

Can a Former US President be Impeached and Convicted?

By [Stephen Lendman](#)

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Theme: [Law and Justice](#)

The Constitution is unclear on this issue.

Professor of Politics **Keith Whittington** argued as follows:

"Impeachments are to protect the republic from dangerous officeholders..."

"(T)he ability to disqualify a former officer who has been demonstrated to have committed grave abuses of office in the past might be valuable."

Not according to Law Professor **Ross Garber** arguing that constitutional language limits impeachment to current office holders, saying:

"Impeachment could only happen while Trump is in office, not after he leaves."

Nothing in the Constitution permits impeachment of a former president. Yet nothing rules it out.

According to Findlaw.com:

If a former US president or other office holder was impeached and convicted by a Senate two-thirds super-majority, "it's a near certainty that (his) person would take the case to the courts."

"It's also likely that the case would make its way to the Supreme Court, where justices would probably all be thinking about calling in sick for the next six months."

The ostensible purpose of impeaching and convicting a former US president would be to prevent that person from holding office again — along with imposing maximum humiliation as a convicted felon, rightfully or wrongfully.

In 1876, House members impeached William Belknap, President Ulysses Grant's war secretary — after he resigned from office.

A Senate trial months later failed to reach a required super-majority, Belknap thus acquitted.

Given an equally divided US Senate today with 50 Republicans and 50 Dems, if Trump is impeached as president or private citizen, conviction by Senate super-majority would seem highly unlikely.

Acquitting Trump would defeat the Pelosi/Schumer-led Dems from wanting him prevented

from running again for president.

Humiliating him more than already would also be defeated, along with seeking to label him a convicted felon.

According to former chief White House ethics lawyer Richard Painter, Trump could be impeached based on the Belknap precedent.

Under the Constitution's Article II, Section 4:

“The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”

Law Professor **Jonathan Turley** argued that by “seeking (Trump’s) removal for incitement, (Dems) would gut not only the impeachment standard but also free speech, all in a mad rush to remove Trump just days before his term ends,” adding:

Dems want Trump removed for “his remarks to supporters” they falsely claim led to last Wednesday’s Capitol Hill violence.

“(His) address d(id) not meet the definition for incitement under the criminal code.”

“It would (or should) be viewed as protected speech by the Supreme Court.”

“Trump never...called for violence or riots” in his speech or tweets.

“(H)e urged his supporters to march on the Capitol to raise their opposition to the certification of electoral votes and to back the recent challenges made by a few members of Congress.”

He told the crowd of supporters “to peacefully and patriotically make your voices be heard.”

His public remarks were willfully distorted by Dems and their media press agent.

Smelling blood in the water, they want Trump impeached as president or after his term expires.

Turley: “There was no call for lawless action by Trump.”

He “call(ed) for a legitimate protest at the Capitol.”

“(V)iolence was not imminent...”

“(T)he vast majority of (Capitol Hill) protesters were not violent before the march, and most did not riot inside the Capitol.”

“Like many violent protests in the last four years, criminal conduct was carried out by a smaller group of instigators.”

Undemocratic Dems want Trump impeached and removed from office “for remarks

(permitted) by the First Amendment.”

“It would create precedent for the impeachment of any president (who rightfully or wrongfully is) blamed for violent acts of others...”

In 1918, Eugene Debs publicly opposed the WW I draft — his First Amendment right.

Yet he was wrongfully arrested, charged with sedition, convicted, sentenced and imprisoned.

The Supreme Court unanimously upheld the constitutional breach, what Turley called one of its most “infamous” rulings, adding:

Dems today “are now arguing something even more extreme as the basis for impeachment.”

“Under their theory, any president could be removed for rhetoric that is seen to have the (undefined) ‘natural tendency’ to encourage others to act in a riotous fashion.”

“Such a standard would allow for a type of vicarious impeachment that attributes conduct of third parties to any president for the purposes of removal.”

At the same time, Dems urged anti-Trump elements to publicly protest.

“(T)here needs to be unrest in the streets,” said Biden’s VP Kamala Harris, adding:

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“(P)rotesters should not let up” even when some marches turn violent.

The obvious double standard needs no elaboration.

According to Pelosi/Schumer-led Dems, Trump’s “guilt is not doubted and innocence is not deliberated,” said Turley.

“This would do to the Constitution what the violent rioters did to the Capitol and leave it in tatters.”

On Sunday, Pelosi said the following:

“If we do not receive unanimous consent” for invoking the 25th Amendment to remove Trump, legislation (to do it will) be brought up (in the House on) the following day.”

“We are calling on (Mike Pence) to respond within 24 hours.”

“Next, we will proceed with bringing impeachment legislation to the floor” of the House.

With less than 10 days remaining in office, Pelosi defied reality, calling Trump “an imminent threat.”

Pence reportedly opposes invoking of the 25th Amendment.

Calls to his office by Pelosi and Schumer weren’t answered by staff, nor did Pence return

them.

Removing Trump by invoking the 25th Amendment requires consent by the vice president and a majority of cabinet members.

According to Dem House Majority Whip James Clyburn:

“Let’s give...Biden the 100 days he needs to get his agenda off and running, and maybe we’ll send the articles (of impeachment to the Senate) sometime after that.”

While in office or after his term expires, House impeachment and/or Senate conviction of Trump for constitutionally allowed speech would risk crossing a rubicon from what remains of the rule of law to tyranny.

Future presidents, other government elected and appointed officials — along with virtually Americans — could face a similar fate ahead by the unconstitutional standard called for by Pelosi and Schumer.

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Award-winning author **Stephen Lendman** lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. He is a Research Associate of the Centre for Research on Globalization (CRG)

His new book as editor and contributor is titled “Flashpoint in Ukraine: US Drive for Hegemony Risks WW III.”

<http://www.claritypress.com/LendmanIII.html>

Visit his blog site at sjlendman.blogspot.com.

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About the author:

Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III."

<http://www.claritypress.com/LendmanIII.html> Visit his blog site at sjlendman.blogspot.com. Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

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