



February 9, 2021

Dear Senate Majority Leader Chuck Schumer, Impeachment Managers, and the U.S. Congress:

As never before in U.S. history, we are faced with a president who incited a violent insurrection against his own government, hoping to steal an election he roundly lost. A failure to convict him could lead to dangerous consequences for the health of our country and our democracy and would be an unforgivable dereliction of historic responsibility.

Our National Town Hall from last Sunday assembled leading experts on the Constitution, law, history, and mental health to lay out their arguments on why the Senate must convict former President Donald Trump. Here are some excerpts of what was said:

Professor Laurence Tribe, Constitutional scholar at Harvard Law School and one of the country's most respected Constitutional Law experts, expressed his views: Donald Trump committed what is by any standard an impeachable offense, the gravest possible offense—insurrection against the union, incitement of insurrection. In fact, because he was making war on the United States, it is literally treason. Article 2 of the Constitution says that when the president or any other civil officer of the United States commits treason, bribery, or any other high crime and misdemeanor, that person must be impeached, removed from office; and permanent disqualification is not only possible but mandatory.

Attorney Richard Painter, former chief White House counsel for George W. Bush and former chair of Citizens for Responsibility and Ethics in Washington (CREW), said: The president not only inspired a mob to invade the Capitol but refused to send support for the policemen who were guarding our Capitol. A violent mob entered the Capitol during the counting of the electoral votes, threatened the members of Congress, and threatened to hang the vice president moments after Donald Trump verbally attacked his vice president, insisting Mike Pence had to suppress the results of a democratic election. What a shame for our country if it would be easier to get a criminal conviction beyond a reasonable doubt from a DC jury than it would be to get a conviction of the president of the United States for sedition in the trial before the Senate because the Republicans stopped it.

Attorney Norman Eisen, who like Painter is a former White House counsel, he for Barack Obama, and special counsel for Donald Trump's first impeachment trial, said: The question is, did the president commit a high crime and misdemeanor with his incitement of insurrection? There is no doubt he did. The founders' and the framers' worst nightmare was that a president would corruptly rally a mob to hang onto power and to attack the electoral counting process. What Donald Trump did on January 6 was to send fighting words to that armed, violent, angry mob, following months of telling them our democracy had been stolen. They attacked the Capitol, and he knew full well what they were going to do.

Professor of history at New York University Ruth Ben-Ghiat, who is a leading international expert on fascism and authoritarian leaders, added this very important historical context: She sees January 6 as a trial run. It was a coup attempt that built on a history of incitements. It left a roadmap, like the entire Trump presidency, for how to subvert democracy from within. This is why conviction is so important, why every consequence that Donald Trump and his co-conspirators might suffer will send a message to others, not only to Trump, but to others waiting to finish what he started.

Professor of law and philosophy at the University of Pennsylvania Law School Claire Finkelstein spoke about how the former president violated criminal law: With the facts revealed, there will be a basis for identifying a criminal conspiracy to engage in violence on the 6th of January to try to stop a duly-elected president from having his electoral votes counted. We have the phone call to the Georgia Secretary of State in which he directly asked Raffensperger to throw the election in his favor with regard to the Georgia count. That is arguably a crime of seditious conspiracy. It is an election crime as well under federal law, and it is a crime under Georgia law. Whether or not Donald Trump is convicted, criminal liability can and should be pursued.

Rep. Gerry Connolly who was invited as chairman of the House Subcommittee on Government Operations, said: The president of the United States launched an armed insurrection on a coequal branch of government. As he watched the attack unfold on television, he was reportedly enthralled by the violence being carried out and doubled down. He did not call off the mob. He whipped them up more. He doubled down, he pointed them in the direction of his own vice president in a crazed act of revenge and violence. If what the president did is not an impeachable offense, exactly the kind our framers feared, then the mechanism of impeachment is functionally useless. Without accountability for Donald Trump, any losing president has more of an incentive to deploy violence to remain in power.

I myself am a forensic psychiatrist and expert on violence, and I summed up my concerns: Research on violence shows that rhetoric can be more efficient than specific orders or direct assaults in causing epidemics of violence. For dangerous individuals, setting limits from the outside, such as through conviction and prosecution, are often critical to containing the dangers. Without limits, copycat acts of violence and lawlessness will proliferate throughout the culture in ways that his individual criminal acts could never possibly achieve on their own. A failure to convict will have a devastating effect on the public's mental health. The country is already traumatized from four years of normalizing, legitimizing, and even glorifying deadly violence, abusive behavior, and severe pathology.

Now, a path to healing hinges on convicting the instigator of a violent act that almost cost us the lives of our elected leaders, our democracy, and our nation. A full transcript and recording of the Town Hall are available on our web site: worldmhc.org.

Sincerely,

A handwritten signature in black ink that reads "Bandy Lee". The signature is fluid and cursive, with the first name "Bandy" being more prominent and the last name "Lee" following in a similar style.

Bandy X. Lee, M.D., M.Div.

On Behalf of the World Mental Health Coalition