

# News From The States

# EVENING WRAP

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By [Kate Queram](#)

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The newsletter theme of 2024 (one entire week in!) has been politics, which is great, because I am never not pondering the state of politics and I am also never not wanting to share my pondering with all of you. Basically I am over-thinking and over-sharing, which is just another way of saying that it's a regular newsletter day.



## The Big Takeaway

Friends, it is time to discuss the looming convergence of Donald Trump, criminal defendant, and Donald Trump, presumptive Republican presidential nominee.



*He is large, he contains multitudes.  
(Photo by Scott Olson/Getty Images)*

These two Trumps are, of course, the same person, who has existed for decades in both the [political](#) and [legal](#) realms. But until now, those worlds have remained mostly separate, thanks largely to [an unofficial policy](#) that protects sitting presidents from criminal prosecution. *Former* presidents, though, are fair game — even if they’re running to be president again, and even if they really, really want you to believe otherwise.

**This is a problem for Trump and his lawyers**, who will argue Tuesday in federal court that presidential immunity protects him from being charged for anything he did while in office, [our D.C. bureau reported](#). The argument, part of an ongoing appeal, focuses specifically on [federal charges](#) related to Trump’s repeated attempts to [overturn the results](#) of the 2020 election, but it could have far broader implications. Should the court rule in his favor, Trump could theoretically escape prosecution altogether (except for the classified documents case, which focuses on Trump’s post-White House hoarding habits). If it doesn’t, he will almost certainly appeal directly to the U.S. Supreme Court, pushing our beleaguered judicial system [further into the political fray](#) just as Republican primary voters begin casting their ballots.

The high court effectively locked in that timeline last month, when it [declined a request](#) from Special Counsel Jack Smith to [bypass the appeals process](#) and settle the matter directly. The decision constituted a somewhat paradoxical

[victory for Trump](#), whose main objective is to delay his criminal trials until after the 2024 election in hopes of prevailing and then using his newly restored presidential powers to shut down the proceedings. The Supreme Court's inaction leaves the election interference case on hold pending the outcome of the appeals process, which will almost certainly end up before the high court anyway — but probably not before March 4, the original trial date *and* the day before Super Tuesday.



*"Yeah, no, we're going to pass."  
(Photo by Al Drago/Getty Images)*

**It's a lot of hand-wringing over a fundamentally ludicrous argument**, which effectively bestows lifetime immunity upon presidents regardless of the crimes they commit while in power. Under that interpretation, a president could literally murder someone in the Oval Office, command the military to dispose of the body, post about it on Truth Social (lol) – and never face legal consequences. There is no legal basis for this, unless you consider “stalling a legal proceeding” a solid foundation, according to an amicus brief filed by 16 constitutional lawyers, former prosecutors, and former elected officials.

“If Donald Trump were to be afforded the form of immunity that he seeks as a former president, the election to the presidency would serve as a get-out-of-jail-



free card,” said Norm Eisen, a former Obama White House official and co-counsel to the U.S. House Judiciary Committee during Trump’s first impeachment. “That would allow the Oval Office to become the setting for a crime spree. That is not the American idea.”

**But for a lot of people, it is.** There is no objective “American idea” anymore; there isn’t even an objective *reality*. Consider the Jan. 6 riot, which we watched unfold in real time on our television screens via [footage that can be replayed](#) anytime we need to refresh our memories. We saw the same images, but we view them differently today. Only 18% of Republicans [believe](#) the protesters were “mostly violent” that day, compared to 77% of Democrats and 54% of independents. [A quarter of voters](#) believe the whole thing was instigated by the FBI. More than half of Americans still believe that Trump bears responsibility for the attack, but only 14% of Republicans agree.



*Giving 14% of a smile.  
(Photo by Anna Moneymaker/Getty Images)*

**Trump, for his part, has been uncharacteristically consistent on the riot,** hewing to his initial [description](#) of the incident as a legitimate protest over “an election that was stolen from us.” He marked the third anniversary of the mob on Saturday in Iowa by complaining about his own legal woes, railing against

prosecutors and lawmakers, and labeling Jan. 6 participants who were [arrested and prosecuted](#) for their actions as “hostages,” [the Iowa Capital Dispatch reported](#).

“You get indicted once or twice if you kill people, but then you get put in jail so you don’t get indicted after that ... If you are a certain person, you don’t even get in trouble if you do, OK,” Trump said. “But if you’re with us, they put you in jail. Look at what’s happened with the J6 hostages. The hostages — That’s a horrible thing.”

That wasn’t an insurrection, he added. The *real* insurrection is record numbers of migrant crossings at the U.S./Mexico border, which Trump said stems from other countries emptying their mental health treatment facilities and jails. (There is zero evidence of this.)

“You talk about insurrection? That’s the real deal,” he said. “Not patriotically and peacefully.”



*Objectively a fashion “don’t.”  
(Photo by Drew Angerer/Getty Images)*

None of this — the rhetoric, the nonsensical rambling, the legal mess — is likely

to affect Trump's performances in the GOP primaries, except for maybe increasing his [already astronomical lead](#). (This is not hyperbole. His numbers increased after each of his indictments.) That support is limited to hardcore Republicans and conspiracy theorists who have bought into Trump's lies about political persecution and general air of martyrdom, which won't help him with independent voters in the general election. But in the primaries, the base is all that matters, and the base has wholeheartedly embraced Trump's version of events, said Kathleen Dolan, a political scientist at the University of Wisconsin-Milwaukee.

"He benefits enormously — and has benefited enormously since 2016 — from the polarization that exists in the country," she said. "There are people on the right who see him being persecuted by the government for political purposes. If you believe that about him, and you believe that the Biden administration is trying to destroy him through the legal system, that's going to help solidify his appeal."

**A different sort of legal-system destruction** is at play in Florida, where Andrew Warren announced Monday that he would not run for his old job as state attorney for Hillsborough County. The reason: He doesn't trust Gov. Ron DeSantis to let him take office, [the Florida Phoenix reported](#).

"I have been planning to run for re-election since the day I was suspended," Warren said in a written statement and [a video message](#). "But the governor has made clear that he does not care about the will of the voters or our democracy, and that he is willing to break state and federal law to keep me from serving as state attorney."





*Warren, shortly after being suspended the first time.  
(Photo by Michael Moline/Florida Phoenix)*

**So, yeah, this already happened once.** DeSantis [suspended Warren](#) in August 2022 for alleged “neglect of duty” and “incompetence” after the Democrat vowed not to enforce bans on abortion and gender-affirming care. A federal judge later ruled that the suspension violated Warren’s First Amendment rights but said the court did not have the authority to reinstate him. Warren appealed the decision; that case is ongoing.

“Because the courts have let his illegal political stunt stand, if I ran and won, he could suspend me again for whatever bogus reason he wanted. And then we would be right back where we are today, with an illegal, unqualified political appointee installed in the job,” Warren said Monday.

“I care about the State Attorney’s Office and this community too much to have that cloud of uncertainty hanging over us. I care too much to have that office remain leaderless — with a political puppet in a position she didn’t earn and isn’t qualified to hold. So, I’ve decided not to run for a position that I’ve won twice and would win again.”

Warren said he has no immediate plans to seek a different elected position but is “not ruling anything out.” DeSantis did not respond to a request for comment.

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## Caught Our Eye

The Alaska Department of Public Safety is [soliciting proposals](#) for fur hats, which is less about fashion than about making sure that state troopers do not freeze their ears off, [the Alaska Beacon reported](#).





*I know this is Alaska but all I hear is Fargo, don'tchaknow?*  
(Photo via the Alaska Beacon)

The trapper-style hats — with furry flaps that can be tied either under the chin or over the top of the hat, out of the way — have been part of the regular state trooper uniform for decades, according to Austin McDaniel, a spokesman for the agency.

“While some Troopers have local artisans from their region make their authorized fur hats at a personal expense, we also issue Troopers this uniquely Alaskan headgear to all Troopers as part of their standard issued uniform,” he said by email. “Troopers are exposed to some of the harshest environments on the planet as they patrol remote regions of the state to ensure public safety and enforce fishing and hunting regulations, and this is one of the pieces of outerwear that keeps Troopers warm.”



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- [Children's nutrition program, revved up in the pandemic, faces severe cuts](#)
- [Minnesota dairy farm faces \\$3 million wage theft lawsuit involving hundreds of workers](#)



## One Last Thing

Happy [Michigan-Plays-For-A-National-Championship Day](#) to all who celebrate! The Wolverines are favored [by around 5 points](#), which is basically nothing! By the time this hits your inbox, I will have completed my transformation into a human-sized ball of maize-and-blue nerves!!!!

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