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IDEAS

THE IMPEACHMENT OF JOE BIDEN

And possibly Kamala Harris, and Merrick Garland, and Alejandro Mayorkas, and
Antony Blinken

By Barton Gellman

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SOMETIME NEXT YEAR, after an interval of performative investigations, Republicans in the House are going to impeach Joe Biden. This may not be their present plan, but they will work themselves up to it by degrees. The pressure from the MAGA base will build. A triggering event will burst all restraints. Eventually, Republicans will leave themselves little choice.

This prediction rests, of course, on the assumption that Republicans will win control of the House next month, which appears likely: Democrats would need to win an improbable number of toss-up races to keep their majority. And an impeachment resolution requires just a simple majority to pass the House.

Nothing in the public record offers the slightest reason to believe that the Senate, even if it is under Republican control, would convict and remove Biden from office. Still, House Republicans will come to see plenty of advantages in impeaching Biden—and, possibly, several other top administration officials.

Already, there is enormous demand for impeachment. A University of Massachusetts Amherst poll in May found that 68 percent of Republican voters think the House

should impeach Biden. A majority expect that it *will* impeach him. Thwarting those expectations would be dangerous for any House Republican.

The poll numbers for impeachment correspond closely to the belief among Republicans that Biden is an illegitimate president. This is no coincidence: Impeachment is the corollary of election denial—the invincible certainty that Biden cheated in 2020 and Donald Trump won. If you truly believe that and haven't joined a militia, impeachment is the least of the remedies you will accept.

Election denial is the core position of the GOP today. Two-thirds of the Republican caucus in the House voted to overturn the presidential election in 2020—including Kevin McCarthy, who is likely to become the next speaker. A new cohort of incoming members, Republican nominees in safe red districts, has campaigned as election deniers. After a number of forced retirements and establishment defeats in primaries this year, very few party members will publicly concede that Biden won a free and fair election.

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“The impeachment buzz will be at the backdrop of every conversation about a Republican agenda,” Kevin Madden, a former top GOP spokesperson and strategist, told me. MAGA true believers think establishment Republicans “for too long allowed Democrats to play hardball, and now’s the time to really sort of fight fire with fire.” Trump’s supporters, he said, want “retribution.”

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McCarthy has so far equivocated on the question of impeachment. His allies tell me he will instead try to channel this energy into congressional investigations of the president, his family, and his administration. The prospective chairs of the relevant committees, Oversight and Judiciary, have already laid the groundwork for these probes in planning meetings and public pronouncements. But taking the next step toward impeachment is risky, and could backfire with voters. McCarthy wants to oversee subpoenas and Benghazi-style hearings to weaken the president ahead of the 2024 election, not issue a call for Biden's removal. (McCarthy and his staff did not respond to a request for comment.)

But there is little reason to think that McCarthy can resist the GOP's impulse to impeach once it gathers strength. He is a notably weak leader of a conference that proved unmanageable for his predecessors Paul Ryan and John Boehner. If he does in fact reach the speakership, his elevation will be a testament to his strategy of avoiding conflict with those forces.

Donald Trump remains the strongest influence on McCarthy's caucus. Anytime he cares to intervene, he will be the dominant figure in setting Republican priorities in the House. "Trump has the ability to get a message out, to motivate the grassroots base of the Republican Party," a close McCarthy ally told me. "And then that then turns around and motivates all these members."

And what will Trump want? Doug Heye, another McCarthy ally and former member of the House leadership staff, says the answer is obvious.

"Donald Trump's going to want to impeach everybody," he said.

WE TEND TO THINK of presidential impeachment proceedings as rare. The Constitution defined the power to impeach in 1787. Nearly a century passed before Congress picked up that weapon, impeaching and (barely) acquitting Andrew Johnson in 1868. Another hundred years passed before Richard Nixon resigned ahead of certain impeachment in 1974. Then came Bill Clinton, impeached in 1998 and acquitted the following year, and Donald Trump, impeached twice—in 2019 and 2021—and acquitted twice.

Five times, then, even if you count Nixon, in 235 years. But there is a lesser known and more extensive history. Twelve presidents—including all but one since Jimmy Carter—have been subject to impeachment resolutions. Amazingly, given the animus he attracted, the exception was Barack Obama.

"In the 21st century," the presidential historian Barbara A. Perry told me, impeachment "is now routine."

But while most attempts at impeachment have been symbolic gestures that had no chance to win a majority in the House, the coming Biden impeachment will not be that kind. Its prospects of passing and going to the Senate for trial will be substantial.

[From the March 2019 issue: Impeach Donald Trump](#)

On January 21, 2021, Joe Biden's first full day in office, Marjorie Taylor Greene filed the first article of impeachment against him. At the time, [House Resolution 57](#) was no more than a sneer at a president whom Greene called illegitimate. With the House under Democratic control, Greene had to know she would get no floor vote or committee referral. The House leadership did not even acknowledge the submission.

But the threat that Greene posed to Biden was not empty. In the long term, it will prove to be very real.

Greene—for all her history of anti-Semitic, racist, and ludicrously conspiratorial remarks—holds a position of growing influence in her party. Unlike Nancy Pelosi, the current speaker, McCarthy cannot ignore Greene's next impeachment resolutions, which she has promised in the new year.

“Marjorie Taylor Greene is going to have, if not more of, as much a say in the message and political focus of a Republican House conference than Kevin McCarthy will,” Madden said. “That’s just a very real pressure Kevin McCarthy is going to face.”

Greene's day-one impeachment maneuver set the tone for the Republican conference. In August of 2021 she offered three more resolutions, gathering eight co-sponsors, including fellow bomb-throwers and election deniers Matt Gaetz and Paul Gosar. Soon other members of the Freedom Caucus caught on.

Another resolution was introduced the following month. Yet another less than two weeks after that. Three days later, Lauren Boebert introduced a pair of resolutions against Biden and Kamala Harris. (In a nice piece of recursive logic, one of the charges against Harris was failing to invoke the Twenty-Fifth Amendment to remove Biden.) The barrage continued with another impeachment resolution in April, and still another—from Greene again—last month.

None of these resolutions will be the one that gets Biden impeached. They all expire shortly after the new year, when the 117th Congress draws to a close. When the next Congress gavels in, Republicans will likely control the committees, the floor, and the rules. At some point in 2023, momentum for impeachment will build.

WHAT CHARGE COULD REPUBLICANS use on Biden?

Advocates will have to come up with something that a majority of the House will endorse, and that will take time.

I talked with a lot of Republicans for this story, and the subject they mentioned most often was the president's son Hunter Biden. "Hunter" is an all-purpose emblem of scandal in the GOP, and to some extent that is justified. He has admitted to abusing drugs; he was thinly qualified for his position on the board of Burisma, a Ukrainian natural-gas company, which he held while his father was vice president; and he is reportedly under federal investigation for alleged tax crimes and for lying about his

drug use on an application to buy a gun. (He has said that professional advisers helped him with his tax affairs and is confident they were handled legally.)

The problem for those who want to impeach is how to connect the president to his son's alleged misadventures. Republicans who mentioned "the Hunter issue"—even those who predicted that it would be the central predicate for impeachment—grew vague when I asked them how it demonstrated wrongdoing by the president. One said it showed "a pay-to-play scheme," but did not specify who paid whom for what corrupt purpose.

[Read: Why Hunter Biden's laptop will never go away](#)

The only formal accusation against Biden in connection with his son came in Greene's first impeachment resolution. The evidence she cited was scant. The best Greene had was a 2011 email in which a business associate told Hunter Biden: "We need to get these guys to an event or something where they get to just formally meet your Dad." Greene concludes from this that Biden "allowed his son to trade appointments with his father ... in exchange for financial compensation," but no evidence suggests that Hunter agreed to arrange such a meeting, much less that it happened.

A former House leadership aide close to McCarthy said an impeachment charge against the president based on his son's conduct would be politically effective only "if it was discovered that Joe Biden had been very significantly involved in making money for Hunter ... and he had done something clearly illegal."

Another oft-mentioned reason for impeachment is Biden's immigration policies and border enforcement. One impeachment resolution offered last year alleged that Biden "has allowed illegal aliens to enter the United States in violation of immigration law, admitted aliens who have tested positive for COVID-19 into the United States, countered the will of Congress by not completing the southern border wall, [and] deprived border agents of the sufficient manpower and resources needed to secure the border." This is a policy dispute, but Congress gets to define *high crimes and misdemeanors* any way it likes.

The botched U.S. withdrawal from Afghanistan last year offers another potential basis for impeachment. A resolution backed by eight Republicans said Biden "failed to secure the extraction of thousands of American civilians and Afghan allies before and during the withdrawal." The resolution also said, accurately, that Biden "armed our enemies by leaving numerous weapons, ammunition, and other military equipment which could be used against American citizens, allies, and other civilians in Afghanistan."

Republicans have also offered the federal government's temporary ban on evictions as grounds for impeachment. According to three members of the Freedom Caucus, Biden showed "disrespect for Congress" and disregard for a (nonbinding) concurring Supreme Court opinion that cast doubt on the CDC's authority to halt evictions.

Last month, in her latest impeachment charge, Greene accused Biden of "endangering, compromising, and undermining the energy security of the United States by selling oil from the United States' Strategic Petroleum Reserve to foreign nations."

None of these rises to impeachable conduct by historical standards. But the GOP will find some new cause for outrage. Some leading Republicans say the details won't even matter.

Senator Ted Cruz, speaking on his podcast in December, opined that Biden's impeachment, "whether it's justified or not," will come in revenge for Trump's. "The Democrats weaponized impeachment. They used it for partisan purposes to go after Trump because they disagreed with him. And one of the real disadvantages of doing that ... is the more you weaponize it and turn it into a partisan cudgel, you know, what's good for the goose is good for the gander."

As George Conway, an establishment Republican turned Trump critic, put it, "This is a party that basically lives off of false equivalences now."

FOR MONTHS, HOUSE REPUBLICANS and conservative think tanks have been meeting to game out an aggressive agenda of hearings and investigations for the coming term. Much of the action will center on the Oversight and Judiciary Committees, expected to be chaired by James Comer and Jim Jordan, respectively. The overarching purpose will be to inflict political damage on the president in the run-up to the 2024 election. But Biden will not be the only target of these investigations.

Mike Howell, who leads the Heritage Foundation's Oversight Project and took part in a May planning retreat with senior congressional staffers, told me that oversight will quickly lead to impeachment debates—beginning with the Homeland Security secretary, Alejandro Mayorkas. "Impeachment comes up in virtually every conversation you have about what to do when the next conference gavel in," he said. "And I'm talking about the impeachment of Mayorkas."

[Read: Why this election is so weird](#)

Last year, an impeachment resolution against Mayorkas won 31 co-sponsors, including Scott Perry, the chair of the Freedom Caucus. This year, Heritage published what amounts to a draft impeachment resolution against him. And Republicans have already introduced articles of impeachment against Kamala Harris, Attorney General Merrick Garland, and Secretary of State Antony Blinken.

All of this momentum, Howell said, could naturally lead to the president. “I think the arguments are there” to impeach Biden, he told me. “You have your pick of multiple different types of impeachable conduct across the board.”

For die-hard Trump allies, impeaching Biden is good politics no matter what. But for McCarthy and the rest of the prospective House leadership, there are pitfalls. “There are lots of reasons not to go on an impeachment bonanza,” says Brendan Buck, who was a top aide to both Boehner and Ryan, “not the least of which is that it could politically be viewed as overreach and make House Republicans look crazy and make Joe Biden, by contrast, look better.”

But McCarthy’s equivocation on impeachment carries the seeds of its own collapse. He wants to mollify angry voters and zealous members of his conference by orchestrating aggressive investigations of Biden, but hopes to stop short of calling for the president’s removal. That strategy has two likely outcomes, either of which spells trouble for McCarthy. If the investigations don’t damage Biden, the party’s base will insist on stronger medicine. If they do, the base will demand that McCarthy finish the job.

The tipping point may be Jim Jordan. He is a co-founder and leading member of the Freedom Caucus, and no stranger to extreme rhetoric about Biden. But his looming chairmanship of the Judiciary Committee will nudge him toward institutional prerogatives and the orderly execution of McCarthy's plans. So far he has been carefully ambiguous about impeachment, saying, "That's definitely a discussion we have to have," but raising the bar for proceeding: "The conference has to decide. You have to have complete buy-in from the entire conference and the leadership of our conference."

So Jordan is with McCarthy's program for now, but he has long made sure to position himself on the front lines against Democrats. He will not allow himself to be outdone by zealots like Greene and Gaetz once momentum for impeachment builds. He will want to be sure that his committee is the primary venue for confronting Biden. When he embraces impeachment, the die will be cast.

More than anything, my confidence that impeachment is coming relies in the end on a firm belief that Trump will demand it. His own impeachments humiliated him, and losing to Biden was an injury from which his ego has yet to recover. He is obsessed with revenge. His lifelong survival technique is to turn every accusation back on his opponents. And when he is on the defensive, as he is now on multiple legal fronts, he is especially prone to deflect attacks elsewhere.

In the new year, there will come an event that triggers all those instincts. Given his reaction to the Mar-a-Lago search warrant, and his barely veiled warnings about violence if he is indicted, that event might well be the revelation of criminal charges against him. Trump's explosive reaction, amplified by his followers and enablers, will change every Republican's calculus on impeachment.

Gradually, and then suddenly, impeachment will become as much a litmus test for Republican House members as the Big Lie. McCarthy—"my Kevin," as Trump styles him—will not hold back that tide. In the end, he will not even try.

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