



Written by [Selwyn Duke](#) on September 6, 2018

Can the Supreme Court “Annul” the Trump Presidency?

“Don’t Impeach Trump, Annul His Presidency,” [reads](#) the headline. Illustrating how dangerous the Left has become, this wasn’t written by some unpaid HuffPo pabulum propagandist who dons a mask with Antifa part time, but by Robert Reich. He served as Secretary of Labor in the Clinton administration and is an esteemed professor at UC Berkeley; you know, the kind of guy a lot of very unintellectual people consider an intellectual. And he’s not kidding.



Reich opens his [piece](#) talking about how while many on the Left believe we’re seeing the beginning of the Trump presidency’s end, he’s not so optimistic. He then repeats every far-left talking point, saying, well, here’s the shorter Reich (no, that’s not an allusion to his being 4’11”):

Trump is such a horrible, megalomaniacal, lying con man — and is so thoroughly aided and abetted by Fox News and the “rest of the right-wing sleaze media,” as Reich puts it — that the dumb hicks in flyover country will be hoodwinked into supporting him despite his trespasses. Besides, the Republicans will assuredly hold the Senate in November and, since they have “the integrity of lizards” (according to herpetologist Reich), they’ll never convict him in an impeachment trial (that is, simply for being Donald Trump).

Moreover, writes Reich, “Oh, and let me remind you that even if he’s impeached, we’d still have his loathsome administration — Pence on down.”

But the diminutive intellectual has some good news for the Trump Derangement Syndrome set. It’s a scenario he admits is unlikely. To wit: “Suppose, just suppose, Robert Mueller finds overwhelming and indisputable evidence that Trump conspired with Putin to rig the 2016 election, and the rigging determined the election’s outcome,” writes Reich.

“In other words, Trump’s presidency is not authorized under the United States Constitution,” he continues. Furthermore, let’s say these collusion findings are so compelling that even Trump’s allies (the lizards and few warm-blooded ones) abandon him.

Then, writes Reich, “Impeachment isn’t enough.”

You see, this would still leave us with a President Pence and all Trump’s legislation, executive orders, and, states Reich, “the official record of his presidency.” (Ah, so [beautifully Stalinesque](#); perhaps we can even airbrush Trump from pictures and history books.)

“The only response to an unconstitutional presidency is to annul it,” concludes Reich — this would eliminate all the above. He kindly explains:

The Constitution does not specifically provide for annulment of an unconstitutional presidency. But read as a whole, the Constitution leads to the logical conclusion that annulment is the appropriate remedy for one.

After all, the Supreme Court declares legislation that doesn’t comport with the Constitution null



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and void, as if it had never been passed [note that this also is a power the courts seized, extra-constitutionally, for themselves].

It would logically follow that the Court could declare all legislation and executive actions of a presidency unauthorized by the Constitution to be null and void, as if Trump had never been elected.

So what would this leave us with? The Fourth Reich? Not exactly. With the president and vice president history, the next in line for the Oval Office would be speaker of the house. And if the Democrats take control of that body — part of Reich's scenario — this [would likely be](#) ... wait for it ... Nancy Pelosi!

Reich doesn't actually mention that.

Now, let's start by pointing out that no sane person claims the dreaded Trump-Putin Axis "rigged" the election, as in changing votes to flip the outcome. The allegation **was** that there was "collusion," and even that was [acknowledged as nonsense](#) by CNN figures [caught on hidden camera](#).

Second, while this may surprise some, there's nothing in the Constitution stating that a presidency is invalid if the election was stolen. (Some allege that John F. Kennedy's narrow 1960 win was due to vote fraud. Does anyone claim his executive branch was "unconstitutional"?) Of course, if the president was complicit in the fraud, Congress can hold him to account. But let's move on.

There's an irony here. Reich and his far-left fellow travelers warn, with white-knuckle-wringing hands, that Trump threatens our very Republic. Yet the professor is now proposing we set a precedent whereby five unelected lawyers could nullify a presidency and all its accomplishments, thus asserting kill power over the executive branch. What could be more dangerous to the Republic?

The reason why the constitutional remedy — and only constitutional remedy — for a criminal president is impeachment by Congress is that it is the entity most answerable to the people. Congressmen, who bring the charges, stand for reelection every two years, and even senators must win the citizenry's favor. The Supreme Court is beyond the people's reach.

Yet it, by Reich's lights, should have the capacity to nullify an expression of the people's will: the chief executive they voted into power. Understand how immature this motivation is. Any president will be gone after eight years, max.

But the SCOTUS precedent set here could be forever — all because the childish Left craves the immediate gratification of eliminating someone they dislike *right now*.

And Reich forgot a couple of things. That SCOTUS-nullified legislation would have been duly written and passed by the citizenry's representatives in Congress, so the people's will would again be thwarted. Furthermore, this means that the court would then, for the first time ever, be striking down *constitutional* legislation. Again, what could more profoundly imperil our republic?

Moreover, what of Trump's two SCOTUS picks, Neil Gorsuch and (assuming confirmation) Brett Kavanaugh? They'd be illegitimate, too, following Reich's logic. So since we're conjuring up new SCOTUS roles, can the other justices vote to have them expelled from the bench?

The kicker is that the Left can't point to any crime President Trump has actually committed. As Harvard law professor and longtime Democrat Alan Dershowitz has put it, we're seeing the "criminalization of political differences."

The danger of all this cannot be overstated. After all, [warned](#) pundit Dan Bongino while guest-hosting



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the *Mark Levin Show* Wednesday, “When you object to the peaceful transition of power, the republic is finished. What else is left?”

What’s sad and striking, but not surprising, is that Reich teaches at a renowned American university. Not that he doesn’t deserve a place in an institution — it just shouldn’t be one of higher learning.



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