



Memo

To: President Donald J. Trump, Attorney Bruce L Castor, Jr.

From: Deborah Silver, Esq. – Law Office of Deborah Frankel Silver

CC: William R. Wager, Esq., Fox Rothschild, Blue Bell, PA.

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I. Overall Strategy

There is no reason to put all your eggs in one basket, especially given the fact that the politically driven Democratic senators, and some rogue Republican senators, have the power to convict our beloved 45th president, Donald J. Trump, based on the views of some legal constitutional scholars who have opined that there is power, as well as legal precedent, to impeach even a president that has already left office.

While I totally agree with your argument that this bogus witch hunt of a politically motivated impeachment is entirely unconstitutional in that Donald Trump is sadly no longer our president, I don't want to base the entire defense on this one strategy alone, nor should you.

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As you wisely pointed out in your response submitted yesterday, Donald Trump was actually speaking the truth when he told his supporters on January 6, 2021 that this election was stolen and rigged. There is a mountain of evidence to support this, evidence that was never even considered by any court, as all the election cases, or at least most of them, have been thrown out based on a lack of standing, without ever considering the evidence.

The single article of impeachment – the only article of impeachment submitted – contends falsely that then President Trump, while exercising his first amendment right to free speech, lied to his supporters, when he said “we won this election, and we won it by a landslide.”

And goes on to claim that Trump’s expressing this “lie” and adding “if you don’t fight like hell you’re not going to have a country anymore” constitutes, in the context, an encouragement of violence, and which foreseeably resulted in the lawless break-in at the Capitol, which resulted in the death of law enforcement personnel, and innocent American citizens.

That is quite a leap, granted. Especially given that then President Trump stated in that same speech to his supporters to “peacefully and patriotically” make their voices heard. I do not know why you did not point this out in your response to Trump’s impeachment, and I certainly hope you bring this up at the very beginning of your opening statement at Trump’s impeachment trial next week.

But you must focus on the fact that Trump was not speaking a “lie” at all, but instead, was saying what most Americans know, the over 75 million that voted for him know, and probably more than that, given all the fraud, illegalities and irregularities that occurred, which mean that Trump most likely should have had far more than 75 million votes, if you consider that many may have been switched from Trump to Biden.

You create the narrative, do not allow them to claim a false narrative. Focus on the fact that most of America knows or at least strongly suspects that Biden was not elected by this country. That Trump was chosen by the people. As such, Trump cannot have been seditious as that term is used, for seeking to have the rightful candidate which the people have chosen, to represent them.

It is we, Trump supporters, that have been disenfranchised by this disgrace of a 2020 general election, not the comparatively few that actually voted for Biden.

Start by listing some of the main illegalities and irregularities that are common knowledge in the court of public opinion, which have been substantiated by sworn affidavits signed under penalty of perjury.

We never got our day in court, and neither did our beloved President Trump, since the courts did not hold any evidentiary hearing to evaluate the mountain of evidence of fraud, illegalities and irregularities that took place in the 2020 general election. So start listing the evidence now, at Trump's impeachment trial.

You would be thus getting a "twofer," finally getting the evidence out there, forcing the United States Senate to evaluate the evidence, and at the same time you are defending President Trump from the false charge in the impeachment article that he "lied" to his supporters, inciting them by his false claims that he won the election by a landslide, when in fact, he told them the truth!

The truth is always relevant. Even though, actually, President Trump was free under the First Amendment to state his opinion, even if his opinion was not actually true.

And, as you stated in your well written response, on page 4, "[i]nsufficient evidence exists upon which a reasonable jurist could conclude that the 45th President's statements were accurate or not, and he therefore denies they were false."

It is not an incitement to speak the truth, last I heard. That is they gist of your argument. State all or at least some of the actual evidence that this 2020 election was rigged and stolen.

Having handled an Election Case in the Court of Common Pleas in Delaware County, Pennsylvania, in Media, I am well acquainted with the evidence of fraud, illegalities and irregularities which occurred and went down in the 2020 general election.

To name a few, see the Affidavit submitted by truck driver, Jessee Richard Morgan. Read it for yourself. You decide if this evidence is credible.

<https://www.youtube.com/watch?fbclid=IwAR352D7pYzBTX2A5HfmDgV23BgtthCc3-bz7ZR5vuoraPeODX89a1QmZyc4&v=Np6gBU3H1BU&feature=youtu.be>

This truck driver drove ballots across state lines from New York into Pennsylvania, he gave eye witness testimony to this!! You must listen to his testimony. You can't make this stuff up! Do not dismiss his credible testimony which is clear evidence of fraud in the 2020 general election.

These thousands of fake ballots, probably manufactured in China or the Ukraine, likely ended up at the Wharf Office Building in Chester, Pennsylvania, where the ballots were counted that were supposedly cast by registered voters in Delaware County, Pennsylvania.

Gregory Stenstrom, a poll watcher observer and fraud expert, one of my clients in the Election case I handled, told me that he has at his home 5,000 actual unused blank ballots that someone gave to him. The person that gave him these 5,000 ballots told him the address where tens of thousands of additional actual blank unused ballots are being stored in Pennsylvania. The fact that a certain limited number of actual ballots were printed for each precinct based on the number of registered voters in each precinct makes it clear that there should not be tens of thousands of unused actual ballots in existence, and that fake ballots were counted rather than real ones which were cast by registered voters of Delaware County, Pennsylvania.

You can't make this stuff up!

Gregory Stenstrom saw the universe of uncounted ballots inside envelopes signed by registered voters of Delaware County in a rear storage room at the Wharf Office Building in Chester, where the DELCO Board of Elections only allowed limited access to this room by observers, up to 5 minutes every 2 hours on November 5, 2021, and only after Judge Capuzzi issued an Order on November 4, 2020, forcing the DELCO Board of Elections to allow this.

Greg witnessed the count jump from about 6,000 at 11:00 a.m. on 11/5/20, to upwards of approximately 75,000 ballots at 3:30 p.m. on 11/5/20, with no explanation for the great increase in the number of ballots left to be counted. Greg suspects, as do I, that fake ballots were counted instead of real ones, and that these actual ballots in the rear storage room that he saw were never counted by anyone!

There were plenty of other improprieties that you should mention to prove that Trump's assertions to his supporters on January 6, 2021 as to a rigged and stolen election are true, and not lies.

Return receipts which are necessary in order for the Delaware County (DELCO) Board of Elections (“BOE”) to certify the election were lost or purposefully discarded by employees of the BOE. An independent consultant of the BOE, Christina Iacono, sent an email to the election judges and minority inspectors telling them to return to the Wharf Office Building on November 13, 2020, to “reconcile” (i.e., recreate) the return receipts. In reality, they were summoned because of ineptitude or intentional spoliation, the original return receipts were all gone, or at least some of them were gone.

Knowing that the Board of Elections could not certify the election results without these return receipts, it wanted the election judges and minority inspectors to recreate these return receipts even though in at least some cases the end of the day receipts tabulating how many votes each candidate received from each precinct were absent.

Some inspectors cried when being questioned, stating that they were pressured to include numbers on the recreated return receipts that were not based on anything. So make no mistake, there was impropriety committed by the BOE, you cannot make this stuff up! I have the email from Christina Iacono, and a blank return receipt, which I attached as Exhibit A to my Reply Brief in the Election case I handled.

We received this email from an election judge and his girlfriend, who was a minority inspector, and both refused to “recreate” their return receipts when asked to do so by the BOE employee, Christina Iacono. Someone else had to “recreate” their return receipts, and this is fraud!

I could go on and on with all the fraud, illegalities and irregularities that occurred, and I am sure that you could as well.

My point is that at least some of the most egregious fraud must be mentioned by you at Trump’s impeachment trial. You are allowed to present witnesses. Use this impeachment trial as a vehicle to expose the fraud that occurred, which is likely outcome determinative.

All things work together for good to those who love God and are called according to His purpose, this is right from the Bible. Donald Trump was God’s man for the hour, and only God can bring leaders in and take them out.

Use this impeachment trial – the politically motivated witch hunt of an unconstitutional impeachment that it is – to both defend Donald Trump, and at the same time expose to the Senators, and to the world, all the fraud, illegalities and irregularities that went down in this disgrace of a 2020 general election.

Show the world that Biden was not elected by anyone, and certainly not by the majority of Americans.

I am not buying it that Biden won with his cognitive impairment, campaigning from his basement, that he got more votes than any president in history, more votes than Obama.

President Trump, on the other hand, does not need to cheat to win, he is one of the most popular presidents in recent history. He outdid what the fake polls predicted, so the cheating had to be pretty extensive to outshine the large number of valid votes that were cast for our beloved President Trump.

II. Conclusion

Where is our United States Congress in holding an evidentiary hearing to consider the mountain of outcome determinative fraud, illegalities and irregularities that plagued our 2020 general election?

The Congress plays judge and jury calling former President Trump and the 75 million Americans who voted for him liars without hearing or investigating any evidence of widespread voter fraud.

Bring your case to the court of public opinion, when everyone around the world is watching Trump's sham of an impeachment trial. You control the narrative. How powerful. Go through this wide door to expose election fraud which God himself has opened for you.

And how about our U.S. House of Representatives, in their politically motivated witch hunt of an unconstitutional impeachment, who brought forth and ACCEPTED impeachment articles without hearing testimony from a single witness and without hearing ANY evidence!

Even criminals cannot be tried until a grand jury hears evidence and finds probable cause that a crime has been committed.

I guess that they do not think that our beloved former President Trump is entitled to any due process. Sure. Impeach him, without ANY evidence.

Shoot them down, and do it hard. Fearlessly. You do not need to throw everything against the wall and hope something sticks.

But neither should you put all your eggs in one basket. Besides the lack of constitutionality of bringing an impeachment against a president that has already left office, don't stop there.

You have another strong ground to defend him, prove with evidence that Trump did not "lie" to anyone, including his supporters on January 6, 2021! He spoke the truth when he told them that the election was rigged and stolen.

You control the narrative. 75 million Americans have been disenfranchised by Biden taking office when he was not elected by anyone. We have been disenfranchised, not them. Make it count. God raised you up for this opportunity. Don't blow it.

Having an impeachment trial gives Donald Trump an opportunity to show that the violators planned this (the break-in at the Capitol) before the event and had nothing to do with his speech.

He can show his supporters trying to stop the invaders.

He can use it to turn the tables.

He gets major free publicity.

God works everything out for good to those that love Him and are called according to His purpose.

No weapon formed against us shall prosper.

Including an illegal unconstitutional impeachment of a president that has already left office.

Can I get a strong and mighty witness? I want to sit beside you in the Senate, when you are giving your opening statement. I just wrote it, didn't I? In this here Memo. Let me help you, tell President Trump that I want to join his legal defense team. For the bargain price of \$200/hour. Trust me, I've earned it.