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President Donald Trump speaks with reporters before departing on Marine One on the South Lawn of the White House in Washington on Aug. 21. (AP/Alex Brandon)



by Michael Sean Winters

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This Thanksgiving, I was hoping we could all express our gratitude for the U.S. Constitution, but ...

Faced with two seemingly immovable facts — first, that President Donald Trump committed precisely the kind of high crime the founders foresaw as requiring the impeachment provision in the Constitution and, second, the Republicans in Congress have sold their souls to the devil and refuse to take any measures to hold the president accountable — the question looms as to what the House Democrats should do.

Like everything else about this presidency, no matter what choice the Democrats make, the impeachment provision and the Constitution to which it is attached will be demeaned. If they proceed to impeach him and the Senate acquits, what message does that send to the American people and to future presidents with a mind to break the law? And, if they decline to impeach him, what message does that send? Either way, the precedent is dreadful.

But the precedent will not, in any meaningful way, be the Democrats' fault. The Republican members of Congress, like the president, continue to spout conspiracy theories, even after they have been briefed by U.S. intelligence that the theories are not only false but also started by Russian intelligence. As for the president, if anything has become even more clear from these hearings than it was before, Trump is Russian President Vladimir Putin's poodle. That this fact does not disturb Republicans is horrifying and makes them into martinets, too. (Poodlettes?) Senate Majority Leader Mitch McConnell took umbrage at being labelled "Moscow Mitch" earlier this year. Turns out the problem may not have been that the nickname was ridiculous, but that it was a little too close to the truth for comfort.

The impeachment hearings did not produce the steady increase in the number of people favoring impeachment and removal from office as happened 46 years ago with the Watergate hearings. The president's decision to release the transcript of his call with President Volodymyr Zelensky of Ukraine was, in retrospect, brilliant. All of the public testimony in the past few weeks has demonstrated the degree to which

the president's subordinates knew that call would be difficult to defend and tried to hide it. The hearings have shown the scope of the president's parallel foreign policy that was led by Rudy Giuliani but included people like Ambassador Gordon Sondland, and had to overcome the resistance of career foreign service officials who were horrified at what was being perpetrated. But the smoking gun, the equivalent of the White House tapes during Watergate, the clear evidence of the criminal quid pro quo, that was already out. It was like going to see "Tosca" and it *begins* with her exclaiming "O Scarpia, Avanti a Dio!" and throwing herself over the parapet.

I sympathize with the view, stated by many Democrats, that they will do their constitutional duty and vote to impeach the president. It is a noble stance, less so for those from deep blue districts, but almost heroic for those members of Congress who come from districts Trump won. And, beyond issues of courage, it is how the Constitution is supposed to work.

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But why should the Democrats take the fall for the Republicans' unwillingness to do their job?

I have a solution. Speaker of the House Nancy Pelosi should recall that she said in March that impeachment would have to be bipartisan to proceed. She and her fellow Democrats have accepted what they have seen with their own eyes, plenty of evidence to impeach the president for abuse of his office, as well as obstruction of justice and contempt of Congress, all of which were articles of impeachment against Nixon.

The Republicans, however, insist that there was no direct testimony linking the president to the quid pro quo, and they claim the transcript is ambiguous. So be it. The Democrats should subpoena the testimony of acting Chief of Staff Mick Mulvaney, Secretary of State Mike Pompeo and former National Security Adviser John Bolton. They will refuse to testify, and Congress should take the matter to court. Courts take time, and there may not be a ruling until after the election. In the meantime, the president and his cronies will look like they have something to hide. Why else fight a subpoena? Let those swing voters think about that for the next several months.

This path forward is made even more inviting in the light of Judge Ketanji Brown Jackson's ruling Monday that former White House counsel Donald McGahn cannot refuse a congressional subpoena to testify before the impeachment panel. Under oath, he may claim executive privilege. Other witnesses might plead the Fifth. These do not suggest an administration with nothing to hide.

The long-term damage this presidency has done to the fabric of democracy will take a long time to heal. American exceptionalism always made us think that we could never be susceptible to a demagogue. We would never allow ourselves to be manipulated by Russian disinformation campaigns. Our commitment to a free press would ensure that we have the information necessary to make wise choices. The collapse of democracy in Italy in 1922, and in Weimar Germany a decade later, that could never happen here. Unless the American people rise up and hurl this thuggish president from office decisively, American exceptionalism needs to be understood as a thing of the past. Donald Trump and his congressional allies have buried it. It is hard to see how that constitutes making America great again.

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

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