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November 22, 2019

The Speaker of the House of Representatives  
United States Capitol  
Washington, D.C. 20515

Dear Madam Speaker Pelosi:

On October 31, 2019, you elaborated with perfect pitch that the impeachment inquiry into President Donald Trump was not only about the man but about the constitutional oath of every Member of Congress to protect and defend the Constitution of the United States.

Among other things, you correctly underscored the danger of a Chief Executive who boasts, "*Then I have Article II, where I have the right to do whatever I want as president.*" He has recklessly flirted with the ideas of slaughtering 10 million civilian Afghans, which, if acted upon, would violate the War Crimes Act, and initiating a nuclear war of aggression against North Korea, which, if acted upon, would violate the Declare War Clause. A clear and present danger that the President will subvert the Constitution should trigger impeachment. Indeed, at the constitutional convention George Mason insisted that *attempts* to subvert the Constitution should be impeachable.

Uniquely among wayward presidents, Mr. Trump is shattering our *entire* constitutional order as our proposed twelve (12) count Article of Impeachment documents. (See enclosure). Several of the counts are *per se* impeachable and need no more fact-finding: defiance of congressional subpoenas and oversight; spending billions of dollars on a southern border wall not appropriated for that purpose; continuing or expanding presidential wars not declared by Congress; exercising line-item veto power; flouting the Emoluments Clause; and, playing prosecutor, judge, jury, and executioner to kill any person on the planet based on secret, unsubstantiated information. Hearings to educate the public about the alarming consequences of such *per se* violations is imperative to fortify the full constitutional legitimacy of the impeachment charges.

The Trump administration's constitutional lawlessness is unprecedented. The defense of "everyone does it" will not wash. What Supreme Court Justice Louis D. Brandeis said about government lawlessness applies with special force to a President of the United States who should be a role model for the citizenry.

“In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.”

The House impeachment inquiry into President Trump should be commensurate with the frightening breadth of his constitutional lawlessness, including multiple obstructions of justice. Narrowly focusing on the solicitation of bribery and an illegal foreign campaign contribution connected to Ukraine while leaving the vast number of other constitutional wrongs or usurpations unsanctioned would be disastrous for moving public opinion in favor of impeachment. The unrebuked usurpations would set a precedent that would lie around like a loaded weapon ready for use by future occupants of the White House who claim limitless executive power except a Ukraine-type shakedown. They would downgrade the quality of presidential candidates and lower public expectations of the presidency to alarming levels.

Moreover, Mr. Trump will repeatedly claim his other impeachable abuses are meritless. Since a Democratic majority in the House did not act more broadly, he will denounce the accusations as lies and fake news.

In 1974, the House Judiciary Committee declined to vote an Article of Impeachment against President Richard Nixon for his secret, unconstitutional war against Cambodia never declared or directed by Congress. Thereafter, unconstitutional secret or overt presidential wars of varying scope and duration became epidemic notwithstanding the War Powers Resolution.

We acknowledge that several of President Trump’s impeachable offenses were perpetrated by his predecessors with impunity because of congressional dereliction or otherwise. But that is an unpersuasive argument for the current Congress to stay its hand. No President has a right to rely on congressional nonfeasance of its impeachment powers. Moreover, no other President has taken such a massive wrecking ball to our entire constitutional edifice. It is not even close. If the Trump presidency is not repudiated by Congress, our posterity will inherit vassalage to a presidential monarch rather than citizenry in a Republic.

An analogy here is instructive. For decades, men sexually harassed, assaulted, or subjugated women with impunity. Then came the #MeToo Movement. What was formerly acceptable and not prosecuted became unacceptable and penalized. There is no male defense that social acquiescence in past sexual predation justifies immunity from current prosecution. Trump’s personal assaults on many women are, of course, *per se, sui generis* impeachable offenses.

The Republic is at an inflection point. Either the Constitution is saved by impeaching and removing its arsonist in the White House, or it is reduced to ashes by continued congressional endorsement, whether by omission or commission, of limitless executive power and the undoing of checks and balances.

We are further convinced that making the Constitution the battleground of the 2020 elections is not politically objectionable. The Constitution is our birth certificate. It transcends party affiliation. It finds expression in E Pluribus Unum. It is what makes us a nation—not a fragile assemblage of parochial communities.

Corporate fraud, polluted air and water, climate disruption, consumer and worker injuries, deficient hospitals, inadequate mass transit, unaffordable housing, unrepaired roads and unimproved schools are “kitchen table” necessities bludgeoned by his dismantling of agencies established by Congress in violation of his constitutional duty to take care that the laws be faithfully executed, Article II, section 3. Mr. Trump’s unconstitutional, multi-trillion-dollar garrison state featuring perpetual presidential wars jeopardizes them all.

With far more grave offenses regularly perpetrated than the offenses investigated in the Watergate hearings, the proposed twelve-count Article of Impeachment would invite absorbing televised congressional hearings to educate and unify the public behind our democracy, our hallowed constitutional order, and the urgency of impeaching its vandal-in-chief.

There can be no superior legacy for a House Speaker.

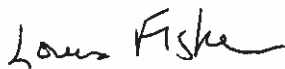
We would be eager to elaborate more broadly and deeply on this letter at your convenience.

Sincerely,

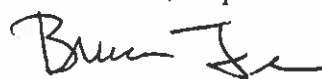
Ralph Nader, Esq.



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Enclosure: Proposed Article of Impeachment

\*Louis Fisher was formerly a constitutional scholar for four decades, serving thirty-five years with Congressional Research Service and five years with at the Library of Congress.