

What Will Happen If Trump Goes To Trial for the January 6 Charges?



by Conrad Black

Each week I resolve to try to write about some subject that does not include a reference to President Trump, but on most weeks some subject involving him is the most newsworthy story in the world. The indictment of him and others over the intrusion on January 6, 2021 at the U.S. Capitol exposes several new perspectives. It was no surprise, as it had been telegraphed months in advance.

The Democratic political strategists must have inspired themselves with Russian army tactics in mobilizing many weeks in advance ten divisions on the Ukrainian border under the

direct gaze of NATO aerial reconnaissance which was shared with the whole world: Democratic strategists had been announcing a quadruple indictment of the former president by their drone-like marionettes in the Justice Department for a long time.

What was surprising was the vacuous legal argument, yet it was received as plausible by some people who should have known better. The former attorney general, William Barr, a man capable of profound reflection on the law and justice, and Vice President Pence, who never would have been heard of outside of Indiana were it not for Mr. Trump, have disclosed themselves as stage-four sufferers of inoperable Trumpophobia.

Both are diminished as serious national political figures. Even anti-Trump legal scholars see this indictment as a completely improper assault on the former president's constitutionally guaranteed freedom of expression. Where Mr. Barr acknowledges that but says that Mr. Trump's rights do not include the right to participate in a conspiracy, he unfortunately doesn't notice that the accusation is not as he describes.

No real crime is alleged, and what is alleged, that Mr. Trump knowingly made false allegations that he had been unlawfully deprived of victory in the 2020 election, is not only false because he sincerely believed that that had happened; it is also false because it probably did happen.

The secret that dare not speak its name and has only really been uttered by Mr. Trump and his unindicted apparent [co-defendant](#), the distinguished constitutional scholar John Eastman of Stanford University, is that voting and vote-counting changes effected in the swing states other than, as the Constitution requires, by the state legislatures, permitted the use of many millions of unverifiable harvested ballots.

Such ballots were not cast by the people who allegedly filled them in, in an election where if 50,000 votes flipped in Pennsylvania and two other states, Mr. Trump would have won the election. (The courts, at all levels, declined to hear and judge the merits of the 19 lawsuits brought on these issues.)

If this ever gets to a trial, counsel for the former president has already promised that the legality of the election result will be re-litigated with compelled testimony from many officials summoned under criminal subpoenas. This will not be Mayor Giuliani's itinerant carnival, which Mr. Trump's enemies have represented as the totality of his legal challenge to the 2020 election.

I don't want to overstretch my knowledge of American criminal procedure, but the original indictment at New York should be struck down as ineligible for trial on appeal to a serious court, and this latest surreal perversion of the political process should not get through pretrial motions unscathed. It should be possible using normal dilatory procedures and appealing motion decisions where necessary to higher courts, to avoid trying any of these cases prior to the election.

That will give the voters plenty of time to reflect upon the almost complete moral bankruptcy of Mr. Trump's enemies. If all previous articles of impeachment against American presidents: Andrew Johnson in 1868, Richard Nixon in 1974,* William J. Clinton in 1998, and Mr. Trump in 2019 and 2021 are read in a frame of mind that is not febrile with cant and emotionalism, they are all nonsense. Yet they are monuments of sophisticated and condign jurisprudence compared with the insolently unfounded indictments of President Trump.

There was only one presidential impeachment in the first 209 years of American constitutional history and no indictments of an American president, and there have been three spurious impeachments in 33 years, and three indictments of the ex-president and leader of the opposition, this year. We must be

reaching a climax.

The burning question to be resolved is whether the majority will conclude that the chaos that accompanies Donald Trump is unbearable, regardless of the rights and wrongs of the endless arguments that he arouses, or whether enough people who don't particularly like Trump but are not pathological, primal-scream Trump-haters, will hold their noses and join the approximately 40 percent of voters who are rock-solid Trump supporters, because their alarm and fear of the politicized corruption of the American Constitutional system is greater than their aversion to Mr. Trump.

Those who hate Trump detested the vulgar and braggartly huckster of his pre-presidential career; all but those who suffer glottal stops and foam at the mouth when his name is mentioned acknowledge that he was a competent president in circumstances made unprecedentedly difficult by his enemies. The person the Democratic Party elders retrieved from among the worn-out Democratic plow horses where the primary voters had left President Biden in 2020, has not only proved to be mentally not competent to execute the office and the figurehead for the Sanders socialist and woke agenda that has been catastrophic, he is also emerging as an unctuous and sticky-fingered hypocrite who apparently has been conducting an intercontinental influence-peddling operation at great profit to his family and himself for decades.

Until recently, I felt that if the Bidens could get foreigners to pay a lot of money for access to Mr. Biden there was nothing wrong with that, as long as official American policy was not altered in consideration of it. I have no standing to judge whether foreign agent rules were violated, or applicable tax was paid.

The recent public disclosures by the Ukrainian prosecutor whom Mr. Biden [boasted](#) of having caused to be fired, Victor Shokin, are now available to the world on the Internet. Mr. Shokin

states clearly that he was not investigating the Bidens, he was investigating Burisma, the gas company where Hunter Biden was a director, but that the intervention of the Bidens caused that investigation to be terminated and him to be dismissed as the chief prosecutor of Ukraine, and that this was an explicit *quid pro quo* for the United States delivering the aid it had promised to Ukraine.

The incumbent American president certainly deserves the presumption of innocence that he and his followers so ferociously withhold from his predecessor, despite an acute comparative scarcity of evidence. If Mr. Shokin is speaking the truth, though, there are grounds for removing Mr. Biden from office for manipulating foreign aid in exchange for an outright bribe. The House judiciary committee must request and facilitate evidence from Victor Shokin.

It is not conceivable to me that the Democrats could renominate Mr. Biden, but they don't want to push him out before the end of his term either, as a President Harris would be political suicide. They may carry Mr. Biden to the goal line, but they will not be able to disguise the enormity of what they have done: from the partisan degradation of the intelligence agencies, the FBI, and Justice itself in 2016 and since, to the sleaziness of the Bidens, it is a picture that makes Donald Trump the comparable candidate of virtue.

He is a much less abrasive and unfeasible political leader than he was four or five years ago. In the valley of the thieves and scoundrels, the reformed and persecuted huckster has an unsuspected capacity for moral leadership.

* Issued by the Judiciary Committee of the House but not adopted by the full chamber.

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