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Investment in Latin America Will Limit Migration North

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A convicted Trump could still run in 2020

BY FRANK O. BOWMAN III

Special to The Washington Post

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? The possibility is remote, but the candidacy of a former President Trump could happen unless the Senate takes steps to prevent it.

The process bears examination because it has never been used before. No U.S. president has ever been convicted of an impeachable offense by the Senate. 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 adapted impeachment from British parliamentary practice, in which it was sometimes thought necessary to ensure that a royal official hurled from office could not rise up later and destroy his destroyers. Therefore, conviction by the House of Lords could mean being impoverished, imprisoned or executed.

The Philadelphia delegates of 1787 wanted no transplantation of such cycles of vengeance. They embraced impeachment as necessary to protect against a president whose failings or misdeeds endangered constitutional order. But they consciously limited the consequences of conviction to "removal from Office, and disqualification to hold and enjoy any Office 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 goes on to say that if the conduct for which the official was impeached constituted a crime, he or she could be prosecuted for that crime, but only in a separate proceeding conducted by the regular courts.

There has been speculation in some quarters about whether Trump would voluntarily vacate his office if defeated in an election. In the event of Senate conviction in an impeachment trial, the question would be moot, at least as a constitutional matter. Removal has always been understood to be an automatic consequence of conviction. And the 25th Amendment decrees, "In case of the removal of the President from office or of his death or resignation, the Vice President shall become President." In short, Vice President Mike Pence would become President Mike Pence the moment 67 senatorial votes were officially tallied for any article of impeachment.

The question of whether Trump could nonetheless run for president next year is more complicated. In the impeachment of federal officials, the Senate has adopted the practice of holding a separate vote on the issue of disqualification from future federal office after it votes for conviction. Since at least the 1912 impeachment of Judge Robert Archbald, the Senate has required only a majority vote for disqualification.

If no disqualification vote is held, even a convicted official can reenter federal service. U.S. District Judge Alcee 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 vote on disqualification. In 1992, Hastings ran for and won a seat from Florida in the U.S. House of Representatives, where he remains to this day.

If Trump were convicted by the Senate, but the Senate chose not to hold a disqualification vote, he could in theory run again, win and return to the White House. The path to reelection would also be open if a Senate vote favoring disqualification failed. Of course, even an impeached, convicted and disqualified Trump could run for reelection, whether as a Republican or as a third-party candidate, in the sense of announcing his candidacy, tweeting madly and holding bellicose rallies. He might even be able to secure a ballot line in some primaries or in the general election. One can imagine ugly statewide quarrels between his die-hard loyalists and those insistent on enforcing the Constitution. Nonetheless, once disqualified by the Senate, Trump could never legally resume the office of president.

Given 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 invite even more political chaos 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 professor at Georgetown University Law Center and author of "High Crimes and Misdemeanors: A History of Impeachment for the Age of Trump."

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 isolating protection. However, this is neither a siege to be held back nor an invasion to be repelled. It is simply about survival. Driven by political, economic and societal collapse from incipient failed states, the migration north from Latin America is a hemispheric crisis.

As an initial response to manage the migrant flood, military operations may be appropriate. Still, the mission of the military is defense and related support to protect the people, territory and interests of the U.S., not police work or humanitarian assistance. Former Defense Secretary Jim Mattis summed it up, "The Department of Defense's enduring mission is to provide combat-credible military forces needed to deter war and protect the security of our nation." Throughout the last century the military and defense has been a key instrument of U.S. foreign policy. Nevertheless, many military leaders now advocate for alliances that go beyond the battlefield. They recognize that in the globalized 21st century, defense must be balanced within a broader, durable, strategic framework.

Smart power is such a balance, coordinating defense, diplomacy and development (3Ds) to achieve foreign policy goals at the lowest possible cost in terms of human, monetary and tangible resources. Currently, however, there is an imbalance of 3Ds: an overemphasis, extension and misapplication of defense, a concomitant leveraged diplomacy and an obsolete international development model, based on a 20th-century paradigm of reactive, ad-hoc aid and assistance.

In the 21st century international development must refocus toward building

innovation ecosystems, with coordinated capacity building to simultaneously advance human capital, global networks, institutions and infrastructure. The goal is to stabilize developing countries by accelerated economic diversification, leapfrogging from commodities (agriculture, petroleum, mining), over industrialization, to innovation. For Latin America this is not only important but urgent; decades of over-reliance on commodities and economic stagnation has putrefied into corruption, poverty, failed states and mass migration.

Unlike the zero-sum global struggle for raw resources, partnerships in innovation-based economic development are unlimited. With Latin America, possible partnerships in development could be health innovation with Brazil, agricultural innovation with Colombia, space technology with Argentina, benefiting the entire hemisphere, fostering opportunity, prosperity, stability and peace. A history lesson provides the policy precedent and rationale, a foundation upon which to build.

The Alliance for Progress of the 1960s was a synthesis of the wisdom of President Dwight D. Eisenhower and the pragmatism of President John F. Kennedy. As a progressive, bipartisan U.S. policy initiative, the Alliance was initially conceptualized by Eisenhower and several Latin American leaders and subsequently launched by Kennedy, who understood that sustainable development in Latin America, as a bulwark against poverty, oppression and instability, required enduring hemispheric economic cooperation and partnership.

Kennedy's 1963 speech is prescient today, calling for an alliance built on the premise of a modern interconnected global economy that benefits all: "We are joined together in this Alliance as nations united by a common history and common values. And I look forward to the day when the people of Latin America will take their place beside the United States and West-

ern Europe as citizens of industrialized and growing and increasingly abundant societies."

Although Alliance programs were largely tangible infrastructure, agriculture and industrialization, an alliance for this century should focus on science, technology and innovation, connecting with the global knowledge economy wherein technology transfer and intellectual property transactions drive innovation markets. This will catalyze collaborations, access to research and development investment opportunities and capitalization across the hemisphere.

A new Alliance would likely be an effort greater than the Marshall Plan in the aftermath of World War II. Whereas the Marshall Plan involved physically rebuilding industrialized countries where the human capital, institutions and networks were largely intact, a new Alliance would require a massive and rapid reorientation, from a developing to a developed country innovation economic paradigm. Mobilization of human capital, the most important resource of every country as this century unfolds, is key.

It is time to reignite Kennedy's vision. A balanced U.S. foreign policy must promote strategic partnerships and accelerate innovative development across Latin America. By building good will, addressing persistent problems and stabilizing the region, this will stem the flood of humanity north. In addition, such efforts will in the short term facilitate access to critical advances in health, agriculture, energy and IT — and in the longer term, cultivate creativity, invention, innovation and legal infrastructure, fostering diversified, interconnected economies to benefit the entire hemisphere.

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