



Impeachment Is Not a Coup

If President Donald Trump was removed from office, his handpicked successor, Mike Pence would replace him.

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Even after President Donald Trump's scandal-soaked May, the Democratic Party leadership has been taking pains to tamp down calls for impeachment. Still, it's not every first-term president who fires the FBI director, trolls him about it on Twitter, and admits to sacking him over "this Russia thing," i.e., the Bureau's investigation of the president's campaign – so their efforts have proven unable to curb the base's enthusiasm for a constitutional eviction notice.

"Hysterical critics of President Donald Trump are leaping to impeachment as a way to reverse an election they have yet to accept," the conservative Manchester Union-Leader complains. But some of the president's defenders are every bit as overwrought as the resistance. There's a specter haunting America, they charge: a vast left-wing conspiracy determined to dethrone the Donald. "I fear we're witnessing nothing less than a coup attempt against a lawfully elected government," Dinesh D'Souza warns. Singing from the same hymnal, Gary Bauer, Tom Tancredo, Ben Stein, Lou Dobbs and others have joined the "coup"-crying chorus.

It's said we're supposed to take Trump "seriously, not literally"; but it's hard to do either with his defenders in this case. Impeachment isn't a "coup," and it doesn't "reverse an election." It's a lawful constitutional procedure that James Madison considered "indispensable" for "defending the Community against the incapacity, negligence or perfidy of the chief Magistrate."

A "coup," per Merriam-Webster, is "a sudden decisive exercise of force in politics; especially: the violent overthrow or alteration of an existing government by a small group." Impeachment is the process through which the people's elected representatives can remove a federal officer they've determined is unfit for continued service. Its purpose, constitutional scholar Greg Weiner explains, is "prophylactic," not punitive: "to protect the public against his negligence or abuse." Trump's impeachment and removal would replace an elected president with his hand-picked, lawfully elected running mate. Some "coup."

At the 1787 Constitutional Convention, Virginia's George Mason spoke for most of the delegates when he declared himself opposed to "making the Executive the mere creature of the Legislature" by too-frequent resort to the remedy. Impeachment wasn't supposed to be done lightly, but that hardly meant it wasn't to be done at all. North Carolina's Hugh Williamson "thought there was more danger of too much lenity than too much rigour towards the President." Ben Franklin told the assembly that impeachment was the "best way therefore to provide in the Constitution for the regular punishment of the Executive when his misconduct should deserve it, and for his honorable acquittal when he should be unjustly accused."

In our 228-year constitutional history, only two presidents have been impeached: Andrew Johnson in 1868, and Bill Clinton 130 years later. Count Nixon, who would have been impeached if he hadn't resigned, and it makes three. Would the Framers have considered that too many impeachments – or too few?

One thing that wouldn't have surprised them is the partisan passions stoked by the issue. Use of the remedy, Hamilton predicted in the Federalist Papers, would naturally animate "pre-existing factions" and "enlist all their animosities, partialities, influence and interest on one side or on the other."

During the Clinton impeachment, the fog of partisan warfare was thick enough to blind the president's defenders to advantages they might gain if they "lost." Bill Clinton was practically an Eisenhower Republican, but when his presidency was on the line, liberals fought for him as though he were FDR reincarnated. Yet had Clinton been removed by the Senate in February 1999, or done the decent thing and resigned, Al Gore would have gone into the 2000 election as an incumbent, unencumbered by scandal. Gerald Ford didn't have that advantage in 1976, thanks to his controversial preemptive pardon for Nixon two years before. Even so, Ford came achingly close to beating Carter.

Alternate history is a guessing game: Would President Al Gore have "put our services on red alert and... prevented 9/11" or launched his own, disastrous Iraq War? Who knows? One thing is clear, though: Gore's accession in 1999 would have given the Democrats a shot at holding the presidency for another decade. Under the 22nd Amendment, Gore could have served out the remainder of Clinton's term and been eligible to run twice more in his own right. In retrospect, it wasn't the smartest move for liberals to exhaust themselves defending a president who rarely had their back.

If impeachment becomes a live possibility, the right will probably defend Trump just as doggedly. But if the fight goes to the later rounds, maybe they should consider taking a dive. As conservative pundit Erick Erickson observes, Republicans "reflexively defending" Trump "have no need for him with Mike Pence in the wings."

In the as yet unlikely event we end up with a President Pence, here's some free advice for him going into the 2020 race: Don't pardon your predecessor.

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