

# Defend Democracy Project

## TOP 10: The Select Committee on January 6 One Year Ago Bent the Arc of History – What We Know Today, As Criminal Charges Decisions Loom

July 2023

One year ago, the House Select Committee on January 6 through its [summer series of hearings](#) laid out in great detail public evidence of how former President Donald Trump and many MAGA leaders tried to stop the peaceful transfer of power after Trump knowingly lost the 2020 presidential election. On top of this, through [two business meetings](#) in the fall and winter, and its final [report](#), the Committee presented its [final findings and conclusions](#) to the American people: Trump and allies like John Eastman [engaged in a criminal conspiracy](#) to seize and hold power. As the Committee wrapped its work, it also issued criminal referrals to and [shared](#) investigative materials with the Department of Justice (DOJ).

Earlier this week, law enforcement sources [confirmed](#) that Donald Trump [received](#) a letter informing him that he is a target in their investigation around efforts to overthrow the 2020 election results and block the will of the people on January 6. As we await expected federal criminal charges in the Special Counsel probe, as well as from Fulton County prosecutors in Georgia, not only have new revelations like [Trump's reported call to Arizona Governor Doug Ducey](#) surfaced, we also have seen even more confirmation that there is no evidence of widespread 2020 voter fraud as well as encouraging progress toward accountability. Notably, to date, more than 1,069 individuals have been [arrested](#) for crimes related to January 6 – with “more than 350 individuals charged with assaulting or impeding law enforcement” – and more than 600 people so far have been [convicted](#) of January 6 crimes.

*On the eve of the [anniversary of the last January 6 Select Committee summer series hearing](#), below is a refresher of the top ten key findings from the Select Committee on January 6's critical work as well as a roundup of new revelations and recent developments:*

**1) CRIMINAL REFERRALS: Former President Donald Trump and attorney John Eastman were criminally referred by the Select Committee to the Justice Department for their efforts around the 2020 election to subvert the will of American voters:**

The Committee [concluded](#) Trump had violated [four criminal statutes](#) as part of his efforts around January 6 to stop the peaceful transfer of power: 1) obstruction of an official proceeding, 2) conspiracy to defraud the United States, 3) conspiracy to make a false statement, and 4) aiding an insurrection. The Committee also [concluded](#) that

Eastman should be the subject of criminal investigation for his role in advancing false claims about election fraud and disrupting the certification process of the 2020 election.

And since the Select Committee's work last year, we now know that:

- [Dozens of witnesses](#) have testified in front of a grand jury, spoken to investigators, and/or have been subpoenaed in one or more of the ongoing criminal probes into efforts to overturn the 2020 election results.
  - A variety of [Trump administration officials](#) (including former Vice President Mike Pence, Jared Kushner, and Hope Hicks), [campaign allies](#) like Rudy Giuliani and Boris Epshteyn, [“Stop the Steal” leader](#) Ali Alexander, roughly half a dozen [Secret Service agents](#), and numerous [state officials](#) (ranging from former Arizona House Speaker Rusty Bowers and Georgia Secretary of State Brad Raffensperger to Nevada and Wisconsin election officials) have cooperated or been compelled to provide testimony in the Special Counsel investigation.
  - And the Fulton County Special Grand Jury [has heard from or issued subpoenas to](#) at least 60 witnesses, including: “false electors” in Georgia, Trump attorneys like Jenna Ellis, and Georgia officials like Governor Brian Kemp.
- Eastman faces [potential disbarment](#) in California for “his [role](#) in developing a legal strategy” as part of efforts “to [overturn](#) the legitimate results of the 2020 election by obstructing the electoral vote count in certain states.”

**2) MAGA CONGRESSIONAL ALLIES: Many Trump loyalists in Congress aided and abetted a multi-faceted conspiracy to overturn the 2020 election results – ranging from advancing false election claims to obstructing the Select Committee’s investigation:**

The Select Committee throughout its hearings and other public work showed how many Members of Congress supported former President Trump’s efforts to remain in office.

It’s hard to count exactly how many MAGA Congressional allies [helped](#) fuel the flames of 2020 election misinformation and disinformation – whether it was [parroting](#) false election claims and conspiracy theories, [casting doubt](#) on the election results, [enabling](#) dangerous behavior through [silence and complicity](#), or [trying](#) to stop the peaceful transfer of power in their refusal to certify the 2020 election results. Alarming, 147 Republicans – eight Senators and 139 U.S. Representatives – [voted](#) after a mob stormed the Capitol earlier that day to overturn the 2020 election results.

From the start, House Republican leadership [opposed the creation](#) and [work](#) of the Select Committee on January 6 as they tried to undermine it through a slew of [attacks](#) and [threats](#) of 2023 subpoenas. And after some House Republicans, including now House Speaker Kevin McCarthy, [ignored](#) Committee subpoenas, which were issued after

their entrenched refusal to cooperate, the Select Committee as part of its final report [issued](#) referrals for Reps. McCarthy, Jim Jordan, Andy Biggs, and Scott Perry to the Ethics Committee for “withholding” crucial information about January 6.

### **3) WILLFULLY UNDERMINING OUR ELECTION SYSTEMS: Former President Trump and many MAGA loyalists worked to undermine trust in our election systems – before and after the 2020 presidential election – through persistent employment of dangerous conspiracy theories and false claims:**

During the Select Committee’s [second](#) and [fourth hearings](#), as well as in its [final report](#), witness testimony and other evidence outlined how Donald Trump and many of his MAGA loyalists, like Rudy Giuliani, [waged](#) an aggressive campaign [before](#), [during](#), and [after](#) the 2020 presidential election to sow doubt and manufacture chaos in our country’s election systems. As the Committee detailed, they employed [Trumpian efforts](#) of rampant [conspiracy theories](#) and [fabricated voter fraud claims](#) to undermine trust in our election systems – as part of a larger effort to declare Trump the winner regardless of the actual outcome.

Further, testimony from Trump insiders and other evidence from the Committee have illustrated how the former president knowingly worked to erode American elections -- regardless of consequences to public servants like election workers, despite being told repeatedly Trump lost the election, and ignoring legal concerns from Trump officials. The Committee [detailed](#) how Trump was repeatedly told that he had lost the 2020 presidential election and [privately conceded](#) to others he knew that he lost. On top of this, the Committee presented evidence that Trump and his allies worked to subvert election results [even before](#) the first votes were cast, [disregarded](#) recommendations from Trump campaign officials to not prematurely declare victory on election night, and [ignored](#) aides’ [stated concerns](#) over peddling what Trump Attorney General Bill Barr [described](#) as “bullshit.” In the Committee’s analyses of [evidence gathered](#), it [suggested](#) that Trump [peddled](#) false election fraud claims and [planned and promoted efforts](#) to overturn the will of American voters with intent to stop the peaceful transfer of power – despite [knowing and acknowledging to others](#) the truth that Joe Biden had won the election.

Americans also heard heartbreaking testimony during the [fourth Select Committee hearing](#) from Georgia election worker Wandrea ArShaye “Shaye” Moss and her mother Ruby Freeman on how Trump and allies like Giuliani [targeted](#) them in voter fraud conspiracy theories and the [devastating consequences](#) those fabricated accusations had on their lives.

And since the Select Committee’s work last year, we now have seen:

- Even more confirmation that trumped up claims of voter fraud were baseless and false, as well as steps toward progress for accountability against conspiracy theorists like Giuliani.

- Notably, the State Election Board in Georgia recently [ended](#) its yearslong investigation in Fulton County [concluding](#) fraud claims were “unsubstantiated and found to have no merit” and officially clearing election workers like Moss of any wrongdoing.
- And recently Giuliani has been [ordered](#) by a judge to pay \$89,000 to Freeman and Moss to cover legal fees in their defamation suit against him, and a D.C. Court of Appeals committee has [recommended](#) that he be disbarred for his efforts around the 2020 election.

**4) PENCE PRESSURE CAMPAIGN: Former President Trump and many MAGA loyalists pressured former Vice President Mike Pence to overturn 2020 election results, despite “[no justifiable basis](#)” that Pence had any constitutional or legal authority to do so:**

As part of the Select Committee’s [third hearing](#) and its [final report](#), witness testimony and other evidence demonstrated how Trump and John Eastman [planned](#) and [enacted](#) a scheme of coercion focused on trying to force Vice President Pence to ignore the 2020 election results and subvert the peaceful transfer of power. The Committee also outlined how despite being [told repeatedly](#) that compelling Pence to unilaterally hand over the presidency to the candidate who lost is unconstitutional and illegal, and after Pence [resisted](#) Trump’s harassment, Trump on January 6 [poured gasoline on the fire via tweet](#). Shortly afterwards, a violent mob chanted about hanging the vice president – some rioters even getting [within 40 feet](#) of where Pence was hiding.

And since the Select Committee’s work last year, we now have seen:

- Former Vice President Pence in public remarks more than once say it [is](#) “[wrong](#)” to think that he had the constitutional authority or right to overturn the will of voters, that Trump’s words around January 6 were “[reckless](#)”, that Trump [endangered](#) Pence’s family, and that history will hold the former president “[accountable](#)”.

**5) “FAKE ELECTORS SCHEME”: Former President Trump and many MAGA loyalists orchestrated a months-long, multistep coordinated scheme to install “fake electors” in seven critical states to try to overturn the 2020 presidential election results:**

During the Select Committee’s hearings, particularly its [fourth hearing](#), and in its [final report](#), witness testimony and other evidence showed [how](#) former President Trump, Trump [campaign officials](#), and allies – such as John Eastman and Rudy Giuliani – [orchestrated](#) a plot trying to submit false certifications to the National Archives from bogus state electors as one component of a broader conspiracy to install Trump as the 2020 presidential election victor despite knowing the whole time that he had lost.

And the Committee revealed how members of the U.S. Congress, like [Arizona U.S. Rep. Andy Biggs](#) and [Texas U.S. Rep. Louie Gohmert](#), [advocated](#) the “fake electors” [scheme](#).

Notably, the Committee released [text messages](#) and [documents that have](#) raised serious questions about the [role of Wisconsin Senator Ron Johnson](#) and [his staff](#) in the “fake electors” effort.

Despite the Trump White House counsel's office [advising](#) that the plan was not legally sound, Trump and allies [doubled down](#) on their “fake electors” scheme heading into January 6 – including [contemplated plans](#) for fake electors to sleep overnight in the Michigan Capitol and attempts to [fly false certification documents](#) from Wisconsin to DC. Trump loyalists even [harassed](#) state officials using a [call script stating](#): “You do have the power to reclaim your authority and send a slate of electors that will support President Trump and Vice President Pence.”

And since the Select Committee’s work last year, we now know:

- There were [84 fake electors across seven states](#) who signed false documents asserting that Donald Trump won the 2020 presidential election.
- In Michigan, state Attorney General Dana Nessel has [filed](#) criminal charges against 16 “fake electors” – with eight felony charges each – for signing documents falsely claiming that Trump had won the 2020 election.
- And at least eight fake electors have received immunity deals from ongoing criminal investigations: At least eight fake electors reportedly have [accepted](#) immunity deals from Fulton County prosecutors and at least two fake electors reportedly [testified](#) as part of Special Counsel Jack Smith’s probe after receiving limited immunity.

## **6) BULLYING OF STATE OFFICIALS: Former President Trump and many MAGA loyalists pressured multiple state officials to overturn the 2020 presidential election results:**

As part of the Select Committee’s [fourth hearing](#) and its [final report](#), witness testimony and other evidence showed how former President Trump and MAGA loyalists like Rudy Giuliani abused the power of the presidency [to try to compel](#) multiple state officials – ranging from Arizona Speaker of the House Rusty Bowers to Georgia Secretary of State Brad Raffensperger – to stop the peaceful transfer of power. Despite fueling [threats of violence](#) and escalating their [legal exposure](#), Trump and his allies – as the Select Committee has outlined – bullied public servants trying to get them to find [nonexistent voter fraud](#) and validate dubious schemes like the [certification](#) of “fake electors” in order to keep Trump in office.

And since the Select Committee’s work last year, we now have seen:

- [Recent reporting](#) that Donald Trump also attempted to pressure Arizona Governor Doug Ducey to overturn the 2020 election results. Trump, according to unnamed sources, made a late-2020 phone call to Ducey suggesting that discovering sufficient fraudulent votes could reverse his narrow defeat in the

state. Trump also reportedly urged then-Vice President Pence to nudge Ducey to find supportive evidence for Trump's unfounded fraud allegations. Pence, however, [insists](#) that no pressure was applied during his calls to Ducey or other governors – he only gathered updates about the ongoing legal reviews of election results, which were then passed on to Trump.

## **7) COERCING AND POLITICIZING DOJ: Former President Trump and many MAGA loyalists pressured the Justice of Department to throw its institutional independence out the window in order to advance Trump's personal political agenda to retain the presidency despite losing the 2020 presidential election:**

As part of the Select Committee's [fifth hearing](#) and its [final report](#), witness testimony and other evidence detailed how former President Trump and MAGA allies repeatedly pressured Department of Justice (DOJ) officials to overturn the 2020 presidential election results. Americans, as part of the Committee's work, learned how Trump and White House aides like chief of staff Mark Meadows [badgered](#) DOJ leaders – at stretches of time “[virtually every day](#)” – to legitimize “[pure insanity](#)” conspiracy theories and false claims about the 2020 presidential election as part of their conspiracy to overturn its results. At one point Trump allegedly [implored](#) the DOJ to: “Just say the election was corrupt and leave the rest to me and the Republican congressmen”.

The Committee also showed how Members of Congress aided Trump's efforts by [imploping and applying pressure](#) on the Justice Department to investigate [false voter fraud claims](#). Even after Attorney General Barr had stated that the Justice Department [had not found](#) any evidence of widespread fraud in the 2020 election, 39 Members of the U.S. House of Representatives sent a [public letter](#) admonishing the DOJ for a “shocking lack of action” on unproven election allegations. And [Pennsylvania U.S. Rep. Scott Perry](#) went as far as [pushing](#) WH staff to apply more pressure as they were pushing for DOJ involvement in Trump-led efforts to subvert the will of voters and himself [directly urging](#) DOJ's second-ranking official Richard Donoghue to [investigate](#) spurious voter fraud claims.

As top law enforcement officials [refused](#) to help subvert the will of American voters, Trump even tried installing an unqualified lackey – Jeffrey Clark, who he [met through](#) Rep. Perry and who [intended](#) to send a letter pushing Georgia officials to act on the election results – as Acting Attorney General. To prevent Clark from being named AG and [stave off](#) the unprecedented potential constitutional crisis that [posed](#), United States Deputy Attorney General Donoghue and others [threatened](#) to resign en masse – [prompting](#) Trump in the words of the [Committee](#) to “summon the mob to Washington” “after corruption and political pressure failed to keep” him in office.

And since the Select Committee's work last year, we have seen:

- Former President Donald Trump and MAGA supporters [wage a relentless assault](#) on law enforcement – spanning from attacks on [Special Counsel Jack Smith](#) and

[Fulton County District Attorney Fani Willis](#), to [calls for defunding](#) the FBI and [impeachment](#) of Attorney General Merrick Garland.

**8) FRINGE-DRIVEN EFFORTS + MILITIA-GROUP TIES: Some Trump advisors advocated for extraordinary fringe action, like invoking martial law, to prevent Joe Biden from being sworn in as president while other Trump allies were in close communication with extremist organizations like the Oath Keepers and Proud Boys ahead of January 6:**

As part of the Select Committee’s [sixth](#) and [seventh hearings](#) as well as its [final report](#), witness testimony and other evidence revealed startling instances of former president Trump allegedly contemplating extremist ideas proposed by some MAGA allies – such as [invoking martial law](#) and [seizing voting machines](#) – and other MAGA friends [communicating with](#) now-criminally-convicted leaders of far-right militia organizations ahead of January 6.

Trump AG Barr has described the fringe ideas and actions the Trump presidency was considering ahead of January 6 – that he and other officials [opposed](#) – as “[complete nonsense](#)” and “[crazy stuff](#)”. An illustrative example of efforts from outside advisors like Sidney Powell and Michael Flynn urging Trump to go to extreme lengths to overturn the 2020 election results, which the Committee detailed, is an “[unhinged](#)” [Oval Office meeting](#) on December 18, 2020. As the Select Committee [outlined](#) and Committee Member Jamie Raskin [described](#) as “critically important”, former President Trump in this convening of administration staff and campaign allies [heard](#) “desperate proposals to keep him in power over objections from his White House counsel.” Trump also [received draft executive orders](#) from [advisors](#) that would have [directed](#) the Department of Defense and/or Department of Homeland Security to seize voting machines amid efforts to overturn the 2020 election results.

And ahead of January 6, Trump loyalists like Roger Stone and Michael Flynn, who also have [been pardoned](#) by the former president on separate matters, were in [communication with](#) militia leaders who were [known contacts](#) and [promoted](#) the “Stop the Steal” rally held on the DC mall.

Notably, Stone [participated](#) in a “Friends of Stone” group chat that included Oath Keeper President Stewart Rhodes, Proud Boys Chairman Henry “Enrique” Tarrío, and “Stop the Steal” movement organizer Ali Alexander and was [guarded on](#) January 6 by Oath Keepers who [later stormed](#) the Capitol. Stone also [invoked](#) violence around January 6, at one point in documentary footage remarking: “‘Fuck the voting,’ he says at one point with a laugh. ‘Let’s get right to the violence. Shoot to kill.’” Flynn, who [led efforts](#) that undermined trust in the 2020 election results and [advocated](#) that Trump use the United States military to seize voting machines, was photographed with Oath Keepers members [before](#) and [on](#) January 6 – and text messages show that [two of its leaders](#) discussed potentially providing security protection to Flynn on Jan. 6.

Since the Select Committee’s work last year:

- Juries of everyday Americans [have found](#) 10 leaders of extremist organizations [guilty](#) of seditious conspiracy. There's not enough words to underscore the [severity](#) of "seditious conspiracy" and the [unprecedented](#) and [historic](#) nature of these cases, which are the first of their kind to meet the legal definition of terrorism.
  - Six Oath Keepers leaders, including its founder Stewart Rhodes, have been [convicted](#) on seditious conspiracy and other criminal charges for their efforts to stop the peaceful transfer of power on January 6. Roberto Minuta, who was [found guilty](#) of other conspiracy charges in addition to "seditious conspiracy", was part of [Stone's security detail](#) on Jan. 6. After Rhodes received an 18-year prison term, the "harshest" sentence yet of any Jan. 6 defendant, the Justice Department recently [appealed](#) his and other Oath Keepers sentences.
  - And in May 2023, four Proud Boys, including its former chairman Enrique Tarrio, were [found guilty](#) of [seditious conspiracy](#) and conspiracy to obstruct an official proceeding.

**9) QUESTIONS OF "INCITEMENT": Former President Trump and many MAGA loyalists planned calls for a January 6 march of supporters on the Capitol – and Trump knew during his speech at the Ellipse that he was riling up an armed crowd as he attacked Vice President Pence for failing to stop the peaceful transfer of power:**

As part of the Select Committee's [sixth](#) and [seventh hearings](#) as well as its [final report](#), testimony, including from surprise witness Cassidy Hutchinson, and other evidence revealed how former President Trump and MAGA loyalists – like [ellipse rally organizer Kylie Kremer and conspiracy extraordinaire Mike Lindell](#) – [planned to encourage](#) supporters to march on the Capitol on January 6. On top of this, Committee evidence indicates that Trump knew during his Jan. 6 ellipse speech that rally [attendees](#) were armed as he [urged](#) them to march on the Capitol and [pressured Pence](#) to stop the peaceful transfer of power – raising legal questions of potential incitement.

And since the Select Committee's work last year, we now know that:

- Nearly 200 criminal defendants have [pointed at](#) and [blamed](#) Trump while explaining their behavior around and on January 6, according to [recent analysis](#) from *Citizens for Responsibility and Ethics in Washington (CREW)*.

**10) "DERELICTION OF DUTY": The Committee presented a detailed account from multiple former Trump officials of the 187-minutes of radio silence from former President Donald Trump on January 6, as he ignored pleas that he urge for peace – and instead opted on "pouring gasoline on the fire" while his supporters waged a violent attack:**

As part of the Select Committee's [eighth hearing](#), which was the last of its summer series, as well as in subsequent business meetings and in its [final report](#), witness testimony and other evidence explained how former President Trump "[fanned the flames](#)" as the violent attack unfolded on January 6. Utilizing [live testimony](#) from former Deputy Press Secretary Sarah Matthews and former Deputy National Security Advisor Matthew Pottinger and other documentation, the Committee detailed how Trump on January 6 [ignored pleas](#) from White House aides and Republican Members of Congress for him to stop his supporters' dangerous attempts to stop the peaceful transfer of power – [refusing to act](#) for a [187-minute period](#) – and instead [opted on](#) "[pouring gasoline on the fire](#)" through his [tweet targeting](#) Vice President Pence [while](#) the Capitol riot was well underway. As we [heard](#) how Trump "betrayed his oath" as president through his "dereliction of duty", we also [learned more about](#) his demonstrated disregard for his Vice President's safety as Pence's security staff "feared for their lives" and his resistance to invoke language of "peace" in messages to his supporters.

And since the Select Committee's work last year, we have seen:

- Former President Donald Trump [praise](#), [express solidarity](#) with, and [help fundraise](#) for January 6 criminal defendants, who he has called "great patriots". Alarmingly Trump and associates [have promoted](#) a song from the "[J6 Prison Choir](#)" – with one iteration even [featuring](#) a recording by Trump as a backtrack. Even more alarming, [four out of roughly 15 men](#) identified in a social media video for the song have been charged for assaulting police officers on January 6, according to *Washington Post* analysis.