

# Evidence of planned attack on Capitol undercuts Dems' incitement claim



President Donald Trump speaks at a rally Wednesday, Jan. 6, 2021, in Washington. (AP Photo/Jacquelyn Martin)

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The Democratic impeachment claim that President Trump spurred the attack on the U.S. Capitol by whipping his supporters into a violent mob is coming under scrutiny as evidence mounts that the siege was not spontaneous but planned well in advance.

The release of initial court documents show that at least two suspects arrived on or before Jan. 6 armed with explosives, tactical gear and caches of weapons. Facebook has come under fire for failing to remove “Stop the Steal” pages allegedly used by organizers weeks and even months ahead of the rally.

Also emerging are media reports that investigators believe the assault was coordinated and “not just a protest that spiraled out of control,” as CNN reported

Thursday, and that the FBI knew beforehand of plans for a “war” at the Capitol, as per The Washington Post.

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Donald Trump Jr. connected the dots Thursday after flagging an interview with Just the News editor John Solomon, who said the FBI, the New York Police Department and the U.S. Capitol Police had intelligence about the possibility of an organized siege.

“If these federal law enforcement agencies had prior knowledge that this was a planned attack then POTUS didn’t incite anything,” the president’s son tweeted. “If he didn’t incite anything then Nancy Pelosi and the Dems used impeachment on yet another sham political witch-hunt.”

The indications that the rioting was planned appear to run counter to House Democrats’ argument that Mr. Trump’s speech “foreseeably resulted in” the rioting, which saw thousands invade the Capitol building in a melee that led to five deaths.

Conservative media figures also have taken note. “The more that comes out about this, the more we realize this was a massively pre-planned event, and so the impeachment articles have less sway,” said the Federalist’s Mollie Hemingway on Fox News.

“And the more people calm down and start thinking clearly, it seems like we’re just experiencing yet another one of these events where the media rush to conclusions,” she said.

“This is not going quite as well as Democrats had hoped for.”

The House voted 232-197 Tuesday to approve a single Article of Impeachment for “incitement of insurrection” that featured as its centerpiece Mr. Trump’s comments at the Save America rally before rioters descended on the Capitol during a joint session of Congress to certify the 2020 election results.

“Shortly before the Joint Session commenced, President Trump, addressed a crowd at the Ellipse in Washington, D.C.,” the document reads. “There, he reiterated false claims that ‘we won this election, and we won it by a landslide.’ He also willfully made statements that, in context, encouraged — and foreseeably resulted in — lawless action at the Capitol, such as: ‘if you don’t fight like hell you’re not going to have a country anymore.’”

*If these federal law enforcement agencies had prior knowledge that this was a planned attack then POTUS didn’t incite anything. If he didn’t incite anything then Nancy Pelosi and the Dems used impeachment on yet another sham political witch-hunt. <https://t.co/W2BGLIxMKU>*

— Donald Trump Jr. (@DonaldJTrumpJr) January 14, 2021

“Thus incited by President Trump, members of the crowd he had addressed, in an attempt to, among other objectives, interfere with the Joint Session’s solemn constitutional duty to certify the results of the 2020 Presidential election,” the document states.

The Article of Impeachment also accuses Mr. Trump of repeatedly making “false statements” about election fraud in the months leading up to the attack, as well as seeking to obstruct the 2020 presidential election results with his Jan. 2 call urging Georgia Secretary of State Brad Raffensperger to “find” votes. Not until the attack on the Capitol did House Democrats launch the impeachment drive.

During the floor debate, House Speaker Nancy Pelosi drew a direct line between the president’s speech and the rioting.

“They were domestic terrorists, and justice must prevail, but they did not appear out of a vacuum,” the California Democrat said. “They were sent here, sent here by the president with words such as a cry to ‘fight like hell.’ Words matter. Truth matters. Accountability matters.”

House Judiciary Committee Chairman Jerrold Nadler said that the president's "lies and violent rhetoric reached their crescendo" in the Jan. 6 speech.

"At that rally, the president took the stage," said Mr. Nadler, New York Democrat. "After reiterating the falsehood that 'we won this election, and we won it by a landslide,' he told the crowd, 'if you don't fight like hell, you're not going to have a country anymore,' and then he urged the mob to walk down Pennsylvania Avenue to prevent the Congress from confirming the election of an illegitimate president."

He continued: "On that day, President Trump unleashed the force of a mob on this, the people's House. He encouraged that attack with the explicit intent to disrupt the joint session of Congress."

Republicans, starting with Rep. Tom McClintock of California, disputed that characterization of Mr. Trump's remarks.

"I didn't like the president's speech on Jan. 6, either," Mr. McClintock said. "But what did he actually say? His exact words were, quote, I know that everyone here will soon be marching over to the Capitol building to peacefully and patriotically make your voices heard, unquote."

Mr. McClintock said that if Congress "impeached every politician who gave a fiery speech to a crowd of partisans, this capitol would be deserted."

Sen. Rand Paul, Kentucky Republican, took aim at Facebook, which suspended the account of his father, former Rep. Ron Paul, after the rioting, citing a report that Trump supporters used the platform to organize bus trips to Washington, D.C.

Tweeted Mr. Paul: "Instead of canceling people, Facebook should look in the mirror."

In a Monday interview with Reuters, Facebook COO Sheryl Sandberg pointed to smaller platforms, saying that "these events were largely organized on platforms that don't have our abilities to stop hate." Two days later, New Republic writer Melissa Gira Grant called on her to resign over her "denials about the platform's role in the violence."

Impeachment is a political act, not a legal one, although experts have debated

whether Mr. Trump's comments constituted incitement under the law.

Garrett Epps, professor emeritus for the University of Baltimore School of Law, said in an analysis for the BBC that incitement must be both likely to and intended to cause violence, and that in Mr. Trump's case, "it's an agonizingly close call."

Is it possible to incite someone to violence if they already plan to commit a violent act? The answer is yes, he said.

"As I read the applicable law, it isn't necessary to prove that inciting language was the sole cause of the lawless action — remember that in fact, under the test, lawless action doesn't actually have to happen, if it is 'directed to and likely to' cause it," Mr. Epps said in an email to The Washington Times. "And the fact that members of the crowd were prepared to behave violently, it seems to me, makes the case against Trump a bit stronger — because it can be argued that it makes his speech more 'likely to cause imminent lawless action.'"

Rep. Brian Mast, Florida Republican, urged Democrats not to rush to impeachment, arguing that the rioters themselves should be questioned to discover the factors and influences behind their wrongdoing.

"Nobody was asked, did you do this because of the president? Did you do it because of something he said a year ago, or because of something somebody like [Rudolph W.] Giuliani said Jan. 6?" Mr. Mast said on "Fox & Friends." "Did you go there because of the president, but violence was your own thing? Did he tell you to be peaceful?"

He added: "Nobody can say that they spoke to one of those individuals, and that's got to be the most dangerous precedent for this body to set, to say, if you're an American out there, this is how we're going to hold you accountable for inciting somebody else."

Senate Majority Leader Mitch McConnell is not expected to take up the Article of Impeachment until the chamber reconvenes on Jan. 19 — the day before President-elect Joseph R. Biden is inaugurated — during which time the evidence of prior organization could dissipate — or grow.

"It's now being reported all over the media — and the Democrats are pushing this — that the riot we saw Wednesday was planned, it was organized, all these

groups were planning and plotting it all along,” said Steve Hilton, host of Fox News’ “The Next Revolution.” “So if it was planned, how is it that the president suddenly incited it on the day? So none of it actually makes sense.”

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