

117TH CONGRESS
2D SESSION

H. R. 9578

To provide that Donald J. Trump is ineligible to again hold the Office of President of the United States or to hold any office, civil or military, under the United States.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2022

Mr. CICILLINE (for himself, Mr. BLUMENAUER, Mr. BOWMAN, Ms. BROWNLEY, Mr. CÁRDENAS, Mr. CARSON, Mr. CASTEN, Ms. CHU, Ms. CLARKE of New York, Mr. CLEAVER, Mr. CONNOLLY, Mr. DANNY K. DAVIS of Illinois, Mr. DESAULNIER, Mr. ESPAILLAT, Mr. EVANS, Mr. GOMEZ, Mr. GREEN of Texas, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. JONES, Mr. LAMB, Ms. LEE of California, Mr. LIEU, Mr. LOWENTHAL, Mr. MCGOVERN, Mr. MCNERNEY, Ms. NEWMAN, Ms. NORTON, Mr. PAYNE, Ms. PINGREE, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. TAKANO, Ms. TLAIB, Mr. TORRES of New York, Mr. VARGAS, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide that Donald J. Trump is ineligible to again hold the Office of President of the United States or to hold any office, civil or military, under the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 Congress finds the following:

3 (1) Section 3 of the Fourteenth Amendment to
4 the Constitution of the United States states: “No
5 person shall be a Senator or Representative in Con-
6 gress, or elector of President and Vice President, or
7 hold any office, civil or military, under the United
8 States, or under any state, who, having previously
9 taken an oath, as a member of Congress, or as an
10 officer of the United States, or as a member of any
11 state legislature, or as an executive or judicial officer
12 of any state, to support the Constitution of the
13 United States, shall have engaged in insurrection or
14 rebellion against the same, or given aid or comfort
15 to the enemies thereof.”.

16 (2) Section 5 of the Fourteenth Amendment
17 states: “The Congress shall have power to enforce,
18 by appropriate legislation, the provisions of this arti-
19 cle.”.

20 (3) The Presidency is an office under the
21 United States.

22 (4) Mr. Donald J. Trump did engage in insur-
23 rection against the United States by mobilizing, in-
24 citing, and aiding those who attacked the United
25 States Capitol on January 6, 2021, to disrupt cer-
26 tification of the 2020 Presidential Election as re-

1 quired by the Twelfth Amendment to the Constitu-
2 tion and the Electoral Count Act of 1887 (3 U.S.C.
3 15), and a majority of both the House of Represent-
4 atives and the United States Senate concluded as
5 much through the House of Representatives' vote to
6 impeach Mr. Trump for high crimes and mis-
7 demeanors and the majority of the Senate voting to
8 convict Mr. Trump of Incitement of Insurrection on
9 February 13, 2021, with a vote of 57–43.

10 (5) Evidence has come forward that Mr. Trump
11 and his advisors strategically refused to accept the
12 results of the 2020 Presidential Election in Novem-
13 ber 2020 and attempted to cast doubt on the elec-
14 tion results, including as follows:

15 (A) Recorded testimony by Jason Miller,
16 former Trump Campaign Senior Advisor,
17 played during the June 13, 2022, hearing held
18 by the Select Committee to Investigate the Jan-
19 uary 6th Attack on the United States Capitol
20 (hereinafter referred to as the “January 6th
21 Committee”) revealed that Rudy Giuliani, Mr.
22 Trump’s lawyer, urged Mr. Trump to declare
23 victory on election night. Mr. Miller recalled
24 Mr. Giuliani saying “They’re stealing it from
25 us. Where did all the votes come from?”.

1 (B) In the same hearing, recorded testi-
2 mony by William Stepien, former Trump Cam-
3 paign Manager, revealed that he encouraged
4 Mr. Trump not to declare victory but rather to
5 say that votes were still being counted and it
6 was too early to declare a winner. Mr. Stepien
7 testified that Mr. Trump disagreed with this
8 approach.

9 (C) In the same hearing, recorded testi-
10 mony by Mr. Stepien alluded to a divide within
11 the White House between “Team Normal” and
12 those insistent on challenging the election, in-
13 cluding Mr. Giuliani.

14 (D) The January 6th Committee presented
15 evidence in an October 13, 2022, hearing that
16 an October 31, 2020, draft statement prepared
17 by Tom Fitton, an outside advisor for Mr.
18 Trump, indicated a plan for Mr. Trump to de-
19 clare victory on the night of the 2020 Election
20 before all ballots were counted or the final re-
21 sults were known, claiming that all ballot-count-
22 ing must stop at that point in the evening.

23 (6) Evidence has shown that Mr. Trump at-
24 tempted to implement a detailed strategy, drafted by
25 his lawyer, John Eastman, to have Mr. Mike Pence

1 refuse to certify the 2020 Presidential Election re-
2 sults on January 6, 2021, despite Mr. Trump and
3 his advisors being repeatedly advised that the plan
4 was unconstitutional, including as follows:

5 (A) A Memo from John Eastman to Mr.
6 Trump outlined a 6-point detailed strategy, ti-
7 tled “January 6 scenario,” to overturn the
8 2020 Presidential election.

9 (B) Mr. Eastman’s plan involved Mr.
10 Trump asking Mr. Pence to refuse to certify
11 certain electoral votes from 7 States, announce-
12 ing that there were no electors validly appointed
13 from these States and these States’ votes would
14 need to be discarded, then announce the major-
15 ity of the valid electors voted for Mr. Trump in-
16 stead of Joseph Biden.

17 (C) The memo continued that if Members
18 of Congress opposed this unlawful change in
19 the slates of electors for these States, Mr.
20 Pence was to declare that neither candidate
21 would reach the needed 270 electoral votes,
22 then call for the vote to be made by the House
23 of Representatives in a voting system that
24 would assign each State one vote, under-
25 standing that Republicans controlled a majority

1 of States and would most likely vote for the re-
2 election of Mr. Trump.

3 (D) Recorded testimony by Marc Short,
4 Mr. Pence’s Chief of Staff, played during the
5 June 16, 2022, January 6th Committee hearing
6 made clear that John Eastman presented legal
7 theories to Mr. Pence that suggested that he
8 had the authority to reject electors who voted
9 for President Biden. Mr. Short testified that
10 Mr. Pence was unconvinced by these theories,
11 and in his book, Mr. Pence wrote that he “had
12 told the president many times that the vice
13 president, as president of the Senate, is af-
14 firmed no authority to reject or return votes to
15 the states and no vice president in history had
16 ever asserted that authority.”.

17 (E) In the same hearing, recorded testi-
18 mony by Mr. Short confirmed that Mark Mead-
19 ows, former White House Chief of Staff, ac-
20 knowledged to him multiple times before Janu-
21 ary 6, 2021, that the Vice President had “no
22 role” in changing the results of an election.

23 (F) In the same hearing, recorded testi-
24 mony by Mr. Miller revealed that Pat Cipollone,
25 former White House Attorney, expressed his be-

1 lief that Mr. Eastman’s theory was “nutty,”
2 and had told Mr. Eastman that he thought so.

3 (G) In the same hearing, Greg Jacob,
4 former counsel to Mr. Pence, testified that Mr.
5 Eastman acknowledged in a January 5, 2021,
6 conversation that if the matter went in front of
7 the Supreme Court of the United States, they
8 would lose, 9–0. Mr. Pence confirmed this in
9 his book, writing: “. . . even Eastman had con-
10 ceded to Mr. Jacob that rejecting electoral votes
11 was a bad idea and any attempt to do so would
12 quickly be overturned by a 9–0 vote on the Su-
13 preme Court.”.

14 (H) In the same hearing, Mr. Jacob fur-
15 ther testified that Mr. Eastman acknowledged
16 in that same conversation that no other Vice
17 Presidents, past or future, should have the au-
18 thority to reject the results of an election. De-
19 spite this, Mr. Eastman reaffirmed to Mr.
20 Jacob that Mr. Pence ought to reject the re-
21 sults of the election on January 6th.

22 (I) In the same hearing, recorded testi-
23 mony by Eric Herschmann, former White
24 House Attorney, revealed that Mr. Eastman ac-
25 knowledged that he was willing to accept that

1 there may be violence as a result of his efforts
2 to overturn the election.

3 (J) In the same hearing, recorded testi-
4 mony by Mr. Short revealed that Mr. Pence ad-
5 vised Mr. Trump that the Vice President had
6 no legal or constitutional authority to interfere
7 with an election. In his book, Mr. Pence wrote
8 of the first time he heard of challenging the
9 election results: “. . . there was no ambiguity in
10 the Constitution or the law about the role of the
11 vice president, and I never believed that the vice
12 president’s role was anything more than cere-
13 monial.”.

14 (K) In his book, Mr. Pence also wrote that
15 Mr. Trump questioned why Mr. Pence opposed
16 Congressman Louie Gohmert’s lawsuit filed in
17 Federal court asking “a Texas judge appointed
18 by President Trump to declare that [Mr.
19 Pence] had ‘exclusive authority and sole discre-
20 tion’ to decide which electoral votes should be
21 counted.”. Mr. Pence said that Mr. Trump
22 “came on strong” and said to him: “I don’t
23 want to see ‘Pence Opposes Gohmert Suit’ as a
24 headline this morning” and asked Mr. Pence “if
25 it gives you power, why would you oppose it?”.

1 Pence also wrote: “I told [President Trump], as
2 I had told him many times before, that I did
3 not believe I possessed the power under the
4 Constitution to decide which votes to accept or
5 reject. He just kept coming.”. Mr. Pence said
6 that Mr. Trump replied by saying: “You’re too
7 honest” and told Mr. Pence that “hundreds of
8 thousands are gonna hate your guts” and “peo-
9 ple are gonna think you’re stupid.”.

10 (L) Mr. Pence wrote in his book that Mr.
11 Trump told him that “[Mr. Pence had] the ab-
12 solute right to reject electoral votes,” and told
13 Mr. Pence “You can be a historic figure . . .
14 but if you wimp out, you’re just another some-
15 body.”.

16 (M) Mr. Pence also wrote in his book that
17 Mr. Trump told him “I think you have the
18 power to decertify.”. Mr. Pence wrote that he
19 told the President again that he did not believe
20 he had the authority, and that such authority
21 “belongs to the elected representatives of the
22 people”. When Mr. Pence said that they had a
23 duty to support and defend the Constitution,
24 Mr. Trump reportedly called him “naive” and

1 later suggested that he would “have to say that
2 [Mr. Pence] did a great disservice”.

3 (N) Mr. Jacob testified in the June 16,
4 2022, January 6th Committee hearing that in
5 the evening of January 6, after the violence had
6 been quelled, Mr. Eastman contacted him to
7 ask whether Mr. Pence would consider “one
8 more relatively minor violation” by delaying the
9 certification of votes for ten days.

10 (O) Mr. Trump and members of his ad-
11 ministration reportedly ran a “command cen-
12 ter”, which has also been referred to as a “war
13 room”, in the days leading up to and on Janu-
14 ary 6 at the Willard InterContinental Wash-
15 ington, DC, hotel, with the purpose of pre-
16 venting the certification of Joseph Biden’s vic-
17 tory in the 2020 Presidential election.

18 (P) This “command center” reportedly
19 served as a central location for members of Mr.
20 Trump’s administration to attempt to convince
21 legislators not to vote for the certification of the
22 2020 Presidential election results and to call on
23 Mr. Trump’s supporters to pressure elected of-
24 ficials not to certify those results.

1 (Q) Those working at the “command cen-
2 ter” also reportedly attempted to pressure Mr.
3 Pence to delay or block the certification of the
4 2020 Presidential election results.

5 (R) Recorded testimony by Eric
6 Herschmann, former White House Attorney,
7 played during the June 16, 2022, January 6th
8 Committee hearing revealed that Mr. Giuliani
9 seemed to concede on the morning of January
10 6 to Mr. Herschmann’s belief that the Vice
11 President had no authority to reject the results
12 of the election, admitting: “Look, I believe that
13 you’re probably right.”.

14 (S) Despite advice that the Vice President
15 could not reject electors, including from Mr.
16 Pence, on January 5, 2021, Mr. Trump tweeted
17 that “The Vice President has the power to re-
18 ject fraudulently chosen electors”.

19 (T) On January 6, 2021, when Mr. Pence
20 did not attempt to reject the electors, Mr.
21 Trump tweeted: “Mike Pence didn’t have the
22 courage to do what should have been done to
23 protect our Country and our Constitution, giv-
24 ing States a chance to certify a corrected set of
25 facts, not the fraudulent or inaccurate ones

1 which they were asked to previously certify.
2 USA demands the truth!”. In Mr. Pence’s book,
3 reflecting on the rioters “ransacking the Cap-
4 itol” and some of them chanting “Hang Mike
5 Pence!”, he wrote that “[President Trump] had
6 decided to be part of the problem.”.

7 (7) Evidence has shown that Donald Trump in-
8 tentionally cast doubt on the legitimacy of the 2020
9 Presidential election through promoting unfounded
10 theories of voter and election fraud, despite being
11 advised no significant fraud existed, including as fol-
12 lows:

13 (A) Donald Trump spent months pro-
14 moting the false narrative that the 2020 Presi-
15 dential Election was fraudulent, tweeting and
16 making statements including: “[b]ecause of the
17 new and unprecedented massive amount of un-
18 solicited ballots which will be sent to ‘voters’, or
19 wherever, this year, the Nov 3rd Election result
20 may NEVER BE ACCURATELY DETER-
21 MINED, which is what some want” on Sep-
22 tember 17, 2020; “We have to win the election.
23 We can’t play games. Go out and vote. Do
24 those beautiful absentee ballots, or just make
25 sure your vote gets counted. Make sure because

1 the only way we're going to lose this election is
2 if the election is rigged," on August 17, 2020;
3 and "With Universal Mail-In Voting (not Ab-
4 sentee Voting, which is good), 2020 will be the
5 most INACCURATE & FRAUDULENT Elec-
6 tion in history . . . It will be a great embarrass-
7 ment to the USA. Delay the Election until peo-
8 ple can properly, securely and safely vote???"
9 on July 30, 2020.

10 (B) Recorded testimony by former Attor-
11 ney General Bill Barr played during the June
12 9, 2022, January 6th Committee hearing re-
13 vealed that Mr. Barr had told Mr. Trump that
14 "the idea of saying the election was stolen and
15 putting out this stuff . . . was bullshit."

16 (C) Recorded testimony by Mr. Barr
17 played during the June 13, 2022, January 6th
18 Committee hearing revealed that Mr. Trump
19 complained that the Department of Justice was
20 not investigating claims of election fraud, to
21 which Mr. Barr replied that the Department
22 would investigate credible and specific claims,
23 but the Department was not an extension of the
24 President's personal legal team and suggested

1 the election fraud claims were “just not meri-
2 torious”.

3 (D) In the same hearing, recorded testi-
4 mony by Mr. Barr further revealed that he
5 found Mr. Trump’s allegations about the Do-
6 minion voting machines perpetuating fraud to
7 be disturbing: “. . . ‘disturbing’ in the sense
8 that I saw absolutely zero basis for the allega-
9 tions.”.

10 (E) Recorded testimony by Ivanka Trump,
11 Mr Trump’s daughter, played during the June
12 9, 2022, January 6th Committee hearing re-
13 vealed that she accepted Mr. Barr’s conclusion
14 that there was no evidence of fraud sufficient to
15 overturn the election.

16 (F) In a June 13, 2022, January 6th
17 Committee hearing, Al Schmidt, former City
18 Commissioner of Philadelphia, testified that
19 there was no significant evidence of voter fraud
20 in the 2020 election in his State like Mr.
21 Trump had claimed.

22 (G) In the same hearing, Byung J.
23 “BJay” Pak, former U.S. Attorney for the
24 Northern District of Georgia, testified that Mr.
25 Trump requested that he investigate a video

1 which he believed showed election workers pull-
2 ing out a suitcase of ballots in Atlanta, Georgia.
3 An investigation revealed that the suitcase was
4 in fact an official lockbox, and Mr. Pak con-
5 firmed his investigations found no evidence of
6 widespread voter fraud sufficient to undermine
7 confidence in the election results in Georgia.
8 Mr. Pak reportedly resigned in January 2021
9 in response to pressure from Mr. Trump to
10 overturn the results in Georgia.

11 (H) In the same hearing, recorded testi-
12 mony by Richard Donoghue, former acting
13 Deputy Attorney General, revealed that Mr.
14 Trump was repeatedly informed that allegations
15 of voter fraud were not supported by the evi-
16 dence. Mr. Donoghue stated that as each con-
17 spiracy theory was debunked, Mr. Trump
18 “wouldn’t fight us on it, but he would move on
19 to another allegation.”.

20 (I) Recorded testimony by General Mark
21 Milley, Chairman of the Joint Chiefs of Staff,
22 played during an October 13, 2022, January
23 6th Committee hearing revealed that, in an
24 Oval Office meeting after the election, either
25 Mr. Trump or Secretary of State Mike Pompeo

1 acknowledged that President-Elect Biden would
2 be taking over as President.

3 (J) In the same hearing, recorded testi-
4 mony by Alyssa Farah, former White House
5 Communications Director, revealed that, a week
6 after the election had been called for President-
7 Elect Biden, Mr. Trump acknowledged his elec-
8 tion loss in private, saying, “Can you believe I
9 lost to this effing guy?” in reference to Presi-
10 dent-Elect Biden.

11 (K) In the same hearing, recorded testi-
12 mony by Cassidy Hutchinson, former Aide to
13 then-Chief of Staff Mark Meadows, revealed
14 that Mr. Meadows told her that Mr. Trump re-
15 peatedly confided to Mr. Meadows that he had
16 lost the election but wanted to continue to try
17 to overturn the result.

18 (8) Evidence has shown that Mr. Trump, after
19 the November 2020 Presidential Election, tried to
20 have the results overturned through intimidation of
21 State officials and attempting to have voting ma-
22 chines seized, including as follows:

23 (A) The January 6th Committee presented
24 evidence in a July 12, 2022, hearing that on
25 the evening of December 18, 2020, Donald

1 Trump was visited in the White House by Sid-
2 ney Powell (attorney for Mr. Trump), Michael
3 Flynn (former National Security Adviser for
4 Mr. Trump), and Patrick Byrne (founder of
5 Overstock.com) for a private, unplanned meet-
6 ing. The Committee showed a draft Executive
7 order which ordered the Secretary of Defense to
8 seize States' voting machines and appoint a
9 Special Counsel (Ms. Powell) to prosecute per-
10 petrators of election fraud.

11 (B) In the same hearing, recorded testi-
12 mony by Pat Cipollone, former White House
13 counsel, revealed that he was of the opinion
14 that Ms. Powell, Mr. Flynn, and Mr. Byrne
15 were not giving Mr. Trump good legal advice.
16 Mr. Cipollone testified that when he expressed
17 his concerns to Mr. Trump, the aforementioned
18 three began "attacking [him] verbally".

19 (C) Hon. Jeffrey A. Rosen, former Acting
20 Attorney General, testified in a June 23, 2022,
21 January 6th Committee hearing that Mr.
22 Trump asked the Department of Justice in late
23 December to seize voting machines from State
24 governments, which Mr. Rosen insisted they
25 had no authority to do.

1 (D) In the same hearing, Richard
2 Donoghue, former acting Deputy Attorney Gen-
3 eral, testified that because they refused to say
4 that there was election fraud, Mr. Trump
5 threatened in a December 31, 2020, meeting to
6 remove both Mr. Donoghue and Mr. Rosen
7 from their positions, saying: “People tell me
8 that I should just get rid of both of you, I
9 should just remove you . . . Maybe something
10 will finally get done.”.

11 (E) Mr. Trump “publicly and privately at-
12 tempted to impede Georgia officials” from certi-
13 fying Georgia’s election results in favor of Jo-
14 seph Biden, by calling Georgia’s Secretary of
15 State Brad Raffensperger an “enemy of the
16 people” for refusing to overturn Georgia’s elec-
17 tion results and by placing “inappropriate pres-
18 sure on the Office of the U.S. Attorney for the
19 Northern District of Georgia” to pursue base-
20 less voter fraud claims, according to documents
21 from the 2021 impeachment.

22 (F) In a June 21, 2022, January 6th
23 Committee hearing, the Committee played a re-
24 corded interview with Mike Shirkey, the then-
25 Republican majority leader of the Michigan

1 State Senate, in which Mr. Shirkey revealed
2 that he received nearly four thousand text mes-
3 sages after Mr. Trump publicly disclosed Mr.
4 Shirkey’s personal cellphone number on Twitter
5 in an effort to pressure Mr. Shirkey to hold a
6 vote to decertify the 2020 election results in
7 Michigan.

8 (G) After Al Schmidt, former City Com-
9 missioner of Philadelphia, said that he believed
10 that there was no significant evidence of voter
11 fraud, Mr. Trump tweeted that Mr. Schmidt
12 “refuse[d] to look at a mountain of corruption
13 and dishonesty”, and Mr. Schmidt and his fam-
14 ily members began to receive specific and tar-
15 geted threats.

16 (H) In an October 13, 2022, January 6th
17 Committee hearing, the Committee presented a
18 recorded call between Mr. Trump and Secretary
19 Raffensperger in which Mr. Trump told Sec-
20 retary Raffensperger he wanted to “find 11,780
21 votes”, which would be “one more than” Mr.
22 Trump would need to prevail against President-
23 Elect Biden. During that same call, Mr. Trump
24 implied that Secretary Raffensperger would po-
25 tentially face legal consequences if Secretary

1 Raffensperger did not find the votes Mr. Trump
2 requests.

3 (I) In a recording played in a June 21,
4 2022, January 6th Committee hearing, Gabriel
5 Sterling, Chief Operating Officer of the Georgia
6 Secretary of State, said that election workers
7 were being directly threatened by those who be-
8 lieved the results of the election were fraudu-
9 lent. He said of the violence perpetrated against
10 election workers: “It has to stop. Mr. President,
11 you have not condemned these actions or this
12 language. Senators, you have not condemned
13 this language or these actions. This has to stop.
14 We need you to step up. And if you’re gonna
15 take a position of leadership, show some. My
16 boss, Secretary Raffensperger, his address is
17 out there. They have people doing caravans in
18 front of their house. They’ve had people come
19 on to their property. It has to stop. This is elec-
20 tions. This is the backbone of democracy. And
21 all of you who have not said a damn word are
22 complicit in this.”.

23 (9) Evidence has shown that on January 6,
24 2021, Mr. Trump’s intention was to encourage a
25 mob to go to the Capitol to stop the certification,

1 where lawmakers and Mr. Pence were present, in-
2 cluding as follows:

3 (A) At around 1:30 in the morning of De-
4 cember 19, 2020, Mr. Trump sent out a tweet
5 urging his supporters to come to Washington,
6 DC, on January 6: “be there, will be wild!”.

7 (B) The January 6th Committee presented
8 evidence in the July 12, 2022, hearing that Mr.
9 Trump’s tweet launched a barrage of activity
10 online, where previously unconnected right-wing
11 extremist groups began coordinating plans to
12 arrive in Washington, DC, for January 6.

13 (C) In the same hearing, the January 6th
14 Committee presented evidence that Homeland
15 Security in Washington, DC, was aware that
16 these violent groups were planning to arrive in
17 the city.

18 (D) In the same hearing, recorded testi-
19 mony by Katrina Pierson, former campaign ad-
20 visor to the Trump Campaign, revealed that she
21 was concerned that these groups may cause
22 trouble at the January 6 rally, and expressed
23 her concerns to Mr. Meadows.

24 (E) In the same hearing, the January 6th
25 Committee presented evidence that Mr. Trump

1 made last-minute edits to his rally speech to
2 specifically reference Mr. Pence.

3 (F) Cassidy Hutchinson, former aide to
4 Mr. Meadows, testified in a June 28, 2022,
5 January 6th Committee hearing that the ad-
6 ministration was aware that violence was likely
7 on January 6, 2021, before that date occurred,
8 and made no moves to prevent such violence.

9 (G) In the same hearing, Ms. Hutchinson
10 testified that on the morning of January 6, the
11 former Chief of Staff was made aware of people
12 with weapons on the National Mall but seemed
13 untroubled.

14 (H) In the same hearing, Ms. Hutchinson
15 testified that Mr. Trump was furious that the
16 rally area was not at maximum capacity and
17 wanted the magnetometers removed so that
18 attendees with weapons could enter. “They’re
19 not here to hurt me,” Ms. Hutchinson recalled
20 Mr. Trump saying. “Let my people in. They
21 can march to the Capitol from here.”.

22 (I) In an October 13, 2022, January 6th
23 Committee hearing, the Committee presented
24 evidence that revealed the Secret Service was
25 aware that portions of the crowd gathered out-

1 side of Mr. Trump’s rally at the Ellipse were
2 armed. Mr. Trump was informed of the likeli-
3 hood that part of the crowd was armed, but he
4 nevertheless held the rally and instructed the
5 crowd to descend upon the Capitol.

6 (J) In the June 28, 2022, January 6th
7 Committee hearing, Ms. Hutchinson testified
8 that Mr. Giuliani told her that January 6 would
9 be a “great day” and that Mr. Trump would
10 “look powerful.”.

11 (K) On January 6 at his rally at the El-
12 lipse, Mr. Trump said: “Democrats are trying
13 to steal the White House . . . [y]ou can’t let it
14 happen. You can’t let it happen”, and that
15 “[T]hey’re not taking this White House. We’re
16 going to fight like hell, I’ll tell you right now.”.

17 (L) Mr. Trump also said on that day: “If
18 Mike Pence does the right thing we win the
19 election . . . we become president and you are
20 the happiest people . . . Mike Pence is going to
21 have to come through for us and if he doesn’t,
22 it’s a sad day for our country.”.

23 (M) Mr. Trump also said: “I said some-
24 thing is wrong here, something is really wrong,
25 can’t have happened and we fight, we fight like

1 hell, and if you don't fight like hell you're not
2 going to have a country anymore . . . [W]e are
3 going to try—give our Republicans, the weak
4 ones because the strong ones don't need any of
5 our help, we're try—going to try and give them
6 the kind of pride and boldness that they need
7 to take back our country. So let's walk down
8 Pennsylvania Avenue.”.

9 (N) In a June 28, 2022, January 6th
10 Committee hearing, recorded testimony by
11 former White House aides Nick Luna and Max
12 Miller revealed that Mr. Trump was serious in
13 his intention to go to the Capitol with the
14 crowd.

15 (O) In the same hearing, Ms. Hutchinson
16 also testified that Mr. Trump was furious when
17 informed that he could not go to the Capitol
18 himself. Ms. Hutchinson testified that she was
19 told that Mr. Trump attempted to grab the
20 steering wheel of the car himself to make Secret
21 Service take him to the Capitol.

22 (P) The January 6th Committee presented
23 evidence in a July 21, 2022, hearing that while
24 the insurrection was occurring, Mr. Trump sat
25 in the White House dining room and watched

1 coverage of the insurrection on Fox News for
2 more than two and a half hours.

3 (Q) In the same hearing, recorded testi-
4 mony by Mr. Cipollone revealed that at no point
5 did Mr. Trump contact or give orders to any
6 law enforcement agencies to intervene.

7 (R) In the same hearing, recorded testi-
8 mony by Kayleigh McEnany revealed that Mr.
9 Trump contacted Senators from his place in the
10 dining room, encouraging them to delay the cer-
11 tification.

12 (S) In the same hearing, recorded testi-
13 mony by Mr. Cipollone revealed that he, Ivanka
14 Trump, Eric Herschmann, and Mark Meadows,
15 among others, believed Mr. Trump should make
16 a public statement in response to the growing
17 violence at the Capitol. Mr. Cipollone remarked
18 that Mr. Trump could have gone to the White
19 House briefing room to make a statement at
20 any point.

21 (T) The January 6th Committee presented
22 evidence in the same hearing that Donald
23 Trump, Jr., texted Mr. Meadows on the after-
24 noon of January 6, 2021, saying “He’s got to
25 condemn this shit. Asap. The capitol police

1 tweet is not enough.”. Sean Hannity also texted
2 Mr. Meadows expressing a similar sentiment.

3 (U) The January 6th Committee presented
4 evidence in the same hearing that minority
5 leader Kevin McCarthy called Mr. Trump di-
6 rectly, urging him to call off the violence. When
7 Mr. Trump refused, Mr. McCarthy reportedly
8 reached out directly to Ivanka Trump and
9 Jared Kushner, asking for assistance.

10 (V) Mr. Trump, while the insurrection was
11 occurring at the Capitol, told the people who
12 stormed the Capitol via a social media video,
13 “[W]e love you, you’re very special.”.

14 (W) Mr. Trump, on social media referring
15 to the insurrection that occurred at the Capitol,
16 declared: “[t]hese are the things and events
17 that happen when a sacred landslide election
18 victory is so unceremoniously & viciously
19 stripped away.”.

20 (X) In the June 28, 2022, January 6th
21 Committee hearing, Ms. Hutchinson testified
22 that the former Chief of Staff seemed largely
23 unconcerned about the reports of violence and
24 that Mr. Trump wanted to be alone.

1 (Y) In the same hearing, Ms. Hutchinson
2 testified that the former Chief of Staff told her
3 that Mr. Trump felt that the former Vice Presi-
4 dent deserved the “Hang Mike Pence” threats,
5 and that the protestors were doing nothing
6 wrong.

7 (Z) In the same hearing, Ms. Hutchinson
8 testified that allies and supporters were urging
9 Mr. Trump to tell the protestors to go home,
10 but he was very reluctant to do so.

11 (AA) The January 6th Committee pre-
12 sented evidence in the July 22, 2022, hearing
13 that in the hour before the Joint Session recon-
14 vened following the end of the violence, Mr.
15 Giuliani called several Republicans in Congress,
16 urging them to delay the certification of the
17 votes.

18 (10) Evidence shows that Mr. Trump’s team
19 recognized the illegality of their and Mr. Trump’s
20 actions, and that he may have been unfit to serve in
21 office, including as follows:

22 (A) The January 6th Committee presented
23 evidence in a June 16, 2022, hearing that Mr.
24 Eastman emailed Mr. Giuliani on January 11,

1 2021, saying: “I’ve decided that I should be on
2 the pardon list, if that is still in the works.”.

3 (B) Ms. Hutchinson testified in a June 28,
4 2022, January 6th Committee hearing that
5 members of Mr. Trump’s cabinet were dis-
6 cussing a potential invocation of the Twenty-
7 fifth Amendment.

8 (C) Ms. Hutchinson testified in the same
9 hearing that Mr. Giuliani and Mr. Meadows
10 both sought Presidential pardons in the days
11 after January 6, 2021.

12 **SEC. 2. INELIGIBILITY OF DONALD J. TRUMP TO HOLD ANY**
13 **OFFICE UNDER THE UNITED STATES.**

14 Under section 3 of the Fourteenth Amendment to the
15 Constitution of the United States, Donald J. Trump is
16 ineligible to again hold the Office of President of the
17 United States, or to hold any office, civil or military, under
18 the United States.

19 **SEC. 3. NO IMPACT ON EXISTING STATE AND FEDERAL**
20 **PROCESSES FOR ENFORCING SECTION 3 OF**
21 **THE FOURTEENTH AMENDMENT.**

22 This Act shall not supersede, foreclose, or impair any
23 local, State, or Federal authority, cause of action, or legal

- 1 process that can give effect to section 3 of the Fourteenth
- 2 Amendment to the Constitution of the United States.

