

BERYL HOWELL HELD ELON MUSK'S XITTER IN CONTEMPT

One of my favorite lines in the Trump January 6 indictment described how, when everyone left Donald Trump alone in the dining room on January 6, he tweeted out a tweet that might have gotten Mike Pence killed.

At 2:24 p.m., after advisors had left the Defendant alone in his dining room, the Defendant issued a Tweet intended to further delay and obstruct the certification: "Mike Pence didn't have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth!"

It's just one of 19 Tweets included in the indictment:

1. On November 25, anticipating Sidney Powell's lawsuit invoking Dominion voting machines
2. On December 3, magnifying Rudy's false claims about Georgia
3. A Tweet from Gabriel Sterling on December 4 debunking Rudy's attack on Ruby Freeman
4. A December 4 attack on PA's GOP legislative leaders after they refused to reject

the popular vote

5. The December 19 Tweet announcing the January 6 protest that launched the insurrection
6. A December 21 Tweet falsely claiming vote fraud in WI
7. A December 23 Tweet attacking Cobb County officials verifying signatures
8. Trump's December 23 retweet of Ivan Raiklin Operation Pence Card Tweet
9. Trump's January 1 reminder about the January 6 event
10. A January 5, 11:06 AM Tweet claiming Pence could reject the vote certifications
11. A January 5, 5:05PM Tweet announcing "we hear you (and love you) from the Oval Office
12. A January 5, 5:43PM Tweet reminding that the rally opened at 11AM the next day
13. A January 6, 1AM Tweet claiming that Pence could "send it back"
14. A January 6, 8:17AM Tweet repeating that all Pence had to do was "send them back to the States, AND WE WIN."
15. The famous 2:24PM Tweet targeting Pence
16. The January 6, 2:38PM Tweet calling on rioters to "Stay

peaceful!”

17. The January 6, 3:13PM Tweet calling for “No violence!”
18. The January 6, 4:17PM Tweet releasing the video asking people to leave the Capitol
19. Trump’s January 6, 6:01PM Tweet about a victory “viciously stripped away”

Before DOJ could unroll the indictment in its current form, it had to have proof about who actually Tweeted out each of these.

Aside from the dining room Tweet, it’s not entirely clear he did: Several times the indictment describes Trump “issuing” a Tweet, which might involve others.

That’s probably just one of the reasons why, on January 17, Jack Smith’s team obtained a warrant to provide, “data and records related to the ‘@realDonaldTrump’ Twitter account,” with a nondisclosure order.

Elon Musk’s Twitter not only didn’t have any lawyers home to accept the request, but they balked at providing the data, which was originally due on January 27, because they wanted to tell Trump about it first.

Ultimately, then Chief Judge Beryl Howell had to hold Twitter in contempt for 3 days before it turned over all the requested data on February 9. The DC Circuit just upheld Howell on all counts – the imposition of the gag, the contempt and the fine.

We shall see, going forward, whether DOJ asked for more than that – including any DMs that Trump might have sent to the Stop the Steal crowd, whose efforts were exploding on Twitter at the time.

Update: The warrant may also have asked for information that would be useful to measure Trump’s fundraising; that’s one thing DOJ was

focused on in that period (and remains focused on). The warrant also came close to the beginning of the Proud Boys trial, which DOJ kicked off with Trump's "Stand Back and Stand By" comment.