

Presidents have no immunity for unofficial acts.

SCOTUS has rendered a Constitutional decision on an issue never raised in over 230 years. Historically, the President has been afforded immunity doing his elected job. A unique position in our constitution scheme of branches of Congress, Court and Executive, where the Executive branch has but a single elected member. By design, not a group but a single person. The Chief Executive, the Commander in Chief, Top of the Totem Pole, Top dog, the guy flying the plane.... the President.

Since the adoption of the Constitution, the President was acknowledged to be holding the gun and given specific duties to represent the nation as a whole, execute our laws and protect those laws and our people. For over 230 years he has been given immunity to acts performing those Constitutional duties, until now.

Members of the current Executive branch have decided to criminally prosecute a past President for acts he performed, and those judgement decisions made. Thus, politicizing a legal process and circumventing what the Constitution provides, impeachment.

Constitutional Impeachment is the processes where the other branches of Government can remove this single, executive branch, position person from power. The highest level of public punishment we have as a Nation. Contrary, criminal indictment of a past President, for known acts done while President, is a blatant violation of that Constitutional structure. For 230 years that understanding was respected, until now. A group of pollical enemies, utilizing criminal district attorneys, are attempting to weaponize the justice department. In doing so they essentially disregard the essence of our national structure of agreeing to be governed. In lay terms, a Nation governed by law not men.

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So, SCOTUS was forced to pass judgment of the first criminal prosecution of a President since the nation's conception, more than 230 years ago. The underpinning here is protecting a President and his decisions from fear of subsequent retribution of prosecution by diverting the Presidents attention. Thereby chilling a President from taking the "bold and unhesitating action" required of an independent Executive.

Already settled is the President's immunity from civil liability from almost any of his action while in office. Today it is criminal. Here is what SCOTUS say determines immunity from official, unofficial and in-between Presidential actions.

"The President enjoys no immunity for his unofficial acts, and not everything the President does is official. The President is not above the law. But under our system of separated powers, the President may not be prosecuted for exercising his core constitutional powers, and he is entitled to at least presumptive immunity from prosecution for his official acts. That immunity applies equally to all occupants of the Oval Office."

Again, acting Presidents have some immunity for official acts, but no immunity from unofficial acts. When the act stems from a core constitutional power, that immunity is absolute. Non-core (in-between) have presumptive immunity. Simply said, the President's absolute immunity from criminal prosecution for acts within the scope of his exclusive constitutional authority do not extend to conduct in areas where his authority is shared with Congress

When a President exercises his Constitutional or Statutory authority, neither the Courts nor Congress can pass judgement. This is the exact fear our framers had and be dammed, it has happened.

When a President exercises discretionary authority the question of immunity pivots on official and unofficial acts. But the court cannot consider the Presidents

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motives when making any such determination. Simply, if the President acts officially, his determination to act, may not be questioned. It does not matter if the President decides to act based on a political objection. His authority to act officially is immune. Furthermore, the courts may not deem an action unofficial merely because it allegedly violates a generally applicable law.

A “presumptive privilege” protects Presidential communications. Discussions and conduct with the Attorney General are immune because he is part of the Executive branch but interactions with the Vice President, state officials, and certain private parties, and his comments to the general public may not be. Whenever the President and Vice President discuss their official responsibilities, they engage in official conduct (Since VP Pence had a Constitutional duty to preside over the election count in Congress, the conversation about vote counting is presumed a protected privilege, and the matter of motive cannot be examined).

On the allegations of the submitting fraudulent slates of Presidential electors to obstruct the certification proceeding is a question involving state officials, and certain private parties, and his comments to the general public. The court must determine is that “act” was within the scope of the Presidency discretion but again motive cannot be examined.

Generally, the President possesses “extraordinary power to speak to his fellow citizens and on their behalf which includes Tweets and a public address. All protected unless he was doing so in an un-official capacity. Again motive.

Today’s weaponization of the Justice have been given constraints. Presidents cannot be indicted based on conduct for which they are immune from prosecution. In addition, in challenges to determine official or unofficial

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Conduct, the parties and the District Court must ensure that sufficient allegations support the indictment's charges without such conduct. The constraints continue. Testimony or private records of the President or his advisers probing such conduct may not be admitted as evidence at trial. In addition, a Presidents liability for particular actions, consistent with the separation of powers, must be addressed at the outset of a proceeding

There were additional procedural takeaways by SCOTUS. First the court admonished the Department of Justice for rushing, thus causing the merits of the case having to be remanded for more "fact finding" (weaponization to interfere with the election). Second, the court ripped the DC court of appeals flawed reasoning that a President could be prosecuted just because he was indicted.

Thank you SCOTUS. Our union survives to live another day.

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