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## Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. LEAHY).

### TRIAL OF DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES

The PRESIDENT pro tempore. The Senate will convene as a Court of Impeachment.

#### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our shelter from the storms, give our Senate jurors discernment that will rescue our Nation from ruin. Illuminate their minds with Your truth as You speak through the whispers of conscience. Remind them that the seeds they plant now will bring a harvest. May the choices they make bring blessings, healing, and prosperity to our land.

We pray in Your merciful Name. Amen.

#### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### THE JOURNAL

And if there is no objection, the Journal of proceedings of the trial are approved to date.

I would ask the Sergeant at Arms to make the proclamation.

The Acting Sergeant at Arms, Jennifer A. Hemingway, made the proclamation as follows:

Hear ye! Hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the Article of Impeachment exhibited by the House of Representatives against Donald John Trump, former President of the United States.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

#### ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, for the information of Senators, it is my understanding the schedule today will be similar to yesterday's proceedings.

We will plan to take a short break every 2, 3 hours, and we will accommodate a 30-minute recess for dinner, assuming it is needed.

The PRESIDENT pro tempore. Pursuant to the provisions of S. Res. 47, the managers for the House of Representatives have 8 hours remaining to make the presentation of their case.

The Senate will now hear you, and the Presiding Officer recognizes Mr. Manager RASKIN to continue the presentation of the case for the House of Representatives.

#### MANAGERS' PRESENTATION—RESUMED

Mr. Manager RASKIN. Mr. President, thank you.

Distinguished Senators, Representative DEGETTE of Colorado will now show how the insurrectionists themselves believed that they were following President Trump's marching orders.

Ms. Manager DEGETTE. My friends and colleagues, yesterday was an emotionally wrenching day. As I watched the footage of the violence in the Capitol Building, my own experience flooded back to me. I was one of the unlucky Members who was stuck in the House Gallery along with Congresswoman DEAN.

As the House floor was cleared beneath of us of Members and staff, we could see the mob pounding on the door to the House Chamber. We could see the Capitol Police officers inside the Chamber pull their guns and point them at the intruders. Then we heard gunshots on the other side, and we flung ourselves down on the floor and removed our Member pins. Then we heard pounding on the very flimsy Gallery doors right up above us. Finally, after that situation for some time, we were told to run out of the door at the end of the Gallery.

As we ran through a line of police toward the staircase, this is what I saw: the SWAT team pointing automatic weapons at marauders on the floor. Looking at these people makes you wonder: Who sent them here?

In the next few minutes, I want to step back from the horrors of the attack itself and look at January 6 from a totally different perspective—the perspective of the insurrectionists themselves.

Their own statements before, during, and after the attack make clear the attack was done for Donald Trump, at his instructions and to fulfill his wishes. Donald Trump had sent them there.

They truly believed that the whole intrusion was at the President's orders, and we know that because they said so. Many of them actually posed for pictures, bragging about it on social media, and they tagged Mr. Trump in tweets.

Folks, this was not a hidden crime. The President told them to be there, and so they actually believed they would face no punishment.

The defense argued in their briefs, and they argued again here on Tuesday that the insurrectionists were acting on their own, that they were not incited by President Trump or acting at his direction. This is in their brief:

They did so of their own accord and for their own reasons, and are being criminally prosecuted.

But that is just not the case. It is not what the insurrectionists actually said. They said they came here because the President instructed them to do so.

Leading up to the attack, the insurrectionists said they were coming to DC for President Trump. He invited them with clear instructions for a specific time and place and with clear orders: Stop to fight—or to fight to stop the certification in Congress by any means necessary.

The crowd at Donald Trump's speech echoed and chanted his words, and when people in the crowd followed his

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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direction and marched to the Capitol, they chanted the same words as they breached this building.

Now, let's return to the speech for a moment. During the rally, President Trump led the crowd in a "Stop the steal" chant. Here is what that chant sounded like from the crowd's perspective:

(Video presentation of 1-6-2021.)

President TRUMP. (Inaudible.) And to use a favorite term that all of you people really came up with: We will stop the steal.

(People chanting: "Yeah.")

(People chanting: "Stop the steal.")

Soon after, the President basked as the crowd chanted, "Fight for Trump." And when he incited the crowd to show strength, people responded: "Storm the Capitol." "Invade the Capitol." Here are both of those moments but from the crowd's perspective:

(Video presentation of 1-6-2020.)

(People chanting: "Fight for Trump.")

President TRUMP. Thank you.

Unidentified Speaker. Yes.

Unidentified Speaker. Invade the Capitol Building.

We also have another perspective from this moment, online extremist chatter. At the same time as the people in the crowd shouted, "Take the Capitol Building," as President Trump said, "Show strength," a person posted to Parler saying:

Time to fight. Civil war is upon us.

Another user said:

We are going to have a civil war. Get ready!

An analysis found that members of "Civil War" quadrupled on Parler in the hour after Donald Trump said, "Show strength."

When the insurrectionists got to the Capitol, they continued those rally cries. Insurrectionists holding Confederate flags and brandishing weapons cheered the President's very words:

(Video presentation of 1-6-2021.)

Unidentified Speaker. (Inaudible.)

Unidentified Speaker. Fight. Fight. Come on, man. (Inaudible.)

(People chanting. "Stop the steal.")

You heard them chanting "Stop the steal," and as the crowd chanted at the rally, the crowd at the Capitol made clear who they were doing this for. They also chanted "Fight for Trump."

(Video presentation of 1-6-2021.)

(People chanting: "Fight for Trump.")

And it wasn't just that they were doing this for Mr. Trump. They were following his instructions. They said he had invited them, and, in fact, as we heard, he had invited them.

As one man explained on a livestream he taped from inside the Capitol, "Our president wants us here. . . . We wait and take orders from our president."

Footage from inside the Capitol shows when the insurrectionists first got into the building and confronted police, the mob screamed at the officers that they were listening to President Trump.

(Video presentation of 1-6-2021.)

Unidentified Speaker. Stand down. You're outnumbered. There's a fucking million of us out there, and we are listening to Trump, your boss.

The insurrectionists argued with law enforcement that they shouldn't even be fighting them because they believed that the Commander in Chief was ordering this. This was the person's understanding.

When President-Elect Biden went on television that day to demand an end to the siege, one woman asked this:

(Video presentation of 1-6-2021.)

Unidentified Speaker. Does he not realize President Trump called us to siege the place?

The examples of these types of comments are endless. Don't worry. I won't play all of them. But it wasn't just the words of the insurrectionists that proved that they did this in response to orders from their Commander in Chief. We can see this in the fact that they were not hiding.

One rioter, in a livestream at the Capitol said:

He'll be happy. We're fighting for Trump.

(Video presentation of 1-6-2021.)

Unidentified Speaker. Let's call Trump, yes. Dude, dude, let's tell Trump.

Unidentified Speaker. Trump would be very upset.

Unidentified Speaker. They'd be like, no. Just say we love them. We love you, bro.

Unidentified Speaker. No, he'll be happy. What do you mean? We're fighting for Trump.

And, again, this was not an isolated incident. The individuals in this slide posted photos of themselves committing these crimes. Trump supporters who had broken into the Capitol were taking selfies, streaming live videos, and posing. In fact, they wanted the President to know: "This is me!" In fact, you can see the person wrote on his own posting: "This is me!"

And if there were any remaining doubt, after hours of prompting, when President Trump finally told the insurrectionists to go home, only then did some of them begin to listen.

As you previously saw, at 4:17 p.m., Mr. Trump released a prerecorded video saying to the mob:

Go home. We love you. You're very special.

Shortly after he tweeted this video, a few of the insurrectionists who had seen it could be claiming victory—heard claiming victory—and telling people to go home because of Donald Trump's message and instructions.

You saw earlier the insurrectionist Jacob Chansley, who told someone:

We won the day.

A little before that video of Chansley, he said the same thing to the crowd through a bullhorn and instructed them to go home because of the video that President Trump had tweeted. Let's watch.

(Text of video presentation of 1-6-2021.)

Unidentified Speaker. Today is ours, ladies and gentlemen. We won the day. Today is ours. We won the day. That's right. Donald Trump has asked everybody to just go home. You can look it up on his Twitter. He just

did a video. It's a minute long. He asked everybody to go home.

Even after the attack, the insurrectionists made clear to law enforcement that they were just following President Trump's orders. They didn't shy away from their crimes because they thought they were following orders from the Commander in Chief and so they would not be punished.

They were wrong. After the attack, there were dozens of arrests. These were Federal offenses, including assaulting the police. When law enforcement interviewed the people who were at the Capitol on January 6, they, once again, said it was because the President told them to be there.

Robert Sanford was seen in this widely circulated video throwing a fire extinguisher that struck a Capitol Police officer outside the building.

(Video presentation of 1-6-2021.)

A witness told the FBI that Sanford said he had traveled to Washington, DC, on a bus with a group of people. The group had gone to the White House and listened to Donald J. Trump's speech and then had followed the President's instructions and gone to the Capitol.

Folks, the insurrectionists didn't just make this up. As Sanford's lawyer explained:

You're being told, "You gotta fight like hell." Does "fight like hell" mean you throw things at people? Maybe.

The lawyer added that his client "wouldn't have been there if it wasn't for the president."

Now, Sanford wasn't the exception; he was the rule. In their statements after the attack, insurrectionists routinely echoed what they had said before and during the attack: They were there because the President told them to be.

Now, look, the lawyers who are saying that their clients were told to commit these acts by Mr. Trump, well, they know that putting the blame on the President doesn't exonerate their clients. They are just saying it, frankly, because that is exactly what happened.

Another Trump supporter who has been federally charged is Texas real estate agent Jennifer Ryan. Now, Ms. Ryan has given many TV interviews in which she says she was only doing what the President asked her and others to do. She also recorded video before the rally talking about the mob's plans for violence, and here is what she said.

(Text of video presentation.)

Ms. RYAN. Personally, I do not feel a sense of shame or guilt from my heart for what I was doing. I thought I was following my President. I thought I was following what we were called to do. He asked us to fly there. He asked us to be there. So I was doing what he asked us to do.

Ultimately, yes, we were going in solidarity with President Trump. President Trump requested that we be in DC on the 6th, so this was our way of going and stopping the steal.

If it comes down to work—guess what—I'm going to be there. We're all going to be up

here, and we're going to be breaking those windows.

Yet another Trump supporter who was arrested after breaching the Capitol, Douglas Sweet, explained in a media interview why he did it. Referring to Donald Trump, Mr. Sweet said:

He said, "Hey, I need my digital soldiers to show up on January 6." And we all did.

Some of these individuals who joined in the attack on our Capitol did so as part of violent, racist groups, which have been officially condemned by our government. Daniel Goodwyn is a self-proclaimed member of the Proud Boys. He was one of many. On November 7, Goodwyn tweeted a picture showing a Proud Boys logo surrounded by "Stand Back" and "Stand By" and, again, "Stand back and stand by!" and "Await orders from our Commander in Chief."

Look closely at this slide. You are looking at an image of Goodwyn's own tweet. He was such a loyal follower of President Trump that he used the President's photo as his own profile picture on Twitter.

Now, remember, President Trump told them to "Stand back and stand by" at the debate. They took it as a call to arms. And when he called them to arms, they were all ready to act. They were waiting for their orders, which they got on January 6.

And Goodwyn followed those orders. He stood ready as others broke into the windows of the Capitol and climbed inside. Here he is on another of the insurrectionist live streams in one of the first floor hallways of the building.

When it became clear that Donald Trump was not going to save these folks from prosecution, when it became clear that the Commander in Chief had given false commands that went against this country, some of his supporters even expressed regret, and they said they felt duped.

Here is Jacob Chansley again, whom we saw in a video claiming victory after the President told the rioters to go home. Earlier in the afternoon, as you will recall, Chansley carried a spear as he breached the Capitol, entered the Senate through the Gallery, and went right here, onto the Senate floor.

Chansley left a threatening note for Vice President PENCE, right there on the Senate dais. It read:

It's only a matter of time. Justice is coming.

On January 7, Chansley spoke to the FBI, and he said that he came as part of a group effort with other "patriots" from Arizona at the request of the President that all "patriots" come to DC on January 6, 2021.

On January 14, Chansley's lawyer gave an interview to Chris Cuomo, in which he said that Chansley was there "at the invitation of our President, who said [he would] walk down Pennsylvania Avenue with him." In fact, Chansley's lawyer now says that Chansley felt duped by the President, and he regrets what the President brought him to do.

This man, who ran through our halls, who ran into this Chamber, who sat right there on the dais, and who wrote a note for Vice President Pence that he was coming for him—he and those with him declared they would remove us from office if we went against Donald Trump. Now he is saying he would not have done any of that if Mr. Trump had told him not to.

Chansley is not alone in his postarrest confession that he was following the directions of Donald Trump. As more and more of these people have been charged, the confession and the regret simply cascades. More and more insurrectionists are admitting that they came at Trump's direction.

When Riley June Williams, known for allegedly helping steal a laptop from Speaker PELOSI's office, appeared in court on January 21, her lawyer said to the judge: "It is regrettable that Ms. Williams took the President's bait and went inside the Capitol."

Troy Smocks, who was in the Capitol riot on January 6, posted online that day: "[T]oday President Trump told Us to 'fight like hell.'" He also posted that the President "said that Our cause was a matter of national security."

Samuel Fisher was charged with disorderly conduct and illegally being in the Capitol on January 6. That day, before the attack on this building, he wrote on his website: "Trump just needs to fire the bat signal . . ." and "then the pain comes."

The lawyer for Dominic Pezzola, a leader of the Proud Boys, who was the first person to break inside the Capitol, said that President Trump effectively told his client and others:

People of the country, come on down, let people know what you think. [The] logical thinking was, "He invited us down."

Pezzola's lawyer went on:

These were people acting in a way they have never acted before, and it begs the question, "Who lit the fuse?"

On January 6, we know who lit the fuse. Donald Trump told these insurrectionists to come to the Capitol and stop the steal. And they did come to the Capitol, and they tried to stop the certification. They came because he told them to. And they did stop our proceedings, but only temporarily, because he told them to.

Have you noticed, throughout this presentation, the uncanny similarity, over and over and over again, of what all these people are saying? They said what Donald Trump said, and they echo each other: Stand back and stand by. Stop the steal. Fight like hell. Trump sent us. We are listening to Trump.

The riots that day left at least 7 people dead; more than 150 people injured; Members, Senators, and our staffs all traumatized to this day; damage and pain to our Capitol; damage and pain to Americans; damage to our police force; and damage to other nations who have always seen us as a bastion of democracy.

All of these people who have been arrested and charged, they are being held

accountable for their actions. Their leader, the man who incited them, must be held accountable as well. But, as I said earlier, you don't have to take my word for it that the insurrectionists acted at Donald Trump's direction. They said so. They were invited here. They were invited by the President of the United States.

(Text of video presentation of 1-6-2021.)

Unidentified Speaker. We were invited here. We were invited. Hey, we were invited here. We were invited by the President of the United States.

Mr. Manager RASKIN. Senators, Representative DEGETTE just showed how the insurrectionists believed and understood themselves to be following President Trump's marching orders. She explained in chilling detail how they were acting in perfect alignment with his political instructions and his explicit strategy to retain power.

They did what he told them to do. This pro-Trump insurrection did not spring into life out of thin air. We saw how Trump spent months cultivating America's most dangerous extremist groups. We saw how he riled them up with corrosive lies and violent rhetoric, so much so that they were ready and eager for their most dangerous mission, invalidating the will of the people to keep Donald Trump in office.

We must remember that this was not the first time Donald Trump had inflamed and incited a mob. Trump knew that his incitement would result in violence not only because of the thousands of violent messages that were posted all over the forums and the widespread news of preparations for violence among extremist groups and his communications on Twitter with the insurrectionists themselves; he knew it also because he had seen many of the exact same groups he was mobilizing participate in extremist violence before. Moreover, he had seen clearly how his own incitement of violence in praise after the violence took place galvanized, encouraged, and electrified these extremist followers. These tactics were road-tested.

January 6 was a culmination of the President's actions, not an aberration from them. The insurrection was the most violent and dangerous episode—so far—in Donald Trump's continuing pattern and practice of inciting violence. But I emphasize "so far."

Earlier, Congresswoman PLASKETT showed several episodes of Trump's incitement that took place during the Presidential election. But his encouragement of violence against other public officials who he thought had crossed him long predates the 2020 campaign.

The incitement of violence is always dangerous, but it is uniquely intolerable when done by the President of the United States of America. But that became the norm.

On President Trump's watch, White supremacists and extremist groups have spread like wildfire across the land. His own Department of Homeland

Security called homegrown terrorism the No. 1 threat facing Americans today. But no matter how many people inside and outside government begged him to condemn extreme elements promoting violence and, indeed, civil war in America and race war in America, he just wouldn't do it, and that is because he wanted to incite and provoke their violence for his own political gain and for his own strategic objectives.

Ever since he became President, Trump revealed what he thought of political violence for his side. He praised it, and he encouraged it.

Right now, I am going to play for you just a few clips from over the years when the President's words successfully incited his supporters into assaulting his opponents.

(Text of video presentation.)

(People chanting: "U.S.A.")

President TRUMP. See, the first group, I was nice: Oh, take your time. The second group, I was pretty nice. The third group, I'll be a little more violent. And the fourth group, I'll say: Get the hell out of here.

I said: Get him the hell out of here, will you, please? Get him out of here. Throw him out.

I get a little notice—in case you see the security guys, they are wonderful security guys. They said: Mr. Trump, there may be somebody with tomatoes in the audience.

So if you see somebody getting ready to throw a tomato, knock the crap out of them, would you? Seriously, OK? Just knock the hell—I promise you, I will pay for the legal fees. I promise.

Well, we have seen these clips and many, many more like them before, but think about the brutal power and effectiveness of his words with his followers. You heard him. He told his supporters to be a little more violent, and they responded to his command by literally dragging a protester across the floor at one of his campaign rallies.

He cried: Get him the hell out of here. Throw him out.

His supporters punched and kicked another protester as he was escorted from the hall. He told his supporters to knock the hell out of people who opposed him and promised to pay the legal fees of the assailants.

Time after time, he encouraged violence. His supporters listened, and they got the message. But it wasn't just Trump's encouragement of violence that conditioned his supporters to participate in this insurrection on January 6; it was also his explicit sanctioning of the violence after it took place.

Let's watch some of those incidents, beginning with Trump praising supporters who assaulted a Black protester.

(Text of video presentation.)

President TRUMP. Lying Ted Cruz.

But we've had a couple that were really violent. And the particular one, when I said I would like to bang him, that was a very vicious—you know, it was a guy who was swinging—very loud and then started swinging at the audience. And you know what? The audience swung back. And I thought it was very, very appropriate. He was swinging, he was hitting people, and the audience hit

back. And that is what we need a little bit more of.

Unidentified Speaker. We will talk to you about that later.

Unidentified Speaker. Yep. There's not going to be time.

Unidentified Speaker. I am sick and tired of you guys. The last time you came here you did the same thing. Get the hell out of here.

Unidentified Speaker. You suck.

Unidentified Speaker. Get the hell out of here.

Unidentified Speaker. The last guy did the same thing. Are you the guardian?

Unidentified Speaker. Yes, and you just broke my glasses.

Unidentified Speaker. The last guy did the same damn thing.

Unidentified Speaker. You just body-slammed me and broke my glasses.

President TRUMP. Greg is smart. And, by the way, never wrestle him. Do you understand that? Never.

Any guy that can do a body slam, he is my kind—

(People chanting: "Jews will not replace us.")

(People chanting: "Fuck you, faggots.")

Unidentified Speaker. What the fuck, you asshole.

Unidentified Speaker. I am not even saying we are not violent. I'm saying that we fucking didn't aggress. We did not initiate force against anybody. We are not non-violent. We will fucking kill these people if we have to.

President TRUMP. I do think there's blame, yes. I think there is blame on both sides. You look at—you look at both sides. I think there is blame on both sides. You also had people that were very fine people on both sides.

Just in case you didn't catch all of that, the President praised a Republican candidate who assaulted a journalist as "my kind" of guy. He said there were "very fine people on both sides" when the neo-Nazis, the Klansmen, and Proud Boys invaded the city—the great city of Charlottesville—and killed Heather Heyer. And he said that an attack on a Black protester at one of his rallies was very, very appropriate.

Does that sound familiar? Listen to how President Trump responded when asked about his own conduct on January 6.

(Text of video presentation.)

Unidentified Speaker. What is your personal responsibility?

President TRUMP. So if you read my speech—and many people have done it—it has been analyzed, and people thought that what I said was totally appropriate.

So there the pattern is, staring us in the face. Very, very "appropriate," he said after a man was assaulted at one of his rallies. "Totally appropriate" was how he characterized his incitement on January 6, meaning that, of course, if given the chance, he would gladly do it again because why would he not engage in totally appropriate conduct?

An examination of his past statements makes it clear that when Donald Trump tells a crowd, as he did on January 6, "fight like hell or you won't have a country anymore," he meant for them to fight like hell. On January 6, that became clear to all of America.

Now, let's consider the events, Senators, that took place last year in Michigan where President Trump demonstrated his willingness and his ability to incite violence against government officials who he thought were getting in his way.

When responding to extremist plots in Michigan, Trump showed he knew how to use the power of a mob to advance his political objectives.

Beginning in March, Trump leveled attacks on Michigan Governor Gretchen Whitmer for the coronavirus policies in her State.

On March 17, the day after Governor Whitmer pushed the Federal Government to better support the States on COVID-19, Trump criticized her handling of the pandemic, tweeting:

Failing Michigan Governor must work harder and be much more proactive. We are pushing her to get the job done. I stand with Michigan!

On March 27, he added:

I love Michigan, one of the reasons we are doing such a GREAT job for them during this horrible Pandemic. Yet your Governor, Gretchen "Half" Whitmer is way in over her head, she doesn't have a clue. Likes blaming everyone for her own ineptitude! #MAGA.

By April, Trump's rhetorical attacks and name-calling turned to calls for mass mobilization of his supporters. This was a sign of things to come.

On April 17, 2020, he tweeted:

LIBERATE MICHIGAN

Not even 2 weeks later, on April 30, his supporters marched on the Michigan State capitol in Lansing. They stormed the building. Trump's marching orders were followed by aggressive action on the ground.

(Text of video presentation.)

Unidentified Speaker. We have a right. Let us in.

(People chanting: "Let us in.")

Unidentified Speaker. Heil Hitler! Heil Hitler.

Unidentified Speaker. You policemen are all cowards. You betrayed us. The police have betrayed the people.

(People chanting: "Lock her up up.")

As the video shows, these militant protesters showed up ready to take a violent stand. They came armed and tightly packed themselves into the building with no regard, of course, for social distancing.

This Trump-inspired mob may indeed look familiar to you: Confederate battle flags, MAGA hats, weapons, camo Army gear—just like the insurrectionists who showed up and invaded this Chamber on January 6.

The siege of the Michigan State House was effectively a State-level dress rehearsal for the siege of the U.S. Capitol that Trump incited on January 6. It was a preview of the coming insurrection.

President Trump's response to these two events was strikingly similar. Following the armed siege in Lansing, President Trump refused to condemn the attacks on the Michigan capitol or denounce the violent lawbreakers. Instead, he did just the opposite. He

upheld the righteousness of his violent followers' cause, and he put pressure on the victim of the attack to listen to his supporters.

The day after the mob attack in Lansing, Trump told Governor Whitmer to negotiate with extremists, tweeting that the Governor should just "give a little" to the violent men who had stormed the Capitol, threatening not only the stability of the Michigan government but her own life.

As you can see, he tweeted:

The Governor of Michigan should give a little, and put out the fire. These are very good people, but they are angry. They want their lives back again, safely! See them, talk to them, make a deal.

The President said heavily armed extremists carrying Confederate battle flags and pushing past police to overtake the Michigan State House chamber are "very good people" and just negotiate with them.

It is clear he doesn't think that they are at fault in any way at all. But April 30 wasn't the only time Trump supporters stormed the Michigan capitol. Emboldened by the praise and his encouragement and support, they escalated again. Governor Whitmer refused to capitulate to the President's demand to negotiate with them.

Two weeks later, on May 14, Trump's mob again stormed the State capitol. This time, as you can see here, one man brought a doll with a noose around the neck, foreshadowing the appearance of the large gallows erected outside of this building, downstairs from here, on January 6, as the crowd chanted—and I still can hear the words ringing in my ear—"Hang Mike Pence. Hang Mike Pence. Hang Mike Pence."

Over the coming months, even after a crowd threatening Governor Whitmer stormed the capitol, Trump continued to assail her in public. At a rally in Michigan on September 10, Trump whipped up the crowd against Governor Whitmer saying:

She doesn't have a clue about reopening her own state's economy.

The crowd cheered.

Then, on October 8, the precise consequences of the President's incitement to violence were revealed to the whole world.

(Video presentation.)

Look at this. Thirteen men were arrested by the FBI for plotting to storm the Michigan State capitol building, launch a civil war, kidnap Governor Whitmer, transport her to Wisconsin, and then try and execute her.

This was an assassination conspiracy, a kidnapping conspiracy. Look at the language that they used. In the charging document, the FBI reported that one of the conspirators said he needed "200 men" to storm the capitol building and take political hostages, including the Governor. The suspect called it a "snatch and grab, man. Grab the [f'ing] Governor."

One of those men already pled guilty to this conspiracy.

The plot was well organized, just like the one that was coming on January 6.

The men in Michigan even considered building Molotov cocktails to disarm police vehicles and attempted to construct their own IEDs—something that actually happened here on January 6. Police authorities arrested extremists who had weapons and materials to build explosive devices, including one man found with an assault rifle and enough materials to make 11 Molotov cocktails.

On September 17, 2020, one of the Michigan conspiracists posted:

When the time comes there will be no need to try and strike fear through presence. The fear will be manifested through bullets.

And what did Donald Trump do as President of the United States to defend one of our Nation's Governors against a plotted kidnapping by violent insurrections? Did he publicly condemn violent domestic extremists who hoped and planned to launch a civil war in America? No, not at all. He further inflamed them by continuing to attack the Governor who was the object of their hatred in this kidnapping conspiracy.

The very night this conspiracy became public and that Governor Whitmer learned that there were 13 men who were planning to kidnap and likely kill her, Trump did not condemn the violence. He did not criticize the extremists. He didn't even check on Governor Whitmer's safety. He chose to vilify Governor Whitmer again and then, amazingly, took credit for foiling the plot against her, demanding her gratitude, and then quickly, of course, changed the subject to antifa. He tweeted:

Governor Whitmer . . . has done a terrible job.

He demanded that she thank him for the law enforcement operation that had foiled the kidnapping conspiracy that had been encouraged by his rhetoric.

On October 17, a little over a week after these people were arrested for preparing to kidnap Gretchen Whitmer, Donald Trump riled up the boisterous crowd in Muskegon with more personal attacks on Whitmer, driving the crowd to chant "Lock her up. Lock her up."

He had now seen that some of his followers were prepared to engage in criminal violence with orchestrated attacks, deadly weapons, and willing bodies to storm a State capitol building and to attack his perceived political enemies, and so as the crowd chanted "Lock her up," he pivoted to his next goal. He told them they couldn't trust the Governor to administer fair elections in Michigan. He used the crowd that he knew would readily engage in violence to prepare his followers for his next and, of course, his paramount political objective: claiming the election was stolen and inciting insurrectionary action.

He did it again on October 27 during a pre-election rally speech in Lansing, MI, where the capitol had been stormed. Trump openly joked with the crowd about critics saying his words

had provoked the violent plot against Governor Whitmer. Check it out. It is telling.

(Text of video presentation.)

President TRUMP. We got to get her going. I don't think she likes me too much. (People chanting: "Lock her up.")

President TRUMP. See, I don't comment to that because every time, if I make just even a little bit of a nod, they say: "The President led them on." No, I don't have to lead you on. Even a little nod, they say: "The President said." Your Governor, at the urging of her husband, who has abused our system very badly—the only man allowed in the State of Michigan—the only man allowed to go sailing is her husband. Now, your Governor—I don't think she likes me too much. Hey, hey, hey, hey, I'm the one. It was our people that helped her out with her problem. I mean, we have to see if it is a problem, right? People are entitled to say maybe it was a problem, maybe it wasn't. It was our people—my people—our people that helped her out.

So President Trump offered them a little winking inside joke about his constant incitement of the mob and how much can actually be communicated by him with just a little nod—just a little nod.

He presided over another pounding, rhythmic rendition of his trademark chant: "Lock her up. Lock her up." Then, referring to the FBI's foiling of the kidnapping conspiracy, which was deadly serious, he said that he helped her out with a problem.

(Text of video presentation.)

Maybe it was a problem; maybe it wasn't. We will have to see.

Maybe it was a problem; maybe it wasn't.

The President of the United States of America—he could not bring himself to publicly oppose a kidnapping and potential assassination conspiracy plot against a sitting Governor of one of our 50 States?

Trump knew exactly what he was doing in inciting the January 6 mob—exactly. He had just seen how easily his words and actions inspired riots in Michigan. He sent a clear message to his supporters. He encouraged planning and conspiracies to take over capitol buildings and threaten public officials who refused to bow down to his political will.

Is there any chance Donald Trump was surprised by the results of his own incitement? Let's do what Tom Paine told us to do, use our common sense, the sense we have in common as citizens.

If we don't draw the line here, what is next? What makes you think the nightmare with Donald Trump and his lawmaking and violent mobs is over? If we let him get away with it and then it comes to your State capital or it comes back here again, what are we going to say?

These prior acts of incitement cast a harsh light on Trump's obvious intent—obvious intent—his unavoidable knowledge of the consequences of his incitement, the unavoidable knowledge of the consequences of his incitement, and the clear foreseeability of the violent harm that he unleashed on our people and our Republic.

January 6 was not some unexpected, radical break from his normal law-abiding and peaceful disposition. This was his state of mind. This was his essential M.O. He knew that, egged on by his tweets, his lies, and his promise of a wild time in Washington to guarantee his grip on power, his most extreme followers would show up bright and early, ready to attack, ready to engage in violence, ready to fight like hell for their hero, just like they answered his call in Michigan.

President Trump has said over and over his supporters are loyal. In his own words, his supporters are the “most loyal” we have seen in our country’s history. He knew that his most hardcore supporters were willing to direct violence at elected officials—indeed, to attack and lay siege to a capitol building—and he knew they would be ready to heed his call on January 6 to stop the steal by using violence to block the peaceful transfer of power in the United States. He knew they were coming. He brought them here, and he welcomed them with open arms:

We hear you (and love you) from the Oval Office.

My dear colleagues, is there any political leader in this room who believes that if he is ever allowed by the Senate to get back into the Oval Office, Donald Trump would stop at inciting violence to get his way? Would you bet the lives of more police officers on that? Would you bet the safety of your family on that? Would you bet the future your democracy on that?

President Trump declared his conduct totally appropriate, so if he gets back into office and it happens again, we will have no one to blame but ourselves.

Mr. LIEU will return now to tell you about President Trump’s total lack of remorse after the insurrection.

Mr. Manager LIEU. Good afternoon. My colleagues walked you through President Trump’s actions leading up to January 6 and then the horrific events on January 6, and we saw both during the attack as well as in the days after the attack that this was a President who showed no remorse and took no accountability—in fact, quite the opposite. As Representative RASKIN showed you, President Trump claimed that his actions were “totally appropriate.”

The assertion that everyone thought Donald Trump’s actions were totally appropriate, including people in this room, is, of course, untrue. It is also dangerous. That is why Members of Congress and U.S. Senators, former and current administration officials, State and local officials, all unequivocally confirm what we witnessed with our own eyes—that Donald Trump’s conduct was wrong, it was destructive, dishonorable, and un-American.

President Trump’s lack of remorse and refusal to take accountability during the attack shows his state of mind. It shows that he intended the events of January 6 to happen, and when it did, he delighted in it.

President Trump’s lack of remorse and refusal to take accountability after the attack poses its own unique and continuing danger. It sends the message that it is acceptable to incite a violent insurrection to overthrow the will of the people and that a President of the United States can do that and get away with it.

That is why we have to hold President Trump accountable, to send a message that it is never patriotic to incite a violent attack against our Nation’s Capitol and that future Presidents will know that they cannot follow in Donald Trump’s footsteps and get away with it.

So let’s start with the day of the attack. On insurrection day, January 6, President Trump did not once condemn the attack, not even once. Even when he finally asked the violent extremists to go home, which was 3 hours after the attack began, he sends this video, and he ends it with “You’re very special. We love you.” That was his message to people who perpetrated this violent, gruesome attack—“We love you”—and then 2 hours later, he tweets “Remember this day forever.”

This is not a man who showed remorse, but it is worse than that. After that tweet, it took him another full day to even condemn the attack itself. The very next day, President Trump was eerily silent, and then at 7:01 p.m., he releases a prerecorded video, and there, President Trump for the first time, nearly 30 hours after the attack began, acknowledges and condemns the violent mayhem that occurred. He said the demonstrators “defiled the seat of American democracy.” He said that these demonstrators didn’t represent this country and if they broke the law, they would pay.

But even in that video, he says more lies. He says in that very same video that he immediately deployed the National Guard. That, again, is not true. The National Guard was not deployed until over 2 hours after the attack began at around 3 p.m. Because of this late deployment, the National Guard did not arrive until after 5 p.m.

When the Guard was deployed, the Pentagon had released a statement that showed the list of people—and you saw that list—of folks that were consulted before deploying the National Guard.

Several people were on their list, including the Vice President. President Trump was not on that list. You know, as a veteran, I find it deeply dishonorable that our Commander in Chief did not protect us. Then, later, he tried to take credit for something he failed to do. Shameful.

Also, in that video, you should note what it did not say. Absent from that entire video was any actual acceptance of responsibility for his actions. Absent from that video was a call to his most fervent supporters to never do this again. And here was his final message in that so-called condemnation-of-attack video.

Here is what he actually said:  
(Text of video presentation of 1-7-2021.)

President TRUMP. And to all of my wonderful supporters, I know you are disappointed, but I also want you to know that our incredible journey is only just beginning.

President Trump not only failed to show remorse or take accountability, he made clear he is just beginning.

For days, he did not address the Nation after this attack. We needed our Commander in Chief to lead, to unite a grieving country, to comfort us. But what did President Trump do? Nothing. Silence. We are all aware that a violent mob murdered a police officer. It took President Trump 3 days before he lowered the flag of the United States of America—3 days—and President Trump, who was Commander in Chief at the time, did not attend and pay respects to the officer who lay in state in the very building that he died defending.

Now, some people have argued that President Trump made a mistake; that he gets a mulligan, but we know President Trump didn’t make a mistake because, you see, if you or I make a mistake when something very bad happens, we would show remorse; we would accept responsibility. President Trump didn’t do any of that. Why not? Because he intended for what happened on January 6. And how do we know that? He told us.

On January 12, as President Trump was boarding Air Force One, headed to Texas—and you saw this video before, and I am going to show it again—he was asked by a reporter:

What is your role in what happened at the Capitol? What is your personal responsibility?

This was his response:  
(Text of video presentation of 1-12-2021.)

President TRUMP. But they’ve analyzed my speech and my words and my final paragraph, my final sentence, and everybody, to the T, thought it was totally appropriate.

On January 12, President Trump had seen the violent attack on the Capitol. He knew people had died, and his message to all of us was that his conduct was totally appropriate.

I am a former prosecutor, and we are trained to recognize lack of remorse, but it doesn’t take a prosecutor to understand that President Trump was not showing remorse; he was showing defiance. He was telling us that he would do this again; that he could do this again; that he and future Presidents can run for national election, lose an election, inflame the supporters for months, and then incite an insurrection and that that would be totally appropriate.

One week after the attack, on January 13, President Trump, in response to continuing bipartisan criticism, released another video.

Here is part of what he said:  
(Text of video presentation of 1-13-2021.)

President TRUMP. I want to be very clear. I unequivocally condemn the violence that



we saw last week. Violence and vandalism have absolutely no place in our country and no place in our movement.

President Trump, of course, needed to make that statement. He needed to unequivocally condemn that attack, but he also needed to mean those words. You saw Donald Trump tweet endless attacks—sometimes 108 tweets in a day—and in public speeches and across rallies, repeating words of “Fight” and “Stop the steal” and “Never surrender.” You know what it looks like when President Trump wants to convey a message. Forcefully, loudly, and repeatedly he does that.

This video, sent after a week of the attack, was not that. We know this because, in this video, he again does not show remorse and does not take responsibility. He again does not acknowledge his role in the insurrection. He does not say in that video, for example, “Everything I said in the months prior went too far,” and he does not say the one sentence that matters. He does not say the one sentence that would stop future political violence: “The election was not stolen.” He still hasn’t said that sentence. That is why National Guard troops, in full body armor, still patrol outside.

Reports from the White House also confirm that President Trump believed he was “forced by the bipartisan furor after the insurrection to acknowledge the new administration.” We know he did not stand behind his belated condemnation because those around him confirmed it. Behind closed doors, sources confirmed that President Trump still refused to directly acknowledge his election loss to Joe Biden. He refused to even attend the peaceful transition of power—the first President in modern history. President Trump even, reportedly, while watching the impeachment vote, “focused his ire” on the Republicans who voted for his impeachment, peppering aides with questions about “what he could do to exact revenge.”

President Trump has made clear that, if he is not held accountable, he will not be accountable. He will not stop. Now, President Trump would have his base and the world believe that his conduct was totally appropriate. It is important to impeach that falsehood, to make clear to his supporters and everyone watching that what Donald Trump did was not acceptable—in fact, quite the opposite.

People in his own party—State officials, former officials, current officials, Members of Congress—have, unambiguously and passionately, said that what Donald Trump did was “disgraceful,” “shameful,” and have called his behavior “existential” and “wrong,” and they have said that his actions gave rise to one of the darkest chapters in United States’ history.

Let’s hear what some of these officials had to say. Here are Governors Spencer Cox, Charlie Baker, Mike DeWine, Larry Hogan, and Phil Scott.

(Text of video presentation of 1-11-2021.)

Mr. Cox. And people have to be held accountable. And yes, that includes the President.

(Text of video presentation of 1-7-2021.)

Mr. Baker. It’s important to remember that they were the culmination of months of President Trump repeating over and over again that the American electoral system is a fraud. After he stoked the flames of outrage for weeks leading up to the events of yesterday, he refused to adequately prepare the U.S. Capitol for the possibility of violence and left it nearly defenseless. His remarks during and after the travesty of the attack on the Capitol were disgraceful.

(Text of video presentation of 1-7-2021.)

Mr. DeWine. President Trump’s continued refusal to accept the election results without producing credible evidence of a rigged election has stirred the fire that has threatened to burn down our democracy. This incendiary speech yesterday, the one he gave preceding the march, that he gave to the protesters, served only to fan those flames.

(Text of video presentation of 1-7-2021.)

Mr. Hogan. I proudly stood by my father’s side at age 12 on the floor of the House Chamber as we both took the oath of office, an oath to support and defend the Constitution of the United States. It’s clear to me that President Trump has abandoned this sacred oath.

(Text of video presentation of 1-7-2021.)

Mr. Scott. Seeing our Capitol, a symbol of democracy around the world, stormed by an angry mob was heartbreaking. And let me be clear: These actions were not patriotic, and these people are not patriots. The fact that these flames of hate and insurrection were lit by the President of the United States will be remembered as one of the darkest chapters in our Nation’s history.

One of the darkest chapters in our Nation’s history.

Former members of the Trump administration, longstanding Republicans, also made clear that President Trump incited this insurrection and that it went against our democracy.

The President’s former Secretary of Defense, James Mattis, declared:

[T]oday’s violent assault on our Capitol, an effort to subjugate American democracy by mob rule, was fomented by Mr. Trump.

Former White House Chief of Staff John Kelly spoke on this as well, and I would like to play an audio clip of what he said.

(Text of audio presentation of 1-7-2021.)

Mr. Kelly. [W]hat happened on Capitol Hill . . . was a direct result of him poisoning the minds of people with the lies and the fraud.

If you couldn’t hear that, what John Kelly said about President Trump was that what happened on Capitol Hill was a direct result of his poisoning the minds of people with the lies and the fraud.

Former Speaker of the House John Boehner declared:

[T]he invasion of our Capitol by a mob, incited by lies from some entrusted with power, is a disgrace to all who sacrificed to build our Republic.

This was echoed by former Trump official after former Trump official.

Here is what former National Security Advisors John Bolton and H.R. McMaster, former White House Communications Director Alyssa Farah, and former Chief of Staff Mick Mulvaney said:

(Text of video presentation of 1-7-2021.)

Mr. Tapper. Let me just ask you: Do you think President Trump has blood on his hands?

Mr. Bolton. I think he does. Look, I agree with Bill Barr. I think he did incite this mob with the clear intention of having them disrupt the electoral college certification and delay it to give him more time. I don’t think there’s any question about it.

(Text of video presentation of 1-7-2021.)

Mr. McMaster. There are many reasons for this assault on the Capitol, but foremost among them was the President’s exhortations, was the President’s sustained disinformation.

(Text of video presentation of 1-17-2021.)

Mr. McMaster. We’ve seen a President stoking fears amidst these crises.

(Text of video presentation of 1-17-2021.)

Ms. Farah. First and foremost, I want to say that what happened at the Capitol was unacceptable, un-American, undemocratic.

(Text of video presentation of 1-8-2021.)

Mr. Mulvaney. I think everybody recognizes that what happened on Wednesday is different. You can go down the long litany of things that people complained about with Donald Trump, and I could probably defend almost all of them. Many of them were policy differences; many of them were stylistic differences, but Wednesday was different. Wednesday was existential. Wednesday is one of those things that struck to the very heart of what it means to be an American, and it was wrong.

Mick Mulvaney, President Trump’s former Chief of Staff, is clearly saying what we all felt—that January 6 was different. It was existential. It was wrong. It was un-American.

This sentiment was echoed not just from people outside the administration but from people inside the Trump administration. Perhaps the most telling was the flood of resignations from people inside President Trump’s administration with firsthand access to President Trump. His own officials felt so betrayed by his conduct that numerous officials resigned in protest days before the end of President Trump’s term. Sixteen officials resigned in protest—16. They all took this dramatic action of resigning because they saw the clear link between President Trump’s conduct and the violent insurrection.

Here is some of what they said.

Secretary DeVos, who was in the administration the entire term, told President Trump in her resignation letter:

[T]here is no mistaking the impact your rhetoric had on the situation, and it is an inflection point for me.

Secretary Chao, who was in the administration the entire term, explained:

Yesterday, our country experienced a traumatic and entirely avoidable event as supporters of the President stormed the Capitol building following a rally he addressed. As I'm sure is the case with many of you, it has deeply troubled me in a way I simply cannot set aside.

Deputy Costello told his associates the attack was his "breaking point" and, he hoped, "a wake-up call."

These rebukes and resignations from President Trump's own administration make clear that President Trump's conduct was anything but totally appropriate. They also remind us that this can and must be a wake-up call.

As Representative FRED UPTON so eloquently put it, "[President Trump] expressed no regrets for last week's violent insurrection at the U.S. Capitol. This sends exactly the wrong signal to those of us who support the very core of our democratic principles and took a solemn oath to the Constitution. . . . It is time to say: Enough is enough."

Now, no one is saying here that President Trump cannot contest the election. Of course, he can. But what President Trump did, as his former Chief of Staff explained, was different. It was dishonorable, it was un-American, and it resulted in fatalities. President Trump spent months inflaming his supporters, spread lies to incite a violent attack on our Capitol, on our law enforcement, and on all of us.

And then he lied again to his base to tell them that this was all OK, that this was all acceptable. And that is why President Trump is so dangerous—because he would have all of us, all Americans, believe that any President who comes after him can do exactly the same thing.

That is why lack of remorse is an important factor in impeachment, because impeachment, conviction, and disqualification is not just about the past. It is about the future. It is making sure that no future official, no future President does the same exact thing President Trump does.

President Trump's lack of remorse shows that he will undoubtedly cause future harm if allowed, because he still refuses to account for his previous grave crime against our government.

You know, I am not afraid of Donald Trump running again in 4 years. I am afraid he is going to run again and lose because he can do this again.

We are in an unusual situation because, despite President Trump's claim that everyone thinks what he did was fine, so many have come out and spoken so strongly and passionately about what happened here.

I would like to highlight a statement by Representative ANTHONY GONZALEZ. He said:

The Vice President and both chambers of Congress had their lives put in grave danger as a result of the President's actions in the events leading up to and on January 6th. During the attack itself, the President abandoned his post while many members asked for help, thus further endangering all present. These are fundamental threats not

just to people's lives but to the very foundation of our Republic.

And now I would like to show what Members of Congress said leading up to the most bipartisan impeachment vote in U.S. history, because I do want everyone watching, especially President Trump's supporters, to see firsthand what I believe we all feel—that what President Trump did was not appropriate, that it was not American, and that it absolutely cannot stand.

(Text of Videotape presentation 1/7/2021.)

Ms. CHENEY. What he has done and what he has caused here is something that we've never seen before in our history.

(Text of Videotape presentation 1/7/2021.)

Mr. KINZINGER. All indications are that the president has become unmoored not just from his duty or even his oath but from reality itself.

(Text of video presentation of 1-12-2021.)

Mr. KATKO. The President's role in this insurrection is undeniable. Both on social media ahead of January 6 and in his speech that day, he deliberately promoted baseless theories creating a combustible environment of misinformation and division. To allow the President of the United States to incite this attack without consequences is a direct threat to the future of [this] democracy.

After this trial, I hope you will come together and cast your vote and make absolutely clear how we, as a Congress and as a nation, feel about what Donald Trump did by convicting him, and to prevent this from being "only the beginning," as President Trump said, and to deter future Presidents who do not like the outcome of a national election from believing they can follow in President Trump's footsteps.

It is what our Constitution requires. It is what our country deserves.

Mr. Manager RASKIN. Representative DEGETTE will now return to show how extremists were emboldened by the insurrection and planned to attack the inauguration.

Ms. Manager DEGETTE. My colleagues have showed you the overwhelming evidence of how President Trump's conduct assembled, incited, and inflamed the mob. We showed how and why this attack, this violence, was not only foreseeable but preventable. We showed that President Trump knew his conduct could and would result in violence, and that when the attack occurred, he did not fulfill his duty as Commander in Chief and defend us. Instead, he was delighted.

Donald Trump incited a violent insurrection and he failed to defend our Nation, our Capitol, this Congress, and our law enforcement from the attack he incited.

Now I want to turn to the impact, the long-term harm of this conduct. My colleagues and I will walk through the breadth and gravity of this harm.

I would like to start with the effect President Trump's conduct had on our domestic security. We saw firsthand how Donald Trump's conduct

emboldened and escalated domestic violence extremists. These folks are known in the law enforcement community as DVEs.

These threats were and are made worse by President Trump's refusal to take accountability and his refusal to forcibly denounce what his own FBI identified as some of the most dangerous elements of our country. Even as the attack was underway, he tweeted words of support to his violent supporters, and then, in the aftermath on January 7, President Trump made it clear this was only the beginning.

(Text of video presentation of 1-7-2021.)

President TRUMP. And to all of my wonderful supporters, I know you are disappointed, but I also want you to know that our incredible journey is only just beginning.

And he was right. Unless we take action, the violence is only just beginning. In the aftermath of the attack, we saw a huge rise in threats from domestic violence extremists, including specific threats to the inauguration in DC, and also to all 50 State capitols. Our intelligence Agencies confirmed that, in addition to these specific threats, President Trump's conduct emboldened the very same violent groups who initiated the attack and sparked new violent coalitions.

These groups believe that they are following his orders. They believe that their acts of insurrection and violence are patriotic.

Violence is never patriotic, and it is never American. It is not the Democratic way, and it is not the Republican way.

After the attack, the Nation's top defense and law enforcement Agencies reported an increase in credible threats to the inauguration from Donald Trump's supporters.

On January 13, 2021, a joint intelligence bulletin issued by the Department of Homeland Security, the FBI, and the National Counterterrorism Center found:

Since the 6 January event, violent online rhetoric regarding the 20 January Presidential Inauguration has increased, with some calling for unspecified 'justice' for the 6 January fatal shooting by law enforcement of a participant who had illegally entered the Capitol Building, and another posting that 'many' armed individuals would return on 19 January.

The Agencies also made clear why these threats were escalating, especially regarding the inauguration. The report explained that a primary motivating factor was:

The shared false narrative of a "stolen" election and opposition to the change in control of the executive and legislative branches of the Federal Government may lead some individuals to adopt the belief that there is no political solution to address their grievances and that violent action is necessary.

In other words, President Trump's spreading of inflammatory disinformation about the election incited the insurrection on January 6 and may lead to further violence.

Online, just as they did prior to the January 6 attack, Trump supporters



took to the internet to organize and document their desire and plans for future violence at President Biden's inauguration. And indeed, in the days shortly after the attack, several posters on extremist social media websites made further plans for violence.

They posted:

Many of us will return on January 19, 2021, carrying our weapons, in support of our nation's resolve, to which [sic] the world will never forget!!! We will come in numbers that no standing army or police agency can match.

We took the building once [and] we can take it again.

Other users, eager to participate in additional attacks, confirmed that they were waiting on President Trump's instructions about what to do next.

Referring to a future planned attack, a user on the online platform known as Gab posted:

I'd like to come do this, but want to know, does our President want us there? Awaiting instructions.

In fact, in the days leading up to the inauguration, multiple individuals—many, potentially, in an attempt to carry out the plots that I just previewed—were arrested in Washington, DC, including on serious weapons charges.

One of those men was Couy Griffin, the founder of Cowboys for Trump, who took part in the Capitol attack and was also arrested on January 17.

Here is what he said about his plans for violence.

(Text of video presentation of 1-17-2021.)

Mr. Griffin. You know, you want to say that that was a mob? You want to say that was violence? No, sir. No ma'am. No. We could have a Second Amendment rally on those same steps that we had that rally yesterday. You know, and if we do, then it's going to be a sad day, because there is going to be blood running out of that building. But at the end of the day, you mark my word, we will plant our flag on the desk of Nancy Pelosi and Chuck Schumer.

"Blood running out of that building"—this building, the Capitol, where all of us are right now.

Now, the name Couy Griffin may sound familiar because he previously faced controversy for a May 2020 video, where he said:

Mr. Griffin. The only good Democrat is a dead Democrat.

Hear it from him yourself.

(Text of video presentation of 5-27-2021.)

Mr. Griffin. What I've come to the conclusion is, the only good Democrat is a dead Democrat.

Now, when he said this, President Trump actually retweeted Griffin and thanked him for that sentiment.

When Donald Trump retweeted this, he was no stranger to Griffin. In fact, in March 2019, over a year earlier, Griffin and Trump had spoken on the phone for nearly 30 minutes.

President Trump's conduct, without a doubt, made it clear that he supported Griffin. In fact, Griffin even said so himself.

As Griffin later said about President Trump retweeting his inflammatory comment about the dead Democrats:

It really means a lot to me, because I know that the president of the United States has my back.

Remember, this is a man who was here on January 6, who was arrested after threatening to come back here to make blood come running out of this building.

Threats like Griffin's have triggered a deployment of forces the likes of which we have never seen. There were approximately 25,000 National Guard troops brought in from around the country to protect DC leading up to and on Inauguration Day.

As you know, many of those troops are still here.

Take a look at that.

These were scenes that played out all over the country. Five days following the siege on the Capitol, on January 11, 2021, the FBI warned:

Armed protests are being planned at all 50 State capitols from 16 January through at least 20 January, and at the U.S. Capitol from 17 January through 20 January.

As a result, at least 21 States activated their National Guards in preparation for potential attacks. President Trump's incitement has reverberated around the country, prompting massive law enforcement mobilization in several State capitols, including in Washington, Illinois, Michigan, and Georgia.

Look at these photos. This is what Donald Trump has done to America. This massive deployment of law enforcement has cost the taxpayers dearly. The National Guard deployment to DC alone is expected to cost at least \$480 million. The bills are also racking up in the States. North Carolina, South Carolina, Pennsylvania, Utah, and Wisconsin have each spent about half a million dollars to safeguard their capitols in the run up to the inauguration. Ohio spent \$1.2 million over this same 2-week period. And, remember, this is at a time when State budgets are already suffering under the weight of the pandemic.

Our brave servicemembers showed up. Thanks to their dedication and their vigilance, the inauguration and the days leading up to it mercifully proceeded without incident. In fact, after news broke of law enforcement's preparedness for further attacks, leaders of the Proud Boys and the Three Percenters militia, the organizers of the Million MAGA March, they all now told their followers to avoid protests at or leading up to the inauguration for fear that law enforcement would crush them and arrest rioters who showed up.

Thank God there wasn't an insurrection sequel here on January 20, but look at the price we have paid—the price that we are still paying. It is not just dollars and cents. This Capitol has become a fortress, as State capitols have all across the country. Our constituents no longer have access to their elected representatives. Every Democrat and Republican, including people

who came here on January 6 peacefully, is paying the price. And it is not just a loss of access; it is a dimming of their freedom. It is a dimming of all of our freedom.

We must uphold our oaths, as the tens of thousands of law enforcement officers have done in the wake of January 6, because if we do not, President Trump's mob stands ready for more attacks.

Now, this should be no surprise. Having a Commander in Chief who incites violence has given life to the existing violent groups he spent years cultivating and has inspired new coalitions among extremist groups who actually view January as a success. According to the FBI, President Trump's assemblage of his mob was particularly dangerous because "in-person engagement between DVEs of differing ideological goals during the Capitol breach likely served to foster connections, which may increase DVEs' willingness, capability, and motivation to attack and undermine a government they view as illegitimate."

In other words, they all got to talking to each other.

This bulletin by our own Intelligence Committee was also confirmed by concrete evidence. Rioters celebrated their roles in the January 6 attack on social media. They boasted about their success in breaching the Capitol and forcing Members of Congress and the Vice President to evacuate. Take, for example, rightwing provocateur, Nick Fuentes. The day before the Capitol insurrection, Fuentes said this on his internet show:

(Text of video presentation of 1-5-2021.)

Mr. Fuentes. What can you and I do to a State legislator besides kill them? Although we should not kill them—I am not advising that. But, I mean, what else can you do, right?

Fuentes was at the Capitol on January 6 and praised the insurrection on a live stream as "glorious" and "awe inspiring." He later said:

We forced a joint session of Congress and the vice president to evacuate because Trump supporters were banging down and then successfully burst through the doors.

Fuentes was not the only provocateur to revel in the violence. According to Mike Dunn, a member of the Boogaloo Bois—an anti-government movement whose adherents helped lead multiple groups in storming the Capitol—the Boogaloo Bois will be "working overtime" to capitalize on the January 6 riots and hope it will lead to more action. They said:

Just know there is more to come.

Proud Boys members were bragging about the attack on the Capitol. One post on the Proud Boys telegram channel said:

People saw what we can do, they know what's up, they want in.

The leader of the Proud Boys himself sent the same message. Enrique Tarrío said the Proud Boys would be active during Biden's Presidency. Tarrío stated:

You're definitely going to see more of us.

Extremist groups are also boasting that the attack on our Capitol is a boon for their recruitment efforts. Three Percent Security Force leader, Chris Hill, says he has been contacted by several people interested in joining since the insurrection. As one expert who focuses on domestic extremism, Jared Holt, explained:

By all measurable effects this was for far-right extremists one of the most successful attacks that they've ever launched. . . . They're talking about this as the first stab in a greater revolution.

As indicated by Mr. Holt, their perceived success has given them encouragement to continue and to escalate attacks. Intelligence agencies have also noted that these extremist groups will unfortunately be targeting vulnerable minority communities in the U.S.

A January 27, 2021, DHS bulletin warned "long-standing racial and ethnic tension" of the sort that led to a man killing 23 people at an El Paso Walmart in 2019 would continue to grow and motivate further attacks.

The January 13 Joint Intelligence Bulletin report stated that in addition to the other types of violence listed, "DVEs may be inspired to carry out more violence, including violence against racial, ethnic, and religious minorities and associated institutions, journalists, members of the LGBTQ+ community, and other targets common among some DVEs."

These prejudiced elements could be seen, visibly, in the crowd that attacked the Capitol.

Pictured here is Robert Packer. Robert Packer is an avowed White supremacist and Holocaust denier who proudly wore that sweatshirt, which states "Camp Auschwitz."

These prejudiced elements could also be heard from the crowds. As you have heard, the insurrectionists that attacked the Capitol on January 6 hurled racial slurs, including at Black police officers.

One officer described the trauma he experienced when the rioters seized the Capitol. He said:

I'm a Black officer. There was a lot of racism that day. I was called racial slurs, and in the moment, I didn't process this as traumatic. I was just trying to survive. I just wanted to get home, to see my daughter again. I couldn't show weakness. I finally reached a safe place, surrounded by officers, I was able to cry. To let it out. To attempt to process it.

These extremist groups were emboldened because President Trump told them repeatedly that their insurrectionist activities were the pinnacle of patriotism. Well, let today be the day that we reclaim the definition of patriotism.

Impeachment is not to punish but to prevent. We are not here to punish Donald Trump. We are here to prevent the seeds of hatred that he planted from bearing any more fruit. As my colleagues showed, this is not the first time that President Trump inspired violence, but it must be the last time

that he is given a platform to do so. This must be our wake-up call. We must condemn it because the threat is not over.

President Trump refused to condemn this type of violence. Instead, over and over again, he has encouraged it. Our response must be different this time. We simply cannot sweep this under the rug. We must take a united stand, all of us, that this is not American.

Think back to August 2017, when a young woman was murdered during a White supremacist rally in Charlottesville, VA. Her name was Heather Heyer. Her mother's name is Susan Bro. Ms. Bro has been a steadfast advocate for her daughter's memory. In a 2018 interview, she expressed concern that people had rushed too quickly to reconciliation without accountability.

(Text of video presentation of 8-11-2018.)

Ms. BRO. If you rush to heal, if you rush to "everybody grab each other and sing 'Kumbaya,'" we've accomplished nothing, and we will be right back here in a few years.

"We will be right back here in a few years." Those were her words in 2018, 3 years ago. Her daughter's murderer, he was held to account, but our Nation did not impose any meaningful accountability on a President who, at the time, said that there were "very fine people on both sides."

And, now, where are we, 3 years later? I would argue we are not just back where we were. I would argue things are worse. In 2017, it was unfathomable to most of us to think that Charlottesville could happen, just as it was unfathomable to most of us that the Capitol could have been breached on January 6. Frankly, what unfathomable horrors await us if we do not stand up now and say: No, this is not America, and we will not just express condolences and denunciations. We won't just close the book and try to move on. We will act to make sure this never happens again.

Mr. Manager RASKIN. Representatives CICILLINE and LIEU will now come to show the harm done and the damage done to Congress and our Democratic process.

Mr. CICILLINE.

Mr. Manager CICILLINE. Mr. President, distinguished Senators, you just heard from my colleague Manager DEGETTE how the conduct of Donald Trump dramatically increased the threats to our security and emboldened violent domestic extremists.

I would like to now turn to the harm that was caused here, inside these walls, as a result of the conduct on January 6—the harm to us, to Congress, to those who serve our country, and to the constitutional processes as the Trump mob tried to stop the election certification process.

The attack on January 6 is one of the bloodiest intrusions of the Capitol since the British invaded in the War of 1812 and burned it to the ground. And you have heard in painstaking detail the President's mob posed an imme-

diolate and serious threat to the continuity and constitutional succession of the United States Government with the first, second, and third in line to the Presidency. The Vice President, the Speaker of the House, and the President pro tempore were all together and faced a common threat in the same location, and we have seen the first and the second were purposely targeted by these attackers.

These were not idle threats. The mob, as you recall, chanted:

Hang Mike Pence.

(Text of video presentation.)

(People chanting: "Hang Mike Pence.")

The charging documents show that the rioters said they would have killed Vice President Pence and Speaker PELOSI had they found them.

Dawn Bancroft and Diana Santos-Smith, two of the rioters charged in the attack, were caught on tape discussing the brutal violence that they hoped to inflict on Speaker PELOSI had she not been rushed out to safety. They said:

We broke into the Capitol. . . . We got inside, we did our part. We were looking for Nancy to shoot her in the friggin' brain but we didn't find her.

Senators, simply put, this mob was trying to overthrow our government, and it came perilously close to reaching the first three people in line to the Presidency.

It wasn't just the Vice President and the Speaker; rioters were prepared to attack any Member of Congress they found. Thomas Edward Caldwell, Donovan Ray Crowl, and Jessica Marie Watkins, three militia members, were also charged for their role in the attack. They discussed trapping us inside the underground tunnels.

The indictment quotes social media chatter with Caldwell:

All members are in the tunnels under [the] capitol seal them in. Turn on gas.

All legislators are down in the Tunnels 3 floors down.

Do like we had to do when I was in the Corps, start tearing out floors, go from top to bottom.

Never did any of us imagine that we or our colleagues would face mortal peril by a mob riled up by the President of the United States, the leader of the free world, but we did, all because Donald Trump could not accept his election defeat.

Trump chose himself above the people, above our institutions, above our democracy, above all of you. You know, we have heard Trump espouse for years now his "America First" policy. But his true North Star isn't America's well-being. It is not "Country First" like our dear departed colleague John McCain. No, his directive is Trump first, no matter the cost, no matter the threat to our democracy.

But each and every one of us in this room must agree on one thing: We can never allow the kind of violent attack that occurred on January 6 to ever happen again in this country.

In the immediate aftermath, we heard many disturbing accounts from

many Members of Congress about what they experienced that day. Here are some of the reactions.

Following the attack, Representative DUSTY JOHNSON expressed concerns that we had gotten to the point where so many of us had sown the seeds of anger and division.

(Text of video presentation.)

Mr. JOHNSON. (Inaudible), and there was some fear, to be sure, but overwhelmingly the emotion that I experienced was one of anger. I just could not believe that this was happening. I could not believe that we had gotten to this point where so many of us had sewn these seeds of anger and of division, and we had (inaudible) powder keg, and literally we were starting to see this powder keg light up, and it was—frankly, I was furious.

Representative JASON CROW compared the events of this day to his time in Afghanistan as an Army Ranger, something Senator REED knows something about.

(Text of video presentation.)

Mr. CROW. What I felt in the Capitol behind us is something that I hadn't felt since I was in Afghanistan when I was an Army Ranger. And to think that as a Member of Congress, in 2021, in the U.S. Capitol on the House floor, that I was preparing to fight my way out of the people's House against a mob is just beyond troubling.

Representative PAT FALLON was humbled by his experience on January 6. He described the events as "surreal" as they unfolded here in the Capitol.

(Text of video presentation.)

Mr. FALLON. It was something that I just never thought—I just never thought I'd see this in our Nation's Capitol and particularly in the House Chamber. It was surreal when it was unfolding.

Well, you know, what was interesting was the bravery and courage of some of my fellow Members. When we got to a point where the mob was banging on the doors, and then all that kept them from breaching that—the Chamber itself was the doors and then some furniture that we had moved (inaudible) Capitol Police. And they needed to be augmented, and so Tony Gonzales, the new Representative from Texas, and Ronny Jackson and Troy Nehls and Markwayne Mullin stepped in, and we broke off furniture. Some of the (inaudible) big giant poles, wooden poles, and we turned them upside down, and we were ready to actually have to street fight in the House Chamber. It was unbelievable.

Many Members that day wondered if they would ever see their families again as the rioters breached the Capitol and they were outnumbered and trapped inside. They were calling loved ones to say goodbye. Representative DAN KILDEE was one of them. Listen to how he described the impact of the riot on him.

(Text of video presentation.)

Mr. KILDEE. I was laying on the floor trying to, you know, (inaudible) myself sort of (inaudible). And, you know, (inaudible) we were concerned that this mob might come in and that might (inaudible) identify Members of Congress.

I called my wife, and, you know, it wasn't till I heard her voice that I thought, wow, this is like one of those calls you hear about.

While most coverage focused on the extreme danger posed to Members and

the Capitol Police, who were targets of this attack, there were lots of other people in the Capitol working on January 6 as well, from personal aides to floor employees, cleaning staff, food service workers. We can't forget all the people who were in harm's way that day. These employees experienced trauma. Some cowered, hiding places just a few feet away from where this rabid crowd had assembled. Many were just kids, 20-somethings who came here to work because they believed in their country and they believed in working to make it better. Others were dedicated food service workers, all working incredibly hard to make sure that we can come here to do our job. These workers are the lifeblood of the legislative branch. They deserve better.

You already heard from Speaker PELOSI's staff—staff that was hiding under the conference table, cowering in the dark, making sure that the attackers couldn't hear them. I would like to share with you what some other staffers went through. Listen as two staffers recall what they experienced that day.

(Text of video presentation.)

Unidentified Speaker. But then we were seeing on Twitter and iPhones and hearing from some of the police officers on the floor that the building had been breached, you know. "Building breached"—those are two words I had never heard.

Unidentified Speaker. That was particularly stressful, being in a room close to where things were happening and not really knowing what was happening and seeing it come in live and getting texts from people, you know, "Are you OK?" And, truthfully, I didn't know what was happening. I heard: "Shots fired. Shots fired. Shots fired. Show me your hands. Show me your hands." Then I did not know if they were right outside, if there were lots of people with weapons, if there were one shooter, if they had—you know, I didn't know what it looked like. I just knew that there were shots fired outside of the House Chamber.

According to reports, one Republican Senate staffer whose office was not far from the floor "took a steel rod and barricaded his door as the rioters banged on his door trying to break in."

The New York Times also reported that a senior Black staffer was under lockdown for 6 hours during the insurrection and was so disturbed about these events, she quit her job.

Another staffer who was on the floor of the House that day described that what happened on January 6 still echoes in his mind. Listen to him describe the moments just before this indelible image.

(Text of video presentation.)

Unidentified Speaker. I heard blasts, and I could see the window panes on the House main door sort of pop, and I figured that, you know, obviously I knew they were at the door, and they figured out a way to break the glass. And the last thing I remember before I walked off the floor was several police officers had drawn their guns and had their guns trained on the door.

Clearly, it was—I didn't think there was anything else I could do, and I didn't want to be there for what was about to occur. So I got to the top of the stairs. The stairway was

pretty packed, and right about that point, I don't know whether it was a police officer or somebody else said, "They are right behind us. Run."

For me, what I keep thinking about—and, again, there isn't a day that has gone by since January 6 that at some point in the day I haven't kind of gone back and picked up some little thing, but the sound of those window panes popping, I won't forget that sound.

"I won't forget that sound." How long will the sound of window panes breaking haunt this staffer? And he isn't alone. There are countless people still living with the trauma of what happened that day. This includes, by the way, another group of people who were with us in the Capitol that day, and that is the press. They were in danger, particularly after years of being derided by President Trump as fake news.

Kristin Wilson, a reporter for CNN, recently tweeted about her experience. She said:

I have 14 people on my team. We were scattered everywhere. Two of them were on crutches and couldn't have run if they had to. They had to anyway.

One was trapped in the House Chamber and had to crawl out to hide.

Four of us barricaded ourselves in a room off the Senate Chamber. Every bang on the door of them trying to come through I can still hear in my head.

The janitorial and custodial staff in the Capitol, the people who day after day tend to our home away from home, were also traumatized, but we don't talk about them and the harm they suffered often enough.

One janitorial worker recounts how he was so scared, he had to hide in the closet during the attack. He said:

I was all by myself. I didn't know what was going on.

Another employee, a mother of three, said:

The insurrection shattered all my sense of security at work.

An employee of the Capitol said:

I hope nothing else happens because these people were talking about killing us, killing Federal employees, killing the police.

Another employee was afraid to work on Inauguration Day, saying:

I honestly fear for my life. I've got two children at home.

For many of the Black and Brown staff, the trauma was made worse by the many painful symbols of hate that were on full display that day. Insurrectionists waved Confederate flags and hurled the most disgusting racial slurs at dedicated Capitol workers.

Then, after all of that, these same workers, many of them people of color, were forced to clean up the mess left by mobs of White nationalists. One member of the janitorial staff reflected how terrible he felt when he had to clean up feces that had been smeared on the wall, blood of the rioter who had died, broken glass, and other objects strewn all over the floor. He said:

I felt bad. I felt degraded.

Let's also not forget that this violent attack happened in the middle of a

global pandemic. Social distancing was impossible because we were hiding for our lives in cramped quarters for long periods of time. Since January 6, at least seven Members who hid with other Members of Congress have tested positive for COVID-19.

At least 38 Capitol Police officers have either tested positive or been exposed, and nearly 200 National Guard troops, who were deployed to our Nation's Capital to provide all of us protection, have tested positive. The Capitol Police and the National Guard came here to keep us safe, to serve. They put their lives in danger. They deserve better than this. We all did.

That brings me to the next harm. Now, all of us in this room made it out alive, but not everyone was so lucky. Three law enforcement officers tragically lost their lives as a result of the riot on January 6. These officers were Capitol Police Officer Brian Sicknick, Capitol Police Officer Howard Liebengood, and Metropolitan Police Officer Jeffrey Smith. All honorably served to protect and defend.

My colleague Mr. SWALWELL told you about Officer Sicknick, who was a 42-year-old military veteran who dedicated his entire life to public service. On January 6, he fought a mob of rioters as they streamed into the Capitol and ultimately lost his life protecting us.

Officer Liebengood was a 15-year veteran of the Capitol Police. His father served as Sergeant at Arms here in the Senate, and Officer Liebengood followed his extraordinary example of public service.

Officer Smith served 12 years with the Metropolitan Police Department. He heeded the call of January 6 by coming to stand with Capitol Police to help secure our democracy.

Earlier, my colleague Manager SWALWELL showed you terrible videos of the police being physically abused and injured. You remember what happened to Officer Fanone and Officer Hodges of the MPD, but there were scores of other officers whose names we don't know who were also brutalized that day. Injuries to the U.S. Capitol Police and the Metropolitan Police Department were concussions, irritated lungs, and serious injuries caused by repeated blows from bats, poles, and clubs.

Capitol Police officers also sustained injuries that will be with them for the rest of their lives. One officer lost the tip of a right index finger.

In a statement issued on January 7, the chairman of the Capitol Police Officers' Union said:

I have officers who were not issued helmets prior to the attack who have sustained brain injuries. One officer has two cracked ribs and two smashed spinal discs. One officer is going to lose his eye, and another was stabbed with a metal fence stake.

In total, at least 81 members of Capitol Police and of 65 members of the Metropolitan Police Department were injured during the attack on January 6.

Former Capitol Police Chief Sund described the insurrection as violent, unlike anything he had seen in his 30-year career in law enforcement.

DC Police Chief Robert J. Contee III, who had spoken with an officer who had been beaten and injured with a stun gun, said:

I've talked to officers who have done two tours of Iraq who said this was scarier to them than their time in combat.

Of course, the physical violence is not the only thing that will have a lasting effect on our brave sworn officers. Trump's mob verbally denigrated their patriotism, questioned their loyalty, and yelled racial slurs. They called them "traitors," "Nazis," "un-American" for protecting us.

For example, in our next clip, a rioter wearing a hunting jacket accosts a police officer.

(Text of video presentation:)

Unidentified Speaker. Are you an American? Act like one. (Inaudible.)

Unidentified Speaker. Don't yell at them.

Unidentified Speaker. You have no idea what the fuck you're doing.

Unidentified Speaker. Now once again (inaudible). Not one idea.

Unidentified Speaker. Stand up for America. Goddamn it.

Unidentified Speaker. Get the fuck out of here.

Unidentified Speaker. Don't talk to me, motherfucker.

Unidentified Speaker. No, they work for us. Fuck them.

Listen to how the Trump mob talked to these officers. You heard that with your own ears.

(Text of video presentation:)

Unidentified Speaker. Fuck you. Fuck you, bitch. Fuck you. Fucking traitors. You are fucking.

Unidentified Speaker. You call me a motherfucker.

Unidentified Speaker. You are a fucking traitor to your country. You are a fucking traitor.

Unidentified Speaker. Yeah, traitor.

Unidentified Speaker. Fucking call me a (inaudible).

"F'ing traitor"—so much for backing the blue.

Just a couple more examples.

(Text of video presentation:)

Unidentified Speaker. Hand over your paycheck. Fuck you guys. You can't even call yourself American. You broke your fucking oath today. 1776, bitch.

Unidentified Speaker. (Inaudible) pepper spray, officers.

(People chanting: "Traitor.")

(People chanting: "Go home.")

(People chanting: "Fight for Trump.")

(People chanting: "Traitor.")

They called law enforcement officers "traitors." You have to wonder, who are these rioters sworn to? To whom do they believe the police owe their loyalty? To the people? To the Constitution? To our democracy? Or to Donald Trump?

Even those who were not outwardly injured, the mental toll has been significant. Several Capitol Police officers have reportedly threatened self-harm in the days following the riot. And in one case, an officer voluntarily turned in her gun because she was afraid of what might happen.

Black police officers were also met with racist vitriol. You heard Lead Manager RASKIN reference a Black police officer who was weary from racialized violence that he had experienced that day, saying:

Tears just started streaming down my face. I said, "what the eff, man? Is this America?"

"Is this America?" Lead Manager RASKIN asked: "Is this America?" What is your answer to that question? Is this OK? If not, what are we going to do about it?

These people matter—these matter who risked their lives for us. So I ask you, respectfully, to consider them—the police officers, the staff of this building—when you cast your vote. These people are in deep pain because they showed up here to serve, to serve the American people, to serve their government, to serve all of us. And I ask each of you when you cast your vote to remember them and honor them and act in service of them, as they deserve.

I also want to recognize that four individuals—four insurrectionist—also lost their lives during the attack. These people were led here by the words and actions of an individual who made them believe that they were patriots.

The loss of human life is, of course, the most consequential, but that was not the only damage brought that day. The Trump mob also damaged this building. They defiled some of the most sacred places: Statuary Hall, the Rotunda, where some of America's greatest champions, Presidents, Supreme Court Justices, civil rights heroes, and other defenders are honored after their death. Trump's violent mob had little respect for this place.

This video shows the wreckage left in the Senate Parliamentarian's office by the insurrectionists.

(Text of video presentation.)

A bust of President Zachary Taylor was smeared with what appeared to be blood. An empty picture frame presumably robbed of its content was found on the floor. And videos of the insurrection captured one man stealing a framed photo, another one tearing a scroll from the wall and ripping it up and throwing those pieces on the floor. A sign paying tribute to John Lewis was also shamefully destroyed, and only a broken piece of the memorial was found on the ground next to a trash can. The photo of Mr. Lewis was gone.

The damage done to this building is a stain on all of us and on the dignity of our democracy.

The attack we saw had a purpose: Stop the certification. Stop our democratic process. Fortunately, they did not prevail.

Newspapers across America on January 21, the day after the inauguration, proclaimed:

Democracy has prevailed.

President-Elect Biden said that in his inauguration speech. The headline was

in so many places because the world's oldest constitutional democracy and the principles underlying it had been attacked and challenged.

This wasn't just an attack on the Capitol Building and the dedicated people inside. It was an attack on what we were elected to preserve—our democracy.

This attack on our elections, on the peaceful transfer of power from one President to the next didn't even happen during the Civil War. But it did just happen because of the cold, calculated, and conspiratorial acts of our former President Donald J. Trump.

We showed you that the insurrectionists were deliberate, that they came looking for Vice President Pence and Speaker PELOSI, ready to kill. When President Trump incited a lawless mob to attack our process, he was attacking our democracy. He was trying to become King and rule over us, against the will of the people and the valid results of the election.

For the first time ever in our history, a sitting President actively instigated his supporters to violently disrupt the process that provides for the peaceful transfer of power from one President to the next.

Think about that for a moment. What if President Trump had been successful? What if he had succeeded in overturning the will of the people and our constitutional processes? Who among us is willing to risk that outcome by letting Trump's constitutional crimes go unanswered?

The Founders included impeachment in our Constitution, not as a punishment but to prevent. We have to prevent every President—today, tomorrow, or anytime in the future—from believing that this conduct is acceptable.

Today, we have to stand up for our democracy and ensure we remain a country governed by the people, for the people by telling Donald Trump and people all across this country and all across the world that his crimes will not and cannot stand.

RECESS

Mr. SCHUMER. I ask unanimous consent that the House stand in recess for 15 minutes.

The PRESIDENT pro tempore. The Senate will stand in recess.

Mr. SCHUMER. I ask unanimous consent that the House stand in recess for 15 minutes—the Senate, the Senate.

There being no objection, at 2:10 p.m., the Senate, sitting as a Court of Impeachment, recessed until 2:45 p.m.; whereupon the Senate reassembled when called to order by the President pro tempore.

MANAGERS' PRESENTATION—CONTINUED

The PRESIDENT pro tempore. The Senate will come to order.

Manager RASKIN.

Mr. Manager RASKIN. Thank you, Mr. President.

Mr. CASTRO will now return to address the harm visited upon America's national security by these events and the damage to our international reputation.

Mr. Manager CASTRO of Texas. My colleagues discussed with you the many harms to our Nation as a result of President Trump's conduct. Now I would like to spend some time talking about the harm to our national security and our standing in the world.

On January 6, when President Trump incited a mob to march to the Capitol, he led them to a building that houses some of our Nation's most sensitive information. Consider who was part of that mob. Some of the individuals were on the FBI watch list. The past behavior of some individuals led here by President Trump so alarmed investigators that their names had been added to the national Terrorist Screening Database, and at least one of the insurrectionists may have intended to steal information and give it to a foreign adversary.

According to charging documents, Riley Williams allegedly helped steal a laptop from Speaker PELOSI's office to "send the computer device to a friend in Russia, who then planned to sell the device to SVR, Russia's foreign intelligence service."

While we can't be certain if or how many foreign spies infiltrated the crowd or at least coordinated with those who did, we can be sure that any enemy who wanted access to our secrets would have wanted to be part of that mob inside these halls.

The point is this: Many of the insurrectionists that President Trump incited to invade this Chamber were dangerous—people on the FBI watch list, violent extremists, White supremacists. And these insurrectionists incited by President Trump threatened our national security. Stealing laptops, again, from Speaker PELOSI's office; taking documents from Leader MCCONNELL's desk; snapping photographs, as you saw in the videos earlier, in sensitive areas; ransacking your offices; rifling through your desks.

The President of the United States, the Commander in Chief, knew the risk of anyone reaching the Capitol. He swore an oath to preserve, protect, and defend this country. And yet, he incited them here to break into the Capitol.

Senators, as you all know, we have spent trillions of dollars building the strongest military in the world and billions of dollars on the most sophisticated weaponry on the planet to prevent the kind of attack that occurred at this Capitol on January 6. Here is what the insurrectionists incited by President Trump did.

(Text of video presentation of 1-6-2021.)

Unidentified Speaker. Hey, let's take a seat, people. Let's take a seat.

Unidentified Speaker. You be Nancy Pelosi.

Unidentified Speaker. Let's vote on some shit.

Unidentified Speaker. Oh, my God. We did this shit. We took this shit.

Unidentified Speaker. She's in the House. The House is on the other side.

Unidentified Speaker. I want to just get a snap of that.

Unidentified Speaker. Yeah, take a picture.

In many ways, this room is sacred and so are the traditions that it represents. They have been carried on for centuries.

Congress has declared war 11 times on this floor, including entering World War II—where Congress passed the Civil Rights Act and expanded the right to vote to ensure that no matter your race or your gender, you have a voice in our Nation.

This floor is where history has been made. And now, our intelligence agencies and law enforcement agencies have the burden to figure out exactly what was stolen, taken, ransacked, and compromised.

As acting U.S. Attorney Michael Sherwin explained, "Materials were stolen, and we have to identify what was done, mitigate that, and it could have potential national security equities."

These investigations are necessary now because of the actions of President Trump. And it wasn't just the people that he led here the intelligence agencies have to look into, it is also what they took and what they gathered, and it was the very fact that this building, with so much sensitive information and some classified information, that this Capitol was breached.

Think about it. Every foreign adversary considering attacking this building got to watch a dress rehearsal, and they saw that this Capitol could be overtaken.

As Elizabeth Neumann, a former Trump administration official, stated, "[Y]ou have terrorists who would love to destroy the Capitol. They just saw how easy it was to penetrate. We just exposed a huge vulnerability."

And it is not just the Capitol, this attack has implications for all government buildings.

Senator RUBIO made this point well. (Text of video presentation.)

Mr. RUBIO. If you're a terrorist right now and you're sitting out there watching this, you're saying to yourself, hey, it's not that hard to get into the Capitol. Maybe it's not hard to get into the White House or the Supreme Court building or somewhere else.

Our government, our intelligence agencies, and our law enforcement have implemented additional safety measures since the attack on January 6, but while we secure this physical space, what message will we send the rest of the world?

We already know what message our adversaries took from January 6. This is how some of them responded after the attack.

For America's adversaries, there was no greater proof of the fallibility of Western democracy than the sight of the U.S. Capitol shrouded in smoke and besieged by a mob whipped up by their unwillingly outgoing president.

To make matters worse, our adversaries are even using the events of January 6 not only to denigrate America but to justify their own anti-democratic behavior, calling America hypocritical.

Here is what the Chinese Government is saying. The spokesperson for China's Ministry of Foreign Affairs said the Capitol riots "should spark 'deep reflection' among U.S. lawmakers regarding how they discuss the pro-democracy movement in Hong Kong, suggesting that the U.S. is hypocritical in denouncing Beijing's crackdown in the city while it struggles with its own unrest at home."

The *Global Times*, an outlet affiliated with the Chinese Communist Party, even tweeted a series of side-by-side photos of two events: the siege of the U.S. Capitol and a July 2019 incident in which pro-democracy protesters in Hong Kong broke into the city's Legislative Council building.

Think about that. President Trump gave the Chinese Government an opening to create a false equivalency between Hongkongers protesting for democracy and violent insurrections trying to overthrow it.

As Representative GALLAGHER described in realtime:

(Text of video presentation.)

Mr. GALLAGHER. If we don't think other countries around the world are watching this happen right now, if we don't think the Chinese Communist Party is sitting back and laughing, then we're deluding ourselves. So call it off, Mr. President. We need you to call this off.

Russia has also seized on this violent attack against our government, decrying that democracy is "over." The chairman of the Russian upper house of Parliament's International Affairs Committee said:

The celebration of democracy is over. This is, alas, actually the bottom. I say this without a hint of gloating. America is no longer charting the course, and therefore has lost all its rights to set it. And especially to impose it on others.

They are using President Trump's incitement of an insurrection to declare that democracy is over.

In Iran, the Supreme Leader is using President Trump's incitement of an insurrection to mock America. He said of the situation in the United States:

This is their democracy and human rights, this is their election scandal, these are their values. These values are being mocked by the whole world. Even their friends are laughing at them.

These statements are serious and pervasive. According to a joint threat assessment bulletin from the Department of Homeland Security, the FBI, and eight other law enforcement entities, "Since the incident at the U.S. Capitol on 6 January, Russian, Iranian, and Chinese influence actors have seized the opportunity to amplify narratives in furtherance of their policy interest amid the presidential transition."

We cannot let them use what happened on January 6 to define us, who we are, and what we stand for. We get to define ourselves by how we respond to the attack of January 6.

Some might be tempted to say and point out that our adversaries are always going to be critical of the United

States. But following the insurrection on January 6, even our allies are speaking up. Canadian Prime Minister Justin Trudeau said:

What we witnessed was an assault on democracy by violent rioters, incited by the current president and other politicians. As shocking, deeply disturbing and frankly saddening as that event remains—we have also seen this week that democracy is resilient in America, our closest ally and neighbor.

The German Foreign Minister said:

This closing of ranks begins with holding those accountable who are responsible for such escalations. That includes the violent rioters and also includes their instigators.

The world is watching and wondering whether we are who we say we are because when other countries have known chaos, our Constitution has helped keep order in America. This is why we have a Constitution. We must stand up for the rule of law because the rule of law doesn't just stand up by itself.

After the insurrection, my colleagues on the House Foreign Affairs Committee, the chairman and the ranking member, issued a bipartisan statement that said:

America has always been a beacon of freedom to the world; proof that free and fair elections are achievable, and that democracy works. But what happened at the Capitol today has scarred our reputation and has damaged our standing in the world.

Today's violence—an inevitable result when leaders in positions of power misled the public—will certainly empower dictators and damage struggling democracies.

And that is true. For generations, the United States has been a North Star in the world for freedom, democracy, and human rights because America is not only a nation for many, it is also an idea. It is the light that gives hope to people struggling for democracy in autocratic regimes, the light that inspires people fighting across the world for fundamental human rights, and the light that inspires us to believe in something larger than ourselves.

This trial is an opportunity to respond and to send a message back to the world.

I say this as somebody who loves my country, our country, just as all of you do. There is a lot of courage in this room, a lot of courage that has been demonstrated in the lives of the people in this room. Some folks have stood up for the civil rights of fellow Americans and risked their careers and their reputations, their livelihoods and their safety in standing up for civil rights. Many Members of Congress have risked their lives in service to our country, in uniform: in fighting in the jungles of Vietnam, in patrolling the mountains of Afghanistan. You served our country because you were willing to sacrifice to defend our Nation as we know it and as the world knows it. Although most of you have traded in your uniforms for public service, your country needs you one more time.

The world watched President Trump tell his big lie. The world watched his supporters come to Washington at his

invitation, and the world watched as he told his supporters to march here to the Capitol. President Trump, our Commander in Chief at the time, failed to take any action to defend us as he utterly failed in his duty to preserve, protect, and defend. Now the world is watching us, wondering whether our constitutional Republic is going to respond the way it should, the way it is supposed to—whether the rule of law will prevail over mob rule. The answer to that question has consequences far beyond our own borders. Think of the consequences to our diplomats and negotiators as they sit at tables around the world to enforce our agenda on trade, the economy, and human rights.

To fail to convict a President of the United States who incited a deadly insurrection, who acted in concert with a violent mob, who interfered with the certification of the electoral college votes, who abdicated his duty as Commander in Chief, would be to forfeit the power of our example as a North Star for freedom, democracy, human rights, and most of all, the rule of law. To convict Donald Trump would mean that America stands for the rule of law no matter who violates it. Let us show the world that January 6 was not America, and let us remind the world that we are truly their North Star.

Mr. Manager RASKIN. Representative NEGUSE and I will now address the First Amendment argument that is being offered by President Trump's lawyers to try to excuse his incitement to this insurrection. Mr. NEGUSE will begin.

Mr. Manager NEGUSE. Mr. President, distinguished Senators, good afternoon.

You have heard over the course of the last several days that President Trump incited an insurrection, but, as Lead Manager RASKIN mentioned, as we prepare to close, we would be remiss if we didn't just briefly address, apparently, the principal defense the President will offer to excuse his conduct, and that is this notion that he can't be held accountable for what happened on January 6 because his actions are somehow protected by the First Amendment.

Now, let's stop for a moment and try to really understand the argument they are making. According to President Trump, everything he did—everything we showed you that he did—was perfectly OK for him to do and for a future President to do again, and the Constitution, apparently, in their view, forbids you from doing anything to stop it. That can't be right. It can't be, and it isn't right.

Their argument is meant as a distraction. They are concerned not with the facts that actually occurred, the facts that we have proven, but with an alternative set of facts where President Trump did nothing but deliver a controversial speech at a rally. Of course, that is not what we have charged in the Article of Impeachment, and it is not what happened.



You will hear from my colleague Lead Manager RASKIN of the many myriad reasons why this argument that they make is wrong on the law completely, not just around the edges. They make major, fundamental mistakes of constitutional law, the kind that Lead Manager RASKIN tells me wouldn't cut it in his first-year law course, which, of course, he certainly would know, as he has taught this subject for decades.

That explains why so many lawyers who have dedicated their lives to protecting free speech, including many of the Nation's most prominent conservative free speech lawyers, have described President Trump's First Amendment claims as "legally frivolous." Here is another quote from a recent letter from prominent free speech lawyers:

The First Amendment is no bar to the Senate convicting former President Trump and disqualifying him from holding future office.

Their argument is wrong on the facts, wrong on the law, and would flip the Constitution upside down.

Let's start with the facts because, as you will see, his free speech claim depends on an account of what he did, of why we are here, that has no basis in the evidence. To hear his lawyers tell it, he was just some guy at a rally, expressing unpopular opinions. They would have you believe that this whole impeachment is because he said things that one may disagree with. Really?

Make no mistake, they will do anything to avoid talking about the facts of this case. That, I can assure you. Instead, we expect they will talk about a lot of other speeches, including some given by Democratic officials, and they will insist, with indignation, that the First Amendment protects all of this as though it were exactly the same.

We trust you to know the difference because you have seen the evidence that we have seen. You have seen, as we have proven over the last 3 days, that his arguments completely misdescribe the reality of what happened on January 6. They leave out everything that matters about why we are here and what he did.

President Trump wasn't just some guy with political opinions who showed up at a rally on January 6 and delivered controversial remarks. He was the President of the United States, and he had spent months—months—using the unique power of that office, of his bully pulpit, to spread that big lie that the election had been stolen; to convince his followers to stop the steal; to assemble just blocks away from here on January 6 at the very moment that we were meeting to count the electoral college votes, where he knew—where it had been widely reported—that they were primed and eager and ready for violence at his signal. Then, standing in the middle of that explosive situation, in that powder keg that he had created over the course of months, before a crowd filled with people who were poised for violence at his signal, he

struck a match, and he aimed it straight at this building, at us.

You have seen all of that evidence. There is no denying it. That is why the House impeached him. That is why he is on trial. No President, no matter the politics or the politics of the followers—conservative, liberal, or anything else—can do what President Trump did because this isn't about politics; it is about his refusal to accept the outcome of the election and his decision to incite an insurrection. There is no serious argument that the First Amendment protects that, and it would be extraordinarily dangerous for the United States Senate to conclude otherwise, to tell future Presidents that they can do exactly what President Trump did and get away with it, to set the precedent that this is acceptable, that now this is a constitutionally protected way to respond to losing an election.

You will notice something that Lead Manager RASKIN and I noticed, which is that, by all accounts, it doesn't appear that President Trump's lawyers disagree. I mean, they don't insist that if the facts we have charged, the facts that we have proven, the facts supported by overwhelming evidence are true, as, of course, you now know they are, that there is nothing you can do. They are not arguing that it is OK for a person to incite a mob to violence—at least I don't think they are arguing that. Instead, what they are doing is offering a radically different version of what happened that day, totally inconsistent with the evidence. Then they insist that if that fictional version of events, if that alternate reality were true, well then he may be protected by the First Amendment.

That is their argument, but you are here to adjudicate real evidence, real facts, not hypothetical ones, and for that reason alone, you should reject their argument because it has been advanced to defend a situation that bears no resemblance to the actual facts of this case.

With that, I want to turn it over to my colleague Lead Manager RASKIN to address the many legal flaws, as I mentioned, in President Trump's position.

Mr. Manager RASKIN. Mr. NEGUSE has explained why President Trump's last-ditch First Amendment argument has got nothing to do with the actual facts of the case. He has been impeached for inciting a violent insurrection against the government. Inciting a violent insurrection is not protected by free speech. There is no First Amendment defense to impeachment for high crimes and misdemeanors. The idea itself is absurd.

The whole First Amendment smoke-screen is a completely irrelevant distraction from the standard of high crimes and misdemeanors governing a President who has violated his oath of office. Yet President Trump, we know, has a good way of treating up as down and wrong as right. He tried to pull off the biggest election fraud in American

history by overturning the results of the 2020 election even as he insisted that his own fraud was, in fact, an effort to stop the steal, to stop a fraud—a vast conspiracy that he blamed on local and State officials of both political parties, the media, election officials, the judiciary—Federal, State—and Members of Congress. Anybody who wouldn't go along with him was part of the conspiracy.

He violated his oath of office by inciting mob violence to prevent Congress from counting electoral college votes as we were assigned to do by the 12th Amendment and the Electoral Count Act. He even attacked Vice President Pence at a rally for violating his oath of office and going along with an egregious assault on democracy.

Now he argues that the Congress is violating his free speech rights when it was Donald Trump who incited an insurrection as an attack against us, that halted speech and debate on the floor of the House and Senate during the peaceful transfer of power, and that imperiled the very constitutional order that protects freedom of speech in the first place along with all of our other fundamental rights.

As a matter of law, it is a matter of logic. President Trump's brazen attempt to invoke the First Amendment now won't hold up in any way.

The basic flaw, of course, is that it completely ignores the fact that he was the President of the United States—a public official. He swears an oath as President that nobody else swears. In exchange, he is given greater powers than anyone else in the entire country—maybe on Earth. He or she promises to preserve, protect, and defend the Constitution of the United States and our government institutions and our people.

And, as we all know, the power we entrust to people in public office, in government office—especially, our Presidents—comes with special obligations to uphold the laws and the integrity of our Republic, and we all support that.

Now, what if a President publicly—say a President publicly and on a daily basis advocated replacing the Constitution with a totalitarian form of government and urged States to secede from the Union and swore an oath of loyalty to a foreign leader or a foreign government.

Well, as a private citizen, you couldn't do anything about people using those words to advocate totalitarianism, to advocate secession from the Union, to swear an oath of personal loyalty to a foreign leader or foreign government or country. You couldn't. That is totally protected. If you tried to prosecute somebody for that, as a prosecutor, you would lose.

But it is simply inconceivable, unthinkable that a President could do any of these things—get up and swear an oath to foreign governments or leaders, advocate totalitarianism, advocate secession, and not be impeached

for it. It is just unthinkable that that could happen.

Would that violate their First Amendment rights?

The opposite view pressed here by President Trump's counsel would leave the Nation powerless to respond to a President who would use his unmatched power, privilege, and prestige of his or her office—the famous bully pulpit—in ways that risk the ruin of the Republic, all for his or her own ambition and corruption and lust for power.

Everyone should be clear: There is nothing remotely exotic about what we are saying. It should be common sense to everybody—common sense—about this understanding of the First Amendment as it applies to public servants—cops, firefighters, teachers, everybody across the land.

My daughter, who I mentioned early in the trial, she is a teacher in a public school. The courts have said teachers teach, but if they go off script and they start advocating totalitarianism, treason, or what have you, they are not living up to the duties of their office as teacher. They can be fired.

Everybody knows that, and it happens all the time, by the way, including to cops and firefighters and people on the frontlines. It happens all the time. In fact, it happened countless times to people fired by President Trump for their statements or ideas about things, including on election fraud, not long ago. There are people in the government who lost their jobs because the President didn't like what they said or what they wrote.

Now, as I mentioned yesterday—and I can't help but repeat it—Justice Scalia got it exactly right on this. He wrote on these cases about how the First Amendment affects people who take on a public office, who take on public employment, and he summed it up like this. He said:

You can't ride with the cops but root for the robbers.

You can't ride with the cops but root for the robbers.

That is what Justice Scalia said, and when it comes to the peaceful transfer of power, to the rule of law, to respecting election outcomes, our President, whoever he or she is, must choose the side of the Constitution—must—and not the side of the insurrection or the coup or anybody who is coming against us.

And if he or she chooses the wrong side, I am sorry, there is nothing in this First Amendment or anywhere else in the Constitution that can excuse your betrayal of your oath of office. It is not a free speech question.

But there is more. Let's play make-believe and pretend that President Trump was just a run-of-the-mill private citizen—as my colleague Mr. NEGUSE said, just another guy at the rally—who is just expressing a deeply unpopular opinion, because we shouldn't overlook the fact that, while there were thousands of people in that

violent mob, they represent a tiny, tiny, tiny part of less than 1 percent of the population, and the vast majority of the American people reject the kind of seditious mob violence that we saw on January 6.

But let's say that he was just another guy in the crowd that day. It is a bed-rock principle that nobody—nobody—can incite a riot. The First Amendment doesn't protect it.

Key case? *Brandenburg v. Ohio*. There is no First amendment protection for speech directed to inciting and producing imminent lawless action and likely to produce such action.

And for all the reasons you have heard, based on the voluminous, comprehensive, totally unrefuted—and we think irrefutable, but we are eager to hear our colleagues—based on all the evidence you have heard, and for all the reasons you have heard, that definition of proscribable speech fits President Trump's conduct perfectly. This is a classic case of incitement.

And you don't have to take my word for it. The 144 free speech lawyers, which Mr. NEGUSE mentioned, who include many of the Nation's most dedicated, most uncompromising free speech advocates—unlike Mr. Trump, of course—but these people agree that there is a powerful case for conviction under the *Brandenburg* standard, even if the President of the United States were just to be treated like some guy in the crowd. And they add:

The First Amendment is no defense to the article of impeachment leveled against the former President . . .

And I mention the *Brandenburg* standard not because it applies here. Of course, it doesn't. This is an impeachment. It is not a criminal trial, and there is no risk of jail time. Let's be clear about that. The President doesn't go to jail for 1 week, 1 day, 1 hour, or 1 minute based on impeachment and conviction and disqualification from further office.

Rather, I mention it to emphasize that absolutely nobody in America would be protected by the First Amendment if they did all the things that Donald Trump did. Nobody made Donald Trump run for President and swear an oath to preserve, protect, and defend the Constitution on January 20, 2017. But when he did, by virtue of swearing that oath and entering this high office, he took upon himself a duty to affirm and take care that our laws would be faithfully executed under his leadership—all of the laws, the laws against Federal destruction of property, all of the laws. We expected him in everything he said and everything he did to protect and preserve and defend our constitutional system, including the separation of powers. But, instead, he betrayed us, and as Representative CHENEY said, it was the greatest betrayal of a Presidential oath in the history of the United States of America—the greatest.

As I mentioned yesterday, President Trump is not even close to the prover-

bial citizen who falsely shouts “fire” in a crowded theater. He is like the now proverbial municipal fire chief who incites a mob to go set the theater on fire, and not only refuses to put out the fire but encourages the mob to keep going as the blaze spreads.

We would hold that fire chief accountable. We would forbid him from that job ever again, and that is exactly what must happen here.

There are hundreds of millions of citizens who can be President. Donald Trump has disqualified himself, and you must disqualify him too.

Just like the fire chief who sends the mob, President Trump perverted his office by attacking the very Constitution he was sworn to uphold. In fact, that is one reason why this free speech rhetoric at this trial is so insidious. His conduct represented the most devastating and dangerous assault by a government official on our Constitution, including the First Amendment, in living memory. We wouldn't have free speech or any of the rights if we didn't have the rule of law and peaceful transfer of power and a democracy where the outcome of the election is accepted by the candidate who lost. We had it all the way up until 2020.

And the central purposes of the First Amendment are democratic self-government and civic truth seeking—two purposes that President Trump sought to undermine, not advance, in the course of his conduct as we have definitively demonstrated at this trial.

The violence he incited threatened all of our freedoms. It threatened the very constitutional order that protects free speech, due process, religious free exercise, the right to vote, equal protection, and the many other fundamental rights that we all treasure and cherish as citizens of the United States.

The First Amendment does not create some superpower immunity from impeachment for a President who attacks the Constitution in word, in deed, while rejecting the outcome of an election he happened to lose.

If anything, President Trump's conduct was an assault on the First Amendment and equal protection rights that millions of Americans exercised when they voted last year, often under extraordinarily difficult and arduous circumstances.

Remember, the First Amendment protects the right of the people to speak about the great issues of our day, to debate during elections, and then to participate in politics by selecting the people who will be our leaders.

And remember, in American democracy those of us who aspire and attain the public office are nothing but the servants of the people—nothing. Not the masters of the people—we have no kings here. We have no czars.

Here, the people govern, President Ford said—the people.

The most important words of the Constitution are the first three—“We the People.”

But all this—all this—means little if a President who dislikes the election results can incite violence to try to replace and usurp the will of the people as expressed in the States, ignore the judicial branch of government, and then run over the legislative branch of government with a mob.

President Trump's high crimes and misdemeanors sought to nullify the political rights and sovereignty of the American people—our right as a people to deliberate, to form opinions, to persuade each other to vote, and then to decide who our President will be—the sovereignty of the people. That is an attack on the First Amendment, I would say.

In addition, President Trump's actions were a direct attack on our own freedom of speech here in the Capitol.

Members of Congress are sent here to speak for their constituents. That is why we have our own little “mini free speech” clause—the speech and debate clause. That is literally our job when we come here and represent the views of our people.

The attack that President Trump incited forced Members of Congress to stop speaking and to literally flee for our lives and the lives of our staffs and our families. The man whose statements and actions halted the speech in Congress—speech related to the peaceful transfer of power—has no right, no right, to claim that free speech principles prevent this body from exercising its constitutional power to hold him accountable for his offense against us.

You know, Voltaire said famously, and our Founders knew it:

I may disagree with everything you say, but I will defend with my life your right to say it.

President Trump says: Because I disagree with everything you say, I will overturn your popular election and incite insurrection against the government.

And we might take a moment to consider another Voltaire insight, which a high school teacher of mine told me when her student asked: When was the beginning of the Enlightenment?

And she said: I think it was when Voltaire said:

Anyone who can make you believe absurdities, can make you commit atrocities.

There is no merit whatsoever to any of the free speech rhetoric—the empty free speech rhetoric—you may hear from President Trump's lawyers. He attacked the First Amendment. He attacked the Constitution. He betrayed his oath of office. Presidents don't have any right to do that. It is forbidden so that our Republic may survive. The people are far more important than that.

The precedent he asks you to create, which would allow any future President to do precisely what he did, is self-evidently dangerous, and so there can be no doubt—none at all—that the President lacks any First Amendment excuse or defense or immunity. He in-

cited a violent insurrection against our government. He must be convicted.

And now I am going to call up Representative DEAN, who will explain why, contrary to the President's claims, the House provided him with all the process that was due to him.

I am sorry. Mr. LIEU is going to do that.

Mr. Manager LIEU. Thank you for your time and your attention.

We all heard President Trump's attorneys on Tuesday, and as part of President Trump's efforts to avoid talking about his own conduct, to avoid talking about anything related to this constitutional crime, we expect that President Trump will raise due process objections.

His due process claims are without merit. Under the Constitution, the House has “the sole Power of Impeachment.” That provision confirms that the House functions as a grand jury or a prosecutor. The House decides whether to bring charges.

Now, on other impeachment cases, the House can provide certain deliberative and procedural privileges to the person being impeached, but those are exactly that—privileges. They are discretionary. The House has the power to decide its own rules, how it wants to pass the Article of Impeachment, and in this case, the House debated the Article of Impeachment and passed it on a bipartisan vote.

I am a former prosecutor. I just want to add that I have had opportunities to decide whether to bring charges, and when you see a crime committed in plain view, prosecutors don't have to spend months investigating before they bring charges. I know that in this case, in fact, hundreds of people have been arrested and charged by prosecutors for the violence on January 6. There was no reason for the House to wait to impeach the man at the very top that incited the violence.

I would also like to emphasize that the House had good reason to move quickly. This was an exigent circumstance. This was not a case where there was hidden conduct or some conspiracy that required months and maybe years of investigation.

This case has not raised very complicated legal issues. The gravity of the President's conduct demanded the clearest of responses from the legislature, particularly given that the President was still in office at the time the House approved this Article and rumors of further violence echoed around the country. They still do.

There must be absolutely no doubt that Congress will act decisively against a President who incites violence against us. That is why the House moved quickly here, and President Trump, who created that emergency, cannot be here to complain that the House impeached him too quickly for the emergency he caused.

Another point on the due process question: Earlier in this trial, President Trump's attorneys suggested that

the House somehow deliberately delayed the transmission of this Article of Impeachment. That is simply not accurate.

When the House adopted this Article of Impeachment on a bipartisan vote, we were ready to begin trial, but the Senate was not in session at the time. And when we inquired as to our options, Senate officials told us, clearly, and in no uncertain terms, that if the Clerk of the House attempted to deliver the Article of Impeachment to the Secretary of the Senate before the Senate reconvened, that the Clerk of the House would have been turned back at the door. That is why the trial did not begin then—another reason why the President's objections of due process are meritless.

Finally, let me just conclude that you all are going to see and have seen a full presentation of evidence by the House, and you are going to hear a full presentation by the President's attorneys. You are going to be able to ask questions. The Senate has the sole power to try all impeachments. President Trump is receiving any and all process that he is due right here in this Chamber.

Mr. Manager RASKIN. Mr. President, Senators, in just a moment, my colleague, Mr. NEGUSE, will return to show that we have established, with overwhelming evidence, that President Trump engaged in high crimes and misdemeanors. Before Mr. NEGUSE comes up, though, I would like to emphasize what should be an uncontroversial point but is really key to understand.

If we have proven to you the conduct that we have alleged in this Article, then President Trump has indeed committed a high crime and misdemeanor under the Constitution. Incitement of insurrection under these circumstances is, undoubtedly, in the words of George Mason from the Constitutional Convention, a “great and dangerous” offense against the Republic. Indeed, it is hard to think of a greater or more dangerous offense against the Republic than this one.

So to be very precise about this, I hope we all can agree today that if a President does incite a violent insurrection against the government, he can be impeached for it. I hope we all can agree that that is a constitutional crime.

Another key point: While President Trump's lawyers may be arguing otherwise, the question here is not whether President Trump committed a crime under the Federal Code or DC law or the law of any State. Impeachment does not result in criminal penalties, as we keep emphasizing. No one spends a day in jail. There are not even criminal or civil fines. Centuries of history, not to mention the constitutional text, structure, and original intent and understanding, all confirm the teaching of James Wilson, another Framers, who wrote “that impeachments and offenses come not within the sphere of ordinary jurisprudence.” Simply put,

impeachment was created for a purpose separate and distinct from criminal punishment. It was created to prevent and deter elected officials who swear an oath to represent America but then commit dangerous offenses against our Republic. That is a constitutional crime.

And Senators, what greater offense could one commit than to incite the violent insurrection at our seat of government during the peaceful transfer of power—in circumstances where violence is foreseeable, where a crowd is poised for violence, to provoke a mob of thousands to attack us with weapons and sticks and poles, to bludgeon and beat our law enforcement officers and to deface these sacred walls and to trash the place and to do so while seeking to stop us from fulfilling our own oaths, our own duties to uphold the Constitution by counting the votes from our free and fair elections and then to sit back and watch in delight as insurrectionists attack us, violating a sacred oath and engaging in a profound dereliction and desertion of duty.

How can we assure that our Commander in Chief will protect, preserve, and defend our Constitution if we don't hold a President accountable in a circumstance like this? What is impeachable conduct, if not this? I challenge you all to think about it. If you think this is not impeachable, what is? What would be?

If President Trump's lawyers endorse his breathtaking assertion that his conduct in inciting these events was totally appropriate and the Senate acquits Donald Trump, then any President could incite and provoke insurrectionary violence against us again. If you don't find this a high crime and misdemeanor today, you have set a new, terrible standard for Presidential misconduct in the United States of America.

The only real question here is the factual one. Did we prove that Donald Trump, while President of the United States, incite a violent insurrection against the government?

Incitement, of course, is an inherently fact-based and fact-intensive judgment, which is why we commend you all for your scrupulous attention to everything that took place, but we believe that we have shown you overwhelming evidence in this case that would convince anyone using their common sense that this was indeed incitement—meaning that Donald Trump's conduct encouraged violence; the violence was foreseeable; and he acted willfully in the actions that incurred violence.

Mr. NEGUSE will take you through that evidence again—not the whole thing. We are almost done. We are almost done, but we don't want it to be said that they never proved this or they never proved that because my magnificent team of managers has stayed up night after night after night, through weeks, to compile all of the factual evidence, and we have put it be-

fore you and we have put it before all of you in this public trial because we love our country that much.

Mr. NEGUSE will show you that we have proven our case and that President Trump committed this impeachable offense that we impeached him for on January 13 and that you should convict him. And when he is finished, I will return and explain why it is dangerous for us to ignore this and why you must convict, and then we will rest.

Mr. NEGUSE.

Mr. Manager NEGUSE. Mr. President, distinguished Senators, good afternoon, again. As my colleague, Lead Manager RASKIN, has mentioned, I know it has been a long few days, and I want to say thank you. We are very grateful for your patience, for your attention, and the attention that you have paid to every one of our managers as they presented our case.

As Lead Manager RASKIN mentioned, I hope, I trust, that we could all agree that if a President incites a violent insurrection against our government, that that is impeachable conduct.

So what I would like to do as we close our case is just walk you through why our evidence overwhelmingly establishes that President Trump committed that offense.

Now, as you consider that question, that question as to whether the President incited insurrection, there are three questions that reasonably come to mind: Was violence foreseeable; did he encourage violence; and did he act willfully?

I am going to show you why the answer to every one of those questions has to be yes.

First, let's start with foreseeability. Was it foreseeable that violence would erupt on January 6 if President Trump lit a spark? Was it predictable that the crowd at the Save America rally was poised on a hair trigger for violence, that they would fight, literally, if provoked to do so? Of course, it was.

When President Trump stood up to that podium on January 6, he knew that many in that crowd were inflamed, were armed, were ready for violence. It was an explosive situation, and he knew it. We have shown you the evidence on this point. You have seen it—the images, the videos, the articles, and the pattern which showed that the violence on that terrible day was entirely foreseeable.

We have showed you how this all began with the big lie, the claim that the election was rigged, and that President Trump and his supporters were the victims of a massive fraud, a massive conspiracy to rip away their votes.

We have showed you how President Trump spread that lie, and how, over the course of months, with his support and encouragement, it inflamed part of his base, resulting in death threats, real-world violence, and increasingly extreme calls to stop the steal.

We established that after he lost the election, the President was willing to

do just about anything to prevent the peaceful transfer of power; that he tried everything he could do to stop it.

You will recall the evidence on the screen: him pressuring and threatening State election officials, attacking them to the point of literally calling them enemies of the state, threatening at least one of them with criminal penalties; then, attacking Senators, Members of Congress, all across the media; pressuring the Justice Department, prompting outcries from assistant U.S. attorneys, not to mention his own Attorney General, reportedly telling him that the stolen election claims were "BS"—not my phrase, his.

And then, as January 6 approached, he moved on to attacking his own Vice President openly and savagely.

We have recounted, throughout that entire period, all the ways in which President Trump inflamed his supporters with lies that the election was stolen. As every single one of us knows, nothing in this country is more sacred—nothing—than our right to vote, our voice, and here you have the President of the United States telling his supporters that their voice, that their rights as Americans were being stolen from them, ripped away. That made them angry, angry enough to stop the steal, to fight like hell to stop the steal.

And we showed you this. You saw the endless tweets, the rallies, and the statements encouraging and spreading that big lie. You saw that he did this over and over again with the same message each time: You must fight to win it back. You must never surrender, no matter what.

And remember, each time, his supporters along the way showed violence. He endorsed it, encouraged it, and praised it. It was all part of that same demand to stop the steal and fight like hell.

Remember the video that Manager PLASKETT showed you from Texas? Some of his supporters encircling a bus of campaign workers on a highway? People easily could have been killed—easily. What did he do? He tweeted and made a joke about it at a rally, called them patriots and held them out as an example of what it means to stop the steal.

When he told his supporters to stop the steal, they took up arms to literally intimidate officials to overturn the election results. You saw the evidence and so did he, and he welcomed it.

When President Trump attacked Georgia's secretary of state for certifying the results, his supporters sent death threats. You saw those in great detail from Manager DEAN. What did he do? He attacked the election officials further.

When his supporters gathered together to have a second Million MAGA rally—that is the rally that Manager PLASKETT showed you, a rally about the stolen election—he tweeted that the fight had just begun. What happened next? It is not rocket science.

Fights broke out, stabbings, serious violence.

Now, President Trump, like all of us, he saw what happened at that rally. He saw all the violence, the burning, and chaos. How did he respond? He tweeted praise of the event, and then—see it on the screen—he bought \$50 million—\$50 million worth of ads to further promote his message to those exact same people. He immediately joined forces with that very same group. He joined forces with the same people who had just erupted into violence.

Was violence predictable? Was it obvious that the crowd on January 6 was poised for violence, prepared for it? Absolutely. And this isn't just clear looking back in time; it was widely recognized at the time. In the days leading up to January 6, there were dozens, hundreds of warnings. And he knew it. He knew the rally would explode if provoked. He knew all it would take was a slight push.

Remember, you heard from Manager PLASKETT the chatter on social media websites that the Trump administration monitored and were known to the Trump operation. It showed that the people he invited to the January 6 rally took this as a serious call to arms, that this was not just any attack, it was to storm the Capitol, if necessary, to stop the steal.

And it wasn't just clear on these websites that the Trump administration was monitoring; the FBI issued reports about this credible threat, a threat to target us. Law enforcement made six arrests the night before. Six arrests. Newspapers across the city warned of the risk of violence.

There can be no doubt that the risk of violence was foreseeable.

What did he do in the days leading up to the rally? Did he calm the situation? Ask yourself, I mean, did he call for peace? No. He didn't do that. He spread his big lie, the most dangerous lie, as I mentioned, that Americans' votes were being stolen and that the final act of theft would occur here in the Capitol. Then he assembled all of those supporters. He invited them to an organized event on a specific day at a specific time matched perfectly to coincide with the joint session of Congress, to coincide with the steal that he had told them to stop by any and all means.

Again, he was told by law enforcement and all over the news that these people were armed and ready for real violence. He knew it. He knew it perfectly well, that he had created this powder keg at his rally. He knew just how combustible that situation was. He knew there were people before him who had prepared, who were armed and armored. He knew they would jump to violence at any signal, at any sign from him that he needed them to fight, that he needed them to stop the steal, and we all know what happened next.

Second question. Did he encourage the violence? Standing in that powder keg, did he light a match? Everyone

knows the answer to that question. The hours of video you all have watched leave no doubt. Just remember what he said on January 6.

(Text of video presentation of 1-6-2021.)

President TRUMP. All of us here today do not want to see our election victory stolen.

There's never been anything like this. It's a pure theft in American history. Everybody knows it. Make no mistake, this election was stolen from you, from me, from the country.

In the opening of—

(Text of video presentation.)

President TRUMP. We will never give up. We will never concede. It doesn't happen. You don't concede when there's theft involved.

And to use a favorite term that all of you people really came up with: "We will stop the steal. We will stop the steal."

We will not let them silence your voices. We're not going to let it happen. Not going to let it happen.

(People chanting: "Fight for Trump.")

President TRUMP. Thank you.

(People chanting: "Fight for Trump.")

President TRUMP. You have to get your people to fight because you'll never take back our country with weakness. You have to show strength, and you have to be strong. And we fight. We fight like hell. And if you don't fight like hell, you're not going to have a country anymore.

You may remember at the outset of this trial, I told you would hear three phrases over and over and over again: The big lie that the election had been stolen, "stop the steal and never concede," and "fight like hell to stop that steal." You heard those phrases throughout the course of this trial, video after video, statement after statement, telling his supporters that they should be patriots, to fight hard, stop the steal. On that day, that day, where did he direct the crowd's ire? He directed them here to Congress. He quite literally in one part of that speech pointed at us. He told them to "fight like hell. And if you don't fight like hell, you're not going to have a country anymore."

And here is the thing. That wasn't metaphorical. It wasn't rhetorical. He already made it perfectly clear that when he said "fight," he meant it. And when followers, in fact, fought, when they engaged in violence, he praised and honored them as patriots. He implied that it was OK to break the law because the election was being stolen. You heard it. You remember the clip that Manager DEAN showed you earlier in this trial. He told them—the quote is on the screen—"When you catch somebody in a fraud, you're allowed to go by very different rules."

Remember how all of his supporters—some of his supporters across social media were treating this as a war, talking about bringing in the cavalry? Well, President Trump made clear what those different rules were. He had been making it clear for months.

(Text of video presentation.)

Mr. Giuliani. So let's have trial by combat. President TRUMP. And, Rudy, you did a great job. He's got guts. You know what? He's got guts, unlike a lot of people in the Republican Party. He's got guts. He fights.

His message was crystal clear, and it was understood immediately, instantly by his followers. And we don't have to guess. We don't have to guess as to how they reacted. We can look at how people reacted to what he said. You saw them, and you saw the violence. It is pretty simple: He said it, and they did it. And we know this because they told us. They told us in real time during the attack. You saw the affidavits, the interviews on social media and on live TV. They were doing this for him because he asked them to.

It wasn't just insurrectionists who confirmed this. Many, many people, including current and former officials, immediately recognized that the President had incited the crowd, that he alone was capable of stopping the violence, that he did this, and he had to call it off because he was the only one who could.

Let's see what Representative MCCARTHY, Representative GALLAGHER, Chris Christie, Representative KINZINGER, and Representative KATKO had to say.

(Text of video presentation.)

Mr. MCCARTHY. I could not be sadder or more disappointed with the way our country looks at this very moment. People are getting hurt. Anyone involved in this, if you're hearing me, hear me loud and clear: This is not the American way.

Mr. GALLAGHER. Mr. President, you have got to stop this. You are the only person who can call this off. Call it off.

Mr. Christie. It's pretty simple. The President caused this protest to occur. He's the only one who could make it stop.

What the President says is not good enough.

The President has to come out and tell his supporters to leave the Capitol grounds and to allow the Congress to do their business peacefully, and anything short of that is an abrogation of his responsibility.

Mr. KINZINGER. You know, a guy that knows how to tweet very aggressively on Twitter, you know, puts out one of the weakest statements on one of the saddest days in American history.

Mr. KATKO. The President's role in this insurrection is undeniable, both on social media ahead of January 6 and in his speech that day. He deliberately promoted baseless theories, creating a combustible environment of disinformation and division. To allow the President of the United States to incite this attack without consequences is a direct threat to the future of this democracy.

Did the President encourage violence? Yes, no doubt that he did.

Final question: Did the President act willfully in his actions that encouraged violence? Well, let's look at the facts. He stood before an armed, angry crowd known to be ready for violence at his provocation. And what did he do? He provoked them. He aimed them here, told them to "fight like hell." And that is exactly what they did.

And his conduct throughout the rest of that terrible day really only confirms that he acted willfully, that he incited the crowd and then engaged in the dereliction of duty while he continued inflaming the violence. And, again, we don't have to guess what he thought because he told us.

Remember the video he released at 4:17 p.m.? Lead Manager Raskin showed that to you yesterday, the one where he said:

We had an election that was stolen from us.

Remember the tweet that he put out just a couple hours later, 6:01 p.m., on January 6? You have seen it many times. You could see it on the slide:

These are the things that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away.

That is what he was focused on, spreading the big lie and praising the mob that attacked us and our government.

You heard Manager CICILLINE describe reports that the President was delighted, enthusiastic, confused that others didn't share his excitement as he watched the attack unfold on TV. He cared more about pressing his efforts to overturn the election than he did about saving lives, our lives.

Look at what President Trump did that day after the rally. It is important. He did virtually nothing.

We have seen—Manager CASTRO mentioned this—that when President Trump wants to stop something, he does so simply, easily, quickly. But aside from four tweets and a short clip during the over 5-hour long attack, he did nothing.

On January 6, he didn't condemn the attack, didn't condemn the attackers, didn't say that he would send help to defend us or defend law enforcement. He didn't react to the violence with shock or horror or dismay, as we did. He didn't immediately rush to Twitter and demand in the clearest possible terms that the mob disperse, that they stop it, that they retreat. Instead, he issued messages in the afternoon that sided with them, the insurrectionists who had left police officers battered and bloodied.

He reacted exactly the way someone would react if they were delighted and exactly unlike how a person would react if they were angry at how their followers were acting.

Again, ask yourself how many lives would have been saved, how much pain and trauma would have been avoided if he had reacted the way that a President of the United States is supposed to act.

There are two parts of President Trump's failure here—his dereliction of duty—that I just have to emphasize for a moment.

First is what he did to Vice President Mike Pence, the Vice President of the United States of America. His own Vice President was in this building with an armed mob shouting "Hang him," the same armed mob that set up gallows outside. You saw those pictures.

And what did President Trump do? He attacked him more. He singled him out by name. It is honestly hard to fathom.

Second, our law enforcement—the brave officers who were sacrificing their lives to defend us, who could not

evacuate or seek cover because they were protecting us. I am not going to go through again what my fellow managers showed you yesterday, but let me just say this: Those officers serve us faithfully and dutifully, and they follow their oaths. They deserve a President who upholds his, who would not risk their lives and safety to retain power, a President who would preserve, protect, and defend them. But that is not what he did.

When they, the police, still barricaded and being attacked with poles—he said in his video to the people attacking them:

We love you. You're very special.

What more could we possibly need to know about President Trump's state of mind?

Senators, the evidence is clear. We showed you statements, videos, affidavits that prove President Trump incited an insurrection—an insurrection that he alone had the power to stop. And the fact that he didn't stop it, the fact that he incited a lawless attack and abdicated his duty to defend us from it, the fact that he actually further inflamed the mob—further inflamed that mob attacking his Vice President while assassins were pursuing him in this Capitol—more than requires conviction and disqualification.

We humbly—humbly ask you to convict President Trump for the crime for which he is overwhelmingly guilty because if you don't, if we pretend this didn't happen or, worse, if we let it go unanswered, who is to say it won't happen again?

Mr. Manager RASKIN. Mr. President, Members of the Senate, first of all, thank you for your close attention and seriousness of purpose that you have demonstrated over the last few days. Thank you also for your courtesy to the House managers as we have come over here, strangers in a strange land, to make our case before this distinguished and august body.

We are about to close. And I am proud that our managers have been so disciplined and so focused. I think we are closing somewhere between 5 and 6 hours under the time that you have allotted to us, but we think we have been able to tell you everything we need to say. We will, obviously, have the opportunity to address your questions and then to do a final closing when we get there.

I just wanted to leave you with a few thoughts. And, again, I am not going to retraumatize you by going through the evidence once again. I just wanted to leave you with a few thoughts to consider as you enter upon this very high and difficult duty that you have to render impartial justice in this case, as you have all sworn to do.

And I wanted to start simply by saying that, in the history of humanity, democracy is an extremely rare and fragile and precarious and transitory thing. Abraham Lincoln knew that when he spoke from the battlefield and

vowed that "government of the people, by the people, [and] for the people shall not perish from the earth." He was speaking not long after the Republic was created, and he was trying to prove that point, that we would not allow it to perish from the Earth.

For most of history, the norm has been dictators, autocrats, bullies, despots, tirades, cowards who take over our government—for most of the history of the world—and that is why America is such a miracle. We were founded on the extraordinary principles of the inalienable rights of the people and the consent of the governed and the fundamental equality of all of us.

You know, when Lincoln said "government of the people, by the people, [and] for the people" and he hearkened back to the Declaration of Independence, when he said "Four score and seven years ago," he knew that that wasn't how we started. We started imperfectly. We started as a slave republic. Lincoln knew that. But he was struggling to make the country better.

And however flawed the Founders were as men in their times, they inscribed in the Declaration of Independence and the Constitution all the beautiful principles that we needed to open America up to successive waves of political struggle and constitutional change and transformation in the country so we really would become something much more like Lincoln's beautiful vision of "government of the people, by the people, [and] for the people"—the world's greatest, multiracial, multireligious, multiethnic constitutional democracy, the envy of the world, as Tom Paine said, an asylum for humanity where people would come.

Think about the preamble, those first three words pregnant with such meaning, "We the People," and then all of the purposes of our government put into that one action-packed sentence: "We the People . . . in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and [preserve] to ourselves and our Posterity" the blessings of liberty.

And then, right after that first sentence—the mission statement for America, the Constitution—what happens? Article I. The Congress is created: All legislative powers herein are reserved to the Congress of the United States.

You see what just happened? The sovereign power of the people to launch the country and create the Constitution flowed right into Congress. And then you get in article I, section 8 comprehensive, vast powers that all of you know so well—the power to regulate commerce domestically and internationally, the power to declare war, the power to raise budgets and taxes and to spend money, the power to govern the seat of government, and on and on and on.



And then, even in article 1, section 8, clause 18, all other powers “necessary and proper” to the foregoing powers. That is all of us.

Then you get to article II, the President, four short paragraphs. And the fourth paragraph is all about what? Impeachment—how you get rid of a President who commits high crimes and misdemeanors.

What is the core job of the President? To take care that the laws are faithfully executed.

And our Framers were so fearful of Presidents becoming tyrants and wanting to become Kings and despots that they put the oath of office right into the Constitution. They inscribed it into the Constitution: to “preserve, protect, and defend the Constitution of the United States.”

We have got the power to impeach the President. The President doesn’t have the power to impeach us. Think about that. The popular branch of government has the power to impeach the President. The President does not have the power to impeach us.

And, as I said before, all of us who aspire and attain a public office are nothing but the servants of the people. And the way the Framers would have it is the moment that we no longer acted as servants of the people but as masters of the people, as violators of the people’s rights, that was the time to impeach, remove, convict, disqualify, start all over again, because the interests of the people are so much greater than the interests of one person—any one person, even the greatest person in the country. The interests of the people are what count.

Now, when we sit down and we close, our distinguished counterparts, the defense counsel, who have waited very patiently—and thank you—will stand up and seek to defend the President’s conduct on the facts, as I think they will.

It has already been decided by the Senate on Tuesday that the Senate has constitutional jurisdiction over this impeachment case brought to you by the United States House of Representatives. So we have put that jurisdictional, constitutional issue to bed. It is over. It has already been voted on.

This is a trial on the facts of what happened. And incitement, as we said, is a fact-intensive investigation and judgment that each of you will have to make.

We have made our very best effort to set forth every single relevant fact that we know in the most objective and honest light. We trust and we hope that the defense will understand the constitutional gravity and solemnity of this trial by focusing like a laser beam on the facts and not return to the constitutional argument that has already been decided by the Senate.

Just as a defense lawyer who loses a motion to dismiss on a constitutional basis in a criminal case must let that go and then focus on the facts which are being presented by the prosecutors

in detail, they must let this constitutional jurisdictional argument go—not just because it is frivolous and wrong, as nearly every expert scholar in America opined, but because it is not relevant to the jury’s consideration of the facts of the case.

So our friends must work to answer all of the overwhelming, detailed, specific, factual, and documentary evidence we have introduced of the President’s clear and overwhelming guilt in inciting violent insurrection against the Union.

Donald Trump, last week, turned down our invitation to come testify about his actions, and, therefore, we have not been able to ask him any questions directly as of this point. Therefore, during the course of their 16-hour-allotted presentation, we would pose these preliminary questions to his lawyers, which I think are on everyone’s minds right now and which we would have asked Mr. Trump himself if he had chosen to come and testify about his actions and inactions when we invited him last week:

One, why did President Trump not tell his supporters to stop the attack on the Capitol as soon as he learned of it?

Why did President Trump do nothing to stop the attack for at least 2 hours after the attack began?

As our constitutional Commander in Chief, why did he do nothing to send help to our overwhelmed and besieged law enforcement officers for at least 2 hours on January 6 after the attack began?

On January 6, why did President Trump not at any point that day condemn the violent insurrection and the insurrectionists?

And I will add a legal question that I hope his distinguished counsel will address: If a President did invite a violent insurrection against our government, as, of course, we allege and think we have proven in this case—but just in general, if a President incited a violent insurrection against our government—would that be a high crime and misdemeanor? Can we all agree, at least, on that?

Senators, I have talked a lot about common sense in this trial because I think, I believe that is all you need to arrive at the right answer here.

You know, when Tom Paine wrote “Common Sense,” the pamphlet that launched the American Revolution, he said that common sense really meant two different things:

One, common sense is the understanding that we all have without advanced learning and education. Common sense is the sense accessible to everybody. But common sense is also the sense that we all have in common, as a community.

Senators, America, we need to exercise our common sense about what happened. Let’s not get caught up in a lot of outlandish lawyers’ theories here. Exercise your common sense about what just took place in our country.

Tom Paine wasn’t an American, as you know, but he came over to help us in our great revolutionary struggle against the Kings and Queens and the tyrants. And in 1776, in “The Crisis,” he wrote these beautiful words. It was a very tough time for the country. People didn’t know which way things were going to go. Were we going to win, against all hope, because for most of the rest of human history it had been the Kings and the Queens and the tyrants and the nobles lording it over the common people? Could political self-government work in America was the question. And Paine wrote this pamphlet called “The Crisis,” and in it he said these beautiful words. And, with your permission, I’m going to update the language a little bit, pursuant to the suggestion of Speaker PELOSI, so as not to offend modern sensibilities. OK.

But he said: These are the times that try men and women’s souls. These are the times that try men and women’s souls. The summer soldier and the sunshine patriot will shrink at this moment from the service of their cause and their country; but everyone who stands with us now will win the love and the favor and the affection of every man and every woman for all time. Tyranny, like hell, is not easily conquered, but we have this saving consolation: The more difficult the struggle, the more glorious, in the end, will be our victory.

Good luck in your deliberations.

We do conclude our presentation.

Mr. SCHUMER. Thank you. Thank you. Now, I have two—we are going to do the adjournment resolution in a moment. I have two other things that we have to do. They are quick.

First, Mr. President, I ask unanimous consent that it be in order to make several unanimous consent requests as if in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT

Mr. SCHUMER. Mr. President, I ask unanimous consent that on Friday, February 12, from 10:30 to 11:30 a.m. that, notwithstanding adjournment, the Senate be able to receive House messages and executive matters, committees be authorized to report legislative and executive matters, and Senators be allowed to submit statements for the record, introduce bills and resolutions, and make cosponsor requests, and, where applicable, the Secretary of the Senate, on behalf of the Presiding Officer, be permitted to refer such matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—READING OF WASHINGTON’S FAREWELL ADDRESS

Mr. SCHUMER. And a second request, poignantly appropriate at this moment: I ask unanimous consent that, pursuant to the order of the Senate of January 24, 1901, the traditional reading of Washington’s Farewell Address take place on Monday, February

22, following the prayer and pledge; further, that Senator PORTMAN be recognized to deliver the address.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that the trial adjourn until 12 noon tomorrow, Friday, February 12, and this also

constitute the adjournment of the Senate.

There being no objection, at 4:24 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Friday, February 12, 2021, at 12 noon.