Democrats Should be Wary of "Fishing Expedition" Charges

Richard Cherwitz, Guest Opinion

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On Monday, March 4, David Axelrod — former senior advisor to President Obama — expressed an important worry about current investigations of President Donald Trump, one that resonates with a rhetorical concern for Democrats that I have expressed in recent op-eds.

“Maybe I’m missing something,” tweeted Axelrod, “but the hazard of an omnibus document demand by House judiciary versus discreet, serial ones is that, however legitimate the areas of inquiry, the wide-ranging nature of it too easily plays into the ‘witch-hunt’ meme.” What Axelrod is suggesting is that an omnibus document involves a sweeping request for information and witnesses rather than a call for specific information and witnesses to testify.

In reality there is reasonable justification for requesting this information as part of Congress’ oversight function and in response to the mounting number of revelations about potential wrongdoing by President Trump. The problem, to which Axelrod alludes, is rhetorical—one of perception and appearance. Making such wide-sweeping requests feeds into and amplifies Trump’s refrain that Democrats are engaging in “presidential harassment.”

Moreover, we already are witnessing the White House stalling and, under the guise of executive privilege, suggesting they will not provide all requested documents. The effect of this lack of cooperation will be a variety of legal challenges that probably won’t be resolved for many years.

The salient question, therefore, is: How will this legal and public relations battle impact the outcome of the 2020 election? My fear is that the war between the Democrats and Trump on this issue will be the predominant story featured by the media. After all, the media continuously shows its appetite for covering dramatic and titillating conflicts—and, make no mistake about it, this dispute about investigations of Trump is dramatic and stimulating.
As a result, a public already tired of all the probes into the President’s past actions and unlikely to change their mind about alleged Trump wrongdoing, might not hear or be able to focus on the Democrats' positive message about why they have the best vision in 2020 and going forward.

To be clear, I am not suggesting the search for truth about the behavior of the President of the United States is not a paramount duty of Congress. To the contrary, this oversight function is essential to the long-term health and sustainability of our democracy. Nor am I arguing that efforts by the Democrats to win the 2020 election should trump—no pun intended—their duty to expose potential ethical and legal wrongdoing.

Simply put, I concur with a colleague of mine who proclaimed: “Given a choice between not knowing the truth but winning the election, or knowing the truth and losing, I’d take truth.” While I agree with my colleague in principle, the real issue does not involve an all-or-nothing choice; instead the question is a matter of rhetorical inflection: What is the best way to reach a balance—to stop playing into Trump’s narrative, while at the same time demonstrating a commitment to truth?

Unfortunately, pursuing what Axelrod calls a “wide-ranging” investigation and requesting a plethora of documents and witnesses is not an appropriate rhetorical balance. That approach makes it far too easy for Trump and the Republicans to label the Democrats’ strategy a fishing expedition—something that will prompt substantial media coverage.

My hope is the Democrats will be more selective in their demands for information about potential wrongdoing by President Trump—and that they will fall in line with Speaker Nancy Pelosi’s quest to keep talk of impeachment at bay.

As we learned, the Republican-controlled House of Representatives bringing impeachment charges against President Bill Clinton backfired. That decision by Speaker Newt Gingrich actually helped Clinton win re-election. Like then, the Senate today likely won’t conduct an impeachment trial.

Therefore, since focusing on impeachment talk appears to be an unproductive option, the Democrats in Congress should spend a disproportionate amount of time on legislative proposals that tackle the problems faced by Americans and not being addressed by Republicans: health care, wages, fair taxes—the kinds of issues that led to a Democrat victory in 2018.

Perhaps most important, Democrats must not allow President Trump to set the rhetorical agenda for the 2020 campaign, as he already has done with pre-emptive attacks on socialism. Democrats should be proactive and avoid being defensive. Unlike 2016, Trump now is the incumbent—and he must be forced to defend his policies, as well as his failures to address important issues.

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