

# HISTORY'S RHYME, PART 2A: 'ABUSE OF POWER' SOUNDS SO FAMILIAR

[NB: Check the byline, thanks! /~Rayne]

In a previous post I looked at the first of three Articles of Impeachment passed by Congress in 1974 against then-president Richard Nixon and suggested a parallel between Trump's presidential acts and Nixon's.

There had been five articles drafted; only the first three were approved by the 93rd Congress. Of them one article focused on Abuse of Power – acts which may be malfeasance and/or unlawful, as well as acts which may not have been strictly unlawful/illegal but were unethical and a breach of the trust the public places in the executive and a violation of the executive's oath of office to take care the laws are faithfully executed.

You can read the second article at [this link](#); now compare it to a theoretical article of impeachment which could be drafted against Trump today.

## **Article 2: Abuse of Power**

Using the powers of the office of President of the United States, Donald J. Trump, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impeding the due and proper administration of justice and the conduct of lawful inquiries, or

contravening the laws governing agencies of the executive branch and the purposes of these agencies.

This conduct has included one or more of the following:

1. He has violated the Emoluments Clause of the Constitution which provides that “no Person holding any Office of Profit or Trust under [the United States], shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.” Donald J. Trump, has a financial interest in vast business holdings around the world that engage in dealings with foreign governments and receive benefits from those governments. He has refused to divest himself of those interests and inherent conflicts of interest. He has accepted “Emolument[s]” from “foreign State[s]” while holding the office of President of the United States. He has accepted numerous benefits from foreign states without first seeking or obtaining congressional approval as specified by the Emoluments Clause, and further maintains that no Congressional approval is required. He has rejected Congress’s Article I authority by refusing to seek its consent.

2. He misused the Secret Service by interfering in their ability to perform their duties with regard to protecting the presidency, refusing them necessary access to public and private facilities where foreign nationals visit frequently. He has interfered with the Secret Service’s ability to operate, draining their budget by deploying them excessively at his private business facilities when not executing his presidential duties.

3. He has, acting personally and or through his subordinates and agents, in violation or disregard of the Presidential Records Act of 1978 (PRA), concealed or destroyed presidential records, or prevented presidential records from being made appropriate to the execution of his office. He has terminated the practice of publishing public summaries of presidential phone calls with world leaders thereby evading creation of presidential records. He has ignored warnings of the National Archives to comply with the PRA.

4. He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens and the human rights of visiting foreign nationals, unilaterally drafted, issued without adequate prior legal review, and permitted to be maintained Executive Orders 13769 and 13780, violating the First Amendment's Establishment Clause, the Fifth Amendment's Equal Protection, Substantive Due Process, and Procedural Due Process clauses, the Immigration and Nationality Act, the Religious Freedom Restoration Act, and violating in both substance and procedure the Administrative Procedure Act in the process of discriminating against persons both citizens and foreign nationals on the basis of religion and national origin by illegal detention and refusal of their admittance to this country.

5. In disregard of the rule of law: he knowingly misused the executive power by interfering with agencies of the executive branch, including the Department of Justice and the Department of Homeland Security, in violation of his duty to take care that the laws be faithfully executed. He rejected the

expert advice of then Deputy Attorney General as to the unlawfulness of his Executive Order 13769. He has authorized Department of Homeland Security personnel to commit illegal acts against asylum seekers and refugees. He interfered with the Department of Justice in its investigation into interference with the 2016 election by repeated disparagement.

6. He has retaliated against federal employees, including but not limited to the Attorney General, the Deputy Attorney General, the Director of the Federal Bureau of Investigation, the Director of Secret Service, and National Archives personnel, disparaging, harassing, and or firing them without adequate legal cause for conducting their lawful duties. He has ordered other federal personnel to disparage and fire federal personnel without adequate legal cause for conducting their lawful duties. He has maliciously attempted to interfere with federal employees' ability to draw their rightful benefits.

7. He misused the Department of Justice, in violation or disregard of the constitutional rights of citizens, by tacitly directing or implicitly authorizing the Attorney General to conduct or continue investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office. He has expressed repeatedly his intent to use the Department of Justice and U.S. intelligence agencies for the purposes of punishing political opponents. He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavored to investigate political opponents.

8. He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of press under the First Amendment and of citizens under the Fifth Amendment, authorized and permitted the indefinite revocation of White House press credentials for arbitrary and non-compelling reasons, including punishment for and suppression of perceived criticism. He has frequently undermined the First Amendment rights of the press by calling them "the enemy of the people."

9. He has, acting personally and through his subordinates and agents, in violation or disregard of the Federal Advisory Committee Act (FACA), allowed the Presidential Advisory Commission on Election Integrity (PACEI) to meet without public notice; without making PACEI meetings open to the public; and without timely notice in the Federal Register. He has failed to ensure PACEI operated so that any of its "records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by" the PACEI were "available for public inspection." He has further failed to ensure that the PACEI was fairly balanced and free of inappropriate influence as required under the FACA to ensure public accountability. Based on spurious claims of voter fraud and without adequate data security in place, he has ordered the PACEI to obtain private voter data from the fifty states for the purposes of a voter roll purge using questionable and opaque methods.

[ – TO BE CONTINUED – ]

In all of this, Donald J. Trump has

acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Donald J. Trump, by such conduct, warrants impeachment and trial, and removal from office.

Article 2 against Nixon only contained five subjects. How quaint; it's like Tricky Dick wasn't even trying.

In contrast Trump might have racked up a new subject every other month in office to add to this list. I have at least six more subjects to add in a followup post.

After I finish the Abuses of Power I plan to look at Article 3: Contempt of Congress – which is very nearly writing itself – and an Article 4: Violation of Treaties including those covering refugees and international human rights. There could be an Article 5 covering action in Yemen and other foreign policy and military failures.

I still don't know if this shouldn't include his ridiculously expensive golf. Assuming he's not removed by the time his term is up in early January 2021, and assuming he continues his current rate of play, Trump will have burned through nearly \$200,000,000 taxpayer dollars, a considerable chunk of which will go into his pocket for golf cart fees alone. What a parasite; imagine how many teachers could have received pay increases with that, or how many Pell Grant scholarships that could have funded.

Or how much of his 'fucken wall' that could have bought.

This is an open thread. Be sure to let me know what other topics you think should be added under this Article 2: Abuse of Power.