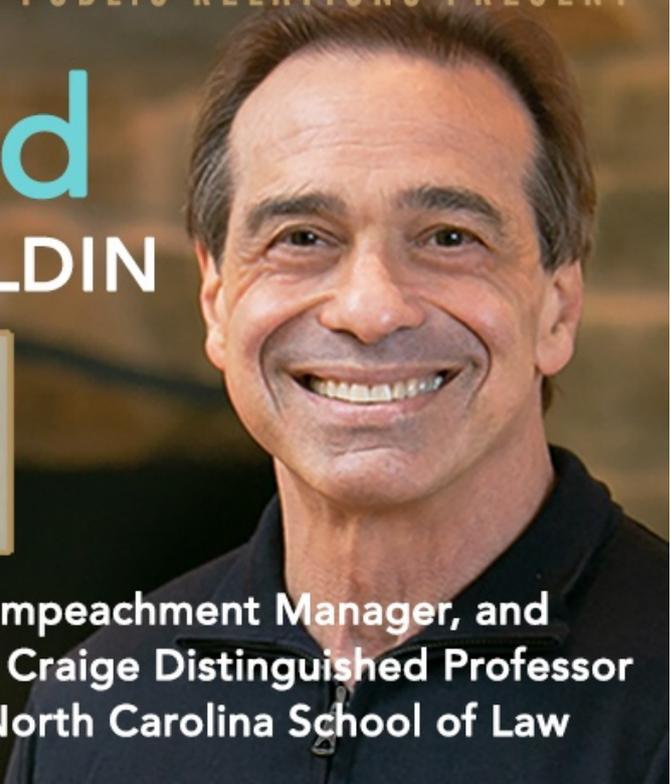


# Analyzing Trump's Second Impeachment with Congressman Eric Swalwell & Professor Michael J. Gerhardt

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## That Said

with MICHAEL ZELDIN



Cong. ERIC SWALWELL, House Impeachment Manager, and  
MICHAEL J. GERHARDT, Burton Craige Distinguished Professor  
of Jurisprudence, University of North Carolina School of Law

Join **THAT SAID** podcast host Michael Zeldin for this timely conversation about the second impeachment of Donald J. Trump. Michael's guests are Congressman Eric Swalwell, House Impeachment Manager, and Professor Michael J. Gerhardt, Burton Craige Distinguished Professor of Jurisprudence at the University of North Carolina School of Law.

# Guests



## Congressman Eric Swalwell

Growing up in what now is California's Fifteenth Congressional District taught Eric Swalwell a lot about hard work, strong principles, and planning for a brighter future.

The oldest of four boys and son to Eric Sr., a retired police officer, and Vicky, who works as an administrative assistant, Swalwell was raised and attended public schools in the East Bay. A Division I soccer scholarship was his ticket to becoming the first person in his family to go to college. During college, he worked as an unpaid intern in the office of his representative, Congresswoman Ellen Tauscher, and so was on Capitol Hill on September 11, 2001. This inspired his first legislative achievement: using his Student Government Association position to create a public-private college scholarship program for students who lost parents in the attacks.

After earning undergraduate and law degrees from the University of Maryland, he returned to the East Bay to serve as a prosecutor in the Alameda County District Attorney's Office for seven years. He also served as chairman of the Dublin Heritage & Cultural Arts Commission, on the Dublin Planning Commission, and was elected to the Dublin City Council.

Eric Swalwell in 2012 was elected to represent California's Fifteenth Congressional District, which includes a large part

of the East Bay. Now in his fourth term, he's working hard to bring new energy, ideas, and a problem-solving spirit to Congress, with a focus on advancing policies that support equality, opportunity, and security.

Congressman Swalwell serves on the House Permanent Select Committee on Intelligence, and believes protecting Americans is Congress' most solemn duty. He chairs the Intelligence Modernization and Readiness Subcommittee, which oversees overall management of the Intelligence Community: the policies and programs focused on making sure that all 17 U.S. intelligence agencies have the workforce, infrastructure and services they need to succeed. This involves fostering greater collaboration and better use of resources across the entire Intelligence Community in personnel management, security clearance reform, information technology modernization, and other areas.

He also serves on the House Judiciary Committee, where his experience as a prosecutor and as a son and brother of law enforcement officers informs his perspective on criminal justice reform while he also address issues including voting rights, LGBT equality, comprehensive immigration reform, and protecting a woman's right to make her own health care decisions.

A leader in the House, he is co-chair of the Democratic Steering and Policy Committee, which makes committee assignments and sets the caucus' policy agenda. He also founded and is chairman emeritus of Future Forum, a group of almost 50 young Democratic Members of Congress focused on issues and opportunities for millennial Americans including student loan debt and home ownership.

But in keeping with his promise to work across the aisle, in his first term, Congressman Swalwell co-founded the bipartisan United Solutions Caucus to bring new Members together; the group meets regularly to advance common-sense solutions and

overcome the partisan divide. And in his second term, Swalwell cofounded the bipartisan Sharing Economy Caucus to explore how this burgeoning new economic sector can benefit more Americans.

Congressman Swalwell's first-term legislative accomplishments include two of his bills signed into law – tied for the most bills signed from any freshman Member of his class – including one that incentivized charitable giving after Typhoon Haiyan devastated the Philippines. And, while serving on the Homeland Security Committee in his first term, he led a successful effort opposing a TSA proposal to allow certain knives aboard airplanes and advocated for enhancing airport perimeter security with innovative technological solutions.

Even while addressing national and international issues, Congressman Swalwell remains rooted in the region he represents. He flies home almost every weekend, and has been a leader in adopting social media such as Facebook, Twitter, Instagram and Snapchat as well as technology like Skype to stay in constant contact with constituents.



**Professor Michael J. Gerhardt, Burton Craige Distinguished Professor of Jurisprudence at the University of North Carolina School of Law**

Michael Gerhardt joined the Carolina Law faculty in 2005 and serves as the Burton Craige Distinguished Professor of Jurisprudence. His teaching and research focuses on constitutional conflicts between presidents and Congress. Gerhardt is the author of seven books, including "Lincoln's

Mentors” (Harper Collins, 2021), and leading treatises on impeachment, appointments, presidential power, Supreme Court precedent, and separation of powers. He has written more than a hundred law review articles and dozens of op eds in the nation’s leading news publications, including SCOTUSblog, The New York Times, and Washington Post. His book, *The Forgotten Presidents* (Oxford University Press 2013), was named by The Financial Times as one of the best non-fiction books of 2013. He was inducted into the American Law Institute in 2016. Gerhardt attended the University of Chicago Law School, where he graduated order of the coif and served as a research assistant to both Phil Kurland and Cass Sunstein and as one of the two student editors of *The Supreme Court Review*. After law school, he clerked for Chief District Judge Robert McRae of the U.S. District Court of the Western District of Tennessee and Judge Gilbert Merritt of the U.S. Court of Appeals for the Sixth Circuit. He served as Deputy Media Director of Al Gore’s first Senate campaign, practiced law for three years for two boutique litigation firms in Washington and Atlanta, and taught for more than a decade at William & Mary Law School before joining Carolina Law.

Gerhardt’s extensive public service has included his testifying more than 20 times before Congress, including as the only joint witness in the Clinton impeachment proceedings in the House; speaking behind closed doors to the entire House of Representatives about the history of impeachment in 1998; serving as special counsel to the Senate Judiciary Committee for seven of the nine sitting Supreme Court justices; and as one of four constitutional scholars called by the House Judiciary Committee during President Trump’s impeachment proceedings. During the Clinton and Trump impeachment proceedings, Gerhardt served as an impeachment expert for CNN. In 2015, he became the first legal scholar to be asked by the Library of Congress to serve as its principal adviser in revising the official *United States Constitution Annotated*. In 2019, the Order of the Coif named Gerhardt as its

Distinguished Visitor for 2020, an award given to only one law professor each year for outstanding legal scholarship.

## Host



**Michael Zeldin**

Michael Zeldin is a well-known and highly-regarded TV and radio analyst/commentator.

He has covered many high-profile matters, including the Clinton impeachment proceedings, the Gore v. Bush court challenges, Special Counsel Robert Muller's investigation of interference in the 2016 presidential election, and the Trump impeachment proceedings.

In 2019, Michael was a Resident Fellow at the Institute of Politics at the Harvard Kennedy School, where he taught a study group on Independent Investigations of Presidents.

Previously, Michael was a federal prosecutor with the U.S. Department of Justice. He also served as Deputy Independent/Independent Counsel, investigating allegations of tampering with presidential candidate Bill Clinton's passport files, and as Deputy Chief Counsel to the U.S. House of Representatives, Foreign Affairs Committee, October Surprise Task Force, investigating the handling of the American hostage situation in Iran.

Michael is a prolific writer and has published Op-ed pieces

for CNN.com, The Wall Street Journal, The New York Times, The Hill, The Washington Times, and The Washington Post.

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