Twitter Thread by Laura Walker [redacted]



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Why the Flynn Pardon Matters https://t.co/RQ6Wclo7Z6 @benjaminwittes via @lawfareblog

Trump has long loved the pardon power, though not because of the good a president can do with it. He loves it because of the unchecked power it offers to make statements, make constituencies happy, give out goodies to friends and anger enemies.

As Quinta Jurecic @qjurecic has written, the pardon power works the way Trump wishes the entire presidency works.

For this reason, the Flynn pardon is likely to be the first trickle of what will ultimately be a flood of postelection clemencies—a flood composed mostly of controversial actions designed to energize core Trump supporters and irritate others.

Look for this flood to include a number of different categories of pardon:

The “own the libs” pardons. These serve chiefly to anger Trump’s political opponents by rewarding someone who both flatters him and represents some value or set of values offensive to liberal opinion.

The “own the intelligence community” pardons—pardons designed to offend and punish the intelligence agencies for their professionalism over the past several years and the inconveniences that professionalism has caused to Trump.

The reward pardons—the handouts the president can give to those who stuck with him, flattered him, or otherwise served his interests and ask nothing more in exchange than absolution for federal crimes.

Roger Stone is the template here. And again, the pardon for Flynn—who reneged on his cooperation agreement with Special Counsel Robert Mueller and has become an enthusiastic participant in right-wing conspiracy theories—partakes of a certain amount of this type too.

The self-protective pardons—those given to people who might be inclined to cooperate with law enforcement in the future and whose cooperation could be damaging.

[T]his category . . . overlaps significantly with a category of what we might call “preemptive” pardons—that is, pardons of people who have not yet been charged but who might fear law enforcement action some time in the future.

All of these categories merge in the self-pardon, of course, which combines owning the libs with self-protection and preemption.

The main tool of discipline Trump is using to keep Republicans in line is fear, but carrots are useful too, a reminder that the Godfather can make good things happen for those who are loyal, as well as make bad things happen for those who stray.

Ben delves into an analysis of Judge Sullivan's dismissal of the Flynn case - what Sullivan had to say about it, what Flynn REALLY did, and how that matters. Definitely take the time to dig in a read.

For this concise gem: Flynn was likely to escape his conviction by one means or another anyway, it being exceedingly difficult to force the government to prosecute someone it is willing to lie to vindicate.