



With just 12 days to go why bother impeaching Trump? There are good reasons

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WASHINGTON—Donald Trump, so fond of citing himself in superlative terms, may soon be able to credibly say that he accomplished in one term what no previous president ever had: being impeached twice.

Momentum seems to be pushing toward that outcome in Washington as the public and the political establishment reel from the sight Wednesday of Trump's supporters storming the Capitol building and disrupting the transition to a Joe Biden presidency. An article of impeachment has already been circulated, accusing Trump of instigating an insurrection, and House Speaker Nancy Pelosi said it could be taken up next week.

Although Pelosi — alongside many former Trump appointees and allies — have said they'd prefer to see the president leave immediately through resignation or by having the vice-president and cabinet invoke the 25th amendment, the likelihood of either of those happening seems slim. In the meantime, some Republicans — including Nebraska Sen. Ben Sasse — have been suggesting impeachment may be in order.

With only 12 days left in his presidency, many may be wondering if there is enough time to impeach Trump. Experts I spoke with said it was certainly very possible the House could impeach him in less than two weeks, and maybe possible that the Senate could also complete a trial to convict and remove him, although the latter would require the unanimous consent of all senators and that's extremely unlikely.

It's possible the House could impeach quickly in order to have the charges immediately available to the Senate were Trump to take some sort of further action to disrupt the transfer of power — at which point perhaps unanimity would be easier to get.

What's more likely is a trial would take place after Trump has left office.

But the question then is, why bother?

A large part of the immediate justification for the calls to remove Trump from office is that he's shown he represents an immediate threat to the republic even in the short time he has left. And a trial after inauguration might drag out and dominate the news of Biden's first days in office. If impeachment won't succeed in removing him before the inauguration, what's the point?

Part of it might be to prevent him from running for office again. The Senate can, if it chooses, disqualify someone from holding office after an impeachment conviction — which in Trump’s case might somewhat defang him as a political force in 2024, although he’d likely continue to be a commentator and influence on his followers even from the sidelines.

But it isn’t entirely clear he’d have to stay on the sidelines. Gene Healy, the vice-president of the Cato Institute, says there’s debate about whether the impeachment clause provision for disqualification to “hold and enjoy any office of honour, trust or profit under the United States” applies to elected offices or only appointments.

As Healy says, Trump has been a “full-employment program for constitutional law professors,” thanks to the frequency with which he’s raised questions that were not previously tested, and this would be another such case. (He wrote a discussion of that debate recently on the [cato.org](https://www.cato.org) website.) But Healy also says it’s unlikely this case will wind up settling that debate.

“If we were there, it seems like that would be an indication that what happened on Wednesday has so disgraced Donald Trump that it motivated a substantial block of Republicans to vote to convict the president of their own party,” he said, since conviction would require a two-thirds majority of the Senate to convict — which would mean support from at least 17 Republican senators.

“If that was the case, then, you know, probably it says something about his chances of becoming president again. But I don’t think we’re there,” he said in a phone interview Friday.