

THE STEPHEN MILLER EOS

At least in response to questioning from journalists yesterday, Trump had – or feigned – a very limited understanding of some of the Executive Orders he has signed in the last two days. For example, he couldn't explain why he had pardoned Danny Rodriguez, who nearly killed Michael Fanone. And he explained the Enrique Tarrio pardon by pointing to the Proud Boy leader's burning of a BLM flag, which (along with his attempted possession in DC of unlawful weapons) was punished separately from Tarrio's seditious attack on the Capitol.

With Trump, one should always start with the assumption he's engaged in a con, but it really is possible he only vaguely understands some of what he just signed.

That, plus the number of typos and other sloppy errors commentators have noted in the EOs, makes me wonder whether Stephen Miller drafted everything and decided, in real time, which Executive Orders to hand to Trump to sign, like a gamer might deploy his favorite Magic Card deck. In a piece on Vivek Ramaswamy's purge from DOGE [sic], for example, WaPo reveals that, "Draft executive orders favored by Musk were implemented, and those put forward by Ramaswamy's team that Musk had ignored in recent weeks are unlikely to be issued." Who knows? Maybe there's even an EO with all the January 6 pardons that only commuted the sentences of those who assaulted cops or were deemed to be terrorists, rather than granting (in many cases) full pardons.

There are at least two Executive Orders that have Stephen Miller's name all over them which deserve closer scrutiny: One claiming to "restor[e] freedom of speech and end[] federal censorship," and another claiming to end[] the weaponization of the federal government."

Both have the same structure. They order the Attorney General (and the Director of National Intelligence, in the weaponizing EO) to go chase down conspiracy theories spawned by Jim Jordan: that the Federal government is infringing on free speech and weapon or targeting Joe Biden's opponents. Here's how it looks in the latter case:

The Department of Justice even jailed **an individual for posting a political meme**. And while the Department of Justice has ruthlessly prosecuted more than 1,500 individuals associated with January 6, and simultaneously dropped nearly all cases against BLM rioters.

[snip]

(a) The Attorney General, in consultation with the heads of all departments and agencies of the United States, shall take appropriate action to review the activities of all departments and agencies exercising civil or criminal enforcement authority of the United States, including, but not limited to, the **Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission**, over the last 4 years and identify any instances where a department's or agency's conduct appears to have been contrary to the purposes and policies of this order, and prepare a report to be submitted to the President, through the Deputy Chief of Staff for Policy and the Counsel to the President, with recommendations for appropriate remedial actions to be taken to fulfill the purposes and policies of this order.

(b) The Director of National Intelligence, in consultation with the heads of the appropriate departments and agencies within the Intelligence Community, shall take all appropriate action to review the activities of the

Intelligence Community over the last 4 years and identify any instances where the Intelligence Community's conduct appears to have been contrary to the purposes and policies of this order, and prepare a report to be submitted to the President, through the Deputy Chief of Staff for Policy and the National Security Advisor, with recommendations for appropriate remedial actions to be taken to fulfill the purposes and policies of this order. The term "Intelligence Community" has the meaning given the term in section 3003 of title 50, United States Code. [my emphasis]

These orders will give Pam Bondi cover to conduct an investigation without the predicate otherwise required, and do so outside the normal institutions (like DOJ's Inspector General and DOJ and FBI's Offices of Professional Responsibility; to say nothing of Trump-appointed judges who already debunked the EO's claim about selective prosecution of January 6ers) that afford targets some due process.

The scope of this review is very strictly the last four years. Thus, it will exclude a great deal of weaponization Bill Barr engaged in (including the Brady side channel via which Joe Biden was criminally framed) and even every single one of the notices regarding misstatements about voting means, time, or location that Barr's DOJ authorized in the 2020 election, which were one main focus of the Twitter Files. It will ignore that the investigation into Douglass Mackey – the reference to an individual who posted a political meme, above – in chatrooms to which Stephen Miller was, at the very least, adjacent (and Don Jr was in), was almost entirely conducted during the first Trump Administration.

It will likewise exclude the far greater threats to free speech going forward. Donald Trump's threat to send Mark Zuckerberg to prison for the rest of his life? Issued before Trump returned

to government. Brendan Carr demanding that CBS platform right wingers, while ignoring Fox's production of exclusively right wing content? Officially government, as of Monday, but therefore outside the scope of the four year review. And Stephen Miller coaxing Zuckerberg to making his platforms amenable to genocide again? Not yet a government action.

Take special notice, too, that the SEC and FTC are included among the agencies where Bondi is instructed to go find weaponization. Again, that picks up a Jim Jordan crusade, one targeted at regulatory agencies holding Elon Musk accountable for agreements the company he bought had already entered into, to say nothing of Elon's efforts to tank Xitter's own stock. Sure, some of this is Miller's means to undermine the legitimacy of the January 6 investigation, but it's also a personal sop to the richest man in the world.

And after Pam Bondi conducts an investigation into things that aren't crimes via means that evade normal due process? She writes a report and gives it to ... Stephen Miller, who among other things has been cultivating first Elon and then Zuck to platform Nazis.

When Jim Jordan conducted these crusades, he was shielded by Speech and Debate from adhering to basic facts. These EOs are an attempt to create space for Bondi to similarly escape the kinds of evidentiary rules and basic due process that limited Trump's prior attempts to target his enemies.

If they find something, Miller will feed them to Trump to make issue of. If they don't (there are few real complaints about the January 6 investigation, aside from the shitty DC jail and difficulties created by COVID; and for much of Biden's term, the agencies of interest to Miller for engaging in government speech were constrained by lawsuits by Miller's allies), then Miller can just burn the report in the same fireplace Mark Meadows use to use.

In other words, these two EOs (I'm sure there are other similar ones) claim to attack the politicization of government by ordering Pam Bondi to politicize DOJ.