

# A Student Guide to Presidential Impeachments in the United States

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*Created for faculty and students*

**Impeachment** is the process by which the House of Representatives brings charges against the president for alleged misconduct. After the House decides to proceed with the allegations, the House and the president’s defense lawyers present their cases in the Senate. Senators must decide whether to convict (find guilty) or acquit (find innocent) the president. If the president is found guilty, they are **convicted**. Although three presidents have been impeached, no president has been convicted by the Senate.

## How Does Impeachment Work?

1

Congress investigates whether the president has committed “treason, bribery, or other high crimes and misdemeanors.”

2

The House of Representatives votes on each charge and decides whether to impeach the president. A simple majority of representatives must vote in favor for the president to be impeached.

3

The now-impeached president stands trial in the Senate. The House and the president’s defense lawyers present their cases before the senators, who serve as jurors.

4

The Senate votes on each article of impeachment and decides whether to convict (find guilty) or acquit (find innocent) the president. A two-thirds majority of senators must vote in favor for the president to be convicted and removed from office.



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## Why Does Congress Have This Power?

Congress derives this power from Article II, Section 4 of the U.S. Constitution. Congress can remove a president from office before their term ends if enough lawmakers believe the president has committed “treason, bribery, or other high crimes and misdemeanors.” Article I, Section 2 of the Constitution gives the House of Representatives “the sole power of impeachment,” while Article I, Section 3 of the Constitution gives the Senate “the sole power to try all impeachments.”

## Do Impeachments Happen Often?

In practice, impeachments by the House have been rare, and convictions after a trial by the Senate are even less common. Only three presidents have been impeached: Andrew Johnson in 1868, Bill Clinton in 1998 and Donald Trump in 2019 and again in 2021.

## What Does the Impeachment Process Look Like?

It depends. The Constitution states that a simple majority of votes is required to impeach in the House, and two-thirds of the Senate’s votes are required to convict. However, the Constitution does not describe the procedures for impeachment or conviction. For Bill Clinton, the impeachment process began in the House Judiciary Committee, which recommended articles of impeachment (i.e., the charges against the president) to the full House of Representatives. For Donald Trump’s 2019 impeachment, the House set up a special panel to investigate. For his second impeachment, the articles of impeachment went directly to a floor vote without any committee or panel vetting the charge.

Once the process moves to the Senate, they must hold a trial overseen by the chief justice of the United States or another presiding officer. Although the trial looks like a criminal trial, the Senate sets its own rules, so the proceedings may differ from an ordinary court of law. A group of lawmakers from the House (impeachment managers) serve as prosecutors of the case against the president. The president has defense lawyers, and senators serve as jurors of the case. If at least two-thirds of the senators find the president guilty, then the president is convicted and removed from office. The president cannot appeal the ruling.

## Who Can Be Impeached?

The president, vice president and other “civil officers of the United States” can be impeached. Although the Constitution does not explicitly define who qualifies as a civil



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officer, historical examples show that federal judges and cabinet-level officials can be impeached. The House has approved articles of impeachment against 20 federal officials: 15 federal judges, three sitting presidents, one Cabinet secretary and one U.S. senator, although the Senate later determined that members of Congress cannot be impeached.

## What Happens if a President is Impeached, But Not Convicted?

Nothing. Impeachment is simply bringing charges against a president. If the Senate does not convict the president, then the president is not guilty and remains in office.

## What Happens if a President is Impeached and Convicted?

If a president is impeached by the House and convicted by the Senate, then they are subsequently removed from office, and the vice president becomes president. The Senate may hold a separate vote to bar the now-convicted president from ever holding federal office in the future, or impose other penalties.

## Can a President Who is Out of Office Be Impeached?

The Constitution does not explicitly answer this question. However, on Feb. 9, 2021, the Senate voted to proceed with the second impeachment trial of former President Donald Trump, after an afternoon of arguments on whether it was constitutional to try a former president.

## Can a President Be Impeached More than Once?

Yes. Former President Donald Trump has been impeached twice.

## How to Vocalize Your Approval or Disapproval on an Impeachment Proceeding

If you want to voice your opinions about an impeachment proceeding, contact your House of Representatives members and Senate members. You can find these officials using [USA.gov's How to Contact Your Elected Officials](#) webpage. You can write your representatives a letter, call their office and follow them on social media to let them know how you feel about the proceeding.