David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Senior City Planner
Janese Chapman
Deputy Director

John Alexander
LaKisha Barclift, Esq.
Nur Barre
M. Rory Bolger, Ph.D., FAICP
Elizabeth Cabot, Esq.
Tasha Cowan
George Etheridge

City of Detroit
CITY COUNCIL
LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-4946 Fax: (313) 224-4336

Christopher Gulock, AICP
Derrick Headd
Marcel Hurt, Esq.
Kimani Jeffrey
Anne Marie Langan
Jamie Murphy
Kim Newby
Analine Powers, Ph.D.
Jennifer Reinhardt
Rebecca Savage
Sabrina Shockley
Thomas Stephens, Esq.
David Teeter
Theresa Thomas
Kathryn L. Underwood, MUP
Ashley A. Wilson

TO: HONORABLE DETROIT CITY COUNCIL

FROM: David Whitaker, Director
Legislative Policy Division Staff

DATE: January 12, 2021

RE: **RESOLUTION STRONGLY CONDEMNING THE RECENT ACTS OF VIOLENCE, RIOTING, AND LOOTING AT THE UNITED STATES CAPITOL <u>REVISED</u>**

Council members Gabe Leland and James Tate requested that the Legislative Policy Division (LPD) draft the following: A RESOLUTION STRONGLY CONDEMNING THE RECENT ACTS OF VIOLENCE, RIOTING, AND LOOTING AT THE UNITED STATES CAPITOL.

Please contact us if we can be of any further assistance.

BY COUNCILMEMBERS GABE LELAND AND JAMES TATE

RESOLUTION STRONGLY CONDEMNING THE RECENT ACTS OF VIOLENCE, RIOTING, AND LOOTING AT THE UNITED STATES CAPITOL

WHEREAS, In the months leading up to the 2020 presidential election, without any supporting facts, President Donald J. Trump stated that the only way he'd lose the reelection campaign, would be if the election was stolen in the electoral process. Upon losing the election, President Trump, his legal team and congressional allies challenged the presidential election results with more than 60 court cases. Many of the cases, focused on the presidential results of six states - Arizona, Georgia, Michigan, Pennsylvania, Nevada, and Wisconsin were presided over by conservative judges that Trump himself appointed, including three of the Supreme Court Justices appointed by Trump. In addition, the former United States Attorney General William Barr, launched an investigation into the validity of the presidential election. Based on the report from Attorney General Barr, it was determined that the United States held free and fair elections without undue influence; and

WHEREAS, In each court case and investigation into the 2020 presidential election, every fact finder indicated that there was no evidence of any malfeasance or fraud, therefore, validating the election of Joseph R. Biden to the office of President of the United States; and

WHEREAS, President Trump broke from tradition and refused to concede the election compromising the integrity of our election process and the peaceful transition of power. On January 6, 2021, President Trump held a "Save America Rally" in the National Mall, one hour prior to the Joint Session of Congress in an effort to further undermine the electoral vote process. During the rally, President Trump stated, "[n]ow it is up to Congress to confront this egregious assault on our democracy. And after this, we're going to walk down and I'll be there with you… because you'll never take back our country with weakness. You have to show strength and you have to be strong…. And we fight. We fight like Hell and if you don't fight like Hell, you're not going to have a country anymore;" and

WHEREAS, Under the leadership of Vice President Michael R. Pence, the Joint Session of Congress met to certify the Electoral College votes. After the acceptance of the electoral votes from Alabama and Alaska, U.S. House of Representative Paul Gosar (R-AZ) and Senator Ted Cruz (R-TX) objected to the acceptance of Arizona's electoral votes – forcing the bifurcation of the House and Senate to deliberate the legitimacy of the objection. At the

conclusion of the Save America Rally, an angry mob of seditionists – armed with guns, Confederate flags, zip ties, napalm, Molotov cocktails and other contraband – stormed and desecrated the United States Capitol in an effort to disrupt the certification process; and

WHEREAS, The global community watched in horror as the United States Capitol - a symbol of the longest standing democracy in modern time - was under siege for more than three hours. World leaders from the North Atlantic Treaty Organization (NATO), Germany, the United Kingdom, Turkey, Israel, Colombia and others strongly condemned the attacks. In stark contrast to the condemnation, President Trump President Trump praised his supporters and their failed coup d'état, professed his love for them and proclaimed that he understood their pain; and

WHEREAS, The actions of these insurrectionists ultimately led to the death of five Americans including Capitol Police Officer Brian D. Sicknick who died in the line of duty and briefly blocked the vote to confirm President-Elect Joe Biden, while defiling the Capitol building by smashing windows, overturning and damaging furniture and threatening the lives of members of congress, temporarily shutting down government buildings and waving the flag of the Confederacy inside the Capitol – a symbol of hate and treason on U.S. soil- for the first time in history; and

WHEREAS, These violent acts were met with considerably less police aggression than this past summer's peaceful protests focused on justice for African-American victims of police misconduct; and

WHEREAS, Peaceful protests are protected by the Constitution of the United States through an individual's First Amendment rights of freedom of speech, peaceful assembly, and petitioning the Government concerning grievances. However, violent acts of aggression are not protected as free speech under *Brandenburg v. Ohio* 395 U.S. 444. They have no place in American democracy and must be strongly condemned; and

WHEREAS, After the failed insurrection, Congress reconvened to continue the certification of the electoral votes. Both the Senate and the House of Representatives rejected the objection to Arizona's electoral votes 93-6 and 303-121 respectively. After a second objection to Pennsylvania's electoral votes by Senator Josh Hawley (R-MO) and Representative Scott Perry (R-PA), the Senate and the House of Representatives rejected the objection by 92-7 and 282-138. Representatives Jack Bergman, Lisa McClain and Tim Walberg from Michigan supported the rejection of electoral votes from Arizona and Pennsylvania; and

WHEREAS, Continuation of our democracy is based on the principles of right to self-governance as stated in the Preamble of the United States Constitution and the peaceful transition of power. Since the presidential election of 1800 between John Adams and Thomas Jefferson, the loser of a presidential election has willingly and peacefully supported the transfer of power the incoming president – even during the contentious elections of 1876 (one hundred years after the founding of this great nation) and 2000 which required intervention by the Supreme Court of the United States. The bedlam that occurred in our Nation's capital on January 6, 2021 will go down in the annals as a dark day in our history. Let the events that occurred serve as a reminder that democracy is fragile, no individual is above the Constitution, safe and civil dialogue on issues is of great importance to our nation and that we are stronger united; **NOW, THEREFORE, BE IT RESOLVED,** That This Honorable Body-

(1) Strongly condemns the actions of the individuals who participated in the failed violent insurrection on the U.S. Capitol Building last week, which has so far has resulted in the deaths of 5 individuals, including one member of law enforcement and demand that there is a thorough investigation. This activity should serve as a warning as to prevent any similar activity that might occur on January 20, 2021, at the inauguration of President-elect Biden;

(2) Strongly rebukes the members of Congress who voted to block the certification of the Electoral College votes that confirmed President-Elect Joe Biden in the Nov. 3. Presidential election with false claims of election fraud, despite knowing that their objections were false and directly led to the violent, and unprecedented insurrection activity that they had experienced only hours before; thereby bringing worldwide shame on our nation as a beacon for democracy. Therefore, the Council demands the immediate resignations of the aforementioned members of congress;

(3) Strongly rebukes in particular the U.S. House of Representatives from the state of Michigan that supported the failed effort to block the certification and demands the immediate resignations of Jack Bergman, Lisa McClain and Tim Walberg, given that their actions were a treasonous assault on our American democracy;

(4) Strongly support the request the U.S. House of Representatives' soon to be introduced resolution calling on Vice President Pence to immediately exercise his powers under section 4 of the 25th Amendment to remove Donald Trump from the Office of President over his incitement of the rioters responsible for the U.S. Capitol Building assault;

(5) Support of the article of impeachment against President Trump

charging him with "inciting violence against the government of the United States" as introduced by the United States House of Representatives;

(6) Recognizes peaceful protests are protected by the constitution, however, violent protests are not;

(7) Recognizes President-Elect Joe Biden's won the 2020 election fairly;

(8) Recognizes that the acts of these rioters as treasonous and unlawful and must be punished pursuant to our rule of law;

BE IT FURTHER RESOLVED, That a copy of the final resolution is to be submitted to Michigan's members of the United State Senate and Michigan's members of the United States House of Representatives and Squire Patton Boggs, the federal lobbyists for the City of Detroit.