Opinion

News



President Donald Trump speaks during a Cabinet meeting at the White House in Washington Jan. 2. The partial government shutdown is on day 12. (CNS/Jim Young, Reuters)



by Michael Sean Winters

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I was wrong. I thought that someone like Attorney General William Barr would not misrepresent the findings of the Mueller report on Russian meddling in the 2016 investigation. He did.

I was also wrong to think that Mueller's statement — repeated by Barr, that while his report did not exonerate President Trump of the charge of obstruction of justice, he was not recommending action one way or the other, but leaving that determination to the attorney general and Congress — was the result of the difficulty in proving intent, especially because the president so often behaves like a 4-year-old. The report clearly indicates that the president wanted to obstruct justice. His top aides were unwilling to act on his orders because doing so would have involved them in criminal activity. The lack of actual obstruction was the result of his aides acting on their own, ignoring the president.

I was not wrong to think that impeachment remains a bridge too far. The president's actions certainly warrant impeachment proceedings in the House and conviction in the Senate. But, Sen. Mitch McConnell, the majority leader, is as indifferent to constitutional norms in his way as the president is in his. A failure to convict the president, despite ample evidence of lying and disregard for the law, would be seen as a vindication of the president.

When Speaker Nancy Pelosi said "He isn't worth it" in explaining her desire to avoid impeachment, it was to this reality that she was speaking. Trump has endangered so many democratic norms already. Whether the Democrats were to pursue impeachment or not, either decision will also devalue the impeachment process itself, even though it was designed precisely for situations like this. He isn't worth it. And, let history be as unkind to McConnell as it will be to Trump.

Sen. Elizabeth Warren, unlike the rest of the field, did not dodge the issue of whether or not to commence impeachment proceedings. "To ignore a President's

repeated efforts to obstruct an investigation into his own disloyal behavior would inflict great and lasting damage on this country," said Warren, a former law professor, in a tweet. "The severity of this misconduct demands that elected officials in both parties set aside political considerations and do their constitutional duty. That means the House should initiate impeachment proceedings against the President of the United States."

At the CNN town hall on Monday night, when pressed whether or not impeachment would boomerang and help Trump's reelection effort, Warren was concise: "There is no political inconvenience exception to the Constitution."

Nothing the senator said on this is wrong. But it is not exhaustive. Warren is shrewd. She knows impeachment could backfire on the Democrats but she also knows all members of Congress swore an oath to defend the Constitution. They took no such oath to defend their political future. The senator's three brothers served in the military, defending the country and its Constitution. She, like most members, drives by Arlington Cemetery en route to the airport to return home, and can see the graves of those who gave their lives to defend the democracy Trump is trashing. While it would be perverse indeed for the Democrats to fall on their sword in a way that would only strengthen the wrongdoer, Warren is right that that reason is insufficient. But, prudence is a virtue necessary to the application of all other virtues and there is a prudential judgment to be made that deploying an impeachment process that is doomed to fail will only further harm the Constitution.

E.J. Dionne, writing in The Washington Post, argues correctly that the Democrats would be wrong to rush in to impeachment hearings and also wrong to entirely rule them out. "Those demanding impeachment are right to say Mueller's report can't just be filed away and ignored," Dionne writes. "But being tough and determined is not enough. The House also needs to be sober and responsible." He recommends that the House continue to hold hearings to make sure the American people, 95% of whom will not read the Mueller report, are exposed to its findings. I second that idea. I do not suspect the 35% of the electorate that will stick with Trump through thick or thin will be shaken, but he needs to get closer to 50%, and congressional hearings could do a good job preventing that.

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Since the Mueller report came out last week, one name has loomed in my mind: Lowell Weicker. The senator from Connecticut was the first Republican to call for the resignation of President Richard Nixon. It was not a popular stance but it was the morally and constitutionally correct stance. Over time, as the evidence of Nixon's abuse of power became evident, other Republicans at that time recognized the need to put the country and its Constitution above their loyalty to party and president. Is any Republican today willing to do the same? Why would someone like McConnell consider abuse of power a bad thing? It is his calling card. Ask Merrick Garland.

The country is in a bad way. Like a plague of locusts attacking crops, Trump and his Republican quislings are destroying the democratic norms that keep our liberties secure and our government a government of laws, not men. I wish the plague to be lifted. I also believe that removing Trump from office by constitutional means would strengthen our country's commitment to rule of law. Removing him decisively at the ballot box would strengthen the moral character of the electorate. But, insofar as I do not think the first option likely, we must work tirelessly for the second option.

[Michael Sean Winters covers the nexus of religion and politics for NCR.]

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