



THE REAL DEAL

ALL OUR EYES ON U.S. POLITICS

SPECIAL EDITION: IMPEACHMENT PROCESS

On Tuesday, January 21 the United States Senate will start the impeachment trial of President Donald J. Trump. Trump is the third American President to face an impeachment trial in the Senate.

HOW WE GOT THERE

The impeachment process stems from the President's interactions with his Ukrainian counterpart, President Volodymyr Zelensky. Speaker Nancy Pelosi announced a formal impeachment inquiry in September, directing a handful of House committees—Permeant Select Committee on Intelligence, Committee on Foreign Affairs, and Oversight and Government Reform Committee—to continue their months-long investigations into Trump. Committees took depositions and conducted closed-door meetings.

IMPEACHMENT PROCESS OFFICIALLY BEGINS IN THE HOUSE

The House voted to approve a resolution that laid out the rules for the impeachment inquiry on October 31 by a vote of 232 to 196. After closed-door investigations, open hearings were conducted by the Intelligence Committee. On December 3, the Intelligence Committee approved sending a report with its findings to the Judiciary Committee. The report was also made available to the public. After receiving the report, the Judiciary Committee held two more hearings—the first invited legal scholars to discuss whether Trump's conduct amounted to an impeachable offense, in the second, staff lawyers from the Intelligence Committee presented their dueling reports on the investigation. The President and his counsel were invited but declined to participate. On December 10, the Judiciary Committee proposed two articles of impeachment, charging the President with abuse of power and obstruction of Congress. The Committee held a two day mark-up session to debate the articles and voted to approve both, on party lines, subsequently reporting them to the full House.

THE HOUSE DEBATE & IMPEACHMENT VOTE

The Judiciary Committee recommended two articles to be considered on the House floor and the House Rules Committee set out the rules for formally impeaching the Trump, allowing for six hours of debate. On December 18, the House debated, and passed, the two articles—Article I, for abuse of power, passed 230 to 197; Article II, for obstruction of Congress, passed 229 to 198. Upon passage of a single article, Trump was official impeached.

THE PROSECUTION & DEFENSE TEAMS

On January 15, Speaker Nancy Pelosi appointed a team of seven lawmakers from the chamber, known as managers, to play the role of prosecutors in the Senate trial. Jason Crow of Colorado, Val Demings of Florida, Silvia Garcia of Texas, Hakeem Jeffries of New York, Zoe Lofgren of California, Jerrold Nadler

of New York, Adam Schiff of California. Following their appointment, the managers delivered the articles of impeachment to the Senate, which will serve as the jury.

Trump's legal team will be led by the White House counsel, Pat A. Cipollone, and his personal lawyer, Jay Sekulow. The team will also include former independent counsel Kenneth W. Starr former prosecutor Robert Ray and defense lawyer Alan Dershowitz.

TRIAL PREPARATION

The chief justice of the United States, John Roberts, was sworn in to preside over the trial and subsequently swore in the members of the Senate. The Senate laid out due dates for trial briefs from the House managers and the President's lawyers. On January 16, the Senate issued a summons to the President, asking him to respond to the articles of impeachment by Saturday, January 18.

TRIAL CONDUCT

House managers and White House defense lawyers will present their cases, starting on January 21, and this process could last days. Any senator may propose a motion to dismiss the charges, and the Senate would deliberate and vote on the move for dismissal. A simple majority vote would be required.

After each side makes their opening arguments, Senators may present their questions through Justice Roberts, who will read them aloud. The chief justice is expected to say as he asks the question which senator it originated from. As Senators examine the evidence, subpoenas may be issued, evidence may be requested and witnesses may be examined and cross-examined. The Senate could put forward a motion to limit or expand the amount of evidence being examined. The biggest unknown is the question of witnesses—51 senators will ultimately decide. Many want to hear from former National Security Advisor John Bolton and some Republican Senators are threatening to force tough votes on testimony from Biden and the whistleblower who triggered impeachment. Both sides would provide closing statements. Statements may be made by two people on each side, with the House managers both opening and closing.

JUDGEMENT

The deliberation would most likely happen in a closed session. The Senate would vote on each article of impeachment separately. A conviction would require a two-thirds vote on one or more articles. The Senate may subsequently vote on whether to disqualify the President from future office. If the vote were held, a simple majority vote would be required.

Sources: Congressional Research Service; House Practice: A Guide to the Rules, Precedents, and Procedures of the House; United States Senate Manual

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