

UNFAIR, UNPRECEDENTED & UNDEMOCRATIC

The Pelosi/Schiff Impeachment of President Trump

- Democrats are abandoning more than a century's worth of precedent and traditions in impeachment proceedings and denying President Trump basic fairness and due process.
- In our nation's history, the House has on three occasions moved to formally investigate whether sufficient grounds exist to impeach a president. In all three of these cases, the full House voted on a resolution authorizing the House Judiciary Committee to determine whether to impeach the President.
- In the case of President Trump, however, a formal impeachment process involving debate and votes by the full House prior to taking each step in the process has been replaced by a hastily arranged press conference by Speaker Pelosi.
- The notion that the Speaker acting alone may direct committees to initiate impeachment proceedings without any debate or a vote on the House floor is unprecedented and undemocratic.
- Democrats are also denying President Trump fairness and due process within the "inquiry" itself. For the impeachment investigations of Presidents Nixon and Clinton, the Judiciary Committee adopted rules of procedure to provide basic due process rights and ensure fairness, including:
 - allowing the president to be represented by counsel;
 - permitting the president's counsel to be present at all hearings and depositions;
 - permitting the president's counsel to present evidence and object to the admission of evidence;
 - allowing the president's counsel to call and cross-examine witnesses; and
 - giving the president's counsel access to, and the ability to respond to, the evidence adduced by the Committee.

- By contrast, the Pelosi/Schiff impeachment inquiry provides none of these rights and protections. This is a purely partisan exercise aimed at pleasing the Democrat Party's left wing, not discovering the truth.
- The Pelosi/Schiff impeachment circus also ignores the procedural rights given to the investigating committee's minority in previous presidential impeachments, including granting equal subpoena power to both the chair and ranking member of the committee.
- Finally, the Pelosi/Schiff process has also denied President Trump the same basic pre-inquiry due process afforded to President Clinton. The Whitewater investigation began nearly five years before the House voted on an impeachment inquiry, and involved painstaking investigative work by a special counsel and an independent counsel. President Clinton fought the investigation tooth and nail, including by raising multiple privilege claims. He was able to litigate those claims fully through the courts.
- President Trump, by contrast, fully cooperated with the Mueller investigation. He never raised privilege claims, made his White House Counsel available to testify for thirty hours, and agreed to answer written questions on pain of perjury.
- Because Mueller cleared Trump of criminal wrongdoing, the Democrats launched their current "investigation" into Ukraine. This investigation is being conducted behind closed doors (without giving the President's lawyers the opportunity to participate) at a pace so rushed that it's obvious the Democrats don't care about discovering the truth.
- And rather than giving President Trump the same due-process rights that President Clinton had to raise and litigate claims of constitutional privilege, Chairman Schiff has repeatedly threatened to impeach President Trump for trying to litigate these claims.
- Here's what then-Congressman Schumer said in 1998 when Ken Starr recommended impeaching President Clinton for raising privilege claims (grounds for impeachment the House ultimately declined):

"To suggest that any subject of an investigation—much less the President with obligations to the institution of the Presidency—is abusing power and interfering with an investigation by making legitimate legal claims, using due process and asserting constitutional rights, is beyond the ken of serious consideration."