Impeachment of the U.S. President

Why in news?

- The recent investigation report of Special Counsel Robert Mueller concluded that Russia interfered in the 2016 U.S. elections, favouring Mr. Trump.
- With this, signs of taking up impeachment proceedings against the U.S. President are seen in the US Congress.

What are the grounds for impeachment?

- As per the US Constitution, the President can be removed from office by the Congress.
- It can be done for "treason, bribery, or other high crimes and misdemeanours."
- But exactly what all these mean is unclear.
- As per various observations, the following were suggested at different periods -
    i. an impeachable offence was whatever a majority of the House of Representatives considers it to be at a particular moment
    ii. Congress could look beyond criminal laws in defining "high crimes and misdemeanours"
- Historically, it can encompass corruption and other abuses, including trying to obstruct judicial proceedings.

How is impeachment carried out?

- The term impeachment is often interpreted as simply removing a president from office, but that is not strictly accurate.
- Technically, it refers to the 435-member House of Representatives approving formal charges against a president.
- The House effectively acts as accuser - voting on whether to bring specific charges.
- An impeachment resolution, known as "articles of impeachment," is like an indictment in a criminal case.
- A simple majority vote is needed in the House to impeach.
- The Senate then conducts a trial.
- So, House members act as the prosecutors and senators as the jurors.

- The chief justice of the U.S. Supreme Court presides over the trial.
- A two-thirds majority vote is required in the 100-member Senate to convict and remove a president from office.



What is the proof of wrongdoing?

- In a typical criminal court case, jurors are told to convict only if there is "proof beyond a reasonable doubt."
- However, impeachment proceedings are different.
- The House and Senate can decide on whatever burden of proof they want.
- There is no agreement on what the burden should be.

What is the Supreme Court's power?

- America's founders explicitly rejected making a Senate conviction appealable to the federal judiciary.
- They clearly decided this as a political process and it is ultimately a political judgment.
- In other words, the Supreme Court cannot overturn the impeachment.

Had there been successful impeachments before?

- No U.S. President has ever been removed from office as a direct result of impeachment and conviction by the Congress.
- President Nixon quit in 1974 rather than face impeachment.
- Presidents Andrew Johnson in 1868 and Bill Clinton in 1998 were impeached by the House.
- But both stayed in office after the Senate acquitted them.

What are the present chances of impeachment?

- Right now, there are 235 Democrats, 197 Republicans and 3 vacancies in the 435-member House.
- Going by simple majority, the Democratic majority could vote to impeach Trump without any Republican votes in the House.
- The Senate now has 53 Republicans, 45 Democrats and two independents who usually vote with Democrats.
- Conviction and removal of a president would require 67 votes in Senate (two-third majority).
- So for Trump to be impeached, at least 20 Republicans and all the Democrats and independents would have to vote against him.
- In case if a Senate conviction removes Trump from office, it would elevate Vice President Mike Pence to the presidency for the remaining term.

Source: Indian Express

