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THE REGISTER CITIZEN

Opinion: Trump: What should be done and what can be done

Edward L. Marcus

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Former President Donald Trump speaks during CPAC at the Hyatt Regency in Orlando, on Feb. 28.
Tribune News Service

For all rational people who viewed the Trump impeachment trial objectively, there can be no doubt that he is guilty of “high crimes.” Unfortunately, that didn’t matter.

With so many Republican senators still in fear of Trump and his supporters, a finding of not guilty was inevitable. Republican claims that the trial was merely retribution staged by Democrats is sadly laughable, especially when considered in light of Trump’s own speeches. Trump’s guilt was obvious.

There was no way we could expect enough Republican senators to feel able to vote their consciences. Ignoring the facts has long been the maxim of the national GOP.

However, regardless of the acquittal, this sorry saga isn't over. There are additional steps that can be taken to prevent private citizen Trump from initiating a new assault on our democracy.

The first option would allow Republicans to "have their cake and eat it, too." A vote against a conviction may not preclude a separate vote to prevent Trump from holding federal office again. It would be an easy way out of the morass for the GOP.

In essence, they could have it both ways.

A Washington Post recently quoted Yale Law School professor Bruce Ackerman and Indiana University law professor Gerard Magliocca that a simple majority vote by each house of Congress could bar Trump from ever holding federal office.

Section 3 of the 14th Amendment to the Constitution is aimed at preventing people from holding federal office if they "engaged in insurrection or rebellion against" the Constitution.

If the majority of both houses agree that Trump engaged in an act of "insurrection or rebellion," he would be barred from running for the White House again. Trump's team likely would mount some sort of constitutional court challenge. It seems the law is clear. Incidentally, it would require a two-thirds vote of each house of Congress to reverse such a vote.

Next, there is a high probability that Trump will be indicted in state courts in Georgia and New York. Criminal trials could result. Georgia officials are investigating Trump's attempt to undermine the legitimate vote in that state. New York is looking at potential charges of obstruction of justice, lying to investigators and conspiring with Russian intelligence to commit an offense against the United States. It may not seem likely today, but jail is not out of the question.

We all witnessed Trump's silence and inaction during the riot. There was no immediate call for the National Guard as he was busy watching his reality show on television. He fully knew the mob was out to not only get any member of Congress they could find, but specifically, Vice President Mike Pence and Speaker Nancy Pelosi. As a lawyer, I see Trump guilty of sedition. He should be tried in a criminal court. Civil suits for money damages also are a probability. Most of the

people who have been damaged as a result of the events of Jan. 6 are potential plaintiffs.

Meanwhile, Congress should investigate the far right — the malicious, racist Proud Boys, the Bad Boys, the Three Percent Boys and the like. Let's learn, in detail, about their real relationship with Trump. Where did their funds come from? At the least, let the FBI pursue these terrorist groups and put them out of business.

With Trump off the impeachment hook, in the short term what is needed is for Mitt Romney and company to form their own political party to help prevent the Trumpers to ever get back in power.

I can only hope that the Trump core, a cult, really, will eventually understand how foolish it all is. What has occurred here has occurred in authoritarian regimes around the world, behaviors the U.S. regularly and historically has denounced. Trump is looking to become king, not president. We cannot let that happen. We must make it clear to Trump cultists that this will never be tolerated.

Edward L. Marcus is former chairman of the Democratic State Central Committee in Connecticut and former State Senate majority leader. His office is in North Branford.