

# Report Cites New Details of Trump Pressure on Justice Dept. Over Election

[nytimes.com/2021/10/06/us/politics/report-new-details-trump-pressure-justice-dept-election-fraud-claims.html](https://www.nytimes.com/2021/10/06/us/politics/report-new-details-trump-pressure-justice-dept-election-fraud-claims.html)

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WASHINGTON — Even by the standards of President Donald J. Trump, it was an extraordinary Oval Office showdown. On the agenda was Mr. Trump’s desire to install a loyalist as acting attorney general to carry out his demands for more aggressive investigations into his unfounded claims of election fraud.

On the other side during that meeting on the evening of Jan. 3 were the top leaders of the Justice Department, who warned Mr. Trump that they and other senior officials would resign en masse if he followed through. They received immediate support from another key participant: Pat A. Cipollone, the White House counsel. According to others at the meeting, Mr. Cipollone indicated that he and his top deputy, Patrick F. Philbin, would also step down if Mr. Trump acted on his plan.

Mr. Trump’s proposed plan, Mr. Cipollone argued, would be a “murder-suicide pact,” one participant recalled. Only near the end of the nearly three-hour meeting did Mr. Trump relent and agree to drop his threat.

Mr. Cipollone’s stand that night is among the new details contained in a lengthy interim report prepared by the Senate Judiciary Committee about Mr. Trump’s efforts to pressure the Justice Department to do his bidding in the chaotic final weeks of his presidency.

The report draws on documents, emails and testimony from three top Justice Department officials, including the acting attorney general for Mr. Trump’s last month in office, Jeffrey A. Rosen; the acting deputy attorney general, Richard P. Donoghue, and Byung J. Pak, who until early January was U.S. attorney in Atlanta. It provides the most complete account yet of Mr. Trump’s efforts to push the department to validate election fraud claims that had been disproved by the F.B.I. and state investigators.

The interim report, released publicly on Thursday, describes how Justice Department officials scrambled to stave off a series of events during a period when Mr. Trump was getting advice about blocking certification of the election from a lawyer he had first seen on television and the president’s actions were so unsettling that his top general and the House speaker discussed the nuclear chain of command.

“This report shows the American people just how close we came to a constitutional crisis,” Richard J. Durbin, Democrat of Illinois and chair of the Senate Judiciary Committee, said in a statement. “Thanks to a number of upstanding Americans in the Department of Justice,

Donald Trump was unable to bend the department to his will. But it was not due to a lack of effort.”

Mr. Durbin said that he believes the former president, who remains a front-runner for the Republican nomination in 2024, would have “shredded the Constitution to stay in power.”

The report by Mr. Durbin’s committee hews closely to previous accounts of the final days of the Trump administration, which led multiple Congressional panels and the Justice Department’s watchdog to open investigations.

But, drawing in particular on interviews with Mr. Rosen and Mr. Donoghue, both of whom were at the Jan. 3 Oval Office meeting, it brings to light new details that underscore the intensity and relentlessness with which Mr. Trump pursued his goal of upending the election, and the role that key government officials played in his efforts.

- The report fleshes out the role of Jeffrey Clark, a little-known Justice Department official who participated in multiple conversations with Mr. Trump about how to upend the election and who pushed his superiors to send Georgia officials a letter that falsely claimed the Justice Department had identified “significant concerns that may have impacted the outcome of the election.” Mr. Trump was weighing whether to replace Mr. Rosen with Mr. Clark. Of particular note was a Jan. 2 confrontation during which Mr. Clark seemed to both threaten and coerce Mr. Rosen to send the letter. He first raised the prospect that Mr. Trump could fire Mr. Rosen, and then said that he would decline any offer to replace Mr. Rosen as acting attorney general if Mr. Rosen sent the letter. Mr. Clark also revealed during that meeting that he had secretly conducted a witness interview with someone in Georgia in connection with election fraud allegations that had already been disproved.
- The report raised fresh questions about what role Representative Scott Perry, Republican of Pennsylvania, played in the White House effort to pressure the Justice Department to help upend the election. Mr. Perry called Mr. Donoghue to pressure him into investigating debunked election fraud allegations that had been made in Pennsylvania, the report said, and he complained to Mr. Donoghue that the Justice Department was not doing enough to look into such claims. Mr. Clark, the report said, also told officials that he had participated in the White House’s efforts at Mr. Perry’s request, and that the lawmaker took him to a meeting at the Oval Office to discuss voter fraud. That meeting occurred at around the same time that Mr. Perry and members of the conservative House Freedom Caucus met at the White House to discuss the Jan. 6 certification of the election results.

- The report confirmed that Mr. Trump was the reason that Mr. Pak hastily left his role as U.S. attorney in Atlanta, an area that Mr. Trump wrongly told people he had won. Mr. Trump told top Justice Department officials that Mr. Pak was a never-Trumper, and he blamed Mr. Pak for the F.B.I.'s failure to find evidence of mass election fraud there. During the Jan. 3 fight in the Oval Office, Mr. Donoghue and others tried to convince Mr. Trump not to fire Mr. Pak, as he planned to resign in just a few days. But Mr. Trump made it clear to the officials that Mr. Pak was to leave the following day, leading Mr. Donoghue to phone him that evening and tell him he should pre-emptively resign. Mr. Trump also went outside the normal line of succession to push for a perceived loyalist, Bobby L. Christine, to run the Atlanta office. Mr. Christine had been the U.S. attorney in Savannah, and had donated to Mr. Trump's campaign.

The report is not the Senate Judiciary Committee's final word on the pressure campaign that was waged between Dec. 14, when Attorney General William P. Barr announced his resignation, and Jan. 6, when throngs of Mr. Trump's supporters fought to block certification of the election.

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The panel is still waiting for the National Archives to furnish documents, calendar appointments and communications involving the White House that concern efforts to subvert the election. It asked the National Archives, which stores correspondence and documents generated by previous presidential administrations, for the records this spring.

It is also waiting to see whether Mr. Clark will sit for an interview and help provide missing details about what was happening inside the White House during the Trump administration's final weeks. Additionally, the committee has asked the District of Columbia Bar, which licenses and disciplines attorneys, to open a disciplinary investigation into Mr. Clark based on its findings.

The report recommended that the Justice Department tighten procedures concerning when it can take certain overt steps in election-related fraud investigations. As attorney general, the report said, Mr. Barr weakened the department's decades-long strict policy of not taking investigative steps in fraud cases until after an election is certified, a measure that is meant to keep the fact of a federal investigation from impacting the election outcome.

## Trump's Bid to Subvert the Election

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**A monthslong campaign.** During his last days in office, President Donald J. Trump and his allies undertook an increasingly urgent effort to undermine the election results. That wide-ranging campaign included perpetuating false and thoroughly debunked claims of election fraud as well as pressing government officials for help.

**Baseless claims of voter fraud.** Although Mr. Trump's allegations of a stolen election have died in the courts and election officials of both parties from every state have said there is no evidence of fraud, Republicans across the country continued to spread conspiracy theories. Those include 147 House Republicans who voted against certifying the election.

**Intervention at the Justice Department.** Rebuffed by ranking Republicans and cabinet officials like Attorney General William P. Barr, who stepped down weeks before his tenure was to end, Mr. Trump sought other avenues to peddle his unfounded claims. In a bid to advance his personal agenda, Mr. Trump plotted to oust the acting attorney general and pressed top officials to declare that the election was corrupt. His chief of staff pushed the department to investigate an array of outlandish and unfounded conspiracy theories that held that Mr. Trump had been the victor.

**Pressuring state officials to 'find votes.'** As the president continued to refuse to concede the election, his most loyal backers proclaimed Jan. 6, when Congress convened to formalize Mr. Biden's electoral victory, as a day of reckoning. On that day, Mr. Trump delivered an incendiary speech to thousands of his supporters hours before a mob of loyalists violently stormed the Capitol.

The Senate panel found that Mr. Barr personally demanded that the department investigate voter fraud allegations, even if other authorities had looked into them and not found evidence of wrongdoing. These allegations included a claim by Rudolph W. Giuliani, the president's personal lawyer and a prime force behind the unfounded election fraud allegations, that he had a tape that showed Democratic poll workers kicking their Republican counterparts from a polling station and fraudulently adding votes for Joseph R. Biden Jr. into the count.

Mr. Pak testified that Mr. Barr asked him to look into that claim and directed the F.B.I. to interview a witness about the matter, even though the Georgia secretary of state had deemed the tape to be without merit.

On Dec. 1, just two weeks before saying he would step down, Mr. Barr said that the Justice Department had found no evidence of voter fraud widespread enough to change the fact that Mr. Biden had won the presidency.

The report underscored how Mr. Trump kept coming back to unsubstantiated accounts of election fraud and demanding that the Justice Department jump on them.

Soon after the completion of the Oval Office meeting on the night of Jan. 3, the committee's report said, Mr. Trump reached out to Mr. Donoghue, asking him to look into reports that the Department of Homeland Security had taken possession of a truck full of shredded ballots outside of Atlanta.

The report turned out to be false.

