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Laurence Tribe Was Against Impeachment Before He Was For It — You'll Never Guess What Changed

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Politics: Before President Trump even took the oath of office, constitutional law scholar Laurence Tribe was calling for his impeachment. Tribe hasn't stopped since. But 20 years ago, Tribe was singing a different tune about impeachment when a lawbreaking Democrat was in the White House.

In early December, less than a month after Trump won the election, Tribe tweeted that impeachment should begin "on Inauguration Day."

Eight days after Inauguration Day, Tribe declared that Trump was already guilty of "shredding the Constitution more monstrously than any other President in American history."

He's since claimed Trump should be impeached and removed from office for his "cruel brand of bigotry and scapegoating," for "falsely" claiming that the Obama administration wiretapped his campaign, for a State Department blog post on Mar-a-Lago. Most recently, Trump should be removed for the simple reason that we don't like "what kind of nation will we have become" should he stay in office.

Now Tribe has written what looks like an "Impeachment for Dummies" guide should Democrats regain control of the House next year called "To End A Presidency: The Power Of Impeachment."

In it, and in an **Op-Ed in USA Today**, Tribe argues that even if Trump hasn't broken any laws doesn't mean he shouldn't be impeached.

"Criminal law is not a comprehensive list of acts that might imperil democracy if committed by the president," he writes in his Op-Ed. That's a fair point.

But it was the same Tribe who just 20 years ago was arguing that even though President Clinton *had broken the law by perjuring himself*, he shouldn't be removed from office.

To make his argument against impeaching Clinton, Tribe "nearly threw his back out trying to *raisethe* constitutional bar for removal," the **Cato Institute's Gene Healy aptly put it.**

In testimony before the House Judiciary Committee in 1998, Tribe argued that for an offense to be impeachable, it had to "severely threaten the system of government or constitute a grievous abuse of official power or both."

"Back then even murder was a close call in Tribe's eyes, if the president did the deed himself, for personal reasons," Healy notes, pointing to passages from Tribe's testimony, in which Tribe explains how Aaron Burr wasn't impeached after he killed Alexander Hamilton.

Tribe argued that Clinton's committing perjury wasn't impeachable because, basically, he was lying about a private matter. In this case, having sex with an intern in the Oval Office.

But even if what Clinton did *was impeachable*, Tribe seems to think he shouldn't have been removed.

In his book, Tribe quotes approvingly from a speech given by then-Sen. Robert Byrd on why Clinton should not be removed from office.

Even though Clinton broke his oath "to see to it that the laws be faithfully executed," Byrd said, and by doing so had "undermined the system of justice and law on which this Republic ... has its foundation," and even though it was reasonable to view these as impeachable offenses, Senators should vote to acquit Clinton. Why? because of "the people's perception that this entire matter is being driven by political agendas."

Byrd said that removing Clinton under these circumstances would "only serve to further undermine a public trust that is too much damaged already." Byrd, he said, correctly understood that just because a president can be impeached, doesn't mean he should be impeached.

Tribe says elsewhere in his book that in the case of Clinton, "impeachment was *misused by partisans opposed to the president but unable to identify a great offense against the nation.*"

Has it not occurred to Tribe — or anyone else who's been baying for Trump's removal for the past 17 months — that he is doing *exactly the same thing today?*

Partisan Impeachment

All the talk of impeaching Trump has been *nakedly partisan*, driven not by any "high crimes and misdemeanors," but by personal or political animus.

And since impeachment advocates haven't been able to find any "great offense" to the nation committed by Trump — other than his offending liberals — they've simply tossed anything and everything they can onto the impeachment pile.

Yet 56% of those following the **Mueller investigation** closely say that talk of impeaching Trump is premature, according to the latest **IBD/TIPP Poll**. Among independents, it's 58%; among Republicans, 88%.

Meanwhile, despite overwhelmingly negative coverage, Trump's approval ratings have been climbing. The public is more optimistic about the future. And the latest Gallup poll shows that satisfaction with the direction of the country is higher than it's been since 2005, and equal to the poll's 40-year average.

If Trump were impeached, there's little doubt that it would be seen by a significant portion of the country as a blatant attempt by Democrats to nullify an election on the flimsiest of terms.

Talk about undermining public trust.

We don't doubt Tribe's mastery of constitutional law. But by letting politics drive his impeachment views, Tribe makes himself look less like a legal scholar who deserves respect and more like a partisan hack who deserves none.