

# Nancy Pelosi has no leverage on impeachment and will fold



Photo by: J. Scott Applewhite

House Speaker Nancy Pelosi has a weak hand in withholding the two articles of impeachment from the Senate. (Associated Press)

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## **ANALYSIS/OPINION:**

After pushing through a quick, partisan impeachment, House Speaker Nancy Pelosi made a grievous strategic miscalculation.

The California Democrat decided not to forward the two articles of impeachment to the Senate, believing she could pressure the Senate to require witnesses as part of the trial.

Let's set aside the absurd demands for fairness that House Democrats are making. Their partisan House process was unprecedented and earned bipartisan opposition as the White House was denied due process and leaks and secret hearings were regularly utilized. Democratic requests for fairness now are

laughable.

Beyond the fairness issue, there are several problems with Mrs. Pelosi's approach now that the House has acted.

First, the Republican-led Senate doesn't want to take up the impeachment and would be delighted if Mrs. Pelosi pocket-vetoed her own measure indefinitely. That floor time can be used to confirm 15-20 more federal judges with lifetime appointments.

Second, the House has no leverage in the Senate as Majority Leader Mitch McConnell answers not to Mrs. Pelosi but to the 53 Republican senators who make up his conference. This is not like a conference committee where two bills must be reconciled. The Senate did not try to manipulate the House impeachment inquiry — attempting to do so would have been pointless.

Third, decisions on witnesses are not entirely up to him. He can negotiate a bipartisan agreement with Senate Minority Leader Chuck Schumer, but ultimately the trial process and agreements on witnesses are subject to a 51-vote threshold.

Fourth, Mrs. Pelosi's position is entirely incoherent. She apparently believes impeachment was necessary and urgent because the president is such a threat to democracy and national security, but that impeachment can wait until the Senate's trial procedures meet her approval. She can't have it both ways.

Fifth, a demand for specific witnesses undermines the strength of her own case. Why did Democrats pass the two articles if the case she presented in the House requires these fresh witnesses? Democrats have repeatedly said they had a strong case, so why do they need more witnesses at trial? These witnesses could have been available to the House had they been willing to battle the executive privilege claim in the courts. But time was of the essence for House Democrats and they did not want to wait.

Sixth and finally, the calendar is a matter of concern for Senate Democrats. Even a short trial held in January would be profoundly inconvenient for the four sitting senators running for president, with the Iowa caucuses to be held Feb. 3. In a trial, senators are required to be sitting quietly at their desks for hours at a time for several weeks. Mrs. Pelosi's pointless delay increases the odds that the trial

will be held at the most inconvenient time possible.

Mr. McConnell is not rejecting witnesses without consideration. He is suggesting that the process used in the trial of President Bill Clinton be used here as well. Both sides present their case, and then a majority vote is held on witnesses.

Mrs. Pelosi may understand the House, but this unforced error has proven that she does not understand the Senate.

She faces two bad options in the new year. She can fold and gain no concessions from Mr. McConnell or she can effectively prevent the Senate from ever holding a trial. In the latter case, Mr. McConnell may well hold an acquittal vote in the Senate, which would require 51 votes.

Mrs. Pelosi has a weak hand and decided to bluff. Mr. McConnell then called the bluff. In early January, the cards will be turned over and the pot will be awarded.

This was all entirely foreseeable. How did the “brilliant tactician” Pelosi so badly misjudge this situation?

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