

SunSentinel

OPINION

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ST. LOUIS POST-DISPATCH EDITORIAL

Republicans must stop defending an ex-president who defends death threats

In a newly released interview, former President Donald Trump was asked about the Jan. 6 Capitol rioters who threatened to kill Vice President Mike Pence. Did Trump respond as any responsible adult would, and condemn that threat? Of course not. Repeating his delusional claim that Pence could have overturned the election, Trump defended the rioters' fury at his vice president, calling it "common sense."

With the possibility of another Trump presidential run still in play, every Republican officeholder who hasn't yet disavowed him — which is most of them — should be asked to defend this latest, most grotesque evidence of his unfitness. If they can't (and they can't), then why are they still enabling him?

Throughout his presidency, Trump refused to condemn dangerous acts against America when committed by people he viewed as being personally on his side. In Helsinki, he shocked the world by taking Vladimir Putin's word over American intelligence regarding Russian election meddling. After the deadly violence in Charlottesville, Virginia, Trump declared there were "very fine people" on both sides — even though one side included white supremacists.

When asked during a debate last year to disavow support from the racist Proud Boys, Trump instead told them to "stand back and stand by." Even as the violence



A noose is seen on makeshift gallows as supporters of US President Donald Trump gather on the West side of the U.S. Capitol in Washington DC on Jan. 6. **ANDREW CABALLERO-REYNOLDS/GETTY-AFP**

raged on Jan. 6, Trump's video message to the rioters included, "We love you."

And now Trump cannot muster even the mildest rebuke for the insurrectionist thugs who prowled the Capitol in his

honor, chanting, "Hang Mike Pence!"

In the newly released audio of the recent interview, Jonathan Karl of ABC News aptly notes that the chants were "terrible." Trump responds: "Well, the people were

very angry" at Pence for failing to invalidate the election. (Something which, in fact, Pence had no power to do.)

"It's common sense, Jon. ... How can you — if you know a vote is fraudulent, right? — how can you pass on a fraudulent vote to Congress? How can you do that?" Trump added.

Not, How can you threaten the life of the vice president? But rather: How could Pence not have overturned the election for me?

To the inevitable chorus asking why we're still focusing on a former president's obvious psychosis: because poll after poll shows Trump is still the front-runner for the 2024 GOP presidential nomination. He has never garnered majority national support — not in any reputable poll and not in either of his presidential elections — but as 2016 demonstrated, that doesn't mean he couldn't be seated again as president under America's electoral process.

A president who slanders and undermines that process, incites an attempt to violently overthrow an election, and now suggests that death threats against his own vice president were valid has no business being anywhere near power. Nor does any other politician too cowardly to look into the cameras and say that.

This editorial originally appeared in the St. Louis Post-Dispatch.

ANOTHER VIEWPOINT

Bannon indictment is about the process, not outcome

A federal grand jury returned an indictment on Nov. 12 accusing Stephen Bannon, a private citizen, of violating federal law by not attending his noticed deposition before Congress and by failing to produce subpoenaed written materials for a congressional investigation. Both his required attendance and the production of documents were in connection with the House Select Committee's ongoing inquiry into the Jan. 6 attack on the Capitol building and the electoral certification process. The indictment is notable in numerous aspects, but not necessarily for the reasons bandied about on cable news shows and in many print publications.



Michael McAuliffe

There is no dispute that Bannon refused to show up for his deposition and failed to produce any materials on Oct. 7 and Oct. 14. Congress has the inherent ability to exercise its core constitutional activities of legislating and investigating. Early in the life of the Republic, Congress might even have sent its Sergeant-at-Arms to detain a person who didn't comply with a congressional order. There is even a small holding cell in the belly of the Capitol for that purpose.

Times have changed.

Bannon's failures to provide testimony and information in a congressional investigation are potential crimes, not based solely on the opinion of current congressional leadership, but because of long-standing federal law. A person's willful failure to attend a deposition properly noticed by Congress and the willful refusal to produce documents identified in a congressional subpoena are criminalized by statutes (including 2 U.S.C. §192-194) originally enacted before the Civil War. These statutes are critical to understanding the current case.

The U.S. Constitution only requires an indictment (a charging document issued by a grand jury, as in Bannon's case) for federal felony offenses. But Bannon is charged with two misdemeanors. The Justice Department can usually, on its own authority, file a plain written accusation called an "information" alleging misdemeanor offenses. However, the particular statutes in Bannon's case require the prosecutor to present the matter to a federal grand jury for charging consideration. This requirement likely reflects an effort to avoid, or minimize, the perception that the decision of whether to charge someone with contempt of Congress is dominated by political considerations. It is a small, but critical check on prosecutorial decision-making. The Justice Department honored the statute's commandment in a timely manner. As such, the widespread criticism in the media of Attorney General Merrick Garland for not moving more quickly or for not summarily filing charges against

Bannon has been misplaced.

The charges against Bannon are about process, not outcome. Bannon could have appeared and refused to answer certain questions if truthful answers would implicate him in criminal behavior. Then the Select Committee would have the choice to seek immunity for Bannon to compel his answers. If the Select Committee forces such testimony, Bannon could arguably insulate himself from criminal liability for the events of Jan. 6.

That makes his actions in this case all the more interesting. His very public refusal to even show up for the House Select Committee's investigation seems like a performance in political drama, not a shrewd tactical legal maneuver or the behavior of a true believer in some cause (misguided or not). However, that is a statement of opinion, not a legal judgment. The contempt of Congress case against Bannon now pending in U.S. District Court is the necessary step in America's justice system to hold him accountable. The case relies on a law that is neither partisan in coverage nor of convenient, recent vintage.

Notably, Bannon faces a statutory minimum of one month in jail for each of the two counts and could face a maximum of two years of imprisonment upon conviction of both counts. While conviction doesn't result in one becoming a felon, the power of the prosecution is in this possible punishment — not only for Bannon, but for other recalcitrant recipients of subpoenas issued by the Select Committee.

One of the core principles of the American constitutional system is that the community has a right to "every [person's] evidence," only subject to narrow privileges. The expectation for truthful and complete information isn't limited to a courtroom; it includes congressional inquiries. One can think of no more important exercise of seeking truthful and accurate information than an investigation into the events surrounding the Jan. 6 assault on the Capitol.

Ultimately, the ongoing dispute isn't about Bannon, despite the headlines. It is about whether a private citizen can ignore, even flout, the established powers of governance because he or she doesn't like the identity of the requestor or where the path might end.

Michael McAuliffe is a former federal prosecutor serving both as a civil rights prosecutor at the Department of Justice and as a supervisory assistant U.S. attorney in the Southern District of Florida. He also served as the elected state attorney for Palm Beach County, Florida. Currently, he is an adjunct professor at William & Mary's Law School and a senior lecturing fellow at Duke University School of Law.



LETTERS TO THE EDITOR

GOP hypocrisy on infrastructure bill

After the rabid opposition by Republicans to the infrastructure bill, their basic approach to government is clear. If Democrats are for it, they're against it, even if it helps their own constituents. The infrastructure bill will provide funds for neglected roads and bridges, clean water, expanded internet into rural areas and other badly needed projects. The few Republicans who voted for the legislation are threatened with violence.

Florida will receive \$19 billion in infrastructure money. Gov. Ron DeSantis complained that the bill contained "pork," but that Florida should have received more. No doubt he will take credit for the important infrastructure projects, which will be funded by infrastructure money, and Republican legislators around the country will do the same for projects built in their districts. Their hypocrisy is shameful and harmful to the country.

Jeff Light, Coconut Creek

Buyer's remorse?

During the last administration, we had an obnoxious, crude person in the White House. We also had low inflation, secure borders, lower gas prices, tax relief, energy independence, a flourishing job market, massive deregulation and an America-first policy.

We now have a kindly old gentleman in the White House with lawless cities, open borders, high gas prices, product shortages, mounting debt, high inflation, increased threats from North Korea and Iran, a trade deficit with China, and a disastrous withdrawal from Afghanistan. I wonder if voters have buyer's remorse.

Daniel Clancy, Fort Lauderdale

Starting teacher pay too low

Florida teachers may be encouraged by Gov. Ron DeSantis' proposal to increase starting salaries to \$47,500 a year. He stated that if his plan is approved, Florida would be one of the top 10 in the country,

and even in the top five. That may be true of starting salaries, but overall average salaries in Florida of \$48,314 would still be far below the top 10 where the range is between \$67,049 in Illinois and \$85,889 in New York.

Edmund Kulakowski, Pompano Beach

Stop using guns in movies

Amid the hysteria in some quarters that guns are impossibly dangerous, we have raised a generation that is uninstructed in gun safety and in whose hands guns really are dangerous. A primary rule is to never point a gun — toy, unloaded or whatever — at anything that you don't want to shoot. Even movie actors should follow this rule.

While other rules on that set sound good, any peripheral rule will fail when gun handlers are uninstructed or careless. With apologies to Thomas Edison and "The Great Train Robbery" (1903), I would like to suggest a comprehensive rule that is easier to enforce and good for everyone: Stop making movies where people are shooting at each other.

Hal Harrison, Boca Raton

Respect our veterans

The Dolphins-Ravens game showed what America is lacking. Especially since this game was played on Veterans' Day, the least these overpaid players could do was respect the national anthem and what it stands for.

The TV cameras scanned the players and only one had the respect to put his hand over his heart. Holding on to one's shoulder pads just doesn't do it.

Let's remember all those men and women patriots who fought to preserve our way of life, which includes our flag, our anthem and our freedom. To not stand and honor those who have given their lives, and in many cases body parts, is a mockery of what America stands for.

The exorbitant sums paid to NFL players is indicative of them forgetting or not caring about who and what makes them free to earn such large sums of money. It's time to stand up at the appropriate time and show what true patriotism is.

Jack Weiss, Boynton Beach

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