

# IMPEACHMENT: WEEK FOUR

## What mattered

This week was consequential in many ways. Constitutional scholars testified and put the actions of President Trump into historical context. The House Intelligence Committee released a report on its impeachment findings and 300 pages of documentation and analysis including revealing phone call records obtained through subpoena. But the most moving moment came Thursday when Speaker of the House Nancy Pelosi announced she was directing the House committees to draft articles of impeachment.

### "SADLY, BUT WITH CONFIDENCE AND HUMILITY..."

... The President has engaged in abuse of power undermining our national security and jeopardizing the integrity of our elections. His actions are in defiance of the vision of our Founders and the oath of office that he takes 'to preserve, protect and defend the Constitution of the United States.' Sadly, but with confidence and humility, with allegiance to our Founders and our hearts full of love for America, today, I am asking our Chairmen to proceed with articles of impeachment. ...



### "DON'T MESS WITH ME"



The speaker has deliberately maintained a subdued and somber tone when talking about impeachment. Even more so in announcing the House would draft articles of impeachment. But she fired up when a reporter asked her "Do you hate the president?"

Everyone is entitled to their own opinion, but not their own facts. **Sen. Daniel Patrick Moynihan**

### DUELING REPORTS

The House Intelligence Committee produced a 300-page report of its findings from public and private hearings. Included in it were some unexpected Easter eggs, like call logs showing particularly a whole lot of calls from Rudy Giuliani and Devin Nunes, ranking GOP member of the Intelligence Committee. [Read the executive summary here](#) or [the entire report](#).

The GOP members of the committee released their own report which criticized the process and clung to the same arguments: the president was fighting corruption, Ukraine got the aid eventually, and there was no bribery or extortion because Ukraine didn't know. None of these stand up to the evidence. [Read the GOP report here](#) and [FactCheck.org's analysis here](#).

### 'EVEN IF HE DID IT, IT'S NOT IMPEACHABLE'

We have been hearing this from the president's defenders in the House and Senate for weeks. Because the facts are irrefutable, regardless of the flak and misdirection campaigns designed to obscure them, these surrogates are rallying behind the idea that whatever he did, it 'doesn't rise to the level of impeachment.' Last week, we heard four Constitutional scholars – three called by Democrats and one by Republicans – address this very issue. Here's what mattered. **Click on the icons to read their opening statements or watch short videos of their testimony.**



#### **Noah Feldman, Professor of Law at Harvard University; Constitutional scholar**

His opening statement laid out detailed historical perspective of the writing of the relevant sections of the Constitution and what the founders meant by the term "high crimes and misdemeanors." His conclusion: "President Trump's conduct described in the testimony and evidence clearly constitutes an impeachable high crime and misdemeanor under the Constitution."



#### **Michael Gerhardt, Professor of Law at U. of North Carolina, impeachment expert**

Gerhardt was also a witness in the impeachment trial of President Clinton, giving him both historical and modern context. He laid out the deliberations of the founders to present their view - what **they** meant – impeachment to be. Gerhardt concluded: "... this president has attacked each of the Constitution's safeguards against establishing a monarchy in this country."



#### **Pamela Karlan, Professor of Law, Stanford University; author "Constitutional Law"**

Much of Karlan's testimony focused on the rights of the people vs. the rights of officials. The framers, she said, "realized that elections alone could not guarantee that the US would remain a republic." In one especially prescient moment, she quoted William Davie: "a president might spare no effort to means whatever to get himself re-elected." She also focused on the dangers the founders saw in "foreign influence."



#### **Jonathan Turley, Professor Law, George Washington University**

Also a witness during the Clinton impeachment, Turley was called by the Republicans on the committee. Early on, he declared himself to not be a supporter of President Trump. Turley's view is that the House case is "insufficient" and that the House has not heard from the direct witnesses who would have direct knowledge of a quid pro quo. Turley offered support for his conclusions based on the three previous impeachments and failed historical efforts.

