

COVERING THE JANUARY 6TH SELECT COMMITTEE

A summary of key facts and findings to date, and what to look for during the public hearings in June.

JUST SECURITY
A FORUM ON LAW, RIGHTS, AND U.S. NATIONAL SECURITY

**Protect
Democracy**

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About this Primer

Nearly 11 months into its inquiry, the House Select Committee to Investigate the January 6th Attack on the United States Capitol already represents among the most complex and sprawling investigations in congressional history. In light of the volume and complexity of information, this resource is intended to organize and distill key prongs of the multifaceted campaign to overturn the 2020 election. Particularly in advance of this month's public hearings, it also highlights key facts and findings that are already known, as well as important unanswered questions.

The resource is structured around the key prongs of the investigation itself — how the Select Committee has organized its investigative work — which mirror the key prongs of the campaign to overturn the election. The Committee's investigative teams are color-coded in name (Gold, Blue, Purple, Red, and Green); this primer has in turn highlighted key facts and findings according to that same organizational structure.

Critically, "January 6th" has, like "Watergate," become a useful shorthand. But as with Watergate, January 6th represents neither a single nor isolated event, but instead a much broader and more multifaceted effort to stop the transfer of power. We hope this resource is useful in distilling those components and what we critically know — and don't yet know — about each.

GOLD TEAM

Efforts by Trump and close associates to pressure federal, state, and local officials to overturn the election

What We Know

- » President Trump, Mark Meadows, and Jeffrey Clark tried to push the Justice Department's leadership to make false public announcements and [contest results](#) of state certifications claiming election fraud that had been disproven by DOJ and FBI. (Senate Judiciary Committee (SJC) [report](#); Acting Deputy Attorney General Richard P. Donoghue [hand-written notes](#) ([transcribed](#)); White House Chief of Staff - Department of Justice [emails](#)).
- » At least since Nov. 23, 2021, Attorney General Bill Barr reportedly pushed back (Just Security [timeline](#), including books by Leonnig & Rucker and by Karl); Acting Attorney General Rosen and Acting Deputy Attorney General Donoghue pushed back (SJC [report](#); Patrick Hovakimian, Associate Deputy Attorney General, [draft resignation](#)).
- » Trump told DOJ, "just say the election was corrupt and leave the rest to me and the R Congressmen" and threatened to replace senior leadership with Clark ([Dec 27](#)) (see also under-reported [New Year's Eve meeting](#)), but Trump backed down at [Jan. 3 meeting](#) after threat of mass DOJ resignations.
- » Trump, with Mark Meadows, pressured Georgia officials to "find 11,780 votes" and threatened criminal prosecution ([full audio](#) of Jan. 2 call). Trump/Giuliani may have also inappropriately communicated with [Michigan](#) and [Arizona](#) election officials.
- » Trump pressured Pence to delay or halt certification of the election.

Note: In March 2022, federal district judge David O. Carter [held](#) it is more likely than not that Trump and Eastman's effort to pressure Pence involved a criminal scheme to interfere with the election.

- » In 7 states, groups of Republicans signed [documents](#) presenting themselves as a duly authorized (5 states) or potential (2 states) alternate slate of electors submitting their state's electoral votes for Trump ([PolitiFact](#)).

Note-1: White House Counsel told Meadows, Giuliani, and members of Congress the scheme was not legally sound (Cassidy Hutchinson, Meadows aide's select committee [interview](#); NYT [analysis](#)).

Note-2: The Justice Department [confirmed](#) that it is reviewing these false electors cases, and prosecutors have [reportedly](#) issued [subpoenas](#).

What To Look For

- » Trump/Meadows/Clark/Eastman's knowledge that Trump lost the election (absence of widespread election fraud).
- » Trump/Meadows/Clark/Eastman knowledge that Pence did not have authority to overturn the election.
- » Whether Trump personally, in addition to his closest [associates and representatives](#), was directly involved in false electors scheme.
- » Reaction of state election officials to Trump's efforts (whether they considered the communications [inappropriate](#); whether they felt pressure).
- » Intentions of state-level Republicans who signed false electors statements; those who refused to sign; those in 2 states who avoided saying they were duly authorized.

BLUE TEAM

**Law enforcement and
intelligence agency failures**

What We Know

- » The FBI failed to issue a threat bulletin for January 6 (bipartisan Senate [report](#)), and DHS failed to issue an intelligence product warning of threats at January 6 events (DHS Inspector General [report](#)).
- » The Government Accountability Office (GAO) faulted DHS for failing to designate the certification at the Capitol a protected national event (GAO [report](#); Just Security [analysis](#)).
- » The FBI received over 50 tips from social media company Parler (and also from [Facebook](#)) of potential violence planned for Jan. 6, but the information was [not elevated](#) to FBI Director Wray; the FBI received a specific warning of violence at Capitol ([Norfolk report](#)) which was disseminated to other agencies but not elevated to FBI Director Wray or Jill Sanborn, Assistant Director, Counterterrorism Division.
- » A DHS whistleblower [alleged political suppression](#) of intelligence regarding the severity of the threat of white supremacist violence.
- » The US Capitol Police Office of the Inspector General [found fault](#) with Capitol Police policy, planning and execution on January 6. A bipartisan Senate [report](#) found the US Capitol Police did not communicate intelligence regarding the potential for violence and were unprepared on the day of the attack.
- » Senior military leaders told the DoD Inspector General ([report](#)) and Congress ([testimony](#)) that they were concerned that Trump would seek to invoke the Insurrection Act and try to use the National Guard to hold onto power (Just Security [analysis](#)).
- » Acting Defense Secretary Miller and Chairman of the Joint Chiefs of Staff were so concerned about potential violence, including by militia groups, that at a meeting they convened with Cabinet members, they “voiced concern about the permits that had been issued, questioning whether there was a mechanism to revoke permits for the 1,000 to 2,000 people who had been granted permission to gather on Capitol grounds” (bipartisan Senate [report](#)).
- » In [testimony](#) before the House Oversight Committee in an answer to a question from Rep. Byron Donalds (R-FL), Miller said that Trump had [told](#) him to “do whatever was necessary to protect the demonstrators that were executing their constitutionally protected rights.”

What To Look For

- » Reasons for law enforcement and intelligence agencies’ failure to elevate and share threat information, and [comparative response](#) to summer 2020 Black Lives Matter protests.
- » FBI acknowledgement of [existing authorities](#) to scan social media in advance of significant national event, and explanation of failure to conduct formal investigation into Bureau’s failures leading up to January 6.
- » What base of information led to Chairman of the Joint Chiefs of Staff Milley’s [concern](#) that January 6 could be a “Reichstag moment,” and Miller and Milley’s concern that Trump might invoke the Insurrection Act
- » Whether senior military officials took steps to avoid the presence of federal troops near the Capitol out of concern Trump might invoke the Insurrection Act.

PURPLE TEAM

**Domestic extremist groups, QAnon,
and online misinformation**

What We Know

- » The Oath Keepers (seditious conspiracy [indictment](#)) and Proud Boys (conspiracy [indictment](#)) conspired to interfere with the certification of the election at the Capitol.
- » Trump's December 19 tweet and his [other communications](#) mobilized militia groups to prepare for assault on Capitol (Just Security [synthesis](#) of court filings and ADI research).
- » White House (Meadows) and Trump campaign (Giuliani) discussed plans with House Freedom Caucus members to have supporters march to Capitol (Cassidy Hutchinson, select committee [interview](#); NYT [analysis](#)) despite confidential warnings from US intelligence reports and from some rally organizers that it could turn dangerous ([ProPublica](#); select committee [letter](#) to Stockton; Hutchinson [interview](#)).
- » Federal district judge Amit Mehta [held](#) that the alleged facts met the elements of civil conspiracy between Trump and the militia group members to prevent by force, intimidation, or threat members of Congress from certifying the election (according to a low standard of proof).
- » On [Jan. 5](#), Meadows sent an email to an individual which "said that the National Guard would be present to 'protect pro Trump people' and that many more would be available on standby," according to [records](#) Meadows provided the House select committee.
- » Key figures that advanced baseless election fraud claims and courted the QAnon conspiracy movement included former Trump national security advisor Michael Flynn and Trump affiliated lawyers Sidney Powell and Lin Wood. All three were [banned from Twitter](#) for [sharing QAnon conspiracies](#). Figures including Mike Lindell, Phil Waldron, and Ron Watkins (identified by some experts as Q) [coordinated](#) to advance false election claims.

What To Look For

- » Whether Trump/Roger Stone communicated/ordinated with militia groups and supporters about any plans to enter/occupy/assault the Capitol.
- » Whether Trump was personally aware of threats/plans of militia groups or supporters to enter/occupy/assault Capitol.
- » Whether Trump and his associates knowingly or deliberately promoted QAnon conspiracies/mobilization in connection with the presidential election.
- » Whether Trump/Giuliani/Eastman and other associates used the ongoing riot/occupation to try to further delay the certification of the presidential election.
- » Whether the White House or Trump campaign privately engaged with extremists in far-right online communities such as TheDonald.win (as they had [reportedly](#) done in 2016).

RED TEAM

**Jan. 6 Rally planners and the
Stop the Steal Movement**

What We Know

- » January 6 rally organizers [participated](#) in “dozens” of meetings with White House staff, including Chief of Staff Mark Meadows, as well as some Republican members of Congress and their staff.
- » Rally organizers [were reportedly concerned](#) about the possibility that an unpermitted march planned by Stop the Steal activists could turn chaotic and lead to violence, and shared those concerns [with Meadows](#), whose [text messages reveal](#) the extent of his involvement in the effort to overturn the election.
- » Rally organizers, Stop the Steal activists and militia groups [participated in a group chat](#) that included Roger Stone, who [coordinated](#) the effort to overturn the election with former national security advisor Michael Flynn, Stop the Steal organizer Ali Alexander, among others.
- » Two key organizers of the rally at the Ellipse, [Dustin Stockton and Jennifer Lynn Lawrence](#), [turned over a trove of documents and messages](#) and testified to the Committee.
- » A trove of [material obtained by ProPublica](#) includes documents, digital communications and audio recordings of a variety of individuals involved in the broader effort to sow doubt about the outcome of the election.
- » Trump affiliated lawyers have been sanctioned by courts, including Rudy Giuliani. In an (oft-overlooked) decision to suspend Giuliani’s New York State bar license, the state court [said](#) that Giuliani “communicated demonstrably false and misleading statements to courts, lawmakers and the public at large in his capacity as lawyer for former President Donald J. Trump and the Trump campaign;” “[o]ne only has to look at the ongoing present public discord over the 2020 election, which erupted into violence, insurrection and death on January 6, 2021 at the U.S. Capitol, to understand the extent of the damage that can be done when the public is misled by false information about the elections.”

What To Look For

- » Whether the Stop the Steal activists, militia groups, the White House, and Trump campaign communicated/coordinated plans related to the march to the Capitol and effort to occupy/enter the building to interfere with the certification of the presidential election.
- » The role of other key figures involved in the march to the Capitol, including InfoWars host Alex Jones, and the possible involvement of others such as Steve Bannon.
- » Whether and to what extent Trump and associates were informed of the potential for violence, including from law enforcement and intelligence agencies.

GREEN TEAM

**Following the money behind
efforts to overturn the election**

What We Know

- » Appeals to small-dollar donors emphasized false claims of election fraud and donations to an “Election Defense Fund” that reportedly received only \$13 million of some \$280 million raised ([ABC News](#)).
- » Among other potential criminal liabilities, committee investigators are [reportedly](#) examining whether there were potential wire fraud violations, which would depend on making knowingly false claims in connection with fundraising appeals. This work can also inform legislative proposals for strengthening campaign finance laws.
- » In an [internal memo](#) on Nov. 19, 2020, Trump campaign staff [concluded](#) that allegations of fraud involving voting machines were false.
- » As many as nine groups have been [identified](#) as having helped finance the rally at the Ellipse with some apparently involved in an effort to obscure who was actually funding the event.
- » The Justice Department’s investigation reportedly includes subpoenas from a federal grand jury that looks into the [funding, planning or execution](#) of the rally.
- » In remarks on Jan. 5, 2022, Attorney General Merrick Garland [stated](#), “We follow the physical evidence. We follow the digital evidence. We follow the money.”

What To Look For

- » Whether individuals involved in the various fundraising appeals knowingly used false claims about the election and/or how the money was going to be used.
- » How the funds were ultimately distributed and used.
- » Whether the fundraising campaign contributed to the spread of disinformation and radicalization toward violence at the Capitol.
- » Who financed militia groups’ travel (including convoys), accommodation, communication devices, and weaponry.
- » While some information may point to the financing and organization of the rally at the Ellipse, it will be important to distinguish between that First Amendment activity and the unlawful conduct at the Capitol.
- » To what extent, if any, fundraisers had advance knowledge of, or were complicit in, the unlawful events of Jan. 6?

**JUST SECURITY AND PROTECT DEMOCRACY CAN PROVIDE ADDITIONAL
EXPERTISE, INSIGHTS, RESOURCES AND DETAILED ANALYSIS
FOR COVERAGE OF THE JANUARY 6TH COMMITTEE.**

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