

Trump's lawyers argue impeachment is based on 'hatred,' not facts

Washington • Donald Trump's impeachment lawyers accused Democrats of waging a campaign of "hatred" against the former president as they sped through their defense of his actions and fiery words before the Jan. 6 insurrection at the U.S. Capitol, hurtling the Senate toward a final vote in his historic trial.

The defense team vigorously denied on Friday that Trump had incited the deadly riot and said his encouragement of followers to "fight like hell" at a rally that preceded it was routine political speech. They played a montage of out-of-context clips showing Democrats, some of them senators now serving as jurors, also telling supporters to "fight," aiming to establish a parallel with Trump's overheated rhetoric.

"This is ordinary political rhetoric that is virtually indistinguishable from the language that has been used by people across the political spectrum for hundreds of years," declared Trump lawyer Michael van der Veen. "Countless politicians have spoken of fighting for our principles."

But the presentation blurred the difference between general encouragement to battle for causes and Trump's fight against officially accepted national election results. The defeated president was telling his supporters to fight on after every state had verified its results, after the Electoral College had affirmed them and after nearly every election lawsuit filed by Trump and his allies had been rejected in court.

[Read more: Sens. Mike Lee and Mitt Romney take different approaches to impeachment trial questioning]

The case is speeding toward a vote and likely acquittal, perhaps as soon as Saturday, with the Senate evenly divided between Democrats and Republicans and a two-thirds majority required for conviction. Trump's lawyers made an abbreviated presentation that used less than three of their allotted 16 hours.

Their quick pivot to the Democrats' own words deflected from the central question of the trial — whether Trump incited the assault on the Capitol — and instead aimed to place impeachment managers and Trump adversaries on the defensive. His lawyers contended he was merely telling his rally crowd to support primary challenges against his adversaries and to press for sweeping election reform.

After a two-day effort by Democrats to sync up Trump's words to the violence that followed, including through raw and emotive video footage, defense lawyers

suggested that Democrats have typically engaged in the same rhetoric as Trump. But in trying to draw that equivalency, the defenders minimized Trump's months-long efforts to undermine the election results and his urging of followers to do the same. Democrats say that long campaign, rooted in a "big lie," laid the groundwork for the mob that assembled outside the Capitol and stormed inside. Five people died.

On Friday, as defense lawyers repeated their own videos over and over, some Democrats chuckled and whispered among themselves as many of their faces flashed on the screen. Some passed notes. Connecticut Sen. Richard Blumenthal threw up his hands, apparently amused, when his face appeared. Minnesota Sen. Amy Klobuchar rolled her eyes. Most Republicans watched intently.

During a break, some joked about the videos and others said they were a distraction or a "false equivalence" with Trump's behavior.

"Well, we heard the word 'fight' a lot," said Maine Sen. Angus King, an independent who caucuses with the Democrats.

Colorado Sen. Michael Bennet said it felt like the lawyers were "erecting straw men to then take them down rather than deal with the facts."

"We weren't asking them fight like hell to overthrow an election," Blumenthal said.

After the arguments ended, senators asked more than 20 questions of the lawyers, read by a clerk after submission in writing, including several from Republicans who are being closely watched for how they will vote.

GOP Sen. Bill Cassidy of Louisiana asked about Trump's tweet criticizing Pence moments after having been told by another senator that the vice president had just been evacuated. Van der Veen responded that at "no point" was the president informed of any danger. Cassidy told reporters later it was not a very good answer.

Trump's defenders told senators that Trump was entitled to dispute the 2020 election results and that his doing so did not amount to inciting the violence. They sought to turn the tables on prosecutors by likening the Democrats' questioning of the legitimacy of Trump's 2016 win to his challenge of his election loss.

The defense team did not dispute the horror of the violence, painstakingly reconstructed by impeachment managers earlier in the week, but said it had been carried out by people who had "hijacked" what was supposed to be a peaceful event and had planned violence before Trump had spoken.

"You can't incite what was already going to happen," van der Veen said.

Acknowledging the reality of the January day is meant to blunt the visceral impact of the House Democrats' case and pivot to what Trump's defenders see as the core — and more winnable — issue of the trial: Whether Trump actually incited the riot. The argument is likely to appeal to Republican senators who want to be seen as condemning the violence but without convicting the president.

Anticipating defense efforts to disentangle Trump's rhetoric from the rioters' actions, the impeachment managers spent days trying to fuse them together through a reconstruction of never-been-seen video footage alongside clips of the president's months of urging his supporters to undo the election results.

On Thursday, they described in stark, personal terms the terror they faced that January day — some of it in the very Senate chamber where senators now are sitting as jurors. They used security video of rioters searching menacingly for House Speaker Nancy Pelosi and Vice President Mike Pence, smashing into the building and engaging in bloody, hand-to-hand combat with police.

Though defense lawyers sought to boil down the case to a single Trump speech, Democrats displayed the many public and explicit instructions he gave his supporters well before the White House rally that unleashed the deadly Capitol attack as Congress was certifying Democrat Joe Biden's victory. And they used the rioters' own videos and words from Jan. 6 to try to pin responsibility on Trump. "We were invited here," said one Capitol invader. "Trump sent us," said another. "He'll be happy. We're fighting for Trump."

The prosecutors' goal was to cast Trump not as a bystander but rather as the "inciter in chief" who spread election falsehoods, then encouraged supporters to come challenge the results in Washington.

The Democrats also are demanding that he be barred from holding future federal office.

Trump's lawyers say that goal only underscores the "hatred" Democrats feel for Trump. Throughout the trial, they showed clips from Democrats questioning the legitimacy of his presidency and suggesting as early as 2017 that he should be impeached.

"Hatred is at the heart of the house managers' fruitless attempts to blame Donald Trump for the criminal acts of the rioters — based on double hearsay statements of fringe right-wing groups, based on no real evidence other than rank speculation," van der Veen said.

Trump's lawyers noted that in the same Jan. 6 speech he encouraged the crowd to behave "peacefully," and they contend that his remarks — and his general distrust of the election results — are all protected under the First Amendment. Democrats strenuously resist that assertion, saying his words weren't political speech but rather amounted to direct incitement of violence.



(Brandon Bell | The New York Times via AP, Pool) U.S. Capitol Police officer Eugene Goodman watches never-before-seen security footage of rioters storming the Capitol on Jan. 6, during the second day of former President Donald Trump's second impeachment trial, Wednesday, Feb. 10, 2021 in the Capitol in Washington.

The Senate voted to give the Congressional Gold Medal to Eugene Goodman, a Capitol Police officer who led a violent mob away from the Senate doors on Jan. 6 as they hunted for lawmakers during the presidential electoral count.

Senate Majority Leader Chuck Schumer called the vote at the end of the day's impeachment proceedings, noting Goodman's "foresight in the midst of chaos, and his willingness to make himself a target of the mob's rage so that others might reach safety."

The Senate voted to award Goodman the medal — the highest honor Congress can bestow — by unanimous consent, meaning there were no objections. Goodman was in the Senate chamber as Schumer spoke, and the entire Senate stood and turned toward him, giving him a standing ovation. He put his hand on his heart.

Goodman has been in the chamber for much of the impeachment trial, in which House Democrats are charging that former President Donald Trump incited the Jan. 6 insurrection. New evidence introduced in the trial this week showed

additional video of Goodman leading Republican Sen. Mitt Romney to safety as he unknowingly headed toward a location where the mob had gathered.

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