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## The Impeachment Dilemma

Impeachment could become the defining issue of the 2014 midterm. And here's the irony: Democrats are more likely to make it an issue than Republicans. It's the one issue that's likely to rally the Democratic base.

Impeachment has been an issue for the far right ever since Barack Obama took office in 2009. For five and a half years, the right-wing fringe has challenged Obama's legitimacy, raising questions about his birth, his religion, his values and his foreign ties. They've sought to define every issue—the *Affordable Care Act*, Benghazi, drones, the Bergdahl deal—as a potentially impeachable "crime." For years, Republican congressional leaders have dismissed the impeachment talk as unrealistic and distracting. A nuisance. The nuisance may become more serious this year for several reasons.

One is that Republicans have a good chance of winning a majority in the Senate. Ever since Republicans took control of the House of Representatives in 2011, there has been speculation on the right that the House could vote to impeach President Obama, though the charges have always been vague. "If I could write that bill and submit it, it would be a dream come true," Rep. Kerry Bentivolio (R-MI) said last year.

If Republicans take over the Senate, the speculation is likely to increase. Still, it takes a two-thirds majority in the Senate to convict a President and remove him from office. Republicans won't get anything close to that. But with Republicans in control of the Senate

agenda, the issue could take a more serious turn.

Watch for impeachment to be a lively topic at town hall meetings when Congress takes its August recess. We saw that happen last summer. When a constituent asked Rep. Blake Farenthold (R-TX) about impeaching the President, the congressman responded, "If we were to impeach the President tomorrow, you could probably get the votes in the House of Representatives to do it. But it would go to the Senate and he wouldn't be convicted."

With a Republican Senate, the prospect of conviction gets ever so slightly greater. The conservative base knows that. As a result, the calls at this

summer's town halls are likely to be louder.

But what "high crime and misdemeanors" could President Obama be convicted of? There's not much agreement on that. We've heard a growing chorus of anger among conservatives over the President's executive actions, starting with his State of the Union speech in January when Obama pledged, "Wherever and whenever I can take steps without legislation to expand opportunity for more American families, that's what I'm going to do."

In the legal debate over President Clinton's impeachment, many constitutional experts concluded that there is no rigid definition of "high crimes and misdemeanors." Congress can define the offenses any way it wants. The House impeached President Clinton for perjury and obstruction of justice. The public believed Clinton was impeached for sex. President

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Andrew Johnson was impeached in 1868 for violating the prerogatives of Congress. Johnson had fired a cabinet officer without the consent of Congress as required by the *Tenure of Office Act* (which—decades later—was declared invalid by the Supreme Court).

In Obama's case, conservatives have a long list of executive actions they consider potentially impeachable offenses: orders to defer the deportation of illegal immigrants, to raise the minimum wage for federal contractors, to curb greenhouse gas emissions from coal-fired power plants, to delay the implementation of some provisions of the *Affordable Care Act* and to ban pay discrimination against women. In 2013, Sarah Palin warned, "Defaulting on our national debt is an impeachable offense, and any attempt by President Obama to unilaterally raise the debt limit without Congress is also an impeachable offense." How's that for damned if you do and damned if you don't?

The Supreme Court has ratcheted up the speculation by ruling that three recess appointments President Obama made last year were unlawful because the Senate recess was too short. The decision raises the political stakes for the 2014 election in two ways. First, Republicans will be even more strongly motivated to win the Senate. As long as Democrats hold the majority, President Obama can get his appointments confirmed. That would end if the Republicans take over.

Second, it bolsters the argument that this President has acted in violation of the Constitution. The office of House Speaker John Boehner (R-OH) issued a statement saying, "The American people, their elected representatives and the Supreme Court have all expressed serious concerns about the President's failure to follow the Constitution."

That kind of talk is certain to encourage discussions of impeachment. But Boehner also said, "This is not about impeachment." The Speaker is trying to contain the pressure for impeachment from the conservative grassroots by offering an alternative. He wants the House of Representatives to sue President Obama for "failing to faithfully execute the laws of our country."

Republicans want the 2014 election to be a referendum on presidential authority. What other

issue is there? Immigration reform is going nowhere, a deal on taxes and spending looks impossible and Republicans don't want to advocate military intervention in the Middle East. Nothing is more likely to stir the enthusiasm of conservatives than a crusade to curb this President's power.

On the other hand, talk of impeachment could easily generate a backlash. Democracy Corps has just released a poll that shows far less enthusiasm about voting this year among core Democratic groups (African Americans, young people, Latinos and unmarried women) than among other voters. That gap has been growing wider. It's a challenge for Democrats to hold the Obama coalition together when Obama is not on the ballot.

But if 2014 becomes a vote to "save President Obama," those core Democratic constituencies would suddenly be motivated to turn out. The more the issue of impeachment comes up in Republican town halls this summer and in the fall campaign, the greater the possibility of a Democratic backlash. The Speaker's lawsuit is intended to divert the threat of impeachment while keeping the focus on President Obama.

Republican leaders remember what happened to them in 1998 when they were threatening to impeach President Clinton (which they did, a month after the election). Republicans expected Clinton's humiliation to produce gains for them. Instead, they lost seats in the House. And it spelled doom for Speaker Newt Gingrich. ■



## Polarization Marches On

Americans have become slightly more liberal in the past twenty years. And markedly more polarized. From 1992 to 2013, the percentage of Americans who describe themselves as liberals has risen by 6 points. The percentage conservative has also gone up, but only 2 points. It's a sign of growing polarization that moderates have declined by 9 points.

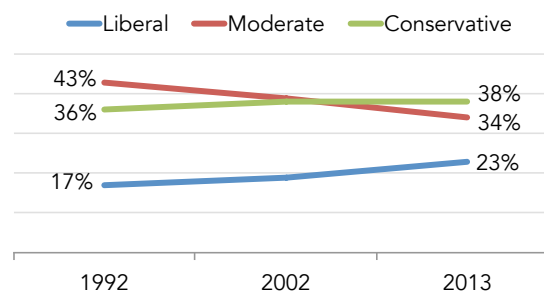
The main reason for the liberal shift? Democrats, who continue to outnumber Republicans (31% to 22%), became noticeably more liberal. In 2000, 29% of Democrats called themselves liberals. In 2013, 43% of Democrats were liberals, an increase of 14 points.

Republicans also became more conservative, but not quite as fast. Republicans were 62% conservative in 2000 and 70% conservative in 2013, an increase of 8 points.

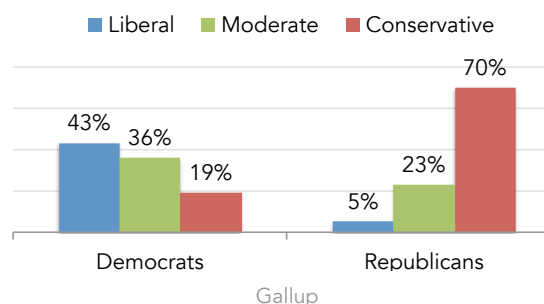
Another sign of polarization: both parties lost moderates. Even though liberal Democrats increased at a faster rate than conservative Republicans, the two parties are not equally balanced.

An overwhelming majority of Republicans are conservative, while fewer than half of Democrats are liberal. The parties are moving apart, with Democrats' liberal views increasing, on the average, by 14 points and Republicans' conservative views increasing by 3 points. In 1994, Democrats and Republicans averaged 16 points apart on the ten issues. By 2014, the difference between the parties had nearly doubled, to 31 points.

### Do You Think of Yourself as Liberal, Moderate, or Conservative?



### U.S. Political Ideology, 2013



Gallup

## Latino Clout? Maybe Not So Much

Two factors limit the impact of Latino voters in American politics—participation and geography.

While Latinos make up 17% of the U.S. population, they were only 9% of the voters in the last presidential election. Why? *The New York Times* cites several reasons. One is age. The Latino population is disproportionately young. 28% are under 18 years old and therefore not old enough to vote. Among non-Hispanics, 22% are under 18. Among Latino adults, 69% are citizens, compared with 96% of non-Latino adults. That means that fewer than half of all Latinos in the U.S. are even eligible to vote.

Eligibility is one problem. Participation is another. Among those Latinos eligible to vote, 52% were registered in the last midterm election, according to Resurgent Republic. And only 61% of those registered actually voted in the 2010 midterm. Bottom line: fewer than a third of Latinos who were eligible to vote in 2010 actually made it to the polls.

Latino political clout is also limited by geography. Nearly half of all U.S. Latinos live in two states—California and Texas. Neither is a battleground state in presidential elections. Among the ten presidential battleground states, only four have a Latino population greater than 10%—Colorado, Florida, New Mexico and Nevada. Those four states have a total of 49 electoral votes. That's 18% of the 270 needed to win.

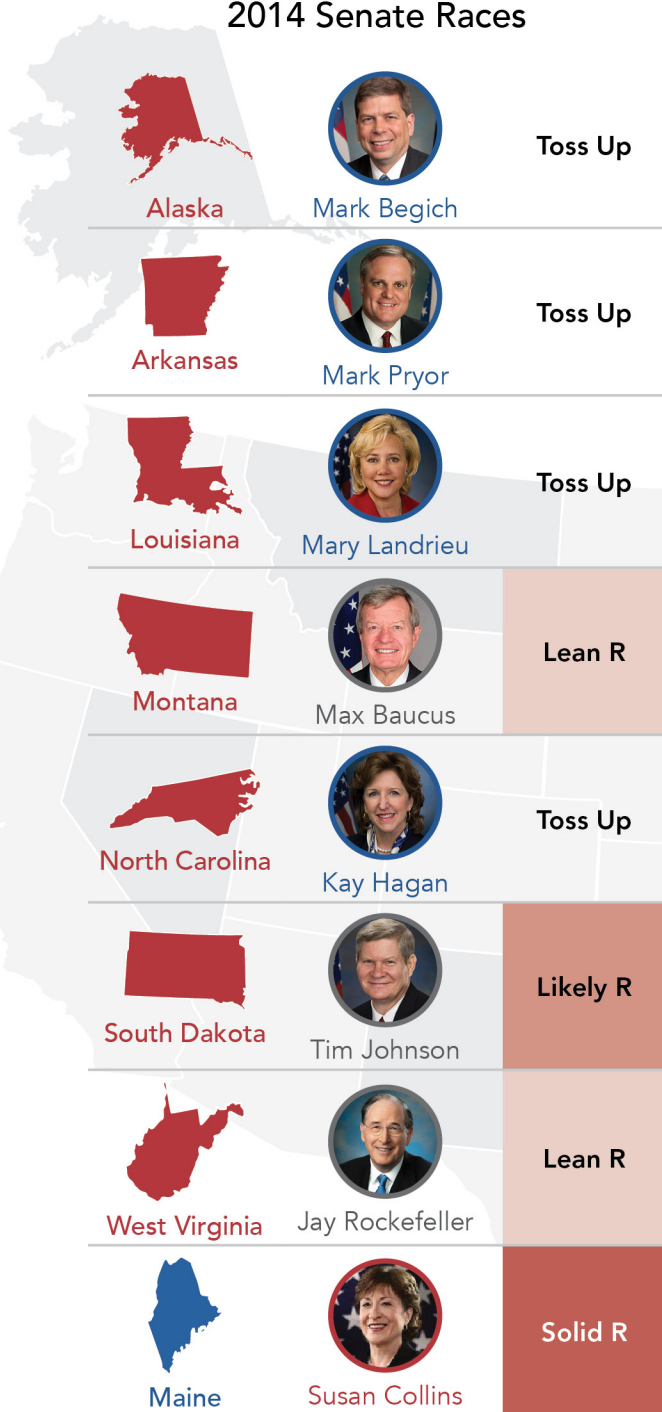
Geography is more limiting in this year's midterm election. Twelve states have competitive Senate elections this year. Only one of them—Colorado—has a Latino population greater than 10% (21%). According to *The New York Times*, "There are a handful of competitive House districts with a large number of Hispanic voters, making the Hispanic population share in the 2014 House battleground districts 7.4%."

In fact, Latinos represent fewer than 7% of eligible voters in all the districts represented by Republicans in the House. No wonder Republicans are not feeling much constituent pressure to pass immigration reform.

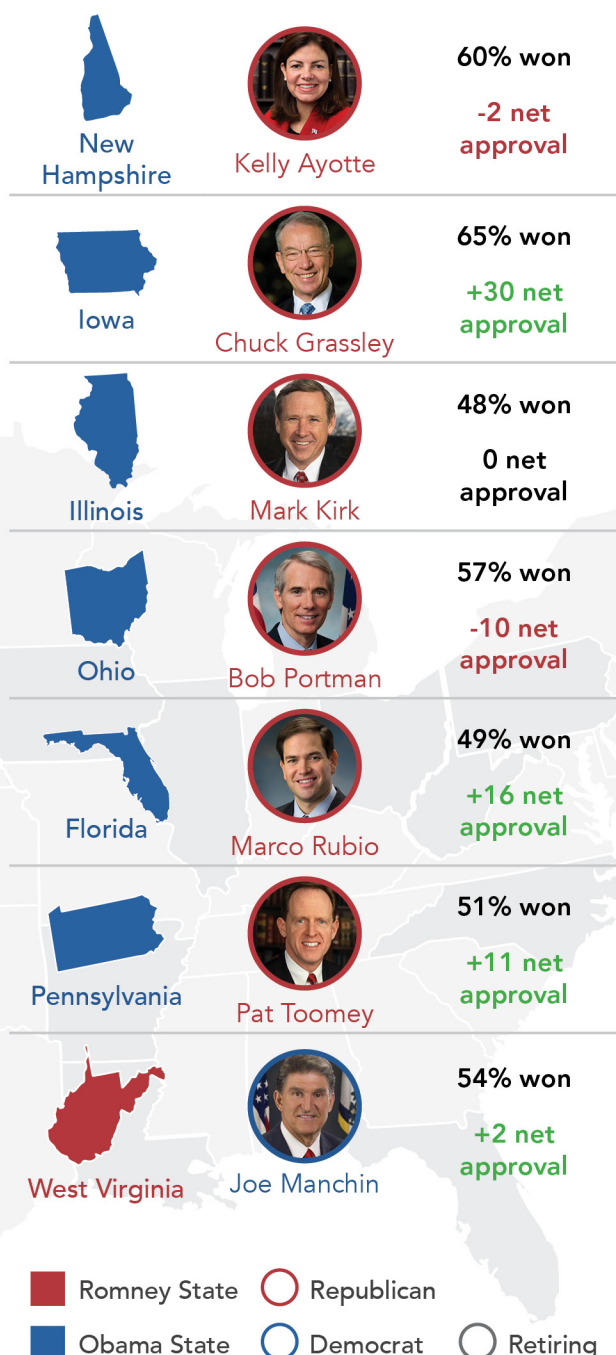
# Landslide Victories, Six Years Later.

In 2008—the year of “Yes We Can!”—we saw a Democratic landslide. And in 2010, ‘Shellacking’ Republicans gained 6 governors—making it a Republican landslide year. But holding a landslide is tough. This year there are 7 Romney states with Democratic Senate seats up, and 6 Obama states with Republican Senate seats up in 2016. Republicans could take the Senate in 2014, but 2016 is looking like a good year for Democrats.

## 2014 Senate Races



## 2016 Senate Races



■ Romney State    ○ Republican  
■ Obama State    ○ Democrat    ○ Retiring