

A MODEST PROPOSAL: INCLUDE LINDSEY GRAHAM'S THREATS AGAINST BRAD RAFFENSPERGER IN ANY SPECIAL COUNSEL MANDATE

Lindsey Graham has endorsed the idea of appointing a Special Counsel to investigate Hunter Biden.

Graham on a special counsel for Hunter Biden: I think it's a good idea..if you believe a special counsel was needed to look at the Trump world regarding Russia. How can you say there's no need for special counsel regarding Hunter Biden?"

Apparently, the Chair of the Senate Judiciary Committee doesn't see the difference between appointing a Special Counsel after the President has fired the FBI Director to stop an investigation into himself and a Special Counsel to investigate the President-Elect's son two years into an investigation that has (thus far) found nothing. Graham doesn't even seem to realize that various parts of the Trump DOJ have investigated – at a minimum – Trump's son-in-law (as part of a referral from the Mueller investigation, though the topic is unknown), Trump's personal lawyer, and any number of his corrupt former campaign managers, without needing a Special Counsel to protect the independence of the investigation, not even after the confirmed interference by the Attorney General.

The call for a Special Counsel to continue an investigation that has already lasted two years

(that is, longer than the entire Mueller investigation and twice as long as it took to indict Manafort on 44 counts of tax evasion, bank fraud, money laundering, and unregistered influence-peddling) without finding anything comes along with President Trump's call for another Special Counsel investigating purported voter fraud.

As I said in my post noting that John Durham has unaltered originals of documents that – under Billy Barr's micromanagement – got altered and submitted to a judge, followed by a lie to the same judge, one way to deal with the Durham Special Counsel designation is to have him investigate crimes that Barr's associates may have committed in their efforts to undermine the Russian investigation. John Durham will control the day-to-day conduct of this investigation, but he doesn't – cannot legally, under current precedent – control the scope.

Something similar could be done with both of the Special Counsel investigations Trump wants to push. Rudy Giuliani will no doubt be pardoned in the next 35 days. And the next day, Rudy will wake up and continue pursuing the same disinformation, largely about Hunter Biden, from Russian-tied mobbed up oligarchs. So Sally Yates or Doug Jones or whoever Biden makes Attorney General can very easily ask a Special Counsel to include Rudy's potential crimes among those the Special Counsel investigates. The Special Counsel doesn't even have a reporting mechanism to complain about scope (which John Durham might have used when Barr was flying him around the world chasing George Papadopoulos' conspiracy theories). If the Special Counsel complained about the scope, she could quit and be replaced by someone Biden's AG believed appropriate. If the Special Counsel leaked anything, Biden's AG would have the Comey precedent to justify firing the Special Counsel.

So, too, could a Special Counsel appointed by Trump to investigate voting irregularities be scoped to investigate the more credible

allegations of crimes committed during the election, most notably threats and other coercive means used against those (including Republicans) trying to conduct free and fair elections. Among others whose conduct could be investigated are government employees who also served as counsel on Trump-backed lawsuits challenging the election. A Special Counsel investigating allegations of crime during the election could review fraudulent claims alleging fraud in sworn declarations submitted in these frivolous lawsuits; such an investigation could consider whether there was an organized effort to collect such perjurious statements, and if so, who funded it all. Such a Special Counsel could investigate whether then-President Trump's multiple calls haranguing GOP officials constituted a threat or some kind of bribe. A Special Counsel could and should review the range of violent threats against participants on both sides of the election.

Among the most alarming potential crimes alleged during the post-election period, as it happens, involves Lindsey Graham himself. He called up Georgia's Republican Secretary of State, Brad Raffensperger, and – while witnesses were listening – pushed Raffensperger to disqualify legal votes.

Georgia Secretary of State Brad Raffensperger said Monday that he has come under increasing pressure in recent days from fellow Republicans, including Sen. Lindsey O. Graham (S.C.), who he said questioned the validity of legally cast absentee ballots, in an effort to reverse President Trump's narrow loss in the state.

[snip]

In the interview, Raffensperger also said he spoke on Friday to Graham, the chairman of the Senate Judiciary Committee, who has echoed Trump's unfounded claims about voting irregularities.

In their conversation, Graham questioned Raffensperger about the state's signature-matching law and whether political bias could have prompted poll workers to accept ballots with nonmatching signatures, according to Raffensperger. Graham also asked whether Raffensperger had the power to toss all mail ballots in counties found to have higher rates of nonmatching signatures, Raffensperger said.

Raffensperger said he was stunned that Graham appeared to suggest that he find a way to toss legally cast ballots. Absent court intervention, Raffensperger doesn't have the power to do what Graham suggested because counties administer elections in Georgia.

"It sure looked like he was wanting to go down that road," Raffensperger said.

It's unclear whether Lindsey's actions constitute a crime or not. But that's why it would be a reasonable thing for a Special Counsel, one not directly controlled by Biden's AG, to review: to ensure it receives a fair review without political influence.

Lindsey Graham seems to believe that Trump's calls for Special Counsels are merited.

Very well then.