

January 6 Committee to vote for criminal referrals against Trump at final public meeting

Jacob Crosse
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Multiple media outlets with sources on the January 6 House Select Committee reported Friday that at the committee's final public hearing on Monday, members will vote to send criminal referrals to the US Department of Justice (DoJ) targeting former President Donald Trump.

Politico reported that the committee will recommend three criminal charges against Trump, including obstructing an official proceeding, conspiracy to defraud the US government and insurrection.

ABC News and the *New York Times*, citing sources "familiar with the matter," also reported that the committee planned to recommend three charges, including insurrection, against Trump.

It was previously reported that the committee will also vote on criminal referrals for some of Trump's top co-conspirators, including former DoJ lawyer Jeffrey Clark, coup lawyers John Eastman and Rudy Giuliani, and former White House Chief of Staff Mark Meadows.

Conviction for insurrection or rebellion under the relevant Civil War-era statute can bring a monetary fine and up to 10 years in prison. If Trump were found guilty of insurrection, he would, in addition, be barred from "holding any office under the United States."

A report by a January 6 subcommittee involved in the referral process and cited by sources who spoke to *Politico* explains that to justify the charge of insurrection, the committee will reference a February ruling by US District Court Judge Amit Mehta.

In that ruling, Mehta rejected Trump's attempts to dismiss multiple lawsuits filed against him for his actions on January 6, writing that Trump's "January 6 Rally Speech can reasonably be viewed as a call for collective action."

The judge went on to state that "it is at least plausible to infer that, when he called on rally-goers to march to the Capitol, the President did so with the goal of disrupting lawmakers' efforts to certify the Electoral College votes." When Mehta wrote this, the January 6 Committee had yet to hold its hearings exposing the fact that Trump knew the mob was armed when he told it to march on Congress.

Mehta concluded, "The Oath Keepers, the Proud Boys and others who forced their way into the Capitol building plainly shared in that unlawful goal."

Politico noted that the committee's report will make clear that Trump did not have to "express agreement" with the mob to violate the insurrection statute. It was sufficient for him to provide "aid and comfort" as the Capitol came under siege.

At 2:24 p.m. on January 6, after the right-wing mob had broken into the Capitol and sent lawmakers fleeing for their lives, Trump posted a tweet attacking Vice President Mike Pence for not having "the courage" to unconstitutionally reject electors from states Trump had lost. Within minutes of Trump sending his tweet, insurrectionists began chanting, "Hang Mike Pence!"

The Justice Department is not bound by any referral from the committee. President Joe Biden's Attorney General Merrick Garland has already rejected earlier referrals sent by the committee concerning Meadows and former Deputy Chief of Staff Dan Scavino. Both high-level Trump advisors were cited for contempt of Congress for refusing to comply with subpoenas issued by the committee.

In the more than 23 months since the attack on the Capitol, Garland has yet to charge Trump or any of his top accomplices with a crime, despite the mountain of evidence

of criminality that has already been assembled.

It appears that the committee itself is targeting only a few of Trump's co-conspirators. Nominally chaired by Bennie Thompson (Democrat-Mississippi) but led in practice by arch-conservative Vice Chair Liz Cheney (Republican-Wyoming), the committee has in the course of its hearings sought to obscure the depth of support for Trump's fascist coup not only throughout the Republican Party but also within the state apparatus, including the police, the intelligence agencies, the military and members of the Supreme Court.

The committee has promoted the narrative that Trump led a "one-man coup," with the help of a few "crazy" enablers. This fairy tale ignores the fact that the Capitol was under siege for hours before military forces were dispatched, a stark contrast to the thousands of troops deployed in Washington D.C. half a year earlier when thousands of people gathered to demand justice for George Floyd and an end to police violence.

None of the hearings have focused on the explosive congressional testimony previously given by former Washington D.C. National Guard Commander William Walker, who was never called to testify in public by the January 6 Committee.

Walker, who was commanding the D.C. National Guard during the attack, testified before Congress in March of 2021 that he was delayed 199 minutes from sending his troops to the Capitol by Trump loyalists within the Pentagon, including the acting secretary of defense at the time, Christopher Miller, and still-serving Army General Charles Flynn, brother of the fascist retired general, former Trump National Security adviser and QAnon promoter Michael Flynn.

It was revealed this week that numerous intelligence warnings filed by an analyst at the Department of Homeland Security (DHS) were quashed by agency officials in the weeks leading up to the attack on Congress.

In an explosive report by *Yahoo!News* investigative journalist Jana Winter, it was explained that on December 20, 2020, a 21-year-old intelligence analyst at DHS discovered online plans describing an attack on the Capitol on the online message board forum Reddit.

Winter's reporting is based on a four-page letter the analyst submitted to his superiors at DHS, which appeared in redacted form in a March 2022 report by the DHS inspector general.

The Reddit post discovered by the analyst linked to several

other online forums and social media websites, including Parler. In his letter, the analyst said the posts described attacking the Capitol on January 6 to stop the certification of the election.

After reviewing the publicly available information, the analyst presented it to his superiors at DHS the next day, who described the stunning and sinister information as a "good find." The analyst wrote that his boss instructed him to send an official request up the chain so that an intelligence report could be sent to local, state and federal agencies warning about the fascist threat.

"The threat assessment drafted showed that all but one indicator of violence was [present] and there was an exceedingly high likelihood that mass violence would occur," the analyst wrote, according to *Yahoo!News*.

Despite being initially given support to draft a report, the analyst said that his efforts to warn security forces and Congress were rebuffed every day leading up to the attack. The young analyst said that between December 29 and January 4 he submitted his report for dissemination to partner agencies every day, but nothing came of it.

"On the morning of January 6th, 2021," the analyst wrote, "I made one more phone call begging for us to be given the intelligence reporting that we needed desperately, which could have been used to inform those on the ground of the full kinetic threat and allow for threat postures of US Capitol Police to be adjusted. I was told they would have reporting for me soon; the reporting did not publish till after the attack on the US Capitol was already well underway and too late to affect tactical law enforcement operations on the ground."

Prior to the coup, the DHS did not issue a single report warning that an attack on Congress was possible. Earlier this week, it was revealed that over 300 members of the fascist Oath Keepers group were, or are currently, employed at the DHS or one of its partner agencies.



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