



President Donald Trump
in checkmate

Description

New year brings two major news stories adding to the drama of apparent Russian entanglement

By Patrick Barnard

I – Payments, Cohen, and Individual-1

“Federal prosecutors said on Friday (December 7, 2018) that President Trump directed illegal payments to ward off a potential sex scandal that threatened his chances of winning the White House in 2016, putting the weight of the Justice Department behind accusations previously made by his former lawyer.

The lawyer, Michael D. Cohen, had said that as the election neared, Mr. Trump directed payments to two women who claimed they had affairs with Mr. Trump. But in a new memorandum arguing for a prison term for Mr. Cohen, prosecutors in Manhattan said he “acted in coordination and at the direction of” an unnamed individual, clearly referring to Mr. Trump.”

[**Prosecutors Say Trump Organized Illegal Payments**](#), New York Times, December 8, 2018, by Sharon Lafreniere, Benjamin Weiser and Maggie Haberman

December 2018 was the turning point for Donald J. Trump, the real estate speculator who had somehow, accidentally, fatally become the 45th President of the United States.

The New York Times report on December 8 got to the nub of the issue: in their sentencing memorandum for Michael Cohen, federal prosecutors from the Southern District of New York (SDNY) had explicitly linked Donald Trump to the felony of violating American election campaign financing laws.

His personal lawyer, Michael Cohen, had pled guilty to the crime of arranging two payments, one of \$130,000 to an adult model (Stormy Daniels), and another of \$150,000 to a former Playmate (Karen McDougal). These



disbursements were intended to keep the two women quiet during the presidential campaign of 2016 and qualified as contributions, when it is illegal, by statute, for an individual to donate more than \$2,700 to a candidate in a US general election.

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The government's sentencing memorandum makes for fascinating reading ([UNITED STATES OF AMERICA – V – MICHAEL COHEN, Defendant – THE GOVERNMENT'S SENTENCING MEMORANDUM](#), December 7, 2018).

This document begins by seeking “a substantial prison term” for “Cohen’s extensive, deliberate, and serious criminal conduct.” His “four separate and serious crimes” were deliberate tax evasion, making false statements both to a bank and to congress, and most significantly “illegal campaign contributions.” The prosecutors did not mince words, saying each of these crimes “involve deception, and were each motivated by personal greed and ambition.”

The memorandum then supplies background to Cohen’s career, describing how he went from a lawyer’s earnings of \$75,000 per year to making \$500,000 annually when he became “Executive Vice President” and “Special Counsel” in the Trump Organization. That transformation occurred after Cohen led a condo coup to prevent the removal of the Trump name from a building, “thereby fixing the problem for Individual-1”— those are the words of the prosecution memo, employing language usually applied in cases of organized crime.

In January 2017, the memorandum states, “Cohen formally left the Company (the Trump Organization) and began holding himself out as the ‘personal attorney’ to Individual-1, who at that point had become the President of the United States.”

And, as the whole world now knows, “Individual-1” is none other than Donald Trump.

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In the fourth section of Cohen’s Offense Background – **Cohen’s Illegal Campaign Contributions** – the prosecutors explain how “Cohen played a central role” in schemes to buy the Daniels and McDougal stories “so as to suppress the stories and thereby prevent them from influencing the election.”

Then the prosecution delivers the two crucial sentences of the memorandum: “Cohen coordinated his actions with one or more members of the campaign, including through meetings and phone calls, about the fact, nature, and timing of the payments. In particular, and as Cohen has now admitted, with respect to both payments, he acted in coordination with and at the direction of Individual-1.”

The SDNY memorandum ends with recommending “substantial terms of imprisonment” and its forty plus pages of legal discussion show a very keen sense of the type of “double life” that Michael Cohen led. Through his wife, his father-in-law, Fima Shusterman, and other acquaintances, Cohen has been connected to very tough customers, including many from Russia and the Ukraine.



He is a man who at one time carried a licensed but hidden handgun, and he owned part of his uncle's catering hall El Caribe, famous for mafia weddings and favored by Russian mobsters (see [How Michael Cohen, Trump's Fixer, Built A Shadowy Business Empire](#), New York Times, May 5, 2018).

In the Southern District a fully co-operating witness must give evidence about all the past crimes he or she has committed, as well as any knowledge about the wrongdoings of others. On page 15 of the memorandum, the prosecutors stress strongly that Cohen did not fully co-operate with them, though it would have been "fruitful" had he actually done so.

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Obviously, Michael Cohen had and still has very real fears about revealing all that he knows.

Nonetheless, "the information" he did provide prosecutors, "was largely consistent with other evidence gathered." On December 12, Cohen was sentenced to three years in jail. The sentencing memorandum had the desired effect of demanding severe judgement for a felony, underlining that crime must be punished, and that no one is above the law, no matter how high an office she or he may hold.

Clearly, the SDNY felt and still feels it has more than ample evidence to corroborate Michael Cohen's admission of campaign financing violations – and to establish conclusively that the felony was committed "in coordination with and at the direction of" Donald Trump.

Legal documents now indicate that both the SDNY and Robert Mueller's Special Counsel's Office (SCO) have enormous amounts of information to substantiate present and possible future charges against individuals, including the President of the United States.

In addition, the incoming New York Attorney General, Leticia James, has promised that she will prosecute Trump for every discernible violation of the law, and her commitment obviously includes a case for the violation of campaign financing laws. The SDNY demanded a prison term for Cohen in order to make it unequivocally clear that he committed a major felony. Here the implicit purpose is obviously to underline publicly that Cohen's felony is Trump's felony too, a crime brought to birth under his direction.

The broad basis of evidence held by the SDNY and the Robert Mueller team extends far beyond Michael Cohen. On December 17, 2018, the United States Senate Select Committee on Intelligence made public the report from the firm New Knowledge on the concerted effort by Russian intelligence units to influence the 2016 presidential election.

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There was a threefold focus on the part of the Russians: 1. attempts to hack voting systems; 2. a “social influence operation”; 3. and most tellingly a “cyber attack targeting the Democratic National Committee (DNC), executed by the GRU (the Intelligence Directorate of the Russian Armed Forces) which led to a controlled leak via Wikileaks of email data related to the Clinton Presidential campaign” (see the [Senate document submitted by New Knowledge](#)).

Just as there is a web of corroborating evidence regarding the hush money payments to Stormy Daniels and Karen McDougal, there is also a convergence of information, both already public and still to be revealed, about the Russian interference in the 2016 election campaign.



Trump Tower – Image: Bin im Garten [[CC BY-SA 3.0](#)], [from Wikimedia Commons](#)

II – The Steele Dossier resurfaces as Cohen will testify to Congress

Excerpts from the “Buzzfeed.News” January 10, 2017 electronic publication of [the full document of “The Steele Dossier,”](#) a collection of confidential information compiled by the ex-MI 6 British intelligence officer, Christopher Steele.

“– TRUMP associate admits Kremlin behind recent appearance of DNC (Democratic National Committee) e-mails on Wikileaks, as measure of maintaining plausible deniability.



– Agreed exchange of information established in both directions. TRUMP’S team using moles within DNC and hackers in the US as well as outside in Russia. PUTIN motivated by fear and hatred of Hillary CLINTON. Russians receiving intel from TRUMP’S team on Russian oligarchs and their families in US.

– Inter alia, Source E. acknowledged that the Russian regime had been behind the recent leak of embarrassing e-mail messages, emanating from the Democratic National Committee (DNC) to the Wikileaks platform. The reason for using Wikileaks was ‘plausible deniability’ and the operation had been conducted with the full knowledge and support of TRUMP and senior members of his campaign team. In return the TRUMP team had agreed to sideline Russian intervention in Ukraine as a campaign issue...”

“Steele Dossier” Fusion GPS (Washington) Document, produced in 2016 by Orbis Business Intelligence (London) compiled by former British MI6 Russia Specialist, Christopher Steele

Already in the spring of 2015, US intelligence agencies monitored conversations in which Russian officials talked about associates of Donald Trump (see **Russian Officials Overheard Discussing Trump Associates Before Campaign Began**, Wall Street Journal, Shane Harris, July 12, 2017). The interest of US intelligence in Donald Trump began before he was nominated as the Republican Presidential candidate, and it continued in the spring of 2016 (see **When Did Trump Russia Probe Begin**, Washington Examiner, January 14, 2019).

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In July 2016 the FBI formally initiated an investigation into Russian interference in the ongoing US election process. They were prompted by information received from the Dutch, British and Australian governments (see **How The Russia Inquiry Began: A Campaign Aide, Drinks And Talk Of Political Dirt**, New York Times, December 30, 2017).

Immediately after Trump’s election Barack Obama told his top intelligence officials to prepare a report for Donald Trump and they met him at Trump Tower in New York on January 6, 2017. The intelligence chiefs conveyed their assessment to the new Chief Executive with the judgement that Vladimir Putin “had ordered an influence campaign in 2016 aimed at the US presidential election” with “a clear preference for President-elect Trump” (see *Fear: Trump In The White House*, by Bob Woodward, P. 67). This finding echoed what is known as “the Steele Dossier.”

It was back in 2015 that a conservative anti-Trump organization, The Washington Free Beacon, began its own investigation of Donald Trump through the Washington firm GPS Fusion. When that initiative stopped, GPS Fusion approached the DNC to continue the anti-Trump research in 2016, and Orbis Business Intelligence of London was sub-contracted to use secret sources to research Russia-Trump collusion.

The well-known former British MI 6 officer, Christopher Steele, filed 17 different memos of “raw” information from such sources. Steele himself has said that he believed about 70% of what his sources had told him, but in July of 2016 he began to be personally worried by the information and shared it with the FBI (see **A Veteran Spy Has Given The FBI Information Alleging A Russian Operation To Cultivate Donald Trump**, David Corn, Mother Jones, October 31, 2016). By the end of 2016, the “Steele Dossier” had been seen by Democratic Party officials, journalists, John McCain, and US intelligence agencies – which had been carrying on their own investigations all along.

The Director of the FBI James Comey had privately spoken to Mr. Trump about the Steele dossier as part of the January 6, Trump Tower meeting. Trump himself was very worried about his then National Security Advisor,



Michael Flynn, who was under investigation by US counterintelligence for communication with Russian officials – and who was explicitly named in the Steele dossier.

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Later, in the Oval Office on February 14, 2017, Trump asked Comey about the investigation of Michael Flynn, saying – according to Comey – “I hope you can see your way to letting this go, to letting Flynn go. He is a good guy. I hope you can let this go.” On February 13, 2017, Flynn resigned because he had lied about his communications with the Russian Ambassador to the United States, Sergey Kislyak.

On May 9, 2017, Trump fired James Comey, and a week later Robert Mueller was named special counsel to supervise the investigation into “any links and/or coordination between the Russian government and individuals associated with the Campaign of Donald Trump.” The Department of Justice saw to it that the Russia probe would continue.

Nearly two years later, as of January 2019, three individuals whose actions are specifically mentioned in the Steele dossier have either been convicted or have pled guilty: ex-National Security Advisor, Michael Flynn; ex-campaign chairman, Paul Manafort; and Michael Cohen himself.

The dossier has been described in diametrically different ways, both as a fake, and as highly credible information. How can observers assess its uncorroborated assertions? One way is to examine the public record for the last eighteen months.

On December 14, 2018, the legal blog Lawfare published an article by Harvard Law student Sarah Grant and Chuck Rosenberg – he is a former senior FBI official and a previous head of the Drug Enforcement Administration. The assessment was titled *The Steele Dossier: A Retrospective*.

Grant and Rosenberg reviewed outstanding indictments, guilty pleas, and memoranda to conclude that the “Mueller investigation has clearly produced public records that confirm pieces of the dossier,” and “the general thrust of Steele’s reporting seems credible.” And they anticipate that there is new material that Mueller will reveal: “As a raw intelligence document, the Steele dossier, we believe, holds up well so far. But there is more to come from Mueller’s team.”

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At the same time, Grant and Rosenberg are careful to stress that the statement in the dossier that the Russian intelligence operation had been carried out with the full knowledge of Donald Trump remains uncorroborated. That absence, so far, of proof of a direct personal link between the US President and Russian election interference is why Trump repeats his mantra “No Collusion! No Collusion!” However, the three people who have already been convicted or have pled guilty are all clearly named in the Steele Dossier. Flynn and Manafort await their sentencing in March, also the expected time for Robert Mueller’s report.



2019 began with a reconvening of the House of Representatives, now controlled by a Democratic majority, which means that committee chairs will be Democrats. The Chairman of the House Intelligence Committee, Adam Schiff of California, says that he will be energetically investigating national security issues:

“ One of the issues that has continued to concern me are the persistent allegations that the Trumps, when they couldn’t get money from US banks, were laundering Russian money” ([**Will Adam Schiff Pose A Bigger Threat To Trump Than Robert Mueller?**](#), The Guardian, January 7, 2019). He is especially concerned by the scandal-ridden Deutsche Bank, which he says has “a history of laundering Russian money... And this, apparently, was the one bank that was willing to do business with the Trump Organization.” Schiff has also given the Mueller team full transcripts of testimony that were previously withheld from view by the former Republican Chair.

On January 10, 2019, The New York Times reported that the Chairman of the House Oversight Committee, Elijah Cummings of Maryland, has arranged for Michael Cohen to testify and “give a ‘full and credible account’ of his work for Mr. Trump.” That nationally televised event will begin on February 7. In a public statement Cohen has said: “In furtherance of my commitment to cooperate and provide the American people with answers, I have accepted the invitation by Chairman Elijah Cummings to appear publicly on February 7. I look forward to having the privilege of being afforded a platform with which to give a full and credible account of the events which have transpired.”

In other words, Michael Cohen will tell as much as he knows – or dares to say – about what he claims are the real actions of Donald Trump, of the Trump Organization, and of the Russians.



Vladimir Putin and Donald Trump at the 2017 G-20 Hamburg Summit – Image: Kremlin.ru [\[CC BY 4.0\]](https://creativecommons.org/licenses/by/4.0/)

III– Checkmate

Donny Deutsch (no relation to the bank) is a “Queens boy,” like Donald Trump, and he is also an MSNBC contributor who has known Michael Cohen for a long time. On January 7, 2019, Deutsch told MSNBC’s Nicole Wallace that Michael Cohen thinks, “It’s checkmate for Donald Trump.”

That metaphor is apt, especially if one thinks of the “pieces” that Robert Mueller and the SDNY now have arrayed as they continue their many investigations.

There is George Papadopolous, the Trump campaign aid who first revealed to an Australian diplomat in May 2016 that Russia had thousands of e-mails to embarrass Hillary Clinton. He has pled guilty and is co-operating with



authorities. So is David Pecker co-operating, the CEO of American Media, and the man who helped catch and kill stories about Trump's sexual affairs.

Then there is Allen Weisselberg, the chief financial officer of the Trump Organization – he too is co-operating. Michael Flynn has confessed and has offered information, while the Washington judge in his case has pressured him to co-operate even further. Paul Manafort has been convicted and his aide, Rick Gates, who was also found guilty, has given a lot of extra detail to investigators.

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Robert Mueller's team are drawing all this material together, and they are also pouring over the transcripts available to them from Chairman Schiff to see if important figures have lied to Congress.

In the case of Donald Trump himself, there are clearly three offenses that are being evaluated: illegal finance contributions, obstruction of justice, and conspiracy. At the same time, Mueller remains ultimately subordinate to the head of the Justice Department who is the Attorney General, so there is no guarantee that the Mueller findings will lead to charges being laid.

In fact, the Trump administration has given signs that it may seek to shut down the Mueller probe altogether. However, if the President is found to have committed probable crimes, and remains in office and uncharged, then the Congress and the society at large will face the problem of a possible criminal occupying the Presidency.

But for Trump, the office of President may be his only protection against real prosecution by the SDNY or other agencies. It is a situation already approaching paralysis: America may be stuck with Trump, while he, for his part, will desperately stick to his own chair in the oval office in order to avoid prosecution. And unlike Richard Nixon, Trump may feel he must not resign, precisely in order to protect himself.

One of the first times Donald Trump came to the attention of the Russians was in 2013 when he organized the Miss Universe contest in Moscow. At that time he became friends with the oligarch Aras Agalarov, and his musician son, Emin. Three years later, on June 9, 2016, the "emissary" of the Agalarovs, Irakly "Ike" Kaveladze, was in the infamous "Trump Tower Meeting" in New York City, also attended by the now indicted Russian lawyer, Natalia Veseinitskaya.

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On June 3, 2016, the publicist of Emin Agalarov, Rob Goldstone, e-mailed Donald Trump Jr.: "The Crown prosecutor of Russia met with his (Emin's) father Aras this morning and in their meeting offered to provide the Trump campaign with some official documents and information that would incriminate Hillary and her dealings with Russia and would be very useful to your father. This is obviously very high level and sensitive information but is part of Russia and its government's support for Mr. Trump – helped along by Aras and Emin." Donald Jr. replied: "Seems we have some time and if it's what you say I love it especially later in the summer" ([Read The E-mails On Donald Trump Jr.'s Russia Meeting](#), New York Times, July 11, 2017). Donald Trump Jr. is now in trouble of his own because of his varying and contradictory accounts of that meeting.

One reason Michael Cohen has chosen to co-operate as much as he can with the US authorities, I believe, is that he has much more to fear from the oligarchs than he does from his own government. Confession, prison, publicly



testifying all give him and his family much more protection than staying loyal to Team Trump as this dangerous chess-game continues.

Over the weekend of January 12 to January 13, two major news stories appeared that added to the drama of apparent Russian entanglement.

The first bombshell was in The New York Times. Reporters Adam Goldman, Michael S. Schmidt and Nicholas Fandos filed a story that stunned the US political class: [**F.B.I. Opened Inquiry Into Whether Trump Was Secretly Working On Behalf of Russia**](#) (The New York Times, January 11, 2019).

The first paragraph went back to Comey's firing in 2017: "In the days after President Trump fired James B. Comey as F.B.I. director, law enforcement officials became so concerned by the president's behavior that they began investigating whether he had been working on behalf of Russia against American interests, according to former law enforcement officials and others familiar with the investigation."

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Washington bureaucrats were the sources for the story and it reflected their preoccupations over the last 20 months: "The inquiry carried explosive implications. Counterintelligence investigators had to consider whether the president's own actions constituted a possible threat to national security. Agents also sought to determine whether Mr. Trump was knowingly working for Russia or had unwittingly fallen under Moscow's influence."

A second weekend report complemented the Times story. On January 13 The Washington Post ran a piece by Greg Miller with the headline [**Trump Has Concealed Details Of His Face-to-face Encounters With Putin From Senior Officials In The Administration**](#) (Washington Post, January 13, 2019). Miller's investigative reporting revealed that "President Trump has gone to extraordinary lengths to conceal details of his conversations with Russian President Vladimir Putin, including on at least one occasion taking possession of the notes of his own interpreter and instructing the linguist not to discuss what had transpired with other administration officials, current and former US officials said."

The Post piece specifically mentioned a meeting in Hamburg in 2017 when "White House officials including then-National Security Adviser H.R. McMaster were never able to obtain a comprehensive account of the meeting." In the aftermath of the bizarre Helsinki summit in July 2018 when Putin and Trump talked alone with only an interpreter present "several officials said they were never able to get a reliable readout of the president's two-hour meeting."

It should be remembered that the press conference at Helsinki included this telling interchange:

REPORTER (Jeff Mason from Reuters): President Putin, did you want President Trump to win the election and did you direct any of your officials to help him do that?

PUTIN: Yes, I did. Yes, I did. Because he talked about bringing the US/Russia relationship back to normal.

(Transcript published by Vox website)

It was also at the Helsinki press conference that Trump disavowed his own intelligence services and blamed the Mueller probe for souring US-Russia relations.



'The full (Mueller) report will be deeply disturbing and it seems certain that the House of Representatives will have to consider impeachment... on the Trump side of the chessboard there may very well be an attempt to fire Mueller and to bury his findings.'

Campaign finance violations... Obstruction of justice... Conspiracy... These are the charges being weighed in the Mueller investigation. The full report will be deeply disturbing and it seems certain that the House of Representatives will have to consider impeachment. At the same time, on the Trump side of the chessboard there may very well be an attempt to fire Mueller and to bury his findings.

In a strictly formal sense, Trump has already committed a whole series of impeachable offenses. He has disregarded the separation of powers, he has attacked judges and the judiciary as a whole, he has subverted campaign finance law, he has treated the appropriations powers of Congress with contempt.

And over the weekend of January 12 to January 13, Trump appeared to cast a veiled threat in a Fox news interview against Michael Cohen's father-in-law, Fima Shusterman. That drew the following statement from the House of Representatives:

"The President should make no statement to obstruct Congress' independent oversight and investigative efforts, including by seeking to discourage any witness from testifying in response to a duly authorized request from Congress."

Rep. Elijah Cummings (Oversight), Rep. Adam Schiff (Intelligence) & Rep. Jerrold Nadler (Judiciary)

All of these representatives who issued this warning are lawyers – and what they are talking about is both obstruction of justice and witness tampering.

'He (Trump) has disregarded the separation of powers, he has attacked judges and the judiciary as a whole, he has subverted campaign finance law, he has treated the appropriations powers of Congress with contempt.'

When Trump talked to Fox news' Judge Jeanine Pirro on that January weekend, she asked him if he had worked for the Russians – and strangely he did not answer the question directly. On Monday morning, January 14, 2019, NBC's White House correspondent, Kristen Welker, asked the same thing in a scrum outside the White House. Trump said that the question was a "disgrace" and for the first time explicitly stated "I never worked for Russia." But Vladimir Putin explicitly stated in Helsinki that he directed Russian officials "to help him (Trump)" win the 2016 US presidential election.

Russian interference is self-admitted, but the real issue involves the degree of collusion among American officials. In an article for the blog Lawfare, editor Benjamin Wittes asked the question "What if the obstruction was the collusion?" And he explains very clearly that for the FBI the questions of obstruction and collusion, of criminality and endangering national security, are braided together, entangled, just as Trump's family and associates now are. ([What If The Obstruction Was The Collusion?](#), Lawfare, January 11, 2019).



The nominee for Attorney General, William Barr, believes that a US President has strong executive powers under Article II of the US Constitution, but that same section of the founding document ends by stipulating that “The President,” like other officials, “shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.”

When the Framers wrote the Constitution, they followed the British model of impeachment in which the lower house – the House of Representatives – impeaches, and the upper house – the Senate – tries the impeached official. Jerrold Nadler, the current chair of the Judiciary Committee is very cautious about impeachment. And James Comey has weighed in, saying that precisely because Trump is a danger to the United States, the effort should be to turn him back at the polls, not in the halls of Congress.

‘How should elected officials deal with profound problems of political self-correction? And what about the portion of the population that views Trump as a kind of cult figure?’

At the time the Constitution was written, Alexander Hamilton and others were very aware of the danger of autocracy. Hamilton warned that impeachment involved “offences that proceed from the misconduct of public men,” and “are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate to injuries done immediately to the society itself” (Federalist Papers, No. 65).

Donald Trump is cornered on the chessboard. But so is Congress, since his bad actions raise the deepest political questions: the proper separation of powers, the limits of Executive privilege, the autonomy of the Judiciary, the use of racist appeals by people in high office, the antiquated institution of an electoral college. How should elected officials deal with profound problems of political self-correction? And what about the portion of the population that views Trump as a kind of cult figure?

2019 is a watershed moment in modern American history. Jill Lepore, the Harvard historian, has been spurred by these times to bring forth her one-volume history of the United States, *These Truths*. She begins and ends the 789-page book with the figure of Alexander Hamilton, the man who said the new democracy must “decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.” (The Federalist, No.1).

She ends her book with this same remark, saying for herself that “a new generation of Americans” will have to mend the “tattered ship” and find for themselves those points of light by which they will sail. Both Canadians and Americans want this navigation to be good and true.

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Category

1. Opinion
2. Politics

Tags

1. Alexander Hamilton
2. Christopher Steele
3. Donald Trump
4. Donald Trump Jr.
5. Donny Deutsch
6. Fima Shusterman
7. George Papadopolous
8. Hillary Clinton
9. Individual-1
10. James Comey
11. Karen McDougal
12. Michael D. Cohen
13. Michael Flynn
14. Patrick Barnard
15. Paul Manafort
16. Robert Mueller
17. Stormy Daniels
18. William Barr

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