

TRUMP'S SECOND IMPEACHMENT HAS ALREADY HAD A BENEFICIAL EFFECT

After Billy Barr spent eight months dedicating DOJ resources to supporting Sidney Powell's conspiracy theories about Mike Flynn, Trump pardoned his short-lived National Security Advisor for everything associated with the Mueller investigation. Within weeks, Flynn called for martial law, a three-star General with an avid QAnon following inciting an insurrection.

After Billy Barr dismissed the seriousness of threats against Randy Credico and Amy Berman Jackson backed by Proud Boy associates of Roger Stone, Trump first ensured that Stone would do no prison time and then pardoned him for his cover-up of the Trump campaign's efforts to optimize the release of stolen John Podesta files. While Roger Stone claims to have had no role, the key organization behind the riot, Stop the Steal, adopted the name and the methods he used in 2016. And thus far five members of the Proud Boys have been arrested in association with the coup attempt.

It seems that Trump's belief in his own invincibility – one he got, in significant part, by successfully obstructing the Mueller investigation by buying silence with promised pardons, then hiring an Attorney General who would and did repeatedly protect him from consequences – not only led him to believe he could incite a riot, but led key bridges between him and the foot soldiers in this coup attempt to believe they had impunity too.

But according to stories in virtually all major outlets (here's the CNN version), in the wake of both the coup attempt and impeachment for it, Trump has backed off plans to complete that act

of impunity by pardoning his spawn and himself.

Initially, two major batches had been ready to roll out, one at the end of last week and one on Tuesday. Now, officials expect the last batch to be the only one – unless Trump decides at the last minute to grant pardons to controversial allies, members of his family or himself.

[snip]

The January 6 riots that led to Trump's second impeachment have complicated his desire to pardon himself, his kids and personal lawyer Rudy Giuliani. At this point, aides do not think he will do so, but caution only Trump knows what he will do with his last bit of presidential power before he is officially out of office at noon on January 20.

After the riots, advisers encouraged Trump to forgo a self-pardon because it would appear like he was guilty of something, according to one person familiar with the conversations. Several of Trump's closest advisers have also urged him not to grant clemency to anyone involved in the siege on the US Capitol, despite Trump's initial stance that those involved had done nothing wrong.

I predicted this would happen here.

To be clear, I don't think Trump's moderated plans come from any remorse or sense of contrition. Rather, after the riot Pat Cipollone apparently refused to be a part of such plans anymore (though I also think the Stone and Paul Manafort pardons were far more modest than they might have been). Lindsey Graham's efforts to minimize the impeachment trial in the Senate also helped, as Lindsey knows any attempt to prevent conviction in the Senate is premised on

Trump avoiding any further abuse.

None of this changes the fact that Trump has abused the pardon power far more than any president before him. Nor will it prevent a great many other abusive pardons today.

But to restore legitimacy and belief in the rule of law, the story of Trump's crimes needs to be told, and told in a way that makes the damage he caused and the betrayal of his supporters clear. If, indeed, Trump decides not to pardon his lawyer, his spawn, and himself, it will be one important step in that process.

Update: This CNN story reports on precisely this phenomenon.

The decision to not pardon any Republican lawmakers or his family members was a last minute one. After initially defending the idea that he may pardon himself or his family members out of concern they would be targeted once he's out of office, Trump decided Saturday night that he would not pardon anyone in his family or himself.

Trump agreed with the attorneys and other advisers that doing so would increase the appearance of guilt and could make them more vulnerable, but was disappointed at the outcome, according to people familiar with the matter.

Trump, according to people he'd spoken to, appeared more taken with the message of unchecked power it might send to his naysayers than actual protection from liability. His pardon power was among his favorite perks of the job.

The newfound concerns about actually exercising this favorite perk of the job extends to members of Congress worried about their own legal exposure and Ed Snowden and Julian Assange.

Several Republican lawmakers who are alleged to have been involved in the

rally that preceded the deadly riot on the US Capitol have sought clemency from Trump before he leaves office, but after meeting with his legal advisers for several hours on Saturday, the President decided he would not grant them, according to two people familiar with his plans.

[snip]

Trump is also not expected to pardon Edward Snowden or Julian Assange, whose roles in revealing US secrets infuriated official Washington.

While he had once entertained the idea, Trump decided against it because he did not want to anger Senate Republicans who will soon determine whether he's convicted during his Senate trial. Multiple GOP lawmakers had sent messages through aides that they felt strongly about not granting clemency to Assange or Snowden.