

Crowell & Moring Joins Calls For Trump's Removal

By **Andrew Kragie**

Law360 (January 7, 2021, 4:22 PM EST) -- Crowell & Moring became the first major U.S. law firm to call for President Donald Trump's removal on Thursday, as House Speaker Nancy Pelosi and Senate Minority Leader Chuck Schumer joined other Democrats in urging Trump's suspension using the 25th Amendment after his supporters' attack on the Capitol.

The firm endorsed the same reasoning as lawmakers: Trump incited a violent insurrection that attacked another branch of government as it formalized his clear electoral defeat. They say it would endanger both American democracy and national security to leave him in power for another two weeks until Inauguration Day on Jan. 20.

Philip T. Inglima, chair of the firm's management board since 2017, told Law360 that the 12-person leadership team "unanimously" decided to take the dramatic step of urging the removal of a sitting president.

"Only when we felt that this had actually risen to the level of a constitutional crisis did we think it was both appropriate and necessary," said Inglima, who started to draft the statement Wednesday evening.

"This is a very busy time for our firm, and we have our board convening almost daily for a variety of business reasons," he said in a phone interview. "In the evening, we finished a call, and I finally had a chance to sit down with my kids and watch the coverage of what happened. ... When I actually took measure of it, I was just repulsed. I had heard from some of my colleagues about their reaction."

Inglima was adamant that the move was not political and had support among Republicans at Crowell & Moring, although he also said the statement did not necessarily represent every one of the 220 partners and nearly 500 attorneys nationwide in the Washington, D.C.-based firm.

He said he was asking other firms to take their own stands and join a letter to Vice President Mike Pence urging him to organize a Cabinet majority under the 25th Amendment and declare Trump "unable to discharge the powers and duties of his office."

Inglima said leaders at several other firms had voiced support, although none had been announced as of 4 p.m. Thursday. He said concerns about a business impact should give way to concern about democracy and national security.

"We try not to make judgments about our professional responsibility with business coming first," he said. "We view this as both a professional and public duty. We trust that our clients will respect the conscientious exercise of that duty."

The firm's statement said that attorneys have a unique obligation.

"Lawyers have no special province when it comes to politics," the firm said. "But when it comes to defending our Constitution and our system of laws, we have a special duty and an exceptional perspective. In this moment, we must speak out, in devotion to these bedrock principles of our nation."

Crowell & Moring's statement came shortly before noon Thursday, the day after a mob of Trump supporters attacked the Capitol, injured police and occupied much of the building for several hours, forcing those within to hide or evacuate. One woman was shot dead in a standoff with police; three other people reportedly died after medical emergencies.

Lawmakers returned in the evening to finish certifying President-elect Joe Biden's victory in the Electoral College, despite objections by some Republicans.

The attack came after Trump told a crowd to "walk down to the Capitol" and fight "this egregious assault on our democracy," warning that "you will never take back our country with weakness." He had invited supporters to Washington in a tweet last month: "Be there, will be wild!"

Dozens of House Democrats called for Trump's removal in the hours after the attack. The Senate's top Democrat, New York Sen. Chuck Schumer, added his voice around the same time that Crowell & Moring did.

"What happened at the U.S. Capitol yesterday was an insurrection against the United States, incited by the president," Schumer said in a statement. "This president should not hold office one day longer."

House Speaker Nancy Pelosi, D-Calif., followed at about 2 p.m. Thursday.

"Yesterday the president of the United States incited an armed insurrection against America," she told reporters. "While there are only 13 days left, any day can be a horror show for America."

A few Republicans have also called for the removal of the GOP president, including Vermont Gov. Phil Scott on Wednesday evening and Maryland Gov. Larry Hogan on Thursday afternoon. Illinois Rep. Adam Kinzinger was the first sitting GOP member of Congress to do so.

"The president is unfit and the president is unwell," Kinzinger said in a video message about 11 a.m. Thursday. "And the president now must relinquish control of the executive branch voluntarily or involuntarily."

Removing the president under the 25th Amendment would require Pence and at least eight of 15 Cabinet secretaries to tell congressional leaders the president "is unable to discharge the powers and duties of his office." Involuntary suspension has never happened since the amendment's ratification in 1967, according to the Congressional Research Service.

Although few Republicans have called for Trump's removal, they have generally not defended him, either. Reports have swirled about possible discussions within the administration.

Sen. Lindsey Graham, the South Carolina Republican, told reporters: "I don't support an effort to invoke the 25th Amendment. Now, if something else happens, all options would be on the table."

The president has continued to claim — without evidence and despite more than 50 failed lawsuits — that he actually won a "landslide election, and everyone knows it, especially the other side," as he put it in a 4 a.m. Thursday tweet.

"There's never been a time like this where such a thing happened where they could take it away from all of us," Trump said in a video message Wednesday afternoon addressed to the supporters occupying the Capitol. "But we can't play into the hands of these people. We have to have peace. So go home. We love you. You're very special."

--Editing by Alyssa Miller.