

DONALD TRUMP DECLARES HE SHOULD HAVE FACED TRIAL

As part of an Executive Order ordering Pam Bondi to start a witch hunt against Joe Biden's aides, Donald Trump implied that the only reason Joe Biden was not prosecuted for harboring classified documents was "his incompetent mental state."

The Department of Justice, for example, concluded that, despite clear evidence that Biden had broken the law, he should not stand trial owing to his incompetent mental state.

That's a wild misstatement of the record, starting with the fact that the only documents that Robert Hur showed Biden *wittingly* took – his notebooks and a memo he sent to Barack Obama about withdrawing from Afghanistan – Biden believed he could take based on DOJ's treatment of Ronald Reagan.

But let's take the premise on its face.

Donald Trump – who was charged by a Special Counsel appointed on the same basis as Hur was – claims that Joe Biden would have been legitimately prosecuted if only he weren't senile.

Wow, Donny, you just said that Aileen Cannon was wrong for dismissing the case against you!!!

Let's go, baby!

This whole thing (especially the order to David Warrington to review which orders Biden signed with an autopen) is a grotesque nuisance. As with Trump's apparent waiver of Biden's Executive Privilege invocation on his own Special Counsel interviews, it presents a troubling breach of Executive equities of precisely the kind of that Trump never stopped

wailing about when he was investigated.

But I really think this order, like so much of Trump and Eagle Ed Martin's push to review what Biden did while serving as President in his late 70s, could backfire in spectacular ways.

For example, Trump is trying to criminalize White House aides lying to the public about the mental *and physical* state of the President.

Investigation. (a) The Counsel to the President, in consultation with the Attorney General and the head of any other relevant executive department or agency (agency), shall investigate, to the extent permitted by law, whether certain individuals conspired **to deceive the public about Biden's mental state and unconstitutionally exercise the authorities and responsibilities of the President**. This investigation shall address:

(i) any activity, coordinated or otherwise, **to purposefully shield the public from information regarding Biden's mental and physical health;**

(ii) any agreements between Biden's aides to cooperatively and falsely deem recorded videos of the President's cognitive inability as fake;

(iii) any agreements between Biden's aides to **require false, public statements elevating the President's capabilities;** and

(iv) the purpose of these activities, including to assert the authorities of the President. [my emphasis]

We don't even have to consider what Trump has done – the incidences of mental breakdowns – in the past five months to get to things that Trump wants to treat as a crime. After all, Trump's White House went to great lengths to lie to the public about how COVID nearly killed him. All

the reports from Trump's physicians are riddled with obvious false claims.

This order would make it a crime to lie about how fat Donny is!!

Plus there are a number of things – starting with the Alien Enemies Act declaration – that Trump claims he did not personally do. This EO would make it a crime for whoever did make that declaration (cough).

And the push to review whether Biden was cognizant for the pardons of his family members? Have at it. Particularly given some obvious errors made in the pardon for January 6ers (such as a commutation for Jeremy Bertino, who had not been sentenced), we'll just start chipping away at the pardons for Trump's cop assailants and adjudged terrorists.

The entire premise of this EO is that things Trump and his White Houses have done – from lying about his weight and height to his theft of classified documents – *must* be prosecuted.