

# America Besieged: Will the Trial be an Endgame in the US Senate?

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The American Constitution clearly lays down and ekes out the conditionality under which the American President can be impeached by the House of representatives and the US Senate in tandem with the idiom of the alleged unsavory work by the US President as a breach of trust. Still, if we delve inside the historicity of impeachment in the United States of America then we shall reach an evaluation that only the path-breaking and iconoclast Presidents in the history of White House have beenfaced allegations in the nation's political firmament. Article One, Section two of the US Constitution delineates clearly that, the US House Of Representatives will have the sole power of impeachment with the Senate being the final deciding authority by a two thirds majority to try the impeachment of the President in stead. Nancy Pelosi in the House of Representatives has emphatically declared that, no one is above the law and declared the impeachment proceedings to be initiated against President Donald Trump.

Al Jazz era reports about the onerous political theme of impish process of impeachment that, "Pelosi, a Democrat, had earlier resisted calls to begin impeachment proceedings, urging restraint as House committees aggressively investigated Trump, a Republican, through subpoenas of witnesses and documents. But following allegations that Trump pressured the leader of Ukraine to investigate the family of former Vice President Joe Biden, who is vying for the 2020 Democratic presidential nomination, pressure from inside the Democratic caucus for an impeachment inquiry mounted" But, what commoners need to comprehend is that the America First proclamation and the clarion call of the conservatives did have its WASP ring heard in the 2016 Elections and might as well work the way of the present President in 2020, if, the political and electoral issues are arranged in a specifically schematic matter. The debates in the Philadelphia convention in 1787 categorically implicated any civil officer found guilty of bribery, treason, misdemeanors and high crimes."Still, the pertinent poser which can be counted in is the theme that whether the Democratic outfit with a left liberal bias is misusing its pelf and political station of being the

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quintessential opposition in the American House of Representatives by targeting the President. Though the HOR might have implicated President Donald Trump but the May Day still lies with the Senatorial courtesy which is numerically dominated by the Republican representatives.

The Senate Majority Leader, Mitch McConnell has contended and informed the hoi polloi that the Senate is not busy anyways now and the trial of Impeachment will be the first order of business for the American Senate. A Media House further informs that, "Other than Trump, only two other US presidents have ever been successfully impeached and in neither instance was the president removed from office. Andrew Johnson was impeached in 1868 in the tumultuous aftermath of the American Civil War; and Bill Clinton in 1998 for issues including his relationship with White House intern Monica Lewinsky."<sup>1</sup> Al Jazeera further informs the author and the audience that, "The House Judiciary Committee in 1974 voted to recommend impeachment accusing another president, Richard Nixon, of planning to obstruct an investigation in the Watergate scandal. Before the full House could vote on impeachment, Nixon became the only US president ever to resign."<sup>2</sup> Thus, it can be advanced in a surefooted manner as a pertinent factoid, that, only two American Presidents have been removed from office after the impeachment proceedings have been initiated in the American temple of Vox Populi. Who was more damaged than the Monica Lewinsky case scenario which President Bill Clinton had to undergo with its attendant ignominy. Thus the matrix infested political firmament of the impeachment process has to subsist with the Fien de siècle<sup>3</sup> of the US's political culture is a true blue American President has to be removed through the judicious prism of misdemeanors. Still, no direct evidence exists that President Donald Trump's office colluded with President Zelensky of Ukraine which had become the liberal bias and a kind of a brick bat to beat the American incumbent with. Still, it need not be forgotten that criminal charges cannot be brought up against the running US President and only once the President has been removed then only the onerous criminal charges can be brought against the American President which will the standard and rote process in the context of President Trump too.

Still, the seemingly embattled President Trump's holiday break has been spoiled by House Democrat Nancy Pelosi<sup>4</sup> as the unpredictable but strongly stylish American President has fought back with his stereotypical bluster in a series of Christmas tweets. One of the prominent and seething tweets is of the order of the following on 25<sup>th</sup>

December:” Why should Crazy Nancy Pelosi, just because she has a slight majority in the House, be allowed to Impeach the President of the United States? Got ZERO Republican votes, there was no crime, the call with Ukraine was perfect, with “no pressure.” She said it must be “bipartisan...”. This is what the CNBC portals informs us in the context of the acrid and scathing responses of the American President. But, it might be early days if the House Democrats intend to witness a groveling face saving exercise by the White House establishment as part of the consequences of the impending trial in the US Senate. President trump’s followers and adherents will do well to highlight and bamboozle the Public narrative of this event being bereft of “any palpable crime.” President Trump has too demanded an immediate trial and over the top of it, he has blamed the Democrat party of being tardy in not providing due process to the targeted, “most powerful man on the face of Planet Earth”.

As the author fancies the chances of getting President Trump impeached as is the pet peeve of the Liberals, the picture of inauguration with President Trump and the First Lady comes to his mind and memory. Can such a positive visage lead to the denouement in a negativist moment and will the Democrats prance around in their “red” jerseys? Not probably or never at all. The Trump family might still remain as the First family of the American Republic. As the Congressional impeachment is over and done with, the man in the White House merely faces a formality in the designated and hallowed White House as the Republicans bear a clear and convenient majority in the Senate unlike the want of numbers in the House of Representatives.

Republicans enjoy a 53-47 majority in the US Senate so the outcome of a slated and testy trial would end in the final acquittal and exoneration of President Donald Trump. Can the American President emerge out unscathed, untainted and vindicated in the aftermath of the humiliating defeat in the House of Representatives? He will be absolved and emerge blameless but shaken by the ferment in the Capitol Hill. The country is divided over opinions and not policies and that fact will be amply tested and made crystal clear by the electorate and the American people in January, 2020. If President Trump were to get impeached in the trial then it would be the task of Vice President Mike Pence to be the acting man in stead in the White House till the American electorate decided. On the Christmas day, apart from the snow avalanche the cold chill of the HOR development seemed to have hit the American President. President Donald Trump erupted in a series of frenzied tweets shutting out “the glee quotient” from the conservative war horses, but

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only as a transit theme before the Senate will exonerate the flamboyant US President. Still, the Presidency is definitively embattled. Earlier it was perceived that the au currant dissensions between the Democratic party establishment might facilitate a safe exit for President Trump. But, his bumptiousness seemed to have not been so fortunate as the US House of Representatives voted finally to impeach the White House man and facilitate the trial in the heady portals of the US Senate.

The New York Times noted with aplomb that, “As President Trump’s impeachment trial opens, his lawyers have increasingly emphasized a striking argument: Even if he did abuse his powers in an attempt to bully Ukraine into interfering in the 2020 election on his behalf, it would not matter because the House never accused him of committing an ordinary crime. Their argument is widely disputed. It cuts against the consensus among scholars that impeachment exists to remove officials who abuse power.”<sup>5</sup> The newspaper further elaborated, “The phrase “high crimes and misdemeanors” means a serious violation of public trust that need not also be an ordinary crime, said Frank O. Bowman III, a University of Missouri law professor and the author of a recent book on the topic.” This argument is constitutional nonsense,” Mr. Bowman said. “The almost universal consensus — in Great Britain, in the colonies, in the American states between 1776 and 1787, at the Constitutional Convention and since — has been that criminal conduct is not required for impeachment.”<sup>6</sup>

In a manner, the foci of the Republican argument is that “high crimes and misdemeanors” are not the indictable offenses though they might not be minor offences but do not seemingly qualify as the major and trial of the century avatar which has been emphasized and bandied about by the liberal bias in the US and other International media. Thus, in more ways than one, the alleged arm-twisting of the Ukrainian establishment leading to the belittlement and disparagement of Joe Biden and Hunter Biden are some of the anomalies which have definitely come to haunt President Trump on a large scale but the practical ponder is that he will come out unscathed in the Senate as the Republicans hold a majority in the American Senate. Edmund Burke, the famed British Parliamentarian too indicted Governor General Warren Hastings of misdemeanor and misappropriation but that could not be ascertained and Hastings was acquitted. Thus, in a simplistic reading of the larger dangled up and gangly impeachment process, President Donald Trump is all set to emerge out unscathed.

The United States Constitution is presciently practical and clearly convinced in its brief on the impeachment of Public Officials including

the President and the Vice President. The US Congressional website informs us that, “*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.*”— **U.S. Constitution, Article II, section 4**

Maladministration and misconduct of the Officials is also an indictable offence as far as the impeachment of the President and other Public officials is concerned. The House of Representatives further informs us that, “The Constitution gives the House of Representatives the sole power to impeach an official, and it makes the Senate the sole court for impeachment trials. The power of impeachment is limited to removal from office but also provides for a removed officer to be disqualified from holding future office. Fines and potential jail time for crimes committed while in office are left to civil courts.”<sup>7</sup>

There is an awful iota of British constitutionalism involved in the impeachment question under play in United States too. The HOR portal informs us that, “Impeachment comes from British constitutional history. The process evolved from the 14th century as a way for parliament to hold the king’s ministers accountable for their public actions. Impeachment, as Alexander Hamilton of New York explained in Federalist 65, varies from civil or criminal courts in that it strictly involves the “misconduct of public men, or in other words from the abuse or violation of some public trust.” Individual state constitutions had provided for impeachment for “maladministration” or “corruption” before the U.S. Constitution was written. And the founders, fearing the potential for abuse of executive power, considered impeachment so important that they made it part of the Constitution even before they defined the contours of the presidency.”<sup>8</sup>

It can also be cannily gleaned from the edicts of Constitutional and Judicial history in the United States that the question arises whether the American President and the Vice President be considered as Civil Officers and what is the coverage of the HOR members and the American senators. The HOR website further informs us that, “The House has initiated impeachment proceedings more than 60 times but less than a third have led to full impeachments. Just eight—all federal judges—have been convicted and removed from office by the Senate. Outside of the 15 federal judges impeached by the House, three Presidents [Andrew Johnson in 1868, William Jefferson (Bill) Clinton in 1998, and Donald J. Trump in 2019], a cabinet secretary (William Belknap in 1876), and a U.S. Senator (William Blount of Tennessee in 1797) have also been impeached.”<sup>9</sup>

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The avid and now au courant historicity of the process of Impeachment can be furthered as, “Blount’s impeachment trial—the first ever conducted—established the principle that Members of Congress and Senators were not “Civil Officers” under the Constitution, and accordingly, they could only be removed from office by a two-thirds vote for expulsion by their respective chambers. Blount, who had been accused of instigating an insurrection of American Indians to further British interests in Florida, was not convicted, but the Senate did expel him. Other impeachments have featured judges taking the bench when drunk or profiting from their position. The trial of President Johnson, however, focused on whether the President could remove cabinet officers without obtaining Congress’s approval. Johnson’s acquittal firmly set the precedent—debated from the beginning of the nation—that the President may remove appointees even if they required Senate confirmation to hold office.”<sup>10</sup> Thus, in a manner, it’s the established written and often followed and adhered to norm and tradition that the process of impeachment is back grounded in the House of Representatives and practicalised with a stapled and insignia bearing decision in the American Senate.

Lets find out the key to comprehending the Trial of impeachment which President Donald Trump is confronted with in the US Senate. At long last, senators stand ready to determine President Trump’s fate. The American national daily, Washington Post, explains about the stature and legal tender of the Senators as triers and Judges. The news piece informs us that, “Just don’t call them jurors. Neither are they his judges, though their judgment is required. The peculiar vocabulary of presidential impeachment trials does not end there. The Constitution demands that the chief justice of the United States “preside” over the proceedings, yet that term hardly conveys his potential insignificance. “I did nothing in particular,” explained the last person to oversee a presidential impeachment trial, “and I did it very well.”<sup>11</sup>

Chief Justice William H. Rehnquist was too modest. Washington Post informs us that, “One of his rulings during Bill Clinton’s 1999 impeachment trial illuminated what we need to know as Trump’s trial begins, and why this vocabulary matters so much, including why no amount of irrefutable evidence that the president committed treason, bribery or a high crime is likely to produce his removal. A single word holds the key. Iowa’s firebrand progressive, Sen. Tom Harkin, raised the issue two days into Clinton’s trial, objecting to the “continued use of the word ‘jurors’ when referring to the Senate sitting as triers.”<sup>12</sup>

### **The Constitutional Gradatim Ferociter of the US Senate:**

The Time also zeroes in upon the constitutional question of President Trump's impeachment. The journal through Tressa Berenson contends that, "Trump's team is building much of his defense around the bold legal argument that to warrant impeachment and removal a president must have violated the letter of the law. They argue that his actions in what Democrats charge was obstruction of Congress, the second impeachment article, similarly fall under his constitutional authority."<sup>13</sup>

Tressa Berenson further contends that, "House Democrats' newly invented 'abuse of power' theory collapses at the threshold because it fails to allege any violation of law whatsoever. Trump's lawyers wrote in a brief filed Jan. 20. "House Democrats' concocted theory that the President can be impeached for taking permissible actions if he does them for what they believe to be the wrong reasons would also expand the impeachment power beyond constitutional bounds. It would allow a hostile House to attack almost any presidential action by challenging a President's subjective motives."<sup>14</sup> Thus, in a manner, the motive behind the impeachment carried on by the liberal Dems can be questioned. The idea of impeachment cannot be pronounced upon the idiom of upon the plane jane abuse of power and also not premised upon the vague and ambiguous argument of btakinf impermissible actions and decisions. In the author's perception, one can contend that in such a delimitation of Presidential motives and actions, the flamboyant and efficient functioning and administrative powers of the American President can have a bearing on the national health and Presidential prowess.

The Federalist Paper No. 66 insists that, "The FIRST of these objections is, that the provision in question confounds legislative and judiciary authorities in the same body, in violation of that important and well established maxim which requires a separation between the different departments of power. The true meaning of this maxim has been discussed and ascertained in another place, and has been shown to be entirely compatible with a partial intermixture of those departments for special purposes, preserving them, in the main, distinct and unconnected. This partial intermixture is even, in some cases, not only proper but necessary to the mutual defense of the several members of the government against each other. An absolute or qualified negative in the executive upon the acts of the legislative body, is admitted, by the ablest adepts in political science, to be an indispensable barrier against the encroachments of the latter upon the former. And it may, perhaps, with no less reason be contended, that the powers relating to

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impeachments are, as before intimated, an essential check in the hands of that body upon the encroachments of the executive. The division of them between the two branches of the legislature, assigning to one the right of accusing, to the other the right of judging, avoids the inconvenience of making the same persons both accusers and judges; and guards against the danger of persecution, from the prevalency of a factious spirit in either of those branches. As the concurrence of two thirds of the Senate will be requisite to a condemnation, the security to innocence, from this additional circumstance, will be as complete as itself can desire.”<sup>15</sup>

Thus, it's the idiom of the quintessentially American separation of power which pertains to the theme of Impeachment too with the American judiciary having a limited role in the entire impeachment process of Civilian authorities and the high offices such as the President and the Vice President. The idea is that there ought to be no persistence of fractious spirit in the different deciders in the Government. Thus, in a manner, the practice of Impeaching the President is not well propagated in the correct and appropriate manner even in the homeland in United States of America.

### **The Crux of the Democrat Argument:**

Zachary B Wolf contends in the context of the Impeachment that the Democrats have opened their case against President Trump in the larger rubric as the power of the trail lies with the US Senate, permanently. Zachary finally informs us about the Democrat case study of vitriol against President Donald Trump. He writes that, “Detail by detail, the Democrats prosecuting the impeachment case against President Donald Trump laid out their arguments on Wednesday. They included:

- How Trump pressured Ukrainian President Volodymyr Zelensky to investigate former Vice President Joe Biden, a potential Democratic rival in 2020;
- How Trump held up about \$400 million in US military and security aid, breaking the law and defying congressional intent;
- How a White House meeting was dangled in front of the new Ukrainian President;
- How insiders like Ambassador to the European Union Gordon Sondland knew there was a quid pro quo for the aid;
- How the Pentagon raised the alarm about the held aid;



- How recently released emails — hidden from Congress by the Trump administration — detail the effort to hold the aid against the better judgment of most of the government;
- How all of this also helped Russia, which tried to help get Trump elected. Not all of these facts factor into the formal impeachment articles — abuse of power and obstruction of Congress — that the Senate is considering, but the case, methodically laid out with video from the House impeachment hearings, is hard to deny.<sup>16</sup> Thus, the issues of Abuse of power and erratic behavior do not do enough in the Democratic claim that President Donald Trump ought to be carcassed and lynched in the US Senate.

### **To Conclude:**

The Impeachment of the Civil Officials in the Government is a very difficult and precariously placed administrative process. As in the similar context the Presidential impeachment is of the quaint order of the political process in the house of representatives and the US Senate. The Democrats are also not helping their own cause by attacking and castigating Republicans as some of the unsure Republicans will definitively end up supporting the cause of the Republicans so the as far as the number game is concerned, the Grand Old Party welcome to rule the roost in the support of President Donald Trump in relation with the ongoing trial in the US Senate.

### **References:**

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- [2] Ibid
- [3] Fien De Siècle is a French word which refers to the idiom of an end of era or a denouement of happenings or a established and repetitive trajectory.
- [4] Indian Express 10 December, New Report
- [5] New York Times, 20 January, 2020 Report
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- [11] Jeffrey K Angel, “The Key to Understanding President Trump’s Impeachment Trial”, Washington Post, 20 January, 2020
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