

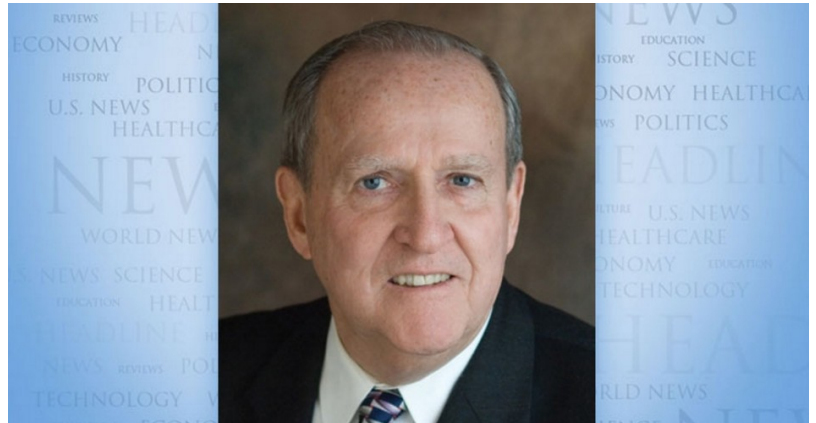


Written by [John F. McManus](#) on June 19, 2019

## Nancy Pelosi's Dilemma and Impeachment

Impeachment of a president is constitutionally permissible. But it can backfire on those who use what the Constitution allows.

A majority in the House of Representatives has the power to impeach a president. But success at that stage in the impeachment process only paves the way for taking the next more difficult step. Once impeached, the targeted official is then tried by the Senate, where a two-thirds majority of its members is needed to convict and remove the subject individual from office.



In the 230 years of the U. S. Constitution's existence, the House has impeached only two presidents. These were Andrew Johnson in 1868 and William Clinton in 1998. Neither was convicted by two-thirds of the senators, and each remained in office. Obviously, gaining conviction from two-thirds of the senators is no easy task. Yet the clamor generated by Democrats calling for Donald Trump's removal from office via the impeachment process continues.

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There's no doubt that Democrats would like to remove Trump from the White House. They hold a sizable majority in the House and gaining passage of the first step in the process is a virtual given. Why haven't they moved ahead and done this? The answer is simple: Their leaders, notably House Speaker Nancy Pelosi, know they can't count on reaching the two-thirds threshold in the subsequent Senate trial. Not only do Democrats not have a similar majority in the Senate, Republicans outnumber Democrats in that portion of Congress where any impeachment trial would be held. If conviction by two-thirds of the senate cannot be achieved, Trump would have won a huge victory, even seen his status raised to that of a martyr in the minds of many. That is an accomplishment Democrats surely do not want.

What are charges some Democrats are still eager to employ to remove the president? Although they claim the president is guilty of collusion with Russian agents to defeat Hillary Clinton during the 2016 election, a never-proved claim, many now want to focus on the second half of the Mueller Report. It focuses on potential obstruction of justice by Trump, and it too is an impeachable offense, the president's detractors say. But after two years of its investigation, the Mueller-led inquiry didn't find sufficient evidence to charge Trump with that crime. His alleged obstruction, such as firing top government officials, falls within the scope of what the Constitution allows a president to do.

In addition to what's in the Mueller Report, House Judiciary Chairman Jerrold Nadler (D-N.Y.) has now issued a number of subpoenas to government officials and banking institutions. He wants these individuals to answer questions about Trump's tax returns, even his relationship with Germany's Deutsche Bank where the president did some borrowing prior to defeating Hillary Clinton in 2016. Nadler is just getting started, and Trump's response has been to have his associates ignore the subpoenas. Some Democrats claim that such a refusal to cooperate with the Nadler-led committee



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supplies a strong reason for impeachment. But their leader, House Speaker Pelosi, who is the decision maker regarding whether or not to initiate the process, remains unwilling to have the House vote on impeachment.

Ironically, Trump himself may want an increase in cries to impeach him. He believes that he has enough support in the Senate to block conviction. Should any vote in that portion of the impeachment process ever occur, and conviction isn't achieved, they would have handed the president a real victory. And, even if the House never votes for the Senate to try the president, all the fuss about whether or not to use the impeach process builds the image of a martyr.

As the 2020 election nears, Trump has additionally blamed House Democrats and their leader for not dealing with matters many voters deem far more important than possible impeachment. He wants congressional action on rebuilding the nation's infrastructure, on blocking unwanted mass immigration, and on possible military action in the Middle East. He regularly suggests that Speaker Pelosi should halt the "phony investigations" of his past conduct that are blocking needed attention on other matters.

Nancy Pelosi is in a bind. If she continues to block consideration of impeachment, she may find her Democrat party fractured and a swelling of resistance to her leadership. If she bows to the party's noisy pro-impeachment faction, she will likely do Donald Trump a big favor because Senate conviction on charges brought being discussed is extremely unlikely.

Watch for Trump to ramp up his claim of being treated unfairly. He will likely increase his accusations of Democrat dereliction of duty in not dealing with an array of important matters. Right now, less than 18 months before the next election for president, it's safe to say that Nancy Pelosi's eager House members are inadvertently increasing Donald Trump's chances for reelection. Her dilemma increasingly works in the president's favor.

*John F. McManus is president emeritus of [The John Birch Society](#).*



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