

## A Clown Coup That Deserves Serious Punishment

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January 4, 2021

Donald Trump spent more than an hour on Saturday deploying a mixture of wheedling and threats in a phone call to get officials in Georgia to change the results of the election in that state, where he had lost to Joe Biden. *The Washington Post* released an audio of the conversation, which included fellow Republican Brad Raffensperger, Georgia's secretary of state.

"All I want to do is this," Trump told Raffensperger. "I just want to find 11,780 votes, which is one more than we have. Because we won the state." Trump went on to tell the Georgian officials who were on the call with Raffensperger, "So what are we going to do here, folks? I only need 11,000 votes. Fellas, I need 11,000 votes. Give me a break."

The entire phone call provides further evidence of the degradation and lawlessness of Trump's final days in office. Trump is acting as the strongman that his political opponents have long feared (and some of his political supporters have hoped for). But he's doing so in a way that offers no real chance of success, so his performance is pathetic as well as criminal.

Listening to the whole phone call, what is most striking is that Trump has totally immersed himself in arcane conspiracy theories about election fraud, complete with tall tales about votes cast by dead people, rigged machines, and elaborate ballot stuffing. Early on in the call, Trump refers to "suitcases" or "trunks" stuffed with votes. Raffensperger calmly but authoritatively shoots down these fantasies.

Trump's clear refusal to accept defeat is alarming even some Republicans. On Sunday, *The Washington Post* published an opinion piece from all 10 living former secretaries of defense—including two who served under Trump—urging that the election result be accepted and rejecting any role for the military in the transfer of power. "Efforts to involve the U.S. armed forces in resolving election disputes would take us into dangerous, unlawful and unconstitutional territory," they argue. "Civilian and military officials who direct or carry out such measures would be accountable, including potentially facing criminal penalties, for the grave consequences of their actions on our republic."

As the *Post* notes, "The article was published as some Republicans plan to take the controversial step of contesting the electoral college vote certification on Wednesday, even after the president's repeated attempts to challenge election results in court have failed. It also comes as concerns persist that Trump might seek to use the military to keep himself in office, despite his electoral loss." The letter was organized by two Republicans, Eric Edelman, a former defense official, and Dick Cheney, the former vice president.

It's notable that to date, Republicans, even some as far on the right as Cheney, have taken the lead in voicing opposition to the coup attempt. The debate about Trump's coup has been largely an inter-Republican affair, dividing the GOP as 140 members of Congress and at least 12 senators have said they will contest the election results. Conversely, a smattering of Republican leaders, notably Mitt Romney and Pat Toomey in the Senate, have been the most vocal figures decrying Trump's refusal to accept defeat.

The incoming Biden administration has generally remained muted in response to Trump's provocations, seemingly working on the theory that Trump's coup is doomed to be thwarted by institutional checks, so voicing opposition would only turn these restraints into a partisan matter.

But Trump's Georgia phone call was so brazen that it elicited an unusually blunt statement from Vice President-elect Kamala Harris, who called it a "baldfaced, bold abuse of power by the president of the United States."

Harris's comments reflect the gravity of Trump's offense. Speaking on CNN, Carl Bernstein suggested that the call was evidence of a crime worse than the story that made his name, Watergate. "I don't think it's déjà vu because this is far worse than what occurred in the Nixon presidency," Bernstein suggested. "What we are listening to here is the president proposing a conspiracy to steal the election."

In a similar vein, Democratic Representative Seth Moulton wrote, "This is a crime, plain and simple. If a small-town mayor did this, the FBI would make an arrest for corruption. The president should not be treated any differently." Speaking to *Bloomberg News*, Representative Alexandria Ocasio-Cortez said, "I absolutely think it's an impeachable offense and if it was up to me, there would be articles on the floor, quite quickly."

Trump's farcical coup attempt should be treated with neither alarm nor complacency. Rather, it calls for a resolute rejection, based on the principle that it's wrong for public officials to attempt a crime even if they don't stand a chance of pulling it off. As Cato Institute Senior Fellow Julian Sanchez observes, "If the worst consequence for trying to corruptly seize power after losing an election is that it doesn't work, we're essentially saying you should always try." Radley Balko of *The Washington Post* suggested a range of punishments: "Impeach. Prosecute. At the very least, censure him. The president threatened a state election official with criminal charges unless he manufactured votes to throw an election. The only consequence for that cannot merely be that the state election official said 'no.'"

The possibility of criminal investigation will have to wait till after Joe Biden is inaugurated. Eric Holder, attorney general under Barack Obama, suggested on Twitter that Trump might be in violation of laws on election fraud.

Sanchez and Balko are right in noting that there has to be some punishment. Congressional Democrats might be gun-shy about another impeachment. But Trump's actions certainly merit impeachment or at least censure. The political advantage of either impeachment or censure is that it would serve to divide the Republican Party and unite the Democrats.

There is a widening gap between Republicans who have hitched their future to Trump (such as Ted Cruz) and those who want to leave the Trump era behind (like Toomey). Increasing the tension between these two GOP factions is smart politics.

Trump is diminishing in political power with every passing day and there is no need to make unrealistic claims about his ability to overturn the election. Still, attempted crimes by a president require retribution. Even if he's only an irritant, Trump deserves to be swatted down.