

In Fight for Judiciary Slot, Democrats Broach the 'I' Word: Impeachment

By **Nicholas Fandos**

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WASHINGTON — Representative Jerrold Nadler of New York has a bold pitch to take over the top Democratic spot on the House Judiciary Committee — that he is best positioned to lead impeachment proceedings against President Trump.

“As our constitutional expert, and with his demonstrated leadership on impeachment in the 90s, Nadler is our strongest member to lead a potential impeachment,” Mr. Nadler wrote on a pocket-size leaflet outlining his record.

Not so fast, says Representative Zoe Lofgren of California, his main opponent for the slot. Not only was she on the committee when Bill Clinton was impeached in 1998, but she was a part of its staff during the proceedings against Richard M. Nixon two decades earlier — a better model, she argues, for taking on Mr. Trump.

Democrats have no shortage of priorities before the Judiciary Committee, which handles a range of hot-button issues, including immigration, guns, abortion and domestic surveillance. But with Democrats increasingly bullish about their chances of retaking the House next year, the candidates fighting for control of the committee have dispensed with niceties and are openly campaigning on the “I” word: Impeachment.

“It may never come to that. We have no idea what Bob Mueller will provide,” Ms. Lofgren said in an interview last week, referring to the special counsel, Robert S. Mueller III, who is investigating links between Mr. Trump’s campaign and Russia.

But, she continued, “Should it come to that, I hope that I would have the experience to cope with that in a very orderly and fair and informed manner.”

House Democrats will choose between the two seasoned Democrats on Wednesday, when they vote to replace Representative John Conyers Jr., who held down the top Democratic seat on the panel for a quarter century before accusations of sexual misconduct forced him into unexpected retirement earlier this month. And as rumors sweep through the Capitol that Mr. Trump could soon fire Mr. Mueller, Democrats have whipped themselves into a frenzy, seeing themselves as possibly the last line of defense.

“We’re in the fight of our lives in 2018 and the rule of law is at the center of all the controversy,” said Representative Jamie Raskin, a freshman from Maryland who is a constitutional law scholar. “The position is central to our ability to stand up for the Constitution and the Bill of Rights.”

Given its broad policy portfolio, the committee tends to attract some of the most partisan members from both parties, and over the years the committee has earned a reputation as one of the most cutthroat in Congress. Impeachment hearings in 1998 devolved into partisan brawls, and the Judiciary Committee chairman at the time, Henry Hyde of Illinois, became the chief prosecutor of Mr. Clinton in his Senate trial. Mr. Hyde also became a target of Democratic partisans, accused of his own marital infidelity three decades before Mr. Clinton’s sex-charged proceedings.

That experience is clearly informing the fight now for the Democratic top slot.

Mr. Nadler, 70, who represents parts of Manhattan’s Upper West Side and Brooklyn, pitches himself as a fighter with a lifelong commitment to civil rights and civil liberties and an expertise in constitutional law — a distinction he argues will count should the House explore an impeachment case against Mr. Trump.

He also has a claim on being one of his party’s oldest Trump foils: In the 1990s, he was a prominent opponent of Trump projects on the West Side of Manhattan. His crusade against Mr. Trump earned him little love from the New York developer. Mr. Trump, then a frequent Democratic donor, called Mr. Nadler one of the three worst politicians in America.

“No, I don’t relish having a constitutional crisis,” Mr. Nadler said in an interview in his office last week.

He continued: “Yes, I do relish fighting to protect the constitutional order, to protect people, to protect our democratic system. Yes, if we have to have that fight, I want to be a leader here.”

Ms. Lofgren, 69, an immigration lawyer from the south San Francisco Bay Area and one of the most senior female Democrats in the House, has tacked a slightly different course. She has made the case that California is underrepresented in top committee posts and that she is better positioned to advance immigration reform — a claim that got a boost last week in the form of a letter of support from Representative Luis V. Gutiérrez, an Illinois Democrat who is viewed as one of the foremost immigration reform advocates among Democrats.

But Ms. Lofgren has also argued that she can offer the committee something Mr. Nadler cannot — a woman as its leader.

The issue has taken on added weight at a time when revelations about and changing views of sexual misconduct are rapidly reshaping Congress and the committee itself. Mr. Conyers, 88, resigned amid accusations that he had sexually harassed former employees and reached a confidential settlement with one who said she was fired after rejecting his advances. At the same time, Democrats have moved quickly and assertively to try to claim the mantle as the party of women.

“This is part of the whole panoply of how we show to the country we are listening,” Ms. Lofgren said, pointing out that women occupy only five of the top Democratic slots on the House’s 20 standing committees.

House Democratic leaders have elected to keep quiet, fearing accusations of undue influence at an inopportune moment. Representative Nancy Pelosi, the minority leader, is thought to be supporting Ms. Lofgren, a fellow Californian and longtime confidante, but her silence has been received by at least some lawmakers as a sign that they should be free to vote for Mr. Nadler.

The Democrats’ steering committee is scheduled to vote on Tuesday and will make a recommendation to the party caucus, ahead of its full vote on Wednesday. Mr. Nadler may have a structural advantage because Democrats tend to give weight to seniority and he has served on the committee two years longer than Ms. Lofgren.

But Democratic lawmakers and senior party aides said they expected the results to be close — in part because both Mr. Nadler and Ms. Lofgren are thought to be safe hands in which to place the committee’s agenda.

“It’s a critical position right now,” said Representative Raúl M. Grijalva of Arizona. “They are both very good and capable people.”

Common Questions About Impeachment

- **What is impeachment?**

Impeachment is charging a holder of public office with misconduct.

- **Why is the impeachment process happening now?**

A whistle-blower complaint filed in August said that [White House officials believed they had witnessed Mr. Trump abuse his power for political gain.](#)

- **Can you explain what President Trump is accused of doing?**

President Trump is accused of breaking the law by pressuring the president of Ukraine to [look into former Vice President Joseph R. Biden Jr.](#), a potential Democratic opponent in the 2020 election.

- **What did the President say to the president of Ukraine?**

Here is a [reconstructed transcript](#) of Mr. Trump’s call to President Volodymyr Zelensky of Ukraine, released by The White House.

- **What is the impeachment process like?**

Here are answers to [seven key questions](#) about the process.

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