



GW Law Student Bar Association

On January 6th, 2021
Sen. Jacob Linker, Senate Sec’y Yun-Da Tsai

Joint Resolution No. 4
Spring 2021

On January 6th, 2021

PURPOSE: *To express consternation, grave concern, and fullest condemnation of the unlawful, dangerous, violent and destructive acts and events that took place at the United States Capitol on January 6th, 2021.*

WHEREAS: In light of the unprecedented disruption of a legitimately elected Congress seeking to discharge one of its constitutional duties critical for the continued functioning of the republic, the events of January 6th, 2021, deserve to be memorialized in writing and formally condemned by The George Washington University Law School Student Bar Association;

WHEREAS: In accordance with a quadrennial political ritual unbroken since 1788, American voters went to the polls on November 3rd, 2020, to elect *inter alia* a President and Vice President of the United States;

WHEREAS: The 2020 election was held amid the most extraordinary circumstances to face the country in a generation, with an ongoing pandemic that has killed over 370,000 Americans and infected tens of millions more, public protest and civil unrest, and a deeply divided electorate;

WHEREAS: Over 158 million votes were ultimately cast, with the electors for former Vice President Joseph R. Biden and Senator Kamala D. Harris securing 81 million votes for President and Vice President, respectively, and the electors for President Donald J. Trump and Vice President Michael R. Pence securing 74 million votes for President and Vice President, respectively;

WHEREAS: Each state of the Union and the District of Columbia certified their election results by December 9th, 2020, after receiving a record number of mail-in and absentee ballots and fielding a record amount of litigation challenging the counting of such ballots;

WHEREAS: In accordance with a quadriennial political ritual unbroken since 1788, each state of the Union and the District of Columbia convened their slates of electors at their respective capitals and cast their electoral votes for the candidates preferred by the popular vote of their respective state or district on December 14th, 2020;

WHEREAS: President Donald J. Trump and Vice President Michael R. Pence carried 25 states and one congressional district for a total of 232 electoral votes;

WHEREAS: Former Vice President Joseph R. Biden and Senator Kamala D. Harris carried 25 states, the District of Columbia, and one congressional district for a total of 306 electoral votes, surpassing the 270 electoral votes required to secure the presidency and vice presidency;

WHEREAS: The Trump campaign and its allies repeatedly and consistently alleged a variety of false claims and conspiracy theories challenging the integrity of the election in an protracted, determined, hostile, and unprecedented effort to overturn the results after Election Day;

WHEREAS: State election officials, federal agencies and the U.S. Department of Justice, state and federal judges, and international election observers have consistently and emphatically rejected claims of widespread electoral fraud or irregularities that would impact the outcome of the election;

WHEREAS: Maintaining the position that the election results were fraudulent and illegitimate, President Trump and his surrogates, campaign staff, and legal advisors have sought out state election officials, state and federal legislators, and federal constitutional officers to overturn or otherwise nullify election results among the various states and in the halls of Congress;

WHEREAS: President Trump and his surrogates have repeatedly posted on social media, hosted rallies, and otherwise disseminated language featuring repudiated false claims and dangerous conspiracy theories, fueling extremist activity and organizing, and perpetuating serious and concerted attempts to delegitimize the election result, the winners of the election, and the electoral system at large;

WHEREAS: In accordance with the quadriennial ceremonial procedure prescribed by the Constitution and the Electoral Count Act of 1887, the two houses of Congress duly convened in the United States Capitol on January 6th, 2021, to count the electoral votes, hear any objections to counting certain states' votes, and certify the winner of the presidential election;

WHEREAS: Multiple protests against the duly settled outcome of the election, encouraged by President Trump and his surrogates, were planned in advance of the ceremonial counting of electoral votes, with thousands of attendees arriving in the District of Columbia by January 5th, 2021;

WHEREAS: President Trump and several of his surrogates, some of whom are licensed members of a state bar association, attended a rally on the morning of January 6th, where they reiterated President Trump's refusal to concede the election, called for protest attendees to march upon the United States Capitol, and urged President Trump's supporters to "fight like hell," among other dangerously inflammatory rhetoric;

WHEREAS: At least several hundred attendees marched upon the Capitol, joined by other individuals responding to extremist and far-right pro-Trump social media activity calling for acts of violence against Vice President Pence and members of Congress;

WHEREAS: A gallows, replete with a dangling noose, was erected near the Capitol Reflecting Pool as the increasingly agitated and confrontational crowd called for executions of government officials who have criticized or otherwise not fully supported President Trump;

WHEREAS: Paraphernalia indicative of white nationalist and other far-right extremist groups in prior rallies and violent clashes—including Confederate flags, Nazi emblems, and banners and clothing bearing racist, bigoted, anti-Semitic, ahistorical, and otherwise violent slogans and images—were readily visible and prominent among the burgeoning crowd-turned-mob;

WHEREAS: The mob assembled around the Capitol became violent, breaching the barricades around the Capitol complex, violating the Capitol building and grounds, and forcing the evacuation of duly elected Representatives and Senators from their respective chambers during debate on objecting to certification of Arizona’s electoral votes;

WHEREAS: Amid the chaos and violence on Capitol Hill, President Trump and his surrogates continued their efforts to discredit the election, declining to directly and definitively address the defiling of the seat of the first branch of our federal government for the first time since the War of 1812;

WHEREAS: Order was not restored and the Capitol not re-secured until over three hours after the initial breach of the Capitol security perimeter and discovery of pipe bombs on the Capitol grounds and at the headquarters of the national committee offices of both major political parties;

WHEREAS: Rioters were not fully and finally dispersed from the Capitol Hill area until late into the night, even amid a curfew order issued by the Mayor of the District of Columbia and additional assistance from law enforcement personnel from four states and three federal agencies—in stark contrast to the treatment of peaceful protestors in the District this past summer;

WHEREAS: Congress was ultimately able to reconvene in joint session later that night, dispose of objections to certifying certain states’ electoral votes, finally complete its constitutional duty to count the electoral votes, and confirm that former Vice President Biden and Senator Harris—duly elected by the popular and electoral votes—are the next President and Vice President of the United States of America;

WHEREAS: Similar clashes in several state capitals, along with other pro-Trump-related unrest in other major cities, occurred as the Capitol was besieged and stormed;

WHEREAS: The storming of the Capitol was accompanied by vandalism, looting, ransacking of offices, and other destructive acts, causing extensive physical damage to the Capitol building, the historical items and offices therein, and the chambers of the two houses of Congress;

WHEREAS: The riot and disorder—variously characterized as *inter alia* an insurrection, seditious act, violent insurgency, abortive coup attempt, and domestic terrorism—resulted in at least five deaths, 60 injuries, and 80 arrests, with the full extent of the damage to the country’s democratic norms and processes yet to be fully appreciated;

WHEREAS: Multiple members of the Cabinet and White House staff have tendered their resignations in response to the events at the Capitol, most notably Elaine Chao, Secretary of Transportation, Betsy DeVos, Secretary of Education, and Matthew Pottinger, Deputy National Security Advisor;

WHEREAS: In light of the reprehensible events at the Capitol and its threat to the safety and wellbeing of the GW Law community, classes after 5 PM on January 6th were cancelled and the add-drop period extended to January 13th by a timely email from Dean Hammond;

WHEREAS: Dean Matthew issued two video messages within 24 hours of the despicable events at the Capitol, explaining her rationale for the administrative changes, updating the GW Law community on continuity of Law School operations, and calling upon the GW Law community to uphold and defend the Constitution, rule of law, and the integrity of the legal profession; and

WHEREAS: The District of Columbia remains under a state of emergency until the day after Inauguration Day, as declared by the Mayor in expectation of continued violent protests in the interim; *now, therefore,*

BE IT RESOLVED: That The George Washington University Law School Student Bar Association as a whole—

1. *Unequivocally condemns* the blatant and abhorrent assault on the sanctity of the American system of government, which has caused physical death and destruction and wreaked incalculable damage upon the legitimacy and credibility of the United States at home and abroad;
2. *Joins* Congressional leaders in expressing tremendous consternation and grave concern at this violent attempt to disrupt and disable the first branch of our federal government from carrying out its solemn constitutional duty;
3. *Also unequivocally condemns* the open displays of racism, bigotry, and white supremacy that desecrated the National Mall and defiled the halls of the Capitol, including the construction of gallows, the parading of Confederate flags, the use of and brazen reference to Nazi rhetoric, and the wanton violence inflicted upon persons of color, journalists, and law enforcement officers seeking to do their duty;
4. *Expresses* incredulity and anger at reports that President Trump was “delighted” by the sight of his supporters taking the Capitol, among other disturbing reports that have come to light since January 6th;
5. *Underlines* statements from international leaders, especially those of our longtime democratic allies, expressing their abject horror at what a desperate President unleashed upon the Arsenal of Democracy;
6. *Emphatically rejects* the proposition that “might makes right” in our system of deliberative representative democracy;
7. *Recalls* that a republic is only as virtuous as its citizens, as strong as the faith of each citizen in their fellow citizens’ dedication to the common good, and as functional as the strength of the public’s belief in the processes by which the republic stands;
8. *Reiterates* the sacred importance of the peaceful transfer of power in a democracy, for while even the most despotic regimes have felt a need

to take measure of popular opinion, the true miracle of and testament to a functional democracy is the ability for regular, peaceful, and stable changes in leadership;

9. *Recognizes* that any political leader who actively rejects the truth, stokes a spirit of conspiracy and mistrust against fellow Americans, and utterly disregards the legal, political, social, and cultural norms in a cynical and self-aggrandizing pursuit of profit and power is striking a grievous blow against the foundation upon which our body politic relies;
10. *Expresses its regret* that many political leaders and public figures—some of whom have enabled or even participated in President Trump’s efforts to flaunt political accountability, disregard ethical obligations, and subvert legal processes over the course of his presidency—have only now finally chosen this moment to publicly distance themselves from President Trump and vocally denounce the likely long-term damage to American democracy;
11. *Expresses its concern* that what occurred in the District of Columbia is not and will not be limited to the District, as the Chair of the Arizona Republican Party has called for President Trump to “cross the Rubicon,” the Chair of the Texas Republican Party has suggested secession based on fraudulent electoral claims, and associated riots took place at state capitals across the country;
12. *Emphasizes* that great issues of public concern are not solely resolved at the courthouse steps or with the tap of a gavel, and that elected officials, by assuming that blatant lies and open disregard for the fundamental norms and processes of our republic are of little consequence so long as the judiciary manages to discharge its constitutional duties, have demeaned their offices;
13. *Expresses its worry* about the damage to the integrity of our judicial system, as a sitting President of the United States, emboldened by an nakedly authoritarian mindset, has openly and repeatedly behaved as if his and his party’s judicial appointees—in state and federal courts of all

levels—owed their first and ultimate loyalty to him instead of the Constitution and laws that he and they all swore an oath to uphold;

14. *Notes* that, after 22 months of service for the Trump Administration, former Attorney General William Barr, an alumnus of The George Washington University Law School, ultimately and rightly observed that President Trump has committed a “betrayal of his office” in “orchestrating a mob to pressure Congress” on January 7th, 2021;
15. *Appreciates* that President-elect Biden has announced his intent to nominate The Honorable Merrick Garland, who has supervised numerous high-profile domestic terrorism cases in his esteemed career, to be the next Attorney General;
16. *Also notes* that the Department of Justice, the Federal Bureau of Investigation, and a bevy of other federal and state agencies have begun their investigations and prosecutions of those responsible for the ignominious events at the Capitol;
17. *Welcomes* the bipartisan effort in the House and Senate to hold President Trump legally and politically accountable for his role in inciting the brazen assault on our first branch of government, whether it be through preparing the Congress for impeachment and trial or laying the groundwork for future prosecution upon the expiry of his term at noon of January 20th, 2021;
18. *Notes* factual distinction between the proposed impeachment process at present and that of early 2019, as the events in controversy here were laid bare for the whole world to witness, public support for this impeachment process is far greater, and this process was first called for by a member of the President’s own party; and
19. *Further notes* that the House and Senate will be conducting its own investigations into the lapses of security in and around the Capitol, the likely breach of national security resulting from the seizure of computers and papers from Congressional offices, and the disparity in how law enforcement responded to peaceful protesters this past

summer versus the foreseeable and forewarned violent mob that desecrated the seat of Congress on January 6th;

BE IT FURTHER RESOLVED: That The George Washington University Law School Student Bar Association as a whole—

1. *Calls upon* the Law School and the wider GW Law community to cooperate with and assist the relevant authorities in their investigations of those responsible for the deplorable events at the Capitol;
2. *Recognizes* that, apart from the threat of physical danger to members of the GW Law community in and around the District of Columbia, the repugnant attack on our fundamental national institutions and open displays of racism, white supremacy, anti-Semitism, and Nazi and neo-Nazi rhetoric and ideology also impacts students, faculty, and staff in ways unseen, including emotional and mental stress and trauma amid already extraordinary circumstances of an ongoing pandemic, continued civil unrest, and all-virtual instruction and learning;
3. *Notes with appreciation* the timely and substantive measures taken by the GW Law administration in response to the distressing and horrifying events at the Capitol, including two video messages by Dean Matthew, cancellation of classes, and extension of the add-drop period;
4. *Calls upon* the GW Law administration to continue and deepen its collaboration with the Student Bar Association in ameliorating the worst impacts of these extraordinary times and effectively advocating for GW Law students to the University administration and beyond;
5. *Further requests* the University and GW Law administrations to take all necessary and timely measures to protect the University and GW Law communities in light of the continued heightened threat of political extremist violence in and around the District of Columbia;
6. *Calls upon* those GW Law alumni and other members of the GW Law community in positions of responsibility and trust to emphatically repudiate the dangerous falsehoods and conspiracies peddled by

President Trump, his surrogates, and his allies, and strive to uphold the values of the Constitution and our *alma mater*;

7. *Recalls* the unique nature of the legal profession and the professional and ethical obligations borne by those in the practice of law, especially in service of the legal system and the public's access to and understanding of law and justice;
8. *Solemnly affirms* that although we, as aspiring lawyers and future legal professionals, do not have the sole duty in our society to conform our conduct to the rule of law, we play a special role in upholding the norms of behavior, process, and citizenship which allow for the fostering of democratic liberty in this country and beyond;
9. *Recalls* the lesson of republics past, namely that a people is only as free as it is secure in the blessing of ordered liberty, as no innumeration of rules, codes, doctrines, promulgations, declarations, or ordinances holds any lawful meaning absent a public recognition of the duty to abide by the law; and
10. *Commits* ourselves to raise high our standards, take the most heart of these truths, answer the call of duty of the legal profession, and to protect and defend this spirit in the hearts and minds of the public; and

BE IT ALSO RESOLVED: That upon signature by the President of the Student Bar Association, copies of this joint resolution shall be forwarded to GW Law Dean Dayna Bowen Matthew, The George Washington University Student Association, and University President Thomas LeBlanc.

Jendaya T. Bell 1/12/2021
Jendaya T. Bell Date
Executive Vice President

J. Fisher 1/13/2021
Jacqueline Fisher Date
President



[entered as RESOLUTION 2021-J004 on January 13, 2021]