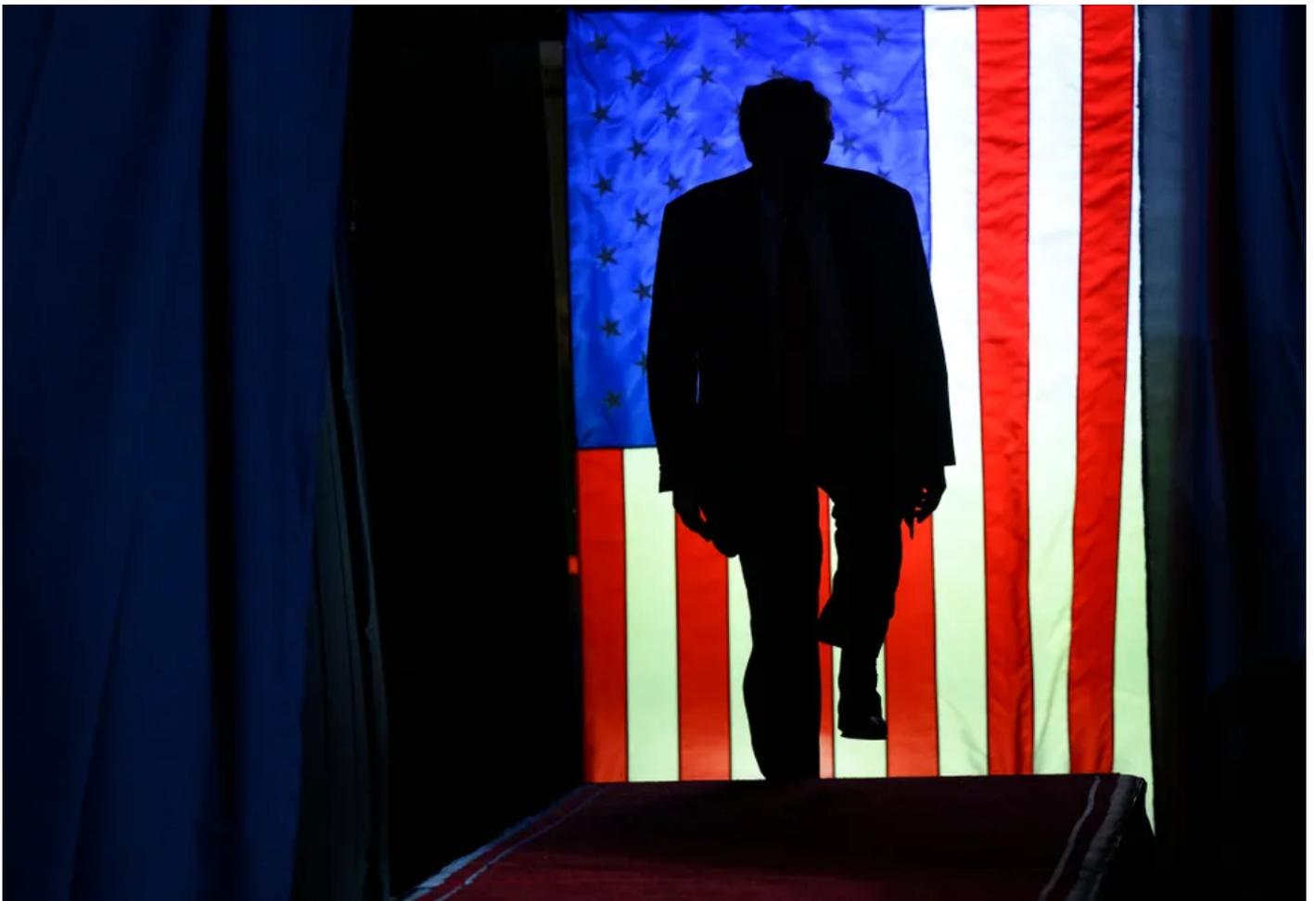


# MANY SENIOR REPUBLICANS ARE STILL RELUCTANT TO BREAK WITH TRUMP

*Since the filing of new charges against the ex-President, many G.O.P. politicians—including some of Trump's rivals in the primary—have already adopted his framing of the Justice Department's case.*

**By John Cassidy**

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The most recent indictment against Donald Trump doesn't seem to have changed the opinions of G.O.P. higher-ups or right-wing media figures. Photograph by Jeff Swensen / Getty



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s Donald Trump arrives in Washington, D.C., to be arraigned on criminal

**A** charges arising from his efforts to overturn the 2020 election, he has already scored a significant political victory. The indictment—Trump’s third—was handed down on Tuesday, charging the former President with conspiracy to obstruct an official proceeding, as well as conspiracy to defraud the United States and to violate the right to vote. Since then, much of the Republican leadership, some of Trump’s rivals in the G.O.P. primary, and many of the Party’s media backers have adopted his framing of the Justice Department’s case against him.

House Speaker Kevin McCarthy, the most powerful elected Republican in the country, was characteristically quick to disseminate the Trump line. In a post on the social-media site formerly known as Twitter, on Tuesday evening, McCarthy described the latest indictment as “an attempt to distract” from the recent news about President Joe Biden’s son Hunter, whose former business partner testified before a congressional committee on Monday. “House Republicans will continue to uncover the truth about Biden Inc. and the two-tiered system of justice,” McCarthy wrote.

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Governor Ron DeSantis, of Florida, who is still Trump’s leading rival in the G.O.P. primary, repeated a favorite talking point of Trump’s without directly mentioning his name. DeSantis, whom Trump has been beating like a punching bag all year, vowed to “end the weaponization of the federal government.” The biotech entrepreneur Vivek Ramaswamy, whom a RealClearPolitics average of G.O.P.-primary polls currently shows in third place, posted a social-media video accusing Democrats of using “Banana

Republic-like tactics to eliminate its political opponents.” Tim Scott, the South Carolina senator—who, until this juncture, has been promoting himself as a sensible conservative—also invoked Hunter Biden, saying, “What we see today are two different tracks of justice.”

Versions of this message have been blasted out by Fox News, Newsmax, and the rest of the right-wing-media ecosystem for the past thirty-six hours. A bit more surprisingly, perhaps, two conservative outlets that initially condemned Trump’s behavior after the 2020 election joined the attacks on the indictment brought against him. The editorial page of the *Wall Street Journal* said that the Justice Department’s decision to charge Trump with conspiracy to defraud the United States has “troubling implications far beyond the fate of Mr. Trump.” In an editorial headlined “The Trump Indictment Shouldn’t Stand,” *National Review* accused Jack Smith, the special counsel who announced the indictment, of “endeavoring to criminalize protected political speech and flimsy legal theories.”

Aside from a statement from the former New Jersey governor Chris Christie, whose entire Presidential campaign is based on taking down Trump, the one somewhat discordant note in this G.O.P. chorus came from Mike Pence, Trump’s former No. 2, who is also a candidate in the 2024 Presidential race. On Tuesday evening, Pence said in a statement, “Today’s indictment serves as an important reminder: anyone who puts himself over the Constitution should never be President of the United States.” On Wednesday, during a campaign stop in Indiana, Pence added, “Anyone who asks someone else to put themselves over the Constitution should never be President of the United States again.”

Pence’s remarks were particularly notable because he is the only Republican candidate, apart from Trump himself, who is likely to feature in a Trump trial. The special counsel’s charging document mentions the former Vice-President repeatedly, and it describes in detail how Trump, in the run-up to January 6, 2021, pressured Pence, in the latter’s role as the presiding officer of

the Senate, to refuse to certify the results of the 2020 election—requests that Pence rebuffed. The indictment also revealed that Pence kept notes of at least some of his interactions with Trump. This disclosure appears to raise the prospect of him appearing as a witness for the prosecution, and that would be something to behold even for the most jaded political observers.

In the meantime, Pence has been running a Presidential campaign that so far hasn't made much of an impression on the public. (In the RealClearPolitics poll average, he is currently in fourth place, at 4.4 per cent.) To attract attention and gee things up, he is now portraying himself as the man who saved American democracy from a figure whom he stood beside faithfully and self-abasingly for four years, only to discover that, *whodathunkit*, Trump didn't share his reverence for the Founding Fathers and their handiworks. "Irrespective of the indictment, I want the American people to know I had no right to overturn the election," Pence said, at his campaign stop in Indiana. "On that day, President Trump asked me to put him over the Constitution. But I chose the Constitution, and I always will."

These remarks appear to have irked the former President. On Wednesday afternoon, Trump mocked Pence in a post on the Web site Truth Social, writing, "I feel badly for Mike Pence, who is attracting no crowds, enthusiasm, or loyalty from people who, as a member of the Trump Administration, should be loving him."

Pence's comments weren't all damaging to Trump, however. He said he wished that the former President's fate had been "left to the American people," and added that Trump was "entitled to a presumption of innocence." Pence also handed his former boss what looked suspiciously like a get-out-of-jail-free card. He recounted how, as January 6, 2021, approached, he kept telling Trump that he didn't have the power to overturn the election. "I dismissed it out of hand," Pence said. "But, sadly, the President was surrounded by a group of crackpot lawyers that kept telling him what his itching ears wanted to hear."

At the inevitable trial, prosecutors will try to demonstrate that Trump knew perfectly well that he was acting corruptly when he claimed that the election had been stolen. The defense team will likely argue that their client genuinely believed what his crackpot lawyers were saying to him, rather than the attorneys in the White House counsel's office, who were strongly advising Trump to cease and desist. Claiming that you believed what Rudy Giuliani and Sidney Powell were telling you may not sound like the strongest of defenses. But, based on what we've seen in the past couple of days, Kevin McCarthy and Trump's other Republican lackeys will soon be out there parroting that message, too. ♦