

A Guardrail of Political Stability Is About to Be Tested



by Conrad Black

One of the two ultimate guardrails of stability in American politics is about to be tested. The burning question now is whether the Democrats will use the Department of Justice to try to defeat the resurgent force of [Donald Trump](#) with politically motivated indictments.

This was almost certainly the inspiration for the asinine and outrageous intrusion at the former president's home in Palm Beach. The controversy over that caper enabled President Joe Biden to cut his disapproval margin by approximately half to a deficit of only 10 percent. But Trump won a tactical success

in shunting the issue to a special master, which has quieted it down through to the election. Last week, a former U.S. prosecutor told MSNBC that she [expected Trump to be indicted](#) over his attempt to persuade then Vice President Mike Pence not to certify Electoral College results presented by some of the contested jurisdictions.

All litigation is a craps game; American federal prosecutors win 98 percent of their cases, 95 percent of those without a trial, because of the immense practical advantages that they have through the plea bargain system over even a very well-founded defense. And in any jury trial in the District of Columbia, it's effectively a criminal offense just to be a Republican, as the Democrats routinely carry over 90 percent of the vote in D.C. in presidential elections. Disgraced FBI Director James Comey chose to overlook Democratic presidential candidate Hillary Clinton's destruction of 33,000 subpoenaed emails ahead of the 2016 election—a possibly far more serious breach of the law than anything that could remotely be conjured from Trump's conduct.

But this argument that Trump criminally mishandled documents that he took with him when he departed as president is spurious, as is the nonsense that Trump himself committed any offenses on Jan. 6, 2021. Some of the militantly anti-Trump legal experts have torqued themselves up to cheerlead for a slam-dunk legal victory if they just indict the ex-president. This is bunk on the legal merits, and it would crash through one of the guardrails of the American political system, that prominent politicians and especially ex-presidents are not subjected to frivolous and vexatious, politically motivated indictments.

Such an initiative now would be the ultimate criminalization of electoral politics and would ring a fire bell that the entire constitutional system is in acute danger. The supreme crisis of the post-Reagan bipartisan and political establishment is almost at hand.

The other ultimate guardrail of political stability is that the judiciary won't entertain overturning the apparent result of a presidential election. This was demonstrated in the Bush–Gore election of 2000, and again in 2020, when at all levels the courts refused to judge the merits of the constitutional arguments in 19 lawsuits over voting and vote-counting changes effected in swing states and allegedly contravening the constitutional assignment of the obligation of fair presidential elections to the state legislatures, and that, in selected states, those elections weren't fair. (These suits are not to be compared to the wild goose chases of Rudolph Giuliani and Sidney Powell.)

The greatest nightmare of the post-Reagan bipartisan political establishment has returned. The Bushes, Clintons, Obamas, Biden, Romney, and Republican Senate leader Mitch McConnell all thought they had seen the last of their Trump nightmare after the 2020 election, and comforted themselves with the fact that the ogre couldn't return. Anti-Trump commentators scolded Republican officeholders for being too afraid of Trump voters—they had convinced themselves that Trump had become a melting electoral iceberg.

When Trump-supported candidates won almost all of the Republican primaries, the thought that Trump might be more than a freakish and evanescent apparition startled them out of their complacent torpor.

Trump's support isn't so fragile, and the assault of the Washington "swamp" isn't a passing aversion. He, almost alone, saw in 2016 the proportions of the disillusionment and anger of the lower half of American income earners, and he exploited this anger in sweeping almost all of the Republican primaries in all regions of the country, and winning an astounding upset victory in the general election.

He wrenched the Republican Party away from the proverbial country clubs and placed it like a great hen on top of

traditional Democratic fiefdoms of Hispanics and African Americans and generally disadvantaged voters, and made huge inroads in these areas by the application of vintage capitalism to poor districts—incentivizing investments there and cutting taxes.

Despite out-spending Trump 2-to-1 and having the often rabid support of 95 percent of the national political media, the Democrats had to have recourse to profound changes in voting and vote-counting rules—potentially millions of allegedly harvested ballots couldn't be verified as authentic, and a switch of fewer than 50,000 votes in three states would have flipped the Electoral College to Trump.

The almost totalitarian effort to stamp out any question about the 2020 result has failed. "Election deniers" are approximately half the country, and their numbers will grow when a Republican House of Representatives lifts the rock on some of the Democratic skullduggery. This will be the merit of the Durham Report—it has been a failure at judicial retribution, but it will be a horrifying embarrassment to the Democrats.

The most perceptive analysis of these matters in the past few days came from J.R. Dunn writing in the [American Thinker](#) on Oct. 5. He referred to what he considered a "slow, dull-witted, and utterly inept" effort by the bipartisan political establishment to stage the greatest American bloodless assassination since Watergate.

He cited a series of events showing the brutish lawlessness of Trump's frightened enemies: the raid at the former president's house, the doubling of the size of the IRS and the recruitment by it of gunmen "willing to use lethal force," and Biden's nonsensically histrionic speech at Independence Hall in Philadelphia, a few feet from where Benjamin Franklin allegedly said at the end of the Constitutional Convention in 1788 that Americans would have "a Republic, if you can keep

it.”

He also made the point that Florida Gov. Ron DeSantis’s reaction to the invasion of the former president’s house was inadequate. He could have ordered the state police not to cooperate with the FBI raid, and instead of condemning it, he blandly insinuated that it was excessive.

For all those who think that the OBushinton era and the ghastly Biden revival of it has failed and must be replaced by an administration that will uproot the Washington establishment as Andrew Jackson did in 1829, and will reorient the country in all major policy areas, Donald Trump is the only candidate.

Only he will lower taxes, close up the border again, end the sanctuary cities, eliminate unemployment through investment and tax incentives, and redefine legitimate national interests in the world in agreement with paid-up allies and supported by strongly motivated Armed Forces with a non-political senior officer corps and armed to the teeth with the most efficient weapons in the world.

If the Trump-backed Senate candidates win two of Georgia, Ohio, and Pennsylvania in three weeks, Trump is the almost certain Republican nominee. And a malicious and unjust [indictment](#) will ultimately assure his election as president. Even the unaccountable and over-armed U.S. prosecution service won’t get away with what the desperate Democrats are contemplating.

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