

# Trump's Plans for a Coup Are Now Public

Some of the plots to overturn the election happened in secret. But don't forget the ones that unfolded in the open.

By Adam Serwer



Chip Somodevilla / Getty; The Atlantic

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**L**AST YEAR, John Eastman, whom CNN describes as an attorney working with Donald Trump's legal team, wrote a preposterous memo outlining how then–Vice President Mike Pence could overturn the 2020 election by fiat or, failing that, throw the election to the House of Representatives, where Republicans could install Trump in office despite his loss to Joe Biden. The document, which was first reported by the *Washington Post* journalists Bob Woodward and Robert Costa in their new book, is a step-by-step plan to overthrow the government of the United States through a preposterous interpretation of legal procedure.

Pence apparently took the idea seriously—so seriously, in fact, that, according to Woodward and Costa, former Vice President Dan Quayle had to talk him out of it. Prior to November, the possibility of Trump attempting a coup was seen as the deranged fever dream of crazed liberals. But as it turns out, Trump and his advisers had devised explicit plans for reversing Trump's loss. Republican leaders deliberately stoked election conspiracy theories they knew to be false, in order to lay a political pretext for invalidating the results. Now, more than 10 months after the election, the country knows of at least five ways in which Trump attempted to retain power despite his defeat.

### **1. Trump tried to pressure secretaries of state to not certify.**

Trump held early leads in vote counts in several states—not because he was ever actually ahead but because of discrepancies between when states count mail-in ballots and Election Day ballots. This so-called blue shift was written about long in advance of Election Day, and was partially the result of Trump’s own attacks on voting by mail. Nevertheless, Trump made this a key part of his election conspiracy theories (as many predicted he would), insisting that Democrats were somehow inserting fraudulent ballots into the vote count in the presidential election (something they apparently forgot to do in close House and Senate races, in which Democrats did worse than polls had anticipated). To help substantiate these falsehoods, the Trump campaign attempted to pressure secretaries of state to either not certify the results or “find” fraudulent ballots. In some states, spurred by the president’s fictions, pro-Trump mobs showed up at vote-counting sites and attempted to disrupt the proceedings.

## **2. Trump tried to pressure state legislatures to overturn the results.**

Trump personally attempted to coerce state legislators to overturn election results in a few states that voted for Biden, on the dubious legal theory that such legislatures could simply ignore the results of the popular vote in their own states. In Pennsylvania, Michigan, Arizona, and Georgia, Trump publicly urged Republican-controlled statehouses to “intervene to declare him the winner” and tweeted, “Hopefully the Courts and/or Legislatures will have the COURAGE to do what has to be done to maintain the integrity of our Elections, and the United States of America itself.” As my colleague Barton Gellman reported last year, the Trump campaign discussed “contingency plans to bypass election results and appoint loyal electors in battleground states where Republicans hold the legislative majority.”

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David A. Graham: Trump's coup attempt didn't start on January 6

### **3. Trump tried to get the courts to overturn the results.**

The embattled attorney general of Texas, Ken Paxton, filed an absurd lawsuit demanding that the Supreme Court void the election results in Wisconsin, Georgia, Michigan, and Pennsylvania, four states Biden won. The large majority of the Republican delegation in Congress, as well as nearly 20 Republican state attorneys general, supported this attempt to get the conservative-controlled Supreme Court to overturn the 2020 election results by fiat. The justices

declined to crown Trump—but the amount of support this bid received from Republican elected officials is itself alarming.

As part of this effort, we can include the baseless “Kraken” lawsuits, filled with conspiracy theories about vote changes. Trump attempted to coerce the Justice Department into providing him with a pretext to overturn the results, but his attorney general, Bill Barr, refused to do so. Had DOJ leadership acquiesced, it would have lent credibility to Trump’s other corrupt schemes to reverse his loss. In a meeting with the acting attorney general, Jeffrey Rosen, according to contemporaneous notes taken by Rosen’s deputy, Trump said, “Just say that the election was corrupt [and] leave the rest to me.”

#### **4. Trump tried to pressure Mike Pence to overturn the results.**

It is hard to pick the most ridiculous means of executing a coup, but insisting that the vice president has the power to unilaterally decide who won an election is up there. Trump publicly hounded Pence to reject the results prior to the traditionally ceremonial electoral-vote count in Congress, and Pence reportedly took that demand seriously enough to seek advice from Dan Quayle on the matter, “asking if there were any grounds to pause the certification because of ongoing legal challenges,” according to Costa and Woodward. That this got so far is profoundly disturbing, but even more disturbing is Eastman’s memo, which shows that the Trump team had thought very deliberately about how this scheme would work.

According to the memo, Pence could refuse to certify the results in particular states, giving Trump more electoral votes than Biden, and Pence would declare Trump the victor. If Democrats objected (as surely they would), the vote would then go to the House. Because the Constitution gives one vote to each state in

disputed presidential elections, and the Republicans were the majority in 26 of 50 state delegations, the Democratic House majority would be unable to prevent Republicans from throwing the election to Trump. The election-law expert Ned Foley writes that the scheme would likely not have prevailed, given the Democrats' ability to prevent a joint session, but that seems almost beside the point, which is that a sitting president and vice president were considering how to keep themselves in power following an election they lost.

## **5. When all else failed, Trump tried to get a mob to overturn the results.**

At the rally prior to the vote count in Congress, Trump urged the crowd to act, saying, "If you don't fight like hell, you're not going to have a country anymore." The explicit goal of the rally and subsequent riot was to pressure Congress, and Pence in particular, into overturning the election results. Trump told his followers, "If Mike Pence does the right thing, we win the election."

This scheme didn't work on its own, but it certainly could have helped one of the others: Imagine if Pence had gone along with Eastman's absurd plan, and a mob had been present at the Capitol to help enforce the decision and menace lawmakers who tried to oppose it—then what? As it stands, the mob ransacked the Capitol and forced lawmakers to flee. Had the mob succeeded at reaching any actual legislators, the consequences could have been catastrophic.

**T**RUMP WAS IMPEACHED for his incitement of the January 6 mob, but Senate Republicans dutifully prevented him from being convicted and barred from holding office ever again.

Virginia Heffernan: Trump's campaign to overturn the election was inane

Those who attempted to subvert democracy have faced few political or legal consequences. As is typical, some rioters are facing prosecution while the elites who tried to overthrow the election through more bureaucratic or procedural means remain in good standing with their peers. The failure to impose accountability for an attempt to overthrow the constitutional order will encourage further such efforts.

Meanwhile, those rare Republicans who *did* stand up against this attempt to destroy American democracy are the only ones dealing with real political consequences from their party, facing primary challenges, being forced into retirement, or being stripped of their leadership positions. Republican officials who were unwilling to use their office to overturn the election results are seeing challenges from Trump devotees who will, should the opportunity arise again.

If Trump had succeeded, many of those downplaying the former president's actions would today be rationalizing an American coup. *No, you see, George Washington and James Madison intended for Donald Trump to be president for life. Read the Constitution.*

At the core of these attempts is a dangerous ideology—the presumption that because Trump supporters represent “Real Americans,” the will of democratic majorities can be disregarded. This does not mean that the Republican Party is incapable of winning majorities, but that winning them is irrelevant to whether or not the party's Trumpist faithful believe they are entitled to wield power. Win or lose, their claim to be the sole authentic inheritors of the American tradition means they are the only ones who can legitimately govern and are therefore justified in seizing power by any means. This is the modern incarnation of an old

ideology, one that has justified excluding certain groups of Americans from the suffrage on the basis that their participation is an affront to the political process.

American traditions of unfreedom always represent themselves as democracy's protectors, rather than its undertakers, and this one is no different. If Biden were allowed to take office, Eastman insisted in a longer version of his memo, "we will have ceased to be a self-governing people." The catastrophe is not only that Trump tried to overthrow an election. It is that so many Americans were cheering him on.

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