

US Capitol attack

Donald Trump 'more likely than not' committed a crime on January 6, judge says

Ruling calls attempts to block certification of 2020 election a 'coup in search of a legal theory'



The ruling also ordered attorney John Eastman to hand over more than 100 emails from around the time of the attack on the Capitol to a special congressional committee © Alex Edelman/AFP/Getty

Lauren Fedor in Washington YESTERDAY

Donald Trump “more likely than not” committed a crime by “corruptly” attempting to obstruct Congress on January 6, a federal judge said on Monday, piling more legal pressure on the former president and his allies.

Judge David Carter in California wrote that Trump and attorney John Eastman “launched a campaign to overturn a democratic election, an action unprecedented in American history”.

“Their campaign was not confined to the ivory tower — it was a coup in search of a legal theory,” Carter added. “The plan spurred violent attacks on the seat of our nation’s government, led to the deaths of several law enforcement officers and deepened public distrust in our political process.

“Based on the evidence, the court finds it more likely than not that President Trump corruptly attempted to obstruct the Joint Session of Congress on January 6 2021,” Carter concluded.

A spokesperson for Trump’s Save America political action committee did not immediately respond to a request for comment.

Carter made the comments in a legal ruling related to emails that Eastman had sought to withhold from the congressional committee probing the events leading up to

January 6, when [mobs of Trump supporters](#) stormed the US Capitol in a violent attempt to stop the certification of Joe Biden's election victory.

As part of the ruling, Carter ordered Eastman — who wrote several legal memos intended to overturn the results of the election — [to hand over](#) more than 100 emails from around the time of the attack.

“If the country does not commit to investigating and pursuing accountability for those responsible, the Court fears January 6 will repeat itself,” Carter wrote.

Bennie Thompson, chair of the January 6 committee, and Liz Cheney, vice-chair, said in a statement that the decision represented a “victory for the rule of law” and would give the committee access to documents relevant to its investigation.

“The court's opinion also includes a warning: that a failure to pursue accountability could set the stage for a repeat of January 6th,” they added.

Neither Judge Carter nor the congressional committee investigating January 6 has the authority to charge Trump or Eastman with a crime. [That responsibility lies](#) with the US Department of Justice, which has brought criminal charges against more than 725 people from all 50 states in connection with the attack. Prosecutors have not indicted the former president or several of his allies.

Steve Bannon, Trump's former political adviser, was [charged](#) last year with contempt of Congress after failing to comply with a subpoena issued by the January 6 committee.

The committee — which is led by Democrats in the House of Representatives and counts just two Republicans, Cheney and [Adam Kinzinger](#), among its ranks — has also recommended that Mark Meadows, the president's former chief of staff, be held in [contempt of Congress](#) for his lack of co-operation. The justice department has not yet brought charges.

Meadows, a former Republican congressman, made headlines last week after US media published almost 30 text messages sent [between him and Virginia “Ginni” Thomas](#), a conservative activist who is married to Supreme Court Justice Clarence Thomas.

Senior Democrats said the messages — in which Ginni Thomas pressed Meadows to overturn the results of the 2020 election — called into question her husband's independence. The Washington Post reported on Monday that the January 6 committee was seeking to interview Ginni Thomas as part of its probe

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The committee voted on Monday night to recommend Peter Navarro, Trump's one-time senior trade adviser, and Dan Scavino, who was a communications official in the Trump White House, likewise be charged with contempt of Congress for their failure to comply with the investigation. The matter will now proceed to the full House for a vote.

Trump, who is [considering another run](#) for the White House in 2024, continues to falsely claim that the 2020 presidential election was stolen from him.

At the weekend, he held a campaign-style rally in Georgia in support of David Perdue, a Republican who is challenging the state's incumbent Republican governor, Brian Kemp. Trump has blamed Kemp for his loss in Georgia, a crucial swing state, and said the governor should have refused to certify the election results.

The former president is facing a [separate criminal probe](#) in Georgia, led by the district attorney in Atlanta, relating to his alleged attempts to have the state's election results overturned.

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