

Brian A. Howey: Mike Pence's first presidential debate

Posted on Friday, Aug 25, 2023

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INDIANAPOLIS — Less than 24 hours before Donald J. Trump was to be “proudly” arrested, booked, fingerprinted and have his mug shot taken at the Fulton County Jail in Atlanta (in primetime!), eight of the Republicans gathered for the Fox News debate in Milwaukee Wednesday night.

“We are going to take a brief moment to talk about the elephant, not in the room,” co-moderator Bret Baier said, acknowledging Trump, who ducked the debate. They were then asked to raise their hands if they would support Trump as the GOP nominee if he is convicted on any of the 91 criminal charges he now faces.

Six of the eight candidates raised their hands — including former vice president Mike Pence — with Florida Gov. Ron DeSantis looking down the line to see who else would. Others raising their hands included South Carolina Sen. Tim Scott, former U.N. Ambassador Nikki Haley, biotech entrepreneur Vivek Ramaswamy and North Dakota Gov. Doug Burgum. Two other former governors, Asa Hutchinson of Arkansas and Chris Christie of New Jersey, didn't.

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Watching Pence raise his hand was a surreal moment. He has spent most of his life aspiring for the presidency. Last March at the Reagan Library, Pence had said of the Jan. 6 U.S. Capitol insurrection, “President Trump was wrong. I had no right to overturn the election. And his reckless words endangered my family and everyone at the Capitol that day, and I know history will hold Donald Trump accountable. Make no mistake about it, what happened that day was a disgrace.”

A disgrace.

It used to be in American history that anyone who acted in a disgraceful manner would be disqualified for the highest office of the land. In a column Pence wrote during the era of President Bill Clinton in the 1990s, the future Indiana governor and vice president had said, "If you and I fall into bad moral habits, we can harm our families, our employers and our friends. The President of the United States can incinerate the planet. Seriously, the very idea that we ought to have at or less than the same moral demands placed on the Chief Executive that we place on our next door neighbor is ludicrous and dangerous.

"Throughout our history, we have seen the presidency as the repository of all of our highest hopes and ideals and values," Pence continued. "To demand less is to do an injustice to the blood that bought our freedoms."

Christie seemed to be equivocating, seemingly half raising his hand. Asked by the moderators to clarify, Christie said, "Here's the bottom line. Someone's got to stop normalizing this conduct. Whether or not you believe the criminal charges are right or wrong, the conduct is beneath the office of the president of the United States."

Christie's remarks were met with boos as well as some cheers and whistling by the Milwaukee audience.

Christie said during the debate that Pence "deserves our thanks as Americans for putting his oath of office and the Constitution of the United States before personal, political and unfair pressure."

At a later point in the debate, DeSantis was asked whether Pence was right to reject Trump's pressure campaign to overturn the 2020 presidential election. DeSantis deflected, complaining about the "weaponization" of the Department of Justice.

Pence wouldn't let him off the hook. "The American people deserve to know whether everyone on this stage agrees that I kept my oath to the Constitution that day. There's no more important duty, so answer the question," he said.

"Mike did his duty. I've got no beef with him," DeSantis said.

Christie mocked DeSantis's answer, adding, Pence "deserves not grudging credit; he deserves our thanks as Americans."

Other candidates agreed. “Absolutely, he did the right thing,” said U.S. Sen. Tim Scott of South Carolina. Former United Nations ambassador Nikki Haley added, “I do think Mike Pence did the right thing.” North Dakota Gov. Doug Burgum agreed, adding, “Mike Pence did the right thing on January 6th.”

Hutchinson went further, citing a recent analysis by conservative legal scholars William Baude and Michael Stokes Paulson — both members of the Federalist Society — who say the Jan. 6, 2021, rebellion disqualifies Trump under the Fourteenth Amendment, arguing the section is still in effect and is “ready for use,” by state officials who can bar Trump from the ballot.

“The bottom line is that Donald Trump both ‘engaged in’ ‘insurrection or rebellion’ and gave ‘aid or comfort’ to others engaging in such conduct, within the original meaning of those terms as employed in Section Three of the 14th Amendment. If the public record is accurate, the case is not even close,” Baude and Paulson wrote. “He is no longer eligible to the office of Presidency, or any other state or federal office covered by the Constitution.”

Hutchinson said during the debate that Trump could even be “disqualified under the Fourteenth Amendment from being president again as a result of the insurrection.”

The question facing Mike Pence is how he could then support the former president should he win the GOP nomination.

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