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February 17, 2021

Law School News

Whitehouse, Cicilline to Offer 'Inside View' of 2nd Trump Impeachment Trial

Senator Sheldon Whitehouse, Congressman David Cicilline, and Special Counsel Michael Gerhardt will discuss process and impact of this month's impeachment trial.

February 17, 2021 | Michael M. Bowden



NOTICE 02/23/21: SLIGHT DELAY!

We have just learned that tonight's webinar program, "Incitement, Insurrection, and Impeachment: Inside the Second Trump Impeachment Trial," will be slightly delayed. It will now begin at 6:15 PM to accommodate Senator Whitehouse and Rep. Cicilline's schedules.

The Congressmen will be participating in a bicameral, bipartisan candlelit moment of silence this evening on the steps of the Capitol, to honor the 500,000 Americans who have died from Covid-19.

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Next week, students at Roger Williams University School of Law will be privy to a rare inside view of former President Donald J. Trump's second impeachment trial.

The online program, titled "Incitement, Insurrection, and Impeachment: Inside the Second Trump Impeachment Trial", will take place on Tuesday, February 23, 2021, from 6:00 to 7:30 p.m. EST; and will feature:

- [U.S. Senator Sheldon Whitehouse](#) (D-R.I.), one of the 100 Senators who had to weigh the evidence and decide whether to acquit or convict;
- [U.S. Congressman David N. Cicilline](#) (D-R.I.), an impeachment case manager who drafted and presented the charges; and
- [Professor Michael J. Gerhardt](#), special counsel to the impeachment trial's presiding officer, Senator Patrick Leahy (D-Vt.). A nationally recognized constitutional law expert and author of *Impeachment: What Everyone Needs to Know* (Oxford, 2018), Gerhardt is Burton Craige Distinguished Professor of Jurisprudence at the University of North Carolina School of Law, Chapel Hill. He also testified in the first Trump impeachment proceeding.

RWU Law is the event's host and primary sponsor; Emory University School of Law in Atlanta, and Wake Forest University School of Law in Winston-Salem, N.C., are co-sponsors. RWU Law Dean Gregory W. Bowman will introduce and close the event. RWU Law Professor David A. Logan will moderate the discussion.

"The second impeachment trial will affect our country for generations to come," Dean Bowman noted. "This program will offer an up-close and in-depth view of a watershed moment in our history. As Rhode Island's only law school, our relationship with the state's congressional delegation is strong, allowing us to bring this valuable and enlightening conversation and learning opportunity to our students and the wider public."

The program will feature expert commentary on the trial itself, as well as a discussion of its ramifications for the future of the Senate, impeachment, the presidency, the Constitution, and the rule of law in the United States. A Q&A session (limited to law students of the three sponsoring schools) will follow.

"The program will provide a candid, insiders' perspective on a groundbreaking constitutional moment in our national narrative," Professor Logan said.

Professor Michael D. Green, of co-sponsoring institution Wake Forest University School of Law, added, "Reams have been written about the second impeachment trial by journalists and others. This program provides a unique perspective from those who actually participated in the trial."

Professor Michael J. Perry, of co-sponsoring institution Emory University School of Law, observed, "The second impeachment trial of Donald Trump is one of the most important events in modern American history. We'll be living with the consequences of the Senate's 57-43 vote for a very long time."

This event is free and open to the public and the media. Seating is limited. Registration is required; to attend, register at <http://rwu.edu/go/2ndImpeachment>.

ADDENDUM: A Note on Partisanship

Some members of our community have expressed concern that none of the three panelists at this event are Republicans, who could offer countervailing viewpoints.

To clarify, this event's impressive lineup arose from the strong relationships that exist between RWU Law, as Rhode Island's only law school, and its (all-Democratic) Congressional delegation. Representative Cicilline used to be on our adjunct faculty, Senator Whitehouse has taught here as well, and both have participated in many law school events over the years. These long-established connections allowed the law school to secure the participation of both a "prosecutor" and a "juror" for this panel. Moreover, Professor Gerhardt is an old friend and colleague of the event's main organizer, Professor and former Dean David Logan (both formerly served as faculty members at co-sponsoring school Wake Forest Law). Besides serving as special counsel to the impeachment's presiding officer, Gerhardt is also one of the country's leading academic authorities on impeachment.

Finally, there are only 90 minutes available in which to conduct this discussion. Thus, our goal is not to reproduce the familiar cable-news lineup, debating the partisan pros and cons of the impeachment procedure itself. Rather, this panel will focus on key strategic aspects of the "Democratic case"; for example: Why not just censure or leave the matter to the courts? Why only focus on incitement, rather than broader charges of attempts to interfere with an election? Why not call witnesses? Why not use a "secret ballot"? RWU Law believes that this discussion is not a "missed opportunity" to have a partisan debate, but rather a rare chance for law students to gain an inside perspective on these particular participants' legal/strategic experiences.

We thank you for your interest, and look forward to what promises to be a fascinating and valuable discussion.