



UNITED STATES VS. DONALD J. TRUMP

August 2023

On August 1, 2023, the Department of Justice (“DOJ”), through its Special Counsel Jack Smith, filed a 45-page, four-count indictment against former President Donald Trump in the United States District Court for the District of Columbia. This indictment alleged conspiracy to defraud the U.S., conspiracy to obstruct an official proceeding, obstruction of and attempt to obstruct an official proceeding, and conspiracy against rights. These charges stem from the 2020 presidential election and the certification of electoral votes that followed on January 6, 2021.

The Indictment

Through four separate counts, the DOJ alleges that Trump, inter alia, agreed with others to overturn the legitimate results of the 2020 presidential election by knowingly using false claims of election fraud to obstruct the federal government function by which those results are collected, counted, and certified.

COUNT 1

The DOJ accuses Trump of agreeing with co-conspirators to defraud the U.S. by using dishonesty, fraud, and deceit to impair obstruct and defeat the certification of the 2020 presidential election.

To support this count, the government cites

18 U.S.C. § 371

Conspiracy to commit offense or defraud the United States.

COUNT 2

The DOJ accuses Trump of conspiring with co-conspirators to corruptly obstruct and impede an official proceeding – the certification of the electoral vote.

To support this count, the government cites

18 U.S.C. § 1512(K)

Tampering with a witness, victim or informant.

COUNT 3

The DOJ accuses Trump of attempting to and succeeding in corruptly obstructing and impeding an official proceeding – the certification of the electoral vote.

To support this count, the government cites

18 U.S.C. § 1512(C)(2)

Tampering with a witness, victim, or an informant.

COUNT 4

The DOJ accuses Trump of agreeing with co-conspirators to injure, oppress, threaten, and intimidate one or more persons in the free exercise and enjoyment of the right to vote.

To support this count, the government cites

18 U.S.C. § 241

Conspiracy against rights.

The Stakes

What penalties could Trump be facing if found guilty?

Trump, if convicted, faces significant time in prison, a combined maximum of 35 years in prison on all charges.

<p>18 U.S.C. § 371</p> <p>Carries a Maximum Sentence of <u>5 Years</u></p>	<p>18 U.S.C. § 1512</p> <p>Carries a Maximum Sentence of <u>20 Years</u></p>	<p>18 U.S.C. § 241</p> <p>Carries a Maximum Sentence of <u>10 Years</u></p>
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The Presentation of this Indictment

How did the DOJ frame this indictment for the public?

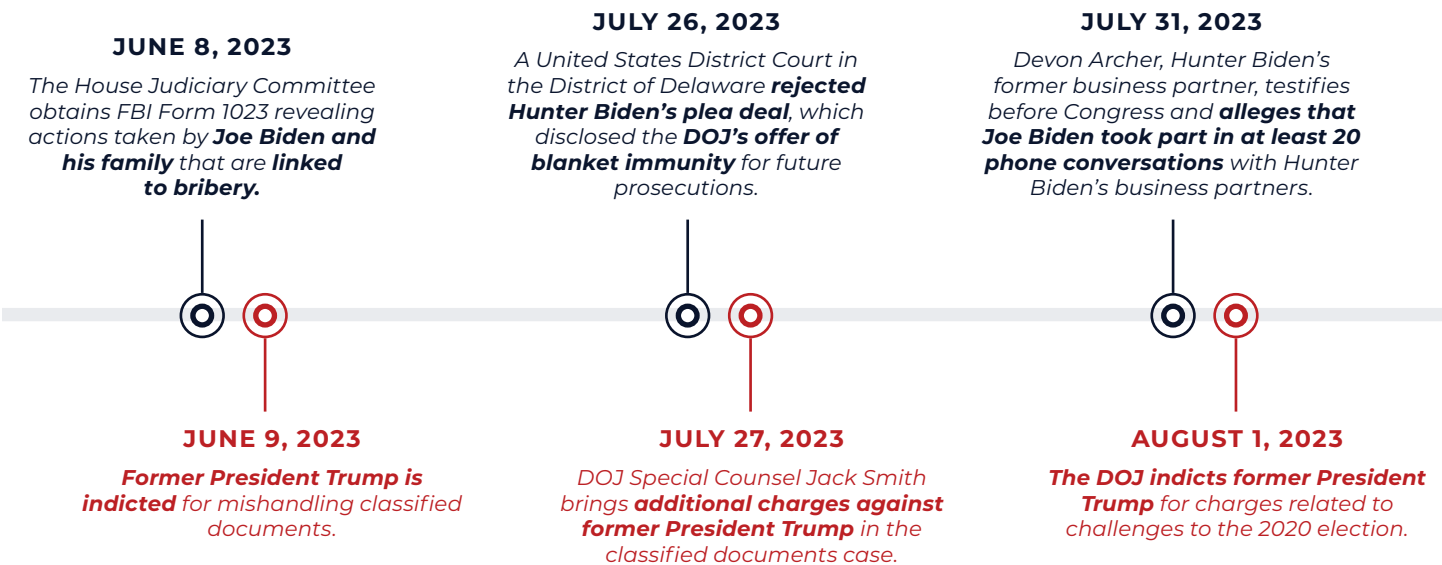
In his press conference, Jack Smith framed this indictment around the January 6 riot at the U.S. Capitol. He did so even though the charges are unrelated to the instances of violence and threats to life and property that the U.S. House Select Committee on the January 6 Attack investigated for two years.

What is missing from this indictment?

What is not included in this indictment speaks volumes. After Congress spent two years investigating Trump for inciting violence and encouraging an insurrection at the Capitol on January 6, Trump was not charged with insurrection, seditious conspiracy, or incitement.

The Timing of this Indictment

During the past two months, the government has announced indictments and additional charges against former President Trump just days after new revelations in the ongoing investigation into the Biden family’s business dealings. The timeline shown below shows the sequence of these events.



The Arguments Against the Charges

Former President Trump's legal team is expected to argue that he genuinely believed the election results were incorrect and that he did not use knowingly false information to engage in a conspiracy.

“Mr. Trump, absolutely, unconditionally believed that he won the election. He took steps to advocate for that position. And that's all protected speech.”

John Lauro

FORMER PRESIDENT TRUMP'S ATTORNEY

The Unprecedented Nature of this Indictment

- ★ **President Joe Biden is the first and only president to bring criminal charges against his opponent, the leading contender of the opposition party.**
- ★ **Former President Trump is the first and only president to be indicted by the DOJ.**

This indictment has been handed down despite similar or worse allegations of crimes involving former Secretary of State and presidential candidate Hillary R. Clinton and most recently alleged crimes of bribery, mishandling of classified documents, and influence peddling committed by the Biden family.