

Former Top White House lawyers, advisers, testify before January 6 Select Committee

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After refusing the January 6 House Select Committee's subpoena for months, Stephen Miller, former Senior Advisor to President Donald Trump, reversed course and testified Thursday. Miller was originally subpoenaed in November 2021 and up until recently had been resistant to the committee's request, going so far as to sue the committee last month after they issued a subpoena for his phone records.

As director of speechwriting, Miller was one of the most right-wing figures in the White House, identified especially with Trump's fascistic policies towards immigrants, including both the border wall and the separation of children and parents in detention camps. He was also among those urging maximum defiance of the results of the 2020 election, which Joe Biden won by a significant margin.

As of this writing, several sources are reporting that Miller did make a virtual appearance before the committee, but what was discussed has not been revealed.

In the select committee's November 2021 letter requesting his appearance, Chairman Bennie Thompson (Democrat-Mississippi) wrote that Miller, "by his own account participated in efforts to spread false information about alleged voter fraud in the November 2020 election, as well as efforts to encourage state legislatures to alter the outcome of the November 2020 election by appointing alternate slates of electors."

As Trump's head speechwriter, Miller lead the team that prepared Trump's speech at the Ellipse outside the White House on January 6, 2021, prior to the storming of the Capitol by Trump-aligned paramilitaries. In his call to violence, Trump urged his far-right supporters to "fight like hell" and implored them to march on the Capitol.

In addition to Miller, former White House Counsel Pat Cipollone and his deputy, Patrick Philbin, spoke with select committee investigators earlier this week. There is no question that Cipollone, who represented Trump

during his first impeachment trial and throughout much of his presidency, is very familiar with Trump's multifaceted efforts to overthrow the election.

While Cipollone is a loyal Republican, he was opposed to Trump's overtly illegal and unconstitutional efforts to stay in power. Previous public reporting has established that Cipollone was present during a December 17, 2020 meeting at the White House during which fascist lawyer Sidney Powell, retired Lt. Gen. Michael Flynn and former Overstock CEO Patrick Byrne lobbied Trump to appoint Powell as a Special Counsel to investigate non-existent voter fraud.

In the same meeting, Flynn argued that Trump declare martial law and have the National Guard seize voting machines and re-run the election in key "battleground" states at gunpoint; Cipollone and Philbin argued against this plan.

On January 3, 2021, Cipollone and Philbin joined with Acting Attorney General Jeffrey Rosen and his deputy, Richard Donoghue, in threatening to quit if Trump fired Rosen and put deputy attorney general Jeffrey Clark in charge of the Department of Justice (DoJ). Clark made it known to Trump, that he, unlike Rosen, was willing to announce a wide-ranging—and entirely bogus—"election fraud" investigation into swing states Trump lost, giving Republican legislatures in those states the necessary pretext to reject Biden electors and appoint pro-Trump electors in their stead.

Cipollone was also opposed to Trump coup lawyer John Eastman's unconstitutional scheme, which called on Vice President Mike Pence to unilaterally reject the Electoral College votes of states Trump lost during the congressional certification on January 6.

In addition to the former top White House lawyers and advisors, Trump's daughter, Ivanka Trump, and his son-in-law, Jared Kushner, have also testified before the committee in the last two weeks. One of two Republican

members of the committee, Wyoming Rep. Liz Cheney, characterized Ivanka's reported eight hours of testimony as "helpful."

Ivanka, who at one point tweeted out her support for "American patriots" as the Capitol was under siege, was inside the White House throughout Trump's coup. Reporting from *Washington Post* journalist Bob Woodward and CBS's Robert Costa has claimed that Ivanka, on two separate occasions, perhaps once it became clear the coup had failed, tried to intervene and urge Trump to make a public statement urging his followers to cease their attack on Congress.

While Kushner, perhaps aware of the violence that was about to unfold, was not in Washington D.C. on January 6, he still reportedly spoke with the committee two weeks ago for over seven hours, providing "valuable" testimony, according to Virginia Democratic Rep. Elaine Luria.

The sudden willingness of so many of Trump's high-level advisers and even close family members to testify before the committee—after months of foot-dragging and defiance—may indicate a turning point into the committee's investigation. But the direction of that turn remains to be seen.

While members of the select committee have promised since its inception to hold "public hearings" in order to educate the public on Trump's wide-ranging plot to defy the election results and establish himself as a dictator, the committee has only held one public hearing so far, last July. Since that time members have in various points indicated hearings would be held, "in the Spring" or in March or April.

In a recent interview with the *Washington Post*, Rep. Jamie Raskin indicated public hearings may be held in May or June.

Despite months of investigations and ongoing testimony from Trump's accomplices, committee members have in recent weeks been downplaying the utility of sending a criminal referral summarizing their findings to the DoJ—something that, like their non-existent interim report and public hearings, was previously touted as a unique feature of the "bipartisan committee."

After a *New York Times* report last week headlined "Jan. 6 Panel Has Evidence for Criminal Referral of Trump, but Splits on Sending," Representative Zoe Lofgren (D-California) made an appearance on MSNBC's *Deadline* this week to call the article an "error," saying the "headline didn't match the story."

Lofgren said the committee had "never met to discuss" whether or not they were going to send "a so-called

referral to the Department of Justice," adding it was the not "gist" of the committee.

Without explaining why, Lofgren said the committee "wouldn't be in a position" to discuss the referral, until "after the investigation was complete and we knew what it was we were sending to the department." Why the committee would be incapable of sending a criminal referral whenever they uncovered criminal activity she did not explain.

Downplaying the utility of a criminal referral, the California lawmaker added, "just as a matter of fact a so-called referral has no legal impact."

"It's basically sending a letter saying, you know, here's our opinion and here's some evidence." Later on in the interview, Lofgren further downplayed the possibility of a criminal referral emerging from the committee saying they would not even be in a position to "discuss it," until the investigation was "close to complete."

Despite the committee existing for over nine months, Lofgren added that members had yet to reach a decision on whether or not they would subpoena any of Trump's congressional co-conspirators, such as Republicans Mo Brooks (Alabama), Paul Gosar and Andy Biggs (Arizona), or Jim Jordan (Ohio).

Lofgren did not mention, nor did her host ask about, the possibility of the committee subpoenaing Virginia Thomas, wife of Supreme Court Justice Clarence Thomas. Text messages released last month between "Ginni" Thomas and former Trump aide Mark Meadows revealed that the longtime Republican operative was intimately involved with the coup plot from its inception up to and through January 6, 2021.



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