SUPREME COURT OF THE UNITED STATES

Syllabus

NIXON *v.* UNITED STATES ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 91–740. Argued October 14, 1992—Decided January 13, 1993

After petitioner Nixon, the Chief Judge of a Federal District Court, was convicted of federal crimes and sentenced to prison, the House of Representatives adopted articles of impeachment against him and presented them to the Senate. Following proceedings pursuant to Senate Rule XI—which allows a committee of Senators to hear evidence against an impeached individual and to report that evidence to the full Senate—the Senate voted to convict Nixon, and the presiding officer entered judgment removing him from his judgeship. He then commenced the present suit for a declaratory judgment and reinstatement of his judicial salary and privileges, arguing that, because Senate Rule XI prohibits the whole Senate from taking part in the evidentiary hearings, it violates the first sentence of the Constitution's Impeachment Trial Clause, Art. I, §3, cl. 6, which provides that the ``Senate shall have the sole Power to try all Impeachments.'' The District Court held that his claim was nonjusticiable, *i. e.,* involved a political question that could not be resolved by the courts. The Court of Appeals affirmed.

Held: Nixon's claim that Senate Rule XI violates the Impeachment Trial Clause is nonjusticiable. Pp.3–13.

(a)A controversy is nonjusticiable where there is ``a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it . . . .'' *Baker* v. *Carr,* 369 U.S. 186, 217. These two concepts are not completely separate; the lack of judicially manageable standards may strengthen the conclusion that there is a textually demonstrable commitment to a coordinate branch. Pp.3–4.

(b)The language and structure of Art. I, §3, cl. 6, demonstrate a textual commitment of impeachment to the Senate. Nixon's argument that the use of the word ``try'' in the Clause's first

sentence impliedly requires a judicial-style trial by the full Senate that is subject to judicial review is rejected. The conclusion that ``try'' lacks sufficient precision to afford any judicially manageable standard of review is compelled by older and modern dictionary definitions, and is fortified by the existence of the three very specific requirements that the Clause's second and third sentences do impose—that the Senate's members must be under oath or affirmation, that a two-thirds vote is required to convict, and that the Chief Justice presides when the President is tried—the precise nature of which suggests that the Framers did not intend to impose additional limitations on the form of the Senate proceedings. The Clause's first sentence must instead be read as a grant of authority to the Senate to determine whether an individual should be acquitted or convicted, and the common sense and dictionary meanings of the word ``sole'' indicate that this authority is reposed in the Senate alone. Nixon's attempts to negate the significance of ``sole'' are unavailing, while his alternative reading of the word as requiring impeachment only by the full Senate is unnatural and would impose on the Senate additional procedural requirements that would be inconsistent with the three express limitations that the Clause sets out. A review of the Constitutional Convention's history and the contemporary commentary supports a reading of the constitutional language as deliberately placing the impeachment power in the Legislature, with no judicial involvement, even for the limited purpose of judicial review. Pp.4–11.

(c)Justiciability is also refuted by (1) the lack of finality inherent in exposing the country's political life—particularly if the President were impeached—to months, or perhaps years, of chaos during judicial review of Senate impeachment proceedings, or during any retrial that a differently constituted Senate might conduct if its first judgment of conviction were invalidated, and by (2) the difficulty of fashioning judicial relief other than simply setting aside the Senate's judgment of conviction. See *Baker, supra,* at 210. Pp.11–12.

(d)A holding of nonjusticiability is consistent with this Court's opinion in *Powell* v. *McCormack,* 395 U.S. 486. Unlike the situation in that case, there is no separate constitutional provision which could be defeated by allowing the Senate final authority to determine the meaning of the word ``try'' in Art. I, §3, cl. 6. While courts possess power to review legislative action that transgresses identifiable textual limits, the word ``try'' does not provide such a limit on the authority committed to the Senate. Pp.12–13.

290 U.S. App. D.C. 420, 938 F. 2d 239, affirmed.

REHNQUIST, C. J., delivered the opinion of the Court, in which STEVENS, O'CONNOR, SCALIA, KENNEDY, and THOMAS, JJ., joined.

STEVENS, J., filed a concurring opinion. WHITE, J., filed an opinion concurring in the judgment, in which BLACKMUN, J., joined. SOUTER, J., filed an opinion concurring in the judgment.