

December 23, 2019

On Wednesday, December 18, 2019, the United States House of Representatives, after three months of public and private hearings and an impeachment investigation, voted to impeach President Donald J. Trump. President Trump now becomes the third president in the nation's history to be impeached by the House. By a vote of 230-197, with one Democrat voting present and three members not voting, the House adopted the first article of Impeachment alleging abuse of power by President Trump. Notably, two Democrats, including one who switched from the Democratic to the Republican party earlier this week, voted no for the first article. By a vote of 229-198, with one Democrat voting present and three members not voting, the House adopted the second article of Impeachment alleging obstruction of Congress by President Trump. The party vote breakdown was almost identical for the second article, with an additional Democrat voting no.

Under standard circumstances, the speaker of the House would have sent the articles of impeachment to the Senate, and the House would have voted to appoint managers who would present the case in the Senate trial. The Senate would have one day from the delivery of the articles to begin consideration of such articles and would continue in session until the trial concluded.

However, that is not what happened. The House went into recess yesterday until January 7 without either sending the articles to the Senate or appointing managers for the trial. There is much speculation whether and when Speaker Nancy Pelosi will deliver the articles to the Senate, given the fact that Senate Majority Leader Mitch McConnell and Senate Minority Leader Chuck Schumer have not reached an agreement on the rules by which the Senate would conduct the trial. Leader McConnell has said publicly that he would take direction from the White House on how to draft the rules for the trial, prompting Democrats to question the impartiality of the trial and declare it a mistrial before it has even started. Speaker Pelosi said that she would wait to see what the Senate's rules for the trial will be before delivering the articles, and House Majority Whip Jim Clyburn said that he would wait as long as it takes to deliver the articles until the Democrats feel that the Senate trial will be fair and impartial.

There is no expectation for a deal to be reached during the holiday recess. The Senate is expected to return to session beginning January 3, so as of now it appears that the next step is for Majority Leader McConnell and Minority Leader Schumer to reach an agreement on the Senate's rules for proceeding to a trial before the articles will be sent over from the House. Dentons' Public Policy group will send updates over the holiday as needed if there is any breaking news.

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