

The Republican Club of Sun City

NEWSLETTER

August 2018

Everett Schmidt, Editor
(Website: rcsctx.com)

Sun City Texas

(Topics in this newsletter: GOP Submits Articles of Impeachment, Impeachment Terms, Clinton & Obama Impeachment)

RADIO TALK SHOW HOST TO ADDRESS CLUB AUGUST 23

Lynn Woolley, a highly-principled conservative radio talk show host whose program can be heard in Sun City on radio station KTEM, 1400 AM, 8 – 11 am, M – F, will address the club during its dinner meeting scheduled for **Thursday, August 23 in the ballroom of the Social Center in Sun City.**

Woolley has been involved in political thought via various media outlets – radio, newspapers, Internet, books, personal appearances – for many years.

Since 1995, he has been host of a radio talk show known as The Lynn Woolley Show which is currently carried on radio stations serving Killeen, Temple, Fort Worth, Midland-Odessa, Lubbock, Plainview, Amarillo and Waco, plus some locations in New Mexico. Previously, he had stints as a news anchor in Dallas and Austin.

He has extensive experience as a political writer, having provided political op-ed pieces which appeared in the *Dallas Morning News* and certain websites, and is the author of several books, including *Clear Moral Objectives*, *The Death of Talk Radio* and two earlier books.

He sponsors a Blog, **WB Daily.com**, where he and others provide op-ed pieces on a variety of timely subjects, such as the following topics which are listed for the month of July:

- Does the US Interfere With the Internal Affairs of Other Countries?
- Massive Hypocrisy From Democrats Regarding Russia
- Russian Interference in the US is Far More Than Media Reports
- Contempt a Better Course Than Impeachment With Rosenstein

The Question-Answer Period. During the August 23 program, titled “Be Logical in the age of Trump,” Woolley will first present his views on topics he deems to be especially pertinent, followed by the usual question-answer segment which, in this case, will be slightly modified to simulate a radio talk-show during which callers call in to agree or disagree with the talk-show host, or to present some topic not addressed, after which the caller and talk-show host, if not in agreement, may engage in a bit of thrust and parry, thereby to bring interest, if not excitement, to the discussion. Attendees are encouraged to consider participating in this simulation. (They will make their presentations over a microphone at their tables.)

The purpose of this modified segment is to better enable the views of more members of the audience to be aired, and to enable the talents of a veteran talk-show host, enriched by years of experience, to be displayed. (Woolley will also reveal a completely different talent, one not generally known, as a surprise, at this meeting.)

INFORMATION ABOUT THE MEETING OF AUGUST 23

BEGINNING TIMES: Doors Open – 5:45 pm; Social Period – 6:00 pm; Dinner – 6:30 pm; Program – 7:00 pm

MENU: Grilled chicken breast with raspberry wine sauce, roasted potatoes, broccoli and dinner salad with dressing. Optional is grilled chicken breast salad.

COST: Dinner fee is \$18 per person. Checks made out to “The Republican Club of Sun City” should be mailed to: **The Republican Club of Sun City, 1530 Sun City Blvd., Suite 120, PMB 227, Georgetown, TX 78633**, or left in a special drop box located on the front porch of the home of club treasurer Gene Edwards at 202 Duck Creek Lane. For information, contact Gene at 520-990-1159 or genedwards@earthlink.net The deadline for payment or reservations is Friday, August 17.

Attendees are reminded of the request made by the Executive Committee that advanced payments for the dinner be submitted by the payment deadline so that the proper amount of food can be ordered, and that attendees who have made reservations in advance make payments prior to the meeting, when possible, so that a “bogging down” of the line at the ballroom entrance can be avoided.

VISITORS ARE WELCOME! Non-members may attend a maximum of two meetings per year – as attendees for the dinner or as observers for the program – without having to pay membership dues.

REPUBLICAN CANDIDATES FOR VARIOUS JUDICIAL POSITIONS TO ADDRESS CLUB SEPTEMBER 6

Republican candidates for positions on the Texas Supreme Court, the Texas Court of Criminal Appeals, and the 3rd Circuit Court will address the club during its dinner meeting scheduled for **Thursday, Sept. 6 in the ballroom of the Social Center in Sun City.** Names of participants will be announced in the Sept. newsletter.

OTHER CLUB NEWS

Club vice president (for membership) Brian Olson reports that membership for 2018 currently stands at 367, with 84 being new members since October 2017 when the 2018 membership drive began. Club treasurer Gene Edwards reports there were 147 attendees for the dinner meeting of July 26, plus 4 observers.

REPUBLICANS SUBMIT THEN WITHDRAW ARTICLES OF IMPEACHMENT

Foreword. Motivated by evidence that Deputy Attorney General Rod Rosenstein was refusing to supply requested records regarding Special Counsel Robert Mueller's investigation into allegations of collusion between the Trump campaign and Russians, and by evidence that Rosenstein improperly signed a FISA Warrant, Rep. Mark Meadows, head of the Freedom Caucus, and Jim Jordan, an announced candidate for House Speaker, joined by nine co-sponsors, submitted on July 25 five Articles of Impeachment regarding Rosenstein.

The impeachment effort immediately met with fierce resistance. Speaker Paul Ryan immediately spoke against the impeachment, and the normally reticent Attorney General Sessions said he had the "highest confidence" in Rosenstein. And respected attorney/author Andrew McCarthy was very critical of the Articles, saying that, "no actionable misconduct on Rosenstein's part had been established at this point." He also notes that if the sponsors of the impeachment are dissatisfied with Rosenstein's level of compliance, "their complaint, ultimately, is with President Trump," who could order the release of the sought documents. But McCarthy has to concede that such response by the president would place the president in an "untenable" position because he could be accused by the media, leftists, Democrats and other Trump-haters of "obstructing the Mueller investigation." a charge which could be useful in connection with any impeachment proceedings against Trump. And there could be another complication: When either chamber of Congress votes to hold an official in contempt, the matter is referred to the DOJ for criminal prosecution, which could mean, in this case, referring the matter to Rosenstein to himself.

Despite the fierce resistance to the Articles and McCarthy's criticism of them, Meadows, on July 26, nevertheless threatened to force a vote by introducing the Republican resolution as a "privileged motion," which forces leadership's hand and gives Congress two days to vote on it. He explained that both options – impeachment and contempt – remain on the table.

Would "Contempt of Congress" Charges – in Place of Impeachment - be Helpful? The experience of the House in implementing a Contempt of Congress proceeding in 2012 against Attorney General Eric Holder may be instructive in foretelling the usual outcome of contempt proceedings: nothing. Holder was held in Contempt for noncooperation in connection with the investigation of the "Fast and Furious" operation which, in contrast with the present issue, resulted in the deaths of a large number of people. The reader may recall this incident, but some details are presented below to refresh memories:

Hundreds of firearms were lost in the "Fast and Furious" operation in which the Bureau of Alcohol, Tobacco, Firearms and Explosives allowed illegal purchasers to buy firearms in the U. S. in hope of tracing them to Mexican cartel leaders. The operation was seriously flawed in several respects, one being that it resulted in the illegal purchase of guns which were used to murder at least one U. S. Border Patrol agent in 2010, and over 100 Mexicans in their own country. And more recently, a semi-automatic rifle from that sale was used to kill the police chief and one of his body guards in a Mexican town.

Because the operation had resulted in a loss of lives and may have been an illegal operation, a U. S. House committee conducted hearings on that matter. One of the primary witnesses was Attorney General Eric Holder; however, he was not cooperative and consequently was held in Contempt of Congress in 2012. Thus far he has escaped punishment

Other investigations the reader may recall are Benghazi, Ruby Ridge, Branch Dividians.

Given the apparent likelihood that neither the House nor the Senate would support the impeachment of Rosenstein, what could be the motive of Meadows, Jordan and other supporters in keeping the impeachment options alive? Why not close out the matter as before? Some answers may emerge from the response of Meadows to comments made by Rush Limbaugh in a recent issue of *The Limbaugh Letter*. One response was the following: "I can tell you that based on some of the documents I've seen, this [the refusal to provide documents] is all part of a coverup. The DOJ has to make a decision: are they part of the cleanup crew or coverup crew? Sadly, they've decided to be part of the coverup crew . . ."

Another response is even more revealing: "I can tell you that chairman Nunes and I are not going to let go until those documents are released. We think it's incumbent upon us, even if it costs us our seats, to make sure that we stop this cycle of allowing the FBI, in this case, to do whatever they thought was appropriate, and just let it go."

THE ARTICLES OF IMPEACHMENT AGAINST ROSENSTEIN

Foreword. The five Articles of Impeachment include an array of allegations, such as claiming Rosenstein has a conflict of interest in Mueller's probe because he's a witness who can be called to testify, and Rosenstein improperly signed the FBI's applications under the Foreign Intelligence Surveillance Act to obtain

three spy warrants on Carter Page, a former adviser to the Trump campaign.

The other four allegations revolve around Rosenstein refusing to comply with congressional subpoenas to hand over documents related to Mueller's probe, which Rosenstein oversees at the DOJ given Attorney General Sessions had recused himself.

Excerpts from the Articles are presented below (in italics) on grounds the reader may better identify the specific charges against Rosenstein. In addition, the reader may gain some insight into the format and style of impeachments no matter who initiates them.

The Resolution

*Resolved, that Rod Rosenstein, Deputy Attorney General of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate: Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Rod Rosenstein . . . , in maintenance and support of its impeachment against him for high crimes and misdemeanors.**

Article I:

On March 2, 2017, Attorney General Jeff Sessions recused himself from any matter potentially relating to the 2016 campaign. Upon the Attorney General's recusal, Deputy Attorney General Rod Rosenstein assumed responsibility to oversee the Department's response to the congressional investigations of the Department of Justice and FBI.

On July 21, 2018, the Department of Justice released a heavily redacted set of documents containing the Carter Page FISA warrant application and subsequent renewals. Upon reviewing the documents, it is evident Deputy Attorney General Rosenstein signed an FBI application to renew FISA surveillance on Carter Page.

As such, his conduct in authorizing the FIDS surveillance at issue in the joint congressional investigation makes him a fact witness central to the ongoing investigation of potential FISA abuse. Deputy Attorney General Rosenstein's failure to recuse himself in light of this inherent conflict of interest and failure to recommend the appointment of a second Special Counsel constitute a dereliction of duty.

Article II:

Mr. Rosenstein and the Department of Justice have repeatedly failed to produce documents requested by the Committee on the Judiciary and the Committee on Oversight and Government Reform, despite the committees' constitutional duty to conduct oversight of the FBI and broader Department of Justice.

On October 24, 2017, the Committee on Judiciary and the Committee on Oversight and Government Reform opened a joint investigation into the decisions made by the Department of Justice in 2016 and 2017 related to their handling of the Secretary Clinton email investigation.

On December 12, 2017, Chairman Goodlatte, Chairman Gowdy, and other members sent a letter in furtherance of their previous document requests, urging the Department to provide withheld documents, and to comply with the Committees' previous instructions to provide a privilege log for documents withheld or redacted on the basis of a privilege. Mr. Rosenstein and the Department of Justice have refused to provide a privilege log for these documents, despite producing documents to Congress that are so redacted they contain little probative information.

On June 27, 2018, witness testimony revealed he Department of Justice and Special Counsel Mueller had instructed material fact witnesses to refuse to provide testimony within the jurisdiction of the committees' joint investigation.

Article III:

It was revealed the Department of Justice attempted to conceal certain facts as documents provided to Congress were heavily and unnecessarily redacted, unnecessarily redacted the price of FBI Deputy Director Andrew McCabe's \$70,000 conference table because it was potentially embarrassing information, redacted FBI Agent Peter Strzok's personal relationship with FISC Judge Rudolph Contreras, redacted the names of high-ranking Obama administrative officials, redacted the names of high-ranking FBI officials, such as former Deputy Director Andrew McCabe.

Article IV:

In May 2017, Mr. Rosenstein authored the initial memo articulating the scope of the Special Counsel investigation's jurisdiction. On August 2, 2017, Mr. Rosenstien drafted a memo which began by noting "the following allegations were within the scope of the investigation at the time of your appointment and are within the scope of the order," with nearly everything following redacted. Mr. Rosenstein's memo is a classified document and almost completely redacted, raising concerns the appointment of Robert S. Mueller as Special Counsel began outside the scope of regulations for special counsel investigations by originating on a counterintelligence, rather than criminal, basis.

Article V:

Mr. Rosenstein oversaw the potentially improper authorization of FISA searches and electronic surveillance of members of the Trump campaign. As evidenced by the July 21, 2018 release of the Carter Page

FISA application, the “dossier” compiled by Christopher Steele on behalf of the Democratic National Committee and the Hillary Clinton campaign formed a material part of the FISA application.

Under Mr. Rosenstein's supervision, the DOJ intentionally obfuscated the fact the dossier was originally a political opposition document before the FISC. Under Mr. Rosenstein's supervision, Christopher Steele's political opposition research was neither vetted before it was used in October 2016 nor fully revealed to the FISC, given Director's Comey's June 2017 testimony the dossier was “salacious and unverified.”

TWO IMPORTANT TERMS REGARDING THE IMPEACHMENT PROCESS: “HIGH CRIMES & MISDEMEANORS” - “CONGRESSIONAL OVERSIGHT”

There are two terms, each unique in certain respects, one can hear when the impeachment process is discussed. The term “high crimes and misdemeanors” is found in the Constitution and refers to “political wrongs of public men,” asserts lawyer/columnist Andrew McCarthy who will provide more explanation later. While the term “Congressional Oversight” may be heard frequently in connection with the investigation carried out by congressional committees, that term is not found in the Constitution. It is implied.

“HIGH CRIMES AND MISDEMEANORS”

If there is to be an effort in the House to impeach a president, the controlling phrase used in that effort will come from Article II, Section 4 of the Constitution where the grounds for impeachment can be found. Those stated grounds are “treason,” bribery,” or “other high crimes and misdemeanors.” Even the lay person will have at least some concept of the definition of the terms “treason” and “bribery,” but what does the phrase, “other high crimes and misdemeanors,” mean?

McCarthy begins a lengthy explanation by contending it refers to “breaches of the fiduciary duty, of the immense trust reposed in the President.” He provides the following explanation in his book, *Faithless Execution*:

An essential attribute of criminal law is definitiveness. Our jurisprudence mandates that the laws put a person of ordinary intelligence on notice about what is prohibited. Otherwise, law enforcement becomes capricious and tyrannical. “High crimes and misdemeanors,” by contrast, is a concept neither conceived for nor applicable to quotidian [usual] law enforcement. It is redolent [remindful] of oath, honor, and fiduciary obligation. These notions, conveying positive duties, are more demanding of the public officials than the clear prohibitions of the criminal law. They are also more abstract.

There are historical reasons for the current confusion about the meaning of that phrase. Legal scholar Charles L. Black, Jr. explains that the phrase “comes to us out of English law and practice; starting (as far as we know) in 1386, it frequently figured in impeachment of officers.” [Note its use began more than 600 years ago!]

CONGRESSIONAL OVERSIGHT

According to Wikipedia:

Oversight is an implied rather than an enumerated power under the Constitution. The government's charter does not explicitly grant Congress the authority to conduct inquiries or investigations of the executive, to have access to records or materials held by the executive, or to issue subpoenas for documents or testimony from the executive.

Oversight also derives from the many and varied express powers of the Congress in the Constitution. It is implied in the legislature's authority, among other powers and duties, to appropriate funds, enact laws, raise and support armies, provide for a Navy, declare war, and impeach and remove from office the President, Vice President, and other civil officers.

The Supreme Court has confirmed the oversight powers of Congress, subject to constitutional safeguards for civil liberties, on several occasions.

THE IMPEACHMENT OF PRESIDENT CLINTON

In January of 1999 the Senate considered and then declined to convict President Clinton on two articles of impeachment sent to it by the House. One of the articles was for perjury in a trial involving the sexual harassment of Paula Jones. The other was for evading the House Judiciary Committee's questions regarding his sexual shenanigans with White House aide Monica Lewinsky. The failure to convict was entirely predictable as the following discussion will indicate.

One indicator was polling data. David Schippers, the Chief Investigative Counsel of the House Judiciary Committee, and the author the book, *Sell Out: The Inside Story of President Clinton's Impeachment*, (written after the work of the committee was completed) reported that exit polls of the day showed that two out of every

three Americans opposed the impeachment of the President. "It was obvious from the outset that the Republican leadership was totally at the mercy of the polls. As long as the president's approval rating remained high, the Republican leaders were not about to rock the boat."

Quotes from political leaders also forecast the result. Following is but a sampling:

Henry Hyde, Republican Chairman of the House Judiciary Committee: "We are not going to put a bunch of witnesses on the stand and go over the Lewinsky situation. We don't need any more sex material before the House Committee. They are already saying Republicans are obsessed with sex. The Democrats will be all over us, and the White House spinmeisters will have a field day."

When discussing the assault of Juanita Broaddrick, Republican Senator Ted Stevens said to Hyde: "Henry, I don't care if you proved he raped a woman and then stood up and shot her dead – you are not going to get 67 votes [needed for conviction]." Schippers then asked " . . . are you telling me that the Senators are going to ignore the oath also?" Without hesitation Stevens said, "You're damn right they are!"

Senate Majority Leader Trent Lott said to Hyde: " Henry, you're not going to dump that garbage on us."

Further, the adopted procedures would not permit success as is evidenced by the following information: According to Schippers, "In short, a trial, in the normal sense of the word, never even took place in the Senate. We were left to present three relatively short and harmless depositions." There would be no live testimony on evidence, all because the Republicans wanted badly to look "fair." "Had there been a real trial [with live witnesses] in the Senate, the American people would have heard all about this [alleged rapes of Juanita Broaddrick and Kathleen Willey]."

Schippers continues: " . . . the whole process was flawed because the prosecutors were not permitted to put on evidence to prove the charges." It

Ken Starr was the only witness allowed, but his testimony was very limited because, first, he was attacked unmercifully by the press and, second, because by law, if a witness lied to the press he couldn't respond and set the record straight. This was so because to do so would mean revealing grand jury and other confidential materials.

GROUND FOR IMPEACHING PRESIDENT OBAMA

Andrew McCarthy, in his 2014 book, *Faithless Execution*, reveals persuasive reasons why President Obama should have been impeached. He acknowledges, however, that any successful impeachment would have been dependent upon public support, which was not present.

While the presentation now of those reasons may not, because Obama has completed his term of office, be of direct and practical value, they may nevertheless be of great importance if and when other impeachments are considered, and because they may help overcome the little understanding the general public probably has on the matter of impeachment. The presentation is no way is to be in regard to a future impeachment of President Trump. It is to show the nation may have made a mistake in the past. It is to show that the general public may need to be educated about this matter.

As to the importance of impeachment, the reader is urged to reflect on one comment of McCarthy, while made specifically about Obama, could also be relevant in any future cases involving impeachment of presidents or other high ranking officials: " . . . it is not crazy to talk about impeaching President Obama . . . Not only is impeachment the intended constitutional remedy for systematic presidential [and other lawlessness], it is, practically speaking, the only remedy."

In considering if the nation made a mistake in the past, consider this comment by McCarthy: "Two things, however, are certain. Absent the political will to remove the president, he will remain president no matter how many high crimes and misdemeanors he stacks up. And absent the removal of the president, the United States will be fundamentally transformed." Has it not been transformed in several respects?

Following is a sampling of McCarthy's model Articles of Impeachment with supporting evidence:

ARTICLE III. Dereliction of Duty as President and Commander in Chief of United States Armed Forces (1

(1) The president's imposition of unconscionable combat rules of engagement that recklessly endanger and cost the lives of American troops, and (2) The Benghazi massacre: The president's reckless stationing of American government personnel and provision of grossly inadequate security for them in Benghazi, Libya, resulted in a foreseeable terrorist attack in which the U. S. ambassador to Libya and three other Americans were murdered, and numerous other Americans were wounded.

ARTICLE IV. Fraud on the American People.

(1) The Obamacare fraud: The president's willful misrepresentations that Americans would be able to keep their health insurance and their doctors, and that they would save rather than lose thousands of dollars, in order to secure political support for Obamacare's enactment and conceal damaging information that would have threatened his reelection bid, and (2) the president's fraudulent claims about enforcement efforts against illegal immigration.

ARTICLE V. Failure to Execute the Immigration Laws Faithfully

(1) The president's unlawful grant of amnesty to categories of illegal immigrants by executive order, (2) the president's unlawful conferral of amnesty on categories of illegal immigrants by executive order, administrative regulations, and the invocation of prosecutorial discretion, and (3) the president's extortionate pressure – by expensive litigation and the withholding of federal resources – on states attempting to enforce laws against illegal immigration.

NOTES ON THE PASSING SCENE

(Some random observations on this crazy world in which we live)

Kavanaugh Hearing to be Delayed. According to a report in the *Austin American-Statesman*, the Senate is not planning to hold confirmation hearings for Supreme Court nominee Brett Kavanaugh until September, the chairman of the Senate Judiciary Committee said Wednesday, meaning that it is unlikely President Trump's choice to succeed Justice Anthony Kennedy will be confirmed in time for the start of the court session on October 1.

Anarchy Breaks Out in Portland – With Mayor's Approval. According to a report in the *Wall Street Journal*, a mob surrounded the office of Immigration and Customs Enforcement (ICE) in Southwest Portland June 19. They barricaded the exits and blocked the driveway. They sent “guards” to patrol the doors, trapping workers inside. At night they laid on the street, stopping traffic at a critical junction near a hospital. Police stayed away. “At this time I am denying your request for additional resources,” the Portland Police Bureau's deputy chief, Robert Day, wrote to federal officers pleading for help.

Signs called ICE employees “Nazis” and “White supremacists.” Others accused them of running a “concentration camp,” and demanded open borders and prosecution of ICE agents.

Where were the police? Ordered away by Democratic Mayor Ted Wheeler, who doubles as police commissioner. “If ICE is looking for a bailout from this mayor, they are looking in the wrong place.”

Sen. Schumer's Daughter to Marry Lesbian Partner. At this year's New York City LGBT “Pride” parade, Senate Minority Leader Chuck Schumer (D.-NY) announced that his daughter Alison will be entering into a lesbian marriage with her partner Elizabeth Weiland.

Attacker of Senator Paul Gets Fined and Jailed. Neighbor Rene Boucher viciously attacked Senator Rand Paul while Paul was mowing his lawn. The senator suffered broken ribs and subsequent pneumonia that kept him out of Washington for close to two weeks. Boucher was sentenced to 30 days in prison and 100 hours of community service, and fined \$10,000.