

Congressman Raskin Statement to Rules Committee in Support of 25th Amendment Resolution (H. Res. 21)

“Mr. Chairman, thank you for your extremely thoughtful and loving remarks. Thanks to you and every member of this Committee. Everyone has reached out to me and to Sarah and to our family in this moment of terrible heartbreak and grief for us. We really are a family here on the Rules Committee. Mr. Cole, I am moved beyond words by your very tender thoughts and I treasure your friendship and I always have. In recognition of that, I am not even going to respond to your comments for a few minutes. I am going to talk about some other stuff and then I’m going to try to refute your always dangerously logical and precise arguments. I think I’ve got some refutations of things that you are saying.

“I do hope that our whole Committee, on both sides, will think of this Resolution as a way to bring not just the Committee but the whole House of Representatives together in making clear that what took place is absolutely intolerable and unacceptable.

“It is critical for us now to make clear that this was an absolute dereliction of presidential duty. It is very clear that the President did not discharge the proper duties of office. I suppose when we come to discuss impeachment there might be some differences in assignment of the degree of fault, blame, and responsibility that will be laid at the foot of the President but I think that for the purposes of this Resolution we can all agree that the conduct of the Executive Branch fell dramatically below the constitutional standards set forth for the President.

“There are three ways to protect the nation against a President whose conduct poses a clear and present danger to the people.

“The first, of course, is to defeat him in an election. The American people just did that in November of 2020 catapulting Joe Biden to a greater than 7-million-vote victory over President Trump in delivering him a 306-to-232 Electoral College victory, a margin that President Trump had described as a landslide when he won by the exact same numbers in 2016. So this the people have done. This the people have already accomplished. It is indeed President Trump's persistent and obdurate refusal to accept these election results and this outcome and his determination to discredit, nullify and overturn the election results that has led us to the current national crisis.

“The second way to remove a President who has proven himself a danger to the Republic and to the people is to impeach him in the House for having committed high crimes and misdemeanors within the meaning of the Constitution, and then trying him in the Senate. This is too a familiar mechanism that the Committee knows well. And you will remember the marathon 10 hour session that our former colleague Doug Collins and I had back in December of 2019 when we voted to bring to the Floor articles of impeachment relating to the President’s efforts to pressure a foreign government to get involved in the 2020 presidential campaign here in the United States and to smear Vice President Joe Biden.

“The final mechanism for removing a President who is failing to meet the most basic duties of his office and indeed actually harming the Republic with his conduct is the 25th Amendment. The whole purpose of the 25th Amendment, which was adopted in 1967, is to defend the stability of the Republic and to guarantee the safe continuity of governmental operations at the very highest levels. It was adopted just several years after the assassination of John F. Kennedy, and in fact, his brother, Robert F. Kennedy was one of the key legislative actors in pushing it along with Senator Birch Bayh. It was passed on an overwhelming bipartisan basis at the dawn of the Nuclear Age because questions of physical and mental fitness were prominent in the minds of Americans at that point. As they often said, we have 535 Members of Congress and if something goes wrong for one of them or two of them or a dozen of them, the Congress will keep functioning. But we only have one President of the United States and if that President is unable to successfully discharge the duties and powers of office, that becomes a crisis for the entire Republic.

“Contrary to popular belief, the 25th Amendment has been activated and employed numerous times since it was adopted in 1967. Section 1, which establishes that the Vice President becomes President in the event of a presidential vacancy, was used when President Nixon resigned and Gerald Ford became President. Before that point, it was unclear whether the Vice President was actually becoming the President, or just exercising the powers of the President. It was the 25th Amendment which settled that question in Section 1.

“Section 2 established the way to fill a vacant Vice Presidency. That took place when, for example, Spiro Agnew resigned as Vice President, and then President Nixon followed the provisions of Section 2 and nominated Gerald Ford. He was ratified by a majority vote in both houses of Congress.

“Section 3 I like to think of as the section that deals with the famous presidential colon, because it was used when Ronald Regan underwent colorectal surgery and he voluntarily and temporarily transferred the powers of his office to George Herbert Walker Bush. After that incapacity ended, he by letter resumed the powers of the office. President George W. Bush himself invoked Section 3 in transferring the powers of his office to then Vice President Dick Cheney when President Bush underwent a colonoscopy. It’s been used several times in the context of colonoscopy and other surgeries.

“Today we’re looking at Section 4, which we are asking the Vice President to invoke by activating and mobilizing the Cabinet to declare what is patently obvious to a horrified and anxious nation: the President is not even minimally discharging the basic duties of his office. My friend Mr. Cole says that in drafting and adopting such a Resolution we would be operating outside of the proper legislative sphere under the 25th Amendment. On the contrary, if you go back and look at the legislative history of the 25th Amendment, it was deeply intended by Senator Bayh and Senator Kennedy and all of the Members who were involved in it to promote collaboration among the different Branches to guarantee the stability of government and the continuity in office.

“Mr. Cole, of course, is right that it’s up to the Vice President and we’re not trying to usurp his authority in any way. We’re trying to tell him that the time of a 25th Amendment emergency has arrived. It has come to our doorstep. It has invaded our chamber. We just

saw the unprecedented event of hundreds or even thousands of members of a mob entering the Congress of the United States without going through metal detectors or any kind of security screening, occupying the floors of the Senate and the House, occupying the offices of our leaders, chanting ‘Hang Mike Pence’ and yelling ‘Where’s Nancy?’ Many of them were brandishing weapons, guns, knives; some of them had zip ties to handcuff people’s hands.

“We were delayed in the counting of the Electoral College vote by more than six hours. Members, staff, family, citizens across the country were terrorized, terrified, and horrified by what took place. No amount of euphemism or displacement on anyone’s part across the country will ever let us forget what took place on that day.

“The President of the United States, on January 6th, and indeed in the several months leading up to it, violated his Oath of Office by doing everything in his power to thwart and defeat the proper counting of the Electoral College vote on January 6th. He did everything in his power to overturn the authentic popular results of the election in critical swing states such as, take for example Georgia, which Joe Biden won by 11,779 votes — a number I remember because the President called Secretary of State Brad Raffensperger and said, ‘All I need you to do is find me 11,780 votes — one vote more — and I’ll be able to win.’

“So, what took place with us on January 6th, dear colleagues, was the culmination of the process of an attack on the presidential election and the assemblage and then the counting of the Electoral College vote. Of course, President Trump called Secretary of State Raffensperger an ‘enemy of the people’ for refusing to overturn the election results, even after a statewide recount confirmed the initial count. As everyone knows, President Trump called Raffensperger on the phone, saying that he was committing a criminal offense, saying this was ‘risky for him’, and saying that ‘All I want you to do is find 11,780 votes, which is one more than they have, because we won this state.’

I’m not going to go into excruciating details about everything that took place but I don’t think there is a reasonable person in the country with his or her eyes open who doesn’t understand that the President was hell-bent on trying to challenge, undermine, and overturn the result of the election in all of the events leading up to January 6th, and on January 6th. That is a profound dereliction of the President’s duties under the Constitution.

“What are those duties? What are the duties that are referenced by the 25th Amendment that the President must live up to? And if the President is not successfully discharging them, the power can be transferred by the Vice President and a majority of the Cabinet, or as Mr. Cole tells us, the Vice President and a majority of a body set up by Congress, which alas we have not done. Although I have introduced legislation to that effect over the last several years.

“The President swears an Oath to uphold and defend the Constitution. The Constitution includes the peaceful transfer of power, the counting of electoral college votes. The President has a duty to defend the American people, to defend the Congress. The President has a power to defend the country against armed insurrection, mob rule, invasion of public offices.

“We will see as you look through the very specific details of what happened the President miserably failed in living up to all of those duties. That is the very least that we can say.

“When the President was begged at various points by both Republican leaders and Democratic leaders to send more help and to call upon the mob to stand down, he was extremely reluctant to do so. He continued to send supportive tweets for periods in which we were under duress on Capitol Hill. He urged everybody during the day to ‘fight like hell’ and he sent out, finally, a tweet. I think this is the one people are using to try to absolve the president amazingly. This was probably his best or most exculpatory tweet. He sent out a tweet, saying: ‘These are the things and events that happen when a sacred landslide election victory is so unceremoniously and viciously stripped away from great patriots who have been badly and unfairly treated for so long. Go home with love and in peace. Remember this day forever.’

“Of course, much of the damage had already taken place. As everyone knows, five people were lost in the mob violence that was unleashed against the Congress of the United States, including a Capitol Hill police officer. As the scale of the violence and damage became clear, the President quickly deleted that tweet, and then tweeted, I suppose, this was his most forceful one: ‘Go home, we love you, you’re very special.’ That was at the end of the day, when most of the devastating damage had already been wrought on the people of Congress.

“My friends, when we talk about the 25th Amendment, we don’t have to find that the President committed a high crime and misdemeanor in inciting this mob insurrection. I think there’s overwhelming proof that he did but we don’t have to prove that for the 25th Amendment. All we have to ask is whether the President lived up to the most basic and minimal expectations for his duties of office.

“Can you imagine any other President of the United States doing what this President did? Can you imagine President Bush doing that? Can you imagine President Obama doing that? Can you imagine President Lincoln doing that? Franklin Roosevelt the Democrat or Teddy Roosevelt the Republican? Can you imagine any other President in our history encouraging and fomenting mob violence against the Congress of the United States, against our people?

“That's the question. And if you’re with me and you can’t imagine any President doing that and you think he failed the basic duties of office, then I think the Vice President has a duty to act.

“I’m with Mr. Cole in saluting the Vice President for doing his duty on January 6th. He came under enormous, phenomenal, unprecedented pressure by the President of the United States to step out of his role as the person simply presiding over the counting of electoral votes and to try to nullify and overturn the election. That just deepens the complicity of the President with this horrific assault on the counting of the Electoral College.

“The Vice President stood up at that moment. We are asking the Vice President to stand up again. For all of those people who voted, I think foolishly, with the President's wishes to deny the Electoral College votes that were cast by our states, by our state officials, despite the fact the president brought 62 different cases in federal and state courts, and lost 61 of them

soundly, decisively, and in many cases, humiliatingly, as the judges castigated the President for bringing such nonsense before the courts, for those who decided to go along with that and helped to drive that wound into the country, and who are now calling for bringing the country together, who are now calling for reconciliation -- this is the road to reconciliation. It is the Vice President himself who is the key actor and it is the President's own Cabinet who make up the key actors, the principal officers of each of the departments of government. They can help to lead us out of the nightmare that we have been plunged into by this sequence of events. They can transfer, peacefully, the powers of the President to the Vice President, Mike Pence, for the remainder of this term, so we can have a peaceful transfer of power.

“On the extreme right-wing websites that helped to build the President’s rally, the ‘Save America’ rally, they are calling for the mobs to come back to Washington and to continue the assault on the Republic of the United States. They are calling for continued war -- and they are calling it war -- against our government. They want to see this mob insurrection spread. One of the ones I read said that they were going to come back with so many people that no army will be able to stop them.

“This is not just a crisis and an emergency. It is a continuing crisis and emergency. It is not over yet. Can we say that we feel safe being in the hands of this President, with the horror and the threats returning to the Nation’s capital? We are asking Vice President Pence, with this Resolution and the Cabinet, to act with the powers that were wisely put into place by the Congress back in 1967. They should meet, they should consider all of the circumstances, and they should move to restore order to the United States of America.

“With that I yield back to you Mr. Chairman.”

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