

“OLD BONESPURS”: A BEDTIME STORY

By

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Note to the Reader:

This story might not be suitable for some younger children, so perhaps a more innocent tale such as “*Hansel and Gretel*” should be chosen instead.

PART I

Once upon a time long ago in a troubled land, the faithful knight Joseph R. Biden defeated his opponent in many of the battleground states of the republic. On November 3, 2020 Joe Biden and Tammy Duckworth took back the three northern states which helped to give Donald Trump his victory in 2016—Pennsylvania, Michigan, and Wisconsin—and gained a 280 to 258 Electoral College victory. A few of their crucial state victories were achieved with small margins, but on the other hand they only narrowly lost Arizona, Florida, Georgia, Iowa, Ohio, and North Carolina. In many states, long lines of frustrated voters had waited for hours to cast their ballots while voting machines failed, delaying the reporting of results; there were also many bitter recriminations about attempts at voter suppression and intimidation near polling booths. But the Democrats’ popular vote plurality increased from 2016 to 2020 from 3 to 5 million. Congratulations poured in from political figures in many parts of the world, especially in Europe. And that’s when the real trouble began.

Speaker of the House of Representatives Nancy Pelosi and her colleagues had been returned with an even stronger majority than the one in 2018. In the Senate, a net flip of two seats from Republican to Democratic still left the Republicans with a 51-49 majority (there were 47 Democrats plus two Independents who voted with them, Angus King of Maine and Bernie Sanders of Vermont). However, Susan Collins of Maine was at first clinging to a very narrow margin of victory, and there were recounts under way in Maine and in Senate races in Georgia, Iowa, Mississippi, and Texas. However, everyone expected that, at least in any matter pertaining to Trump, Senator Mitt Romney would vote against,

making a 50-50 tie, thus forcing the Majority Leader, newly re-elected Mitch McConnell, to rely on a sitting Vice-President to cast the deciding vote.

In the early morning hours of the day after the election, President Trump unleashed a furious, hyperbolic tweetstorm, sending dozens of inflammatory messages to his 79 million Twitter followers—a number which, to his eternal regret, never even managed to approach the 117 million followers achieved by Barack Obama during his presidency. Trump claimed—without offering a shred of evidence, of course—that there was massive voter fraud across the Blue States, that “many” ballots cast in his favor had gone uncounted or been destroyed, and that “millions” of “illegal” votes supposedly had been cast by the hordes of undocumented immigrants freely walking about somewhere in the country:

“But in California, the governor sent, I hear, or is sending millions of ballots all over the state. Millions. To anybody. To anybody. People that aren’t citizens, illegals, anybody that walks in California is gonna get a ballot.”

Trump held a combative press conference, where he insisted on recounts in all the states he lost; three reporters were ejected from the room after they used plain language such as “sore loser” and “time to go.” There were threats by Trump to investigate the National Democratic Party for conspiracy to commit voter fraud, and of all things allegations by him claiming Chinese interference in the American electoral process. In a fit of pique, Trump emphasized the USA’s withdrawal from the Paris Agreement on Climate Change, which had come into force on that very day, November 4.

In the 2018 election, all of the three northern states which had given a plurality to Trump in 2016 had returned Democratic governors. Naturally, they joined the other Blue State governors in flatly refusing to order any recounts. All of them reminded the public that in every state except Maine and Nebraska, the candidate who wins the popular vote automatically receives all of the states’ electoral votes, and that they regarded the matter as having been settled by the election results on November 3. But on November 9, the Republican Party sent its lawyers to the Supreme Court, asking the Court to order recounts

in all states, relying in part on the Court's intervention in the federal election in 2000, in a case known as *Bush v. Gore*.

On November 3, 2000 George W. Bush had won a narrow victory in Florida, by only 1,784 votes; Florida law required a recount in such an event, and when it was completed Bush's margin had shrunk to 327 votes. With a plurality that small, also under Florida law at the time a candidate could request a manual recount, and Gore did so, specifying four counties which usually favored the Democrats. Then Florida's Secretary of State decided that the counties were taking too long to complete the recount, since there was a deadline for certification of the election results under the law, and she declared Bush the victor, whereupon Gore appealed to the Florida Supreme Court, and won. Bush's lawyers immediately appealed to the U.S. Supreme Court. In *Bush v. Gore* a 5-4 majority of the Court relied on the equal protection clause in the 14th Amendment to object to the special measures (using different methods of counting ballots in the manual recount) which Florida had been using, to halt the process. The majority also held that no alternative method of counting ballots was available, and that prolonging the recounting would cause "irreparable harm" to the democratic process. Thanks to the Supreme Court decision, Bush won the presidency in 2000 with 271 electoral votes, only a single vote more than the 270-vote requirement.

In going back to the Supreme Court in late 2020, the Republican Party was counting on the Court's earlier willingness, in 2000, to step quite carelessly into the matter of the states' control over voting and also into a subject of fundamental importance to a different branch of the federal government (the executive). The Republicans were quite prepared to ignore the warnings issued by the four-justice minority in *Bush v. Gore*, contained in the opinion written by Justice John P. Stevens and joined by Ruth Bader Ginsburg, David Souter, and Stephen Breyer. The minority warned that the five-justice majority was unwisely violating "three venerable rules of judicial restraint" and that "preventing the [Florida] recount from being completed will inevitably cast a cloud on the legitimacy of the election." The warning was ignored. On November 12, 2020, the Court agreed with the arguments advanced by Trump's lawyers, and in a 5-4 decision, noting especially the large

number of quite close results, all of which combined could easily reverse the outcome, ordered all states to deliver a full recount by November 26.

Dangerous Days

Huge protests erupted on both sides of the Blue/Red divide, with heavily-armed and masked gangs appearing in some places, making vague threats. Trump continued to tweet relentlessly, whipping up outraged sentiment on both sides. The House of Representatives and Senate convened briefly, but decided to await the outcome of the recounts before contemplating any moves. The Blue States threw in huge resources in order to make the recounts unassailable; some Red States dragged their feet but eventually also had to comply with the Court's order. All but one of the recounts confirmed the original pluralities, in most cases with small revisions, but that one exception was North Carolina, which the recount had dramatically flipped to Biden, increasing his Electoral College lead to 295 vs. 243, while in Arizona and Florida Trump's margin of victory had shrunk to a few votes.

Trump continued to tweet nonstop, dozens of times each day, now making new unfounded allegations claiming colossal fraud in mail-in ballots, illegal voting by noncitizens, and the "flagrant" miscounting of ballots by various states:

"Mail ballots, they cheat. People cheat. Mail ballots are very dangerous things for this country because they're cheaters. They go and collect them. They're fraudulent in many cases."

Not fraudulent, apparently, in Florida, where he had voted by mail-in ballot.

Then, on November 26, Trump's lawyers asked the Supreme Court to invalidate the re-tabulated voting results—on the grounds that many of the pluralities remained relatively small—and to require a new election for president and vice-president, specifying strict, uniform, and legally-binding rules for overseeing the polls and counting the ballots which states would be obliged to follow. Three days later, the Court agreed to place the case on its docket (by 5-4) for future action, requiring states and other qualified interveners to file briefs and prepare oral arguments within two weeks; but, provocatively,

it set no date on which it would render its decision. Then the Court announced that it was suspending both the Electoral College meetings in the state capitals, scheduled under a constitutional provision for December 14, 2020, and also the Inauguration which was supposed to be held on January 20, 2021, with new dates for those events to be determined after it had rendered its decision—in effect leaving Trump in office indefinitely.

The nation exploded in an uproar, especially in the Blue States, with governors there passing resolutions condemning the actions of the Supreme Court. Many of them heatedly pointed out that the Court had used convoluted reasoning in 2000 in order to put an end to the recounting of ballots in a state where a small plurality for George W. Bush had given him just enough electoral votes to win the presidency. Armed and masked gangs showed up at many of the state capitals, especially in the Blue States, where governors called out their National Guard forces to disperse some of them and arrest those who refused to obey.

On November 30 Trump declared a national state of emergency and began musing on Twitter about using a variety of new powers. He boasted that his officials had told him that he possessed no fewer than 136 special powers in times of emergency. He mentioned specifically *The Insurrection Act* of 1807, which he said allowed him to deploy federal troops anywhere within the United States. He opined that he was thinking about declaring martial law, under which he would suspend the right of *habeas corpus* and take control of the National Guard forces in every state. One of the reporters present filed this account:

“The President even mentioned, in the context of the ongoing coronavirus pandemic, the provision of an act which allowed him to permit the use of any drug, even ones not yet authorized by the Food and Drug Administration.”

One power the President undoubtedly possessed but did not mention was the authority to shut down all radio stations and even the national telecommunications system, including the Internet—possibly because, had he done that, he would not have been able to use Twitter, and would also have deprived his followers of hearing the authoritative opinions of radio talk-show hosts such as Rush Limbaugh and Glenn Beck. For the moment, no actual exercise of emergency authority had been announced.

PART II

The great majority of electors who become members in the Electoral College once every four years live in states where the presidential candidate who wins a plurality of votes is awarded all of the electors in that state (there are trivial exceptions only for Maine and Nebraska). All parties running candidates choose their own slates of electors some time prior to the voting. After the election, the Constitution requires that the electors in each state shall assemble in the state capitals to cast their votes on the first Monday following the second Wednesday in December. Their votes are then tabulated in a joint session of the House and the Senate during the first week of the following January. There were at that time 538 electors, and a majority of 270 was required to win the presidency.

On December 5, Governor Gavin Newsom of California placed a series of calls to state governors and the chairpersons of the Democratic Party in Blue States where Biden had won most of his 295 electors. In those cases where Biden won in a state with a Republican governor, Gov. Newsom called only the party chair. He asked all of his colleagues to attend a meeting in Sacramento in about a week's time, and to arrange charter flights to California for all of the electors in each state who were supposed to convene in their state capital on December 14 to vote for the candidate who had won the plurality of votes there, an event now postponed by the Supreme Court. The governors and the party chairs agreed. When word of these calls leaked as expected on December 6, Governor Newsom explained:

"I only wish to consult with the Biden-supporting electors and governors about their views on the election results and the ongoing legal battle before the Supreme Court. This does not seem to me to be an unreasonable or improper undertaking given the present circumstances in our country. By way of compensation to those being asked to travel away from home in these difficult times, the state of California will provide short complimentary vacation stays to any of the travelers who wish to take advantage of this offer, and who are invited to bring their spouses. The purpose of this offer is to try to offset some of the stress caused by recent events. Those invited by me are expected to arrive in Sacramento by no later than December 12."

Trump fumed mightily in responses on Twitter and at a press conference, calling the meeting illegal and threatening to prevent it from happening, using his emergency powers. But since there was no official agenda or announced goal for the get-together, it was to all intents and purposes a purely private affair, and it seemed wiser for Trump not to try to do anything about it. 292 electors showed up, the other three being unable to travel and sending supportive letters instead, along with the governors and party chairs.

When morning broke on December 14, citizens in Sacramento awakened to find the California National Guard ringing the capital building. On the previous day, Newsom and the other governors present had asked the electors to conduct a straw vote, and they agreed; only two turned out to be so-called “faithless electors” who did not vote for Biden. Later that same morning Governors Gavin Newsom and Andrew Cuomo made a brief announcement at a press conference, on behalf of all of the governors assembled in the city:

“The electors here present in Sacramento have voted and confirmed Joseph Biden as the duly-elected 46th President of the United States. The 290 votes cast for him were well in excess of the 270 needed to elect. We urge President Donald Trump, all members of both houses of the U. S. Congress, and the Supreme Court of the United States to recognize the legitimate outcome of the November 3 election and to allow our political process to move forward in the ways stipulated by the Constitution.”

The two governors then adjourned the press conference without taking questions. Instantly riots and demonstrations erupted everywhere across the country, many buildings were put to the torch, and gangs of armed, masked men (and a few women) sought to intimidate both the public and state politicians. Once again, Blue State governors called upon their National Guard forces to restore order, which they did. On that same day the Supreme Court began hearing oral arguments on the motion to order a new election for the presidency, but few citizens were paying much attention for obvious reasons.

On December 15 Donald Trump announced that he was sending a posse of federal marshals to Sacramento with orders to arrest the electors; but upon arrival they had been

prevented from entering the capital building by California State Police officers and had been escorted back to the airport. Trump countered by ordering the California National Guard to disarm the state police personnel, citing the state of emergency as the basis for his authority over the Guard, whereupon Gov. Newsom promptly countermanded the diktat and sent more of them to Sacramento. He invited the electors to remain in the city until the crisis had passed. Trump then commanded federal marshals to arrest the governor of California and asserted his authority over all National Guard forces in the various states, telling them to return to their bases, but the other governors, still in Sacramento, also countermanded that directive. In some cases the families of the electors had been threatened with bodily harm, back in their home states, and the governors had ordered their national guards to protect them. Widespread violent civil conflict now seemed inevitable, since each side had backed itself into a corner.

On December 16, Trump announced at a press conference that he was invoking *The Insurrection Act* of 1807 and would be directing his Secretary of Defense to order the Commanding General of the United States Army Forces Command to send federal troops to Sacramento so as to disarm the California National Guard and to back up the federal marshals as they proceeded to arrest the electors as well as both governors Newsom and Cuomo. He took a question from a reporter who was expecting this move, ever since the President had first mentioned this law two weeks prior, who asked, reading from his notes:

Question: "Sir, have you consulted the *Posse Comitatus Act* of 1878, which states, and I quote, 'it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as the employment of said force may be expressly authorized by the Constitution or by act of Congress....'"

Trump: "I've read that and it's not relevant."

Question: "Sir, did you know that, under the *Posse Comitatus Act*, you can be jailed fined if you violate that act?"

Trump: "I told you that it's not relevant."

At that point the President abruptly terminated the press conference.

Everyone left the event and then started searching the Internet for information on the *Posse Comitatus Act* as well as on the command structure of the U. S. Army. By law the Chairman of the Joint Chiefs of Staff (JCS) is the highest-ranking military officer in the USA, but this officer does not have operational command of the forces themselves, which, in the case of the Army, passes from the Secretary of Defense to the Commanding General of the Army—who had just now been busy consulting with the Chief of Staff of the Army, who is a member of the JCS. The JCS chairman, its vice-chairman, as well as all six of its other members are by law appointed by the President with the advice and consent of the Senate.

The Secretary of Defense had promptly complied with the President's order to mobilize the U.S. Army, but when the Secretary reached the Army's Commanding General, after some considerable delay, the general reminded him of what he had publicly stated in early June of this year, during the controversies involving the death of George Floyd in Minneapolis, quoting from the transcript of the Secretary's press conference as follows: "The option to use active duty forces in a law enforcement role should only be used as a matter of last resort, and only in the most urgent and dire of situations." The general said that, for the most part, National Guard forces in the various states seemed to be able to maintain public order, and that, under the relevant laws, state governors who were struggling with this objective were allowed to ask the governors of neighboring states for assistance from their National Guard forces. In fact, one or two had already done so, and the assistance rendered had stabilized the situation.

The general then said that current events in no way fulfilled the criterion set down in June by the Secretary himself, and advised him to consult again with the President. He did so, and once more called the general to reiterate the order. The general replied that he had first to talk to his colleagues at the Joint Chiefs of Staff, and hung up. The Secretary called back, intending to say that Trump was going to fire him, but there was no answer, for by that time the Army Commander and all of the JCS members, along with their families, had already left Washington for an undisclosed location. They simply ignored the announced firing and cut off all further communication between themselves and the White

House. As this situation was evolving, someone in the West Wing suddenly noticed that one person in particular was no longer in his office and began asking around about him:

“Have you seen – you know, what’s his name? – the aide-de-camp carrying the nuclear football?
“Do ya’ mean the black briefcase with the launch codes for the missiles? Now that you mention it, I think I saw him leaving his office a little while ago – and he had the football with him.”

The senior military officers in the United States Armed Forces were, in effect, committing treason. What can explain this?

All of the JCS members were graduates of the military academies, where they had learned about the history of warfare, including the U.S. Civil War and its horrifying toll in deaths and wounded and in destruction of property and landscape. Civil war casualties on both sides have been estimated at 750,000 dead and more than 500,000 wounded; the dead were 2% of the entire population of the country, the equivalent of 6.5 million citizens today. By contrast, the American Revolutionary War cost fewer than 5,000 dead.

The sheer destructive capability of today’s military weapons of all kinds is nothing short of astonishing, as is the high level of training for those who employ them. Dueling firefights between groups of soldiers armed with the rifle-muskets and field artillery of the 1860s era was bad enough, as the Civil War casualty figures show; but trying to imagine the full complement of modern weaponry being deployed on the territory of the United States by opposing sides was too much for the generals to digest. They also knew that the civilian population in the United States, unlike those in Syria, Afghanistan, Iraq, and elsewhere, had no idea what it would be like to be subjected to full treatment by these weapons. In addition, they could also easily picture in their minds Vladimir Putin in Moscow, and Xi Jinping in Beijing, relaxing over drinks at the end of a busy day tormenting their own citizens, watching the conflict-drama in the United States unfold on live television.

There was another critical factor to consider. The generals well knew, of course, that blacks at that time constituted almost 18% of active-duty members of the U.S. military, and that all racial and ethnic minorities combined accounted for 40%. The percentage of women stood at 15%, meaning that white males were now in the minority. They recalled that, on the day in the previous June when the president had called out National Guard troops in the nation's capital to disperse demonstrators, the large black contingent among them had made no secret of their distaste at the prospect of harming their friends and relatives. The generals could imagine that many of those who were among the racial and ethnic minorities were likely to desert when faced with the prospect of opening fire on their fellow citizens, across the entire country, on behalf of Donald Trump. Would they turn their weapons on each other? Would they offer their services to the Blue State governors, along with their assault rifles, machine guns, bazookas, howitzers, jeeps, armored personnel carriers, supersonic fighter jets, and tanks, such as this fine specimen?



Figure 1 U. S. Army M-1A2C Abrams Main Battle Tank

The generals, knowing their armaments well, could imagine crews on opposing sides hunting their opponents with Abrams tanks through the alleyways of major cities.

PART III

The members of the Joint Chiefs of Staff had had a foretaste of this situation in early June, when several hundred active-duty soldiers of the U. S. Army's 82nd Airborne Division had been transported from their base at Fort Bragg, North Carolina to the outskirts of Washington, D.C. They had not been deployed against demonstrators in the city on that occasion, but it was an ominous foretaste of what might happen. With this lesson in mind, armed forces leaders had resolved—from the beginning of the November political crisis—to have the troops under their authority play no part in any new armed civil conflict within the borders of the United States, no matter what the Insurrection Act of 1807 dictated. In addition, many service members in the forces they commanded had already become disenchanted with the sitting president. Among them it had become common to refer to the President with the nickname they had long since bestowed on him:

“What was Old BoneSpurs up to today?”
“I don’t get it. Are you referring to Old Hickory?”
“No, of course not, that was President Andrew Jackson. I mean the current one, of course.”

Unable to contact the Army Commander, on December 17 Trump insisted that the Director of the FBI find and arrest him, but—grasping the absurdity of the situation—that official had refused to do so. Trump immediately fired him but the FBI chief declined to vacate his office, knowing that he had the backing of a large majority of his agents, and the newly-appointed Acting Director wisely had stayed at home. On December 18, a large number of the most senior federal officials publicly declared their allegiance to “President” Biden; Trump threatened to fire every one of them but did nothing more. By now his ceaseless tweeting had reached the level of mild hysteria, although it did still serve his

purpose of intensifying the general inflammation of sentiment then sweeping the country. But fed up with this way of using his platform, Twitter CEO Jack Dorsey finally cancelled the president's Twitter account after one particularly egregious tirade from Trump, citing numerous violations of the platform's terms of service. Rather than respond, Trump's aides moved him seamlessly to alternative platforms such as Instagram and he proved to be surprisingly adept at the image-centric approach.

On December 19, President Trump sent his lawyers back to the Supreme Court with a total of three requests: to force the Army Commander to obey him as Commander-in-Chief of the armed forces; to invalidate the "sham election" in Sacramento which declared Biden to be the incoming president; and to force the National Guard in all the states to obey federal authority. On December 21 the Court, having heard only cursory arguments on the subjects, agreed to all three by identical 6-3 votes.

Over the next few days, the White House repeatedly tried but failed to contact anyone in the JCS or in the senior echelons of the armed forces. In the meantime, the JCS and the commanding generals of the armed forces had, unbeknownst to Trump, put key commando units of the army and navy on alert, and had taken steps to ensure that no one else in the ranks below them would try to assume command. The President, by now utterly splenetic, mused on Instagram about contacting Putin to ask for support from Russia's military. Putin replied that he was quite willing to help in this matter and proposed a summit with Trump in Moscow to be held within a few days. However, in the meantime the JCS had grounded both Air Force One and the White House helicopter after moving them out of DC. Learning of this, Putin had offered to send his own private jet to pick up Trump and take him to Moscow, but even for Trump this was a bridge too far: Even he had reason to fear being toyed with by Russia's political chess grandmaster once he was sitting in Moscow with no transport of his own back home. This option had been ruled out.

On December 21 the Blue State governors issued a joint public statement affirming their allegiance to Biden, also refusing to surrender control of their National Guard units,

all of which remained on full alert. Andrew Cuomo added his own deeply personal message addressed to the occupant of the White House in Washington, DC:

“I declare Donald J. Trump *persona non grata* in the State of New York and if he dares to set foot anywhere within its borders I will have him arrested on the spot.”

Red State governors passed many resolutions affirming their support for Trump. Protesters from opposite sides clashed regularly in the demonstrations taking place in almost all large towns and cities. There was frequent gunfire and a casualty list of dead and wounded, but National Guard troops and police forces again restored order.

Trump then mused on Instagram about assuming dictatorial powers, reprising a theme from earlier that year during some of the worst of the first phase of the coronavirus pandemic; about firing U.S. military commanders *en masse* until he found one to obey his orders; and about a variety of other possible modes of action open to him. Meanwhile the Presidents of Brazil and the Philippines offered him their military assistance to restore law and order in the USA, and the Prime Minister of Israel suggested to Trump that his people could help with conducting cyberwarfare against his political enemies. On December 22, the Security Council of the United Nations met, but China vetoed any actions and in the General Assembly there was an endless series of pointless speeches.

On December 26 Joe Biden and Tammy Duckworth (together with Nancy Pelosi and Chuck Schumer) appeared at a news conference in Sacramento, packed with reporters from all over the globe, for the first time following the promulgation of the national state of emergency. Biden and Duckworth urged calm, proclaimed their right to occupy the offices to which they had been elected, but refused to answer questions about how and when they intended to take over the reins and govern.

By now the entire country was in a perpetual state of uproar. In the Red States, menacing groups of armed citizens had permanently encamped around their state capital buildings, vowing to help their governors maintain allegiance to Trump. Large numbers of

protesters against Trump in those states were arrested and put in hastily-erected detention camps; there were some deaths. Their fellows in the Blue States tried to intimidate the governors there in a similar manner, but those authorities used their National Guard and police forces to arrest them all. The same states passed emergency legislation forbidding citizens to carry weapons in public, which was widely disobeyed.

Trump raged on Instagram against the absent generals, who were nowhere to be found, saying that he would “soon” put them all on trial for treason. He excoriated governors Newsom and Cuomo, threatening to bring down the heavy hand of the entire federal government on the whole populations of those two states unless the citizens thereof apprehended the two miscreants and turned them over to federal marshals. He brought Red State governors to the White House and in return they invited him to deliver a series of hastily-arranged rallies in their states; but since he had no secure means of travel, he was forced to decline the offer for the time being. Then he began issuing, over the course of the next few days, a wide array of edicts using the emergency powers, apparently choosing at random from the master list of 136 items, for example:

“Today I am taking the following steps in order to protect the security of the United States, which is being threatened by the Democrats and their so-called president. I am cancelling implementation of the Clean Air Act; I am eliminating import fees on sugars, syrups, and molasses; and I am suspending a law prohibiting government testing of chemical and biological agents on unwitting human subjects.”

But nothing much happened as a result.

Deciding Days

On December 30, the full eight-member complement of the Joint Chiefs of Staff plus the Commanders of the three armed forces met secretly with Biden, Duckworth, Newsom, Cuomo, Pelosi, and Schumer at Naval Base San Diego to discuss options. Multiple layers of security, provided by Navy Seal teams, were extremely tight. After preliminary discussions, Senator Mitt Romney was brought into the meeting. The JCS members told the other participants:

“We now have a plan in place to break the political deadlock but have not yet decided on the timing of its execution. We have chosen not to disclose it to you nor to ask you to comment on it, so that the civilian political leadership can maintain full freedom of action should our plan fail.”

On January 5, the House of Representatives convened and again passed articles of impeachment against Trump, but as expected the resolution failed to achieve a two-thirds majority in the Senate. Trump threatened to shut down the House, and Pelosi and Schumer dared him to try. On January 7, a joint meeting of the House of Representatives and the Senate, presided over by the vice president, acting as president of the Senate, was convened as per the Constitution to count the results in the Electoral College vote. Since there was no vote of all 538 electors to tabulate, Speaker Pelosi introduced instead a motion calling upon both bodies to accept the Sacramento tally. Immediately, all Republican members of both the House and the Senate walked out of the meeting, citing the Supreme Court decision, whereupon Pelosi tabled the vote of the 290 electors before the remaining representatives and declared Biden to be the duly-elected 46th president. The Senate passed a resolution claiming to invalidate the actions of the House of Representatives.

There was still no decision from the Supreme Court; according to one leaked report, the Chief Justice was desperately trying to find, so far unsuccessfully, a palatable solution to the issue of whether to call a new election. By now the fact that the U.S. federal political system had become locked into an apparently irresolvable stalemate was obvious to most of the citizenry. And no means of breaking that stalemate peacefully, in a way which was likely to win the support of a large majority of the population, appeared to be available. And the clock was ticking toward the normal Inauguration Day.

PART IV

On January 8, a commando unit of federal troops (Navy Seal Team 6, famed for the killing of Osama bin Laden) surreptitiously entered the Supreme Court building under cover of

darkness, where the justices encountered them upon arriving for work the next morning. They were wearing no identifying names or insignia. The troops quickly moved the justices and their immediate families in helicopters to Camp David, along with the Secret Service agents assigned to them, citing numerous recent terrorist threats against them. Army Special Forces troops had by then sealed off the White House with Trump ensconced inside, claiming to Secret Service agents stationed there that they were acting in response to terrorist threats against the president. The JCS then proceeded to cut all communications links between the White House and the world outside, and also to temporarily close the airspace around DC to all civilian aircraft. Trump was now securely imprisoned in his lair and, for the first time in his life, was muted, except for the privilege of ranting endlessly to his loyal staff and watching reruns of his interviews on Fox News.

The North American Aerospace Defense Command (NORAD), hunkered down in its mountain fastness in Colorado, was on full alert, monitoring the feeds from all spy satellites for any signs of foreign military activity.

Other Navy Seal units had sealed off the Camp David area, which is located about 60 miles northwest of the capital. On January 9, federal officials from the Department of Justice, loyal to Biden, visited the Supreme Court justices at Camp David and asked them to promptly decide the case about the election results before them, urging them to see the wisdom of promptly confirming Joe Biden as president. But a majority of the Court refused to take any actions while being sequestered and held incommunicado at Camp David.

The federal Justice officials then selected four of the justices and asked to meet with them as a group separately from the others; this having been done, the officials demanded the resignations of all four. When they refused, those four continued to be separated from their colleagues, and had thereupon been told that they would be required to remain at Camp David indefinitely, but that their families were already in process of being sent back to their homes immediately without having any security in place. Some among the four justices continued to hold out until family members started calling them from Washington with concerns about their safety. Soon all four finally agreed, and were sworn to secrecy

about the circumstances, in return for full pensions and written guarantees of lifetime Secret Service protection for themselves and their families. The Supreme Court was now paralyzed, since it no longer had the required quorum of 6 members.

On January 11, Senate Majority Leader Mitch McConnell received the resignation letters of the four Supreme Court justices by courier delivery and, completely ignorant of the circumstances, which were not explained to him, and being unable to contact any of the justices themselves, he immediately convened the Senate for hearings to appoint their replacements: With his razor-thin suzerainty over the Senate liable to be overturned at any moment, McConnell was in no mood to delay exercising his control over the ideological composition of the nation's highest court. Chuck Schumer, who had guessed a bit about what might have happened because of his participation in the December 30 meeting with the JCS at Naval Station San Diego, initially allowed Vice-President Mike Pence to chair the meeting, in order to sit back and gauge what further developments might unfold. Pence was able to cast a deciding vote because Senator Mitt Romney, now sitting as an Independent (with Angus King of Maine and Bernie Sanders of Vermont), and mindful of the December 30 meeting, had told Schumer he would vote with the Democrats, resulting in a 50-50 tie.

Since January 8, Trump and his staff had been living incommunicado at the White House, without the ability to message, telephone, listen to the radio, watch television, or leave the building "for their own safety." Entirely deprived of the uninterrupted waves of attention from his devotees, and even of the constant preoccupation of his critics with his antics, he roamed the halls of the White House like an old, wounded lion. Only Mike Pence had been allowed to move about, having been escorted from his office at the Eisenhower Executive Office Building to the Senate. A rigid form of military secrecy and discipline was blanketing the capital. There were no leaks, not even a peep. No news channels, domestic or foreign, including Fox, had any idea about what was happening, despite earnest digging by reporters. Throughout all this time, no public announcement of any kind had been made by or on behalf of the JCS.

On January 12, McConnell and Schumer brought two completely different slates of nominations for new Supreme Court justices to the floor of the Senate. The Democrats' slate included moving Sonia Sotomayor to the position of chief justice, while leaving John Roberts on the court as an associate justice, and appointing four other new justices, including Merrick Garland. The Republican list had four new members known to hold very conservative views. Mike Pence had then begun voting with the Republicans to break any tie, as a series of procedural motions was tabled, before the Senate adjourned for the day.

At the same time on that day, the federal Justice officials at Camp David suddenly had found themselves in a meeting with the chairman and vice-chairman of the JCS, who told them that they were looking for the least constitutionally-disruptive solution to the problem of getting Joe Biden sworn in as president as soon as possible. They used a military helicopter to bring Senator Susan Collins, who had just recently been re-confirmed in office with a miniscule plurality, to Camp David. After a tense discussion relating to some truly alarming future scenarios laid out before her by a grim-countenanced coterie of military officials, Collins agreed to sit as an Independent and to vote with the Democrats. Collins and Romney were granted strong security details. At the meeting with Collins, as at the earlier one involving Romney on December 30, the JCS had conveyed a simple message:

"If we in the senior command of the U. S. armed forces cannot find a way to sideline President Trump and allow our federal politics to resume its normal course, we and some others will all have to face the distinct possibility of being charged with treason, not to mention offences of kidnapping, unlawful confinement, blackmail, and extortion. In short, we have burnt our bridges.

"We have been searching for the least-cost solution, in constitutional terms, and find that it is, quite simply, to change the balance of power in the Senate now that four members of the Supreme Court have resigned. Failing that, however, we will be forced to explore other options, and, unfortunately, most of the alternative scenarios we have examined almost certainly will involve a good deal of bloodshed. But if the proposition we have put before you fails, we will have no choice but to go down that other road."

It has been reliably reported that neither Senator Collins nor Senator Romney, nor any of the Democratic Party leaders, ever knew the full details of the plan the military officers had devised or who had arranged for the Supreme Court justices to be taken to Camp David.

Better Days

As the Senate resumed its deliberations on the following day, January 13, Senator Collins announced that she would sit as an Independent and vote with the Democrats; along with the votes of the three other Independents, this broke the Republican hold on the Senate, and Chuck Schumer became Majority Leader. Using their new majority, and issuing stark warnings and dark threats against any attempted filibusters from the new minority, the Democrats curtailed debate and quickly confirmed their slate of justices. For the first time in history, the Supreme Court had a majority of female members. The five holdovers on the Court would never know, but would undoubtedly suspect, what had happened to their departed colleagues.

PART V

On January 15, the new Court convened and quickly dismissed the action which had resulted in the postponement of the Electoral College meeting and the Inauguration. The Electoral College members had already been assembled in their respective state capitals, and on January 16 had delivered 295 votes for Biden and 243 for Trump, the two “faithless electors” having been earlier instructed on how to mend their ways. On January 17 the House and Senate met jointly and tabulated the Electoral College votes. On Inauguration Day, January 20, 2021, Chief Justice Sonia Sotomayor swore in Joseph Robinette Biden Jr. as the 46th president of the United States in a ceremony in Washington DC that was heavily guarded by elite federal troops. Biden recited the oath of office:

“I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Some had suggested altering the wording of the Oath in order to distance future presidents from the taint of the previous administration, but others recommended that this matter be dealt with at another time. Guests of honor at the dinner that evening included Michelle and Barack Obama, George W. and Laura Bush, Al Gore, and all Blue State governors and their spouses; as well as the members of the Joint Chiefs of Staff, the Commanding Generals of the United States Armed Forces Commands, James Mattis, and their spouses. Donald and Melania Trump were already in Florida.

The members of the Joint Chiefs of Staff returned to their Washington offices, having already lifted all restrictions on airspace and White House communications. After a bit of effort, all traces of certain armed forces movements and activities in the preceding weeks were removed from operational and personnel files. They were placed under seal for fifty years. The phrase “promoting the greater good” was often heard during this time.

On January 21 President Biden sent federal commando units to those Red States where the armed citizen militias refused to disperse, quickly disarming them; the detainees in those states were freed and lawsuits by them flew everywhere. The new government promptly enacted federal legislation outlawing possession of all military-style weapons and all public wearing of weapons in public areas, except for duly-authorized police and other government agents. The national state of emergency was soon rescinded, but everyone remained somewhat uneasy, knowing that the USA would face an onslaught of widespread domestic terrorism for years to come. Medicine has long understood that the human body’s overactive inflammatory response to infection can sometimes do serious damage all by itself; the same, alas, applies to the body politic.

Barack and Michelle Obama began visiting the White House often. Barack was named Ambassador to the United Nations, and Michelle became first the Secretary of the Department of Health and Human Services and later Attorney-General. They were both considered prime targets during the continued unrest and received the highest level of Secret Service protection.

The USA rejoined the Paris Agreement on Climate Change within months of Biden's assumption of office and reaffirmed its existing emissions reductions targets for 2030, which are expected to be exceeded due to continuing improvements in the efficiency of the energy sector. Then there was the matter of The Wall: Although Mexican authorities would never say so publicly, they were privately grateful for The Wall, since it had reduced the severe pressures caused by migrants from Central America regularly crossing its territory on their way to the USA. So The Wall was gradually improved over time, although none of the more interesting solutions discussed in earlier days was implemented:

“Privately, the president [Trump] had often talked about fortifying a border wall with a water-filled trench, stocked with snakes or alligators, prompting aides to seek a cost estimate. He wanted the wall electrified, with spikes on top that could pierce human flesh. After publicly suggesting that soldiers shoot migrants if they threw rocks, the president backed off when his staff told him that was illegal. But later in a meeting, aides recalled, he suggested that they shoot migrants in the legs to slow them down. That's not allowed either, they told him” (*The New York Times*).

On the other hand, millions of undocumented immigrants long resident in the United States were soon offered an accelerated path to citizenship, and federal legislation to regularize new immigration was passed; but there was to be no completely open southern border. In quickly reversing the hundreds of thoughtless and offensive policies implemented by the Trump administration, the Biden government found to its astonishment that there was not a single one which warranted retention, apart from a continuation of The Wall.

The Biden administration began what was expected in advance to be a long and frustrating push for a global nuclear arms reduction treaty. A resurgent NATO found a way to persuade Russia to return Crimea and the occupied eastern territory to Ukraine by threatening to curtail Russia's huge natural gas exports to Europe, based on availability of other suppliers in the world. Joe Biden remained faithful to his pledge to serve only one term; Tammy Duckworth stepped aside for Michelle Obama, who became the 47th president in a landslide. But the wounds between Blue and Red states never really healed, leading to a long discussion about whether the United States of America would not after all be better off by splitting up into a number of more internally-compatible new nations. The

eternal presidents of China and Russia, Xi Jinping and Vladimir Putin, kindly offered to help in any way they could.

And so Gretel finally outwitted the wicked malefactor, brought a global political pandemic to a close, and helped a lot of people in the whole wide world to breathe more easily once again.