

House Select Committee likely to issue criminal referral against Trump

Patrick Martin
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Comments on the weekend from members of the House Select Committee into the attack on the U.S. Capitol suggest that the committee is moving towards recommending a criminal referral against ex-President Donald Trump, urging the Justice Department to prosecute Trump for his role in the attempted coup of January 6, 2021.

These remarks must be viewed in the light of the devastating testimony June 28 by former White House aide Cassidy Hutchinson about Trump's plans to go with the mob of his supporters to the Capitol building and join them in the attack, which was aimed at halting the congressional certification of Trump's defeat in the Electoral College. Her account has been confirmed and supplemented in several press reports that followed.

Committee Vice Chair Liz Cheney (Republican-Wyoming) gave her first interview since the hearings began, sitting down with Jonathan Karl of ABC News, with portions broadcast on Sunday morning's "This Week" program. Karl asked Cheney whether the hearings demonstrated that Trump should be prosecuted.

While Cheney noted that the decision would be made by the Justice Department, she left no doubt about the direction the committee was taking: "I think we may well as a committee have a view on that and if you just think about it from the perspective of what kind of man knows that a mob is armed and sends the mob to attack the Capitol and further incites that mob when his own vice president is under threat, when the Congress is under threat. It's just—it's very chilling..."

She added, "There could be more than one criminal referral," although it was not clear whether she meant multiple charges against Trump or multiple individuals charged with crimes, or both.

Asked what it would mean to see a former president

prosecuted, one who was likely running for president again, Cheney said the greater threat was not to prosecute. She went on to say that the Republican Party "can't survive if he's our nominee."

Democratic committee member Adam Schiff of California, appearing on "Face the Nation" on CBS, agreed with Cheney that there could be multiple criminal referrals to the Justice Department. He said, "You know for four years, the Justice Department took the position that you can't indict a sitting president. If the Department were now to take the position that you can't investigate or indict a former president, then a president becomes above the law. That's a very dangerous idea that the Founders would have never subscribed to. Even more dangerous, I think in the case of Donald Trump."

Two other committee members discussed the further course of the investigation. Adam Kinzinger (Republican-Illinois), appearing on CNN's "State of the Union," said more witnesses have come forward in response to Hutchinson's televised testimony to offer their accounts.

Zoe Lofgren (Democrat-California) said the committee was in discussion with Trump's last White House counsel, Pat Cipollone, whose role was referenced in Hutchinson's testimony, as someone who repeatedly warned that Trump's plans to go to the Capitol on January 6 would subject him to criminal prosecution. Cipollone has declined to testify under oath, citing executive privilege, but the committee has now issued a subpoena requiring him to give a deposition on Wednesday, July 6.

Lofgren pointed out that the current president, Joe Biden, has waived executive privilege for all White House conversations relating to the events of January 6. Referring to Cipollone, she said, "You know, our

intention is to hear from him, and I think given the testimony of Ms. Hutchinson that he was trying to prevent crimes from being committed on that day, I would assume that he would want to come in.”

As they have throughout the hearings, however, all the committee members, Democrat and Republican, sought to focus entirely on Trump the individual, on his criminal conduct and personal unwillingness to admit that he lost the presidential election by more than seven million votes, and avoided any discussion of the institutional backing which he had from sections of the military-intelligence apparatus and from within the Congress itself.

But new reports in the corporate press suggest conflicts within the capitalist state over whether to back Trump’s power play and how far to go in doing so.

A report by Lucien Bruggeman and Josh Margolin of ABC News on June 30 declared that Hutchinson’s testimony “raises fresh questions about Secret Service’s handling of Jan. 6.” It noted that the Secret Service “may have had advanced warning of the potential for violence at the Capitol” but apparently did nothing to prepare for it, even transporting Vice President Mike Pence, his wife Karen, and Vice President-elect Kamala Harris, then a US senator, to the Capitol without any increased security.

“These security lapses may not have been a result of incompetence, but instead due to deliberate actions taken by senior White House officials,” former Department of Homeland Security official John Cohen said on ABC, where he is now a paid commentator. “If this information was not provided to the Secret Service, or if it was and the Secret Service failed to expand security operations, that would be highly disconcerting.”

There were several clashes between top officials and the Secret Service on January 6, with Trump demanding to accompany the mob to the Capitol, only to be blocked by his guards, while Vice President Pence refused to get into his armored car in the Capitol garage because he did not want to leave the building, but rather wanted to be available for a resumption of the certification of electoral votes.

An article in the *Washington Post*, published July 2, reports that Trump began voicing his desire to “personally lead a march to the Capitol” toward the end of 2020, several days before his chief of staff Mark

Meadows informed Cassidy Hutchinson that this was being considered.

“Trump brought it up repeatedly with key advisers in the Oval Office, according to a person who talked with him about it,” the report continues. There is no indication that these “key advisers” have yet testified about these discussions or about subsequent contacts they made with the Pentagon, the Department of Homeland Security (which includes the Secret Service) or the FBI.

The *Post* report continued: “The president told others he wanted a dramatic, made-for-TV moment that could pressure Republican lawmakers to support his demand to throw out the electoral college results showing that Joe Biden had defeated him, the person said.”

The events of the day suggest, however, that the plan to go to the Capitol was not driven by concern for television theatrics but had a far more sinister motivation. The press was not informed of the planned movement, the *Post* reported, as is invariably the case for an official presidential action.

Trump was planning his entry into the Capitol, not as a media gesture, but as the first open step in a violent coup, in which the mob would either forcibly disperse Congress or compel the assembled legislators, under threat to their lives, to overturn the results of the 2020 election and give the defeated president a continued lease on the White House.



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