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Why Impeach Donald Trump

By David Swanson
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What are the grounds for impeachment?

They will likely be piling up rapidly. President Trump did use Day 1 to advise the CIA that the United States should have stolen all of Iraq's oil. But here is a place to start. We already have a president who is violating two clauses in the U.S. Constitution, one forbidding any gifts or benefits from foreign governments, the other forbidding the same from the U.S. government or any U.S. state. This is the result of Donald Trump refusing to separate himself from major business interests as past presidents have done. Those interests will also inevitably involve Trump in violating the STOCK Act which forbids the use of non-public government information to make a private profit.

Article II, Section 1 of the Constitution states: "The President ... shall not receive ... any other emolument from the United States, or any of them." This means that the President cannot receive personal financial gains from the United States government or from the governments of any of the 50 states while he is president. This restriction is absolute and cannot be waived by Congress. Trump is already in violation of it and will be more so with every law, rule, regulation, enforcement, or lack thereof that his subordinates, Congress, or any agency of the federal government enacts to the benefit of Trump's businesses and possessions.

For example, Trump's lease of the Old Post Office Building violates an explicit clause in the General Services Administration lease contract which states: "No ... elected official of the

Government of the United States ... shall be admitted to any share or part of this Lease, or to any benefit that may arise therefrom.” The GSA’s failure to enforce that contract is an unconstitutional benefit to Trump.

Or, to take a state-level example: since 1980 Trump and his businesses have garnered “\$885 million in tax breaks, grants and other subsidies for luxury apartments, hotels and office buildings in New York.” Continuing or increasing those subsidies puts Trump in violation of the Constitution.

Article I, Section 9 of the Constitution says that “no person holding any office of profit or trust under [the United States government], shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.” This is essentially the same ban as above, but applied to foreign governments.

The Trump Organization has licensing deals with two Trump Towers in Istanbul. Trump himself says, “I have a little conflict of interest, because I have a major, major building in Istanbul.” China’s state-owned Industrial and Commercial Bank of China is the largest tenant in Trump Tower. It is also a major lender to Trump. Its rent payments and its loans put Trump in violation of the Constitution. Foreign diplomats have begun shifting their D.C. hotel and event reservations to Trump International Hotel. The Embassy of Kuwait was reportedly pressured by the Trump Organization to do so. Pressured or not, Kuwait’s business at a Trump hotel puts Trump in violation of the highest law of the land.

In November, there were reports (denied by Trump) that Trump had asked the president of Argentina for help with a building permit in Buenos Aires. Whether he did or not, and whether he receives that help or not, President Trump will be frequently granted or denied similar approval for his business ventures from numerous foreign and domestic governments.

Why punish a successful business man?

We can set aside the legality and morality of Trump’s business success, and the question of how successful he has been. A campaign to impeach him for his violations of the Constitution can hold the position that Trump is perfectly welcome to keep all of his businesses and loans. He just cannot simultaneously hold an office in which they create gross violations of the U.S. Constitution. Past presidents have sold off their assets or placed them in a blind trust. A blind trust would not, however, be blind for Trump who would inevitably learn of the approval of new towers or the sale of properties. Selling (and using a truly blind trust to do so) was Trump’s only option other than not being president. He chose not to take his only Constitutional choice.

Is this partisanship?

A great many people do anything political for partisan reasons. As I’m unable to put an end to that, it is inevitable that people will favor or oppose impeaching Trump for partisan reasons. But they need not. The above charges against Trump are unprecedented. They should apply to him and any future presidents who engage in the same abuses, regardless of party. Someone who voted for Trump as a way out of corruption should want him impeached as much as someone

who voted against him for the same reason. Trump is now the worst possible “insider” — using public office for personal greed.

Is this morally worse than Secretary of State Hillary Clinton taking Saudi government and Boeing funds into her family foundation, and then working to waive legal restrictions on Boeing selling weapons to Saudi Arabia — weapons now being used to slaughter innocents? Some will think so and others not, largely along partisan lines. Personally I’m in favor of impeaching Clinton, Obama, and George W. Bush right now and imposing the penalties of a bar on holding future office and a denial of retirement benefits. But those efforts are simply not the same priority today as halting the presidency of the current president.

When I advocated for impeaching Bush I explained that if he was not held accountable his successors would expand further the abusive powers he had expanded. When I argued that Obama was in fact doing this and should be impeached, I was generally called worse things than partisan. But the longer presidents are allowed to act without a check on their powers, the more they will expand and abuse them. Numerous government officials and members of Congress would best serve the world by resigning. But the place to start is with an unprecedented and unique form and level of corruption in the single highest office in the land.

Is this personal?

A great many people focus their political interest on personalities rather than policies. They forbid themselves to praise a good action by a politician who mostly makes bad ones, or to condemn a bad one by a hero. They make heroes of whoever is not their enemy, and vice versa. They place greater importance on whether they’d like to be friends with someone than on whether that person will benefit or harm the world. Because I lack the strength to change this, many will support or oppose impeaching Trump based on whether they consider him obnoxious or inspiring. They shouldn’t and need not. President Obama oversaw activities that would have horrified his supporters had they not been so focused on his style. History does not look kindly on the impeachment of Bill Clinton for personal flaws, something the majority of the public opposed — while there were much better grounds on which to have impeached him. (History may also frown on Congress’s refusal to even attempt to impeach George W. Bush, something the majority of the public supported.)

Is the point to make Mike Pence president?

The question of who is worse, the president or the vice president, is a very different question from this one: Who is worse, President Trump in an era of total unchecked power and immunity, or President Pence in an age of popular sovereignty with the threat of impeachment looming behind every high-crime-and-misdemeanor that comes up for consideration by the White House? I believe changing the office of the presidency into one that can be lost for substantive crimes and abuses — a radical change from its current state — would be more significant than the personality, ideology, or party of the presidents who come next. I believe part of that significance would derive from the benefits of building the movement that imposes impeachment on a corrupt and partisan and reluctant Congress. Cultural change comes principally from movement building, and very little from the personalities of elected officials.

Why not impeach Trump for being a Russian agent?

Both an impeachment in the U.S. House of Representatives and a trial in the Senate will require public evidence. The case made above relies on readily available and public evidence in great abundance that will grow daily, and may very well come to include benefits from the Russian government.

In contrast, if there exists any evidence of the Russian government hacking Democratic emails or of the Russian government giving those emails to WikiLeaks, it has not been made public. If there exists any evidence of Trump being complicit in those actions, it has not been made public. You may suspect that such evidence exists. If so, it could certainly become the basis for additional articles of impeachment once it is produced. Meanwhile the content of the DNC emails could arguably form part of the basis for a case against current or former civil officers among Democrats involved in manipulating their own primary.

Why not impeach Trump for helping to destroy the earth's climate, or many other reasons?

I'm in favor of it, yes. But it should wait at least a week or two to allow the damage to accumulate. Removing all mention of climate change from the White House website is not sufficient. And the case will never be as easy a sell to the House of Misrepresentatives. The Constitution does not prohibit destroying the earth's climate, unless we so interpret the preamble — or so interpret the mythical language that a militarized government has rumored to exist in the Constitution creating a presidential duty to protect the country from danger.

Impeachment is a political process. Individuals and cities and towns and organizations can demand it. Representatives can pursue it. We can impeach for continuing or accelerating the destruction of our natural environment, even if presidential predecessors did the same or similar. We can impeach for war or torture or drone murders or warrantless spying or proclaiming the needs to steal oil or kill families or ban Muslims, or for any form of discrimination or cruelty that we find sufficiently intolerable. And I wish we would. But which charges can clear the hurdles of the House Judiciary, the full House, and the Senate is not a simple moral question.

Why impeach Trump when he could prevent war with Russia?

Yes, Trump seems to favor deescalating the dangerous cold war created under Obama. He may favor this for corrupt or environmentally destructive reasons. Regardless, any steps away from confrontations with nuclear governments are highly desirable. But Trump's vision is one of greater, not lesser, militarism. His preferred targets just don't include Russia. And impeaching Trump for abusing his power hardly sends a message to future presidents that they should pursue more wars. Holding one president accountable creates a certain level of accountability in the entire government going forward. And that tends to move us away from war, not toward it.

Is the point to empower the CIA and the corporate media?

That might be the point of going after Trump over Russian hacking rumors. The result might be a failure to impeach if there is no evidence. It might be greater hostility with Russia. And it might be a feather in the cap of a couple of institutions worthy of mountains of scorn. But these are not issues when Trump is impeached for public offenses visible to the naked eye with no spying or journalism required.

Do you really think Congress will impeach a president?

Yes, it certainly might, especially as the evidence of high-crimes-and-misdemeanors accumulates and Trump's popularity sinks even lower than its current record level — an effect that just opening an impeachment process has usually contributed to (Bill Clinton's unpopular impeachment being an exception to the rule). But even an unsuccessful impeachment, like Truman's or Nixon's can have seriously beneficial results, including ending the abuses for which Truman was almost impeached, and ending the war and presidency of Nixon.

Do you really think everything is normal and nothing radical is needed?

I think all potentially useful strategies are desperately needed and that impeachment is one of them. Others are marches, sit-ins, petitions, media production, legislation, strikes, refusals to cooperate with illegal actions, protection of those in danger, peace initiatives, local and global moves toward sustainable economies, boycotts, divestments, foreign exchanges, art work, parades, etc., etc. But a nonviolent movement seeking to overturn an abusive government would fantasize about an impeachment provision if it didn't exist. It's the best gift that the drafters of the Constitution gave us. Much of the rest of the document is horribly out of date, and many of the best parts of it are routinely violated. Continuing to neglect the power of impeachment would be a terrible waste.

Do you really think something as radical as impeachment is needed?

I think it's needed in much less extreme situations than this one. If it's not needed now, when would it be?

Wouldn't our time be better spent holding marches or blocking pipelines or burning limos or educating children or building a new party or designing bunkers or . . . ?

Yes, there are lots of good ideas and bad. I'd like to see all of the good ones pursued, with people putting their energies where their passions and talents lie. But we cannot ignore an out of control government. Taking it (not "taking it back" since we never had it) has to be high on our list of priorities. It is still what Dr. Martin Luther King Jr. said it was 50 years ago this spring: the greatest purveyor of violence on earth. Leaving that entity in the hands of an attention-starved man who wants primarily to personally profit from it is playing with fire.