

By Every Legal Means Necessary

Every available legal means must be used to assure Trump is not pushed out of office improperly, and, if he has lost, that that result is the consequence of a fairly conducted and tabulated election.

by Conrad Black



The rising chorus of those demanding the finalization of Joe Biden's election victory or merely deluging the president with sanctimonious claptrap about "affirming the system" and being a gentleman and practitioner of fair play and good sportsmanship, ignores both the law and the underlying significance of the arguments.

It can scarcely be coincidental that in 44 states the election went off smoothly and in most of them almost all of the votes were counted effortlessly within about six hours of the

closing of the polls. There have been no allegations whatever of irregularities or skulduggery by Republican-governed states apart from Georgia.

The Democrats began a comprehensive assault on the electoral system several years ago in many states; they consecrated great resources to electing the secretaries of state who effectively administer federal elections within their states; they agitated and litigated in many states to change voting practices and to facilitate ballot harvesting through unsolicited mass mailings to the entirety of the voter rolls and the collection and delivery of ballots with increasingly dubious verification that they represent the will of the voters ostensibly casting them.

Many of these processes were challenged and proved unsuccessful. But the movement to alter the election process decisively in favor of those who could exploit mass mailings to the whole voters' lists, which inevitably include a great many people who have died or moved, was greatly strengthened by the onset of the coronavirus pandemic.

The public health crisis was seized upon as an excuse for a general move to mail-in voting. President Trump warned that this was an open door to massive electoral fraud but the media generally ignored this and the Democrats responded with another campaign of malicious falsehoods accusing the administration and, in particular, the postmaster general of engaging in "voter suppression" and reducing the effective right to vote of minorities.

Neither the Democrats nor the national political and social media organizations that made their campaign for them (in deference to the infirm and inarticulate candidate, Joe Biden), had any expectation of a close election. So out of touch were Democratic leaders with their former supporters in the working- and lower-middle classes, and so unreservedly did they drink their own bathwater as administered by their puppet

polling organizations, they assumed that the ability they had acquired to manipulate votes could be confined to the four democratically governed states of Michigan, Nevada, Pennsylvania, and Wisconsin, as well as Georgia. In a phrase borrowed from their effort to deny Trump election in 2016, this was "an insurance policy."

It is difficult to interpret the voting results from those states in any other light. The president led all of them on election night; most or all of the counting inexplicably stopped, and large ballot "drops" in the middle of the night miraculously delivered the states to Biden, with the further assistance of completely inadequate procedures for verification of authenticity and counting oversight by both parties.

The president alleged fraud from the beginning and the response from the beginning has been that he and those making the argument for him failed to produce convincing evidence. This is in some cases a genuine lack of familiarity with how civil lawsuits proceed: a statement of claim is made and the evidence is adduced later. In other cases, it is the predictable attempt of the media to discredit the Trump challenges in advance by heaping abuse on its credibility and relying upon all those NeverTrump Republicans who have been hiding under their beds for the past four years to come out and fatuously urge acceptance of the result, even if some aspects of it are suspect.

It is unfortunate that there appears to be some dissension amongst the president's counsel, as the formidable and battle-proven Sidney Powell, counsel for Lt. General Michael Flynn and a former prosecutor who has lifted the rock on the corruption of the entire plea-bargain system and of American criminal justice generally, has apparently had a falling out with Rudy Giuliani, the most prominent of the president's lawyers.

Powell said on Saturday that the coming lawsuit in Georgia would be "Biblical," and it was confirmed in a separate statement by Jordan Sekulow, another member of the president's legal team, that the lawsuit—when it comes—will be a shocking revelation of manipulation and vote-altering. There are strenuous allegations of programs for election-rigging built into the electronic vote counting equipment, and extravagant claims of financial connections to Venezuela and other Communist regimes.

There is room to criticize the tactics of Giuliani and Powell in opening up their case before what they called "the court of public opinion" before they had anything ready for a court of law, and getting their claim so far out ahead of any production of evidence invited skepticism about such extraordinary unsubstantiated charges.

Tactical suavity has never been one of the hallmarks of the Trump political phenomenon, and although he warned for months prior to the election of the dangers of unprecedented voting fraud by use of the mail, he and his party seem not to have been very well prepared for it. But the president's declared objective remains to assure that all legal votes are counted and that no illegal votes are counted, and although that becomes difficult when the anonymity of voting has been preserved by separating mailed ballots from anything that might be used to authenticate them, there remain enough questions about the sudden arrival of lopsided bulk votes for Biden and the lack of bipartisan oversight of counting to justify and require meticulous review.

If the operation of the system on the tight deadlines imposed by the Constitution, as well as the evident reluctance of U.S. Chief Justice John Roberts to touch a case that could determine the outcome of the presidential election preclude any remedy, Republicans will have to remember that the authority resides with the state legislatures to send delegates to the Electoral College.

It is possible, based on all we know now, that the president's counsel, whether the estimable Sidney Powell is among them or not, will not be able to raise a case that gets to the Supreme Court in time. It is possible that for all the fanfare and the herniating masses of affidavits, there will not be a case that rises above the traditional occurrence of voting irregularities and appears not to disturb the result of the election.

But if profound doubts are raised about the validity of the apparent election result, and there is not adequate access to the courts to address them, Republican state legislators should be ready to act where possible to prevent injustice by their choice of Electoral College members.

Any such suggestion clashes violently with American civic traditions. But for the single apparent reason that he has assaulted the functioning of the almost permanent federal state and the elected representatives in both parties who protect it, President Trump has been unprecedentedly and often illegally harassed and obstructed since even before he was elected. If it is now attempted to remove him illegally from the presidency, every constitutional means, including the explicit right of state legislators to determine the identity of those who vote in the Electoral College, should be applied to maintain the Constitution.

Special counsel John Durham has dragged his feet unconscionably in not producing a timely analysis of the shady origins of the Trump-Russia collusion fraud. Durham followed upon John Huber, whom former Attorney General Jeff Sessions claimed was investigating the same subject, but he didn't do anything. There is a disconcerting pattern of endless illegal harassments and obstructions of President Trump and every available legal means must be used to assure that he is not pushed out of office improperly, and by the same measure, if he has lost the election, that that result is the consequence of a fairly conducted and tabulated election.

First published in