

# BoğaziçiMUN

## Rules of Procedure on Impeachment Trials



## **A) Scope**

**Article i:** These Rules of Procedure shall only apply to the U.S. Senate committee of BoğaziçiMUN 2024 and only when the Senate is sitting on Impeachment Trials.

**Article ii:** All of the rules explained in these Rules of Procedure shall be considered as adopted at the beginning of the first session of the Impeachment Trial. In case of the emergence of a point of parliamentary inquiry or a point of order regarding a question that is not answered in these rules of procedure, the Committee Board has the authority to respond and reflect the views of the Secretariat.

## **B) Rules Governing Oaths**

### **Article 1: Oaths of the Members of the Senate**

1. Prior to the commencement of the Impeachment Trial, all members of the Senate, as well as the Presiding Officer who will sit in during the Trial, shall be administered the following oath:

“I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ——— ———, now pending, I will do impartial justice according to the Constitution and laws: So help me God.”

## **C) Rules Governing Impeachment Procedure**

### **Article 2: Presiding Officer**

1. When the President of the United States or the Vice President of the United States is impeached, the Chief Justice of the United States shall preside over the trial procedure in the Senate Chamber.
2. For parliamentary purposes, the Parliamentarian of the Senate shall accompany the Chief Justice to make sure the Presidency is well-equipped with parliamentary procedure.
3. The Chief Justice shall not cast the tie-breaking vote, as he is an unelected servant from a different branch of government. Thus, in case of a tie, the motion shall be considered to have failed with no majority required being reached.

## **D) Impeachment Articles**

### **Article 3: Article of Impeachment**

1. The Article of Impeachment is a documented statement which specifies the charges to be tried in an impeachment trial.
2. A person shall not be tried or convicted of any other charges that are not explicitly stated in an Article of Impeachment.
3. The Articles of Impeachment shall be prepared and adopted by the United States House of Representatives and delivered to the Senate Presidency by the House Managers.
4. House Managers include members of the U.S. House of Representatives tasked with the responsibility of informing the Senate about the Articles, presenting evidence during the trial, and prosecuting the respondent.

## **E) Rules Governing Trial**

#### **Article 4: Presentation of Impeachment Articles**

1. After the Senate enters the official trial session, the House Managers, preferably the Lead Manager, shall take the floor and present the Articles of Impeachment.
2. No motions nor points shall be in order before or during the Article presentation.
3. During the Presentation, the Chamber shall be locked down, with no Senator or any other officers of the Senate leaving or entering the Chamber.
4. The members of the Senate shall be provided with written documentation of the Articles presented.

#### **Article 5: Opening Remarks**

1. After the completion of the Article presentation, the Presidency shall recognize, first, the Managers and, second, the Respondent's Counsel, for up to 5 minutes to deliver their Opening Remarks.
2. During the Presentation, the Chamber shall be locked down, with no Senator or any other officers of the Senate leaving or entering the Chamber.
3. No motions nor points shall be in order before or during Opening Remarks.

#### **Article 6: Evidence Presentation**

1. After the completion of the Opening Remarks, the Senate shall move on to consideration of evidence.
2. Both sides of the aisle, the Managers (prosecutors) and Respondent's Counsel (the defense), as well as the Senate Presidency, shall present evidence to the Senate.
3. After each evidence presentation, the Senators shall have the opportunity to evaluate, debate, and ask questions related to the evidence being considered.

4. The Presidency shall entertain Points of Information forwarded to the side that is currently presenting evidence for Senators to ask questions.
5. If Senators see a need, can raise a Motion to Deliberate to enter a deliberation period during which Senators can debate upon the evidence.
6. Motion to Deliberate needs a simple majority to pass, can be raised up to 10 minutes, and is subject to only one extension of up to 5 minutes.
7. Deliberations shall be governed the same way as a Moderated Caucus.
8. The Senate shall repeat this process until all evidence is presented.

#### **Article 7: Cross Examination of the Respondent**

1. Upon the completion of evidence presentations, the Respondent, in this case, Donald John Trump, shall take the floor for cross-examination by Senators.
2. The Presidency shall, equally, entertain all Senator's questions by recognizing a Senator from each side of the aisle concurrently.
3. The Senators can forward a question to the Respondent regarding any issues at hand. Should the question be found irrelevant to the trial, the presidency shall strike out the question.
4. The Respondent's rights under their right to a fair trial, given to them by the Constitution, shall be maintained and respected at all times.
5. The Respondent reserves the right to choose not to answer any specific question or remain silent.
6. Senators are entitled to up to two follow-up questions in a single round of questions.
7. Senators shall not testify, deliver a speech, comment, or in any other way try to hinder the process; they shall only deliver their questions.
8. After all questions from Senators are asked and answered, the floor shall be open for a Motion to Deliberate, which gives the Senators the opportunity to debate upon the Respondent's testimony.

## **Article 8: Witnesses and Subpoenas**

1. After the completion of Respondent's time on the floor, the Presidency shall open the floor for any subpoenas.
2. A Subpoena is a legal document that compels an individual to testify as a witness or produce certain documents or evidence in legal proceedings, issued by a court or any other authorized entity (in this case, the Senate and the Senators in extension).
3. Senators can draft subpoenas for any and all witnesses they see necessary, and they shall be submitted to the Presidency.
4. Senators can subpoena witnesses that are on the Possible Witnesses List or any other witness they deem necessary to the case, however subpoena for additional witnesses require approval by the Presidency.
5. Each individual subpoena shall be subjected to a procedural voting, which requires a simple majority to pass. The Senators may request to debate upon the necessity of the subpoena, in which case, the Presidency shall recognize 2 in favor and 2 in against speeches, each up to 2 minutes.
6. If a subpoena is accepted by the Senate, the subpoenaed witness shall appear before the Senate for cross-examination and to deliver testimony. The same rules governing the cross-examination of the Respondent shall be in force while cross-examining a witness.
7. The Senate shall repeat this process until either there are no more subpoenas or all possible witnesses deliver their testimonies.
8. The Subpoenas shall be drafted in the following format:

To \_\_\_\_\_, greeting:

You and each of you are hereby commanded to appear before the Senate of the United States,

on the — day of —, at the Senate Chamber in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached — —.

Fail not.

## **F) Rules Governing Final Deliberation**

### **Article 9: Commencement of Final Deliberation**

1. Upon the completion of all evidence-gathering and cross-examination processes, the Senate shall enter a closed Final Deliberation session.
2. Senators shall raise a Motion to Final Deliberation, which requires a simple majority to pass.
3. Upon the passage of a Motion to Final Deliberation, all previous procedures, mechanisms, and processes will be unavailable for Senators' use.

### **Article 10: Final Deliberation**

1. There shall be no time limit regarding the length of the Final Deliberation.
2. All caucus types (Moderated, Unmoderated, and Party Caucus) shall be available for Senators except for the Filibuster.
3. The Senators shall use this period to debate, deliberate, elaborate, and exchange views and ideas regarding all testimonies, speeches, questions, and evidence delivered during the trial.
4. A session can not be suspended or adjourned if the Final Deliberation is in progress and all Senators are allowed to leave the Chambers.

5. The Final Deliberation process can be terminated by a motion from Senators and requires  $\frac{2}{3}$  majority to pass. Once passed, a Motion to Reconsider will not be entertained.

## **G) Rules Governing the Judgement of the Senate**

### **Article 11: Entering Open Session**

1. After the termination of the Final Deliberation process, the Senate shall reconvey in an open session.
2. At the beginning of the Open Session, a roll call shall be administered.
3. If the quorum is established, the Presidency will recognize the Clerk of the Senate to read out loud each Article of Impeachment separately.
4. After each Article is reintroduced on the Senate Floor, the Presidency will commence a formal substantive voting procedure.
5. The Clerk shall announce Senators' names in alphabetical order, and Senators, when their names are announced, shall either vote 'guilty' or 'not guilty' (abstaining will not be in order).
6. A conviction on an article of impeachment requires a  $\frac{2}{3}$  majority (34 Senators) of those Senators present.
7. If the respondent is found *not guilty* of all Articles of Impeachment, the Presidency shall announce the acquittal of the respondent.
8. If the respondent is convicted on one or more of the articles against him or her, the Presiding Officer will pronounce the judgment of conviction and removal. No formal vote is required for removal, as it is a necessary effect of the conviction.
9. If convicted, the Senate may subsequently vote on whether the impeached official shall be disqualified from again holding an office of public trust under the United States in the future. If this option is pursued, a simple majority vote is required.



