The Phyllis Schlafly Report

Delusional Jack and Dems Haven't Learned

By John and Andy Schlafly

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Jack Smith has been unanimously reversed before by the U.S. Supreme Court, over his contrived and overzealous prosecution of the Republican Governor of Virginia, Bob McDonnell. That decision came too late to save McDonnell, whose promising career was derailed by Democrats misusing prosecutorial power against Republicans.

Monday night in Georgia, Democrats launched yet another political prosecution of Trump. Tacked onto this indictment by the Democrat-controlled county were 18 other Republicans as defendants, illustrating how this is about politics rather than law.

Democrat allies of President Joe Biden have piled up a string of 91 bogus felony charges against their Republican opponent, Donald Trump. That's in addition to dozens of similarly contrived charges against lawyers, colleagues and supporters of the leading Republican candidate.

This unprecedented abuse of the legal system for political ends, a process known as lawfare, presents an existential crisis for "democracy in America," to quote the title of Alexis de Tocqueville's famous book. Previous generations of Americans met their challenges with our Constitution mostly intact, but this abuse of prosecutorial power threatens our Republic.

Democrats like to recite the mantra that "no person is above the law," but the Supreme Court has long held that the president is effectively immune from oppressive legal harassment during his term of office. Prosecutions can be so demanding and distracting that no president should be expected to discharge the duties of that high office while under the thumb of a judge.

The leading candidate for president has been ensnared in a judicial process controlled by his political enemies. This unprecedented crisis requires extending the well-established immunity of the president to candidates for that office, such that the American people remain free to select our next president in a free and fair election.

Ignoring that, last Friday the Democrat-appointed judge presiding over Smith's persecution of Trump in D.C. threatened him with censorship and an accelerated trial if Trump speaks out freely. The pretext for this censorship is to protect the jury pool, which is absurd because that group voted 95% against Trump in 2020.

The D.C. culture is the most hostile in our country to free speech, particularly criticism of its federal officials in the media. Judges and others there constantly obsess with the media, and are notoriously opposed to the First Amendment rights that allow mockery of them.

Early Monday Trump posted on TruthSocial that the Obama-appointed Judge Tanya Chutkan, who presides over his case in D.C., is biased against him as reflected by her comment in court last year while punishing a Trump supporter. “It’s a blind loyalty to one person who, by the way, remains free to this day,” Judge Chutkan declared then.

The inference from her lashing out against Trump because he “remains free to this day” is that she thinks Trump should be imprisoned as his supporters have been. That’s bias, to say the least, and not the appearance of impartiality required by federal law.

The liberal goal of gagging Trump overlooks that the American people have their own First Amendment right to hear what Trump has to say. He’s the front-runner for president, and there is no free speech right more important than that of voters to hear the views of our future president.

Yet Judge Chutkan declared at a hearing on Friday that “the fact that the defendant is engaged in a political campaign is not going to allow him any greater or lesser latitude than any defendant in a criminal case.” Ignoring the First Amendment right of Americans to hear from Trump, the judge said he “is going to have restrictions like every single other defendant.”

Thousands gave Trump a hero’s welcome when he arrived on Saturday at the Iowa State Fair in Des Moines, an essential part of presidential campaigns. Accompanying Trump was an overwhelming cast of endorsing congressmen, including Reps. Gus Bilirakis, Byron Donalds, Matt Gaetz, Carlos Gimenez, Brian Mast, Cory Mills, Anna Paulina Luna, Greg Steube and Mike Waltz.

House Republicans should consider serving a subpoena on any judge or prosecutor who attempts to wrongly censor Trump while he campaigns. Rep. Jim Jordan has this subpoena power as Chairman of the House Judiciary Committee, as do other Republican committee chairmen who should make this crisis their top priority now.

Federal judges and prosecutors take an oath to abide by the U.S. Constitution, which includes several protections against muzzling Trump. The Qualifications Clause prohibits adding any new conditions on a candidate becoming president, while the First Amendment protects the right of a candidate to speak freely and the right of the American people to hear whatever he has to say.

The aphorism that no one is above the law applies against prosecutors and federal judges, too. Defiance of a congressional subpoena by a judge can result in contempt and, for federal judges and prosecutors, impeachment.

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