D)</p> <p>38. Gideon Welles (D) 4-18-1868:</p> <p>39. Edgar T. Welles (D)</p> <p>40. Alexander W. Randall, Post-Master General (D)</p>	<p>present six hours of videotaped presentations of the witnesses²²⁶ in roll call No. 12 Division III of the House managers motion regarding presentation of evidence.²²⁷</p> <p>2-6-1999: Video excerpts from the depositions were shown on the Senate floor.</p>	<p style="text-align: center;">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.²³⁰</p> <p>“Democrats defended their decision not to subpoena additional witnesses and documents in former President Donald Trump's second impeachment trial, saying Sunday [2-14-2021] that the additional testimony would have made no difference.”²³¹</p>
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²²⁶ Washington Post, "Clinton Accused: Votes on Videos, Live Lewinsky Testimony," washingtonpost.com, February 4, 1999

²²⁷ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²³⁰ Weiyi Cai, "A Step-by-Step Guide to the Second Impeachment of Donald Trump," nytimes.com, February 13, 2021

²³¹ Allan Smith, "Democrats Defend Lack of Witnesses: 'We Needed More Senators With Spines'," nbcnews.com, February 14, 2021

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17. Senate Deliberations

<p style="text-align: center;">A. Andrew Johnson (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">B. Richard Nixon (R) <i>(Democratic-controlled House)</i></p>	<p style="text-align: center;">C. Bill Clinton (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">D. Donald Trump (R) <i>(Democratic-controlled House)</i></p>
<p>5-7-1868: "Senate deliberated in closed session on articles of impeachment."²³²</p>	<p style="text-align: center;">N/A</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).²³³ "At 1:52 p.m. [2-9-1999], the doors of the Chamber were closed."²³⁴</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."²³⁵</p>	<p style="text-align: center;">FIRST:</p> <p>2-2-2020 to 2-5-2020: Senators were given 10 minutes to publicly state their position on impeachment 2-4-2020 and 2-5-2020.²³⁶</p> <p style="text-align: center;">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.²³⁷</p>

²³² United States Senate, "The Impeachment of Andrew Johnson (1868) President of the United States," senate.gov, accessed March 2, 2022

²³³ United States Congress, "Official Congressional Record Impeachment Set: Congressional Record During the Period January 6, 1999 to February 12, 1999, Proceedings and Debates of the 106th Congress, 1st Session," Government Publishing Office, June 22, 1999 via books.google.com, accessed March 3, 2022

²³⁴ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²³⁵ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²³⁶ United States Senate Press Gallery, "Senate Floor Archives: Tuesday, February 4, 2020," dailypress.senate.gov, February 4, 2020 and United States Senate Press Gallery, "Senate Floor Archives: Wednesday, February 5, 2020," dailypress.senate.gov, February 5, 2020

²³⁷ CBS News, "Senate Votes to Acquit Trump in Historic Second Impeachment Trial," cbsnews.com, February 14, 2021

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18. Senate Vote

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>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.”²³⁸</p>	N/A	<p>2-12-1999: “On Feb. 12, the Senate voted to acquit ²⁴⁰Clinton on both charges — falling far short of the 67 votes needed to convict.”²⁴¹</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: 2-5-2020: The Senate acquitted Trump on both articles of impeachment.²⁴⁴ 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> <p style="text-align: center;">Article 1²⁴⁵ H.Res. 755, Vote 33 48 to 52</p>

²³⁸ Library of Congress, "Research Guide on Impeachment: Historic Background on the Impeachment and Trial of President Andrew Johnson," memory.loc.gov, accessed March 3, 2022

²⁴⁰ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²⁴¹ David Crary, "Impeachment a Rarely Used Path for Upending a President," apnews.com, September 24, 2019

²⁴⁴ United States Senate, "Roll Call Vote 116th Congress - 2nd Session, Vote 33 Guilty or Not Guilty (Article I, Articles of Impeachment Against President Donald John Trump)," senate.gov, February 5, 2020 and United States Senate, "Roll Call Vote 116th Congress - 2nd Session, Vote 34 Guilty or Not Guilty (Article II, Articles of Impeachment Against President Donald John Trump)," senate.gov, February 5, 2020

²⁴⁵ United States Senate, "Roll Call Vote 116th Congress - 2nd Session, Vote 33 Guilty or Not Guilty (Article I, Articles of Impeachment Against President Donald John Trump)," senate.gov, February 5, 2020

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<p>Votes for the following Articles:²³⁹</p> <p style="text-align: center;">Article 2</p> <p style="text-align: center;">Article 3</p> <p style="text-align: center;"><u>Article 11</u></p> <p>35 – Guilty Republican - 35</p> <p>19 – Not guilty Republican - 7 Democratic - 12</p>	<p style="text-align: center;">Article 1²⁴² – 45 to 55</p> <p>45 – Guilty Republican - 45</p> <p>55 – Not Guilty Democratic - 45 Republican – 10</p> <p style="text-align: center;">Article 2²⁴³ – 50 to 50</p> <p>50 – Guilty Republican - 50</p> <p>50 – Not Guilty Democratic - 45 Republican - 5</p>	<p>48 – Guilty Democratic - 45 Republican - 1 Independent - 2</p> <p>52 – Not Guilty Republican - 52</p> <p style="text-align: center;">Article 2²⁴⁶ H.Res. 755, Vote 34 47 to 53</p> <p>47 – Guilty Democratic - 45 Independent - 2</p> <p>53 – Not Guilty Republican - 53</p> <p style="text-align: center;">SECOND:</p> <p>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.²⁴⁷</p>
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²³⁹ Statista, "Votes for Criminal Convictions in the U.S. Senate, Following the Impeachment of Presidents Johnson, Clinton and Trump, Between 1868 and 2021," statista.com, March 2021 and United States Senate, "Impeachment Trial of President Andrew Johnson, 1868," senate.gov, accessed March 3, 2022

²⁴² United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²⁴³ United States Senate, "Proceedings of The United States Senate In The Impeachment Trial Of President William Jefferson Clinton Volume II: Floor Trial Proceedings," govinfo.gov, February 12, 1999

²⁴⁶ United States Senate, "Roll Call Vote 116th Congress - 2nd Session, Vote 34 Guilty or Not Guilty (Article II, Articles of Impeachment Against President Donald John Trump)," senate.gov, February 5, 2020

²⁴⁷ CBS News, "Senate Acquits Trump on Charge of Incitement of Insurrection," cbsnews.com, February 13, 2021

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			Article 1 - 57 to 43 57 – Guilty Democratic – 50 Republican – 7 43 – Not Guilty Democratic – 0 Republican – 43
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19. Days Senate Impeachment Hearings Lasted

From the start of the Senate trial to the end²⁴⁸

<p style="text-align: center;">A. Andrew Johnson (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">B. Richard Nixon (R) <i>(Democratic-controlled House)</i></p>	<p style="text-align: center;">C. Bill Clinton (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">D. Donald Trump (R) <i>(Democratic-controlled House)</i></p>
<p style="text-align: center;">83 Days</p> <p>Start Date – 3-5-1868 End Date – 5-26-1868</p>	<p style="text-align: center;">N/A</p>	<p style="text-align: center;">37 Days</p> <p>Start Date – 1-7-1999 End Date – 2-12-1999</p>	<p style="text-align: center;">FIRST: 21 Days</p> <p>Start Date – 1-16-2020 End Date – 2-5-2020</p> <p style="text-align: center;">SECOND: 5 Days</p> <p>Start Date – 2-9-2021 End Date – 2-13-2021</p>

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²⁴⁸ Calculated using the "Days Calculator: Days Between Two Dates," by Time and Date AS available from: timeanddate.com/date/duration.html

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20. Days from Formal Impeachment Vote by the House to Senate Vote

[Both Johnson and Clinton were acquitted, and finished their terms.²⁴⁹ Trump was acquitted in both trials; he finished his term after the first trial, and his term had ended before the second trial.]

<p style="text-align: center;">A. Andrew Johnson (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">B. Richard Nixon (R) <i>(Democratic-controlled House)</i></p>	<p style="text-align: center;">C. Bill Clinton (D) <i>(Republican-controlled House)</i></p>	<p style="text-align: center;">D. Donald Trump (R) <i>(Democratic-controlled House)</i></p>
<p style="text-align: center;">83 Days & 93 Days</p> <p>Formal Impeachment Date – 2-24-1868</p> <p>Vote Date – 5-1868 (16th and 26th) – two vote days</p>		<p style="text-align: center;">56 Days</p> <p>Formal Impeachment Date – 12-19-1998</p> <p>Vote Date – 2-12-1999</p>	<p style="text-align: center;">FIRST: 50 Days</p> <p>Formal Impeachment Date – 12-18-2019</p> <p>Vote Date – 2-5-2020</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">SECOND: 32 Days</p> <p>Formal Impeachment Date – 1-13-2021</p> <p>Vote Date – 2-13-2021</p>

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²⁴⁹ Charlie Savage, "How the Impeachment Process Works," nytimes.com, September 24, 2019

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IV. Conclusion

The information above shows every step in the impeachment process, from charges being triggered in the House to the final Senate vote.

While four presidents have had formal impeachment proceedings initiated against them, only three were formally impeached because Richard Nixon resigned before the full House vote on the charges. Andrew Johnson, Bill Clinton, and Donald Trump were all impeached by the House but acquitted by the Senate and thus remained in office. Donald Trump is the only US president to be impeached twice.