

Supreme Court rejects request by Arizona Republican Party chair to shield phone records from January 6 Select Committee

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On Monday the US Supreme Court rejected an emergency application from Arizona Republican Party Chairwoman Kelli Ward to block a subpoena request from the House Select Committee investigating the January 6 attack.

Ward played a leading role in the “Stop the Steal” movement in Arizona, for which she has yet to be charged with a crime. She was, however, subpoenaed by the Select Committee on February 15, 2022. In its letter to Ward, the Committee noted her many efforts in seeking to further Trump’s coup, including by serving as one of Arizona’s fraudulent electors, those picked by the Trump campaign to replace the Biden electors actually chosen by the voters.

The committee’s subpoena requested phone metadata, such as calls and texts, from Ward’s cell phone placed between November 1, 2020 and January 31, 2021. The subpoena is not seeking the actual content of the calls, or the location, only the numbers, times and duration of calls when Ward served as one of 11 phony Trump electors in Arizona.

Ward’s appeal was sent to the Supreme Court after a three-judge panel on the Ninth Circuit Court of Appeals denied her request to block the release of her phone records on October 22. In their order, the judges wrote that the subpoena did not violate Ward’s First Amendment rights and was “substantially related to the important government interest in investigating the causes of the January 6 attack and protecting future elections from similar threats.”

They wrote that Ward participated in a scheme to send spurious electoral votes to Congress, which the select

committee described as “a key part” of the “effort to overturn the election” that culminated on January 6.

Ward’s lawyers argued that the committee did not need her phone records because they already knew everything she had done in regards to her involvement in Trump’s failed coup.

However, lawyers for the committee said this is not true because when they tried to question Ward during her deposition, she “invoked the Fifth Amendment and refused to answer.”

As part of their subpoena, the committee noted text messages sent by Ward, which were uncovered last year. The texts show that after Arizona was called for Joe Biden, Ward badgered local election officials to “stop the counting” of votes.

“We need you to stop the counting,” Ward texted to then Maricopa County Board Chairman Clint Hickman, a Republican, days after the November 2020 election.

On November 20, 2020, Ward texted/threatened Hickman again, “I know you don’t want to be remembered as the guy who led the charge to certify a fraudulent election.”

Ward also threatened chairman of Maricopa County’s Board of Supervisors, Bill Gates, telling him: “Sounds like you and your fellow Repubs are throwing in the towel. Very sad. And unAmerican.”

On November 17, Ward texted Hickman again: “Here is Sidney Powell’s number. Please call her.”

Sidney Powell is a former Trump coup lawyer who promoted many QAnon-linked and other fascistic conspiracy theories about the election.

Previous text messages turned over to the Select Committee by former Trump White House Chief of Staff Mark Meadows show that Virginia “Ginni” Thomas, wife of Supreme Court Justice Clarence Thomas, lobbied Meadows to have Powell lead the Trump’s campaign legal efforts to overturn the election.

Notably, the Supreme Court ruling Monday states that Justices Clarence Thomas and Samuel Alito would have granted “the application for stay and injunction.” Neither of the far-right justices gave a reason as to why he would have shielded Ward’s metadata from the committee.

This is the second time this year Justice Thomas has ruled against, or indicated he would rule against, turning over the records of Republican-aligned political operatives to the legislative panel charged with investigating the attack on the Capitol.

This past January, Thomas was the lone dissent against allowing presidential records from the Trump White House to be turned over to the committee. Those records included text messages exchanged between Mark Meadows and Ginni Thomas.

Four days prior to Kelli Ward recommending Sidney Powell to Hickman, on November 13, Thomas texted Meadows regarding an email she had sent to Trump’s son-in-law Jared Kushner that same day. “Just forwarded to [your] gmail an email I sent Jared this am. Sidney Powell & improved coordination now will help the cavalry come and Fraud exposed and America saved.”

On November 19, two days after Ward implored Hickman to call Powell, Ginni Thomas was lobbying on behalf of Powell to Meadows, telling him to make her the “lead and face” of the Trump campaign’s effort to overturn the vote.

“Sounds like Sidney and her team are getting inundated with evidence of fraud. Make a plan. Release the Kraken and save us from the left taking America down,” Thomas texted Mark Meadows on November 19.

In addition to texting Ward and Meadows and emailing

Kushner in November 2020 after Biden was declared the winner, Thomas, in her role as one of nine members of the far-right Council for National Policy Action (CNPA), coordinated a call to action that instructed the politically connected membership of the CNPA to lobby Republican lawmakers to challenge Biden’s victory and appoint an “alternate slate of electors.”

Despite her leading role in Trump’s fascist conspiracy, Thomas has yet to be charged with a crime.

After months of resisting, Thomas was finally interviewed by the January 6 Select Committee at the end of September. The committee has yet to release a transcript or comment in detail on the over 4.5-hour deposition Thomas gave. One of the few pieces of information that was leaked was that Thomas continued to support Trump’s lie that the election was stolen.

On Monday, November 14, Trump was supposed to appear for questioning before the select committee after he was subpoenaed at the committee’s final hearing.

Instead of appearing for deposition, Trump filed a lawsuit last Friday against the committee and will likely never testify before the panel, which is set to dissolve at the end of the year.

The committee was supposed to release an “interim” report on its “findings” before the mid-term elections, but this has yet to materialize.

Questioned on Monday on what steps the committee would take in the wake of Trump’s defiance, the chairman of the Select Committee Bennie Thompson (Democrat-Mississippi) was unwilling to commit to holding the former president in contempt of Congress for defying the committee’s subpoena.

“That could be an option,” Thompson told reporters for the *New York Times*. “[w]e’ll have to wait and see.”



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