

For Democrats, the Party's Over

They now must choose between ignominiously dropping their impeachment effort and embarrassingly pursuing it.

by Conrad Black



If the Democrats are really tempted by impeachment, bring it on. Since the day after the 2016 election they have been threatening this, placing their chips on the Russian-collusion fantasy and then on the phantasmagoric charade of obstruction of justice. The attorney general accurately gave the ingredients of the offense of obstruction of justice in his four-page summary of the Mueller report: a corrupt act for corrupt purposes in contemplation of a legal proceeding. The attorney general, William Barr, the then deputy attorney general Rod Rosenstein, and the Justice Department counsel concurred that none of the elements was present in the conduct of the president as recounted by Mueller. The dream died, except in the febrile imagination of the Democrats, who

launched an unfounded attack on the attorney general's integrity. Everyone knows that the prospects of a successful move to impeach and remove the president from office by two thirds of the Senate finding that he has been proved beyond a reasonable doubt to have committed high crimes and misdemeanors, as the Constitution requires, are less than zero.

The turn of the tables has been exquisite and complete. The idea that anyone ever nominated by a serious American political party would collude with a foreign power to rig a presidential election is insane. No one, not even a scoundrel such as Aaron Burr or a third-party *naif* such as Henry Wallace, would have dreamt of such a thing. But in their desperation and denial after the unimaginable victory of someone pledged to clean out the entire political class that has ruled America since the Reagan years, the Democrats paid \$10 million for a false dossier on Trump, corrupted and politicized the intelligence services and the FBI, set up an echo chamber of self-verification with the national media Trump had already reviled as dishonest, and provoked the creation of a special counsel to look into Trump-Russian collusion. The Republican congressional leaders sat on their hands to see if the leader none of them had supported would be impeached, and the Democrats and their scripted media choristers smugly carped and waited like noisy crocodiles for their victim to be reduced to inert helplessness. Guess what.

Mueller did his best, with a character assassination of the president from selected Star Chamber testimony of no legal relevance and an attempt to pull the pin on a damp grenade by citing a series of legally innocuous facts and declaring an inability to exonerate for obstruction, though collusion with Russia was hopeless. Mueller knew that that was not his brief – no one had asked him to do anything except state whether or not there was valid reason to impeach the president. His spurious and cowardly recitation of legal fineries that

fulfill none of the requirements for obstruction combined with a sorrowful statement of inability to exonerate on that charge is, in fact, an exoneration. It was the best Mueller, a slab-faced Trump-hater who assembled a famished wolf-pack of pathological Trump-haters as his investigative team, could do: He failed the Democratic lynch mob because he couldn't find any evidence, and he failed the country in not producing a fully honest and impartial report. The Democrats are left at a crossroads: keep swinging like punch-drunk prizefighters lashing out when they hear the bell of a passing streetcar, or abandon the impeachment ship while there is still room in the lifeboats.

The president has won his spurs with his own party. While they waited as mute and spineless spectators, he wrestled the Russian-collusion leopard off his back and slew it. He is right to stonewall the Democratic House committees on their much-touted blizzard of subpoenas. The porcine judiciary chairman, Jerry Nadler, a virulent enemy of Trump for 30 years, splutters with righteousness, but he has no legal right nor the decisive political support to start all over again after Mueller has come up empty-handed. President Truman determined in reference to the House Un-American Affairs Committee, and President Eisenhower stated in reference to the various Joseph R. McCarthy hearings, that they would not tolerate any federal executive-branch employee's being subpoenaed about any advice they gave the president, that they would accept and honor no such subpoenas, and that anyone who responded to such subpoenas would be fired at once. This was established pre-Watergate practice and is sound law. No one should imagine that Nadler is more virtuous than McCarthy or the other red-baiters.

Finally, the nation is recovering from the Watergate assassination. Richard Nixon opposed Truman's position but loyally supported Eisenhower when he served him as vice president, in the same position Truman had taken, and he was

instrumental in the censure of McCarthy. He assumed when he was president that he could define executive discretion as Truman and Eisenhower had. He completely mishandled the Watergate investigation. He forgot that any District of Columbia jury was bound to convict Republicans of anything, forgot the dangers of the plea-bargain system as it had evolved, and forgot that the Senate could ignore lawyer-client privilege in the case of a useful turncoat such as John Dean (who still inflicts his contemptible opinions on the country at the behest of the Trump-hating media). There is still thoroughly insufficient evidence to establish that Nixon participated in the spontaneous semi-conspiracy that developed in Nixon's entourage to obstruct justice, and then the perjury of a number of his subordinates in the administration and in the Republican organization.

Nixon's assailants have lived ever since off his confusion over the impeachment threat, which had never been seriously considered in respect of a president since the failure to remove Andrew Johnson in 1868. (This explains the frequent surfacing on our television screens, like a reptilian monster of the deep, of Carl Bernstein peddling his nonsense about a "constitutional crisis" arising from the president's alleged mental incapacity.) Nixon recognized too late what he had allowed to happen; impeachment was unthinkable, and as a fierce American patriot he was ashamed of embarrassing the presidency and determined to spare the country a Senate trial, and therefore withdrew. Unfortunately, as some of us foresaw, the process temporarily resulted in an addiction to impeachment by both parties as a destructive trick to emasculate a president, a perverted mutation of a parliamentary non-confidence motion.

The response of the executive branch to this threat has evolved and become more resourceful, like immunity to an affliction after recurrences of it. Where President Nixon spared the country the agony after it had made probably

terminal inroads, President Reagan in the Iran-Contra affair, a minor matter involving a popular president near the end of his term, with plausible deniability, just said "I don't recall," and it passed. President Clinton, as Whitewater was transmogrified into the blue dress and likely perjury to a grand jury, fought it out, and his opponents got a 50-50 split on one count, but did not come close to removal. Now, finally, comes a president armed with a decisive legal and political advantage who is happy to meet his accusers and massacre them if they charge. If Speaker Pelosi can't restrain the far-left imbeciles from voting impeachment, they will not even hold the Democrats in the Senate. There is no evidence to convict this president of anything, and the country will be outraged.

The Democrats have painted themselves into a corner. They must put up or shut up, impeach or back down. The president has called their bluff and the game is about to end, either an embarrassing defeat for the Democrats or political annihilation. Pelosi is no galvanizing leader, but she is a cagey veteran. She has tried to warn her more-furious caucus members of what they are getting into but is obviously having trouble controlling her partisans. I assume contemplation of what awaits will induce the House Democrats to opt for a trip to the woodshed over the political gallows, but it would be impetuous to bet a five-cent cigar on their collective judgment. Their attempt at regicide has failed completely; it's still a bit of a long shot, but they might just manage suicide, not from justified conscientious shame, but out of witless antagonism. One way or the other, the papier-mâché Damoclean sword of impeachment will disintegrate just as the prominent Democrats who grievously abused their offices in trying to destroy Trump get ready for their own trials. Both sides come to bat in this legal game, and the Democrats have struck out.

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