

New evidence of Trump's plans for January 6 coup emerges at Eastman disbarment trial

Patrick Martin**7 September 2023**

A hearing on the proposed disbarment of Trump coup attorney John Eastman has brought to light evidence of a new and undisclosed element in the plot to overturn the 2020 election at the joint session of Congress on January 6, 2021. This was the proceeding interrupted for several hours by the mob attack instigated by then-President Donald Trump.

Eastman testified at his own disbarment trial Wednesday and was asked whether he and other high-level officials and advisers in the Trump campaign and the White House had discussed the possibility that Iowa Senator Charles Grassley, the president pro-tem of the Senate, could replace Vice President Mike Pence as the presiding officer at the joint session of Congress where Electoral College votes were to be counted state by state.

Trump had harangued Pence repeatedly, demanding that he agree to throw out the electoral votes of at least seven "battleground" states won narrowly by Democrat Joe Biden: Arizona, Georgia, Michigan, Nevada, New Mexico, Pennsylvania and Wisconsin. In each of these states, the Trump campaign was claiming vote fraud, without any evidence, and had assembled slates of fake electors to replace the Biden electors actually chosen by the voters.

Trump was pressuring Pence either to recognize the Trump electors as legitimate or to reject the Biden electors, reducing Biden's total below the 270 votes required to win. This would send the decision on the presidency to the House of Representatives, where the Republicans had a narrow majority based on the state-by-state procedure set down in the Constitution. (Each state would have one vote, cast by the majority of its delegation.)

Grassley's role in the January 6 plot has not been previously reported and the senator's office claimed he had no knowledge of plans to install him as the overseer of the Electoral College certification. The Trump circle

expected that the longtime Republican senator would do its bidding, but Grassley was not one of the eight Republicans who voted to uphold challenges to Biden's victory in Arizona and Pennsylvania after the fascist mob was driven out of the Capitol and the joint session resumed its work.

However, the day before the joint session, Grassley was quoted as saying of Pence, "we don't expect him to be there, I will be presiding over the Senate." His office later claimed he had been "misinterpreted" and was merely acknowledging the standard procedure that the president pro-tem, usually the senior member of the majority party, fills in for the vice president if he is unavailable or absent.

Eastman's admission confirms that Trump and his closest aides were considering every possible scenario to hijack the election and maintain control of the presidency. This no doubt included the use of the military and paramilitary forces from the Department of Homeland Security if this appeared to be a viable option.

Eastman refused to testify about the substance of the conversations he had about the possibility of replacing Pence with Grassley as the presiding officer, claiming attorney-client privilege. Asked who his client was, he said, "President Trump."

Eastman faces multiple criminal charges in Atlanta, Georgia, in the case brought by District Attorney Fani Willis which claims that Trump and his aides and supporters in the state of Georgia constituted a Racketeer Influenced and Corrupt Organizations (RICO) Act and that all 19 people named in the indictment should be prosecuted as a single, integrated conspiracy.

Despite facing these charges, Eastman did not assert his Fifth Amendment rights during the disbarment trial. He has also spoken publicly about the circumstances leading up to the January 6 events in interviews with Fox News.

Bar prosecutor Duncan Carling asked Eastman on Wednesday about the earlier testimony by Gregory Jacob,

then counsel for Pence, who said at a hearing in June that there was no legal or historical basis for Eastman's claims that the vice president could intervene and block certification of the actual winner of the 2020 election, and send the issue either back to the states or to the House of Representatives.

Eastman denied that he had told Jacob that his own position would be rejected 9-0 by the Supreme Court, claiming he was referring only to a lesser procedural question.

The California law professor and former law school dean is only one of a number of close Trump aides who now face significant legal consequences for their roles in the effort to overturn the 2020 election results, which culminated in the violent January 6 assault on the Capitol.

On Thursday, former Trump White House adviser Peter Navarro was convicted of criminal contempt of Congress for defying a subpoena by the House Select Committee investigating the January 6 attack. The jury deliberated only four hours before returning its verdict, and US District Judge Amit Mehta set January 12 for sentencing. Navarro could face a sentence of as long as two years in prison and a \$200,000 fine.

Navarro claimed that he refused to cooperate with the committee because ex-President Donald Trump had invoked executive privilege and asked him not to testify. Trump, of course, was no longer president at the time of Navarro's defiance, nor was there any evidence that he had actually told Navarro to refuse to appear.

The case was open and shut: The jury was selected Tuesday, arguments and testimony took place on Wednesday, and the verdict was returned on Thursday before noon. Navarro said he would appeal the verdict all the way to the Supreme Court, which has a 6-3 majority of right-wing justices appointed by Republican presidents, including three appointed by Trump.

Former White House political counselor Steve Bannon was convicted of contempt of Congress last year and is now appealing. He has not served a day in prison or paid a dollar in fines. Both Navarro and Bannon are expecting pardons should Trump be reelected next year.

Navarro and Bannon were co-authors of a scheme which Navarro dubbed the "Green Bay sweep," after a football play involving running around opponents. Trump supporters in the House and Senate were to contest the electoral votes in six closely contested states, engaging in lengthy debate on each one, and delaying the certification so long that Vice President Pence would block the Biden electors.

Meanwhile, in the Atlanta prosecution of 19 defendants, including Trump himself and his closest aides, a state judge denied the effort by two Trump lawyers, Kenneth Chesebro and Sidney Powell, to sever their cases from each other. Judge William McAfee ruled that the two must stand trial together on October 23. Each had requested a "speedy trial" under a Georgia law that guarantees such a procedure.

The judge made no ruling on the proposal by District Attorney Fani Willis to try all 19 defendants at a single trial beginning October 23. He expressed skepticism that this could be done, practically, but gave the prosecutor until next Tuesday to submit a brief explaining her plans for such a trial. He said he would come back with a decision at a hearing next Thursday.

Assistant District Attorney Will Wooten, speaking on behalf of Willis, said that the prosecutors would require four months to present the evidence in the case, which would include the testimony of 150 witnesses. He said that a joint trial of all 19 defendants was the appropriate form for charges that center on the claim that Trump and his inner circle, as well as his Georgia aides, constituted a RICO outfit under Georgia law, making all 19 guilty of the same conspiracy charge, as well as other charges based on their specific roles in the plot to overturn the 2020 presidential election in Georgia.

Five of the 19 defendants have filed motions with US District Judge Steve C. Jones to move their cases from state to federal court. Former White House Chief of Staff Mark Meadows and former Justice Department official Jeffrey Clark claim they were acting as federal officials, not as agents of the Trump reelection campaign, when they intervened in Georgia. Three Georgia Republicans, David Shafer, Shawn Still and Cathleen Latham, charged with making fraudulent claims to be duly elected presidential electors, claim that this is an inherently federal rather than state offense.



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