The Phyllis Schlafly Report

Jack Smith's Desperate Gamble at SCOTUS

By John and Andy Schlafly

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After falsely pretending that Trump is being prosecuted like any other defendant, Biden's henchman Jack Smith just proved what a liar he is. On Monday Smith filed an unusual emergency appeal directly to the U.S. Supreme Court, which would be laughed out of court if Smith were treated like any other litigant there.

The motivation for Smith's desperate gamble is that Trump-haters want an expedited, biased criminal trial against Trump in order to sway the outcome of the presidential election. This is an egregious misuse of prosecutorial power by Smith, and it should be harshly rebuked by the Supreme Court.

Smith's latest abuse of the legal system landed on the desk of Chief Justice John Roberts, who is long known for senselessly pandering to the liberal media as he did during Covid and in the big Obamacare and abortion cases. Roberts granted Smith's request for a special briefing schedule that requires a response by Trump's attorneys by December 20.

While the 3-justice liberal wing of the Supreme Court will surely grant whatever Smith wants, and perhaps Roberts will too, that totals only 4 votes when he needs 5 to obtain fast-track review in bypass of the intermediate appellate court. Smith appears to be one vote short, which liberals recognize by baselessly demanding recusal of conservative Justice Thomas.

Several conservative Supreme Court justices have a markedly dim view of Roberts. None of them has any kinship with prosecutors either, except Justice Sam Alito but he has become the most courageous leader against the Biden agenda.

Justice Alito was the sole dissent on Monday to a request by another presidential candidate, Robert F. Kennedy, Jr., to intervene in a pending case about internet censorship by the Biden Administration. RFK Jr. has been victimized more than anyone by that censorship, but the eight other justices refused to acknowledge him.

Smith wants the Supreme Court to reject Trump's defense of legal immunity, but a president cannot be subordinated to the judiciary and Trump was president on January 6 during the protests at the Capitol. Trump also has a double jeopardy defense based on his Senate impeachment acquittal.

If Trump were treated like any other criminal defendant, as Smith and the Obama-appointed trial judge Tanya Chutkan have repeatedly pretended, there would not be this leap-

frogging by Smith of the appellate court. Nor would Judge Chutkan have ordered a faster-than-usual briefing for a response deadline of Sunday, in reaction to the routine request by Trump's attorneys for her to stay her ruling.

The more Smith flails away, the higher Trump rises in the polls. A new CNN poll shows Trump leading Biden in battleground states by 5 points in Georgia and 10 points in Michigan.

Meanwhile, it was just revealed that Smith intruded on Trump's private cell phone records from when Trump was conducting his duties as president. Smith never sought or obtained approval by the Supreme Court for this shocking, unprecedented interference with the presidential office, which is likely to offend Supreme Court justices.

The perpetrators of Jack Smith's charade seek to hold a show trial against Trump to try to tilt the election outcome against him. The D.C.-based judge and prosecutor feign treating Trump like everyone else, yet insist on railroading him in an unusual way before the upcoming presidential election.

The Deep State Dems thought the surprise raid of Mar-a-Lago would knock Trump out of contention for the White House. Then they hoped the county indictment of Trump by Alvin Bragg in New York City would end Trump's political career, but it obviously has not.

The Mar-a-Lago case was assigned to a federal judge who has correctly sized up Jack Smith's team as a gang of fools, and she doesn't suffer fools lightly. Smith got the federal appellate court in Atlanta to roll over for him, as it does for all prosecutors, but Smith has made no progress since then in the Mar-a-Lago case, and no trial concerning it is likely in 2024.

Failing all that, liberals misusing prosecutorial power thought the indictments by a Democrat county prosecutor in Atlanta would be the cherry on the sundae – 91 felony counts in all, as the media keep reminding us. But it, too, has stalled amid too many absurd claims against too many innocent people, while its mugshot of Trump has become a rallying cry for millions of Americans fed up with the Left.

Yet Biden and Democrats still delusionally hope that if Trump were convicted and sentenced to prison, then enough voters would be swayed by that to defeat him on Election Day. Jack Smith's case in D.C. is their last chance for this, but if the Supreme Court treats Mr. Smith like everyone else then he'll become the biggest liberal flop ever.

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