

# Arch-criminal Trump to assume the presidency

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The report of Special Counsel Jack Smith, examining the role of Donald Trump in the attempted overturn of the 2020 election, is an unanswerable factual summary of the criminal case against Trump. The ex-president, now president-elect, who is set to re-enter the White House in only five days, is manifestly guilty of the four charges for which he was criminally indicted, including conspiracy to obstruct the certification of his election defeat by instigating the violent assault on the US Capitol on January 6, 2021.

The report was made public early Tuesday morning, after the expiration at midnight of an injunction issued by Florida Federal District Judge Aileen Cannon barring its publication. Cannon, a Trump appointee, abandoned her extraordinary attempt to bar release of Smith's report on January 6, 2021 after an appeals court noted she had no authority to do so. Cannon had been hearing the case brought by Smith over Trump's illegal retention of classified documents at his Mar-a-Lago estate and had no jurisdiction over a case brought in Washington D.C. relating to the events leading up to the assault on the Capitol.

Even though there are few new facts cited in Smith's report, its language and conclusions are nonetheless highly significant. The man who is set to be inaugurated as president on January 20, 2025 is a political criminal, guilty of the gravest assault on the US Constitution and American democracy since the Civil War.

Trump sought to obstruct the certification of his 2020 election defeat through a combination of baseless lawsuits, deliberate lies claiming vote fraud, the organization of slates of fake electors in seven closely contested states, combined with action, either by the Justice Department or Vice President Mike Pence—who presided over the congressional certification of electoral votes on January 6—to reject the electors chosen by the voters and substitute pro-Trump electors.

A few quotes give the flavor of the case being made:

The core of Mr. Trump's obstructive scheme was a false narrative of outcome-determinative voter fraud, which he and his surrogates frequently repeated and widely disseminated over the course of two months. Crucially, not only was Mr. Trump's voter-fraud narrative objectively false—he knew that it was false.

Mr. Trump's false claims were repeatedly debunked, often directly to him by the very people best positioned to ascertain their truth. Campaign personnel told Mr. Trump

his claims were unfounded; so did state officials, a White House official who engaged with Mr. Trump in his capacity as a candidate, and even his own running mate.

When a White House aide told him that Rudy Giuliani (“Co-Conspirator 1” in the report) would be unable to prove his claims of voter fraud in court, Trump replied, “The details don’t matter.” In other words, shouting claims of “stop the steal” to motivate his fascistic supporters was the purpose of the exercise, not providing any evidence of actual fraud.

Furthermore, the report documents Trump's assertion of fraud even before the election, when his own campaign staff were telling him that initial returns in many states would show him in the lead, before largely pro-Biden mail-in ballots were tabulated.

In response, Mr. Trump suggested that if that prediction were true—which it ultimately was—he would simply declare victory before all ballots were counted and a winner was projected...

Here, the evidence showed that Mr. Trump decided, even before the election, that he would allege outcome-determinative fraud, whether it occurred or not, if he were not declared the winner, and he adhered to that plan—repeating false claims that he knew to be untrue.

The report draws out the connection between Trump's systematic lying and his instigation of the violent assault on the Capitol on January 6, 2021.

It bears emphasis that Mr. Trump's knowing deceit was pervasive throughout the charged conspiracies. This was not a case in which Mr. Trump merely misstated a fact or two in a handful of isolated instances. On a repeated basis, he and co-conspirators used specific and knowingly false claims of election fraud in his calls and meetings with state officials, in an effort to induce them to overturn the results of the election in their states; to his own Vice President, to induce Mr. Pence to violate his duty during the congressional certification proceeding; on January 6, as a

call to action to the angry crowd he had gathered at the Ellipse and sent to the Capitol to disrupt the certification proceeding.

The 137-page document outlines the facts of the case, examines the legal issues, including rebutting claims by Trump that his actions were no more than statements of opinion protected by the First Amendment, as well as various claims of executive privilege and presidential immunity, which were later buttressed by the pro-Trump decision of the US Supreme Court last July.

But as media accounts acknowledge, there is very little that is new in terms of the factual content of the case. It thus begs the question: Why was this case not brought against Trump within days of his leaving office? Why was he not prosecuted, convicted, sentenced and sent to prison long before his renomination by the Republican Party and his reelection last November?

Trump was impeached by the House of Representatives on January 13, 2021, one week after the attack on the Capitol, which had forced the members of that House to flee for their lives.

Ten Republican representatives broke ranks and voted for Trump's impeachment—a number whose smallness already demonstrated the fascistic transformation of the Republican Party into the personal instrument of the would-be dictator. The Senate refused to convict Trump a month later, with Republican Minority Leader Mitch McConnell declaring that Trump, as an ex-president, could no longer be impeached, but was now subject, as a private citizen, to the criminal justice system.

Principal political responsibility, however, lies with the Democratic Party. It was some two and a half years after the impeachment before the Biden Justice Department, acting through Smith, finally obtained a grand jury indictment of Trump. Appeal after appeal delayed any possible trial.

The Biden administration slow-walked the prosecution of Trump for two interrelated reasons. It sought the bipartisan collaboration of the Republican Party to support its central policy focus, the preparation, instigation and ultimately waging of imperialist war against Russia in Ukraine. And for the same reactionary purpose, it sought to protect the key institutions of the capitalist state, the military-intelligence apparatus, whose involvement in the failed coup attempt would have been brought to light in any genuine investigation into Trump's effort to retain power as a dictator-president.

The report by Special Counsel Jack Smith, like the report produced by the Democratic-led House Select Committee on January 6, conforms entirely to this political prescription. There is no mention of the role of any government agency in the failed coup, no discussion of the efforts by top Pentagon officials to block deployment of the D.C. National Guard to protect the Capitol, or of the actions of the FBI and other intelligence agencies which had ample advance notice of the planned attack. Trump is, justly so, the central conspirator. But he could have done nothing without his thousands of appointees and loyalists across the federal government, in Congress and in the courts, particularly the Supreme Court.

In keeping with this political mandate, the special counsel

discussed and rejected bringing charges against Trump of insurrection or incitement to insurrection, on the specious grounds that no such prosecution had been brought since the Civil War. A similar ground was cited for declining to bring charges of incitement to violence and instigating violent attacks on federal officers.

While the report concedes that such charges were reasonable and the violence was “foreseeable to Mr. Trump, that he caused it,” the special counsel decided that the four charges brought against Trump were sufficient and additional charges would only invite “unnecessary litigation.” This likely means that such charges were abandoned for fear that Trump's supporters in the Supreme Court majority would intervene, as they eventually did anyway, to gut the case.

And so, in five days, the coup plotter-in-chief will re-enter the White House. As the *World Socialist Web Site* noted Monday: “Trump's recitation of the presidential oath of office, pledging to ‘preserve, protect and defend the Constitution of the United States,’ will be the first lie of his second term.”

Trump will not be returning to power alone. He is assembling a cabinet of outright fascists, imperialist warmongers, billionaires and open defenders of the failed coup of 2021. The same attorneys who filed motion after motion seeking to suppress the release of the Smith report have been nominated by Trump to fill the top positions in the Department of Justice, where they will suppress any further investigations of the fascist right and mobilize the vast repressive powers of the capitalist state exclusively against the working class and the socialist left.

The Democratic Party will not lift a finger to oppose Trump's rampage against democratic rights. The Democrats wanted, in the words of Biden after the January 6 coup, a “strong” Republican Party, and they got it. The report makes all the more damning Biden's invitation of Trump to the White House and his pledge to do “everything we can to make sure you ... have what you need.” The Democrats' goal is to collaborate with Trump to continue the program of military aggression around the world on which the American ruling class has embarked.

The defense of democratic rights and the struggle against the Trump administration will be carried forward only by the American and international working class.



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