

indicated he wished to submit the question to the Senate.⁽¹⁾

Parliamentarian's Note: In an impeachment trial, the managers on the part of the House and counsel for the respondent have the privilege of the Senate floor under the Senate rules for impeachment trials.

§ 12. Conduct of Trial

The conduct of an impeachment trial is governed by the standing rules of the Senate on impeachment trials and by any supplemental rules or orders adopted by the Senate for a particular trial.⁽²⁾

An impeachment trial is a full adversary proceeding, and counsel are admitted to appear, to be heard, to argue on preliminary and interlocutory questions, to deliver opening and final arguments, to submit motions, and to present evidence and examine and cross-examine witnesses.⁽³⁾

1. 6 Cannon's Precedents § 522.

2. For the text of the rules for impeachment trials, see § 11, *supra*. For supplemental rules adopted by the Senate, see §§ 11.7, 11.8, *supra*. For examples of orders adopted during or for the trial, see §§ 11.12, *supra* (appointment of Presiding Officer), 12.1, *infra* (opening arguments), 12.9, *infra* (return of evidence), and 12.12, *infra* (final arguments).

3. See Rules XV–XXII of the rules for impeachment trials set out in § 11, *supra*.

The Presiding Officer rules on questions of evidence and on incidental questions subject to a demand for a formal vote, or may submit questions in the first instance to the Senate under Rule VII of the rules for impeachment trials.⁽⁴⁾

The trial may be temporarily suspended for the transaction of legislative business or for the reception of messages.⁽⁵⁾

Collateral Reference

Riddick, Procedure and Guidelines for Impeachment Trials in the United States Senate, S. Doc. No. 93–102 93d Cong. 2d Sess. (1974).

Opening Arguments

§ 12.1 The Senate sitting as a Court of Impeachment customarily adopts an order providing for opening arguments to be made by one person on behalf of the man-

4. See § 12.7, *infra*, for rulings on admissibility of evidence and §§ 12.3, 12.4, *infra*, for rulings on motions to strike articles.

5. See §§ 12.5, 12.6, *infra*. Rule XIII of the rules for impeachment trials provides that the adjournment of the Senate sitting as a Court of Impeachment shall not operate to adjourn the Senate, but that the Senate may then resume consideration of legislative and executive business.

agers and one person on behalf of the respondent.

On Apr. 6, 1936, the Senate sitting as a Court of Impeachment for the trial of Judge Halsted L. Ritter adopted the following order on opening arguments:

Ordered, That the opening statement on the part of the managers shall be made by one person, to be immediately followed by one person who shall make the opening statement on behalf of the respondent.⁽⁶⁾

Identical orders had been adopted in past impeachment trials.⁽⁷⁾

Motions to Strike

§ 12.2 During an impeachment trial, the managers on the part of the House made and the Senate granted a motion to strike certain specifications from an article of impeachment.

On Apr. 3, 1936,⁽⁸⁾ the following proceedings occurred on the floor of the Senate during the impeachment trial of Judge Halsted L. Ritter:

MR. MANAGER [HATTON W.] SUMNERS [of Texas] (speaking from the

6. 80 CONG. REC. 4971, 74th Cong. 2d Sess.

7. See, for example, 6 Cannon's Precedents § 524 (Harold Louderback); 6 Cannon's Precedents § 509 (Robert Archbald).

8. 80 CONG. REC. 4899, 74th Cong. 2d Sess.

desk in front of the Vice President): Mr. President, the suggestion which the managers desire to make at this time has reference to specifications 1 and 2 of article VII. These two specifications have reference to what I assume counsel for respondent and the managers as well, recognize are rather involved matters, which would possibly require as much time to develop and to argue as would be required on the remainder of the case.

The managers respectfully move that those two counts be stricken. If that motion shall be sustained, the managers will stand upon the other specifications in article VII to establish article VII. The suggestion on the part of the managers is that those two specifications in article VII be stricken from the article.

THE PRESIDING OFFICER:⁽⁹⁾ What is the response of counsel for the respondent?

MR. [CHARLES L.] McNARY [of Oregon]: Mr. President, there was so much rumbling and noise in the Chamber that I did not hear the position taken by the managers on the part of the House.

THE PRESIDING OFFICER: The managers on the part of the House have suggested that specifications 1 and 2 of article VII be stricken on their motion.

. . .

MR. HOFFMAN [of counsel]: Mr. President, the respondent is ready to file his answer to article I, to articles II and III as amended, and to articles IV, V, and VI. In view of the announcement just made asking that specifications 1 and 2 of article VII be stricken, it will be necessary for us to revise our

9. Nathan L. Bachman (Tenn.).

answer to article VII and to eliminate paragraphs 1 and 2 thereof. That can be very speedily done with 15 or 20 minutes if it can be arranged for the Senate to indulge us for that length of time.

THE PRESIDING OFFICER: Is there objection to the motion submitted on the part of the managers?

MR. HOFFMAN: We have no objection.

THE PRESIDING OFFICER: The motion is made. Is there objection? The Chair hears none, and the motion to strike is granted.

§ 12.3 Where the respondent in an impeachment trial moves to strike certain articles or, in the alternative, to require election as to which articles the managers on the part of the House will stand upon, the Presiding Officer may rule on the motion in the first instance subject to the approval of the Senate.

On Mar. 31, 1936, the respondent in an impeachment trial, Judge Halsted Ritter, offered a motion to strike certain articles, his purpose being to compel the House to proceed on the basis of Article I or Article II, but not both. On Apr. 3, the Chair (Presiding Officer Nathan L. Bachman, of Tennessee) ruled that the motion was not well taken and overruled it. The proceedings were as follows:⁽¹⁰⁾

10. 80 CONG. REC. 4656, 4657, 74th Cong. 2d Sess., Mar. 31, 1936, and

The motion as duly filed by counsel for the respondent is as follows:

IN THE SENATE OF THE UNITED STATES OF AMERICA SITTING AS A COURT OF IMPEACHMENT. *The United States of America v Halsted L. Ritter, respondent*

MOTION TO STRIKE ARTICLE I, OR, IN THE ALTERNATIVE, TO REQUIRE ELECTION AS TO ARTICLES I AND II; AND MOTION TO STRIKE ARTICLE VII

The respondent, Halsted L. Ritter, moves the honorable Senate, sitting as a Court of Impeachment, for an order striking and dismissing article I of the articles of impeachment, or, in the alternative, to require the honorable managers on the part of the House of Representatives to elect as to whether they will proceed upon article I or upon article II, and for grounds of such motion respondent says:

1. Article II reiterates and embraces all the charges and allegations of article I, and the respondent is thus and thereby twice charged in separate articles with the same and identical offense, and twice required to defend against the charge presented in article I.

2. The presentation of the same and identical charge in the two articles in question tends to prejudice the respondent in his defense, and tends to oppress the respondent in that the articles are so framed as to collect, or accumulate upon the second article, the adverse votes, if any, upon the first article.

3. The Constitution of the United States contemplates but one vote of the Senate upon the charge contained in each article of impeachment, whereas articles I and II are constructed and arranged in such

80 CONG. REC. 4898, 74th Cong. 2d Sess., Apr. 3, 1936.

form and manner as to require and exact of the Senate a second vote upon the subject matter of article I.

MOTION TO STRIKE ARTICLE VII

And the respondent further moves the honorable Senate, sitting as a Court of Impeachment, for an order striking and dismissing article VII, and for grounds of such motion, respondent says:

1. Article VII includes and embraces all the charges set forth in articles I, II, III, IV, V, and VI.

2. Article VII constitutes an accumulation and massing of all charges in preceding articles upon which the Court is to pass judgment prior to the vote on article VII, and the prosecution should be required to abide by the judgment of the Senate rendered upon such prior articles and the Senate ought not to countenance the arrangement of pleading designed to procure a second vote and the collection or accumulation of adverse votes, if any, upon such matters.

3. The presentation in article VII of more than one subject and the charges arising out of a single subject is unjust and prejudicial to respondent.

4. In fairness and justice to respondent, the Court ought to require separation and singleness of the subject matter of the charges in separate and distinct articles, upon which a single and final vote of the Senate upon each article and charge can be had.

FRANK P. WALSH,
CARL T. HOFFMAN,
Of Counsel for Respondent.

RULING ON THE MOTION OF RESPONDENT TO STRIKE OUT

THE PRESIDING OFFICER: On the motion of the honorable counsel for the respondent to strike article I of the articles of impeachment or, in the alter-

native, to require the honorable managers on the part of the House to make an election as to whether they will stand upon article I or upon article II, the Chair is ready to rule.

The Chair is clearly of the opinion that the motion to strike article I or to require an election is not well taken and should be overruled.

His reason for such opinion is that articles I and II present entirely different bases for impeachment.

Article I alleges the illegal and corrupt receipt by the respondent of \$4,500 from his former law partner, Mr. Rankin.

Article II sets out as a basis for impeachment an alleged conspiracy between Judge Ritter; his former partner, Mr. Rankin; one Richardson, Metcalf & Sweeney; and goes into detail as to the means and manner employed whereby the respondent is alleged to have corruptly received the \$4,500 above mentioned.

The two allegations, one of corrupt and illegal receipt and the other of conspiracy to effectuate the purpose, are, in the judgment of the Chair, wholly distinct, and the respondent should be called to answer each of the articles.

What is the judgment of the Court with reference to that particular phase of the motion to strike?

MR. [WILLIAM H.] KING [of Utah]: Mr. President, if it be necessary, I move that the ruling of the honorable Presiding Officer be considered as and stand for the judgment of the Senate sitting as a Court of Impeachment.

THE PRESIDING OFFICER: Is there objection? The Chair hears none, and the ruling of the Chair is sustained by the Senate.

§ 12.4 Where the respondent in an impeachment trial moves to strike an article on grounds that have not been previously presented in impeachment proceedings in the Senate, the Presiding Officer may submit the motion to the Senate sitting as a Court of Impeachment for decision.

On Mar. 31, 1936,⁽¹¹⁾ Judge Halsted Ritter, the respondent in an impeachment trial, moved to strike Article VII of the articles presented against him, on the following grounds:

1. Article VII includes and embraces all the charges set forth in articles I, II, III, IV, V, and VI.

2. Article VII constitutes an accumulation and massing of all charges in preceding articles upon which the Court is to pass judgment prior to the vote on article VII, and the prosecution should be required to abide by the judgment of the Senate rendered upon such prior articles and the Senate ought not to countenance the arrangement of pleading designed to procure a second vote and the collection or accumulation of adverse votes, if any, upon such matters.

3. The presentation in article VII of more than one subject and the charges arising out of a single subject is unjust and prejudicial to respondent.

4. In fairness and justice to respondent, the Court ought to require separa-

tion and singleness of the subject matter of the charges in separate and distinct articles, upon which a single and final vote of the Senate upon each article and charge can be had.

On Apr. 3, 1936, Presiding Officer Nathan L. Bachman, of Tennessee, submitted the motion to the Court of Impeachment for decision:⁽¹²⁾

THE PRESIDING OFFICER: . . . With reference to article VII of the articles of impeachment, formerly article IV, the Chair desires to exercise his prerogative of calling on the Court for a determination of this question.

His reason for so doing is that an impeachment proceeding before the Senate sitting as a Court is *sui generis*, partaking neither of the harshness and rigidity of the criminal law nor of the civil proceedings requiring less particularity.

The question of duplicity in impeachment proceedings presented by the honorable counsel for the respondent is a controversial one, and the Chair feels that it is the right and duty of each Member of the Senate, sitting as a Court, to express his views thereon.

Precedents in proceedings of this character are rare and not binding upon this Court in any course that it might desire to pursue.

The question presented in the motion to strike article VII on account of duplicity has not, so far as the Chair is advised, been presented in any impeachment proceeding heretofore had before this body.

The Chair therefore submits the question to the Court.

11. 80 CONG. REC. 4656, 4657, 74th Cong. 2d Sess.

12. *Id.* at p. 4898.

MR. [HENRY F.] ASHURST [of Arizona]: Mr. President, under the rules of the Senate, sitting as a Court of Impeachment, all such questions, when submitted by the Presiding Officer, shall be decided without debate and without division, unless the yeas and nays are demanded by one-fifth of the Members present, when the yeas and nays shall be taken.

THE PRESIDING OFFICER: The Chair, therefore, will put the motion. All those in favor of the motion of counsel for the respondent to strike article VII will say "aye." Those opposed will say "no."

The noes have it, and the motion in its entirety is overruled.

Suspension of Trial for Messages and Legislative Business

§ 12.5 While the Senate is sitting as a Court of Impeachment, the impeachment proceedings may be suspended by motion in order that legislative business be considered.

On Apr. 6, 1936, the Senate was sitting as a Court of Impeachment in the trial of Judge Halsted Ritter. A motion was made and adopted to proceed to the consideration of legislative business, the regular order for the termination of the session (5 :30 p.m.) not having arrived:

MR. [JOSEPH T.] ROBINSON [of Arkansas]: Mr. President, I move that

the Court suspend its proceedings and that the Senate proceed to the consideration of legislative business; and I should like to make a brief statement as to the reasons for the motion. Some Senators have said that they desire an opportunity to present amendments to general appropriation bills which are pending, and that it will be necessary that the amendments be presented today in order that they may be considered by the committee having jurisdiction of the subject matter. I make the motion.

The motion was agreed to; and the Senate proceeded to the consideration of legislative business.⁽¹³⁾

§ 12.6 Impeachment proceedings in the Senate, sitting as a Court of Impeachment, may be suspended for the reception of a message from the House.

On Apr. 8, 1936, the Senate was sitting as a Court of Impeachment in the trial of Judge Halsted Ritter and examination of witnesses was in progress. A message was then received:

MR. [JOSEPH T.] ROBINSON [of Arkansas]: Mr. President, may I interrupt the proceedings for a moment? In order that a message may be received from the House of Representatives, I ask that the proceedings of the Senate sitting as a Court of Impeachment be suspended temporarily, and that the Senate proceed with the consideration of legislative business.

13. 80 CONG. REC. 4994, 74th Cong. 2d Sess.

THE PRESIDENT PRO TEMPORE:⁽¹⁴⁾ Is there objection?

There being no objection, the Senate resumed the consideration of legislative business.

(The message from the House of Representatives appears elsewhere in the legislative proceedings of today's RECORD.)

IMPEACHMENT OF HALSTED L. RITTER

MR. ROBINSON: I move that the Senate, in legislative session, take a recess in order that the Court may resume its business.

The motion was agreed to; and the Senate, sitting as a Court of Impeachment, resumed the trial of the articles of impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida.⁽¹⁵⁾

Evidence

§ 12.7 The Presiding Officer at an impeachment trial rules on the admissibility of documentary evidence when a document is offered and specific objection is made thereto.

During the impeachment trial of Judge Halsted Ritter in the 74th Congress, the Presiding Officer set out guidelines under which rulings on the admissibility of evidence would be made. At issue was a large number of letters, to

which a general objection was raised:⁽¹⁶⁾

MR. WALSH (of counsel): For the sake of saving time, we have these letters which have gotten into our possession, which have been given to us, and I suggest to the House managers that we have copies of this entire correspondence, a continuous list of them chronologically copied. We are going to ask you, if you will agree, that instead of reading these letters to Mr. Sweeny we be permitted to offer them all in evidence and give you copies of them.

MR. MANAGER [RANDOBPH] PERKINS [of New Jersey]: Mr. President, the managers on the part of the House object to that procedure. These letters are incompetent, immaterial, and irrelevant, and will only encumber the record.

MR. WALSH (of counsel): I desire to say that these letters predate and antedate this transaction. They show the effort that was being made, and they throw a strong light upon the proposition that this was not a champertous proceeding, but that it was a proceeding started by these men who had invested their money, and upon whose names and credit these bonds were sold. It is in answer to that.

THE PRESIDING OFFICER:⁽¹⁷⁾ It is the ruling of the Chair that the letters shall be exhibited to the managers on the part of the House, and that the managers on the part of the House may make specific objections to each document to which they wish to lodge

14. Key Pittman (Nev.).

15. 80 CONG. REC. 5129, 74th Cong. 2d Sess.

16. 80 CONG. REC. 5245-53, 74th Cong. 2d Sess., Apr. 9, 1936.

17. Walter F. George (Ga.).

objection. There can be no ruling with respect to a large number of documents without specific objection.

MR. WALSH (of counsel): Will you take that suggestion of the Presiding Officer and go through these documents?

MR. MANAGER PERKINS: Mr. President, we understand that these letters are to be offered, and objection made as they are offered; or are we to examine the file and find out what documents we object to?

THE PRESIDING OFFICER: The ruling of the Chair was that the letters shall be exhibited to the managers on the part of the House, and that specific objection shall be lodged to documents to which the managers wish to lodge objections.

MR. MANAGER PERKINS: Mr. President, we will examine them during the recess and be prepared to follow that procedure. . . .

MR. MANAGER [SAM] HOBBS [of Alabama]: . . .

Q. Judge, I will ask you if the matter of the requirement of a supersedeas bond, and fixing the amount thereof, was one of the questions which would probably come up immediately after the final decree was rendered.

MR. WALSH (of counsel): I wish to object to that question for the reason that the record in the case and the papers in the case are the best evidence. I should like to have them here. I should like to have them identified, so that, if we thought it necessary, we could interrogate the witness on cross-examination.

THE PRESIDENT PRO TEMPORE:⁽¹⁸⁾ The Presiding Officer thinks, if the

witness knows matters that he himself attended to, the original documents not being in question, he has a right to answer the question.

[JUDGE RITTER]: A. I have no independent recollection of the matter at all. The official court records or this memorandum would have to control.

§ 12.8 Exhibits in evidence in an impeachment trial should be identified and printed in the Record if necessary.

On Apr. 8, 1936, a proposal was made in the Senate, sitting as a Court of Impeachment in the Halsted Ritter trial, as to the identification of certain exhibits:⁽¹⁹⁾

MR. WALSH (of counsel): Have you the letter that is referred to in that letter?

MR. MANAGER [RANDOLPH] PERKINS [of New Jersey]: I have not it at hand at this moment, but I have it here somewhere.

MR. WALSH (of counsel): I should like to see the letter if it is here.

MR. MANAGER PERKINS: I understood that Mr. Rankin would resume the stand at this time.

MR. [SHERMAN] MINTON [of Indiana]: Mr. President, far be it from me to suggest to eminent counsel engaged in this case how they should conduct a lawsuit, but I respectfully suggest that they identify their exhibits in some way, and also the papers that are introduced in the record, so that we may keep track of them.

18. Key Pittman (Nev.).

19. 80 CONG. REC. 5137, 74th Cong. 2d Sess.

THE PRESIDING OFFICER:⁽²⁰⁾ The Chair takes the liberty of suggesting that the statement made by the Senator from Indiana is a wise one, and is followed in court. The Chair sees no reason why identification should not be made of the exhibits which are received in evidence. Counsel will proceed.

Certain exhibits were ordered printed, while others were merely introduced in evidence. One exhibit was printed in the Record by unanimous consent.⁽²¹⁾

MR. [HOMER T.] BONE [of Washington]: Mr. President, may I inquire of the Chair if all the exhibits counsel are introducing are to be printed in the daily Record?

THE PRESIDING OFFICER:⁽¹⁾ The Chair thinks not.

MR. BONE: I am wondering how we may later scrutinize them if counsel are going to rely on them.

THE PRESIDING OFFICER: Some of the exhibits are being ordered printed and others are merely introduced in evidence for the use of counsel upon argument and consideration of the court.

MR. WALSH (of counsel): I had supposed that all correspondence would be printed in full in the Record.

THE PRESIDING OFFICER: The Chair assumes that all documents and correspondence which have been read or which have been ordered printed have been or will be printed in the Record.

MR. WALSH (of counsel): I think perhaps a mere reference to this order

would be sufficient to advise those of the Senators who have not heard it. However, as to this particular order, I will ask that it be printed in the Record.

THE PRESIDING OFFICER: Is there objection?

Federal income-tax returns of the respondent, offered in evidence by the managers, were printed in full in the, Record.⁽²⁾

§ 12.9 The Senate sitting as a Court of Impeachment may at the conclusion of the trial provide by order for the return of evidence to proper owners or officials.

On Apr. 16, 1936, the Senate sitting as a Court of Impeachment in the trial of Judge Halsted Ritter adopted, at the conclusion of trial, orders for the return of evidence:⁽³⁾

Ordered, That the Secretary be, and he is hereby, directed to return to A. L. Rankin, a witness on the part of the United States, the two documents showing the lists of cases, pending and closed, in the law office of said A. L. Rankin, introduced in evidence during the trial of the impeachment of Halsted L. Ritter, United States district judge for the southern district of Florida. . . .

Ordered, That the Secretary of the Senate be, and he is hereby, directed

20. William H. King (Utah).

21. 80 CONG. REC. 5341, 74th Cong. 2d Sess., Apr. 10, 1936.

1. Matthew M. Neely (W. Va.).

2. 80 CONG. REC. 5256-61, 74th Cong. 2d Sess., Apr. 9, 1936.

3. 80 CONG. REC. 5558, 5559, 74th Cong. 2d Sess.

to return to the clerk of the United States District Court for the Southern District of Florida and the clerk of the circuit court, Palm Beach County, Fla., sitting in chancery, the original papers filed in said courts which were offered in evidence during the proceedings of the Senate sitting for the trial of the impeachment of Halsted L. Ritter, United States district judge for the southern district of Florida.

In the Harold Louderback trial, the Senate returned papers by order to a U.S. District Court.⁽⁴⁾

Witnesses

§ 12.10 The Senate sitting as a Court of Impeachment has adopted orders requiring witnesses to stand while giving testimony during impeachment trials.

On Apr. 6, 1936, during the trial of Judge Halsted Ritter before the Senate sitting as a Court of Impeachment, an order was adopted as to the position of witnesses while testifying:⁽⁵⁾

MR. [WILLIAM H.] KING [of Utah]: Pursuant to the practice heretofore observed in impeachment cases, I send to the desk an order, and ask for its adoption.

THE VICE PRESIDENT:⁽⁶⁾ The order will be stated.

4. 77 CONG. REC. 4142, 73d Cong. 1st Sess., May 25, 1933.
5. 80 CONG. REC. 4971, 74th Cong. 2d Sess. See also 6 Cannon's Precedents § 488.
6. John N. Garner (Tex.).

The legislative clerk read as follows:

Ordered, That the witnesses shall stand while giving their testimony.

THE VICE PRESIDENT: Is there objection to the adoption of the order? The Chair hears none, and the order is entered.

§ 12.11 The respondent may take the stand and be examined and cross-examined at his impeachment trial.

On Apr. 11, 1936, Judge Halsted Ritter, the respondent in a trial of impeachment, was called as a witness by his counsel. He was cross examined by the managers on the part of the House and by Senators sitting on the Court of Impeachment, who submitted their questions in writing.⁽⁷⁾

Parliamentarian's Note: The respondent in an impeachment trial is not required to appear, and the trial may proceed in his absence. Impeachment rules VIII and IX provide for appearance and answer by attorney and provide for continuance of trial in the absence of any appearance. The respondent first testified in his own behalf in the Robert Archbald impeachment trial in 1913, and Judge Harold Louderback testified at his trial in 1933.⁽⁸⁾

7. 80 CONG. REC. 5370-86, 74th Cong. 2d Sess.
8. See 6 Cannon's Precedents §§ 511 (Archbald), 524 (Louderback).

*Final Arguments***§ 12.12 Following the presentation of evidence in an impeachment trial, the Court of Impeachment adopts an order setting the time to be allocated for final arguments.**

On Apr. 13, 1936, the Senate sitting as a Court of Impeachment in the trial of Judge Halsted Ritter adopted, at the close of the presentation of evidence, an order limiting final arguments:

Ordered, That the time for final argument of the case of Halsted L. Ritter shall be limited to 4 hours, which said time shall be divided equally between the managers on the part of the House of Representatives and the counsel for the respondent, and the time thus assigned to each side shall be divided as each side for itself may determine.⁽⁹⁾

9. 80 CONG. REC. 5401, 74th Cong. 2d Sess. An identical order was adopted in the Harold Louderback impeachment trial (see 6 Cannon's Precedents § 524).

Orders for final arguments have varied as to the time and number of arguments permitted, although in one instance—the trial of President Andrew Johnson—no limitations were imposed as to the time for and number of final arguments. See 3 Hinds' Precedents § 2434.

§ 13. Voting; Deliberation and Judgment

The applicable rules on impeachment trials provide for deliberation behind closed doors, for a vote on the articles of impeachment, and for pronouncement of judgment. (See Rules XXIII and XXIV.)⁽¹⁰⁾ Except for organizational questions, debate is in order during an impeachment trial only while the Senate is deliberating behind closed doors, at which time the respondent, his counsel, and the managers are not present. Rule XXIV, of the rules for impeachment trials, provides that orders and decisions shall be determined by the yeas and nays without debate.⁽¹¹⁾

Under article I, section 3, clause 6 of the U.S. Constitution, a two-thirds vote is required to convict the respondent on an article of impeachment, the articles being voted on separately under Rule XXIII of the rules for impeachment trials.⁽¹²⁾

10. The Senate rules on impeachment are set out in § 11, *supra*.

11. For debate on organizational questions before trial commences, see § 11.11, *supra*.

12. Overruled in the Ritter impeachment trial was a point of order that the respondent was not properly convicted, a two-thirds vote having been obtained on an article which cumulated offenses (see §§ 13.5, 13.6, *infra*).