



Written by [R. Cort Kirkwood](#) on November 26, 2019

Turley: Impeachment Designed To Fail, Democrats Manufacturing Crimes

The Democrats' case for impeaching President Trump is so weak it appears "designed to fail" because they cannot remove a president on the facts thus far adduced, and are turning political differences with Trump into crimes.

[Jonathan Turley](#), the celebrated law professor at George Washington University, offered those observations about the impeachment in the past week, but hearing him over the hysterics of the hate-Trump media and their puppet masters on Capitol Hill was nearly impossible.



Turley's message? The "evidence" so far does not show that Trump broke the law or should be impeached or removed from office.

Impeachment Doomed in Senate

[Turley offered](#) his assessment that impeachment will fail on CBS *This Morning* on Friday.

"This is the, well, certainly the shortest investigation, it's certainly the thinnest evidentiary record, and it's the narrowest impeachment ever to go to the Senate, if they were to go on this record," he said. "Contemptible is not synonymous with impeachable. The President does set policy."

Turley said the record is "conflicted" on whether Trump sought a "quid pro quo" that would invite a legitimate impeachment; i.e., he withheld military aid from Ukraine until it agreed to probe the Biden-Burisma influence-peddling scandal and Ukrainian interference in the 2016 election on behalf of Hillary Clinton.

"The question is what do you need to remove a sitting president?" [he said](#). "Intentional or not, it seems designed to fail in the Senate. I don't think you could prove a removable offense of a president on this record even if the Democrats were in control. This thing is too narrow ... it's an undeveloped record."

As he has before, [Turley said](#) the impeachment will open the Bidens to questions about former Vice President Joe Biden's pushing Ukraine [to fire](#) a prosecutor who was investigating Burisma Holdings, the energy company that enriched his son, Hunter.

"This could be the trial that Trump wants," [Turley said](#). "The first witness they call may be Hunter Biden."

No Crimes

The Democrats' weak case might be one reason they're trying to manufacture crimes, as Turley believes they are.

Writing in *The Hill* last week, [Turley explained](#) that "Democrats have reframed an alleged abuse of power as actual crimes of bribery, extortion, and obstruction. These allegations are based on the same



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spurious interpretations used during the Russia investigation to claim clear proven crimes.” Turley continued,

Those “clear established crimes” are absent in this impeachment. Instead, the same experts and House members now claim three new crimes with equal certainty, but even less support under case law. If Democrats continue on this course, it will combine the narrowest impeachment in history with the most dubious claims of criminal conduct.

House Speaker Nancy Pelosi has claimed that impeachment witnesses have provided “devastating” evidence that “corroborated” bribery. And House Intelligence Committee Chairman Adam Schiff has claimed that “all [a bribery charge] requires is a showing that the president withheld military aid, even briefly, for anything that would benefit him politically or personally.”

No so, [Turley wrote](#):

It is a definition that would turn most discretionary decisions of a president into grounds for a bribery charge. All presidential acts are to some extent political, since they are taken by politicians. The same is true for members of Congress. Presidents often seek to convince other countries to take actions that would benefit them politically.

Extortion is an even more ridiculous claim vis-à-vis the putative quid pro quo, [Turley wrote](#).

“Trump did not receive the requested investigations” of Biden-Burisma and Ukrainian interference in the 2016 election, Turley wrote, “and, after a brief delay, the aid was given to Ukraine.”

Pelosi has claimed those investigations are “fake,” by the way, but a federal prosecutor is “looking at both Russian and Ukrainian sources used by Democrats and their supporters and the Obama administration to probe the Trump campaign.” And “there is an arguable public purpose” in asking Ukraine to probe Biden-Burisma. Hunter Biden’s contract with Burisma Holdings was “a classic example of influence peddling by a corrupt Ukrainian company seeking leverage with Vice President Joe Biden.”

Nor has the president attempted to obstruct justice, now or during the Russia hoax.

For one thing, [Turley wrote](#), “Trump waived executive privilege to an unprecedented degree in the special counsel investigation by Robert Mueller, making both witnesses and evidence available. President Obama presented a far more extreme position in withholding both testimony and documents from legislative committees.”

As well, the president has waived his right to keep secret “privileged communications with heads of state,” and myriad “witnesses have testified.”

But “most importantly, Trump has gone to court to seek judicial review of these conflicts.... He is entitled to do so.... To impeach a president for seeking judicial review would itself be an abuse of our constitutional system.”

“Crimes may be revealed in upcoming testimony, but they need to be grounded in the criminal code rather than in the imagination of members of Congress,” Turley concluded.

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R. Cort Kirkwood is a long-time contributor to The New American and a former newspaper editor.



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