

The Real Threats to Our Democracy

by Conrad Black



2020 election audit in Arizona

In the *Wall Street Journal* of June 10, Peggy Noonan [captured](#) the kernel of the crisis of national division that afflicts America: Donald Trump and opposed perceptions of last year's presidential election. Equitable person though Noonan is, she qualifies as a Trump-hater, whose invective against Trump has only escalated over time.

Noonan's premise today is that any question about the 2020 presidential election is unfounded conspiracism, but that suspicion is growing, spread by "the Trump underworld—the operatives, grifters, and media figures around him . . .

This lessens our faith in our systems . . . it leaves the GOP with an untreated cancer." She holds that "QAnon is important" in propagating this fraud. She thinks that anyone who wasn't appalled by the storming of the Capitol on January

6 has given up on democracy. Lingering concern about the fairness of the result is in itself an assault upon democracy. "The breaching of the Capitol happened because of a conspiracy theory: that the election was actually won by Mr. Trump but stolen from him by bad people."

She makes no allowance for exactly the opposite view: that there is *ample evidence* that Trump was sandbagged in rigged voting and vote-counting in only six states, stonewalled by the courts, and defamed by a unanimous national political media: the courts couldn't face overturning the election, and the media can't accept the idea that it was a tainted election. I agree with her that "the only thing that can stop" (the cancer that supposedly afflicts the GOP, even if it is in fact benign righteousness) "is true facts independently developed and presented with respect and receipts."

This is correct but the analysis of the causes of the current dangerous division in the country's political life must start—not with the invasion of the Capitol, which has already been investigated and yields nothing damaging to Trump—but with a serious analysis of the election results in six states: Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin. The election went off without a hint of a problem in 44 states. In the six states named there were changes to voting and vote-counting rules adopted supposedly to respond to the difficulties imposed by the pandemic and often in constitutionally questionable ways.

In addition to a large number of specific complaints by individual voters about the treatment of their own votes, there were 18 direct challenges to the constitutionality and integrity of the electoral process in those six states plus the case of the attorney general of Texas supported by 18 other states accusing the swing states of violating their constitutional pledge to assure fair presidential elections on such a scale that the result of the election was tainted. The judicial system declined to hear any of these cases for

process reasons. It simply won't do for the Noonan-unanimous media stonewall to say that Trump's complaints were just sour grapes, examined and dismissed by impartial justice. Peggy Noonan knows better than I do about hundreds of thousands of votes arriving with lopsided Biden majorities in the middle of the night at Mark Zuckerberg's drop boxes in Pennsylvania that were then immediately mixed with other ballots with no possibility of verification.

She knows that the [*Boland v. Raffensperger*](#) case over why the ballot rejection rate dropped in Georgia by 90 percent from 2018 wasn't judged but was rejected because the party sued arguing that the Georgia Secretary of State was "an improper party." The corresponding case in Michigan, [*Donald J. Trump For President Inc. v. Benson*](#), alleging violations of state law by the failure to allow access by observers was not heard because it was only filed at 4 p.m. on November 4.

All America saw the videos of vote counters clapping as Republican observers were evicted and plywood was placed over the windows. The judge ruled Michigan's secretary of state had no responsibility for monitoring drop boxes despite a recently adopted law requiring such surveillance. In Pennsylvania, [*Metcalf v. Wolf*](#) alleged that anywhere from 144,000 to 288,000 completed mailed-in or absentee ballots may have been illegal based on testimony from a U.S. Postal Service contractor. The judge declined to hear the case because such a request was required to be filed within 20 days of the alleged violation (although, in fact, it appears to have made that deadline).

In Wisconsin, [*Trump v. Evers*](#) alleged extensive violations of state election laws including the issuance of a large number of absentee ballots without written applications, unauthorized filling-in of ballots by municipal clerks, lack of verification of the authenticity of large numbers of absentee ballots. Yet the Wisconsin Supreme Court in a divided decision found that the suit had to begin at the lowest course and

proceed upwards, a material impossibility in the short deadlines allowed.

These cases are illustrative and there are comparable complaints that the judiciary at every level declined to hear what were apparently responsibly launched cases that, if upheld, certainly would have delivered the Electoral College victory to the incumbent president. Trump bears considerable blame for warning accurately of the dangers of ballot harvesting and other unfair and illegal practices and neither having forces on the ground to challenge them as they occurred nor a legal team competent to deal with such serious matters promptly and credibly. And he should never have suggested that he won the popular vote since that is nonsense.

The "1/6 incident," as Noonan calls it to make it seem like 9/11, is a sideshow. The president and his followers were rightly annoyed; he urged them to demonstrate peacefully and they did, and a few hundred nasty almost apolitical hooligans got into the Capitol because House Speaker Nancy Pelosi (D-Calif.) and Washington Mayor Muriel Bowser ignored pleas for reinforcements from the Capitol police chief in the days before January 6.

The 2020 presidential election is the most questionable in the history of the country except for 1876, when the plaintiff candidate, Samuel J. Tilden, accepted the result in exchange for a number of measures that would be taken by his opponent, Rutherford B. Hayes. That agreement was honored.

In this case, Trump has been denounced as a crook and a lunatic, and this failure to consider the election seriously has been exacerbated by the abdication of the judiciary from its constitutional position as coequal branch of government with the legislative and the executive.

Instead of dismissing the entire Trump phenomenon and his 75 million voters as "operatives and grifters"—a variant on the

“basket of deplorables” theory of Hillary Clinton—and election concerns that are extremely well-founded in publicly available legal arguments launched by responsible citizens, as the madness of QAnon, Noonan should await the election audit now finishing in Arizona and pending in several other states. All of these audits are being conducted with complete impartiality and all findings will be based on solid accompanying evidence—precisely the criteria Noonan extolls for “1/6,” which is in no need of further inquiry.

The real problem here is not that the Trump campaign is needlessly causing trouble with wild allegations that already have been authoritatively rejected. The problem is that grave questions about the fairness of the election have been uniformly denounced by the media of almost totalitarian partisanship as absurd and the courts uniformly refused to adjudicate the real issues.

The wonder is that the crisis in the country is as peaceful as it is, given that scores of millions of sensible people have grave doubts about the election. The secret of the revival of democracy in America is not to extirpate Trump by hanging the “1/6 insurrection” nonsense on him as Peggy Noonan proposes. It is to examine the serious concerns about the election, not whitewash them and impute complaints to the madness or criminality of a clique of thugs which supposedly cocoons the former president.

If these election audits in progress or pending uphold the election result, Trump will accept the result and the crisis will evaporate. If they reveal that this administration was improperly and illegally elected, then either the Supreme Court will have to determine the consequences or the candidates will, as in 1876, reach an agreement. Otherwise, it will all boil along to the next election, like the so-called “corrupt bargain” against Andrew Jackson by John Quincy Adams and Henry Clay, 1824-1828. The crisis will de-escalate eventually.

A very large number of Trump's 75 million supporters are intelligent and serious people who are just as concerned about democracy as Peggy Noonan, but for the opposite, and much more plausible reason.

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