

THE UPCOMING PARDON-PALOOZA

Just about everyone has a story out about how Trump's win will make most of his legal trouble go away (see Brandi Buchman, Politico, NYT).

I don't disagree with any of this analysis. His federal cases will end shortly after January 20 (though DOJ may want to pursue the 11th Circuit Appeal to sustain the viability of Special Counsels).

But I don't know *how* they will go away. After all, Jack Smith could indict everyone, so as to tell the fuller story of what Trump did. If Democrats manage to take the House, he could hand off his grand jury material between January 3 and January 20. For all we know, he's got sealed indictments hidden somewhere, obtained during the pre-election quiet period. Or he could write a final report.

Which is why I'm more interested in the other immediate legal question: Whom he pardons as soon as he returns to office.

By pardoning the January 6 defendants who are either in prison or awaiting trial, surely including seditionists like Enrique Tarrio and Stewart Rhodes, Trump would create an army of loyal Brown Shirts ready to do his bidding again. These guys only believe in Backing the Blue if it doesn't interfere with a coup attempt.

If Rudy Giuliani gets held in contempt for dicking around with the Ruby Freeman payments, Trump can simply pardon him out of prison again. Poof!

I expect that Trump will pardon Alexander Smirnov, who allegedly attempted to criminally frame Joe Biden in circumstances that Trump likely would like to keep quiet (not like it matters anyway because the press never showed any curiosity about how that happened).

And Trump has an incentive to pardon other corrupt grifters. I would be unsurprised if he pardoned Robert Menendez and Henry Cuellar – and the latter might have an incentive to switch parties if he were pardoned out of his trouble.

I would be shocked if Trump didn't pardon Eric Adams, which would create an ally in New York City who controls a mob of corrupt cops and former cops.

All that said, Trump can't pardon his co-conspirators out of their state cases (Fani Willis won reelection in Fulton County). He can't pardon Steve Bannon out of his upcoming NY trial ... though I am certain that they are plotting on a way for Bannon to avoid it.

In Trump's first term, he pardoned his way out of his Russian trouble. He paid no price for it. It barely came up in the campaign ... journalists were too busy talking about Joe Biden's stutter.

Trump's own impunity will do grave damage to the rule of law, however it happens.

But these pardons will turn it into a transactional form of loyalty test.

Update: I should add that Mike Davis, who will play a key role in Trump's Administration (including, possibly, Attorney General if he could be confirmed), already taunted Jack Smith to lawyer up.



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Dear Jack Smith:

Lawyer up.

Update: Trump is also likely to pardon the guys who were prosecuted for insider trading on Truth Social.

Update: Other candidates for pardons might include Ghislaine Maxwell and Diddy.

Update: Multiple outlets are reporting that Jack

Smith will wind down his two prosecutions of Trump. It seems there are multiple options to do this – the most obvious being a public report and referrals of anything else, like Mueller did. But by announcing they're doing this, they may pre-empt Trump making demands, just like they did in August.