The Pros and Cons of Impeaching Trump

Real and reasonable arguments among congressional Democrats—and, indeed, among the public—range from the practical to the procedural.

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The announcement last week that Representative Jerrold Nadler, the chairman of the House Judiciary Committee, was demanding documents from eighty-one agencies, companies, and individuals with knowledge of the Trump Administration's behavior, or misbehavior, was, in its way, momentous. Though properly classed as the kind of oversight that the see-no-evil-even-when-you're-staring-at-it Republicans in Congress avoided for the past two years, it seems clear that Nadler is planning what amounts to pre-impeachment impeachment hearings.

Nadler himself cautioned that, regarding the potential eviction of the Trump family from Pennsylvania Avenue, "we don't have the facts yet," but the committee's demand appears designed to assemble as much of what can be known about any potential Trump family depredations as possible, and see where it all leads. Trump called the demand nothing but "a big fat fishing expedition," provoking the reflection that you are rarely scared of big fat fishing expeditions unless you know that there are big fat fish lurking somewhere in your pond.

There is, however, a real and reasonable argument among congressional Democrats—and, indeed, among the public—about whether pursuing Trump's impeachment, even assuming that we get the facts, is a wise idea. The arguments against it range from the hyper-practical point that a President Mike Pence would be worse, to the procedural-minded one that, since impeaching Trump would mean that two of the four most recent Presidents would have been impeached, and since articles of impeachment can be passed by a simple majority in the House, every President from now on would risk facing it the moment the opposition has a majority. This would create perpetual governmental paralysis, and, while Trump might not care about safeguarding democratic institutions, the country should.

A point common to all the anti-impeachment arguments, though, comes right out of an old Western; as the lawmen used to say about the cattle-rustling varmint after he was caught, "Hanging's too good for him." In this case, impeachment is seen as too rarefied, too technical a proceeding to end Trumpism. Trump should be defeated at the polls; ejecting him in any other way provides too many opportunities for after-the-fact stab-in-the-back recriminations, and will only further convince his base that the "deep state" conspired against him. Indeed, given the congressional Republican Party's cultlike adherence to Trump, beginning a process in the House that can end only with acquittal in the Senate wouldn't be good for the Democrats, or for the country.

These arguments have weight. A President Pence would certainly continue to appoint right-wing judges and limit L.G.B.T.Q. rights and ignore climate change and all the rest, and might do so

more efficiently, being better able to concentrate on the task without getting distracted by Fox News or the allure of military parades. But what if he did? These may all be policies worth opposing; they're not crimes that can't be tolerated. It's the core premise of any liberal democracy that people have to accept the program of the party in power no matter how little they like it, or even how morally repugnant they find it. The argument for Trump's eviction rests not on the kinds of laws that he would like to pass but on his unique contempt for the whole concept of the rule of law.

Even before the House investigations get going, or the Mueller report is delivered, or the prosecutors finish their work, there is already too much evidence of this contempt to let it alone. Indeed, it is the excess of evidence that now acts as Trump's sturdiest armor. Back in 1980, Trump destroyed the façade of the old Bonwit Teller building, which he razed to make way for Trump Tower, after being told that he shouldn't and when no one expected that he would. He has learned that, if you just *do* things, ordinary people with normal expectations about human behavior will have a hard time believing that you're doing them.

Any one of a dozen things that Trump has done overtly would have resulted, if done clandestinely by another President, in near-universal cries for impeachment, if not for immediate resignation. Just for a start, his firing of the director of the F.B.I. and then confessing to both a journalist and the Russian foreign minister that he did it to end an investigation into his own campaign's contacts with Russians follows the exact form of one of the impeachable offenses—obstruction of justice—that was applied against Richard Nixon. The "smoking gun" tape smoked because it showed that Nixon had tried to stop the F.B.I. from investigating the Watergate break-in on phony "national security" grounds.

The best argument for impeachment is, ironically, the case for national unity. Americans ought to be able to agree that, while all opinions are open to debate, some behavior really is out of bounds. An impeachment trial can't be won? Well, the Republican Party may be obedient now, but there is just enough Never Trumping among those who were once the staunchest of conservatives to make it clear that the difference between constitutional conservatism and thuggishness is real and can be argued for, and maybe even partly won.

The House may soon find itself moving toward impeachment in any case. On top of the House investigations, New York State regulators last week subpoenaed Trump's insurance broker, following allegations of irregularities raised during the recent testimony of Michael Cohen. Meanwhile, federal prosecutors continue to explore various activities related to Trump's campaign and his family businesses.

The long-term consequences of impeachment are unknowable; long-term consequences always are. The foreclosed impeachment of Nixon was more or less a political wash: the Democrats held the House for another twenty years, while the Republicans regained the White House just six years later. The impeachment of Bill Clinton, however high his approval ratings were when the resolution passed in the House, may have hurt Al Gore in the 2000 election. But, within eight years, the Democrats had regained control of both Congress and the White House.

Pragmatism is not a way of negating principle but, rather, the realist's way of pursuing principle. The arguments against impeachment today are primarily pragmatic, the arguments for it primarily principled, but the principled course could, before long, turn into the only practical course. Impeachment may be too good for Trump. It may yet prove just the thing for the country. ♦