

Impeachment was Intended for a President like Trump

By Don Sutherland

Following the January 6, 2021 Trump Insurrection, a “self-coup” aimed at allowing President Trump to retain power despite his election defeat, those responsible need to be held fully accountable for their actions. One week later, on January 13, the U.S. House of Representatives voted to impeach President Trump, A Senate trial will commence near or just after President-elect Biden’s being sworn into office.

Opposition from President Trump’s Republican allies notwithstanding, impeachment is the appropriate remedy for the kind of offenses President Trump committed in sowing doubt in the 2020 election outcome, encouraging protests in Washington, DC on January 6, and commanding his followers to march on the Capitol to “fight” for his ‘win.’

The Constitution’s authors were clear about the purpose of impeachment. During the Constitutional Convention, George Mason pursued broader language than had initially been considered explaining:

Why is the provision restrained to Treason & bribery only? Treason as defined in the Constitution will not reach many great and dangerous offences. Hastings is not guilty of Treason. Attempts to subvert the Constitution may not be Treason as above defined.

He then proceeded to offer language that included, "high crimes & misdemeanors agst. the State." Much of that additional language was subsequently adopted.

In *Federalist No. 65*, Alexander Hamilton explained that impeachment concerned "those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust."

Madison’s notes and the Federalist Papers were not the only sources of information articulating how the Constitution’s framers understood impeachment. A series of three essays written by Tench Coxe in support of the Constitution shortly after its adoption provided additional insight. In “On the Federal government, No. 1,” Coxe wrote regarding the President, “It appears, we have not admitted that he can do no wrong, but have rather presupposed he may & will sometimes do wrong, by providing for his impeachment, his trial, and his peaceable and complete removal.”

On October 8, 1787, Edmund Pendleton, who served in the First Continental Congress and who led the Convention at which Virginia adopted the U.S. Constitution in 1788, Pendleton wrote:

The President is indeed to be a great man, but it is only in shew to represent the Federal dignity & Power, having no latent Prerogatives, nor any Powers but such as are defined and given him by law... Above all his tenure of Office is short, & the Danger of Impeachment a powerful restraint against abuse of Office.

In a letter to George Washington dated October 18, 1787, James Madison confirmed that Pendleton had offered an accurate assessment of the Constitution. He wrote, "I find by a letter from the Chancellor (Mr. Pendleton) that he views the act of the Convention in its true light, and gives it his unequivocal approbation."

By inciting an insurrection aimed at thwarting the counting of the electoral votes and thereby overturning the outcome of an election he had lost, President Trump attempted to "subvert the Constitution" and committed a grave violation of the public trust.

Impeachment and disqualification from ever holding any U.S. office are both appropriate and imperative. The President had committed a "high crime" against the United States by seeking to thwart Congress' work in counting the electoral votes. Impeachment, removal from office, and disqualification from again holding public office are the exact remedies the Constitution's authors had in mind for any President who engaged in President Trump's conduct.