

Political Update #29. A Second Impeachment. 16 January 2021. By Charles E. Morrison

"What are the odds if left in office that [Trump] will continue trying to cheat? I will tell you: 100 percent. A man without character or ethical compass will never find his way." Congressman Adam Schiff, 3 February 2020.

Congressman Schiff's prophesy at the close of last year's Senate impeachment trial was fulfilled in almost an unimaginable way – a president of the United States, sworn to defend the Constitution, having lost an election and having made and exhausted all legal challenges, turned to directly pressuring local officials to reverse elections results and when that failed, incited a mob that attacked and briefly occupied much of the Capitol as it was formally reading out Electoral College results. Five people lost their lives in or as a result of the mayhem. Meant to disrupt and more, it was an unprecedented, if brief moment, in American history, and so was the result – a swift second impeachment. Whether the moment is a political inflection point remains to be seen.

When I started doing this Update (at the beginning of the first impeachment), I intended to do them only periodically and try to highlight broader trends and issues that are often missed in day-to-day coverage, especially for overseas friends less familiar with the American political system. Because the events of this past week were so dramatic, some readers have asked for an earlier than usual update. Our understanding of events of the past ten days and their implications is still unfolding, but here are some observations, knowing that these echo many other and much better-informed commentaries.

Previous Week's Two Events: The Georgia Runoffs and the Attack on the Capitol

Georgia Runoffs

The importance of the two Democratic wins in the Senate runoff elections in Georgia on January 5th should not be lost in the wake of the following day's more dramatic events. First, they showed that Biden November 3 victory in that state was no fluke. The results were very similar – Democratic victories by small margins, but the Senate ones were larger than Biden's. President Trump's efforts to overturn the Georgia vote and his virulent criticism of the Republican governor and secretary of state probably motivated a higher Democratic vote and discouraged Republicans. The underlying broader trend – the re-emergence of the Democratic party in the deep South – has fundamental, longer-term implications for the U.S. political landscape.

Second, the Democratic victories mean the Senate after January 20th becomes Democratic-led rather than Republican-led only because the formal presiding officer, the Vice President, will be Kamala Harris. This is a big boost for Biden because it means that his nominees and agenda can

be moved forward more easily. A 50-50 split, however, implies some de facto power-sharing, as has occurred before, and it puts a premium on compromise.

While unlikely but possible with the current turmoil in the Republican party, the Democratic majority position also means that should a Republican member of the Senate become disenchanted with the party, she/he may be more likely to want to caucus with the Democrats, whether or not joining the party. Two members of the Democratic caucus are already independents, including Bernie Sanders despite his running twice to be the Democratic nominee for president. At least one Republican senator has threatened to leave the party.

The Attack on the Capitol.

Although no stranger to incidents, the attack on and brief occupation of much of the Capitol was the first invasion of that building by a domestic mob in its more than two century history. It came in the wake of a summons to Washington and inflammatory statements by Donald Trump and those around him. The rabble, only a fraction of those who came to the January 6 Washington “Save America Rally,” (or “Stop the Steal”) was unruly, but they were also partly organized, and included people with serious intent to capture, maim or kill, and Members of Congress were scared for their lives. One was Liz Cheney, a Wyoming Republican about whom Trump told the rally just before the attack needed to be got “rid of.” Her father, former Vice President Richard Cheney, called to warn her of Trump’s remarks and her personal danger. Another target was Vice President Mike Pence, whom Trump singled out, saying that he could and should do something he legally could not – change states’ electoral votes. To some of the mob, this made him a traitor who deserved to be hung.

While many Republicans around the country continue to believe Trump’s unfounded assertions that the election was stolen, a message amplified by right-wing media even though discredited by many judges, the condemnation of violence came across the political spectrum and from society at large, especially the business community. The reaction was swift; Donald Trump became the first president to be impeached twice, the second time for “incitement for insurrection.” It was an entirely self-inflicted wound and a disgraceful stain at what may be the end of his political career.

Role of Miscalculation. There are a lot of questions about breakdown in security at the Capitol. The Capitol Police is a significant force with almost 2000 personnel, half the size of the Washington DC metropolitan police department. They managed to protect the members of the Congress, their main mission, although just barely. Without appropriate protective barriers around the Capitol or ready reinforcements, they were simply overwhelmed. While there is much speculation on inside treachery, one should not discount the role of simple human error and miscalculation. Clearly many of those in authority, including the respective Sergeants at Arms of the House and Senate and the Defense Department, were worried about the political optics of too robust a security presence, especially in the wake of last year’s Lafayette Square debacle, and anyway didn’t think it was needed.

Three of the most critical Executive branch agencies, Justice, Defense, and Homeland Security all had acting secretaries with reduced influence as well as internal and interagency coordination problems. All had under-estimated the threat. One Homeland Security official wondered, “Why couldn’t leadership see this coming? . . . We were caught with our pants down.” There is also the question of whether the White House saw it coming, or whether it had lit and fanned a fire far larger than anticipated.

President Trump’s Role. Speaking to the supporters he had summoned to Washington, Trump complained bitterly about the press, Silicon Valley, and his political enemies. He reeled off at great length his now standard litany of complaints about the election and chastised “weak Republicans” for failing to stand up for him. He insisted it was time to “fight” and “fight like hell” (he used the word “fight” more than twenty times) to save the country. He did not call for violence at the Capitol, and at one point observed that the crowd would march to the Capitol “to peacefully and patriotically make your voices heard.” But those who had come eager for violence felt empowered and that they were being responsive to the President’s bidding.

In the broader sense, Trump is entirely responsible for what happened. Except for him and his repeated unsubstantiated and misleading charges about the elections, there would have been no demonstration in Washington, no violence, and no deaths. He refused to accept the election results, the dismissal of his many challenges by judges across the country, and his former Attorney General’s declaration that Federal law enforcement had found no fraud that would have made a difference. More than just lighting the torch, Mr. Trump was also culpable for not trying quickly to dampen down the violence once begun, but by many accounts, reveled in it. He seemed to believe that the mob was his army, and even when he belatedly asked them to go home, he still showered them with “love.” Several days later, when he reemerged from seclusion to make a statement, he denied any responsibility or regret. But on the urging of his family and deputy chief-of-staff, he released a video on the day of his second impeachment condemning the violence. It was a strong statement, but too late.

House – Senate Differences. The responses of Congress to the events highlighted the differences between its two chambers. The Senators have state-wide positions and six-year terms. House members have an average of 750,000 constituents and are elected every two years. The House is designed to be closer to the people; the Senate to be a more sober, deliberative body. Senators on average are 5 years older. While both chambers have hotheads, the House has more and many of them were busy trying to win support from or fearful of the protesters in Washington. Several possibly were involved in planning the attack on the Capitol.

In the Senate, the usually highly partisan Republican majority leader, Mitch McConnell had tried to discourage senators from challenging the certified state electors, regarding this ceremonial process as sacrosanct and fundamental to American democracy. He did not succeed, but once the violence had started, he had some success in scaling back the challenges. In contrast, in the House, the Republican Minority Leader, Kevin McCarthy, joined over a hundred Republicans voting in support of resolutions to challenge the Arizona and Pennsylvania electors. It does not

appear that the violence changed many House votes. House Republicans feared that their constituents would be sympathetic to the allegations of election fraud and challenges, even if not to the violence. And coming up for reelection in just two years, they could imagine primary challengers in their conservative districts criticizing them for failure to stand up for an investigation of what still many Republicans believed was an unfair election. Some may also have been intimidated by threats of violence to themselves and their families as these were directed more toward Republicans than Democrats.¹

The Strength of Institutions

Militants often act in the belief that ends justify means and under the illusion that their violence will make a difference. It rarely does. The 9/11 terrorists destroyed iconic buildings and four aircraft, caused 3000 deaths, triggered U.S. engagement in Afghanistan, and inconvenienced air passengers the world over for years, but they made no dent in the capitalist system, American democracy, or basic American policy in the Middle East. Similarly, those who engaged in violence at the Capitol had a moment on television and caused a delay in proceedings, but within six hours the Congress was back to certifying the Electoral College results in even greater numbers than would have been the case before. The Congress was absolutely determined to finish the ceremonial tally that night, doing so just before 4 in the morning.

The President, his senior officials, members of Congress, and members of the judiciary swear an oath “to support and defend the Constitution of the United States against all enemies, foreign and domestic.” It is not an oath to support an administration or a president; allegiance is to the foundational institutions. But Mr. Trump’s outlook is transactional – I appoint you, you owe me loyalty – with little regard for the institutions as such. The norm embedded in the oath, however, has proved very strong for judicial, military, and executive branch appointees as well as public servants at all levels of government. While throughout his term, Trump challenged many institutions, the challenge to the 2020 election results, placing personal desires and tactics above his oath to the Constitution, proved for many to be a last straw.

Even loyal Republicans had become more and more distressed with the President’s post-election behavior. Long-time Republican operative, Karl Rove, broke with Trump in November, pointing out that Americans hate “sore losers.” Majority leader McConnell and House Minority Leader McCarthy, were more generous to Trump, and did not acknowledge Joe Biden as President-elect after the Electoral College vote in mid-December. It was greatly hoped that Trump would accept the inevitable at that point, but he did not.

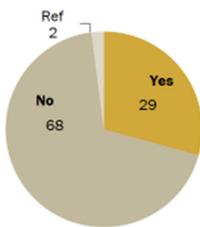
¹ As noted in Update 28, Mr. Trump’s post-election ire had shifted from Democrats, whom he knew would support Biden, to Republicans, who he regarded as actual or potential traitors. His rhetoric to the Save America Rally also was focused on influencing “weak” Republicans, those unwilling to support his allegations. Anecdotally, it appears that more Congressional Republicans were threatened with violence and retribution by right-wing groups, suggesting these groups were echoing and amplifying Trump’s own shift in attention.

This Week's Blowback

Mr. Trump was obviously taken aback by the force of the blowback, and he and some of his supporters have used it to feed his own self-victimization narrative. Furious Democrats and some Republicans called for his immediate removal or resignation. Some of his closest supporters, including South Carolina Republican Senator Lindsey Graham, and former New Jersey Governor Chris Christie condemned his refusal to accept the election, although Graham almost immediately was ingratiating himself again with the President. Several Cabinet and

Majority of public does not want Trump to remain a major political figure

Would you like to see Trump continue to be a major political figure for years to come? (%)



Source: Survey of U.S. adults conducted Jan. 8-12, 2021.

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White House officials resigned. Mitch McConnell, whose spouse resigned her Cabinet position, has refused to speak with him. Silicon Valley social media companies, horrified that his messages on their platforms helped spark the events, blocked his accounts, a huge blow for the tweet-happy president who had used Twitter as his main tool for communicating with fans, provoking the media, and intimidating and shaming opponents and even friends. Twitter also suspended 70,000 accounts associated with the right-wing supporters of QAnon, a conspiratorial, extremist organization whose adherents were prominent among the Capitol Hill rabble. The National Association of Manufacturers was one of the first big business groups to call for Trump's ouster, but many of corporate and individual funders followed by ending financial support, not just for Trump but for all those who supported the challenge to the election. New York City and Deutsche Bank would have no more business with the Trump Organization.

Trump's job approval rating plunged below 40% for the first time since 2018. According to Pew Research, it stood at 29%, with the drop mostly coming from disapproving Republicans. A strong majority of Americans did not want Trump to have major political role in the future. The President was mostly bereft of the three sources of his power to intimidate: political retribution, job termination, and public shaming through tweets.

Much of the national political and business level elite agreed with widely quoted words of Republican Alaska senator Lisa Murkowski in the aftermath of the attack: "I want him out." Some hoped he would resign, which was especially unlikely if he were being pressured to do so. Others thought the 25th amendment could be used, a process designed to handle the case of the president medically unfit for duty. This would need to be initiated by the Vice President who was unwilling. A strong censure could have garnered more Republican votes, but Pelosi rejected this as too mild. In the end, impeachment was the only vehicle available even if the time required for the full process would last well beyond Mr. Trump's term of office.

Those who support impeachment regarded it absolutely essential to punish Mr. Trump and deter any future Trump from the deliberate actions to undermine American democracy and Constitutional procedures. These lay not just repeating unfounded charges of fraud in the election and undermining faith in the process, but inappropriately meddling with state election officials to change the results. Many wanted to make sure that Trump could never run again,

and thus support Senate conviction, even if after Trump has left office. Some of them also wanted to place Republicans on the record of supporting Trump or not.

Opponents of impeachment spoke out mostly against the process rather than tried to defend the President. They said the House impeachment was being rushed rather than deliberative, and it could open the flood gates for impeachments of future presidents of the opposing party. Why have an impeachment when the President is leaving office in a few days anyway, they asked? Also, some argued, it would solidify divisions and could make Trump a martyr. In the end only 10 Republicans joined the Democrats in a House 232-197 vote for impeachment, but there can be no Senate trial before President Trump leaves office.

Implications for Biden

President-elect Joe Biden condemned the Capitol attack as it was happening and demanded Trump to call for an end. But he largely kept hands off the Congressional process which he probably could not have altered. In the short-term, an impeachment was not welcome news since it could divert from his urgent agenda, which involves nominations, a \$1.9 trillion stimulus package, and regulatory changes requiring Congressional concurrence. It could also undermine his aspirations to forge accommodations and cooperation with Republican lawmakers. Mr. Biden wants to be remembered both for “healing” America and for a productive term.

Despite the immediate inconvenience for Biden and the enormous costs to the image of American democracy and its long record of peaceful transfers of power, there may be some positive longer-term implications for Biden and for the United States.

- It has galvanized law enforcement action against domestic terrorists, one of the foremost national security threats facing the U.S., and any foreign supporters of domestic terrorism. Although long on the radar screen of law enforcement, these groups have not been sufficiently prioritized, and their organization and funding sources are obscure. Many of those who invaded the Capitol left without hindrance, but they are being pursued and arrested on the basis of photos. Questioning them will reveal much more than the current picture shows. In the meantime, troops are on alert to guard against any further threats in Washington or state capitals before or during the Inauguration, with the focus on the Boogaloo Movement, an extremist group bent on igniting a civil war.
- It has in a sense sobered up the national political elites. The post-truth, anything-goes environment has been enormously destructive to the unspoken but widely accepted norms that governed the American political system for decades. The reasons for this are complex and relate to the changes in communications technology, the fragmentation of the media into competing information bubbles, and the rise of extreme partisanship amidst a growing lack of social cohesion. Americans cannot be complacent that their democratic institutions will always persist despite fundamental changes in the social, technological, and informational environments.

- As related to the above, the reconciliation, civility, and unity themes, used with great effect by Barack Obama in 2008, have reemerged with some force. President-elect Biden, whose formative political years were during a much less partisan period of U.S. history, has also emphasized these themes through his campaign, but his aspirations often appear out-of-touch with new realities. His message may seem more relevant now with the Republican Party facing a bitter split, perhaps even an existential challenge, over whether and how to exorcise Trump and Trumpism. Some believe that the events have made Biden's job exponentially more difficult,² but with the potential for violence now laid bare, it could have the opposite effect, providing him with a bridge to more traditional elements of the Republican Party.

The future of impeachment process may hold a clue. Unless further information emerges that directly implicates the President in the violence, an extended and unprecedented Senate trial after Trump has left office would likely acquit him without solving any underlying problem. A bipartisan look at the lessons of recent history and especially the 2020 election might be more productive of addressing the fundamental challenges to American democracy. As often pointed out, Trump was as much a symptom as the cause of these challenges.

² See for example, https://www.wsj.com/articles/joe-biden-vows-to-unify-america-that-job-has-become-dramatically-harder-11610723681?mod=hp_lead_pos5