The Phyllis Schlafly Report

Haul Jack Smith before a Miami Grand Jury

By John and Andy Schlafly

September 23, 2025

Eight months of all talk and no action in prosecuting Leftists has left President Trump frustrated. On Saturday night, Trump publicly criticized his Attorney General, Pam Bondi, for achieving so little so far.

"Pam: I have reviewed over 30 statements and posts saying that, essentially, 'same old story as last time, all talk, no action. Nothing is being done,'" Trump posted. He added that the Left "impeached me twice, and indicted me (5 times!), OVER NOTHING."

Last week Trump posted, "Why was the wonderful Turning Point under INVESTIGATION by 'Deranged' Jack Smith and the Corrupt & Incompetent Biden Administration. They tried to force Charlie, and many other people and movements, out of business."

And yet the response has been radio silence from Trump's top advisors in holding Trump-haters responsible for their weaponization of government. Rep. Marjorie Taylor Greene recently pointed out that when Democrats return to power, they will continue where they left off by weaponizing government further against Republicans.

The man who wrongly indicted Trump more than anyone, Jack Smith, is an apparatchik of the Deep State, and he may be impossible to indict in the anti-Trump swamp of Washington, D.C. The grand jury pool in that venue, where 95% of the residents voted against Trump in 2020, has already refused to deliver indictments in multiple smaller prosecutions there.

Jack Smith's principal wrongdoing was committed not in D.C., but in the Southern District of Florida, where the federal court is based in Miami. It was in that judicial district where Trump's Mar-a-Lago home was wrongfully raided, and where an unjustified indictment was filed against Trump to try to derail his reelection campaign.

Ultimately, federal Judge Aileen Cannon tossed out the indictment because Jack Smith was acting in violation of the Constitution. In other words, it was Jack Smith who violated the law by indicting Trump, and it does not matter whether then-Attorney General Merrick Garland authorized it because the Constitution is supreme.

Under federal law, 18 U.S.C. § 371, the crime of conspiracy is when two or more persons agree to do an unlawful act against the United States. Jack Smith agreed with others in his office to indict Trump, contrary to the Constitution as later held by Judge Cannon.

Neither Jack Smith nor anyone associated with the Deep State in D.C. would obtain the favoritism in Miami that they have been receiving from judges and juries in D.C. Miami-Dade County voted 55-44% for Trump in 2024, and Trump enjoys enthusiastic support from Cuban immigrants who are leaders in that community.

It is difficult to view Jack Smith's actions against candidate Trump last year as anything other than election interference, as Trump said in his winning campaign. By re-electing Trump, American voters agreed with him that he was innocent and the prosecutions of him were improper.

On Saturday Trump replaced the U.S. Attorney for the all-important Eastern District of Virginia, where federal workers have commonly been prosecuted in the past. This district includes the federal court in Alexandria, just across the Potomac from Washington, D.C., with a reputation of convicting nearly every time.

That is the pro-conviction venue where liberals prosecuted Trump advisor Paul Manafort, but the charges were so bogus that the jury deadlocked on most of them such that complete verdicts could not be reached. Ultimately President Trump pardoned Manafort for everything.

Contrast the ferocity with which the DOJ went after Trump, Manafort, and many other advisors to Trump with the inaction by the DOJ in investigating and prosecuting liberals. Trump's newly appointed U.S. Attorney for eastern Virginia, which includes D.C. suburbs, is hopeful.

Historians should notice the similarity with President Abraham Lincoln's frustration over the inaction by his first Commanding General during the Civil War, George B. McClellan. Lincoln finally quipped in a letter, "If General McClellan does not want to use the army, I would like to borrow it for a time."

Ultimately Lincoln found an outsider from Missouri, Ulysses S. Grant, to replace McClellan to lead the Union Army. As an outcast, Grant was what Lincoln needed to win the Civil War as Grant then fully used all available resources to accomplish the mission at hand.

Neither Jack Smith nor others on his team who indicted Trump in Florida were pardoned by President Biden's autopen. And while a doctrine of immunity protects prosecutors in their

advocacy role, immunity does not protect them from accountability for their investigative and administrative work, as the Supreme Court held in *Buckley v. Fitzsimmons* (1993), and the Court could likewise deny immunity to Smith.

Prosecutors are the first to declare that “ignorance of the law is no excuse.” Jack Smith’s team insisted that no one is above the law, and neither are they.

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