

Capitol riot 'does not happen' without Trump, Jack Smith told Congress

Story by Eric Tucker, AP



WASHINGTON (AP) — [The Jan. 6, 2021, riot at the U.S. Capitol](#) “does not happen” without Donald Trump, former [special counsel Jack Smith](#) told lawmakers earlier this month in characterizing the Republican president as the “most culpable and most responsible person” in the criminal conspiracy to overturn the results of the 2020 election.

The Republican-led House Judiciary Committee [released on Wednesday](#) a transcript and video of a closed-door interview Smith gave about two investigations of Trump. The document shows how Smith during the course of a daylong deposition repeatedly defended the basis for pursuing indictments against Trump and vigorously rejected Republican suggestions that his investigations were politically motivated.

“The evidence here made clear that President Trump was by a large measure the most culpable and most responsible person in this conspiracy. These crimes were committed for his benefit. The attack that happened at the Capitol, part of this case, does not happen without him. The other co-conspirators were doing this for his benefit,” Smith said, bristling at a question about whether his investigations were meant to prevent Trump from reclaiming the presidency in 2024.

“So in terms of why we would pursue a case against him, I entirely disagree with any characterization that our work was in any way meant to hamper him in the presidential election,” he added.

Smith repeatedly made clear his belief that the evidence gathered against Trump was strong enough to sustain a conviction. Part of the strength of the Jan. 6 case, Smith said, was the extent to which it relied on the testimony of Trump allies and supporters who cooperated with the investigation. “We had an elector in Pennsylvania who is a former congressman, who was going to be an elector for President Trump, who said that what they were trying to do was an attempt to overthrow the government and illegal,” Smith said. “Our case was built on, frankly, Republicans who put their allegiance to the country before the party.”

The Dec. 17 deposition was conducted privately despite Smith's request to testify publicly. The release of the transcript and video of the interview, so far Smith's only appearance on Capitol Hill since leaving his special counsel position last January, adds to the public understanding of the decision-making behind two of the most consequential Justice Department investigations in recent history.

[Trump was indicted on charges of conspiring to undo the 2020 election](#) he lost to Democrat Joe Biden, and of willfully [retaining classified documents at his Mar-a-Lago estate](#) in Florida. [Both cases were abandoned](#) after Trump's 2024 election win, with Smith citing Justice Department policy against the indictment of a sitting president.

Accounts from Republicans willing to stand up against the falsehood that the election had been stolen “even though it could mean trouble for them” created what Smith described as the “most powerful” evidence against Trump. When it came to the Capitol riot itself, Smith said, the evidence showed that Trump “caused it and that he exploited it and that it was foreseeable to him.”

Asked whether there was evidence that Trump had instructed supporters to riot at the Capitol, Smith said that Trump in the weeks leading to the insurrection got “people to believe fraud claims that weren’t true.”

“He made false statements to state legislatures, to his supporters in all sorts of contexts and was aware in the days leading up to Jan. 6th that his supporters were angry when he invited them and then he directed them to the Capitol,” Smith said.

“Now, once they were at the Capitol and once the attack on the Capitol happened, he refused to stop it. He instead issued a tweet that without question in my mind endangered the life of his own vice president,” he added. “And when the violence was going on, he had to be pushed repeatedly by his staff members to do anything to quell it.”

Some of the deposition focused on Republican anger at revelations that the Smith team had obtained, and analyzed, [phone records of GOP lawmakers](#) who were in contact with Trump on Jan. 6. Smith defended the maneuver as lawful and by-the-book, and suggested that outrage over the tactic should be directed at Trump and not his team of prosecutors.

“Well, I think who should be accountable for this is Donald Trump. These records are people, in the case of the senators, Donald Trump directed his co-conspirators to call these people to further delay the proceedings. He chose to do that,” Smith said. “If Donald Trump had chosen to call a number of Democratic senators, we would have gotten toll records for Democratic senators.”

The communications between Trump and Republican supporters in Congress were an important component of the case, Smith said. He cited an interview his office did with Mark Meadows in which Trump’s former chief of staff referenced that Rep. Jim Jordan, an Ohio Republican and current chairman of the House Judiciary Committee, had been in touch with the White House on the afternoon of the riot.

“And what I recall was Meadows stating that ‘I’ve never seen Jim Jordan scared of anything,’ and the fact that we were in this different situation now where people were scared really made it clear that what was going on at the Capitol could not be mistaken for anything other than what it was,” Smith said. Smith was also asked whether his team evaluated [former White House aide Cassidy Hutchinson’s explosive claim](#) that Trump that grabbed at the steering wheel of the presidential SUV when the Secret Service refused to let him go to the Capitol after a rally at the Ellipse on Jan. 6, 2021.

Smith told lawmakers that investigators interviewed the officer who was in the car, “who said that President Trump was very angry and wanted to go to the Capitol,” but the officer’s version of events “was not the same as what Cassidy Hutchinson said she heard from somebody secondhand.”

Associated Press writer Alanna Durkin Richer contributed to this report.