



Written by [R. Cort Kirkwood](#) on March 22, 2019
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FBI Tried to Take Out Trump

It was a stunning moment. A highly placed Deep State operative told the truth.

Andrew McCabe, the former deputy director of the FBI, confessed on *60 Minutes* that he, Deputy Attorney General Rod Rosenstein, and others discussed invoking the 25th Amendment to the federal Constitution to overthrow the president of the United States.

The 25th enables the vice president and Cabinet to remove the president if they judge him incapable of doing his job, which is what McCabe, Rosenstein, and others were, apparently, prepared to argue, presumably because Trump is “mentally ill.” Why they would tread this rocky constitutional path is something of a mystery. After all, Trump might have obstructed justice when he fired FBI chieftain James Comey, McCabe suggested, to block the FBI’s probe into the president’s “collusion” with Russia to win the presidency. That would be an impeachable offense, as would something else McCabe suggested: that Trump was a Russian agent.

Yet as far-fetched as invoking the 25th Amendment would seem, a few politicians quickly suggested McCabe was right. Presidential candidate Elizabeth Warren, the senator from Massachusetts who lied for 35 years about being an Indian, said somewhat paralytically that administration officials must remove Trump if they think he cannot do his job.

“My point here is that if they believe that Donald Trump cannot fulfill the obligations of his office, then they have a constitutional responsibility to invoke the 25th amendment,” she said. “Their loyalty under law is not to him personally. It is to the Constitution of the United States and to the people of United States.”

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Representative Eric Swalwell of California agreed, and President George W. Bush’s former ethics attorney, Richard Painter, declared that Trump is mentally ill. “The president is not well at all mentally. I think he’s an extreme narcissist,” Painter said three days after Trump declared a national emergency to build a wall. “It’s unconstitutional. It’s illegal,” fumed Painter, who added: “He is going to do enormous damage to the Republican Party which is going to split right down the middle over this, and





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we really need to keep in mind that this is because the president is not well.”

Painter is entitled to his opinion, but opinions are like noses. We all have one. His opinion of Trump’s mental health is of no more import than the opinion of a MAGA hat-wearing crane operator. Painter is a lawyer, not a psychiatrist.

Not that many in the skull-doctoring trade don’t have their opinions of Trump. More than a few concur with the amateur’s diagnosis. Trump is crazy, they say, and must be removed with the 25th.

Indeed, the smart set has discussed taking down Trump with the 25th almost as long as it has discussed impeachment, which began *before* he was elected. McCabe’s admissions concern discussions with Rosenstein in 2017, and other officials had the same idea.

And in September 2018, an anonymous administration official, writing in the *New York Times*, declared himself “Part of the Resistance Inside the Trump Administration.”

“Given the instability many witnessed,” he — or she — wrote, “there were early whispers within the cabinet of invoking the 25th Amendment, which would start a complex process for removing the president. But no one wanted to precipitate a constitutional crisis. So we will do what we can to steer the administration in the right direction until — one way or another — it’s over.”

The 25th Amendment

Whoever that resistance member was, he — or she — was right about one thing. A move against Trump with the 25th would precipitate a crisis. That is because the 25th, again, provides detailed directions and requires a particular reason for removing a president. Its history and language show it is intended to enable the president’s removal when the president is *incapacitated* mentally or physically.

The 25th answers what it means to be “incapacitated,” and other questions.

Running through the amendment from beginning to end, we find that Section 1 says: “In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.” That covered the elevation of Gerald Ford to the presidency when President Nixon resigned. Section 2 says the president nominates a new vice president, whom a majority of the whole Congress must approve, when that office becomes vacant. That covered Ford’s elevation from Congress to the vice presidency when Vice President Spiro Agnew resigned, and Ford’s selection of Nelson Rockefeller as vice president.

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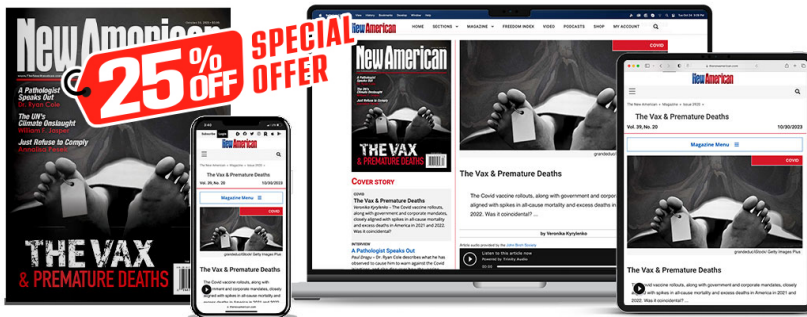
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