

Articles of Impeachment Based on Seditious Conspiracy and Election Law Violations

For explanations of each provision and a rationale for this approach, *see*

Clark D. Cunningham, [Democrats Are Pursuing the Wrong Impeachment Charges Against President Trump](#), Politico (Jan. 10, 2021)

www.politico.com/news/magazine/2021/01/10/trump-impeachment-articles-incite-insurrection-seditious-conspiracy-456937

Article I: Party to Seditious Conspiracy

President Trump was party to a conspiracy to use force or the threat of force to prevent the Congress and the Vice President from counting and announcing certified electoral votes for President on the date and at the time set by law. On January 6, 2021, this objective was accomplished by gathering thousands of persons who unlawfully entered the chambers of Congress by force while the electoral votes were being counted, forcing the Vice President and members of Congress to halt proceedings and flee in fear of their safety and lives. The conspiracy thus by force prevented, hindered and delayed the execution of the laws of the United States and by force seized, took and possessed property of the United States, contrary to law, all in violation of 18 USC 2385 – Seditious Conspiracy.

Article II: Attempted Interference with Constitutional Duty of Vice President

On January 5, 2021, President Trump [falsely stated via Twitter](#) that “The Vice President has the power to reject fraudulently chosen electors.” President Trump later that day gave a [public speech](#) in which he stated “I hope Mike Pence comes through for us” and if he “does not come through, I won’t like him quite as much.” President Trump’s actions forced the Vice President to [issue a letter to Congress](#) on January 6, 2021, stating correctly that “my oath to support and defend the Constitution constrains me from claiming unilateral authority to determine which electoral votes should be counted.” President Trump immediately responded by posting on Twitter this statement: “[Mike Pence didn’t have the courage to do what should have been done to protect our Country.](#)” By this conduct, President Trump used his official authority for the purpose of interfering with or affecting the Vice President’s constitutional duties in relation to the election for the office of President.

Article III: Attempted Interference with Legal Duties of Georgia Secretary of State

On January 2, 2021, President Trump, acting through the Presidential Chief of Staff Mark Meadows, initiated [a telephone call](#) to the Secretary of State of Georgia, Brad Raffensperger. President Trump told Raffensperger to “[find 11,780 votes](#)” which was one more vote than the margin of victory for Joe Biden in Georgia. President Trump proposed that this change in the legally certified electoral vote tally in Georgia be made by “[saying, you know, that you’ve recalculated.](#)” By this conduct, President Trump used his official authority for the purpose of interfering with or affecting the Georgia Secretary of State’s legal duties in relation to the election for the office of President.

Prepared by:

Professor Clark D. Cunningham
W. Lee Burge Chair in Law and Ethics
Georgia State University College of Law
85 Park Place NE
Atlanta, GA 30303
Email: cdcunningham@gsu.edu

Find me at www.ClarkCunningham.org
Follow me on Twitter @ClarkGSULaw

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