



19 Retired Generals, Admirals File Supreme Court Brief Against Trump Immunity Bid

Description

US : More than a dozen former Defense Department officials, generals, and admirals filed a brief with the Supreme Court arguing against former President Donald Trump’s presidential immunity arguments.

It comes as the U.S. Supreme Court is set to hear arguments on the former president's assertions that he should enjoy immunity from prosecution for activity that he carried out while he was president.

The former president invoked that argument after he was accused by federal prosecutors of attempting to illegally overturn the 2020 election results.

[The amicus](#) brief’s signatories include former CIA Director Michael Hayden, retired Admiral Thad Allen, retired Gen. George Casey, retired Gen. Charles Krulak, and more.

They claimed that granting President Trump immunity against [criminal claims could](#) lead to activity that put U.S. national security at risk.

“The notion of such immunity, both as a general matter, and also specifically in the context of the potential negation of election results, threatens to jeopardize our nation’s security and international leadership,” their brief stated. “Particularly in times like the present, when anti-democratic, authoritarian regimes are on the rise worldwide, such a threat is intolerable and dangerous.”

The arguments submitted by President Trump will “risk jeopardizing America’s standing as a guardian of democracy in the world and further feeding the spread of authoritarianism, thereby threatening the national security of the United States and democracies around the world,” the group added.

The former secretary of Defense under President Trump, Mark Esper, was critical of their submission to the Supreme Court, arguing during a CNN interview that he “would prefer to see retired admirals and generals not get involved.”

But President Trump’s lawyers have contended that the president’s office cannot function without immunity from the threat of prosecution because it could “incapacitate every future president with de facto blackmail and extortion while in office and condemn him to years of post-office trauma at the hands of political opponents,” arguing that such a phenomenon is playing out right now after the former president was indicted multiple times last year.

The U.S. Circuit Court of Appeals had earlier issued a ruling against President Trump’s arguments that he should be declared immune from prosecution. The appeals process, meanwhile, has put on hold the former president’s trial in Washington.

“A denial of criminal immunity would incapacitate every future president with de facto blackmail and extortion while in office, and condemn him to years of post-office trauma at the hands of political opponents.

The threat of future prosecution and imprisonment would become a political cudgel to influence the most sensitive and controversial presidential decisions, taking away the strength, authority and decisiveness of the presidency,” according to President Trump’s filing issued last month.

The former president last October sought to have the charges dismissed based on his claim of immunity. U.S. District Judge Tanya Chutkan rejected those arguments in December.

“Even if some level of Presidential malfeasance, not present in this case at all, were to escape punishment, that risk is inherent in the Constitution’s design,” President Trump’s attorneys also wrote to the high court.

“The Founders viewed protecting the independence of the Presidency as well worth the risk that some Presidents might evade punishment in marginal cases,” they said, adding that the Founding Fathers were “unwilling to burn the Presidency itself to the ground to get at every single alleged malefactor.”

Special counsel Jack Smith has pushed for the U.S. high court to reject the former president’s claims of immunity, telling the justices that President Trump’s actions that led to the charges, if he is convicted, would represent “an unprecedented assault on the structure of our government.”

“The effective functioning of the presidency does not require that a former president be immune from accountability for these alleged violations of federal criminal law,” Mr. Smith wrote this week. “To the contrary, a bedrock principle of our constitutional order is that no person is above the law including the president.”

The signatories to the amicus brief include retired Army Gens. George Casey and Peter Chiarelli, retired Air Force Gens. John Jumper, Craig McKinley, and Charles Wald; retired Marine Corps Gens. Carlton Fulford, Charles Krulak, and Robert Magnus; retired Navy Admirals Steve Abbot, Samuel

Jones Locklear, John Nathman, Bill Owens, and Scott Swift; and retired Coast Guard Adm. Thad Allen.

Several former civilian Pentagon officials signed onto the brief. They include former Army Secretary Louis Caldera, former Air Force Secretary Deborah Lee James, Navy Secretary Sean O’Keefe, and Navy Secretary Ray Mabus.

Backing President Trump, several GOP-led states filed a petition to the Supreme Court arguing that the justices should reverse the appeals court’s decision and grant the former president immunity in the cases.

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