



The Constitution stipulates that “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.”¹

Although many use the term “impeachment” as shorthand for “removal from office,” impeachment is only the first stage in the process. Like an indictment in a criminal proceeding, an **impeachment** accuses an elected official of wrongdoing, but does not **convict** that person or remove them from their post. Following English precedent, the lower house, the House of Representatives, has “the sole power” of impeachment, after which point the upper house, the Senate, holds a trial to decide on conviction.

The Constitution contains a specific definition of treason,² but does not define bribery or “high crimes and misdemeanors.” This vagueness prompted Gerald Ford, when serving as House Republican leader, to conclude that “An impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history.”³ In some sense this is true, but the specification of “high” crimes and the implication that such crimes must be comparable in gravity to treason or bribery suggest that the House should not impeach based on minor infractions or political disagreements.⁴

House leadership typically delegates to committees the task of investigating allegations and drawing up impeachment charges. The

House Judiciary Committee almost always plays a central role. If the committee (or committees) find accusatory evidence to be persuasive, they may forward to the floor of the House one or more **articles of impeachment** detailing the charges. The House then debates and votes on these charges; if a majority votes in favor of any of them, the accused official is impeached and the focus shifts to the Senate for trial.

Senators hear evidence from both sides. Those arguing for impeachment are represented by “**managers**” –members of the House who present the case. Representatives of the accused present a defense. When the president is tried, the Chief Justice of the United States presides.⁵

There have been 20 cases in which officials have been tried in the Senate, and there have been eight removals.⁶ In 15 of the 20 cases, the accused were federal judges.⁷ Only three times have presidents gone on trial: Andrew Johnson in 1868, Bill Clinton in 1999, and Donald Trump in 2020. All were acquitted, although in Johnson’s case the Senate came one vote shy of the **two-thirds majority required to convict**. A majority of senators voted to acquit Trump in 2020 on a near-party-line vote.

A Senate conviction removes an official from office and may also disqualify them from future officeholding.⁸ Removal does not carry criminal penalties, although the Constitution makes clear that officials may be charged in regular criminal proceedings after they are removed.

¹ Constitution, Article II, Section 4.

² “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.” Article III, Section 3.

³ United States Senate, “The Senate’s Impeachment Role,” https://www.senate.gov/artandhistory/history/common/briefing/Senate_Impeachment_Role.htm.

⁴ For a discussion, see Charles L. Black, Jr. and Philip Bobbitt, *Impeachment: A Handbook, New Edition* (New Haven: Yale University Press, 2018), Chapter 3.

⁵ Constitution, Article I, Section 3.

⁶ In three cases, officials resigned from office before the conclusion of their Senate trial. In 1974, President Richard Nixon resigned from office before the House voted on articles of impeachment.

⁷ One of them, Samuel Chase, was a Supreme Court Justice. He was acquitted in 1805.

⁸ The Senate may choose whether or not to impose this “disqualification” penalty.