

Danger of a mistrial under Chief Justice John Roberts

The on-going Impeachment Trial in the U.S. Senate shows a brazen lack of experience with *the* process and fails many standards of fundamental prudence, Mr. Chief Justice John Roberts.

As an engaged American observer, resident in Germany, I studied Constitutional Law and jurisprudence at Georgetown University, Washington, D.C.

I am awestruck by NBC's report dated 1 February 2020:

1. House Speaker Rep. Nancy Pelosi, D-Calif., said Majority Leader Mitch McConnell, R-Ky., had humiliated Chief Justice John Roberts in President Donald Trump's [impeachment trial](#) by voting against any additional witness testimony.

"It is a sad day for America to see Senator McConnell humiliate the Chief Justice of the United States into presiding over a vote which rejected our nation's judicial norms, precedents and institutions which uphold the Constitution and the rule of law," [Pelosi wrote on Twitter](#) Saturday morning.

Pelosi is sad that McConnell humiliated Roberts

2. When Minority Leader Sen. Chuck Schumer, D-N.Y., asked Roberts if he would intervene in the case of a tie, the Chief Justice said it would be "inappropriate."

"If the members of this body, elected by the people and accountable to them, divide equally on a motion, the normal rule is that the motion fails. I think it would be inappropriate for me, an unelected official from a different branch of government, to assert the power to change that result so that the motion would succeed," Roberts said

Robert finds, that giving his vote is “inappropriate”

3. Pelosi was not the only person to suggest Roberts had been put in an unfair position. In a statement announcing her decision Friday, Sen. Lisa Murkowski, R-Alaska, a Republican swing vote, said she did not want to "drag the Supreme Court into the fray."

"It has also become clear some of my colleagues intend to further politicize this process, and drag the Supreme Court into the fray, while attacking the Chief Justice," Murkowski wrote. "I will not stand for nor support that effort. We have already degraded this institution for partisan political benefit, and I will not enable those who wish to pull down another."

Senator Lisa Murkowski doesn't want to drag Roberts into the fray!

Summery: The obvious inexperience and overly cautious attitudes of all mentioned persons is displayed in this article. What is at stake is a mistrial. The country's most dangerous elected officer, Donald Trump, is on the threshold of exoneration, which will free him to continue his criminal path and cost lives and billions in damages and threaten our national security.

Please step back from the *fray* for a moment. Examine with me Chief Justice Robert's inaccurate perception of his vote as *inappropriate*: During a normal day at the Supreme Court, he and his fellow justices review the constitutionality of laws passed by the elected representatives of the Congress and signed at some time into law by a president (past or present). The justices regularly strike down legislation passed by both houses and signed into law by the president.

Now, presiding over the impeachment trial, he is expected to *also* vote *and* render his opinion of actions of elected representatives of the people, in this case senators. This is his job. He is there to protect the Constitution and the citizens from harm. Roberts doesn't see it that way. Roberts sees it as *inappropriate*. Nonsense! That is exactly why he is there. Senator Murkowski also has it wrong – Roberts is there to manage the fray. Because the senators are not abiding by their oaths of impartiality and are working party politics, will this bring down the Supreme Court? No. Only if Chief Justice permits them to get away with it.

Has the Chief Justice reminded the 100 senators that they have taken a holy oath. They have signed that oath to be impartial and keep an open mind. Has he reviewed their compliance with that oath? Has the Chief Justice banned senators from the impeachment proceeding, punishing non-compliance with the oaths he administered? Again, the Chief Justice is falling short of his responsibilities.

It is worth remembering, that Chief Justice John Roberts administered the Constitution's presidential oath of office to Donald J. Trump in January 20th 2017. Does he believe that the president has kept that oath to the American people? Linking that presidential oath with the Articles of Impeachment is Chief Justice John Roberts highest task. He must remember that!!!

Enormous pressures are on all parties involved. The normally well-run machinery of the U.S. government doesn't permit officials to gain extensive experience with impeachment. All the more laudable is the House leadership and Speaker Pelosi's guidance. The House impeachment managers have done a superior job of making their case and proving Trump's guilt. Manager Adam Schiff would have made the

signators to the U.S. Constitution proud of his superior defense of the Articles of Impeachment.

I concur with Arthur Serota's tweet that Chief Justice John Roberts should immediately confer with Laurence Tribe, Robert's professor at Harvard Law for guidance and council.

Paul Dolan, Economic Forum Deutschland e.V.