

BENNIE THOMPSON TO IVANKA: COME IN FROM THE CONSPIRACY

Even though you read this site, you may not recognize the names Brad Smith or Marshall Neefe. Even though I've focused some attention to his case, you may not remember the significance of Ronnie Sandlin. You might not even remember that the Oath Keeper conspiracy was named after retired Navy officer Thomas Caldwell before he was spun off into the sedition conspiracy named after Stewart Rhodes.

But those are all references of import to understand this footnote in the letter Bennie Thompson sent to Ivanka Trump, inviting her to testify voluntarily.

The Select Committee is aware of the motivation of many of the violent rioters from their posts on social media, from their contemporaneous statements on video, and from the hundreds of filings in federal court.¹¹

¹¹ For example, many defendants in pending criminal cases identified President Trump's allegations about the "stolen election" as a motivation for their activities at the Capitol; a number also specifically cited President Trump's tweets asking that supporters come to Washington, D.C. on January 6th. See, e.g., *United States of America v. Ronald L. Sandlin*

<https://www.justice.gov/opa/page/file/1362396/download>: "I'm going to be there to show support for our president and to do my part to stop the steal and stand behind Trump when he decides to cross the rubicon." *United States of America v. Marshall Neefe and Charles Bradford Smith*

<https://www.justice.gov/usao-dc/case-mul>

ti-defendant/file/1432686/download:
"Trump is literally calling people to DC
in a show of force. Militias will be
there and if there's enough people they
may fucking storm the buildings and take
out the trash right there." *United
States of America v. Caldwell et al.*
<https://www.justice.gov/usao-dc/case-multi-defendant/file/1369071/download>:
"Trump said It's gonna be wild!!!!!!
It's gonna be wild!!!!!! He wants us to
make it WILD that's what he's saying. He
called us all to the Capitol and wants
us to make it wild!! ! Sir Yes Sir!!!
Gentlemen we are heading to DC pack your
shit!!"

The Select Committee could have chosen any number of *individual* defendants to support the claim that Trump was the motivating force for the participants of the mob that stormed the Capitol on January 6.

It did not.

Instead, without saying that it had, it cited three conspiracy indictments: a conspiracy that involved totally random guys who met online coming armed to DC and assaulting officers to break open the East doors and break into the Senate chamber, a conspiracy where guys armed themselves to come to DC based on a motivation that, "Why shouldn't we be the ones" to kick off war, and a conspiracy that has now officially been charged as sedition.

What the Select Committee just said to Ivanka, very subtly (and without the hotlinks to these court filings to make it easy) is that multiple organizers across multiple conspiracies – all involving arming themselves before traveling to DC – acted on Trump's comments in December and January *as instructions*.

What the Select Committee has laid out in this footnote is that key members of conspiracies that led to violent assaults on January 6

entered into an agreement with Donald Trump to engage in violence.

Other coverage of this letter has focused on the many other scathing details included in it:

- Proof that Trump knew he was making an illegal request of Mike Pence (and that Ivanka knew such pressure was wrong)
- Proof that multiple people attempted to get Trump to call off the violence (and that staffers repeatedly asked Ivanka to intercede to get him to do so)
- Proof that advisors including Kaleigh McEnany and Sean Hannity attempted to get Trump to disavow these efforts

In response to the letter, Ivanka issued a statement making it clear that *on January 6* she disavowed the violence caused by her father.

Ivanka Trump just learned that the Jan. 6 Committee issued a public letter asking her to appear. As the Committee already knows, Ivanka did not speak at the January 6 rally. As she publicly stated that day at 3:15pm, “any security breach or disrespect to our law enforcement is unacceptable. The violence must stop immediately. Please be peaceful.”

But that doesn't account for another detail of the letter that has gotten far less attention than the eye-popping new details about Trump's actions: Chairman Thompson reminded Ivanka (in a paragraph that seemingly addresses another

topic) not just of the requirements of the Presidential Records Act, but also that she got formal notice of those requirements in 2017.

The Select Committee would like to discuss this effort after January 6th to persuade President Trump not to associate himself with certain people, and to avoid further discussion regarding election fraud allegations. We also wish to share with you a memorandum from former White House Counsel Donald McGahn (attached), regarding the legal requirements on White House personnel to turn over to the National Archives any work-related messages from personal devices. We wish to be certain that former White House staff are fully aware of these obligations.

Ivanka, of course, is not just the former President's daughter. She's also someone legally obliged to share all the communications conducted while performing whatever role it is she played in the White House – up to and including begging her Daddy to call off a violent mob – with the National Archives.

Thompson would not have mentioned this if the committee had been able to obtain Ivanka's side of many of these communications from the Archives (or at least seen them in documents Trump was attempting to claim privilege over). Thompson seems to know that Ivanka is not in compliance with the Presidential Records Act specifically as it pertains to her role on January 6.

Here's the thing about conspiracies. Once you join them, you're in them – you're on the hook for what all other co-conspirators do, from acquiring weapons to bring to DC, to assaulting cops, to planning to overthrow the government – unless you make an affirmative effort to leave the conspiracy.

Ivanka might well point to that comment in her

statement – The violence must stop immediately –
as an effort to leave a conspiracy.

Except if she is covering up some of the things
she knows by withholding records from the
Archives, she's going to have a hard time
arguing that she didn't remain in the conspiracy
with all those people plotting violence by
helping to cover it up.