

Defend Democracy Project



OUR NATION IN THE BALANCE: ISSUE BRIEF NO. 4

**TRUMP AND HIS ALLIES MUST BE HELD
ACCOUNTABLE TO PROTECT OUR RIGHT TO
CHOOSE OUR OWN LEADERS**

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“The Court finds it more likely than not that President Trump corruptly attempted to obstruct the Joint Session of Congress on January 6, 2021”

–[U.S. District Judge David O. Carter, 3/28/22](#)

Donald Trump and his MAGA allies must be held accountable. If you try to overturn elections or refuse to accept their outcomes like the legitimate election of President Joe Biden, you can't be allowed to represent us and you must face consequences for your actions, including criminal prosecution where appropriate. After a scrupulously thorough and non-partisan investigation, the January 6 committee will lay out evidence next month that the January 6 insurrection was planned for months by top Trump officials with a coordinated strategy. After months of trying to force state election officials to illegally overturn the results and send bogus electors to the Electoral College, Trump incited armed militants to launch the violent attack on January 6 to block certification of the election and keep himself in power. While Republicans seek to block and undermine the work of this committee at every turn, they cannot hide from accountability.

No Person Is Above The Law, Not Even Members of Congress or Former Presidents

President Trump And His Allies May Be Criminally Culpable For The Events Of January 6 And The Plot To Overturn The Election. President Trump and his allies engaged in a criminal conspiracy to overturn the results of an election they lost, including inciting and cheering on violence at the U.S. Capitol on January 6. Trump reportedly even [approved of threats](#) to publicly execute the Vice President of the United States during the attack on the Capitol. U.S. District Judge David Carter has already [ruled](#) that it is “more likely than not that President Trump corruptly attempted to obstruct the Joint Session of Congress on January 6, 2021,” and that Trump and attorney John Eastman “launched a campaign to overturn a democratic election, an unprecedented in American history.” The January 6 committee has concluded that it has [enough evidence](#) to warrant a criminal referral of Trump to the Department of Justice and it will lay out much of that evidence for all to see in the hearings next month.

Americans Want Accountability. Americans remember the violent attack on January 6th and the planning to overturn Joe Biden's victory that incited it and they recognize the danger. A [CBS News/YouGov](#) poll found that 66 percent of respondents believe that US democracy today is threatened and 62 percent anticipate violence from the losing side in the next presidential election. Americans want to see Trump held accountable for the events of January 6, with [52 percent](#) of respondents saying that Trump should be criminally charged for his role in the attack on the Capitol in a May Washington Post-ABC News poll. And they know that other

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government officials are also responsible. They want to see both the attackers and the politicians who were involved held to account. Voters [overwhelmingly disapprove](#) of the January 6 attack and say they will solidly vote against members who were supportive of the attack or who voted against certifying the election results.

The January 6 Investigation Is Non-Partisan, Fact-Based, And Comprehensive

The January 6 Committee Is Non-Partisan, Fact Based And Comprehensive. The Select Committee to Investigate the January 6th Attack on the United States Capitol was [established](#) on June 30, 2021 to conduct an investigation focused on what led to January 6 attack, how the Capitol was breached, and how any similar event could be prevented from happening again. The committee is comprised of seven Democrats and two Republicans and has spent the last year gathering evidence and conducting a rigorous investigation led by that followed the facts and the law. The committee has [conducted](#) over 860 interviews, with dozens more planned, received tens of thousands of pages of documents, and followed up on hundreds of calls to the panel's tip line. The investigation is [being run](#) by a former U.S. attorney, and the top investigator focusing on Trump's inner circle is also a former U.S. attorney. The panel has hired more than a dozen other former federal prosecutors.

The Committee Is Set To Hold Public Hearings So Americans Can See The Truth For Themselves. Starting on June 9, the January 6 committee will hold at least [six hearings](#), with the first and last in prime time, to present evidence for the American people on how the plot to overturn the election took shape before the election and culminated with the Capitol attack. A committee member will lead each of the hearing, but skilled investigative attorneys who are intimately familiar with the evidence will primarily conduct the questioning of witnesses.

Ongoing Investigations By The Justice Department, A Georgia Grand Jury, And The New York District Attorney And AG Must Follow The Facts Wherever They Lead

Beyond The January 6 Committee, The DOJ Is Conducting A Sprawling Criminal Investigation Into Attempts To Overturn The Election. In addition to the work of the January 6 committee, the Department of Justice is investigating criminal attempts to overturn the results of the 2020 election by Trump and his allies, including a [growing probe](#) of the "fake electors" scheme, in which the Trump campaign put forth alternate slates of electors to displace Joe Biden electors in battleground states Trump lost. The Justice Department has [requested](#) transcripts of interviews conducted by the January 6 committee in an indication that the law enforcement probe of the riot is expanding, and a federal [grand jury](#) is already "asking for records about people who organized or spoke at several pro-Trump rallies after the election," and seeking "records about anyone who provided security at those events and about those who were deemed to be 'V.I.P. attendees.'" A [criminal trial](#) of Oath Keepers founder Stewart Rhodes and four co-defendants charged with seditious conspiracy in the January 6 attack is also set to begin in September and will explore connections between the militia and members of Trump's team.

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A Georgia Grand Jury Is Hearing Testimony In A Criminal Investigation Into Whether Trump And His Allies Violated The Law In Their Attempts To Overturn The Election. Fulton County DA Fani Willis convened a special grand jury in May 2022 to investigate whether Donald Trump and others illegally tried to influence the 2020 elections in Georgia. Willis has [confirmed](#) that her team is looking into a January 2021 phone call in which Trump pushed Georgia Secretary of State Brad Raffensperger to "find" the votes needed for him to win the state as well as a November 2020 phone call between Sen. Lindsey Graham and Raffensperger, the abrupt resignation of the U.S. attorney in Atlanta on January 4, 2021, and comments made during December 2020 Georgia legislative committee hearings on the election. The grand jury will begin hearing testimony the first week in June and is expected to hear from as many as 50 witnesses. Willis has [made clear](#) that she will follow the case where the facts lead and is acting out of her "duty to investigate" and not out of personal animus against Donald Trump or any of his allies.

Trump Remains Under Civil Investigation In New York. Attorney General Letitia James of New York is conducting a civil inquiry into Donald Trump's business dealings [focused](#) on whether Trump's statements about the value of his assets were part of a pattern of fraud. Trump recently [lost a bid](#) to have the investigation halted and was [ordered](#) to sit for depositions in the case along with two of his children, clearing the way for the Attorney General to complete her investigation in the coming weeks or month and prepare civil enforcement actions if warranted by the facts of the case.