

Congress of the United States
House of Representatives
Washington, DC 20515-3516

December 18, 2019

To the People of Ohio's 16th District:

For the third time in the history of our nation, the U.S. House of Representatives has voted to impeach a sitting President of the United States. This is a serious vote, and you deserve a full explanation for why I do not support this impeachment and why I believe today's vote represents a dangerous precedent for the future of the office of the President.

There is one, and only one, question that we must grapple with today. Do the articles of impeachment as drafted by House Democrats pass the constitutional muster designed by our founders? Said differently, "What does the Constitution demand of today's vote?"

To do this question justice, we must first understand the standards our founders had in mind when drafting the impeachment clause, and compare those standards to the current charges against President Trump. It is my belief that an objective analysis shows that today's proceedings mark a failure to qualify for impeachment and represents a trivialization of the impeachment process that will haunt our nation and all future presidents.

Our founders were very careful when crafting the impeachment clause and meant for it to be reserved only in the most extreme circumstances and to be pursued only with the clearest and most direct evidence. After much debate where different standards for impeachment were considered - including "maladministration," "perfidy (lying)," and "peculation (self-dealing)" - the founders settled on "treason, bribery, or other high crimes and misdemeanors." Both British and Colonial impeachments at the time were known primarily for their abuses and were viewed as political ploys. Our founders wisely loathed this concept because of the toll impeachments take on the nation.

The message from the language our founders adopted is clear - the charges for impeachment should be grave, specific, and provable beyond all doubt. Impeachment requires the highest evidentiary standards and carries with it a monumental burden of proof. Hearsay and speculation are never enough to support the mighty weight of a presidential impeachment.

The impeachment of President Trump is unique in American history because it represents the first impeachment in our nation's history where not a single piece of direct evidence of criminal action has been presented or alleged. House Democrats are not accusing the President of breaking a single law. Rather they are accusing him of "abuse of power," a concept so subjective that it must require the highest standard of direct proof. On this, the House majority has failed.

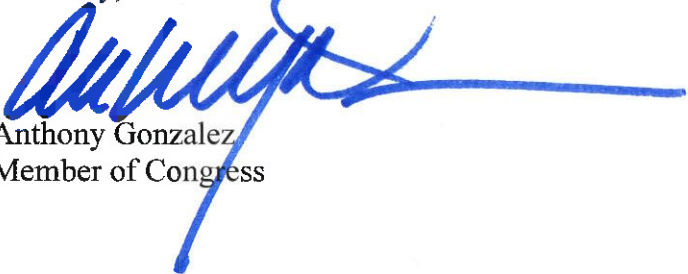
The second charge, obstruction of Congress, is even more destructive to the constitutional order. Since our founding days, Presidents have sought to exert executive privilege when dealing with Congressional oversight. Of course, this can conflict with Congress's oversight ability, which often leads to disputes. The appropriate place to determine the legitimacy of claims of this nature is the court system. It is one of the very reasons the courts exist - to settle disputes between the executive and legislative branches of government.

The only way a legitimate case could be made for obstruction, in this context, is if the President defied court orders in support of this investigation. No such orders have been given. Inexplicably, no such orders have even been sought. Rather than pursue the normal path of seeking remedies in the court to acquire the direct evidence that may support the "abuse of power" charge, House Democrats have simply added another article of impeachment, thus further eroding the seriousness of the proceedings.

Taking a step back, my biggest fear for today's vote is that we have just lowered the bar for all future impeachments such that every president hereafter will be subject to similar proceedings. The House pursued a partisan process, achieved a partisan outcome, and ripped open old wounds as we engaged in a partisan war. Our conduct and today's vote achieved the very thing that our founders sought to avoid - a political exercise that carries little weight, divides the country, and is ripe with abuse.

In sum, impeachment is meant to be reserved for crimes of the highest order that have been proven with unambiguous direct evidence. Based on the clear language of the Constitution and the weakness of the impeachment charges against President Trump, I wholeheartedly reject this impeachment.

Sincerely,



Anthony Gonzalez
Member of Congress