Twitter Thread by Daniel Goldman



Daniel Goldman
@danielsgoldman



Short thread on impeachment witnesses:

First, let's remember that this case had unusual and powerful evidence in the public record. If you are prosecuting a bank robbery and you have the surveillance camera footage, you don't need witnesses to tell you what happened.

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Second, the only areas where witnesses could help was confirming what the circumstantial evidence already showed about Trump's knowledge and intent, both before and after the riot. Mgrs did great job of using his own tweets to show his knowledge but witnesses could confirm.

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The case was really strong as is but new witness testimony would very likely become the sole focus of the media and the public. For that reason, it is especially important to avoid taking risks with witnesses a) who are adverse to you and b) whose testimony is unknown.

3/

Since the only witnesses that would be helpful are ones close to Trump, executive privilege would invariably be an issue. If a witness is not cooperative, s/he would likely fall back on EP to avoid testifying. Hashing that out would take months.

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The reality is that Trump has created a dynamic through the Ukraine whistleblower and Ukraine witnesses where his domestic terrorist supporters threaten violence against witnesses against him. This fear is real and it is a huge problem. This should be everyone's focus.

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Managers tried to find witnesses who a) could provide direct evidence about Trump's state of mind, b) who were willing to testify and were cooperative so no surprises and no litigation, and c) who would do no harm to the already strong case.

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Beutler's public statement was very helpful because it confirmed Trump's sociopathic disregard for the line of succession in the Capitol. That was very helpful. Beutler endured open witness intimidation from colleagues and probably others — that should be the story.

7/

Finally, @RepRaskin is right that if their powerful case did not convince 67 to convict, nothing would. Why dilute their case, delay the trial, potentially put people in harm's way or endure lengthy litigation, only to get marginally more info about facts that everyone knows?

8/

Trump's requests to call Pelosi or 100 witnesses were empty threats — they didn't have a single witness who could have helped them. That should not have been a factor. But if they were smart, they could have made the witnesses look lopsided and unfair if they didn't get any.

9/

It was the right call to proceed as they did. They got important evidence at no cost that bolstered an already strong case. Witnesses were not necessary to the case and witnesses purely for witnesses sake is bad strategy. The outrage should be at the witness intimidation.

END