

# House Select Committee on January 6 coup attempt votes to hold Stephen Bannon in criminal contempt

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In a unanimous vote Tuesday evening, the House Select Committee investigating former President Donald Trump's January 6 coup attempt voted to refer former Trump White House Special Advisor Stephen Bannon to the Department of Justice (DOJ) for prosecution for defying a congressional subpoena from the committee.

"We believe Mr. Bannon has information relevant to our probe, and we'll use the tools at our disposal to get that information," said Chairman Bennie Thompson (Democrat from Mississippi). Thompson added that while Bannon is "willing to be a martyr to the disgraceful cause of whitewashing what happened on January 6," the committee "won't be deterred. We won't be distracted. And we won't be delayed."

Bannon has thus far refused to provide any documentation or appear before the committee. Through his lawyer, Robert Costello, Bannon has claimed that Trump is invoking "executive privilege" on any communications or documents sought by the committee, preventing him from cooperating with its investigation.

In her remarks Tuesday night, the vice chair of the committee, Wyoming Republican Liz Cheney, reviewed Bannon's "substantial advance knowledge of the plans for January 6." She said Bannon "likely had an important role in formulating those plans." While Thompson failed even to utter the name of the former president, it was left to the right-wing war hawk and daughter of former Vice President Dick Cheney to point to the direct collaboration between Bannon and Trump in the lead-up to the attack on the U.S. Capitol.

"Mr. Bannon was in the war room at the Willard [Hotel] on January 6," said Cheney. "He also appears to have detailed knowledge regarding the president's efforts to sell millions of Americans the fraud that the election was stolen. In the words of many who participated in the January 6 attack, the violence that day was in direct response to President Trump's repeated claims—from election night through January 6—that he had won the election."

Commenting on Bannon's and Trump's attempts to invoke "executive privilege" to prevent Bannon from testifying,

Cheney said, "Mr. Bannon's and Mr. Trump's privilege arguments do appear to reveal one thing, however: They suggest that President Trump was personally involved in the planning and execution of January 6. And we will get to the bottom of that."

On Monday, Trump filed a lawsuit in the U.S. District Court in Washington D.C. against the House Select Committee and the head of the National Archives, making a sweeping executive privilege claim and declaring the committee's investigation to be illegitimate.

Following the filing of the lawsuit, Trump spokesperson Taylor Budowich told *Politico* that the lawsuit was "in defense of the Constitution, the Office of the President, and the future of our nation, all of which the sham Unselect Committee is trying to destroy."

"The fact is America is under assault by Pelosi's Communist-style attempt to silence and destroy America First patriots through this hyper-partisan and illegitimate investigation."

The fascistic language of Budowich's statement underscores Trump's rejection of the constitutional framework of American bourgeois democracy—or what remains of it—and the authoritarian aims that underlay his attempt to overthrow the election and seize dictatorial power on January 6. Nine months later, the failure of the Biden administration and the Democrats to prosecute Trump or any of his co-conspirators, including virtually the entire Republican Party apparatus, has enabled Trump to strengthen his hold on the party and continue his drive to build a fascist movement.

His response to the committee and its subpoenas is to double down on his lie of a "stolen election" and exploit the fecklessness of the Democrats to step up his fascistic incitement. Fear within the ruling elite of the growth of working-class strikes and protests in rebellion against the pro-corporate trade unions drives the ruling class ever further in the direction of dictatorship.

On Tuesday morning, the Select Committee released a 26-page resolution outlining the committee's attempts to get Bannon to cooperate, his refusal to do so, and its call for criminal contempt against him. In the resolution, the committee

noted Bannon’s advance knowledge of the coup attempt, citing a passage from his January 5 “War Room” podcast:

All hell is going to break loose tomorrow. ... So many people said, “Man, if I was in a revolution, I would be in Washington.” Well, this is your time in history.

It’s all converging, and now we’re on the point of attack tomorrow. It’s not going to happen like you think it’s going to happen. It’s going to be extraordinarily different. And all I can say is: Strap in.

The resolution demolishes Bannon’s claim that he is unable to cooperate with the committee due to Trump’s invocation of “executive privilege.” It notes that Trump has yet to communicate with the committee and had not officially informed it that he was invoking executive privilege when Bannon failed to submit documents on October 7 or appear before the committee on October 14, as stipulated in the subpoena the committee served on him.

The resolution explains that Bannon was not a government official in the period leading up to and following the January 6 fascist attack on the Capitol, having been fired from his White House post by Trump in August of 2017. Executive privilege applies only to interactions between the president and White House aides or government officials carried out in the course of official government business. Traditionally, moreover, it can be legally evoked only by a sitting president, not a former president. President Joe Biden has refused to support Trump’s executive privilege claim.

In addition, many of the documents requested by the committee have nothing to do with Bannon’s interactions with Trump. They concern rather Bannon’s interactions with forces that assisted, organized and participated in the coup.

These include the “Women for America First” political group, which organized the fascist rally outside the White House on January 6; Republican strategist, attorney and frequent guest on Bannon’s podcast Boris Epshteyn; members of the group who attended the January 5 planning meeting at the Willard Hotel (including Rudy Giuliani, John Eastman, Roger Stone and Trump campaign spokesman Jason Miller); and other Trump officials, such as Kash Patel, former chief-of-staff to acting Secretary of Defense Christopher Miller, and Ezra Cohen-Watnick, another Trump loyalist who was appointed to a high-level position in the Department of Defense following the firing of Defense Secretary Mark Esper after Trump’s electoral defeat.

The committee is also seeking communications between Bannon and Republican lawmakers who supported Trump’s efforts to overturn the election results.

Three other former Trump officials subpoenaed by the committee—Trump White House Chief of Staff Mark Meadows,

Dan Scavino and Kash Patel—similarly failed to submit documents or appear before the committee by last week’s prescribed deadlines. The committee has not, however, called for contempt orders against them, amidst vague statements that the three are “in communication” with the committee.

Now that the Select Committee has recommended prosecuting Bannon, the Democratic-controlled House is expected to take up and pass the measure on Thursday. The resolution would then be sent to the Department of Justice (DOJ), which would have to convene a grand jury to decide whether to pursue criminal charges against Bannon.

Should the DOJ decide to pursue charges and if Bannon is found guilty, the maximum penalty for criminal contempt of Congress, a misdemeanor, is one year in jail and a fine of up to \$100,000.

However, there is no guarantee that Attorney General Merrick Garland will decide to prosecute Bannon. Last Friday, President Biden expressed his support for prosecuting those like Bannon who refuse subpoenas, telling CNN, “I hope that the committee goes after them and holds them accountable.”

That same day, DOJ spokesman Anthony Cole said the “Department of Justice will make its own independent decision in all prosecutions based solely on the facts and the law. Period. Full Stop.”

While it remains to be seen exactly how this will play out, the most likely scenario is that Trump and his co-conspirators will be able to tie up any criminal referrals in the courts and delay any resolution of subpoena requests until after the 2022 midterm elections. Meanwhile, Committee Chairman Thompson has indicated that he hopes to have the committee’s work wrapped up by next spring.

In the acute and unprecedented crisis of the entire capitalist political system, the Democrats are driven above all by their fear of a revolutionary movement from below. While attempting to provide an appearance of holding Trump and his fascistic co-plotters accountable, they work to cover up the scale and significance of the events of January 6 and suppress the mounting resistance of the working class.



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