



The U.S. Political Environment ahead of Biden's Inauguration

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The joint session of Federal Congress has finally approved the results of each state's presidential election, completing all procedures for Biden's inauguration. Typically, the two-month term starting the November election until the final approval in January would not have received this much attention. However, the congressional intrusion that took place before the U.S. Federal Assembly approval process commenced on January 6, local time, marked the lowest point of in the last two months of frustration. After a shocking incident, the U.S. Congress finalized its confirmation of the election results. There is no formal procedures left for President Trump to influence the election results. Perhaps that is why President Trump refused to acknowledge the result and yet admitted the transfer of power on January 20. This article points out some of the things that have occurred in U.S. politics over a week or so since the beginning of 2021.

Since this incident, the U.S. has been mentioning the impeaching President Trump. Although his term of office is only ten days away, people argue that he should no longer be allowed for presidency of the United States which has the power to launch nuclear weapons, and must be punished for instigating fundamental challenges to U.S. democracy. House Speaker Pelosi told Vice President Pence that the Congress could initiate the impeachment process again if President Trump is not deprived of his presidency pursuant to Article 25, Paragraph 4 of the Amendment. In accordance with Article 25, Paragraph 4, when the majority of the Cabinet and the vice president declare that the president is not suitable for serving one's duty and send a letter to the Congress, the vice president may take over the authority of the president. At this time, the president may claim that he or she is capable to serve as president. if the president disagrees with the Vice President and the majority of the Cabinet on removal of posi-

tion, the president can request the Congress to review the removal matter again. In this case, if more than two-thirds of the Senate and House of Representatives each approve, the presidency will be stripped and the vice president will then serve the presidency. Since the impeachment must meet reasons stated in Article 2 of the U.S. Constitution and go through an investigation and impeachment judge procedure by the Congress, there is no practical possibility of finishing the process by January 20, and thus impeachment is impossible.

This is the reason why the article of impeachment by Pence and two chambers is being strongly arising. However, even if Vice President Pence makes a political decision to initiate this process along with the majority of the Cabinet in agreement, there is little possibility that President Trump will meekly back off, meaning there should be more than two-thirds of approval from the House and Senate eventually. With less than ten days left, it seems very unlikely that President Trump would be impeached or pulled off. If the Democratic House of Representatives pushes for impeachment, it may be an attempt to prevent Trump's political resurgence through additional disciplinary action of disqualification rather than deprivation of his duties. Nonetheless, parliamentary intrusion may contain certain political significance. This riot is giving perceptions to moderates of Republican Party whom neither support President Trump nor the Democratic Party that supporting Trump could perhaps be fatal to the United States.

Then, rather than impeachment or deprivation of the presidency, the next issue is whether President Trump execute an amnesty for himself and his family within the remaining days before Biden takes the oval office. Unlike Korea, where pardons are possible only after the Supreme Court makes the final judgement, prior pardoning is allowed in the United States. President Ford has a history of granting President Nixon, who resigned just before impeachment, an unconditional pardon of all crimes he has committed or may have participated during his tenure. As such, the U.S. president's right to pardon is widely recognized. However, the question remains whether the president can pardon him or herself. Trump once tweeted on July 4, 2018, "As countless jurists have said, I have the absolute power to pardon myself. Yet why would I take such action when I have done nothing wrong?" It is still unclear whether President Trump will be able to pardon himself, but if he actually tries to do so, it leads to a fact that he is legally guilty. Thus, "self-pardon" seems politically difficult when he is still not ruling out going through re-run in 2024. In addition, the current issue is focused on New York's prosecution, and since the view that the president's pardon does not extend to state-level crimes is predominant, whether self-pardoning has a practical effect should be considered. Trump may consider that self-pardoning would not have legal and political effect if it cannot be used as a means to neutralize

New York prosecutors' indictment.

As a matter of fact, the most important political issue before the Capitol riot was the election in Georgia. In there elections for two senators were held in addition to the presidential election. One seat was challenged by Democrat Jon Ossoff to a Republican Senator David Perdue, and the other seat was for a special election due to the resignation of Republican Senator Johnny Isakson. The Democrat candidate Raphael Warnock challenged the interim Senator Kelly Loeffler who was appointed by Republican Governor Brian Kemp. For the first seat, the result showed that Perdue got 49.73 percent of votes while Ossoff received 47.95 percent. However, Georgia state law specifies that a candidate must receive the majority vote or otherwise should go through re-election, so election was held again on January 5. For Re-election due to vacancy, it allows every candidate to be on the ballot without prior race, and since Warnock took got 32.9 percent and Loeffler received 25.9 percent in November, those two made it to the final competition. Both Trump and Biden put efforts into the campaign, but it was the two Democratic candidates who took the glory. This gave the Democrats a majority party status of the tho Houses until the next election at the end of 2022. Nevertheless, in addition to the approval of the appointment of public officials which can be handled by a simple majority, many laws require 60 votes in the Senate to stop the filibuster and this makes it an uneasy situation. Even if Biden takes office, not only does it fall short of the 57 seats in the Senate that President Obama had when he took office in 2008, the political environment in the United States is extremely divided, which makes it difficult to respond to the problem that he wishes to solve. ❖

※ *Translator's note: This is an unofficial translation of the original paper which was written in Korean. All references should be made to the original paper.*

※ *This article is written based on the author's personal opinions and does not reflect the views of the Sejong Institute.*