

CLETA MITCHELL SKATES

Judge McBurney has released the report from Fani Willis' special grand jury.

The grand jury recommended charges against a number of people who weren't charged. Most attention has focused on the recommendations to charge David Purdue, Kelli Loeffler, and Lindsey Graham. I had always thought that Lindsey wouldn't be charged because he is protected by Speech and Debate (a judgment that may be supported by the DC Circuit's still-sealed partial reversal of Beryl Howell's ruling permitting DOJ to access some Scott Perry records from his phone). But it seemed there was less support for those charges, generally, than for others. On the main RICO charge, four grand jurors voted against charging Purdue, six voted against charging Loeffler, and seven voted against charging Graham. There was broad support for charging Purdue for pressuring GA officials, but one of the grand jurors who voted against charging the GA Senators believed they were simply pandering to their base. And the foreperson said that Lindsey was charming in his grand jury appearance.

Those votes may be a read of how an eventual grand jury would vote on these cases. Only the votes against charging the alternate electors was less supportive.

Which is why I find the Cleta Mitchell recommendations far more intriguing. By wide margins, the grand jury voted to charge Cleta in conjunction with the January 2 call to Brad Raffensperger, the fake electors plot, and the RICO charge. But she – a prominent Georgian – was not charged.

It's possible that some of Willis' ultimate decisions were influenced by her perception (or that of her prosecutors) of the political will for charging prominent Georgians. It's possible

she has made charging decisions that limit the amount of institutional GOP pushback. Or it's possible that Cleta testified in a way that made other charges – potentially including Mark Meadows – viable.

But one of the most toxic Georgians skated on this prosecution.

Update: Corrected spelling of Willis' first name.

Update: Anna Bower's review of the report is typically excellent.