

Trump coup lawyers saw Supreme Court Justice Clarence Thomas as “key” to overturning 2020 election

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Last week, emails written by Trump coup lawyers John Eastman and Kenneth Chesebro were inadvertently made public after a federal judge ruled that the emails had to be turned over to the January 6 House Select Committee because they showed evidence of a crime.

The emails, first reported by *Politico*, were uploaded to a publicly accessible server by associates of the lawyers. While they were quickly taken down, the contents of the emails were reported by major news networks and the *World Socialist Web Site*.

The emails showed that Eastman, Chesebro and other lawyers discussed crafting legal arguments based on factual assertions they knew to be false. The lawyers made clear, moreover, that they were counting on far-right Supreme Court Justice Clarence Thomas to back their brief and facilitate the blocking of congressional certification of Joe Biden’s election victory. The lawyers deemed it paramount that they file their legal brief in Georgia so that it would be adjudicated in the 11th Circuit Court of Appeals, which is overseen by Justice Thomas.

Several of the emails ordered turned over to the January 6 Committee were written on December 31, 2020. In the emails, Chesebro, Eastman and other Trump lawyers discussed legal strategies to give Republican members of Congress the pretext they needed to vote against certifying the election on January 6, 2021.

The emails showed that Eastman, a former clerk of Justice Thomas, and Chesebro agreed that Thomas was

the “key” to overturning the 2020 election.

“Realistically, our only chance to get a favorable judicial opinion by Jan. 6, which might hold up the Georgia count in Congress, is from Thomas—do you agree, Prof. Eastman?” Chesebro wrote to Eastman on December 31.

Chesebro followed up several hours later with another email saying that the “best shot at holding up the count of a state in Congress” would be to get a case “pending before the Supreme Court by Jan. 5, ideally with something positive written by a judge or justice, hopefully Thomas.”

Chesebro argued that they needed to “frame things so that Thomas could be the one to issue some sort of stay or other circuit justice opinion saying Georgia is in legitimate doubt.”

Eastman, who spoke at the Ellipse with fellow coup lawyer Rudy Giuliani in support of Trump’s coup on January 6, 2021, replied the same day: “I think I agree ... that may be enough to kick the Georgia legislature into gear.”

Eastman’s comment about the Georgia legislature is significant because it shows that the coup plot was not a “one man show,” but a coordinated effort involving Trump’s lawyers, elected Republican officials, the Trump White House and a section of the Supreme Court. The wide-ranging plot involved putting pressure on all levels of government, including state legislatures and election officials.

Notably, the emails written by Eastman and Chesebro were sent at the same time Eastman was in communication with the lifelong Republican operative and wife of Justice Thomas, Virginia “Ginni” Thomas.

At least one email turned over to the January 6 Committee shows that Virginia Thomas invited Eastman to provide an “update” on pending election litigation before a gathering of Republican operatives on December 8, 2020.

Virginia Thomas was in regular communication not only with Eastman, but also with Trump’s White House Chief of Staff Mark Meadows, throughout the coup planning. She was interviewed by the January 6 Committee at the end of September. The contents of her four-hour-plus closed-door meeting with the Committee have yet to be revealed more than a month after the fact.

One leak that did emerge from the meeting, which Thomas confirmed to be true, was her affirmation of the conspiracy theory that the 2020 election was fraudulent and the Biden administration was illegitimate. Trump’s “big lie” animated the attack on Congress that ended with at least five deaths and continues to be peddled by Trump and at least 308 Republicans on the ballot this Tuesday.

In his closed-door interview with the January 6 Committee earlier this year, Eastman pleaded the Fifth Amendment against self-incrimination over 100 times.

Since the initial reporting on the damning emails last week, no major Democratic politicians have spoken of their content or noted their release in their campaign speeches. Nor were the explosive emails mentioned on the Sunday morning talk shows over the weekend.

One reason for the silence is the fact that the emails refute Biden’s claim that Trump’s MAGA Republicans constitute only a “small minority” of the Republican Party. This falsehood has been promoted as well by the January 6 Committee, in keeping with the efforts of Biden and the Democratic Party to work with a least a section of the GOP in prosecuting the war against Russia in Ukraine, as well as diplomatic, economic and military preparations for conflict with China, in both cases increasing the danger of nuclear war.

Another reason is concern that exposing the role of Justice Thomas in the coup conspiracy will further erode the legitimacy of the top court, already damaged by the overturn of the constitutional right to abortion, in the eyes of most Americans.

In their December emails, Eastman, Chesebro and other lawyers discussed issues arising from Trump attesting to factual claims that he knew to be untrue. These statements, which they brought before a federal court hoping Thomas would intervene, dealt with the alleged number of felons, unregistered voters and dead people who voted for Biden in 2020.

The emails were first turned over to the January 6 Committee following an opinion issued on October 19 by US District Court Judge David Carter. In his October ruling, Carter wrote that some of the emails were subject to the “crime fraud” exception and included evidence that Trump knowingly lied to the courts.

“President Trump knew that the specific numbers on voter fraud were wrong but continued to tout those numbers, both in court and to the public,” wrote Carter.

This is the second time judge Carter has ruled that emails Eastman tried to shield from the January 6 Committee showed evidence of a crime.



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