Democrats Should Exercise Patience on Impeachment

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By Richard Cherwitz

Ever since Donald Trump was elected, and especially since the appointment of a Special Prosecutor, the question of impeachment has been the focus of speculation by political pundits and the media.

Almost weekly, sometimes daily, stories have been written suggesting a variety of wrongdoings—both legal and ethical—committed by the President, as well as members of his administration and 2016 campaign team.

In each case, the possibility of impeachment has been raised, especially by Democrat politicians unhappy with the outcome of 2016 and anxious to see Trump leave the White House.

On the evening of January 17, perhaps the most damning story to date was posted by BUZZFEED. For the first time, unnamed sources revealed that the President may have obstructed justice by encouraging his former attorney to lie to Congress—something that
would be a felony and one that this week William Barr, the person Trump nominated to be 
Attorney General, said would constitute suborning perjury and obstruction of justice, thus 
potentially leading to a legal indictment.

Not surprisingly, this story dominated the news on Friday and resulted in a loud outcry by 
Democrats in the House and Senate. To be sure, they have good justification for wanting to get 
to the bottom of the BUZZFEED report. We must know whether it is true, as the story reported, 
that President Trump instructed Michael Cohen to lie to Congress about the Moscow Tower 
Project. If that was the case, this indeed would be a crime and an impeachable offense.

However, patience and caution are required. Until the story can be corroborated and all of the 
anonymous sources interrogated, it would be a political mistake, not to mention legally 
inappropriate, for Democrats to call for impeachment or conclude prematurely that there is 
prima facie evidence to suggest that Trump committed a crime. This is especially critical since 
on Friday evening BUZZFEED stood by their story following a statement by Mueller’s office 
disputing at least some of their report.

I tend to think the BUZZFEED story is at least partially accurate and reflective of a recurring 
pattern, that there may be supporting documents to substantiate the allegation, and that 
additional similar examples very well could emerge in the days to come. Moreover, there can 
be little doubt that Special Counsel Robert Mueller knows far more than the public or media 
does about this and other damaging allegations about President Trump.

Nevertheless, from a political standpoint, now is not the time for Democrats to get out in front 
of what is known.

Beyond the obvious fact that no one yet has been able to corroborate BUZZFEED’s reporting, 
the salient question is about timing and political costs.

Allow me to offer a legal analogy: Democrats may not get two bites at the apple. As a colleague 
of mine astutely argued, there probably will not be two opportunities to impeach this 
President. Hence, just like a prosecutor knowing a target is guilty but delaying the indictment 
until his/her case is solid, Congress needs to carefully investigate, gather hard and diverse 
evidence, and build multiple articles of impeachment. Rushing in with one or two issues could 
easily result in a failure to convict in the Senate. That, in turn, could make any other attempt at 
impeachment look purely political --no matter the evidence amassed.

I continue to believe, therefore, that the Democrats must not allow their opposition to Trump 
to overwhelm sound political judgment. There is nothing wrong with the House undertaking an 
investigation into the details of the BUZZFEED story, requesting that Mueller guide them on 
what is permissible given his ongoing investigation. It will be recalled, after all, that President 
Richard Nixon was investigated by the Congress prior to the conclusion of the Special 
Prosecutor’s investigation.
Put simply, patience and caution are in order—and perhaps even a realization that Trump may remain in office until 2020 when Americans will be able cast a vote based on all that has transpired.

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