

# Federal judge rules senator must testify on Trump effort to overturn Georgia vote

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On Monday a federal judge ruled that South Carolina Republican Senator Lindsey Graham must comply with a subpoena issued by Fulton County District Attorney Fani Willis earlier this year.

As part of a probe into Trump's multi-state effort to overturn the 2020 election, Atlanta-based prosecutor Willis has subpoenaed dozens of Trump's accomplices on their role in a scheme to engineer a shift in the vote totals reported by Georgia state election authorities and to substitute a slate of phony electors for the Biden slate actually chosen by the voters.

The prosecutor, who is a Democrat and African American, has been vilified by Trump and his fascistic allies for leading what they call a "witch-hunt," or as Graham has characterized it, "a fishing expedition," into their undemocratic activities as part of Trump's dictatorial ambitions.

Willis has interviewed over 100 witnesses as part of her investigation which began last year. In addition to seeking testimony from Graham, the election probe has targeted Georgia Rep. Jody Hice and Trump coup lawyers Kenneth Chesebro, Cleta Mitchell, Jenna Ellis, John Eastman, Rudy Giuliani and Jacki Pick Deason.

In the July petition to the court seeking Graham's testimony, Willis wrote that Graham made at least two phone calls to Georgia Secretary of State Brad Raffensperger and members of his staff following the November 2020 election. During those calls, Willis wrote in her petition that Graham requested election officials reexamine certain absentee or mail-in ballots, "in order to explore the possibility of a more favorable outcome for former President Donald Trump."

In addition to Graham's calls to Raffensperger, Willis is also investigating Trump's infamous January 2, 2021, phone call to Raffensperger in which he bullied and threatened his fellow Republican, telling him, "I just want to find 11,780 votes," one more than the 11,779 needed to

overtake Biden's lead in the state.

Graham had sought to quash the subpoena issued by Willis on the specious grounds that his efforts to pressure Georgia election officials into finding more votes for Trump or discarding Biden votes was protected under the "speech or debate" clause of the Constitution. Graham's lawyers argued that any conversations he had would fall under official government business.

In rejecting Graham's appeal, US District Court Judge Leigh Martin May wrote, "the Court finds that the District Attorney has shown extraordinary circumstances and a special need for Sen. Graham's testimony on issues relating to alleged attempts to influence or disrupt the lawful administration of Georgia's 2020 elections."

Finding Graham's "speech or debate" argument unpersuasive, May, an appointee of President Barack Obama, wrote that his conversations with election officials were not part of his legislative duties. May wrote that Graham could be questioned about:

"(1) his potential communications and coordination with the Trump Campaign and its post-election efforts in Georgia; (2) his knowledge of other groups or individuals involved with efforts to influence the results of Georgia's 2020 election; and (3) his public statements following the 2020 election..."

Following Judge May's ruling, Graham is now expected to appear for an August 23 interview. While Graham is only being called before the jury as a witness, at the end of the investigation the grand jury will make a recommendation as to whether or not criminal charges should be filed. However, the jury does not have the power to issue its own indictments.

Graham is the ranking member of the Senate Judiciary Committee and has been in the Senate since 2003. Prior to being elected to the Senate, Graham served in the House of Representatives, winning his 1995 Republican primary after receiving an endorsement from then South Carolina

Senator Strom Thurmond, the long-time segregationist and fervent anti-communist.

Trump's multifaceted effort to overturn the 2020 election, despite the story spun by the Democratic-led January 6 House Select Committee, was not a small campaign carried out by Trump and few criminal lawyers, but a multifaceted plan that had the backing of the bulk of the Republican Party along with substantial sections of the financial oligarchy, the police, military and intelligence apparatus, as well as reactionary Supreme Court justices.

Graham was one of many Republican lawmakers who facilitated Trump's coup by sowing doubt in the legitimacy of the election after Trump lost. Earlier this year it was revealed that Graham, Fox News host Sean Hannity and Oracle billionaire Larry Ellison coordinated with pro-Trump lawyers on a November 14, 2020, conference call aimed at focusing on "strategies for contesting the legitimacy of the vote."

One of the methods employed by Republicans involved pressuring state legislatures and election officials in closely contested states which Trump lost to launch investigations into bogus allegations of voter fraud. To provide more credibility for these claims, Trump lawyers such as Giuliani filed over 60 lawsuits claiming irregularities in voting or vote-counting, all of them thrown out by the courts.

These lawsuits, packed with deranged fascistic conspiracy theories, alleged that electronic voting machines, mail-in ballots, Democrats, foreign "communists" in Venezuela and China and other nefarious forces, conspired to prevent the American people from electing their legitimate choice for president, Trump.

The same day Graham was ordered to testify before a Georgia grand jury, the same Fulton County prosecutors informed Giuliani that he is now the target of a criminal investigation into Trump's illegal efforts to overturn the vote in Georgia. Giuliani had previously been scheduled to testify before the grand jury as a material witness on August 18.

Former White House aide Cassidy Hutchinson testified before the Select Committee in June that Giuliani was one of several Republicans who sought a preemptive presidential pardon from Trump for what he knew to be criminal activity as part of his extralegal efforts to keep Trump in power.

The fact that Giuliani is now being investigated criminally indicates that charges may be forthcoming. In

addition to the Georgia probe, Giuliani is currently being investigated by the Department of Justice for his role in the fraudulent elector scheme. Willis has already subpoenaed all 16 of Trump's phony electors in Georgia.

In addition to pressuring election officials in service of Trump following his defeat, Giuliani appeared before two legislative panels in December 2020 during which he spent hours peddling lies about the Georgia election, inciting fascistic violence against Trump's political enemies and innocent election workers in the process.

*The New York Times* reported on Monday that Giuliani's lawyer, Robert Costello, said that if his client does appear before the Georgia grand jury on Wednesday, he would invoke "attorney-client" privilege concerning any Trump-related inquiries.

"If these people think he's going to talk about conversations between him and President Trump, they're delusional," Costello said.

While it is not likely that Giuliani will say anything in regards to Trump, it is possible that prosecutors will focus their questions on Giuliani's role in procuring sensitive election software following Trump's defeat.

The *Times* reported on Monday that "newly released court records" "confirmed through texts and emails" showed that a "forensics team working with lawyers aligned with Trump successfully gained access to critical election infrastructure in Coffee County, Ga." The *Times* said that Trump lawyers also attempted to access voting machine software in "Pennsylvania, Michigan, Arizona and Colorado."

Earlier this month, Democratic Michigan Attorney General Dana Nessel requested a special prosecutor be appointed to press charges against her likely 2022 Trump-endorsed opponent, Matthew DePerno, several other Republican politicians and fascist Barry County Sheriff Dar Leaf. In her request Nessel said the accused attempted to, and successfully did, illegally obtain and break into voting machines following the 2020 election.



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