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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, February 15, 2021, at 9:30 a.m.

Senate

SATURDAY, FEBRUARY 13, 2021

The Senate met at 10:01 a.m. 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 begin as a Court of Impeachment.

PRAYER

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

Let us pray.

O Lord, our God, yesterday this Chamber reverberated to a standing ovation for the courage of Officer Eugene Goodman in defending this building and human life. May our legislative jurors strive to emulate his courage in their defense of the United States Constitution. Lord, touch and move them to believe that the end does not justify the means. Help them to remember that the end is inherent and built into the means. Fill our Senators with the spirit that combines common sense with commitment, conscience, and courage.

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

The PRESIDENT pro tempore. Senators, please be seated.

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

And 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.

The PRESIDENT pro tempore. Pursuant to the provisions of S. Res. 47, the Senate has provided up to 2 hours of argument by the parties, equally divided, on the question of whether or not it shall be in order to consider and debate under the impeachment rules any motion to subpoena witnesses or documents.

Are both parties ready to proceed at this point?

Mr. Counsel CASTOR. Yes, Mr. President.

Mr. Manager RASKIN. We have a motion.

The PRESIDENT pro tempore. They may proceed.

MOTION TO SUBPOENA WITNESSES

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

Good morning, Senators.

Over the last several days, we have presented overwhelming evidence that establishes the charges in the Article of Impeachments. We have shown you how President Trump created a powder keg, lit a match, and then continued his incitement, even as he failed to defend us from the ensuing violence.

We have supported our position with images, videos, affidavits, documents, tweets, and other evidence, leaving no doubt that the Senate should convict. We believe we have proven our case.

But last night, Congresswoman JAIME HERRERA BEUTLER of Washington State issued a statement confirming that in the middle of the insurrection, when House Minority Leader KEVIN MCCARTHY called the President to beg for help, President Trump responded:

Well, Kevin, I guess these people are more upset about the election than you are.

Needless to say, this is an additional critical piece of corroborating evidence, further confirming the charges before you, as well as the President's willful dereliction of duty and desertion of duty as Commander in Chief of the United States, his state of mind, and his further incitement of the insurrection on January 6.

For that reason, and because this is the proper time to do so under the resolution that the Senate adopted to set the rules for the trial, we would like the opportunity to subpoena Congresswoman HERRERA regarding her communications with House Minority Leader KEVIN MCCARTHY and to subpoena her contemporaneous notes that she made regarding what President Trump told KEVIN MCCARTHY in the middle of the insurrection.

We would be prepared to proceed by Zoom deposition of an hour or less just as soon as Congresswoman HERRERA BEUTLER is available and to then proceed to the next phase of the trial, including the introduction of that testimony shortly thereafter.

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



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Congresswoman BEUTLER further stated that she hopes other witnesses to this part of the story—other patriots, as she put it—would come forward. And if that happens, we would seek the opportunity to take their depositions via Zoom, also for less than an hour, or to subpoena other relevant documents as well.

Mr. Counsel VAN DER VEEN. Mr. President, thank you.

Senators, good morning, and good morning to the American people.

The first thing I want to say on the issue of witnesses is that the House manager just got up here and described the Articles of Impeachment and the charges. There is no plural here. That is wrong. There is one Article of Impeachment, and there is one charge, and that is incitement of violence and insurrection.

What you all need to know and the American people need to know is, as of late yesterday afternoon, there was a stipulation going around that there weren't going to be any witnesses. But after what happened here in this Chamber yesterday, the House managers realized they did not investigate this case before bringing the impeachment. They did not give the proper consideration and work. They didn't put the work in that was necessary to impeach the former President. But if they want to have witnesses, I am going to need at least over 100 depositions, not just 1.

The real issue is incitement. They put into their case over 100 witnesses, people who have been charged with crimes by the Federal Government, and each one of those, they said that Mr. Trump was a coconspirator with. That is not true, but I have the right to defend that.

The only thing that I ask, if you vote for witnesses, do not handcuff me by limiting the number of witnesses that I can have. I need to do a thorough investigation that they did not do. I need to do the 911-style investigation that NANCY PELOSI called for. It should have been done already. It is a dereliction of the House managers' duty that they didn't.

And now, at the last minute, after a stipulation had apparently been worked out, they want to go back on that. I think that is inappropriate and improper. We should close this case out today. We have each prepared our closing arguments. We each—I mean, I had 8 days to get ready for this thing, but we each had those 8 days equally, together, to prepare ourselves. And the House managers need to live with the case that they brought. But if they don't, please, in all fairness and in all due process, do not limit my ability to discover, discover, discover the truth. That would be another sham.

And that is the President's position, my position.

Mr. Manager RASKIN. Mr. President. The PRESIDENT pro tempore. Mr. RASKIN.

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

First of all, this is the proper time that we were assigned to talk about witnesses. This is completely within the course of the rules set forth by the Senate. There is nothing remotely unusual about this.

I think we have done an exceedingly thorough and comprehensive job with all the evidence that was available. Last night, this was breaking news, and it responded directly to a question that was being raised by the President's defense counsel, saying that we had not sufficiently proven to their satisfaction—although I think we have proven to the satisfaction of the American people, certainly—that the President, after the breach and invasion took place, was not working on the side of defending the Capitol but, rather, was continuing to pursue his political goals.

And the information that came out last night by Congresswoman BEUTLER, apparently backed up by contemporaneous notes that she had taken, I think, will put to rest any lingering doubts raised by the President's counsel, who now says he wants to interview hundreds of people.

There is only one person the President's counsel really needs to interview, and that is their own client, and bring him forward, as we suggested last week, because a lot of this is matters that are in his head. Why did he not act to defend the country after he learned of the attack? Why was he continuing to press the political case?

But this piece of evidence is relevant to that.

Mr. Counsel VAN DER VEEN. If I may?

Mr. Manager RASKIN. Finally, I wasn't—I was a little bit mystified by the point about the Article of Impeachment, which I referred to. The dereliction of duty, the desertion of duty, is built into the incitement charge, obviously.

If the President of the United States is out inciting a violent insurrection, he is, obviously, not doing his job at the same time. Just like, if a police officer is mugging you, yeah, he is guilty of theft and armed robbery, whatever it might be, but he is also not doing his job as a police officer. So it is further evidence of his intent and what his conduct is.

Mr. Counsel VAN DER VEEN. If I may?

The PRESIDENT pro tempore. Counsel.

Mr. Counsel VAN DER VEEN. First of all, it is my understanding it has been reported that Mr. MCCARTHY disclaims the rumors that have been the basis of this morning's antics but, really, the rumors that have been the basis of this entire proceeding.

This entire proceeding is based on rumor, report, innuendo. There is nothing to it, and they didn't do their work.

Just like what happened with Mr. LEE 2 or 3 nights ago, some supposed conversation that happened, and they had to withdraw that. They had to

back off of that because it was false. It was a false narrative.

But it is one Article of Impeachment. Yeah, they threw a lot of stuff in it in violation of rule XXIII. Rule XXIII says you cannot combine counts. It is a defect in their entire case. It is one of the four reasons why you can vote to acquit in this case: jurisdiction, rule XXIII, due process, and the First Amendment. They all apply in this case.

Let me take my own advice and cool the temperature in the room a little bit.

It is about the incitement. It is not about what happened afterwards. That is actually the irrelevant stuff. That is the irrelevant stuff. It is not the things that were said from the election to January 6. It is not relevant to the legal analysis of the issues that are before this body.

It doesn't matter what happened after the insurgence into the Capitol Building because that doesn't have to do with incitement. Incitement is—it is a point in time, folks. It is a point in time when the words are spoken, and the words say, implicitly say, explicitly say "commit acts of violence or lawlessness." And we don't have that here.

So for the House managers to say we need depositions about things that happened after, it is just not true. But—but if he does, there are a lot of depositions that need to be happening. NANCY PELOSI's deposition needs to be taken. Vice President Harris's deposition absolutely needs to be taken, and not by Zoom. None of these depositions should be done by Zoom. We didn't do this hearing by Zoom. These depositions should be done in person, in my office, in Philadelphia. That is where they should be done.

(Laughter.)

I don't know how many civil lawyers are here, but that is the way it works, folks. When you want somebody's deposition, you send a notice of deposition, and they appear at the place where the notice says. That is civil process.

I don't know why you are laughing. It is civil process. That is the way lawyers do it. We send notices of deposition.

The PRESIDENT pro tempore. I would remind everybody that we will have order in the Chamber during these proceedings.

Mr. Counsel VAN DER VEEN. I haven't laughed at any of you, and there is nothing laughable here. He mentioned my client coming in to testify. That is not the way it is done. If he wanted to talk to Donald Trump, he should have put a subpoena down, like I am going to slap subpoenas on a good number of people if witnesses are what is required here for them to try to get their case back in order, which has failed miserably for four reasons: There is no jurisdiction here. There has been no due process here. They have completely violated and ignored and stepped on the Constitution of the

United States. They have trampled on it like people who have no respect for it.

And if this is about nothing else, it has to be about the respect of our country, our Constitution, and all of the people that make it up. So that I ask, when considering or voting on this witness matter—and, to be clear, this may be the time to do it, but, again, everybody needs to know—all of the backroom politics, I am not so much into it all, and I am not too adept at it either. But there was a stipulation. They felt pretty comfortable after day 2, until their case was tested on day 3.

Now is the time to end this. Now is the time to hear the closing arguments. Now is the time to vote your conscience. Thank you.

The PRESIDENT pro tempore. Mr. RASKIN.

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

We were involved in no discussions about a stipulation, and I have no further comment.

Thank you, Mr. President.

Mr. Counsel VAN DER VEEN. I am going to require a deposition on that.

The PRESIDENT pro tempore. I would remind everybody, as Chief Justice Roberts noted on January 21, 2020, citing the trial of Charles Swain, 1905, all parties in this Chamber must refrain from using language that is not conducive to civil discourse.

I listened to Chief Justice Roberts say that. I agreed with him. And I thought, for our colleagues, I would repeat it as I did last night.

VOTE ON MOTION

So the question is, Shall it be in order to consider and debate, under the Rules of Impeachment, any motion to subpoena witnesses or documents?

Mr. SCHUMER. I ask for the yeas and nays, Mr. President.

The PRESIDENT pro tempore. A request for the yeas and nays has been made.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 58]

YEAS—55

Baldwin	Hickenlooper	Romney
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Sasse
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cortez Masto	Merkley	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Graham	Padilla	Wyden
Hassan	Peters	
Heinrich	Reed	

NAYS—45

Barrasso	Fischer	Paul
Blackburn	Grassley	Portman
Blunt	Hagerty	Risch
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	Wicker
Ernst	Moran	Young

Mr. SULLIVAN. Mr. President.

The LEGISLATIVE CLERK. Mr. SULLIVAN.

Mr. SULLIVAN. Just a point of inquiry. There is a little confusion here. Was that a vote on one witness or many witnesses?

The PRESIDENT pro tempore. Debate is not allowed during the vote. I advise the Senator from Alaska—

Mr. SULLIVAN. It is not debate. It is a point of inquiry on what we just voted on.

The PRESIDENT pro tempore. That is not—I am advised that is not allowed during the vote.

Mr. MARSHALL. Mr. President, point of order. Can you read the motion back to us?

The PRESIDENT pro tempore. Points of order and debate are not allowed during the vote. That is established Senate procedure, and we always follow that.

On the question of whether it shall be in order to consider and debate, under the rules of impeachment, any motion to subpoena witnesses and documents, the motion is agreed to by a vote of 55 to 45.

The majority leader.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. SCHUMER. Mr. President, as I understand it, there are discussions underway, and so I ask unanimous consent that the Senate recess until 12:30 p.m.

There being no objection, at 11:43 a.m., the Senate, sitting as a Court of Impeachment, recessed until 12:32 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore.

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASTOR.

Mr. Counsel CASTOR. May I be recognized?

The PRESIDENT pro tempore. Yes, you are. You are recognized.

STIPULATION

Mr. Counsel CASTOR. Senators, Donald John Trump, by his counsel, is prepared to stipulate that if Representative HERRERA BEUTLER were to testify under oath as part of these proceedings, her testimony would be consistent with the statement she issued on February 12, 2021, and the former President's counsel is agreeable to the admission of that public statement into evidence at this time.

The PRESIDENT pro tempore. Thank you, Mr. Castor.

Mr. RASKIN.

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

The managers are prepared to enter into the agreement. I will now read the statement. This is the statement of Congresswoman JAIME HERRERA BEUTLER, February 12, 2021:

In my January 12 statement in support of the article of impeachment, I referenced a conversation House Minority Leader Kevin McCarthy relayed to me that he had with President Trump while the January 6 attack was ongoing. Here are the details:

When McCarthy finally reached the president on January 6 and asked him to publicly and forcefully call off the riot, the president initially repeated the falsehood that it was antifa that had breached the Capitol. McCarthy refuted that and told the president that these were Trump supporters. That's when, according to McCarthy, the president said: "Well, Kevin, I guess these people are more upset about the election than you are."

Since I publicly announced my decision to vote for impeachment, I have shared these details in countless conversations with constituents and colleagues, and multiple times through the media and other public forums.

I told it to the Daily News of Longview on January 17. I've shared it with local county Republican executive board members, as well as other constituents who asked me to explain my vote. I shared it with thousands of residents on my telephone town hall on February 8.

Mr. President, I now move that the Senate admit the statement into evidence.

The PRESIDENT pro tempore. Is there objection?

Without objection, the statement will be admitted into evidence.

And does either party wish to make any further motions related to witnesses or documents at this time?

Mr. Counsel CASTOR. Mr. President, the President's counsel have no further motions.

The PRESIDENT pro tempore. Mr. RASKIN.

Mr. Manager RASKIN. And, Mr. President, we have no further motions either.

ADMISSION OF EVIDENCE

The PRESIDENT pro tempore. Then the Chair would note that neither party wishes to make further motions under section 6 of S. Res. 47. Therefore,

the next question is on admission of the evidence submitted by both parties pursuant to section 8 of the resolution.

The majority leader is recognized.

Mr. SCHUMER. Mr. President, so now as we move to another matter, I am advised that the House managers have no objection to the admission of evidence proposed to be admitted by the former President's counsel under the provisions of section 8 of S. Res. 47 and that the President's counsel have no objections to the evidence proposed to be admitted into evidence by the House managers.

Pursuant to section 8 of the resolution, as agreed to by Leader McCONNELL and myself a few days ago, both parties have made timely filings of this evidence with the Secretary of the Senate and have provided copies to each other. I, therefore, ask unanimous consent that the Senate dispense with the provisions of section 8(a) of S. Res. 47; and that the materials submitted by both parties be admitted into evidence subject to the provisions of section 8(c) of that resolution, which provides that the admission of this evidence does not constitute a concession by either party as to the truth of the matters asserted by the other party; and that each Senator shall decide for him or herself the weight to be given such evidence. This request has the approval of both parties and the Republican leader.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CLOSING ARGUMENTS

Pursuant to the provisions of S. Res. 47, the Senate has provided for up to 4 hours in closing arguments. They will be equally divided between the managers on the part of the House of Representatives and the counsel for the former President. And pursuant to rule XXII of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the argument shall be opened and closed on the part of the House of Representatives.

The Chair recognizes Mr. Manager RASKIN to begin the presentation on the part of the House of Representatives.

Mr. RASKIN, under rule XXII, you may reserve time if you wish.

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

Members of the Senate, before I proceed, it was suggested by defense counsel that Donald Trump's conduct during the attack, as described in Congresswoman Beutler's statement, is somehow not part of the constitutional offense for which former President Trump has been charged. I want to reject that falsehood and that fallacy immediately.

After he knew that violence was underway at the Capitol, President Trump took actions that further incited the insurgence to be more inflamed and to take even more extreme, selective, and focused action against Vice President Mike Pence.

Former President Trump also, as described by Congresswoman Beutler's

notes, refused requests to publicly, immediately, and forcefully call off the riots. And when he was told that the insurgents inside the Capitol were Trump supporters, the President said:

Well, Kevin, I guess these people are more upset about the election than you are.

Think about that for a second. This uncontradicted statement that has just been stipulated as part of the evidentiary record, the President said:

Well, Kevin, I guess these people—

Meaning the mobsters, the insurrectionists—

are more upset about the election than you are.

That conduct is obviously part and parcel of the constitutional offense that he was impeached for; namely, incitement to insurrection; that is, continuing incitement to the insurrection. The conduct described not only perpetuated his continuing offense but also provides to us here, today, further decisive evidence of his intent to incite the insurrection in the first place.

When my opposing counsel says that you should ignore the President's actions after the insurrection began, that is plainly wrong, and it, of course, reflects the fact that they have no defense to his outrageous, scandalous, and unconstitutional conduct in the middle of a violent assault on the Capitol that he incited.

Senators, think about it for a second. Say you light a fire, and you are charged with arson. And the defense counsel says: Everything I did after the fire started is irrelevant. And the court would reject that immediately and say: That is not true at all. It is extremely relevant to whether or not you committed the crime. If you run over and try to put out the flames, if you get lots of water and say, "Help, help, there is a fire," and you call for help, a court will infer that—could infer that you didn't intend for the fire to be lit in the first place. They would accept your defense, perhaps, that it was all an accident. It was all an accident. Accidents happen with fire. But if, on the other hand, when the fire erupts, you go and you pour more fuel on it, you stand by and you watch it, gleefully, any reasonable person will infer that you not only intended the fire to start but that once it got started and began to spread, you intended to continue to keep the fire going. And that is exactly where we are, my friends.

Of course, your conduct, while a crime is ongoing, is relevant to your culpability, both to the continuation of the offense but also directly relevant, directly illuminating to what your purpose was originally; what was your intent?

And any court in the land would laugh out any—would laugh out of court any criminal defendant who said: What I did after I allegedly killed that person is irrelevant to whether or not I intended to kill them. I mean, come on.

Donald Trump's refusal not only to send help but also to continue to fur-

ther incite the insurgence against his own Vice President—his own Vice President—provides further decisive evidence of both his intent to start this violent insurrection and his continued incitement once the attack had begun to override the Capitol.

All right. Senators, that was in response to this new evidentiary particle that came in.

MANAGERS' CLOSING ARGUMENTS

But in my closing, I want to thank you for your remarkable attention and your seriousness of purpose befitting your office.

We have offered you overwhelming and irrefutable and certainly unrefuted evidence that former President Trump incited this insurrection against us.

To quote the statement Representative LIZ CHENEY made in January:

On January 6, 2021, a violent mob attacked the United States Capitol to obstruct the process of our democracy and stop the counting of presidential electoral votes. This insurrection caused injury, death and destruction in the most sacred space in our Republic.

She continued—Representative CHENEY continued:

Much more will become clear in coming days and weeks, but what we know now is enough. The President of the United States summoned this mob, assembled the mob, and lit the flame of this attack. Everything that followed was his doing. None of this would have happened without the President. The President could have immediately and forcefully intervened to stop the violence. He did not. There has never been a greater betrayal by the President of the United States of his office and his oath to the Constitution.

I will vote to impeach the President.

Representative CHENEY was right. She based her vote on the facts, on the evidence, and on the Constitution. And the evidence—video, documentary, eyewitness—has only grown stronger and stronger and more detailed right up to today, right up to 10 minutes ago, over the course of this Senate trial.

And I have no doubt that you all noticed that, despite the various propaganda reels and so on, President Trump's lawyers have said almost nothing to contest or overcome the actual evidence of former President Trump's conduct that we presented, much less have they brought their client forward to tell us his side of the story.

We sent him a letter last week, which they rejected out of hand. The former President of the United States refused to come and tell us. And I ask any of you: If you were charged with inciting violent insurrection against our country and you were falsely accused, would you come and testify? I know I would. I would be there at 7 in the morning waiting for the doors to open. I am sure that is true of 100 Senators in this room. I hope it is true of 100 Senators in this room.

The Senate was lectured several times yesterday about cancel culture. Well, not even 2 weeks ago the President's most reliable supporters in the House—I am sorry; not the President.

The former President's most reliable supporters in the House tried to cancel out Representative CHENEY because of her courageous and patriotic defense of the Republic and the truth and the Constitution.

They tried to strip her of her leading role as chair of the House Republican Conference. But, you know what—I hope everybody takes a second to reflect on this—the conference rejected this plainly retaliatory and cowardly attempt to punish her for telling the truth to her constituents and her country in voting for impeachment.

Who says you can't stand up against bullies? Who says? In my mind, LIZ CHENEY is a hero for standing up for the truth and resisting this retaliatory cancel culture that she was subjected to. But she beat them on a vote of 145 to 61, more than a 2-to-1 vote.

You know, Ben Franklin, a great champion of the Enlightenment, an enemy of political fanaticism and cowardice, and, of course, another great Philadelphian, once wrote this: I have observed that wrong is always growing more wrong until there is no bearing it anymore and that right, however opposed, comes right at last.

Comes right at last. Think about that. This is America, home of the brave, land of the free—the America of Ben Franklin, who said:

If you make yourself a sheep, the wolves will eat you.

Don't make yourself a sheep. The wolves will eat you.

The America of Thomas Jefferson, who said at another difficult moment:

A little patience, and we shall see the reign of witches pass over, their spirits dissolve, and the people, recovering their true sight, restore their government to its true principles.

The America of Tom Paine, who said:

The mind once enlightened cannot again become dark.

Now, we showed you hour after hour of realtime evidence demonstrating every step of Donald Trump's constitutional crime. We showed you how he indoctrinated the mob with his Orwellian propaganda about how the election he lost by more than 7 million votes and 306 to 232 in the electoral college—which he had described as a landslide when he won by the exact same margin in 2016—was actually a landslide victory for him being stolen away by a bipartisan conspiracy and fraud and corruption.

We showed you how 61 courts and 88 judges—Federal, State, local, trial, appellate—from the lowest courts in the land to the United States Supreme Court across the street and 8 Federal judges he himself named to the bench, all found no basis in fact or law for his outlandish and deranged inventions and concoctions about the election.

In the meantime, President Trump tried to bully State-level officials to commit a fraud on the public by literally “finding” votes. We examined the case study of Georgia, where he called to threaten Republican Brad

Raffensperger to find him 11,780 votes. That is all he wanted, he said, 11,780 votes—don't we all—11,780 votes, that is all he wanted to nullify Biden's victory and to win the election.

Raffensperger ended up with savage death threats against him and his family, telling him he deserved a firing squad. Another election official urged Trump to cut it out or people would get hurt and killed, a prescient warning indeed. Raffensperger ended up saying that he and his family supported Donald Trump, gave him money, and now Trump “threw us under the bus.”

We saw what happened in Lansing, MI, with the extremist mob he cultivated, which led to two shocking Capitol sieges and a criminal conspiracy by extremists to kidnap and likely assassinate Governor Whitmer.

We saw him trying to get State legislatures to disavow and overthrow their popular election results and replace them with Trump electors. We showed you the process of summoning the mob, reaching out, urging people to come to Washington for a “wild” time.

As we celebrate Presidents Day on Monday, think, imagine: Is there another President in our history who would urge supporters to come to Washington for a “wild” time?

You saw how he embraced the violent extremist elements like the Proud Boys, who were told in a nationally televised Presidential candidate debate to “stand back and stand by,” which became their official slogan as they converged on Washington with other extremist and seditious groups and competed to be the lead storm troopers of the attack on this building.

You saw the assembly of the mob on January 6. And how beautiful that angry mob must have looked to Donald Trump as he peered down from the lectern with the seal of the President of the United States of America emblazoned on it.

That crowd was filled with extremists in tactical gear, armed to the teeth and ready to fight, and other brawling MAGA supporters, all of them saying: Stop the steal right now. And he said he was going to march with them to the Capitol, even though the permit for the rally specifically forbade a march. But he said he would march with them, giving them more comfort that what they were doing was legitimate, it was OK.

But, of course, he stayed back, as he presumably didn't want to be too close to the action at the Capitol, as the lawyers called it—not an insurrection, they urged us yesterday; it is an action. He didn't want to be too close to the action when all hell was about to break loose.

Now, incitement, as we have discussed, requires an inherently fact-based evidentiary inquiry, and this is what we did. We gave you many hours of specific, factual details about, to use Congresswoman CHENEY's words, how the President summoned the mob, assembled the mob, incited it, lit the

match, sending them off to the Capitol where they thought, as they yelled out, that they had been invited by the President of the United States.

And then, of course, they unleashed unparalleled violence against our overwhelmed and besieged but heroic police officers, who you thoughtfully honored yesterday, when the officers got in their way as they entered the Capitol at the behest of the President of the United States to stop the steal.

Now, I am convinced most Senators must be convinced by this overwhelming and specific detail, because most Americans are. But say you still have your doubts; you think the President really thought that he was sending his followers to participate in a peaceful, nonviolent rally, the kind that might have been organized by Julian Bond, who my distinguished opposing counsel brought up; Ella Baker; Bob Moses; our late, beloved colleague John Lewis, for the Student Nonviolent Coordinating Committee.

Maybe the President really thought this was going to be like the March on Washington organized by Bayard Rustin and Dr. Martin Luther King, who said:

Nonviolence is the answer to the crucial moral and political questions of our time.

So let's say you are still flirting with the idea that Donald Trump's conduct was totally appropriate, as he proclaimed right off the bat, and he is the innocent victim of a mass accident or catastrophe, like a fire or a flood—as we were invited to frame it on our opening day by distinguished cocounsel or opposing counsel—and you think maybe we are just looking for somebody to blame for this nightmare and catastrophe that has befallen the Republic. We are just looking for someone to blame.

Well, here is the key question, then, in resolving your doubts if you are in that category: How did Donald Trump react when he learned of the violent storming of the Capitol and the threats to Senators, Members of the House, and his own Vice President, as well as the images he saw on TV of the pummeling and beating and harassment of our police officers?

Did he spring into action to stop the violence and save us? Did he even wonder about his own security since an out-of-control, anti-government mob could come after him too? Did he quickly try to get in touch with or denounce the Proud Boys, the Oath Keepers, the rally organizers, the Save America rally organizers, and everyone on the extreme right to tell them that this was not what he had in mind, it was a big mistake, call it off, call it off, call it off—as Representative GALLAGHER begged him to do on national television?

No. He delighted in it. He reveled in it. He exalted in it. He could not understand why the people around him did not share his delight.

And then a long period of silence ensued while the mob beat the daylights

out of police officers and invaded this building, as you saw on security footage, and proceeded to hunt down Vice President Mike Pence as a traitor and denounced and cursed Speaker PELOSI, both of whom you heard mob members say that they wanted to kill. They were both in real danger, and our government could have been thrown into absolute turmoil without the heroism of our officers and the bravery and courage of a lot of people in this room.

Here is what Republican Representative ANTHONY GONZALEZ of Ohio said. He is a former pro football player:

We are imploring the president to help, to stand up, to help defend the U.S. Capitol and the United States Congress, which was under attack. We are begging, essentially, and he was nowhere to be found.

“Nowhere to be found.” And as I have emphasized this morning, that dereliction of duty, that desertion of duty was central to his incitement of insurrection and inextricable from it—inextricable, bound together. It reveals his state of mind that day, what he was thinking as he provoked the mob to violence and further violence. It shows how he perpetuated his continuing offense on January 6, his course of conduct charged in the Article of Impeachment as he further incited the mob during the attack, aiming it at Vice President Mike Pence himself, while failing to quell it in either of his roles as Commander in Chief or his real role that day: “inciter in chief.”

And it powerfully demonstrates that the ex-President knew, of course, that violence was foreseeable, that it was predictable and predicted that day since he was not surprised and not horrified. No. He was delighted. And through his acts of omission and commission that day, he abused his office by siding with the insurrectionists at almost every point, rather than with the Congress of the United States, rather than with the Constitution.

In just a moment, my colleague Mr. CICILLINE will address President Trump's conduct, his actions and inactions, his culpable state of mind during the attack, as he will establish yesterday's explosive revelations about House Minority Leader KEVIN MCCARTHY's desperate call to Trump—and Trump's truly astounding reaction—confirming that Trump was doing nothing to help the people in this room or this building.

It is now clear beyond a doubt that Trump supported the actions of the mob, and so he must be convicted. It is that simple.

When he took the stage on January 6, he knew exactly how combustible the situation was. He knew there were many people in the crowd who were ready to jump into action, to engage in violence at any signal that he needed them to fight like hell to stop the steal. And that is exactly what he told them to do.

Then he aimed them straight here, right down Pennsylvania, at the Capitol, where he told them the steal was

occurring; that is, the counting of the electoral college votes. And we all know what happened next. They attacked this building. They disrupted the peaceful transfer of power. They injured and killed people, convinced that they were acting on his instructions and with his approval and protection.

And while that happened, he further incited them while failing to defend us. If that is not ground for conviction, if that is not a high crime and misdemeanor against the Republic and the United States of America, then nothing is.

President Trump must be convicted for the safety and security of our democracy and our people.

Mr. CICILLINE.

Mr. Manager CICILLINE. Mr. President, distinguished Senators, as we have demonstrated, there is overwhelming evidence that President Trump incited the violence and knew violence was foreseeable on January 6. He knew that many in the crowd were posed for violence at his urging and, in fact, many in the sea of thousands in the crowd were wearing body armor and helmets and holding sticks and flagpoles. And then he not only provoked that very same crowd but aimed them at the Capitol. He literally pointed at this building, at us, during his speech. He pointed to the building where Congress was going to certify the election results and where he knew the Vice President himself was presiding over the process.

No one is suggesting that President Trump intended every detail of what happened on January 6, but when he directed the sea of thousands before him—who, reportedly, were ready to engage in real violence—when he told that crowd to fight like hell, he incited violence targeted at the Capitol, and he most certainly foresaw it. My colleague, Manager DEAN, will stand up after and walk you through the overwhelming evidence that supports those claims.

I want to start, though, by talking about what happened after that. There was a lot of discussion yesterday about what the President knew and when he knew it. There are certain things that we do not know about what the President did that day, because the President—that is, former President Trump—has remained silent about what he was doing during one of the bloodiest attacks on our Capitol since 1812.

Despite a full and fair opportunity to come forward, he has refused to come and tell his story. As Manager RASKIN said, we would all do that. In fact, I would insist on it. If I were accused of a grave and serious crime that I was innocent of, I would demand the right to tell my side of the story. President Trump declined.

But there are certain facts that are undisputed, that we know to be true despite the President's refusal to testify; which is, counsel either ignored entirely or didn't and couldn't dispute.

Before I go to those facts, let me quickly just touch on a few things. First, President Trump and his counsel have resorted to arguments that the evidence presented was somehow manufactured or hidden from them. I want to be very clear about this because this is important. In terms of the timing of when they received the materials here, defense counsel had access to all materials when they were entitled to have them under S. Res. 47, and they cannot and have not alleged otherwise.

As to their desperate claim that evidence was somehow manufactured, they have not alleged that one tweet from their client was actually inaccurate—nor can they. We got these tweets—which are, of course, statements from the former President—from a public archive, and they are all correct.

We also know the President's claims about evidence being manipulated also are untrue because they didn't even object to the introduction of the evidence when they had the opportunity to do so. So I hope we can now set those issues aside and turn to the facts of this case and really set the record straight about the undisputed facts in this case, about what the President knew that day and when he knew it.

At the outset, let me say this. As you may recall, in direct response to a question yesterday, President Trump's counsel stated, and I quote:

At no point was the President informed the Vice President was in any danger.

As we walk through these undisputed facts, you will see, quite clearly, that is simply not true.

As you can see here, from just after 12 p.m. to just before 2 p.m., President Trump delivered his statements at the rally, which incited an initial wave of protesters coming down to the Capitol, and his speech was still ongoing, and you saw the evidence of people broadcasting that on their phones.

He finished his speech at 11:11 p.m., at which point a much larger wave surged toward us here at the Capitol, ripping down scaffolding and triggering calls for law enforcement assistance.

Thirty minutes later, at 1:49 p.m., as the violence intensified, President Trump tweeted a video of his remarks at the rally with the caption:

Our country has had enough, we will not take it anymore, and that's what this is all about.

During the half-hour following that tweet, the situation here drastically deteriorated. Insurrectionists breached the Capitol barriers, then its steps, then the complex itself.

By 2:12, the insurrectionist mob had overwhelmed the police and started their violent attack on the Capitol.

And as you all know, this attack occurred and played out on live television. Every major network was showing it. We have shown you, during the course of this trial, side-by-side exactly what the President would have seen on TV or his Twitter account.

We have also shown you that he would have seen around 2:12 p.m. images of Vice President Pence being rushed off the Senate floor. I won't replay all of that for you, but for timing purposes, here is the footage reacting to Vice President Pence leaving the floor.

(Text of video presentation.)

Unidentified Speaker. No audio. They just cut out. It looks—and sometimes the Senate.

Unidentified Speaker. It seemed like they just ushered Mike Pence out really quickly.

Unidentified Speaker. Yes, they did. That is exactly what just happened there.

Unidentified Speaker. They ushered Mike Pence out. They moved him fast. There was—I saw the motions too.

Defense counsel seems to suggest that somehow the President of the United States was not aware of this; that the President had no idea that his Vice President had been evacuated from the Senate floor for his safety because violent rioters had broken into the Capitol with thousands more coming and with the Capitol Police completely overwhelmed.

This was on live television.

So defense counsel is suggesting that the President of the United States knew less about this than the American people—this is just not possible—that the Secret Service failed to mention that his Vice President was being rushed from the Senate for his own protection, but nobody in the White House thought to alert him; that none of our law enforcement agencies raised a concern to the Commander in Chief that the Vice President was being evacuated from the Senate floor as a violent mob assaulted the Capitol. It simply cannot be. And with each passing minute on the timeline of events on January 6, it grows more and more inconceivable.

Let's continue forward in time.

Between 2:12 to 2:24, the Senate recessed. Speaker NANCY PELOSI was ushered off the floor. The Capitol Police announced a breach and a lockdown, and the insurrectionist mob began chanting: "Hang Mike Pence." And it was unfolding on live TV in front of the entire world.

So, again, let me ask you: Does it strike you as credible that nobody, not a single person, informed the President that his Vice President had been evacuated or that the President didn't glance at the television or his Twitter account and learn about the events that were happening?

Remember, this was the day of the electoral college. Remember his obsession with stopping the certification. It is just not credible that the President at no point knew his Vice President was in this building and was in real danger.

Senators, I submit to you these facts, this timeline is undisputed. At 2:24 p.m., after rioters breached the barriers, after calls for assistance, after rioters stormed the building, after Vice President Pence was rushed from the Senate floor, and just before Vice President Pence was further evacuated

for his safety, President Trump decided to attack his own Vice President on Twitter.

The undisputed facts confirmed that not only must President Trump have been aware of the Vice President's danger but he still sent out a tweet attacking him, further inciting the very mob that was in just a few feet of him, inside of this very building.

The Vice President was there with his family, who was in danger for his life. They were chanting, "Hang Mike Pence," and had erected a noose outside.

And as we have shown, the mob responded to President Trump's attack instantly. The tweet was read allowed on a bullhorn, if you remember that video. Insurrectionists began chanting again about Mike Pence.

And in those critical moments, we see President Trump engaging in a dereliction of his duty by further inciting the mob, in real-time, to target the Vice President, with knowledge that the insurrection was ongoing. And that is, of course, included in the conduct charged in this Article of Impeachment.

The former President's counsel's suggestion otherwise is completely wrong. His further incitement is impeachable conduct that continued during the course of this assault itself, and it is part of a constitutional crime and was entirely and completely a part of his indefensible failure to attack the Congress.

There has been some confusion as to the phone call I referenced with Senator LEE. So I want to be clear about certain facts that are not in dispute. First, Senator LEE has confirmed that the call occurred at 2:26 p.m. So I added that to the timeline above.

Remember, by this phone call, the Vice President has just been evacuated on live television for his own safety. And Donald Trump had, after that, tweeted an attack on him, which the insurgents read on a bullhorn. And a few minutes after Donald Trump's tweet, he didn't reach out to check on the Vice President's safety. (Text deleted.) The call was interrupted. Senator TUBERVILLE has since explained, and I quote:

I looked at the phone and it said the White House on it, [and] I said hello, the President said a few words. I said "Mr. President they're taking the Vice President out and they want me to get off the phone and I've got to go."

That was his second evacuation that day. A minute later, live feeds documented the insurgents chanting:

Mike Pence is a traitor.

At this point, even if somehow he had missed it earlier, it is inconceivable that the President—the former President—was unaware that the Vice President was in danger. And what does the President do after hearing that? Does he rush to secure the Capitol? Does he do anything to quell the mob? Does he call his Vice President to check on his safety? We all know the answers to

those questions too. There can be no dispute. He took none of those steps, not a single one.

Even after learning that Senators were being evacuated and that Vice President Pence had also been evacuated, he did nothing to help the Vice President.

And here is some more evidence that we have since learned. At some point over the following 30 minutes, President Trump spoke to Minority Leader KEVIN MCCARTHY. And as Representative JAIME HERRERA BEUTLER has revealed—evidence that now has been stipulated as part of the evidentiary record—in that conversation, KEVIN MCCARTHY is pleading with the former President to do something. He first tries to assign the blame to another group, and Leader MCCARTHY says: No, these are your supporters, Mr. President.

What does the President say in response? Not "I'll send people right away; I didn't realize you were in danger." He says:

Well, Kevin—

And I quote. I quote:

Well, Kevin, I guess these people are more upset about the election than you are.

I guess these people are more upset about the election than you are.

The President, just as he conveyed in that tweet at 6:01, was essentially saying: You got what you deserve. Let me say that again. Not only was the President fully aware of the Vice President's situation and the situation that we were all in, when he was asked for help, when he was asked to defend the Capitol less than 30 minutes after inciting this violence against his own Vice President, President Trump refused that request for assistance, and he told us why—his singular focus: stopping the certification of the election of his opponent.

He incited the violence to stop the certification. He attacked the Vice President and further incited the insurrection to pressure the Vice President to stop the certification of the election. He called Senator TUBERVILLE to stop the certification, and he refused to send help to Congress. This Congress and the Vice President of the United States were in mortal danger because he wanted to stop the certification. He did these things—attacking the Vice President, calling Senator TUBERVILLE, refusing Senator MCCARTHY's request—with full knowledge of the violent attack that was underway at that point. He chose retaining his own power over the safety of Americans. I can't imagine more damning evidence of his state of mind.

The call ended with a screaming match interrupted by violent rioters breaking through the windows of Representative MCCARTHY's office.

Senators, the President knew this was happening. He didn't do anything to help his Vice President or any of you or any of the brave officers and other employees serving the American people that day. His sole focus was stealing the election for himself.

He apparently has still not thought of anyone else. (Text deleted.)

Mr. Counsel VAN DER VEEN. Objection. This is not in evidence. Objection. This is not in evidence.

If you wanted a stipulation to this—
The PRESIDENT pro tempore. The counsel will sit down.

Mr. Manager CICILLINE. Senators, remember—

The PRESIDENT pro tempore. The Chair has no way of knowing whether the evidence is admitted into evidence or not. The counsel for the President will have the chance to speak, and the Chair will consider the issue.

Mr. Manager CICILLINE. Senators, remember, as one of you said, during this attack, they could have killed us all—our staff, the officers protecting all of us, everyone.

President Trump not only incited it but continued inciting it as it occurred with attacks on his Vice President and then willfully refused to defend us, furthering his provocation and incitement by the mob, siding with the mob, siding with the violent insurrectionists, criminals who killed and injured police officers sworn to protect us, because they were “more upset about the election” than Leader McCARTHY.

Those facts are undisputed. President Trump has not offered any evidence or any argument to disprove them. His lawyers almost entirely ignored these facts in their short presentation. We have only his counsel’s false claim yesterday that “at no point was the President informed that the Vice President was in any danger,” a claim that is refuted not just by common sense but by the timeline you have seen and also the Vice President’s legal team.

So there can be no doubt, at the moment we most needed a President to preserve, protect, and defend us, President Trump instead willfully betrayed us. He violated his oath. He left all of us and officers like Eugene Goodman to our own devices against an attack he had incited and he alone could stop. That is why he must be convicted.

I would like to conclude by making one final point that follows directly from what I discussed. Our case and the Article of Impeachment before you absolutely includes President Trump’s dereliction of duty on January 6, his failure as “inciter in chief” to immediately quell or call off the mob, his failure as Commander in Chief to immediately do everything in his power to secure the Capitol. That is a further basis on which to convict, and there can be no doubt of that. The ongoing constitutional misconduct is like any continuing offense, and the proof of that is overwhelming.

Most directly, his dereliction of duty offers conclusive, irrefutable evidence that he acted willfully, as we charge. He wasn’t furious or sad or shocked, like virtually everyone else in America. He was reported by those around him as “delighted.” Rather than rush to our aid or demand his mob retreat, he watched the attack on TV and

praised the mob to Leader McCARTHY as more loyal to him, more upset about the election. That was all that mattered. His reaction is also further evidence of his intent. He acted exactly the way a person would act if they had indeed incited the mob to violence to stop the steal.

Moreover, as I have shown, President Trump’s dereliction and desertion of duty includes his decision to further incite the mob even as he failed to protect us. While the mob hunted Vice President Pence in these very halls, he attacked Vice President Pence. While he tried to stop the steal, he spread the big lie. We all saw how his mob responded in real time. This further incitement was part of his dereliction of duty. It was also part of his course of conduct encouraging and provoking the mob to violence.

President Trump’s dereliction of duty also highlights how foreseeable the attack was to him. In his tweet just after 6 p.m., he said:

These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long.

This tweet continued his endorsement of the attack, his failure to condemn it, his desertion of duty, but it also reveals his view this was of course what would happen when Congress refused his demand to reject the election that he continued to tell his supporters was stolen and he had actually won in a landslide. Again, he wasn’t surprised. He saw this as a predictable result of his repeated demands that his followers stop the steal by any means possible.

This was all connected. His dereliction of duty, his desertion of duty was part and parcel of the crime charged in the impeachment, and it is certainly a basis on which to vote for conviction. If you believe that he willfully refused to defend us and the law enforcement officers fighting to save us and that he was delighted by the attack and that he saw it as a natural result of his call to stop the steal and that he continued to incite and target violence as the attack unfolded, we respectfully submit you must vote to convict and disqualify so that the events on January 6 can never happen again in this country.

Mr. House Manager RASKIN. I would like to call up Ms. DEAN.

Mr. LEE. Mr. President, I have a point of order.

Mr. President, moments ago, House Manager CICILLINE—

The PRESIDENT pro tempore. The Senator will withhold. I am advised by the Parliamentarian that debate is not in order.

Mr. LEE. I appeal the ruling of the Chair that debate is not in order.

Mr. SCHUMER. I suggest the absence of a quorum.

Mr. LEE. There is clearly a quorum.
The PRESIDENT pro tempore. A quorum has been suggested, and the clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent to suspend the quorum call.

The PRESIDENT pro tempore. Is there objection? Objection is heard.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Utah.

Mr. LEE. Mr. President, I withdraw my appeal.

The PRESIDENT pro tempore. The appeal is withdrawn.

The Chair would advise everybody that the evidentiary record is closed. S. Res. 47 described the scope of those things not admitted into evidence as those referenced at trial. New evidence is not permitted in closing argument. References to such new evidence will be stricken.

Who seeks recognition?

The House managers have the floor if they wish to resume.

The House managers.

Ms. Manager DEAN. Mr. President, esteemed Senators, good afternoon.

We are grateful for your kind attention this week as we engaged in a process formulated and put to paper by the Founders in my home city of Philadelphia, which is getting its fair share of attention this week, in 1787—234 years ago.

My colleague Mr. CICILLINE addressed the importance of the President’s dereliction of duty. I will focus on three specific aspects of this case which the defense has raised questions about.

First, the defense suggests that this was just one speech and one speech cannot incite insurrection, and the defense suggested, because the attack was preplanned by some insurrectionists, Donald Trump is somehow not culpable. Both of these things are, mainly, not true nor are they what we allege.

So let’s be clear. We are not suggesting that Donald Trump’s January 6 speech by itself incited the attack. We have shown that his course of conduct leading up to and including that speech incited the attack. The defense is correct that the insurrection was preplanned. That supports our point. We argue and the evidence overwhelmingly confirms that Donald Trump’s conduct over many months incited his supporters to believe, one, his big lie, that the only way he could lose was if the election were rigged; two, that, to ensure the election would not be stolen to prevent the fraud, they had to stop the steal; and, three, they had to fight to stop the steal or they would not have a country anymore.

This conduct took time, and it culminated in Donald Trump’s sending a “save the date” on December 19, 18 days before the attack, telling his base exactly when, where, and who to fight. While he was doing this, he spent \$50 million from his legal defense fund to

simultaneously broadcast his message to “stop the steal” over all major networks. Donald Trump invited them; he incited them; then he directed them.

Here are a few clips that will help bring that story to light.

(Video presentation of 7-19-2020.)

The big lie.

(Text of video presentation of 7-19-2020.)

Mr. Wallace. Can you give a direct answer you will accept the election?

President TRUMP. I have to see. Look, I have to see. No, I'm not going to just say yes.

(Text of video presentation of 7-30-2020.)

President TRUMP. This election will be the most rigged election in history.

(Text of video presentation of 7-31-2020.)

President TRUMP. This is going to be the greatest election disaster in history.

(Text of video presentation of 8-24-2020.)

President TRUMP. The only way they can take this election away from us is if this is a rigged election. We're going to win this election.

(Text of video presentation of 9-12-2020.)

President TRUMP. It's a rigged election. That's the only way we are going to lose.

(Text of video presentation of 9-23-2020.)

Unidentified Speaker. Do you commit to making sure that there's a peaceful transfer of power?

President TRUMP. Get rid of the ballots, and you'll have a very trans—you'll have a very peaceful—there won't be a transfer, frankly. There'll be a continuation.

(Text of video presentation of 9-25-2020.)

President TRUMP. That's the only way we're going—that's the only way we're going to lose is if there's mischief, mischief, and it'll have to be on a big scale, so be careful.

(Text of video presentation of 10-8-2020.)

President TRUMP. But this will be one of the greatest fraudulent—most fraudulent elections ever.

(Text of video presentation of 10-26-2020.)

President TRUMP. I'm not going to let this election be taken away from us. That's the only way they're going to win it.

(Text of video presentation of 11-4-2020.)

President TRUMP. This is a fraud on the American public.

(People chanting: “Yeah.”)

This is an embarrassment to our country.

(People chanting: “Yeah.”)

We were getting ready to win this election. Frankly, we did win this election.

(People chanting: “Yeah.”)

(Text of video presentation of 11-5-2020.)

President TRUMP. We were winning in all the key locations by a lot, actually, and then our numbers started miraculously getting whittled away in secret, and this is a case where they're trying to steal an election. They're trying to rig an election, and we can't let that happen.

(Text of video presentations of 12-2-2020.)

President TRUMP. You can't let another person steal that election from you. All over the country, people are together in holding up signs: “Stop the steal.”

President TRUMP. If we don't root out the fraud—the tremendous and horrible fraud—that has taken place in our 2020 election, we don't have a country anymore.

(Text of video presentation of 12-22-2020.)

President TRUMP. We cannot allow a completely fraudulent election to stand.

(Text of video presentations of 1-4-2021.)

President TRUMP. We're going to fight like hell, I'll tell you right now.

(People chanting: “Yeah.”)

President TRUMP. If you don't fight to save your country with everything you have, you're not going to have a country left.

President TRUMP. We will not bend. We will not break. We will not yield. We will never give in. We will never give up. We will never back down. We will never ever surrender.

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

President TRUMP. All of us here today do not want to see our election victory stolen. We will never give up. We will never concede. It doesn't happen. You don't concede when there's theft involved.

(People chanting: “Yeah.”)

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

President TRUMP. Because you'll never take back our country with weakness. You have to show strength, and you have to be strong.

President TRUMP. Make no mistake, this election was stolen from you, from me, from the country.

And we fight. We fight like hell, and if you don't fight like hell, you're not going to have a country anymore.

Our point is this: This was not one speech. This was a deliberate, purposeful effort by Donald Trump, over many months, that resulted in the well-organized mob attack on January 6.

That brings me to my second point, the violence.

Defense counsel argues that there is no way that Donald Trump could have known what would happen. Yet we are not suggesting nor is it necessary for us to prove that Donald Trump knew every detail of what would unfold on January 6 or even how horrible and deadly the attack would become, but he did know, as he looked out on that sea of thousands in front of him—some wearing body armor and helmets, others carrying weapons—that the result would be violence. The evidence overwhelmingly demonstrates this.

A few points on this.

Donald Trump knew the people he was inciting leading up to January 6. He saw the violence they were capable of. He had a pattern and practice of praising and encouraging supporters of violence, never condemning it.

It is not a coincidence that those same people—the Proud Boys, the organizer of the Trump caravan, the supporters and speakers at the second Million MAGA March—all showed up on January 6.

And Donald Trump's behavior was different. This was not just a comment

by an official or a politician fighting for a cause; this was months of cultivating a base of people who were violent, praising that violence, and then leading them—leading that violence, that rage straight to a joint session of Congress, where he knew his Vice President was presiding.

And Donald Trump had warnings about the crowd in front of him on January 6. There were detailed posts online of attack plans. Law enforcement warned that these posts were real threats and even made arrests in the days leading up to the attack. There were credible reports that many would be armed and ready to attack the Capitol.

Despite these credible warnings of serious, dangerous threats to our Capitol, when the crowd was standing in front of the President, ready to take orders and attack, he said:

We're going to the Capitol.

And we fight. We fight like hell. And if you don't fight like hell, you're not going to have a country anymore.

Here is a short clip.

(Text of video presentation of 9-29-2020.)

President TRUMP. What do you want to call them? Give me a name. Give me a name. Who would you like me to condemn? Who would you like me to condemn?

Mr. Wallace. White supremacists and—

President TRUMP. Proud Boys? Stand back and stand by.

(Video presentation of 10-31-2020.)

(Text of video presentation of 11-1-2020.)

President TRUMP. It is something. Do you see the way our people, they—you know, they were protecting his bus yesterday because they are nice. So his bus—they had hundreds of cars: Trump, Trump, Trump and the American flag. That's what—you see Trump and American flag.

(Text of video presentation of 12-12-2020.)

At the first Million MAGA March we promised that if the GOP would not do everything in their power to keep Trump in office, that we would destroy the GOP. And as we gather here in Washington, DC, for a second Million MAGA March, we are done making promises. It has to happen now. We are going to destroy the GOP.

(People chanting: “Destroy the GOP.”)

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

President TRUMP. Because you'll never take back our country with weakness. You have to show strength and you have to be strong.

(Video presentation of 1-6-2021.)

Senators, the violence on January 6 was demonstrably foreseeable. Trump even said so himself at 6:01 p.m. the day of the attack. The last thing he said before he went to sleep, “These are the things that happen.” He foresaw this, and he admitted as much.

That brings me to my final point, the insurrectionists.

Defense counsel has suggested these people came here on their own. The defense brief states that the insurrectionists “did so [for] their own accord and for their own reasons and are being criminally prosecuted.”

It is true that some insurrectionists are being prosecuted, but it is not true that they did so of their own accord and for their own reasons. The evidence makes clear the exact opposite—that they did this for Donald Trump at his invitation, at his direction, at his command. They said this before the attack, during the attack. They said it after the attack.

Leading up to January 6, in post after post, the President's supporters confirmed this was for Donald Trump; it was at his direction.

One supporter wrote:

If Congress illegally [certified] Biden, . . . Trump would have absolutely no choice but to demand us to storm the Capitol and kill/beat them up for it.

They even say publicly, openly, and proudly that President Trump would help them commandeer the National Guard so all they have to do is overwhelm 2,000 Capitol Police officers.

During his speech on January 6, Trump supporters chanted his words back to him. They even live-tweeted his commands, as Ms. DEGETTE showed you.

During the attack, the insurrectionists at the Capitol changed Donald Trump's words from his tweets, rallies, and from the speech of the 6th.

They held signs that said—and chanted—"Fight for Trump." "Stop the steal."

They read his tweets over bullhorns, amplifying his demands.

Another rioter, while live-streaming the insurrection from the Capitol, said:

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

What is more, the insurrectionists were not hiding. They believed they were following the orders from our Commander in Chief. They felt secure enough in the legitimacy of their actions to take selfies, to post photos and videos on social media.

After the attack, rioter after rioter confirmed this too.

Jenna Ryan, who was later accused for her role in the insurrection, said:

I thought I was following my President. I thought we were following what we were called to do.

President Trump requested that we be in DC on the 6th.

When it became clear that Donald Trump would not protect them, some of his supporters said they felt "duped"; they felt "tricked."

Listen to some of this evidence.

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

Ms. Pierson. And even if they think for a second that they're going to get away with this today, they got another thing coming because today is just a day, and today is just the beginning. They haven't seen a resistance until they have seen a patriot fight for their country. If you die today—

The PRESIDENT pro tempore. The parties will withhold. The parties will withhold.

The evidentiary record is closed.

S. Res. 27 describes the scope of those things admitted into evidence as those referenced in trial. New evidence is not

permitted in closing arguments. References to such new evidence will be stricken.

Who yields time?

Ms. Manager DEAN. Mr. President, the statement was in evidence; the slide was not, so we will withdraw the slide, but the statement was in evidence.

They told you themselves they were following the President's orders, and you will see something clearly—Donald Trump knew who these people were.

As the slide shows, the people he cultivated, whose violence he praised, were all there on January 6—the Proud Boys, who Donald Trump told to "stand back and stand by" in September of 2020; Keith Lee, organizer of the Trump caravan that tried to drive the Biden campaign bus off the road; Katrina Pierson, the speaker at the second Million MAGA March—they were all there.

The video you are about to see is in the RECORD.

Oh, correction. The RECORD did include, appropriately, the last video, so we will keep that in the RECORD, and I will keep it in my closing remarks.

The PRESIDENT pro tempore. Senators will take their seats. The Senate will be in order.

The Representative may continue.

Ms. Manager DEAN. Thank you, Mr. President.

I have to say, that of all the trials I have ever been a part of, this is certainly one of them.

As the slides show, the people he cultivated, whose violence he praised, were all there on January 6—the Proud Boys, who Donald Trump told to "stand back and stand by" in September of 2020; Keith Lee, the organizer of the Trump caravan that tried to drive the Biden campaign bus off the road; Katrina Pierson, the speaker at the second Million MAGA March—they were all there.

Here is one final clip, also submitted in the RECORD.

(Video presentation of 1-6-2021.)

Senators, some of the insurrectionists are facing criminal charges. Donald Trump was acting as our Commander in Chief; he was our President. He used his office and the authority it commands to incite an attack, and when Congress and the Constitution were under attack, he abandoned his duties, violated his oath, failing to preserve, protect, and defend.

That is why we are here—because the President of the United States, Donald J. Trump, incited and directed thousands of people to attack the legislative branch. He knew what his supporters were capable of. He inflamed them, sent them down Pennsylvania Avenue, not on any old day but on the day we were certifying the election results. As they were banging on our doors, he failed to defend us because this is what he wanted. He wanted to remain in power. For that crime against the Republic, he must be held accountable.

Senators, the insurrectionists are still listening.

Before I end, I must admit, until we were preparing for this trial, I didn't know the extent of many of these facts. I witnessed the horror, but I didn't know. I didn't know how deliberate the President's planning was, how he had invested in it, how many times he incited his supporters with these lies, how carefully and consistently he incited them to violence on January 6.

While many of us may have tuned out his rallies, I also did not know the extent that his followers were listening, were hanging on his every word, and honestly, I did not know how close the mob actually came to their violent end, that they were just steps away from all of us, that the death toll could have been much higher but for the bravery of men and women who protect us.

But now we know. We know the bravery of people like Officer Goodman and all the men and women of the Capitol Police, of the custodians who with pride and a sense of duty in their work cleaned up shattered glass, splintered wood, and blood-stained floors. We know the sacrifice of life and limb.

We know what Donald Trump did. We know what he failed to do. Though it is difficult to bear witness and face the reality of what happened in these halls, what happens if we don't confront these facts? What happens if there is no accountability?

For those who say we need to get past this, we need to come together, we need to unify, if we don't set this right and call it what it was—the highest constitutional crime by the President of the United States—the past will not be past. The past will become our future for my grandchildren and for their children.

Senators, we are in a dialogue with history, a conversation with our past with a hope for our future. Two hundred and thirty-four years from now, it may be that no one person here among us is remembered. Yet, what we do here, what is being asked of each of us here in this moment, will be remembered. History has found us. I ask that you not look the other way.

Mr. Manager RASKIN. I would now like to bring up Mr. NEGUSE.

Mr. Manager NEGUSE. Mr. President, distinguished Senators, there is an old quote from Henry Clay, a son of Kentucky, that "courtesies of a small and trivial character are the ones [that] strike deepest in the grateful and appreciating heart."

I want to say on behalf of all the House managers that we are very grateful for the courtesies that you have extended to us and the President's counsel during the course of this trial.

You have heard my colleague Manager DEAN go through the overwhelming evidence that makes clear that President Trump must be convicted and disqualified for his high crime. I am not going to repeat that evidence; it speaks for itself.

Earlier in this trial, you might recall a few days ago that I mentioned my expectation that President Trump's lawyers might do everything they could to avoid discussing the facts of this case, and I can understand why. I mean, the evidence that all of us presented, that Manager DEAN has summarized, is pretty devastating. So rather than address it, the President has offered up distractions, excuses, anything but actually trying to defend against the facts.

They said things like President Trump is now a private citizen, so the criminal justice system can deal with it, or that we haven't set a clear standard for incitement—we talked a lot about due process—and that all politicians say words like “fight.”

I would like to take a minute to explain why each of those distractions are precisely that—distractions—and why they do not prevent in any way this Senate from convicting President Trump.

No. 1, every President is one day a private citizen, so the argument that because President Trump has left office, he shouldn't be impeached for conduct committed while he was in office doesn't make sense. I mean, why would the Constitution include the impeachment power at all if the criminal justice system serves as a suitable alternative once a President leaves office? It wouldn't.

Impeachment is a remedy separate and apart from the criminal justice system, and for good reason. The Presidency comes with special powers, extraordinary powers not bestowed on ordinary citizens, and if those powers are abused, they can cause great damage to our country, and they have to be dealt with in a separate forum, this forum.

It would be unwise to suggest that, going forward, the only appropriate response to constitutional offenses committed by a President are criminal charges when the President returns to private life. That is not the kind of political system any of us want, and it is not the kind of constitutional system the Framers intended.

Second, it is true we have not cited criminal statutes establishing elements of incitement because, again, this isn't a criminal trial. It is not a criminal case. President Trump is charged with a constitutional offense, and you are tasked with determining whether or not he committed that high crime as understood by our Framers.

So the relevant question, which President Trump's lawyers would have you ignore, is, Would our Framers have considered a President inciting a violent mob to attack our government while seeking to stop the certification of our elections—would they have considered that an impeachable offense? Who among us, who among us really thinks the answer to that question is no?

Third, due process. So just to be absolutely clear, the House, with the sole power of impeachment, determines what the process looks like in the

House, and the Senate does the same for the trial.

During this trial, the President has counsel. They have argued very vigorously on his behalf. We had a full presentation of evidence, adversarial presentations, motions. The President was invited to testify. He declined. The President was invited to provide exculpatory evidence. He declined. You can't claim there is no due process when you won't participate in the process.

And we know this case isn't one that requires a complicated legal analysis. You all—you lived it. The managers and I, we lived it. Our country lived it. The President, in public view, right out in the open, incited a violent mob, a mob that temporarily, at least, stopped us from certifying an election. If there were ever an exigent circumstance, this is it.

No. 4, we all know that President Trump's defense, as we predicted, spent a lot of time—all the time comparing his conduct to other politicians using words like “fight.” Of course, you saw the hours of video. As I said on Thursday, we trust you to know the difference because what you will not find in those video montages that they showed you is any of those speeches, those remarks culminating in a violent insurrection on our Nation's Capitol. That is the difference.

The President spent months inflaming his supporters to believe that the election had been stolen from him, from them, which was not true. He summoned the mob, assembled the mob, and when the violence erupted, he did nothing to stop it; instead, inciting it further.

Senators, all of these arguments offered by the President have one fundamental thing in common—one. They have nothing to do with whether or not—factually, whether or not the President incited this attack. They have given you a lot of distractions so they don't have to defend what happened here on that terrible day, and they do that because they believe those distractions are going to work, that you will ignore the President's conduct instead of confronting it.

I think they are wrong. Some of you know this already. I am the youngest member of our manager team by quite a few years, so perhaps I am a bit naive, but I just don't believe that. I really don't. I don't believe their effort is going to work, and here is why: because I know what this body is capable of.

I may not have witnessed it, but I have read about it in the history books. I have seen the C-SPAN footage, archives, sometimes have watched them for hours—yes, I have actually done that—and the history of our country in those books and in those tapes, the history of this country has been defined right here on this floor.

The 13th Amendment, the amendment abolishing slavery, was passed in this very room. In this room—not figuratively, literally where you all sit and

where I stand. In 1964, this body, with the help of Senators like John Sherman Cooper and so many others, this body secured passage of the Civil Rights Act. We made the decision to enter World War II from this Chamber.

We have certainly had our struggles, but we have always risen to the occasion when it mattered the most, not by ignoring injustice or cowering to bullies and threats but by doing the right thing, by trying to do the right thing, and that is why so many nations around the world aspire to be like America. They stand up to dictators and autocrats and tyrants because America is a guiding light for them, a North Star. They do so, they look to us because we have been a guiding light, a North Star in these moments because the people who sat in your chairs, when confronted with choices that define us, rose to the occasion.

I want to offer one more example of a decision made in this room by this body that resonated with me. The first day I stood up in this trial, I mentioned that I was the son of immigrants, like many of you, and many Senators graciously approached me after my presentation and asked me where my parents were from, and I told folks who asked that my folks were from East Africa.

In 1986, this body considered a bill to override President Reagan's veto of legislation opposing sanctions on South Africa during apartheid. Two Senators who are sitting in this room, one Democrat and one Republican, voted to override that veto.

That vote was not about gaining political favor. In fact, it was made despite potentially losing political favor. And I have to imagine that that vote was cast, like the decisions before it, because there are moments that transcend party politics and that require us to put country above our party because the consequences of not doing so are just too great. Senators, this is one of those moments.

Many folks who are watching today's proceedings may not know this, but House Members like me, Manager RASKIN, and fellow managers, we are not allowed on the Senate floor without express permission. No one is. Certainly, the Senators are aware of that.

This floor is sacred. It is one of the reasons why I, like so many of you, were so offended to see it desecrated by that mob and to see those insurrectionists diminishing it and devaluing it and disrespecting these hallowed Halls that my whole life I held in such awe.

Because of those rules that I just mentioned, this will be the only time I have the privilege to stand before you like this. When the trial is over, I will go back to being not impeachment manager but to being just a House Member. The trial will end, and we will resume our lives and our work.

But for some, there will be no end—no end to the pain of what happened on January 6. The officers who struggled to recover from the injuries they sustained to protect us, they struggle to

recover today, and the families who continue to mourn those whom they lost on that terrible, tragic day.

I was struck yesterday by defense counsel's continued references to hate. One of my favorite quotes of Dr. Martin Luther King, Jr.—it is one that has sustained me during times of adversity, and I suspect it has sustained some of you:

I have decided to stick with love. Hate is too great a burden to bear.

This trial is not born from hatred—far from it. It is born from a love of country—our country—and our desire to maintain it and our desire to see America at its best. And in those moments that I spoke of—the Civil Rights Act and so much more—we remember those moments because they helped define and enshrine America at its best.

I firmly believe that our certification of the electoral college votes in the early hours of January 7, our refusal to let our Republic be threatened and taken down by a violent mob, will go down in history as one of those moments too. And I believe that this body can rise to the occasion once again today by convicting President Trump and defending our Republic.

And the stakes—the stakes—could not be higher, because the cold, hard truth is that what happened on January 6 can happen again. I fear, like many of you do, that the violence we saw on that terrible day may be just the beginning. We have shown you the ongoing risks and the extremist groups that grow more emboldened every day.

Senators, this cannot be the beginning. It can't be the new normal. It has to be the end. That decision is in your hands.

Mr. Manager RASKIN. Mr. President, Senators, my daughter Hannah said something to me last night that stopped me cold and brought me up short. The kids have been very moved by all the victims of the violence, the officers and their families, but Hannah told me last night she felt really sorry for the kid of the man who said goodbye to his children before he left home to come and join Trump's actions. Their father had told them that their dad might not be coming home again, and they might never see him again. In other words, he was expecting violence and he might die, as insurrectionists did. And that shook me.

Hannah said: How can the President put children and people's families in that situation and then just run away from the whole thing?

That shook me, and I was filled with self-reproach because, when I first saw the line about "your father going to Washington and you might not see him again," I just thought about it, well, like a prosecutor, like a manager. I thought: What damning evidence that people were expecting lethal violence at a protest called by the President of the United States in saying their final goodbyes to their kids. But Hannah—my dear Hannah—thought of it like a human being. She thought of it—if you

will forgive me—like a patriot, someone who just lost her brother and doesn't want to see any other kids in America go through that kind of agony and grief.

Senators, when I say all three of my kids are better than me, you know that I am not engaged in idle flattering. Maybe some of you feel the same way about your kids. They are literally better people. They have got a lot of their mom inside of them. They are better than me. And Hannah saw through the legality of the situation. She saw through the politics of the situation, all the way to the humanity of the situation and the morality of the situation. That was one of the most patriotic things I ever heard anybody say.

The children of the insurrectionists, even the violent and dangerous ones—they are our children too. They are Americans, and we must take care of them and their future. We must recognize and exorcise these crimes against our Nation, and then we must take care of our people and our children—their hearts and their minds. As Tommy Raskin used to say: It's hard to be human.

Many of the Capitol and Metropolitan police officers and Guards men and women who were beaten up by the mob also have kids. You remember Officer Fanone, who had a heart attack after being tased and roughed up for hours by the mob, and then begging for his life telling the insurrectionists that he had four daughters, and that just about broke my heart all over again. We talked about this for a long time last night. My kids felt terrible that other kids' fathers and mothers were pulled into this nightmare by a President of the United States.

Senators, we proved to you he betrayed his country. We proved he betrayed his Constitution. We proved he betrayed his oath of office. The startling thing to recognize now is that he is even betraying the mob. He told them he would march with them, and he didn't. They believed the President was right there with them, somewhere in the crowd, fighting the fantasy conspiracy—steal the election and steal their country away from them. They thought they were one big team working together. He told them their great journey together was just beginning, and now there are hundreds of criminal prosecutors getting going all over the country and people getting set to say goodbye to members of their family.

And the President who contacted them, solicited them, lured him, invited them, and incited them, that President has suddenly gone quiet and dark, nowhere to be found. He cannot be troubled to come here to tell us what happened and tell us why this was the patriotic and the constitutional thing to do.

Senators, this trial, in the final analysis, is not about Donald Trump. The country and the world know who Donald Trump is. This trial is about who we are—who we are. My friend, Dar

Williams, said that sometimes the truth is like a second chance. We have got a chance here with the truth.

We still believe in the separation of powers. President Trump tried to sideline or run over every other branch of government, thwart the will of the people at the State level, and usurp the people's choice for President.

This case is about whether our country demands a peaceful, nonviolent transfer of power to guarantee the sovereignty of the people. Are we going to defend the people who defend us, not just honor them with medals, as you rightfully did yesterday, but actually back them up against savage, barbaric insurrectionary violence? Will we restore the honor of our Capitol and the people who work here? Will we be a democratic nation that the world looks to for understanding democratic values and practices and constitutional government and the rights of women and men? Will the Senate condone the President of the United States inciting a violent attack on our Chambers, our offices, our staff, and the officers who protect us?

When you see the footage of Officer Hodges stuck in the doorway, literally being tortured by the mob—if the government did that to you, that would be torture. And when you see that footage, and he is shouting in agony for his dear life, it is almost unwatchable. When the Vice President of the United States escapes a violent mob that has entered this Capitol Building seeking to hang him and calling out "traitor, traitor, traitor," and when they shut down the counting of the electoral college votes, is this the future you imagined for our kids? Is it totally appropriate, as we have been told? Or as Representative CHENEY said, is it the greatest betrayal of the Presidential oath of office in the history of our country?

And if we can't handle this together as a people—all of us—forgetting the lines of party and ideology and geography and all of those things, if we can't handle this, how are we ever going to conquer the other crises of our day?

Is this America? Is this what we want to bequeath to our children and our grandchildren?

I was never a great Sunday school student. Actually, I was pretty truant most of the time. But one line always stuck with me from the Book of Exodus as both beautiful and haunting, even as a kid, after I asked what the words meant.

Thou shalt not follow a multitude to do evil.

Thou shalt not follow a multitude to do evil.

The officer who got called the N-word 15 times and spent hours with his colleagues battling insurrectionists who had metal poles and baseball bats and hockey sticks, bear spray, and Confederate battle flags posed the right question to the Senate and to all of us:

Is this America?

Dear Senators, it is going to be up to you, and whatever committees and subcommittees you are on, whatever you came to Washington to do to work on—from defense to agriculture, to energy, to aerospace, to healthcare—this is almost certainly how you will be remembered by history. That might not be fair. It really might not be fair, but none of us can escape the demands of history and destiny right now. Our reputations and our legacy will be inextricably intertwined with what we do here and with how you exercise your oath to do impartial justice—impartial justice.

I know and I trust you will do impartial justice, driven by your meticulous attention to the overwhelming facts of the case and your love for our Constitution, which I know dwells in your hearts.

“The times have found us,” said Tom Paine, the namesake of my son. “The times have found us.” Is this America? What kind of America will we be? It’s now literally in your hands. Godspeed to the Senate of the United States.

We reserve any remaining time.

The PRESIDENT pro tempore. The House has reserved 28 minutes.

Mr. SCHUMER. Proceed.

COUNSELS’ CLOSING ARGUMENTS

Mr. Counsel VAN DER VEEN. I will promise that I will be the only one talking, and it will not be so long.

Before I start my prepared closing, I really want to clean up a few things from the mess that was the closing of the House managers. I do not want to ruin my closing because I think the ending is pretty good.

What they didn’t—they started off by misstating the law, and they started off by misstating the intent of our stipulation. What we did today was stipulate to an article that was published in a magazine, apparently, they have had for weeks, according to the documents they produced today, but for some reason this morning popped up with it.

The stipulation was that they can put that in. We did not stipulate to its contents for truthfulness, and they tried to portray that in their closing as the stipulation. The stipulation was read into the RECORD. The proponents of that conversation—the real ones—have denied its content, its veracity.

With respect to—and I am not going to talk much about the tortured analysis of our arson wars that started off or the truly sideways analogies that were used with fires. What I do want to talk about, though, is the doctoring of evidence.

First of all, they sent us their evidence on Tuesday the 9th at 2:32 p.m. by email. I was in the room trying the case already when they sent their evidence—due process.

They used evidence that was flat wrong two or three nights ago with Senator LEE and had to withdraw it. They tried to use it again today.

They tried to use evidence that they had never presented in the case in their closing argument. That is a very des-

perate attempt by a prosecuting team—nine of them—by a prosecuting team that knew that their case has collapsed.

Their closing did not mention one piece of law. They didn’t talk about the Constitution once. They didn’t talk about the First Amendment and its application. They didn’t talk about due process and how it applies to this proceeding for my client.

The basic rule of any court is that when you close a case out, you close on the facts that were admitted in the trial. It is a basic, fundamental principle of due process and fairness. And that was violently breached today on multiple occasions. And you have to ask yourself why? Why did they resort to those tactics at this moment in time?

Senators, good afternoon. Mr. President.

What took place here at the U.S. Capitol on January 6 was a grave tragedy. Over the course of this trial, you have heard no one on either side of this debate argue that the infiltration of the Capitol was anything less than a heinous act on the home of American democracy.

All of us, starting with my client, are deeply disturbed by the graphic videos of the Capitol attack that have been shown in recent days. The entire team condemned and have repeatedly condemned the violence and law breaking that occurred on January 6 in the strongest possible terms. We have advocated that everybody be found and punished to the maximum extent of the law. Yet the question before us is not whether there was a violent insurrection of the Capitol. On that point, everyone agrees.

Based on the explicit text of the House Impeachment Article, this trial is about whether Mr. Trump willfully engaged in an incitement of violence and even insurrection against the United States, and that question they have posed in their Article of Impeachment has to be set up against the law of this country.

No matter how much truly horrifying footage we see of the conduct of the rioters and how much emotion has been injected into this trial, that does not change the fact that Mr. Trump is innocent of the charges against him.

Despite all of the video played, at no point in their presentation did you hear the House managers play a single example of Mr. Trump urging anyone to engage in violence of any kind. At no point did you hear anything that could ever possibly be construed as Mr. Trump encouraging or sanctioning an insurrection.

Senators, you did not hear those tapes because they do not exist, because the act of incitement never happened. He engaged in no language of incitement whatsoever on January 6 or any other day following the election.

No unbiased person honestly reviewing the transcript of Mr. Trump’s speech on the Ellipse could possibly be-

lieve that he was suggesting violence. He explicitly told the crowd that he expected the protest outside the Capitol to be peaceful and patriotic.

They claim that is not enough.

His entire premise was that the proceedings of the joint session should continue. He spent nearly the entire speech talking about how he believes the Senators and Members of Congress should vote on the matter.

It is the words. The Supreme Court ruled in *Brandenburg* that there is a very clear standard for incitement. In short, you have to look at the words themselves. The words have to either explicitly or implicitly call for—the words—call for lawlessness or violence. Whether the speech—you have to determine whether the speech was intended to provoke the lawlessness and whether the violence was the likely result of the word itself. They fail on all three prongs.

The false and defamatory claim that Mr. Trump gave a speech encouraging his supporters to go attack the Capitol has been repeated so often, uncritically, without any examination of the underlying facts, that the American—the Americans—listening at home were probably surprised to learn it is not true.

Furthermore, some of the people in this room followed Mr. Trump’s statements and tweets in the weeks leading up to January 6 very closely. We know that he was not trying to foment an insurrection during the time because no one—from the Speaker of the House to the Mayor of Washington, DC—behaved in a fashion consistent with the belief that violence was being advocated for.

Mr. Trump did not spend the weeks prior to January 6 inciting violence. He spent those weeks pursuing his election challenge through the court system and other legal procedures, exactly as the Constitution and the Congress prescribe.

To believe based on the evidence you have seen that Mr. Trump actually wanted and, indeed, willfully incited an armed insurrection to overthrow the U.S. Government would be absurd.

The gathering on January 6 was supposed to be an entirely peaceful event. Thousands and thousands of people, including Mr. Trump, showed up that day with that intention. A small percentage—a small fraction of those people—then engaged in truly horrible behavior. But as we now know, that those actors were preplanned and premeditated and acted even before this speech was completed, to which is the basis of the Article of Impeachment. It was preplanned and premeditated by fringe—left and right—groups. They hijacked the event for their own purposes.

The House managers’ false narrative is a brazenly dishonest attempt to smear, to cancel—constitutional canceled culture—their No. 1 political opponent, taking neutral statements, commonplace political rhetoric, removing words and facts from context

and ascribing to them the most sinister and malevolent intentions possible.

Their story was based not on evidence but on the sheer personal and political animus.

The flimsy theory of incitement you heard from the House managers could be used to impeach, indict, or expel countless other political leaders. Many leading figures in other parties have engaged in far more incendiary and dangerous rhetoric, and we played some of them. I am not going to replay it. I am not going to replay you the words. You all saw the evidence. I am not going to replay mob scenes. I don't want to give those people another platform, any more view from the American people as to what they did. They should be canceled.

Democrat politicians spent months prior to January 6 attacking the very legitimacy of our Nation's most cherished institutions and traditions. They didn't just question the integrity of one election; they challenged the integrity of our entire Nation—everything from our Founding Fathers, our Constitution, the Declaration of Independence, law enforcement officers, and the United States Military. They said that our society was rooted in hatred. They even said that America deserved—and I will quote—"a reckoning."

As you heard yesterday, throughout the summer, Democrat leaders, including the current President and Vice President, repeatedly made comments that provided moral comfort to mobs attacking police officers. During that time, many officers across the country were injured. As we all know, two sheriff's deputies in Los Angeles were ambushed and shot at point-blank range.

Members of this very body have been in danger. Senators from Maine to Kentucky, and most points in between, have been harassed by mobs.

Last August, a menacing leftwing mob swarmed Senator RAND PAUL and his wife as they left the White House, and they had to be rescued by police.

For months, our Federal courthouse in Portland was placed under siege by violent anarchists who attacked law enforcement officers daily and repeatedly and tried to set fire to the building.

Speaker PELOSI did not call the violent siege of the Federal building an insurrection. She called the Federal agents protecting the courthouse "stormtroopers."

The White House complex was besieged by mobs that threw bricks, rocks, and bottles at Secret Service agents, set fire to a historic structure, and breached a security fence to infiltrate the Treasury grounds.

When my client's administration sent in the National Guard to secure the Nation's Capital City amidst the violence, Democrat leaders demanded that the forces be withdrawn.

The Washington, DC, Mayor said the presence of the National Guard was an affront to the safety of the District. It

must be fully investigated whether political leadership here in Washington, DC, took an inadequate and irresponsible force posture on January 6 because of their commitment to the false narrative of what happened last June.

Hopefully we can all now agree that the administration acted properly by taking action to stop a riotous mob, establishing an appropriate security perimeter, and preventing the White House from potentially being overrun.

The House managers argued this week that an alleged brief delay in issuing a public statement from Mr. Trump on January 6 was somehow evidence that he committed incitement or supported the violence. Yet for months last year Joe Biden and Vice President Harris and countless other Democrats repeatedly refused to condemn the extremists as riots were occurring daily, as businesses were being ramshackled, as neighborhoods were being burned, as bombs were exploding. They repeatedly refused to tell their violent supporters to stand down.

Some even suggested that the mobs' actions were justified. Vice President Harris literally urged her followers to donate money to a fund to bail out the violent, extreme rioters so that they could get out and continue to do it over and over again. She later said that those folks were not going to let up and that they should not.

All of this was far closer to the actual definition of "incitement" than anything President Trump has ever said or done, never mind what he said on the 6th. It is a hypocrisy. It is a hypocrisy that the House managers have laid at the feet of this Chamber.

The House managers suggested that this recent history is irrelevant to the current proceedings, but not only is Democrats' behavior surrounding last year's riots highly relevant as precedent and not only does it reveal the dishonesty and insincerity of this entire endeavor, it also provides crucial context that should inform our understanding of the events that took place on January 6.

Many of the people who infiltrated the Capitol took pictures of themselves and posted them on social media. To some, it seems, they thought that it was all a game. They apparently believed that violent mobs, destruction of property, rioting, assaulting police, and vandalizing historic treasures was somehow now acceptable in the United States. Where might they have gotten that idea? I would suggest to you that it was not from Mr. Trump. It was not Mr. Trump. It was not anyone in the Republican Party that spent the 6 months immediately prior to the Capitol assault giving rhetorical aid and comfort to mobs, making excuses for rioters, celebrating radicalism, and explaining that angry, frustrated, and marginalized people were entitled to blow off steam like that.

Let me be very clear. There can be no excuse for the depraved actions of the rioters here at the Capitol or anywhere

else across this country. One hundred percent of those guilty of committing crimes deserve lengthy prison sentences for their shameful and depraved conduct. But this trial has raised the question about words, actions, and consequences.

As a nation, we must ask ourselves, how did we arrive at this place where rioting and pillaging would become commonplace? I submit to you that it was month after month of political leaders and media personalities, bloodthirsty for ratings, glorifying civil unrest and condemning the reasonable law enforcement measures that are required to quell violent mobs.

Hopefully we can all leave this Chamber in uniform agreement that all rioting—all rioting—is bad and that law enforcement deserves our respect and support. That has been Mr. Trump's position from the very beginning.

The real question in this case is, Who is ultimately responsible for such acts of mayhem and violence when they are committed? The House Democrats want two different standards—one for themselves and one for their political opposition.

They have carried out a grossly unconstitutional effort to punish Mr. Trump for protected First Amendment speech. It is an egregious violation of his constitutional rights. Since he uttered not a single word encouraging violence, this action can only be seen as an effort to censor disfavored political speech and discriminate against a disapproved viewpoint. It is an unprecedented action with the potential to do grave and lasting damage to both the Presidency and the separation of powers and the future of democratic self-government.

Yesterday we played you a video of countless Democrat Members of the Senate urging their supporters to fight. We showed you those videos not because we think you should be forcibly removed from office for saying those things but because we know you should not be forcibly removed from office for saying those things. But recognize the hypocrisy.

Yesterday in questioning, House Manager Raskin admitted that the House Democrats had invented an entirely new legal standard. In fact, they have created a new legal theory: the Raskin doctrine. The Raskin doctrine is based on nothing more than determining protected speech based on the party label next to your name. Regardless of what you have heard or what you have seen from the House managers, if you pay close attention, you will see that any speech made by Democrat elected officials is protected speech, while any speech made by Republican elected officials is not protected.

The creation of the Raskin doctrine actually reveals the weakness of the House managers' case. Elected officials—and we reviewed this in-depth yesterday—under Supreme Court precedent Wood and Bond—by the way,

Bond didn't burn his draft card; he actually still had it. It was part of his defense. But in Bond and in Wood, the Court clearly directed all to know that elected officials hold the highest protections of speech, the highest protections, and I remind you why: because you all need to be free to have robust political discussion because your discussion is about how our lives are going to go, and that shouldn't be squelched by any political party on either side of the aisle, no matter who is the majority party at the time.

Why would the House managers make up their own legal standard? I will tell you why. Because they know they cannot satisfy the existing constitutional standard set forth by the United States Supreme Court that has existed for more than half a century. They argue Mr. Trump, as an elected official, has no First Amendment rights. It is the complete opposite of the law. We have shown you, without contradiction, that is wrong.

They also know that they cannot satisfy the three-part test of Brandenburg, as elucidated in the Bible Believers case.

There was absolutely no evidence that Mr. Trump's words were directed to inciting imminent lawless action. There was no evidence that Mr. Trump intended his words to incite violence. And the violence was preplanned and premeditated by a group of lawless actors who must be prosecuted to the fullest extent of the law, but it proves that his words weren't what set this into motion, what was the incitement.

With no ability and no evidence to satisfy the existing constitutional standard, what are the House managers to do? They had to make up their own law. This is not only intellectually dishonest, folks; it is downright scary.

What type of precedent would be set if the Senate did vote to convict? Can Congress now ignore Supreme Court precedent on the contours of protected free speech? Will Congress be permitted to continually make up their own legal standards and apply those new standards to elected officials' speech? This would allow Congress to use the awesome impeachment power as a weapon to impeach their fellow colleagues in the opposing party. This is not a precedent that this Senate can set here today.

If the Senate endorses the House Democrats' absurd new theory, you will set a precedent that will trouble leaders from both parties literally for centuries to come, but that will not be the only disgraceful precedent to come from this case.

This has been perhaps the most unfair and flagrantly unconstitutional proceeding in the history of the United States Senate. For the first time in history, Congress has asserted the right to try and punish a former President who is a private citizen. Nowhere in the Constitution is the power enumerated or implied. Congress has no authority, no right, and no business

holding a trial of Citizen Trump, let alone a trial to deprive him of some fundamental civil rights.

There was mention of a January exception argument. The January exception argument is a creation of the House managers' own conduct by delaying. They sat on the Article. They could have tried the President while he was still in office if they really believed he was an imminent threat. They didn't. The January exception is a red herring. It is nonsense because Federal, State, and local authorities can investigate. Their January exception always expires on January 20.

House Democrats and this deeply unfair trial have shamefully trampled every tradition, norm, and standard of due process in a way I have never ever seen before. Mr. Trump was given no right to review the so-called evidence against him at trial. He was given no opportunity to question its propriety. He was given no chance to engage in factfinding.

Much of what was introduced by the House was unverified second- or third-hand reporting cribbed from a biased news media, including stories based on anonymous sources whose identities are not even known to them, never mind my client. They manufactured and doctored evidence, so much so that they had to withdraw it.

We only had—we had the evidence after we started the trial. They went on for 2 days, so in the evening, I was able to go back and take a really close look at the stuff. Myself and Mr. Castor and Ms. Bateman and Mr. Brennan, we all worked hard and looked at the evidence, four volumes of books in little, tiny print. We started—we literally had 12, 14 hours to really look at the evidence before we had to go on, and just in that short time of looking at the evidence, we saw them fabricating Twitter accounts. We saw the masked man sitting at his desk with the New York Times there.

And when we looked closely, we found that the date was wrong; the check had been added. They fabricated evidence. They made it up. They never addressed that in their closing—as though it were acceptable, as though it were all right, as though that is the way it should be done here in the Senate of the United States of America. Fraud—flatout fraud. Where I come from, in the courts I practice in, there are very harsh repercussions for what they pulled in this trial.

As we have shown, the House managers were caught creating false representations of tweets, manipulating videos, and introducing into the RECORD completely discredited lies, such as the "fine people" hoax, as factual evidence.

Most of what the House managers have said and shown you would be inadmissible in any respectable court of law. They were not trying a case; they were telling a political tale—a fable—and a patently false one at that.

House Democrats have denied due process and rushed the impeachment

because they know that a fair trial would reveal Mr. Trump's innocence of the charges against him. The more actual evidence that comes out, the clearer it is that this was a preplanned and premeditated attack, which his language in no way incited.

Because their case is so weak, the House managers have taken a kitchen-sink approach to the supposedly single Article of Impeachment. They allege that Mr. Trump incited the January 6 violence. They allege that he abused power by attempting to pressure Georgia Secretary of State Raffensperger to undermine the results of the 2020 election, and they allege that he gravely endangered the democratic system by interfering with the peaceful transition of power. There are at least three things there.

Under the Senate rules, each of these allegations must have been alleged in a separate Article of Impeachment. I need not remind this Chamber that rule XXIII of the Rules of Procedure and Practice in the Senate when Sitting on Impeachment Trials provides, in pertinent part, that an Article of Impeachment "shall not be divisible . . . thereon."

Why is that? Because the Article at issue here alleges multiple wrongs in the single Article, it would be impossible to know if two-thirds of the Members agreed on the entire Article or just on parts of it as the basis for a vote to convict. Based on this alone, the Senate must vote to acquit Mr. Trump. You have got to at least obey your own rules if it is not the Constitution you are going to obey.

In short, this impeachment has been a complete charade from beginning to end. The entire spectacle has been nothing but an unhinged pursuit of a longstanding political vendetta against Mr. Trump by the opposition party.

As we have shown, Democrats were obsessed with impeaching Mr. Trump from the very beginning of his term. The House Democrats tried to impeach him in his first year. They tried to impeach him in his second year. They did impeach him in his third year. And they impeached him again in his fourth year. And now they have conducted a phony impeachment show trial when he is a private citizen out of office.

This hastily orchestrated and unconstitutional circus is the House Democrats' final, desperate attempt to accomplish their obsessive desire of the last 5 years.

Since the moment he stepped into the political arena, my client—since my client stepped in, they have been possessed by an overwhelming zeal to vanquish an independent-minded outsider from their midst and to shame, demean, silence, and demonize his supporters in the desperate hope that they will never, ever pose an electoral challenge.

We heard one of the Congressmen on the screen: If you don't impeach him, he might be elected again.

That is the fear. That is what is driving this impeachment.

When you deliberate over your decision, there are four distinct grounds under which you must acquit my client.

First is jurisdiction. There is no jurisdiction. And if you believe that, you still get to say it.

Two, rule XXIII—it had to be divisible. Each allegation had to be singularly set out in front of you so it could be voted on and to see if two-thirds of you think that they proved that case or not. They didn't do that. You have got to ask yourself why. They know the Senate rules. They got them, and so did I. Why did they do it? Because they hadn't investigated, first of all. But, also, what they found out is when they were preparing all this, they couldn't do it. So if they threw in as much as they could and made as many bold, bald allegations as they could, then maybe two-thirds of you would fall for it. That is why the rules don't allow it to go that way.

Due process—I have exhausted that subject. It is a really good reason for all of you—all of you—in this Chamber to stop the politics, to read the Constitution and apply it to this proceeding and acknowledge that the lack of due process—way over the top, shocking. And you must not stand for it.

And, of course, the First Amendment—the actual facts of this case. There were no words of incitement.

Four grounds. Nobody gets to tell you which ground to pick, and nobody gets to tell you how many grounds to consider.

Senators, do not let House Democrats take this maniacal crusade any further. The Senate does not have to go down this dark path of enmity and division. You do not have to indulge the impeachment lust, the dishonesty, and the hypocrisy.

It is time to bring this unconstitutional political theater to an end. It is time to allow our Nation to move forward. It is time to address the real business pressing this Nation—the pandemic, our economy, racial inequality, economic and social inequality. These are the things that you need to be thinking and working on for all of us in America—all of us.

With your vote, you can defend the Constitution. You can protect due process. And you can allow America's healing to begin. I urge the Senate to acquit and vindicate the Constitution of this great Republic.

Thank you.

The PRESIDENT pro tempore. Who yields time?

Mr. Manager RASKIN. Mr. President, Senators, I understand—I am told we have around 27 minutes, but I will return all of that but perhaps 5 back to you. There are just a few things I need to address. In an extraordinary and perhaps unprecedented act of self-restraint on my part, I will resist the opportunity to rebut every single false and illogical thing that you just heard. And I am going to be able to return to you, you know, perhaps 22, 23 minutes.

A few points: One, we have definitely made some progress in the last few days because a few days ago, the President's team—although I think it was perhaps a member who has since left the team—lectured us that this was not an insurrection and said that impeachment managers were outrageous in using the word “insurrection.” Today, counsel, in his closing statement, said it was a violent insurrection, and he denounced it. And I would certainly love to see President Trump also call it a violent insurrection and denounce it too. And I believe—although, I don't have a verbatim text—that counsel called for long sentences for the people who were involved. Again, I would love to hear that come from the President as well.

The distinguished counsel complains that there is no precedent with the developed body of law that the Senate has for impeaching and convicting a President who incites violent insurrection against the Congress and the government of the United States. Well, I suppose that is true because it never occurred to any other President of the United States—from George Washington, to John Adams, to Thomas Jefferson, to James Madison, to James Monroe, to Abraham Lincoln, to Ronald Reagan, to George W. Bush, to Barack Obama—to incite a violent insurrection against the Union.

You are right. We have got no precedent for that, and so they think that that somehow is a mark in their favor—that is a score for them—that this Senate has to be the first one to define incitement of violent insurrection against the Union. And so the gentleman puts it on me. He says: Inciting a President for committing incitement to violent insurrection against the Union is the new Raskin doctrine.

We have tried to convince them that there are well-known principles and elements of incitement, which we have talked to you about ad nauseam, and that this is an intrinsically, inherently fact-based judgment. But if that is the Raskin doctrine—that a President of the United States cannot incite violent insurrection against the Union and the Congress—then I embrace it, and I take it as an honor. Most law professors never even get a doctrine named after them, so I will accept that.

And, finally, the counsel goes back to Julian Bond's case because, I think, in the final analysis, their best argument—as pathetically weak as it is—is really about the First Amendment. But, remember, they keep talking about stifling President Trump's speech. Someone tell me when his speech has ever been stifled. He says exactly what he wants whenever he wants. If and when you convict him for incitement of insurrection, he will continue to say whatever he wants on that day. Remember, they referred yesterday to interference with his liberty, which I found absolutely bizarre because everybody knows he will not spend 1 minute in prison or jail from

conviction on these charges. It is a civil remedy to protect all of us—to protect the entire country, our children, our Constitution, our future. That is what impeachment trial convictions are all about—are all about.

Julian Bond—see, I knew Julian Bond, so forgive me. Most people say: Don't even respond to this stuff. I have got to respond to this. Julian Bond was a civil rights activist who decided to go into politics, like the people in this room, like all of us who are in politics. And they tried to keep him out. He was a member of SNCC, the Student Nonviolent Coordinating Committee, which really launched the voting rights movement in America. It is a great story that Bob Moses tells in his book called “Radical Equations” about—you know, he was a graduate student, mathematics, at Harvard. He was a graduate student in mathematics at Harvard. He went to Mississippi. You know why? Because he saw a picture in the New York Times of Black civil rights protesters, college students, I think, North Carolina A&T. He saw a picture of them on the cover of the New York Times, and they were sitting in at a lunch counter. He looked at the picture, and he said: They looked the way that I felt. They looked the way that I felt.

He said he had to go down south to Mississippi, and they launched the voting rights movement. That is where the phrase “One-person, one-vote” comes from. It was not invented by the Supreme Court. They would go door-to-door to try to register people to vote.

But anyway, Julian Bond was a part of that movement, the Student Nonviolent Coordinating Committee—non-violence. It was the end, and it was the means—nonviolence.

And he ran for the State legislature in Georgia, a path other civil rights activists followed, like our great, late, beloved colleague John Lewis, who is in our hearts today. And when he got elected, they wanted to try to keep him from being sworn in to the Georgia Legislature. And so they said the Student Nonviolent Coordinating Committee is taking a position against the Vietnam war. You are a member of SNCC. We are not going to admit you because you took a position against the Vietnam war. And the Supreme Court, in its wisdom, said you cannot prevent someone from swearing an oath to become a member of a legislative body because of a position that they took or a group they were part of—took before they got sworn in.

That is the exact opposite of Donald Trump. He got elected to office. He swore an oath to the Constitution to preserve, protect, and defend the Constitution. He served as President for 4 years, right up until the end, when he wanted to exercise his rights under the imaginary January exception, and he incited a violent mob and insurrection to come up here, and we all know what happened.

He is being impeached and convicted for violating his oath of office that he took. He is not being prevented from taking his oath in the first place.

The First Amendment is on our side. He tried to overturn the will of the people, the voice of the people. He lost that election by more than 7 million votes. Some people don't want to admit it. Counsel for the President could not bring themselves to admit that the election is over in answer to the question from the distinguished gentleman from Vermont. He refused to answer that. He said it was irrelevant, despite all of the evidence you have heard about the big lie and how that set the stage for his incitement of the insurrectionary violence against us.

The First Amendment is on our side. We are defending the Bill of Rights. We are defending the constitutional structure. We are defending the separation of powers. We are defending the U.S. Senate and the U.S. House against a President who acted no better than a marauder and a member of that mob by inciting those people to come here. And in many ways, he was worse. He named the date; he named the time; and he brought them here; and now he must pay the price.

Thank you, Mr. President.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. SCHUMER. Mr. President, the Senate is now ready to vote on the Article of Impeachment. And after that is done, we will adjourn the Court of Impeachment.

The PRESIDENT pro tempore. The clerk will read the Article of Impeachment.

The senior assistant legislative clerk read as follows:

Article I: Incitement of Insurrection.

The Constitution provides that the House of Representatives "shall have the sole Power of Impeachment" and that the President "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors". Further, section 3 of the 14th Amendment to the Constitution prohibits any person who has "engaged in insurrection or rebellion against" the United States from "hold[ing] any office . . . under the United States". In his conduct while President of the United States—and in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed—Donald John Trump engaged in high Crimes and Misdemeanors by inciting violence against the Government of the United States, in that:

On January 6, 2021, pursuant to the 12th Amendment to the Constitution of the United States, the Vice President of the United States, the House of Representatives, and the Senate met at the United States Capitol for a Joint Session of Congress to count the votes of the Electoral College. In the months preceding the Joint Session, President Trump repeatedly issued false statements asserting that the Presidential election results were the product of widespread fraud and should not be accepted by the American people or certified by State or

Federal officials. Shortly before the Joint Session commenced, President Trump, addressed a crowd at the Ellipse in Washington, DC. There, he reiterated false claims that "we won this election, and we won it by a landslide". He also willfully made statements that, in context, encouraged—and foreseeably resulted in—lawless action at the Capitol, such as: "if you don't fight like hell you're not going to have a country anymore". Thus incited by President Trump, members of the crowd he had addressed, in an attempt to, among other objectives, interfere with the Joint Session's solemn constitutional duty to certify the results of the 2020 Presidential election, unlawfully breached and vandalized the Capitol, injured and killed law enforcement personnel, menaced Members of Congress, the Vice President, and Congressional personnel, and engaged in other violent, deadly, destructive, and seditious acts.

President Trump's conduct on January 6, 2021, followed his prior efforts to subvert and obstruct the certification of the results of the 2020 Presidential election. Those prior efforts included a phone call on January 2, 2021, during which President Trump urged the secretary of state of Georgia, Brad Raffensperger, to "find" enough votes to overturn the Georgia Presidential election results and threatened Secretary Raffensperger if he failed to do so.

In all this, President Trump gravely endangered the security of the United States and its institutions of Government. He threatened the integrity of the democratic system, interfered with the peaceful transition of power, and imperiled a coequal branch of Government. He thereby betrayed his trust as President, to the manifest injury of the people of the United States.

Wherefore, Donald John Trump, by such conduct, has demonstrated that he will remain a threat to national security, democracy, and the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. Donald John Trump thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

VOTE ON ARTICLE I

The PRESIDENT pro tempore. Each Senator, when his or her name is called, will stand in his or her place and vote guilty or not guilty, as required by rule XXIII of the Senate Rules on Impeachment.

Article I, section 3, clause 6 of the Constitution regarding the vote required for conviction of impeachment provides that "no person shall be convicted without the concurrence of two-thirds of the Members present."

The question is on the Article of Impeachment. Senators, how say you? Is the respondent, Donald John Trump, guilty or not guilty?

A rollcall vote is required.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—guilty 57, not guilty 43, as follows:

[Rollcall Vote No. 59]

YEAS—57

Baldwin	Burr	Cassidy
Bennet	Cantwell	Collins
Blumenthal	Cardin	Coons
Booker	Carper	Cortez Masto
Brown	Casey	Duckworth

Durbin	Markey	Schatz
Feinstein	Menendez	Schumer
Gillibrand	Merkley	Shaheen
Hassan	Murkowski	Sinema
Heinrich	Murphy	Smith
Hickenlooper	Murray	Stabenow
Hirono	Ossoff	Tester
Kaine	Padilla	Toomey
Kelly	Peters	Van Hollen
King	Reed	Warner
Klobuchar	Romney	Warnock
Leahy	Rosen	Warren
Lujan	Sanders	Whitehouse
Manchin	Sasse	Wyden

NAYS—43

Barrasso	Grassley	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Rounds
Boozman	Hoeben	Rubio
Braun	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Cramer	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Lummis	Tuberville
Daines	Marshall	Wicker
Ernst	McConnell	Youn
Fischer	Moran	
Graham	Paul	

The PRESIDENT pro tempore. On this vote, the yeas are 57, the nays are 43.

Two-thirds of the Senators present not having voted guilty, the Senate adjudges that the respondent Donald John Trump, former President of the United States, is not guilty as charged in the Article of Impeachment.

The Presiding Officer directs the judgment to be entered in accordance with the judgment of the Senate, as follows:

The Senate, having tried Donald John Trump, former President of the United States, upon one Article of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present not having found him guilty of the charge contained therein, it is, therefore, ordered and adjudged that the said Donald John Trump be, and is hereby, acquitted of the charge in said Article.

The majority leader is recognized.

COMMUNICATION TO THE SECRETARY OF STATE AND TO THE HOUSE OF REPRESENTATIVES

Mr. SCHUMER. Mr. President, I send an order to the desk.

The PRESIDENT pro tempore. The clerk will report the order.

The senior assistant legislative clerk read as follows:

Ordered, that the Secretary be directed to communicate to the Secretary of State, as provided by rule XXIII of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, and also to the House of Representatives, the judgment of the Senate in the case of Donald John Trump, and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The majority leader.

ADJOURNMENT SINE DIE OF THE COURT OF IMPEACHMENT

Mr. SCHUMER. Mr. President, I move that the Senate, sitting as a Court of Impeachment on the Article against Donald John Trump, adjourn sine die.