

HOUSE JANUARY 6 COMMITTEE: PUBLIC HEARINGS - DAY 9 [UPDATE-1]

[NB: Updates will appear at the bottom of this post. /~Rayne]

This post and comment thread are dedicated to the House January 6 Committee hearing scheduled to begin Thursday, October 13, 2022 at 1:00 p.m. ET.

☐☐ The Select Committee will hold a hearing on Thursday, October 13th at 1:00pm <https://t.co/C2iySNjKDY>

– January 6th Committee
(@January6thCmte) October 6, 2022

Please take all comments unrelated to the hearings to a different thread; all comments unrelated to a recent post should go to the last open thread.

The hearings will stream on:

House J6 Committee's website:
<https://january6th.house.gov/news/watch-live>

House J6 Committee's YouTube page:
<https://www.youtube.com/c/January6thCmte>

C-SPAN's House J6 hearing page:
<https://www.c-span.org/video/?523473-1/ninth-hearing-capitol-attack>

C-SPAN's YouTube page:
<https://www.youtube.com/watch?v=U4DLxPesIRk>

Check PBS for your local affiliate's stream: <https://www.pbs.org/> (see upper right corner)

PBS Newshour stream:

<https://www.youtube.com/watch?v=7mhhCNqsrcI>

Twitter is expected to carry multiple live streams (NBC, PBS, Washington Post, Reuters, CSPAN, Bloomberg):

<https://twitter.com/i/events/1580554323045457920>

Broadcast and cable network coverage TBD, check your local broadcast affiliate or cable provider's lineup.

Twitter accounts live tweeting the hearing:

Marcy's Twitter thread:

<https://twitter.com/emptywheel/status/1580606914505080834>

Brandi Buchman-DailyKos:

https://twitter.com/Brandi_Buchman/status/1580496105858793474

Scott MacFarlane-CBS:

<https://twitter.com/MacFarlaneNews/status/1580592602776498177>

Laura Rozen:

<https://twitter.com/lrozen/status/1580604915868524544>

If you know of any other credible source tweeting the coverage, please share a link in comments.

There are no pre-identified witnesses scheduled to testify in person for today's hearing.

There may be some witnesses whose testimony may be presented only as video clips.

All of the committee members are expected to make a presentation today during the course of the hearing.

Today's hearing is expected to focus on Donald Trump's frame of mind and his interaction with persons key to the January 6 insurrection.

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Any updates will appear at the bottom of this post; please bear with any content burps as this page may be edited as the hearing progresses.

Again, this post is dedicated to the House January 6 Committee and topics addressed in testimony and evidence produced during the hearing.

All other discussion should be in threads under the appropriate post with open discussion under the most recent Trash Talk.

To new readers and commenters: welcome to emptywheel. New commenters, please use a unique name containing at least 8 letters minimum to differentiate yourself; use the same username each time you comment.

Comment policy

Community guidelines

If you are leaving a comment, please be concise; 100 words is the optimum length.

If you are sharing active links your comment may be delayed by auto-moderation.

If contributors and moderators seem slow, it's because they're dealing with higher than usual volume of comments including trolling.

Caution: moderators will have much lower tolerance for trolling.

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UPDATE-1 – 7:00 PM ET –

By now most of our community members know that the House January 6 Committee wrapped its public hearing today with a vote on a resolution to request a subpoena to Donald Trump for testimony and documents to be presented before the committee.

Committee co-chair Rep. Liz Cheney has asked for a recorded vote to put everyone on record.

BREAKING: The Select Committee unanimously votes to subpoena Donald J. Trump, former President of the United States, to provide evidence as part of the committee's investigation.

— January 6th Committee
(@January6thCmte) October 13, 2022

You will note from exchanges in the comment thread below there's a divide between those who believe this subpoena is necessary and those who don't (and say so in unconstrained terms).

Three past presidents have been subpoenaed before – Jefferson, Nixon, and Clinton – but all three were still serving in office at the time, and all three were served subpoenas under very different circumstances.

Trump managed to avoid being subpoenaed during his term in office. The outcome of a subpoena by the Special Counsel's investigation, for example, may have been more like Nixon's in which Nixon was forced to turn over tapes to Congress after a unanimous Supreme Court decision, but the possibility Trump might have been subpoenaed by a grand jury was ultimately put to rest by a confluence of circumstances including the replacement of former Attorney General Jeff Sessions by Bill Barr and the rejiggering of the Supreme Court.

Barr's gross misrepresentation to the public of the Special Counsel report served to suppress public interest in pursuing any further investigation into Russian election interference to ensure Trump's 2016 election and obstruction of justice by Trump. The rushed nomination by Trump and approval by a GOP majority Senate of Amy Coney Barrett to the Supreme Court made it far less likely that another unanimous Supreme Court would decide against Trump in favor of either the Special Counsel and Justice Department or any Congressional committee so long as Trump was in office.

However Trump is no longer in office. He can no longer argue that he must be protected from investigations by either the House January 6 Committee or the Department of Justice by virtue of his *former* office. While it's important that Trump is afforded the opportunity to make his

own case and offer his own testimony and documentation to defend his action/inaction while president, it is his current standing which should encourage a subpoena.

Trump is now a private citizen, and no private citizen is above the law.

No, not even a candidate for office is above the law. The US has prosecuted enough of those.

Execute the subpoena. Trump will likely engage in contempt of Congress. Make a criminal referral to the DOJ just as it has for other private citizens like Steve Bannon and Pete Navarro. Then allow DOJ to prosecute Trump for contempt of Congress, just like other private citizens who have likewise refused to respect the law.

If you'd like to read more about the history of subpoenas served on seated presidents, see Congressional Research Service's Compelling Presidential Compliance with a Judicial Subpoena from May 2018, published back when Trump was fretting about being subpoenaed by the Special Counsel's investigation.