

Trump arraigned on four felony charges linked to 2020 election plots

Patrick Martin
3 August 2023

Ex-president Donald Trump was arraigned Thursday afternoon at the federal courthouse in Washington DC, where he pleaded “not guilty” to four felony charges relating to his efforts to overturn the 2020 presidential election, which culminated in the violent assault on the US Capitol on January 6, 2021.

Trump appeared before Magistrate Judge Moxila Upadhyaya, who set the terms for his remaining free on his own recognizance, rather than having to post bail or surrender his passport. Special Counsel Jack Smith, who brought the charges against Trump, did not seek bail, only a provision that Trump not directly contact anyone who is a potential witness in the case. All such contact, with a vast number of people, must go through one of Trump’s own lawyers.

Federal district Judge Tanya Chutkan, who will handle the criminal trial, was not at the arraignment. But she set an initial hearing on the case in her courtroom on August 28, five days after the first Republican presidential debate. The judge indicated that she expected to set a trial date at that hearing, suggesting an expedited schedule that could lead to a trial sometime next spring.

This would be during or just after the conclusion of the primaries and caucuses that will decide the presidential nominee of the Republican Party. Trump currently is the frontrunner for the nomination, with a huge lead in the polls over his declared rivals.

The latest case is the third in which Trump faces felony criminal charges, and it is expected that he will soon face a fourth. Fulton County (Atlanta) District Attorney Fani Willis, who has overseen a more than two-year investigation into Trump’s efforts to steal the presidential election in Georgia, has said that she will present charges to the grand jury before the end of this month. These are expected to center on Trump’s attempt to pressure Georgia Secretary of State Brad Raffensperger, a Republican, with the demand that he “find” 11,780 votes,

the number required to overturn Democrat Joe Biden’s narrow lead in the state.

Trump has portrayed his prosecution as an example of “weaponization” of the Department of Justice, with the Democratic Biden administration unleashing supposedly baseless charges against the leading prospective opponent of Biden’s reelection bid. Trump has said nothing about the substance of the charges, other than to repeat endlessly the claim that the 2020 election was stolen by the Democrats.

Trump has fostered the image of himself as a political martyr. He rejected an offer by the court to allow him to attend the arraignment remotely, insisting on flying down from his country club in Bedminster, New Jersey and traveling in a caravan of black SUVs from the airport to the courthouse to make an appearance in person. Only a handful of supporters turned out to cheer him, however.

Only hours after the indictment was handed down, Trump had sent out a fundraising email to supporters claiming that he could face 561 years in prison—a figure apparently derived by adding up the maximum sentence for every one of the 80 federal charges brought against him in two federal indictments, one for illegally possessing and withholding secret documents after leaving office, the other for the effort to steal electoral votes in 2020.

On his proprietary social media outlet, Truth Social, Trump added a scarcely veiled racist attack on the District of Columbia, heavily Democratic and majority black, and urged that the trial be moved “to an impartial Venue such as the politically unbiased nearby State of West Virginia!” He wrote that Washington DC “is over 95% anti-Trump” and “is now a high crime embarrassment to our Nation and, indeed, the World.”

Trump carried West Virginia over Biden with 68 percent of the vote, while losing the District of Columbia by an even larger margin.

None of the four charges brought by Smith relates directly to Trump's role in planning, instigating and perpetrating the attempted coup of January 6, 2021, whose purpose was to block the certification of his defeat in the Electoral College and keep him in the White House in defiance of the election result and of the US Constitution.

The charges concern only one aspect of his criminal conspiracy to stay in power—the series of fraudulent maneuvers devised by his lawyers and advisers to create bogus slates of Trump electors in seven states that Democrat Joe Biden won narrowly, and induce state legislators, the federal Department of Justice and Vice President Mike Pence to assist Trump in substituting these fake electors for the Biden electors actually chosen by the voters.

The 45-page indictment filed by Special Counsel Smith does not charge Trump with seeking to overthrow the government and mobilizing fascist supporters to carry this out by attacking the Capitol. Instead, it suggests that Trump brought thousands of violent thugs to Washington merely to put more pressure on Pence. As president of the Senate, Pence chaired the joint session of Congress tasked with officially certifying the pro-Biden Electoral College. Trump demanded that he use this purely ceremonial post to block certification of Biden electors in the contested states and install the Trump electors instead.

As noted by many legal analysts, Pence is named more than 100 times in the text of the indictment, and his contemporaneous notes and sworn testimony comprise much of the evidence. Pence declined to make these available to the House select committee that investigated January 6, but has done so for the special counsel.

This has sparked a series of bitter exchanges between the ex-president and his ex-vice president that have no parallel in American history. After the indictment was issued, Pence released a statement declaring, "Today's indictment serves as an important reminder: Anyone who puts himself over the Constitution should never be President of the United States."

Trump replied the following day, mocking Pence's presidential campaign. "I feel badly for Mike Pence, who is attracting no crowds, enthusiasm, or loyalty from people who, as a member of the Trump Administration, should be loving him," he wrote on Truth Social.

Trump apologists, beginning with his attorneys, have responded to the indictment by claiming that the special counsel is seeking to criminalize speech in violation of the First Amendment. This was rebutted by Trump's former

attorney general, William Barr, in an interview on CNN Wednesday.

"As the indictment says, they're not attacking his First Amendment right. He can say whatever he wants. He can even lie," Barr said. "He can even tell people that the election was stolen when he knew better. But that does not protect you from entering into a conspiracy. All conspiracies involve speech, and all fraud involves speech."

The comments of Pence and Barr were arguably more critical of Trump than the statements issued by congressional Democrats.

Senate Majority Leader Charles Schumer and House Minority Leader Hakeem Jeffries issued a joint statement saying that the latest indictment "illustrated in shocking detail that the violence of that day was the culmination of a months-long criminal plot led by the former president to defy democracy and overturn the will of the American people."

They were silent on the fact that the indictment does not hold Trump accountable for the events of January 6 and that it makes no mention of his many declarations, throughout the year leading up to the election, that he would not accept the results of the election if he lost. The indictment, while threatening Trump with significant jail time if he is convicted, avoids his most serious and politically important crimes, above all, his effort to establish a presidential dictatorship.

The White House, for its part, said nothing at all about the indictment.

Whatever the outcome of the legal process, there will be no serious struggle by the Democrats against Trump and the increasingly fascistic Republican Party. Virtually every leader of the House Republicans denounced the indictment in the most strident terms, even suggesting that Special Counsel Smith should be indicted himself for bringing charges against Trump.

Yet this is the party that Biden habitually addresses as his friends and colleagues, and seeks to engage in bipartisan collaboration to further the interests of American imperialism and the ruling financial aristocracy.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact