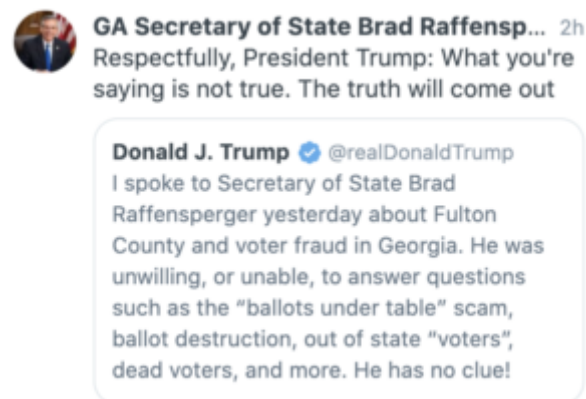


LORDY, THERE ARE TAPES

The President of the United States continues to harass Georgia's Secretary of State, Brad Raffensperger, because he did not cheat to produce a Trump win in November. Just hours ago, Raffensperger responded to the President's taunts on Twitter by suggesting the truth would come out.



The truth came out, in a detailed account of the call in the WaPo.

What's remarkable ... well, let's be honest, the whole damn thing is remarkable, but also the new normal ... is how many times Trump made implicit legal threats. He said moving machinery out of Fulton County would be illegal. Trump accused, "You know what they did and you're not reporting it. That's a criminal, that's a criminal offense. ... That's a big risk to you and to Ryan." He said "they" are shredding ballots and moving machinery, "both of which are criminal fines." "Well under law, you're not allowed to give faulty election results, okay? You're not allowed to do that, and that's what you've done."

Trump suggested, repeatedly, that Raffensperger and his counsel, Ryan Germany, would face legal consequences for running a fair election.

And you know that Trump has repeated this conversation over and over with other people, including the secessionists in Congress. At least

part of the time, these efforts have been working.

CURING THE DONALD TRUMP SPELL: THE PROBLEM

126 Republican members of the House of Representatives signed an amicus supporting a frivolous challenge to President Trump's election losses in swing states. Reportedly, 140 members will support Louie Gohmert's even more frivolous challenge to the certification of President-Elect Biden's win. Every single Republican member of the House voted against impeachment of President Trump for withholding funds they themselves had appropriated to go to Ukraine in hopes of obtaining Russian-promoted dirt to use against Joe Biden. And while just a few Senators have overtly backed these frivolous challenges to Biden's win, just Mitt Romney voted to convict the President in his impeachment trial.

A majority of the Republican Party has, thus far at least, made it clear they would abrogate the Constitution to see Donald Trump remain in power, even if it means trading away their own institutional prerogatives and dignity.

It's unclear how much this rejection of democracy stems from recent trends in GOP culture and how much arises simply from a desire or perceived need to back Trump, who openly applauds authoritarians. My guess is that Trump just gave Republican permission to openly defy norms they've been quietly chipping away at for some time.

Still, Trump has made it clear he intends to keep milking the grift delegitimizing his own loss.

Two people familiar with the matter say that in recent days, Trump has told advisers and close associates that he wants to keep fighting in court past Jan. 6 if members of Congress, as expected, end up certifying the electoral college results.

“The way he sees it is: Why should I ever let this go?... How would that benefit me?” said one of the sources, who’s spoken to Trump at length about the post-election activities to nullify his Democratic opponent’s decisive victory.

That may exert political pressure on Republican elected officials. It will surely foster [more] violence among Trump’s followers.

That leaves the United States with a twofold task if it will be successful at stepping back from the brink of authoritarianism it faced on November 3: first, in the middle of a pandemic and a time of escalating inequality, to prove that democracy can still provide tangible benefits to Americans. That will require that President Biden not only choose to pursue policies to address the malaise that made Trump possible, but that he’ll succeed in implementing such policies. With limited exceptions, that will first require convincing a sufficient number of Republicans to act to benefit the US rather than just the party, or at the very least, to understand benefit to the GOP to be something other than lockstep loyalty to Trump. It requires doing so at a time when much of the GOP believes (Trump’s underperformance compared to down ballot races notwithstanding) that they need Trump’s support to get reelected in 2022, one stated reason why some Republican Senators may join Josh Hawley’s cynical support for Trump’s challenge on Wednesday.

But the vote on Jan. 6 to certify Biden’s win is viewed within the GOP as a painful litmus test. Republicans

either risk blowback or a primary challenge by approving Biden's win amid Trump's baseless claims of widespread fraud, or they can align themselves with Trump's attempt to subvert the election results.

Trump has already shown little regard for those who are criticizing the efforts in the House and Senate to block Biden's win. The president attacked Senate Majority Whip John Thune (R-S.D.) for the second time this week after Thune said Trump's efforts to overturn Biden's win will go down like a "shot dog" in the upper chamber.

The president urged Gov. Kristi Noem (R-S.D.) to run against Thune, though Noem has already said she will not run against Thune. Trump in a tweet called Thune a "RINO" on Friday – a Republican In Name Only.

In short, something will need to break – or at least chip away at – the spell of authoritarian sycophancy that Trump has over the GOP.

Some of this may come of its own accord. For example, if Democrats manage to win the Georgia run-offs, Trump may try to claim that Republicans lost only because he had no reason to boost turnout. Still, if the GOP does lose the Senate after Trump spent months denigrating elections in Georgia, ultimately Senators will put some blame on Trump.

Trump's luster may fade of his own doing. After all, a key part of his mystique comes from a belief that he has had any more success as a businessman than any other rich heir would be with the same money. Trump Organization is badly underwater, even absent the legal troubles facing the company in New York State. The pandemic will continue to suppress business travel at least for another four months. The private bankers at Deutsche Bank who've kept

Trump afloat in recent years resigned some weeks ago. While Trump, personally, is entertaining offers for some media venture, it's not clear any of them will provide a way to bail out his family company.

And increasingly, Trump will be deplatformed. While a significant swath of political journalists will continue air his grievances (it's more fun than covering the kind of substantive policy debates that will return to DC), starting in three weeks Twitter no longer has a commitment to label, rather than delete, his tweets that violate Twitter policy. Rupert Murdoch has (at least temporarily) lost patience with Trump. Trump appears to be banking on sustainably being more important to the MAGA base than Fox News; he believes he can take his followers with him to OANN or a Newsmax channel. And he'll succeed, at least at first, to a point. But deplatforming of other right wing icons has shown that a significant portion of followers won't make the effort to move off mainstream platforms (say, from Twitter to Parler). Without the same ability to juice the central conflicts of the day, Trump won't have the same ability to remain one pole in a deliberately stoked polarization.

These are all things that may happen of their own accord. In a follow-up, I'll look at ways that may bring Trump some accountability going forward.

WHO FUCKED OVER HIS COUNTRY WORSE IN 2020, BOJO OR TRUMP?

For some weeks, I've been contemplating which bombastic populist asshole has fucked his country more in 2020: Donald Trump or Boris

Johnson. BoJo stubbornly pursued Brexit, slowly weakening his negotiating hand and finally agreeing to a result that favors the EU on most issues. The chances the UK loses Northern Ireland (which will be the recipient of soft power support from the Republic of Ireland going forward) and Scotland have gone up. To feed populism, then, BoJo has weakened the economic strengths of the UK and may have dismantled the last bits of the “kingdom.”

Meanwhile, Trump has spent four years feeding his ego and weakening our alliances. He has systematically delegitimized democratic government, and shat on the Rule of Law. He has spent the months since his loss riling up his mobs, heightening the likelihood of political violence going forward. And unless Warnock and Ossoff win the Georgia runoff, President Biden will be stuck with a hostile Senate and legions of right wing Trump judges to constrain his power.

Plus, it’s likely too soon to weigh the damage Trump has done. As if 2020 hasn’t been interminable already, Trump will have 20 more days to punish the country for rejecting him, all the while deliberately undermining Biden’s ability to operate going forward.

Both, of course, have bolloxed COVID repsonse.

So I really don’t know who is more fucked. Sitting between the US and UK in Ireland, I guess I’d have to say they’re different kinds of fucked, but I suspect the UK may recover more quickly.

Some weeks ago, I asked this question of Dan Drezner, who argued the [rump] UK is more fucked, because it is a small less powerful country and because it is stuck will BoJo going forward.

There are multiple reasons to believe that the United Kingdom is facing the darker horizon.

For one thing, Brexit turned out to be

the bigger self-own than the election of Trump. To be sure, the Trump administration has wreaked all kinds of policy carnage over the past four years. Its foreign economic policy was particularly boneheaded, leading to a lot of economic coercion but not a lot in the way of concessions. Plunging the United States into a pre-coronavirus industrial recession to negotiate a trade deal with China that has fallen well short of 2017 or even 2020 expectations is not a sign of winning. Trump's post-electoral decompensation, and the stranglehold he continues to possess over much of the GOP, is extremely disconcerting.

With all of that acknowledged, however, Brexit is still worse. The referendum decision triggered an exodus of the financial sector away from London and toward myriad E.U. destinations. As predicted, the United Kingdom experienced three years of reduced inward foreign direct investment as a result of Brexit. That trend reversed itself but other European countries experienced an even larger surge in FDI. A hard Brexit at the end of this month will merely add to the economic trauma. And all of this ignores Brexit's deleterious effects on British control over Scotland and Northern Ireland.

To be blunt, however, the United Kingdom is in the worse position compared with the United States for two simple reasons. The first is that the United States is the wealthier and more powerful country, which means it can afford to make serious mistakes and keep on chugging. Britain must now deal with the fact that it has much less bargaining power compared with either the United States or the European Union.

The second reason is that the U.S. mistake proved to be more ephemeral in nature. A majority of British voters approved Brexit. In two subsequent elections, British voters awarded the Conservative Party with majorities – the second time by a considerable margin. The United Kingdom will continue to be governed by Boris Johnson, a human approximation of an Avenue Q muppet.

Another smart person argued that the US is more fucked, because even if Joe Biden were in the best possible situation, the US simply doesn't prioritize solving serious problems, notably the economic plight of working class Americans, whereas the UK still attempts to do that, imperfectly. COVID has exacerbated those problems. And unless Biden addresses the grievances of those Americans, Democrats will continue to cede power and some smarter authoritarian (Josh Hawley is already auditioning) will replace Biden.

Consider this a debate thread on which country has been fucked worse.

EMMET SULLIVAN'S REVENGE: RUPERT MURDOCH'S RAG CALLS MIKE FLYNN'S ACTIONS "TANTAMOUNT TO TREASON"

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loyalists were thrilled that Judge Emmet Sullivan had gotten Mike Flynn's case after Rudolph Contreras recused. They were sure that a judge who had fearlessly taken on prosecutorial abuse in the past would find prosecutorial abuse in the sweetheart False Statements charge that General Flynn got in lieu of a Foreign Agent charge.

In the days before Flynn's scheduled sentencing two years ago, for example, Rupert Murdoch employee Kim Strassel stated with confidence that something had concerned the judge when he asked to see the documents Flynn claimed suggested misconduct.

It's clear that something has concerned the judge—who likely sees obvious parallels to the Stevens case. The media was predicting a quick ruling in the Flynn case. Instead, Judge Sullivan issued new orders Wednesday, demanding to see for himself the McCabe memo and the Flynn 302. He also ordered the special counsel to hand over by Friday any other documents relevant to the Flynn-FBI meeting.

Given his history with the FBI, the judge may also have some questions about the curious date on the Flynn 302—Aug. 22, 2017, seven months after the interview. Texts from Mr. Strzok and testimony from Mr. Comey both suggest the 302 was written long before then. Was the 302 edited in the interim? If so, by whom, and at whose direction? FBI officials initially testified to Congress that the agents did not think Mr. Flynn had lied.

Judges have the ability to reject plea deals and require a prosecutor to make a case at trial. The criminal-justice system isn't only about holding defendants accountable; trials also provide oversight of investigators and their tactics. And judges are not obliged to follow prosecutors' sentencing recommendations.

Then Sullivan got questions on those issues answered and raised more pressing questions — such as what charges Flynn avoided with his plea deal.

COURT: All right. I really don't know the answer to this question, but given the fact that the then-President of the United States imposed sanctions against Russia for interfering with federal elections in this country, is there an opinion about the conduct of the defendant the following days that rises to the level of treasonous activity on his part?

MR. VAN GRACK: The government did not consider — I shouldn't say — I shouldn't say did not consider, but in terms of the evidence that the government had at the time, that was not something that we were considering in terms of charging the defendant.

THE COURT: All right. Hypothetically, could he have been charged with treason?

MR. VAN GRACK: Your Honor, I want to be careful what I represent.

THE COURT: Sure.

MR. VAN GRACK: And not having that information in front of me and because it's such a serious question, I'm hesitant to answer it, especially because I think it's different than asking if he could be charged under FARA or if there were other 1001 violations, for example. [my emphasis]

Those comments fed attacks from Fox News personalities in the two years that followed and Judge Sullivan became a more pointed target of employees of the News Corp empire. After he refused to immediately dismiss the prosecution against Mike Flynn, Fox personalities accused him of bias.

Sullivan earned the ire of Fox News hosts who have been arguing that Flynn's prosecution was the canary in the coal mine of a coup against President Trump.

Former New York state judge Jeanine Pirro said Wednesday night that Sullivan should "recuse himself" from the case, adding "he should be embarrassed to put a robe on."

"And now what he's doing is he's poisoning the 2020 election by trying to make it look like [Attorney General] Bill Barr," she said. "He's trying to destroy the whole thing so that Barr looks like the villain here."

Sean Hannity offered an extensive broadside against Sullivan later in Fox's prime-time programming.

"Mr. Sullivan, what part of General Flynn being ambushed and set up by

[former FBI deputy director Andrew] McCabe and [former FBI director James] Comey don't you understand?" Hannity said Wednesday night, accusing Sullivan of taking a "clearly political stand."

He added: "You botched this from Day One, and you had a bias from Day One," he seethed. "You reek of ignorance, you reek of political bias!"

After Neomi Rao ordered Judge Sullivan to rubber stamp Flynn's exoneration, for example, Greg Jarrett included it in a long attack on the judge's insistence on acting like a judge.

Again, Sullivan balked. Something was amiss. At this point, it became clear that Sullivan was not a neutral or objective jurist dedicated to following the law. He was a rogue judge with an agenda. His decisions reeked of dead fish.

[snip]

It's anyone's guess whether Sullivan will grudgingly admit that he was wrong – flagrantly so. After all, this is the same guy who falsely and preposterously accused Flynn of "treason" during a previous court hearing, then recanted when he realized (with prompting) that what he'd said was not just dumb, but anathema to the law governing treason.

All of this leads me to suspect that this judge's grasp of the law is embarrassingly feeble. His ability to recognize his own disqualifying bias is shamefully absent.

In a piece declaring that "Mr. Flynn has finally received justice" earlier this month (after Mike Flynn first called for martial law), Strassel complained that Sullivan was churlish for noting that Flynn's guilty plea, as a legal issue,

remained intact.

Judge Sullivan finally, belatedly, churlishly dismissed the Flynn case as moot on Tuesday, two weeks after President Trump pardoned the former national security adviser. But the self-important Judge Sullivan couldn't resist delivering a parting "verdict." He issued a 43-page opinion in which he all but declared Mr. Flynn guilty of lying and perjury and the entire Justice Department corrupt.

But now the boss has weighed in. In an editorial begging Trump to accept his loss and work to save the Senate today, the NY Post describes Sidney Powell as a crazy person and Flynn's call for martial law "tantamount to treason."

Sidney Powell is a crazy person. Michael Flynn suggesting martial law is tantamount to treason. It is shameful.

To be clear, Flynn's call for martial law wasn't treason, just as secretly working for Turkey while serving as Trump's top national security advisor wasn't either.

But both Judge Sullivan and Rupert Murdoch appear to agree: Mike Flynn sold out this country.

DISASTER DEMOCRACY: CAN SOMETHING BE SALVAGED FROM TRUMP'S MELTDOWN?

The WaPo has two panicked pieces about Trump.

First, there's a David Ignatius column that correctly notes we're in a really dangerous place until Biden's win is certified (I'd say, until Inauguration). Along the way, Ignatius points to a terrifying possibility that might (or might not) explain a sudden Kash Patel flight: that he was being considered to replace Chris Wray.

Kash Patel, chief of staff to acting defense secretary Christopher C. Miller, returned home "abruptly" from an Asia trip in early December, according to Fox News correspondent Jennifer Griffin. Patel didn't explain, but in mid-December Trump discussed with colleagues the possibility that Patel might replace Christopher A. Wray as FBI director, one official said. Wray remains in his job.

And another terrifying possibility that, Ignatius notes, is just speculation: that Trump's flunkies may have tried to split NSA and CyberComm to install Ezra Cohen-Watnick as the head of NSA.

But why did Trump loyalists suggest the NSA-Cyber Command split in the first place? Some officials speculate that the White House may have planned to install a new NSA chief, perhaps Ezra Cohen-Watnick, the young conservative recently installed to oversee Pentagon intelligence activities.

To stave off these terrifying, but unsubstantiated, possibilities, Ignatius advises that some wise Republicans go to the White House and tell Trump to stop.

Trump won't succeed in subverting the Constitution, but he can do enormous damage over the next weeks. Before Jan. 6, a delegation of senior Republicans should visit him at the White House and insist, emphatically: Biden has won.

This must stop.

Meanwhile, another WaPo piece describes the vacuum at the White House as Trump ignores people – like Steve Mnuchin – who’ve long been able to coax some actual responsible policy actions out of him, the kind of people Ignatius might have in mind to talk to sense into Trump.

Mostly, this story is one of a long line of stories on how Trump repays loyalty with humiliation.

His demand for \$2,000 stimulus checks is a direct rejection of the \$600 checks that Treasury Secretary Steven Mnuchin had personally proposed and negotiated with Democrats and Republicans. Now, Trump’s rejection of the deal has confounded many leaders on Capitol Hill because they had thought Mnuchin negotiated the package on behalf of the president. The treasury chief’s standing with many lawmakers is now in tatters just days before a full-blown crisis is set to occur.

The president’s denunciation of the agreement represented a stunning public broadside against his own treasury secretary, who for four years loyally shielded the president’s tax returns, endured repeated presidential tirades in private, and defended even Trump’s most incendiary and contradictory remarks. Through it all, Mnuchin had emerged with the unique ability to walk a tightrope between Trump and congressional leaders, serving as an emissary in difficult negotiations. That all ended on Tuesday, when Trump posted a video on Twitter ridiculing the agreement.

But the more important bit describes how Trump decided, on his own, to blow up the bill that Mnuchin had negotiated. Mark Meadows helped him

do so, even though he opposed both Trump's call for \$2,000 checks and (I think) the vindictive video blowing up the bill itself.

Trump's shocking move to possibly blow up the agreement appears to have been his idea alone, according to two people briefed on the matter by White House staff.

White House Chief of Staff Mark Meadows, who had earlier this month successfully talked Trump out of demanding \$2,000 stimulus payments, helped orchestrate the video released by the White House. But Meadows did not come up with the idea for it and was widely seen internally as opposing the move, according to two people with direct knowledge of the matter.

That is, in the midst of a story describing how yet another loyal Trump supporter was treated like shit (as were the Republicans in Congress who believed Mnuchin could speak for Trump), WaPo describes how Trump is vindictively staging confrontations in defiance of the advice from his closest advisors, with no care for the millions of Americans who get harmed in the process.

This is the man the Republican party has loyally defended in the face of ever increasing allegations of corruption and disloyalty to the country, repaying their loyalty by blowing up their attempt to feign concern about struggling Americans just in time for the Georgia run-off.

It is undeniable we're in a dangerous place right now – because of the armed gangs supporting the President, because he'd love to start a war on his way out, because his temper tantrum is having very real effects for human beings.

But for better and worse, there are no responsible Republicans – or even immediate family members – who can save the day. Those who

know Trump best have left town in an attempt to dissociate themselves from what is coming that will leave lasting damage for Joe Biden to clean up.

Nevertheless, we've reached an important moment, where Trump has turned on virtually all remaining institutional parts of the Republican party, from the judges and justices he installed to the Senators who refused to call him on his attempt to coerce Ukraine. Yes, we will still have Matt Gaetz and Jim Jordan, yes, we will newly have Tommy Tuberville.

But significant parts of the Republican party will, because of this tantrum, be prepared to turn on him as soon as he loses the power of the Presidency. And that may provide a way out.

Naomi Klein invented a term "Disaster Capitalism" for the way members of both parties use disasters as an opportunity to loot or facilitate future looting. That's a risk here. But Republicans will have an incentive to distance themselves from Trump. And that may provide an opening to recover from Trumpism.

LIKE GLENN GREENWALD, ROGER STONE LINKS A PARDON FOR EDWARD SNOWDEN TO A CORRUPT PARDON FOR JULIAN ASSANGE

After being pardoned for his crime of lying to Congress last night, Roger Stone called for a pardon for Julian Assange and Edward Snowden.

| Stone welcomed the pardon and complained

he'd been subjected to a "Soviet-style show trial on politically-motivated charges."

The longtime political provocateur also urged the president to extend clemency to a key figure in the release of hacked emails during the 2016 campaign, Julian Assange, and to National Security Agency leaker Edward Snowden.

"Other good Americans have been victims of a corrupt system made to serve venal power-seekers, rewarding deceit and manipulation, rather than reason and justice. President Trump can be the purveyor of justice over the vile machinations of wicked pretenders to the mantle of public service," Stone wrote.

Unless Bill Barr shut it down in preparation for the pardons to come (a very good possibility), DOJ has an ongoing investigation into the circumstances under which Roger Stone started pursuing a pardon for Assange, one that ties a pardon for Assange to Stone's successful optimization of the release of the John Podesta files in October 2016. That might even make Stone's call a new overt act in a conspiracy that started in 2016.

What it also does, though, is tie a hypothetical Snowden pardon – one that otherwise would have nothing to do with Trump's crimes – to this quid pro quo.

Stone is not the first to do so in a corrupt way, of course. So did Glenn Greenwald, when he pitched such a dual pardon as a way for Trump to get back at The [American] Deep State on Tucker Carlson's show, back in September.

Glenn: Let's remember, Tucker, that the criminal investigation into Julian Assange began by the Obama Administration because in 2010 WikiLeaks published a slew of documents – none of which harmed anybody, not even the

government claims that. That was very embarrassing to the Obama Administration. It revealed all kinds of abuses and lies that they were telling about these endless wars that the Pentagon and the CIA are determined to fight. They were embarrassing to Hillary Clinton, and so they conducted, they initiated a grand jury investigation to try and prosecute him for reporting to the public. He worked with the New York Times, the Guardian, to publish very embarrassing information about the endless war machine, about the Neocons who were working in the Obama Administration. To understand what's happening here, we can look at a very similar case which is one that President Trump recently raised is the prosecution by the Obama Administration, as well, of Edward Snowden for the same reason – that he exposed the lies that James Clapper told, he exposed how there's this massive spying system that the NSA and the CIA control, that they can use against American citizens. Obviously this isn't coming from President Trump! He praised WikiLeaks in 2016 for informing the public. He knows, firsthand, how these spying systems that Edward Snowden exposed can be abused and were abused in 2016. This is coming from people who work in the CIA, who work in the Pentagon, who insist on endless war, and who believe that they're a government unto themselves, more powerful than the President. I posted this weekend that there's a speech from Dwight Eisenhower warning that this military industrial complex – what we now call the Deep State – is becoming more powerful than the President. Chuck Schumer warned right before President Obama – President Trump – took office that President Trump challenging the CIA was foolish because they have many ways

to get back at anybody who impedes them. That's what these cases are about Tucker, they're punishing Julian Assange and trying to punish Edward Snowden for informing the public about things that they have the right to know about the Obama Administration. They're basically saying to President Trump, "You don't run the country even though you were elected. We do!" And they're daring him to use his pardon power to put an end to these very abusive prosecutions. One which resulted in eight years of punishment for Julian Assange for telling the truth, the other which resulted in seven years of exile for Edward Snowden of being in Russia simply for informing the public and embarrassing political officials who are very powerful.

While there's abundant evidence (which press organizations and journalists who've been personally involved are dutifully ignoring) that Julian Assange has been something other than he has been claiming for years, I have always believed a Snowden pardon is an entirely different thing, something far more justified. But if these people who were running interference for Guccifer 2.0 back in 2016 and have continued to do so to this day keep linking a corruptly negotiated Assange with a Snowden one, it does raise questions about whether there's some closer tie.

THE NEXT GANG OF THIEVES AND WAR

CRIMINALS

Pardonpalooza is kicking up, with Trump pardoning low-level Mueller criminals (Alex Van der Zwaan and George Papadopoulos), corrupt Republican Congressmen (with pardons for early Trump supporters Duncan Hunter and Chris Collins and a commutation for Steve Stockman), and war criminals (the four Nisour Square Blackwater guards, in what is surely a favor for Erik Prince).

This is who Trump is: A man whose biggest legacy as President will be the utter abasement of the Rule of Law.

BOILING FROG JOURNALISM: THE COLLECTIVE YAWN AS TRUMP'S PARDONED FOREIGN AGENT PLOTS A COUP

I sometimes beat up Maggie Haberman for her sloppier feats of access journalism, but I recognize that, particularly for a White House as dysfunctional as this one, it is critically important to have her there, particularly to publicly reveal conflicts like the one that happened Friday. An increasingly desperate Trump fought to hire Sidney Powell to sow her conspiracy theories from the White House and entertained Mike Flynn's idea of deploying the military to stage a revote that Trump might win this time.



But the NYT, having invested to have Maggie there to report out the rising levels of insanity in the Oval Office, decided to bury the news that the President and the General he just recently pardoned for lying about undermining US sanctions on Russia and his secret work for a foreign country were entertaining a military coup, however feckless. The dead tree NYT doesn't have the story anywhere on the front page.



And the online version I accessed (admittedly from a foreign IP address) buried the news and focused on Sidney Powell's batshittery rather than Flynn's.



It doesn't matter that Mike Flynn's calls for sedition won't prevent President Elect Biden from taking office in a month. The fact that the President is giving quarter to such talk, just weeks after signaling that he thinks it was unfair for Mike Flynn to pay a price for his secret dealings with foreign countries, is still an assault on our democracy, one that won't go away after January 20.

This is not just about Trump's insanity and that of the only advisors he trusts in the wake of his loss. It's that he and Flynn are openly discussing ways to continue to betray this country even after he is removed.

TRASH TALK IS BACK, AND IT IS MAX!

Calling the current GOP "fuckers" is one of the most true and innocuous things I have ever seen or heard. They are among the, if not the, most destructive humans currently on the face of the earth. Take Mitch McConnell. Please. If these fuckers are not fuckers, then who would real fuckers ever aspire to be?

So, what is up?

Apparently 737 Max aircraft are back up, and it may be being hidden from you. Or may not. But this is indeed something to keep your eye on as it was the explicit suggestion of the hollow branding man in chief, Trump:

“Even President Trump has weighed in on the MAX name: “If I were Boeing, I would FIX the Boeing 737 MAX, add some additional great features, & REBRAND the plane with a new name,” he Tweeted in April.”

Don't know about you, but I will not be boarding one of those planes.

Okay. Enough. There are real games out there. Not just the ones in Washington. I'd say and Washington, as in Seattle, but Boeing moved to the home of Rahm, Chicago.

Clemson has demonstrated clearly what fakers Notre Dame have been all along. Too bad they can't do that for Ohio State too. Coastal Carolina deserves to be in the final four far more than either the Domers or the Buckeyes. It is almost comical how hard the NCAA tries to always put posers in their finals instead of the best teams. Nebraska barely held on to beat...Rutgers. Texas A&M beat the Vols, but pretty shocked that Oklahoma edged out Brock Purdy and Iowa State (both with Phoenix area QBs that will play on Sundays soon enough).

Josh Allen is, as we speak, and his Bills crushing the Broncos. Can Carolina take it to 12 and the Pack in Lambeau? Not going to take that proposition. Pats at Fins will be really interesting. So far, it looks like Flores is building right and Tua is real. But Bill Bel will game for this, and I'll bet on that. Might have taken the WFT at home over the Squawks, but for Alex Smith being out again. The big game is really the Chefs at the Saints. Drew Brees will be back, but Nawlins is not the same without the raucous crowd. Mahomes is too much.

Let it rock. Don't laugh at the music, she can

really sing. Even Dolly thinks so.

THREE INCONVENIENT TRUTHS ABOUT A HYPOTHETICAL TRUMP PARDON FOR JULIAN ASSANGE

For the last several weeks, there have been floated hints that Donald Trump might pardon Julian Assange. Assange's supporters – from frothy MAGAts to esteemed journalistic outlets – are fooling themselves about a possible Trump pardon on several counts.

Before I lay out what those are, let me reiterate, again, that I believe the Espionage Act charges against Assange pose a serious risk to journalism (though as written, the CFAA charge does not). I agree that the Chelsea Manning disclosures, which make up most but not all of the charges currently pending against Assange, included a large number of important revelations, many I relied on with gratitude. I'd be perfectly fine if Vanessa Baraitser ruled on January 4 that US prisons were too inhumane for Assange. And I agree that EDVA would be a horrible venue for Assange (though unlike other defendants, DOJ is not simply inventing that jurisdiction for the onerous precedents it offers out of thin air; it is the most obvious venue for Assange because of the Pentagon).

So this is neither disagreement on the risks an Assange prosecution poses, nor is it an endorsement of the prosecution of Assange as it exists. But a pardon would necessarily involve other crimes, in addition to the ones for which he has been charged, and those crimes go well

beyond journalism. They may even involve crimes that Assange backers want no part in supporting.

A Donald Trump pardon of Julian Assange will be a very good way of making sure Assange comes to symbolize those other crimes, not earlier laudable releases, and it might not even end his imprisonment.

It may not work

If Trump gives Assange a pardon, it's not actually clear it will end his legal jeopardy. The existing Espionage Act charges, particularly the ones for publishing names of coalition informants (which would include the UK) are actually more obviously illegal in the UK than the US. Two UK defendants have already pled guilty to a CFAA conspiracy that makes up part of the CFAA charge against Assange. And because the Vault 7 damage assessment presented at the Joshua Schulte trial explicitly included damage to foreign partners, that publication may expose Assange to Official Secrets Act charges in the UK as well. Plus, there are other aspects of the Vault 7 publication, including Assange's efforts – with the help of a lawyer he shared with Oleg Deripaska – to coerce immunity from the US with them, that may pose legal jeopardy in the UK if he is pardoned in the US.

I've likened the Assange extradition to that of AQAP graphic designer Minh Quang Pham, and this may be another similarity. In that case, as soon as it became clear that the legal disposition that Theresa May was attempting in the UK *might not work*, SDNY promptly indicted Pham, ensuring Pham would remain in custody no matter what happened in the UK. I wouldn't be surprised if the reverse happened in the eventuality of an Assange pardon in the US. That is, DOJ may already have sent the UK the evidence to support prosecution of Assange in the UK for some of the things the US would otherwise like to try him on. Indeed, that is consistent with the way the US charged Assange within a day of when Ecuador applied for diplomatic credentials for Assange;

the UK has already proven to be in almost immediate coordination with the US on this.

The UK would surely rather the US do the job, but particularly because of the damage the Vault 7 release caused the Five Eyes, I don't rule out the UK prosecuting Assange if the US could not.

A Trump pardon would have to pardon everything through current day

Assange's boosters appear to think a pardon would cover just the existing Espionage charges pertaining to the Chelsea Manning leaks (plus the CFAA charge, which is no longer limited to the password crack attempt, though virtually all his boosters ignore the substance of that charge).

That, of course, wouldn't work. Unless Assange were immediately whisked away to a country that doesn't have an extradition treaty with the US, he could quickly be charged in a virtually identical indictment covering Vault 7 (and the US could charge it in any case as a way to pressure whatever country he was in). Only, on every charge, the claims now being made to defend Assange – about newsworthiness, about intentionality of revealing protected identities, about the push to leak entire databases – would be far weaker arguments with respect to Vault 7 than with respect to the Manning leaks. Just as one example, WikiLeaks left the identities of the people Joshua Schulte was angry at unredacted in the Vault 7 release, which would make it easier for prosecutors to show forethought and malice for revealing those identities than is the case in (especially) the Cable leaks. And that, again, ignores how Assange repeatedly used the files in an attempt to coerce immunity from the US.

Several close WikiLeaks associates have told me

after the initial indictment they were glad it didn't include Vault 7, because that's a lot harder to defend against. The US might prefer it for that reason.

So an Assange pardon would have to include some language like, "all offenses against the United States prior to the pardon" – a pardon akin to what Gerald Ford gave Richard Nixon.

Surely, if Trump is going to pardon Assange anyway, he would be willing to do that. Trump's gonna make Oprah look stingy in the next few weeks, after all. But legally, for a pardon for Julian Assange to stick, it would have to cover all crimes he committed against the US through the present day.

That of course shouldn't bother Assange supporters – it accords him even broader protection than Mike Flynn got. But it does mean that the pardon would be assessed on the entirety of Assange's actions, the record of which remains significantly classified and the public record with which virtually no Assange booster – up to and including extradition hearing "expert" witnesses – exhibit familiarity. In other words, they're arguing blind, without knowing what they're asking to pardon.

Because an Assange pardon would need to extend through the present it would be tainted by Trump's own corruption, possibly including litigation

If a Trump pardon for Assange were written broadly enough to stick, it would almost certainly include a conspiracy involving Trump himself, possibly including Russia's GRU,

granting a pardon for Assange in exchange for the optimization of the Podesta files. The pardon itself would likely be a crime for Trump. And that raises the stakes on it.

When WikiLeaks supporters hear “Assange pardon,” they seem to immediately think, “Dana Rohrabacher.” That’s significantly because Assange’s lawyers, in a deliberate use of Assange’s extradition hearing to sow propaganda (of which this is by no means the only example), had Jen Robinson submit testimony describing how Rohrabacher attempted to broker a pardon for Assange in August 2017, a pardon that was contingent on claiming Russia was not behind the 2016 theft of DNC documents. The testimony was meant to support Assange’s claim that his prosecution is political, a claim that involved misrepresenting the public record in many ways.

When Assange’s team brought this up in his extradition hearing, the lawyer for the US emphasized that Trump didn’t sanction this offer. That’s credible (and backed by contemporaneous reporting), mostly because at the time John Kelly was assiduously gate-keeping offers like this. So WikiLeaks’ focus on the Rohrabacher pardon dangle, while accurate (Robinson is far too ethical to misrepresent things), also falsely suggests that that pardon dangle was the only, or even the most important, pardon discussion between Trump and Assange. It wasn’t. And WikiLeaks knows that, because key WikiLeaks supporters – Randy Credico and Margaret Kunstler – were involved with the one still under criminal investigation.

It is a fact that the Mueller Report stated that they had referred ongoing investigations into whether Roger Stone took part in Russia’s hacking conspiracy to the DC US Attorney’s Office for further investigation. It is a fact that, when the court unsealed warrants against Stone in April, they revealed an ongoing investigation into Stone for the hacking, for conspiracy, and for serving as a foreign agent of Russia, one that Mueller had hidden from

Stone. It is a fact that Randy Credico testified under oath he had put Stone in touch with Margaret Kunstler to discuss a pardon for Assange. Credico is evasive about when this discussion began, including whether the discussion started before the election. Texts submitted at trial show Stone and Credico discussed asylum and Credico's tie to Kunstler on October 3, 2016, in a period when Stone had multiple phone calls with Credico as well as some presumed to be with Trump. Stone appears to have had lunch with Trump on October 8, the day after the Podesta emails dropped. Mike Flynn testified that after the Podesta files dropped, Trump's closest advisors discussed reaching out to WikiLeaks. Shortly after that, Stone did reach out to WikiLeaks, and WikiLeaks reached out to Don Jr. WikiLeaks reached out to both after Trump won. And according to affidavits obtained against Stone, he and Kunstler started communicating over Signal starting on November 15, seven days after the election. As of October 1 of this year, significant swaths of Kunstler's two interview reports with Mueller prosecutors remained sealed with redactions protecting an ongoing investigation.

If Stone is to be believed, he pursued this effort to get Assange a pardon at least through 2018. Two things are clear, however. Days after Stone told Assange he was working with the "highest level of Government" to resolve Assange's issues, Trump directed Corey Lewandowski to direct Jeff Sessions to shut down the entire retroactive Russian investigation. Trump already took an overt act to respond to Stone's entreaties to help Assange, one documented in Twitter DMs and notes Trump demanded Lewandowski take down. And after Mueller asked Trump about an Assange pardon, Don Jr's best buddy Arthur Schwartz told Cassandra Fairbanks, "a pardon isn't going to fucking happen" (she ultimately flew to London to tell Assange what Schwartz told her in person). Nevertheless, Stone's buddy Tucker Carlson had Glenn Greenwald on pitching one to Trump – as a great way to get back at The [American] Deep

State – in September.

To be clear: If Trump pardons Assange for all crimes against the United States, the pardon will still work *for Assange* (again, unless the UK decides to file charges against Assange instead). And I expect a great deal of Assange's most loyal boosters won't give a shit about what all was included in the pardon. Indeed, WikiLeaks' most loyal fans believe it was a good thing for Assange to partner with the GRU in 2016 to undermine a democratic election.

But if Trump pardons Assange, these details are virtually guaranteed to come under close scrutiny in the months ahead, all the more so if he tries a self-pardon, because this would be one thing that even the 6 Republican majority on SCOTUS might find unreasonable, and it would be the quickest way to prove that not just Stone, but Trump himself, conspired to optimize the files stolen by Russia.

If all that were to happen after he was safe in Oz, Assange probably wouldn't care, nor would I if I were in Assange's position. But those backing an Assange pardon are – because of details that virtually none of them understand – cheering Trump to do one of the most corrupt things he would have done over the course of the last five years.