

# Bill Kaplan: January 6, follow the facts and law

Posted on Monday, Aug 7, 2023

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In 2017, before assuming office, Trump took the following oath: “I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States” (U.S. Constitution, Article 2). In 2020, Trump disregarded that oath “to remain in power,” despite losing reelection. He ignored the will of most voters and sought to block the peaceful transfer of power to Joe Biden.

Trump has now been indicted on federal charges because he “pursued unlawful means of discounting legitimate votes and subverting the (2020) election results.” The indictment aims at Trump’s multiple overt actions to overturn the 2020 election results which he unequivocally lost.

Trump “perpetrated three criminal conspiracies: a. A conspiracy to defraud the United States by using dishonesty, fraud, and deceit to impair, obstruct, and defeat the lawful federal government function by which the results of the presidential election are collected, counted, and certified by the federal government, in violation of 18 U.S.C. (Section) 371; b. A conspiracy to corruptly obstruct and impede the January 6 congressional proceeding at which the collected results of the presidential election are counted and certified ..., in violation of 18 U.S.C. (Section) 1512 (k); and c. A conspiracy against the right to vote and have one’s vote counted, in violation of 18 U.S.C. (Section) 241.”

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Former Vice President Mike Pence told Fox News: “Trump and his advisers didn’t just ask me to pause (counting of Electoral College votes). They asked me to reject votes, return votes, essentially to overturn the election.” Pence has it right, this is not a First Amendment case. “Trump is not being prosecuted for his repeated lies about a stolen election. He is being prosecuted for the efforts he made, the actions he took to operationalize that contention and prevent the clear will of the voters from being realized ...” (Washington Post columnist Ruth Marcus).

Trump also sought to steal the election through intimidation campaigns against state legislators, and local and state officials to change election results. The same improper actions targeted the Justice Department and other federal officials.

Importantly, the MJS reported the “Wisconsin fake elector (Electoral College) scheme is at the center of (the) Donald Trump indictment.” There are multiple references to the “Wisconsin Memo” and Kenneth Chesebro, an unindicted co-conspirator. Disregarding the law and reality, Republican apparatchiks in Wisconsin and other states, tried to prevent the peaceful transfer of power with phony Electoral College slates. The indictment also clarifies Wisconsin GOP Senator Ron Johnson’s tawdry role in this scheme.

Few Wisconsin GOP politicians have responded to Trump’s January 6 indictment. Some like Scott Walker, Johnson and Representative Tom Tiffany have debased themselves by pretending that there are double standards in the indictment. Conservative J. Michael Luttig, former federal judge, eloquently said: “Trump committed the gravest crimes against the United States possible, save, possibly, treason.” It’s time to follow the facts and the law.

*-Kaplan wrote a guest column from Washington, D.C., for the Wisconsin State Journal from 1995 - 2009.*