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Senate Republicans Ready to Seek Immediate Verdict if Democrats Try to “Hijack” Trial

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A provision of the rules adopted by the Republican-majority Senate will allow a vote to dismiss the impeachment case against President Donald Trump, or move to an immediate verdict, should managers from the House of Representatives — all Democrats hand-picked by Speaker Nancy Pelosi — attempt to “hijack and take control of the trial,” according to a source quoted by Breitbart News.

The trial is scheduled to begin Tuesday of this week.

After delaying the transmission of the two articles of impeachment passed by the House of Representatives, in an effort to dictate how the Senate conducts the trial, Speaker Pelosi finally sent the articles over to the Senate late last week. It has been reported that the Senate was going to take up a measure by Senator Josh Hawley (R-Mo.) that would have dismissed the charges if the House did not go ahead and transmit them soon.

It appears that there are not enough votes — yet — in the Senate to otherwise dismiss the charges, according to Senate Majority Leader Mitch McConnell (R-Ky.) and Senator Roy Blunt (R-Mo.), the Republican conference chairman. But the rules package does provide that a vote can be taken later, during the trial, to dismiss. That could apparently happen if, after the House managers (the equivalent of prosecutors) have presented their case for why Trump should be removed from office, a majority of the Senate concludes their case is so weak that there is no need to go on.

This would be the equivalent of a lawyer in a case asking a judge to issue “summary judgment.” A summary judgment is sometimes issued — dropping the case — if no evidence has been submitted that meets the criteria for conviction. In other words, even if all the evidence brought forward by the House managers were conceded to be true, if that evidence did not show that the president had committed any “impeachable offense,” then there will be no reason to continue the trial.

The Constitution stipulates that a president can be convicted of an impeachment charge on the grounds of treason, bribery, or high crimes and misdemeanors. Many take the position that the two charges made by the House, “abuse of power” and “obstruction of Congress” are either not crimes, or are so vague that no crime can be discerned.

This is the argument made by one of the president’s lawyers, Harvard law professor Alan Dershowitz, a long-time prominent Democrat. Appearing on ABC’s *This Week* with George Stephanopoulos,



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Dershowitz said, “When you read the text of the Constitution — bribery, treason, and other high crimes and misdemeanors — other really means that crimes and misdemeanors must be of kin — akin to treason and bribery.”

Dershowitz insisted that any impeachable offense would have to be “criminal in nature.”

Because of this, even if the evidence brought forward by House managers, such as House Intelligence Committee Chairman Adam Schiff (D-Calif.) and House Judiciary Committee Chairman Jerry Nadler (D-N.Y.), was all true, but none of it proved that Trump had committed some crime, then the case should be dismissed. For example, the charge that Trump committed “obstruction of Congress” because he asserted “executive privilege,” a claim made by presidents all the way back to George Washington, is a meaningless charge. While the president’s claim of executive privilege is *not* absolute, the merit of his assertion must be challenged by the House of Representatives in court. Until that is done, and the president has still refused to turn over certain evidence, or allow certain aides (like former National Security Advisor John Bolton) to testify, there can be no obstruction of justice. The House, however, chose not to take their case to court, arguing that Trump was such a threat to the Republic that he had to be impeached quickly. That argument has since been weakened by the Pelosi tactic of delaying the transmission of the impeachment charges for a month.

Secondly, the dismissal of the charges is a tool that the Senate could use were Schiff and Nadler to attempt to turn the Senate trial into a circus, haranguing the senators for days on end with meaningless rhetoric having little or nothing to do with any alleged impeachable offense, but simply intended to smear the president of the United States before the upcoming presidential election.

According to Breitbart News, a source close to the House Republican leadership said, “It is incumbent upon the Senate to preserve the right of the president’s legal team to ask for a verdict or move to dismiss this sham impeachment anytime they see fit during the Senate trial. Otherwise, Mitch McConnell and Senate Republicans risk allowing Adam Schiff and his conspiracy caucus to hijack and take control of the trial.”

Evidence is plentiful that they would do that if they could get away with it. Exhibit A is Pelosi’s stunt of refusing to transmit the articles of impeachment until the Senate agreed to rules that she wanted. Secondly, Democrats have indicated that they would oppose forcing Hunter Biden to testify in the trial, arguing that the trial is about Trump not Hunter Biden. This blatant effort to deny an accused person the right to call witnesses in his own behalf is an indication that, to the Democrats, a “fair trial” does not mean a fair trial for the president, but rather a trial with all of the cards in the deck stacked in their favor.

Hunter Biden would be a necessary witness to demonstrate that Trump was right to ask for an investigation into alleged corrupt activities in Ukraine. The Democrats’ ruse of not wanting either Hunter Biden or his father, Joe Biden, called to testify is a good indication that their case is very weak, and that they are protecting the former vice president.

And thus, the provision that the trial can be ended to prevent it from turning into a partisan charade is reasonable.

Photo: AP Images

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