

SEDITION IN PROGRESS: U.S. SENATE IN LOCKDOWN [UPDATE-9]

[NB: Updates will appear at the bottom of this post. /~Rayne]

Trump-supporting protesters breached the U.S. Capitol building where the joint session of Congress had been underway.

Protesters have breached the Capitol.
They're outside the Senate chamber
pic.twitter.com/I021tKliUD

– Igor Bobic (@igorbobic) January 6,
2021

The Senate has been gaveled out and members of Congress evacuated along with VP Mike Pence.

The protesters have now halted and delayed the execution of Article II Section 1 of the Constitution, during which Congress turns over to the President of the Senate – the Vice President of the United States – the certified results of the elections in each of their states for ceremonial acknowledgment of the presidential election's results.

In short, Trump supporters are engaged in rebellion, insurrection, and seditious conspiracy inside the U.S. Capitol building.

This coup attempt isn't over.

UPDATE-1 – 2:53 PM ET –

Secret Service whisking Pence off the chamber floor here:

The moment when the House Session
gaveled out because of the protesters
breaching the capitol.
pic.twitter.com/Shx7jjvpQN

– Pod Save America (@PodSaveAmerica)
January 6, 2021

Press were asked to secure doors. What the hell does that say about security?

This is scary. Pence has left the Capitol, presumably for security reasons. A Capitol police officer just called on the press gallery to lock the doors.

– Grace Segers (@Grace_Segers) January 6, 2021

Trump incited this and he's encouraging it with neglect. There's no sign Trump has done anything to call up additional security personnel like former AG Bill Barr did this summer to protect Trump during his ridiculous photo op.

UPDATE-2 – 3:01 PM ET –

The joint session was still in debate as the video above shows. The session was gaveled out about 2:15 PM ET.

And then Trump tweeted this:

Mike Pence didn't have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth!

– Donald J. Trump (@realDonaldTrump)
January 6, 2021

When Congress reconvenes it should immediately move to impeach and then remove Trump from office.

He has failed to uphold his oath of office by obstructing the Constitutional duties of Congress and its President Pro Tempore, by inciting rebellion, insurrection, and sedition.

UPDATE-3 – 3:37 PM ET –

Weapons were drawn.

This is not a protest. This is a violent coup attempt.

Look at the photos.<https://t.co/Fde0xktwsF>

– Richard W. Painter (@RWPUSA) January 6, 2021

There's a report of a person shot.

A woman is in critical condition after being shot in the chest on the Capitol grounds, according to two sources familiar with the matter

<https://t.co/hVJj5APK5F>
<pic.twitter.com/5qVSD4TNET>

– CNN (@CNN) January 6, 2021

And Ivanka is doing her performative head-patting. (click on date+time in Acosta's tweet to open)

Storming the Capitol is not patriotic.
<https://t.co/uQf770gh1b>

– Jim Acosta (@Acosta) January 6, 2021

Put a leash on your demented and lawless father, sweetheart. Anything less is just idle chatter.

Spencer Ackerman's not getting any response to questions about law enforcement response.

I cannot get an answer from anyone across multiple agencies to the very

simple question of who is in charge of the response to the MAGA violence at the Capitol and what is being done.

– Spencer Ackerman (@attackerman)
January 6, 2021

Sure would be nice to know if former AG Bill Barr knew this was coming and quit when he did because of it.

Basically Trump quit without giving notice.

At the White House, there is no sign of anyone coming to a camera to stand up and say anything about the violence that has broken out in the U.S. Capitol and in cities across the nation.

There are just Trump tweets in a moment where Americans are terrified.

– Yamiche Alcindor (@Yamiche) January 6, 2021

Just finish the job, Congress – impeach and remove his ass.

UPDATE-4 – 3:57 PM ET –

Trump has allegedly ordered up the National Guard to respond to the violence in the Capitol. But it's still pretty rocky inside.

I reiterate: I am in the Capitol right now. There is no “remaining” peaceful. They are not peaceful. Several people are threatening the safety of lawmakers, reporters, and Capitol staff as we speak. <https://t.co/PHxBWwcYJk>

– Grace Segers (@Grace_Segers) January 6, 2021

What an absolute disgrace, utterly embarrassing.

This is a BBC reporter from India sharing this on Twitter.

Protester in Nancy Pelosi's office#capitol
pic.twitter.com/4os6PxPXxC

– Soutik Biswas (@soutikBBC) January 6, 2021

UPDATE-5 – 4:20 PM ET –

Quite a few people are making similar observations about the response to protesters breaching the capitol building.

Just remember. This is what DC looked like for the #BlackLivesMatter protest. So ask yourself why it didn't look like this today? #capitol
pic.twitter.com/TQqnI3E18t

– Jaime Casap (@jcasap) January 6, 2021

Gee, what could possibly be the difference? Whatever it is, it's visible from abroad.

These terrorists were allowed to break into the Capitol because of white privilege. No tear gas. No rubber bullets. Nothing. Suddenly blue lives matter doesn't matter at all. #capitol
pic.twitter.com/VwzDx2Rbmn

– Murad Merali (@MuradMerali) January 6, 2021

Yup. The violence we saw this summer was police-driven, not BLM.

important footnote to “if this was BLM” posts today is that BLM would literally never

– Craig Bro Dude (@CraigSJ) January 6,

2021

UPDATE-6 – 4:30 PM ET –

This is some weapons-grade stupid, both the PC left up unsecured, and the idiot intruding in the office taking pictures of this intrusion. (click to open image)

In case @FBI needs a copy of @ElijahSchaffer's now deleted tweet showing him violating 18 USC 1030 (and probably other stuff too), it's here: <https://t.co/i5RP9UHweh>
pic.twitter.com/Fi7TQCigLW

– Ari Cohn (@AriCohn) January 6, 2021

UPDATE-7 – 4:46 PM ET –

So Popehat asked...

Question: can an enemy force defeated a century and a half ago and dissolved be an enemy for purposes of the treason statute?

– BigVoterDumpHat (@Popehat) January 6, 2021

And lo, there were uninvited Confederates in the White House.

A Trump supporter carries a Confederate battle flag on the second floor of the U.S. Capitol near the entrance to the Senate, as a mob breached the building Wednesday. pic.twitter.com/vjNdw8jHmL

– NBC News (@NBCNews) January 6, 2021

UPDATE-8 – 5:40 PM ET –

There. Are. Bullet. Holes.

There are bullet holes in the door of the House chamber. Members of Congress are in hiding, having been interrupted in the very act of certifying Biden's election. Fanatical supporters of the sitting President are occupying the building at his invitation.

– southpaw (@nycsouthpaw) January 6, 2021

Jesus Christ.

At least the FBI SWAT team is now in the building, though specific location details aren't being shared.

This is the fbi swat team in the capitol. pic.twitter.com/bY6maxLjLJ

– Jake Sherman (@JakeSherman) January 6, 2021

I guess we're back to watching for the joint session to re-gavel into order though it will only happen after the building has been cleared. There have been claims members of the mob will continue hide out and remain in the building as long as possible.

UPDATE-9 – 6:08 PM ET –

From Yahoo News:

By the time the president strengthened his calls for cooperation with the police, his protesters, many of whom were armed and had not passed through a metal detector, had already broken through a police barricade and entered the Capitol's Statuary Hall. An improvised explosive device was found on the Capitol grounds, NBC News reported, and at least two IED's were discovered

on the 300 and 400 block of Canal St., according to a law enforcement document obtained by Yahoo News.

Here's are law enforcement pics obtained by @janawinter of the IEDs found near the capitol today.

Story by
@writerknowles <https://t.co/6ST7BnXlc0>
pic.twitter.com/IEaXR9jDpj

– Sharon Weinberger (@weinbergersa)
January 6, 2021

In his statement to the public this afternoon, Joe Biden said today's events "borders on sedition."

What Trump did with his continuing incitement, including his most recent statement to his supporters, was sedition. No toeing the border. He incited rebellion and insurrection to delay and obstruct Constitutional duties of Congress.

As a result of this lawlessness, someone has died.

ALERT: Person shot at US Capitol today has died, per law enforcement source

– Scott MacFarlane (@MacFarlaneNews)
January 6, 2021

Congress, impeach and remove Trump before he can do any more damage. Again, he's literally not doing his job.

!![] "Defense and administration officials said it was Pence, not Trump, who approved the order to deploy the D.C. National Guard. It was unclear why Trump, who is still the commander in chief, did not give the order."

<https://t.co/r5aLuPYTKp>

– Katie Phang (@KatiePhang) January 6,

Why did Pence have to give the order after having been whisked off the Senate floor??

Updates will be appended here at the bottom of this post.

WHY MERRICK GARLAND IS A BETTER ATTORNEY GENERAL PICK THAN YOU THINK

Politico reports that, Joe Biden will pick Merrick Garland to be Attorney General. As I was discussing this morning, it was fairly clear that Biden was delaying this decision until after the Georgia race, which made it clear that Garland was likely going to be his choice if Dems took both seats. Pending Biden's decisions on other positions, this pick is better than you think.

First, Garland's resignation from the DC Circuit opens up a judgeship that Biden can fill right away, with confidence his judge will be confirmed. He is likely to pick someone far more liberal than Garland. The candidate will almost certainly be a person of color, probably a Black woman. And she's likely to be in her 40s. In short, Garland's resignation allows Biden to start counteracting the damage Trump has done to courts right away, and in the second most important court in the country. Biden will start his Administration with an important judicial appointment that will likely have an impact for decades.

The other positions that matter are Deputy Attorney General – who is the person who runs

DOJ on a day-to-day basis – and the Assistant Attorneys General, especially at the Criminal Division and Civil Rights Division. Reporting has said that Biden will emphasize diversity in these roles, and he's likely to pick people to Garland's left (because most candidates will be to his left). If that is right, then it means the people running DOJ day-to-day will be more liberal Democrats, with someone who is viewed as a well-respected, fairly non-partisan person leading the department.

In general, that will give Republicans confidence that Biden is not simply replacing a hyper-partisan Barr with someone as partisan as Barr was, even while ensuring that the people who do much of the work will be solid liberals.

I also think this makes it *more* likely that DOJ could investigate and prosecute Trump. As AG, Garland would only have oversight over a select set of decisions in such an investigation. For example, he would likely have to approve subpoenaing Trump Organization to figure out if Trump got a bribe via an Egyptian bank during 2016 (though such a subpoena would be easier to do after Trump is out of office and if New York State charges other corruption crimes). The most important step Garland would have to approve would be any charges of Trump (or presumably those close to him).

But Garland would not be involved in the day-to-day investigation. He would sign off on any major steps against Trump, but prosecutors well below Garland's level will conduct the investigation (including investigations already in process that implicate Trump).

That's honestly how Democrats should prefer any prosecution of Trump, that they be sufficiently well-predicated and substantiated enough to get Garland's blessing. And if any hypothetical prosecution of Trump does have his blessing, it'll be more likely to be viewed as a legitimate prosecution, not payback.

My biggest concern about this appointment is

criminal justice reform (something that would be pursued in the Criminal and Civil Rights Divisions). One item of note, however: Garland has been recusing on death penalty cases in recent weeks, obviously in anticipation that he might get this appointment. One reason he would do so is an expectation that Biden might change policy significantly in this regard. At the very least, it suggests it is something that has come up in conversations between the two.

Garland is not my first choice: Doug Jones would have been. But there are advantages this appointment gives Biden that Jones does not.

Update: And here are those other positions.

Biden is expected to announce Garland's appointment on Thursday, along with other senior leaders of the department, including former homeland security adviser Lisa Monaco as deputy attorney general and former Justice Department civil rights chief Vanita Gupta as associate attorney general. He will also name an assistant attorney general for civil rights, Kristen Clarke, the founder of Lawyers' Committee for Civil Rights Under Law, an advocacy group.

Gupta and Clarke are precisely the kinds of people who will attend to civil rights issues. It will genuinely be exciting to have the two of them working on these issues, as both are superb (as someone noted on Twitter, Clarke's pinned tweet right now is about her lawsuit against the Proud Boys for damaging a Black church in DC).

In addition to being Obama's Homeland Security Assistant, Lisa Monaco was also a top lawyer at DOJ, including at FBI. I think she'll bring real weight at FBI, without needing to swap out Chris Wray. Ironically, she is the one person in Obama's orbit who had a direct role in Mike Flynn's efforts to undermine Russian sanctions (which she largely imposed), because Tom Bossert consulted with her on how the Russians were

responding to the sanctions and then reported back to his bosses, including Flynn, minutes before Flynn called Kislyak.

“DEMS IN DISARRAY” AS THE GOP FRACTURES OVER TRUMP

When I wrote this post, laying out what I perceived to be the urgent need to cure the GOP of the spell Trump has them under, I intended to premise the solution – the means by which Dems and others could encourage such a break – on the political calculus of those Republicans who’ve enabled him for four years. A sufficient number of Republicans need to *want* to break that spell.

Given how events of the last few days are beginning to fracture GOP unity (the “Dems in disarray” in the title is a sarcastic reference to how commentators always portray things in the worst light for democrats), I thought I’d lay out that premise in a stand-alone post.

Yesterday, even before the Georgia results were in, WaPo chronicled how Trump’s push for an unconstitutional challenge to the election today has splintered GOP unity.

President Trump is effectively sabotaging the Republican Party on his way out of office, obsessed with overturning his election loss and nursing pangs of betrayal from allies whom he had expected to bend the instruments of democracy to his will.

Trump has created a divide in his party as fundamental and impassioned as any during his four years as president, with lawmakers forced to choose between certifying the results of an election

decided by their constituents or appeasing the president in an all-but-certain-to-fail crusade to keep him in power by subverting the vote.

[snip]

Trump's intensifying drive to overturn the election results has deepened a GOP divide on Capitol Hill. McConnell last month urged Republican senators not to object to the electoral college vote certification in Wednesday's joint session. But now that 13 have said they would, the leader has stepped back from any significant effort to tamp down the brewing rebellion. He is not whipping votes and has not spoken to Trump in weeks.

In conversations with other Senate Republicans, McConnell has stressed that their decision now will be a matter of conscience and that each senator should vote the way he or she has to vote, according to two senior GOP officials who spoke on the condition of anonymity to relay the majority leader's private posture.

Some Republican senators have expressed concerns that voting to certify – and against Trump – would open them up to a primary challenge from the right, while others worry that voting to object would make them vulnerable in a general election, a person familiar with the deliberations said.

"I think it is revealing that there is not a single senator who is arguing that the election was stolen from President Trump," said Josh Holmes, an outside adviser to McConnell. "The divide in the party is whether it's appropriate to pull the pin on an electoral college grenade, hoping that there are enough responsible people standing around who

can shove it back in before they detonate American democracy.”

Then, at a time when a huge proportion of House Republicans and a shameful number of Senators were on the record supporting Trump’s arson attempt, Democrats appear to have pulled out both Senate seats in Georgia. While the corruption of and racist attacks from both Republicans hurt their own chances – especially a Kelly Loeffler attack on Raphael Warnock’s sermons, a direct attack on Black faith – there’s good reason to blame Trump.

With some exceptions for David Perdue, Democrats improved their performance county by county based on lower relative turnout from Republicans. Trump might like to claim that turnout fall-off is due to him not being on the ballot, but it’ll be easy for Republicans to argue, with reason, that it’s just as likely that Trump’s efforts to delegitimize the vote led people to stay home. All the more so given that the county where he held a rally the other night, underperformed turnout in the rest of the state.



Dave Wasserman ✓
@Redistrict

Fact: Whitfield Co., where Trump held his pre-election rally, turned out at just 86.1% of November levels. The state as a whole is on track to exceed 89% of November levels.

5:33am · 6 Jan 2021 · Twitter Web App

So even if it weren’t true, it’d be in the self-interest of career Republicans to blame all this on Trump, which is beginning even before the race is formally called for Jon Ossoff.

“Trump is the cause of this, lock, stock and barrel,” said one Republican strategist. “But when you’re relying on someone to win you a Senate race that

also lost statewide eight weeks prior, you're not in a position of strength."

The immediate recrimination is emblematic of the complicated GOP dynamics that have emerged after Trump's loss in the November election. Fissures are forming as Republicans decide whether it's useful to cling to Trump – even as he tries to subvert an election – or to distance themselves. And if the Georgia races are any indication, it appears Republicans are willing to turn on Trump if he can't reliably turn out the vote for candidates in the months and years ahead.

When asked why Republicans didn't prevail on Tuesday, a senior Senate Republican aide simply said: "Donald J. Trump."

Importantly, there were already a number of Republicans who would have liked to turn on Trump if he didn't have the power to make them regret that (and I expect we'll hear stories of the means by which Trump commanded such unthinking loyalty in the days ahead). With Republicans out of power in DC, that's all the more true. Republicans will undoubtedly try to limit the number of victories Biden enjoys, but they will have fewer means to do so going forward.

And Trump's attempted coup is only going to exacerbate that. Since most Republicans committed to a position before the Georgia results – a decision Trump forced on a number of people, including Loeffler and Perdue, to their potential disadvantage – it will solidify pre-existing fracture lines. Yes, Republicans will blame Trump. But Republicans *in Congress* will also blame each other, particularly in the Senate.

All that creates a very different landscape in DC, if Biden and Democrats in Congress can

exploit it. Some fraction of Republicans in Congress will have an incentive to burn Trump to the ground.

Update: This profile of what a dog-shit choice Trump has given Republicans today focuses on something I've been thinking a lot about: Michael Cohen's warning to Republicans in his OGR testimony about how badly things were going to work out for them.

Michael Cohen, Trump's former attorney and fixer, whose fealty landed him in prison, feels like he's watching a reprise of his own demise.

"I warned them," he told me.

"I warned Mark Meadows at my oversight hearing. I warned the Jim Jordans," he said, referring to his congressional testimony from less than two years ago as well as Trump's current chief of staff and other notably pro-Trump GOP House members. His message: "I know what you're doing. I know the Trump game plan, because I wrote it, and it didn't work out for me. And it's not going to work out for you."

"Donald Trump," he said, "will push people to the brink, and unless they want to end up disbarred and imprisoned and financially ruined, like what Trump did to me, they better open their eyes."

[snip]

"Each of the Republicans that have signed on to Trump's chaos are not doing it out of loyalty to Trump," Cohen said. "They're not doing it because they even believe in what Trump is doing. They're doing it because they fear his Twitter wrath and believe that the supporters, the base of Trump supporters, will vote against them in any upcoming election for not siding with Trump. This is more about their survival than anything else."

And that's sad and pathetic."

Not only will Cohen's warnings of the downsides of coddling Trump be prescient in some foreseeable cases, but as Trump loses the power of the Presidency, the upside for making his loyalty oaths will have diminishing value. If something tarnishes Trump's brand significantly (in my first post, I suggested financial setbacks and state prosecutions could do that), the value of allegiance to Trump could go south precipitously.

And that would have the effect of making these public oaths of loyalty backfire.

Update: Fixed spelling of Perdue's last name.

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.



GA Secretary of State Brad Raffensp... 2h

Respectfully, President Trump: What you're saying is not true. The truth will come out

Donald J. Trump @realDonaldTrump

I spoke to Secretary of State Brad Raffensperger yesterday about Fulton County and voter fraud in Georgia. He was unwilling, or unable, to answer questions such as the "ballots under table" scam, ballot destruction, out of state "voters", dead voters, and more. He has no clue!

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 response.

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 with 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"



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.