

# Trump will not testify in 'unconstitutional' Senate impeachment trial

Former President Trump will not testify in his Senate impeachment trial, Fox News has learned.

"The President will not testify in an unconstitutional proceeding," Trump senior adviser Jason Miller told Fox News Thursday.

The former president's legal team fired back at Impeachment Manager Jamie Raskin's request Thursday for the former president to testify as part of the Senate impeachment trial, calling it a "public relations stunt" and saying they "cannot prove" the allegations against him.

The comments come after House impeachment managers requested that Trump provide testimony under oath either before or during the Senate impeachment trial about "his conduct" on Jan. 6.

The president's legal team did not say, one way or the other, whether the president would testify.

"We are in receipt of your latest public relations stunt," Trump's attorneys Bruce Castor and David Schoen wrote. "As you certainly know, there is no such thing as a negative interference in this unconstitutional proceeding."

"Your letter only confirms what is known to everyone: you cannot prove your allegations against the 45th President of the United States, who is now a private citizen," they continued.

They added: "The use of our Constitution to bring a purported impeachment proceeding is much too serious to try to play these games."

The request from impeachment managers came after Trump's legal team filed an answer to the Article of Impeachment denying what managers call "incontrovertible facts about the president's conduct on and leading up to" the Capitol riots.

Trump's legal team responded saying that "the 45th President of the United States performed admirably in his role as president, at all times doing what he thought was in the best interests the American people."

Lead Impeachment Manager Rep. Jamie Raskin, D-Md., on Thursday wrote a letter to Trump, saying he has "attempted to put critical facts at issue notwithstanding the clear and overwhelming evidence of your constitutional offense."

"In light of your disputing these factual allegations, I write to invite you to provide testimony under oath, either before or during the Senate impeachment trial, concerning your conduct on January 6, 2021," Raskin wrote. "We would propose that you provide your testimony (of course including cross-examination) as early as Monday, February 8, 2021, and not later than Thursday, February 11, 2021. We would be pleased to arrange such testimony at a mutually convenient time and place."

Raskin added: "If you decline this invitation, we reserve any and all rights, including the right to establish at trial that your refusal to testify supports a strong adverse inference regarding your actions (and inaction) on January 6, 2021."

Raskin requested Trump respond by Friday, Feb. 5 at 5 p.m.

The House voted Jan. 13 to impeach Trump 232 to 197, with 10 Republicans joining all Democrats. The Senate impeachment trial will begin Feb. 9.

Trump's legal team's answer denies that Trump violated his oath of office while also saying that he was protected by the First Amendment in response to claims he incited an insurrection.

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