



NEWS RELEASE – “Openly Sane” Minnesota Republican for “More Impeachment Investigations” announces 2020 campaign for GOP US Senate nomination, “commends” Sen. Romney for vote to convict President Trump

Note: a .pdf version of this NEWS RELEASE, with graphics, is attached

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Minneapolis, February 7, 2020 – Bob “Again” Carney Jr., (“bobagain”) – an “openly sane” Minnesota Republican who advocates more Impeachment investigations of President Trump, and others -- is launching his second campaign for the GOP US Senate nomination. He finished third in the 2012 Republican Senate primary, with 17,000 votes (rounding up) – that translates to 13.5% of the statewide vote.

“I commend Sen. Mitt Romney for his honest decision in voting to convict President Trump on the first Article of Impeachment,” bobagain said.

In our hyper-partisan age, bobagain recently wrote a [Star Tribune commentary](#) agreeing with Minneapolis Star Tribune Commentary editor D.J. Tice, who suggested that it would be best to delay trial of President Trump’s recent impeachment, allowing *We the People* to ultimately decide the issue this coming November. “I advocated that if everyone, including President Trump, could have *agreed* on some kind of a postponement -- that was probably the best result to be hoped for. Unfortunately, an agreement never come about, and the trial itself predictably devolved into disaster. From the point of view of practical politics, it has both helped President Trump’s reelection campaign, and left Americans with a bad taste and a dimmer view of the possibility of using the impeachment process to accomplish its intended

purpose: safeguarding the Republic and the Rule of Law,” bobagain commented. ([Click here for video linked to the picture frame](#)).

In the coming campaign, bobagain will be advocating a fundamental reexamination of the impeachment process as a means of increasing political accountability and securing the rule of law. However, this examination will go further – to advocating for Ranked Choice Voting (which bobagain wants to “rebrand” as “free speech voting”). Finally, bobagain is advocating for enforceable legal contracts between candidates and politicians – contracts that can serve as the basis for legal enforcement action by voters, who can force an elected official from office if it is proven the contract was broken by the elected official.

A second major issue is bobagain’s plan to address climate change and global warming, based on his recent, patent pending

invention. “I believe this can be accomplished on a for-profit basis – we need to address this issue, and I’m doing that,” bobagain concluded. Although bobagain will serve if elected, he is explicitly saying that he will be reserving at least twenty hours a week of his time to working on launching a business to commercialize his invention, and plans to resign from the Senate at the



Bobagain points out to the 2018 8th CD Republican Convention (5/5/18, Park Rapids MN) that if President Trump is impeached and removed, Vice President Pence will become President (click for video, go to 2:50 on the time line): “A lot of you I’m sure have heard a recent news report that said that 70% of Democrats want Mike Pence for President. How many have heard about that?” [no reaction] “70% of Democrats want Mike Pence for President... OK... you may have heard a little different headline. What might the headline be for that? [someone in audience: “They want to impeach Trump.”] “70% of Democrats want President Trump impeached. OK, now you also hear a lot of talk about the idea that we can’t overthrow, or overturn, or undo the election in 2016. That’s not going to happen. Our choice – our Constitutional choice today – is not between President Trump and a President Hillary Clinton. Our choice is between President Trump and a President Pence. And I just want you all to think about that.”

earliest opportunity -- after introducing legislation on the political topics identified above. At a February 4th Republican 5th CD gathering to watch President Trump's State of the Union address, bobagain talked to many Republicans about his climate change and global warming plan. "My assessment is that Republicans generally will be quite interested in this, and of course it's always nice to have something else to talk about besides Trump. In our present desperate situation, I believe I can be of great service to our country in the Senate by advocating for my issues -- but frankly, if elected, I want to get out of there as quickly as I can," bobagain concluded.

Another issue bobagain plans to raise is whether President Trump lacks the mental capacity to commit "high Crimes and Misdemeanors". In 1804, during the first Federal Impeachment that was tried to a verdict, many Senators concluded that Judge John Pickering was insane, based on information provided by his son. Because many Senators believed an insane person lacks the capacity to commit a crime, the Senate carefully framed the question they voted on, not including any direct reference to "high Crimes and Misdemeanors", and presenting the question of conviction only with reference to the phrase: "guilty as charged." Because removal from office is only required by the Constitution for conviction of "high Crimes and Misdemeanors", the Senate then was then required to take a second vote on the question of removal from office -- Judge Pickering was removed. The Senate should also revisit the arguments of House Managers in the Chase Impeachment, tried in 1805, where one manager argued that if a conviction is for something other than alleged "high Crimes and Misdemeanors", flexible Senate Judgment options can range from censure, to suspension, and then on up to removal from office.

"I'm not suggesting that President Trump is insane in the sense that the Senate of 1804 clearly believed Judge Pickering was insane. However, I do believe there is a fundamental issue regarding his mental capacity, or his world view, or possibly both, as these may prevent him from properly exercising the powers and duties of his office. Article II, Section 1 explicitly identifies a possible "Inability to discharge the Powers and Duties" of the Office President with reference to a "Case of the Removal of the President from Office". With those two seldom heard Constitutional phrase mind, very simply, anyone who thinks the answer to his political

challenges is ‘where’s my Roy Cohn?’ appears to be so lacking in understanding that such a person simply can’t be expected to ‘take Care that the Laws be faithfully executed.’ More generally, is such a person capable of fulfilling the oath of office, which includes: ‘I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States’? Going forward, the Pickering and Chase Impeachment precedents and arguments should be studied carefully, and the question of an Inability or a Disability should be at the center of at least one future Impeachment investigation,” bobagain said.

What is a Republican?

“We need to revisit this question – with a focus on the foundational principles and processes of a republican form of government, rather than on any policy agenda, either ad hoc or ideological. This will be a major theme of my campaign,” bobagain said.

Anyone who subscribes to the foundational ideas of a “republican form of government” is a Republican, according to bobagain. This includes a federal system with a national government, state governments, and local governments. At both the federal and state level, it includes three branches of government – a legislature, with authority to make laws; an executive branch, with a duty to faithfully execute those laws, often in a ministerial way with vanishingly little discretion, but sometimes through the application of scientific expertise as directed by law; and a judicial branch tasked with both applying the law to the facts, and with upholding Constitutional requirements when there is a clear conflict with a statute. Through these branches, and through our freedom to contract, *We the People* and our elected and judicial officers can and should work together to realize the goals of our Constitution’s preamble: “... to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.” The Rule of Law – a belief that public office is a public trust, and “public Ministers” (the Constitution’s term) are obligated to follow the law, is an essential foundation. The President – only one of our “public Ministers” -- both takes an oath or makes an affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the Office

of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States." The President has a Constitutional duty, to "take Care that the Laws be faithfully executed." Liberty, including our freedom of speech, association, and religion, is also a crucial, foundational element of our republican form of government.

"This is the core of being a Republican, and I personally welcome and invite anyone who believes that America's republican form of government is a good system to be a member of the Republican party – regardless of their views about what any particular discretionary policy should be. Republican doesn't mean Conservative – Liberals, Progressives, and people without a clearly formulated ideological view of policy all can be Republicans. As for socialism... I'll be taking a detailed look at what I believe is properly called 'Reagan Socialism' – based on President Reagan's outstanding success in reforming Social Security and continuing it for future generations. 'Reagan Socialism' is squarely within the mainstream of Republican thinking – and has been for decades. Going back to Teddy Roosevelt, Republicans also have a great tradition as conservationists environmentalists, we need to build on this too," bobagain said.

"Speaking as someone from the 'republican Wing of the Republican Party', in Minnesota I see that narrow minded and poorly thought out ideas about what it means to be a Republican have resulted in a de facto one party system in our core cities of Minneapolis and Saint Paul. Quite frankly, in these core cities nominations by primary to be Republican candidates for the Minnesota Legislature on the November general election ballot are there for the taking – so I'll be organizing people of all policy persuasions who subscribe to the core ideas of our Republican system of government to take back the Republican party in the core cities. I will also be detailing the many ways in which President Trump is not a Republican – ways in which his apparent beliefs and policies are fundamentally destructive to our Republican form of government. By calling himself a 'Republican' President Trump is attacking America's common language – English – and I'm going to hold him accountable for that. Of course, I'm *also* committed to working with people who know and prefer to use not English but other languages. The common denominator is this: language should never be a barrier to political participation – that principle includes *both* accommodating people who are more comfortable

with other languages, and defending the meaning of English words. Finally, a caution: John Locke was a major influence on the Founders – and his thinking including an argument seen as justifying both the American Revolution, and revolutions more generally – if we continue on our present course, the underlying ‘consent of the governed’ may be so undermined that Locke’s thinking may lead us there again,” bobagain concluded.

A brief reaction to Minnesota Senator Tina Smith’s speech 2/4/20 on the Senate floor

Below is what bobagain sees as the nub of Sen. Smith’s speech, interspersed with some important caveats rendered as first person comments, and shown in brackets []:

“When the House sought to investigate these actions, the Trump White House categorically blocked any and all subpoenas for documents and witnesses. No U.S. President has ever categorically rejected the power of Congress to investigate and do oversight of the Executive branch. Not Nixon, Not Clinton. [**Caveat:** I think Trump’s defense presented arguably valid objections to much of the process – unfortunately, with the trial cut short, these were never fully weighed and decided on. The Chief Justice could have played an important role in trying Article II, including deciding questions of claimed executive privilege in real time, had the question for the Senate been framed as “guilty as charged” without reference to “high Crimes and Misdemeanors”, as the Pickering convictions were framed. Unfortunately, that didn’t happen.] **Sen. Smith continues:** “This obstruction fractures the balance of power between the Legislative and Executive branch. How can our Constitutional system work if we allow the President to decide if and how Congress can investigate the President’s misconduct? It can’t. If we say that the President can decide when he cooperates with a Congressional investigation, we are saying that he is above the law. [**Caveat:** see above – I think it’s an oversimplification to conflate legitimate issues raised about how Congress proceeds with “saying that he is above the law.”] **Sen. Smith continues:** “While evidence of the President’s wrongdoing is substantial, I advocated every way I could for a trial that would be fair for both sides, which means hearing from witnesses with direct knowledge of the President’s actions. [**Caveat:** I agree on the importance of “hearing from witnesses with direct knowledge of the President’s actions”. In addition, the Senate should have received the GAO report concluding that withholding the

Ukraine aid was illegal, along with testimony on that. Many believe that if the Senate had gone the route of hearing new witnesses and examining new evidence, that testimony from former Vice President Biden and his son may have been relevant – Sen. Smith didn't mention that, but I believe the defense should have been able to call both Bidens as witnesses.] **Sen. Smith continues:** “I am greatly disappointed that almost all of my Republican colleagues in the Senate abandoned the historical bi-partisan precedent of hearing from witnesses in every Senate impeachment trial. [**Caveat:** My assessment is that it's somewhere between highly misleading and flat out wrong to suggest that the Senate “heard from witnesses” in the 1804 Pickering impeachment; having said that, to repeat: new witnesses and new testimony should have been heard and considered in Trump's trial.] **Sen. Smith continues:** “Ultimately, when so many people know the truth of what happened here, the complete truth will come out. Yet the Senate abandoned its responsibilities when it blocked efforts to get the complete truth here in this chamber. As a result, there will be a permanent cloud over these proceedings. The President may be acquitted, but without a fair trial, he cannot claim to be exonerated.” [**Caveat:** without properly having heard the available new evidence, prospects are dim that “the complete truth will come out”. More generally, in subscribing to Mr. Tice's suggestion – that the trial be effectively postponed -- I was anticipating that if a Senate trial was held, it would be highly partisan and botched... as I believe it was. Having said that, I believe that all Republican Senators who voted against hearing new evidence and new testimony should be challenged by Republicans in primaries, and their decision to exclude new witnesses and testimony should weigh heavily against their re-election. I agree that “there will be a permanent cloud over these proceedings”.]

Bottom line view on the Trump Impeachment

“The whole process was rushed, and deeply flawed from start to finish. But we have a more serious problem – the ‘Conventional Wisdom’ understanding of what Impeachment is and how it should work is deeply flawed. I am working on a new book on this topic, which analyzes the recent Trump Impeachment in detail, and suggests an alternative way for handling it that I believe could still be implemented. Going forward, we need to fundamentally reexamine the whole Impeachment process. The House should continue with Impeachment investigations, on

the working assumption that if President Trump is reelected more Impeachments may be necessary. On the one hand, I'm not in favor of any House vote on another impeachment until after the November 3, 2020 election, unless a new and extreme situation emerges. However, because it is possible to both complete a new Impeachment investigation, and launch and possibly finish a Senate Trial, between the November popular election and the December 14th Electoral College vote, it's possible that President Trump could win enough electoral votes for a second term in the popular vote, but those votes could eventually end up going to the Vice Presidential candidate. Our planning should take this possibility into account," bobagain said.

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