

Boehner's Impeachment Dilemma

Michael Sean Winters | Jul. 30, 2014 Distinctly Catholic

The impeachment buzz swirling around Washington is but the latest example of the strange, symbiotic relationship that exists between the two parties' extremes, a relationship that is always especially strong in the run up to a midterm election. Midterm elections are marked by low turnout, and angry people vote. Hence, the impeachment talk.

The Democrats are exceedingly happy to have the subject of impeachment to talk about. President Obama's approval ratings are in the tank, so the base is disheartened. Many of the most vulnerable Democratic senators are running for re-election in ruby red states like Louisiana, Arkansas and Alaska, where swing voters do not really exist, or not enough of them. In 2010, I thought the continual, vitriolic disrespect shown to the president would provoke a backlash, that young voters and African-American voters would turn out in droves to defend the man they had just elected two years prior, but they didn't. The GOP took the House in a landslide.

The Republicans know the impeachment talk is highly toxic. There are just enough Republicans in the House who have been there long enough to remember that in the 1998 midterm elections, which should have followed the historical pattern of yielding significant gains for their party, the Democrats actually gained seats largely because the public disapproved of the impeachment of Bill Clinton. So, the GOP is trying to blame the White House for the impeachment buzz.

"This whole talk about impeachment is coming from the president's own staff and coming from Democrats on Capitol Hill," said House Speaker John Boehner yesterday. "Why? Because they are trying to rally their people to give money and to show up in this year's election." True enough, but beside the point.

There are two problems with Boehner's assertion. The first is that the GOP has been winking at its extreme base for four years, since the rise of the Tea Party, and there are plenty of base voters who do want to see the president impeached. According to a recent CNN/ORC International poll, 57% of Republicans support impeachment. Some of the heroes of the conservative talk radio/Fox News variety, people like Sarah Palin, have supported impeachment. So, it is not like the White House made this up out of whole cloth. There are times when they are fleeing when I feel sorry for Boehner, an old-style, Midwestern conservative, trying to ride the Tea Party tiger. But, Boehner rode that tiger into the Speaker's chair, and as the old adage goes, if you ride the tiger, you go where the tiger wants to go.

The second problem with Boehner's assertion is entirely of his own doing. He is currently suing the president. Did he forget about that when he dismissed the impeachment talk as White House-generated buzz? Boehner claims that President Obama has failed to faithfully execute the laws, specifically, and ironically, in waiving the individual mandate in the Affordable Care Act for one year, a mandate the GOP opposes in a law the GOP House has voted to repeal multiple times. If Boehner does not think Obama broke the law, why is he suing? If Boehner thinks Obama did break the law, why would that not be grounds for impeachment?

The last impeachment saga was tawdry. President Bill Clinton really did lie in a sworn affidavit. But, most Americans thought the entire Ken Starr investigation was improper, not just the president's conduct with ms.

Lewinsky. The American people did not think their president was above the law, but they did not like the law sniffing around in anyone's bedroom, including his. As well, the American people knew that Mr. Clinton liked to receive sexual favors from women other than his wife when they elected him twice. The GOP never realized that the Lewinsky mud they were throwing at him just blended in.

The Nixon impeachment proceedings were different. The underlying act was not dirty sex but dirty tricks, breaking into the Watergate headquarters of the Democratic Party. And, then Nixon used the power of the government to obstruct the investigation into the break-in. I can think of few things a politician can do more likely to arouse the ire of the electorate than to try and rig the election with the power of the government. And, Nixon not only lied, he lied repeatedly. The Second Article of impeachment against Nixon was for abuse of power. Go back and [read that article](#). [1]The House Judiciary Committee cited Nixon's use of the IRS to gather information on his political enemies, misused the FBI, the CIA and the Secret Service to inhibit the investigation and violate the rights of citizens who happened to be his political opponents, and a host of similar sinister deeds. If you created a set with the five items mentioned in Article II of Nixon's impeachment and included the charge that Obama waived the individual mandate under the ACA for a year, which one of the six would not fit with the others?

The charge of "high crimes and misdemeanors" is a formal and a legal charge. It is also a pointedly vague term, designed to apply to office holders who violate their oaths of office. I cannot be impeached because I did not take an oath nor do I exercise specific constitutional powers. It is a formal charge of abuse of power. But, here is the final difficulty for Mr. Boehner and the Republicans. The lawsuit alleging abuse of power conflicts with their preferred narrative these days, that President Obama is hopelessly ineffectual. Which is it? Is the president a tyrant, at least a putative one? I note that his predecessor George W. Bush signed more executive orders and more signing statements interpreting the law to suit his preferences than Obama has. Or is he ineffectual, a man who is not up to the job and, just so, diluting the power of his office not abusing it?

This is not the first time, and it won't be the last, that the politics of an election year gets more than a little silly. The sad thing is that neither party seems capable of governing these days, which is something the electorate should consider, but won't, come November. Most of the blame for Washington's dysfunction lay squarely at the feet of the GOP, although I do fault Mr. Obama for failing to invest in relationships with people he needs to be a successful president, both congressional leaders and foreign ones. In Boehner's case, he has no one but himself to blame for the impeachment brouhaha. He has fed the Tea Party-talk radio-Fox News tiger, and the tiger, unsurprisingly, is still hungry. And he decided to sue the president. The White House may be the ones talking about impeachment, but Mr. Boehner wrote the script.

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