

Democrats continue appealing for Republican support in January 6 investigation

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12 June 2022

The House Select Committee investigating the January 6, 2021 attack on the Capitol released Sunday night a list of five witnesses to give live, in-person testimony on Monday, at the second in a series of nationally televised public hearings.

All five are expected to give sworn testimony that undercuts ex-President Donald Trump's claims that the 2020 election was stolen, as well as to demonstrate that Trump himself did not believe these claims, only asserting them to provide a political basis for whipping up his own supporters, particularly the fascist elements who attacked the Capitol.

The witnesses include former Fox News election analyst Chris Stirewalt; former US Attorney for north Georgia Byung Jin (BJay) Pak; former Philadelphia city commissioner Al Schmidt; longtime Republican election lawyer Ben Ginsberg; and Trump's former campaign manager, Bill Stepien.

All are either Republicans, conservatives or Trump appointees, in keeping with the effort by the congressional Democratic leadership and the Biden administration to build up the Republican "opposition" to Trump and claim that the Republican Party played a critical role in blocking Trump's coup attempt after he lost the 2020 election.

Stirewalt was the main public spokesman for the Fox News Decision Desk, which concluded based on analysis of incoming election returns that Democrat Joe Biden would win the state of Arizona, the first definitive media call of a "battleground" state and the first major indication that Biden would prevail in the Electoral College. The Trump campaign sought to pressure Fox owner Rupert Murdoch to overturn the "call," but Murdoch declined. Stirewalt was laid off by Fox in January 2021.

Pak, appointed by Trump as US attorney in 2017, resigned on January 4, 2021, after he was told Trump intended to fire him for failing to find evidence of

widespread voter fraud in Georgia. This came one day after the president's notorious telephone conversation with Georgia Secretary of State Brad Raffensperger, in which Trump urged him to "find" 11,780 votes, enough to overturn Biden's lead in the state.

Schmidt, the lone Republican commissioner in heavily Democratic Philadelphia, publicly rejected Trump's claim that the Democrats had stuffed ballot boxes in the city in order to "rig" the election statewide. Trump actually received slightly more votes in Philadelphia in 2020 than in 2016. He lost the state because of the massive shift against him among voters in the four large suburban counties around Philadelphia.

Ginsberg has been a partisan Republican election lawyer for many decades and played a leading role in the effort by the George W. Bush campaign in 2000 to block a full vote count in Florida that would likely have overturned Bush's narrow lead. His lawsuit culminated in the notorious *Bush v. Gore* decision by the Supreme Court, in which a 5-4 majority awarded the presidency to Bush. Ginsberg has been highly critical of Trump's effort to overturn the 2020 election, pointing to its anti-constitutional and anti-democratic character.

Stepien is expected to be a hostile witness but will be asked about how the Trump campaign shifted gears from appealing for votes to denouncing the supposedly stolen election. He is currently a campaign adviser to Harriet Hageman, who is challenging Liz Cheney, the committee vice chair, for the Republican congressional nomination in Wyoming. Hageman is backed by Trump and the Republican House leadership.

The day before the hearing, four members of the House Select Committee appeared on four separate Sunday television interview programs, which devoted half their attention to a review of the hearings. The committee members continued to emphasize the role of Trump as the central leader of a coup aimed at overturning the election

results and maintaining his grip on the White House, although they again, as at Thursday night's initial hearing, avoided the use of words like "dictatorship" and "fascism."

Democrat Jamie Raskin, appearing on CNN, declared of January 6 that "it continues to be an absolutely shocking event in American history that there was an attempted political coup organized by the president of the United States in order to overthrow a presidential election to stay in office, to seize the presidency."

Asked if the committee would refer Trump for prosecution by the Department of Justice, he avoided a direct answer, saying, "There's not a specific statutory provision for just referring crimes to the Department of Justice. I suppose our entire investigation is a referral of crimes, both to the Department of Justice and to the American people ..."

He added, "we have laid out in different legal pleadings the criminal statutes that we think have been violated. And Judge Carter in California said he thought it was likely that President Trump committed federal offenses."

Democrat Adam Schiff took a similar tack on ABC, hinting at a criminal prosecution of Trump while not actually calling for it. "I would like to see the Justice Department investigate any credible allegation of criminal activity on the part of Donald Trump or anyone else," he said. "The rule of law needs to apply equally to everyone."

He added, giving a reason in advance for non-action by Attorney General Merrick Garland, "ultimately, once the evidence is accumulated by the Justice Department, it needs to make a decision about whether it can prove to a jury beyond a reasonable doubt the president's guilt or anyone else's. But they need to be investigated if there's credible evidence, which I think there is."

Republican Adam Kinzinger, speaking on CBS, said that there was no evidence that the election had been stolen. He continued: "[i]f the president truly believed it, for instance, he's not mentally capable to be president. I think he didn't believe it. I think the people around him didn't believe it. This was all about keeping power, against the will of the American people."

Democrat Elaine Luria, appearing on NBC, responded to two specific questions about where the committee was going with its investigation. When host Chuck Todd asked whether the committee would investigate the actions of Ginni Thomas, wife of Supreme Court Justice Clarence Thomas, who flooded Arizona state legislators with emails urging them to overturn the vote in their state

and award Arizona's electoral votes to Trump, Luria said, "It is not the focus of this investigation."

Later Todd asked Luria about a potential in-person witness, Cassidy Hutchinson, who was an aide to White House Chief of Staff Mark Meadows and reportedly kept detailed schedules of White House activities. Luria confirmed that Hutchinson had sat for 20 hours of interviews by the committee, indicating that this was longer than any other witness. She added that the committee had been able to piece together a detailed timeline of the three hours during which Trump stood by and did nothing to stop the attack on the Capitol, while he watched it on television.

But as at the opening session Thursday, when committee chair Bennie Thompson and vice chair Liz Cheney went out of their way to praise Republican officials who rejected Trump's claim of a stolen election and its violent outcome on January 6, Luria said that many officials of the Trump administration behaved well.

"I frequently say, you know, if there weren't some people in the right places at the right time who did the right thing, this could have turned out very differently, and that includes at the Department of Justice, the former vice president," she said.

A flattering profile of Cheney in the *Washington Post* Sunday revealed that she had been adamantly opposed to any investigation into Ginni Thomas or efforts to investigate other Republicans who had backed Trump's claim of a stolen election.

A *Wall Street Journal* editorial on the weekend noted, with evident satisfaction, "One irony is that the largely Democratic committee's evidence makes clear that Mr. Trump's designs on overturning the election were foiled mainly by Republicans, including many in his Administration."

There is no irony here but a deliberate political decision by the Biden administration and the congressional Democratic leadership. They wish to maintain, as Biden put it, a "strong Republican Party," because they fear that any significant damage to the corporate-controlled two-party system could have unpredictable consequences and create an opening for a political movement from below.



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