

As FBI searches for classified documents at home of former vice president

## Special counsel subpoenas Mike Pence in criminal probe of Trump's January 6 coup attempt

Barry Grey  
10 February 2023

According to multiple press reports, the special counsel appointed to continue the Justice Department's criminal investigations of Donald Trump in relation to the January 6, 2021 fascist attack on the US Capitol and Trump's mishandling of classified documents issued a subpoena on Thursday demanding that his vice president, Mike Pence, turn over documents and personally testify before a Washington D.C. grand jury.

The subpoena secured by the office of special counsel Jack Smith reportedly relates only to the January 6 attempted coup, not the probe concerning classified documents illegally stored at Trump's Mar-a-Lago private residence and resort. As of this writing, neither the special counsel, nor Pence, nor Trump has confirmed the subpoena, but it is being universally treated by the media as a fact.

Even as these reports were spreading, the FBI carried out a consensual search of Pence's home in Indiana for mishandled classified documents, following Pence's announcement last month that his lawyers had found a dozen such documents among papers at his residence. It was reported Friday evening that FBI agents had found one additional classified document during that day's search.

This means that the FBI has carried out searches for illegally held classified documents at the homes and offices of the current president, Joe Biden, the former president, Donald Trump, and the former vice president, Mike Pence. Trump has already announced he is running for reelection in 2024, and the other two

are expected to announce next month, meaning that three of the major candidates for president will likely be under federal investigation for potential criminal offenses.

The issuance of a subpoena to Pence marks a certain escalation of the criminal probe of Trump and January 6, which has been underway for two years. Pence is the highest-ranking official to be subpoenaed by the Justice Department in connection with the investigation. The move follows multiple subpoenas issued by the special counsel's grand jury over the past two months to Trump campaign officials and local and state election officials in states where Trump and his allies claimed massive fraud.

Veteran prosecutor Jack Smith, appointed as special counsel in November by Attorney General Merrick Garland, is demanding that Pence provide information about his interactions with Trump leading up to the 2020 election and the day of the attack on the Capitol. Pence was a full participant with Trump in the plot to overturn the results of the presidential election in the run-up to January 6, the day when a joint session of Congress was mandated to officially count the electoral vote, previously certified by state and local election officials.

Pence had supported Trump's big lie of massive voter fraud and backed the decision of Republican congressmen and senators to reject the pro-Biden electoral slates from tightly contested states won by the Democratic candidate. He had likewise supported the

“Stop the Steal” demonstrations called by the Trump campaign which were populated by far-right and fascist militia groups, including the rally at the Ellipse on the morning of January 6 that preceded the assault on the Capitol, carried out at Trump’s initiative to violently block the certification of Biden’s victory.

However, Pence balked at Trump’s demand that he use his official presiding role at the joint session to unilaterally—and unconstitutionally—reject pro-Biden electoral slates and return them to Republican-controlled state legislatures, which were, in connivance with the Trump White House, to be presented with fake and unelected slates of pro-Trump electors to endorse. In response, Trump denounced Pence at the Ellipse rally and, in the midst of the insurrectionists’ rampage through the Capitol, posted a tweet accusing Pence of betraying the American people by not overturning the election results.

This led to chants by the mob of “Hang Mike Pence,” alongside demands to kidnap and kill leading Democrats, such as Nancy Pelosi.

While distancing himself from Trump in regard to the mob attack on January 6, Pence has presented himself as a far-right alternative for the Republican presidential nomination. Just weeks after the January 6 attack, he published an op-ed in the right-wing publication *Daily Signal* questioning “the integrity of the 2020 election” and citing “significant” and “troubling” voting irregularities. He denounced a bill passed by the Democratic-controlled House barring states from restricting mail-in voting and requiring states to use independent redistricting commissions to create congressional district boundaries, calling it an “unconstitutional power grab.”

He campaigned for Trump-backed election deniers in the 2022 midterm elections. After the elections, which failed to produce the “red wave” promised by Trump and his supporters, Pence published a memoir titled *So Help Me God* in which he described his differences with Trump over unilaterally rejecting the electoral vote on January 6. But in the book and subsequent interviews he praised the supposed “accomplishments” of the Trump administration and opposed any criminal indictment of the former president.

Pence refused an invitation by the House January 6 Committee to testify, despite the efforts of both Democrats and Republicans on the committee to

portray him as a hero and representative of “normal” Republicans, as opposed to the supposed outlier Trump and the few bad apples who were solely responsible for the nearly successful coup.

Pence has subsequently dismissed the committee as “partisan” and “divisive.” He refused to voluntarily provide testimony in the Justice Department’s probe of Trump’s attempted coup, both before and after the appointment of the special counsel.

Special counsel Smith issued the subpoena after months of negotiations with Pence’s legal team had come to an impasse. Pence’s chief lawyer, Emmet Flood, is known as a “hawk” on executive privilege. He was the lead official in the Trump White House Counsel’s Office dealing with the special counsel investigation into the 2016 Trump campaign’s alleged ties to Russian officials and possible obstruction of justice. It is expected that either Pence, Trump or both will at some point raise executive privilege objections to some or all lines of questioning by the special counsel’s grand jury, tying up the matter in the courts.

More than two years after the attempted overthrow of the government by a fascist mob unleashed by Trump—with the well documented aid of significant sections of the Republican Party, the military, the police and the intelligence agencies—not a single leader of the conspiracy has been indicted, let alone prosecuted and jailed. Instead, Biden and the Democrats have worked to prop up and rehabilitate the Republican Party and enlist it in the prosecution of the war against Russia in Ukraine and an escalating conflict with China that threaten a nuclear holocaust.



To contact the WSWS and the Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**