



2024 Transition Integrity Project

Anticipating Election Disruptions to Ensure a Safe Transition of Presidential Power

The Report of the 2024 Transition Integrity Project

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Executive Summary

In the spring of 2024, the Transition Integrity Project (TIP 2024) ran a series of academic exercises to educate the public regarding crises that may arise in relation to the upcoming presidential election in the United States. A bipartisan group of about 60 well-known individuals with experience in politics, government, law, national security, media, and academia participated in role-playing scenarios which placed the election within the larger context of pressing issues that America faces at home and abroad: inflation, mass illegal immigration, Russia’s ongoing invasion of Ukraine, China’s increasingly bellicose actions in the seas around Taiwan and the Philippines, Iranian aggression toward U.S. interests, and more.

The Transition Integrity Project of 2020 warned Americans that the election of that year would likely bring a contested result.¹ Their strategic planning efforts attempted to lay groundwork for responding to such a crisis. Despite eliciting much criticism from the public as a form of election interference,² 2020’s TIP inadvertently underscored an essential truth for protecting our elections: *The incumbent is always the greatest threat to a peaceful and effective transfer of power.*

Threat	Mechanism	Description
Lawfare	U.S. Department of Justice	Claim civil rights and voting rights violations at the state level require federal intervention in state certification of election results
Lawfare	U.S. Department of Justice	Federal law enforcement used to arrest opponents of the regime
Terrorism	Organized violence	Deployment of organized violence to intimidate state and local officials from following election law
Information shaping	Legacy and social media conduct information operations	Legacy media and social media giants, including search engines, work to ensure that the public sees the official version of reality

TIP 2024’s academic exercises uncovered four main threats to a free and fair election and a subsequent peaceful transition of power.

In the spirit of TIP 2020 (albeit formally unaffiliated with it), TIP 2024’s exercises aimed to ready the public for another fractious election. The results of these disciplined scenarios indicated unequivocally that the 2024 election presents serious threats to the infrastructure of constitutional governance in America—threats of even greater magnitude than those faced in 2020. Thus, this report serves to inform the public that the nation might again encounter unprecedented events in relation to the upcoming election.

¹ See Michelle Goldberg, *Trump Might Cheat. Activists Are Getting Ready.*, N.Y. Times: Op. (Aug. 17, 2020), <https://www.nytimes.com/2020/08/17/opinion/trump-contested-election-protests.html?searchResultPosition=1>.

² See Scott Douglas Gerber, *A President Has the Constitutional Right to Contest Results of Election*, Hill (Sept. 22, 2020), <https://thehill.com/opinion/white-house/517519-a-president-has-the-constitutional-right-to-contest-results-of-election/>.

The incumbent President, armed with the vast power of the executive branch, always presents the greatest threat to a peaceful transition of presidential power.

- We executed two academic exercises with 50 participants designed to anticipate possible actions during the 2024 election process.
- Participants included a former U.S. Senator, congressional staff, campaign consultants, journalists, experienced attorneys, military officers, law enforcement personnel, and academics.
- The incumbent administration—both political and professional—faced with dimming prospects for victory, was sorely tempted to deploy lawfare to retain power.
- Foreign adversaries saw the situation as an opportunity to divide America internally while taking aggressive actions abroad.

Contrary to the goals of the Transition Integrity Project in 2020, there remains much public skepticism about the outcome of that year’s presidential election.³ In large part, this is the result of the brazen manipulations of procedure that occurred in the last cycle. Those cynical efforts bred considerable doubt about the fairness of our elections.

Justifying their actions in 2020 on the grounds of the COVID-19 pandemic, partisan groups deliberately broke long-standing norms: They illegally changed rules for voting,⁴ they counted ballots that would have been disqualified in past elections,⁵ they engaged in ideologically-targeted suppression of citizens’ First Amendment rights on social media platforms,⁶ and they poured funds (likely exceeding \$400 million) into election administration offices in battleground municipalities on the condition that the money would be directed towards procedural interventions meant to enhance the prospects of Democratic candidates.⁷ The manipulations of the election even included a remarkable intervention by former high-ranking intelligence community officials who falsely claimed that a laptop belonging to then-candidate Joe Biden’s son Hunter—a device full of incriminating information about corrupt foreign dealings benefiting the Biden family—was a Russian disinformation operation.⁸

³ See Emily Badger, *Most Republicans Say They Doubt the Election. How Many Really Mean It?*, N.Y. Times (Nov. 30, 2020), <https://www.nytimes.com/2020/11/30/upshot/repUBLICAN-voters-election-doubts.html>.

⁴ See Colin Kalmbacher, *‘A Big Deal for Voting’: Pennsylvania Relaxes Mail-in Ballot Rules, Will No Longer Match Voters’ Signatures*, L. and Crime (Sept. 15, 2020), <https://lawandcrime.com/2020-election/a-big-deal-for-voting-pennsylvania-relaxes-mail-in-ballot-rules-will-no-longer-match-voters-signatures/>.

⁵ See Michael Wines, *November Surprise: Fewer Ballots Rejected by Election Officials*, N.Y. Times (Nov. 2, 2020), <https://www.nytimes.com/2020/11/02/us/election-ballots-rejections.html?searchResultPosition=4>.

⁶ See John Fritze & Brian Fung, *Supreme Court Allows White House to Press Social Media Companies to Remove Disinformation*, Cable News Network (June 26, 2024), <https://www.cnn.com/2024/06/26/politics/social-media-disinformation-supreme-court-ruling/index.html>.

⁷ See Neil Vigdor, *Mark Zuckerberg Ends Election Grants*, N.Y. Times (Apr. 12, 2022), <https://www.nytimes.com/2022/04/12/us/politics/mark-zuckerberg-midterms-elections-grant.html?searchResultPosition=4>.

⁸ See Luke Broadwater, *Officials Who Cast Doubt on Hunter Biden Laptop Face Questions*, N.Y. Times (May 16, 2023), <https://www.nytimes.com/2023/05/16/us/politics/repUBLICANS-hunter-biden-laptop.html?searchResultPosition=1>.

Widespread uncertainty about Biden’s anomalous victory is the predictable cost of these abuses—the effects of which resonate long after 2020.⁹ What *TIME* magazine acknowledged (after Inauguration Day) to be a “shadow campaign” by elites to skew that election in Biden’s favor was also a cynical way to influence the outcome of *future* contests—since such violations went unpunished in 2020, many citizens reasonably doubt whether they would be addressed in 2024.¹⁰ Thus, machinations of the sort deployed in the 2020 election still pose a considerable threat to our constitutional order—to say nothing of Americans’ confidence in our elections—as we approach an apparent rematch of the 2020 contest. In part, TIP 2024 is an opportunity to ready the public for further quasi-legal and illegal modifications to the balloting, voting, and tabulation processes should they recur in the current cycle.

Despite the 2020 Transition Integrity Project’s dire warnings that Donald Trump would not vacate the White House if he lost, he did just that.¹¹ By detailing strategies to undermine the will of the people in the event of a “*clear Trump win*,” the 2020 TIP report revealed an unspoken truth: Trump may not have been able to hold the office even in the case of an electoral *victory*. Nearly every center of American institutional power openly opposed his presidency, and resistance from administrators within the executive branch neutralized much of Trump’s agenda during his first term.

In contrast, President Biden is very well-positioned to hold the White House by force in the case of an unfavorable electoral outcome. The lawlessness of the Biden Administration—at the border,¹² in staffing considerations,¹³ and in routine defiance of court rulings^{14, 15}—makes clear that the current President and his Administration not only possesses the means, but perhaps also the *intent*, to circumvent constitutional limits and disregard the will of the voters should they demand a new President.

Mainstream media outlets hyperbolically insist that a Biden loss would ensure that 2024 is the last election that Americans will have.^{16, 17} Such warnings expose the real threat that we face: specifically, the extraordinary and extralegal lengths to which partisan groups will go to ensure their preferred electoral outcome.¹⁸ Indeed, recent polling shows that a majority of Americans believe Trump is more trustworthy to protect our democracy than Biden.¹⁹ Thus, even as left-aligned journalists and government figures

⁹ See Ben Kamisar, *Almost a Third of Americans Still Believe the 2020 Election Result Was Fraudulent*, NBC News: Meet the Press (June 20, 2023), <https://www.nbcnews.com/meet-the-press/meetthepressblog/almost-third-americans-still-believe-2020-election-result-was-fraudulent-rcna90145>.

¹⁰ See Molly Ball, *The Secret History of the Shadow Campaign That Saved the 2020 Election*, Time Mag. (Feb. 4, 2021), <https://time.com/magazine/us/5936018/february-15th-2021-vol-197-no-5-u-s/>.

¹¹ See *Preventing a Disrupted Presidential Election and Transition*, Jud. Watch (Aug. 3, 2020), <https://www.judicialwatch.org/wp-content/uploads/2020/08/Transition-Integrity-Project-Report.pdf>.

¹² See Miriam Jordan, *‘Ghost Flights’? The Facts Behind Transporting Migrant Children*, N.Y. Times (June 24, 2022), <https://www.nytimes.com/2022/06/24/us/ghost-flights-migrant-children.html>.

¹³ See Michael D. Shear, *Biden Made a Campaign Pledge to Put a Black Woman on the Supreme Court*, N.Y. Times (Jan. 22, 2022), <https://www.nytimes.com/2022/01/26/us/politics/biden-supreme-court-black-woman.html>.

¹⁴ See The White House, *Statement from President Joe Biden on Supreme Court Decision on Student Loan Debt Relief* (2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/30/statement-from-president-joe-biden-on-supreme-court-decision-on-student-loan-debt-relief/>.

¹⁵ See Tara Siegel Bernard, *What Happens to Biden’s Student Loan Repayment Plan Now?*, N.Y. Times (June 26, 2024), <https://www.nytimes.com/2024/06/26/business/biden-student-loans-save-plan.html>.

¹⁶ See Spencer Bokart-Lindell, *Will 2024 Be the Year American Democracy Dies?*, N.Y. Times: Op. (Sept. 30, 2021), <https://www.nytimes.com/2021/09/30/opinion/american-democracy-2024.html>.

¹⁷ See Greg Sargent, *A Frantic Warning From 100 Leading Experts: Our Democracy Is in Grave Danger*, Wash. Post: Op. (June 1, 2021), <https://www.washingtonpost.com/opinions/2021/06/01/frantic-warning-100-leading-experts-our-democracy-is-grave-danger/>.

¹⁸ See Matthew Choi, *Hillary Clinton to Biden: Don’t Concede if the Election Is Close*, Politico (Aug. 25, 2020), <https://www.politico.com/news/2020/08/25/hillary-clinton-joe-biden-election-advice-401641>.

¹⁹ See Lauren Sforza, *Swing-state ‘Deciders’ Trust Trump More than Biden to Protect Democracy: Poll*, Hill (June 26, 2024), <https://thehill.com/homenews/campaign/4740775-donald-trump-joe-biden-swing-state-deciders-democracy-2024-presidential>.

warn citizens of impending political peril, they announce their intent to interfere in the election, justifying these abuses as the only way to “protect” American democracy.²⁰ Such attempts to scare the American people are simultaneously a means to influence the election: If people accept the lie that a Trump win would be the end of the nation, some may feel justified in manipulating the process to ensure against such an outcome.

TIP 2024’s exercises suggest that President Biden and his allies—with assistance from a weaponized governmental bureaucracy and loyal proxies in corporate media—are well-equipped to undermine electoral procedures or to challenge results that run counter to their interests.

This report narrates the outcomes of the TIP 2024 exercises, identifies key threats to a legal election, and describes potential strategies for ensuring a peaceful transition of power. We make no predictions about how this election cycle will actually play out. However, our findings are bolstered by history—by the anomalous events of the 2020 election²¹ and the current Administration’s demonstrated willingness to use executive power to create partisan advantage in elections.^{22, 23, 24, 25}

The Background of the 2024 Transition Integrity Project

TIP 2024 was conceived in January in response to the Biden Administration’s weaponization of government against their domestic opposition and the President’s record of violating norms and constitutional limitations on executive power.²⁶

TIP 2024 makes no recommendation as to which presidential candidate citizens should support, and while our scenarios did result in specific electoral outcomes, we offer no prediction as to who would actually win a fair and legal election in 2024. All indications point to a very tight contest in 2024, and either candidate could emerge victorious.²⁷ However, the Biden Administration’s consistent effort to demonize any domestic opposition to the Democratic party as a form of “extremism” that poses a “threat to American democracy” hints at a willingness to defy the result of the election should the opposition party secure victory.²⁸ After all, if our elites truly believe it when they say that roughly half of

²⁰ See Janelle Bouie, *When Politicians Invoke the Founding Fathers, Remember This*, N.Y. Times: Op. (Apr. 12, 2024), <https://www.nytimes.com/2024/04/12/opinion/nebraska-electoral-college-myths.html?searchResultPosition=7>.

²¹ See *Anomalies in Vote Counts and Their Effects on Election 2020*, Vote Integrity (Nov. 24, 2020), <https://votepatternanalysis.substack.com/p/voting-anomalies-2020>.

²² See The Editorial Board, *Biden’s Student Loan Boast: The Supreme Court ‘Didn’t Stop Me’*, Wall St. J.: Op. (Feb. 23, 2024), <https://www.wsj.com/articles/joe-biden-student-debt-forgiveness-supreme-court-0c5204fe>.

²³ See Seung Min Kim & Stephen Groves, *Half a Million Immigrants Could Eventually Get US Citizenship Under a Sweeping New Plan From Biden*, Assoc. Press (June 18, 2024), <https://apnews.com/article/president-joe-biden-immigration-border-citizenship-spouses-69b9212c382d9bb265369b29b62622d7>.

²⁴ See Nick Mordowanec, *FBI Was Prepared to Use ‘Deadly Force’ at Mar-a-Lago Raid*, Newsweek (May 21, 2024), <https://www.newsweek.com/trump-fbi-classified-documents-deadly-force-1903247>.

²⁵ See Christina A. Cassidy, *GOP Targets a Biden Executive Order on Voter Registration Ahead of the Fall Election*, Assoc. Press (June 22, 2024), <https://www.msn.com/en-gb/news/us/gop-targets-a-biden-executive-order-on-voter-registration-ahead-of-the-fall-election/ar-BB1oHaig>.

²⁶ Adam Ellwanger (Professor of rhetoric at the University of Houston – Downtown) and Mike Howell (Director of the Oversight Project at the Heritage Foundation) were the initial partners in organizing TIP 2024. They soon invited Honorable Chuck DeVore of the Texas Public Policy Foundation to serve as Exercise Leader due to his extensive experience in military and organizational exercises. Media inquiries can be sent to transitionintegrityproject2024@proton.me or submitted via X at [@integrityproj24](https://twitter.com/integrityproj24)

²⁷ See Nate Cohn, *Introducing our 2024 Poll Tracker*, N.Y. Times (June 25, 2024), <https://www.nytimes.com/2024/06/25/upshot/introducing-2024-poll-tracker.html>.

²⁸ See The White House, *Remarks by President Biden on the Continued Battle for the Soul of the Nation* (2022), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/09/01/remarks-by-president-biden-on-the-continued-battle-for-the-soul-of-the-nation/>.

the nation and the candidate that they support poses an existential threat to the nation,²⁹ it is a rational assumption that this belief could serve as adequate justification to resist an outcome that would transfer power to people they openly characterize as enemies of the state.

Americans must insist that the voice of the people and their right to representative self-governance—as expressed through secure elections—is honored. TIP 2024’s aim is to underscore the looming threat that this year’s presidential election poses to the constitutional order. Further, we hope to encourage those in positions of authority to anticipate challenges to our electoral process. Toward that end, our election exercises investigated emergent circumstances that might threaten the democratic rule of law and the nation’s Constitution.

The information in this report is the result of a collaboration between people from across the spectrum of American politics. In spite of political differences, they are united by a commitment to the Constitution and a desire for free, fair, and legal elections. The following recommendations consider the possibility that an incumbent President might wield anti-democratic measures to maintain a hold on power. Therefore, these recommendations are not meant solely to apply to President Biden, but also any sitting executive who might defy the will of the people as expressed through a legal election.

Design of the Exercises

In June, TIP 2024 conducted two academic exercises to consider various possible contingencies in the upcoming presidential election.³⁰ Each one identified potential vulnerabilities within the democratic process as we progress from the nomination of major-party candidates to the inauguration in 2025. The outcomes provide important insights on safeguarding the election against worst-case scenarios and attempts to circumvent existing laws and norms.

The structure of the exercises was organized around three cells (or teams): a “blue cell” representing the Biden Administration and aligned groups determined to secure him a second term, a “red cell” representing conservative-aligned entities who worked to limit President Biden to one term, and a “white cell” which included the persons who facilitated the study and also “neutral” players who would not be clearly aligned with either the Biden Administration or the GOP challenger. These exercises were run online by a small team of facilitators led by Exercise Leader Chuck DeVore. This group coordinated the scenarios virtually and in real time from offices in Austin, Texas.

Individuals who accepted the invitation to participate were assigned one of the following roles:

Blue Cell: Biden Administration, the Democratic National Committee (DNC), Congressional Democrats, Intelligence Community/FBI/CIA, Department of Justice, Mainstream Media, Big Tech/Social Media/Internet Companies, TikTok, Black Lives Matter/Antifa/Pro-Hamas, and Urban Law Enforcement

²⁹ See Peter Wehner, *The GOP Is a Grave Threat to American Democracy*, Atlantic (Apr. 26, 2021), <https://www.theatlantic.com/ideas/archive/2021/04/gop-grave-threat-american-democracy/618693/>.

³⁰ Mary-Grace Byers of The Heritage Foundation’s Oversight Project provided critical administrative support throughout this project. Paul Ivie of the Texas Public Policy Foundation worked selflessly and on short notice in designing the tech infrastructure that supported the exercises.

Red Cell: Republican National Committee (RNC), Congressional Republicans, Republican Lawyers' Association, Conservative Media, Evangelicals, Twitter/X and Truth Social, Project 2025, and Local Sheriffs

White Cell: China, Russia, Mexico/Central America, Cartels, Appeals Court, Supreme Court of the United States, U.S. Military, Lower Courts in Swing States, and Swing State Governors; Roles functioning as non-players/exercise facilitators: Exercise Leader, Exercise Manager, Scenario Analysts, Tech Support, and Scribes

Participants were assigned a role that aligned with their real-life expertise and experience, and most roles were filled by different participants for each exercise, which consisted of six turns, defined as follows:

Turn 1: Party Conventions to Labor Day

Turn 2: Labor Day to the Start of Early Voting

Turn 3: Early Voting to Election Day

Turn 4: Election Day to November 12

Turn 5: November 13 to State Certification (December 5)

Turn 6: Certification to Inauguration Day

Each player/role was restricted in terms of which other players they could collaborate with, and the allowable means of communication between players were stipulated based on the strength of the real-life association of the entities in question. For example, communication between the Biden Administration and the Democratic National Committee had few restrictions, whereas more limitations were imposed on the timing and means of communication between players like Congressional Republicans and the Democratic National Committee or between the Biden Administration and leaders within Black Lives Matter/Antifa/Pro-Hamas activists.

At the outset of each scenario, all players received an identical opening brief that developed hypothetical circumstances related to the election, beginning after the nomination of the major party candidates. In the process of each turn, players conveyed their intended actions to the exercise facilitators, who used free arbitration methods to decide which measures would meet with success, thereby shaping the scenario as it developed through each turn, based on other players' moves.

All participants could also make and see social media posts in the context of the exercises, and players in the role of social media platforms and Big Tech firms had the ability to censor, limit, or boost the reach of information in the name of "trust and safety." Those players also decided how to interpret the existing policies of each platform—and exercised liberty to change policy.

In this way, TIP 2024 executed a high-fidelity academic operation that provides insight on how critical American institutions and individuals might respond to stresses imposed by a contested election.

Through study and analysis of the results of the exercises, TIP 2024 provides a basis for interested third parties to avoid the risks inherent to elections when existing laws and procedures are under attack.³¹

Summary of Events

Each of the two exercises began from the same set of assumptions about where the presidential race will be after the major party conventions are concluded.³² Of course, there are many uncertainties about future events that could have enormous implications for the contest. This is the very reason the election presents the possibility of crisis, and the primary reason that these exercises were necessary. In particular, there are three major situations that make the election difficult to predict: the unprecedented lawfare that has been waged against former President Trump (and how the courts decide existing cases),^{33, 34, 35, 36, 37} the growing likelihood that Democrats may attempt to replace President Biden at the top of the ticket,^{38, 39} and the speed of the apparent decline in the mental acuity of the 81-year-old incumbent.⁴⁰

Significant new developments on any of these fronts would fundamentally alter the state of the race in ways that cannot be foreseen. Thus, the TIP 2024 exercises operated on the premise that the GOP nominee will remain free to campaign as candidates typically do, that late and unprecedented changes to the ticket do not occur, and that the Democratic candidate does not suffer a major health event prior to the election. With those caveats built into the exercises from the start, they transpired loosely as follows.

EXERCISE 1

In **Turn 1 of the first exercise**, the three weeks following the DNC convention saw the Democrats' post-convention momentum reversed by the deteriorating situation on the southern border and an uptick in migration, as often happens when summer wanes. In-exercise polling suggested the Electoral College

³¹ For example, readers are invited to recall that TIP 2020's culminating report entitled "Preventing a Disrupted Presidential Election and Transition" repeatedly challenged the existence of the Electoral College, insisting that organizers "share[d] the view that the Electoral College is profoundly anti-democratic, and that numerous long-standing practices also function to create structural biases in our voting systems." In the event of a "clear Trump win" in the last election, TIP 2020's exercises called for players to only concede the election in exchange for the "abolishment of the Electoral College, making DC and Puerto Rico states, and other key changes." TIP 2020 was staffed by people with considerable power and influence in our democracy. Their evident disregard for both our Constitution and our election procedures underscores the need for strategies to defend our institutions in the event of a contested election.

³² See appendix for the opening scenario of the exercises.

³³ See Lauren Irwin, *Hochul Tells NY Businesses Not to Fear About Trump Verdict: 'Nothing to Worry About,'* Hill (Feb. 18, 2024), <https://www.msn.com/en-us/news/politics/hochul-tells-ny-businesses-not-to-fear-about-trump-verdict-nothing-to-worry-about/ar-BB1it3Uf>.

³⁴ See Ben Protess et al., *Judge in Trump's Criminal Trial Declines to Recuse Himself*, N.Y. Times (Apr. 15, 2024), <https://www.nytimes.com/2024/04/15/nyregion/judge-merchan-recusal-trump-trial.html?searchResultPosition=4>.

³⁵ See Kara Scannell, *New Manhattan DA Alvin Bragg Pledges to Focus on Trump Investigations*, Cable News Network (Dec. 20, 2021), <https://www.cnn.com/2021/12/20/politics/bragg-new-york-trump/index.html>.

³⁶ See *How Revelations of a Prosecutors' Romance Opened the Georgia Trump Case*, N.Y. Times (Mar. 15, 2024), <https://www.nytimes.com/2024/03/15/us/elections/fani-willis-nathan-wade-trump-timeline.html?searchResultPosition=10>.

³⁷ See Charlie Savage, *Reactions and Highlights of the Supreme Court Decision on Trump's Immunity*, N.Y. Times (July 1, 2024), <https://www.nytimes.com/live/2024/07/01/us/trump-immunity-supreme-court>.

³⁸ See Christopher Cadelago et al., *Dems in Full-Blown 'Freakout' Over Biden*, Politico (May 28, 2024), <https://www.politico.com/news/2024/05/28/democrats-freakout-over-biden-00160047>.

³⁹ See The Editorial Board, *To Serve His Country, President Biden Should Leave the Race*, N.Y. Times: Op. (June 28, 2024), <https://www.nytimes.com/2024/06/28/opinion/biden-election-debate-trump.html>.

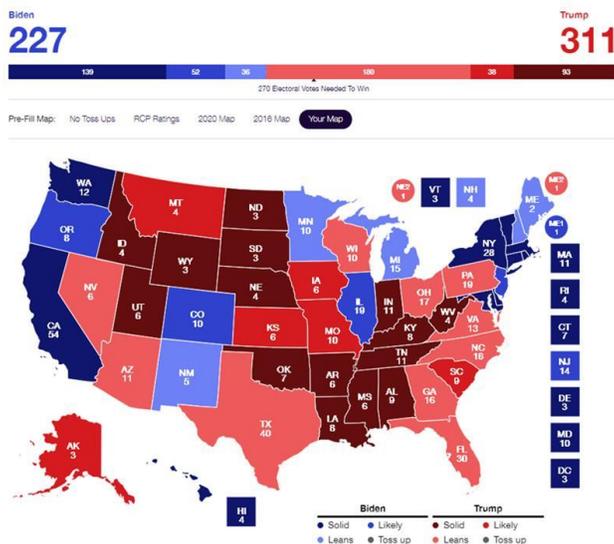
⁴⁰ See Steve Holland et al., *Age in Focus as Biden Faces Trump in First Presidential Debate*, Reuters (June 26, 2024), <https://www.reuters.com/world/us/biden-supporters-bank-debate-with-trump-ease-age-concerns-2024-06-26/>.

map likely stood at 311 electoral votes for the Republican nominee to 227 for the Democratic nominee—an erosion for Biden, given earlier projections had him at 241.

Early in Turn 1, the international situation grew more complicated. In Mexico, the MORENA party had won a supermajority in both legislative chambers and was bargaining with the White House from a position of strength. The Biden Administration appeared eager to broker arrangements that might temporarily reduce illegal crossings until after the election. In-exercise U.S. intelligence suggested that China was seeking to disrupt U.S. elections using multiple methods.

Largely disregarding threats from foreign actors, the Administration appeared to be taking a whole-of-government approach in mobilizing resources to aid in the President's reelection, including enlisting federal law enforcement assets to suppress domestic threats to the election process. Paradoxically, parts of this effort seemed to ramp up public fears of violence. Many Democratic poll workers resigned in response to rumors of possible right-wing intimidation at the polls. Congressional Democrats focused on retaining and expanding control of the Senate with emphasis on Arizona, Michigan, Nevada, Pennsylvania, and Wisconsin.

As American college students returned to campus, leftist protest groups reactivated in response to Israel's retaliation for Hamas's October 7 attack. Protesters—many of whom seemed unaffiliated with the universities—called for the defunding of police, enhanced voting rights, reparations, opposition to Zionism, and serious climate action.



Turn 2 of the first exercise saw open support of Trump by many rank-and-file members of urban law enforcement, who largely rejected the requests from some officials that local police actively work to neutralize community organization and canvassing by conservative groups. The FBI continued to warn of possible voter intimidation by extremist groups, but their warnings were viewed with skepticism by much of the public (as indicated by in-exercise social media postings).

The immigration crisis continued to be a major factor in shaping public opinion. In a highly publicized confrontation between the Biden Administration and Texas, the Lone Star State successfully cleared out

an encampment on the border that was assisting in illegal crossings. Illegal immigration and large drug busts on the border had also noticeably subsided, down from the numbers reported during the autumn of 2023. In response to the humanitarian crisis in the Gaza Strip, the Biden Administration offered to accept an unspecified number of Palestinian refugees. Media rumors suggested the figure may be upwards of 50,000, with the first arrivals expected October 9.

Intelligence assessments found foreign election interference was already underway, with China, Iran, and Russia all running disinformation campaigns—but not in tandem. Russian President Vladimir Putin offered public comments that openly favored Biden’s reelection. Mexico and the MORENA party actively sought ways to influence the U.S. election to Democrats’ advantage with the ultimate aim of securing increased U.S. foreign aid as well as American acceptance of a significant centralization of power that could turn Mexico into a one-party leftist state.

Turn 2 polling numbers remained largely unchanged from Turn 1.

Key scenario developments from **the third turn of the first exercise** were as follows:

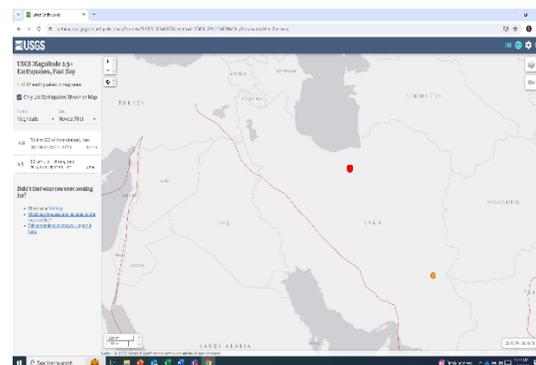
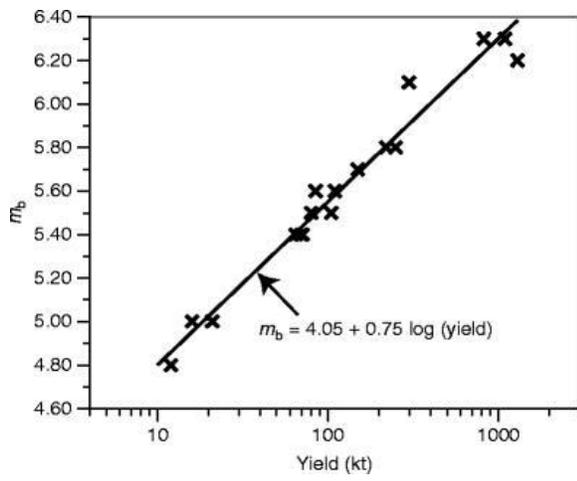
A unit of 19 Hamas-aligned terrorists—some of whom reportedly entered the U.S. illegally at the southern border—broke into a well-known Jewish celebrity’s home and held her hostage.⁴¹

Widespread cell phone outages and internet blackouts were reported in some areas and a few water systems were contaminated on October 16. U.S. Intelligence cited some evidence that these events were tied to Chinese and Russian cyberterrorism. In a seemingly unrelated occurrence, the FBI suspended 18 suspected whistleblowers from their ranks.

Public opposition to the plan to accept Palestinian refugees prompted an announcement that the 25,000 newcomers would be rigorously vetted before they were welcomed to America and dispersed primarily to the states of Michigan, Minnesota, and Wisconsin.

The most significant event of Turn 3 was indubitably the underground test by Iran of a nuclear device with a destructive force about 20 percent greater than the bomb dropped on Hiroshima. Detected by seismic monitoring, the detonation shocked the world. Eventually, Iran announced the achievement on social media platforms. The October surprise seemed to move national polling further in Trump’s favor.

⁴¹ An FBI siege ensured that she was rescued unharmed.



Turn 4 of the first exercise considered election week. The Senate elections went well for the Republicans who would gain a 56–44 majority in the incoming Congress. The House elections were hard-fought and stood at 217 to 217 (with AZ–1 being too close to call).

Days after the election, with the electoral count at 267 for Trump and 260 for Biden, it was clear that (as in the House) the outcome would also be determined by Arizona and its 11 electoral votes. The tally in the Grand Canyon State showed that Trump was temporarily ahead by 65,554 votes with more than 340,000 ballots outstanding (mostly mail-in with some provisional). As those were counted, media outlets speculated that Trump’s lead would evaporate.

Lawsuits were filed to determine the Arizona result.⁴² Significant leftist street-violence unfolded in the major cities across the country—with additional pressure in Arizona assisted by the MORENA party in Mexico.

⁴² See appendix for details and court holdings.

One wildcard that clouded the final outcome of the presidential election was that the FBI, in response to unvalidated claims of racial intimidation at the polls, launched civil rights crimes investigations in Arizona, Michigan, Minnesota, Ohio, Pennsylvania, Tennessee, Virginia, and Wisconsin. Pending the resolution of the investigations, intelligence officials requested that state officials tasked with election oversight stop publicly reporting updated vote tallies. In states where elected officials were primarily Democrats, personnel promptly complied with these requests, which posed a unique threat to Trump's apparent victory in Democrat-led Wisconsin. Ultimately, the Supreme Court of the United States found that the federal government did not have standing to intervene in state-run elections.⁴³ The FBI later found that most reports of intimidation were false.



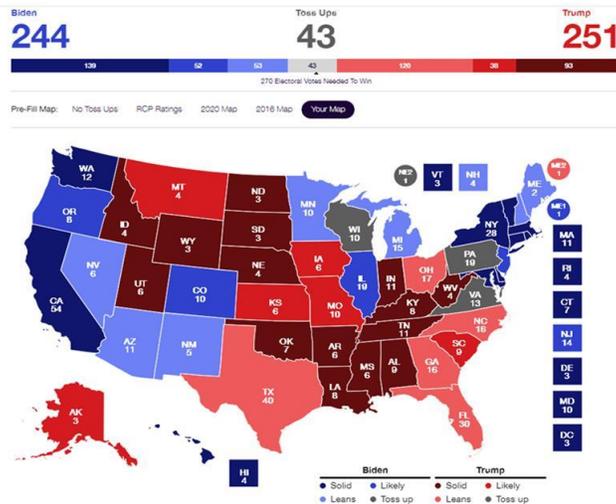
Legal battles continued throughout the month of November (and the course of **Turns 5 and 6 of the first exercise**). Disregarding the ruling of the Supreme Court on the FBI's attempt to assert authority over state elections, Merrick Garland's Justice Department made unsuccessful attempts to control aspects of the counting in Arizona. But as it became clear that Trump had significantly improved on his 2020 showing in Maricopa County, and as Biden Administration insiders warned Garland that the incoming Trump Administration could charge him with insurrection should he continue to obstruct the process, Garland backed down. This gave Trump the presidency for a second time:

⁴³ See appendix for decision.



EXERCISE 2

When **Turn 1 of the second exercise** began as the DNC convention wrapped up, China significantly ramped up its military threats against Taiwan, causing the President to respond decisively. This resulted in the Chinese backing down from open conflict, but they continued with gestures of saber-rattling. The resolute action from the White House, combined with the typical post-convention bounce, saw Biden's polling improve, effectively pulling his numbers even with his rival as Americans rallied behind the flag. Aggregated polling showed a map like the one below:



Nevertheless, the Administration actively worked to leverage government power to enhance Democrats' electoral prospects. The White House directed the Civil Rights Division, under supervision of Attorney General Garland, to coordinate with U.S. Marshals and develop a plan to ensure that the voting

rights of minority voters in Detroit, Miami, Milwaukee, Philadelphia, and Phoenix would not be compromised by GOP efforts to secure balloting processes (which the Administration characterized as “voter suppression efforts”). Government insiders dubbed this effort the “Protected Voices Project.”

The FBI took the further step of cautioning the public about an “enhanced risk to poll watchers and election officials” and suggested that voting by mail would safeguard the election process. The DNC also condemned RNC efforts at election integrity and wasted no time in filing a lawsuit in the U.S. Federal Court for the Eastern District of Michigan, which sought declaratory and injunctive relief to stop the RNC’s “voter suppression” activities and consisted of demands that laws for voter identification would be followed, along with processes for validating signatures. Among other allegations, the suit claimed that the RNC conspired with convicted felon Donald Trump, the Michigan Republican Party, and dark money organizations to use fraud and deceit to impair or obstruct the 2024 election, undermining black and brown citizens' right to have their votes counted (in violation of 42 U.S.C. 1985(3)).⁴⁴

There were multiple intelligence reports that China aimed to disrupt U.S. elections using multiple methods, with rumors that they might seek to sabotage critical infrastructure.

There were key developments in **Turn 2 of the second exercise**:

Pennsylvania Governor Shapiro responded to intelligence reports about voter suppression by issuing an executive order on September 20 to ensure that polling locations would have adequate staffing for safety and security. It authorized county election officials to consolidate precincts as needed to reduce the number of poll workers required to operate the voting locations. This led to longer lines on Election Day, likely advantaging Democrats, but the order went unchallenged by Republicans in the courts.

Left-wing environmental activists successfully occupied and shut down port and rail access in Los Angeles, Oakland, and Seattle on September 20. President Biden consulted with the governors of California and Washington and dispatched the FBI to augment local and state law enforcement. In cooperation with a few hundred National Guard soldiers, the encampments were cleared within a week.

China continued to escalate tensions in the Pacific, culminating in a major exercise aimed at intimidating Taiwan and neighboring nations. This effort elicited a stronger-than-anticipated U.S. response: deployment of fighters to Taiwan as well as two Patriot missile batteries. Shortly thereafter, Taiwan suffered a damaging cyberattack. Closer to home, American intelligence received multiple reports that the Chinese Communist Party and its military apparatus were building “Jungle Tiger” cells in the U.S. homeland. It appeared they had been exploiting the southern border to gain entry, and their aims were unknown.

After an earlier surge in polling due to Biden’s strong stance against Chinese actions in the South China Sea, Biden’s numbers pulled back.

⁴⁴ See appendix for more details on the lawsuit and the court’s rationale in deciding it.



Turn 3 of the second exercise, examining the early-voting period up to the day before the election, was highly eventful. Media outlets widely reported rumors of the imminent arrest of Donald Trump for insurrection in relation to the events of January 6, 2021. Other reports suggested it would be for disclosing classified information. All rumors were categorically denied by representatives of the Justice Department.

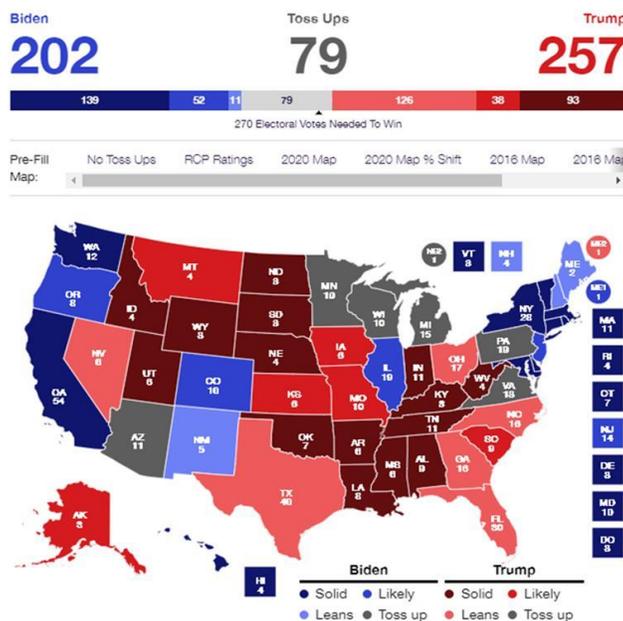
Six Chinese illegal immigrants were caught at the border with plans of a Texas water treatment facility, bolstering earlier reports of “Jungle Tiger” cells that would target American infrastructure.

Public fears of foreign interference were stoked on October 10, when elections administrators in 23 counties across 17 states were unable to access their e-mail accounts. The systems were locked down, passwords were changed, and systems restarted. Officials assured the public that election systems were not compromised.

A state supreme court win in Wisconsin allowed the use of drop boxes for casting votes. In other Wisconsin-related action, Republicans appealed a decision that called for an end to ballot security measures and won the case in the higher court.⁴⁵

Pennsylvania Governor Josh Shapiro dispatched state police and National Guard to Philadelphia to help secure the city in the wake of a shooting that targeted and killed some police officers there on October 19.

⁴⁵ See details in the appendix.



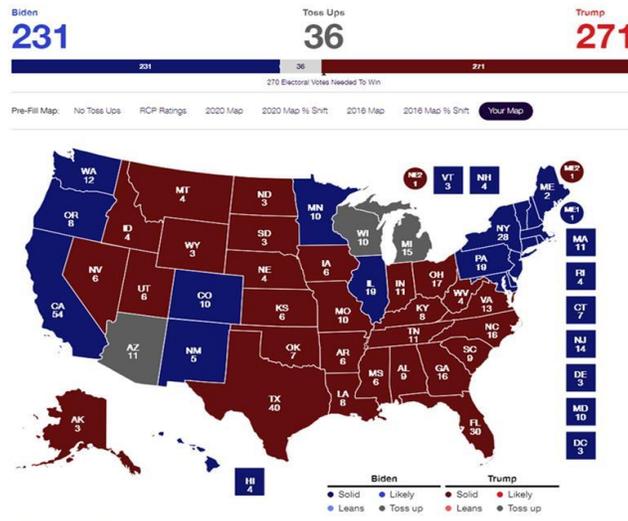
Turn 4 of the second exercise considered Election Day and the following week. On election night, mainstream media outlets called Ohio for Biden shortly after polls closed in the Midwest, but it quickly became apparent those numbers were the product of corrupted data on voting machines, and Ohio was in the Trump column by morning. When the dust cleared, Trump seemingly had enough Electoral College votes to win: 271 to Biden's 231, with three states still too close to call: Arizona, Michigan, and Wisconsin. The Biden camp and their allies, recognizing that sweeping all three states would not be enough to win, also fixed their attention on Virginia, where the race was called for Trump but with a margin of victory that was only around 7,000 votes. Democrats filed suit to overturn those results, claiming civil rights violations. If Democrats could run the table—taking Arizona, Michigan, and Wisconsin, and flipping Virginia via legal maneuvering—Biden would claim victory.

Adding to the turmoil, Merrick Garland's Department of Justice arrested Donald Trump on November 7 at Mar-a-Lago, charging him with mishandling classified documents and with insurrection due to the events of January 6, 2021. Trump agreed to be held under house arrest at Trump Tower in New York City. Maintaining Internet access, he held online rallies that attracted millions of live viewers from across the country.

Public unrest increased as a Trump victory looked more likely, and well-organized attacks by leftist domestic terrorists were carried out against the homes of Supreme Court Justices Clarence Thomas and Brett Kavanaugh on the evening of Saturday, November 9. Both homes were breached and there were multiple injuries. Attackers also set fire to Thomas's home. Neither Justice nor any family members were home at the time. Meanwhile, the U.S. intelligence community leaked a memo asserting that associates of Trump were working clandestinely with China's Ministry of State Security (MSS).

The U.S. Supreme Court ruled that the arrest of Donald Trump was unconstitutional with a 6 to 3 majority opinion on November 10.⁴⁶

The Senate elections went well for the Republicans who would enjoy a 56-44 majority in the incoming Congress. The House elections saw the Republicans retain their majority with 220 seats to the Democrat's 215.



Turns 5 and 6 of the second exercise took the participants through November 30, by which time Trump had notched wins in Arizona, Michigan, and Wisconsin. The Virginia hand recount was completed, leaving Trump with a victory of about 2,000 votes. Trump's wins in the three aforementioned states rendered continued legal challenges to the Virginia outcome electorally moot.

The final Electoral College vote tally was Trump 326, Biden 212. Public violence, orchestrated by the radical Left and enabled by timid responses from federal, state, and local governments, continued to the inauguration. Many federal bureaucrats in the executive branch refused to comply with the transition team, clouding the immediate prospects of the new administration.

⁴⁶ See appendix for further details.



Key Lessons and Findings:

Both exercises offered a wealth of information about contingencies that may arise in the context of a contested election in 2024. Without distinguishing between the two exercises, we offer a variety of public insights that may be useful to government officials, campaign staff, citizens, and others as November quickly approaches.

- ***The incumbent is always the greatest threat to a peaceful, secure transition of power.*** Recent lawfare, perpetrated by agents within the government and close proxies,⁴⁷ is unprecedented and poses a serious threat to the continuity of the remaining procedural norms of our constitutional inheritance. As the arrest of former-President Trump in our second exercise showed, politically-motivated prosecution and persecution might seriously jeopardize a peaceful transition of power in the White House and in Congress. Government workers who are self-styled “defenders of our democracy” should recognize lawfare against political enemies as a form of election interference and stridently avoid it in all cases but those involving the most egregious and uncontested violations of law. Courts, together with the citizens of the United States, have a sacred obligation to protect against the weaponization of our justice system. No one is above the law, but similarly, no American can be classified as *beneath* the protections that the law affords all citizens.
- ***Intelligence and federal law enforcement decisions are compromised by left-leaning ideology and a desire to maintain unconstitutional power.*** False narratives will be deliberately employed in this election cycle (or unconsciously due to institutional bias). Citizens and media outlets must meet these narratives with default incredulity. Given the litany of lies propagated by U.S. intelligence, all aimed at securing political advantage for Democrats (Russian “collusion” in

⁴⁷ See Katelynn Richardson, *Meet The Former Biden DOJ Official Who Jumped Ship To Prosecute Trump*, Tampa Free Press (Apr. 23, 2024), <https://www.msn.com/en-us/news/politics/meet-the-former-biden-doj-official-who-jumped-ship-to-prosecute-trump/ar-AA1nxJfI>.

2016,⁴⁸ two heavily politicized impeachments,⁴⁹ the portrayal of Hunter Biden’s laptop as Russian disinformation in 2016,⁵⁰ and staged media events like the federal raid of Mar-a-Lago⁵¹), the public should reflexively disbelieve and challenge the intelligence community’s allegations regarding Trump, foreign interference, and Republican efforts to legally win the White House.

- ***Given the rapid deterioration of the global order under Biden’s rule, America’s geopolitical enemies will view the 2024 election as an opportunity to undermine the stability of the United States.*** A weak American executive provides an opportunity for nations like China, Iran, and Russia to work to ensure a second Biden term. Allegations of interference that run counter to this simple logic should also be met with default skepticism by voters. Further, hostile nations will attempt to amplify Americans’ uncertainties regarding the election and deepen the divisions between our citizens.
- ***Agents of the federal government may attempt to assert authority over local and state elections.*** In both TIP 2024 exercises, federal entities (once the FBI and once the Civil Rights Division of the Justice Department) attempted to violate the sovereignty of state officials in conducting independent elections. Such encroachments, should they happen, would need to be vigorously challenged in the courts, by peaceful citizen demonstrations in the streets, and in aligned media outlets.
- ***The concept of “election month” is a deviation from long-standing American precedent.*** Propagated by partisan actors, “election month”⁵² is an invitation to, and a vehicle for, illegal fraud in balloting and the tabulation of results. Americans have a right to expect that their elections are tabulated and concluded in expedited fashion *on Election Night*. History shows this to be within the ability of all 50 states. Resisting this precedent erodes public confidence in the validity and reliability of election results. As such, it constitutes a threat to our democracy.
- ***As shown in 2020, courts are reticent to allow legal challenges as a means to expose election misconduct, viewing such interventions as an improper intrusion into political questions.*** In 2024, election observers will need to quickly compile documented evidence of illegality *prior* to filing challenges. Such evidence will be a necessary (but not sufficient) prerequisite for gaining the courts’ permission in allowing formal challenges to move forward.
- ***Perhaps as many as 15 million aliens have illegally entered the United States since the beginning of the Biden Administration.***⁵³ This means that enforcing the laws governing voter eligibility and identification will be critical to producing an election result that Americans view as legitimate.

⁴⁸ See Eric Tucker, *Durham Report on Trump-Russia Investigation: What Led to It and What Happens Next*, Assoc. Press (May 16, 2023), <https://apnews.com/article/durham-justice-trump-russia-8d50b5f7cbff6670afbb2d866f06edb7>.

⁴⁹ See Domenico Montanaro, *Senate Acquits Trump in Impeachment Trial — Again*, Nat’l Pub. Radio (Feb. 13, 2021), <https://www.npr.org/sections/trump-impeachment-trial-live-updates/2021/02/13/967098840/senate-acquits-trump-in-impeachment-trial-again>.

⁵⁰ See Luke Broadwater, *Officials Who Cast Doubt on Hunter Biden Laptop Face Questions*, N.Y. Times (May 16, 2023), <https://www.nytimes.com/2023/05/16/us/politics/republicans-hunter-biden-laptop.html>.

⁵¹ See Josh Gerstein & Kyle Cheney, *Prosecutors: Docs in Boxes Seized from Mar-a-Lago Were Inadvertently Jumbled*, Politico (May 3, 2024), <https://www.politico.com/news/2024/05/03/mar-a-lago-trump-classified-documents-00156124>.

⁵² See *Preventing a Disrupted Presidential Election and Transition*, Jud. Watch (Aug. 3, 2020), <https://www.judicialwatch.org/wp-content/uploads/2020/08/Transition-Integrity-Project-Report.pdf>.

⁵³ See Bethany Blankley, *More Than 12 Million Illegal Border Crossers Since Fiscal 2021*, Center Square (June 21, 2024), <https://www.msn.com/en-us/news/us/more-than-12-million-illegal-border-crossers-since-fiscal-2021/ar-BB1oFHqn>.

- **Anticipate election challenges.** If the result is not immediately clear, events will unfold at an extremely rapid rate. The limited amount of time between the election and certification demands that we act quickly and effectively in challenging illegal ballots, questionable tallying methods, and media narratives that minimize or attack legitimate claims of interference or fraud. Individuals fighting for the integrity of this presidential election must understand that unprecedented circumstances call for unprecedented actions. Because we may encounter novel situations where previous court rulings do not guide us toward a clear resolution, petitioning the courts can only be one measure among many to fight abuses of our election process. Legal activity will play an essential (but limited) role in a battle that will be fundamentally *political* rather than judicial—especially given the courts’ demonstrated reluctance to adjudicate challenges to the 2020 election.
- **Big Tech (Google, Facebook, Meta, etc.) will again interfere with the election.** As major donors to the Democratic party and their candidates, these platforms will continue to undermine Americans’ First Amendment rights by censoring and throttling information that is disadvantageous to Democrats’ electoral objectives and boosting material that plays to their advantage. The Supreme Court’s recent ruling in *Murthy v. Missouri* makes collusion between social media giants and the government to suppress citizens’ First Amendment rights (as occurred in 2020) much more likely in the lead-up to this election.⁵⁴ Aggressively manipulating citizens’ access to information, Big Tech tries to dictate the scope of legitimate American public discourse. While those committed to constitutional governance cannot afford to abandon these hostile platforms (thereby entirely surrendering them to the political Left), citizens should favor alternative social media sites. Outlets like X/Twitter and Truth Social have demonstrated far greater allegiance to America’s free speech doctrine. This means that Americans can have greater trust that content on these sites provides an accurate depiction of the opinions and concerns of the polity at-large. It also means that sharing sensitive material (for example, video footage of “mostly peaceful” leftist street violence) may be less likely to meet with censorship or penalties on these platforms.
- **Anticipate the Blue Mirage.** Most major American news outlets have abandoned the principle of journalistic objectivity^{55, 56} and openly shape their coverage of events in ways intended to aid Democrats and their aims. Should the Democratic candidate show the slightest lead, the mainstream media will hasten to “call” races in that candidate’s favor. When outlets announce that a close race is a “projected victory” for Democrats, citizens should view these reports with skepticism. Legacy news organizations will be eager to abbreviate election night by declaring a Biden victory before all votes are counted. Conversely, in the case of an apparent victory for a disfavored contender, the media will refuse to “call” states on the basis of mere projections, claiming instead that there are still votes to be counted. This should be regarded as an attempt to “stop the clock,” buying needed time for legal and extralegal interventions that might secure a victory for the preferred candidate. Remember: it is not the media’s job to determine the winner, but to announce it.

⁵⁴ See Adam Liptak, *Supreme Court Rejects Challenge to Biden Administration’s Contacts With Social Media Companies*, N.Y. Times (June 26, 2024), <https://www.nytimes.com/2024/06/26/us/politics/supreme-court-biden-free-speech.html?searchResultPosition=1>.

⁵⁵ See Leonard Downie Jr., *Newsrooms That Move Beyond ‘Objectivity’ Can Build Trust*, Wash. Post: Op. (Jan. 30, 2023), <https://www.washingtonpost.com/opinions/2023/01/30/newsrooms-news-reporting-objectivity-diversity/>.

⁵⁶ See Jim Rutenberg, *Trump Is Testing the Norms of Objectivity in Journalism*, N.Y. Times (Aug. 7, 2016), <https://www.nytimes.com/2016/08/08/business/balance-fairness-and-a-proudly-provocative-presidential-candidate.html>.

- **Establish state-level networks of individuals in advance—people who are ready to quickly activate a coordinated effort when needed.** All state-level elected officials should proactively enforce existing election laws and precedents, and to use whatever power is at their disposal to challenge, neutralize, or negate violations of procedure that might influence the outcome of the election by undemocratic or illegal means (including organized leftist street violence intended to intimidate the courts that will decide cases relevant to the election).
- **Private citizens must give freely of their time and talents.** In the event of a threat to a secure transition of power, people committed to constitutional governance cannot be spectators, passively awaiting news reports of developments as events unfold. Individuals with legal expertise should begin drafting briefs and memos in anticipation of electoral abuses that may occur. Citizens should volunteer to be trained to work at the polls and to serve as observers during the counting of ballots.
- **Expect public violence from left-aligned entities in the event of disfavored outcomes.** Street violence can be used as a form of election interference. Should it occur in the 2024 cycle, it will likely be directly or indirectly supported by foreign nations intent upon weakening America.⁵⁷ Elections are official proceedings of state governments; as such, disrupting them is punishable by law. Sheriffs and police chiefs committed to fair elections must be proactive in developing plans to discourage, contain, and neutralize unrest. Should violence or disorder occur, law enforcement and the courts must swiftly punish offenders to the fullest extent of the law. Before voting begins, leaders in local law enforcement should announce that police will aggressively pursue rioters, thieves, arsonists, vandals, and assaulters in the weeks before and after a contested election. Governors must make these expectations clear to their police leadership well before the election.⁵⁸

Concerned citizens living in high-risk areas should demand that law enforcement prepare for such exigencies and should document their interactions with officials on these matters in advance of the election. If there is public violence, biased media outlets will give it minimal coverage and will understate the damage and threat that rioting and looting pose to public safety.⁵⁹ To counteract these manipulations of public opinion, citizens should take opportunities to safely record the unrest and post to social media—preferably Twitter/X or Truth Social, where such material may face less censorship.⁶⁰

- **Mobilize for public demonstrations in defense of constitutional governance and lawful elections.** Organizations committed to these things should lay the groundwork for large, peaceful demonstrations in public should procedural abuses occur. The occupation of public space will be

⁵⁷ See Cheng Che, *The Forgotten Alliance Between Black Activists and China*, Wash. Post (Sept. 28, 2020), <https://www.washingtonpost.com/outlook/2020/09/28/forgotten-alliance-between-black-activists-china/>.

⁵⁸ See Neil MacFarquhar, *Why Charges Against Protesters Are Being Dismissed by the Thousands*, N.Y. Times (Nov. 19, 2020), <https://www.nytimes.com/2020/11/19/us/protests-lawsuits-arrests.html>.

⁵⁹ See Khaleda Rahman, *CNN Mocked for Calling Kenosha Riots 'Fiery but Mostly Peaceful Protests'*, Newsweek (Aug. 27, 2020), <https://www.newsweek.com/cnn-mocked-calling-kenosha-riots-fiery-mostly-peaceful-protests-1527997>.

⁶⁰ See Hannah Murphy & Benjamin Parkin, *Elon Musk Launches Global Battle Over Government 'Censorship' of X*, Fin. Times (May 12, 2024), <https://www.ft.com/content/bedde085-f762-44c9-8a0a-1cf81e69a19a>.

an important visual confirmation of widespread grievance of the American people when it comes to violations of law and long-standing precedent.⁶¹

- ***Expect internal resistance to a transition of power.*** Those working with a new administration will face immense resistance from bureaucrats whose personal political preferences conflict with the will of the American people. Members of the transition team will need to work closely with trusted individuals within the government to ensure a constitutional transfer of power. They will also need to find creative ways to circumvent administrative offices that may formally or informally declare themselves “sites of resistance” to a new, legally elected executive.⁶²
- ***In the event of a contested election, the MORENA party in Mexico will see a chance to consolidate their power while America is embroiled in internal disputes.*** The longer the uncertainty about electoral results endures, the greater the threat of a one-party leftist government in Mexico grows. Such a development would have obvious implications for North American relations and security.
- ***Identify and secure the financial resources necessary to effectively challenge malfeasance.*** Significant monetary costs will be incurred in securing a peaceful transfer of executive power, should the people vote for one. These costs will not be limited to paying lawyers. Donors and patrons committed to constitutional governance and the American political tradition must financially support efforts on the ground to defend the integrity of our elections.
- ***Corporate media’s immense power to simulate and influence public opinion must be aggressively confronted, contradicted, and circumvented.*** Historically, a win for the challenger would be indicative that public opinion favors that candidate over the incumbent. But “public opinion” no longer refers to the aggregate beliefs of all Americans. Rather, “public opinion” is a rhetorical construct of legacy media outlets in collaboration with other power centers such as academia, Hollywood, corporations, nongovernment organizations (NGOs), and biased polling outlets.⁶³ An election result that these entities find undesirable will be relentlessly attacked as a product of outside interference—an unconscionable threat to “our democracy,” and, therefore, fundamentally invalid. These accusations must be treated as *de facto* election interference: elite institutions cannot be allowed to exercise a “veto” on the legally-expressed, democratic will of the people.
- ***In the event of a GOP victory in the Electoral College but a loss in the popular vote total, Democrats will deny the outcome by delegitimizing the electoral procedures that have held since the beginning of our constitutional republic.*** Media messaging and leftist agitators will aim to change the rules after the fact. The Electoral College will be impugned as a racist and anti-democratic institution—a claim ironically advanced by the final report of the inaptly-named 2020 Transition Integrity Project.⁶⁴ States that have committed to the so-called National Popular

⁶¹ See Adam Ellwanger, *The Occupation: Public Protest & Use of Space*, Real Clear Policy (Aug. 6, 2021), https://www.realclearpolicy.com/2021/08/06/the_occupation_public_protest_and_use_of_space_788777.html#.

⁶² See *I Am Part of the Resistance Inside the Trump Administration*, N.Y. Times: Op. (Sept. 5, 2018), <https://www.nytimes.com/2018/09/05/opinion/trump-white-house-anonymous-resistance.html>.

⁶³ See Adam Ellwanger, *Reinventing Doxa: Public Opinion Polling as Deliberative Discourse*, Taylor & Francis Online (June 22, 2017), https://www.tandfonline.com/doi/full/10.1080/00028533.2017.1337330?casa_token=pn5HxIThdcAAAAA%3Aq_ONf6BR2J9Dnn9WZfQrNAIgu_uqPYCD-dra6NxxHY_gEC-M1y7jfDMc7bHiitpyYg0l8S_fyB8.

⁶⁴ See *Preventing a Disrupted Presidential Election and Transition*, Jud. Watch (Aug. 3, 2020), <https://www.judicialwatch.org/wp-content/uploads/2020/08/Transition-Integrity-Project-Report.pdf>.

Vote Interstate Compact may refuse to submit their slates of electors, thereby forcing interventions by state courts, many of which have clear and consistent reputations of ideological bias.⁶⁵

- ***Finally, there is also considerable potential for challenges to the election from Republican voters and activists.*** In the event of an apparent Biden victory that looks similar to what occurred in 2020 (stoppages of election-night counting in battleground states, large early morning dumps of mail-in ballots that almost uniformly favor the Democratic candidate and determine the outcome in swing states, or the counting of ballots that should have been rejected according to state statute, etc.), there will be significant legal challenges to the election. But as 2020 showed, the courts will be highly reticent to intervene, even in situations where there were demonstrable, *prima facie* violations of law. For that reason, public pressure—organized by citizens and groups committed to constitutional governance and lawful elections—will be essential to convince the courts to address the grievances of voters. This pressure will need to be significant, sustained, and visible on the streets.

These risks can be mitigated. Since the conclusion of our exercises in late June, new developments have affirmed that vigilance will be necessary in order to protect our laws and norms. The most catastrophic scenarios considered through TIP 2024’s exercises, far from being inevitable, were instead results of inadequate anticipation or an absence of will on the part of entities with power to influence the outcome of the election. Readers of this report should resist trepidation, as paralysis in the face of a crisis invites the worst possible outcomes. The proper response for those dedicated to constitutional governance is to be ready to defend our precedents, laws, and principles and to aggressively challenge any and all procedural anomalies in real time as the election cycle unfolds.

Editorial Guidance for Reading the Appendix

Some guidance is in order about how to interpret the material in the appendices to this report. First, documents that reflect court rulings should be understood purely as responses to hypothetical events that arose in the context of TIP 2024’s exercises. The legal decisions included with this report were produced to add verisimilitude to the scenarios, encouraging players to give considerable reflection to how to proceed in reaction to emergent circumstances. Materials reflecting legal events and court findings should not be read as *recommended* legal strategy, nor as a prediction of how any U.S. court *would* or *should* rule in the event of similar situations if they occurred in real life.

Likewise, the newspaper headlines and excerpts were written by seasoned journalists who could reasonably anticipate how major media outlets might respond to the exigencies that arose during the exercises. Again, this content was disseminated to enhance the realism of the experience for participants. The imagined headlines and other journalistic content do not carry any predictive intent regarding the actual election, nor are they meant to indicate how any given media outlet would actually cover such a similar situation were one to occur over the coming months.

⁶⁵ See Maggie Astor & Matt Stevens, *Did the Popular Vote Just Get a Win at the Supreme Court?*, N.Y. Times (July 6, 2020), <https://www.nytimes.com/2020/07/06/us/politics/supreme-court-popular-vote.html>.

Navigating a Post-Constitutional Landscape

The popular refrain of the mainstream media is misdirected, but it is not inaccurate: American democracy is, indeed, under attack. Unfortunately, however, democracy is *not* “on the ballot.” Citizens cannot simply vote to keep their God-given rights—they will need to actively resist the forces that seek to usurp them. Over the course of the past century, the state has abandoned or dismantled many of the constitutional limits and provisions that had guaranteed the people’s right to govern themselves. The ever-growing influence of politicized media, unelected bureaucrats, activist courts, and technical expertise erodes the most vital way that citizens express their will on who will lead: voting in elections. Those committed to ensuring the American tradition of participatory government must aggressively seek out violations of law and precedent. They must also proactively fight overt and covert efforts to corrupt the process by which a new leader is chosen. The people are sovereign, and legal and fair elections are a prerequisite to safeguarding their political power. The preceding report alerts the public to the growing threat to their sovereignty—and offers some guidance as to how to protect it. God bless America in 2024 and beyond.

APPENDIX:

Anticipating Election Disruptions to Ensure a Safe Transition of Presidential Power

The Report of the 2024 Transition Integrity Project

July 11, 2024

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- I. Opening Scenario of Exercises**
- II. In-Exercise Media Coverage**
- III. In-Exercise Legal Action and Findings**
- IV. In-Exercise Official Statements and Press Releases**

I. Opening Scenario of Exercises

August 26, 2024

Political Situation

The major party conventions are over, the Democratic nominee is seeing a post-convention bounce in the polls that puts him 2 points ahead of former President Donald Trump in the national polls.

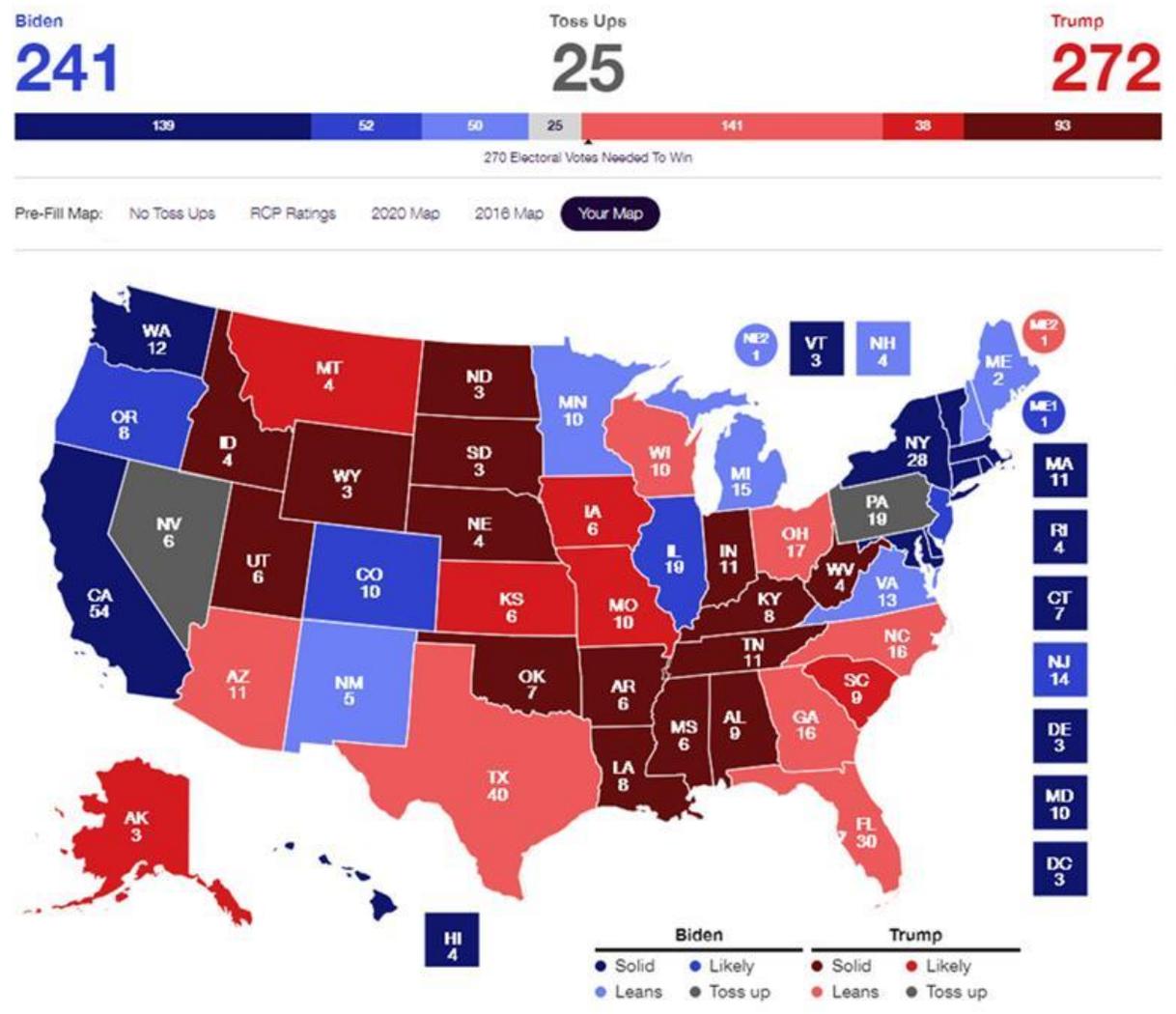
Of the nine swing states heading into the summer—Pennsylvania (19 Electoral College Votes [ECV]), Georgia (16 ECV), North Carolina (16 ECV), Michigan (15 ECV), Virginia (13 ECV), Arizona (11 ECV), Minnesota (10 ECV), Wisconsin (10 ECV), and Nevada (6 ECV) —only Nevada and Pennsylvania are polling dead even by the weekend after the Democratic National Convention. Of the other seven battleground states, they are all close to the margin of error of the average of polls, with Biden leading in Michigan, Minnesota, and Virginia and Trump ahead in Arizona, Georgia, North Carolina, and Wisconsin. The Electoral College count stands at: 272 for Trump, 241 for Biden, and 25 toss-ups. With 270 needed to win, Trump could lose both Pennsylvania and Nevada and win the presidency.

Complicating matters, Robert F. Kennedy, Jr., has secured ballot access to enough states to theoretically win the White House. Kennedy, together with minor party candidates Jill Stein, Cornel West, and the Libertarian nominee, draw 11 percent to 13 percent of the popular vote, mostly taking from Joe Biden.

Most voters cite economic issues as their main concern, followed by poor leadership, and then immigration.

Reports of potentially dangerous aliens illegally crossing the border make the news once or twice a week, but so far, only minor incidents have occurred, with the major media downplaying them by calling them “workplace violence” or attributing shootings to America’s gun culture. Illegal immigration across the Southern border is down slightly from the prior year, with illegal immigration down from its peak in December 2023, while crossings have moved largely out of Texas to California and Arizona.

On the lawfare front, Trump’s July 11 sentencing for the New York conviction was immediately appealed, with Trump remaining free. New York judge Juan Merchan considered placing Trump under house arrest or requiring he wear an ankle bracelet but was strongly advised against that by Democratic officials fearful of additional voter backlash as well as a continued erosion of the Black vote. The other cases against Trump have been pushed until after the election.



Map from RealClearPolitics Create Your Own Map feature

II. In-Exercise Media Coverage

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The New York Times
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FBI Warns Pennsylvania of Threats Against Election Officials



HARRISBURG, PA. (Aug. 26) - Pennsylvania Gov. Josh Shapiro has confirmed that threats against election officials in the state are on the rise, and that the secretary of the commonwealth is working with state police to prevent any efforts to subvert the general election in November.

“Our partners in CISA and the FBI have notified us of an increase in threat activity,” Shapiro said in a press release. “Therefore, Secretary Schmidt has set up daily briefings with the Pennsylvania State Police. The Department is increasing staff resources and has a team dedicated to combatting election misinformation.”

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Shapiro’s Plan to Weaponize Police for Election Backfires

Pittsburgh Post-Gazette

HARRISBURG, Pa. - In the wake of his warning about threats to election workers, Gov. Josh Shapiro announced a plan to authorize police to increase protection at polling places.

But he didn’t count on police unions exposing the plan as a way to intimidate Republicans, especially voters who support Donald Trump.

The Fraternal Order of Police Lodge #5 in Philadelphia revealed “internal memos distributed to several plainclothes units describing what to look for in potential polling place disruptors. The profile to be aware of, according to this memo, is white, male, wearing MAGA hats or other apparel, III% symbols and apparel, Proud Boys apparel, or anything associated with the Oath Keepers organization. Revolutionary flags such as the Gadsden Flag or ‘An Appeal to Heaven’ flag are also to receive special scrutiny.”

As the union explained, “this description is affiliated with one political party, a party to which many of our own members belong, and [we] are placing the Commissioner on notice that the rank and file of the police department have no intention of doing his political bidding in the form of harassing any one political party.”




The New York Times


Intelligence Assessment Finds Multiple Sources of Foreign Election Interference

WASHINGTON, DC (Oct. 5) - Trusted sources on Capitol Hill have leaked a national intelligence assessment on foreign interference in the presidential election.

Although the assessment finds limited risk of foreign governments being able to interfere with technical aspects of the election, there is high confidence that Russia, Iran and China are all running disinformation campaigns, but not in tandem.

Russia is believed to be working to denigrate President Biden's campaign and to boost Trump, but Iran is carrying out what one source called "a multi-pronged covert influence campaign" intended to undercut former President Trump's election prospects.

Meanwhile, China seems to be following a unique campaign of interference aimed at destabilizing the U.S. government in general, with an eye on controlling bilateral relations no matter who wins in November.




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Did Russians Just Unleash an April Surprise in October?

NEW YORK, NY (Oct. 7) - The Sputnik News Agency in Moscow has published a story claiming that in April of this year Iran captured an Israeli missile platform disguised as a container ship.

According to Sputnik, the ship was captured in the Persian Gulf and was intended to launch an attack against Iran. There was no reporting on whether the missiles had a nuclear payload, but it seems unlikely the Israelis would have risked nuclear weapons falling into the hands of their mortal enemy.

The story has all the classic earmarks of a Russian information operation, but sources within the US intelligence community are not prepared to write it off as a complete invention.

Israel has said it will take action to sabotage a peace deal being proposed by China between the Sunni government in Saudi Arabia and the terror sponsoring Shiite government in Tehran. It is possible that Israel was taking preemptive action to scuttle the deal, but US sources suggest it is more likely that Tel Aviv planted the story to warn the Chinese against getting involved in the Middle East.

Alternatively, the fact that it is just surfacing in October raises questions about whether the alleged April attack was part of a broader misinformation assault on the stability of the November election invented entirely by Moscow. It seems unlikely the matter will be resolved until months after the election.



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Foreign Intel Sources: Terror Cells Among Palestinian Refugees

WASHINGTON, DC (Oct. 7) - US intelligence sources tell FOX an undisclosed Middle East country has warned that terror cells from Palestinian Islamic Jihad (PIJ) are trying to infiltrate the civilian population awaiting relocation in the United States as part of the Biden administration's program to resettle 25,000 Palestinians this month.

The Iran-backed PIJ is a US-designated foreign terrorist organization. Sources confirmed to FOX News the FBI was aware of the foreign intelligence reporting. The White House and DHS refused to comment.



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“MAGA Country” Photo Is a Hoax, say Chicago Cops

CHICAGO, IL (Oct. 9) - The Chicago Police Department is in the news again. Two months after clashes with violent pro-Palestinian activists during the Democratic National Convention that left two protestors dead and hospitalized one Chicago policewoman with a traumatic brain injury, images of masked Chicago cops in MAGA apparel and holding up a noose are circulating on social media. Numerous sources, including local and federal law enforcement authorities, tell the Federalist that the picture is an AI-generated hoax.

“It’s spillover from the convention riots,” says one senior Chicago PD official who requested anonymity. “It’s not like BLM/Antifa needed especially complicated technology for this, with all the AI programs now available. But we’re also looking into the possibility that foreign actors may also be involved.”



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Chicago Tribune

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Probe to Unmask Far-Right Extremists Pushing MAGA Narrative Within Chicago PD

CHICAGO, Ill. (Oct. 9) - A viral photo on social media that links the Chicago Police to racist MAGA ideology is under investigation, sources say.

The photo appears to depict four Chicago police officers in uniform wearing red MAGA facemasks with one holding a noose and the caption "This actually *is* MAGA country"

The photo is intended to intimidate Black voters to stay away from polling places by invoking the memory of Jussie Smollett, the Black actor who claimed to have been threatened and assaulted by Trump supporters in downtown Chicago.

The Chicago Police Department issued a statement saying, "We are aware of a racially offensive photo making the rounds on social media depicting four CPD officers acting inappropriately and are actively investigating the validity of the photograph at this time. If it is determined that the photo is real and we are able to identify the officers, appropriate discipline will given to all involved." The statement went on to say, "Chicago Police Department will not tolerate hateful actions by its members."

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The New York Times

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Nuclear Detonation near Tehran Puts World at Risk of WWII; Israel to blame?

TEHRAN, Iran (Oct. 12) - US intelligence officials have confirmed that a 5.1 magnitude shock recorded east of Tehran was the result of a nuclear detonation.

Officials declined to speculate whether the blast was the result of a nuclear reactor accident or a bomb dropped by a power hostile to Iran such as Israel. In either case, officials stressed that the incident has the potential to result in an escalation of hostilities that could quickly turn into a world war.

The Biden White House has declined to speculate on the nature of the explosion, but the president now faces the greatest test of his tenure.

Sources in the Middle East are tying the possibility of an Israeli attack to a little reported incident in April when Iran seized a floating missile launch platform in the Persian Gulf. Although no one took responsibility for the missile ship at the time, it is widely assumed that it was sponsored by Israel. If so, this nuclear attack could be a long-delayed response.





IC Warns Today's Election Subject to "Catastrophic Foreign Influence"



WASHINGTON, DC (Nov. 5) - Given that the 2020 election was the most secure in history, US voters were alarmed to hear intelligence agencies say the 2024 election is subject to "catastrophic foreign influence and interference."

The entire US intelligence community leadership issued an unprecedented public statement early on the morning of November 5 and urged voters in the United States to consider their choices carefully.

The statement did not define whether foreign countries were working to help one particular candidate, but said, "The intelligence community has assessed with a high degree of confidence that conventional adversaries like China, Russia, and Iran, seek shared outcomes in America's elections today, and that other countries, including Mexico and Israel, have been interfering for their own purposes.

President Trump was investigated by Special Counsel Robert Muller for alleged collusion with Russia in the 2016 election.



Did Biden's Blue Wall Just Crumble in Wisconsin?

MADISON, Wi (Nov. 5) - In a surprise development, Former President Trump has been declared the winner in Wisconsin, the linchpin of President Biden's 'Blue Wall' strategy. CNN and MSNBC called the race for Trump not long after polls closed.

Election analysts say that Trump's chances of finishing ahead in Pennsylvania and Michigan are improved by his victory in Wisconsin, where he was slightly behind in late polling.





Election Day Doesn't Matter Any More; Get a Lawyer

Arizona Daily Star

PHOENIX, Az. (Nov. 6) - The presidential election appears to hinge on the outcome of the undecided race in Arizona, but don't you believe it.

The election actually hinges on the results of dozens of lawsuits that will be filed in coming days to challenge results in as many as 10 states.

Donald Trump is currently ahead of President Biden with 267 electoral votes to 260. Arizona's 11 votes would send either candidate above the 270 votes needed for victory.

Both campaign and the party legal advisers are preparing to wage war in courts across the country.

The Electoral College doesn't cast votes until Dec. 17, so any successful challenges will have to come in just under six weeks.

And no matter which way Arizona goes in the official count, don't bank on it. The winner may be whoever hires the best lawyers.



Don't Expect to Know Who Is Next President Until Jan. 6 — at Least



WASHINGTON, DC (Nov. 12) - The presidential election remains uncertain, with several states undecided and multiple lawsuits underway, and the possibility of a split Congress could add to the confusion as the nation awaits both the electoral vote and congressional certification.

Republicans hold the upper hand in their plan to install Donald Trump as president, but anything is still possible.

The election comes down to the state of Arizona, where Trump is currently ahead by 65,554 votes with more than 340,000 votes outstanding, mostly mail-in with some provisional. When those are counted, it is expected that Trump's lead will evaporate. Lawsuits centered on Arizona and possibly other states will determine the presidential election.

The Electoral College is required to cast votes on Dec. 17, but based on the track record of counting votes in Arizona, that may not be possible. Without Arizona, Trump is ahead with 267 votes and President Biden has 260. If Arizona's votes are not counted by Dec. 17, then the election would be tossed into the current House of Representatives, where it is believed Trump would hold a narrow lead.

Republicans secured a solid majority in Senate elections, with a 56-44 majority in the incoming Congress. That will be important if either candidate secures a majority in the Electoral College because the next step would be the new Congress certifying the election on Jan. 6.

Unfortunately for Republicans, the new House majority remains unclear. As of today, both parties claim 217 seats, with AZ-1 still too close to call.

In the meantime, the Supreme Court's decision to free Donald Trump from arrest is expected to embolden Republicans to do whatever is necessary to put Trump back in the White House.



Biden Takes Page From Trump Playbook to 'Stop the Steal'



WASHINGTON, DC (Nov. 21) - As the nation awaits word on the outcome of the presidential election, observers have noted that President Biden is using Donald Trump's playbook from 2020 to respond to the current crisis.

But in an ironic twist, Biden's actions are intended to secure the election, not to overturn it.

The Biden Administration is using the Department of Justice to investigate reported irregularities in a number of swing states. This is the same tactic that Trump tried to use in 2020 except Attorney General Bill Barr resisted inserting DOJ into the election. So far, Attorney General Merrick Garland has shown no such resistance, citing the importance that Americans are assured that the election is free and fair.

On Nov. 14, the Department of Justice announced that it would accelerate investigations of alleged counterintelligence and civil rights crimes that may have affected voter turnout and electoral results in seven contested states.



Facing Court Losses, DOJ Signals Refusal to Recognize Trump as President-Elect



WASHINGTON, DC (Dec. 1) - The embattled Justice Department of Merrick Garland is circling the wagons and gathering ammo to fight a legal siege that is the last hope of President Biden.

On Nov 27, the DOJ and the Democratic Party were on the losing side of a pair of court decisions in Arizona that prevented the DOJ from halting the vote count in the state where Donald Trump enjoyed a slim majority.

When the vote count resumed, Trump was declared the winner with a slight but insurmountable lead. With the Arizona results tallied, Trump also held a conclusive 278-260 lead in the Electoral College.

Nonetheless, the DOJ continued to fight, declaring that it was too early to count Arizona's votes until its investigation of voter intimidation and other election-related civil rights violations was concluded.

Although Garland has the support of President Biden, reliable sources confirm that Garland's deputies have urged the attorney general to accept the court verdict or risk being charged with insurrection by the incoming Trump administration.



Biden Must Push Back Against Chinese Aggression



WASHINGTON, DC (Sept. 3) - The 1960 presidential campaign featured a dispute between John F. Kennedy and Richard Nixon about how to respond to a hypothetical attack from mainland China on several small islands controlled by the democratic government of Taiwan.

Although that attack never materialized, a similar and much more dangerous cyberattack has left President Biden with a difficult choice of how to respond at a time when Republican nominee Donald Trump is accusing the president of leading the nation into World War III.

When the Chinese lay siege to the islands of Matsu and Kinmen, following a cyberattack that left them without power and water, it was a direct challenge to President Biden, who, in the past, has gone beyond official U.S. policy and promised to defend Taiwan against attacks from the mainland.



Weapons Cache Outside DC may Have Been Part of MAGA Attack Plan

ALEXANDRIA, Va. (Nov. 5) - A large weapons cache was uncovered by ATF officers in Alexandria, Va., less than 24 hours before Americans go to polls to decide the most heated presidential election in more than a century.

Federal and local authorities are refusing to comment on the report publicly, but a source within the Alexandria Police Department told the Post that the reports are accurate.

The seizure of the weapons may forestall a potential attack on the White House by supporters of Donald Trump, who are repeating baseless claims that President Biden intends to steal the election.



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Reuters My News  

Reuters Fact Check
Examining social media narratives and misinformation

“Big Tech Pledges to Neutralize Disinformation, Both Foreign and Domestic”

Factcheck: "MOSTLY FALSE"

(Sept. 11) - In a joint document signed by execs from Google, Meta, Amazon, and Microsoft, tech companies have pledged to “neutralize disinformation” that could exacerbate international tensions and sway US elections.

After a wave of AI-generated videos went viral on social media — depicting everything from Joe Biden threatening military attacks on flyover America to people of color attacking MAGA activists in the streets — tech companies are finally taking seriously their responsibility to control information flow.

Google is preparing to launch Project DEGEN (Disinformation Elimination and Generative Ersatz Neutralization). DEGEN will employ powerful algorithms to automatically detect and remove any AI-generated content that threatens national security from Google search results, YouTube, or Google Drive. Human-generated content will also be subject to flagging and removal.

Despite rising profits from AI-generated publications, Amazon pledges to remove any books or films — whether AI- or human-generated — that defame “legitimate” US political figures or threaten national security.

 **Los Angeles Times** 

In Opposition to Other Platforms, X Provides ‘Safe Space’ for Disinformation

The social media platform X released a statement claiming that it will work to encourage free speech during the 2024 election, but it is unclear how the platform will protect the public from false speech.

The statement acknowledged that platforms such as Meta (Facebook and Instagram) and Google have taken steps to clamp down on [disinformation](#), but gives no idea how X (formerly Twitter) will do the same.

“We recognize the initiatives undertaken by other major social media platforms to actively suppress disinformation. However, we believe that the cornerstone of a functional democracy is the preservation of free speech and open dialogue. Our mission is to provide a space where diverse perspectives can be shared, discussed, and debated freely.”

There was no indication in the press release whether this policy was drafted by Elon Musk, the billionaire owner of X who has increasingly aligned himself with the extremist MAGA movement led by convicted felon and Republican presidential nominee Donald Trump.



Intel Agencies: Chinese Forces Penetrate U.S. with Unknown Intent



SAN FRANCISCO, Ca. (Sept. 20) - Sources within the Intelligence Community confirm that China has begun disruptive activities in Central America just weeks before the pivotal U.S. presidential election on Nov 5.

The Chinese Communist Party and its military apparatus appear to be building 'Jungle Tiger' cells in the U.S. homeland that are being directed from Latin America.

Establishment of lines of command & control for these cells continues under the leadership of China's operational command center in Cuba & flows through the 'secret police stations' & 'special service stations' already set up inside the U.S, the sources told the Chronicle. Additional suspicious activity has been reported around critical infrastructure elements, including the electric grid, water supply, oil/gas pipelines & storage centers, telecommunications, as well as across cyber space.

This comes just weeks after the People's Liberation Army launched cyberattacks against critical infrastructure in Taiwan. On Sunday, Taiwan's president William Lai wrote an op-ed in *The New York Times* exhorting Americans to stand firmly with the Taiwanese people. He said that "democracy is under siege everywhere," including Taiwan.

If the Chinese launch similar cyber-attacks against U.S. infrastructure prior to the election, it is unclear which party will benefit.



Marching Orders Disseminated- Are you Ready?

(Sept. 20) - Just a short month ago, the FBI warned about attacks at voting locations directed at poll workers. Today, local Fraternal Order of Police lodges in the swing state of PA, a state heavily in play due to the tireless voter registration work done by teams of volunteers, put out their "watch" bulletins. Shortly after, another contested state in 2020, AZ, followed suit in Tucson and Phoenix.

The message? "Alt-right" extremism is certainly violent, is active for 2024, and is out to get you. Despite the overly obvious "fed" stink, notice the narrative. White male, MAGA hat wearing, Gadsden Flag and "Appeal to Heaven" flag-toting folks are to be scrutinized.

Despite the fact that many polling locations have rules that PREVENT you from wearing "overly political" clothing at polling places, and despite the fact that after J6, few are comfortable to wear the garb of old to politically charged environments, the purveyors of this bulletin are clear- the right is the enemy, and law enforcement should be on the lookout for "extremists waving the Gadsden Flag."

Blaze media

(cont.)

Know this: there are still friendlies in our law enforcement communities. Many of them are conservative and they've spoken out. They have put their foot down. So, when you see your local Fed dressed to the nines in Oath Keeper and Proud Boy gear, know that they are REALLY going to have to push the envelope.

It's amazing, isn't it? Almost a perfect storm. Law enforcement know they are being played, and the Feds know the law enforcement is being played, but don't care because they need the narrative, so who wins? Are people attuned to this enough now that they know better than to act? Is the Intel community brazen enough to have an asset do just the bare minimum for the carefully-placed progressive TikTok influencer to get the shot needed to cause the wave of narrative bending nonsense? Time will tell.

Thank your law enforcement and keep your heads on a swivel. Saving the republic is an info-war.

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Traffic on Elon Musk's X up 200%

(Sept. 20) - While most platforms have committed to policing election related news and information themselves working hand in hand with CISA and the Federal Government, X is taking a different route - and its popularity shows in traffic increases.

Since publishing their policy on an "open and transparent" platform during the election, a record 200% more users have flocked to the site. It is unclear whether the traffic increase is due to new account creation or current users who may have been dormant reactivating their accounts.

Concern rose about election interference by foreign interests, with some in the intelligence community remarking that Musk has given "free rein" to Russia to interfere in the 2024 election.



SPUTNIK






International

Israel's Secret Weapon Revealed

Moscow (Oct. 7) -

In April, Israel nearly sparked a major Middle East war. On the morning of the 13th, Iran intercepted the MSC Aries, a purported container ship. The Aries is actually a disguised missile platform that was traveling into the Persian Gulf to strike Iran.

The planned attack would have upended efforts to deescalate tensions in the region. Washington has yet to sanction, or even moderate, Israel's behavior.

This revelation comes as China attempts to broker a peace deal between Iran and Saudi Arabia later this month.



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BREAKING EXCLUSIVE: Fox News Learns of Imminent Arrest of President Trump

(Oct. 10) - An FBI source has told Fox News that President Trump will be arrested within the next 24 hours. The source said among many charges, insurrection for the events of January 6th, and disclosing classified information are included. We will keep you updated on this breaking news story.



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CNN Politics
Live TV

Fox News Falls for Hoax Claiming Trump to be Arrested

(Oct. 10) - In what is being called a stunning example of election interference, Fox News today published a story claiming that Republican presidential nominee Donald Trump is to be arrested within 24 hours.

The story was quickly mocked by mainstream media outlets, and it was noted that the story had only one single anonymous FBI source.

According to Fox, "The source said among many charges, insurrection for the events of January 6th, and disclosing classified information are included."

CNN legal experts quickly noted that those charges have already been filed against Trump by Special Counsel Jack Smith, and that there is no reason why an arrest warrant would be issued on charges already being fought in court.

"This a right-wing hoax," said CNN analyst Laura Coates, "and Fox has lost all credibility. If they have a real story, they should name their source."



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San Francisco Chronicle

China Demand Release of Six Chinese Nationals Arrested at Texas Border



EAGLE PASS, Tx. (Oct. 16) - The People's Republic of China is accusing the U.S. Border Patrol of racist targeting that led to the arrest of six Chinese nationals in Texas.

Customs and Border Patrol provided few details except to say that the arrested men were all of military age and that one of them had a detailed map of a water treatment facility for Austin, Texas.

China is demanding the immediate release of the six men, and accuses the U.S. of employing a double standard to target Asian men.

"The American authorities allow hundreds of thousands of migrants to freely enter the United States every month, but when six Chinese men cross the border, they are arrested and charged with an outrageous scheme of malicious sabotage," the Chinese Consul's office in Austin said.

"Nothing could be further from the truth. The six are highly trained water technology technicians, and they were seeking employment in Texas at a water treatment facility where they could put their skills to use."

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The DNC Has Lost the Plot on Lawfare

MADISON, WI (Oct. 21) - Today, we witnessed yet another frivolous lawsuit filed by the DNC and Marc Elias in Wisconsin. Despite the fact that many once considered Elias the "Pitbull of the DNC" when it came to politics and election-related litigation, the latest barrage of suits are, well, pathetic.

The lawsuit alleges "republican voter suppression and violence." Among other things, the suit alleges that masked individuals are driving through "black and brown" neighborhoods chanting "MAGA knows who you are!" and asks for a temporary injunction. It names the RNC, the Trump campaign, and the Republican Party of Wisconsin.

There isn't much analysis necessary, so I will point out the obvious, and then we can move on.

1. Even if this were true, free speech is protected in America. The speech you outline doesn't meet intimidation standards; they could want to thank these folks for all you know. Further, the first place to go with things like this would be the police.
2. Where is the evidence these "masked individuals" are in any way aligned with the parties in this lawsuit?
3. Ballot security and election integrity efforts are constitutionally protected. No judge will issue an injunction to halt parties from assisting in these activities, especially not when you haven't determined your defendants even have anything to do with them. Your initial allegations are broad, not based in fact, and ridiculous.

Sanctions should be forthcoming, and I can save the RNC a lot of money. Make one boilerplate motion to dismiss. You can use it in every single one of these cases, many of which you have already won.

GATEWAY PUNDIT

WHERE HOPE FINALLY MADE A COMEBACK

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Left Wing Protestors Mobilize on the East Coast!

PHILADELPHIA, Pa. (Nov. 5) - Reports are coming in about large numbers of left-wing protestors gathering in major cities on the East Coast in anticipation of a MAJOR Trump victory tonight. Adding to the chaos is that police seem to be standing down, allowing crowds to grow rapidly.

Stay away from these protests! We all know how the Biden Administration is attempting to steal this election and frame the right! Don't add fuel to their fire.

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Polls Have Closed in Six States - Here is Where the Election Stands

(Nov. 5) - The Associated Press is calling the election. Donald Trump has won Florida, South Carolina, Tennessee, Kentucky, and Indiana. Virginia is still too close to call, and Vermont, where Nikki Haley won the Republican Primary has gone to Joe Biden.

Sources in Virginia tell Fox News that the computer problems that crippled local Republican parties have hampered the Get Out The Vote effort in the state, leading to Biden performing surprisingly well there.



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The New York Times

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Evidence Surfaces of Trump Plan to Use Foreign Help to Steal Election

WASHINGTON, DC (Nov. 5) - Credible evidence reveals that former President Donald Trump has been engaged with Chinese and Russian intelligence services to manipulate the results of today's election.

The information is contained in a Top Secret memo from the Office of the Director of National Intelligence dated June 20 of this year.

According to the memo, "The primary objective is to manipulate the electoral process through the mass submission of fraudulent ballots and other disruptive activities at polling stations."

It is not known why the memo has remained secret since June if it represents a credible threat. The Trump campaign vehemently denied having any contacts with Russian or Chinese intelligence, and said "This is one more desperate measure by President Biden's weaponized government to steal the election for Crooked Joe."

The White House had no response, citing the Hatch Act.





Trump Arrested by DOJ after Apparent Election Victory, High Court Will Have Final Say

MIAMI, FL. (Nov. 8) - Former President Trump should be celebrating his election victory at Mar-a-Lago today. Instead, he is under house arrest in New York City after Attorney General Merrick Garland challenged Trump's eligibility for federal office.

Garland announced it is "the DOJ's intention to file a petition for emergency cert before the United States Supreme Court to consider the alleged offenses committed by Donald J. Trump." Garland says the Department of Justice is confident in a conviction of Trump for violation of 18 U.S.C. § 2383 Rebellion or insurrection and 18 U.S.C. § 2381 Treason.

"As such, the Fourteenth Amendment precludes Mr. Trump holding elected federal office in the United States of America," Garland said.

The Supreme Court previously ruled that individual states could not keep Trump off the ballot, but implied that Congress could prevent the former president from taking office by declaring him an insurrectionist for the events of Jan. 6, 2021, when his supporters stormed the US Capitol.

It is unclear under what authority Garland is acting since Congress has not voted on the insurrection charge. Trump was previously impeached on a similar charge but found not guilty. Trump's lawyers have already filed their own motion asking the court to free Trump immediately with a writ of habeas corpus.

Meanwhile, Trump is being allowed to maintain access to social media and he has been streaming a continuous barrage of attacks on the "Biden Crime Family" and their "henchman" Garland. "I am confident the Supreme Court will restore order quickly, and that soon it will be Garland and Biden behind bars," Trump said.

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A Nation in Turmoil - Election Edition

(Nov. 8) - Thank you all for being here! This [substack](#) has grown exponentially over the past several weeks, with view counts greater than Fox News, CNN and Washington Post combined. It is with that in mind that I bring you this summary of events.

We are under siege. As it stands right now, the likely 47th President of the United States sits under house arrest in NY, held by a DOJ who has been hard at work ensuring that liberty and freedom *do not* prevail in the United States of America. They have us on every front. The cert sits at SCOTUS, who will be shy to rule on something of such importance before all of the votes are "counted." Not to be outdone, a "leaked" memo from the Intelligence Community out of the office of DNI states that Trump and his campaign/team have been working with Russia and China to flip votes in the election - something they have assured everyone over and over was simply not possible. In fact, a number of the criminal charges President Trump and others have faced were a result of them trying to expose this very thing - something many believe the "powers that be" did in 2020.

If they can't get us those two ways, the left and Uniparty look to be attempting to steal the state of Virginia from Donald Trump - a state that could turn out to be the difference maker this election. There is no doubt there will be other attempts at this across the country. The question this time is whether enough of the American people are awake to actually stop this nonsense.

Because we can't count on anyone else.

Congressional Republicans have been weak as anything. They've "commented" about the memo on election interference, but have done nothing to push back or be proactive. "This is lawfare!" they say. No shit. We have been dealing with this for years while you sat on your hands for platitudes, kickbacks, and Fox News hits.

substack

A Nation in Turmoil - Election Edition

(cont.)

On the other front, the RNC has proven once again that they are merely a reactionary force. While the left under Elias wages open warfare against us in the courts, they have only *responded*. There has not been one single filing that shows any of us that they learned anything from 2020, or that they were ready for this go round.

The American people feel lost. We have no one clearly supporting us. There are riots in the streets, they have weaponized our justice system, they have thrown our President in jail, and Congress and the RNC has barely been able to muster a word or action to *fix* this mess.

I am organizing a call/email/protest movement. From today until the electoral college, we will not stop. We must let those who still hold office in this country know that we will *not* accept this again, and we need people in positions of influence to do something and STAND UP. Even that won't be enough – American citizens need to do the same.

Enough is enough. **DO SOMETHING.**



The Washington Post

Sign in

GOP May Install Trump as President Thanks to Congressional Victory



WASHINGTON, DC (Nov. 13) - Although the presidential election remains uncertain, with several [states](#) undecided and multiple lawsuits underway, Republicans hold the upper hand in their plan to install Donald Trump as president.

Trump is currently ahead of President Biden in the Electoral College, with one more vote than the 270 needed for victory. Several court challenges and recounts could change that outcome before the Electoral College casts its votes on Dec. 27, but even if Trump loses a close race in the electoral count, the GOP still has an avenue to victory.

That's because it will be the new Congress that is asked to certify the vote, and both houses will be controlled by Republicans next year. Republicans will retain control of the House by 220-215 and the Senate will flip to Republicans by 56-44.

In 2020, most Republicans vowed to certify Joe Biden as the winner, but that is no longer the certain result, even if he is declared the winner by the Electoral College. Republican leaders insist that the intimidation tactics of the Biden Justice Department, up to and including the arrest of Trump, invalidate the counts in several states.

"We will make our own decision," said Sen. Rick Scott of Florida, who appears likely to become the new Majority Leader following the decision of Sen. Mitch McConnell to step down.



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White House Caught Between Supporters' Expectations and International Optics



WASHINGTON, DC (Dec. 3) - As supporters of President Biden descend on the nation's capital to demand that Biden not concede to Donald Trump, the president may be regretting his assurances to foreign leaders 10 days ago that "the peaceful transfer of lawful power will not be interrupted."

With almost all states having confirmed their vote totals, Trump has increased his lead over Biden in the Electoral College to 326-212. That lead is insurmountable barring a successful challenge from the Department of Justice alleging civil rights violations or other election irregularities.

Biden and his closest advisers including former President Barack Obama are reportedly holed up in the Situation Room gaming out possible outcomes of different scenarios that would prevent Trump from taking office.

Obama is sleeping in the Lincoln Bedroom at night.

III. In-Exercise Legal Action and Findings

Action: Republican National Committee (RNC) Files Two Lawsuits in Arizona

Lawsuit 1: Arizona House and Senate Republicans team up with the RNC to bring a suit against the DOJ on the ground that its investigation is preventing Arizona from complying with the Electoral Count Act, because it will cause the state to miss the necessary deadlines to certify its electors.

Lawsuit 2: Arizona House and Senate Republicans team up with the RNC to argue that the selection of presidential electors is a job of the state legislature (notwithstanding the contrary arguments of various corrupt DAs and State Bars), so the DOJ has no standing to freeze vote counting. The DOJ can make arguments to the state legislatures as to whether it believes that there was some problem with the vote, but it cannot stop the count or the certification. (For background, see the attached eminent think tank's 2022 brief for *Moore v. Harper*.)

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November 27 - Response to Both Arizona Lawsuits

Lawsuit 1:

Holding: This court rules in favor of the RNC. The DOJ cannot stop Arizona from complying with the Electoral Count Act. Arizona must continue to comply with the Electoral Count Act in good faith. Ultimately, whichever way the situation plays out in Arizona, the certification decision, and whether to concur with the state's decision, will fall to the House of Representatives on Jan. 6.

Lawsuit 2:

Holding: As defined under the Constitution and the Electoral Count Act, the states and state legislatures can make the ultimate decision when it comes to the selection of presidential electors. While it is unprecedented that a state would make a decision that is contrary to the state vote, the Department of Justice does not have standing to challenge such a decision until after that decision has occurred. Likewise, the House of Representatives can decide to reject any state's presidential electors if they are not submitted properly. Therefore, the Department of Justice does not have standing to freeze vote count or impede the state certification process. Any action by the Department of Justice would have to wait until standing can be established and only after all other remedies are exhausted.

The DOJ immediately appeals. The date is November 27 and any court action is unlikely over the November 28–December 1 Thanksgiving holiday.

September 15 - DNC Files Lawsuit in Michigan

DNC/Marc Elias: The DNC, Michigan Representatives Haley Stevens (11), Rashida Talib (12), Elisa Slotkin (07), Debbie Dingell (06), Shri Thanedar (13), the NAACP, MI Poder, the ACLU, and residents of Wayne, Oakland, and Macomb Counties have filed suit in the U.S. Federal District Court for the Eastern District of Michigan seeking declaratory and injunctive relief to stop the RNC's voter suppression activities. See [The RNC Is Launching a Massive Effort to Monitor Voting. Critics Say It Threatens to Undermine Trust \(usnews.com\)](https://www.usnews.com/story/politics/2020/09/15/dnc-files-lawsuit-michigan). The suit alleges that the RNC has conspired with convicted felon Donald Trump, the Michigan Republican Party, and dark money organizations to use dishonesty, fraud, and deceit to impair or obstruct the 2024 election, to violate black and brown citizens' right to vote and have their votes counted in violation of 42 U.S.C. 1985(3), and to violate the First Amendment by targeting non-citizens. This suit seeks temporary and permanent injunctive relief, including a nationwide injunction. Also, the DNC, the Michigan Democratic Party, the NAACP, MI Ponder, the and the ACLU have filed a companion case in the Wayne County Circuit Court alleging that the RNC, convicted felon Donald Trump, the Michigan Republican Party, and its dark money donors have conspired to and are engaged in illegal voter suppression in violation of Article II, sec. 4(1)(a)(2) and (3) of Michigan's constitution. This suit also seeks temporary and permanent injunctive relief.

The RNC Is Launching a Massive Effort to Monitor Voting. Critics Say It Threatens to Undermine Trust

The Republican National Committee is launching a battleground state initiative to mobilize thousands of polling place monitors, poll workers and attorneys to serve as "election integrity" watchdogs...

September 26 - 6th Court of Appeals Denies DNC Lawsuit in Michigan - No Injunction Granted.

(Note the correction. It is assumed that the Eastern District Court of Michigan would have upheld the judge's initial injunction but that the 6th Circuit would overturn.)

Plaintiffs' claims fail at both the federal and state constitutional levels. As recent authorities make clear:

"A district court must balance four factors in determining whether to grant a preliminary injunction: '(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury absent the injunction; (3) whether the injunction would cause substantial harm to others; and (4) whether the public interest would be served by the issuance of an injunction.'" *Am. Civil Liberties Union Fund of Mich. v. Livingston Cnty.*, 796 F.3d 636, 642 (6th Cir. 2015) (quoting *Bays v. City of Fairborn*, 668 F.3d 814, 818–19 (6th Cir. 2012)). "These factors are not prerequisites, but are factors that are to be balanced against each other." *Overstreet v. Lexington-Fayette Urban Cnty. Gov't*, 305 F.3d 566, 573 (6th Cir. 2002). However, "even the strongest showing on the other three factors cannot 'eliminate the irreparable harm requirement.'" *D.T. v. Sumner Cnty. Schools*, 942 F.3d 324, 326–27 (6th Cir. 2019) (quoting *Friendship*

Materials, Inc. v. Mich. Brick, Inc., 679 F.2d 100, 105 (6th Cir. 1982)). “[T]he party seeking a preliminary injunction bears the burden of justifying such relief.” *Livingston County*, 796 F.3d at 642 (quoting *McNeilly v. Land*, 684 F.3d 611, 615 (6th Cir. 2012)); see also *Tenke Corp.*, 511 F.3d at 546 n.2 (“[I]n seeking a preliminary injunction, a federal plaintiff has the burden of establishing the likelihood of success on the merits.”).

Whether the movant is likely to succeed on the merits is a question of law, which this court reviews de novo. *Ammex, Inc. v. Wenk*, 936 F.3d 355, 360–61 (6th Cir. 2019) (citing *City of Pontiac Retired Employees Ass’n v. Schimmel*, 751 F.3d 427, 430 (6th Cir. 2014) (en banc) (per curiam)). Otherwise, we review the district court’s “ultimate determination as to whether the four preliminary injunction factors weigh in favor of granting or denying preliminary injunctive relief” for abuse of discretion. *Schimmel*, 751 F.3d at 430...

[W]e begin our analysis with whether the plaintiffs have standing. Without standing, we lack subject matter jurisdiction over the claims before us. *Lyshe v. Levy*, 854 F.3d 855, 857 (6th Cir. 2017). Thus, a “party who fails to show a ‘substantial likelihood’ of standing is not entitled to a preliminary injunction.” *Waskul v. Washtenaw Cnty. Community Mental Health*, 900 F.3d 250, 256 n.4 (6th Cir. 2018) (quoting *Food & Water Watch, Inc. v. Vilsack*, 808 F.3d 905, 913 (D.C. Cir. 2015)). “However, an inability to establish a substantial likelihood of standing requires denial of the motion for preliminary injunction, not dismissal of the case.” *Vilsack*, 808 F.3d at 913.

The doctrine of standing arises from Article III of the Constitution, which gives federal courts jurisdiction over cases and controversies. U.S. CONST. art. III § 2; see also *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559–60, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992). To establish standing, a plaintiff must show an injury in fact that is fairly traceable to the defendant’s conduct and is likely to be redressed by a favorable judicial decision. *Id.* at 560–61, 112 S.Ct. 2130. To win declaratory or injunctive relief, a plaintiff “must show actual present harm or a significant possibility of future harm.” *Grendell v. Ohio Supreme Court*, 252 F.3d 828, 832 (6th Cir. 2001). An organization may have standing either in its own right, *Northeast Ohio Coalition for the Homeless v. Husted*, 837 F.3d 612, 624 (6th Cir. 2016), or on behalf of its members “when its members would otherwise have standing to sue in their own right, the interests at stake are germane to the organization’s purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit,” *Friends of the Earth, Inc. v. Laidlaw Env’tl. Servs. (TOC), Inc.*, 528 U.S. 167, 181, 120 S.Ct. 693, 145 L.Ed.2d 610 (2000). During the pleading stage, the burden remains on the plaintiffs to clearly allege facts that demonstrate each element of standing. *Spokeo, Inc. v. Robins*, — U.S. —, 136 S. Ct. 1540, 1547, 194 L.Ed.2d 635 (2016).

An injury in fact must be concrete, particularized, actual, and imminent. *Friends of the Earth, Inc. v. Laidlaw Env’tl. Servs. (TOC), Inc.*, 528 U.S. 167, 180, 120 S.Ct. 693, 145 L.Ed.2d 610 (2000). Put another way, the “threatened injury must be ‘certainly impending’ to constitute injury in fact, and ‘[a]llegations of possible future injury’ are not sufficient.” *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 409, 133 S.Ct. 1138, 185 L.Ed.2d 264 (2013) (internal quotations omitted) (quoting *Whitmore v. Arkansas*, 495 U.S. 149, 158, 110 S.Ct. 1717, 109 L.Ed.2d 135 (1990)). When the plaintiffs’ allegations of future injury are based on past human errors, the plaintiffs face a high bar to demonstrate standing. See *O’Shea v.*

Littleton, 414 U.S. 488, 495–96, 94 S.Ct. 669, 38 L.Ed.2d 674 (1974) (“Past exposure to illegal conduct does not in itself show a present case or controversy regarding injunctive relief...if unaccompanied by any continuing, present adverse effects.”). In *City of Los Angeles v. Lyons*, the plaintiff sought an injunction against the City of Los Angeles to ban the use of chokeholds by law enforcement officers in most circumstances. 461 U.S. 95, 97–98, 103 S.Ct. 1660, 75 L.Ed.2d 675 (1983). The plaintiff argued that he had standing to seek the injunction because a Los Angeles officer had previously put him in an illegal chokehold. *Id.* at 105, 103 S.Ct. 1660. The Court found that the threat of future unlawful conduct by some law enforcement officers did not establish standing. *Id.* at 105–06, 103 S.Ct. 1660. The Court reasoned that standing would require proof either “(1) that all police officers in Los Angeles always choke any citizen with whom they happen to have an encounter...or, (2) that the City ordered or authorized police officers to act in such manner.” *387 *Id.* at 106, 103 S.Ct. 1660. Otherwise, the plaintiff’s allegations failed to demonstrate an imminent risk of harm sufficient to seek injunctive relief. *Id.*

This court recently applied *Lyons* in another case challenging Tennessee elections procedures. *See Shelby Advocates for Valid Elections v. Hargett*, 947 F.3d 977 (6th Cir. 2020), *cert. denied*, — U.S. —, 141 S.Ct. 257, — L.Ed.2d — (2020). In *Shelby Advocates*, one organizational plaintiff and four individual plaintiffs alleged “a variety of election administration problems,” including that “election workers [were] poorly trained, sometimes distributing the wrong ballots..., sometimes recording the wrong address when registering a voter, and once distributing a poll book without redacting voters’ personal information.” *Id.* at 980; *see also id.* at 981 (“The complaint’s allegations with respect to injury all boil down to prior system vulnerabilities, previous equipment malfunctions, and past election mistakes.”) The *Shelby Advocates* court found that the plaintiffs failed to allege imminent harm because there was no evidence that “Shelby County election officials always [made] these mistakes,” or that “the government entities ordered the election workers to make any such mistakes.” *Id.* at 981. The court held that policies like the ones challenged by the plaintiffs which only “add risk to the ever-present possibility that an election worker will make a mistake” do not, without more, create a threat of imminent injury. *Id.*

Here, the plaintiffs have clearly not demonstrated that they face an actual, concrete, particularized, and imminent threat of harm. The plaintiffs’ allegations involve two layers of speculation about the upcoming election.... The plaintiffs do not cite any official data to support their theory that some of the absentee ballots will be incorrectly rejected. They also do not allege that one of their members has had an absentee ballot erroneously rejected in the past. Instead, they rely on the expert opinion of a forensic document examiner.... In sum, the plaintiffs have failed to meet their burden of establishing that they are at risk of a concrete, imminent injury. Their alleged injury is even more remote than the allegations brought by the plaintiff in *Lyons*. In *Lyons*, the plaintiff had actual evidence of past injury. Here, the plaintiffs cannot cite with certainty or specification any past *erroneous* rejection of an absentee ballot. **If concrete evidence of past harm was not enough to establish standing in Lyons, then the speculative allegations of past and future harm in this case are certainly insufficient. Accordingly, the plaintiffs have failed to make a substantial showing of standing because they have failed to demonstrate that they are facing an actual, concrete, particularized, and imminent injury.**

Because we find that the plaintiffs have not demonstrated an injury in fact, they cannot show either direct organizational standing or representative standing on behalf of their members. Even if the dissent is correct that the plaintiffs have significantly shifted their operations, activities, and strategies in response to the COVID-19 pandemic, that would not overcome the plaintiffs' imminence problem. **"An organization can no more spend its way into standing based on speculative fears of future harm than an individual can."** *Shelby Advocates*, 947 F.3d at 982 (citing *Clapper*, 568 U.S. at 416, 133 S.Ct. 1138); see also *Fair Elections Ohio v. Husted*, 770 F.3d 456, 460 (6th Cir. 2014). Therefore, under any theory, the plaintiffs have failed to show a substantial likelihood of standing because they have not shown a threat of actual, imminent harm. This alone is enough to affirm the district court's denial of plaintiffs' motion for a preliminary injunction.

Memphis A. Philip Randolph Inst. v. Hargett, 978 F.3d 378, 385–87 (6th Cir. 2020)

As an initial matter, the Court must determine whether organizational plaintiffs DNC, ACLU, NAACP, *et. al* may legitimately assert standing to bring the above-entitled action. As was recently made clear, given the posture of these plaintiffs and the nature of the claims herein, they do not:

A federal court must assure itself that it has subject-matter jurisdiction over a case. See 5C Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1393 (3d ed. 2022). Standing is established when three elements are met. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992). ***First, a plaintiff must show that he or she "suffered an injury in fact," that is "concrete and particularized" and "actual or imminent, not conjectural or hypothetical."*** *Id.* (internal quotation marks and citations removed). ***Second, the plaintiff must show that there is "a causal connection between the injury and the conduct complained of," that is "fairly traceable to the challenged action of the defendant."*** *Id.* (cleaned up). And ***third, "it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision."*** *Id.* at 561, 112 S.Ct. 2130 (internal quotation marks and quotation omitted).

"[T]he Supreme Court has permitted organizations to bring suit in VRA claims." *Ne. Ohio Coal. for the Homeless v. Husted*, 837 F.3d 612, 624 (6th Cir. 2016) (citing *Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 268–71, 135 S.Ct. 1257, 191 L.Ed.2d 314 (2015) (relying on associational standing)). But ***organizations must still meet the three elements of standing to assert a VRA claim.*** *Id.* (noting that the organization bringing a VRA claim "suffered" from an injury "directly related to" voting laws, and that "a favorable decision would redress that injury").

Plaintiffs have failed to show an injury that is actual or imminent, as well as concrete and particularized. Plaintiffs pushed two standing arguments. One, Plaintiffs believed standing is a given because "the Supreme Court has permitted organizations to bring suit in VRA claims." ECF 121, PgID 1988 (quoting *Ne. Ohio Coal. for the Homeless*, 837 F.3d at 624). And two, "the VRA was *intended* to confer standing to organizations like Plaintiffs...[who] represent[] the interests of injured persons." *Id.* (emphasis in original) (quoting S. Rep. No. 94-295, at 40 (1975)). Neither argument, however, explains how Plaintiffs have suffered, or will suffer, an injury sufficient to establish standing.

First, although organizations may have standing to bring VRA claims, ***the Sixth Circuit has clarified that those organizations must have shown injuries beyond "simply the***

effort and expense associated with [interacting] with voters.” *Ne. Ohio Coal. for the Homeless*, 837 F.3d at 624 (quotation omitted). They must instead allege a concrete injury like “an overhaul of the get-out-the-vote strategy of an organization that uses its limited resources helping [certain classes of] voters cast ballots.” *Id.* And an organization “has standing to bring suit on behalf of its members *when its members would otherwise have standing to sue in their own right*, the interests at stake are germane to the organization’s purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Friends of the Earth, Inc. v. Laidlaw Env’t Servs. (TOC), Inc.*, 528 U.S. 167, 180-81, 120 S.Ct. 693, 145 L.Ed.2d 610 (2000) (emphasis added) (citation omitted).

Plaintiffs vaguely asserted that they have standing to bring the VRA challenge because they represent the interests of voters who may be affected by the absentee-ballot law. ECF 121, PgID 1988–89. Put another way, Plaintiffs appeared to suggest that standing is a given simply because they represent the interests of voters. ***But the argument fails*** to even allege the simple “effort[s] and expense[s] associated with [interacting] with voters,” let alone a concrete injury such as “an overhaul of the get-out-the-vote strategy of an organization that uses its limited resources helping [certain classes of] voters cast ballots.” *Ne. Ohio Coal. for the Homeless*, 837 F.3d at 624. Even in their representative capacity, Plaintiffs must still allege a concrete injury. *See Ala. Legis. Black Caucus*, 575 U.S. at 268–71, 135 S.Ct. 1257.

And ***Plaintiffs have offered no such allegations of a concrete injury***. *See* ECF 17, PgID 118–21; *see also* ECF 113, PgID 1910 (“Plaintiffs rest [claim four] exclusively on claimed injuries to individuals not even presently identifiable.”) (quotation marks and quotation omitted); ECF 121, PgID 1987–90 (no response to Legislative Intervenors’ argument about identifiable individual injuries). Plaintiffs have therefore failed to show an injury as to their organizations, and they have failed to show any injury as to the voters whose interests they claim to represent.

Plaintiffs’ second argument that “the VRA was intended to confer standing to organizations like Plaintiffs” fares no better. ECF 121, PgID 1988 (emphasis omitted). Admittedly, the Senate report for the 1975 VRA amendments stated that “[a]n ‘aggrieved person’ is any person injured by an act of discrimination. It *may be* an individual or an organization representing the interests of injured persons.” S. Rep. No. 94-295, at 40 (emphasis added) (citing *Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205, 93 S.Ct. 364, 34 L.Ed.2d 415 (1972) and *NAACP v. Button*, 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d 405 (1963)). But ***Plaintiffs have not shown that any person whose interests they represent has been injured***. *See* ECF 121, PgID 1987–90. Again, Plaintiffs’ representative status alone does not carry them over the standing threshold. Besides, Supreme Court precedent, Sixth Circuit precedent, and enacted statutes bind the Court—not the findings in a Senate report. Any value of the Senate report is indeed persuasive, but it cannot spawn a constitutional basis for standing here. In all, Plaintiffs lack standing to bring the VRA challenge to the absentee-ballot law.

Priorities USA v. Nessel, 628 F. Supp. 3d 716, 730–31 (E.D. Mich. 2022).

Even assuming, *arguendo*, that individual plaintiffs could clear the standing hurdle, the relief they seek is inappropriate and unconstitutional, as is the complained-of Executive Order:

Fundamentally, “the First Amendment bars the government from dictating what we see or read or speak or hear,” *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 245, 122 S.Ct. 1389, 152 L.Ed.2d 403 (2002), and protects “the right to distribute, the right to receive, the right to read and freedom of thought,” *Griswold v. Connecticut*, 381 U.S. 479, 482, 85 S.Ct. 1678, 14 L.Ed.2d 510 (1965).

Net Choice, LLC v. Yost, 2:24-CV-00047, 2024 WL 555904, at *6–7 (S.D. Ohio Feb. 12, 2024).

Here, defendants argue that the government’s prohibition of conduct through MCL 168.932(a) violates federal and state constitutional rights to free speech. The First Amendment of the United States Constitution, made applicable to the states through the Fourteenth Amendment, provides that the government shall “make no law...abridging the freedom of speech.” U.S. Const., Am. I. Likewise, the Michigan Constitution provides that “[e]very person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.” Const. 1963, art. 1, § 5. “If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” *Texas v. Johnson*, 491 U.S. 397, 414, 109 S Ct 2533, 105 L Ed 2d 342 (1989). See also *Operation Rescue*, 273 F.3d at 196 (“It is worth reinforcing that we must tolerate even views that upset our most heartfelt and deeply held convictions.”).

A law that restricts or proscribes speech or conduct on the basis of the message or idea it conveys is considered content-based. Generally, content-based restrictions on speech “are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests”—i.e., that they survive strict scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155, 163, 135 S Ct 2218, 192 L Ed 2d 236 (2015).

People v. Burkman, 164638, 2024 WL 2982804, at *13–14 (Mich. June 13, 2024). Plaintiffs herein—including the Michigan governor, who has issued an Executive Order along these lines—seek just such a restraint. Defendants seek to remove the proposed restraints.

We may “grant an injunction pending appeal to prevent irreparable harm to the [moving] party.” *Overstreet v. Lexington-Fayette Urban Cnty. Gov’t*, 305 F.3d 566, 572 (6th Cir. 2002). In determining whether to grant an injunction, we examine four factors: (1) the movants’ likelihood of success on appeal; (2) whether the movants will suffer irreparable harm in the absence of an injunction; (3) whether issuance of an injunction would cause substantial harm to the other interested parties; and (4) where the public interest lies. *Id.* at 573. “A preliminary injunction is an extraordinary remedy which should be granted only if the movant carries his or her burden of proving that the circumstances clearly demand it.” *Id.*

Put simply, Plaintiffs’ argument requires us to view disparate impact as evidence of discriminatory motive. That is inconsistent with long-standing Supreme Court precedent requiring those asserting equal protection violations to show both impact and intent. *Pers. Adm’r of Mass.*, 442 U.S. at 272, 99 S.Ct. 2282; *Washington v. Davis*, 426 U.S. 229, 242, 96 S.Ct. 2040, 48 L.Ed.2d 597 (1976) (“Disproportionate impact is not irrelevant, but it is

not the sole touchstone of an invidious racial discrimination forbidden by the Constitution. Standing alone, it does not trigger [strict scrutiny].”). The requirement to show discriminatory impact is a high bar that Plaintiffs have not met.

Castillo v. Whitmer, 823 Fed. Appx. 413, 415 (6th Cir. 2020). The same is true as it pertains to this case.

Plaintiffs’ Motions for Declaratory Judgment and Injunctive relief are DENIED. Defendants’ Motion to Dismiss is hereby GRANTED. Defendants’ Counterclaim for Injunctive Relief regarding the September 19, 2024, Executive Order is GRANTED.

November 1 - Decision in Wisconsin Suit, DNC loss

Plaintiffs herein seek injunctive relief against Respondent organizations, essentially claiming that unknown individuals have committed acts which they construe as intimidating Plaintiffs. Plaintiffs claim that slogans shouted by these unknown persons are intended to influence their decision regarding voting preference or voting altogether. Plaintiffs further contend that these unknown individuals have done so due to being influenced by Respondent organizations’ public political efforts and campaigns to make elections “Secure.” Plaintiffs seek an Order of this court enjoining such advocacy by Respondents. The party seeking a preliminary injunction bears the burden of showing that it is warranted. *Courthouse News Serv.*, 908 F.3d at 1068 (citing *Mazurek v. Armstrong*, 520 U.S. 968, 972, 117 S.Ct. 1865, 138 L.Ed.2d 162 (1997) (per curiam)).... [Litigants] must “‘set forth’ by affidavit or other evidence ‘specific facts,’” rather than “‘general factual allegations of injury.’” *Six Star Holdings, LLC v. City of Milwaukee*, 821 F.3d 795, 801–02 (7th Cir. 2016). *Speech First, Inc. v. Killeen*, 968 F.3d 628, 637–38 (7th Cir. 2020), as amended on denial of reh’g and reh’g en banc (Sept. 4, 2020).

1. This Court sympathizes with Plaintiffs’ situation. No American should be intimidated regarding their right to exercise the franchise; wars have been fought for the privilege. However, Plaintiffs bear the burden of establishing evidence that it is Respondents who have engaged in, or actually sponsored, these acts, and that they have suffered specific injury as a result. That they have failed to do on this record. The key problem with most of the categories of harm set forth by SBL is that SBL has failed to show that they are likely. For example, SBL’s suggestion that it “is exposed to vast liability” arising from “impermissible disclosure” of personally identifying information is the type of speculative and remote future injury that the Seventh Circuit has found to be insufficient to justify a preliminary injunction. See *Michigan*, 667 F.3d at 788 (quoting 11A Charles Alan Wright et al., *Federal Practice and Procedure* § 2948.1, at 154–55 (2d ed.1995)) (“[A] preliminary injunction will not be issued simply to prevent the possibility of some remote future injury. A presently existing actual threat must be shown.”). *Small Bus. Lending, LLC v. Pack*, 118CV02712JMSTAB, 2019 WL 3430551, at *8 (S.D. Ind. July 30, 2019).

2. Moreover, the situation described on the record evokes charges both civil and criminal lodged decades ago in the era of the Freedom Riders and boycotts of the civil rights movement. In considering charges brought against the participants as well as the organizers, the United States Supreme Court found: “This Court has often recognized that the activity of peaceful pamphleteering is a form of communication protected by the First Amendment.... In sustaining

the injunction, however, the Appellate Court was apparently of the view that petitioners' purpose in distributing their literature was not to inform the public, but to 'force' respondent to sign a no-solicitation agreement. The claim that the expressions were intended to exercise a coercive impact on respondent does not remove them from the reach of the First Amendment. Petitioners plainly intended to influence respondent's conduct by their activities; this is not fundamentally different from the function of a newspaper." See *Schneider v. State*, supra; *Thornhill v. Alabama*, 310 U.S. 88, 60 S.Ct. 736, 84 L.Ed. 1093 (1940).

Petitioners were engaged openly and vigorously in making the public aware of Respondent's real estate practices. Those practices were offensive to them, as the views and practices of petitioners are no doubt offensive to others. But so long as the means are peaceful, the communication need not meet standards of acceptability." *Id.*, at 419, 91 S.Ct., at 1577.... In sum, the boycott clearly involved constitutionally protected activity. The established elements of speech, assembly, association, and petition, "though not identical, are inseparable." *Thomas v. Collins*, supra, at 530, 65 S.Ct., at 322. Through exercise of these First Amendment rights, petitioners sought to bring about political, social, and economic change. Through speech, assembly, and petition—rather than through riot or revolution—petitioners sought to change a social order that had consistently treated them as second-class citizens.... This Court has recognized that expression on public issues "has always rested on the highest rung of the hierarchy of First Amendment values." *Carey v. Brown*, 447 U.S. 455, 467, 100 S.Ct. 2286, 2293, 65 L.Ed.2d 263. "[S]peech concerning public affairs is more than self-expression; it is the essence of self-government." *Garrison v. Louisiana*, 379 U.S. 64, 74–75, 85 S.Ct. 209, 215, 13 L.Ed.2d 125.

There is a "profound national commitment" to the principle that "debate on public issues should be uninhibited, robust, and wide-open." *New York Times Co. v. Sullivan*, 376 U.S. 254, 270, 84 S.Ct. 710, 720, 11 L.Ed.2d 686.

...In upholding an injunction against the state supersedeas bonding requirement in this case, Judge Ainsworth of the Court of Appeals for the Fifth Circuit cogently stated: "At the heart of the Chancery Court's opinion lies the belief that the mere organization of the boycott and every activity undertaken in support thereof could be subject to judicial prohibition under state law. This view accords insufficient weight to the First Amendment's protection of political speech and association. We hold that the nonviolent elements of petitioners' activities are entitled to the protection of the First Amendment. The First Amendment does not protect violence.... When such conduct occurs in the context of constitutionally protected activity, however, "precision of regulation" is demanded. *NAACP v. Button*, 371 U.S. 415, 438, 83 S.Ct. 328, 340, 9 L.Ed.2d 405.52. Specifically, the presence of activity protected by the First Amendment imposes restraints on the grounds that may give rise to damages liability and on the persons who may be held accountable for those damages. In *Mine Workers v. Gibbs*, 383 U.S. 715, 86 S.Ct. 1130, 16 L.Ed.2d 218, the Court considered a case in many respects similar to the one before us. The case grew out of the rivalry between the United Mine Workers (UMW) and the Southern Labor Union (SLU) over representation of workers in the southern Appalachian coal fields.... The Court noted that damages were restricted to those directly and proximately caused by wrongful conduct chargeable to the defendants. "Thus there [was] nothing in the measure of damages to indicate that state power was exerted to compensate for anything more than the direct consequences of

the violent conduct.” 383 U.S., at 730, 86 S.Ct., at 1141 (quoting *San Diego Building Trades Council v. Garmon*, 359 U.S. 236, 249, n. 6, 79 S.Ct. 773, 781, n. 6, 3 L.Ed.2d 775).

The careful limitation on damages liability imposed in *Gibbs* resulted from the need to accommodate state law with federal labor policy. That limitation is no less applicable, however, to the important First Amendment interests at issue in this case. Petitioners withheld their patronage from the white establishment of Claiborne County to challenge a political and economic system that had denied them the basic rights of dignity and equality that this country had fought a Civil War to secure. While the State legitimately may impose damages for the consequences of violent conduct, it may not award compensation for the consequences of nonviolent, protected activity. Only those losses proximately caused by unlawful conduct may be recovered. The First Amendment similarly restricts the ability of the State to impose liability on an individual solely because of his association with another. In *Scales v. United States*, 367 U.S. 203, 229, 81 S.Ct. 1469, 1486, 6 L.Ed.2d 782, the Court noted that a “blanket prohibition of association with a group having both legal and illegal aims” would present “a real danger that legitimate political expression or association would be impaired.” The Court suggested that to punish association with such a group, there must be “clear proof that a defendant ‘specifically intend[s] to accomplish [the aims of the organization] by resort to violence.’” *Ibid.* (quoting *Noto v. United States*, 367 U.S. 290, 299, 81 S.Ct. 1517, 1521, 6 L.Ed.2d 836).

Moreover, in *Noto v. United States* the Court emphasized that this intent must be judged “according to the strictest law,” for “otherwise there is a danger that one in sympathy with the legitimate aims of such an organization, but not specifically intending to accomplish them by resort to violence, might be punished for his adherence to lawful and constitutionally protected purposes, because of other and unprotected purposes which he does not necessarily share.” *Id.*, at 299–300, 81 S.Ct., at 1521. In *Healy v. James*, 408 U.S. 169, 92 S.Ct. 2338, 33 L.Ed.2d 266, the Court applied these principles in a noncriminal context. In that case the Court held that a student group could not be denied recognition at a state-supported college merely because of its affiliation with a national organization associated with disruptive and violent campus activity.

...The Court stated that “it has been established that ‘guilt by association alone, without [establishing] that an individual’s association poses the threat feared by the Government,’ is an impermissible basis upon which to deny First Amendment rights.” *Id.*, at 186, 92 S.Ct., at 2348. The principles announced in *Scales*, *Noto*, and *Healy* are relevant to this case. Civil liability may not be imposed merely because an individual belonged to a group, some members of which committed acts of violence. For liability to be imposed by reason of association alone, it is necessary to establish that the group itself possessed unlawful goals and that the individual held a specific intent to further those illegal aims.... Regular attendance and participation at the Tuesday meetings of the Claiborne County Branch of the NAACP is an insufficient predicate on which to impose liability. The chancellor’s findings do not suggest that any illegal conduct was authorized, ratified, or even discussed at any of the meetings.... To impose liability for presence at weekly meetings of the NAACP would—ironically—not even constitute “guilt by association,” since there is no evidence that the association possessed unlawful aims. Rather, liability could only be imposed on a “guilt for association” theory.

Neither is permissible under the First Amendment. Respondents also argue that liability may be imposed on individuals who were either “store watchers” or members of the “Black Hats.” There is nothing unlawful in standing outside a store and recording names. Similarly, there is nothing unlawful in wearing black hats, although such apparel may cause apprehension in others. As established above, mere association with either group—absent a specific intent to further an unlawful aim embraced by that group—is an insufficient predicate for liability. At the same time, the evidence does support the conclusion that some members of each of these groups engaged in violence or threats of violence. Unquestionably, these individuals may be held responsible for the injuries that they caused; a judgment tailored to the consequences of their unlawful conduct may be sustained.... This Court has made clear, however, that mere advocacy of the use of force or violence does not remove speech from the protection of the First Amendment. In *Brandenburg v. Ohio*, 395 U.S. 444, 89 S.Ct. 1827, 23 L.Ed.2d 430, we reversed the conviction of a Ku Klux Klan leader for threatening “revengeance” if the “suppression” of the white race continued; we relied on “the principle that the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.” *Id.*, at 447, 89 S.Ct., at 1829.

...Strong and effective extemporaneous rhetoric cannot be nicely channeled in purely dulcet phrases. An advocate must be free to stimulate his audience with spontaneous and emotional appeals for unity and action in a common cause. When such appeals do not incite lawless action, they must be regarded as protected speech. To rule otherwise would ignore the “profound national commitment” that “debate on public issues should be uninhibited, robust, and wide-open.” *New York Times Co. v. Sullivan*, 376 U.S., at 270, 84 S.Ct., at 720. *N. A. A. C. P. v. Claiborne Hardware Co.*, 458 U.S. 886, 910–29 (1982). The Constitution protects two forms of free association.... The freedom of expressive association accords “protection to collective effort on behalf of shared goals” to help “in preserving political and cultural diversity and in shielding dissident expression from suppression by the majority.” *Roberts*, 468 U.S. at 622, 104 S.Ct. 3244. Certainly, Plaintiffs allege a collective effort to monitor elections on behalf of their shared goal to promote election integrity. But Plaintiffs do not allege how they were prevented from associating or with whom they were prevented from associating. Without more, Plaintiffs have failed to state a claim that the Board violated their right to freedom of association.

...The Declaratory Judgment Act permits a federal court to award a declaratory judgment only in “a case of actual controversy.” 28 U.S.C. § 2201(a). This is the same case-or-controversy limitation placed on federal jurisdiction under Article III. *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 127, 127 S.Ct. 764, 166 L.Ed.2d 604 (2007). Federal courts have “no supervisory powers and no authority to instruct the Board how to follow state law.” *Kasper*, 814 F.2d at 342. And with respect to the prospective injunctive relief Plaintiffs seek, the future harm “must be both real and immediate, not conjectural or hypothetical.” *City of Los Angeles v. Lyons*, 461 U.S. 95, 102, 103 S.Ct. 1660, 75 L.Ed.2d 675 (1983) (quotations omitted). “For purposes of standing to seek injunctive relief against future harm, courts generally assume that litigants ‘will conduct their activities within the law and so avoid prosecution and conviction.’” *Simic v. City of Chicago*, 851 F.3d 734, 738 (7th Cir. 2017) (quoting *O’Shea v. Littleton*, 414 U.S. 488, 497, 94 S.Ct. 669, 38 L.Ed.2d 674 (1974)). Without the dismissed constitutional claims, Plaintiffs “have alleged nothing more than garden variety election irregularities that could have been

adequately dealt with through the procedures set forth in [Illinois] law.” *Bodine v. Elkhart Cty. Election Bd.*, 788 F.2d 1270, 1272 (7th Cir. 1986). *Shipley v. Chicago Bd. of Election Commissioners*, 947 F.3d 1056, 1063–65 (7th Cir. 2020). **Accordingly, Plaintiffs’ request for injunctive relief against these particular Respondents, just as was the case regarding activities by the NAACP and mine workers in times past, must be and is hereby DENIED.**

November 8 - RNC Announces Suit Against the DOJ Challenging Merrick Garland’s Rationale and Authority to Arrest Donald Trump.

RNC announces suit against the DOJ challenging Merrick Garland’s rationale and authority to arrest Donald Trump.

The RNC will also seek to intervene in the VA case.

November 10 - SCOTUS Rules on Trump Arrest

SCOTUS DECISION:

Majority 6–3

Reasoning: This is an unprecedented situation that has ensnared our republic. Both sides make this claim. In politics the rhetoric has escalated but the Court has refused to participate. Never in the history of the country has the incumbent administration used the power of the justice department to jail its opponent. But today we face this unprecedented situation. The action of the Attorney General is outside the bounds of justice and he should not be granted his petition. History will not look fondly on the actions of AG Garland. The Attorney General is attempting to pull the Court into the presidential election.

The Court will decline to engage in partisan politics. These issues should be addressed at the ballot box. In America candidates should be free from Election Day arrest.

Candidate Trump should be immediately released from house arrest. Candidate Trump shall be eligible to take office, assuming he wins the election.

Minority Decision:

The Court refused to address the merits of the 18 U.S.C. 2383 and 2381. The Court should not be a bystander and is supposed to answer the questions of when statutes are to apply. If we do not answer this question, who will?

Therefore, we disagree with the majority. The majority is letting the political calendar dictate the calendar of the Court while refusing to address the merits of the action. Sad day for the Court. With fear for our democracy, we dissent.

IV. In-Exercise Official Statements and Press Releases

Statement from Republican Lawyers Association (RLA): Response to Poll Worker Resignations and Sheriffs

In response to the mass resignation of largely Democrat poll workers, the RLA assists other conservative organizations in funding a large campaign to promote Republicans filling poll worker roles. Additionally, the RLA dispatches legal teams to potentially problematic counties where the resignations have occurred and where there are strong parity hiring requirements to make sure that Democrat administrators do not play games when hiring replacement workers.

Also, instead of pushing back against Initiatives for Sheriffs in the polling places in Pennsylvania, the RLA supports the use of law enforcement in polling locations and encourages other states to follow Pennsylvania's lead, specifically urging sheriffs in Arizona, Georgia, Nevada, and Wisconsin to follow suit. The thought is that more law enforcement in polling places will be a net deterrent to illegal voting practices across the country, while actual instances of violence against poll workers is almost nonexistent. At the same time, the RLA mobilizes teams in Pennsylvania to monitor law enforcement infringement on conservative rights. The RLA also increases training for volunteers on how to act in polling places when law enforcement is present.

Finally, the RLA funds nonprofit groups to begin PR campaigns asking election administrators to follow the law. Following state law on ballot processing in Georgia, Pennsylvania, and Wisconsin and enforcing noncitizen voting requirements in Arizona, Nevada, and Texas are key components.

RNC Statement, September 7, 2024: Crooked Joe Biden's Deep State Is Colluding with Pennsylvania to Confuse and Intimidate Pennsylvania Republicans

With Joe Biden's poll numbers dropping in all the swing states, and especially Pennsylvania, CISA and FBI are teaming up with Pennsylvania's Governor Shapiro to confuse and intimidate Republican voters, who disproportionately cast their votes on Election Day. The trend since August has been clear: Governor Shapiro and President Biden are clearly worried about falling Democrat poll numbers in Pennsylvania, and so they are stoking fear about Election Day violence to drive down Republican turnout while simultaneously doing what Democrats always do: harvesting as many Democrat votes as they can, with all the fraud that always accompanies extensive mail-in voting (as it did in 2020).

Governor Shapiro's comments on August 26 and 27 make clear that he is preparing the ground for federal intervention in Pennsylvania's elections, using the excuse of non-existent voter and poll watcher intimidation. The close cooperation of CISA and the FBI with Governor Shapiro is meant to do only one thing: prepare the ground for Internet censorship of vital information that will help Pennsylvanians decide who to elect as President. Even worse, the recent mass-resignations of poll watchers is of great concern given the irregularities and fraud in

Pennsylvania in the 2020 presidential election. More Republicans than Democrats vote in-person on election day, and a shortage of poll watchers will mean it will be much easier for the Democrat political machines in Philadelphia and Pittsburgh to rig the vote in favor of their party.

RNC Statement, September 8, 2024: RNC Comes Out Fully in Support of RLA Statements and Actions

The RNC pledges to support the RLA in any way it can to aid their effort to ensure election integrity in Pennsylvania. It also praises the statement by the Pennsylvania Sheriffs' Association objecting to Governor Shapiro and the White House's transparent plan to intimidate Republican voters under the cover of "election safety."

Press Release from Governor Katie Hobbs of Arizona, August 25, 2024

Arizona women must be protected from extremist MAGA Republicans who continue to threaten the reproductive health care that Arizonans require. Our focus has been and will continue to be promoting the safe "essential health benefits" at no cost for participants under the State Plan—not merely Opill and future FDA-approved over-the-counter self-administered hormonal contraception, but also a suspension of individual cost for abortion services to anyone receiving these services within the state of Arizona. The Arizona Department of Health Services shall immediately create a plan for direct state billing from reproductive health providers for these services.

To announce this plan and to assist with the education of the general public, Governor Hobbs will embark on a 10-city tour starting September 9 at 3 pm at the Arizona Reproductive Health Clinic in Gilbert with additional dates and locations with local health officials to promote these services. (Full schedule to follow.)

Press Release from Governor Katie Hobbs of Arizona, August 29, 2024

To ensure that all eligible voters in the state of Arizona have full access to register to vote and to vote this year, Governor Hobbs has instructed all public institutions of higher learning to promote the Secretary of State's "Fact from Fiction" website where the full truth about the election process is described and where rumors and falsehoods about the election process will be dispelled. In addition, every public institution of higher learning shall disseminate voter registration links to the Secretary of State's voter registration page as part of the syllabus of every course. Hard copy voter registration forms shall be provided in all residence facilities and in the offices of each department.

Press Release from Governor Katie Hobbs of Arizona, August 30, 2024

To counter the violent threats against election workers, Governor Hobbs has issued Executive Order 2024-4, the Safe Public Servant Order, to fully enact Executive Order 2023-3 and to provide additional safeguards and protections for election workers. Governor Hobbs hereby decrees that election workers shall be free from all intimidation and harassment in the performance of their duties and in their personal lives, including online harassment. These wonderful public servants shall—in their own discretion—be able to file police reports of what they determine to be harassment while performing their duties. In addition, they shall be free from harassment in their personal lives as it relates to being an election worker and can file criminal and civil actions against any individual who—in the sole opinion of the public servant—has attempted to indirectly or directly harass election workers in the state of Arizona. To facilitate this, Governor Hobbs has instructed the Attorney General to create a safe election worker task force explicitly tasked with fulfilling and prosecuting this order for both the criminal and civil complaints of these fine public servants.

<https://azgovernor.gov/office-arizona-governor/executive-order/3-2>

<https://azgovernor.gov/office-arizona-governor/news/2024/05/governor-katie-hobbs-issues-executive-order-protecting>

<https://azgovernor.gov/office-arizona-governor/news/2024/04/governor-katie-hobbs-reiterates-protections-arizonans-seeking>

Executive Order 2023-03 - Establishing the Governor’s Bipartisan Elections Task Force

WHEREAS, while Arizona’s elections are fair, secure, and free, more can be done to strengthen and clarify the law...&etc.

RNC Condemns AZ Governor Katie Hobbs’s Election Interference, September 1, 2024

Arizona Governor Katie Hobbs’s Safe Public Servant Order sets a terrible precedent and is ripe for abuse. Governor Hobbs is deploying the executive and prosecutorial resources of the State of Arizona in order to interfere with election integrity efforts. If public election officials can “file criminal and civil actions against any individual who—in the sole opinion of the public servant—has attempted to indirectly or directly harass election workers in the state of Arizona,” then it will be much more difficult to ensure that the vote in Arizona is fair and fraud-free. Governor Hobbs has a history of frustrating efforts at election integrity in her favor, as everyone observed in her race against the great Kari Lake in 2022, while Hobbs was simultaneously putting her thumb on the scale as the sitting Secretary of State of Arizona.

In order to counter this partisan political move by Governor Hobbs, the RNC is creating a task force of volunteer attorneys in Arizona to help average citizens defend their right to comment publicly and hold election officials accountable.

White House Plan to Ensure Minority Voting Rights

The White House announces that the Civil Rights Division, under supervision of the Attorney General, is directed to coordinate with U.S. Marshals and develop a plan to ensure that constitutional voting rights of minority voters in Detroit, Miami, Milwaukee, Philadelphia, and Phoenix are not compromised by voter suppression efforts.

Republican Lawyers Association on Protecting the Election, October 8, 2024

Continuing to use the White House's own words, the RLA expands its campaign to encourage sheriffs to monitor the voting process in their communities. Expecting that the Left will sue sheriff departments for voter suppression, it starts a legal defense fund to defend sheriffs in frivolous lawsuits brought by the Left where sheriffs are following the law. The RLA engages partner organizations to remind sheriffs that conservatives support law enforcement, while the Left attacked and defunded them just four years ago.

The RLA seeks to expand the law enforcement presence by urging DA and AG offices to investigate and prosecute election law violations.

At the same time, the RLA reintroduces and heavily expands its poll watcher training to include a code of conduct and a pledge of no threats or violence towards election workers. The training addresses how to act if there is an expanded police presence. It continues to plan deployment to heavy Democrat areas in case law enforcement intimidates Republican poll watchers.

RNC Encourages Republican Voters to Take Advantage of Early and Mail-in Voting Where Available, October 9, 2024

RNC spokesperson: If you live in a state where you can vote early in-person or by mail, we encourage you to do so, especially as we anticipate long lines and disruptions on November 4 in crucial swing states. With the continuing arrival of Palestinian refugees, rumors of heightened possibility of terrorist attacks, the open southern border, and the disturbing reports of apparent polling place voter-intimidation schemes by Democrats, it is important for GOP voters to turn out in advance where they can and bank their votes early.

Statement from GOP Lawyers' Association, October 10, 2024

The Republican Lawyers Association expands its campaign to encourage sheriffs to monitor the voting process in their communities. Expecting that the Left will sue sheriff departments for

voter suppression, we announce a legal defense fund to defend sheriffs in frivolous lawsuits brought by the Left where sheriffs are following the law. The RLA engages partner organizations to remind sheriffs that conservatives support law enforcement, while the Left attacked and defunded them just four years ago.

President Biden Orders the Federalization of the Wisconsin and Arizona National Guards, November 8, 2024

President Biden orders the federalization of the Wisconsin and Arizona National Guards, ordering them to be on standby to secure ballot counting sites. He further provides for discipline for any soldiers refusing reporting requirements.

President Appoints Former Attorney General Eric Holder as Advisor on Post-Election Validation, November 8, 2024

President appoints former Attorney General Eric Holder as advisor on post-election validation. Marc Elias will serve as Chief Counsel.

RNC Statement on Federal Interference in Arizona Vote, November 15, 2024

(RNC post @X and @TruthSocial):

We have teamed up with majorities of both houses of the Arizona legislature to bring suit to stop the Biden DOJ's ridiculous (and unlawful) freezing of vote counting. First, the DOJ does not have standing because the Constitution gives the power of presidential vote certification to the state legislature. Also, if the vote counting "freeze" is complied with then the state legislature will likely miss its deadline certification. The FBI has no business giving orders to state legislatures—all they can do is investigate.

Statement: RNC Monitoring Developments in Arizona Closely, in Coordination with Republican National Lawyers Association

The outcome of the 2024 election now hangs on the vote counting in Arizona. Governor Katie Hobbs has a history of partisan dishonesty and manipulation when it is to her advantage and that of the Democratic Party. The RNC, including its lawyers and legal volunteers, while working closely with the RNLA are watching the situation closely. We must ensure that all legitimate votes are counted and that all irregularities are investigated, and, if necessary, litigated.

Judge Linda Parker Enjoins RNC Election Interference in Kentucky, Michigan, Ohio, and Tennessee, September 21, 2024

Press Release - Today, [Judge Linda Parker](#), who was appointed to the U.S. District Court for the Eastern District of Michigan by President Obama, granted the motion for a preliminary injunction filed by DNC/Marc Elias on behalf of a group of Americans including elected officials, community groups, and voters to stop election interference and voter suppression by the Republican National Committee, the Michigan Republican Party, the campaign of convicted felon Donald Trump, and their dark money supporters. Judge Parker found as a matter of fact that the defendants are using dishonesty, fraud, and deceit to impair or obstruct the 2024 election, to violate black and brown citizens' right to vote and have their votes counted, and to target non-citizens. She found that the defendants RNC, felon Trump, and their dark money supporters have violated federal civil rights law and the First Amendment. She ordered the defendants to immediately cease and desist from election interference, preventing the RNC from undertaking a [massive poll watching and legal effort to stop Americans from voting](#).

Judge Parker denied the plaintiffs' request for a nationwide injunction; however, she applied her order to the defendants' activities in Kentucky, Michigan, Ohio, and Tennessee.

The United States, through the Department of Justice Civil Rights Division Voting Section, and the State of Michigan, through its Attorney General Dana Nessel, intervened in support of the DNC.

Trump's lawyers in lawsuits claiming he won in 2020 are getting punished for abusing courts and making unsupported claims and false statements.

Federal judges and bar associations have meted out punishment to the many attorneys who filed meritless lawsuits claiming—without evidence—that the 2020 presidential election results were invalid.

Michigan Governor Announces New Guidance on Voter Challenges, September 19, 2024

Michigan, like most states, has statutes that allow private individuals to challenge another person's eligibility to vote. Michigan has strong voter protections that include explicit prohibitions against challenges made indiscriminately or without good cause, as well as requirements that pre-election challenges must be written, sworn under penalty of perjury, and notarized. Counties are reporting that some organizations have been submitting excessive, baseless challenges under the guise of "cleaning voter rolls." Michigan law is clear: Pre-election challenges made "indiscriminately and without good cause for the purpose of harassment" are a misdemeanor. All instances of indiscriminate and harassing voter challenges should be referred to the Secretary of State's Elections Threat Hotline immediately for consideration for prosecution.

County election officials and clerks should review the attached Guidance prepared by Secretary Benson and implement these procedures immediately:

Election Guidance September 20, 2024 – Voter Challenges

Voters in Michigan have the right to vote free from intimidation under federal and state law. Baseless challenges to a voter's eligibility can harass and intimidate the voter being challenged, as well as other voters waiting to vote at the polls. Effective immediately, clerks should adhere to the following guidelines:

- After receiving a written, sworn pre-election registration challenge, the clerk may take steps to verify that information. If the information appears valid, the clerk must mail a notice to the challenged voter, who then has 30 days to contest the challenge either in person or by affidavit.
- For challenges based on an alleged change of address, even if the voter does not respond to the notice, clerks may not cancel registrations.
- Federal law prohibits the systematic removal of voters within 90 days of a federal election. This prohibition includes removals based solely on a challenger's Internet searches or database matching, rather than on personal knowledge or individualized evidence.
- Challenges are also impermissible if the challenger fails to properly explain the reason they believe the voter is ineligible.
- Challenges cannot be made to intimidate or deter voters from, or interfere with, the exercise of their right to vote. If an individual disrupts the voting process while making an in-person challenge, poll workers may contact law enforcement to eject the disruptor from the polling place.

Because Michigan allows for same-day registration, if voters discover they have been mistakenly removed from the rolls, they can re-register and vote at their township or clerk's office during early voting and on Election Day.

Governor Evers Holds a Press Conference After Victory in the Wisconsin Supreme Court, October 8, 2024

Today we are here to celebrate a victory for all voters in Wisconsin. When we made the decision to intervene in *Priorities USA v. WEC*, we did so to make voting more accessible. Today, the Wisconsin Supreme Court did the right thing and overruled the Court's prior holding in *Teigen v. WEC*.

All across our country, election officials have chosen to use drop boxes to ensure that all eligible voters can freely cast their ballots. Drop box voting is safe and secure, and there is nothing in Wisconsin's election laws that prohibit our local clerks from using this secure option. **We are grateful for the Court's swift decision in light of the unprecedented threats to election workers—drop boxes will allow voters a safe alternative.**

Those who spread misinformation about drop box security are simply doing so to erode confidence in our free and fair elections. Depositing a ballot into a drop box maintained by the municipal clerk is a personal delivery to the municipal clerk in much the same way as a ballot is

mailed when an individual drops it in the mailbox without waiting to watch it be collected by the postal carrier.

Absentee voting is convenient, safe, and secure, and we encourage all voters to request their absentee ballots today but no later than October 30.

Press Release - DNC/Marc Elias Sue on Behalf of Wisconsin Voters to Stop Republican Voter Suppression, October 15, 2024

Voters in Milwaukee and Racine Counties, Wisconsin, have sued in the U.S. District Court for the Eastern District of Wisconsin to stop [Republican voter suppression](#) and violence. Among other things, the suit alleges that masked individuals are driving through black and brown neighborhoods chanting that “MAGA knows who you are.” It asks the court for an emergency injunction terminating the RNC’s “ballot security” and “election integrity” intimidation activities in Wisconsin. The Defendants include the Republican National Committee, the campaign of convicted felon Donald Trump, and the Republican Party of Wisconsin. The case is before Obama appointee Judge Pamela Pepper.

Result: RNC co-chair Lara Trump promises to prosecute anyone who cheats in an election: “We will track you down.”

Lara Trump vowed to prosecute anyone who cheats in an election, as the Republican National Committee rolled out a new initiative to recruit poll watchers.

Press Release - DNC/Marc Elias Sue in Virginia to Ensure Every Vote Counts, November 7, 2024

Today, the DNC and Marc Elias sued on behalf of black and brown voters in Arlington, Fairfax, and Loudon Counties, Virginia, in the U.S. District Court for the Eastern District of Virginia requesting a manual audit of reported election results due to “substantial errors and irregularities in the conduct of the election” that interfered with the plaintiffs’ federal civil rights. Specifically, there are discrepancies between votes counted by hand and votes counted by ballot machines in each of these jurisdictions. Many thousands of Democrat voters were disenfranchised because their votes were improperly undercounted, and there is reason to believe that voting tabulation machines misread *thousands* of valid votes as undervotes, and that these tabulation machine errors disproportionately affected the plaintiffs. In addition, county officials have conceded that their machines were not thoroughly tested and calibrated in the days leading up to the election due to constraints imposed by Republican Governor Glen Youngkin. The case is before Judge Patricia Giles, a Biden appointee.

Key Development in Virginia, November 8, 2024

The civil rights of voters are the top priority in protecting the integrity of our elections. At issue in this case is whether minority voters were disenfranchised due to “substantial errors and irregularities in the conduct of the election.” Because errors in process and tabulation have been

conceded by election officials, the court must address these issues in order to protect the civil rights and the integrity of the election. Further, the count of these ballots may make the difference in the election. Therefore, the court is inclined to rule in favor of the plaintiffs and grant further count. Officials may disregard any time constraints put in place by Governor Younkin.

Press Release from DNC Marc Elias: Court Forces the Counting in Virginia to Continue, November 8, 2024

Judge Patricia Giles has granted an injunction requiring the hand counting of ballots in Arlington, Fairfax, and Loudon Counties, Virginia. According to the Court: “The civil rights of voters are the top priority in protecting the integrity of our elections. At issue in this case is whether minority voters were disenfranchised due to “substantial errors and irregularities in the conduct of the election.” The Court found that “errors in process and tabulation have been conceded by election officials,” and that “*the count of these ballots may make the difference in the election.*” Perhaps as many as 15,000 votes have been undercounted by the defendants, disenfranchising oppressed minorities. This is almost three times more votes than convicted felon Trump’s alleged total margin of victory in the entire Commonwealth.

Trump Arrested at Mar-a-Lago; DOJ Public Statement by Attorney General, November 7, 2024

Attorney General Merrick Garland announces the DOJ’s intention to file a petition for emergency cert before the United States Supreme Court to consider the alleged offenses committed by Donald J. Trump. AG Garland states the Department of Justice is confident in a conviction of Mr. Trump for violation of 18 U.S.C. § 2383 Rebellion or insurrection and 18 U.S.C. § 2381 Treason. As such, the Fourteenth Amendment precludes Mr. Trump holding elected federal office in the United States of America.

Result: Trump agrees to go into house arrest in New York City and is flown up from Mar-a-Lago in a DOJ jet without incident.

Trump maintains access to social media and immediately starts holding online rallies.