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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. RES.

Expunging the January 13, 2021, impeachment of President Donald John Trump.

IN THE HOUSE OF REPRESENTATIVES

Mr. MULLIN submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expunging the January 13, 2021, impeachment of President Donald John Trump.

Whereas the Constitution provides that the House of Representatives “shall have the sole Power of Impeachment” and that the President “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors”;

Whereas, on January 13, 2021, the House of Representatives passed H. Res. 24, Agreeing to Article I of the Resolution Impeaching Donald John Trump, President of the United States, for high Crimes and Misdemeanors, by a vote of 232 Yeas, 197 Nays, and 4 Not Voting;

Whereas Article I of the Resolution, entitled “Incitement of Insurrection”, contains a subjective account of that which transpired at the Capitol on January 6, 2021;

Whereas Article I of the Resolution omits any discussion of the circumstances, unusual voting patterns, and voting anomalies of the 2020 Presidential election itself;

Whereas prior to considering and voting on the Impeachment Resolution, Democratic leadership in the House made no effort to understand the rationale behind the widespread mistrust harbored by American voters in the wake of the 2020 Presidential election;

Whereas President Trump won 18 of the 19 bellwether counties across the country that have predicted the winner of every Presidential election since 1980;

Whereas President Trump received approximately 10,100,000 more votes than in the 2016 Presidential election, making President Trump the first incumbent President in 132 years, since Grover Cleveland’s failed bid for reelection in 1888, to have increased his vote from his initial election and seemingly still not won reelection in the subsequent cycle;

Whereas Secretaries of State and State boards of election across the country changed State election laws sua sponte in the name of “health and safety” in the wake of the COVID–19 pandemic;

Whereas public officials in numerous States issued guidance to counties that local election officials were precluded from performing on-the-spot signature analysis, ensuring absentee ballots could not be rejected because an election official believed the voter’s signature on a ballot envelope did not match the signature on file;

Whereas four Democratic lawmakers (Senators Warren, Klobuchar, Wyden, and Representative Pocan), formerly enthusiastic proponents of voting machine integrity, went so far as to send a 2019 letter to voting system companies, providing real examples of voting machine problems (such as switching votes, rejecting paper ballots, vulnerability to cyberattack) yet, following the 2020 Presidential election, any individual who raised the same concerns was dismissed by Democrats and pundits in the mainstream media as spreading “misinformation” and as being nothing more than a “conspiracy theorist”;

Whereas recount efforts following the 2020 Presidential election were vociferously opposed by Governors and Secretaries of State in key swing States like Arizona, Pennsylvania, Michigan, Wisconsin, and Georgia;

Whereas public officials in key swing States ignored, and took great steps to resist, calls for accountability and transparency in election administration and the counting and recounting of ballots in their respective States, further sowing the seed of doubt in the electorate as to the legitimacy and fairness in the final result;

Whereas rather than setting forth facts and evidence supporting the need to impeach a President a matter of days before he leaves office, Article I of the Resolution cites two quotes from President Trump’s January 6, 2021, speech on the Ellipse that lack any context, and are viewed in a light most unfavorable to the President;

Whereas Article I of the Resolution grasps at the fact that President Trump stated “we won this election, and we won it by a landslide”, as well as “if you don’t fight like hell you’re not going to have a country anymore”, as undeniable evidence that “high Crimes and Misdemeanors”

were committed, and that President Trump engaged in “insurrection or rebellion against the United States”;

Whereas Article I of the Resolution conveniently fails to mention the fact that President Trump explicitly stated, “I know that everyone here will soon be marching over to the Capitol building to peacefully and patriotically make your voices heard”;

Whereas the consideration of the Resolution by the House of Representatives failed to follow any meaningful legislative process whatsoever;

Whereas not a single evidentiary hearing on the Resolution was held, no witnesses were heard, and no process or opportunity to respond was provided to President Trump;

Whereas no Members of Congress were provided an opportunity to review or amend the Resolution before it came before the full House of Representatives for consideration;

Whereas the Committee on Rules of the House of Representatives is the only committee that published an official Committee Report for the Resolution, that being the Report accompanying H. Res. 41, the rule providing for floor consideration of the Resolution;

Whereas while a “Majority Staff Report” was released by Democrats on the House Committee on the Judiciary, the Committee did not issue an official Committee Report, via regular order, for H. Res. 24, the Resolution itself;

Whereas failing to issue a Committee Report for H. Res. 24 conveniently precluded House Judiciary Committee Republicans a forum in which they may have showcased their dissenting views on the Resolution;

Whereas to assert that a lone Committee Report accompanying a procedural rule for floor consideration provided sufficient due process to the Trump administration or the American people via their elected representatives, and to assert that voting Yea on the Resolution was justified, runs contrary to the Oath of Office taken by all Members of the House of Representatives;

Whereas neither the Committee Report issued by the Committee on Rules of the House of Representatives, nor the text of the Impeachment Resolution itself, contain any mention of the text of section 3 of article I of the Constitution, which provides that “Judgment in Cases of Impeachment shall not extend further than to removal from Office”;

Whereas a plain reading of the text of section 3 of article I of the Constitution demonstrates that an official tried, and convicted, in the Senate must first occupy the “Office” from which he is to be removed, let alone forever be disqualified from “hold[ing] any office . . . under the United States”;

Whereas in frantically passing the Impeachment Resolution on January 13, 2021, only 2 days after it was introduced in a frenzy of hysteria, House Democrats, and 10 House Republicans, left the Senate only one week to conduct a complete trial and convict President Trump before he left office;

Whereas doing so left the Senate virtually no chance to comport with section 3 of article I of the Constitution;

Whereas unsurprisingly, 31 days passed before the Senate held a vote and failed to convict President Trump, 23 days after he had left office; and

Whereas as further indication of the partisan political motivations behind the Resolution, once the Article of Impeachment was passed by the House of Representatives and transmitted to the Senate, the Chief Justice of the Supreme Court refused to serve as the presiding officer for the trial, as required by section 3 of article I of the Constitution, and instead the Senate President pro tempore, Senator Pat Leahy, a Democrat from Vermont, and a reliably partisan politician, served as the presiding officer, perfecting the entirety of the process as nothing more than an unconstitutional exercise in futility, moot, and fantastical political theater: Now, therefore, be it

1 *Resolved*, That the January 13, 2021, impeachment
2 of President Donald John Trump is expunged, as if such
3 Article had never passed the full House of Representa-
4 tives, as the facts and circumstances upon which such Ar-
5 ticle was based met the burden of proving neither that
6 President Trump committed “high Crimes and Mis-
7 demeanors”, as set forth in section 4 of article II of the
8 Constitution, nor that President Trump engaged in “in-
9 surrection or rebellion against the United States”, such
10 that he is forever precluded from “hold[ing] any office
11 . . . under the United States” pursuant to section 3 of
12 the 14th Amendment to the Constitution.