

Takeaways as Jan. 6 panel eyes Trump 'criminal conspiracy'

BY MARY CLARE JALONICK
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WASHINGTON — The House panel investigating the Jan. 6, 2021, insurrection at the Capitol has previewed some of its findings in a federal court filing, and investigators for the first time said they have enough evidence to suggest then-President Donald Trump committed crimes.

That doesn't necessarily mean that Trump will be charged, or even that the Justice Department will investigate. But the legal document offers an early look at some of the panel's likely conclusions, which are expected to be submitted in coming months. The committee has interviewed more than 650 witnesses as it investigates the violent siege by Trump supporters, the worst attack on the Capitol in more than two centuries.

In the 221-page filing, the panel said it has evidence that the defeated Republican president and his associates engaged in a "criminal conspiracy" to prevent Congress from certifying Democrat Joe Biden's election victory. Hundreds of Trump's supporters violently bashed their way past police that day and sent lawmakers into hiding, interrupting but not stopping the certification.

The filing came in response to a lawsuit from John Eastman, a lawyer and law professor who was consulting with Trump while attempting to overturn the election and who is trying to withhold documents from the committee.

Eastman's attorney, Charles Burnham, responded to the legal filing by defending Eastman's efforts

to protect his documents through attorney-client privilege. Investigating lawmakers argue there is a legal exception allowing a lawyer to disclose communications when they might be related to ongoing or future crimes.

Takeaways from the Jan. 6 committee's court filing:

A CASE FOR FRAUD AND OBSTRUCTION

The committee says it has evidence of three crimes, all of which are related to Trump's activity, and his coordination with Eastman, in the run-up to the insurrection.

In a "conspiracy to defraud the United States," the committee argues that evidence it has gathered supports an inference that Trump, Eastman and several other allies of the former president "entered into an agreement to defraud the United States."

The panel says Trump and his allies interfered with the election certification process, disseminated misinformation about election fraud and pressured state and federal officials to assist in that effort.

The panel also asserts that Trump obstructed an official proceeding, the joint session of Congress where the Electoral College votes are certified. The committee said Trump either attempted or succeeded at obstructing, influencing, or impeding the ceremonial process on Jan. 6 and "did so corruptly" by pressuring Vice President Mike Pence to try and overturn the results as he presided over the session. Pence declined to do so.

The last charge the committee lays out is "common law fraud," or falsely representing facts with the knowledge that they are

false. Trump embarked on a wide-scale campaign to convince the public and federal judges that the 2020 election was fraudulent and that he, not Biden, won the Electoral College tally. Election officials and courts across the country, along with Trump's attorney general, rejected those claims.

As an example of such fraud, the committee noted that a Justice Department official told Trump directly that a Facebook video posted by his campaign "purporting to show Georgia officials pulling suitcases of ballots from under a table" was false, yet the campaign continued to run it. Georgia officials also repeatedly denied the claim.

"The president continued to rely on this allegation in his efforts to overturn the results of the election," the filing says.

COURT ARGUMENTS, NOT CHARGES

While the document marks the committee's most formal effort to link the former president to a federal crime, Congress does not have the power to bring criminal charges.

Still, members of Congress can formally refer crimes to the Justice Department, if they think they have sufficient evidence. It is unclear if the committee will take that step, and federal prosecutors have much of the information already.

House Intelligence Committee Chairman Adam Schiff, a Democratic member of the panel, said Thursday, "The department shouldn't be waiting on our committee." Schiff has urged the Justice Department to be more aggressive in investigating the insurrection.

The department is al-

ready investigating and prosecuting hundreds of rioters who broke into the Capitol. Attorney General Merrick Garland has repeatedly said that prosecutors will follow the facts and the law wherever that takes them, stopping short of saying whether Trump is being investigated.

PRESSURING PENCE

Much of the committee's filing focuses on the expansive, ultimately unsuccessful effort by Eastman to convince Trump and the White House that there was a viable legal avenue for his baseless election fraud claims. In a series of memos ahead of Jan. 6, Eastman pushed for Pence to intervene in his ceremonial role and halt the certification of the electoral votes, a step Pence had no legal power to take and refused to attempt.

In an attempt to establish that Eastman was planning a crime, the committee included excerpts of witness transcripts in which former White House aides and other officials discussed Eastman's efforts.

In one interview, Pence's chief counsel described a meeting with Eastman at the White House on Jan. 5.

"He came in and said, 'I'm here asking you to reject the electors,'" Greg Jacob told the committee, adding that he took notes of the meeting contemporaneously. "That's how he opened at the meeting."

A 'SERPENT IN THE EAR'

On Jan. 6, as Pence presided over the congressional session and later hid inside the Capitol from rioters calling for his hanging, Eastman and Jacob exchanged a heated series of emails.

The emails give an ex-



In this Jan. 6, 2021, photo, President Donald Trump arrives to speak at a rally in Washington. JACQUELYN MARTIN/AP

traordinary window into the extent of the pressure campaign — which continued into the evening, even after the rioters had been pushed out and the frazzled Congress reconvened to certify the results.

As the rioters broke into the Capitol, Pence's chief counsel, Jacob, wrote to Eastman that "I respect your heart" but that the legal framework he was putting forward was "essentially entirely made up."

He added, "And thanks to your bulls—, we are now under siege."

Eastman angrily responded that "the 'siege' is because YOU and your boss did not do what was necessary."

Jacob, who was sheltering with Pence in the Capitol at the time, apologized. But he did not let up.

"The advice provided has, whether intended or not, functioned as a serpent in the ear of the president of the United States, the most powerful office in the entire world," Jacob wrote Eastman. "And here we are."

As Congress reconvened that evening, Eastman wrote Jacob to "implore" that Pence adjourn the count to delay the certification. That did not happen, and Congress certified Biden as the winner in the early hours of Jan. 7.

Still, Eastman made clear that there wouldn't be hard feelings.

"When this is over, we should have a good bottle

of wine over a nice dinner someplace," Eastman wrote amid the exchanges.

NEW QUESTIONS FOR LAWMAKERS

While Eastman repeatedly invoked his Fifth Amendment rights during his interview with the committee, members and staff asked him hours of questions anyway. The resulting transcript provides new clues about what lawmakers are investigating.

One of the biggest unanswered questions about Jan. 6 concerns the role that GOP lawmakers may have played. The committee has asked several House Republicans for information about their communications with Trump that day, and the transcript shows interest in GOP senators as well.

Investigators asked Eastman whether Sens. Ted Cruz of Texas and Josh Hawley of Missouri — the two senators who formally objected to the count that night — had been invited to speak at the president's rally the morning of Jan. 6, at which Trump told the angry crowd to "fight like hell." And they asked if Eastman knew why the senators did not speak at the rally.

They also asked Eastman if he had any conversations with Cruz "regarding efforts to change the outcome of the 2020 election," and about a conversation he had previously said he had with Utah Sen. Mike Lee.

Stocks end another bumpy day lower and crude oil prices ease

BY DAMIAN J. TROISE
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Stocks fell and oil prices eased back Thursday after another bumpy day of trading on Wall Street as markets remained anxious about the broader impact of Russia's invasion of Ukraine.

Major indexes veered up and down for much of the day before a late-day slide pushed them into the red. The S&P 500 shed a 0.7% gain to close 0.5% lower, while the Dow Jones Industrial Average fell 0.3%. The Nasdaq composite fell 1.6%, weighed down by technology stocks, which accounted for a big share of the market's decline. The pullback left the indexes on pace for weekly losses.

Bond yields were mostly steady. The yield on the 10-year Treasury slipped to 1.85% from 1.86% late Wednesday.

Stocks rallied a day earlier after Federal Reserve Chair Jerome Powell said he favored a modest interest rate increase at the Fed's policy meeting in two weeks, bringing relief to investors who had feared he would back more aggressive moves to fight inflation.

"We've gotten a lot of clarity on what the Fed plans to do," said Liz Young, chief investment strategist at SoFi. "But we've got this overhanging cloud of the geopolitical risk and oil prices still pressuring sentiment a little bit."

The S&P 500 fell 23.05 points to 4,363.49. The Dow slid 96.69 points to 33,794.66. The Nasdaq dropped 214.07 points to 13,537.94.

Smaller company stocks also lost ground. The Russell 2000 index fell 26.46 points, or 1.3%, to 2,032.41.

Communication stocks, retailers and other companies that rely on direct consumer spending had some of the broadest losses. Sectors that are viewed as less

risky, including utilities and household goods makers, gained ground.

The broader market remains volatile as investors continue to worry about the conflict in Europe along with rising inflation and the impact on economic growth and how central banks around the world act to try and restrain inflation.

The economic fallout from the Russian invasion expanded as Fitch Ratings, Moody's Ratings and Standard & Poor's cut Russia's credit rating. It was S&P's second Russia downgrade in less than a week. The agencies said the invasion and Western sanctions have hurt Moscow's ability to repay debts and raised risks for the economy and stability.

The London Stock Exchange said it had suspended trading in shares of 27 companies with links to Russia, including some of the biggest in energy and steel, such as Lukoil, Gazprom, Sberbank, Rosneft and Magnitogorsk Iron & Steel Works. Those shares lost most of their value prior to the suspension. Rosneft shares dropped from \$7.91 on Feb. 16 to 60 cents on March 2, while Sberbank shares plunged from \$14.90 to 5 cents in that same time frame.

Trading on the Moscow exchange remained closed Thursday. Russia's ruble lost another 15% against the U.S. dollar and is worth less than 1 cent. It has plunged since Western governments imposed sanctions that cut off much of Russia's access to the global financial system.

The exposure and overlap that U.S. markets have to Russia is relatively low. The real risk is the exposure that European banks have to Russia, Young said.

"If European banks start to feel the contagion of that, then it's about what's our exposure to Europe, which surprisingly is still reasonably low," she said.

"That doesn't mean there's not sentiment risk. Nobody likes to hear about financial markets freezing up."

Russia's invasion of Ukraine has been the dominant issue for investors all week as they try to assess its global economic impact. Russia is a key oil producer and prices have been rising as global supplies remain threatened by the conflict, raising concerns that persistent inflation could become even hotter.

Leaders of OPEC and other major oil-producing countries are sticking with plans to gradually increase oil production. Meanwhile, the U.S. and other major governments in the International Energy Agency plan to release 60 million barrels from strategic reserves to boost supplies.

The price of U.S. benchmark crude oil fell 2.6% to \$107.67 a barrel and Brent crude, the international standard, fell 2.2% to \$110.46. Both are still up more than 17% for the week.

Rising inflation and the Fed's reaction is still a big focus for investors with the impact of the conflict uncertain. Powell gave a second day of testimony before Congress Thursday, telling the Senate Banking Committee that Russia's invasion of Ukraine will likely further magnify the high inflation that has engulfed the U.S. economy. At the same time, Powell said he is committed to doing whatever it will take to slow inflation, underscoring the central bank's high-risk challenge in raising interest rates enough to stem inflation without tipping the economy into another recession.

Investors will get another update on the U.S. jobs market on Friday when the Labor Department releases its report for February.



Speaker of the House Nancy Pelosi, of Calif., speaks to the media on March 3, 2020, on Capitol Hill in Washington. MARIAM ZUHAIB/AP

Pelosi supports halting Russian oil imports to US: 'Ban it'

BY LISA MASCARO
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WASHINGTON — Amid the escalating war in Ukraine, House Speaker Nancy Pelosi said Thursday she supports banning Russian oil imports to the U.S., a hefty nod that could strengthen President Joe Biden's hand as global allies seek to isolate Russian President Vladimir Putin's regime.

Biden has been reluctant to curb Russian oil shipments to the U.S. or slap on energy sanctions in ways that would reduce supply as gas prices at the pump are already climbing for Americans. But Pelosi's support gives fresh currency for an idea in Congress already backed by wide swaths of Republicans and an increasing number of Democrats. The White House has said all tools remain on the table.

"I'm all for that," Pelosi said about ending Russian oil in the U.S. "Ban it."

Finding common ground to counter Russian aggression toward Ukraine through energy policy would be a breakthrough for the divided Congress, which has shown remarkable resolve in unifying U.S. support for Ukrainians but has struggled over concrete steps that would help the

Western-style democracy battle the Russian invasion.

A Russian oil ban could draw momentary alliance of lawmakers on the left and right — Democrats fighting climate change who want to lessen the U.S. reliance on fossil fuels; Republicans who want to boost U.S. energy production at home; and the great majority of lawmakers of both parties who want to stop Putin's war.

Republicans have been pushing for the Russian oil ban, joined by some Democrats eager to punish Putin. "What if we crush the oil and gas sector of the Russian economy?" said Sen. Lindsey Graham, R-S.C. "That would be a lethal combination for the Russian economy."

Sen. Ed Markey, a liberal Democrat from Massachusetts and a leading advocate of climate change strategies, also backs an import ban. "We cannot criticize Europe for its reliance on Russian energy as we pour dirty oil money into Russia," he said.

Still, Biden has resisted, fearing a ban could further disrupt global markets and raise already high prices at the pump. He also risks backlash from climate change activists who say U.S. officials must not use the Ukraine war to expand oil or gas drilling in the U.S.,

a step Republicans have been urging. Gas prices in the U.S. averaged nearly \$3.73 a gallon Thursday, up almost \$1 from a year ago, according to AAA motor club.

For now, the White House has said all options remain on the table. "We don't have a strategic interest in reducing the global supply of energy," said White House press secretary Jen Psaki.

The remarks from the White House were widely criticized as misguided by Sen. Joe Manchin, D-W.Va., and Sen. Lisa Murkowski, R-Alaska, at a press conference Thursday introducing a bipartisan bill to halt Russian oil imports to the U.S.

The legislation would halt Russian oil imports in the U.S. by declaring a national emergency, something Biden could also do on his own. It gained bipartisan support, including from leadership of the House Problem Solvers Caucus.

"There is a moral obligation here: I don't want us dollars to be funding this, this carnage in Ukraine led by Putin," Murkowski said.

Murkowski said she understood Biden won the White House in part on his promise to fight climate change, but she said after the Russian war in Ukraine, "We are in a different place."