

The Trump-Impeachment Farce

The Democrats' late hit will only end up costing them.

by Conrad Black



The Democratic congressional leadership is determined to proceed with the impeachment and trial of former President Trump. This does not bode well for the possibilities of good government from the Democrats in the next 18 months, before the campaigning begins for the midterm elections, because this impeachment must stand as the stupidest legislative initiative in the entire history of the United States of America.

All readers will be aware that that the preceding sentence is an extraordinary superlative for which there is fierce competition, yet it seems well justified. This impeachment ignored all precedent and prior practice, which required the presentation of evidence, witnesses, and a full right to reply and call and question witnesses by the accused. There was none of that in this case; in fact, there was no due process whatsoever; it was a sham and an outrage that would not be tolerated in any court in the United States at any time, not

excluding courts that have acquitted those accused of lynching or courts that upheld blacklists, or even the colonial courts that purported to identify witches. The impeachment was jammed through the House of Representatives on an almost entirely partisan vote, with 10 Republicans voting with the Democrats in the heat of the Never Trump post-election revival, but 197 Republicans voting against the charge. It is recognized that presidential impeachments, to be successful, must be substantially bipartisan and not simply the party out of the White House imposing its congressional majority to get to the Senate and fail there, as happened with President Clinton and President Trump last year. That is what occurred here, and that is why the only presidential-impeachment process in history that had any chance of succeeding was that against President Nixon in 1974, when he suffered substantial defections from his own party and, patriotic traditionalist as he was, and although there remains no conclusive evidence that he committed a crime, acknowledged that he had made serious mistakes and spared the country the embarrassment of an impeachment trial by resigning.

The single count in this case is attempted incitement of an insurrection. Anyone who wishes to can hear President Trump's remarks on January 6 to approximately 300,000 of his supporters, aggrieved at what they thought with some reason was a stolen election, at the failure of the judiciary and particularly the Supreme Court, and at the failure of Congress to do anything but rubber-stamp what they thought to be a tainted result. At no point in his lengthy remarks did Trump urge violence. He shared the anger of his followers but he urged them to behave "peacefully and patriotically to be sure your voices are heard." All experts on incitement cases who have commented agree that incitement cannot legally be sustained here. The same is true for insurrection, which is defined both legally and in common usage as the attempted violent overthrow of legitimate authority, particularly a government. Even the vandals and hooligans who gained entry to

the United States Capitol showed no signs of trying to overthrow the government; they wished only to insult the legislators of the country. All polls indicate that this is a sentiment shared by the overwhelming majority of Americans, and that very few Americans, the former president decidedly not among them, would condone violence in the expression of that sentiment.

Thus the Congress, with all the sobriety and majesty it frequently swaddles itself in at the least opportunity, will consider an illegally formulated accusation of an offense that did not occur, seeking an end the accused did not wish, in order to remove the accused from an office that he does not hold. All of those responsible for this asinine charade are themselves in contempt of Congress. They are, to use their own favored parlance, inciting universal contempt for the Congress whose dignity it is their duty to uphold. Of course most Americans are appalled at the spectacle of vandals and thugs and camp-followers pouring through the halls of Congress. But many also felt the spectacle of members of Congress hiding under their desks in what appeared to be tinfoil fire-resistant hats, prior to a lengthy sojourn in the congressional bomb shelter, was somewhat indicative of their general performance.

That impression will not be diluted by any attempt from the Democrats to treat this impeachment seriously. On Inauguration Day, prominent members of both parties in both houses cooed and flattered each other and celebrated the elevation of two former senators to national office. Several of them mentioned, with feigned emotion and glowing satisfaction, jubilantly echoed by the Trump-hating hallelujah chorus of the national political media, the solemn and immutable rite of passage of American government celebrated when a new president and vice president are inducted into office. This is a fairly routine event in about 75 countries in the world.

But to many, the self-satisfied backslapping that went on

immediately after the inauguration in the capital had the character of the gathering of a large number of decayed and complacent political placeholders who have been splashing in the public trough for too long and were celebrating the departure of the only person who has shaken their complacency in their lifetimes. Survival deserves respect but the disingenuousness of years can be tiresome. Strident Democrat Juan Williams of Fox News wept at the swearing-in of Kamala Harris; so, doubtless, did many others, but not for the same reason. Strident Trump-hater Chris Wallace, also of Fox, said Biden's was the best inaugural address in 60 years – it was a pastiche of syntactically challenged but benign platitudes, but what Wallace really meant was that he hated Trump so much and so obviously, he was prepared to confer that honor on “Jack and Jill Went up the Hill.”

Trump's policies were ratified in the congressional and state elections and his control of the Republican Party is confirmed by all polls and by events such as the censure by Arizona Republicans of John McCain's widow. The former president has subtly imparted that after what he has done to strengthen the Republican base, and the offices his party gained across the country, if he is betrayed now by his internecine enemies, he will wreak an awful vengeance on them. They would deserve no less.

This is where President Biden, at no loss to himself, could make his claims of seeking reconciliation and unity much more believable than his flurry of radical executive orders suggests, by silently killing this fatuous impeachment. There is no chance that 17 Republican senators are going to defect in order to bar the ex-president from running for office again, so Biden, who won't be running again, has nothing to lose. And there is still a chance that others will regain their senses. Some 45 Republican senators voted not to hear the case, so the chances of conviction are approximately zero. The chief justice, no Rock of Gibraltar when political

controversy is about, has passed on the trial, and ancient liberal Democratic wheelhorse Patrick Leahy has replaced him, which probably completes the collapse of the constitutionality of this farce. If there is a charge to be made against Trump, it should be in the courts (and in D.C., with its entirely Democratic juries, there could be a chance of conviction, though it would be overturned on appeal). The Democrats would be smarter to try that – Trump got 5 percent of the D.C. vote. The only precedent on this issue was that the impeachment counts against Mr. Nixon died when he left office and the matters were subsequently taken up in routine prosecutions, but were not heard, as Nixon was pardoned by President Ford.

There is not a scintilla of evidence that President Trump broke any laws, and by demonstrating their inability to break their addiction to Trump-hate as a substitute for policy, government, or even politics, the Democrats are running the risk of severely embarrassing themselves. They managed, with the connivance of almost all the media and the totalitarian dictators of the social media, and most of Wall Street and the most egregious skullduggery in American presidential election history, to evict their nemesis from the White House. If they continue to pursue him, they will regret it.

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