



Written by [Joe Wolverton, II, J.D.](#) on May 21, 2019

Rep. Amash Calls for President's Impeachment; Trump Calls Amash a "Loser"

Representative Justin Amash (R-Mich.) declared that, in his opinion, President Donald Trump has committed impeachable offenses. Doing this made Amash the first Republican to call for the process of removing the president from office to begin.

In a thread of tweets posted on May 18, the constitutionally consistent Amash first made public his assertion that "President Trump engaged in specific actions and a pattern of behavior that meet the threshold for impeachment."



Following that tweet, Amash offered evidence that he said led him to this extraordinary conclusion.

First, Amash wrote that "Mueller's report identifies multiple examples of conduct satisfying all the elements of obstruction of justice, and undoubtedly any person who is not the president of the United States would be indicted based on such evidence."

In the same tweet, Amash writes that he came to this conclusion "contrary to [Attorney General] Barr's portrayal" of Robert Mueller's report.

Continuing his criticism of Barr's summary, Amash tweeted: "In comparing Barr's principal conclusions, congressional testimony, and other statements to Mueller's report, it is clear that Barr intended to mislead the public about Special Counsel Robert Mueller's analysis and findings," adding that in his — Amash's — opinion, "Barr's misrepresentations are significant but often subtle, frequently taking the form of sleight-of-hand qualifications or logical fallacies, which he [Barr] hopes people will not notice."

Next, Amash accused his colleagues in Congress of taking partisan tacks, rather than taking time to read Mueller's report.

"Few members of Congress even read Mueller's report; their minds were made up based on partisan affiliation — and it showed, with representatives and senators from both parties issuing definitive statements on the 448-page report's conclusions within just hours of its release," Amash said.

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In support of his claim of the lamentable lack of congressional commitment to closely reading the details included by Robert Mueller in his report on the accusations of the Russian government's attempts to interfere in the 2016 elections, including charges of President Trump's collusion in that alleged covert operation, Amash reiterated his claim that representatives placed fidelity to party over their sworn oath to protect the Constitution.

"We've witnessed members of Congress from both parties shift their views 180 degrees — on the importance of character, on the principles of obstruction of justice — depending on whether they're discussing Bill Clinton or Donald Trump," Amash tweeted.



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The libertarian-leaning legislator's final point on the partisan influence on the behavior of his fellow lawmakers was a call for putting the Constitution above all other considerations.

"Our system of checks and balances relies on each branch's jealously guarding its powers and upholding its duties under our Constitution. When loyalty to a political party or to an individual trumps loyalty to the Constitution, the Rule of Law — the foundation of liberty — crumbles," Amash warned.

As for the seemingly extreme end to which Amash would see the system progress, he defended impeachment as the appropriate remedy for various acts of President Trump that Amash believes satisfy "all the elements of obstruction of justice" adding that, "undoubtedly any person who is not the president of the United States would be indicted based on such evidence."

"While impeachment should be undertaken only in extraordinary circumstances, the risk we face in an environment of extreme partisanship is not that Congress will employ it as a remedy too often but rather that Congress will employ it so rarely that it cannot deter misconduct," Amash wrote.

Historically, Amash's remarks on the use of impeachment as a remedy to corruption is accurate. Donald Trump is the 45th president under the Constitution, and only eight of them have faced impeachment and only two (Andrew Johnson and Bill Clinton) were actually impeached.

Furthermore, not a single president has been impeached, convicted, and removed from office. Not one in nearly 230 years of presidents of the United States.

Amash continues his constitutional exegesis, explaining, "Under our Constitution, the president 'shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.' While 'high Crimes and Misdemeanors' is not defined, the context implies conduct that violates the public trust."

Here again, Amash's analysis is constitutionally correct.

As I reported in an article on the [history of impeachment](#) published in the print version of *The New American*:

To supply the missing meaning, we'll have to turn once again to the pages of history written at the time of the Founding. As with so many key terms contained in the Constitution, "high crimes and misdemeanors" was not defined because it didn't need to be. If your employer told you that you'd be fired if you took a day off in the summer, you wouldn't go looking in the employee handbook for a definition of "summer." Here's a brief rehearsal of the universal understanding of "high crimes and misdemeanors" provided by the Constitutional Rights Foundation:

The convention adopted "high crimes and misdemeanors" with little discussion. Most of the framers knew the phrase well. Since 1386, the English parliament had used "high crimes and misdemeanors" as one of the grounds to impeach officials of the crown. Officials accused of "high crimes and misdemeanors" were accused of offenses as varied as misappropriating government funds, appointing unfit subordinates, not prosecuting cases, not spending money allocated by Parliament, promoting themselves ahead of more deserving candidates, threatening a grand jury, disobeying an order from Parliament, arresting a man to keep him from running for Parliament, losing a ship by neglecting to moor it, helping "suppress petitions to the King to call a Parliament," granting warrants without cause, and bribery. Some of these charges were crimes; others were not. The one common denominator in all these accusations was that the official had somehow abused the power of his office and was unfit to serve.



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For further enlightenment, we turn to the seminal scholarly analysis of the history of impeachment, Raoul Berger's *Impeachment: The Constitutional Problems*. Berger's in-depth historical analysis of impeachment reveals that "high crimes and misdemeanors" were political crimes against the state as a political entity, whereas "misdemeanors," when used as a term by itself, was the traditional designation for criminal actions involving individuals.

"In sum, 'high crimes and misdemeanors' appear to be words of art confined to impeachments, without roots in the ordinary criminal law and which, so far as I could discover, had no relation to whether an indictment would lie in the particular circumstance," Professor Berger adds.

Apropos of this recitation of history, it is worth remembering that during the impeachment hearing for Richard Nixon, the House Committee on the Judiciary defined "political offenses" as "constitutional wrongs that subvert the structure of government or undermine the integrity of office and even the Constitution itself."

In light of even this cursory recitation of the history of "high crimes and misdemeanors," it is a mystery why that standard is so rarely applied to those federal officials whose behavior has seemed to satisfy those requirements for removal from office.

As for whether President Trump's behavior has reached the "high crimes and misdemeanor" threshold for impeachment is a question, constitutionally speaking, for the House of Representatives. It must be remembered, furthermore, that these men and women were elected to represent the people, so ultimately, the opinion of the people must be taken into consideration. But under our constitutional system of checks and balances, a House vote for impeachment would not remove the president (or any other impeached individual) from office. Should such a vote to occur, that would be up for the Senate, which represents the states not the people, to decide.

Regardless of the merit of Amash's accusations against the president, Republicans have come out in nearly unanimous opposition to the very idea of impeachment.

In a particularly partisan attack on Amash, *Human Events* questioned whether the true motive behind the call to charge the president might be the Michigan representative's financial ties to China! *Human Events* claimed:

In 2010 the Michigan Live website detailed how Amash and his family were ostensibly profiting from the creation of tools in China which were then sold by the Amash family business in Michigan. The impeachment impresario's 2017 Financial Disclosure Report details the congressman reported between \$100,001 and \$1,000,000 in income from a company called Michigan Industrial Tools, which in turn is owned by Dynamic Source International, based in China.

Dynamic Source International manufactures products overseas and sells them in the United States via Michigan Industrial Tools (MIT).

With the tensions between the United States and China rising in recent weeks amidst talks of trade deals and tariffs, the Amash family could take a financial hit.

The *Human Events* story also questioned the timing of Amash's Twitter assault, writing, "The Congressman's calls for impeachment came just as Trump ratcheted up the trade war with China — a policy even establishment economists have likened to a Reagan-esque game changer."

Finally, calling Amash's Republican bona fides "sketchy," *Human Events* assumes that many of Amash's positions are motivated by his family's economic interests in China.



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Perhaps there is another explanation. Perhaps Justin Amash votes as he believes the Constitution and his oath to protect it demand. This claim would seem to be born out by his scores of 100 percent and 90 percent on the [latest Freedom Index scores](#) published by *The New American*.

As for President Trump's reaction to Representative Amash's call for his impeachment, the president traded tweet for tweet, calling Amash a "loser who sadly plays right into our opponents hands."

The New American will continue to cover this developing story.

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