

TRUMP PARDONED UNINDICTED CO- CONSPIRATOR STEVE BANNON FOR DEFRAUDING TRUMP'S SUPPORTERS

On December 13, [Chesebro] sent [Rudy] a memorandum that envisioned a scenario in which Pence would use the fraudulent slates as a pretext to claim that there were dueling slates of electors from the targeted states and negotiate a solution to defeat Biden.³¹² **On the same day, the defendant resumed almost daily direct contact with [Bannon,]** who maintained a podcast that disseminated the defendant's false fraud claims.³¹³ On December 14, [Bannon's] podcast focused on spreading lies about the defendant's fraudulent electors—including the false claim that their votes were merely a contingency in the event the defendant won legal challenges in the targeted states.³¹⁴ [my emphasis]

Let me make something explicit to serve as background for a post on what fuckery we might expect in the next month or so.

1. October 31: "He's gonna declare himself a winner." J6C (Originally sourced to MoJo)
2. **November 13: "Trump just fired."**
3. December 13: Bannon resumes daily contact.
4. December 14: Alternate

electors. J6C

5. January 2: "The Vice President's role is not ministerial." J6C
6. **January 2: Trump wanted Pence briefed by Eastman immediately.**
7. January 4: Pre-Pence Willard Hotel meeting, from which Rudy calls Trump.
8. January 4: Post-Pence Willard Hotel meeting.
9. **January 5: "Fuck his lawyer."**
10. January 5: Call with Trump before "All hell is going to break loose." J6C

Between the period on October 31, 2020, when Steve Bannon was explaining that Trump would declare victory regardless if he won, and the period, starting on December 13, when Bannon started planning events that would lead to "All Hell [Breaking] Loose" on January 6, alleged co-conspirator Bannon had less contact with Trump for a period, then resumed "almost daily direct contact" with him. In that period, Bannon was trying to figure out how to get out of his prosecution for cheating Trump supporters in the Build the Wall scheme (here's the RECAP docket).

He was arrested on August 20 on Guo Wengui's yacht (a yacht allegedly acquired through Guo's separate conspiracy to cheat *his* supporters, a fraud in which Bannon was also treated as a co-conspirator). That day, Bill Burck – who had successfully gotten Bannon through slowly evolving testimony the Mueller investigation with no charges – represented him at his arraignment, as he did for an initial appearance via Zoom on August 31. Bannon spent some part of the next two months working with Rudy Giuliani,

Robert Costello, and Jack Maxey, fiddling with a hard drive copied from a laptop once associated with Hunter Biden's iCloud account. Meanwhile, Burck delayed the first status hearing in the case – originally scheduled for October 26 and rescheduled for November 9 – based on his own trial schedule.

On November 3, Donald Trump did declare victory before key swing states were counted.

On November 5, Steve Bannon called to put Anthony Fauci and Chris Wray's heads on pikes.

STEVE BANNON (HOST): Second term kicks off with firing Wray, firing Fauci.

Now I actually want to go a step farther but I realize the president is a kind-hearted man and a good man. I'd actually like to go back to the old times of Tudor England, I'd put the heads on pikes, right, I'd put them at the two corners of the White House as a warning to federal bureaucrats. You either get with the program or you're gone – time to stop playing games. blow it all up, put Ric Grenell today as the interim head of the FBI, that'll light them up, right.

The day after Bannon threatened the FBI Director, on November 6, Burck asked for a second delay of the initial status hearing, because Bannon was in the process of retaining new counsel. "Mr. Bannon and Quinn Emanuel have mutually and amicably agreed that alternative counsel would be better suited to his defense strategy," Burck explained later that month when he requested permission to drop off the case.

On November 7, Pennsylvania declared Joe Biden the victor of the state. There would be no second term in which Bannon could impale the FBI Director – at least not one in 2021.

It actually took longer for Bannon to arrange replacement counsel than Burck represented.

On December 11, Robert Costello entered his appearance as Bannon's new lawyer. At the time, Costello was best known for the allegations from the Mueller Report seeming to offer assurances from "friends in high places" that Michael Cohen would be pardoned if he covered for Trump. But Costello's role, as a participant as much as counsel, in the Hunter Biden laptop caper would seemingly expand the timeline of his relationship with Bannon.

Two days after Costello entered his appearance for Bannon, according to Jack Smith's immunity filing, Bannon and Trump resumed near-daily conversations leading up to January 6.

Bannon's actual pardon would make short work for Costello. On January 19, 2021 – less than two weeks after "All hell [broke] loose" with Bannon as an alleged co-conspirator – Trump pardoned Bannon for cheating Trump's own supporters. But Trump made it clear with his selectivity that the pardon had nothing to do with a perceived injustice: Trump pardoned none of Bannon's co-conspirators. His three co-conspirators remain in prison at least through next year.

Trump pardoned Bannon for cheating Trump's own supporters. He cared more about meeting Bannon's needs than protecting those who believe in Trump.

When tangential We Build the Wall associates Dustin Stockton and Jennfier Lawrence explained why they provided (unreliable) testimony to the January 6 Committee, they implied it arose, in part, from frustration that Bannon had gotten pardoned but they had not.

Stockton and Lawrence say they subsequently worked with Kremer to plan a rally in Washington on Nov. 14, 2020. That event featured a drive-by from Trump in the presidential motorcade. That night, there were clashes between Trump supporters and counterprotesters. Turnout among the pro-Trump contingent was high enough that Kremer was inspired

to launch a nationwide "March for Trump" bus tour with Stockton and Lawrence.

They were also, they say, encouraged by a suggestion that participating in the protests challenging Trump's election loss could win them Trump's help with the fallout from the We Build the Wall debacle. In December 2020, as the tour rolled around the country, Stockton and Lawrence say they got a call from Rep. Paul Gosar (R-Ariz.) and his chief of staff, Thomas Van Flein. According to Stockton, Van Flein claimed he and the congressman had just met with Trump, who was considering giving them a "blanket pardon" to address the "We Build the Wall" investigation.

"We were just in the Oval Office speaking about pardons and your names came up," Van Flein allegedly said. Van Flein did not respond to a request for comment.

Gosar suggested the bus tour was helping Stockton and Lawrence build support for a pardon from the caucus and Trump. "Keep up the good work," Gosar said, according to Stockton. "Everybody's seen what you're doing."

While Stockton says Gosar previously supported the wall project and would likely have "moved to get the pardon regardless of what was happening post-election," the call made clear to him that the protests against the 2020 vote could help get Trump on their side. "Trump was taking interest because of the notoriety of what we were currently doing," Stockton says.

In the end, Bannon's short-term resolution of his criminal exposure may not have helped much,

Like his co-conspirators, he's in prison as we speak, for contemptuously blowing off the

January 6 Committee. He'll be in Danbury prison for several more weeks. Six weeks after that, he faces state trial on the same charges of which his co-conspirators have already been found guilty.

I raise all this for two reasons.

First, John Roberts says none of this matters. The evidence that Donald Trump was using pardons as leverage to associates to help attack democracy doesn't matter. He doesn't want to hear any evidence of such official conduct, even if used as part of a quid pro quo.

And more obviously, as Bannon faces his state trial and gets named as an unindicted co-conspirator in Trump's effort to "break loose all hell" on January 6, he's in the same position he was four years ago: facing down legal consequences for his past criminal attacks on truth and rule of law.

Trump pardoned Bannon, and only Bannon, for defrauding his own supporters four years ago.