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**From:** Kenneth Chesebro [REDACTED]  
**Sent:** Thursday, December 31, 2020 9:55 AM  
**To:** Kurt H bert [REDACTED]; Bruce Marks [REDACTED] Eastman, John [REDACTED]  
**Cc:** Chr s Gardner [REDACTED] Kaufman, Alex B. [REDACTED]; N na Khan [REDACTED]  
Tom Su van [REDACTED]  
**Subject:** Re: Conf dent a

I know we're at the d str ct court eve , and ate n the day, but f we can just get th s case pend ng before the Supreme Court by Jan. 5, dea y w th someth ng pos t ve wr tten by a judge or just ce, hopefu y Thomas, I th nk t's our best shot at ho d ng up the count of a state n Congress.

WI and PA have strong cert. pet t ons, but n both cases, at east the state courts nvo ved ssued t me y ru ngs, and Trump & Pence have had an opportun ty to f e cert. pet t ons, and thus a chance to have the Supreme Court we gh n before the count.

But the Georg a courts just sat on th s for weeks. No opportun ty for jud ca rev ew. On a show ng of a reasonab e chance of success on the mer ts, t wou d be unconsc onab e for Congress to count the e ectora votes for B den. It wou d set a horr b e precedent -- that a State can be represented n the E ectora Co ege desp te ser ous concerns about the regu ar ty of the e ect on, wh ch t suppressed through ts courts.

Maybe that shou d be one argument for pre m nary re ef, that to deny re ef wou d ncent v ze the den a of due process n future pres dent a e ect ons. States cou d do what they wanted, and gnore the ru e of aw, conf dent that there wou d be no jud ca nterference. What's the po nt of hav ng fe-tenured federa judges f they won't ntervene to stop state courts from do ng th s?

Ken



















