

# A Trump-Impeachment Retrospective

Memo to Democrats: Want to remove him? That's what elections are for.

by Conrad Black



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to be illegal, cannot just be wished away into forgetfulness by the liberal media that urged it on and had the whole world breathless at the edge of its chair in anticipation of the righteous destruction of a presidency. It was, as Attorney General William Barr has made clear, the greatest assault on the Constitution in the country's history since the Civil War (which was officially an insurrection, though a persistent and well-armed one).

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The FBI knew that Christopher Steele was a far-leftist, though an anti-Communist, possessed by strident and often irrational views, and that whatever his qualifications as a professional gatherer and evaluator of espionage at one time, he was a babbling conspiracist by 2015, when hedge-fund owner Paul Singer, who should have known better, initially engaged him

(through Fusion GPS) before handing him on to the Clinton campaign and the Democratic National Committee. Everyone who had a hand in this disgraceful process, including the former British ambassador to Russia, Sir Andrew Wood, who legitimized Steele, and the late Senator John McCain, who passed his scurrilous file on to the FBI with malice aforethought, should be properly shamed. It is clear from the Page–Strzok tapes, among other evidence, that the Obama White House was well-informed about all these activities, and it arises from the testimony of several principals that the attorney general (Loretta Lynch), the deputy attorney general (Sally Yates), Vice President Biden, and President Obama were present when the status of the Trump–Russia investigation was fully discussed.

Obama and Biden, and even Lynch and Yates, may be accepted to a high degree as having been merely informed *ex officio*, and never to have been in any executive role that implicated them in the aberrant misconduct of the FBI and the intelligence agencies. Given the way the U.S. criminal-justice system, in its proverbial corruption, operates, when the heat comes up on Comey and McCabe (the FBI director and deputy director), they would have to graduate to the level of virtuous heroism of G. Gordon Liddy (Watergate) and Admiral John Poindexter (Iran-Contra) to resist the temptation to exchange a soft plea, or even a pass in some cases (including the customary immunity from perjury charges), in return for identifying higher-ups.

Comey, whose conduct has already been exposed as scandalous, rushed out a memoir whose title and theme imply a levitation of piety by the author so vertiginous it exempts him from the surly bonds that attach the rest of us to respect for the criminal statutes. An immense quantity of partisan and self-serving claptrap has been uttered by all sides about this sequence of events, and the Trump era is, as the president proclaimed it in advance to be, a time of “constructive hyperbole.” But it would be potentially tragic if this

horrible episode, unthinkable at any previous time in American history, of senior non-political officials collaborating to influence an election and undo its outcome, whoever may ultimately be judged personally responsible, did not end with serious punitive and exemplary deterrence inflicted on the culprits.

Those of us who lived through the bloodless crucifixion of Richard Nixon may claim a particular zeal not to see another presidency torn apart needlessly, while the bloodless assassins are unpunished, or, as in the case of Mr. Nixon, elevated to a self-constructed log-cabin pantheon to journalistic integrity. Mr. Nixon was one of the country's most capable and successful presidents until he was overtaken by Watergate, the investigation of which he bungled, and which he may indirectly have encouraged by creating an atmosphere in the beleaguered Vietnam-era White House of partisan paranoia and semi-lawlessness. But there has never been any dispositive evidence of illegality by him. He is still, nearly 50 years on, being slowly liberated from the catacombs of the historical status of a failed and ethically deficient president and accorded the recognition he deserves for extracting the U.S. from Vietnam while preserving a non-Communist government in Saigon, triangulating Great Power relations with China and the USSR, negotiating the greatest arms-control agreement in history, ending racial segregation throughout the country, ending the military draft, founding the Environmental Protection Agency, and reducing the level of violent crime. As cant and fabricated emotionalism subside, Nixon will be recognized as an outstanding president.

The time from Nixon to Trump has seen the evolution of impeachment. Nixon could not be fairly convicted of any crimes, but he squandered the political capital and moral credibility of his office, and as an old-fashioned patriot, a Quaker, and a decorated combat war veteran, he declined to subject the country to the indignity of an impeachment trial

(which he could conceivably have scraped through if the Senate had looked at the adduced facts), so he resigned. He allowed the puritanical conscience of America to be raised up against him, and he could not resist it; but he has, while he lived and since his death (in 1994), agitated that same conscience with the fact that he was mistreated. As Henry Kissinger said in his stirring eulogy of his old chief: "He achieved greatly, he suffered deeply, but he never gave up." He still hasn't.

Ronald Reagan was tangled up in a complicated policy misconception that amounted to paying Iran for the release of hostages by the sale of arms via Israel, with a prearranged capital gain skimmed by Israel and transmitted to the anti-Communist Contras in Nicaragua, contrary to an on-again-off-again congressional prohibition. It was nonsense, but an aide (Poindexter) took the bullet, Reagan answered over 140 questions with "I do not recall," no one had the stomach for an impeachment battle involving a popular president in the last two years of his second term over a trivial matter, and it faded away (despite the usual bloodlust of the special prosecutor, Lawrence Walsh).

President Clinton almost certainly lied to a grand jury about his extramarital sex life, but he affected great contrition, and the view prevailed that it was not a "high crime or misdemeanor" on the scale of "treason or bribery" (as the Constitution requires), so he was acquitted, though his opponents did achieve a 50-50 tie on one count, still well short of the two thirds of senators voting that are needed for conviction.

President Trump rightfully considered the entire impeachment process a farce, a fraud, and a degradation of the Congress and of American law. A non-whistle-blowing whistle-blower was coached by the Intelligence Committee chairman's staff, conducted through an inquiry with no regard whatever for the rights of the president; the matter was reconfigured into two

counts that are not illegal, and do not meet any credible criteria for removal of an official from office, and of which there was no probative evidence for the president's responsibility. It was dead on arrival at the Senate and was dispensed with in double-quick time.

Nixon preferred to resign rather than embarrass the country, Reagan exploited his humorous reputation for absent-mindedness and personal popularity, Clinton apologized and argued that his offenses did not rise to impeachable acts, and Trump told his accusers to do unmentionable things with their nasty piffle. What is needed is not the routinization of presidential impeachment (which was never seriously considered between 1868, with Andrew Johnson, and Watergate in 1973), but a persuasive disincentive to the criminalization of policy differences and the abuse of the criminal law by lawless politicians. This was what caused Julius Caesar to cross the Rubicon and Napoleon to agree to draw his sword and "not return it to its scabbard until order is restored." Benjamin Franklin famously said, "A republic, if you can keep it" in 1789. This is no time for complacency.

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