
Violence at Capitol Hill. Pearce (Fordham University): “It all began in November 2016”

(From New York). “What happened at Capitol Hill on January 6 may not have been unexpected, but I must admit that I dread what might happen between now and Biden's inauguration day”, said **Russel Pearce**, professor of Law and Professor of Ethics and Religion in Legal Studies at [Fordham University](#), one of the oldest universities in the United States. As he watched angry and hateful crowds invade the Capitol building and its offices, saddened by the death of five people, he remembered Trump's victory in 2016. Although he won the election, but not the popular vote, he alleged voter fraud involving his opponent Hillary Clinton and then called on his supporters to exercise their Second Amendment rights to bear arms, hinting at stopping his Democratic opponent. “There was no explicit incitement to violence,” Pearce explained, *but what we saw last Wednesday already existed in November 2016*. That's when the lies on the legitimacy of democracy first began, it's the starting point of the havoc we witnessed.”



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As a white person I wondered if the same thing would have happened had the Capitol Hill attackers been members of Black Lives Matter, if they had been African Americans. Last June, when they protested peacefully in front of the White House, the US President and his administration instructed the police to respond with tear gas. What happened now? What is the reason for such a lax defence of the Capitol? I allow for the benefit of a doubt, but I wonder if we shouldn't explore the possibility of a collusion between those inside and those outside. On the issue of the legitimacy of democracy, in his remarks to quell the revolt President Trump mentioned the need for electoral reform. What would that entail? The electoral reform advocated by Trump and his supporters is designed to maintain white supremacy and white rule: reference to fraud is a coded message implying that African-Americans should be hindered from voting and that black people should be stripped of their rights. In a number of battleground states, the majority of voters are black. An African-American Senator was elected in Georgia, but the State's Republican lawmakers complicated the voting process by permitting early voting in very few polling stations. Voting in the USA is extremely complex compared to other world countries, therefore, even though the 16 lawsuits failed to prove election fraud, voter-fraud allegations sent out a message to Trump's constituency. If members of the Senate also endorse this narrative by requesting a commission to double-check the results, we are left with new alarming messages about stolen elections that challenge democratic legitimacy. Can you elaborate on the legal implications of Trump's conduct? Three possible legal consequences have been considered. The first is invoking the 25th amendment to remove the president from office, deemed unable to continue his duties. But this is a lengthy process and could not continue beyond inauguration day. Moreover, the President's removal is temporary and does not prevent a re-run at a later date. The other option is impeachment, i.e. impeachment for inciting an insurrection. A vote could already be held on Thursday and there would be no need for a long debate since the facts are public and self-evident. I wonder to what extent McConnell and other like-minded Republicans are

inclined to vote in favour, given that during the past four years they worked hard to do the least for democracy. It scares me to think that if the Republicans had a majority in the Senate and House they could have overturned the results of the Electoral College ratification process and overturned the outcome without a second thought as to the consequences for the democratic process. If even a violent mob wanting to hang Vice President Mike Pence and House Speaker Nancy Pelosi, or violence used as an expression of participation, doesn't prompt them to action, I wonder what else is needed to stir the GOP. **Should the vote not take place on Thursday, could Trump be prosecuted as a former President?** It's unclear. Scholars disagree and there is only one such instance in American history of a General being indicted in the late 1800s after his term had ended. We find ourselves in a situation of uncertainty. *I still think the impeachment process should continue, to set a precedent. If not, we would be saying to future generations that it's a good thing for a president to start an insurrection.* The House votes to impeach while a two-thirds vote of the Senate is required to convict. **What is the third option?** Recourse to Section 3 of the 14th Amendment of the Constitution that bars people who have taken an oath to support the U.S. Constitution from holding federal office if they "engaged in insurrection or rebellion" against the same. Trump might not be eligible for another election in 2024, but if the Republicans were to take full control of the legislative system, they could change the rules. **How does the US move forward after such a devastating experience?** We all have an obligation towards democracy, and I personally have faith in Biden. He is a person for whom love of neighbour is at the heart of his faith and of his mandate. This doesn't mean that he's perfect, and there is no guarantee that his policies will ultimately be successful or effective. *Many people might disagree with Biden about the policies he will implement, but we must be seriously concerned about democracy together.* In the fight for democracy, Biden can succeed if we all do our share. It's equally important for decent people in the Republican camp to take a decisive step forward. A small minority has made that step, but it's not enough. If we draw a parallel with Hitler or fascism: why did they take over the government? Those who failed to stand up and take action, or who saw something they liked in the dictator and let him get away with it without opposing him, are the ones to blame.

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