



Congressman Ed Case on Impeachment

Mahalo for your interest in my position on the impeachment of President Trump.

On December 18, 2019, the U.S. House voted 230 for, 197 against and 1 present, to adopt House Resolution 755, two articles of impeachment against President Trump. The articles ([click here](#)) charge the President with abuse of power relating to his dealings with Ukraine and obstruction of Congress for his response to Congress' efforts to investigate those dealings. [Click here](#) for the full report of the House Judiciary Committee, which fully explains the views of committee members both for and against impeachment and also attaches the earlier report (again both pro and con impeachment) of the House Intelligence Committee.

I voted for the articles. Here's why.

The articles of impeachment charge that President Trump “abused the powers of the Presidency by ignoring and injuring national security and other vital interests to obtain an improper personal political benefit and betrayed the Nation by abusing his high office to enlist a foreign power in corrupting democratic elections,” and further “directed the unprecedented, categorical and indiscriminate defiance of subpoenas issued by the House of Representatives pursuant to its ‘sole power of impeachment.’”

The articles conclude that in doing so the President “has acted in a manner contrary to his trust as President and subversive of constitutional government,” warranting impeachment by the House and trial and removal from office by the U.S. Senate.

I agree.

In reaching my conclusion, I focused on the oath I took again last January to “support and defend the Constitution of the United States.” I believe my oath requires me not only to place our Constitution above all other interests, but to act carefully, deliberately and inclusively especially in a decision of such lasting import to our country.

I believe I did so. I reviewed our Constitution, the debates and intent of our Constitution’s original framers, the extensive reports of the committees of jurisdiction and other materials. I reached out and listened to my constituents every way I can. I especially tried to understand the views of my fellow citizens who do not agree with impeachment.

Reasonable and good Americans who care deeply for our Constitution and country do disagree. All deserve consideration and respect. My own obligation was and is to make the decision, as a member of a separate, independent and co-equal branch of government with my own obligations to our Constitution and country.

At the end of the day, I believe that our President did abuse his power by attempting to manipulate our country’s foreign policy for his own personal political gain, did obstruct the constitutional duties of Congress, and does warrant impeachment for his actions. I further believe that for Congress to sanction his actions by turning away from our own constitutional role and duty would itself betray our Constitution and have the most serious consequences to our country and system of government both today and for generations.

In reaching my decision, I carefully considered the views of those who do not support impeachment. Here are the main arguments against impeachment and what I concluded:

- *“There was no crime.”* Our Constitution does not require impeachable conduct to be an actual violation of our criminal laws, and our forefathers clearly anticipated that conduct could violate a President’s loyalty and duty to the Constitution but not be subject to criminal prosecution.
- *“There were no facts/no proof.”* The actual record as reflected in the House Judiciary Committee’s report contains a great amount of evidence supporting the conclusions on which the articles are based. It was also relevant to me that the President instructed key witnesses not to participate in Congress’ review.

- *“The President was not provided the opportunity to make his case.”* Every member, Democrat and Republican, on the six House committees conducting some part of the review fully participated. The President was provided an opportunity to participate but declined. He further instructed key witnesses who he stated could provide key testimony in his defense not to participate in Congress’ review.
- *“This was nothing more than an excuse to impeach that the Democratic majority has been seeking for years.”* It is correct that, prior to the Ukraine situation coming to light this September, a small minority of House Democrats had voiced their desire to impeach the President. However, a number of votes to proceed with impeachment had been rejected by wide margins including most Democrats, the most recent of which was on July 17th of this year on a vote of 95 to proceed, 332 (including me) not to proceed and 1 present.
- *“This should have been left to the 2020 election.”* I agree that this or any other President's style, temperament or policies should largely be judged in an election, which was why I did not support a formal impeachment inquiry throughout most of the year. However, there is a point past which a President's conduct is no longer solely for an election, which is why impeachment as a constitutional remedy is provided in our Constitution, and I eventually concluded that this President had passed that point.
- *“Why go through the process if the Senate will not convict.”* The House and the Senate each has its specific role and duty under our Constitution: the House to decide whether to charge the President and the Senate to decide on any charges approved by the House. My own duty was to discharge my constitutional obligations as a member of the House.

Under our Constitution, it is now up to the Senate to conduct a trial on the articles of impeachment and determine if the President should be removed from office.

Impeachment is not a political remedy, not a criminal remedy, but a constitutional remedy. That we have come to this point for only the third time in our incredible history is nothing to celebrate. I sincerely hope that, whatever the outcome, we will accept this sad time for our country as a wakeup call for that better way forward we all want and deserve.