

NEW YORK
STATE
SENATE

ALBANY, NEW YORK 12247



January 7th, 2021

Hon. Mitch McConnell, Majority Leader, United States Senate
Hon. Nancy Pelosi, Speaker, United States House of Representatives
Hon. Charles E. Schumer, Minority Leader, United States Senate
Hon. Kevin McCarthy, Minority Leader, United States House of Representatives
United States Capitol
Washington, D.C. 20515

Dear Leader McConnell, Speaker Pelosi, Leader Schumer, and Leader McCarthy:

As you know, yesterday, Wednesday, January 6th, 2021, the President of the United States, Donald J. Trump, and his co-conspirators, directly incited and encouraged an armed and violent insurrection against the government of the United States, with the express purpose of preventing the peaceful transfer of power and overturning the results of a free and fair election.

In the months leading up to yesterday's events, the President, members of his administration, and numerous elected members of his party, intentionally spread false and inflammatory claims regarding the legitimacy of the election, and both implicitly and explicitly promised violent or armed opposition to prevent the election from being certified and the President-Elect from taking office.

Yesterday, following the President's incitement, a mob attacked and violently forced entry into the United States Capitol Building, endangering the lives of Capitol Police, Members of Congress, and building staff, and causing a delay in the certification of the results of the recent presidential election.

In the course of their attack, the insurrectionists trespassed on and destroyed Federal property, including flagrantly looting the Capitol, and openly bragged about their exploits on social media. The attackers carried white supremacist symbols including the flag known as the "Confederate battle flag," as well as anti-Semitic and fascist symbols including swastikas. At the same time as many were carrying these symbols of the enemies of the United States, some of the attackers were observed removing the flag of the United States, throwing it to the ground, and replacing it with a flag bearing the name of President Donald J. Trump.

Respectfully, we draw your attention to 18 U.S. Code § 2383, which states: "Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the

United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.”

In addition, we draw your attention to the Fourteenth Amendment to the United States Constitution, which states: "No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.”

In light of yesterday’s appalling events, we, the undersigned members of the New York State Senate, call on the United States Congress to hold President Donald J. Trump accountable for inciting an insurrection against the government of the United States, using all avenues available, up to and including impeachment and immediate removal from office.

In addition, we call on Congress to hold accountable any members of Congress who may have incited, encouraged, assisted, or offered aid and comfort to insurrectionists, using all avenues available, up to and including expulsion of members.

We further call on the United States Department of Justice to thoroughly, transparently, and impartially investigate the incidents of Wednesday, January 6th, and bring to justice anyone and everyone involved, including the President of the United States and his co-conspirators.

As elected representatives of the people of the State of New York, we stand by the two hundred forty-four year old democratic and pluralistic promise of the United States of America. We will not allow it to be destroyed by the divisive and hateful actions of an aspiring petty tyrant and his followers.

Sincerely,

Liz Krueger
State Senator
28th District

Andrea Stewart-Cousins
Majority Leader
New York State Senate

Joseph Addabo, Jr.
State Senator
15th District

Brian Benjamin
State Senator
30th District

Alessandra Biaggi
State Senator
34th District

Jabari Brisport
State Senator
25th District

John Brooks
State Senator
8th District

Samra Brouk
State Senator
55th District

Leroy Comrie
State Senator
14th District

Jeremy Cooney
State Senator
56th District

James Gaughran
State Senator
5th District

Michael Gianaris
State Senator
12th District

Andrew Gounardes
State Senator
22nd District

Peter Hareckham
State Senator
40th District

Michelle Hinchey
State Senator
46th District

Brad Hoylman
State Senator
27th District

Robert Jackson
State Senator
31st District

Todd Kaminsky
State Senator
9th District

Anna Kaplan
State Senator
7th District

Timothy M. Kennedy
State Senator
63rd District

John Liu
State Senator
11th District

John Mannion
State Senator
50th District

Rachel May
State Senator
53rd District

Shelley Mayer
State Senator
37th District

Roxanne Persaud
State Senator
19th District

Jessica Ramos
State Senator
13th District

Elijah Reichlin-Melnick
State Senator
38th District

Gustavo Rivera
State Senator
33rd District

Julia Salazar
State Senator
18th District

James Sanders
State Senator
10th District

Diane Savino
State Senator
23rd District

Luis Sepulveda
State Senator
32nd District

Jose Serrano
State Senator
29th District

James Skoufis
State Senator
39th District

Toby Ann Stavisky
State Senator
16th District

Kevin Thomas
State Senator
6th District

Jamaal Bailey
State Senator
36th District

Zellnor Myrie
State Senator
20th District

cc:
Acting United States Attorney General Jeffrey A. Rosen
New York State Congressional Delegation