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Prominent conservative legal scholar rips Trump anti-impeachment letter to House Democrats: ‘The White House counsel was sick the day they taught law at law school’

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White House Counsel Pat Cipollone last week sent an angry letter to four prominent House Democrats — including Speaker Nancy Pelosi — attacking their impeachment inquiry against President Donald Trump. Legal experts have been tearing that letter apart, including conservative attorney George Conway— who denounced Cipollone’s arguments as “garbage” during an appearance on former federal prosecutor Preet Bharara’s podcast. And prominent legal scholar Ilya Somin has been highly critical of the letter as well, posting on Facebook that his “initial reaction” was “to wonder whether the White House counsel was sick the day they taught law at law school.”

Somin added, “Yes, it’s that bad. If one of my students made those arguments in a paper, I don’t think I could give that person a passing grade.”

Somin is by no means a Democratic Party operative. A law professor at George Mason University, Somin is a right-wing libertarian who has been active in the Cato Institute (a libertarian think tank) and holds many conservative views.

In his letter to Pelosi and the heads of three congressional committees, Cipollone insisted he could not “permit his administration to participate in this partisan inquiry under these circumstances” and insisted that the impeachment inquiry lacked “any legitimate constitutional foundation.” And a group of 21 attorneys found those arguments to be absurd, responding with a letter of their own.

Trump is facing an impeachment inquiry because of his July 25 phone conversation with Ukrainian President Volodymyr Zelensky and his attempt to pressure the Ukrainian president to help dig up dirt on former Vice President Joe Biden. And the 21 attorneys stressed that an impeachment inquiry is perfectly in sync with the U.S. Constitution.

“When any president openly invites the help of foreign powers for partisan political purposes,” the 21 lawyers asserted, “Congress in the exercise of its constitutional powers should conduct an inquiry — and the White House should cooperate. Fair-minded lawyers can easily agree on this regardless of their politics. Your letter, instead, distorts the law and the Constitution for other purposes, including cable news consumption.”

Somin is quoted extensively in a Vox article on legal scholars’ reactions to the White House counsel’s letter. And the libertarian explains, “the impeachment power belongs to the House. It applies in situations where there is reason to believe the president has committed ‘treason,

bribery, or other high crimes and misdemeanors.’ The founders drafted the impeachment clause to cover a wide range of abuses of power, including ones where there is no violation of criminal law. If Trump withheld aid from Ukraine in an attempt to pressure them into investigating a political opponent, he likely both violated the Constitution and committed a crime.”

Somin went on to say, “Once the House has decided to conduct an impeachment inquiry, it must have the power to subpoena witnesses and compel submission of relevant evidence. If the president could conceal evidence and ignore subpoenas, Congress’ constitutional authority over impeachment would be seriously undermined. Indeed, failure to cooperate with a congressional impeachment process is itself likely an impeachable offense.”