

*Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.*

***The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.***

*Section 3 – The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.*

*Immediately after they shall be assembled*

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## **FEATURE:**

# **Impeachment: week in review**

A weekly one paragraph summary report and analysis, followed by recaps (with links) of representative on-line articles and essays – typically 800 to 1,600 words.

**Week ending 2/4/2018 (~1,100 words)**

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**Minneapolis 2/5/18 Edition** – After what appears to have been a politically successful State-of-the-Union address, President Trump and Congress seem to again be on a collision course as they try to reach an agreement on the “Dreamers” issue that can incorporate at least part of a longer-term agreement on immigration. However, both that issue and other major issues still appear to offer little change for an agreement between President Trump and Democrats in Congress. Part of recent sharp drops in the stock market may reflect the prospect of likely continuing short-term tension between Congress and President Trump. In the current edition This Week in Impeachment introduces a new category, and one that is expected to be used frequently going forward – it is the heading for the next section.

### **Alternative Analytic perspective: a “Deep State” anti-Trump conspiracy**

The [Washington Post](http://www.washingtonpost.com) reports that as the Nunes investigation moves towards phase two, there is widespread acknowledgement that the recently released memo from Rep. Devin Nunes' (R-CA) House Intelligence Committee is a "nothingburger." The Post reports: "prominent Republicans, including four members of the House Intelligence Committee, dismissed the idea that the memo exonerated Trump or undermined special counsel Robert Mueller's work." The Post continued: "I actually don't think it has any impact on the Russia probe," said Rep. Trey Gowdy (R-S.C.), who helped draft the memo, on CBS's 'Face the Nation.' He added that Trump should not fire Deputy Attorney General Rod Rosenstein." The Post adds: "Some of the

Republican Party's most respected elder statesmen see what Nunes is doing as an embarrassment. 'The latest attacks on the FBI and Department of Justice serve no American interests — no party's, no president's, only Putin's,' Sen. John McCain (R-Ariz.) said in a statement Friday after the release of the memo."

[NY Times Washington Correspondent Charlie Savage analyzes](#) the Nunes memo in this context: "Republicans are pushing the narrative that a cabal of politically biased law enforcement officials set out to sabotage Mr. Trump." However, Mr. Savage acknowledges that Law Enforcement officials may have made mistakes in the course of the highly charged investigation of alleged wrongdoing by Secretary of State Hillary Clinton; in particular, FBI agent Peter Strzom was romantically involved with FBA attorney Lisa Page -- after electronic communication between Strzom and Page was publicly reported, including anti-Trump statements, Mueller dismissed Strzom from the investigation. Fox commentator Sean Hannity has woven a narrative presenting the Nunes memo as decisive evidence of a massive and horrific "Deep State" conspiracy against President Trump.

[NY Times pundit Charles Blow](#) offers up the idea that the "Deep State" conspiracy theory currently being spearheaded by the Nunes memo is part and parcel of a "Constitutional crisis in slow motion." Blow believes Trump was initially not serious about thinking he could win -- launching his campaign as just one more PR tactical element of his business and self-aggrandizing strategy. However, as victory appeared to be possible, his competitive and self-interested core led him first to fight for the win, and then to a course of action that was at least partly calculated to protect himself from the consequences of hiring a highly disreputable and suspect "crew" during earlier phases of the campaign. Blow believes many "establishment" Republicans have now compromised themselves so deeply by "enabling" Trump that we may be heading for a full blown Constitutional crisis if and when Mueller is fired -- a possibility that today is far from unthinkable.

### **The “Gridlock Beat”**

[Yahoo provides a current survey](#) of the multiple and highly contentious battles between President Trump and his Congressional majorities, and democrats, as yet another budget deadline looms February 8<sup>th</sup>. Any immediate resolution seems out of reach, suggesting yet another continuing resolution to avoid yet another shutdown, something Democrats seem more eager to

avoid after the last one appears to have harmed rather than helped their cause. The need for an increase in the debt ceiling is also approaching a crisis, partly because lower revenue due to the recent GOP tax cut bill will apparently require extraordinary action by the end of February to ensure the Federal government doesn't run out of money.

### **Constitutional Law: Is a President immune from criminal prosecution?**

[Attorney Martin London argues in a Time essay](#) that from a legal, Constitutional point of view, President Trump, whether impeached or not, has no immunity from prosecution if he were to be indicted on criminal charges, such as obstruction of justice. A criminal trial could proceed separately from any congressional action on impeachment. London was an attorney for Vice-President Spiro Agnew, and was opposed by the Justice Department when he argued that Agnew could not be subject to criminal prosecution until when and if he was impeached and removed from office. Agnew's resignation as Vice-President was part of a plea bargain arrangement whereby he pled "no contest" to one felony charge of tax evasion.

### **Vice-President Pence appears to remain "above the fray"**

As the Mueller investigation and other political firestorms continue, [Yahoo reports on what appears to possibly be a deliberate strategy on the part of Vice President Mike Pence to be "above the fray"](#) -- or at least away from it. It appears Pence is not implicated in any possible wrongdoing being studied by the Mueller investigation. Beyond that, Pence has often been physically away from Washington at several crucial points, including the recent Government shutdown, when he was in Israel. If President Trump does face a serious impeachment threat at some point, the status of Vice-President Pence as someone untouched by any alleged wrongdoing could be crucial in maintaining a legal and Constitutional alternative to President Trump -- a Vice President ready to assume the office of President free and clear of any accusations of personal wrong-doing.

### **Recent polling appears to show an upward GOP/Trump trend**

A [NY Times article analyzes](#) a recent two-week polling trend that is favorable to Republicans generally -- questioning whether it is an indication of dimming prospects for Democratic federal control of the House and/or the Senate after the 2018 elections. The polling seems consistent with more widespread reports that President Trump's State of the Union address

was at least relatively successful for the GOP. The conclusion: it's too early to tell whether the recent movement might be a short-term post-State-of-the-Union blip, but there has been a real short term change in public opinion.

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