

JACK SMITH (AND MICHAEL DREEBEN) GO TO SCOTUS

Jack Smith just skipped the DC Circuit to ask for cert on Trump's absolutely immunity claim.

Here's the argument Smith gives for taking the case directly:

A cornerstone of our constitutional order is that no person is above the law. The force of that principle is at its zenith where, as here, a grand jury has accused a former President of committing federal crimes to subvert the peaceful transfer of power to his lawfully elected successor. Nothing could be more vital to our democracy than that a President who abuses the electoral system to remain in office is held accountable for criminal conduct. Yet respondent has asserted that the Constitution accords him absolute immunity from prosecution. The Constitution's text, structure, and history lend no support to that novel claim. This Court has accorded *civil* immunity for a President's actions within the outer perimeter of his official responsibilities, see *Nixon v. Fitzgerald*, 457 U.S. 731 (1982), and the Executive Branch has long held the view that a sitting President cannot be indicted while in office. But those principles cannot be extended to provide the absolute shield from criminal liability that respondent, a former President, asserts. Neither the separation of powers nor respondent's acquittal in impeachment proceedings lifts him above the reach of federal criminal law. Like other citizens, he is accountable for criminal conduct.

[snip]

The United States recognizes that this is an extraordinary request. This is an extraordinary case. The Court should grant certiorari and set a briefing schedule that would permit this case to be argued and resolved as promptly as possible.

Posting this here for now. I'll update in a bit.

An interesting detail: Michael Dreeben somehow snuck into Jack Smith's office. He was Mueller's appellate guy.