Mullings

An American Cyber-Column

They Got Capone on a Tax Rap

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* A friend texted me and asked if Donald Trump could be charged with sedition.
* Not being up on my Eastern European History as I should be, I went to my go-to site for legal matters: Merriam-Webster’s:

Incitement of resistance to or insurrection against lawful authority

* I said that on January 6, 2021 Trump *was* the lawful authority so I didn’t see how he could incite an insurrection against himself.
* I have been fairly stout in my belief that Trump shouldn’t be sent to jail, no matter how much evidence mounts against him.
* I’m changing my mind.
* The testimony in Thursday’s January 6 Committee hearing by the three former senior leaders of the Department of Justice (DoJ) was chilling to listen to. I can only imagine Trump's lawyers turning the electric blanket up to nine as they listened to Trump plotting to turn the DoJ over to a wholly unqualified toady named Jeff Clark.
* The three senior DoJ leaders were:  Acting Attorney General Jeffrey Rosen (who had replaced Bill Barr); Richard Donoghue, the acting deputy attorney general; and Steven Engel, who headed the Office of Legal Counsel.
* All three held to the excellent theory that the Justice Department does not represent the interests of the President. Everyone has understood this with the glaring exceptions of Richard Nixon and Donald Trump who believed they were the President's lawyers.
* The clock was ticking down to January 6 and Trump was getting more and more desperate.
* Rudy Giuliani, his IQ running down the side of his face, and his band of lawyers had successfully gone 0-63 in various local, state, and federal courts.
* Trump knew he couldn’t win in court, so he changed tack and by late December needed the DoJ to suggest it was looking into possible – likely – fraud in the election of 2020 to further sow doubt in the minds of his supporters that it had been stolen from him.
* To that end, Trump told the Acting AG that all Trump needed was for him to hold a press conference announcing investigations. “Just say the election was corrupt and leave the rest to me and the House Republicans.”
* Comes a thug named Jeff Clark, an environmental lawyer with a plan to get his portrait on the wall in the Attorney General’s suite.
* Clark weasels his way into the Oval Office by concocting a scheme to send letters on DoJ letterhead to the leadership of the state legislatures in places like Georgia saying, in essence, the Justice Department has indications of possible wrong-doing in the election and the GOP-led legislatures should send a slate of alternate Electors pledged to Trump to Washington.
* Clark visited with Trump without the knowledge of his superiors at Justice even after (a) he had been caught at it, and (b) had promised not to do it again.
* Clark told Trump that he would be far more likely to send the letters if Trump were to fire the current Acting Attorney General and appoint Clark the *new* Acting Attorney General.
* Trump this was swell but, as another friend texted me, “He found out saying ‘You’re Fired’ on a TV show is one thing. Saying it in the Oval Office has consequences.”
* Trump asked the three Justice Department officials what they would do if he appointed Clark Acting AG. They all said they would quit. As would almost all the Assistant Attorneys Generals.
* Jeffrey Clark, one said, ‘would be presiding over a graveyard.’
* The three DoJ officials told Clark – this is in the Oval Office with Trump in attendance – that he was totally unqualified to run a 170,000 person agency; that he had never argued in front of a grand jury, much less a trial jury.
* “You’re an environmental lawyer, not a trial attorney,” he was told. “How about you go back to your office and we’ll call you if there’s an oil spill.”
* In the end Trump did not appoint Clark Acting Attorney General and just this week, the FBI – which Clark never oversaw – raided his home in northern Virginia.
* Trump may not be convictable for the crime of sedition, but evidence of conspiracy upon conspiracy is piling up.
* Enough, I now believe, to have Trump spend his waning days wandering around Mar-a-Lago in his jammies, wearing flip-flops, with an ankle bracelet he’s required to keep on, and a seven-iron he isn’t allowed to use.
* See you next week.