

# Susan Del Percio Trump tweets Biden won — but won't concede election or stop fundraising. Confused? Don't be.

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By Susan Del Percio, Republican strategist and senior adviser to the Lincoln Project

When it comes to understanding what motivates President Donald Trump, it almost always comes down to self-interest. During the last four years, we have seen little proof that he has ever put the needs of the nation over his own. We see this same dynamic in the current postelection chaos. President-elect Joe Biden was projected by NBC News to win Arizona on Thursday, adding to his already insurmountable Electoral College margin. So why is Trump still refusing to concede, instead stalling with useless legal challenges that amount to little more than temper tantrums? It all comes down to what would serve him best.

I believe that Trump does privately accept the results. On Sunday, he even admitted that Biden won in a tweet, only to double down on his refusal to concede. No matter who is whispering in his ear, it's clear to pretty much every legal expert that his lawsuits challenging the election results will probably go nowhere. And yet he continues to raise money for what he calls his "Election Defense Fund."

This is why he refuses to admit defeat. The longer the president drags this out, the longer he can continue to raise money.

But the money he is raising to fund his legal challenges in multiple battleground states is just a guise. It is far more likely that he is raising money in preparation for the cases that await him in New York. Make no mistake: While the country will have Georgia on its mind these next few months, Donald Trump is in a New York state of mind. And so are a pair of very ambitious New York prosecutors.

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For all practical purposes, Trump has already given up on his responsibility to the country — if he ever felt any to begin with. He doesn't care that he is putting our national security at risk by refusing to allow Biden access to the Presidential Daily Brief. The spikes in coronavirus infections and deaths also mean nothing. And Trump and his allies in Congress have signaled that the millions of unemployed and businesses that are failing are basically on their own.

So why fight so hard? Campaign cash. It is the one thing he will be able to take with him and use in the multiple lawsuits he will likely face in New York and elsewhere. Trump is only too aware that he can no longer use the Justice Department as his personal attorneys. He is also likely aware that he can use his campaign money to hire a very expensive legal team.

According to the Federal Election Commission, "In several advisory opinions the Commission has said that campaign funds may be used to pay for up to 100 percent of legal expenses related to campaign or officeholder activity, where such expenses would not have occurred had the individual not been a candidate or officeholder." And there is no shortage of possible legal challenges for Trump — most notably those initiated by the New York County district attorney and the New York state attorney general.

Remember that during his presidency, Trump's lawyers often invoked immunity and executive privilege to keep Trump from having to testify. For a former president, neither protection will be applicable.

One investigation already underway in New York is being conducted by Cyrus Vance, the Manhattan district attorney. Vance's office is looking into hush money payments Trump is alleged to have made during the 2016 campaign to two women who claimed to have had affairs with him before he became president. The district attorney's office is also looking into possible crimes committed by the Trump Organization.

Another investigation is being conducted by Letitia James, the state attorney general. Her office is investigating whether Trump and his company have committed tax fraud. Trump and his organization came under scrutiny when Trump's former "fixer," Michael Cohen, told Congress that Trump had lied about the value of his assets.

James' case has been moving forward, and it has successfully compelled members of the Trump Organization to testify. The president's son Eric Trump was ordered by the court to appear for an interview, under oath, just last month.

It is worth noting that because this is New York, everything has political consequences. Cy Vance has long sought to redeem himself after his (mis)handling of a 2015 sexual abuse case involving Harvey Weinstein.

As to the political future of Letitia James, in New York, "AG" has been known to stand for "Aspiring Governor."

But political considerations aside, Trump is right to be worried. In fact, with such high stakes, it seems unlikely that either Vance or James would even attempt to pursue them if they thought they couldn't convict Trump or his inner circle. Prosecutors hoping to move up in the political ranks are notoriously protective of their conviction rates.

Which is why Trump is trying to squeeze every last dollar he can from his donors. Instead of retreating back to his new home state of Florida after the inauguration, it seems likely that Trump will be forced to return to the city where it all started, on a

sunny day in June, atop a golden escalator.