

EMPTYWHEEL TAKES TO MSNBC TO EXPLAIN THE JANUARY 6 INVESTIGATION

MSNBC was kind enough to invite me to make the case, again, that those blaming Merrick Garland for delays in the January 6 investigation simply aren't familiar with the investigation. Readers will be familiar with much of this, but two details are new.

First, I describe what investigative steps prosecutors had to take to prepare the most obvious piece of evidence, Trump's 2:24 tweet targeting Mike Pence.

Take the tweet Trump sent at 2:24 p.m. Jan. 6: "Mike Pence didn't have the courage." It was right there in public! But to present that in court first required the exploitation of at least two phones, nine months of fights over executive privilege, a 23-day stall from Twitter and two sets of interviews with at least eight different top aides.

And something that's long overdue: Holding the January 6 Committee responsible for their unnecessary delays, which almost bolloxed the Proud Boys trial.

One delay that *was unnecessary* was caused by some of the people who most loudly blamed Garland: the Jan. 6 Committee. DOJ first asked the committee for witness transcripts in April 2022. That June, prosecutors in the trial of leaders of the Proud Boys agreed to reschedule their trial from August until December *because* the committee would not release transcripts until September. The prosecutors were vindicated when those transcripts

finally came out in December, after three additional months of delay and jury selection had already started. Twice during the trial, prosecutors learned that witnesses had told the committee something they hadn't told the FBI; in one instance, a committee transcript revealed **an attorney conflict** that threatened prosecutors' reliance on testimony from their most important cooperating witness. Given that **court filings** suggest Smith will treat the Proud Boys akin to co-conspirators when this case finally goes to trial, those are the kinds of unnecessary screw-ups that could jeopardize Trump's trial itself.