

# The coup that wasn't: Why Donald Trump failed to steal the White House

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Contrary to many expectations President Trump was unable to launch a coup d'état in order to remain in power. The January 6, 2021 putsch against the U.S. Capitol demonstrated that violent fascists pose an ongoing threat to the left and to protest movements. However, the opposition of the entire Federal repressive apparatus and the capitalist class in the US, allowed a quick clamp down, even after some initial bungling. Put simply, the rioters are a threat to working people, but not to the state.

Despite presidential tweets and lies, culminating in the bungled assault on Congress, the 2020 presidential elections proceeded, and Joe Biden was sworn in on schedule, flanked by 25,000 National Guard soldiers. Trump's failures offer important lessons about the stability of the capitalist state in the United States and the centrality of the legal and constitutional order to state functioning in the current period.

Those of us on the left who doubted that Trump could remain president after losing the elections were proven right. We were not alone. The Democratic Party leadership, including Joe Biden himself, never took the threat seriously. The Party deployed lawyers to challenge voter suppression and ease restrictions on absentee voting. Yet, there is no evidence of a Democratic campaign to lobby local election officials or state legislators to prevent the kind of legislative coup about which Barton Gellman sounded the alarm. Nor is there any evidence that Biden deployed his vast network of supporters among retired defense establishment figures from the Obama, Bush, and Clinton administrations to intercede with current defense or justice department staff to thwart a military coup.

## **Biden's uninterrupted victory: November 3, 2020 through January 5, 2021**

Trump failed in each and every effort to retain power or even to disrupt the process of finalizing the election results. Because of historic rates of absentee voting it took far longer than usual for media outfits to project a winner. In the days between November 3 and November 7 the predicted "red mirage," in which Trump appeared to lead because of his advantage in election-day voting, was gradually overshadowed by the "blue shift," in which Democratic leads in absentee voting eventually

sealed Biden's victory.

News media had long predicted this scenario and, as expected, the president cited the changing vote totals as evidence of fraud. Trump's lawyers attempted to convince judges to stop the vote count in the days after November 3 but failed every time. Republican leaders supported Trump's right to challenge the results, but the Senate leaders — whose acquiescence Trump would have needed in order to overturn the results — never echoed the accusations of "voter fraud." There were several small "stop the steal" rallies, but unlike the "Brooks Brothers riot" of 2000, they were unable to even slow the vote count.

While the major news networks projected Biden the winner on November 7, Trump, as expected, refused to concede. He insisted he had won the election and instructed his lawyers to file numerous suits in both state and federal courts. He lost more than sixty cases, winning only the right of Republican campaign observers to be physically closer when watching the count in Philadelphia.

Trump's lawyers were willing to humiliate themselves at press conferences. However, they were unwilling to present several of the wild allegations they made in public in court. Even Rudy Giuliani told a Pennsylvania judge that he was not claiming election fraud, after telling the public that he was. Lying to the media is routine for politicians. Doing so in court carries legal risks. Evidently, Trump could not find lawyers willing to jeopardize their law licenses on his behalf. Were they confident that he could seize power, they might have weighed the risks differently.

By late November several Trump lawyers quit on him. Perhaps they feared the effects a Trump association would have on their ability to attract future clients. Or maybe they were afraid they would never be paid.

All states certified their results according to the legally prescribed timelines, despite recounts in a few states. Republican state officials in Georgia and Arizona declared Biden the winner of their states' electoral votes, ignoring Trump's pressure to invalidate their own elections. Even Trump's Tony Soprano-like phone call on January 2, 2021 failed to budge Georgia's Secretary of State Brad Raffensperger. The General Services Administration issued its ascertainment on November 23, declaring Biden the likely winner and beginning the transition process. The electoral college ratified the results on December 14, and Senate majority leader Mitch McConnell congratulated the President-elect on the following day.

Defying liberal fears, even the most Republican-leaning federal courts were unwilling to overturn the results of any state's elections. Instead, they were deferred to state legislatures' processes established prior to the elections. Three US Supreme Court cases from earlier in the fall of 2020 should have dispelled any suspicions that they would act otherwise. Before the November election Republicans did succeed in overturning a delay in the deadline for the receipt of absentee ballots in Wisconsin because the legislature had not authorized it. However, the court upheld such extensions in Pennsylvania and North Carolina because they were the products of state legislative action. There was no basis for the assumption that the Supreme Court would overturn the system of appointing electors "in such manner as the Legislature thereof may direct." (US Constitution, Article 2)

Finally, the attempts to enlist state legislatures to overturn the election results in their own states, as predicted in Gellman's sensational article, went nowhere. Not a single state legislative leader in Michigan, Pennsylvania, Wisconsin, Georgia, or Arizona advocated the appointment of a rival slate of electors. And not a single chamber of any of those legislatures even convened to discuss the matter.

## **January 6, 2021**

Dan LaBotz termed the January 6 Capitol assault a “failed coup.” Mike Davis argues that the rioters had no clear plan to seize power and prefers to describe the events of that day as a “riot with deadly intent.” However, we describe the incident, left activists should recognize that although the alt-right suffered a setback on January 6, it is likely to eventually recover and pose an ongoing threat to our movements. The discussion of how to respond is an important one, although it is beyond scope of our argument.

To the extent that it was an effort to overturn the election results the January 6 attack on Congress was a disastrous failure and never had any possibility of success. A few thousand lightly armed protesters may have been able to overwhelm an ill-prepared police detail, but the federal state responded within hours and the Congressional proceedings resumed the same day. In an unusual display of class unity, capitalists from various corners publicly condemned the riot, the President, and those House and Senate members who encouraged the assault. Rarely do U.S. capitalists speak as one, but the violence on January 6 drove them to express their disdain for the former president and, though it may prove temporary, their preference for the Democrats.

### **Why the coup was doomed from the start**

Those who imagined that Trump could steal the election vastly overestimated the malleability of the capitalist state and the instability of capitalist rule in the United States today. They underestimated the ability of state institutions to resist Trump’s efforts to subordinate them to his personal ambition. Equally importantly, they underestimated the centrality of the constitutional structure and a bourgeois conception of “the rule of law” to the functioning of capitalist rule in the United States.

Many on the US left tend to view the constitutional order as a remnant of pre-capitalist or pre-modern politics. In reality, the US state has become the model for “democratic” capitalist rule around the world. All of its familiar features- the bi-cameral legislature with its undemocratic Senate, the electoral college which has allowed the losers of the popular vote to become President, the Federal bureaucracy and military that is almost unaccountable to elected officials, the unelected judiciary with the power to overturn legislation, and the fifty state governments, each with their own executive, judiciary and legislative institutions modeled on the Federal state — were crafted to and have succeeded at isolating political officials from the popular will and resolving conflicts within the ruling class for most of the last two hundred thirty odd years.

The restructured capitalist state established in 1787 was able to successfully deflect and repress struggles by subsistence farmers and artisans for debt relief, low taxes and cheap lands; and to contain conflicts among merchants, manufacturers and slaveholders until the US Civil War. Since the Civil War, the strengthening of the unelected Executive bureaucracy and the centralization of the state have allowed capitalists in the US to both resolve their internal differences and ensure the disorganization of working people. The US state today is impervious to both attempts by working people to affect their interests or to right-wing demagogues like Trump who articulate the grievances of the middle classes.

Despite being a (wildly unsuccessful) capitalist, Trump never secured the support of most of the US capitalist class. In 2020, important sections of the US capitalist class supported Biden against Trump. After the election capitalists rallied to the defense of the election results and the transition to a Biden presidency. In a late November letter to the president, one hundred top CEOs warned that “[w]ithholding resources and vital information from an incoming administration puts the public and economic health and security of America at risk.” In all likelihood they would have supported a transition to a second Trump term, had the president won reelection.

There is no strong capitalist incentive to maintain what Marxists often refer to as “bourgeois democracy” — the right to vote, protest, or form unions. Quite the contrary, most of the rights we on the left value were wrested from the state as the products of historic struggles. Today state agents routinely restrict the right to vote and assemble and courts have gradually limited the scope of union activities. And no sector of capital appears intent on reigning in the police.

The Constitutional order, however, establishes a framework for clarification of important rules for business operations. At the lowest levels the state establishes zoning regulations, sanitation codes, and health and safety laws. While individual businesses often resent state intrusions in these areas, unambiguous regulations allow businesses to accurately anticipate costs of production and protect them from capricious state bureaucrats. Federal patent laws help protect capitalist property rights and international trade licensing creates a framework through which transnational investors can rely on the state to represent them before foreign governments.

The state resolves day-to-day disputes between capitalists by enforcing contract and property laws and defending firms against corporate espionage. Courts and justice departments defend capitalists within the United States, while the U.S. State Department assists them on the international stage.

A reliable, predictable capitalist state, founded on a bourgeois conception of “the rule of law” allows for multiple entry points through which capitalists can influence state activity. Capitalists are able to yoke elected officials to them with campaign contributions, Political Action Committees, and high-priced lobbyists. Ironically, the deregulationist agenda of the past forty years has actually strengthened direct capitalist influence over the state. Unable to control private investment decisions, state agents are compelled to anticipate capitalist choices and craft policies that will not deter investment and, therefore, tax revenues. Both Congress and state legislatures, for example, design fiscal policies with an eye toward their impact on investment patterns. In doing so they acknowledge their own subordination to capital, and capitalists’ ultimate authority to determine what, where, and how much is invested. State and local officials are loath to enact policies that would discourage investment or encourage capitalists to move away. A state with strong and consistent legal protections for capital, protected by courts which can check administrative whim, is far more subject to capitalist control than is an authoritarian state with a weak legal system.

The Constitutional provisions for routine transfers of political office have allowed for the creation of a layer of public-private professionals who regularly circulate between government offices and corporate boards. They develop expertise in both realms and become important conduits between capitalists and government officials. They help write regulations and legislation. President-elect Biden utilized these professionals in November 2020 to lure General Motors to support part of his energy agenda and away from Trump’s efforts to challenge California’s emission standards. The new Biden administration is already being stacked with administrators steeped in the corporate-to-government world. Such professionals understand that their tenure in government is likely short-lived. However, the contacts they make while working for the state make them very valuable to corporate head-hunters after they leave government. Such personnel often move back and forth between the public and private sectors depending on which party is in office. However, their ability to play that role on capital’s behalf depends on their certainty that changes in administration will never result in their arrest or in threats to their livelihoods. U.S. political leaders have understood that and been reluctant to prosecute their predecessors or members of their administrations. President Obama blocked criminal investigations of the Bush administration, and even Trump’s Justice Department declined to pursue indictments of Barack Obama or Hillary Clinton, despite being urged to do so by the President.

Neither the Gellman article nor any other variants of the coup warnings that we cited elsewhere anticipated what the consequences would have been for the US state had Trump been allowed to

retain power after losing the election. However, such a seizure of power would have shattered the Constitutional order and disrupted the relationship between the capitalist class and state institutions. State judges who disregarded state election laws would live in fear of impeachment and disbarment. State legislators who illegally named rival electoral slates might have faced criminal prosecution from Democratic attorneys general. And all conspirators at the federal level would have had to fear a future Justice Department under a post-Trump Democratic administration. Had the January 6 rioters actually been able to “hang Mike Pence” and reverse the electoral outcome, Trump and his allies would have had to live with the knowledge that someday they too might be escorted to the gallows.

They would have been left with no option but to steal all future elections in order to prevent Democrats from ever winning. In short, the Constitutional provisions which allow for periodic orderly transfers from one administration to another would have been shattered as state bureaucrats and politicians would have had to cling to their offices in order to maintain their livelihoods and avoid prison or even death.

It does not require a capacious imagination to envision a capitalist society with an autocratic regime and a weak legal structure. And there is no evidence that capitalists in the United States would prefer such a political system. In Vladimir Putin’s Russia for example, capitalists have been able to accumulate enormous wealth but their position is relatively precarious. They depend for their survival on remaining on the autocrat’s good side, accommodating the whims of lower-level bureaucrats, and paying bribes, the total costs of which are difficult to calculate in advance.

In the United States, by contrast, corporations have been able to utilize the courts to fend off state interference. Microsoft, for example, dragged out its defense against antitrust actions in the 1990s brought by the Clinton Justice Department, long enough to see them dropped by the Bush administration. Similarly, Exxon lawyers fended off liability for the company’s 1989 Valdez oil spill before settling for a smaller penalty twenty-four years later. In Russia, by contrast, even the wealthiest capitalists face potential ruin with no redress available should they find themselves on the wrong side of the president. The autocratic state allows many capitalists to prosper but it also subjects them to bureaucratic caprice and political retaliation.

Ironically, the US Constitutional system may be even more effective than the Russian autocratic version at maintaining social control and policing dissent. The Russian dictatorship invites corruption and generalized thievery. The recent Russian attempts to murder and prosecute dissident journalist Alexey Navalny illustrate the extent to which state corruption hobbles the government’s ability to maintain state secrets and gather intelligence. Aided by the independent news agency Bellingcat, Navalny was able to determine which Russian state security agents had attempted to poison him and which ones had been following him for years. They were able to purchase all the investigative information they needed because corrupt officials routinely sell state secrets. Even the travel records and telephone logs, including geosite information, for the highest ranked-agents of the FSB — Russia’s state security agency — can be purchased on the black market. Such a state will prove exceptionally brittle and easy to undermine should it ever face a powerful revolt from below or an attack from abroad. In sum, there would be no discernible advantages to US capital in a transition from the current constitutional order to an autocratic or patrimonial alternative.

Putin’s regime, like other historical forms of capitalist dictatorships — civilian dictatorships (what Marx called “Bonapartism”), military dictatorships and fascism — are what the Marxist political theorist Nicos Poulantzas called “exceptional states.” In these dictatorships capitalists give up their traditional political ties to elected and unelected officials and allow groups with weak ties to the capitalist class — civil servants, military officers, middle class street-fighters — to run the state. These groups are prone to using the state to enrich themselves under regimes commonly described

as “crony capitalism.” However, they are not well suited to the process of resolving conflicts among the ruling classes.

Capitalists are willing to tolerate such regimes under two circumstances. First, dictatorships prevail in situations where capitalism as an economic system is weakly implanted, such as in most of the global South prior to the advent of neoliberalism or in the former bureaucratic “Communist” societies today. Second, ruling classes temporarily embrace dictatorships when the working classes have threatened capitalist rule but failed to lead successful revolutions, such as in Italy in the 1920s, Germany in the 1930s, or Chile in the early 1970s. Neither condition exists in the United States today. Capitalist class relations have dominated US economic development since the Civil War and, unfortunately, the US working class has yet to seriously threaten capitalist class rule.

Although capitalists in the US remain wedded to the Constitutional order, significant sectors of the white middle classes and a minority of white workers have embraced a radical, right-wing nationalist-populism. The crisis of capitalist profitability that began in 2008, and will continue even after the end of the pandemic, has wrought havoc on the lives of the vast majority of people in the United States. Not only have working people experienced falling real wages, the continued intensification of work (“speed-up”) and growing insecurity of employment; but much of the traditional middle class of small business people and the new middle class of managers, supervisors and professionals face ballooning rates of business failures, shrinking salaries and benefits and non-existent career paths for themselves and their children.

The downward spiral of living and working conditions has fueled a political polarization in the United States and around the world, as different segments of the population search for radical alternatives to the neo-liberalism which has made their lives hell. There have been important solidaristic, left-wing and anti-capitalist responses- the Wisconsin Uprising, Occupy, the “red-state” teachers revolt, the revival of socialist organizations and arguably the largest social movement in US history, the Black Lives Matter uprising of 2020. However, these struggles have yet to produce substantive or enduring organizations of struggle. In particular, they have not yet yielded a revival of a militant labor movement.

The historic weakness of organizations of working and oppressed people has created the space for radical right-wing politics. Older, white middle class small business people, managers, supervisors and semi-professionals have increasingly been drawn to right-wing demagogues like Trump who promise a restoration of their social position (“Make America Great Again”) at the expense of those in a weaker social position, in particular people of color and immigrants.

As Samuel Farber has recently pointed out, Trump left the White House on January 20th, but *Trumpism* will persist. On the one hand, there is clearly a wing of the Republican party that sees its future not with the “establishment”- the traditionally Republican wing of the capitalist class — but the enraged white middle classes that hope to save themselves from both the “elites,” whom they identify as “Jewish financiers” such as George Soros and Michael Bloomberg, and immigrants, people of color and Queer folks. On the other hand, the actual fascist gangs, such as the street-fighting groups like the Proud Boys, have grown in number and confidence over the past four years. While the latter are too few and too divided to take power, they have and will pose a physical threat to organized and organizing working and oppressed people. A key task for the socialist left in the coming period will be to mobilize against this real threat- to outnumber, overwhelm and disperse them on the streets. In this task, we will find few if any allies among the Democratic establishment that claims to have saved us from Trumpism. State and federal justice departments will likely continue to investigate and prosecute the Capitol rioters but they will not purge police forces of fascist sympathizers and show no sign of dealing any less harshly with anti-racist protesters.

## Limits on both the Trump and Biden presidencies

The structures of the US state circumscribed the Trump presidency and limited what he could accomplish throughout his administration. With Republican control of Congress Trump was able to pass substantial corporate tax cuts, which capitalists certainly appreciated. The executive branch was able to reduce regulations on business and open public lands for energy exploration. Thus Trump's achievements place him within the modern neoliberal-neoconservative consensus. They disrupted neither capitalist accumulation nor state authority. His withdrawal from the Paris Climate Accords and the abandonment of efforts to normalize relations with Cuba and Iran marked a break from the Obama era, but were policies any Republican president likely would have pursued. Trump was able to interfere with investigations into his own conduct by ignoring Congressional subpoenas and pardoning allies and co-conspirators. How much this will help him in his post-presidency is still to be determined.

Trump ran into significant obstacles when he attempted to implement policies outside the mainstream of capitalist politics. While major business institutions have long advocated a version of "comprehensive immigration reform" that would include a guest worker program and a path to citizenship for those who are here, Trump attempted to shut off immigration and build a wall along the Mexican border. We should not downplay the misery the White House imposed on immigrants from around the world, particularly those seeking asylum or temporary protected status. Nonetheless, Trump was unable to change any immigration laws or get Congressional Republicans to fund his wall. In the end he got only small sections built and some other parts reinforced.

Nor was Trump able to make much headway in his campaign to end global wars or US participation in international agencies. Under his watch the United States remained in NATO and the WTO. Instead of eliminating NAFTA he replaced it with a similar agreement and then boasted that he had kept his promises. In short, although Trump's bombast often targeted long-held capitalist interests and the political consensus of state policy-makers, he made little headway when he fought for anything beyond traditional Republican goals. He was unable to overcome Congressional resistance to his border policies, corporate resistance to his trade policies, or bureaucratic resistance to his efforts to end "endless wars."

President Biden also acts within the limits that the state and the capitalist economy impose. Biden differs from his predecessor primarily because of his embrace of those limitations. As we write it is still unclear how much of his COVID relief package the new President will get Congress to adopt. After 40 years of austerity, his proposals appear generous, but are within what "the business community" can accept today. Unlike his predecessor he takes the pandemic seriously, is willing to invest in vaccine distribution, encourages mask wearing, and has a team of people with at least minimal levels of competence. But he is also committed to restoring private-sector profitability as quickly as possible and so will not consider federal programs to pay most workers to stay home until the virus is defeated. And he wants to reopen schools as quickly as possible so that working parents can return to work. Working within the mainstream of pro-business policy-makers Biden is stuck with an irresolvable contradiction: he wants to reopen the economy quickly and also safely. If the vaccination program is successful in suppressing the pandemic he will shorten the pain and probably gain politically.

Even in that best-case scenario, however, tens of thousands more will die. The White House and Congress refuse to shut down the economy and enable most workers to stay home by guaranteeing everyone financial security until the pandemic is over. Instead, they are continuing to sacrifice more lives to restore profitable production. Joe Biden is about as closely tied to the corporate establishment as any politician in modern history. He is, therefore, the last government official we'd expect to think outside the box. However, the absence of any significant pressure from within his

own party to put workers' safety above corporate profitability indicates the limits that even a more audacious Democrat would confront.

### **Conclusion: the state and the presidency**

Trump's attempts to retain office despite losing the election failed for a simple reason: the complete absence of any interest among leading capitalists or state bureaucrats to eradicate or even weaken the Constitutional order in order to extend Trump's presidency. Trump was never the ideal choice for business leaders or government functionaries. His 2016 campaign received considerably less corporate support than Hillary Clinton's did and his 2020 campaign fundraising did not demonstrate the benefits that incumbency typically confers.

His efforts to circumvent state and federal laws to retain his office garnered widespread media attention but made little headway within the courts, state legislatures, the electoral college, or the U.S. Congress. Many Republican politicians joined the "stop the steal" chorus. However, those in a position to alter electoral results didn't do so. Republican governors Brian Kemp of Georgia and Doug Ducey of Arizona resisted the president's entreaties. So did state legislative leaders in Michigan, Wisconsin, and Pennsylvania. Even the U.S. Department of Justice refused to pressure states to change their vote counts and the military indicated no interest in getting involved.

Quite the contrary, National Guard forces intervened only after the January 6 riots, when Donald Trump was still Commander-in-Chief, in order to protect the U.S. Congress and the Biden inauguration. None of the players Trump needed to play central roles in his efforts to hold on to power had any incentive to cooperate. Quite the contrary, their futures were bound up with the stability of the capitalist state, a state whose limits can not easily be stretched by a single politician. Not even by a president with charisma, disdain for the rules, and adoring fans.