



A Trump Conviction in Georgia Would be Pardon-proof, Raising Stakes

As Donald Trump faces yet another round of indictments, this time 13 unveiled against him in Fulton County, Georgia, he is confronted with a grim reality: There may not be anything he can do to make the new indictments go away.

As reported by [Breitbart News](#), it is not only that these are state charges that would have to be pardoned at the state level (meaning Trump could not pardon himself as he could with federal charges were he to win in 2024); there is also the fact that in Georgia the governor does not possess the power to grant pardons, as is the case in some states.

In the Peach State, the pardon power is exercised by a five-member State Board of Pardons and Paroles. The members of the board are appointed by the governor for seven-year terms, and they're not legally allowed to consider parole applications until the convict in question has already served five years of his sentence.

AP Images

Thus, even if Georgia Governor Brian Kemp wanted to pardon Trump (and the relationship between the two Republicans is already frayed), the matter would be out of his hands.

[ABC](#) called the Georgia indictments against Trump "effectively pardon-proof, in the sense that with a federal case, if he wins the election, he can kind of make it go away."

Breitbart notes that outside of trying to get Georgia to amend its pardon procedure (unlikely given that doing so would require a two-thirds vote, and neither party present holds such a supermajority in the Georgia legislature), Trump has two options:

One is to win the U.S. presidency and then to pardon himself, not just from federal crimes but state crimes. Though conventional wisdom is that the president cannot issue state pardons, conservative radio host Mark Levin has argued that since the Department of Justice has taken the view that a sitting president cannot be indicted, partly because it would interfere with his duties, the same policy could be applied to state charges, under the Constitution's Supremacy Clause.

... Finally, Trump could also do what his former chief of staff and fellow defendant, Mark Meadows, has already done: demand the case be removed to federal court, because it involves presidential powers. Then Trump could try to have the case dismissed, or could



Written by [Luis Miguel](#) on August 17, 2023

pardon himself if he is convicted and wins the presidency in 2024.

The latest indictments leveled Monday against Trump, Rudy Giuliani, and various others of Trump's legal and political team include violation of Georgia's RICO act, solicitation of violation of oath by a public officer, conspiracy to commit false statements, filing false documents, and conspiracy to commit forgery. In response, Trump said, "This politically-inspired indictment, which could have been brought close to three years ago, was tailored for placement right smack in the middle of my political campaign."

As Democrat and constitutional lawyer Alan Dershowitz has [pointed out](#), the tactics used by the Trump team to contest the Georgia electoral results in 2020 are exactly the same as used by his legal team in Florida in 2000 to contest the outcome of the presidential election there, in which George W. Bush carried the state by a few hundred votes over Democrat Al Gore.

Trump has also been indicted by federal prosecutors on felony charges for allegedly conspiring to overturn the 2020 election via the January 6, 2021 Capitol riot — which Democrats and the mainstream media have repeatedly characterized as an act of insurrection, with a narrative that Trump deliberately orchestrated the breach of the Capitol by protesters as a way of preventing the certification of the election for Joe Biden.

The indictment consists of four counts: conspiracy to defraud the United States; conspiracy to obstruct an official proceeding; obstruction of and attempt to obstruct an official proceeding; and conspiracy against rights.

Prosecutors point to the claims of voter fraud made after the election, as well as his encouragement of the adoption of pro-Trump electors in battleground states that ostensibly went to Biden.

Trump did, however, score a recent victory late last month when a Philadelphia judge ruled that presidential immunity shields Trump from being sued by an election worker over claims of voter fraud the 45th president made while in office in the days following the 2020 election.

And in addition to these two election-related indictments, Trump currently faces two others: One related to his possession of classified documents at his Mar-a-Lago home in Palm Beach, Florida, and another another involving alleged "hush money" payments to porn star Stormy Daniels over an alleged extra-marital tryst in 2006.

Taken together, these four indictments have the potential to put Trump behind bars for the rest of his life.

Are the officials behind these indictments genuinely motivated by justice and law and order? As Trump himself asked publicly, why are they all piling on now as the election nears and it becomes clear that Trump is poised to win the Republican nomination?

The levers of justice are being weaponized by one party against its main political rival. If they succeed in destroying Trump, it is not only he — but the entire country — that loses.



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