

January 6 investigation

Second hearing details Trump lies of “stolen election” but seeks to exonerate Republican Party

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The second day of televised hearings before the House Select Committee investigating the January 6, 2021, attack on the U.S. Capitol continued the trend already demonstrated in the opening hearing last Thursday. It provided damning evidence that Donald Trump conspired to overturn his defeat in the 2020 election through dishonest, anti-democratic and criminal methods. And it sought to whitewash the broader responsibility of the Republican Party in failing to oppose and outright facilitating the coup.

The second tendency was more pronounced in Monday’s hearing, where every in-person witness was a Republican, a conservative or a Trump appointee, as were all the most important witnesses shown giving taped depositions. Several of them are political criminals seeking to save their own hides, like Trump’s former Attorney General William Barr, or veterans of past anti-democratic conspiracies, like Benjamin Ginsberg, the principal lawyer for George W. Bush in the stolen election of 2000.

This did not stop the largely Democratic committee from engaging in gushing praise of the witnesses, hailing them for saving American democracy from Trump’s attempted coup. Some, most notably Barr, actually acted as co-conspirators until the point—some days after the election—where they evidently calculated that Trump had suffered such a landslide repudiation at the ballot box that his efforts to remain in power were doomed to failure and risked provoking massive popular opposition.

The first panel of witnesses testified to the events of Election Day and the response to it within the Trump campaign and the White House. Trump campaign manager Bill Stepien had been subpoenaed to testify but was excused because his wife went into labor. His sworn deposition testimony, shown in video, confirmed that top campaign aides knew within hours of the polls closing that Trump had lost, because his lead in the same-day voting, disproportionately Republican, was too narrow and was sure to be overwhelmed by the disproportionately Democratic votes cast by mail-in or early voting.

Stepien, campaign strategist Jason Miller and other aides urged Trump to make no claim of victory but to issue a statement thanking his supporters and urging patience while the votes were counted. This would have been the standard procedure in any past election where the contest was unresolved, even when the margins were much closer than the Biden-Trump contest appeared to be.

Trump, however, rejected this advice, instead appearing before a

White House crowd in the middle of the night and declaring victory, as well as making claims of systematic vote fraud without a shred of evidence.

Nor did he ever provide such evidence, as Barr spelled out in detail in numerous excerpts from his taped deposition shown during the just over two hours of the hearing. As each claim of fraud was investigated and found to be baseless or rejected by the courts, Trump would simply move on to new ones, more inflammatory and bizarre.

Associate Attorney General Richard Donoghue testified in his deposition, “[t]here were so many of these allegations that when you gave him a very direct answer on one of them, he wouldn’t fight us on it, but he would move to another allegation.” Barr noted this indifference as well, saying, “[t]here was never an indication of interest in what the actual facts were.”

Through these witnesses and other Trump campaign officials, White House and Justice Department officials, the Select Committee sought to present a picture of two warring camps among Trump’s aides: “Team Normal,” as Stepien labeled it, and “Team Crazy,” headed by Trump lawyer and adviser Rudy Giuliani, the former mayor of New York, and attorney Sidney Powell.

Aside from the negligible political, not to say intellectual, resources of the second camp, this presentation is aimed at delivering a political amnesty to virtually every Republican Party official and operative not named Trump.

Trump is presented as a man psychologically unable to admit defeat, rather than the instigator of the attempted overthrow of the Constitution. This was the line propounded by the Biden campaign and the Democratic-aligned sections of the corporate media between Election Day and the January 6 coup attempt.

Stepien and Barr both pointed out that Trump began advancing his claims of election fraud on election night, long before there could have been any evidence to support them. These claims were, literally, baseless. But that did not stop both men, along with Senate leaders like Mitch McConnell and John Cornyn and House leaders like Kevin McCarthy and Steve Scalise, from lining up behind Trump and arguing that his myriad lawsuits and refusal to concede were nothing more than “the president exercising his legal rights.”

They all knew the claims had no foundation. But they accommodated themselves to Trump’s lies about election fraud, until December 1 for Barr, until the Electoral College vote December 14 for

McConnell, and right up through January 6 for McCarthy and Scalise. Two-thirds of the House Republicans voted not to certify Biden's clear victory even after the rioters had been cleared out of the Capitol and the certification of the Electoral College results resumed.

The second panel of in-person witnesses included former US Attorney for the Northern District of Georgia BJ Pak and former Philadelphia city commissioner Al Schmidt, as well as Benjamin Ginsberg.

Pak and Schmidt gave testimony to the effect that there was no credible evidence of fraud in either Georgia or Pennsylvania. Schmidt also testified about the great increase in number and specificity of death threats against himself and his family after Trump began to tweet against him because of his opposition to the claims of fraud. This illustrated the way in which Trump's social media operations helped fuel violence against his opponents and critics.

Ginsberg reviewed the dozens of legal challenges filed by Trump campaign lawyers over claims of fraud or improper procedure in ballot counting. While about 30 of these claims were dismissed by courts outright on procedural grounds, he explained, another 30 were given full consideration, including the weighing of evidence presented by Giuliani and others. In all these cases, except for one minor procedural issue, the courts ruled against the Trump campaign. They had no evidence and no legal basis for their challenges.

Democratic Representative Zoe Lofgren introduced Ginsberg as a veteran Republican election lawyer, mentioning his role in the 2000 campaign in litigating George W. Bush's claims all the way to the Supreme Court. She did not elaborate on the fundamentally anti-democratic character of that litigation and of the resulting Supreme Court decision in *Bush v. Gore*.

Bush sought to prevent the recounting of ballots cast in Florida, as ordered by the Florida state Supreme Court, because that recount seemed likely to give Democratic presidential candidate Al Gore sufficient votes to win the state and its electoral votes, and thus the election as a whole. The Supreme Court stepped in with a 5-4 ruling freezing the vote counting, effectively awarding Florida's electoral votes and the White House to Bush.

Justice Antonin Scalia declared, in the course of this decision, that the American people had no constitutional right to vote for the president. State legislatures, including the Republican-controlled legislature in Florida, were the final authority, he claimed. It was this argument that laid the basis for the strategy pursued by Trump's legal team, including Giuliani and John Eastman, after the 2020 election, when they sought to pressure Republican-controlled legislatures in Pennsylvania, Michigan, Arizona, Georgia and Wisconsin to overturn the popular vote and award their state's electoral votes to Trump.

This connection was a closed book to the Select Committee in its presentation of Ginsberg as an esteemed election authority, even though a future hearing is set to examine Trump's effort to strong-arm state legislative leaders to do his bidding.

At the opening of Monday's hearing, the committee presented video of Trump's repeated declarations, for months leading up to the election, that the only way he could lose was if the voting was rigged. This is damning proof of Trump's intention to defy the will of the voters if he lost but raises other political questions.

First of all, the video left out the most important event of that period, Trump's response to the mass protests which followed the police murder of George Floyd, when he went on national television to declare himself "your president of law and order" and vowed to invoke the Insurrection Act of 1807 and mobilize troops against the

protesters.

This was accompanied by the order, given by then Attorney General William Barr himself, for police and paramilitary forces to clear Lafayette Park, in front of the White House, of a large crowd of anti-Trump protesters. This allowed Trump to stage his notorious walk across the park to St. John's Episcopal Church, followed by Barr, General Mark Milley and other officials, and pose before television cameras holding up a Bible.

Secondly, the video of Trump's threats begs the question: Why was nothing done by the Democrats or any section of the capitalist state to defend the election? Representative Lofgren, who led the bulk of Monday's questioning, made the remarkable admission at one point that the outcome of these threats—Trump's refusal to acknowledge his defeat at the polls—was "entirely predictable."

Certainly, it was. And the *World Socialist Web Site* had predicted Trump's impending coup and warned against it for more than a year. But what were the Democrats doing about it? Candidate Joe Biden, who admitted in June 2020 that his greatest concern was that Trump would defy the result of the vote, chose to spread complacency throughout the fall campaign, denying there was any prospect that Trump would seriously resist being removed from power if he lost the vote.

It is more evident than ever that the main function of the hearings is to legitimize the Republican Party, to wage a "struggle for the soul of the Republican Party," as Biden might put it. The target for the committee is not the American people, who are to be alerted to the danger of fascism and dictatorship, but Republican officials and partisans, who are to be persuaded to break with Trump on the basis of agreement with the Democrats on a policy of military intervention in Ukraine against Russia and over Taiwan against China.

Hence the shift towards the end of the hearing to the question of Trump as grifter, not Trump as coup plotter and would-be dictator. Trump accumulated \$250 million in small donor contributions from his constant internet solicitations over the alleged theft of the 2020 elections. This money went into his campaign coffers for the future, not to fight lawsuits and challenges which had already failed.

The claim is that Trump's post-election operation was a scam, a rip-off, not a threat to democracy and that those who followed Trump were the real victims. But despite the handful of interview excerpts shown at the hearing, those who attacked the Capitol did not do so because they were misled by Trump's election lies. They were motivated by extreme right-wing and fascistic politics, and they sought to overturn the election results and impose an authoritarian right-wing dictatorship on the American people



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