

# HISTORY'S RHYME: NIXON'S ARTICLES OF IMPEACHMENT

[NB: Byline check, please. /~Rayne]

History, as they say, doesn't repeat itself, but it rhymes.

By now many of us have heard or read discussions comparing the actions of Trump and his administration with those of Richard Nixon – actions for which Nixon was nearly impeached.

(Bill Clinton's impeachment surfaces only as an example of what a joke impeachment can be when a partisan hack investigator is intent on creating a mountain out of a consensual blowjob molehill.)

Though he resigned before the House could vote on them, Articles of Impeachment were drafted against Nixon. The first three of five had been passed by the House Judiciary Committee:

Article I: Obstruction of Justice

Article II: Abuse of Power

Article III: Contempt of Congress

Article IV: Cambodia bombing

Article V: Failure to pay taxes

Article I outlined a list of obstructive behaviors Nixon engaged in the lead up to and during the Watergate scandal. They read like a list of indictable offenses with the exception of an abuse of power in seeking the CIA's efforts to interfere with the FBI.

Article II outlined Nixon's abuses of power; the behaviors were unethical.

Article III charged Nixon with contempt after he refused to cooperate with Congress's investigation into Watergate.

The third article has drawn the most reconsideration in the last 24-48 hours after Trump announced "We're fighting all the subpoenas," saying the administration would not comply with House committees' requests for witnesses and documents.

While Trump hasn't an unauthorized bombing of Cambodia under his belt addressed by the fourth article in 1974, he does have ongoing violations of international treaties for which he should answer, and for which the Republicans in Congress should be held accountable by a vote on an article about crimes against humanity.

We don't yet know if a fifth article related to taxes may yet be needed but we shouldn't be surprised if the tax returns Trump is so desperate to hide do not provide grounds for one.

What a lot of familiar rhyming. One might wonder what Articles of impeachment would look like against Trump. Let's take a look at a possible Article I.

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Article 1

RESOLVED, That Donald J. Trump, President of the United States, is impeached for high crimes and misdemeanours, and that the following articles of impeachment to be exhibited to the Senate:

ARTICLE 1

In his conduct of the office of President of the United States, Donald J. Trump, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be

faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

Beginning March 2016, and prior thereto, agents of Russia knowingly accessed computers without authorization belonging to or used by U.S. presidential campaign of Hillary Clinton and volunteers ("Clinton Campaign"), of the Democratic Congressional Campaign Committee ("DCCC"), and the Democratic National Committee ("DNC") in Washington, District of Columbia, for the purpose of securing political intelligence.

In April 2016, Conspirators including agents of Russia and persons know and unknown to a Grand Jury began to plan the release of materials stolen from the Clinton Campaign, DCCC, and DNC.

Beginning in or around June 2016, the Conspirators staged and released stolen materials. The Conspirators continued their U.S. election-interference operations through in or around November 2016 with the intent to support the campaign of Donald J. Trump and deter the Clinton Campaign.

Subsequent thereto, Donald J. Trump, using the powers of his high office, engaged personally and through his close subordinates and agents, in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such unauthorized access and use of stolen materials; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

The means used to implement this course of conduct or plan included one or more of the following:

1. making false or misleading statements

to lawfully authorized investigative officers and employees of the United States;

2. withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;
3. approving, condoning, acquiescing in, and counseling witnesses with respect to the giving of false or misleading statements to lawfully authorized investigative officers and employees of the United States and false or misleading testimony in duly instituted judicial and congressional proceedings;
4. interfering or endeavoring to interfere with the conduct of investigations by the Department of Justice of the United States, the Federal Bureau of Investigation, the Office of Special Counsel, and Congressional Committees;
5. approving, condoning, and acquiescing in, the surreptitious payment of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals;
6. endeavoring to misuse the Department of Justice, the Office of the Director of National Intelligence, and the Office of White House Counsel of the United States;
7. disseminating information received from officers of the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States, for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;\*\*
8. making or causing to be made false or misleading public statements for the purpose of deceiving the people of the United States into believing that a

thorough and complete investigation had been conducted with respect to allegations of misconduct on the part of personnel of the Presidential Campaign and on the part of the personnel of the executive branch of the United States, and that there was no involvement of such personnel in such misconduct: or 9. endeavoring to cause prospective defendants, and individuals duly tried and convicted, to expect favored treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony.

In all of this, Donald J. Trump has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Donald J. Trump, by such conduct, warrants impeachment and trial, and removal from office.

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\*\* Did Trump share/receive material through the Joint Defense Agreement not for the purposes of defense but to obstruct the Special Counsel's investigation?

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Well now...the potential parallels are quite striking. Because there's so much to ponder in this one possible Article, I'll leave evaluation of other possible Articles to another post to follow.

What do you think? Is there more which an Article focused on obstruction might include? Is there wording which needs revision based on what we now know?

This is an open thread.