

## THE LAURA FLANDERS SHOW

### CONGRESSMAN JAMIE RASKIN ON JANUARY 6TH: AFTER A FAILED COUP, A SUCCESSFUL ONE?

**LAURA FLANDERS:** A few weeks back on this program, we were talking with Texans about making positive change in all sorts of ways that we are typically told are impossible. Today, we're going to take our investigation to Washington, DC to speak with a man who, to my mind, epitomizes the practice of doing what needs to be done against the odds. At a time when many Americans have grown frustrated with Congress, cynical about the courts, and afraid that our democracy has been hijacked by big money and demagogues, Jamie Raskin, Democrat of Maryland, has been out there taking on politics' most difficult challenges in a very difficult place during one of the hardest times in his personal life. He's a constitutional scholar as well as a long time professor, and in the hours after the assault on the Capitol, it was he who was chosen to head up the second impeachment investigation of Donald Trump. Raskin currently serves on the House Select Committee, investigating the January 6th insurrection, which is getting ready to hold hearings in public this June. And he's the author of "Unthinkable: Trauma, Truth, and the Trials of American Democracy", a memoir of the 45 days at the start of 2021, in which he lost his son to suicide, lived through the violent insurrection in our nation's capital, and led the impeachment effort. It is with great joy and happiness that I welcome Representative Raskin to our program. Not so long ago, I was talking with right wing watchdog and researcher, Lisa Graves, who described US democracy as hanging by a thread. And I thought I'd start by asking you, do you agree?

**JAMIE RASKIN:** In one sense, yes, because there are people who have predatory designs on us. You know, Trump and his coterie, his entourage, and his movement are determined to rule or ruin. Either they're going to control the government and the state apparatus for their own private money making purposes and ideological purposes, or they're going to ruin our opportunity to get anything done. So that puts us in a serious danger zone. On the other hand, I do tell people the vast majority of Americans are on our side. Hillary beat him by more than 3 million votes. Joe Biden beat him by seven and a half million votes. The young people are coming on the side of democracy. The new Americans are coming on the side of democracy. And so, they've got a bag of tricks over there with the voter suppression, the electoral college, the gerrymandering more congressional districts, the packing of the courts, right wing traditional activism, but they need them because anything approximating real democracy would put them out of business.

**LAURA FLANDERS:** I think of democracy as a fairly sort of non-partisan affair. And I think that there are people who vote all sorts of ways who care about the things that you care about. How should they, or how do you invite them to look at the hearings that are about to kick off? What's your plan for those January 6th hearings? And how will you deal with the sort of urgency

of getting things done that are both public and consequential, given if you lose the majority, if the Democrats lose the majority in the midterms, then probably the whole thing will get shut down.

**JAMIE RASKIN:** Well, what we've got is a strong bipartisan select committee examining the events of January 6th, the causes behind it, and then what we need to do moving forward to fortify democratic institutions against future coups and insurrections and so on. So it's precisely, as you say, we are in a research fact finding investigative educational mode, and we're trying to speak to the whole country. And it's complex, of course, because you know, political parties are by necessity, active participants in democracy, but we are trying to speak across political parties to the entire country about the necessity of defending democratic process. Because what we saw on January 6th was an attempt to overthrow the constitutional order and the regular process for electing presidents.

**LAURA FLANDERS:** Will we find out things we didn't know already?

**JAMIE RASKIN:** Very much so. I think the vast majority of things people are going to hear will be for the very first time. And even for people who understand the nature of the danger, it's a completely different thing when you actually get the names and the places and the details of what happened and you see how close we were. I mean, at several points, it came down to the heroism and valor of particular officers. And you know that 150 of our officers ended up brutalized, wounded, injured, hospitalized, with concussions, traumatic brain injuries, broken arms, legs, heart attacks, strokes, and so on. We're going to tell the whole story of how that happened, but also Mike Pence, by refusing to cave into Donald Trump's designs, he also prevented us from lapsing into an authoritarian form of government and martial law and perhaps civil war. So there were a number of moments when we could have lost it all. And we want people to see precisely what happened and how close we came.

**LAURA FLANDERS:** You said it's going to blow the roof off the house.

**JAMIE RASKIN:** Well, if people are not completely immune and deadened to the reality of things because of four years of Donald Trump's lies and propaganda and sinister conspiracy theories, yeah. This is the worst presidential political offense against the Union in American history. Nothing else comes close to it.

**LAURA FLANDERS:** And just to go back to that question about consequences, I mean, you are on a very short timeline to get something actually done. Why are we waiting so long for the justice department? Will you subpoena Donald Trump? I mean, I'm channeling all the questions that have been thrown at me since I mentioned to my colleagues and friends that I was going to be talking with you.

**JAMIE RASKIN:** Yeah. Well, we have a great sense of urgency about what we're doing and we've moved in record time. When you look at other major committees or commissions, like the 911 commission and others that have examined traumatic events in our history, we're actually moving into lightning speed, but I know that there's great frustration, which we all share about the seeming impunity of Donald Trump and his immediate coterie of aids. On the other hand, the DOJ has brought more than 800 prosecutions against participants in the insurrection. That investigation dwarfs anything that the Department of Justice has done in American history, nothing comes close to it. And of course, nothing comes close to the kind of violence leveled against the Capitol and against the Congress that we saw on January 6th. But I know people are eager to see what the DOJ will do at the very top level of the seditious conspiracies that were arrayed against us. And we are eager too, but our goal, as a select committee, is to get the truth to the people so we can make reasonable and urgent decisions about what we need to do to protect ourselves going forward. And some of it has to do with shatterproof glass at different levels of the Capitol. Some of it has to do with reform of Electoral Count Act and the Insurrection Act. And to my mind, we need to secure the right to vote and we need to secure the counting of votes against partisan manipulation and distortion, which is really what we're up against in a lot of parts of the country right now.

**LAURA FLANDERS:** I mean, you've told the story many times, and I don't want you to have to go back there, but it is important, constantly, for me to remember that when we say attacks on democracy, for you and your fellows in the House and in the Congress, it was not metaphorical.

**JAMIE RASKIN:** Well, yes indeed. I mean, those police officers saved our lives and not just the lives of the partisans of democracy, but the lives of, putatively, at least, the lives of people who were on the side of the insurrection in the coup. Now, it may have been that they wouldn't have been killed, had it come to that. I don't know the answer to it, but certainly there was a lot of fear and terror on their side of the aisle, as well as on our side of the aisle. So this was as close to fascism as I ever want to see our country come to, and we need to turn it around very quickly. The political scientists tell you that the key indicator of a successful coup is a recently failed coup where the coup plotters can essentially diagram the deficiencies and the weaknesses in the incumbent regime. And there are those who are adamant that Trump will take power under any circumstances in 2024, and we have got to do whatever we can to fortify and insulate the electoral system.

**LAURA FLANDERS:** So if our democracy is still kicking at this moment, do we do enough with it, is one of the questions I have for you. I mean, gerrymandering has brought us to a point where many of us live in fairly homogenous districts. You represent a blue district where I would imagine you barely even have to campaign. Could we be doing more with the democracy that we still have?

**JAMIE RASKIN:** Well, definitely yes. I mean, for one thing, the Senate could be doing with the democracy, what the House is doing with it. I mean, we passed the For the People Act to protect early voting and weekend voting and mail-in balloting, which are all under attack by state legislatures across the country with just dozens and dozens of voter suppression schemes. But the Senate is completely hamstrung by the filibuster. I mean, we've got to lower prescription drug prices by giving the government the power in Medicare to negotiate for lower drug prices, which is the power the government's got in the Medicaid program. It's got in the VA program. Again, we've passed it in the House, but it's sitting over there in the Senate. We need to act on climate change, which is bearing down upon us, which is a nightmare that is very much on the minds of young people in the country, but obviously affects everybody. So we've got to be doing more with the government, but also as you suggest, we've got to be doing more with our politics. So yeah, I'm with you on this. On my side of the aisle, the people representing blue districts should not just sit back and be content with reelection. We need to mobilize the idealism and the energy within our own districts to help people in neighboring districts and in swing districts across the country. I think the Supreme Court's outrageous and impending destruction of the constitutional right to privacy gives us the opportunity to mobilize people to go vote like we've never voted before.

**LAURA FLANDERS:** You mentioned the Supreme Court, we're speaking in the immediate wake of the leak of the Alito draft of the decision in the abortion case that you mentioned. Is there a route to codifying Roe? I mean, to putting it in law so that we wouldn't constantly be debating this. And what do you say to people that say Democrats have never really wanted to come through on that because they need the whistle to get their election, to get their voters out.

**JAMIE RASKIN:** Well, we've already done it in the House of Representatives, Laura, we passed the Women's Health Protection Act, which is a codification of Roe, and making sure that women continue to have the right with their physicians to make decisions as to procreative and reproductive autonomy. So we've done it in the House. Again, this is something that is sitting in the Senate. Obviously we foresaw what was coming with the Supreme Court with the Roberts Court and the war on Roe and Casey. It still was astonishing for us to see it in writing, but we of course predicted it many months ago and we did codify Roe versus Wade. So we've gotta figure out how to crack the very tough nut of the US Senate, because the filibuster basically gives not just 40 senators, but one Senator the right to put a hold on legislation and tie it up indefinitely. So the world's greatest deliberative body has become the world's least deliberative body. So we've got FDR style ambitions to bring progressive change and equality and freedom and justice to everybody in America, but we just don't have FDR style majorities. When Roosevelt was in power, he had dozens of more representatives and 25 or 30 more senators than the Republicans did. And we're trying to deal with the crises of our time with these extremely slender majorities.

**LAURA FLANDERS:** Ralph Nader was complaining the other day, the long time consumer advocate and independent candidate for president, he wrote, "With its record setting campaign fundraising, the Democratic Party can't seem to figure out how to go on the offensive. GOP fictions have left the Democrat apparatchiks," as he calls them, "tongue-tied. They can either come up with easily pummeling rebuttals, nor even authentic boasting. How hard is it to boast about the \$300 a month to over 60 million children cut off by the GOP?" Does he have a point? I mean, what is the message of the Democrats this season?

**JAMIE RASKIN:** Well, yeah, sure he's got a point, and I hear this wherever I go that we don't have a problem with our politics or the policies we've been advancing. We've got a problem with the messaging. And so, yeah, let's consider the contest on. I mean, I'm out there telling all the young people, here's my message. Everything that you need to know about voting is everything you need to know about driving. If you want to go forward, you put it in D, if you want to go backwards, you put it in R. How's that for a message? And everything flows out of that. If we want to make progress, you've got to be on the side of democracy, which is the Democratic Party, because forgive my partisanship here, but I am an elected partisan figure and I would just say, if, whatever our flaws, whatever our imperfections and messaging or anything else, we are the party of democracy and we are standing up to defend the Constitution and our democratic arrangements in the country. And we're not going to get anything done if we go down the road of the Oathkeepers, and the three percenters, and Marjorie Taylor Greene, and Lauren Boebert, and Matt Gaetz, and so on. We're not. I mean, that is a party of, that's been taken over for nihilism and destruction of democratic purposes.

**LAURA FLANDERS:** Now, you are absolutely allowed to be partisan. I just have to keep the ship afloat here. Of the kind of sense of, we do have a nation out there, out there besides our kind of partisan arcade mirror reflection that is usually what we get in our media.

**JAMIE RASKIN:** I agree with that completely. If I could say a word about that, Laura, I'd love to, which is, look, there's a lot of double speak about partisanship, and I mean, nothing is more characteristic of any politician, of any party, than to spend the day with their caucus, deciding on their party agenda, and then go out on the floor and denounce partisanship. And I would like to have a little more intellectual honesty and realism about it, okay? Partisanship and partisan combat is built into a democratic society. You could view it as the oxygen of democratic society. It is a reflection of our First Amendment that we have freedom of speech. We have freedom of assembly, freedom of association, freedom of thought. There's an easy way to get rid of partisanship if that's what you don't like, which is move to a one party state. And if you move to an authoritarian government, there won't be partisanship because the partisans will be in jail. And then everybody else will just be for the dictators. So political parties, I give two cheers for political parties because they help us to articulate problems and solutions, agendas, educate the

public, mobilize the voters, create a contrast, and then once we're in, move for an agenda. But I only say two cheers, because I think those of us who aspire and attained a public office have got to remember, the day after the election's over, we've been fighting like cats and dogs, but once we've been elected, remember what a party is. It comes from the French word *partie*, which means a part. Our party is just part of the whole and we have to do what we can to speak for the whole. And we know how to do that. If you come to my district office in beautiful Rockville, Maryland, and you have a problem with social security, or Medicare, or VA benefits, we will serve you. Whether you're a Democrat or Republican or libertarian, a Green, or Independent, we never ask about your political party affiliation. So we know how to do it. The problem is that oftentimes when parties get into a minority posture and they're shrinking, then they will try to turn everything partisan and just try to obstruct. And I'm afraid that that's where we are now.

**LAURA FLANDERS:** We're seeing a lot of money being spent on military provisions for the Ukrainians. 33 billion in the last few days, it's approaching 50 billion in the last two months. Most of that going directly to military operations. And then at home, we still have this so-called defense budget that's eating up 53 cents of every dollar. We just came, and last time I spoke to you, I had just come from doing a story about how a lot of that military contractor money trickles down to privatized military facilities and training places that we were able to show where places where people that came to the Capitol had trained. Are we ever going to see any attention to this, or does the urgent need in Ukraine, sort of to use your word, bedazzle us from a bigger agenda of shrinking our military spending?

**JAMIE RASKIN:** Well, I mean, you ask an essential question because Putin's army has invaded Ukraine and killed several thousand civilians, and they're murdering children, and raping women, and killing them and leaving them in the street. And democracy's under siege there and we need to be on their side and we need to be surging and rushing military assistance to them to defend themselves and protect themselves against Putin's invasion. At the same time, we know that so much of the money that has been spent in our military industrial complex, as President Eisenhower called it, has been siphoned off for corruption, and graft, and bribery, and waste. And it's a money making operation for a lot of people. So we have to, on the one hand, rush aid to our allies in Ukraine, and at the same time, do the very tough work of making sure that money's not being ripped off for these other purposes and turned against the American people in different ways, as you suggest. I mean, it was the fear of the founders of a standing army that it would end up endangering the liberty of the people. So that fear has got to remain in a liberal democracy at the same time that we're defending liberal democracies against autocrats and dictators abroad.

**LAURA FLANDERS:** Well, I want to come back to your experience in the last few months, but before I do, just quickly, we're constantly told to write to our Congressperson. And we're also told to be out in the streets demonstrating if we don't like what's happening. Do either of those

things actually make a difference? Do you see anyone paying attention to demonstrations outside? I've been in lots of them, so I'm all for it, but I've always wondered. Do people inside actually even hear the screams and yells?

**JAMIE RASKIN:** Well, certainly they do. First of all, on the letters, I read as many letters and emails and notes as I can to find out what's on people's minds and I get good ideas from them. And even members who don't make a habit of trying to read them will get a tabulation of, well, where are my people on women's reproductive autonomy? Are they basically with Alito and the right wingers on the court, or are they with Roe versus Wade and Planned Parenthood versus Casey? So I think that does make a big difference and I think the demonstrations are huge for manifesting the depth of people's passions and sentiments. And that's worked on different sides of different questions in our history. So, I'm not somebody who would ever understate the importance of First Amendment action and First Amendment activity. I mean, I think we need to be as creative as possible and as imaginative as possible. And that of course is the opposite of what we saw in January 6th, because nothing is less creative or less imaginative than just violence and beating the hell out of police officers, which is now the M.O. of America's violent right wing street forces.

**LAURA FLANDERS:** Well, you brought us back to January 6th, which as people may know by now, was the day after you buried your beloved son, Tommy, who you lost to suicide. Your book, "Unthinkable: Trauma, Truth, and the Trials of Democracy" puts trauma first. And I wanna ask you a little bit about how you look after yourself and how your family are coping.

**JAMIE RASKIN:** We're still very much in the grieving and mourning and processing dimension of this, I suppose we always will be. We miss Tommy very sharply every day, but he keeps me going strong because he had much greater ambitions for democracy and what it could do, not fewer ambitions. And I know that he would want us out there fighting every step along the way to defend the democracy we have and to expand it and to grow it and to build people's voting rights and build people's ability to be represented, and then to use government as an instrument for the common good.

**LAURA FLANDERS:** Representative Jamie Raskin, I can't think of anyone who better expresses the slogan of this program. We say this is the place where the people who say it can't be done take a backseat to the people who are doing it. Thank you for being out there doing it and inspiring so many, and keeping alive the memory of Tommy who certainly inspired your family and others. Thank you so much for being with us.

**JAMIE RASKIN:** And thank you for having me, Laura. It was great, and keep up your awesome work.

**LAURA FLANDERS:** Jamie Raskin puts up two cheers for democracy, and I'll see him a few better. What's the alternative to monarchy and aristocracy and one party systems? Well, that alternative is lots of parties. I'm not saying for sure it would work here, but look at Ireland, Australia, Scotland. Lots of English speaking places use ranked choice voting. So you can have more parties, especially smaller ones at the table. Turn to Germany and Greece and Finland, you'll find proportional representation in the works. There, governments are formed through agreements among lots of parties, and that tends to get those democracies out of the bitter right/left divide. I'm not promising it would work here, but it's certainly worth thinking about. What's the answer to too little democracy? A lot more of it. I think on that, Jamie Raskin and I, and a whole lot of you, would probably agree. You can sign up to receive our podcast, and in that podcast feed, you get our full uncut conversation every week. All the information's at our website. Thanks for joining us. 'Till the next time. Stay kind, stay curious. I'm Laura.

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