The Phyllis Schlafly Report

Don't Let Prosecutors Hijack Democracy

By John and Andy Schlafly

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Democrats think they have found a loophole in our system for electing the next president. They are misusing the power of prosecutors by planning to indict the leading Republican candidate while he is running for president.

If she can get away with it, a low-level Democrat prosecutor in Atlanta would thereby wield the equivalent of millions of extra votes, instead of just one vote by herself. It would be a form of voter suppression worse than what led to passage of the 1965 Voting Rights Act.

The imminent report of the special purpose grand jury in Atlanta, Georgia's Fulton County should be viewed for what it is: a violation of the Constitution by interfering with the next presidential election. The American people, not a politically partisan prosecutor, have the right to pick our next president, who must be allowed to campaign on a level playing field.

This irregular, "special purpose" grand jury was empaneled on May 2, 2022 — some 2 1/2 years after the events it was supposed to investigate. Its purpose is to approve criminal charges against Trump over his well-publicized and perfectly legitimate effort to "find" 11,780 missing votes in Georgia's 2020 presidential election.

The Constitution contains many safeguards against usurpation of power, which was our Founding Fathers' biggest fear. For presidents, the Constitution forbids adding conditions beyond the few that are listed there, such as a minimum age of 35 and being a natural born citizen.

The adage that "no one is above the law" should apply against partisan prosecutors, too. The Constitution gives them no role in electing the president, and no prosecutor should disrupt that democratic process.

A county prosecutor should have only the same solitary vote in a presidential election as every other American citizen, rather than misusing prosecutorial power to influence other

voters. If Democrat prosecutors in Atlanta or New York City have any accusations to make against Trump, they should present their case directly to the American people only in a way any other citizen can.

The Constitution's Speech or Debate Clause protects Senators and Representatives against being harassed for their statements in Congress. But that safeguard does not apply to the leading presidential candidate, as Trump is.

Not to be outdone by his counterpart in Atlanta, another Democrat prosecutor in New York City is threatening to indict Trump over a payment made by his former lawyer more than six years ago. That is far beyond any reasonable statute of limitations, and this is yet another political ambush to disrupt Trump's reelection campaign.

Other states should refuse to recognize these politicized prosecutions, as courts in both Texas and Illinois have already done by rejecting subpoenas from the Georgia grand jury. State legislatures should direct their courts not to honor intermeddling with a presidential race by mere county prosecutors.

The Georgia legislature itself should end the shenanigans that will cause havoc nationwide. That legislature should exclude leading presidential candidates from the authority of prosecutors in its state during presidential campaigns.

Indeed, all 50 states should refuse to lend official support to a prosecution of a leading presidential candidate. To ensure there will not be a future repeat of this interference, all state legislatures should enact legislation now to forbid local prosecutors from using taxpayer resources to impede federal campaigns by major-party candidates.

The will of the American people in choosing our next president should not be beholden to the whim of a few local officials, who are being egged on by the Leftist mob to indict Trump and his supporters. Fair elections and unfair prosecutions do not mix, and the latter must yield to the former.

The Supreme Court has allowed civil lawsuits to proceed against sitting presidents, but criminal prosecutions by low-level officials should not be permitted. They interfere with the

democratic process by which the people choose the next president among candidates who satisfy the conditions stated in the Constitution.

The Supreme Court itself should cite the Constitution to block county prosecutions of presidential candidates. One county should not be allowed to dictate to every other county.

“At certain climactic times in history, there is such a thing as the irreplaceable man,” Phyllis Schlafly wrote nearly 60 years ago. Today that man is Donald Trump, and our country needs to protect the right of him and others to run for president free of local interference.

The Never-Trumpers who view this as an opportunity to try to overcome their nemesis fail to realize that, if allowed, their own preferred candidate could be marginalized in a similar way.

The new House committee to investigate the weaponization of government is already off to a good start. Next it needs to issue subpoenas against the Trump-hating county prosecutors and hold them in contempt if they refuse to comply.

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