



### TRUMP'S IMPEACHMENT

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February 10, 2020

*(Views expressed in the brief are those of the author, and do not represent those of ISSI)*



**In a turn of events, the United States Senate cleared Donald Trump of the charges that he was held accountable for, making him the third US president to have been acquitted. The impeachment saga ended on February 5, 2020 with a 52-48 vote in the Senate that found Trump not guilty of the charges that were laid against him for the abuse of his power of office, while 53-47 votes in the Senate acquitted him on the charge of obstruction of Congress.<sup>1</sup>**

President Trump was impeached on December 18, 2019 by the Democrat dominated House of Representatives. After days of exhausting all arguments, the defense of Trump's impeachment trial began; the third presidential impeachment in America's history. Before Donald Trump, two US presidents, Andrew Johnson and Bill Clinton went through the impeachment trial, but neither of them was removed from the White House. President Nixon resigned to avoid impeachment trial following the Watergate scandal.

So what are the basics of impeachment? It is when the lower chamber of the US Congress - the House of Representatives, charges the president of wrongdoings. However, being impeached does not entail removal from the office. The removal of a sitting president only results when the upper chamber of the US Congress, which is the Senate, decides to convict the president after a trial. For now, the House of Representatives consist of a Democrat majority, whereas the Senate is controlled

<sup>1</sup> "Trump Acquitted of All Charges in Senate Impeachment Trial," *Al Jazeera*, February 06, 2020, <https://www.aljazeera.com/news/2020/02/senate-finds-trump-guilty-abuse-power-charge-200205204351992.html?fbclid=IwAR3a9seDz20OeWlufmfSUyclrz6YgTjeoLqnnrAGukiwutbUmdzd9RE2njM>

by the Republicans - Trump's own party. The jury of the trial consisted of complete 100 members of the Senate, where the Republicans enjoy a majority.

Under Article 1 Section 3 of the US Constitution, the "Judgment in cases of impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States."<sup>2</sup> President Trump was accused with two articles of impeachment by the House managers: the abuse of power; and obstruction of Congress. President Trump was accused of seeking help from Ukraine's government in order to get himself re-elected in the coming November 2020 election. Moreover, he was indicted to have withheld military aid to Ukraine worth millions of dollars, as well as suspended a proposed White House meeting with Ukraine's president in order to put more pressure. Witnesses of the trial accused President Trump of framing Joe Biden and his son Hunter Biden, by criticizing their business activities with a Ukrainian energy company<sup>3</sup> and, furthermore, wanted the Ukrainian government to publicly open an investigation into Joe Biden and his son.

President Trump insisted that he did nothing wrong and that the impeachment process was nothing but a personal attack. Trump's defense team made their opening statement on January 25, 2020. The defense made its argument that the impeachment case amounts to a dispute over "policy differences."<sup>4</sup> His team further argued that the withholding of military assistance to Ukraine and President's request for an investigation into Joe Biden and Hunter Biden were not linked as portrayed by the Democrats.<sup>5</sup> Moreover, President Trump's defense maintained that there was nothing wrong with the call Trump made to the Ukrainian President and the conversation had nothing that can be interpreted or give an impression of bribery. The defense team maintained that the document released by the White House, contained the summary of the phone call between both the leaders and was the best 'piece of evidence'<sup>6</sup> in this case. President Trump categorized the call, he was accused of as 'perfect.'<sup>7</sup> The second argument that the defense used was the statement made by the Ukrainian President himself, where he publically stated that he was under no pressure,

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<sup>2</sup> National Archives, "America's Founding Documents; Constitution of the United States," <https://www.archives.gov/founding-docs/constitution-transcript>

<sup>3</sup> Louis Jacobson, "Donald Trump's accusations about Hunter Biden and a payout from China: A closer look," *Politi Fact*, Poynter Institute, October 2, 2019, <https://www.politifact.com/article/2019/oct/02/donald-trumps-accusations-about-hunter-biden-and-c/>

<sup>4</sup> Ebony Bowden and Steven Nelson, "Trump impeachment: President's legal team presents first full day of defense arguments," *New York Post*, January 27, 2020, <https://nypost.com/2020/01/27/white-house-legal-team-to-present-first-full-day-of-arguments-in-defense-of-trump/>

<sup>5</sup> Ibid.

<sup>6</sup> Tessa Berenson, "Trump's Impeachment Defense Takes Its Cue From the President," *Time*, January 25, 2020, <https://time.com/5771674/donald-trump-impeachment-defense-opening-argument-day-one/>

<sup>7</sup> Jeremy Diamond "Trump Focuses on 'Perfect' Ukraine Call Despite Allegations of Broader Pressure Campaign," *CNN*, November 4, 2019, <https://edition.cnn.com/2019/11/04/politics/donald-trump-ukraine-perfect-call-defense/index.html>

and that 'nobody pushed him.'<sup>8</sup> Thirdly, the Republicans argued that it was well within the President's right to request or ask a foreign country to investigate into corruption charges of an individual even if he or she is a political figure.

In stark contrast to President Trump's claims, the testimonies by current and former Trump administration officials, fell contrary to President Trump's claims of no wrong doing and no misuse of power. Another blow to President Trump's defense came with the release of the report in January 2020 by President's former National Security Advisor, John Bolton. Bolton's book manuscript detailed the account<sup>9</sup> of the request that President had made to his Ukrainian counterpart to announce investigations into Joe and Hunter Biden. The manuscript made it clear that there was an effort made by Trump's personal attorney Rudy Giuliani and US officials to pressurize Ukraine into investigating former Vice President Joe Biden.<sup>10</sup> However, Trump's defense team discredited the book and side stepped from the account.

The US Constitution requires a two-thirds majority to convict or impeach a US official or sitting president. Once the impeachment process is finalized, the Senate enters its trial and judgment to convict or acquit the accused. The Chief Justice, according to the US Constitution, is to preside over the impeachment trial. However, the precedent set by the previous impeachment trials of the two US presidents perceives the Senate as a body to outline the practice and rules. Thereof, as the case moved into the Upper House, the proceedings and summons of the trial remained largely to be determined by the Senate - currently dominated by the Republicans.

Acquittal of President Trump by the Senate was an expected outcome even before the defense started its arguments as is evident from the impeachment cases of the previous US presidents. The results of trial that had consumed Washington in a tug of war since September 2019, came as a blow to the Democrats. House Speaker Nancy Pelosi slammed the acquittal saying "the President and Senate Republicans have normalized lawlessness and rejected the system of checks and balances of our constitution."<sup>11</sup> However, the acquittal does not exonerate President Trump from House investigations by the Democrats. The fear among the Democrats is that President Trump may be emboldened in his future actions by this decision.

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<sup>8</sup> Tara Law, 'Nobody Pushed Me.' Ukrainian President Denies Trump Pressured Him to Investigate Biden's Son, *CNN*, September 25, 2019, <https://time.com/5686305/zelensky-ukraine-denies-trump-pressure/>

<sup>9</sup> By Maggie Haberman and Michael S. Schmidt, "Trump Tied Ukraine Aid to Inquiries He Sought, Bolton Book Says," first Published Jan. 26, 2020, Updated Jan. 28, 2020, <https://www.nytimes.com/2020/01/26/us/politics/trump-bolton-book-ukraine.html>

<sup>10</sup> Jeremy Diamond "Trump Focuses on 'Perfect' Ukraine Call Despite Allegations of Broader Pressure Campaign," *CNN*, November 4, 2019, <https://edition.cnn.com/2019/11/04/politics/donald-trump-ukraine-perfect-call-defense/index.html>

<sup>11</sup> Ibid.