

# January 6 Committee considers sending criminal referrals to Justice Department targeting Trump, others

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Members of the January 6 House Select Committee charged with investigating the attack on the Capitol have announced that they will consider sending at least five criminal referrals to the Department of Justice (DoJ). In multiple interviews this week, committee members have confirmed they are considering referrals for former President Donald Trump and four high-level accomplices.

The co-conspirators include former White House Chief of Staff Mark Meadows, former DoJ lawyer Jeffrey Clark and Trump coup lawyers John Eastman and Rudy Giuliani. None of the five Republicans have yet to be criminally charged for their actions related to the January 6, 2021, storming of the Capitol.

The Justice Department is not obligated to act on any criminal referrals sent by the committee. Attorney General Merrick Garland has yet to give a public explanation as to why the DoJ refused to act on two earlier criminal referrals sent by Congress. Those referrals targeted Meadows and former Trump communications director Dan Scavino for contempt of Congress.

Congress has no authority to levy criminal charges against persons or entities they investigate. However, a criminal referral is politically significant, especially if it accuses Trump and high-level advisers of felony charges such as blocking the certification of the election.

As Trump's chief of staff, **Meadows** was deeply involved in the coup. Text messages he previously turned over to the committee show that Meadows interacted with all the major players, including life-long Republican operative Virginia Thomas, wife of Supreme Court Justice Clarence Thomas.

**Eastman** was interviewed committee earlier this year concerning the legal advice he gave Trump leading up to and on January 6, but he refused to answer the committee's questions, instead invoking his Fifth Amendment right against self-incrimination.

Federal Judge David Carter has twice this year ruled against efforts by Eastman to withhold emails from the committee.

In his March ruling, Carter wrote that emails Eastman sought to block had to be turned over because they showed evidence of a crime, and that Trump and Eastman "more likely than not committed obstruction ... and conspiracy to defraud the United States." In his October ruling, again ruling against Eastman's efforts to block the emails, Carter said Eastman's emails "are sufficiently related to and in furtherance of a conspiracy to defraud the United States."

Former DoJ lawyer **Clark** has already had his home raided by FBI agents and his cell phone taken in connection with the ongoing investigation into the coup. A low-level environmental lawyer at the Department of Justice in December 2020, Clark was picked to replace then-acting Attorney General Jeffrey Rosen on January 3, 2021, after he indicated to Trump that he would be willing to weaponize the DoJ in furtherance of Trump's coup by sending letters to state legislatures warning them not to certify the election due to possible fraud.

As Trump's one-time personal attorney, **Giuliani** lead Trump's legal efforts to overturn the election, filing bogus lawsuits alleging all manner of voter fraud and illegality, with no evidence to back up the allegations.

In an interview with *Politico* published the chairman of the Select Committee, Rep. Bennie Thompson (Democrat-Mississippi), said the committee would meet this Sunday to formally decide whether to issue the criminal referrals, with Thompson and others indicating that they would support doing so.

“I think the more we looked at the body of evidence that we collected,” Thompson told *Politico*, “we just felt that while we’re not in the business of investigating people for criminal activities, we just couldn’t overlook some of them.”

In an interview with CNN, Democratic committee member Rep. Adam Schiff (California) said that there was a “consensus among the members” regarding the referrals.

Earlier this year, members of the committee, including Democrats Jamie Raskin (Maryland) and Zoe Lofgren (California), had questioned the utility of sending referrals to the DoJ, with Lofgren telling CNN in April that it had “no legal impact” and it was up to the DoJ to decide whether to actually prosecute Trump and his co-conspirators.

However, speaking to *Politico*, Raskin explained that he had been “educated” on the issue. The Democratic representative from Maryland told the magazine that he started out “questioning why we were even talking about referrals,” but he and other committee members have “all evolved in our positions.”

Raskin, a former constitutional law professor, was being disingenuous. As noted above, the committee has already sent criminal referrals to the DoJ for Meadows and Scavino, as well as Steve Bannon and former Trump trade adviser Peter Navarro.

Bannon was convicted of contempt of Congress earlier this year, although he is currently out on appeal. Navarro refused to accept a 30-day jail sentence in exchange for a guilty plea and is set to go on trial this month, also for contempt of Congress.

The fact that the committee is “evolving” on its attitude to referrals against Trump and his accomplices indicates a possible shift by sections of the ruling class and elements within the state against the Trump wing of the Republican Party.

The Democrats and sections of the Republican Party, represented by the vice chair of the committee, outgoing Wyoming Rep. Liz Cheney, want to marginalize Trump while at the same time upholding

the legitimacy of the party as a whole.

Cheney, daughter of neo-con war criminal Dick Cheney, along with the Democrats, wants to downplay the support Trump’s coup had not only within the Republican Party, but throughout the state—including the military, police, intelligence apparatus and Supreme Court.

The role of state agencies cuts across the narrative the committee has sought to present of Trump’s coup attempt as the product of a conspiracy involving Trump and a small band of Republican “crazies.”



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