In 60 Minutes interview

Former federal prosecutor says facts support sedition charges against leaders of January 6 assault on US Congress

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In an interview that aired on CBS' 60 Minutes program on March 21, former acting US Attorney for the District of Columbia Michael Sherwin revealed that the government is considering sedition charges against some of the more than 400 people who have been charged to date in the January 6 attack on the US Capitol.

Sherwin also confirmed that investigators were looking into possible criminal charges against former President Donald Trump.

In the interview, Sherwin, who until last week was leading the criminal investigation into the January 6 assault on the Capitol, said of potential sedition charges, "I personally believe the evidence is trending toward that, and probably meets those elements."

In response to a follow-up question from his interviewer, Scott Pelley, Sherwin added, "I believe the facts do support those charges. And I think that, as we go forward, more facts will support that."

Sherwin's statements on 60 Minutes echo previous comments made on January 26, when Sherwin said, "We are closely looking at evidence related to the sedition charges… We are working on those cases. I think the results will bear fruit very soon."

CNN previously reported that prosecutors were seeking sedition charges against some of the accused, but were "awaiting approval from the Justice Department, according to people briefed on the matter."

The last sedition case US prosecutors brought was in 2010 against members of a Christian fundamentalist militia in Michigan called Hutaree. Those named were accused of plotting to overthrow the government, but the charges were dismissed by a federal judge in 2012.

Under federal law, a "seditious conspiracy" occurs when "Two or more persons… conspire to overthrow, put down, or to destroy by force the Government of the United States… or by force to prevent, hinder, or delay the execution of any law of the United States…"

Socialist leaders have been targets of federal sedition charges. In 1941, the administration of Franklin D. Roosevelt, under the newly created Smith Act, obtained prison sentences against 18 members of the Socialist Workers Party, then the Trotskyist movement in the United States. Those convicted and imprisoned were among 29 SWP members initially charged with sedition and conspiracy to overthrow the government in retaliation for the SWP's opposition to US entry into World War II.

An earlier Democratic president, Woodrow Wilson, brought sedition charges against socialist leader Eugene Debs in 1918 under the Espionage Act, after Debs gave a famous anti-war speech denouncing "Wall Street Junkers."

Sherwin agreed to step down on March 3 to allow the Biden administration to name Channing D. Phillips as acting US attorney, while incoming Attorney General Merrick Garland considered a permanent replacement.

In his CBS interview, Sherwin detailed other serious charges that have already been laid against multiple members of far-right militia groups involved in the attack on the Capitol, including conspiracy and obstruction of Congress. He added that murder charges were under consideration in connection with the death of Capitol Police officer Brian Sicknick, who was sprayed with bear mace and died the following day.

"The 10 percent of the cases, I'll call the more complex conspiracy cases where we do have evidence," Sherwin said, "it's in the public record where individual militia

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groups from different facets: Oath Keepers, Three Percenters, Proud Boys, did have a plan." He continued: "We don't know what the full plan is, to come to D.C., organize, and breach the Capitol in some manner."

Further demolishing claims made by high officials in the Pentagon, the D.C. Metropolitan Police and the Capitol Police that there was "no intelligence" that an attack on Congress was possible, Sherwin admitted that he was an eyewitness to the siege on the Capitol. He told Pelley that he accompanied D.C. police to witness Trump's speech at the Ellipse before making his way to the Capitol alongside demonstrators who were wearing "tactical gear."

"They were tacked up with Kevlar vests. They had the military helmets on. Those individuals, I noticed, left the speeches early," said Sherwin.

Speaking of the advance planning and intimate knowledge among the insurrectionists of the layout to the Capitol, Sherwin said, "They may have been casing or doing reconnaissance runs."

Sherwin also said that while the government was still investigating the objectives of those who stormed the Capitol, it was a "critical and a scary fact" that gallows had been set up outside the Capitol on January 6.

On the role of the former president, he said: "It's unequivocal that Trump was the magnet that brought the people to D.C. on the 6th. Now the question is, is he criminally culpable for everything that happened during the siege, during the breach?

"What I could tell you is this, based upon, again, what we see in the public record. And what we see in public statements in court. We have plenty of people—we have soccer moms from Ohio that were arrested, saying, 'Well, I did this because my president said I had to take back our House.' That moves the needle towards that direction. Maybe the president is culpable for those actions."

In a follow-up question as to whether Trump was a possible target of the investigation, Sherwin replied, "We have people looking at everything, correct. Everything's being looked at."

The very fact that CBS made the decision to air the interview is indicative of an immense and ongoing crisis roiling the capitalist state in the aftermath of the attempt to overthrow of the 2020 election and illegally maintain Trump in power as a de facto dictator.

The comments by Sherwin place in sharp relief the concerted efforts of the Biden administration and the Democratic Party leadership to downplay the attempted coup and engineer a cover-up of the scale and aims of the conspiracy, which involved the Republican Party, the top leadership of the Pentagon and elements within the D.C. and Capitol Hill Police.

While Biden and House Speaker Nancy Pelosi plead for "unity" and "bipartisanship" with the Republicans, the bulk of Republican officials and their financial backers continue to peddle the lie of a "stolen election" and give aid and comfort to their fascist allies in groups such as the Proud Boys.

The right-wing Club for Growth, (CFG), which donated $20 million to 42 Republican lawmakers who voted to overturn the election on January 6, revealed on Monday that it will be targeting Ohio Representative Anthony Gonzalez and Wyoming Representative Liz Cheney, two of the 10 House Republicans who voted to impeach Trump in January for inciting the mob that attacked the Capitol. The organization said it would back pro-Trump challengers in Republican primary contests.

It was reported over the weekend that at least 10 Republican Party county organizations in Florida continue to present Trump as the current president on their websites. Jay Kramer, chair of the Indian River County Republican Party and former mayor of Vero Beach, told USA Today Network-Florida, "Trump hasn't conceded, and it's our opinion the election was stolen. It's important to make a statement and to make sure the statement stays relevant for the next 3½ years."

It has been nearly three weeks since D.C. National Guard Commander Gen. William Walker gave stunning testimony at a Senate hearing confirming that top officials in the Department of Defense delayed his emergency request to approve the dispatch of National Guard troops to defend Congress from the fascist mob for 3 hours and 19 minutes.

Yet the Democrats, who control both the Senate and House, have as of yet scheduled no further public hearings on the role of federal agencies in the January 6 assault, or called the Trump-appointed Pentagon officials who allowed the insurrectionists to rampage through the Capitol to testify. These include former acting Secretary of Defense Christopher Miller, whom Trump appointed on November 9 after firing Mark Esper, and former Secretary of the Army Ryan McCarthy.

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