

## **1. How a US President can be Impeached**

**Prelims: Polity & Governance**

**Mains: GS-II- Comparison of the Indian Constitutional Scheme with that of Other Countries.**

### **Why in News?**

- ▶▶ US House of Representatives Speaker Nancy Pelosi announced that the House would launch an impeachment inquiry against President Donald Trump, over his alleged efforts to pressure Ukraine to investigate Joe Biden, Trump's potential rival in the 2020 elections.

### **Background:**

- ▶▶ No US President has ever been removed as a direct result of impeachment.
- ▶▶ The House did impeach two Presidents — Andrew Johnson (1968) and Bill Clinton (1998) but the Senate did not convict them.
- ▶▶ In between, President Richard Nixon (1974) resigned before he could be removed.

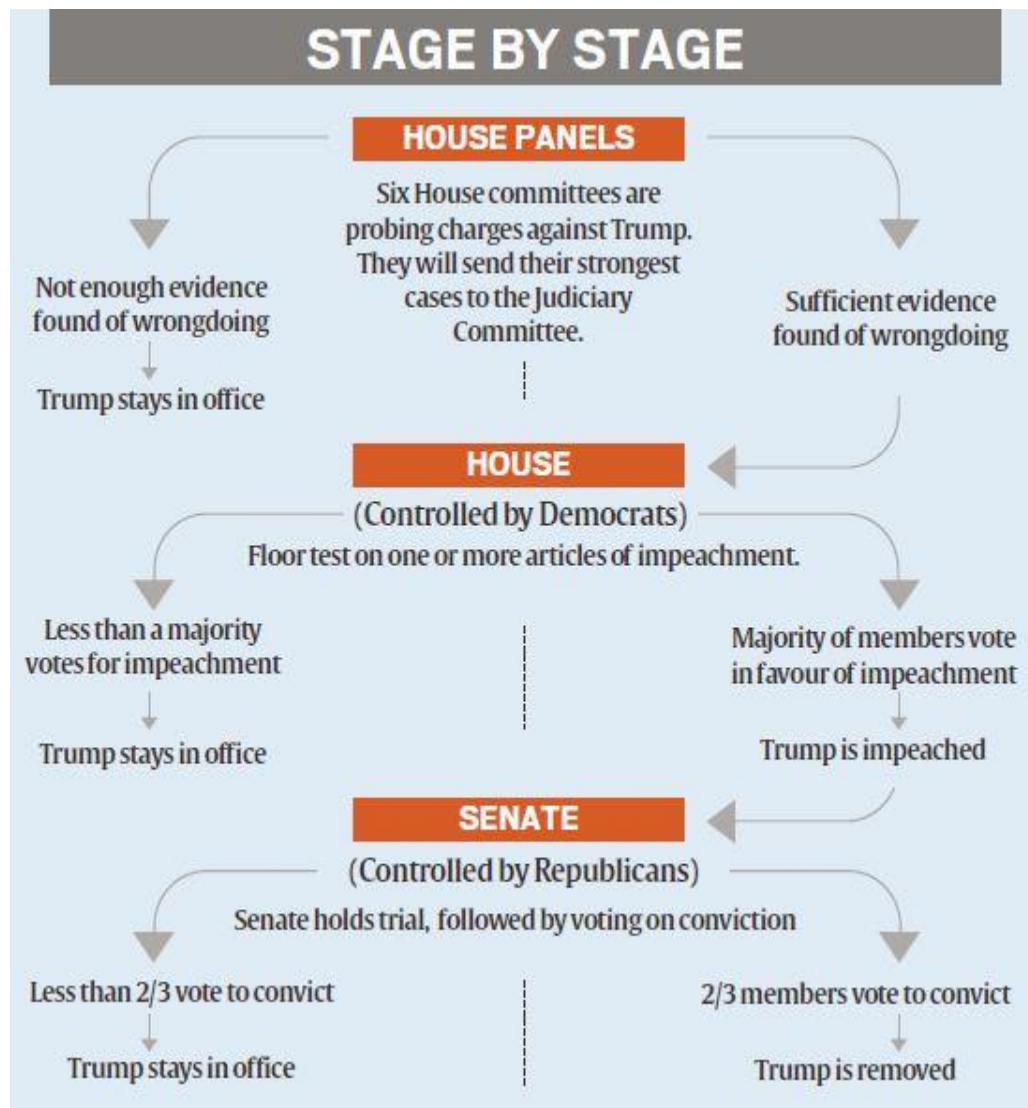
### **What is Impeachment?**

- ▶▶ Impeachment is a provision that allows Congress to remove the President of the United States.
- ▶▶ Under the US Constitution, the House of Representatives (Lower House) has the “the sole power of impeachment” while the Senate (Upper House) has “the sole power to try all impeachments”.
- ▶▶ The Chief Justice of the US Supreme Court has the duty of presiding over impeachment trials in the Senate.

### **Grounds for Impeachment:**

- ▶▶ The President can be removed from office for “treason, bribery, or other high crimes and misdemeanors”. What constitutes these “high crimes” and “misdemeanors” (misdemeanors), however, is not clearly spelt out.
- ▶▶ The New York Times explained that the expression “high crimes and misdemeanors” came out of the British common law tradition.
- ▶▶ “Essentially, it means an abuse of power by a high-level public official. This does not necessarily have to be a violation of an ordinary criminal statute,”.
- ▶▶ Historically, in the US, it has encompassed corruption and other abuses, including trying to obstruct judicial proceedings.

## Impeachment Procedure:



- ▶ **HOUSE VOTE:** It begins with an investigation by a House committee. In the Nixon and Clinton cases, the House Judiciary Committee held that investigation and recommended articles of impeachment to the full House. If they find that there is enough evidence of wrongdoing, it will refer the matter to the full House (see flow chart).
- ▶ **HOUSE VOTE:** When the full House votes, if one or more of the articles of impeachment gets a majority vote, the President is impeached. Next, the proceedings move to the Senate.
- ▶ **SENATE TRIAL & VOTE:** The Senate holds a trial, overseen by the chief justice of the Supreme Court. A team of lawmakers from the House, known as managers, play the role of prosecutors, The NYT explained. The President has defence lawyers, and the Senate serves as the jury. If at least two-thirds of the Senators present find the President guilty, he is removed and the Vice President takes over as President.

### What Lies Ahead?

- ▶▶ The House has 235 Democrats, 199 Republicans, and one independent. The Democrats could, therefore, impeach Trump with no Republican support.
- ▶▶ The Senate has 53 Republicans, 45 Democrats and two independents who usually vote with the Democrats.
- ▶▶ Conviction of the President would require 67 votes, which cannot happen unless some Republicans vote against him.

