

Democracy can survive if House committee investigating Jan. 6 Capitol riots does its job

Norman Ornstein and Dennis Aaftergut CNN Jan 5, 2022

Two priorities for preserving our constitutional republic stand out on this anniversary of insurrectionist violence at the U.S. Capitol – first, the duty to hold accountable those who led the plot to overturn a free and fair election; second, the need to shine a light on and block the sustained and organized efforts to succeed in 2024 where the plotters failed in 2020.

On both fronts, the bipartisan House select committee investigating the Jan. 6 attack is rapidly moving forward with agility and diligence. We can be confident that the committee’s ultimate report will help point the way toward thwarting the Republican efforts to turn democracy into autocracy.

After House Republicans delayed the investigation’s start for months via negotiations that in retrospect look like pure malingering, it is heartening to see the pace and skill with which the committee has proceeded.

It takes time to do the plodding work of pouring through thousands of documents, identifying the relevant witnesses, interviewing them and moving up the chain of command.

In July, House Speaker Nancy Pelosi appointed Republican Reps. Liz Cheney of Wyoming and Adam Kinzinger of Illinois to the committee. They share the majority members’ outrage at the attempt to undermine the peaceful transition of presidential power and have made every move by the committee fully bipartisan.

The committee has also named a bipartisan team of skilled investigators, among them John Wood, a former U.S. attorney in Missouri and chief of staff at the Department of Homeland Security during the George W. Bush administration.

The result is a fact-finding machine focused like a precision laser on getting to the truth as quickly and carefully as possible.

David Rothkopf: *What if the Jan. 6 insurrection had succeeded in illegally installing Trump?*

The returns are impressive. In the six months since House Republican leader Kevin McCarthy folded, the committee has issued more than 50 subpoenas. They have gone to top officials of the Trump administration; organizers and funders of the Jan. 6 pro-Trump rally that preceded the Capitol assault; pro-Trump strategists and lawyers holed up in a suite they turned into a Jan. 6 "command post" at the five-star Willard Hotel; and leaders of extreme militant groups such as the Proud Boys and the Oath Keepers, several of whose members have pleaded guilty for their role in the violent attack.

Indeed, before Jan. 6, head Oath Keeper Stewart Rhodes "repeatedly suggested the Oath Keepers should engage in violence to ensure their preferred election outcome," according to the committee.

But these are just the headlines. Quietly beneath them, the committee's investigators march steadily forward.

Conducting the hearings

The committee recently deposed retired Lt. Col. Keith Kellogg, who served as Vice President Mike Pence's national security adviser. Kellogg, the committee said, "was reportedly in the White House with the former President as he watched the January 6th attack unfold and has direct information about the former President's statements about and reaction to the insurrection."

Committee Chair Bennie Thompson, D-Miss., has said that the committee is considering referring Trump for criminal prosecution for his three-hour delay in asking rioters to leave the Capitol, and Kellogg's testimony would clearly be central to any such referral.

The committee has also apparently learned who was in the Oval Office with Trump earlier that morning when he "was on a phone call to Vice President Pence pressuring him not to certify the results of the 2020 presidential election."

The committee's letter to Trump's former personal assistant Nicholas Luna identifies him as present for that call, and investigators may have learned from him what was said.

The committee has subpoenaed right-wing activist Ali Alexander, a key organizer of the Jan. 6 rally. Before the rally, the panel said, he “made repeated reference ... to the possible use of violence to achieve the organization’s goals and claimed to have been in communication with the White House and Members of Congress regarding events planned to coincide with the certification of the 2020 Electoral College results.”

With such evidence gathering, no one concerned about finding the truth should over worry if investigators do not get access to testimony from headliners like former White House chief of staff Mark Meadows or Trump adviser Steve Bannon. The committee is bound to provide a thorough accounting of the efforts to sabotage the election outcome.

For example, the committee has subpoenaed Angela McCallum, the national executive assistant to Trump’s 2020 reelection campaign. According to the committee, she “reportedly participated in efforts to ... encourage state legislatures to alter the outcome of the November 2020 election.”

There is bound to be plenty of evidence from such witnesses showing Trump’s efforts after Election Day 2020, to get state legislatures to ignore the will of their voters. The failure of those efforts left Trump with one last option – pressuring Pence to do the dirty deed. The vice president resisted that pressure. The mob that Trump had whipped into the frenzy – and calling to “Hang Mike Pence” – came within 100 feet of him that day.

Hallmark of totalitarianism

The committee’s evidence of Trump’s late 2020 attention to Republican state legislatures will cast light on what those same states are doing now to ensure Republican control in 2024 – so that no last-minute efforts are needed to ensure power. The nonpartisan States United Democracy Center reports that as of last month, 32 bills that would “interfere with election administration” have become law in 17 states.

As ABC News has reported, “These new laws include one that requires local election boards in Arkansas to refer election law violation complaints to the State Board of Election Commissioners – made up of five Republicans and just one Democrat – instead of their respective county clerks and local prosecutors; (and) another that generally bars the executive and judicial branches in Kansas from modifying election law.”

In Georgia, Republicans have purged Black administrators from one election board.

Arizona's Republican legislature removed from the secretary of state the authority to defend election litigation, but only until January 2023, when Democrat Katie Hobbs leaves office.

One-party control of elections is the hallmark of totalitarianism, and Republicans are clearly choosing it over democracy. Princeton University author-in-residence Barton Gellman has written eloquently of the fire the Republicans are setting in the country that threatens to burn the house of democracy.

The water to douse it flows from facts skillfully marshaled that can arouse voters and lead to corrective legislation like the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act. If such measures are not already adopted by the time the select committee issues its report, it will add to the momentum to adopt them.

Finally, as the select committee's chair has already signaled, Congress seems likely to refer for prosecution leaders of last year's seditious attack.

Should such referrals and prosecutions occur, the trials, like that of Minnesota police officer Derek Chauvin, will capture the nation's attention and ensure that the light the committee shines does not fade quietly into the night.

If so, this anniversary's two priorities for preserving democracy will have been realized. The 245-year-old American experiment can then survive the attack that Donald Trump and his enablers sought to carry out against it a year ago and threaten to complete in 2022 and 2024.

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