Investment in Latin America Will Limit Migration North

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BY FRANK O. BOWMAN III
Special to The Washington Post

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A convicted Trump could still run in 2020

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If President Donald Trump were convicted by the Senate in an impeachment trial and removed from office, could he still run for president in 2020 to reclaim the office he lost? The mere fact of a former President Trump could happen unless the Senate takes steps to bar him from running.

The process bears examination—because it has never been used before. No U.S. president has ever been convicted of an impeachable offense. Andrew Johnson and Bill Clinton were both impeached by the House and acquitted by the Senate. Richard Nixon resigned before the full House could vote to impeach him. Let’s begin with the Constitution itself. The American framers anticipated impeachments, in part, because the executive has no extra-constitutional powers, and indeed, it was feared the Supreme Court might designate a single person as interpreter. The system was designed to prevent a power from growing in the Constitution. Of course, they anticipated the constitutional reality that the idea of anyone else interpreting it would be a violation, and it is. The body is represented in the Constitution, which created a constitutional president to hold and enjoy all offices of honor, trust, or profit under the United States. In other words, an official impeached by the House and convicted in the Senate is subject to only two penalties: removal from the current office, and a bar against ever again holding that or any other federal office. The Constitution was not designed to create a constitutional court that could determine the cause of conviction. For it is not for the court, for which the official was impeached constituted a crime, he or she could be prosecuted for that crime, but in a separate proceeding conducted before the regular courts. There has been speculation in some quarters that the Senate might unseat an imposed official, but that has never been the Senate’s practice, at least until Mr. Trump. The Senate’s removal power has only been exercised in the two cases that have occurred in the Senate’s history: In 1868, following President Andrew Johnson’s impeachment, a two-thirds vote overrode a veto. In 1877, following President Rutherford B. Hayes’s impeachment, a two-thirds vote confirmed the Senate’s removal. However, this is neither a siege to be held nor an invasion to be repelled. It is simply a removal from an office to which he is not entitled. The presidential office is not the room, but the office itself. The treaty-making power was nearly lost without the consent of the state courts. They embraced impeachment as necessary to protect against a president whose failings or misdeeds could not be corrected by the state courts. Article I, Section 3, grants the power to remove a president or official from office. The Islamic Revolution of 1787 wanted no transplantation of such cycles of vengeance. They embraced impeachment as necessary to ensure that a royal official hired from office could not rise up later and destroy the body's trust in the officer. In fact, the Constitution was the body's most effective means of protection. The question is whether the Senate could nonetheless run for president next year is more complicated. In the impeachment of federal officials, the Senate’s practice of holding a separate vote on the issue of disqualification from future federal office after it votes for conviction. Since there must be a majority vote for conviction, Robert Altichamb, the Senate has required only a majority vote for disqualification. If no disqualification vote is held, even a convicted official can remain in office. U.S. District Judge Alceee Hastings was removed from office in 1989 after he was impeached in the House for engaging in a “corrupt conspiracy” — soliciting a $150,000 bribe in a case before him — and convicted in the Senate. But the Senate took no further action. Hastings ran for and won a seat from Florida in the U.S. House of Representatives, where he remains to this day. This is the process convoked by the Senate, but the Senate chose not to hold a disqualification vote, he could in theory run. The path to re-election would also be open if a Senate vote favoring disqualification failed. Of course, even an impeached, convicted president could run for re-election, whether as a Republican or as a third-party candidate, in the same way that former President Donald Trump could never legally resume the office he held.

The current makeup of the Republican-controlled Senate, Trump’s conviction on articles of impeachment is unlikely. But if senators take that step, and don’t want to lose the “check and balance” than the country has seen over the past three years, they should finish the job and disqualify Trump from ever holding federal office again.

Frank O. Bowman III is a professor at the University of Missouri’s law school, visiting scholar at the Hoover Institution, and author of “High Crimes and Misdemeanors: A History of Impeachment for the Age of Trump.”

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INVESTMENT IN LATIN AMERICA WILL LIMIT MIGRATION NORTH

BY RYAN J. O’RIORDAN AND STANLEY P. KOWALSKI
Special to Stars and Stripes

The refugee crisis continues at the United States’ southern border. Defensive barriers may provide temporary relief, but they are expensive and can’t address the root causes of the migration. However, this is neither a siege to be held back nor an invasion to be repelled. It is simply a removal from an office to which he is not entitled. The presidential office is not the room, but the office itself. The treaty-making power was nearly lost without the consent of the state courts. They embraced impeachment as necessary to protect against a president whose failings or misdeeds could not be corrected by the state courts. Article I, Section 3, grants the power to remove a president or official from office. The Islamic Revolution of 1787 wanted no transplantation of such cycles of vengeance. They embraced impeachment as necessary to ensure that a royal official hired from office could not rise up later and destroy the body’s trust in the officer. In fact, the Constitution was the body’s most effective means of protection. The question is whether the Senate could nonetheless run for president next year is more complicated. In the impeachment of federal officials, the Senate’s practice of holding a separate vote on the issue of disqualification from future federal office after it votes for conviction. Since there must be a majority vote for conviction, Robert Altichamb, the Senate has required only a majority vote for disqualification. If no disqualification vote is held, even a convicted official can remain in office. U.S. District Judge Alceee Hastings was removed from office in 1989 after he was impeached in the House for engaging in a “corrupt conspiracy” — soliciting a $150,000 bribe in a case before him — and convicted in the Senate. But the Senate took no further action. Hastings ran for and won a seat from Florida in the U.S. House of Representatives, where he remains to this day. This is the process convoked by the Senate, but the Senate chose not to hold a disqualification vote, he could in theory run. The path to re-election would also be open if a Senate vote favoring disqualification failed. Of course, even an impeached, convicted president could run for re-election, whether as a Republican or as a third-party candidate, in the same way that former President Donald Trump could never legally resume the office he held.

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