

SunSentinel OPINION

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SUN SENTINEL EDITORIAL

For the nation's future, remove Trump now

The question of the moment is greater than even the immediate fate of President Donald J. Trump. If what he has done to the nation doesn't merit impeachment and removal from office, what would?

He is proof that no magic force protects the nation from the election of a demagogic president with the soul of a tyrant and an incandescent contempt for the Constitution.

Someday, there may be another. In that event, what restraint will history provide? What example will this Congress set to the Congress of that day?

Will it teach that anything goes, provided this demagogue has enough congressional collaborators to excuse it?

The Senate set that example when it acquitted Trump last year.

Or will the lesson be that no one, least of all a president, can foment rebellion against our flag, our Constitution and our country without being called to account and to justice?

The House of Representatives answered those questions Wednesday in the only proper way with its vote to impeach Trump for the second time, 232-197. This time, Democrats were joined by 10 Republicans, the most representatives to ever cross party lines and vote to impeach a president of their own party. Now, the Senate has the opportunity — and the duty — to remove him from office, as some senators perhaps regret not doing a year ago.

He should be convicted of inciting this insurrection, even after leaving office next week, not only for the sake of the historical example but so that the Senate can permanently disqualify him from attempting to return.

That would be a noble service to the Republican Party as well as to the nation. Mitch McConnell, the majority leader, seems at last to understand that.

It is better, however, to do it now, even with less than a week remaining in Trump's tragic presidency. That would prevent any more rash acts before noon on Jan. 20 and put the nuclear codes in Vice President Mike Pence's trustworthy hands.

McConnell should change his mind and agree to Minority Leader Charles Schumer's suggestion to end the Senate recess early and try Trump now.

There is no reasonable doubt of his responsibility for the attack on the Capitol on Jan. 6, the worst insurrection since the Civil War. As Speaker Nancy Pelosi told the House and the nation Wednesday, it was "a war on democracy."

Donald Trump inflamed the mob he had called to Washington with a promise that "it will be wild." He dispatched his mob to the seat of government to terrorize the Congress — or so he intended — into overturning the election of his successor, Joe Biden. It was an armed assault on a co-equal branch of the United States government. It was terrorism and insur-

rection, by any definition.

He even targeted his own vice president, Mike Pence, for the mob's rage because Pence had refused, rightly so, to discard Biden's electoral votes.

The violence and destruction that ensued are Trump's legacy. Others share blame, notably Ted Cruz, Josh Hawley and other members of Congress who had thrown in with Trump's attempted coup. Thirteen members of Congress from Florida endorsed it with their votes.

Others who are culpable include Kevin McCarthy of California and Steve Scalise of Louisiana, the top two Republicans in the House of Representatives. They tried to prevent Trump's impeachment Wednesday, pleading for it to be dropped rather than taken to the Senate for his removal.

Stripped to its essence, their argument — like that of Rupert Murdoch's Wall Street Journal — is that it would be "throwing fuel on the fire," as Scalise put it. It would stand for revenge instead of unity.

But that's like saying one should let the fire burn rather than try to put it out. It calls to mind the parable of the youth on trial for murdering his parents who pleads for mercy because he's an orphan. Moreover, Trump shows zero interest in unity. His enablers are conspicuously late to that cause.

Notably, they didn't try in debate to claim that what Trump did wasn't deadly

serious. They argued instead to let it go.

No. The people of the United States need their Congress to speak for them. No president who does what he did should be allowed to remain in office, no matter how briefly. No one who did what he did should be allowed to seek the presidency again.

The moral high ground in the Republican Party belongs to those ten Republicans who voted to impeach Trump, among them Liz Cheney of Wyoming, the third highest GOP leader in the House and the daughter of another vice president. This is what she said:

"The President of the United States summoned this mob, assembled the mob and lit the flame of this attack. Everything that followed was his doing. None of this would have happened without the president. The president could have immediately and forcefully intervened to stop the violence. He did not. There has never been a greater betrayal by a President of the United States of his office and his oath to the Constitution."

There must never be another. The Senate's duty is unavoidable.

Editorials are the opinion of the Sun Sentinel Editorial Board and written by one of its members or a designee. The Editorial Board consists of Editorial Page Editor Rosemary O'Hara, Dan Sweeney, Steve Bousquet and Editor-in-Chief Julie Anderson.

ANOTHER VIEWPOINT

Road map: How Capitol riot prosecutions could play out

On Wednesday, Jan. 6, Donald Trump commanded his supporters to go to the U.S. Capitol to interfere with the counting of the states' certified presidential election results; his supporters (some openly and heavily armed and wearing fatigues) then marched on the Capitol and tried to ransack it. Five people died during the ensuing melee, including a U.S. Capitol police officer. How can the criminal justice process help hold the planners, sponsors and participants accountable? A short primer might help guide the discussion.



By Michael McAuliffe

First, the primary jurisdiction for any investigation or prosecution of the assault on the Capitol is the District of Columbia, which is not a state but a federal district. Washington is the city located within and having the same boundaries as the District of Columbia. As a result, federal law applies to any potential criminal misconduct occurring there. In addition, under the District of Columbia Home Rule Act, a D.C. criminal code exists, much like state law. Unlike a state, however, the U.S. Attorney's Office — the federal prosecutor — handles both local offenses and federal statutory offenses in Washington, D.C.

Other jurisdictions also may have the ability to investigate and prosecute individuals or groups for conduct relating to the siege of the Capitol. For example, if someone helped plan the insurrection from Florida or Maryland or any other state, those state authorities (both local and federal) could investigate and possibly charge that person for crimes, even though the actual attack occurred in Washington, D.C. In all likelihood, any state or local prosecutor would defer to the U.S. Attorney's Office in D.C. or the main Department of Justice in this matter.

In addition to identifying the appropriate jurisdictions and prosecutorial offices, the attack must be matched to potential crimes. Numerous criminal statutes exist that provide a clear and extensive map to accountability. The potential offenses cover the legal spectrum, including the modest (criminal trespass), the more serious (destruction of federal property, assault on federal officials and domestic terrorism) to the most significant (homicide). For example, depending on the evidence, the killing of a U.S. Capitol police officer could be charged as a homicide under the D.C. Criminal Code and/or the murder of a federal officer under federal statutes.

The most far-reaching possible offense arising from the attack is seditious conspiracy. Such a conspiracy includes agreeing to by force "prevent, hinder or delay the execution of any law of the United States, or by force to seize, take or possess any property of the United States contrary to the authority thereof."

A violation is a federal felony and is punishable by up to 20 years' imprisonment.

A federal grand jury sitting in Washington, D.C., and working with the U.S. Attorney's Office would have the power and mandate to issue subpoenas to obtain physical evidence (photos, videos, communications, messages, etc.) of any plan to take

over the Capitol and possibly kidnap or kill those within it, and to hear testimony from those who have knowledge of the incident, including members of the Trump administration. Notably, all the federal felony arrests made so far will have to be presented to a grand jury. Even in the event President Trump tries to self-pardon and avoid potential criminal liability for his role in the attack, he could still be subpoenaed to appear before the grand jury. He'll be under oath and without the protection of a sycophantic mob or a lawyer in the room while he answers questions.

Of course, we are in the throes of a national pandemic. Federal grand juries are not meeting with the same frequency, and most jury trials have been suspended. But with available vaccines and logistical safeguards in place, a grand jury can convene and pursue its work with vigor and resolve.

Any charges resulting from the investigation would need proof beyond a reasonable doubt to obtain a conviction, and the government has the burden of proving the crimes in an adversarial process. The rules of evidence apply and presiding judges have the ability to keep the proceedings dignified and transparent. Critically, any pleas, trials and sentences arising from the Capitol attack cases will be public. All citizens can observe and make judgments based on actual information as opposed to rumors, myths or falsehoods.

A sustained effort by investigators and prosecutors to fully address the nature and unique harm inflicted by the attack will show the country and the world that accountability based on the rule of law is possible even during times of civic discord and chaos. The criminal courts are never the answer to resolve political disputes, but the attack of Jan. 6 isn't a political matter. Our criminal justice system is the most powerful process we have to address violent acts and physical harm to the body politic. And we need to go where the evidence goes.

Michael McAuliffe is a former federal prosecutor, including service as a special assistant U.S. attorney in the U.S. Attorney's Office in the District of Columbia. McAuliffe also served as the elected state attorney for Palm Beach County. His novel No Truth Left To Tell was published in March 2020.



THE BEGINNING OF THIS YEAR FOR OUR COUNTRY LOOKS A LOT LIKE THE WAY LAST YEAR ENDED

LETTERS TO THE EDITOR

Editor's note: We intend to publish every letter we have received regarding the events of Jan. 6, 2021 in Washington D.C., provided the letter meets our 150-word length requirement, was sent exclusively to us, is coherent, is free from obscenity and is from someone who did not already send a letter on this subject. Through Jan. 18, we will publish all letters received Jan. 6-10 on this subject in the order in which they were received.

It is time for the Vice President and the Cabinet to invoke the 25th Amendment, declare President Trump unfit for carrying out the duties of the presidency and demand that Congress votes to accept their conviction. It is one thing for our senators and representatives to support their political party. It is quite another when our republic is threatened.

It's not hard to recognize that mental illness is present when a person is unable to know reality. This failure to accept reality was evident throughout the COVID-19 disaster, when Trump said the virus will disappear despite scientists saying otherwise. It is evident by his failure to accept the election results and his continued efforts to incite his supporters to fight for his false fantasy. The assault on the Capitol yesterday was disgusting. Congress must have the fortitude to remove President Trump.

Nancy-Jo Feinberg, Boca Raton

The breaching of the Capitol building doors was not only violent but violating. There is a sanctity to the house wherein our elected representatives carry out the sometimes heated but always peaceful verbal debate over issues and ideals. What happened with this attack was a desecration.

The immediate reconvening of Congress reminded me of Hanukkah, which Jews just celebrated. Hanukkah is

the story of the rededication of the Holy Temple after its desecration by the Syrian Greeks.

The ancient Maccabees created sacred space as soon as they were able, kindling the lamps of the menorah. The courageous return of the senators and representatives to our nation's civil sacred space is just as purifying for our country. I pray that their presence and their words will light a lamp for our nation to lift us all out of darkness.

Rabbi Aviva Bass, Temple Sinai of Palm Beach County

Let's not lose sight of the fact that with the unintentional assistance of President Trump, the Democratic Party is now in control of the White House, the House of Representatives and the Senate!

Larry Warshaw, Boynton Beach

Peaceful support or protest for various causes is valued as part of our American democracy. Rioting, looting and terrorizing are not, regardless of the reason or color of the demonstrators. When Black people violated these principles following the death of George Floyd, many were arrested, beaten and tear gassed. However, when hundreds of white people, and I am white and an independent, disgraced our country by their invasion of the Capitol for all the world to see, infiltrators were able to easily penetrate the building and then politely escorted out with some police taking selfies with them. This evidence of systemic racism and addressing it must be one of the first priorities of the Biden administration. With many legislators of both political parties responsibly reacting to what happened, a coming together to address this grievous problem becomes feasible as our national nightmare ends in a few days.

Seymour Brotman, Delray Beach