

Vice Chair Liz Cheney

Opening statement as prepared for delivery

June 9, 2022

Thank you, Mr. Chairman.

At 6:01 pm on January 6th, after he spent hours watching a violent mob besiege, attack and invade our Capitol, Donald Trump tweeted. But he did not condemn the attack. Instead he justified it:

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. Go home with love & in peace.
Remember this day forever!

As you will see in the hearings to come, President Trump believed his supporters at the Capitol [and I quote] “were doing what they should be doing.” This is what he told his staff as they pleaded with him to call off the mob, to instruct his supporters to leave. Over a series of hearings in the coming weeks, you will hear testimony, live and on video, from more than a half dozen former Trump White House staff, all of whom were in the West Wing of the White House that day. You will hear testimony that [quote] “The President didn’t really want to put anything out” calling off the riot or asking his supporters to leave. You will hear that President Trump was yelling, and [quote] “really angry at advisors who told him he needed to do be doing something more.” And, aware of the rioters’ chants to “hang Mike Pence,” the President responded with this sentiment: [quote] “maybe our supporters have the right idea.” Mike Pence [quote] “deserves” it.

You will hear evidence that President Trump refused for hours to do what his staff, his family, and many of his other advisors begged him to do: immediately instruct his supporters to stand down and evacuate the Capitol.

Tonight, you will see never-before-seen footage of the brutal attack on our Capitol, an attack that unfolded while, a few blocks away, President Trump sat watching television in his dining room off the Oval Office. You will hear audio from the brave police officers battling for their lives and ours, fighting to defend our democracy, against a violent mob Donald Trump refused to call off.

Tonight and in the weeks to come, you will see evidence of what motivated this violence, including directly from those who participated in this attack. You will see video of them explaining what caused them to do it. You will see their posts on social media. We will show you what they have said in federal court. On this point, there is no room for debate. Those who invaded our Capitol and battled law enforcement for hours were motivated by what President Trump had told them: that the election was stolen, and that he was the rightful President. President Trump summoned the mob, assembled the mob and lit the flame of this attack.

You will also hear about plots to commit seditious conspiracy on January 6th, a crime defined in our laws as “conspir[ing] to overthrow, put down or destroy by force the Government of the United States, or to oppose by force the authority thereof.” Multiple members of two groups, the Oath Keepers and the Proud Boys, have been charged with this crime for their involvement in the events leading up to and on January 6th. Some have pled guilty. The attack on our Capitol was not a spontaneous riot. Intelligence available before January 6th identified plans to “invade” the Capitol, “occupy” the Capitol, and take other steps to halt Congress’ count of

Electoral Votes on January 6th. In our hearings, we will identify elements of those plans, and show specifically how a group of Proud Boys led a mob into the Capitol building on January 6th.

Tonight I am going to describe for you some of what our committee has learned and highlight initial findings you will see this month in our hearings. As you hear this, all Americans should keep this fact in mind: ***On the morning of January 6th, President Trump's intention was to remain President of the United States despite the lawful outcome of the 2020 election and in violation of his Constitutional obligation to relinquish power.*** Over multiple months, Donald Trump oversaw a sophisticated seven-part plan to overturn the presidential election and prevent the transfer of presidential power. In our hearings, you will see evidence of each element of this plan.

In our second hearing, you will see that Donald Trump and his advisors knew that he had, in fact, lost the election. But, despite this, **President Trump engaged in a massive effort to spread false and fraudulent information** – to convince huge portions of the U.S. population that fraud had stolen the election from him. **This was not true.**

Jason Miller was a senior Trump Campaign spokesman. In this clip, Miller describes a call between the Trump campaign's internal data expert and President Trump a few days after the 2020 election:

A: "I was in the Oval Office. At some point in the conversation, Matt Oczkowski who was the lead data person was brought on and I remember he delivered to the President in pretty blunt terms that he was going to lose.

Q: And that was based Mr. Miller on Matt and the data team's assessment of this sort of county by county state by state results as reported?

A: Correct.

Alex Cannon was one of President Trump's campaign lawyers. He previously worked for the Trump Organization. One of his responsibilities was to assess allegations of election fraud in November 2020. Here is one sample of his testimony -- discussing what he told White House Chief of Staff Mark Meadows:

A: I remember a call with Mr. Meadows where Mr. Meadows was asking me what I was finding and if I was finding anything and I remember sharing with him that we weren't finding anything that would be sufficient to um change the results in any of the key states.

Q: When was that conversation?

A: Probably in November, mid to late November, I think it was before my child was born.

Q: And what was Mr. Meadows' reaction to that information?

A: I believe the words he used were "so there's no there there."

The Trump Campaign's General Counsel Matt Morgan gave similar testimony. He explained that all of the fraud allegations and the campaign's other election arguments taken together and viewed in the best light for President Trump, could still not change the outcome of the election.

President Trump's Attorney General Bill Barr also told Donald Trump that his election claims were wrong:

A: And I repeatedly told the President in no uncertain terms that I did not see evidence of fraud, you know, that would have affected the outcome of the election. And frankly, a year and a half later, I still haven't seen anything to change my mind on that.

Attorney General Barr also told President Trump that his allegations about Dominion voting machines were groundless:

"I saw absolutely zero basis for the allegations, but they were made in such a sensational way that they obviously were influencing a lot of people, members of the public that there was this systemic corruption in the system and that their votes didn't count, and that these machines, controlled by somebody else, were actually determining

it, which was complete nonsense. And it was being laid out there. And I told him that it was crazy stuff and they were wasting their time on that and that it was doing great, great disservice to the country.”

But President Trump persisted, repeating the false Dominion allegations in public at least a dozen more times even after his Attorney General told him they were “complete nonsense.”

And after Barr’s resignation on December 23rd, 2020, the Acting Attorney General who replaced him, Jeff Rosen and the acting Deputy, Richard Donoghue told President Trump over and over again that the evidence did not support allegations he was making in public.

Many of President Trump’s White House staff also recognized that the evidence did not support the claims President Trump was making. This is the President’s daughter, commenting on Bill Barr’s statement that the Department found no fraud sufficient to overturn the election:

Q: How did that affect your perception about the election when Attorney General Barr made that statement.

A: It affected my perspective. I respect Attorney General Barr so I accepted what he was saying.

As you will hear on Monday, the President had every right to litigate his campaign claims, but he ultimately lost more than 60 cases in state and federal courts. The President’s claims in the election cases were so frivolous and unsupported that the President’s lead lawyer, Rudy Giuliani, not only lost the lawsuits, his license to practice law was suspended. Here is what the court said of Mr. Giuliani:

Giuliani “communicated demonstrably false and misleading statements to courts, lawmakers and the public at large in his capacity as lawyer for former President Donald J. Trump and the Trump campaign in connection with Trump’s failed effort at reelection in 2020.”

As you will see in great detail in these hearings, President Trump ignored the rulings of our nation’s courts, his own campaign leadership, his White House staff, many Republican state

officials, the Department of Justice, and the Department of Homeland Security. President Trump invested millions of dollars of campaign funds purposely spreading false information, running ads he knew were false, and convincing millions of Americans that the election was corrupt and he was the true President. As you will see, this misinformation campaign provoked violence on January 6th.

In our third hearing, you will see that **President Trump corruptly planned to replace the Attorney General so the U.S. Justice Department would spread his false stolen election claims**. In the days before January 6th, President Trump told his top Justice Department officials [quote]: “Just say the election was corrupt and leave the rest to me and the Republican Congressmen.” Senior Justice Department officials, men he had appointed, told him they could not do that, because it was not true. So President Trump decided to replace them.

President Trump offered Jeff Clark, an environmental lawyer at the Justice Department, the job of Acting Attorney General. President Trump wanted Clark to take a number of steps, including sending this letter to Georgia and multiple other states, saying the U.S. Department of Justice had “identified significant concerns that may have impacted the outcome of the election.”

This letter is a lie.

The Department of Justice had, in fact, repeatedly told President Trump exactly the opposite – that they had investigated his stolen election allegations and found no credible fraud that could impact the outcome of the election. This letter, and others like it, would have urged multiple state legislatures to *withdraw* their official and lawful electoral votes for Biden.

Acting Deputy Attorney General Richard Donoghue described Jeff Clark’s letter this way: “This is a grave step for the Department to take and could have tremendous constitutional, political and

social ramifications for the country.” The Committee agrees with Mr. Donoghue’s assessment. Had Clark assumed the role of Attorney General in the days before January 6th and issued these letters, the ramifications could indeed have been grave. Donoghue also said this about Clark’s plan:

“What you are proposing is nothing less than the United States Justice Department meddling in the outcome of a Presidential Election.”

In our hearings, you will hear first-hand how the senior leadership of the Department threatened to resign, how the White House Counsel threatened to resign, and how they confronted Donald Trump and Jeff Clark in the Oval Office. All of the men involved, including Acting Attorney General Jeff Rosen and Acting Deputy Attorney General Richard Donoghue, were appointed by President Trump. These men honored their oaths of office. They did their duty, and you will hear from them in our hearings.

By contrast, Jeff Clark has invoked his 5th Amendment privilege against self-incrimination and refused to testify. Representative Scott Perry, who was involved in trying to get Clark appointed as Attorney General, has also refused to testify here. As you will see, Representative Perry contacted the White House in the weeks after January 6th to seek a Presidential Pardon. Multiple other Republican congressmen also sought Presidential Pardons for their roles in attempting to overturn the 2020 election.

In our fourth hearing, we will focus on **President Trump’s efforts to pressure Vice President Mike Pence to refuse to count certain electoral votes on January 6th.** Vice President Pence has spoken publicly on this.

What President Trump demanded that Mike Pence do wasn't just wrong, it was illegal and unconstitutional. You will hear this in great detail from the Vice President's former General Counsel. Witnesses in these hearings will explain how the former Vice President and his staff informed President Trump over and over again that what he was pressuring Mike Pence to do was *illegal*.

As you will hear, President Trump engaged in a relentless effort to pressure Pence both in private and in public. You will see the evidence of that pressure from multiple witnesses live and on recorded video. Vice President Pence demonstrated his loyalty to Donald Trump consistently over four years, but he knew that he had a higher duty – to the United States Constitution. This is testimony from the Vice President's Chief of Staff:

A: I think the Vice President was proud of his four years of service and he felt like much had been accomplished during those four years. And I think he was proud to have stood beside the President for all that had been done. But I think he ultimately knew that his fidelity to the Constitution was his first and foremost oath, and that's – that's what he articulated publicly and I think that's what he felt.

Q: His fidelity to the Constitution was more important than his fidelity to President Trump and his desire ...

A: The oath he took, yes.

You will also hear about a lawyer named John Eastman, who was deeply involved in President Trump's plans. You will hear from former Fourth Circuit Federal Judge Michael Luttig, a highly respected leading conservative judge. Judge Luttig provided counsel to the Vice President's team in the days before January 6th. The Judge will explain how Eastman [quote] "was wrong at every turn." And you will see the email exchanges between Eastman and the Vice President's General Counsel as the violent attack on Congress was underway. Jacob said this to Mr. Eastman: "***And thanks to your bullshit, we are under siege.***" You will also see

evidence that John Eastman *did not actually believe* the legal position he was taking. In fact, a month *before* the 2020 election, Eastman took exactly the opposite view on the same legal issues.

In the course of the Select Committee's work to obtain information from Eastman, we have had occasion to present evidence to a federal judge. The judge evaluated these facts and reached the conclusion that President Trump's efforts to pressure Vice President Pence to act illegally by refusing to count electoral votes *likely violated two federal criminal statutes*. And the judge said this: *"If Dr. Eastman and President Trump's plan had worked, it would have permanently ended the peaceful transition of power, undermining American democracy and the Constitution. If the country does not commit to investigating and pursuing accountability for those responsible, the Court fears January 6th will repeat itself."* Every American should read what this federal judge has written. Judge Carter issued another decision on Tuesday night, indicating that John Eastman and other Trump lawyers knew that their legal arguments had no real chance of success in court. But they relied on those arguments anyway to try to [quote] "overturn a democratic election."

And you will hear that while Congress was under attack on January 6th and in the hours following the violence, the Trump legal team in the Willard Hotel war room continued to work to halt the count of electoral votes.

In our fifth hearing, you will see evidence that President Trump corruptly pressured state legislators and election officials to change election results. You will hear details about President Trump's call to Georgia officials urging them to "find" 11780 votes that did not exist, and his efforts to get states to rescind certified electoral slates without factual basis and contrary

to law. You will hear new details about the Trump campaign and other Trump associates' efforts to instruct Republicans in multiple states to create intentionally false electoral slates, and transmit those slates to Congress, and the National Archives, falsely certifying that Trump won states he actually lost.

In our final two June hearings, you will hear how **President Trump summoned a violent mob and directed them, illegally, to march on the U.S. Capitol.** While the violence was underway, **President Trump failed to take immediate action to stop the violence and instruct his supporters to leave the Capitol.**

As we present these initial findings, keep two points in mind. First, our investigation is still ongoing, so what we make public here will not be the complete set of information we will ultimately disclose. And second, the Department of Justice is currently working with cooperating witnesses, and has disclosed to date only certain of the information it has identified from encrypted communications and other sources.

On December 18, 2020, a group including General Michael Flynn, Sidney Powell, Rudy Giuliani and others visited the White House. They stayed late into the evening. We know that the group discussed a number of dramatic steps, including that President Trump impose martial law, seize voting machines, and potentially rerun elections. You will also hear that President Trump met with that group alone for a period of time before White House lawyers and other staff discovered that the group was there, and rushed to intervene.

A little more than an hour after Ms. Powell, Mr. Giuliani, General Flynn and the others finally left the White House, President Trump sent the tweet on the screen now telling people to come to Washington on January 6th : “Be there,” he instructed them. “Will be Wild!”

As you will see, this was a pivotal moment. This tweet initiated a chain of events. The tweet led to the planning for what occurred on January 6th, including by the Proud Boys who ultimately led the invasion of the Capitol and the violence that day. The indictment of a group of Proud Boys alleges that they planned to “oppose by force the authority of the government of the United States.” According to the Department of Justice:

“On Jan. 6, 2021, the defendants directed, mobilized and led members of the crowd onto the Capitol grounds and into the Capitol, leading to dismantling of metal barricades, destruction of property, breaching of the Capitol building, and assaults on law enforcement.”

Although some former Trump officials have argued that they did not anticipate violence on January 6th, the evidence suggests otherwise. As you will see in our hearings, the White House was receiving specific reports in the days leading up to January 6th, including during President Trump’s Ellipse rally, indicating that elements in the crowd were preparing for violence at the Capitol. And, on the evening of January 5th, the President’s close advisor Steve Bannon said this on his podcast: ***All hell is going to break loose tomorrow. All hell is going to break loose tomorrow.***

As part of our investigation, we will present information about what the White House and other intelligence agencies knew, and why the Capitol was not better prepared. But we will not lose sight of the fact that the Capitol Police did not cause the crowd to attack. And we will not blame the violence that day, violence provoked by President Trump, on the officers who bravely defended all of us.

In our final hearing, you will also hear a moment-by-moment account of the hours-long attack from more than a half dozen White House staff, both live in the hearing room and

via videotaped testimony. There is no doubt that President Trump was well aware of the violence as it developed. White House staff urged President Trump to intervene and call off the mob at the outset. Here is a document written while the attack was underway by a member of the White House staff advising what the President needed to say: “Anyone who entered the capitol without proper authority should leave immediately.”

This is exactly what his supporters on Capitol Hill and nationwide were urging the President to do. He would not. You will hear that leaders on Capitol Hill begged the President for help, including Republican Leader McCarthy, who was [quote] “scared” and called multiple members of President Trump’s family after he could not persuade the President himself.

Not only did President Trump refuse to tell the mob to leave the Capitol, he placed no call to any element of the US government to instruct that the Capitol be defended. He did not call his Secretary of Defense on January 6th. He did not talk to his Attorney General. He did not talk to the Department of Homeland Security. Trump gave no order to deploy the National Guard that day, and made no effort to work with the Department of Justice to coordinate and deploy law enforcement assets. *But Mike Pence did each of those things.* For example, here is what General Milley, the Chairman of the Joint Chiefs of Staff, testified:

A: Vice President Pence – there were two or three calls with Vice President Pence. He was very animated, and he issued very explicit, very direct, unambiguous orders. There was no question about that. And I can get you the exact quotes. From our records somewhere. But he was very animated, very direct, very firm to Secretary Miller. Get the military down here, get the guard down here. Put down this situation, et cetera.

By contrast, here is General Milley’s description of his conversation with President Trump’s Chief of Staff Mark Meadows on January 6th:

A: “He said: We have to kill the narrative that the Vice President is making all the decisions. We need to establish the narrative, you know, that the President is still in charge and that things are steady or stable, or words to that effect. I immediately interpreted that as politics. Politics. Politics. Red flag for me, personally. No action. But I remember it distinctly. And I don’t do political narratives.”

And you will hear from witnesses how the day played out inside the White House, how multiple White House staff resigned in disgust, and how President Trump would not ask his supporters to leave the Capitol. It was only after multiple hours of violence that President Trump finally released a video instructing the riotous mob to leave the Capitol, and as he did so, he said this to the rioters: “We love you. You’re very special.”

You will also hear that in the immediate aftermath of January 6th, members of the President’s family, White House staff and others tried to step in to stabilize the situation – [quote] “to land the plane” before the Presidential Transition on January 20th. You will hear about members of the Trump cabinet discussing the possibility of invoking the 25th Amendment, which provides for the replacement of the President. Multiple Members of President Trump’s own Cabinet resigned immediately after January 6th. Another suggested that remaining Cabinet Officers take a more active role in running the White House and the Administration. But most emblematic of those days is this exchange of texts between Sean Hannity and the former President’s Press Secretary, Kayleigh McEnany.

Sean Hannity wrote: “Key now, no more crazy people.” “No more stolen election talk.” “Yes, impeachment and 25th amendment are real, and many people will quit.”

Kayleigh responded in part: “Love that. That’s the playbook.”

The White House staff knew that President Trump was willing to entertain and use conspiracy theories to achieve his ends, and knew that the President needed to be cut off from all of those

who had encouraged him. The President was too dangerous to be left alone. At least until he left office on January 20th. These are important facts for Congress and the American people to understand fully.

When a President fails to take the steps necessary to preserve our union, or worse, causes a constitutional crisis, we are at a point of maximum danger for our Republic. Some in the White House took responsible steps to try to prevent January 6th. Others egged the President on. Others, who could have acted, refused to do so. In this case, the White House Counsel was so concerned about potentially lawless activity, he threatened to resign, multiple times. That is exceedingly rare and exceedingly serious. **It requires immediate attention**, especially when the entire team threatens to resign. However, in the Trump White House, it was not exceedingly rare and it was not treated seriously. This is a clip of Jared Kushner, addressing multiple threats by White House Counsel Pat Cippilone and his team of White House lawyers to resign in the weeks before January 6th.

Q: Jared, are you aware of instances where Pat Cippilone threatened to resign?

A: I kind of, like I said, my interest at that time was on trying to get as many pardons done, and I know that he was always, him and the team, were always saying oh we are going to resign. We are not going to be here if this happens, if that happens So, I kind of took it up to just be whining, to be honest with you.

There is a reason why people serving in our Government take an oath to the Constitution. As our founding fathers recognized, democracy is fragile. People in positions of public trust are duty-bound to defend it – to step forward when action is required.

In our country, we don't swear an oath to an individual, or a political party. We take our oath to defend the United States Constitution. And that oath must mean something. Tonight, I say this

to my Republican colleagues who are defending the indefensible – there will come a day when Donald Trump is gone, but your dishonor will remain.

Finally, I ask all of our fellow citizens as you watch our hearings over the coming weeks, to remember what's at stake. Remember the men and women who have fought and died so that we can live under the Rule of Law and not under the rule of men. I ask you to think of the scene in our Capitol rotunda on the night of January 6th. There, in, a sacred space in our constitutional republic, the place where our presidents lie in state, watched over by statues of Washington and Jefferson, Lincoln and Grant, Eisenhower, Ford and Reagan, against every wall that night encircling that room, there were SWAT teams, men and women in tactical gear with long guns deployed inside our Capitol building.

There in the rotunda, these brave men and women rested beneath paintings depicting the earliest scenes of our Republic, including one painted in 1824 depicting George Washington resigning his commission, voluntarily relinquishing power, handing control of the continental army back to Congress. With this noble act, Washington set the indispensable example of the peaceful transfer of power. This is what President Reagan called, “nothing less than a miracle.” The sacred obligation to defend this peaceful transfer of power has been honored by every American president. ... *Except one.*

As Americans, we all have a duty to ensure what happened on January 6 never happens again, to set aside partisan battles to stand together to perpetuate and preserve our great republic.

Thank you, Mr. Chairman

