

Trump Impeachment Update: Senate acquits

February 6, 2020

On Wednesday, February 5, the United States Senate voted to acquit President Trump of the two articles of impeachment that the US House of Representatives passed on December 18 and hand-delivered to the Senate on January 15. The vote concluded a trial that lasted 20 days, saw 36 hours of presentations, 16 hours of Senate questioning, and some late-inning drama that ultimately resulted in Senate Majority Leader Mitch McConnell securing enough votes to prevent introduction of witnesses and new evidence, a move that would have delayed the final vote indefinitely.

Late last Friday after Senate questioning ended, Republican Senator Lamar Alexander, a retiring senator from Tennessee, announced that he would vote against a measure to introduce witnesses and new evidence. Senator Susan Collins (R-ME) announced that she would support the measure, joining Senator Mitt Romney (R-UT) as the only members of their party willing to break ranks with their caucus to hear from witnesses. Had Senator Lisa Murkowski of Alaska, another moderate Republican, joined her colleagues from Maine and Utah, the vote count on the measure would have been 50-50, and Chief Justice John Roberts would have had to cast the deciding vote as the presiding officer. But Senator Murkowski ultimately voted against the measure, offering as one of the reasons that it had become clear that some of her colleagues intended to “politicize this process, and drag the Supreme Court into the fray, while attacking the Chief Justice. I will not stand for nor support that effort.”

Some Senate Republicans, as well as the President, wanted the Senate to conduct the final vote last Friday evening, which would have allowed the President to address the nation on the State of the Union on Tuesday without a cloud hanging over his head. However, other Republicans, and the Democrats, wanted an opportunity to make floor speeches about the impeachment trial. McConnell reached a deal with Senate Minority Leader Chuck Schumer to hold the final vote this afternoon. The President, for his part, did not mention the impeachment trial during Tuesday night’s SOTU address, and other news events, including the Super Bowl and the Iowa Democratic Caucus, prevented the impeachment trial from receiving much media attention over the last few days.

Senator Joe Manchin (D-WV) has drafted a Senate resolution to censure the President, and has suggested that consideration of such a resolution would garner bipartisan support by giving Senators who don’t believe the President’s conduct warrants removal from office a formal opportunity to condemn the President’s actions. While both moderate Democrats and Republicans might like the opportunity to vote on such a resolution, it seems unlikely that the Republican leadership in the Senate will allow such a resolution to come to a vote. McConnell has said that he wants to move on after the acquittal, and various Republicans in the Senate have suggested that if the Democrats wanted a censure vote, they should have pursued such a vote in lieu of impeachment.

When Alexander Hamilton wrote in Federalist 65 that impeachment would “seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused,” he correctly forecast the dynamics that have played out over the past few months. As Senator Murkowski said in her statement last Friday night, “It is sad for me to admit that, as an institution, the Congress has failed. We are sadly at a low point of division

in this country.”

Your Key Contacts



C. Randall Nuckolls
Partner, Washington, DC
D +1 202 496 7176
randy.nuckolls@dentons.com



Michael Pfeifer
Managing Associate,
Washington, DC
D +1 202 496 7426
michael.pfeifer@dentons.com



John R. Russell, IV
Principal, Washington, DC
D +1 202 408 6392
john.russell@dentons.com