

Alan Dershowitz: Trump has two or three possible constitutional paths to 2020 victory

by Anthony Leonardi, Breaking News Reporter, Washington Examiner, November 22, 2020 11:07 AM

https://www.washingtonexaminer.com/news/alan-dershowitz-trump-has-two-or-three-possible-constitutional-paths-to-2020-victory?utm_source=WEX_News%20Brief%20-%20YouTube%20_11/22/2020&utm_medium=email&utm_campaign=WEX_News%20Brief&rid=22609598

Constitutional law professor Alan Dershowitz said President Trump has a **limited number of strategies to change the results of the 2020 election**. During an interview with Fox News's Maria Bartiromo on Sunday, Dershowitz, who defended Trump during his impeachment trial earlier this year, said there are **a maximum of three "legal, constitutional paths" to victory**. However, he added the president's legal team will face a variety of challenges that he thinks will likely prevent the results from being overturned.

"For example, in Pennsylvania, they have two very strong legal arguments. One, that the courts changed what the legislature did about counting ballots after the end of Election Day. That's a winning issue in the Supreme Court. I don't necessarily support it, but it's a winning issue in the Supreme Court," Dershowitz said on Sunday Morning Futures, adding, *"They also have a winning issue in the Supreme Court on equal protection, that some counties flawed ballots to be cured while others didn't. Bush v. Gore suggests that an Equal Protection argument can prevail"*

Dershowitz gave a caveat to the second argument, saying President-elect **Joe Biden's vote lead may prevent Trump's team from contesting a sufficient number of ballots**:

"The other legal theory they have, which is a potentially strong one, is that the computers, either fraudulently or by glitches, changed hundreds of thousands of votes. There, there are enough votes to make a difference, but I haven't seen the evidence to support that," the constitutional expert said. *"So, in one case, they don't have the numbers. In another case, they don't seem yet to have the evidence, maybe they do. I haven't seen it. But the legal theory is there to support them if they have the numbers and they have the evidence."*

Dershowitz noted the Trump campaign is pressed for time to prove their case on voter fraud. **"You need to have witnesses, experts subject to cross-examination, and findings by a court,"** he said, noting that once the election is certified, he sees no "legal route to undoing that."

States are in the process of certifying their votes, and the Electoral College meets in mid-December. Inauguration Day is Jan. 20.

"Notwithstanding the fact that there are legal paths to potential victory, I don't think that the election is going to be reversed based on the numbers that I see at the moment and based on the fact that I haven't seen the evidence. Their strongest case, if they have the evidence, is that computers may have turned hundreds of thousands of votes," Dershowitz said.

In an interview with Newsmax on Saturday night, Sidney Powell, a member of Trump's legal team, said that she plans to "blow up" Georgia with a lawsuit she described as "biblical" as they seek to overturn the results of the election in several swing states. Powell **made loaded accusations that top Georgia elections were paid to participate in a voter fraud conspiracy** with Dominion voting systems, though she declined to provide evidence in the interview. Dominion said it *"categorically denies false assertions about vote switching and software issues with our voting systems."*

Trump's legal team released a statement after Powell's interview announcing they filed a petition for **a second recount in Georgia**. *"We are focused on ensuring that every aspect of Georgia State Law and the U.S. Constitution are followed so that every legal vote is counted. President Trump and his campaign continue to insist on an honest recount in Georgia, which has to include signature matching and other vital safeguards,"* the statement said.

Last week, Powell, who is also the lead attorney for retired Lt. Gen. Michael Flynn in a case about lying to the FBI, told Fox Business host Lou Dobbs that the Trump team plans to **file lawsuits against election officials who certify the results of the election that she believes are fraudulent.** "The suits will be against the election officials **to invalidate the results** of the election and **force it to the legislatures** and the Electoral College and then the Congress if necessary," she warned.