

# Democrats Are Embarrassed By Schiff's Impeachment Tactics, And They Should Be

The sneaky, one-sided Schiff procedures conspicuously advertise this project for what it is: just another naked power play to get Trump.

Criticisms of Rep. Adam Schiff's impeachment tactics have begun to bite. Fair-minded people have begun to ask why is it necessary to have secret witnesses, secret hearings, and leaks of distorted, out-of-context excerpts from transcripts,

Why is it necessary to block the president from sending representatives to attend these hearings so he can have equal access to any evidence? Why was it necessary for House Intelligence Committee Chairman Schiff to "parody" the transcript of the president's call to the Ukrainian president? Aren't parodies supposed to be funny? Shouldn't the chairman be proceeding with sober deliberation and fairness instead of romping about with gleeful shtick?

If Schiff cannot take the proceedings seriously, what of the 218 representatives who voted against the resolution condemning Schiff? The resolution failed despite the undisputed truth of the allegations. Schiff did manufacture "a false retelling of the conversation between President Trump and President Zelensky." Schiff did tell the American people, "We have not spoken directly with the whistleblower," when his staff actually coached the "whistleblower" before he or she approached the inspector general.

And why are Democrats shutting out Republicans from the process?

## 2020 Democrats Stress the Need for Impeachment Fairness

Listening to the Democratic presidential primary debate last week, I heard something that made my ears prick up. The criticisms of the fairness of the impeachment inquiry have begun to resonate. The evidence: Some of the candidates and their fawning CNN enablers felt compelled at least to pay lip

service to the importance of a fair process. I had to review the transcript to confirm that my ears were not playing tricks on me.

CNN moderator Anderson Cooper asked candidate Cory Booker, “Sen. Booker, you have said that President Trump’s, quote, ‘moral vandalism’ disqualifies him from being president. Can you be fair in an impeachment trial?”

Booker responded, “So, first of all, we must be fair. We are talking about ongoing proceedings to remove a sitting president for office. This has got to be about patriotism and not partisanship. Look, I share the same sense of urgency of everybody on this stage. I understand the outrage that we all feel. But we have to conduct this process in a way that is honorable, that brings our country together, doesn’t rip us apart.”

Another 2020 presidential contender, Rep. Tulsi Gabbard, said, “If impeachment is driven by these hyperpartisan interests, it will only further divide an already terribly divided country. Unfortunately, this is what we’re already seen play out as calls for impeachment really began shortly after Trump won his election.”

Sen. Bernie Sanders added, “Mitch McConnell has got to do the right thing and allow a free and fair trial in the Senate.”

Cooper challenged Sen. Kamala Harris’ apparent pre-judgment of any potential trial of Trump, saying, “House Speaker Nancy Pelosi has said that members of Congress have to be, in her words, fair to the president and give him a chance to exonerate himself. You’ve already said that based on everything you’ve seen, you would vote to remove him from office. Is that being fair to the president?” Harris must not have received the memo, because her answer dismissed any possibility of voting to acquit the yet-uncharged president.

## **Schiff’s Tactics Have No Defenders**

Indeed, my survey of articles from left-leaning writers revealed no defense of the Schiff process. Nobody and I mean *nobody*, seems willing to argue in favor of Schiff’s nakedly political process. The best the authors can muster is a half-hearted mumbling about fairness not being required.

Writing for Reuters, Jan Wolfe recently tackled the question, “Does the

impeachment probe violate Trump's civil rights?" Her short answer is "no," but the way Schiff is running roughshod over the opposition is undermining the process. She notes, "Legal experts say because impeachment is a political, and not legal, process, the House has broad authority to set the ground rules for an inquiry. Allowing Trump's lawyers to participate anyway could build public support and make it appear more fair, however, they said."

Wolfe noted that "the House allowed Nixon's defense lawyers to respond to evidence and testimony during his impeachment inquiry," and that "Clinton was afforded similar protections." She further acknowledged that both the Nixon and Clinton impeachment inquiries began with a full House vote.

The normally left-leaning Keith E. Whittington posted to the lawfareblog.com a prescient article in 2017 warning that "An Impeachment Should not be a Partisan Affair." He warned Democrats, "Despite the difficulty, some measure of bipartisanship should be the goal before the impeachment option is taken seriously. In our current circumstances, that means Democrats should be cautious about moving forward with impeachment efforts without winning some support from Republican lawmakers."

## **This Impeachment Effort Is Glaringly Partisan**

Now in the future, Whittington finds himself in the uncomfortable position of propping up the partisan impeachment he warned against in 2017. He writes, "Is it constitutionally acceptable for the House speaker to initiate impeachment by means of nothing more than a press conference? In short, yes." True, but the full House has voted three times against impeaching Trump, and not once in favor. Schiff is effectively defying those votes. In contrast, House Resolution 803 authorizing the impeachment investigation of President Nixon passed 410-4.

Whittington now argues that the president has no rights in the impeachment process because, "Impeachment is the beginning of a constitutional process, not the end." The president's rights come with the Senate trial where "Democrats do not have it within their power to remove the people's choice of a president without Republican cooperation."

But he does concede that the Schiff process could backfire if the effort attracts “few members of the other party to its cause,” or “the Democrats have pursued impeachment with unseemly zeal,” or “that impeachment is not substantively justified and that the Democrats are grasping at straws.” Those are practically Schiff’s calling cards: partisan process, unseemly zeal, grasping at straws — yes, yes, and yes again.

To justify the impeachment farce, House Speaker Pelosi frequently quotes Thomas Paine, “The times have found us.” What a cynical distortion of our history. Democrats are not answering some clarion call of history. This is not 1776, and the elected president is not an unelected foreign king ruling over Americans.

The sneaky, one-sided Schiff procedures conspicuously advertise this project for what it is: just another naked power play to get Trump. The secrecy and partisanship keep the merits of the cause sheltered from sunlight to delay the inevitable disintegration that comes when the “evidence” is submitted to real scrutiny.

Adam Mill is a pen name. He works in Kansas City, Missouri as an attorney specializing in labor and employment and public administration law. Adam has contributed to The Federalist, American Greatness, and The Daily Caller.

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