



Five Reasons the Democrats Might Impeach Trump

Ramesh Ponnuru

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Leading Democrats — including Nancy Pelosi, Joe Biden and Adam Schiff — have spent months saying that they are not eager to impeach President Donald Trump. On the eve of the elections that delivered the House to her party, Pelosi said that impeachment “is not what our caucus is about.”

There is a political rationale for the Democrats’ caution. It would take two-thirds of the Senate to remove Trump from office, and so long as that supermajority seems highly unlikely to materialize, the Democrats may think that beginning impeachment proceedings would be pointless. Or worse, since it has the potential to help Trump motivate his supporters to vote in the next election.

But there are five reasons that, for all their protestations, House Democrats might impeach Trump anyway.

First, the constitutional standard for impeachment is capacious. As Gene Healy notes in a recent review of the evidence for the Cato Institute, a president need not violate any statute for Congress to judge that he has committed “high Crimes and Misdemeanors” and that he can thus be impeached and removed from office.

While James Madison warned that impeachment should not be considered a remedy for mere “maladministration,” he also said it was an “indispensable protection” against the “incapacity, negligence, or perfidy” of a president. He thought that the “wanton removal of meritorious officers” would be one ground for impeachment.

The precise scope of the congressional power is subject to debate, but that’s the point. Democrats can make any number of arguments for impeachment that are not obviously incompatible with the Constitution. What would matter is how reasonable Americans consider their case — and, of course, if Democrats want to make it.

But — point two — a lot of Democratic voters want to see the case for impeachment made. In the exit polls, 39 percent of Americans who voted for House candidates already favor impeachment, before Democrats have made a sustained case. About three-quarters of people who voted for Democratic candidates want Trump impeached.

Third, a lot of Democratic voters could well start to get frustrated next year as it becomes clear how little effect winning the House has had. House committees will be investigating the administration, sure, but the president will still be saying and doing things that outrage

Democrats on a daily basis. His people will still be running the federal government according to his policies. His judges will keep getting confirmed.

For a lot of liberals, the midterms were about “holding Trump accountable.” They might eventually ask their elected representatives why they are not exercising their full constitutional power to do that. That’s especially likely to be the case if special counsel Robert Mueller issues a report that is less than a complete exoneration of the president over collusion with Russia and obstruction of justice.

A fourth reason the drive to impeach Trump might strengthen is the coming race for the Democratic presidential nomination. It will be a crowded field, including several members of Congress. The candidates will want to gain attention for the purity and fervor of their hostility to Trump. The campaign trail will not be an environment conducive to caution, especially about something that most Democratic voters want.

The fifth reason House Democrats might impeach Trump is that as the debate continues, it could become clear that the political risks are overstated.

We tend to think of attempting impeachment as a terrible political mistake because of the experience of the 1990s. A Republican House impeached President Bill Clinton for perjury and obstruction of justice related to his affair with intern Monica Lewinsky. All the polls found impeachment to be unpopular, and House Republicans lost seats in the 1998 election — something rare for an opposition party in a midterm.

But the lesson may have been overlearned. Republicans proceeded with impeachment anyway, and in the 2000 election their party kept the House and gained the presidency.

Also, the idea of removing Clinton from office was unpopular in important part because the country was largely satisfied by how it was being governed and did not want to see their good fortune disrupted. Our own time is not like that at all. Impeachment now would not be an irruption of chaos in a previously placid national scene.

None of this means that Democrats will definitely make a serious push to impeach Trump. They may decide that they will have a chance to remove him from office in the normal way soon enough. But don’t be surprised if Pelosi et al find it harder and harder to fend off impeachment.

To contact the author of this story: Ramesh Ponnuru at rponnuru@bloomberg.net

To contact the editor responsible for this story: Katy Roberts at kroberts29@bloomberg.net

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Ramesh Ponnuru is a Bloomberg Opinion columnist. He is a senior editor at National Review, visiting fellow at the American Enterprise Institute and contributor to CBS News.