Twitter Thread by jmhendersonsr



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Last month, the @HouseDemocrats impeached Donald John #Trump. When they did so, they adopted a resolution proclaiming that their impeachment was done in the name of the #HouseofRepresentatives and in the name of, and for, the United States of America.

That formula, explaining that the House impeached someone and did so in the name of the House and in the name of the United States, is common. Yet the assertion is troubling.

Half or more of the country disapproves of the House's impeachment, and of the Senate's trial.

But politicians will still claim they are doing it for us.

They aren't.

And it is particularly urgent that we repudiate the idea that the House's 2021 #impeachment of #DonaldTrump was in our name.

Why?

Because the @HouseDemocrats and their #HouseManagers have crossed a clearly drawn line that risks the impression that we, the People of the United States, approve of the #prosecutors in a #courtofimpeachment using #falsified #evidence to #inflame #passions and to convict.

Can there be a clearer component of the constitutional right to #DueProcessofLaw than that a conviction obtained on the strength of falsified evidence is no conviction at all. Falsifying evidence is a a crime.

Falsifying evidence certainly violates the ethical rules binding on attorneys. Falsifying evidence does something else, as well.

The decision to employ a prohibited weapon – an evidentiary lie – reveals the sense of the proponent's fear that he otherwise cannot make his case.

What did @JamieRaskin and @EricSwalwell do?

With what falsified evidence did they attempt to poison the Court of Impeachment?

Swalwell – formerly the consort of #ChineseSpy #FangFang – introduced a falsified image of a Tweet that Donald Trump had retweeted.

According to the poster of the tweet (@JenLawrence 21) that Trump retweeted, she is not now, nor has she ever been, a "verified" Twitter user.

Yet the image of her tweet shown by Swalwell has the easily recognized blue verified mark.

Raskin, unlike Swalwell, thought better than submitting a falsified exhibit into the record of the #CourtofImpeachment. Or, perhaps, there simply wasn't a physical document he could alter and submit.

Instead, he so badly misrepresented the facts of a telephone call from Donald Trump to Senator Mike Lee that Senator Lee objected to the statement and Raskin was forced – by discovery that he was lying – to retract.

Why? Why pretend that hers was a verified account?

Why? Why photoshop and create an image that no one ever actually saw?

Why? Why create a conversation that never occurred?

I think you know the reason.

For @TheDemocrats, #Trump is terrifying, and not because he has has flagrantly dictatorial tendencies. No. Sorry.

You were MORE FREE from January 20, 2017, through January 19, 2021, than you were at any time during the administrations of @BarackObama, @GWBush, or @BillClinton.

No.

They are afraid of his seemingly indefatigable capacity to connect with the American People.

And, for those of you that know the reason and support their unethical and potentially criminal conduct, you are a clear and present danger to the United States, to this People, who have, imperfectly, sought to improve justice at home and abroad.

The fundamental principles of fairness governing all trials – civil and criminal – include that the decisions of finders of fact not be misguided through the introduction of falsified evidence.

Now, I did some checking this morning. Moreover, I have a long-standing and particularized interest in legal ethics.

(I have provided legal ethics guidance for attorney clients of mine and for judicial candidates as well.)

What I found this morning is that @RepRaskin is an active member in good standing with the @MarylandBar. Likewise, I found that @EricSwalwell is an active member in good standing with the @StateBarCA.

Yes, both #Raskin and #Swalwell are #lawyers. As lawyers, they are bound by the #ethicalrules of their States' mandatory bar associations.

Now, given that @PatrickLeahy did not immediately hold Raskin and Swalwell in contempt of court for knowingly corrupting, or attempting to corrupt, the Court of Impeachment, it may surprise you to learn this fact:

Virtually every mandatory bar association in the country has included in its ethical canons and disciplinary considerations a complete prohibition on an attorney knowingly introducing falsified evidence.

Maryland's rule:

(a) An attorney shall not knowingly:
(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the attorney;
…
(4) offer evidence that the attorney knows to be false.

You can find RULE 19-303.3. CANDOR TOWARD THE TRIBUNAL, online at https://t.co/GKbTxp2pQy) (last accessed 2/11/2021).

And, lest confusion be cast on whether the #USSenate sitting as a #Court of #Impeachment, constitutes a "tribunal," the Maryland Rules define that word:

"Tribunal" denotes a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity.

You can find that provision here: RULE 19-301.0. TERMINOLOGY, available at https://t.co/emBTGZQyyw) (last accessed 2/22/2021)

The California ethical rule is nearly identical, and its core prohibition, on placing falsified evidence or proferring false testimony, is identical:

(a) A lawyer shall not:
(1) knowingly* make a false statement of fact or law to a tribunal* or fail to correct a false statement of material fact or law previously made to the tribunal* by the lawyer;
…
or

(3) offer evidence that the lawyer knows* to be false.

You can find that provision here: Rule 3.3 Candor Toward the Tribunal, available at https://t.co/cUVZhJ2oZV (last accessed February 11, 2021).

And, likewise, the term “tribunal” in that rule is also defined in California’s ethical rules for attorneys:

“Tribunal” means: (i) a court, an arbitrator, an administrative law judge, or an administrative body acting in an adjudicative capacity and authorized to make a decision that can be binding on the parties involved ....

And you can find that provision here: Rule 1.0.1 Terminology, available at https://t.co/ukVkRIvjkJ (last accessed February 11, 2021).

Whether the Disciplinary Committees of California and Maryland take corrective action against these two prevaricating prosecutors, you now know that their deceit and malign character has been exposed for all to see.

I wonder whether the House Ethics Committee will recommend their censure? Removal from committee assignments? Expulsion?

Oh, let’s be honest here. Congress seldom inflicts curative discipline on the children we send there to represent us.

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