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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

FRIDAY, FEBRUARY 12, 2021

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

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

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

#### PRAYER

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

Mighty God, unsurpassed in both power and understanding, we worship You. Lord, when there is nowhere else to turn, we lift our eyes to You.

As, again, this Senate Chamber becomes a court and our Senators become jurors, guide these lawmakers with Your wisdom, mercy, and grace. Lord, infuse them with a spirit of non-partisan patriotism. Unite them in their efforts to do what is best for America. As they depend on Your providence and power, may they make choices that will be for Your greater glory.

We pray in Your sovereign 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, will you please be seated.

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

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

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

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

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

#### ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, for the information of all Senators, we will plan to take short breaks approximately every 2 hours and a longer dinner break around 5 p.m.

The PRESIDENT pro tempore. Pursuant to the provisions of S. Res. 47, the counsel for the former President has 16 hours to make the presentation of their case, and the Senate will hear the counsel now.

We recognize Mr. van der Veen to begin the presentation of the case for the former President.

Go ahead.

#### COUNSELS' PRESENTATION

Mr. Counsel VAN DER VEEN. Good afternoon, Senators, Mr. President.

The Article of Impeachment now before the Senate is an unjust and blatantly unconstitutional act of political vengeance. This appalling abuse of the Constitution only further divides our Nation when we should be trying to

come together around shared priorities.

Like every other politically motivated witch hunt the left has engaged in over the past 4 years, this impeachment is completely divorced from the facts, the evidence, and the interests of the American people. The Senate should promptly and decisively vote to reject it.

No thinking person could seriously believe that the President's January 6 speech on the Ellipse was in any way an incitement to violence or insurrection. The suggestion is patently absurd on its face. Nothing in the text could ever be construed as encouraging, condoning, or enticing unlawful activity of any kind.

Far from promoting "insurrection" against the United States, the President's remarks explicitly encouraged those in attendance to exercise their rights "peacefully and patriotically." Peaceful and patriotic protest is the very antithesis of a violent assault on the Nation's Capitol.

The House Impeachment Article slanderously alleges that the President intended for the crowd at the Ellipse to "interfere with the Joint Session's solemn constitutional duty to certify the results of the 2020 Presidential election." This is manifestly disproven by the plain text of the remarks.

The President devoted nearly his entire speech to an extended discussion of how legislators should vote on the question at hand. Instead of expressing a desire that the joint session be prevented from conducting its business, the entire premise of his remarks was that the democratic process would and

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



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