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To Impeach or Not to Impeach? That Is the Question

Hoyt Hilsman · Wednesday, May 29th, 2019

*“Whether ‘tis nobler in the mind to endure the slings and arrows of outrageous fortune,
or take action and by opposing, end them.” — Hamlet*

As a playwright and screenwriter (and also as a former candidate for Congress and political organizer), I have been following the debate over whether to impeach the President not only with great interest, but from my own particular perspective. Because I am a writer, I think about events in terms of scenarios, much the way one might construct a play or screenplay. One of the essential questions in constructing a scenario is not only what happens next, but what is the ultimate end of the story. So rather than whether Congress should or should not impeach the President, I have been thinking more about the various scenarios, and what might be the end game of each. So here goes.

If the House finally decides to impeach the President, there are several scenarios. For starters, the House might not have enough votes to impeach, since many Democrats in swing districts might decide it's a bad idea. However, if the House does vote to impeach, it would go to the Senate for a trial. Of course, the Senate under Mitch McConnell might simply refuse to hold a trial. That would be unprecedented, but a lot of things are unprecedented these days. Like all the other constitutional fights, this would likely end up in the court.

More likely, if the House votes to impeach, the Senate would hold a trial, presided over by the Chief Justice of the Supreme Court. This has happened twice before in American history, and both times the president was acquitted. In the case of Andrew Johnson, he was not re-nominated by his party. In the case of Bill Clinton, his popularity increased after he was impeached. It is worth noting that in the Johnson impeachment, votes for both acquittal and impeachment were literally bought and sold. Although there is not as much evidence that bartering for votes occurred in the Clinton impeachment trial, it is highly likely that any impeachment trial in the Senate would involve a lot of political horse trading.

The most probable outcome of a Senate trial is that the President is acquitted, given the Republican majority in the Senate. There has been a lot of speculation about whom this would benefit politically, although it seems likely that the President would come out ahead, as did Bill Clinton. However, if the President is convicted for the first time in American history, he may refuse to step down, there would be another constitutional crisis that would likely end up in the Supreme Court. Even if the President were forced to step down, there is the additional constitutional question whether a president who has been removed from office can then run for re-election—an issue that

has never been tested before.

Of course, there is one final scenario, which is that the Congress chooses to “to endure the slings and arrows” of a President who is ostensibly unfit for the presidency and has abused the office. Should Congress avoid impeachment, even in the face of a President who has arguably committed high crimes and misdemeanors, because it might assure his re-election? Or should it take a principled stand and risk outcomes that could be politically unpalatable or, even worse, dangerous to the future of the country. In *Hamlet*, Shakespeare eloquently expressed the painful choice—albeit in much different circumstances—that today face the Congress and the American people.

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