



Written by [Bob Adelman](#) on February 3, 2021

## Trump's Attorneys Shred Democrats' Impeachment Claims

It took President Trump's attorneys just [14 pages](#) to refute, rebut, and obliterate the House Democrats' 80-page article of impeachment.

They made short shrift of the implicit argument that the effort to impeach the former president was somehow valid:

The Constitution provides that the House of Representatives "shall have the sole Power of Impeachment" and that the President "shall be removed from Office on Impeachment for, and conviction of, Treason, Bribery, or other high Crimes and Misdemeanors" ....

It is denied that [this] provision currently applies to the 45th President of the United States since he is no longer "President"....

Since the 45th President is no longer "President", the clause "shall be removed from Office on Impeachment for ..." is impossible for the Senate to accomplish....

Thus the current proceeding before the Senate is *void ab initio* [void from the beginning; never legitimate or valid] as a legal nullity that runs patently contrary to the plain language of the Constitution.



AP Images

Trump's attorneys, Bruce Castor and David Schoen, tossed aside the House Democrats' claim that Trump engaged in insurrection or rebellion against the United States by issuing false statements about the results of the election:

The 45th President exercised his First Amendment right under the Constitution to express his belief that the election results were suspect, since ... under the convenient guise of Covid-19 pandemic ... states' election laws and procedures were changed by local politicians or judges without the necessary approvals from state legislatures.

They likewise annihilated the House Democrats' claim that, in his speech on January 6, he incited the



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crowd to violence:

It is denied that President Trump incited the crowd to engage in destructive behavior. It is denied that [his words] “if you don’t fight like hell you’re not going to have a country anymore” had anything to do with the action at the Capitol.

They failed to mention that the crowd, infiltrated by Antifa, had been planning the attack days, if not weeks, in advance. They failed to mention that the crowd had been gathering long before the president made his allegedly incendiary remarks that allegedly touched off the attack.

They failed to mention the “pretty compelling evidence,” declared Representative Matt Gaetz (R-Fla.), “from a facial-recognition company showing that some of the people who breached the Capitol ... were not Trump supporters. They were masquerading as Trump supporters, and in fact were members of the violent terrorist group antifa.”

They emphasized the illegality of the impeachment move in the Senate when it was learned that Chief Justice John Roberts would not be presiding, as required by the Constitution:

Once the 45th President’s term expired ... the constitutional mandate for the Chief Justice to preside ... evidently disappeared, and he was replaced by a partisan Senator [vicious anti-Trump Vermont Senator Patrick Leahy] who will purportedly also act as a juror....

[This] effectively creates the additional appearance of bias with [his] long history of public remarks adverse to the 45th President.

The impeachment hearings, scheduled to begin on Monday, are a farce. It’s an exercise in projection, with the accusers charging President Trump with the very crimes of which they are guilty.

There is no chance whatsoever that the Senate will vote to impeach Donald Trump. Forty-five Republicans already voted in favor of a resolution that called the trial unconstitutional. The Senate Democrats, holding 50 votes with Kamala Harris providing the deciding vote, need two-thirds of the Senate to convict. That means they must somehow muscle 17 Republicans in joining them in this façade and charade.

It’s a show trial, designed to sully the person and record of Donald Trump as retribution for his efforts to expose the Deep State’s infestation of the halls of power.

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