

GUEST POST: THE TIE THAT BINDS THE CONSPIRACIES

[This is a guest post by long-time community member WilliamOckham. /~Rayne]

This post began as an attempt to figure out who developed the “fake elector vote count in a box” package Republicans in seven states used to create “alternate” elector vote certifications.

It ended up helping me understand the “bigger conspiracy” to which Michigan Attorney General Dana Nessel referred. What follows is not an indictment and nothing in it is particularly new. Most of what I describe can be found in various comments here at emptywheel.

I’ve laid out how I think the “alternate” elector scheme played a central role in the coup. I think I understand why it was important for Nessel to refer this to the Department of Justice. Because some of these activities violated multiple states’ laws, it’s easier to show the entire scheme was corrupt.

The Contingency Plan

The key to understanding the conspiracy to overthrow the election of the President of the United States is in Barton Gellman’s article, *The Election That Could Break America* published September 23, 2020 in *The Atlantic*:

“... According to sources in the Republican Party at the state and national levels, the Trump campaign is discussing contingency plans to bypass election results and appoint loyal electors in battleground states where Republicans hold the legislative majority. With a justification based on

claims of rampant fraud, Trump would ask state legislators to set aside the popular vote and exercise their power to choose a slate of electors directly. ...”

That’s it. That’s the core of the coup plan. “Bypass election results” means preventing the peaceful transfer of power. Every part of the effort, including the violence on January 6, depended on using Republican state legislatures to provide a façade of legitimacy to a brazen attempt to overthrow the government.

The “alternate” electors weren’t just some goofy outpouring of grassroots Trump support. They were absolutely essential to the plot. To understand the coup, we need to understand how the “alternate” electors scheme was carried out.

The Plan Realized

After a look at Michigan’s “alternate” electors, I noticed the formatting and textual similarities between the various states’ “Electoral Vote Certifications”; they show this was a nationally-coordinated effort.

One of the fake electoral vote count certifications (Nevada’s) was broadcast live. Go to the 7:08 mark and listen as they call the roll. You can verify that the names match the ones on the Nevada fake certification paperwork. At 12:53, they read their certification which matches word for word the one submitted to the National Archives. And at 14:15, two “electors” (Rice and Hindle) are shown using different pens. Sure enough, this difference shows up in the documents.

I think there’s a reason this particular event was the one live streamed. All of Nevada’s fake electors were selected by the Nevada Republican Party to serve in the event of a Trump win. There were no messy substitutions. Well, and maybe because they had a dude who could do a fairly decent acapella rendition of “The Star

Spangled Banner,” which to be fair, I would show that off too.

As folks here have already noted, key figures in Trump World were well aware of this effort in real-time: Stephen Miller (imagine me turning and spitting on the ground every time I type that name) talked about it on December 14; Kayleigh McEnany talked it up on December 17.

However, I believe the foot soldiers for this aspect of the coup were from The Amistad Project of the Thomas More Society (not to be confused with Project Amistad or Amistad Law Project which are totally different, legitimate organizations).

The Amistad Project has been connected to a variety of shady pro-Trump “election integrity” groups, like Got Freedom? or Election Integrity Project, or American Voter’s Alliance (to which Got Freedom? now redirects its internet traffic).

These organizations are all basically the same thing: a bunch of right-wing lawyers and political operatives committed to a lawfare strategy against American democracy.

The headliner for The Amistad Project is Phill Kline, an attorney with an indefinitely suspended license due to illegally accessing and disclosing private medical records for political purposes. The organization hosted the 2-hour-long January 2, 2021 Zoom conference with state legislators which Trump joined, right after he got off the phone with Georgia’s secretary of state Brad Raffensberger.

Trump called into the meeting and told the legislators, “You are the real power...The most important people are you. You’re more important than the courts. You’re more important than anything because the courts keep referring to you, and you’re the ones that are going to make the decision,” in a 14-minute call into the session.

Several #StopTheSteal movement leaders were on

the call. Other attendees included Trump attorney Rudy Giuliani, who got Trump on the phone; law professor John Eastman; Peter Navarro, Trump's trade czar who recently authored a book on the election; and John R. Lott Jr., a Justice Department official who also separately authored a report suggesting some 300,000 "excess" ballots were counted, giving Biden his win.

During this call, Trump repeated the contingency plan. The "alternate electors" scheme is the tie that binds the conspiracies together. As it got closer and closer to January 6, all of the different threads of the insurrection tapestry began to converge on the need to obstruct the Congressional certification of Biden's win.

In fact, Mark Meadows missed the January 2 Zoom meeting with state legislators because he was coordinating the Congressional end of the insurrection with Mo Brooks, Jim Jordan, and about 50 Republican U.S. House members. This eventually led to the violence at the Capitol on January 6, 2021.

Let's return to the question which started this essay. Who is responsible for the "fake elector vote count in a box" package? Two lawyers from the Amistad Project seem to be very closely tied operationally to the "alternate electors" scheme: Ian Northon and Erick Kaardal.

Ian Northon implicated himself in the Michigan stunt confrontation on December 14, 2020 at the state capitol building with Michigan State Police. At the 5:20 mark in this video, he says (and spells) his name and announces that he's with The Amistad Project of the Thomas More Society. That's pretty clear cut.

Kaardal's complicity is a little murkier. Kaardal was previously most known for filing the dumbest pro-Trump election lawsuit. No, really – he outdid the Kraken lawyers, at least according to one Twitter lawyer.

█ This is stupidity as it would be if
Jesse & Heisenberg were cooking it.

Sydney Powell and Lin Wood stay up at night dreaming of perhaps, if they really work at it, someday coming close to the levels of legal incoherence that Erick Kaardal has accomplished here

– Akiva Cohen (@AkivaMCohen) December 22, 2020

Kaardal's behavior in this case was so bad U.S. District Judge for D.C. District James Boasberg actually referred him to the U.S. District Court's Committee on Grievances. It's that very lawsuit, filed on December 22, 2020 which implicates Kaardal in the "alternate electors" scheme. You can find some of the documentation for this case on courtlistener.com.

However, the interesting part is Appendix 12 and, if like me, you don't have or want a PACER account, you can find it via the Wayback Machine looking through the now-missing Got Freedom? website. Buried almost 1500 pages into Kaardal's "evidence" are photocopies of two of the fake election certifications (Michigan and Wisconsin).

Recall these false certifications were signed on December 14, 2020; eight days later, Kaardal has copies of them. But, wait, that's not all. The "alternate" electors have to send off multiple originals to the National Archives, Vice President Mike Pence, so on. In the video of the Nevada signing you will see the "alternate electors" signing six copies of all the documents.

It's very interesting that Kaardal's photocopies aren't copies of the originals sent to the National Archives. He's got photocopies of different originals. I compared the signatures on the documents from the National Archives with the ones that Kaardal had, on or before December 22, 2020, and realized they're signed by the same people, but there are minor variations in the signatures, as you would expect when people sign multiple copies at the same time. He had

photocopies of originals from two different states – states in which Kaardal doesn't live.

Would you like to guess what Kaardal's favorite font is? Baskerville Old Face. Check out the documents he submitted in this dumbest pro-Trump election lawsuit. The "fake elector vote count in a box" package uses the same font and the same margins that Kaardal's other documents use. He had access to the completed versions well before they were in the public domain.

One More Thing

(Imagine that in Peter Falk's Columbo voice.) In the course of tracking all this down, I actually read the dumbest pro-Trump lawsuit which Kaardal wrote. Some of it – the not-quite-completely-unhinged parts – seemed familiar. I knew I had read some of these paragraphs before.

I went searching through my OCR'd versions of various documents I had come across – and I found it. You might remember the DOJ coughed up a bunch of documents to the House Committee on Oversight and Reform. One of those documents was a draft lawsuit Trump's assistant sent to Jeffrey Rosen and Richard Donoghue which Trump wanted the DOJ to file to overturn the election.

Lo and behold, significant chunks of that lawsuit were copied from Kaardal's lawsuit. There's no ethical issue with the copying. It's just one more indication how closely the The Amistad Project folks were working with key Trump conspirators.