

# #1577 Trump's historic third indictment containing three counts of conspiracy and one of obstruction regarding the 2020 election and Jan 6th, 2021

**JAY TOMLINSON - HOST, BEST OF THE LEFT:** [00:00:00] During today's episode, I'm going to be telling you about a show I think you should check out. It's the *Left Reckoning* podcast, which is carrying on the legacy of the *Michael Brooks Show*, so take a moment to hear what I have to say about them in the middle of the show.

And now, welcome to this episode of the award winning *Best of the Left* podcast, in which we shall take a look at the most consequential case against Trump, which summarizes his direct involvement in using allegedly illegal means to contest the 2020 election, while making knowingly false claims about the legitimacy of the election process, while directing a conspiracy of followers to do the same. Sources today include *Democracy Now!*, *The Brian Lehrer Show*, *All In with Chris Hayes*, and *Prosecuting Donald Trump* - that's the name of the show - with an additional members only clip from *The Brian Lehrer Show*.

## Presidents Are Not Kings Unpacking Indictment of Donald Trump for Plot to Overturn Election - Democracy Now! - Air Date 8-2-23

**AMY GOODMAN:** For the first time in U.S. history, a former president has been criminally charged with conspiring to overturn an election. On Tuesday, Donald Trump was indicted on four counts: [00:01:00] conspiracy to defraud the United States, conspiracy to obstruct an official proceeding, tampering with a witness, and conspiracy against the rights of citizens — the right of their vote to be counted. This is the third time in four months the former Republican president has been criminally charged as he campaigns to regain the presidency in 2024. No other president has ever been indicted before.

The Department of Justice special counsel Jack Smith announced the indictment charges in a short statement. He did not take questions from the press.

**JACK SMITH:** The attack on our nation's Capitol on January 6th, 2021, was an unprecedented assault on the seat of American democracy. As described in the indictment, it was fueled by lies, lies by the defendant targeted at obstructing a bedrock function of the U.S. government, the nation's process of collecting, counting and certifying the results of the presidential election.

The men and [00:02:00] women of law enforcement who defended the U.S. Capitol on January 6th are heroes. They are patriots, and they are the very best of us. They did not just defend a building or the people sheltering in it. They put their lives on the line to defend who we are as a country and as a people. They defended the very institutions and principles that define the United States.

Since the attack on our Capitol, the Department of Justice has remained committed to ensuring accountability for those criminally responsible for what happened that day. This case is brought consistent with that commitment, and our investigation of other individuals continues. In this case, my office will seek a speedy trial so that our evidence can be tested in court and judged by a jury of citizens. In the meantime, I must emphasize that the indictment is only an allegation and that the defendant must be presumed innocent until proven guilty beyond a reasonable doubt [00:03:00] in a court of law.

**AMY GOODMAN:** The most serious charge against Donald Trump carries a maximum penalty of 20 years in prison. The case was assigned to U.S. District Judge Tanya Chutkan, who was appointed by President Obama, has handed down sentences in January 6th insurrection cases that were harsher than prosecutors recommended.

Tuesday night on CNN, Trump's lead attorney on the case, John Lauro, called the indictment an attack on Trump's free speech.

**JOHN LAURO:** This is politics. This indictment is about pure politics. We engage in vigorous debate in this country about politics. What we don't do is criminalize political speech. This indictment is a game changer. It's the first time that we've taken political speech and said we're going to criminalize it, by the party that's in control against the party that's contesting the next election, where the two individuals involved are going to be running for office. That is an incredible set of circumstances.

**AMY GOODMAN:** Trump has been ordered to make an initial appearance in federal court in Washington, D.C., Thursday. [00:04:00] The 45-page indictment against the 45th president of the United States also references six unnamed co-conspirators. They likely include four of Trump's lawyers — Rudy Giuliani, John Eastman and Sidney Powell — as well as Jeffrey Clark, a former Justice Department official.

This all comes after Trump pleaded not guilty in June after he was charged with unlawful retention of classified government documents after leaving office and obstruction of justice, in another Jack Smith case. Last week, prosecutors in that case added three more criminal counts that accuse Trump of ordering employees to delete security videos while he was under investigation. In March, a grand jury convened by the Manhattan district attorney indicted Trump for falsifying business records to hide hush-money payments to porn star Stormy Daniels before the 2016 election. Meanwhile, Trump faces a fourth criminal investigation in Georgia over accusations he sought to undo his 2020 election loss in the [00:05:00] state.

## **A Special Reading Of The Special Counsel's Trump Indictment Part 1 - Brian Lehrer - Air Date 8-4-23**

**TIFFANY HANSSEN:** The subject title is The Defendant's Knowledge of the Falsity of his Election Fraud Claims.

It's paragraph 11. The defendant, his co-conspirators and their agents made knowingly false claims that there had been outcome determinative fraud in the 2020 presidential election. These prolific lies about election fraud included dozens of specific claims that there had been substantial fraud in certain states, such as large numbers of dead, non-resident, non-citizen, or otherwise ineligible voters had cast ballots or that voting machines had changed votes for the defendant to votes for Biden. These claims were false and the defendant knew that they were false. In fact, the defendant was notified repeatedly that his claims were untrue, often by the people on whom he relied for candid advice on important matters and who were best positioned to know the facts, and he deliberately disregarded the truth.

For instance, the defendant's vice president, who personally stood to gain by remaining in [00:06:00] office as part of the defendant's ticket and whom the defendant had asked to study fraud allegations, told the defendant that he had seen no evidence of outcome determinative fraud.

The senior leaders of the Justice Department appointed by the defendant and responsible for investigating credible allegations of election crimes told the defendant on multiple occasions that various allegations of fraud were unsupported.

The Director of National Intelligence, the defendant's principal advisor on intelligence matters related to national security, disabused the defendant of the notion that the intelligence community's findings regarding foreign interference would change the outcome of the election.

The Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, known as CISA, whose existence the defendant signed into law to protect the nation's cybersecurity infrastructure from attack, joined an official multi-agency statement that there was no evidence any voting system had been compromised and that declared the 2020 [00:07:00] election, quote, "the most secure in American history."

Days later, after the CISA director, whom the defendant had appointed, announced publicly that election security experts were in agreement that claims of computer-based election fraud were unsubstantiated, the defendant fired him.

Senior White House attorneys selected by the defendant to provide him candid advice informed the defendant that there was no evidence of outcome determinative election fraud, and told him that his presidency would end on Inauguration Day, 2021.

Senior staffers on the defendant's 2020 reelection campaign, known as defendant's campaign or campaign, whose sole mission was the defendant's reelection, told the defendant on November 7th, 2020 that he only had a five to 10% chance of prevailing in the election, and that success was contingent on the defendant's winning ongoing vote counts or litigation in Arizona, Georgia, and Wisconsin. Within a week of that assessment, the defendant lost in Arizona, [00:08:00] meaning he had lost the election.

State legislators and officials, many of whom were the defendant's political allies, had voted for him and wanted him to be reelected, repeatedly informed the defendant that his claims of fraud in their states were unsubstantiated or false and resisted his pressure to act based upon them.

States and federal courts, as neutral arbiters responsible for ensuring a fair and even-handed administration of election laws, rejected every outcome determinative post-election lawsuit filed by the defendant, his co-conspirators

and allies, providing the defendant real-time notice that his allegations were meritless.

Paragraph 12: The defendant widely disseminated his false claims of election fraud for months, despite the fact that he knew, and in many cases had been informed directly, that they were not true. The defendant's knowingly false statements were integral to his criminal plans to defeat the federal government function, obstruct the certification, and interfere with others' right [00:09:00] to vote and to have their votes counted.

He made these knowingly false claims throughout the post-election time period, including those below that he made immediately before the attack on the Capitol on January 6th.

A. The defendant insinuated that more than 10,000 dead voters had voted in Georgia. Just four days earlier, Georgia's Secretary of State had explained to the defendant that this was false.

B. The defendant asserted that there had been 205,000 more votes than voters in Pennsylvania. The defendant's acting Attorney General and Acting Deputy Attorney General had explained to him that this was false. The defendant said that there had been suspicious vote dump in Detroit, Michigan. The defendant's Attorney General had explained to the defendant that this was false and the defendant's allies in the Michigan State legislature, the Speaker of the House of Representatives and majority leader of the Senate had publicly announced that there was no evidence of substantial fraud in the state.

The [00:10:00] defendant claimed that there had been tens of thousands of double votes and other fraud in Nevada. The Nevada Secretary of State had previously rebutted the defendant's fraud claims by publicly posting "Facts versus Myths" document explaining that Nevada judges had reviewed and rejected them, and the Nevada Supreme Court had rendered a decision denying such claims.

The defendant said that more than 30,000 non-citizens had voted in Arizona. The defendant's own campaign manager had explained to him that such claims were false. And the Speaker of the Arizona House of Representatives who had supported the defendant in the election had issued a public statement that there was no evidence of substantial fraud in Arizona.

And finally, the defendant asserted that voting machines in various contested states had switched votes from the defendant to Biden. The defendant's Attorney

General, Acting Attorney General and Acting Deputy Attorney General all had explained to him that this was false and numerous recounts and audits had confirmed the accuracy of voting [00:11:00] machines.

## **House Democrats The Trump trials should be televised - All In w/ Chris Hayes - Air Date 8-4-23**

**CHRIS HAYES - HOST, ALL IN:** Well, for Donald Trump, the stakes of the next presidential election are clear. We all know him. He is running for his freedom. To put an even finer point on it, he's running for his life. I mean, the ex-president now faces 78 criminal counts across three jurisdictions, and a combined 641 years in prison. At age 77, if he is convicted of any of these offenses, just one, he could spend the rest of his natural life behind bars.

The stakes for the country are equally dire. Donald Trump tried to end America's constitutional republic, and we know that and have known that for a while, from the facts as they're alleged in the most recent federal indictment.

The facts as they're laid out in the 840-page Select Committee Report, and the facts as we all witnessed them with our own two eyes, in the runup to, and on the day of January 6th, 2021. Had Donald Trump convinced enough people to go along with his scheme, we could be living right now in a kind of presidential dictatorship.[00:12:00]

And he has explicitly said and signaled multiple times that he is running again to finish the job.

**DONALD TRUMP:** I will appoint a real special prosecutor to go after the most corrupt president in the history of the United States of America, Joe Biden, and the entire Biden crime family. Name a special prosecutor. And all others involved with the destruction of our elections, our borders, and our country itself. They're destroying our country. And when I'm reelected and we will get reelected, we have no choice. We're not gonna have a country anymore. I will totally obliterate the deep state. We will obliterate the deep state.

**CHRIS HAYES - HOST, ALL IN:** The ex-president now finds himself cornered, legally. He's mostly alone. Have you noticed that? None of his family members by his side. He's unable to summon the mobs he once was, and he's been denuded of the official power of the presidency. He's smaller in many ways. He's not getting any younger. [00:13:00] And he's attempting to threaten

his way through. In a post this afternoon, he threatened, apparently, his prosecutors, writing, "If you go after me, I'm coming after you."

If he is elected next year, Donald Trump could very well escape accountability. That's the plan of him and his advisors: to get elected and then avoid facing trial on the dozens of charge he faces or drop the charges or avoid sentencing. And then upon taking office, he would set about the task of completing the unfinished work of January 6th, which was the work of destroying American democracy. As the New York Times reported last month, Trump and his allies are planning a sweeping expansion of presidential power over the machinery of government, reshaping the structure of the executive branch to concentrate far greater authority directly in his hands. Includes bringing independent agencies under direct presidential control, reviving the practices of impounding funds, refusing to spend money congress has appropriated for programs a president doesn't like. Making it easier to replace career civil servants. Removing state department intelligence agency officials he [00:14:00] describes as "the sick political class that hates our country."

Now, let's be clear. A lot of this is tough talk from a guy who's in a lot of trouble, you know, hitting out the caps lock on his Truth Social posts. But you gotta take it seriously.

If you've ever seen an image of what happened on January 6th, right, the guy's running for president, he could win. Imagine how our system of justice would run in that world. I mean, really. It's hard to think about, but it could happen. Taking the oath, he's elected the president, maybe he would pardon his as yet unindicted co-conspirator Jeffrey Clark, and finally succeed installing that guy as Attorney General. Not a particularly far-fetched idea if Donald Trump wins the presidency again.

He could not be making it more clear that he intends to defeat American democracy once and for all if he is given the means. And obviously, obviously, obviously it goes without saying, even though I have to say it, that a man like that should not be allowed anywhere near the levers of power. That was clear to me [00:15:00] and many of you eight years ago when he came down the escalator. And there are mechanisms to stop him short of putting him in prison for the rest of his natural life. First of all, there's a really good case to be made he should be barred from holding office under the 14th amendment of the Constitution, Section Three of which states, and I quote, "No person shall hold any office who having previously taken an oath to support the Constitution of the United States," like the president, "shall have engaged in insurrection or rebellion against the same."

And there's been a movement spring up to try to bar his reelection on precisely these grounds. Lawsuits in the courts or legislation. And I gotta say, it hasn't gotten a ton of attention, but I think it has a lot of merit. I think Donald Trump plainly engaged in insurrection and plainly should therefore be ineligible for future office per the US Constitution. I think the original intent of that amendment would see it that way too.

But of course there's another way that he could be barred from future office, and that's impeachment. Remember that one? After January 6th, Donald Trump was impeached in the House for the second [00:16:00] time, first President ever. He could have been convicted in the Senate, and pursuant to the conviction barred from holding future office. Seven members of his own party voted for that conviction. It was the most bipartisan support for an impeachment conviction in the history of this nation. At one point, even Senate Majority Leader Mitch McConnell was reportedly considering voting to convict. But when it came down to it, McConnell just washed his hands of the whole thing, shrugged, told the country, not my job to hold Donald Trump accountable, but you know, maybe someone else should do it.

**MITCH MCCONNELL:** Our system of government gave the Senate a specific task. The Constitution gives us a particular role. This body is not invited to act as the nation's overarching moral tribunal. President Trump is still liable for everything he did while he was in office as an ordinary citizen, unless the statute of limitations [00:17:00] is run, still liable for everything he did while he was in office. Didn't get away with anything yet. Yet. We have a criminal justice system in this country. We have civil litigation. And former presidents are not immune from being accountable by either one.

**CHRIS HAYES - HOST, ALL IN:** All these guys, they're also tough, aren't they, at their lecterns? Stern. Hectoring. Posting in caps lock. Mitch McConnell. "He's not out of the woods yet." Bravely standing on the Senate floor to dump the problem of a sociopathic, maniacal hater of American democracy on someone else. Someone else should, someone -- you know, you should really do something about this guy. And thereby allowing the ex-president to escape accountability and the obvious punishment for his crimes, which is to bar him from running for office again, where he can now do so and threaten the Republic.

And Mitch McConnell voted to acquit Donald [00:18:00] Trump. He told Republicans to vote their conscience and all but seven voted to acquit.

So now that someone else has actually done the thing that McConnell said they should do, held him liable for his alleged crimes under our system of justice,



gosh, I haven't heard a lot from Mitch. He seems silent on the matter. To be clear, we are where we are with both accountability for Donald Trump and the fate of the American constitutional republic -- I'm not overstating things -- hanging in the balance, a tossup, because Mitch McConnell and all the Senate Republicans and the whole Republican party just refuse to do the obvious, simple and straightforward thing. They could have just convicted him. We wouldn't be here. But they refused to convict him for inciting the violent insurrection that concussed a bunch of police officers and threatened the life of the vice president, the insurrection that went on for hours violently in front of us, for which over a thousand people have been [00:19:00] charged, that we all watched happen. The one that he incited, that we knew he incited. They could have convicted him for that, and they could have barred him for holding future office. But they didn't. And so then we now have them to thank.

## **Charges to Overturn an Election - Prosecuting Donald Trump - Air Date 8-2-23**

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD TRUMP:**

Mary, we should talk a little bit about the assigned judge...

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:**

Absolutely.

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD**

**TRUMP:** ...'cause that's something that people talked a little bit about on air, but this is a district judge nominated by President Obama, confirmed unanimously by the Senate, like every judge, I think, in the District Court of DC has had numerous January 6th cases, and she has her background, not as a prosecutor, but as a public defender, which I think is really important because she is gonna be really mindful of defense rights. She's not a judge who the government says, Oh, that's great, because this is gonna be somebody who's aligned with us, or a rubber stamp. It reminds me a lot when we found out that our cases were assigned to Amy Berman Jackson. We knew this was a judge where we had to have our ducks in a row and play it completely [00:20:00] straight, and if we played any games, she was gonna, correctly, be on us. So, I think that's her reputation. But Mary, you've practiced so long in DC. Tell us what you think of the judge and her reputation.

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:** Sure. So, Judge Chutkan and I go way back because I was of course a prosecutor in DC

and she was a defense attorney in DC. In fact, both she and her husband worked for the public defender service. And so actually, you know, in DC, I think we've talked before, the US Attorney's Office, where I was, prosecutes both federal and DC crimes because there is no elected district attorney, since the District of Columbia is not actually a state. And so it's under basically Congressional authority and that means that Congress has the ability to impact its own governance and that's why the US Attorney handles all prosecutions. So, Judge Chutkan and her husband were both at the local public defender service, not the federal public defender, but that's where I had many, many cases. And she was a very excellent, excellent defense attorney, formidable opponent to anybody in our office, but fair, you know, like we got along with her, no ill will, always very [00:21:00] respectful relationship. In fact, in general, in my experience, the relationship between the US Attorney's Office and both the federal defender and the local defender was very, very good during my whole tenure.

I also have been very familiar with Judge Chutkan since she's been on the bench. I know most of the judges in the courthouse 'cause it's where I practiced for so long. Many of them came from the US Attorney's Office or the defender's offices. So I knew them through that. My husband worked for the courthouse for 12 years. But also I'd say relevant to this case is that Judge Chutkan handled at the district court level, the *Trump v. Thompson* matter. So, this is the case where the House Select Committee had sought to get the White House records, presidential records, from the national archivists that would be relevant to its investigation. And this is the case where Donald Trump challenged that in court as the former president asserting executive privilege over those documents, saying these are presidential records under the Presidential Records Act, I'm asserting executive privilege so that these will not be transmitted to the House Select [00:22:00] Committee.

Now, this set up a very interesting legal issue because we had both a former president and an incumbent president. And the incumbent president, President Biden, declined to assert executive privilege. So, the issue really kind of came down to twofold: can a former president assert executive privilege? The answer to that question is yes. That was basically decided years ago in a case involving former President Nixon. But when it is in conflict with the views of the incumbent president, what happens? And the answer to that, as Judge Chutkan found, and as the DC Circuit found, and as the US Supreme Court declined to intervene and reverse, was that there is a right to executive privilege that the former president can assert, but it's not absolute. It gets balanced out against the compelling need for the information. And here we were talking about the House Select Committee that was investigating, under its legislative powers to investigate, with an eye toward potentially legislating, and its oversight powers. It cannot engage in criminal investigations, but it can [00:23:00] engage

investigations in furtherance of its legislative powers. And here the need was so great that under any balancing test you use - and we won't get into that today 'cause it's super complicated, there are multiple tests you could use - but under any test, including the one most favorable to the former president, he loses. And again, Judge Chutkan ruled that way. It was appealed to the DC circuit. DC circuit agreed with her. The former president sought a stay in the US Supreme Court and sought a writ of certiorari to have review in the Supreme Court. Supreme Court denied that stay. The day the Supreme Court denied that stay, the documents started flowing over to the House Select Committee and ultimately then the Supreme Court denied cert in that case. So the ruling stands.

So, I raise this because Judge Chutkan has dealt with these executive privilege issues and knows them very, very well, and also has some familiarity already, because of her own, you know, presiding over this litigation, into facts and evidence around January 6th.

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD TRUMP:** So, I think it's really fair to say, based on your experience and her reputation, that this is just a very different judge than Aileen [00:24:00] Cannon. And I don't mean that in a disparaging way. But what I mean is that you have a judge who's just much more experienced with controlling the courtroom, dealing with January 6th issues, and, in important and novel matters, gets it right. She has not been reversed twice, for instance, in scathing language by the circuit court, the appellate court. So, I think that's all very good for the rule of law. And I think her background shows she will give a very fair trial to any defendant.

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:** Yes.

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD TRUMP:** Including Donald Trump, which is as it should be.

## **A Special Reading Of The Special Counsel's Trump Indictment Part 2 - Brian Lehrer - Air Date 8-4-23**

**KAI WRIGHT:** Subheading: the Defendant's use of deceit to get state officials to subvert the legitimate election results and change electoral votes. Shortly after election day, which fell on November 3rd, 2020, the Defendant launched his criminal scheme. On November 13th, the Defendant's campaign attorneys conceded in court that he had lost the vote count in the State of Arizona, meaning based on the assessment the Defendant's campaign advisors had given

him just a week earlier, the Defendant had lost the election. So the next day the Defendant [00:25:00] turned to Co-Conspirator One, likely Rudy Giuliani, whom he announced would spearhead his efforts going forward to challenge the election results. From that point on, the Defendant and his co-conspirators executed a strategy to use knowing deceit in the targeted states, to impair, obstruct, and defeat the federal government function, including as described below. Arizona.

On November 13th, 2020, the Defendant had a conversation with his campaign manager who informed him that a claim that had been circulating, that a substantial number of non-citizens had voted in Arizona, was false. On November 22nd, eight days before Arizona's governor certified the ascertainment of the state's legitimate electors, based on the popular vote, the Defendant and Co-Conspirator One called the Speaker of the Arizona House of Representatives and made knowingly false claims of election fraud aimed at interfering with the ascertainment of and voting by Arizona's [00:26:00] electors as follows:

A) The Defendant and co-conspirator won falsely asserted among other things that a substantial number of non-citizens, non-residents, and dead people had voted fraudulently In Arizona. The Arizona House Speaker asked Co-Conspirator One for evidence of those claims, which Co-Conspirator One did not have, but claimed he would provide. Co-conspirator one never did so.

B) The Defendant and Co-Conspirator One asked the Arizona House Speaker to call the legislature into session to hold a hearing based on their claims of election fraud. The Arizona House Speaker refused, stating that doing so would require a two-thirds vote of its members and he would not allow it without actual evidence of fraud.

C) The Defendant and Co-Conspirator One asked the Arizona House Speaker to use the legislature to circumvent the process by which legitimate electors would be ascertained for Biden based on the popular vote and replace those electors [00:27:00] with a new slate for the Defendant. The Arizona House Speaker refused, responding that the suggestion was beyond anything he had ever heard or thought of as something within his authority.

On December 1st, Co-Conspirator One met with the Arizona House Speaker. When the Arizona House Speaker again asked Co-Conspirator One for evidence of the outcome determinative election fraud he and the Defendant had been claiming, Co-Conspirator One responded with words to the effect of, We don't have the evidence, but we have lots of theories.

On December 4th, the Arizona House Speaker issued a public statement that said, in part, "No election is perfect, and if there were evidence of illegal votes or improper count, then Arizona law provides a process to contest the election, a lawsuit under state law. But the law does not authorize the legislature to reverse the results of an election. As a conservative Republican, I do not like the results of the presidential election. I voted for President Trump and worked [00:28:00] hard to reelect him. But I cannot and will not entertain a suggestion that we violate current law to change the outcome of a certified election. I and my fellow legislators swore an oath to support the US Constitution and the constitution and laws of the State of Arizona. It would violate that oath, the basic principles of Republican government, and the rule of law if we attempted to nullify people's vote based on unsupported theories of fraud. Under the laws we wrote and voted upon, Arizona voters choose who wins and our system requires that their choice be respected."

On January 4th, 2021, Co-Conspirator Two called the Arizona House Speaker to urge him to use a majority of the legislature to decertify the state's legitimate electors. Arizona's validly ascertained electors had voted three weeks earlier and sent their votes to Congress, which was scheduled to count the votes in Biden's favor in just two days time at the January 6th certification proceeding. When [00:29:00] the Arizona House Speaker explained that the state investigations had uncovered no evidence of substantial fraud in the state, Co-Conspirator Two conceded that he " didn't know enough about facts on the ground" in Arizona, but nonetheless told the Arizona House Speaker to decertify and "Let the courts sort it out". The Arizona House Speaker refused stating that he would not "play with the oath he had taken to uphold the United States Constitution and Arizona law". On January 6th, the Defendant publicly repeated the knowingly false claim that 36,000 non-citizens had voted in Arizona.

**BRIAN LEHRER - HOST, THE BRIAN LEHRER SHOW:** WNYC's Kai Wright reading from the indictment. Kai, thanks a lot. Uh, since we're annotating a little bit, as you noted, um, that one line, that quote from Giuliani, if they can substantiate that at trial, that he said, "We don't have the evidence" to the Arizona Speaker of the House, "We don't have the evidence, but we have lots of theories", [00:30:00] that may be the single most bombshell line in the whole indictment.

**KAI WRIGHT:** Yeah, we don't have the evidence.

## **Trump & KKK Act Carol Anderson on Reconstruction-Era Voting Rights Law**

# Cited in Trump Indictment - Democracy Now! - Air Date 8-4-23

**The indictment says this:** The indictment says this: “Also on January 4th, when Co-Conspirator Two acknowledged to the Defendant’s senior advisor that no court would support his proposal, the senior advisor told Co-Conspirator Two, ‘You’re going to cause riots in the streets.’ Co-Conspirator Two responded that there had previously been points in the nation’s history where violence was necessary to protect the republic.”

If you could respond to that, Professor Anderson, and also the significance, of course, of Mark Meadows, the chief of staff, who you just mentioned, who might well have flipped right now and be working with Jack Smith?

**CAROL ANDERSON:** Absolutely. So, you have not only Eastman, but you also have Jeffrey Clark of the Department of Justice, being warned that this attempt to override the election, overturn the will of the voters, would lead to folks being out in the streets, would lead to riots. And the response was, “Well, that’s what the Insurrection Act is for.” So, there was a [00:31:00] willingness to use the U.S. military against American citizens who were protesting for their rights, protesting, fighting for this democracy, protesting because the will of the voters had been overturned by a cabal of co-conspirators, a cabal who were in league with Donald J. Trump. And so, that willingness to use violence to overturn democracy is — it just tells you how deeply embedded this drive was to keep him in power, and the disregard they had for the lives of American citizens, who withstood a pandemic, a deadly pandemic, to go and vote, who understood that democracy was on the line and were willing to do what they needed to do.

So, in terms of violence, I also have to talk about Rudy Giuliani coming down here to [00:32:00] Georgia for three legislative hearings, where he spews, he and his team spew a bevy of lies about dead people voting, but particularly about Shaye Moss and Ruby Freeman, two Black poll workers in Fulton County at State Farm Arena, that Rudy Giuliani equated, made equivalent, with drug dealers, passing around USB ports as if they were heroin, as if it was heroin and cocaine, so linking election workers, Black election workers, with drug dealers. And then those two women receive enormous death threats, death threats that are so horrific that it causes Ruby Freeman to — the FBI warns her that she has to leave her home for protection. That’s the kind of violence that this kind of cabal was willing to generate in order to keep Donald Trump in power against the will of the voters. That’s why Georgia is so prominent in this discussion.

**AMY GOODMAN:** [00:33:00] I want to talk about what's just happened, the latest news with Rudy Giuliani, Professor Anderson. In recent weeks, Trump's lawyer, Rudy Giuliani, said he will not contest, so he's admitting that he lied, that he will not contest that he made, "false statements" about those two Georgia election workers in the aftermath of the 2020 election. I want to go through exactly what you're talking about. Ruby Freeman and Shaye Moss, a mother and daughter, are suing Giuliani for defamation for accusing them of manipulating ballots in Fulton County, Georgia, on Election Day 2020. The Georgia elections board found Giuliani's statements to be false and unsubstantiated, according to an investigation by the Georgia elections board. This is California Congressman Adam Schiff introducing video of Giuliani's remarks during that hearing in the House Select Committee to Investigate the January 6th Attack on the Capitol.

**REP. ADAM SCHIFF:** I'd like to show you some of the statements that Rudy Giuliani made in a second hearing before the Georgia state legislators, a week after that [00:34:00] video clip from State Farm Arena was first circulated by Mr. Giuliani and President Trump. I want to advise viewers that these statements are completely false and also deeply disturbing.

**RUDY GIULIANI:** ...taped earlier in the day of Ruby Freeman and Shaye Freeman Moss and one other gentleman quite obviously surreptitiously passing around USB ports as if they are vials of heroin or cocaine. I mean, it's our — it's obvious to anyone who's a criminal investigator or prosecutor they are engaged in surreptitious illegal activity, again, that day. And that's a week ago, and they're still walking around Georgia lying.

**AMY GOODMAN:** The Black former Georgia state election worker that Giuliani is referring to also testified before the House Select Committee to Investigate the January 6th Attack. This is Shaye Moss being questioned by California Congressman Adam Schiff.

**REP. ADAM SCHIFF:** How did you first become aware that Rudy Giuliani, the president's lawyer, was accusing you and your mother of a crime?

**SHAYE MOSS:** [00:35:00] I was at work, like always, and the former chief, Mr. Jones, asked me to come to his office. And when I went to his office, the former director, Mr. Barron, was in there, and they showed me a video on their computer. It was just like a very short clip of us working at State Farm, and it had someone on the video, like, talking over the video, just saying that we were doing things that we weren't supposed to do, just lying throughout the video. And that's when I first found out about it. ...



**REP. ADAM SCHIFF:** In one of the videos we just watched, Mr. Giuliani accused you and your mother of passing some sort of USB drive to [00:36:00] each other. What was your mom actually handing you on that video?

**SHAYE MOSS:** A ginger mint.

**AMY GOODMAN:** So, there you have Shaye Moss. And the way their lives were turned upside down, Professor Anderson, I mean, men coming to their homes demanding they come out, talk about the significance of this. And now it's shown that the tape is doctored, and Giuliani is admitting that he lied.

**CAROL ANDERSON:** Right. And this is — and so, this is the kind of terror that is reminiscent of what happened during Reconstruction that led to the KKK act that Trump is charged with, because that kind of terror was the intimidation of Black people who were exercising their right to vote, the intimidation of Black people who believed that they were American citizens, the intimidation of Black people who were engaged in the electoral process. This is what was happening based on a lie, where Giuliani admits that he [00:37:00] lied.

Even worse, I have to say, is that these lies about election fraud, about massive rampant voter fraud, becomes the basis for the voter suppression laws that many states, like Georgia, then put in place. So, you've got an incredible array of laws in place, pieces of those laws dealing with absentee ballots, dealing with drop boxes, dealing with mobile voting units, dealing with places like State Farm, that Fulton County was able to use to deal with the fact that it had to close 90 polling places, and so this was a way to provide a way for people to be able to vote. So, the state using Rudy Giuliani's big lie and Donald Trump's big lie to justify shutting down access to the ballot box to minority communities, because the vast number of drop boxes that were shut down after the passage of S.B. 202 were in the Atlanta metropolitan area. So it went from [00:38:00] over a hundred drop boxes to fewer than 25 drop boxes.

## **House Democrats The Trump trials should be televised Part 2 - All In w Chris Hayes - Air Date 8-4-23**

**CHRIS HAYES - HOST, ALL IN:** If your job is getting Republicans elected and you want the party to be successful politically, which is generally the case of professional members of either political party, are people freaking out and I'm not hearing it? Or is everyone like, I don't get it? Explain the psychology to me. Do people think -- here are the options: they think it won't matter. Trump is



Trump, it doesn't matter if he gets convicted. They think there's nothing they can do. Or they think like 2024 is screwed, we're just gonna wait till 2028. What are they thinking?

**JENNIFER HORN:** Well, I've wondered about that "2024, let's just wait till 2028" theory a few times. I do think that the Republican Party looked at Donald Trump and he is their key for fundraising and for organizing and energizing the base, and they need him to hang on to power. I do wonder if perhaps they've decided to write off the White House for 2024 and focus on trying to hold onto the House and get the Senate, finding that much more politically advantageous [00:39:00] for themselves.

However, what I would say is the Republican Party has a long history of simply choosing cowardice over courage when it comes to doing what's right in regard to Donald Trump. Twice they could have voted to impeach him, and one of those would've actually removed him from office. There was talk at the beginning of Trump's administration about the 25th Amendment, and there was nobody brave enough to even discuss it publicly. But I would also remind folks it goes back to before Trump became president. When the Billy Bush tape came out in 2016, between the two debates, just before the second debate, there were several of us on the RNC in touch with the chairman begging him to at least put it to a vote of the RNC members to either you know, a resolution against him or pull the party support, something. And even then, there was simply no courage.

**CHRIS HAYES - HOST, ALL IN:** You know, Adam, one of my favorite forms of Trump-era whining is whining from conservatives who don't love Donald [00:40:00] Trump, but are willing to go along with him, but feel stuck with him, that like it's liberals' fault that conservatives are stuck with Donald Trump. And the Wall Street Journal says they have a real lock on this. This is an editorial talking about Democrats in the Trump indictment spectacle, saying "they want the election to be all about the former president all the time." Well, we're not really choosing it here. Why do you think there's not more freak out at a base political level about what it means for electoral prospects?

**ADAM SERWER:** Well, look, it's like Dr. Frankenstein turned to everybody in the village and saying, "Why did you do this?" I mean, they created a situation where their audience will not listen to anyone outside the conservative media ecosystem. So fundamentally, neither you nor I can do that persuasive work of saying, this man is unfit for office. The New York Times cannot do it. The Washington Post cannot do it. Only they can do it. And as you saw with the Fox News Dominion lawsuit, they lack both the courage and moral fiber to do it, even when they know he's wrong. They are afraid of the monster that they have created.

And I think you said it, Chris, earlier: The fact is that when you have one of the two major party nominations, [00:41:00] you have a good chance of being president. They think he can win. And as long as there's more political upside from their perspective to defending him than abandoning him, they will defend him no matter what he does.

**CHRIS HAYES - HOST, ALL IN:** That point about persuasion, Jennifer, is a really important one, is one I really focus on a lot, right? Which is that persuasion, A, I think it is possible; B, is the lifeblood of democratic politics at some level, and C, is also something that has to be sustained. You see these occasional one-offs, so someone says something about Trump for a day, but the only way you persuade people is like a sustained, repeated argument. Over and over. You have to collectively put your shoulder to the wheel if you're gonna pry people off. And that, to Adam's point, there's no appetite for it.

**JENNIFER HORN:** Absolutely. Clearly, persuasion requires persistence and it doesn't exist in this case. And you look at every single other candidate in the race, even if they all stayed in the race, but were on the same persuasive message, to your point, that would have an impact. What if Nikki Haley and [00:42:00] Tim Scott and all these guys were on the same message that Chris Christie's on, think of the impact that would have on Republican voters. But again, they lack courage. They lack principle. And in this case, I just don't think they particularly necessarily want someone other than Donald Trump.

**CHRIS HAYES - HOST, ALL IN:** I mean, that's really the question. And Adam, it gets to your point, right? I think Jennifer's insight there is an interesting one that they think they can either ride his coattails or separate their fate enough if they think he's gonna perform politically poorly, that they could get the base they need and they could -- they did all right in the House in 2020, right? This idea that maybe you can just ride the tiger for one more go.

**ADAM SERWER:** Well look, they knew by January, 2020, everybody knew that this man would end American democracy if he had the ability to do it. And they did not convict him in the Senate then, which they could have done without having to -- it's not like they were facing a primary election after that. They're either afraid of him or they would prefer a world in which they never had to worry about losing an election or a political argument to the Democratic [00:43:00] party ever again. That's just the reality. They are not bothered by the prospect of maybe democracy no longer being a thing. At least not enough to stop him.

# A Protective Order - Prosecuting Donald Trump - Air Date 8-7-23

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:** So based on what we know, and I'll try to do this in a, a streamlined fashion, government reached out even the day before arraignment with the proposed protective order, reached out to defense counsel about that.

They waited, I think, until the day after arraignment to get back to the government saying no. We don't like it. Here's a substitute. Here's what we proposed. Government said, that's not gonna work. So they completely went back to the drawing board. They had said we had modeled our first version off of. The Mar-a-Lago protective order, but without the classified thinking, you would agree to it.

Same agree, right? Same parties. Right. That seems easy. And that's what the first one was rejected. So they went back to the drawing board and they modeled the second one after a protective order that had been recently entered by one of the DC. District court judges in, I believe it was one of the January 6th.

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD TRUMP:** It was cases and it was Judge Nichols and that's right. Judge Nichols, not that it's relevant to this, but appointed by Donald Trump, uh, [00:44:00] by all accounts, a very good responsible judge. And they figured, okay, here's a sample of something that was just recently done. So we're using something from the courthouse.

So now you have versions A, versions B, but of course the name of the game was Delay delay.

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:** Right. So that gets sent over by the government to Mr. Trump's lawyers on Friday evening. But they said at the time, we really want to be able to have the court enter this and, and start providing you discovery and you can object to it later.

So we're gonna go ahead and move the court to tonight to go ahead and enter this so we can start giving you discovery. If you wanna change it, you can file your motion to change it. And so the government went ahead and filed meaning, meaning, so

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD TRUMP:**

there's no prejudice, right? Like, I mean, I understand what.

The, the government, uh, I was thinking about this because usually the government does wanna give time yes, for it to be heard, et cetera. But the problem is it takes two to tango, and if you have one side basically saying, I'm never getting back to you, then it's gonna delay discovery. Delaying discovery means.

Delaying the trial date. Right, right. The I on the prize here is the trial date. That's right. That's what's animating everybody on this, both [00:45:00] sides. That's right. But they were basically, they, the government was basically saying, look, we'll do it under these terms. Let the judge sign it and it, it's without prejudice.

You can obviously raise with the court anything that you wanna raise, even though, by the way, We've provided a version that you actually agreed to previously, right before Judge Cannon. Yeah. And I should

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:** just say that word without prejudice. 'cause we know that so well 'cause it, we use it all the time.

Means even if this is entered, it's not the last word on this because we are not saying. It's entered with prejudice to you to never be able to change it. It's with, this is just a term of art without prejudice means you can come into the court and say, we don't like this. And you're right though. I also think, Andrew, 'cause I think there's been some criticism of the government that why didn't you just give them time to respond?

And like you said, ordinarily that's what the government would do. I think the government thought, we've already been going back and forth for three days. We have this pile of discovery. We're ready to turn it over to you. Let's not. You know, spend 3, 4, 5 more days arguing about this. Let's get the discovery to you.

'cause again, the government wants to get to trial. [00:46:00] Mr. Trump does not.

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD TRUMP:**

And the other thing they wanted to do, I think if I were in the government thinking about this is, you know what, if the judge wants to give them time before entering it, if the judge disagrees with us, that's fine, but also the judge

sees the situation wherein, right, that time delay for discovery was not ours, that we were ready.

Willing and able to get this out the door. And that's the critical thing. So by making this motion and showing all of the, what happened, it was getting in front of the judge that the government is not responsible for a single moment of the delay.

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:** Yeah, and I think, and we're gonna come back to this, but they, I think also wanted to get in front of her the social media post that happened on Friday, which is, if you go after me, I'm coming after you.

And they didn't file this motion just because of that. Because again, remember they had started seeking a protective order well before that post, even before arraignment. Yes. But I think that was something that happened that added urgency to the need to get a protective order because as they say in their [00:47:00] motion, we seek to prevent the improper dissemination or use of discovery.

Materials is particularly important because this defendant has previously issued public statements on social media regarding witnesses, judges, attorneys, and others. And then as an example, they include that post. If you come after me, I'm coming after you, but again, That didn't end it. The judge didn't just go ahead and enter the order instead the next morning, Saturday morning, I believe I'm right on that Saturday morning, Mr.

Trump's attorneys came in and didn't just say, we oppose the protective order and here are all the reasons why. A.

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD TRUMP:** Five page protective order. Right. I'm,

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:** I'm missing a step here. Before that happened Saturday morning, judge Chuck Ken set a date of Monday afternoon for Mr. Trump to respond to the government's motion for a protective order.

So the, rather than just entering it like the government has suggested, she said, Trump file your opposition by Monday at 5:00 PM In response to that, did he file an opposition? No. He said, I need three more days [00:48:00] from

Monday before I can even file an opposition to this. Like you said, five page protective order,

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD TRUMP:**

meaning that, and this is one of the best lines when the government responds to that.

The government says, so instead of responding to the the five page protective order, the protective order that they'd previously signed an identical one, they instead spent their time responding to why they need more time. To respond to the, I mean, it looked, it was so transparent. Yes. It's, it was basically like delay, delay, delay, judge delay, delay.

Uh, wait, did I say delay? Right. So what did the judge do? Did she have any of this? Is it

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:** she didn't? And I think this is, this is partly why we wanted to talk about this on the podcast. The judge came back and said, denied. File your opposition Monday at five. And this isn't because, She's biased like Mr. Trump is claiming or his lawyers are gonna claim this is because she also understands exactly what's happening here. This is about delay. We're talking about a run of the mill protective order. There's no reason to have a whole bunch of additional days to file an opposition to [00:49:00] it. All that does is push out the timeline for the government turning over discovery.

And so I think this was Judge Chikin saying, I'm not gonna have that. File your opposition by Monday, five o'clock, which by the way, is plenty. Plenty. Plenty of time.

**ANDREW WEISSMAN - HOST, PROSECUTING DONALD TRUMP:**

Plenty. Wait. This is a protective order. This is not briefing the constitutionality of the free speech clause. Right? This reminds me what happened at this little isolated example of the back and forth and back and forth with the judge going.

I said what I meant, and I meant what I said is exactly what happened. At the arraignment before the magistrate judge where. One of Mr. Trump's lawyers kept on saying, well, we need more time to tell you what trial date we'd want, and we can't really respond within a week, and we wouldn't be ready. And the judge says, no, the district judge wants you to respond within one week.



And so she's gonna tee this up and decide it by OHS 20th. And the defense lawyer continues and it goes back and forth. And the finally the [00:50:00] magistrate judge says, I hear you and you're ordered to do this. Right. And it reminds me this is the same thing. Now I understand a defense lawyer has a job to do.

Yep. But this really reminds me so much of something that Judge Dey, if you remember Judge Dey from the Special master Fame. Yep. He once said in quote, when a defense lawyer kept on doing this, he stopped him and is incredibly polite. But he goes, I don't think you understand. This isn't a conversation, right?

**MARY MCCORD - HOST, PROSECUTING DONALD TRUMP:** That's right. There's one person in the courtroom in a black robe behind a bench, and that's the judge.

## **Trump & KKK Act Carol Anderson on Reconstruction-Era Voting Rights Law Cited in Trump Indictment Part 2 - Democracy Now! - Air Date 8-4-23**

**AMY GOODMAN:** And I wanted to ask you about the people involved in these cases, those who are bringing them, judging them. The judge in the new D.C. case is Black. That's U.S. District Judge Tanya Chutkan, Jamaican-American. Now many of those prosecuting Trump are Black. Manhattan DA Alvin Bragg, New York AG Letitia James, Fulton County DA Fani Willis, have all received racist threats. And then you have Patrick Labat, the Fulton County Sheriff, saying, "He's going to get a [00:51:00] mugshot if he's charged in our courts." Can you talk about the significance of this, and then particularly Fani Willis and Labat, who they are, since you're in Atlanta?

**CAROL ANDERSON:** So, this is why you have this — also this kind of massive pushback about Trump can't get a fair trial in D.C., he can't get a fair trial in Manhattan, he can't get a fair trial in Fulton County, because of the Blackness of those spaces and because Black people and Black elected officials are seen as illegitimate. Think about Trump with birtherism, with Obama. That was an attack on Obama's legitimacy, legitimacy as an American citizen, legitimacy as an elected political official.

When Blackness becomes illegitimate — so, I think about Mo Brooks, the congressman out of Alabama, who said that if we only count the legal votes, then Trump would be in his second term. So, those [00:52:00] legal votes are White people's votes. The illegal votes are those from African-Americans. And so, therefore, folks like Fani Willis, folks like Judge Chutkan, folks like Tish James, folks like Alvin Bragg, they're not legal, they're not legitimate, so they can be discounted.

So, when you get a charge that says, "I want a change of venue from D.C. to West Virginia," that is sending the signal about the illegitimacy of Black people as American citizens. This, again, is what happened after the Civil War, where the Ku Klux Klan rose up and said, "These aren't American citizens. The 14th Amendment does not apply to them. The 15th Amendment does not apply to them. We can do to them whatever we want." And that's what you're seeing replicated here in the 21st century.

**AMY GOODMAN:** So, now, Professor Anderson, there's a lot being made of — all Trump wants to do at this point — I mean, he's made history every time here, and now the third [00:53:00] indictment, and we're expecting to see the fourth any day now in Atlanta — is delay these trials, so that if he were to become president, or he had an ally who became president, he could be pardoned. But a president can only pardon on federal crimes.

**CAROL ANDERSON:** Right.

**AMY GOODMAN:** You've got Fani Willis in Atlanta. That is not federal; that's state. So, if you can talk about what we're about to see in Atlanta, the grand jury now meeting today?

**CAROL ANDERSON:** Yeah. So, one of the things that Fani Willis has been really clear on, she's like, "We're ready to go." And so, that means, for me, that an indictment is coming soon. And Fani Willis doesn't play. She does not play. And so, you can expect to see a really crisp, clean trial, with locked in evidence. And if he is convicted here in Georgia, if an indictment comes down and he is convicted, then it means that he won't be able to pardon [00:54:00] himself.

And so, part of what I also want to push back on is the assumption that Trump will win the next election. I saw a recent poll that 63% of Americans do not like Donald Trump. And what that means then is that we have the power as American citizens to make sure that this man who attacked American democracy, who attacked the foundations of the rule of law, does not regain power and have the ability to insert himself in a place where we have an



autocracy, where even the memory of a democracy will be abolished. We have the power to stop this thing by registering to vote and by getting out to vote and ensuring that Donald Trump is not the next president of the United States.

## **A Special Reading Of The Special Counsel's Trump Indictment Part 3 - Brian Lehrer - Air Date 8-4-23**

**JILL WINE-BANKS:** Shortly before 1:00 PM the Vice President issued a public statement explaining that his role as president of the Senate at the certification proceeding that was about to begin did not include, quote, unilateral [00:55:00] authority to determine which electoral votes should be counted and which should not.

Paragraph 1 0 7, before the defendant had finished speaking, a crowd began to gather at the Capitol. Thereafter, a mass of people, including individuals who had traveled to Washington and to the Capitol at the defendant's direction, broke through barriers cording off the capitol grounds, and advanced on the building, including by violently attacking law enforcement officers trying to secure it.

Paragraph 1 0 7, the defendant, a K a Donald J. Trump. I added the A K A, just to remind you who the defendant is who had returned to the White House. After concluding his remarks, watched events at the Capitol unfold on the television in the dining room next to the Oval Office, paragraph 1 0 9 at 2:13 PM After more than an hour of steady violent advancement, the crowd at the [00:56:00] Capitol broke into the building.

Paragraph one 10. Upon receiving news that individuals had breached the capitol, the defendant's advisors told him that there was a riot there, and that rioters had breached the building. When advisors urged the defendant to issue a calming message aimed at the rioters, the defendant refused instead, repeatedly remarking that the people at the Capitol were angry because the election had been stolen.

Paragraph one 11. At 2:24 PM after advisors had left the defendant alone in his dining room, the defendant issued a tweet intended to further delay and obstruct the certification. Mike Pence didn't have the courage to do what should have been done to protect our country and our constitution. Giving states a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones, which they were asked to previously certify U Ss A demands the truth.

[00:57:00] Exclamation Mark. Close quotes. Paragraph one 12. One minute later, at 2:25 PM the United States Secret Service was forced to evacuate the Vice President to a secure location. Paragraph one 13 at the Capitol Throughout the afternoon, members of the crowd chanted hang Mike Pence. Where is Pence? Bring him out and traitor Pence.

Paragraph one 14. The defendant repeatedly refused to approve a message directing Rioters to leave the capitol as urged by his most senior advisors, including the White House Counsel, a Deputy White House counsel, the chief of staff, a deputy chief of staff, and a senior advisor. Instead, the defendant issued two tweets that did not ask rioters to leave the Capitol, but instead falsely suggested that the crowd at the Capitol was being peaceful, including the following tweets at 2:15 [00:58:00] PM Please support our capitol, police and law enforcement.

They are truly on the side of our country. Stay peaceful subparagraph. B. At 3:13 PM the defendant tweeted, quote, I am asking for everyone at the US Capitol to remain peaceful, no violence. Remember, we are the party of law and order, respect the law and our great men and women in blue. Thank you. Close quote, paragraph one 15 at 3:00 PM the defendant had a phone call with the minority leader of the United States, representatives of the United States House of Representatives.

The defendant told the minority leader that the crowd at the Capitol was more upset about the election than the minority leader was. Paragraph one 18 At 4:17 PM the defendant released a video message on Twitter that he had just taped in the White House Rose Garden in it. The defendant [00:59:00] repeated the knowingly false claim that we had, an election that was stolen from us and finally asked individuals to leave the capitol while telling them they were very special and that we love you.

Paragraph one 17, after the 4:17 PM tweet, as the defendant joined others in the Outer Oval office to watch the attack on the capitol on television, the defendant said, and I'm quoting, see, this is what happens when they try to steal an election. These people are angry. These people are really angry about it.

This is what happens. End quote. I. One 18 at 6:01 PM the defendant tweeted, these are the things and events that happen when a sacred landslide election victory is so unceremoniously and viciously stripped away from great patriots who have been badly and unfairly treated for so long, [01:00:00] go home with love and in peace.

Remember this day forever. Paragraph one 19. On the evening of January 6th, the defendant and co-conspirator won Rudy Giuliani attempted to exploit the violence and chaos at the Capitol by calling lawmakers to convince them based on knowingly false claims of election fraud, to delay the certification including a, the defendant through White House AIDS attempted to reach two United States Senators at 6:00 PM.

B from 6:59 PM until seven 18 Co-Conspirator One placed calls to five United States Senators and one United States Representative c Co-conspirator six attempted to confirm phone numbers for six United States senators whom the defendant had directed Co-Conspirator One to call and attempt to elicit in further delaying the certification.

Subparagraph D In one of the calls, co-conspirator, [01:01:00] one left a voicemail intended for a United States Senator that said, quote, we need you, our Republican friends, to try to just slow it down so we can get these legislatures to get more information to you. And I know they're reconvening at 8:00 PM tonight, but the only strategy we can follow is to object to numerous states and raise issues so that we get ourselves into tomorrow, ideally into the end of the day tomorrow.

Subparagraph e. In another message intended for another United States senator co-conspirator, one repeated knowingly false allegations of election fraud, including that the vote counts certified by the states to Congress were incorrect, and that the governors who had certified knew they were incorrect, that illegal immigrants had voted in substantial numbers in Arizona, and that Georgia gave you a number in which 65,000 people who were underage voted co-conspirator.

One also claimed to the vice [01:02:00] president's co-conspirator. One also claimed that the vice president's actions had been surprising and asked the senator to quote, object to every state, and kind of spread this out a little bit like a filibuster end quote. One 20 at 7:01 PM while Co-Conspirator One was calling United States Senators.

On behalf of the defendant, the White House counsel called the defendant to ask him to withdraw any objections and allow the certification the defendant refused. Paragraph 1 21, the attack on the Capitol obstructed and delayed the certification for approximately six hours until the Senate and House of Representatives came back into session separately at 8:06 PM and 9:02 PM respectively, and came together in a joint session at 11:35 PM paragraph 1 22 at 11:44 PM co-conspirator to John Eastman, [01:03:00] email the Vice President's counsel advocating that the vice President violate the law and seek further delay of the certification.

Co-conspirator two wrote. I implore you to consider one more relatively minor violation of the Electoral College Act and adjourn for 10 days to allow the legislatures to finish their investigations, as well as to allow a full forensic audit of the massive amount of illegal activity that has occurred here.

Paragraph 1 23 at 3:41 AM on January seven, as president of the Senate, the Vice President announced the certified results of the 2020 presidential election in favor of Biden.

## **Final comments on the possibility of accountability for Trump at last**

**JAY TOMLINSON - HOST, BEST OF THE LEFT:** We've just heard clips today, starting with Democracy Now!, laying out the news of Trump's third indictment. The Brian Lehrer Show, in two parts, read sections of the indictment, the first about the knowing false claims that were made, and the second focusing on the election in Arizona. All in with Griff Hayes explained why [01:04:00] the 14th Amendment should ban Trump from running for president.

Prosecuting Donald Trump looked at the judge who will be presiding over the trial. Democracy Now! spoke with Carol Anderson about the willingness of Trump and his co conspirators to use violence to maintain power if need be. All in with Chris Hayes looked at the politics of the Republican Party continuing to stand by Trump.

Prosecuting Donald Trump explained the efforts of Trump's defense team to delay the trial as much as possible, and Democracy Now! continued their conversation with Carol Anderson about the role of race and the perceived illegitimacy of the votes of Black Americans. That's what everybody heard, but members also heard one more bonus clip from the Brian Lehrer show reading out the portion of the indictment related to the role of Vice President Mike Pence on January 6th and the certification of the election.

To hear that, and have all of our bonus content delivered seamlessly to the new members only podcast feed that you'll receive, sign up to support the show at [01:05:00] [bestoftheleft.com slash support](https://bestoftheleft.com/support), or shoot me an email requesting a financial hardship membership, because we don't let a lack of funds stand in the way of hearing more information.

Now, to wrap up, first, I'll reiterate something I said recently. 2024 is not going to be an easy year for the country. The election was already guaranteeing a high stress time, and now Trump facing three to four trials during that same period is going to turn up the pressure in ways that are Pretty hard to predict, honestly.

So, my advice is to take this time during the relative calm before the storm to prepare yourself for a mentally exhausting year. If there's any plan you can make or actions you can take now to lighten your load for the next year, Do that. And if you can find a role to play in upholding the systems of our democracy, like working the polls, helping with voter registration, or anything else, I absolutely think it'll benefit you as much as the country to know you're doing your small part in this unimaginably large [01:06:00] story.

But secondly today, I just had some thoughts on Not exactly what's likely to happen in all of these trials, but what's not likely to happen. Amanda asked me today what I thought would happen, explaining that her expectations are so low that she finds it hard to imagine Trump ever being held accountable for anything, and This is a perfectly reasonable perspective because it accurately reflects our experience with Trump world up to this point, to impeachments, plus there could have been more related to his use of the presidency to boost business dealings, but no accountability for any of it.

So what I reminded her was that essentially every attempt to hold Trump accountable up to this point was a deeply political process, and the ultimate jury This was made up of Republican Senators whose job likely depended on voting to acquit. But the court system works much differently, and there are legal consequences for making false statements.

That's [01:07:00] why the impeachment hearings could be full of lies and misdirections intended to sow just enough doubt and play mostly to the Republican base rather than to the law to justify acquittal. But when the legal system gets involved, people stop lying. Really quickly, this happened in the Dominion Voting Systems case against Fox News, and it's happening now in the cases against Trump, as we heard, just as a one for instance, Rudy Giuliani isn't contesting the allegation that he knowingly made false statements when working to overturn the election results.

If this were another impeachment, He would be holding the line, knowing that there would be no repercussions for continuing to lie, and in fact, knowing that he would continue to be rewarded for it. So, these various legal cases against Trump are definitely going to play out differently than any previous attempt to hold Trump to account.

That is undoubtedly a positive thing for the rule of law, but it also makes it [01:08:00] far more likely that there will be some political fallout and, most particularly, Possible civil unrest brought about by people who will never be convinced that these legal proceedings are anything other than politically motivated kangaroo courts.

So in a sense, I'm grateful that we have January 6th to look back on as a reference, because that means that any security personnel. The country can never discount the possibility of violence surrounding these cases or even other major political events. So I've been heartened to see that there've been major security preparations in place for these announcements of the indictments and, you know, the related arraignments, uh, such as the increased security going up around the Fulton County courthouse in Atlanta.

That's exactly the sort of precautions that need to be made throughout this coming year. And probably beyond for quite a while, to be honest. That is going to be it for today. As always, keep the comments coming in. I would love to hear [01:09:00] your thoughts or questions about this or anything else. You can leave us a voicemail or send a text to 202 999 3991 or simply email me to jay at bestofleft.

com. Thanks to everyone for listening. Thanks to Deon Clark and Erin Clayton for their research work for the show and participation in our bonus episodes. Thanks to our transcriptionist trio, Ken, Brian, and LaWendy for their volunteer work helping put our transcripts together. Thanks to Amanda Hoffman for all of her work on our social media outlets, activism segments, graphic designing, webmastering, and bonus show co hosting.

And thanks to those who already support the show by becoming a member or purchasing gift memberships at bestoftheleft. com. You can join them by signing up today, and it would be greatly appreciated. If you want to continue the discussion, join our Discord community. There's a link to join in the show notes.

So coming to you from far outside the conventional wisdom of Washington, DC, my name is Jay, and this has been the Best of the Left Podcast, coming to you twice weekly, thanks entirely to the members and donors to the show from [01:10:00] bestoftheleft. com.