The expert witnesses the Senate needs: Call America’s four other living ex-presidents to testify against Trump

Ex-president Donald Trump should be convicted of impeachable offenses committed in January, but other presidents have a role to play. The most important event the Senate faces is to render solemn judgment on a president, and it is an honor that only America’s four other living ex-presidents can perform.

In fact, every senator should understand that the Senate is not a Shaman-focused circus. Rather, it is a place where judges assess evidence and draw the legal line.

President Trump should be convicted, if that is the Senate’s view, perhaps for some of the same reasons his predecessor, President Barack Obama, should have been convicted before the current impeachment trial was even opened. But let’s imagine that a president’s misconduct only comes to light after he leaves the presidency. Common sense supports precedent. No president should have carte blanche to tyrannize at the end of his term or escape accountability for what he has done.

There is simply no argument that Trump’s mid-January impeachment was constitutional as Democrats argued, but the same cannot be said about the January 6th insurrection.

This argument fails miserably. Trump has already been impeached by the House, and his lawyers have not argued that the impeachment — which is limited to his actions in January — was not constitutional.

One of us (Akhil) is a constitutional expert; the other (Andy) is an eye surgeon. In a hypothetical malpractice case involving allegations of gross negligence, a doctor might testify as an expert witness. Similarly, senators would benefit from the expert testimony of ex-presidents. This is especially clear when considering the impeachment trial against ex-President Trump.

For Trump’s case stands alone. Defendants can only argue that they are not guilty of a criminal offense. But ex-presidents can explain what is not gross presidential malpractice. What is a mistake, but to judge Trump and in the process to determine what is and what is not gross presidential malpractice.

The Senate needs four living ex-presidents in order to do justice. None of Trump’s four predecessors has a role to play in the current impeachment trial. Richard Nixon is dead; he is not alive to defend himself. Trump is. He in effect ran against Richard Nixon in 2016; he formally ran against ex-President George W. Bush in 2020. Donald Trump has picked one of our four living ex-presidents and none of the others.

The former president’s role in this process is not to argue that he is not guilty of what he is accused of. Rather, it is to explain what is not gross presidential malpractice and to argue against Trump’s claim that he has been impeached for mistaken decisions.

It might seem that this group is rigged against Trump. He in effect ran against ex-President George W. Bush in 2020. But senators, like jurors in ordinary cases, are to judge the evidence and draw the legal line. The key witnesses should not be fact witnesses like, say, the self-proclaimed QAnon Shaman. Rather, the trial must assess the evidence and draw the legal line.

So, let’s turn the page and consider what it is and what it is not gross presidential malpractice.

A worthy trial should not be a Shaman-focused circus, but an expert-focused one. Rather, the trial must assess the evidence and draw the legal line.

The most important issue the Senate must decide is not whether Trump can resign or escape disqualification, but how to address his actions in January. There is simply no argument that Trump’s mid-January impeachment was constitutional as Democrats argued.

It was thus apt to invite Trump to testify.

It was thus appropriate to have a presidential impeachment trial not focused on whether Trump should be convicted. Rather, it was appropriate to have a presidential impeachment trial focused on whether Trump should be convicted.

Disqualification is a mere matter of sentencing. Removal is a mere rebuke. Both were consequences of the impeachment. Removal is a necessary part of the impeachment process. The disqualification decision is a mere matter of punishment.

For example, the impeachment trial must determine the law for all presidents. What is not gross presidential malpractice? As a constitutional expert, Akhil can weigh the witnesses’ biases. In fact many ex-presidents have in history been one. No mere senator can fully understand — nor can ordinary Americans watching the trial — the unbearable pressures and complexities of actually being president. But ex-presidents can offer useful instruction.

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Haven’t Tried Insanity Yet Here’s Why You Can’t

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