

Senate adopts rules for quick impeachment trial of President Trump

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The substantive proceedings in the Senate impeachment trial of President Donald Trump began on Tuesday with a full day of wrangling over procedural rules. In a series of votes stretching over many hours, the Republican majority leadership succeeded in pushing through a truncated process aimed at securing Trump's acquittal before the February 4 State of the Union address.

Conviction and removal of an official impeached by the House requires a two-thirds vote in the Senate, where the Republicans hold a 53-47 majority.

Senate Majority Leader Mitch McConnell secured the necessary votes to reject a flurry of Democratic amendments to his resolution on the trial rules that would have committed the Senate to access documents withheld from the House impeachment inquiry and call witnesses who had refused to testify at the behest of the White House. All of the votes were along strict party lines.

Top on the list of potential witnesses sought by the Democratic House managers prosecuting Trump is former national security adviser John Bolton, a proponent of war against Iran and North Korea who broke with Trump over his withholding of military aid from Ukraine. The de facto alliance between the Democrats and Bolton on continuing the longstanding policy of transforming Ukraine into a vassal state and staging ground for war against Russia illustrates the right-wing basis on which the Democrats are conducting their impeachment drive.

McConnell was obliged, however, to make certain concessions to Democratic procedural demands in order to satisfy a small number of Republican "moderates" who are considering voting with the Democrats later on in the trial to call additional witnesses, something Trump and McConnell are seeking to avoid.

The original plan McConnell submitted called for each side to present opening arguments for up to 24 hours spread out over two days. This is to be followed by 16 hours of questioning by the senators, acting as jurors, an

additional two hours of arguments for each of the legal teams, and then a vote on whether or not additional documents and/or witnesses are to be considered.

If the latter proposal passes, there will be separate votes on specific sets of documents and witnesses. However, the White House has made clear that even if four Republicans defect and vote with the Democrats to call witnesses, giving the Democrats the 51-vote margin they require, Trump will likely invoke executive privilege either to block testimony from current or former aides or require that they speak behind closed doors in a classified setting.

At the last minute on Tuesday, McConnell altered his resolution to allow three days for each side to make its opening arguments instead of two. He also changed the text to stipulate that the evidentiary record of the House impeachment inquiry "will be" incorporated into the record of the Senate trial, instead of "may be."

The statements on the Senate floor by both the lawyers for Trump, led by White House counsel Pat Cipollone and Trump's personal lawyer Jay Sekulow, and the House impeachment managers, led by Intelligence Committee Chairman Adam Schiff, made clear the right-wing, antidemocratic politics of both warring factions. They reiterated the themes laid out in a series of legal briefs and documents submitted by the two sides over the weekend.

Schiff, speaking in opposition to the procedural resolution submitted by McConnell, emphasized the anti-Russian axis of the articles of impeachment—one for abuse of power and the other for contempt of Congress. Accusing Trump of "threatening our national security," he declared: "The evidence is already overwhelming and the evidence is that the president abused the power of his office, withheld hundreds of millions of dollars of military aid to an ally at war in order to coerce that ally into interfering in our election. And when he was caught, he obstructed Congress to cover it up."

The charge that Trump withheld aid to Ukraine because he is an agent of Russian President Vladimir Putin—the absurd, McCarthyite-style claim that runs throughout the Democrats’ criticisms of Trump ever since the 2016 election—is spelled out in greater detail in the 111-page brief released by the House managers on Saturday.

It asserts that Trump sought to use the withheld military aid and delay of a White House meeting for Ukrainian President Volodymyr Zelensky to pressure Ukraine to intervene in the 2020 election in his favor, just as he had supposedly solicited the intervention of Putin in 2016 against his opponent Hillary Clinton:

That assistance was a critical part of long-running bipartisan efforts to advance the security interests of the United States by ensuring that Ukraine is properly equipped to defend itself against Russian aggression...

In this case, an Oval Office meeting with President Trump was critical to the newly elected Ukrainian President because it would signal to Russia—which had invaded Ukraine in 2014 and still occupied Ukrainian territory—that Ukraine could count on American support.

The White House lawyers responded by declaring any attempt to impeach Trump an unconstitutional violation of presidential powers and an illegal move to overturn the results of the 2016 election.

In a six-page response to the Democrats’ brief published on Sunday and a 171-page legal brief of their own released Monday, Trump’s defense lawyers advance the conception of an imperial presidency that is not subject to any serious restraint by Congress or the courts. They argue that the first article of impeachment charging abuse of power is “structurally deficient” and “collapses at the threshold because it fails to allege any violation of law whatsoever.”

This claim that an official can be impeached only for violating a specific law is contradicted by historical and legal precedent and virtually all constitutional scholarship, which maintains that impeachment is a political and not a criminal process. But this assertion is linked to a more fundamental and reactionary theory: that of the “unitary executive.”

This is spelled out in the White House brief, where it states: “In the First Article [of impeachment], the House

attempts to seize the President’s power under Article II of the Constitution to determine foreign policy...

“They sought to undermine his authority under Article II of the Constitution, which vests the entirety of ‘[t]he executive Power’ in ‘a President of the United States of America.’”

This is a brief for dictatorship. Trump is, moreover, accompanying this legal offensive in the Senate with an open appeal to right-wing and fascistic forces entirely outside the constitutional framework. He has in recent speeches attacked his political opponents as traitors, radicals and “socialists” and accused the Democrats of supporting terrorists who attack Americans.

In recent days he tweeted support for armed right-wing and militia elements that marched in Richmond, Virginia to oppose mild gun-control legislation passing through the Democratic-controlled state legislature, declaring that the Democrats are out to “take your guns.”

The Democrats are not, however, opposing Trump for his many real attacks on democratic rights, including the assassination of a high Iranian government official, the destruction of the right to asylum and the incarceration of immigrants in concentration camps, the illegal diversion of Pentagon funds to build his border wall with Mexico, and his incitement of right-wing violence. Nor are they opposing his brutal cuts in food stamps, Medicaid, housing and other social benefits, or his massive tax cuts for the rich.

They are instead seeking to remove him from office or rein him in because he is seen by those sections of the military, intelligence and foreign policy establishment, as well as Wall Street, for whom the Democratic Party speaks, as a threat to critical foreign policy interests of American imperialism.

The last thing they want to do is provide an outlet for the mass popular hatred of Trump, which is driven by anger over the obscene levels of social inequality, revulsion over anti-immigrant racism and opposition to war. It is up to the working class, prosecuting its independent struggle against all sections of the ruling class and both big-business parties, to remove Trump and replace him with a workers’ government and socialism.



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