From: <https://www.davidstockmanscontracorner.com/jack-smiths-abominable-declaration-of-incumbent-party-rule/>

**The Saturday Night Massacre That Wasn’t And The Threat Of Incumbent Party Rule**

Talk about **a coup d’ etat**—even an existential threat to American Democracy. We’ve got it now. In spades.

**We are referring to Jack Smith’s latest bogus indictment of Donald Trump**, of course. Handing it down just as the Hunter Biden/Biden Crime Family saga is reaching its denouement, the Special Counsel has now proven himself to be **a veritable anti-Thomas Jefferson, brandishing what amounts to a malefic Declaration of Incumbent Party Rule.**

That’s truly the gravamen of this 45 page abomination. It has nothing to do with justice or the rule of law or the protection of Democracy, and everything to do with triggering a trial clock in the DC District Court that will result in a guaranteed guilty verdict before November 5, 2024.

And should that succeed, no incumbent party will ever again go into a presidential election without mobilizing the machinery of the DOJ to its partisan advantage. After all, this is the ultimate weaponization of the judicial branch of American government by the Incumbent Party—an attempt to cancel an election via “preventive detention” of the leading candidate of the Opposition.

Is this not the very thing that Banana Republics do? Is this political screed in the guise of an “indictment” not a fatal blow to the very essence of free elections-based democracy—the absolute insulation of the machinery of government from partisan influence and elections interference?

As it happens, this matter was settled long ago—way back in the Congressional elections of 1938, which swept the New Dealers from the US House and Senate. During the prior presidential election, FDR had wiped GOP candidate Alf Landon off the map—with no small help from millions of WPA employees who had been required to vote for Roosevelt in order to get on the Federal dole. But **in those fair times the electorate was having none of the Incumbent Party using their tax dollars to re-elect itself, thereby putting the New Deal Democrats out to pasture for decades to come.**

But now comes something far more nefarious. Not a mere bribe of the voters via tax dollars shuffled into their pockets, but use of the government’s badge, guns and detention facilities to insure that even a candidate as decrepit and unfit for purpose as Joe Biden enjoys a Rooseveltian sweep in 2024 for want of the leading opposition candidate’s name on the ballot.

To be sure, **we do not quarrel with the end game here. To wit, the Donald is utterly unfit for the nation’s highest office. He never should have stumbled into the job by a hairline 100,000 votes in three battleground states (Michigan, Wisconsin and Pennsylvania) in 2016, and must not be allowed within a country-mile of the 1600 Pennsylvania Avenue ever again.**

**But** safeguarding the republic from Donald Trump’s egomaniacal incompetence, bilious rants, uninformed laziness, flagrant delusions and principle-free quest for power and glory is the job of the voters. If they do not understand by now that they made one mistake, it is not the job of a rogue prosecutor to nail shut the GOP-side of the ballot box in order to save them from another.

And we do mean **rogue prosecutor**. Jack Smith has penned a potent Opposition Research paper, but it is utterly bogus as a criminal indictment. That’s because it embodies exactly the age-old ploy used by all zealous prosecutors when they don’t have hard evidence of a specific crime. To wit, they cobble together a spurious “conspiracy” narrative from a string of wholly legal and/or prosaic actions and events involving the defendant, and then backdate them with***mens rea****(guilty intent)*and the assertion that that everything contained in the resulting made-for-TV narrative was done “knowingly”.

Well, when it comes to the very inner sanctum of American democracy—the conduct of free and honest national elections—that threadbare ploy is definitely not OK. Even when applied to crime bosses and alleged white collar miscreants, **conspiracy charges are a prosecutors’ racket that more often than not results in an unfair miscarriage of justice.**

But when applied to the leading Opposition Candidate for acts and behaviors that were par for the Trumpian course, done in the wide open public and which were essentially an exercise, albeit a reckless one, in protected speech, a conspiracy indictment is just plain beyond the pale.

For crying out loud. The criminal prosecution of an ex-president and current election front-runner entails a super-duper heavy burden of proof, not just enough plausibility to get a Mafia don into court. To the contrary, it needs be predicated upon a damn serious “high crime” and provable criminal actions by the target that actively threatened America’s national security or core democratic processes.

By contrast, Jack Smith’s latest indictment is the very opposite. It’s self-evidently another exercise in prosecutorial “I gotcha”, and is even more tortured than the classified documents case. For instance, Trump retweeted a post labeling the Republican leaders of the Pennsylvania legislature as “cowards” on December 4, 2020. By the lights of Jack Smith that exercise in social media dissing was evidence of Trump’s complicity in a felonious conspiracy.

The same thing happened when several weeks later VP Pence called Trump to wish him Merry Christmas and Trump turned the conversation to the vice president’s role in the upcoming electoral vote count. So by merely raising the topic about an event to occur two weeks later, and a potential action by Pence that was still legally in play at least in the minds of a minority of Trump’s advisors, the sitting president of the United States thereby participated in said felonious conspiracy!

The indictment is packed with pages on end of such legal humbug. But before you get lost in the utter trivia, it needs be remembered that we are actually in the midst of a fraught exercise in democracy, not a law school Moot Court proceeding on the proposition, taken in splendid abstraction, that no one is above the law.

The plain fact is that Smith’s 45 pages of purported nefarious doings do not embody a criminal conspiracy at all. What the indictment actually describes is TrumpWorld at work in all of its pandemonium, bickering, incompetence and shoot-from-the hip recklessness. The self-evident reason that Trump pursued the election fraud canard right up until the wee hours of January 7th, when the electors finally certified Biden’s victory, is that the man is a megalomaniacal brute who just won’t take “no” for an answer.

After all, by then nearly everyone who knew anything had told him that the election was over, that he had lost and that while the election reeked from the odor of an unprecedented 60 million mail-in votes and massive but dubious Democrat “ballot harvesting”, the level of provable fraud did not rise to anything remotely determinative of a different outcome. In fact, his Attorney General, Bill Barr, had bailed weeks earlier, the White House counsels office had given up the ghost and three days earlier Trump himself had chickened out of the required Saturday Night Massacre redux.

That is, when he [Trump] threatened to put the last remaining election fraud believer, Assistant Attorney General Jeffrey Clark (co-conspirator #4), in the top DOJ spot on January 3rd, the acting AG and acting deputy AG **threatened to resign**. And they warned that much of the top DOJ escheleon would go with them.

But as Senator Lloyd Bentsen of 1992 vice-presidential debate fame might of said in behalf of the Washington ruling class, “We knew Dick Nixon, and you are no Tricky Dick.”

That is to say, Trump is a bully and blowhard, but ultimately a big chicken. To actually have committed the crime of election interference he would have had to

1. fire the entire top tier of the DOJ on January 3rd,
2. get a dubious opinion from their replacements that the Vice President had the constitutional authority to reject the Biden electors from the six battleground states (see below) and then
3. intimidate Pence until he complied with Trump’s wishes.

Alas, **the Donald didn’t have the cojones**. And when push-came-to-shove his own government resisted his petulant defiance of the facts and law at every turn.

So there was no conspiracy and no threat to Democracy. There was just the bitter end obstinance and bombast of a defeated old bully and his drunken companion, Rudy Giuliani, who had once capriciously wielded the badge and gun that is soon to come down on his own head, too.

Still, expressing disagreement with and contradicting the advice of 95% of your advisors in a public venue like social media is not a crime, and not proof of a lie. Likewise, endlessly pestering your Vice-President to read the constitution—to the effect that he could send the Biden electors home—in a manner that virtually all the lawyers in the vicinity of the nation’s Capitol disagreed with is not a crime, either.

At the end of the day the bomb that got dropped on American democracy last night by the beltway puppeteers who stage-manage Joe Biden is just a lengthy catalogue of all the advice that Trump rejected—advice that said he was wrong about whether there was sufficient fraud to alter the outcome of the election.

Indeed, even by the time the state electors first meet on December 16th the “rampant fraud” horse being paraded by nincompoops like Rudy Giuliani and the other alleged co-conspirators was pretty much out the barn-door. The fact that Trump persisted in grasping for its disappearing rear-end right until the end on January 6th is powerful reason why he is not qualified to serve again.

For want of doubt, recall that the popular vote was not even close with Biden’s 81.2 million ballots exceeding Trump’s 74.2 million by more than 7 million or 9%. Far more importantly, Trump’s electoral college deficit in the six swing states of Arizona, Georgia, Michigan, Nevada, Wisconsin and Pennsylvania was 79 votes compared to Biden’ winning margin of 74 votes (306 to 232). Accordingly, there had to be sufficient fraud—–311,000 votes worth—- in these states to swing every one of them in the Donald’s favor and thereby alter the national outcome.

Well, here are the vote margins in these six state’s that had to be overcome by expurgation of any and all votes fraudulently cast or counted. Yet by mid-December every one of the big claims regarding dead voters in Georgia or a midnight ballot dump in Michigan or 2o3,000 more votes than voters in Pennsylvania had been pretty much debunked.

For instance, upon investigation the Republican governor of Georgia has admitted to only 2 dead voters, not the 10,000 that Trump had claimed. Similarly, the 203,000 more votes than voters in Pennsylvania turned out to be less than 8,000, as far as we can tell from official election results. And the mid-night dump of ballots in Detroit has apparently been par for the course in that godforsaken jurisdiction for a good while and thereby an indication of incompetence, not fraud.

In that regard, the Republican Speaker of the Michigan House said all there was to be said about the Donald’s errant campaign to extract victory from the jaws of defeat—not only in Michigan but in the six contested states generally:

*We’ve diligently examined these reports of fraud to the best of our ability. … … I fought hard for President Trump. Nobody wanted him to win more than me.  I think he’s done an incredible job. But I love our republic, too. I can’t fathom risking our norms, traditions and institutions to pass a resolution retroactively changing the electors for Trump, simply because some think there may have been enough widespread fraud to give him the win. That’s unprecedented for good reason. And that’s why there is not enough support in the House to cast a new slate of electors. I fear we’d lose our country forever. This truly would bring mutually assured destruction for every future election in regards to the Electoral College. And I can’t stand for that. I won’t.*

***Number of Electoral Votes and Popular Vote Difference By Swing State:***

* Arizona (11 electoral votes; 10,457 votes)
* Georgia (16 electoral votes; 11,779 votes)
* Michigan (16 electoral votes; 154,188 votes)
* Nevada (6 electoral votes; 33,596 votes)
* Pennsylvania (20 electoral votes; 80,555 votes)
* Wisconsin (10 electoral votes; 20,682 votes)

In any event, it is evident from the above summary that the numbers just weren’t remotely there. Yet Trump persisted until there was almost no one left even in his inner circle except crackpots who thought he won. He thus tweeted this bit of bombast at 6:01 PM on January 6th when it was all over except the shouting:

*“These are the things and events that happen when a****sacred landslide election victory****is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long……*

That’s smoking gun enough. Donald J. Trump disqualified himself for another term then and there by issuing this preposterous bit of bombast.

And yet, and yet. That outcome was a matter for the voters to decide, not a rogue prosecutor leading a partisan witch-hunt.

In truth, this action by the weaponized Biden Justice Department amounts to a present day variation of the aphorism immortalized by Stalin’s security chief, Levrenti Beria:

***“Show me Donald Trump and I’ll show you the crime”.***

Prosecutor Smith has done exactly that now for the second time in as many months. And American democracy will pay a terrible price for such insouciance for a long time to come.