

CONSENT CALENDAR

DATE: 3/9/2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin, Mayor Jesse Arreguin,
Councilmember Susan Wengraf, Councilmember Sophie Hahn

Subject: Resolution Supporting HR 25, Calling for Federal Investigation on Seditious
at U.S. Capitol and Expulsion of Complicit Members of Congress

RECOMMENDATION

Adopt a resolution condemning the violent attack on the U.S. Capitol on January 6, 2021 by a seditious mob intent on preventing the certification of the 2020 Presidential Election, in support of House Resolution 25, calling for a federal investigation on the attack and the expulsion of Members of Congress found complicit in incitement of insurrection.

BACKGROUND

On January 6, 2021, U.S. President Donald J. Trump rallied armed supporters and instructed them to storm the U.S. Capitol, where the House and Senate would be certifying the election of the next President, Joseph R. Biden. Encouraged by other Republicans in Congress, the violent mob rioted in the Capitol with weapons, intending to murder Congressmembers and stop the certification. By the end of the attack, five were dead, including one Capitol Police officer¹.

The following week, the U.S. House of Representatives impeached President Trump for "incitement of insurrection." Additionally, Rep. Cori Bush (D-Mo.) has introduced House Resolution 25, "Directing the Committee on Ethics to investigate, and issue a report on, whether any and all actions taken by Members of the 117th Congress who sought to overturn the 2020 Presidential election violated their oath of office to uphold the Constitution or the Rules of the House of Representatives, and should face sanction, including removal from the House of Representatives."

¹ Healy, Jack. "These Are the 5 People Who Died in the Capitol Riot." *New York Times*. Jan 11, 2021.

RATIONALE FOR RECOMMENDATION

The City of Berkeley ultimately depends on a stable federal government in order to provide services for its residents, establish rule of law, and maintain civil order. Removing members of Congress who violated their oath to uphold the Constitution by participating in seditious acts is essential for preserving the legitimacy and functionality of all levels of government in the United States.

ENVIRONMENTAL IMPACTS

None.

FISCAL IMPACTS

None.

CONTACT

Councilmember Terry Taplin, (510) 981-7120

ATTACHMENTS/SUPPORTING MATERIALS

1. Resolution
2. House Resolution 25

RESOLUTION NO. ##,###-N.S.

CONDEMNING VIOLENT ATTACK ON U.S. CAPITOL, ENDORSING HOUSE RESOLUTION 25 BY REP. CORI BUSH (D-MO) TO INVESTIGATE MEMBERS OF CONGRESS COMPLICIT IN INCITEMENT OF INSURRECTION

WHEREAS, President Donald J. Trump incited a violent mob to attack the U.S. Capitol on January 6, 2021, which left five people dead, including a Capitol Police officer; and,

WHEREAS, the U.S. House of Representatives passed articles of impeachment against President Trump on January 13, 2021; and,

WHEREAS, over 140 Republican members of Congress supported President Trump's baseless, evidence-free allegations of "voter fraud" by objecting to the certification of electors in key states won by President-elect Joseph R. Biden; and,

WHEREAS, the 14th Amendment to the Constitution of the United States reads in part, "No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof."; and,

WHEREAS, the stability of the federal government, and its elected representatives' faithful observance of their oaths to uphold the Constitution, are essential to the well-being of Berkeley residents;

THEREFORE, BE IT RESOLVED, that the City of Berkeley categorically condemns the violent, seditious attack on the U.S. Capitol;

BE IT FURTHER RESOLVED, that the City of Berkeley calls upon duly elected Rep. Barbara Lee (D-CA) and the U.S. House of Representatives to pass House Resolution 25, directing the Committee on Ethics to investigate the involvement of over 140 members of Congress in incitement to insurrection.

117TH CONGRESS
1ST SESSION

H. RES. 25

Directing the Committee on Ethics to investigate, and issue a report on, whether any and all actions taken by Members of the 117th Congress who sought to overturn the 2020 Presidential election violated their oath of office to uphold the Constitution or the Rules of the House of Representatives, and should face sanction, including removal from the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2021

Ms. BUSH (for herself, Ms. PRESSLEY, Ms. OCASIO-CORTEZ, Mr. BOWMAN, Ms. OMAR, Ms. TLAIB, Mr. JONES, Mr. PASCRELL, Ms. ADAMS, Ms. BARRAGÁN, Ms. CLARKE of New York, Ms. CHU, Mr. CICILLINE, Mr. COOPER, Mr. CONNOLLY, Mr. DANNY K. DAVIS of Illinois, Mrs. DEMINGS, Mr. DESAULNIER, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. HASTINGS, Mr. HORSFORD, Mr. HUFFMAN, Mr. JOHNSON of Georgia, Mrs. KIRKPATRICK, Ms. LEE of California, Mr. LIEU, Mr. MCNERNEY, Ms. MOORE of Wisconsin, Ms. NEWMAN, Mr. PAYNE, Ms. PINGREE, Mr. POCAN, Mr. RUSH, Ms. SCHA-KOWSKY, Ms. SPEIER, Mr. SIRES, Mr. TAKANO, Mr. TORRES of New York, Ms. VELÁZQUEZ, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Mr. VARGAS, Ms. JACOBS of California, and Mr. KAHELE) submitted the following resolution; which was referred to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Directing the Committee on Ethics to investigate, and issue a report on, whether any and all actions taken by Members of the 117th Congress who sought to overturn the

2020 Presidential election violated their oath of office to uphold the Constitution or the Rules of the House of Representatives, and should face sanction, including removal from the House of Representatives.

Whereas nearly 160,000,000 people, or two-thirds of the United States voting population, voted in the November 2020, presidential election, electing President-elect Joseph R. Biden Jr. and Vice President-elect Kamala Harris, with the highest turnout in over 120 years;

Whereas despite losing the popular vote by more than 7,000,000 votes, Donald J. Trump, together with Republican Members of Congress, have commenced a near daily assault on the legitimacy of the 2020 election that includes filing frivolous lawsuits seeking to have election results invalidated and the outcome overturned, and making unsubstantiated claims of systematic election and voter fraud;

Whereas in a politically motivated and last-ditch effort to overthrow the election, over 140 Members of Congress, led by Representative Mo Brooks of Alabama, Senator Josh Hawley of Missouri, and Senator Ted Cruz of Texas, have taken unprecedented steps to defy the will of the American people who overwhelmingly voted for President-elect Joe Biden and Vice President-elect Kamala Harris by voting against the certification of the votes of the Electoral College;

Whereas the decision by Republican Members of Congress to join efforts to invalidate votes in Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin suppresses the votes of millions of people, including Black, Brown, and Indigenous people who turned out in historic numbers to deliver

this victory to President-elect Joe Biden and Vice President-elect Kamala Harris;

Whereas turnout of Black, Brown, and Indigenous voters was astounding considering the extraordinary COVID–19 pandemic that has stunted organizing in communities across the country, along with exhaustive delays in poll centers, mass closure of polling precincts in predominantly Black, Brown, and Indigenous communities, and deliberate efforts to discount mail-in ballots and spread misinformation on vote by mail;

Whereas refusing to concede the outcome of the 2020 Presidential election and raising baseless allegations of fraud in States in which Black, Brown, and Indigenous people have been instrumental to the election outcome suggests racial animus and a continuation of efforts by Republican Members of Congress to disenfranchise Black, Brown, and Indigenous voters;

Whereas senseless attacks on the results of the 2020 Presidential election that seek to question the credibility of and will of Black, Brown, and Indigenous voters betrays the text and spirit of the Constitution of the United States, which each Member swears to support and defend, and violates the Rules of the House of Representatives, which explicitly forbid Members from committing unbecoming acts that reflect poorly on our chamber;

Whereas section 3 of the Fourteenth Amendment to the Constitution posits that no individual can serve in the House of Representatives who has engaged in disloyalty or sedition against the United States, stating, “No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state,

who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.”;

Whereas clause 1 of rule XXIII of the Rules of the House of Representatives states, “A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”;

Whereas each Member of the House of Representatives must be dedicated to the United States, the Constitution of the United States, the Rules of the House of Representatives, and upholding the oath of office;

Whereas efforts by Republican Members of Congress to denounce the votes of millions of Americans is a continuation of Jim-Crow era measures to suppress Black, Brown, and Indigenous voters;

Whereas House Republicans have refused to vote in support of voter protections aimed at supporting disenfranchised Black, Brown, and Indigenous voters, including H.R. 1, the For the People Act and H.R. 4, the John Lewis Voting Rights Advancement Act, in the 116th Congress, and the Republican Senate majority has been a legislative graveyard for these critical efforts to empower and expand voting rights for the American people;

Whereas the House must rebuke the relentless assault on foundational democratic principles at the heart of our representative democracy and implement measures to

protect the will of American voters by abolishing the electoral college, providing resources and funding for poll centers in predominantly Black, Brown, and Indigenous communities, restoring key pieces to protect voters that were gutted in the *Shelby v. Holder* Supreme Court decision, and overturning Federal felony disenfranchisement laws; and

Whereas efforts by Members of Congress, regardless of party, that seek to undermine our democracy, disenfranchise Black, Brown, and Indigenous voters, erode faith in the Federal Government, and attack the popular will of the American public without merit must be condemned, and those Members should be held accountable for their actions: Now, therefore, be it

1 *Resolved*, That—

2 (1) the Committee on Ethics shall investigate,
3 and issue a report on, whether any and all actions
4 taken by Members of the 117th Congress who
5 sought to overturn the 2020 Presidential election
6 violated their oath of office to uphold the Constitu-
7 tion or the Rules of the House of Representatives,
8 and should face sanction, including removal from the
9 House of Representatives; and

10 (2) the House of Representatives condemns all
11 targeted and malicious efforts to disenfranchise
12 Black, Brown, and Indigenous voters.

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