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Published: 01:04 AM, 10 December 2019

Reality of Trump Impeachment



International reporting about the impeachment proceedings against US President Donald Trump leaves many people outside the US confused, misinformed, or both. Donald Trump inspires strong feelings in people, favorable and otherwise; and it is difficult for them not to let those strong feelings color their analysis. So, what is this really about?

Impeachment is a process laid out in Article II of our constitution: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

We're never told what constitutes a "high crimes and misdemeanors," which I believe was deliberate. Our founders knew that with changing times, impeachable offenses would change, and so they put their trust in the judgement of future generations of Americans to identify them and in the process to weigh them and arrive at a just conclusion.

That is, Presidents cannot be removed from office because people don't like them or their policies. To be ousted via impeachment, a President must be adjudged guilty of serious wrongdoing, and impeachment itself is not enough to do that.

According to the Constitution, only the House of Representatives has the power to impeach a member of the government's executive branch; and that means sending the equivalent of an indictment to the Senate, which has the sole power to acquit or convict the officeholder in a trial presided over by the Chief Justice of the Supreme Court. Overturning the results of an election is a very serious matter, and doing so requires the involvement of all branches of our government.

In our entire history, two Presidents (Andrew Johnson and Bill Clinton), one Senator, one cabinet officer, and fifteen judges have been impeached; and of them only eight judges have been convicted and removed from office. A third President, Richard Nixon, was on his way to being impeached and, by all accounts convicted, but he resigned his office before either happened.

That system leaves us with this. Uncontested evidence of serious wrong-doing should be enough for House Members and Senators to agree, but barring such evidence, this is more a political process than a legal one.

So Democrat Bill Clinton was impeached by the Republican-majority House and acquitted by the Democratic-majority Senate. With a Democratic House and a Republican Senate, two thirds of whom would have to vote for conviction, there is virtually no likelihood that Republican President Trump will be removed without new and overwhelming evidence.

In fact, all polls indicate that the public impeachment process has not changed American minds about Trump. Even before it started, a large number of Americans were hardened either for or against his removal; and that tended to align with how people felt about him in general. The key group of independents appear to have less and less stomach for the impeachment process as it proceeds.

Why then is the House proceeding with impeachment when no one in Washington believes Trump will be removed from office? The answer depends on who offers the analysis. The President's supporters question the legitimacy of the process and point to Democratic impeachment resolutions made almost since Trump's first day in office, before he could have committed any offenses as President.

They note an almost constant drumbeat accusing him of colluding with Russia to skew the 2016 elections and the three-year independent investigation that could not come up with any evidence for it. Many argue that Democrats are proceeding with impeachment because they cannot beat Donald Trump at the ballot box in 2020, and they hope that impeachment will sully him enough with voters to turn them against Trump.

The fact is that all signs do point to a Trump re-election. They also remind their Democratic colleagues that Bill Clinton won re-election convincingly and analysts agree that impeachment actually helped him.

On the other hand, Democratic Congressman Brad Schneider of Illinois offered a different view.

Schneider, one of the more thoughtful and less partisan members of Congress, told me why he voted for an impeachment inquiry, even though he agrees that (barring new game-changing revelations) "there's no chance Trump will be removed from office." While he personally believes there is evidence that Trump abused his power, that is not what determined his vote.

He said that even if Donald Trump is not convicted of an impeachable offense, the process re-affirms two things of supreme importance to our founders. The first is that Presidents cannot abuse their considerable power and not be held accountable. That is why George Washington refused the offer of kingship after our revolution.

The other reason is that our government's structure as laid out in the Constitution makes it clear that the Executive Branch (led by the President), the Legislative Branch (House and Senate), and the Judicial Branch (courts including the Supreme Court) are co-equal branches of government. Each one of them has only some governmental power.

There's truth to both perspectives. It is absolutely the case that many partisans never accepted Trump's 2016 victory and now realize that the odds of his being re-elected are in his favor. The economy is the world's strongest and continues strong; and Trump has used it as part of his foreign policy successes.

With unemployment low, there is little incentive for many people to risk a change in leadership. There also is no denying the importance of those principles Schneider voiced to me. We Americans are proud of our freedoms and believe they are secured only when our elected officials know their power is limited.

The one other thing of which you can be sure is that, provocative reporting aside, the current impeachment process has almost zero chance of resulting in Trump leaving office. His political fate will be decided at the ballot box in November; and that is another article for another time.

The writer is an American scholar and geopolitical expert.

---Dr Richard L Benkin



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