

CAMPAIGN '24

## Is the Electoral Fix Already In?

The 2024 presidential race increasingly looks like it will be decided by lawyers, not voters, as Democrats unveil plans for America's first lawfare election

MATT TAIBBI

JAN 26, 2024

❤️ 1,488

💬 508

Share



The fix is in. To “protect democracy,” democracy is already being canceled. We just haven’t admitted the implications of this to ourselves yet.

On Sunday, January 14th, NBC News ran an eye-catching story: [“Fears grow that Trump will use the military in ‘dictatorial ways’ if he returns to the White House.”](#) It described “a loose-knit network of public interest groups and lawmakers” that is “quietly” making plans to “foil any efforts to expand presidential power” on the part of Donald Trump.

The piece quoted an array of former high-ranking officials, all insisting Trump will misuse the Department of Defense to execute civilian political aims. Since Joe Biden’s team [“leaked” a strategy memo](#) in late December listing “Trump is an existential threat to democracy” as Campaign 2024’s central talking point, surrogates have worked overtime to insert *existential* or *democracy* in quotes. This was no different:

“We’re about 30 seconds away from the Armageddon clock when it comes to democracy,” said Bill Clinton’s Secretary of Defense, William Cohen, adding that Trump is “a clear and present danger to our democracy.” Skye Perryman of [Democracy Forward](#), one of the advocacy groups organizing the “loose” coalition, said, “We believe this is an existential moment for American

democracy.” Declared former CIA and defense chief Leon Panetta: “Like any good dictator, he’s going to try to use the military to basically perform his will.”

Former Acting Assistant Attorney General for National Security at the U.S. Department of Justice and current [visiting Georgetown law professor Mary McCord](#) was one of the few coalition participants quoted by name. She said:

*We’re already starting to put together a team to think through the most damaging types of things that he [Trump] might do so that we’re ready to bring lawsuits if we have to.*

The group was formed by at least two organizations that have been hyperactive in filing lawsuits against Trump and Trump-related figures over the years: the aforementioned [Democracy Forward](#), [chaired](#) by former Perkins Coie and Hillary Clinton campaign attorney Marc Elias, and [Protect Democracy](#), a ubiquitous non-profit run by a phalanx of former Obama administration lawyers like Ian Bassin, and funded at least in part [by LinkedIn magnate Reid Hoffman](#).

The article implied a future Trump presidency will necessitate new forms of external control over the military. It cited Connecticut Senator Richard Blumenthal’s bill to “clarify” the [Insurrection Act](#), a 1792 law that empowers the president to deploy the military to quell domestic rebellion. Blumenthal’s act would add a requirement that Congress or courts ratify presidential decisions to deploy the military at home, seeking essentially to attach a congressional breathalyzer to the presidential steering wheel.

NBC’s quotes from former high-ranking defense and intelligence officials about possible preemptive mutiny were interesting on their own. However, the really striking twist was that we’d read the story before.



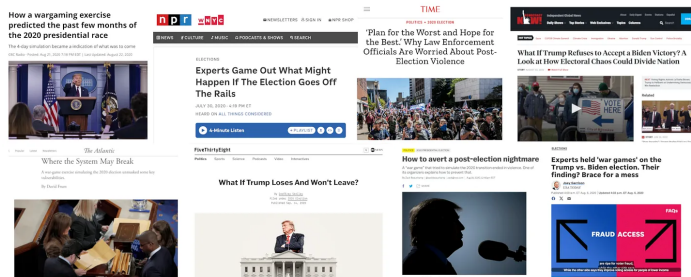
Discover more from

Regular news and features by investigative reporter

Over 394,000

Continue reading

Sign up



Summer, 2020. The TIP media blitz.

For over a year, the Biden administration and its surrogates have dropped hint after hint that the plan for winning in 2024 — against Donald Trump or anyone else — might involve something other than voting. Lawsuits in multiple states have been [filed](#) to remove Trump from the ballot; primaries have been [canceled](#) or [invalidated](#); an ominous *Washington Post* [editorial](#) by Robert Kagan, husband to senior State official Victoria Nuland, read like an APB to assassins to head off an “inevitable” Trump dictatorship; and on January 11th of this year, leaders of a third party group called “No Labels” sent an amazing [letter](#) to the Department of Justice, complaining of a “conspiracy” to stop alternative votes.

Authored by former NAACP director Ben Chavis, former Connecticut Senator Joe Lieberman, former Director of National Intelligence Dennis Blair, former North Carolina Governor Pat McCrory, and former Assistant U.S. Attorney and Iran-Contra Special Counsel Dan Webb, the

No Labels letter described a meeting of multiple advocacy groups aligned with the Democratic party. In the 80-minute confab, audio of which was [obtained by Semafor](#), a dire warning was issued to anyone considering a third-party run:

*Through every channel we have, to their donors, their friends, the press, everyone — everyone — should send the message: **If you have one fingernail clipping of a skeleton in your closet, we will find it...** If you think you were vetted when you ran for governor, you're insane. That was nothing. **We are going to come at you with every gun we can possibly find.** We did not do that with Jill Stein or Gary Johnson, we should have, and we will not make that mistake again.*

The *Semafor* piece offered a rare glimpse into the Zoom-politics culture that's dominated Washington since the arrival of Covid-19. If this is how Beltway insiders talk about how to keep Joe Lieberman or Ben Chavis out of politics, imagine what they say about Trump?

We don't have to imagine. Three and a half years ago, in June and July of 2020, an almost exactly similar series of features to the recent NBC story began appearing in media, describing another “[loose network](#)” of “bipartisan officials,” also meeting “[quietly](#)” to war-game scenarios in case “[Trump loses and insists he won](#),” as the *Washington Post* put it.

That group, which called itself the Transition Integrity Project (TIP), involved roughly 100 former officials, think-tankers, and journalists who gathered to “wargame” contested election scenarios. The “loose” network included big names like former Michigan governor and current Energy Secretary Jennifer Granholm, and former Hillary Clinton campaign chief John Podesta, who in his current role as special advisor to President Joe Biden [overseeing the handout of roughly \\$370 billion in “clean energy” investments](#) is one of the most powerful people in Washington.

The TIP was hyped like the rollout of a blockbuster horror flick: *In a second Trump Term, No One Will Hear You Scream...* Stories in [NPR](#), the [Financial Times](#), [The Atlantic](#), [The Washington Post](#) and over a dozen other major outlets outlined apocalyptic predictions about Trump's unwillingness to leave office, and how this would likely result in mass unrest, even bloodshed. A typical quote was from TIP co-founder, Georgetown law professor, and former Pentagon official Rosa Brooks, who told [the Boston Globe](#) that every one of the group's simulations ended in chaos and violence, because “the law is... almost helpless against a president who's willing to ignore it.”

Podesta played Joe Biden in one TIP simulation, and in one round refused to accede to a “clear Trump win,” threatening instead to seize a bloc of West Coast states including California (absurdly dubbed “Cascadia”) and secede. Podesta's “frankly ridiculous move,” as one TIP participant described it, was so over the top that a player leaked it to media writer Ben Smith of the *New York Times*.

The latter in *Timesian* fashion stuck the seeming front-page tale near the bottom of an otherwise breezy August 2nd story titled, called “[How The Media Could Get the Election Story Wrong](#)”:

*A group of former top government officials called the Transition Integrity Project actually [gamed](#) four possible scenarios, including one that doesn't look that different from 2016: a big popular win for Mr. Biden, and a narrow electoral defeat... They cast John Podesta, who was Hillary Clinton's campaign chairman, in the role of Mr. Biden. They expected him, when the votes came in, to concede...*

*But Mr. Podesta... shocked the organizers... he persuaded the governors of Wisconsin and Michigan to send pro-Biden electors to the Electoral College. In that scenario, California, Oregon, and Washington then threatened to secede from the United States if Mr. Trump took office...*

News that Hillary Clinton's former campaign chief rejected a legal election result, even in a hypothetical simulation, was obvious catnip to conservative media, which took about ten minutes to repackage Smith's story using the same alarmist headline format marking earlier TIP write-ups. *Breitbart* published "[Democrats' 'War Game' for Election Includes West Coast Secession, Possible Civil War](#)," and a cascade of further red-state freakouts seemed inevitable.

"At that point," says Nils Gilman, COO and EVP of Programs at the Berggruen Institute think tank, who served alongside Brooks as TIP's other co-founder, "we decided we needed to be out about having run this exercise, to prevent the allegation that this was a 'shadowy cabal' — not that that narrative didn't take hold anyways."

The final TIP report was released the next day, August 3rd, 2020. Titled "[Preventing a Disrupted Presidential Election and Transition](#)," the full text was, as any person attempting an objective read will grasp, sensational.

The Podesta episode was worse than reported, with the secession proposal coming on "advice from President Obama," used as leverage to a) secure statehood for Washington, DC and Puerto Rico b) divide California into five states to increase its Senate representation, and c) "eliminate the Electoral College," among other things. TIP authors also warned Trump's behavior could "push other actors, including, potentially, some in the Democratic Party, to similarly engage in practices that depart from traditional rule of law norms, out of *perceived self-defense*."

More tellingly, there were multiple passages on the subject of abiding by and/or trusting in the law, and how this can be a weakness. TIP authors concluded that "as an incumbent unbounded by norms, President Trump has a huge advantage" in the upcoming election, and chided participants that "planners need to take seriously the notion that this may well be a street fight, not a legal battle." They added the key observation that "a reliance on elites observing norms are [sic] not the answer here."

Asked about that passage, Gilman replied that it was "the right question," i.e. "Why can't we just rely on elites to observe/enforce norms?" Noting that two-thirds of the GOP caucus [voted not to certify the 2020 election](#), he went on: "If I had had total confidence in the solidity of the institutions, I wouldn't have felt the need to run the exercises."

This answer makes some sense in the abstract, but ignores the years-long campaign of norm-breaking in the other direction leading up to the TIP simulation. In the eight-plus years since Donald Trump entered the national political scene, we've seen the same cast of characters appear and reappear in dirty tricks schemes, many of which began before he was even elected (more on that below). The last time we encountered this "loose-knit group" story, the usual suspects were all there, and the public by lucky accident of the Smith leak gained detailed access to Democratic Party thinking about how to steal an election — if necessary, of course, to "protect the democratic process."

That incident acquires new significance now in light not only of this NBC story, but also the dismal 2024 [poll numbers](#) for Biden, a host of unusually [candid calls](#) for preemptive action to prevent Trump from taking office, the bold efforts to remove Trump from the ballot in states like

Colorado and Maine, and those lesser-publicized, but equally important campaigns to [keep third party challengers like No Labels or Robert F. Kennedy from gaining ballot access](#) in key states.

The grim reality of Campaign 2024 is that both sides appear convinced the other will violate “norms” first, with Democrats in particular seeming to believe extreme advance action is needed to head off a Trump dictatorship. Such elevated levels of paranoia virtually guarantee that someone is going to cheat before Election Day in November, at which point the court of public opinion will come into play. The key question will be, who abandoned democracy first?

The TIP report provided an answer. It contained long lists of theoretical Trump abuses that sounded suspiciously more like the extralegal maneuvers already deployed against Trump dating back to mid-2016, particularly during the failed effort to prosecute him for collusion with Russia. Interpreted by some as a literal plan to overturn a legal Trump victory, its greater significance was as a historical document, since it read like a year-by-year synopsis of all the home team rule-breaking. In other words, the TIP read like a Team Clinton playbook, only with hero and villain reversed.

Bearing in mind that many of the people involved were also Russiagate actors, here’s a abbreviated list of abuses the TIP authors supposedly feared *Trump* would commit:

***“The President’s ability... to launch investigations into opponents; and his ability to use Department of Justice and/or the intelligence agencies to cast doubt on election results or discredit his opponents.”***

It’s true a president so inclined can do these things, and possible a re-elected Trump might, but they were clearly done first to Trump in this case. The FBI’s road-to-nowhere [Crossfire Hurricane probe](#) of Russian collusion, which made use of illegally obtained FISA surveillance authority, began on July 31, 2016. Trump opponents have been “launching investigations” really without interruption ever since, with many (including especially the recent Frankensteinian hush-money prosecution) obviously politicized.

Likewise, the office of the Director of National Intelligence published an [Intelligence Community Assessment](#) in early January 2017, again before Trump’s inauguration, that used information from the bogus Steele dossier to conclude that “Putin and the Russian Government aspired to help President-elect Trump’s election chances.” If that isn’t using intelligence agencies to “cast doubt on election results,” what is? Worse, the trick would be repeated, over and over:

***“The President and key members of his administration can also reference classified documents without releasing them, manipulate classified information, or selectively release classified documents for political purposes, fueling manufactured rumors.”***

This phenomenon also began before Trump’s election, notably with the story leaked on January 10, 2017, about four “intel chiefs,” including FBI Director James Comey, who presented then-President-elect Trump with “[claims of Russian efforts to compromise him](#),” including the infamous pee tape. “Selective” release of “classified documents” then continued through the Trump presidency. Other incidents involved the “[repeated contacts with Russian intelligence](#)” story (February 2017), a [Washington Post story](#) about Jeff Sessions speaking to the Russian ambassador (March 2017), the (incorrect) story about Trump lawyer Michael Cohen being [in Prague](#) (April 2018), the infamous “[Russian bounty](#)” story (June 2020), and many, many, others.

Podesta himself participated in one of the first and most damaging “manufactured rumor” episodes, beginning in late 2016, involving the use of the Elias-commissioned Steele dossier to illegally obtain a [FISA warrant](#) on former Trump aide Carter Page. Podesta, who of course knew the real source of the story, reacted to it as if it was news generated by government investigators and publicly derided Page as a Russian cutout, before adding that the 2016 election “[was distorted by the Russian intervention](#).” This was a textbook example of using “manufactured rumors” from intelligence agencies to “cast doubt” on election results as you’ll find.

***“Additional presidential powers subject to misuse include... his ability to restrict internet communications in the name of national security.”***

As for restricting internet communications “in the name of national security,” *Racket* pauses to laugh. The growth of state-aided censorship initiatives like the ones we studied all last year [in the Twitter Files](#) began well before Trump’s election, for instance with the creation [in Barack Obama’s last year](#) of the State Department’s [Global Engagement Center](#), which later [worked with](#) Stanford’s [Election Integrity Partnership](#) to focus heavily on posts deemed to be attempts at “delegitimization” in the 2020 election. Stanford’s group even flagged a story about the TIP in its final report as “conspiracy theory.”

Not to say that these bureaucracies couldn’t be abused by a second Trump administration, but so far they’ve been a near-exclusive fixation of Democratic politicians and security officials. There’s a reason Joe Biden is the only candidate slated to enjoy a censorship-free campaign season, while Trump and third-party challenger Robert F. Kennedy have been repeatedly removed or de-amplified from various platforms.

***“There is considerable room to use foreign interference, real or invented, as a pretext to cast doubt on the election results or more generally to create uncertainty about the legitimacy of the election.”***

This may have been the most amazing line in the TIP report, given that the entire Trump presidency was marked by stories like “[How Russia Helped Swing the Election for Trump](#)” (*New Yorker*) “[Did Russia Affect the 2016 Election? It’s Now Undeniable](#)” (*Wired*), “[Russia ‘turned’ election for Trump, Clapper believes](#)” (PBS), “[Yes, Russian Election Sabotage Helped Trump Win](#)” (*Bloomberg*), and a personal favorite, “[CIA Director Wrongly Says U.S. Found Russia Didn’t Affect Election Result](#)” (NBC). There was so much “Russia hacked the election” messaging between 2016 and 2020, in fact, that our Matt Orfalea made two [movies](#) about it. Here’s one:

## Democrats' "Stolen" Election Claims | FLASHBACK



In the 2018 midterm elections, officials warned that Russia was going to “attack” the congressional vote. Stories like [“U.S. 2018 elections ‘under attack’ by Russia”](#) (Reuters) and [“Justice Dept. Accuses Russians of Interfering in Midterm Elections”](#) (*New York Times*) were constants, until the Democrats retook the House in a “blue wave,” at which point headlines began saying the opposite (“[Russians Tried, but Were Unable to Compromise Midterm Elections, U.S. Says](#)” from the *Times* was a typical take). The TIP was written during a repeat version, as stories like [“Lawmakers are Warned that Russia is Meddling to Re-Elect Trump”](#) (*New York Times*) were near-daily fixtures in 2020 pre-election coverage. After Biden won, headlines like [“Putin Failed to Mount Major Election Interference Activities in 2020”](#) again became fixtures in papers like the *Washington Post*.

This brings us to the last and most controversial angle on the TIP report. When the original TIP text came out, Michael Brendan Daugherty in *National Review* wrote in an offhand tone that he [got the feeling](#) “some progressives are steeling themselves for a Color Revolution in the United States,” because winning a normal election “just isn’t cathartic enough.”

To this day, the color revolution idea makes TIP organizers laugh.

“The idea that some rando in Los Angeles,” Gilman says, referring to himself, “was secretly planning a color revolution (which he published a report about months in advance, which you gotta admit is a pretty weird move for a guy allegedly plotting a revolution) is a textbook example of Hofstadter’s [Paranoid Style](#).”

Brooks is also incredulous, saying the color revolution thesis is a “profound misunderstanding” of the TIP report. “They aren’t plans or predictions, they’re efforts to understand how things might play out,” she wrote, adding that the TIP participants were merely asking, “What could go wrong?”

They may have asked that. Still, the group’s final report contained a string of references to “plans and predictions,” with entries like “Plan for a contested election,” “Plan for large-scale protests,” and “Make plans now for how to respond in the event of a crisis.” As for the “profound misunderstanding,” Brooks gave a friendly interview to a *New York Times* writer who was apparently laboring under the same “profound” delusion.

Weeks after the *National Review* piece, Michelle Goldberg in the *Times* [wrote of Daugherty](#): “He’s right, but not in the way he thinks.” She explained that Democrats don’t relish the thought of an uprising, but look upon it as something to be dreaded, that “must nonetheless be considered.”

She then quoted Brooks. The Georgetown professor, who in her most recent [book](#) about life in the Defense Department described getting “a coveted intelligence community ‘blue badge’” to pass into “the sacred precincts of the CIA,” told Goldberg that in the event of a Trump power grab, “the only thing left is what pro-democracy movements and human rights movements around the world have always done, which is sustained, mass peaceful demonstrations.”

That did sound like a description of the Eastern European color revolutions, which generally involved mass street actions, sustained negative press pressure, and calls by NGOs and outside countries for the disfavored leader to step down. A major reason the “color revolution” theme struck commentators in connection with TIP had to do with [the presence in the TIP simulation of Barack Obama’s former chief ethics lawyer, Norm Eisen](#). Eisen wrote a manual called [The Democracy Playbook](#) for the Brookings Institution that is often referred to as the unofficial how-to guide for America-backed regime-change operations abroad. Anyone who’s been forced to read a lot of “democracy promotion” literature, as I had to in Russia, will recognize familiar themes in the TIP report.

One of the controversial features of “color revolution” episodes is that the U.S. has at times supported ousters of perhaps unsavory, but legally elected, leaders. Was the TIP group contemplating the “sustained” protest scenario only in the event of Trump stealing an election, or if he merely won in an unpleasant way, i.e. via the Electoral College with a popular vote deficit? Brooks at first indicated she didn’t understand the reference.

“I am not sure what the question is?” she wrote. “Peaceful protests, mass or otherwise, are constitutionally protected.”

I referred back to the *Times* piece and the “movements around the world” quote, noting that while those outcomes might arguably have been desirable, it’d be hard to call them strictly democratic.

“I am not an expert on the color revolutions,” she replied. “It is certainly true that on both left and right, in both the US and abroad, there are nearly always... I guess I’d say spoilers, or violence entrepreneurs — who try to hijack peaceful protest movements.”

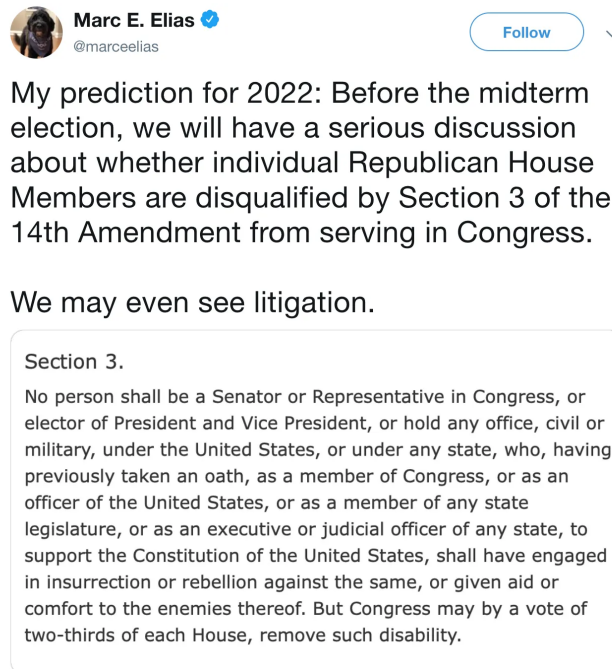
Lastly: one TIP simulation also predicted, with something like remarkable anti-clairvoyance, that Trump would contrive to label Biden supporters guilty of “insurrection” for protesting a “clear Trump win”:

*The Trump Campaign planted agent provocateurs into the protests throughout the country to ensure these protests turned violent and helped further the narrative of a violent insurrection against a lawfully elected president.*

That passage was published on August 3, 2020, long before most Americans knew or cared that the word “insurrection” had political significance. We’d be instructed in its use within hours of the riots, when Joe Biden said, “[It’s not protest. It’s insurrection](#),” and everyone from Mitt Romney to Mitch McConnell to media talking heads to the authors of the [articles of impeachment](#) like Jamie Raskin fixated on the word. Still, not until December 2021 did a public



figure explain how the 14th Amendment might be deployed strategically in the post-January 6th world. The insight came from Elias, who has since deleted the tweet:



We're of course now seeing that litigation, notably in the form of a [Colorado](#) Supreme Court decision to remove Trump from the ballot, which was handed down after complaints filed citing the 14th Amendment provision alluded to by Elias.

All this is laid out as background for the coming nine months of campaign chaos, if we even end up having a traditional campaign season. *Revolt of the Public* author and former CIA analyst Martin Gurri summed up the situation in a piece for *The Free Press* titled "[Trump. Again. The Question is Why?](#)" The money quotes:

*The malady now exposed is this: **the elites have lost faith in representative democracy.** To smash the nightmare image of themselves that Trump evokes, they are willing to twist and force our system until it breaks... The implications are clear. Not only Trump, but the nearly [75 million](#) Americans who voted for him, must be silenced and crushed. To save democracy, it must be modified by a possessive: "our democracy."*

The Biden campaign, stuck in a seemingly irreversible [poll freefall](#), has put all its rhetorical chips on the theme of "protecting democracy." Biden mentions Trump's "assault on democracy" at every opportunity, and even recently resorted to Apollo Creed-style imagery, [campaigning at Valley Forge](#) flanked by a dozen American flags and red, white, and blue lights. (Red-and-white striped trunks can't be far off.) The DNC's daily "talkers" memos for months have asked blue-party pols and friendly reporters to stress "the existential threat to freedom and democracy that Donald Trump and MAGA Republicans represent," while pointing to stories like *Vanity Fair's*, "[There Is No 'Both Sides' to Donald Trump's Threat to Democracy](#)," in its CONTENT TO AMPLIFY section.



**DAILY TALKING POINTS**

• Time and time again, voters have rejected the existential threat to freedom and democracy that Donald Trump and MAGA Republicans represent – and chosen President Biden and Democrats' vision of unity over division and hope over fear. They'll do it again this year.

**CONTENT TO AMPLIFY**

Please see below for key content we would appreciate your help in amplifying:

Post and Courier: 'In Charleston, you know the power of truth,' Biden says in denouncing Trump, Jan. 6 lies

Vanity Fair: Opinion: There Is No "Both Sides" to Donald Trump's Threat to Democracy

The DNC's "talkers" mailers

This messaging would likely have worked after January 6th, when Trump's post-electoral conduct rankled voters, as evidenced by an exit approval rating of 34%. It can't now, since the word "democracy" has been appropriated to refer exclusively to the party that declared its New Hampshire primary "[non-binding](#)" and "[meaningless](#)," [canceled its Florida primary](#), is [preparing mass technical challenges](#) against third-party challengers like No Labels or Robert F. Kennedy Jr. (and has a rich history in that area; see accompanying [Nader piece](#)), is seeking to [kick the GOP front-runner off the ballot](#), has [mass-filed bar complaints](#) against attorneys who represented that candidate, and has [piled criminal counts](#) atop its main electoral opposition.

Many who couldn't stand Trump, would never vote for him, and have been willing consumers of the awesome amount of propaganda published on the Trump subject, now need to face the fact that they've been had. Transformed into the avatar of all bad things — a crude domestic combo platter of Saddam, Milosevic, Assad, and Putin — this vision of the *über*-villain, Trump, has been used to distract mass audiences from the erosion of "norms" at home. "Protecting democracy" in the Trump context will be remembered as having served the same purpose as [Saddam's mythical WMDs](#), the shots fired in the Gulf of Tonkin, or Gaddafi's [fictional Viagra-enhanced army](#). Those were carefully crafted political lies, used to rally the public behind illegal campaigns of preemption.

Voters, by voting, "protect democracy." A politician who claims to be doing the job for us is up to something. The group in the current White House is trying to steal for themselves a word that belongs to you. Don't let them.



1,488 Likes · 144 Restacks

**508 Comments**



Write a comment...



**Science Does Not Care** Jan 26

Let's see. The Progressive-Democrat-Media-Academia-Government complex has told us:

Climate change poses an existential threat and we must suspend legal and cultural norms, and give them the power to save us.

The pandemic poses an existential threat and we must suspend legal and cultural norms, and give them the power to save us.

Traditional American values (aka the white patriarchy) pose an existential threat and we must suspend legal and cultural norms, and give them the power to save us.

Capitalism poses an existential threat and we must suspend legal and cultural norms, and give them the power to save us.

Fossil fuels pose an existential threat and we must suspend legal and cultural norms, and give them the power to save us.

Republicans and conservatives pose an existential threat and we must suspend legal and cultural norms, and give them the power to save us.

And of course Trump poses an existential threat and we must suspend legal and cultural norms, and give them the power to save us. (Actually this is the second round of Trump catastrophism.)

Now, what seems to be a common theme, and what can we infer that these people want?

♡ LIKE (288)    💬 REPLY    ↗ SHARE    ...

87 replies



**Matt Taibbi** ✓ Jan 26    🚩 Author

Apologies for the Blair typo, and it is fixed now in the online version.

♡ LIKE (32)    💬 REPLY    ↗ SHARE    ...

45 replies

506 more comments...