The Phyllis Schlafly Report

Trump Can and Will Pardon All

By John and Andy Schlafly

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Scheming liberals think they have checkmated Republicans by charging them with crimes in state court, last week in Atlanta and before that in Michigan. Scary terms like "unpardonable" littered the airwaves on the Sunday morning talk shows, misleading the public to think that President Trump cannot pardon crimes prosecuted in state court.

This is more fake news by the Left. In 17 months a reelected President Trump will pardon all who have been victimized by these politically motivated prosecutions, including those criminally charged in state court.

Many presidential pardons over more than two centuries have fully protected the recipients against "all prosecutions and judicial proceedings," as President Washington broadly stated in his first pardon in 1797. No one credibly doubted then or now that a presidential pardon protects against state court prosecutions.

The text of the Constitution and decisions by the Supreme Court support a broad pardon power as a prerogative exclusive to the president. The Supreme Court has repeatedly held that "pardon and commutation decisions have not traditionally been the business of courts; as such, they are rarely, if ever, appropriate subjects for judicial review."

It will be up to President Trump, not the courts, whom to pardon and he has indicated that he will be generous and merciful with this power, unlike other Republicans. Chief Justice Rehnquist explained on behalf of the Supreme Court that "the clemency and pardon power is committed, as is our tradition, to the authority of the executive."

The Pardon Clause is set forth in Article II, Section 2, Clause 1 of the Constitution, and applies to all "Offenses against the United States." All of the election integrity conduct by Republicans is viewed by Trump-haters as an offense against federal elections, and thus the conduct is pardonable regardless of where charges are filed.

Moreover, rights guaranteed by the Constitution have been expanded to apply against state infringement on them, as the Bill of Rights protects citizens against the states today. The liberal suggestion that a pardon would not apply against a county prosecutor is the opposite of what liberals have long insisted for the Bill of Rights.

The presidential pardon power in our Constitution was copied from the boundless pardon authority enjoyed by the King of England in 1787. Just three years ago, the U.S. Court

of Appeals for the Sixth Circuit held that the "Framers modeled this provision on the pardon power of the English Crown," which of course was vast.

Only one narrow limit existed for pardons by the King of England, and only that same restriction was copied into the pardon power inserted into our Constitution for our president. That prevents the issuance of a pardon to undo an impeachment, which makes sense because impeachment is a legislative rather than judicial power.

Last year the Supreme Court, in ruling against New York gun control, emphasized that "the Constitution cannot be interpreted safely except by reference to the common law and to British institutions as they were when the instrument was framed and adopted." The King's vast pardon power confirms that this same pardon power in our Constitution is nearly endless.

One reason Trump is far ahead of his flailing rivals is that they refuse to pledge to pardon Trump, let alone the many other victims of these politicized prosecutions. Sen. Ted Cruz (R-TX), himself running for reelection in Texas, chastised the unsuccessful rivals to Trump for how they refused at last week's debate to pledge to use the pardon power.

On Monday, the Obama-appointed federal judge in D.C. absurdly set the trial date for the sham prosecution there against Trump for the day before the Super Tuesday primary in early March. Trump immediately vowed to appeal and the Supreme Court will likely shut down this and other prosecutions of Trump because they interfere with American voters selecting our next president.

The phrase the "United States" is chanted 71 times in the recent indictment of 19 Republicans in Atlanta. It begins by falsely stating that "Trump and the other Defendants charged in this Indictment refused to accept that Trump lost, and they knowingly and willfully joined a conspiracy to unlawfully change the outcome of the election in favor of Trump."

This sham Fulton County indictment asserts offenses against the United States within the meaning of the Pardon Clause. Of course Trump can pardon everyone falsely charged in this politicized persecution, and he will.

Liberals further insist that President Trump cannot pardon himself, but fifty years ago President Nixon was advised by some that he could pardon himself. Nixon then chose not to.

The victims of the Left's political prosecutions should take solace that a re-elected President Trump can and will pardon them. If timid Republican governors and legislators fail to stop political prosecutions then, once again, it will be Trump who singlehandedly overcomes this.

John and Andy Schlafly are sons of Phyllis Schlafly (1924-2016) and lead the continuing Phyllis Schlafly Eagles organizations with writing and policy work.