**For Release Wednesday, September 25, 2019**

**Capitol View**

**Commentary by J.L. Schmidt**

**Statehouse Correspondent**

**The Nebraska Press Association**

**Let’s Stop Using the Word Impeachment, Please**

“Jack Sprat could eat no fat.” Impeach him!

“His wife could eat no lean.” Well then, impeach her!

That would be today’s solution and call to action.

But, guess what, back in 1639 England, when the famous rhyme was published, the solution was so much simpler: “And so betwixt them both, they lick'd the platter clean.” Cooperation, compromise. Wow.

If you Google it, you’ll find myriad explanations, tutorials and even YouTube videos explaining impeachment. It’s the process by which a legislative body levels charges against a government official. Once an individual is impeached, he or she must then face the possibility of conviction by a legislative vote, which judgment entails removal from office.

Ah yes, the legislative vote. Read that, politics, which party has the power edge? Would taking it to a vote have the desired outcome? Remember that President Bill Clinton was impeached and acquitted by the Senate in 1999 and completed his term in office. He is only the second U.S. president —following Andrew Johnson 131 years earlier — to ever be impeached.

Helps you understand why the zeal to do the same to the current President of the United States runs hot and cold. It’s obviously satisfying to some to throw the threat out there. But the reality is there is always the probability of acquittal by the Republican controlled Senate.

President Richard Nixon could likely have been impeached for his knowledge of – and dare we say, involvement in – the 1972 break-in at the [Democratic National Committee](https://en.wikipedia.org/wiki/Democratic_National_Committee) headquarters at the [Watergate office complex](https://en.wikipedia.org/wiki/Watergate_hotel) in [Washington, D.C.](https://en.wikipedia.org/wiki/Washington%2C_D.C.) The articles of impeachment in July 1974 covered

**For Release Wednesday, September 25, 2019 – Page 2**

obstruction of justice, abuse of power and contempt of Congress. Nixon wisely resigned on August 9 and avoided probable impeachment and removal from office.

Now the focus has shifted to impeachment of U.S. Supreme Court Justice Brett Kavanaugh for new allegations that weren’t brought up during his confirmation brouhaha months ago. At least two of the Democratic Presidential hopefuls have called for impeachment.

I have a confession to make. In 1951, as a morning kindergartener in the Panhandle community where I grew up, I stole small chunks of clay during craft time. It was from this big brown glob of what was obviously government-subsidized clay that had a distinctive smell and was a bit oily. I was prompted by my friend Lloyd who was doing the same thing.

My older sister – a fifth grader – found out and told my mom who promptly marched me to school the next day with my accumulated clay and forced me to turn it in to my two kindergarten teachers – one of whom was the wife of a very popular deputy sheriff – and confess my transgression. I think I lost some recess privileges and they never trusted me around clay again.

I am just glad the people involved in that incident had long since forgotten about it when I ran for the village board in a small town in the opposite corner of the state 20 years later. I am sure burning at the stake would have commenced on the high bluffs overlooking the Missouri River. I did get elected and served that community well as both a board member and a business owner. No talk of impeachment for me.

U.S. Supreme Court Justice Samuel Chase wasn’t quite as lucky in 1804. He had campaigned vigorously for John Adams in the election of 1800, and in 1803, gave a grand jury charge in the U.S. circuit court in Maryland that was sharply critical of the Republicans. The grand jury charge proved highly controversial and led many to call for Chase’s removal from the bench. In March 1804, the House of Representatives voted to impeach Chase.

**For Release Wednesday, September 25, 2019 – Page 3**

During his 22-day trial before the Senate, Chase argued that he could not be impeached for errors in judgment or improper behavior on the bench, but rather only for an indictable offense. On March 1, 1805, the Senate acquitted Chase when none of the eight articles of impeachment secured the votes required for conviction.

Members of Congress can also be impeached. Since 1789, the Senate has expelled only 15 of its entire membership. The House has removed five and one of those, William K. Sebastian of Arkansas, was posthumously reversed. On July 11, 1861, the Senate expelled all 10 southern senators by a vote of 32 to 10. The following February, the Senate expelled another four senators for offering aid to the Confederacy.

In 2011, Republican Sen. John Ensign of Nevada resigned over accusations of financial improprieties stemming from an extramarital affair. In 1995, Oregon Republican Bob Packwood resigned in response to a Senate Ethics Committee vote recommending his expulsion after numerous women's accounts of sexual harassment. In 1982, New Jersey Democrat Harrison Williams resigned after being convicted of bribery and conspiracy in an FBI-run corruption sting.

So, please, can we just stop calling for impeachment every time a reporter opens his or her notebook? Let the system work as it was intended and seems to have been doing for years.

 **--30--**

***J.L. Schmidt has been*** *covering Nebraska government and politics since 1979. He has been a registered Independent for 20 years.*