

Impeachment of Trump

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Source: *The Hindu*

Manifest pedagogy: Comparative constitution is an important issue in paper 2. Having an awareness about the important constitutional issues which occur around the world is important.

In news: The House of Representatives of the US have voted largely to impeach President Donald Trump.

Placing it in syllabus: Comparison of Indian constitution with that of other countries

Dimensions:

- Impeachment process in US
- Comparison with Indian President impeachment process

Content:

The House has voted to impeach Trump on **two grounds:**

- He is **accused of abusing his office by asking Ukraine** to start corruption investigations against Joe Biden, a former US vice-president who is also the leading Democratic contender in the 2020 US Presidential election. This in effect means trying to influence the election by pressuring a foreign country to investigate his rival candidate and smear his image.
- Donald Trump is **accused of obstructing Congress from investigating this case.**
- His Senate trial has remained at an impasse.

The **Senate is made up of 53 Republicans, 45 Democrats and two independents.** At least 20 Republicans would have to vote with all Democrats and two independents to remove the president.

Impeachment process in US:

- Impeachment is an **accusation, similar to a criminal charge**, brought by the House of Representatives.
- Impeachment of a U.S. president is addressed in **Article 2, Section 4 of the U.S. Constitution**.
- It **does not directly result in removal** from office.
- If the House votes to impeach a president, the Senate then functions as a jury, deciding whether to convict the president of the charges contained in the impeachment.
- The **Senate (upper house) shall have the sole power to try all Impeachments**.
- As of 2019, **three presidents have been impeached** by the House of Representatives: Andrew Johnson in 1868, Bill Clinton in 1998, and Donald Trump in 2019.
- **No president has ever been removed from office via the impeachment process**.
- Andrew Johnson and Bill Clinton were acquitted by the Senate and not removed from office.
- Donald Trump has not yet stood trial in the Senate.

Grounds of impeaching a president:

- Treason, Bribery, or other high Crimes and Misdemeanors.
- **Congress has identified three general types of conduct** that constitute grounds for impeachment:
 1. Improperly exceeding or abusing the powers of the office.
 2. Behavior incompatible with the function and purpose of the office.
 3. Misusing the office for an improper purpose or for personal gain.

Process:



- An **investigation** is carried out by a House committee.
- If enough evidence of **wrongdoing** is found out, then it will refer the matter to the full House.
- When the full House votes, **if one or more of the articles of impeachment gets a majority vote**, the proceedings move to the Senate.
- The **Chief Justice of the US Supreme Court** presides over impeachment trials in the Senate.
- A team of lawmakers from the House known as **managers, play the role of prosecutors.**
- Senate serves as the jury and the **President has defence lawyers.**
- Conviction requires a **2/3 vote of the Senate.**
- **If convicted, the president is removed from office and the Vice President takes over as President.**

Comparison with Indian President impeachment process:

- In the US, only House of Representatives (lower house) can initiate impeachment proceedings against the president, whereas **in India, either house can initiate the proceedings.**
- In the US, the power to impeach solely lies with the Senate, whereas **in India any house can impeach the president with the concurrence of the other house.**
- The grounds for impeaching US president is "Treason, Bribery, or other high Crimes and Misdemeanors". **In India, President can be removed from office for "violation of the constitution"** whose meaning is not defined in the constitution.