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IMPEACHMENT

The Senate has a special set of rules, 26 in number, which define its proceedings when sitting as a court for impeachment trials, set forth below.

The sole power of impeachment is conferred on the House of Representatives, and even if the Senate in an impeachment trial should find the person not guilty, that does not alter the fact that the person had been impeached by the House, as was the case with President Andrew Johnson.

Once the House of Representatives has voted to impeach an officer of the Government, the Senate is informed of that fact by a message from the House of Representatives, announcing to the Senate that a committee has been appointed by that body to go to the bar of the Senate "and in the name of the House of Representatives and of all the people of the United States, to impeach . . ." that person and "to acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him" for the Senate's consideration in the determination of whether or not such official is guilty.

At a later date, the Senate is informed that managers on the part of the House of Representatives have been named "to conduct the impeachment against" such official and that the managers are directed to carry to the Senate the articles agreed upon by the House.

It requires a two-thirds affirmative vote of the Senators present in the adoption of at least one of the articles of impeachment submitted to the Senate by the House to find a person guilty of "treason, bribery, or other high crimes and misdemeanors."

The Constitution provides that "the Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation."

Constitution, Article I, Sections 2 and 3

[Impeachment Trial by Senate]

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

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.

Rule IV, Paragraph 1(d)

[Journal of Proceedings of Impeachment Trial]

The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded in a separate book.

[Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials [1]]

I. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person and are directed to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment, agreeably to such notice.

II. When the managers of an impeachment shall be introduced at the bar of the Senate and shall signify that they are ready to exhibit articles of impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant at Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against _____ _____;" after which the articles shall be exhibited, and then the Presiding Officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

III. Upon such articles being presented to the Senate, the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if ordered by the Senate, proceed to the consideration of such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may, in its judgment, be needful. Before proceeding to the consideration of the articles of impeachment, the Presiding Officer shall administer the oath hereinafter provided to the members of the Senate then present and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

IV. When the President of the United States or the Vice President of the United States, upon whom the powers and duties of the office of President shall have devolved, shall be impeached, the Chief Justice of the United States shall preside; and in a case requiring the said Chief Justice to preside notice shall be given to him by the Presiding Officer of the Senate of the time and place fixed for the consideration of the articles of impeachment as aforesaid, with a request to attend; and the said Chief Justice shall be administered the oath by the Presiding Officer of the Senate and shall preside over the Senate

[1] Revised rules adopted on Aug. 16, 1986, pursuant to S. Res. 479, 99-2. *See* S. Rpt. 99-401 from the Committee on Rules and Administration, which accompanied S. Res. 479.

during the consideration of said articles and upon the trial of the person impeached therein.

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

VI. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of and disobedience to, its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conductive to the ends of justice. And the Sergeant at Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate is sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule on all questions of evidence including, but not limited to, questions of relevancy, materiality, and redundancy of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision without debate; or he may at his option, in the first instance, submit any such question to a vote of the members of the Senate. Upon all such questions the vote shall be taken in accordance with the Standing Rules of the Senate.

VIII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the person impeached, reciting said articles, and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and file his answer to said articles of impeachment, and to stand to and abide the orders and judgments of the Senate thereon; which writ shall be served by such officer or person as shall be named in the precept thereof, such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person impeached, or if that cannot conveniently be done, by leaving such copy at the last known place of abode of such person, or at his usual place of business in some conspicuous place therein; or if such service shall be, in the judgment of the Senate, impracticable, notice to the person impeached to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail to service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the person impeached, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not

guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

IX. At 12:30 o'clock afternoon of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz: "I, _____, do solemnly swear that the return made by me upon the process issued on the _____ day of _____, by the Senate of the United States, against _____ _____, is truly made, and that I have performed such service as therein described: So help me God." Which oath shall be entered at large on the records.

X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded.

XI. That in the trial of any impeachment the Presiding Officer of the Senate, if the Senate so orders, shall appoint a committee of Senators to receive evidence and take testimony at such times and places as the committee may determine, and for such purpose the committee so appointed and the chairman thereof, to be elected by the committee, shall (unless otherwise ordered by the Senate) exercise all the powers and functions conferred upon the Senate and the Presiding Officer of the Senate, respectively, under the rules of procedure and practice in the Senate when sitting on impeachment trials.

Unless otherwise ordered by the Senate, the rules of procedure and practice in the Senate when sitting on impeachment trials shall govern the procedure and practice of the committee so appointed. The committee so appointed shall report to the Senate in writing a certified copy of the transcript of the proceedings and testimony had and given before such committee, and such report shall be received by the Senate and the evidence so received and the testimony so taken shall be considered to all intents and purposes, subject to the right of the Senate to determine competency, relevancy, and materiality as having been received and taken before the Senate, but nothing herein shall prevent the Senate from sending for any witness and hearing his testimony in open Senate, or by order of the Senate having the entire trial in open Senate.

XII. At 12:30 o'clock afternoon, or at such other hour as the Senate may order, of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate prepared with accommodations for the reception of the House of Representatives that the Senate is ready to proceed upon the impeachment of _____ _____, in the Senate Chamber.

XIII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be (unless otherwise ordered) 12 o'clock m.; and when the hour shall arrive, the Presiding Officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment the Senate shall resume the consideration of its legislative and executive business.

XIV. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

XV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

XVI. All motions, objections, requests, or applications whether relating to the procedure of the Senate or relating immediately to the trial (including questions with respect to admission of evidence or other questions arising during the trial) made by the parties or their counsel shall be addressed to the Presiding Officer only, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

XVII. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

XVIII. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

XIX. If a Senator wishes a question to be put to a witness, or to a manager, or to counsel of the person impeached, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing, and put by the Presiding Officer. The parties or their counsel may interpose objections to witnesses answering questions propounded at the request of any Senator and the merits of any such objection may be argued by the parties or their counsel. Ruling on any such objection shall be made as provided in Rule VII. It shall not be in order for any Senator to engage in colloquy.

XX. 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. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record.

XXI. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one hour (unless the Senate otherwise orders) on each side.

XXII. The case, on each side, shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

XXIII. An article of impeachment shall not be divisible for the purpose of voting thereon at any time during the trial. Once voting has commenced on an article of impeachment, voting shall be continued until voting has been completed on all articles of impeachment unless the Senate adjourns for a period not to exceed one day or adjourns sine die. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present, a judgment of acquittal shall be entered; but if the person impeached shall be convicted upon any such article by the votes of two-thirds of the members present, the Senate may proceed to the consideration of such other matters as may be determined to be

appropriate prior to pronouncing judgment. Upon pronouncing judgment, a certified copy of such judgment shall be deposited in the office of the Secretary of State. A motion to reconsider the vote by which any article of impeachment is sustained or rejected shall not be in order.

Form of updating the question on each article of impeachment

The Presiding Officer shall first state the question; thereafter each Senator, as his name is called, shall rise in his place and answer: guilty or not guilty.

XXIV. All the orders and decisions may be acted upon without objection, or, if objection is heard, the orders and decisions shall be voted on without debate by yeas and nays, which shall be entered on the record, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not to the final question on each article of impeachment.

XXV. Witnesses shall be sworn in the following form, viz: "You, _____ _____, do swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the United States and _____ _____, shall be the truth, the whole truth, and nothing but the truth: So help you God." Which oath shall be administered by the Secretary, or any other duly authorized person.

Form of a subpoena to be issued on the application of the managers of the impeachment, or of the party impeached, or of his counsel

To _____ _____, greeting:

You and each of you are hereby commanded to appear before the Senate of the United States, on the _____ day of_____, at the Senate Chamber in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached _____ _____.

Fail not.

Witness _____ _____, and Presiding Officer of the Senate, at the city of Washington, this _____ day of _____, in the year of our Lord _____, and of the Independence of the United States the _____.

_____ _____,
Presiding Officer of the Senate.

Form of direction for service of said subpoena

The Senate of the United States to _____ _____, greeting:

You are hereby commanded to serve and return the within subpoena according to law.

Dated at Washington, this _____ day of _____, in the year of our Lord _____, and of the Independence of the United States the _____.

_____ _____,
Secretary of the Senate.

Form of oath to be administered to the Members of the Senate and the Presiding Officer sitting in the trial of impeachments.

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of _____ _____, now pending, I will do impartial justice according to the Constitution and laws: So help me God."

Form of summons to be issued and served upon the person impeached

THE UNITED STATES OF AMERICA, *ss:*
The Senate of the United States to _____ _____, greeting:

Whereas the House of Representatives of the United States of America did, on the _____ day of_____, exhibit to the Senate articles of impeachment against you, the said _____ _____, in the words following:

[Here insert the articles]

And demand that you, the said _____ _____, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice,

You, the said _____ _____, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their Chamber in the city of Washington, on the _____ day of_____, at _____ o'clock _____, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness _____ _____, and Presiding Officer of the said Senate, at the city of Washington, this _____ day of _____, in the year of our Lord _____, and of the Independence of the United States the _____.

_____ _____,
Presiding Officer of the Senate.

Form of precept to be indorsed on said writ of summons

THE UNITED STATES OF AMERICA, *ss:*
The Senate of the United States to _____ _____, greeting:

You are hereby commanded to deliver to and leave with _____, if conveniently to be found, or if not, to leave at his usual place of abode,

or at his usual place of business in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least _____ days before the appearance day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness_____ _____, and Presiding Officer of the Senate at the city of Washington, this _____ day of _____, in the year of our Lord _____, and of the Independence of the United States the _____.

_____ _____.
Presiding Officer of the Senate.

All process shall be served by the Sergeant at Arms of the Senate, unless otherwise ordered by the Senate.

XXVI. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.

Arguments at Trial:

On October 6, 1986, the Senate adopted an order providing for a limitation of time for argument on motions submitted to the Senate as a Court of Impeachment, providing for a set period of time for deliberation in closed session on those motions, authorizing the Chair to ascertain the presence of a quorum, modifying the restrictions on the use of television cameras in the Senate Chamber, providing for the division of time on final arguments and the order of presenting those arguments, and providing for deliberation in closed session and a vote on the articles of impeachment. The order adopted on October 6, 1986, referred to above is as follows:

Ordered, That on Tuesday, October 7, 1986, at the hour of 9:30 a.m., the Senate proceed as a court of impeachment.

Ordered further, That after the ascertainment of a quorum, after which the Chair is authorized to ascertain the presence of a quorum, there be two hours, equally divided between the managers on the part of the House of Representatives and the counsel on the part of the respondent, for argument on pending motions: *Provided,* That notwithstanding the provisions of S. Res. 28, the television cameras shall be permitted to focus on any person speaking.

Ordered further, That at the conclusion of the argument on motions, the Senate proceed in closed session until no later than the hour of 1:00 p.m. for deliberation on the motions.

Ordered further, That the Senate stand in recess between the hours of 1:00 and 2:00 p.m.

Ordered further, That upon the reconvening of the Senate at 2:00 p.m., the motions be disposed of.

Ordered further, That if, upon its disposition of the motions, the Senate determines that it is ready for final arguments, the Senate shall proceed to hear final arguments with the time until no later than 6:00 p.m. equally divided between the managers on the part of the House of Representatives and the counsel for the respondent, or the respondent himself: Provided, That the final arguments shall be opened and closed by the House of Representatives as provided in Senate Impeachment Rule 22.

Ordered further, If under the previous provisions of this order, the Senate has heard closing arguments on Tuesday, October 7, 1986, then on Wednesday, October 8, 1986, at the hour of 9:30 a.m., the Senate shall proceed in closed session to deliberate upon the articles of impeachment, and upon completion of its deliberations the Senate shall proceed to a vote.[2]

Articles of Impeachment, Presentation and Exhibition of:

On one occasion, the Senate received the managers on the part of the House of Representatives to present and exhibit articles of impeachment before the morning hour had expired.[3]

Attendance of Senators at Impeachment Trial:

See also "Attendance of Senators," pp. 214-224.

A quorum not having appeared on a call, the Sergeant at Arms of the Senate may be directed to request and subsequently to compel the attendance of the absent Senators.[4]

Commission To Take Deposition of a Witness:

The matter of the issuance of a commission to take the deposition of a witness in an impeachment trial should be determined by the Senate, and not decided by the Presiding Officer.[5]

Committee Appointed To Receive Evidence:

In 1935, a resolution was adopted by the Senate, to authorize the appointment by the Presiding Officer of a com-

[2] Oct. 6, 1986, 98-2, *Record,* pp. 29083-84.
[3] Aug. 9, 1988, 100-2, *Record,* pp. S 11157-67.
[4] May 23, 1933, 73-1, *Journal,* p. 337, *Record,* p. 3971.
[5] May 15, 1933, 73-1, *Journal,* p. 328, *Record,* p. 3397.

mittee of 12 Senators to receive evidence and take testimony in the trial of an impeachment, as follows:

Resolved, That in the trial of any impeachment the Presiding Officer of the Senate, upon the order of the Senate, shall appoint a committee of 12 Senators to receive evidence and take testimony at such times and places as the committee may determine, and for such purpose the committee so appointed and the chairman thereof, to be elected by the committee, shall (unless otherwise ordered by the Senate) exercise all the powers and functions conferred upon the Senate and the Presiding Officer of the Senate, respectively, under the rules of procedure and practice in the Senate when sitting on impeachment trials.

Unless otherwise ordered by the Senate, the rules of procedure and practice in the Senate when sitting on impeachment trials shall govern the procedure and practice of the committee so appointed. The committee so appointed shall report to the Senate in writing a certified copy of the transcript of the proceedings and testimony had and given before such committee, and such report shall be received by the Senate and the evidence so received and the testimony so taken shall be considered to all intents and purposes, subject to the right of the Senate to determine competency, relevancy, and materiality, as having been received and taken before the Senate, but nothing herein shall prevent the Senate from sending for any witness and hearing his testimony in open Senate, or by order of the Senate having the entire trial in open Senate.[6]

A similar resolution was adopted in 1986, authorizing the Presiding Officer to appoint a committee of twelve Senators to receive evidence and take testimony in the case of the impeachment of Harry E. Claiborne, a judge for the district of Nevada. The resolution follows:

Resolved, Pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve Senators to perform the duties and exercise the powers provided for in the rule.

SEC. 2. The Majority and Minority Leader shall each recommend six Members to the Presiding Officer for appointment to the committee.

SEC. 3. Necessary expenses of the committee shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee.

SEC. 4. The committee shall be deemed to be a standing committee of the Senate for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 5. The Secretary shall notify the House of Representatives of this resolution.[7]

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[6] May 28, 1935, 74-1, *Journal*, p. 391, *Record*, p. 8309.
[7] S. Res. 481, 99-2, Aug. 14, 1986.

Similar resolutions were adopted to appoint committees to receive and report evidence in the cases of judge Alcee L. Hastings [8] and judge Walter L. Nixon, Jr.[9]

Congress, Impeachment Carries Into New Congress:

The Senate has carried an impeachment over into a subsequent Congress. Articles of impeachment against Harold Louderback, a United States district judge for the northern district of California were exhibited on March 3, 1933, at the end of the second session of the 72d Congress,[10] and the trial occurred during the first session of the 73d Congress, concluding with acquittal on all articles on May 24, 1933.[11]

At the end of the 100th Congress, the Senate adopted a resolution to continue into the 101st Congress the proceedings in the impeachment of Alcee L. Hastings, a United States judge for the southern district of Florida.[12]

Consideration of Articles of Impeachment:

On one occasion, just before 1:00 p.m. on the day following the day articles of impeachment were exhibited by the managers on the part of the House, unanimous consent was obtained that the Senate not proceed to the articles of impeachment until an unspecified future time.[13]

Convicted Felons, Impeachment of:

Resolutions have been submitted in the Senate to amend the rules with respect to impeachments of convicted felons.[14]

Debate on Impeachment Trials:

See "Impeachment Proceedings, Debate in," p. 748.

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[8] S. Res. 38, Mar. 16, 1989, 101-1, *Record*, p. S 2803.
[9] S. Res. 128, May 11, 1989, 101-1, *Record*, pp. S 5133-34.
[10] Mar. 28, 1933, 72-2, *Journal*, pp. 283-84.
[11] May 24, 1933, 73-1, *Journal*, p. 344.
[12] S. Res. 480, 100-2, Sept. 30, 1988.
[13] Aug. 7, 1986, 99-2, *Record*, p. 19779.
[14] *See* S. Res. 489, 99-2, Sept. 10, 1986 (referred to Committee on Rules and Administration); and S. Res. 48, 100-1, Jan. 6, 1987 (referred to Committee on Rules and Administration).

Deliberations:

The Senate has adopted an order providing for a limitation of time for argument on motions submitted to the Senate as a Court of Impeachment, providing for a set period of time for deliberation in closed session on those motions, providing for the division of time on final arguments and the order of presenting those arguments, and providing for deliberation in closed session and a vote on the articles of impeachment.[15]

The Senate has adoped a unanimous consent agreement providing for arguments and deliberations on motions to dismiss several articles of impeachment.[16]

Floor Privileges Granted to Persons To Sit With House Managers:

During the Louderback and the Ritter impeachment trials, the Clerk of the Committee on the Judiciary of the House of Representatives, by unanimous consent, was given permission to sit with the managers on the part of the House.[17] Likewise, a special agent of the Federal Bureau of Investigation and an assistant to the counsel for the respondent were granted floor privileges during the Ritter impeachment trial.[18]

Leave To Print Opinions Granted:

In the Louderback impeachment trial, Senators, by order of the Senate, were granted permission to file opinions in writing "within 2 days after the final vote," for publication in the printed proceedings of the case.[19]

Legislative Business by Unanimous Consent:

The Senate, by unanimous consent, interrupted its impeachment proceedings to receive messages from the President, to receive messages from the House and to transact legislative business.[20]

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[15] Oct. 6, 1986, 98-2, *Record*, pp. 29083-84.
[16] Feb. 22, 1989, 101-1, *Record*, p. S 1497.
[17] May 15, 1933, 73-1, *Journal*, p. 326, *Record*, p. 3395; Apr. 8, 1936, 74-2, *Journal*, p. 497, *Record*, p. 5132.
[18] Apr. 8, 1936, 74-2, *Journal*, p. 497, *Record*, p. 5132.
[19] May 24, 1933, 73-1, *Journal*, p. 339, *Record*, p. 4083.
[20] Apr. 17, 1936, 74-2, *Journal*, p. 217; Apr. 15, 1936, 74-2, *Journal*, p. 218; Apr. 16, 1936, 74-2, *Journal*, p. 219.

Messages Between Houses:

On August 5, 1986, when the Senate was notified by the House of Representatives that managers on the part of the House were appointed to conduct an impeachment against an individual, the Senate adopted an order some five hours later directing the Secretary of the Senate to inform the House that the Senate was ready to receive those managers at 1:00 p.m. the following day, notwithstanding the provisions of Rule XXII of the Standing Rules of the Senate. Note the following order adopted by the Senate on that day:

"*Ordered,* That the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Harry E.Claiborne, judge of the United States District Court for the District of Nevada, agreeably to the notice communicated to the Senate, and that at the hour of 1:00 o'clock p.m. on Wednesday, August 6, 1986, notwithstanding the provisions of Rule XXII, the Senate will receive the honorable managers on the part of the House of Representatives, in order that they may present and exhibit the said articles of impeachment against the said Harry E. Claiborne, judge of the United States District Court for the District of Nevada." [21]

Motions:

The Senate sitting as a court of impeachment has adopted a preferential motion made by a Senator when a motion by one of the parties was pending; and motions submitted by a party in an impeachment trial were left unacted upon when a unanimous consent agreement provided for the vote on the articles of impeachment.[22]

The Senate has adopted a unanimous consent agreement providing for argument on motions to dismiss several articles of impeachment against a judge.[23]

Oath for Trial:

In the impeachment trial of Halstead L. Ritter, the oath was administered to the Vice President by Senator Borah, by order of the Senate, and then by the Vice President to the Senators.[24]

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[21] Aug. 5, 1986, 99-2, *Record*, pp. 19239, 19320.
[22] Oct. 8, 1986, 99-2, *Record*, pp. 29412, 29520.
[23] Feb. 22 and Mar. 6, 1989, 101-1, *Record*, pp. S 1496-97, 2185.
[24] Mar. 9 and 10, 1936, 74-2, *Journal*, pp. 473-78, *Record*, pp. 3423, 3485-89.

Papers Filed as Evidence Returned to District Court:

The Senate, by order, directed certain original papers filed as evidence in the Louderback impeachment trial returned to the United States District Court for the Northern District of California.[25]

Questions Submitted in Writing:

Questions submitted by a Senator during an impeachment trial on objection must be in writing.[26]

A request to abrogate the rule requiring questions by Members of the Senate during an impeachment trial to be in writing is not debatable.[27]

Quorum:

A quorum call is in order during an impeachment trial,[28] and the Sergeant at Arms of the Senate may be directed to request or compel the attendance of absent Senators.[29]

The Senate has adopted an order which, *inter alia*, authorized the Chair to ascertain the presence of a quorum during proceedings on an impeachment.[30]

Senators Excused From Trial Proceedings:

In the impeachment trial of Harold Louderback in 1933, certain Senators by unanimous consent, prior to the administration of the oath to Senators, were excused from participating in the proceedings of the Senate sitting for said trial.[31]

In the impeachment trial of judge Alcee L. Hastings in 1989, four Senators who had served in the House of Representatives during the previous Congress when that body adopted the articles of impeachment, were excused from further participation in that impeachment upon requests granted by the President *pro tempore.*[32]

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[25] May 25, 1933, 73-1, *Journal*, p. 200, *Record*, p. 4142.
[26] May 15, 1933, 73-1, *Journal*, p. 328, *Record*, p. 3408.
[27] *See* Apr. 8, 1936, 74-2, *Record*, p. 5164.
[28] *See* May 15, 1933, 73-1, *Record*, p. 3412.
[29] May 23, 1933, 73-1, *Journal*, p. 337, *Record*, p. 3971.
[30] Oct. 6, 1986, 98-2, *Record*, pp. 29083-84.
[31] Mar. 9, 1933, 73-1, *Journal*, p. 307, *Record*, pp. 47, 49.
[32] Mar. 15, 1989, 101-1, *Record*, pp. S 2549-50.

Senators, Questions By:

On September 17, 1986, the Senate granted unanimous consent that the Chairman or Vice Chairman of an Impeachment Committee appointed under Rule XI of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials, be authorized to permit members of that committee to pose questions orally to the impeached person, witnesses, House managers or counsel appearing before the committee, notwithstanding Rule XIX of those rules.[33]

Statements:

On October 9, 1986, unanimous consent was granted that Senators in the pending impeachment trial insert into the *Congressional Record* their statements made during deliberation in closed session on the articles of impeachment.[34]

Vote on Articles:

The vote required to convict an impeached official is two-thirds of the Senators present, and in effect a vote of "present" is a vote against conviction.[35]

Voting at Impeachment Trials:

Certain Senators by unanimous consent were excused from voting on various articles of impeachment in the trial of Harold Louderback in 1933.[36]

In 1989, unanimous consent was granted that the voting records of four Senators who had been excused from further proceedings in the impeachment of Alcee L. Hastings, not be calculated to include any rollcall votes during that trial.[37]

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[33] Sept. 17, 1986, 99-2, *Record*, p. 23750.
[34] Oct. 9, 1986, 99-2, *Record*, p. 29870.
[35] Oct. 9, 1986, 99-2, *Record*, p. 29872.
[36] May 24, 1933, 73-1, *Journal*, pp. 338-44, *Record*, pp. 4082-88.
[37] *See* Mar. 16, 1989, 101-1, *Record*, p. S 2802.

INCONSISTENCY OF AMENDMENTS

See "Consistency of Contents of Amendments," p. 52.

INQUIRY OF DEPARTMENTS

See "Departmental Inquiries," p. 799.

INQUIRIES AND INVESTIGATIONS

See "Investigations and Inquiries," pp. 881–890.

INSERTIONS IN CONGRESSIONAL RECORD

See "Congressional Record," pp. 643–654.

INTERPRETATION OF BILLS

It is not in order for the Chair, on the question of final passage of a bill, to attempt to analyze such bill or describe its provisions.[1]

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[1] *See* Aug. 31, 1922, 67-2, *Record*, p. 12032.