

On eve of Trump booking in Georgia conspiracy case, Giuliani, Powell, other 2020 election criminals turn themselves in

Patrick Martin
23 August 2023

Nine of the 19 defendants indicted for their roles in the criminal conspiracy led by ex-President Donald Trump to overturn the results of the 2020 presidential election in Georgia turned themselves in at the Fulton County jail on Tuesday and Wednesday and were booked, fingerprinted and then released on bond.

Mug shots were taken of the nine, including Trump's most prominent election attorney, former New York City Mayor Rudy Giuliani. Campaign lawyers John Eastman, Sidney Powell, Kenneth Chesebro, Jenna Ellis and Ray Smith were among those booked.

Trump is to undergo the same processing on Thursday afternoon, a date and time reiterated by the fascist ex-president in a statement posted Wednesday on his social media site, Truth Social, in which he promoted a rally outside the jail called by the fascist former Republican congressional candidate Laura Loomer.

Also surrendering were former state Republican Party chair David Shafer, former Coffee County Republican chair Cathy Latham, and bail bondsman Scott Hall. Shafer was the principal state organizer of the scheme to choose fake electors and submit a slate of these electors to Congress, with the aim of having Vice President Mike Pence recognize the electors for Trump as legitimate, rather than the Biden electors chosen by Georgia voters.

Latham was a fake elector and also participated, with Hall, in a scheme to allow a computer security company contracted by the Trump campaign to have unauthorized access to voting machines in Coffee County, in the hopes of finding—or planting—evidence of vote fraud on machines running software provided by Dominion.

Of the nine remaining defendants—not including Trump—four have reached bond agreements with the Fulton County district attorney's office: Stephen Cliffgard Lee, accused of harassing a Georgia election worker targeted by the Trump campaign for alleged ballot stuffing; Robert Cheeley, a lawyer for the Trump campaign in Georgia; Trump campaign official Mike Roman; and former state Republican treasurer Shawn Still, now a state senator.

The bonds set for the various defendants reflect their importance to the scheme. Trump's bond is \$200,000. Giuliani's is \$150,000. There are \$100,000 bonds for Eastman, Chesebro, Ellis and Powell; \$75,000 bonds for Shafer, Latham and Lee; \$50,000 for Cheeley, Smith and Roman, and \$10,000 for Hall, Hampton and Still.

Four have yet to reach bond agreements: Harrison Floyd and Trevian Kutti, also involved in the harassment of the Georgia election worker; former White House Chief of Staff Mark Meadows; and former Assistant Attorney General Jeffrey Clark.

Meadows and Clark are both challenging their state indictments and seeking to have the cases transferred to federal court, claiming that they were acting in their capacity as federal officials when they carried out various tasks in relation to furthering Trump's campaign to overturn the results of the 2020 election.

Meadows was centrally involved, making numerous phone calls and sitting in on most meetings at which the fake elector scheme was devised, as well as on Trump's notorious phone call to Georgia Secretary of State Brad Raffensperger, where he sought to bully the state official into "finding" 11,780 votes, just enough to overturn Biden's narrow lead in that state.

Clark offered to send out letters, as demanded by Trump, informing the state governments in six critical states that the Justice Department had evidence of significant problems in the presidential election and was opening investigations. Trump, who planned to fire acting Attorney General Jeffrey Rosen and replace him with Clark, pulled back from the move only after every other top Justice Department officials threatened to resign if he went ahead with the scheme.

“I feel like I’m defending the rights of all Americans, as I did so many times as a United States attorney,” Clark said this week. “I’m fighting for justice. I have been from the first moment I represented Donald Trump. An innocent man.”

He claimed that the indictment of so many of Trump’s lawyers was an attack on the right to counsel. Speaking of Fulton County District Attorney Fani Willis and her staff, he said, “They’re dishonest; they’re crooked. ... They want to destroy the Constitution of the United States, and they’re doing it. And if we don’t change it, they’re coming for you.”

This argument was rejected more than a year ago by a federal judge hearing Eastman’s claim that his communications with the White House were protected by lawyer-client privilege. The judge pointed to the one major exception to that rule: If the lawyer’s communications with the client involve the planning of a crime, the lawyer can be compelled to testify. That is precisely the allegation against all of Trump’s indicted lawyers, who participated in, and in many cases organized and led, an illegal effort to overturn the 2020 election.

The same considerations apply to the claim by Meadows and Clark that they were acting as federal officials when they carried out Trump’s instructions in relation to the 2020 election. These were actions unrelated to their duties in the White House and in the Department of Justice but rather based on the political interests of Trump as the Republican candidate for president.

Former Georgia Republican Party Chair David Shafer is also seeking to have his case removed from state to federal court. Since he was not a federal official, his claim has a different legal basis, one that could provide a serious problem for Trump’s legal defense, such as it is.

Shafer claims that in organizing the group of fake

electors, recruiting them, and making sure they showed up at the state Capitol on December 14 to cast their fraudulent ballots for Trump, he was acting as the agent for Trump, the head of the federal government, and therefore his case should be heard in federal court.

“Mr. Shafer and the other Republican Electors in the 2020 election acted at the direction of the incumbent President and other federal officials,” his attorney wrote in a petition to the federal court. Shafer supplied documents showing that a Trump attorney, Ray Smith, was advising him on the procedure and actually attended the December 14 meeting and addressed the fake electors, explaining and justifying their actions. One of the documents was a transcript of that meeting.

In addition to the racketeering charge, filed against all 19 defendants, Shafer is charged with “impersonating a public officer,” forgery, false statements and writings and filing false documents. Smith is charged with solicitation of violation of an oath by a public officer, conspiracy to impersonate a public officer and conspiracy to commit forgery.

Shafer’s evidence that he acted on direct, personal instructions from Trump, transmitted through campaign lawyers, makes it more difficult for Trump to claim that he was not aware of the actions taken in furtherance of the fake elector scheme, or that this was an initiative of his supporters at the state level, rather than one that was centrally coordinated through the White House and the national Trump campaign.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact