# Democrats' impeachment brief documents Trump's role in spearheading the January 6 coup attempt

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On Tuesday, the Democratic House Managers and Donald Trump's legal team released their briefs for the Senate impeachment trial of the ex-president, set to begin on February 9.

The Democratic-controlled House of Representatives on January 13 voted for a resolution to impeach Trump on charges of incitement of insurrection in connection with the January 6 fascist assault on Congress. The attempted coup d'etat was organized by Trump and his allies with the aim of blocking congressional certification of Joseph Biden's election victory and paving the way for Trump to install himself as dictator. In a demonstration of continued support for Trump, 197 of the 211 Republicans in the House voted against impeachment.

Last week, 45 of 50 Republicans in the Senate voted in support of a motion by far-right libertarian Rand Paul to quash the Senate trial on the legally false grounds that it is unconstitutional to convict a president once he has left office.

The 80-page Democratic brief presents a devastating, detailed and unanswerable case that Trump committed "high crimes and misdemeanors" by summoning a mob of far-right supporters to Washington D.C. on January 6, the day of the joint session of Congress to formally count the electoral vote, and inciting them to storm the US Capitol, disrupt the procedure and likely seize and kill members of Congress and even Trump's vice president, Mike Pence.

The introduction to the Democrats' brief begins:

> This trial arises from President Donald J. Trump's incitement of insurrection against the Republic he swore to protect. The House of Representatives impeached him for that constitutional offense. To protect our democracy and national security—and to deter any future President who would consider provoking violence in pursuit of power—the Senate should convict President Trump and disqualify him from future federal officeholding…
>
> Since the dawn of the Republic, no enemy—foreign or domestic—had ever obstructed Congress' counting of the votes. No President had ever refused to accept an election result or defied the lawful processes for resolving electoral disputes. Until President Trump.

The introduction continues:

> As it stormed the Capitol, the mob yelled out "President Trump Sent Us," "Hang Mike Pence," and "Traitor Traitor Traitor." The insurrectionists assaulted police officers with weapons and chemical agents. They seized control of the Senate chamber floor, the Office of the Speaker of the House, and major sections of the Capitol complex. Members and their staffs were trapped and terrorized. Many officials (including the Vice President himself) barely escaped the rioters… Hundreds of people were injured in the assault. Five people—including a Capitol Police officer—died.
>
> President Trump's responsibility for the events of January 6 is unmistakable. After losing the 2020 election, President Trump refused to accept the will of the American people. He spent months asserting, without evidence, that he won in a "landslide" and that the election was "stolen."

Recounting the events of January 6, the document notes that Trump did nothing for hours to stop the rampaging mob or respond to desperate requests from officials to send forces to retake the Capitol. He was reportedly "delighted" by the bloody events being broadcast live on cable news networks.

A section titled "Statement of Facts" lays out the months-long campaign by Trump to discredit the legitimacy of any outcome that did not result in his reelection, and his post-election claims of a "stolen election." It details his efforts to extort federal and state officials to overturn the election results in key swing states.

Noting that there were multiple advance warnings of plans for violence by pro-Trump neo-Nazi and militia groups and that many of those heading for Washington would be armed, the brief states:

> This mobilization was not hidden away in the dead of night. It was widely discussed on websites—such as TheDonald.win—that, as confirmed by a former White House staff member, were 'closely monitored' by President Trump's social media operation…

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> At TheDonald.win, one poster stated: "If Congress illegally certifies Biden… Trump would have absolutely no choice but to demand us to storm Congress and kill/beat them up for it."

The brief goes on to preemptively refute Republican claims that Trump is being victimized for exercising his free speech rights. It then spends some 30 pages reviewing legal and historical precedents demonstrating that public officials can be impeached and convicted after they have left office.

The Democrats' brief makes an ironclad case for Trump's conviction by the Senate. More than that, it makes clear, while not stating explicitly, that the ex-president and aspiring dictator is a gangster and accomplice to murder who should be prosecuted and put away for life.

This makes all the more stark the bankruptcy of the calls by the Democrats and Biden for "unity" with the Republicans, and their defense of the Republican Party as an institution. They insist on addressing as "colleagues" a party that has lined up behind Trump and seeks to incorporate and legitimize outright fascists, racists and anti-Semites.

It is, in this connection, noteworthy, that the narrative presented in the Democrats' brief completely excludes the critical role played by Republican leaders and members of Congress in promoting Trump's Big Lie of a stolen election and providing a political cover for the January 6 insurrection by opposing the certification of the Electoral College vote.

There is no mention of the role of Mitch McConnell, Ted Cruz, Josh Hawley, Tommy Tuberville and others in the Senate, and Kevin McCarthy, Mat Gaetz, Mo Brooks, Paul Gosar and Andy Biggs, to name a few, in the House in facilitating Trump's effort to overturn the election result.

For example, the brief notes the incendiary speeches by Rudy Giuliani, Donald Trump, Jr., and Trump at the Ellipse on the morning of January 6, but it makes no mention of Representative Mo Brooks' call for the crowd to "take names and kick ass" at the Capitol.

Moreover, the document omits any mention of the ample evidence of complicity in the coup conspiracy of highly placed officials in the military, the police and the FBI. It is now established, for example, that the Trump loyalist installed in the post-election purge to head the Pentagon, Christopher Miller, forbade the Washington DC National Guard two days before the fascist assault to carry weapons or riot gear to in any way interact with the pro-Trump "demonstrators."

Nor does the document mention Trump's earlier extra-constitutional actions, above all his attempted coup on June 1, 2020, when he mobilized military police to violently attack peaceful protesters in Washington DC and threatened to invoke the Insurrection Act and deploy active-duty troops to crush anti-police violence protests throughout the country.

The brief submitted by Trump's legal team is a mere 14 pages, indicative of the contemptuous attitude of the "45th President of the United States" toward Congress and his justified confidence that a large majority of Republican senators will vote to exonerate him.

While the brief repeatedly asserts that the Senate trial is unconstitutional because Trump is no longer in office, without substantiating the claim historically or legally, it does not stop there. It argues that Trump is being victimized for exercising his First Amendment right to free speech and political expression—as though the US commander in chief, with his vast powers of repression, is no different from any private person.

In the course of making this argument, which implies that there are no legal or constitutional checks on what a president can say, the brief asserts as true a central pillar of the "rigged election" lie promoted by Trump and the bulk of the Republican Party. It states:

> It is admitted that after the November election, the 45th President exercised his First Amendment right under the Constitution to express his belief that the election results were suspect, since with very few exceptions, under the convenient guise of COVID-19 pandemic 'safeguards' states' election laws and procedures were changed by local politicians or judges without the necessary approvals from state legislatures.

It goes on to assert that the true winner of the 2020 election remains in doubt and Trump "therefore denies [his statements] were false."

The document makes two further significant and reactionary claims: That Trump's remarks at the January 6 "Save America Rally" were not an incitement to the crowd to "interfere with the counting of the Electoral votes," and that Congress has a right to overturn the electoral vote as certified and submitted by the states:

> Congress' duty, therefore, was *not* just to certify the presidential election. Its duty was to first determine whether certification of the presidential election vote was warranted and permissible under the rules.

The implications of these arguments are far-reaching. They essentially justify Trump's refusal to accept the results of the 2020 election and the efforts of his co-conspirators in the Republican Party to illegally reject the slates of electors certified by the states on the basis of the popular vote in each state. They provide a pseudo-legal framework for a continuation of the drive by substantial sections of the ruling class toward dictatorship.

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