

Trump indicted on 4 counts for seeking to overturn 2020 election defeat

Patrick Martin
1 August 2023

Former President Donald Trump was indicted Tuesday on four felony charges stemming from his illegal and corrupt efforts to overturn his defeat in the 2020 presidential election. Trump will be arraigned Thursday before Federal District Judge Tanya S. Chutkan.

The prosecution and imprisonment of Trump for his actions leading up to and during the fascistic insurrection of January 6, 2021 is entirely justified and necessary. The charges brought by a Washington D.C. grand jury convened by Special Counsel Jack Smith are presented in cautious and legalistic language, but the indictment is nonetheless damning.

However, it details only a fraction of Trump's crimes and is silent on his greatest crime: the attempt to overthrow the government by force and maintain himself in the White House as president-dictator.

The four charges detailed in the indictment are: conspiracy to defraud the federal government (through filing false slates of electors in seven closely contested states won by Democrat Joe Biden); conspiracy to violate the rights of the American people (the right to vote and to have one's vote counted); conspiracy to obstruct a federal proceeding, namely the certification of the Electoral College vote by Congress on January 6, 2021; and actual obstruction of the federal proceeding, since the mob which he summoned to Washington and then unleashed on the Capitol did actually delay the congressional certification by many hours.

Nearly all 123 paragraphs of the indictment are concerned with Trump's efforts to substitute bogus Trump electors for the Biden electors chosen by the voters in seven states: Arizona, Georgia, Michigan, Nevada, New Mexico, Pennsylvania and Wisconsin. This involved various illegal backroom maneuvers devised by his lawyer co-conspirators, involving state legislators, the Department of Justice and Vice President Mike Pence.

These actions have become widely known over the past two years: setting up phony slates of Trump "electors," who submitted false affidavits to Congress; seeking to induce state legislatures to claim the right to appoint electors to

replace those elected in November; asking the Justice Department to send out letters to state legislatures saying that the DOJ was investigating credible claims of election fraud in their states; and finally, having Pence use his ceremonial position, presiding over the counting of the Electoral College votes on January 6, to block certification of Biden electors, either substituting Trump electors outright or sending the issue back to the states where Republican-controlled state legislatures would do the dirty job.

The indictment makes clear that Trump's actions were an attack on democracy: "on the pretext of baseless fraud claims, the defendant pushed officials in certain states to ignore the popular vote; disenfranchise millions of voters; dismiss legitimate electors; and ultimately, cause the ascertainment of and voting by illegitimate electors in favor of the defendant..."

The indictment lists six unindicted co-conspirators only by number, although the description of their activities is so detailed that at least five have been identified, all lawyers: Rudy Giuliani, John Eastman, Sidney Powell, and Kenneth Chesebro, all working for Trump and his reelection campaign; and Jeffrey Clark, who was an assistant attorney general at the time.

This selection of co-conspirators and the nature of the charges are indications of the extremely limited scope of the indictment. None of the fascist thugs engaged in the violent assault on the Capitol on January 6 is named as a co-conspirator, including the leaders of fascist groups like the Proud Boys and the Oath Keepers, several of whom have been convicted of seditious conspiracy.

This charge, tantamount to seeking to overthrow the government, has not been brought against Trump, although he was the leader of the seditious conspiracy. He was in contact with the fascist leaders through political cronies like Roger Stone and during a debate before the election instructed the Proud Boys to "stand back and stand by." Both the leaders and the foot soldiers of these groups regarded themselves as Trump's warriors who had come to Washington on January 6 at his command.

The indictment makes no mention of Trump's co-conspirators in the Republican Party, who played a critical role in the attempted coup, including by holding up the certification of electors while it was underway.

Most importantly, the indictment makes no mention of any official of the US national security apparatus, which played a critical role on January 6 by ignoring intelligence reports about the plans for violence being widely discussed on social media, allowing the violent attack on the Capitol to go forward, and blocking the dispatch of National Guard troops for many hours while the mob overpowered Capitol Police and then battled with police reinforcements sent by local governments in the Washington D.C. area.

To imagine that these events took place without Trump playing a directing role is sheer nonsense. But the indictment avoids any suggestion that Trump was doing anything more than taking advantage of the actions of the mob to put pressure on Vice President Pence to reject certification of the election.

Throughout the slow-moving investigation into January 6, the top priority of the Biden administration has been to protect the key agencies of the military-intelligence apparatus and avoid anything that might disrupt its efforts, first to provoke and then to escalate a war with Russia in Ukraine.

The indictment details conversations in which Trump's co-conspirators referred openly to the likelihood of a mass popular rebellion if Trump sought to retain the presidency and the consequent necessity to crush opposition using military force.

Paragraph 81 recounts a conversation between the White House Deputy Counsel and "Co-Conspirator 4" (Assistant Attorney General Jeffrey Clark), in which the counsel warned that if no significant election fraud was found and Trump tried to stay in office anyway, "there would be 'riots in every major city in the United States.'" Co-Conspirator 4 responded, 'Well, [Deputy White House Counsel], that's why there's an Insurrection Act.'"

A major consideration in the non-response of the Democratic Party to the coup as it was happening was to avoid doing anything that would mobilize popular opposition to the attempted overthrow of the Constitution. Since the coup, the principal aim of the Biden administration has been to shield his "colleagues" in the Republican Party.

It is indeed remarkable that it has taken two and a half years to bring criminal charges against Trump relating to a violent assault on the Capitol that was televised to billions of people and in which Trump himself, through his own words in tweets and a video statement, provided evidence of his sympathy for and complicity in the attack.

The White House sought to avoid this for as long as

possible, seeking, as Biden said on first taking office, to preserve a strong Republican Party and to disguise the increasingly fascist character of the party Biden seeks to engage in bipartisan collaboration. In June, the *Washington Post* reported on the actions of the Biden Justice Department to avoid an investigation of Trump for the January 6 coup.

Like every other aspect of administration policy, the timing of the Trump indictment seems conditioned by the demands of the war against Russia in Ukraine. With the Ukrainian "spring offensive" resulting in a bloody stalemate, Wall Street and the military-intelligence apparatus cannot tolerate Trump's erratic and disruptive interventions in US foreign policy.

Whatever the immediate calculations, they will not resolve the deep-going political crisis and civil war atmosphere that is engulfing the American state. Trump remains the head of the Republican Party and its leading candidate in the upcoming presidential election.

As the WSWS wrote when news of the impending indictment first came out:

The political system in the United States, the center of global finance capital and the cockpit of imperialist conspiracy, has reached the breaking point. Washington's claim to lead the "free world" and uphold democracy globally is suffering a shattering blow. Even if Trump were to be removed from the political scene, it would not resolve the deep-going crisis of American democracy. There are many figures eager to take his place within the Republican Party and within the military-state apparatus.

The defense of democratic rights is inseparably connected to the development of a movement of the working class against both capitalist parties, based on a socialist perspective that connects opposition to the escalating assault on jobs and wages to the fight against war and authoritarianism.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact