

Extension of Remarks
Congressman Robert C. “Bobby” Scott
H.Res.24 - Impeaching Donald John Trump, President of the United States, for high
crimes and misdemeanors
In the House of Representatives
January 13, 2021

Madam Speaker, I rise today in support of H.Res. 24, impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

When we consider impeachment, the first question to consider is not “what is an impeachable offense?” but “why is impeachment in the constitution?” If it is necessary to have an elected official removed from office, the normal process is to vote him out of office at his next election and have him leave when his term expires. But there are times when it is absolutely not feasible to wait until a term expires. That is why impeachment is in the constitution.

The Constitution says the President “shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.” When a President is committing treason, it is obviously not feasible to wait until the next election and the expiration of his term. If a President is seeking, taking or giving bribes, it is not feasible to wait. As for “other high crimes or misdemeanors,” the important word is “other,” because it suggests offenses that have the same effect on the nation as treason or bribery. The phrase “high crimes and misdemeanors” is intentionally vague, but the meaning is clear – behavior that creates a situation, as in cases of treason and bribery, where it is not feasible to wait until the next election and the expiration of the President’s term. Impeachment is not in the constitution primarily as a punishment, but as a mechanism to protect our democracy when it is not feasible to wait until January 20th.

In that light, we evaluate the President’s recent behavior.

Shortly before noon on Wednesday, January 6, 2021, President Trump addressed thousands of his supporters, who specifically came to Washington at his urging. This event was called the “March to Save America.” The President’s words and actions at this rally, and arguably the lies he spread weeks before, incited a violent insurrection. Soon after the President’s speech, a violent mob overwhelmed the U.S. Capitol with the intent of disrupting the counting of the Electoral College votes – the final official step in the election of the next President of the United States. These individuals harbored delusions fostered by the President that, but for the grace of God, could have resulted in the death or injury of the Vice President and many members of Congress. During most of this insurrection, the absence of the National Guard and other military units was conspicuous, especially when compared to the overwhelming police and military presence last summer during racial justice protests in the nation’s capital.

The facts are not in dispute. According to Rep. Liz Cheney, the third highest ranking Republican in the House of Representatives, “The President of the United States summoned this mob, assembled the mob, and lit the flame of this attack. Everything that followed was his doing. None of this would have happened without the President...There has never been a greater betrayal by a President of the United States of his office and his oath to the Constitution.”

Last weekend, the Washington Post published audio recordings revealing a conversation in which the President encourages and attempts to pressure Georgia election officials to “find” over 11,780 votes to reverse the certified results of the November 3rd election. This hour long recording further supports previous reports of the President actively attempting to overturn the will of the voters in other states he clearly and fairly lost.

Additionally, the President has used presidential powers to pardon numerous criminals, many of whom were convicted of offenses that could have been part of coverups to protect the President himself. He should not continue to hold this power while insurrectionists are being arrested and charged across the country. And it is also being reported that he is actively considering additional questionable pardons, including for himself and his immediate family.

Notwithstanding his oath to faithfully execute the laws, the President is doing nothing to address the COVID-19 pandemic, even though more than 125,000 deaths have occurred since the election. There has been a complete abdication of responsibility demonstrated by his failure to develop a testing and contact tracing strategy, his refusal to encourage the use of masks to stop the spread of this deadly virus, and now a complete mismanagement of vaccine distribution. Furthermore, his execution of the laws has been compromised by the wholesale resignations of senior federal officials across the executive branch.

The President has gone to extraordinary lengths to disrupt the transition from his administration to President-elect Biden, undermining our national security. Our nation is facing economic distress, a raging pandemic, the disastrous consequences of climate change, a reckoning with racial injustice, and a historic cyber intrusion. While our country is facing these challenges, the President has chosen to jeopardize our national security by refusing the incoming administration customary intelligence briefings, refusing to concede the election, and falsely claiming election fraud ultimately disrupting the peaceful transition of power and undermining the incoming administration’s ability to manage these crises.

And there have been ongoing violations of the constitution’s emoluments clause, as foreign governments have paid money to Trump businesses since his inauguration four years ago.

Each of these behaviors alone would constitute impeachable offenses, so the analysis moves to whether or not any or all of them create the crisis envisioned in the impeachment clause where it is not feasible to wait until January 20th to have him removed from office. I believe the evidence is overwhelming and that we have no choice but to act expeditiously to impeach.

The attack on the Capitol clearly puts us in a situation where it is not feasible to wait until the President's term expires at noon on January 20, 2021. He has shown no remorse for the loss of life and the blatant attack he incited on one of the greatest symbols of our democracy. There has also been no credible explanation why the Capitol Police were left stranded without the support of the National Guard or other law enforcement agencies nor any credible explanation why the Attorney General nor the Director of the F.B.I. have attended any public briefings on what happened on January 6, 2021 or what is being done to make sure that it does not happen again under the President's leadership. And when a person is found unfit to control a Twitter account, it is hard to imagine how he is fit to control the nuclear codes. He is also not fit to control the security of the Capitol for the upcoming inauguration or from other attacks at the Capitol that, according to some public reports, are being planned.

Tragically, tens of thousands of people will continue to die unnecessarily because of his incompetence and inaction in dealing with the COVID-19 pandemic. This self-serving use of the presidential pardon power cannot continue, and if he is removed from office, a process can be put in place to seamlessly transition powers to the Biden Administration without gaps in National Security.

For these reasons it is imperative that he be removed from office now.

Once impeached, it is true that he may not be convicted in the Senate. In fact, an impeachment trial may never take place. But the fact that a quick trial and conviction could take place should deter problematic behavior by the President during his last few days in office. For example, if Majority Leader McConnell received a distressed call from the Secretary of Defense explaining that the President had issued a bizarre military order, Leader McConnell could quickly summon the Chief Justice, reconvene the Senate and vote to remove the President within hours of the call. Knowing that this could take place would hopefully deter the President from issuing such an order or granting inappropriate pardons.

The President will be encouraged to resign, and the Vice President and a majority of the cabinet secretaries could activate the 25th amendment. But all the House of Representatives can control is impeachment. The House has an obligation to do just that. Our action should not be guided by politics or grievance, but should reflect the fact that the future of our Democracy is our first priority.

Madam Speaker, we do not want to look up on January 20th and see that security at the inauguration was mismanaged with disastrous results; or witness a blanket pardon to all of those involved in the insurrection; or suffer as tens of thousands die unnecessarily due to the President's continued mismanagement of the pandemic; or witness any other disastrous situation resulting from the abusive use of presidential powers. And if any of that happens because he was not impeached by the House and convicted and removed by the Senate, we cannot say we did not see it coming.

