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IMPEACHMENT FITS THE SCRIPT

By Steve Bakke  December 31, 2019



With the unpredictably outrageous Donald Trump as president, it seems to make perfect sense to have impeachment proceedings right in the middle of the Christmas season. But there are several things I find puzzling.

Consider the “obstruction of Congress” Article of Impeachment. Legal precedence acknowledges executive privilege as a presidential right, and Trump asserted it by preventing certain officials from testifying and withholding requested documents. And of course, as a co-equal branch, Congress is entitled to object to that assertion. House democrats summarily declared Trump’s assertion illegal and then based the “obstruction of Congress” charge on Trump’s assertion, rather than selecting the more legitimate remedy of taking the issue to court. That’s what was done with the Nixon Watergate tapes. In a purely political move, democrats claimed Trump’s removal was too important for any such delay.

But now, after the successful vote on both articles of impeachment, Speaker Pelosi is procrastinating on the official delivery of the results to the Senate. It’ll be delayed well into January. What happened to the “time of essence” excuse? Apparently, Pelosi just wants to keep the issue in public view indefinitely.

The “abuse of power” Article relates primarily to Trump asking Ukraine to investigate possible Biden family conflict and corruption and allegedly tying it to military aid. The Barisma/Biden relationship was commonly known, but never investigated or debunked. It was merely disregarded. And given its nature, suggesting there are suspicious factors is absolutely reasonable and defensible. The official charge implies that a presidential challenger can’t be investigated by a current president, even if questionable events occurred. That’s nonsense.

After impeachment was passed by the House, Senate democrats are now clambering to begin calling new witnesses. That seems hypocritical because it would require going to court to overcome assertions of executive privilege. That was the House’s responsibility, and they declined in favor of a quick vote.

Given the House decision to forgo court action to compel testimony and information, Senate democrats are left with witnesses offering primarily hearsay and speculation for their

testimony. Ted Noel, in *American Thinker*, gives us a realistic portrayal of what could occur in a Senate trial, showing us why Senate Democrats might be uncomfortable with what the House would present:

House Impeachment Manager: “Lieutenant Colonel Vindman, what were your thoughts when you heard of the delay in aid to Ukraine?”

Senate Counsel: “Objection! Hearsay! Relevance! Also, it calls for a conclusion from the witness.”

Justice Roberts: “Objection sustained.”

Finally, incredible developments have been swarming around these events: USMCA, a monumental trade agreement for North America, will become law; we’ve made progress in resolving trade disputes with China; wages and employment statistics are excellent, especially for blue collar workers; unemployment is the lowest in decades; stock prices are breaking records; and Trump’s approval ratings are higher than Obama’s at a comparable time. This seems to be following an incredible script.

Perhaps these events are “script-like,” but pages are missing, so let’s assume the Founders expected future generations to finish the job. The Constitution uses terms like “high crimes and misdemeanors” but leaves little explanation how to conduct the process, and the Federalist Papers don’t answer many questions. Eventually, Congress should clarify the impeachment process because we’ll inevitably do this again. It should better define an impeachable offense and establish standards for due process, rules of evidence, and reasonable doubt. And rules for procedures and conduct must be codified.

Talk of impeachment began before Trump was inaugurated. And early in 2017, the House held the first of several unsuccessful votes to start impeachment proceedings. That alone argues against the legitimacy of this process because despising a president isn’t grounds for impeachment. These charges seem to mimic Great Britain’s procedure for “vote of no confidence” rather than impeachment for “high crimes and misdemeanors.”

Since I’m in the habit of offering opinions, I can’t dodge a very important question. Given the jumble of facts we’re facing, should the Senate quickly end the impeachment trial, or should a lengthy trial, with many witnesses, be held? I’ll let Senator John Kennedy (R-TX) speak for me: “If they want a trial, by God, we’re going to have a trial.”

Now let’s see what happens in the Senate.