



Written by [R. Cort Kirkwood](#) on November 7, 2024

## DOJ Will Drop Lawfare “Insurrection,” Classified Docs Charges Against Trump

Two years of Justice Department lawfare against President-elect Donald Trump will soon end.

With Trump headed back to the White House, the department and/or Special Counsel Jack Smith will drop charges against him related to the mostly peaceful protest at the U.S. Capitol on January 6, 2021. Also dropped will be charges that Trump illegally stored classified documents at his home in Mar-a-Lago.

Just weeks before Trump trounced Vice President Kamala Harris in yesterday’s election, and in a blatant case of election interference, [Smith released](#) 2,000 pages of documents from the “insurrection” case.

The ploy failed. And as liberal law professor Jonathan Turley wrote, Smith is dropping his case because the jury has spoken. That jury is the American people who delivered Trump a mandate.



AP Images  
Jack Smith

### Why Smith Will Drop the Cases

That mandate was also a message to the legal eagles in the Justice Department: “We want Trump, not Biden. You’re fired.”

Smith has until January to “wind down” the cases, as *Politico* and other far-left mainstream media put it. The cases will end for one reason: The Justice Department cannot prosecute a sitting president.

[Observed Politico:](#)

Smith’s two cases against Trump — one for conspiring to overturn the 2020 election; the other for hoarding classified documents and obstructing justice — were doomed the moment the 2024 race was called.

That’s because longstanding Justice Department policy forbids prosecuting a sitting president, and even if it didn’t, there was never any doubt that Trump’s attorney general would drop the charges. ...

Smith could proactively withdraw the charges himself, or simply resign and allow the current leaders of the Justice Department to shutter them. He could continue to pursue the cases for the next two and a half months and essentially force Trump, or his appointees, to pull the plug. Or, with [Attorney General Merrick] Garland’s blessing, he could release a comprehensive final report detailing the evidence against Trump — evidence that he never got to show juries because both cases never came close to reaching trial.



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The classified-documents case was a clear case of discriminatory prosecution. [President Joe Biden illegally stored](#) classified documents at his home [and elsewhere](#), but the FBI did not raid his home, as it did Trump's, and [Biden skated away](#) without criminal charges because of his dementia.

## “Lawyer Up”

[Politico also observed](#) that Smith “has more deeply personal concerns to consider.” Trump and his advisors have sworn vengeance.

On X yesterday, Smith received this message from top Trump legal advisor Mike Davis, who clerked for U.S. Supreme Court Associate Justice Neil Gorsuch: “Lawyer up.”

New York Attorney General Letitia James, Manhattan District Attorney Alvin Bragg, Judge Arthur Engeron, and Fulton County, Georgia, District Attorney Fani Willis also got the message.

All are part of the Democrats’ lawfare campaign against Trump.

On that note, [The Hill reported](#), James vowed to continue prosecuting Trump:

No matter what the next administration throws at us, we’re ready. We’re ready to respond to their attacks. So despite what has happened on the national stage, we will continue to stand tall in the face of injustice, revenge, retribution.”

In a blatant case of lawfare, James received a \$455 million judgment against Trump for supposedly altering his net worth for tax and insurance benefits. In yet another, Bragg convicted Trump of 34 counts of falsifying business records in a case that would never have been brought were the defendant’s name not Trump.

[So said](#) liberal legal commentator Alan Dershowitz.

## Lawfare Might Not Succeed

Turley said the same thing, [writing yesterday](#):

Election Day’s greatest losers may be special counsel Jack Smith, New York Attorney General Letitia James and Manhattan District Attorney Alvin Bragg. Donald Trump’s victory was the largest jury verdict that some of us anticipated for years of unrelenting weaponization of the legal system.”

Turley noted that Smith’s lawfare ended when Trump received his 270th Electoral College vote. He called Smith’s effort “unrelenting,” observing that when he couldn’t hold a trial before the election, he released the damaging material. Still, Smith’s prosecution has “collapsed with the blue wall in the Midwest.”

Once Smith is gone, James and Bragg are left, but “even there Trump’s prospects look good.”

James joined forces with Engeron to impose the nearly half-billion-dollar penalty, but Trump has appealed the ridiculous verdict. And, Turley noted, an appeals court “expressed great skepticism in September over the size of the penalty and even the use of this law.”

[Continued Turley](#):



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Trump faced half a billion dollars in penalty in a case where no one lost a dime, and the alleged victim banks wanted more business with Trump and his company.

Separately, there is a hearing scheduled in front of Judge Juan Merchan for Nov. 11 on the “hush money” case involving Stormy Daniels, and a possible sentencing on Nov. 26.

If Merchan seeks to jail Trump, it is unlikely to be carried out, as Trump appeals the case and the many alleged errors committed by the judge.

Merchan made an utter mess of a case that should never have been filed, let alone tried. Even commentators like CNN’s senior legal analyst, Elie Honig, have denounced the case as a selective and unfounded prosecution.

[That “mess” included](#) permitting a prosecutor to lie in his closing arguments. Worse still, Merchan, whose [daughter is](#) a Biden-Harris cutout, told the jury that its verdict needn’t be unanimous on the crime Trump supposedly committed.

All that aside, Smith is finished.



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