Opinion

News



George Kent, U.S. deputy assistant secretary of state for European and Eurasian affairs, and William Taylor, U.S. diplomat in Ukraine, are sworn in for the House Intelligence Committee's public hearing Nov. 13, in the impeachment inquiry against President Donald Trump on Capitol Hill. (CNS/Erin Scott, Reuters)



by Michael Sean Winters

View Author Profile

Follow on Twitter at @michaelswinters

Join the Conversation

Send your thoughts to *Letters to the Editor*. Learn more

November 15, 2019
Share on BlueskyShare on FacebookShare on TwitterEmail to a friendPrint

With the commencement of public impeachment hearings, the political calculus for both parties necessarily changes. It is no longer enough to convince the Democrats in the majority on the House Intelligence Committee nor the bulk of the Senate Republican caucus. The American people must be engaged and from here on, their will should prove itself increasingly manifest.

The Democrats' first task is to convince the American people that their efforts are not driven by partisan concerns. This is difficult because impeachment is a decidedly political process. The Constitution does not spell out what constitutes a "high crime and misdemeanor" the way the penal code spells out other criminal offenses.

As well, they are hobbled by their willingness to conclude that when President Bill Clinton lied under oath, he did not commit an impeachable offense. Worse, billionaire Tom Steyer started running ads calling for President Donald Trump's impeachment six months after the inauguration, before an investigation had revealed wrongdoing.

The Democrats need to speak as patriots. They need to recall the deliberations of the Founding Fathers. This article by Erick Trickey at Smithsonian does an excellent job discussing the deliberations of some founders. The Federalist Papers: No. 65 explicitly discusses impeachment and foresaw the role that partisanship would play. What is clear is that the possibility of abusing power by soliciting foreign assistance is precisely the kind of crime the founders thought warranted impeachment and removal from office.

We also know that the impeachment proceeding with which the founders would have been most familiar was that of Warren Hastings, the former governor-general of India, which began in 1787. Leading the charge was one of Parliament's greatest defenders of colonial America's rights, Edmund Burke. Earlier, when speaking in favor of the East India Bill, which would have returned powers granted to the East

India Company to parliamentary control, Burke told the House of Commons:

> *I therefore conclude, what you all conclude, that this body [the East India Company], being totally perverted from the purposes of its institution, is utterly incorrigible; and because they are incorrigible, both in conduct and constitution, power out to be taken out of their hands; just on the same principles on which have been made all the just changes and revolutions of government that have taken place since the beginning of the world.*

That is the high moral tone the Democrats should emulate.

The quote from Burke also points to the severity of impeachment and Democrats must acknowledge this explicitly: The impeachment and conviction of a president does, in fact, result in the overturning of a national election. It is a drastic remedy and they embark on this road only to protect the country. Speaker Nancy Pelosi's oft-stated reluctance to begin the impeachment process is appropriate to the moment. Only the most severe abuse of power warrants such an anti-democratic measure. Tampering with elections, and asking for help from foreign powers in that effort, surely meets that standard.

The Republicans, as most commentators have noted, are hobbled by the chaos which is the Trump White House. As the public becomes engaged, consistent and plausible messaging will be critical, but there is every reason to think it will be elusive. In its absence, GOP congressmen and those who are most aligned with Trump are the ones most likely to deploy arguments forged within the Fox News echo chamber that backfire. For example, when faced with the clear evidence of Trump's quid pro quo ask to the president of Ukraine, many surrogates have trotted out the argument that "everybody does it." A large majority of Republicans already believe that "everybody does it." Here is the problem: Democrats can call on former secretaries of state in the Bush administration, Colin Powell and Condoleezza Rice, and ask them: Did you ever dangle foreign aid in exchange for help on a domestic political campaign? Former President George W. Bush can be asked that question. It will quickly become clear to the American people that "everybody" does not, in fact, do it.

On the first day of testimony, several Republican congressmen trotted out a variety of conspiracy theories which have no basis in reality. But, on this first day, State Department official George Kent debunked many of them and we can expect other

principals and longtime government officials to do likewise. Ambassador William Taylor Jr.'s testimony was damning. How will FOX News try and smear him? He is a decorated war veteran who received the Bronze Star for his service in Vietnam and his service to the country has not stopped since. The president watches FOX News and even hired lawyers based on their television performance. How did that work out? Something similar might happen if the Republicans in Congress continue to echo FOX News talking points.

On the other hand, there is a method to the madness. Watching the hearings, "[t]he viewer encounters two competing sets of factual claims," Brendan Nyhan, a political scientist at Dartmouth College, told The Washington Post. "I imagine it's quite bewildering." They hope that they can muddy the waters so that the low-information voter does not know what to think and, just so, does not perceive the danger of the kind of conduct the president allegedly pursued. That lays the groundwork to conclude the Democrats are overreaching. It just might work.

Just as the Cuban missile crisis is still examined in college seminars as a study in presidential decision-making, the current impeachment hearings will yield lessons in political messaging for decades to come. Trump may or may not be impeached. The rule of law may or may not be vindicated. But, more important than either of those vitally important concerns, the most dangerous prospect facing the country is whether the truth will win out, or not.

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

Editor's note: *Don't miss out on Michael Sean Winters' latest. Sign up and we'll let you know when he publishes new Distinctly Catholic columns.*

Advertisement