

Bloomberg GOVERNMENT

Rep. Al Green (D-TX-09)

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Thank you, Mr. Speaker. I thank the leadership for this opportunity. I greatly appreciate any opportunity to stand here in the well of the Congress of the United States of America. I rise today, Mr. Speaker, because I do love my country. I rise because I want persons to know that there are certain things that are not being presented properly. And one of the things that's not being presented properly as it relates to impeachment is the notion that a President has to commit a crime to be impeached. I'd like to talk about this for a moment and then address some of the issues associated with impeachment. A President doesn't have to commit a crime to be impeached. Article 2, section 4 of the Constitution of the United States of America is where we find information, you will, on impeachment. And it is stated in article 2, section 4, that a President can be impeached for treason, bribery, or other high crimes and misdemeanors. Mr. Speaker, it's important to note that a misdemeanor is defined as a misdeed. There is a definition associated with criminality. but when the framers of the Constitution decided impeachment would be a remedy for a President who might be styled a runaway President, they decided that misdemeanor would mean misdeed. In fact, we have had a President impeached for a misdeed. Andrew Johnson in 1868, President. Was impeached for the high misdemeanor, misdeed if you will, of saying things that were unkind about Congress. He commit nod crime. He breached no statute. He spoke ill will of Congress. And as such he was impeached in article 10 of the articles of impeachment that were placed against him. I'd like to share some intelligence from some others who have spoken on this issue. Gene Healy has spoken on the issue, he's with the Cato Institute, and his article is styled "The Over Criminalization of Impeachment." In this article, he states explicitly on the second page for those who might have a copy of it, I have filed this with the House previously, that impeachable offenses aren't limited to crimes. And he indicates that that's settled quite well among constitutional scholars. He also goes on to say that had the framers restricted impeachment to statutory offenses, they'd have rendered the power a nullity from the start. In the early republic there were very few crimes and certainly not enough to cover the range of misdeeds, important word, misdeeds that

would rightly disqualify public officials from continued service. Misdeeds. Misdemeanors. He goes on to say that it's important to get this straight. Because confusing impeachment with a criminal process can be harmful to our political health. It may lead us to stretch criminal law to get the President or his associates warping its future applications to ordinary citizens. It is important we get this straight. Because a crime obviously can be an impeachable offense but it can also be something a person is not impeached for. A President is not impeached for, depending on the severity, I suppose, but a President can also be impeached for the misdeeds committed while in office. One of the things Mrs. Healy addresses I'd like to point out that's important as to why it relates to why we have this belief that a President must be impeached for a crime is this. Unfortunately, we have outsourced the investigative function associated with impeachment to some other body. To some independent agency. To the Justice Department, if you will. . In so doing we've given the impression that this is something that involves a crime. But the framers of the Constitution thought long and hard about this. And they saw that there could be the appearance of impropriety if we allowed the executive branch to investigate itself. In the sense that the Justice Department is a part of the executive branch. So do you really want the executive branch investigating the President, who is the chief executive officer? There are times such as what we have now when you have the executive outsourcing the actual investigation to a third party. And my suspicion is that this can work quite well. But we should not conclude that because it is working, that because there is some functionality that seems to be positive for some, negative for others, we shouldn't conclude that because it appears to be working that this is the only way that it can be done. We shouldn't conclude that at the end of an investigation, if there is no finding of criminality, that an impeachment cannot go forward. Because notwithstanding the findings of a special investigator or a special body that is assigned the task of investigating, we should not conclude that if there is not a finding of criminality, that we cannot go forward with an impeachment. As a matter of fact, we can go forward with impeachment while a body is performing this function, while a body is investigating. We can go forward before there is an investigation by a body. We can go forward after there's an investigation. The House of Representatives is the place where impeachment takes place. Any member of the House of Representatives can bring articles of impeachment and these articles of impeachment will have to be brought before the entirety of the House of Representatives. Impeachment is not limited to crimes committed, and a member can bring articles of impeachment based upon the harm that a President is imposing upon society by virtue of the president's acts, behavior, misdeeds, if you will. The President can be impeached without committing a crime. I had the

good fortune of being on a program with Chris Hayes last night. He is the host. And he mentioned an article that is written by Ezra Kline. And it is styled, the case for normalizing impeachment. Impeaching an unfit President has consequences. But leaving one in office could be worse. In this article that he has written on the very last page, he indicates that, and by the way, I would commend this to persons to read in its entirety, but I am, for need of time, going to limit myself to excerpts. He indicates that impeachment is not a power we should take lightly. Nor is it one we should treat as too explosive. There will be presidents who are neither criminals nor mental incompetents, but who are wrong for the role, who pose a danger to the country and the world. This is true. It can happen. I'll say more about the possibilities in just a moment. Then there is the article that I would commend to persons from "The Times." A U.K. Newspaper. And it indicates that M.P.'s accused Donald Trump of spreading evil over Britain first retweets. This is an article that I highly commend. Because it speaks of how things can extend beyond our borders that start within our borders. I will read some of the excerpts. It reads, the Prime Minister said that Britain first, whose Twitter posts the President retweeted, was a hateful organization that seeks to spread division and mistrust among communities. She said, the group stood in opposition to Britain, British value of respect, tolerance and decency and stressed that British Muslims were peaceful, law-abiding people who have themselves been victims of attack, of terror by the far right. She went on to indicate, serving notice to Mr. Trump that she would not shy away from tackling him if she thought his actions misguided, she said. The fact that we work together does not mean that we are afraid to say when we think the United States have got it wrong. And to be very clear with them, I am very clear that retweeting from Britain first was the wrong thing to do. We have been criticized greatly for the retweet that was inaccurate. A retweet that quite frankly could have been vetted. When you're the President of the United States of America, you have access to intelligence about things happening around the world. You can validate, you can verify, you can vet things that are presented to you. The President has access to the greatest intelligence operation in the world. And could easily vet before tweeting. The information that was retweeted was not entirely correct. And was hateful. It was designed to insight hate. And should not be the kind of thing that a President would retweet. I'd like to also read an article from foreign policy. This article is styled, this is how every genocide begins. This is by Daniel Altman. And he indicates that Donald trump's retweeting anti-Muslim propaganda videos -- excuse me just a moment, please. I seem to be catching something, so please tolerate me, if you would, Mr. Speaker. The elixir of life, water. Again, Donald trump's retweeting of anti-Muslim propaganda videos is the most un-American thing he has done as President.

And he goes on to explain that we have to remove this President and his administration as soon as possible. And we have to do it by legal means. Upholding the foundations of our democracy. We cannot expect help from the president's silent cabinet or his toadies in Congress who seem more interested in maintaining their own power than saying a word against him. We have to use the only branch of government left to us, the court. Now, he and I differ on this point. I do believe we can still bring articles of impeachment. But he concludes by saying this. The President is trying to generate panic against Muslims in America, and I'm paraphrasing. Clearly putting them at risk of mob violence. And he says he hopes that he will face the full force of the law before it's too late. I might also go back a page or two and read this from this article. He indicates that the first thing that is done when we are going to move towards some sort of mob violence is to target a group by demonizing it through a campaign of hateful misinformation. He goes on to say, this is presented by -- as legitimate information by people in positions of trust. This article I commend to persons as well. Now, moving forward to our current situation. It is my opinion, Mr. Speaker, that a President who is unmindful of the high duties of his high office, a President who is unmindful of the dignities and proprieties thereof, a President who has brought shame and disrepute upon the presidency, who has breached his trust as President to the manifest injury of American society such that he creates hate and hostility, this President who sows these seeds of discord, this kind of President should be impeached. It is by opinion that a President who demeans a member of Congress, as one example, who indicates that a member of Congress performing duties as a member of Congress, duties that were associated with a constituent, that such a member of Congress is whacky. A President saying that a member of Congress is whacky creates circumstances for the member of Congress that are, to be very kind, quite unpleasant. A President doing this to a member of Congress has caused a great deal of concern. The member of Congress has had threats made. The member of Congress has had to take on extra security, with great care protect the staff. This is the kind of thing that we don't expect a member of Congress to have to do as a result of something a President might say. A President who indicates that there will be a ban on Muslims coming into our country. A President should not single out a religious group and indicate that they should be banned from a country. In doing this, the President singles out people such that those who are of ill will will look upon them as persons to be treated with some degree of disrespect and even harm. A President who talks about persons who have signed up to serve in our military and who have not done anything dishonorable, but who says that because they are transgender persons, they are persons who are not acceptable. In the military. This sends a signal to people that insights people to

believe that the President sees these persons as less than persons who should be in the military, persons who should be treated in some way other than respectful as members of the military. A President who calls the mothers of persons who are professional athletes S.O.B.'s is the term that was used, the b meaning that those persons were dogs, the mothers. Calling them -- the athletes themselves son of dogs. Such a President is a person who is sewing seeds of discord. Such a President is a person who is inciting people to behave in a manner such that they would be antithetical to those persons who are the sons of persons that he has labeled as dogs. This is inappropriate behavior for a President. A President who concludes that persons who are members of the K.K.K., persons who are neo-Nazis, call themselves the premises, such persons when they are said to be very fine people is a means of legitimatizing people who are hateful, who are bigots. Persons who have ill will for others in society simply because of who the others are. A President should not legitimatize them by calling them very fine people. A President who believes that people of a given country who are citizens of the United States of America but a President who indicates they, these people, want others to do things for them that they should be doing themselves, or that they are a drain on the budget because they have been the victims of a force of nature. A President who says these kinds of things sends a signal that indicates that these persons are not persons who are the best that we have in American society. Because they are citizens. Puerto Ricans are citizens. A President who does this is a President who is sowing seeds of mistrust, sowing seeds of discord. A President should not sow seeds of mistrust and discord. A President ought to be a unifying force within a country. A President ought to be the person that we look to for some sense of stability. A President ought to be about the business of keeping a country together rather than creating chasms within various persons and groups within a society. This is what young people expect of a President. Young people who are witnessing a President do things that bring about distrust and sow the seeds of discord are seeing something that is not normal. And we don't want them to assume that what they are seeing is the norm. As a matter of fact, we need to let them know that this is not the norm. So Mr. Speaker, I want to make it clear that these kinds of activities that create hate and hostility, that sow seeds of discord, these are impeachable. These are the kinds of things that the framers of the Constitution had in mind when they created article 2, section 4 of the Constitution. This is what Alexander Hamilton had in mind when he penned Federalist 65. Hamilton so much as indicated that impeachment would create a lot of discord within society. the act itself. He indicated it could be very partisan he indicated there would be rancor. Probably not in that specific term but he indicated that people would be discommodated to a great

extent. And in so doing, he also went on to let us know that it's something that is necessary. It's something that has to happen when you have a President who has committed misdeeds such that that President can be removed from office and it does not have to be for a crime. This is something that constitutional scholars recognize but it is also something that some people, for whatever reason do, not acknowledge. They don't acknowledge it for reasons that I will allow them to explain. But the constitutional scholars who have delved into this to levels that most people don't have acknowledged that presidents don't have to be impeached for crimes only. As a matter of fact, John Pickering in 1804, who was subject to impeachment, he was a federal judge, he was impeached and he committed no crime that was noted in the articles of impeachment. He was impeached for being intemperate. As I indicated earlier, and I think some things bear repeating, Andrew Johnson was impeached in 1868 and in the 10th article of the articles of impeachment it was alleged that he demeaned Congress. He said bad things about kuok. And as a result, he was impeached. Now, no President has been convicted. Impeachment is within the province of the House of Representatives. A majority of the members voting to impeach, a President is then impeached and the action moves to the Senate where there is a trial in the Senate. Presided over by the Chief Justice of the Supreme Court. If the President is found guilty, then the President is impeached and can be removed from office. The impeachment is validated and the President can be removed from office. But impeachment is something that occurs in the House of Representatives. And it is something that each member can bring before the House of Representatives. It is a responsibility that a member of Congress can assume by virtue of being a member of Congress and concluding that a President has committed impeachable offenses. These impeachable offenses, excuse me, these impeachable offenses need not be crimes. I keep emphasizing this because that's what this time is to be used efficaciously for. We want people to know, in no uncertain terms, that a President does not have to commit crimes to be impeached, that any of the 435 members of the House of Representatives, can bring articles of impeachment before the body. And when these articles of impeachment are brought before the body, the House has to act. How does the House have to act? The House of Representatives will allow the articles to be read once. Once they are read, there's a time set for them to be read a second time. I read articles of impeachment earlier and I chose not to read them the second time and as a result they were not read and as a result of not being read, the articles were not acted upon by the body. This is something every member can do. And by the way, when I did it, I did it as a result of my conscious decision to do so without any influence from any person on the planet Earth. It was a decision that was made before I came without

any influence from any person. I'm say this with the emphasis I place upon it because there is some misinformation. I'm not offended by me misinformation, I just want to correct the record. These things get confused and I understand it, most people are not familiar with how this process works but moving along. Once the time is set for the second reading, the articles are read the second time. And thereafter, the articles may be voted up or down or there may be a request made that the articles be sent to a committee and if so, a majority of the body concludes that they should go to committee, then they will. Or there can be a motion or a request made to table the articles. And if they are tables, they will be tabled and likely not to be brought back before the body again. But if they are allowed to be voted up or down, if a majority of the members cob collude that impeachment is appropriate and say so by their vote, saying yes, by their vote, then the President would be impeached. And it would go to the Senate. And in the Senate you have to have a 2/3 vote to convict. But, if the request is to table the articles of impeachment, then those who do not favor impeachment can vote to table. Because if you vote to table and that is successful then you don't have to vote to impeach. Those who do not favor impeachment can vote to have the articles sent to a committee, the Judiciary Committee if they don't favor impeachment, vote to send it to Judiciary Committee and there won't be a vote on impeachment. There could be other reasons I don't want to conclude the only reason a person would vote to table is because the person doesn't within to vote to impeach. But these are the reasons that are ostensibly viewed as reasons for not voting for these various motions that can be made. I desire if I bring articles of impeachment, my desire will be to have the articles voted up or down. And if they are voted up or down, that would accord everyone an opportunity to show the world where they stand on the question before the House, which of course would be impeachment. If they -- if a motion is made to table or request to table, I will vote against that because I support impeachment. If a motion is made to send to committee, I will vote against that. Because I favor impeachment. This is important not only to me but to my country. This is not about Democrats. It really is not. It's about the democracy. It's about government of the people, by the people, for the people. It's about the republic. It's not about Republicans. It's about whether we'll be able to retain the republic that we have and many will recall that Franklin called that to our attention that we have a republic, when the he addressed a certain person, and indicated you have one, if you can keep it. This is about keeping the republic, Mr. Speaker. It's not about Democrats and not about Republicans. About them in the sense that they are part of the House and they'll all have an opportunity cast volts but it's not about something as tissue as simple as politics as usual. This is something to be taken seriously. I do take it seriously. It is something that the country is monitoring.

The country, when polled, indicates its position on impeachment. And that position has been at 40%. Some a little above, some below, depending on how you poll, I suppose. But the country is aware of what's going on. People are paying attention. And we do have a duty to bring before this body what we in good conscience believe is appropriate. Good conscience is a good term. I believe in good conscience that there is a time to bring impeachment before this body. Excuse me, again, Mr. Speaker. I believe in good conscience that there is a time to bring impeachment before this body. I have expressed my position, it's no secret. People know where I stand. People know. That I as a member of the Congress of the United States of America, I have made a position quite public. Excuse me just a minute, Mr. Speaker. Thank you, Mr. Speaker. As I indicated, people know what my position is. They know that I have been straightforward. I've not been nebulous. I have not been shy. I believe what I say and I say what I believe. I believe that this country...