

JACK SMITH'S WAY FORWARD

I'm going to write a long post on how John Roberts made elections subservient to the President.

But first, I want to lay out a way forward for Jack Smith. I'll return to a way forward for Biden.

First: SCOTUS has remanded this case to Judge Chutkan to determine which of the charges can be sustained as unofficial acts. As I'll lay out, I think they've put their thumb on the scale that none of them can be. But by all means, she is now required to spend the next four months figuring that out.

So if I'm Jack Smith, I ask her to block out her time for the foreseeable future to do just that.

Because the President cannot be prosecuted for anything considered a core Presidential act, like bribing Roger Stone with pardons, Jack Smith should issue a report of what Trump did with his core official acts.

Nothing in this opinion prohibits Jack Smith from prosecuting everyone else (save Trump's closest aides and Jeffrey Clark). So Jack Smith should roll out any and all indictments for Trump's associates that would otherwise have been introduced in his case in chief.