

Trump promises pardons for crimes committed to build border wall

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In an article based on leaks from top officials inside the White House, the *Washington Post* reports that Trump promised top aides that he would pardon any government official who broke the law in the course of efforts to build a wall along the US-Mexico border.

Trump reportedly demanded that 500 miles of new wall or heavy fencing be completed by the time of the election, so that he could present the wall to his fascistic base as a “promise kept.” At present, only 60 miles of wall have been built, nearly all through upgrading previously existing fencing, rather than new structures.

The *Post* report, which appeared on the front page of its Wednesday edition, begins:

President Trump is so eager to complete hundreds of miles of border fence ahead of the 2020 presidential election that he has directed aides to fast-track billions of dollars’ worth of construction contracts, aggressively seize private land and disregard environmental rules, according to current and former officials involved with the project.

He also has told worried subordinates that he will pardon them of any potential wrongdoing should they have to break laws to get the barriers built quickly, those officials said.

This is the second time that a major daily newspaper has cited a Trump promise to pardon subordinates if they violate the law in pursuit of his orders on the immigration/border issue. The *New York Times* reported in April that Trump had told acting Secretary of Homeland Security Kevin McAleenan that he would pardon him if he told Border Patrol agents to deny asylum arbitrarily to migrants who had a legal right to request it.

Trump denounced the *Times* report as “fake news” and he adopted the same tactic in relation to the August 28 *Post* report. He tweeted: “Another totally Fake story in the

Amazon Washington Post (lobbyist) which states that if my Aides broke the law to build the Wall (which is going up rapidly), I would give them a Pardon. ... This was made up by the Washington Post only in order to demean and disparage - FAKE NEWS!”

An unnamed White House official, speaking to the *Post*, offered a different explanation. He conceded Trump had made the promise of pardons, but said it was merely joking. Trump aides have dismissed similar incendiary remarks as “jokes,” as when he said he could remain president for another 14 years, in defiance of the 22nd Amendment to the Constitution, or when he suggested that the 2020 elections should be called off because popular support for his remaining in the White House was so overwhelming it did not require validation at the ballot box.

The *Post* report demonstrates two interrelated aspects of the Trump administration. First, it is a criminal conspiracy against the Constitution and the democratic rights of the American people. And second, Trump and his top aides are fully aware they are breaking the law: hence the need to reassure his subordinates that he will protect them against the legal repercussions that would otherwise inevitably follow.

The discussions paraphrased in the *Post* report give a glimpse of the authoritarian atmosphere that prevails in the Trump White House, particularly when the subject is immigration and the US-Mexico border. Trump reportedly has told aides not to be concerned that much of the wall must be built on privately owned land, particularly in Texas. “Take the land,” he has said, “according to officials who attended the meetings,” the *Post* reported.

The *Post* description rings true in other aspects: Trump micro-manages the wall as a construction project, insisting on black paint being applied, and that the steel walls should be “topped with sharpened tips,” to make them spiky and more threatening to would-be border crossers.

The newspaper also cited a conference call last week between officials at the Department of Homeland Security (DHS) and members of the Army Corps of Engineers, in

which DHS told the Corps that “hundreds of miles of fencing must be completed before the next presidential election.”

Top officials of DHS and its key units, Customs and Border Protection (CBP), US Citizenship and Immigration Services, and Immigration and Customs Enforcement have promised the White House that 450 miles of new wall will be completed by late 2020, including 110 miles where there are no barriers at present, and a larger stretch where there are only vehicle barriers now.

The *Post* report also claimed that Trump has interceded with the Army Corps of Engineers to award a wall-building contract to North Dakota-based Fisher Industries, which is closely linked to Republican Senator Kevin Cramer. Such action by a president or senator would in the past have been considered a criminally corrupt practice, but it is par for the course in the Trump administration.

The Trump pardon revelation has been followed by the usual impotent protests from Democratic presidential candidates and congressional leaders. Both Senator Kamala Harris and former Representative Beto O’Rourke tweeted a link to the *Post* story and declared that they added further justification to the legal case for Trump’s impeachment. O’Rourke wrote that Trump “believes he’s above the law—and he’ll keep acting like it, until we hold him accountable.”

Two members of the House Judiciary Committee, David Cicilline of Rhode Island and Jamie Raskin of Maryland, said that Trump’s promise of pardons would be reviewed by the committee. “I think it just adds to the ongoing proceeding before the Judiciary Committee as we consider whether to recommend articles of impeachment against the president,” Cicilline said. “That is an abuse of power and an assault on the separation of powers,” Raskin added.

But neither House Speaker Nancy Pelosi nor Judiciary Committee Chairman Jerry Nadler issued any statement. Both have effectively dismissed the prospects for impeaching Trump, given the certainty that the Republican majority in the US Senate would refuse to convict him and remove him from office.

The Democrats have confined their opposition to Trump’s increasingly brazen defiance of the law and the Constitution to legal pleadings before various federal courts, seeking to have his declaration of a state of emergency at the US-Mexico border—the pretext for most of his actions in relation to the wall—thrown out by the courts.

Lower-level federal courts have refused to take any action up to now, citing the failure of Congress to act on a resolution to overturn Trump’s declaration. Congress passed the resolution, Trump vetoed it, and the Democrats could not muster a two-thirds vote to overturn the veto in either the

House or the Senate.

The emergency declaration was before another federal court on Thursday, this time in El Paso, Texas, where Senior US District Judge David Briones of the Western District of Texas heard a challenge brought by the Border Network for Human Rights, an advocacy group. A Justice Department attorney argued that the advocacy group had no standing to sue, and that “Congress precluded judicial review” of emergency declarations. In other words, presidential authority in this sphere is absolute, according to the Department of Justice.

Meanwhile, the Trump administration continues with a barrage of new rulings, orders and decrees, all based solely on executive fiat, directed against the rights of immigrants.

On Wednesday, US Citizenship and Immigration Services released a new policy denying automatic citizenship to the children of naturalized US citizens serving in the armed forces if they are born overseas, rather than in the United States. This means that the child of a soldier stationed in Japan or Germany would not automatically become a US citizen, but would have to go through naturalization procedures themselves. While the new rule is highly technical, it appears to be a step towards Trump’s promise to roll back or eliminate birthright citizenship.

The Trump administration also terminated the “medical deferred action” program, which allows immigrants to stay in the US up to two years beyond the term of their visa if they are receiving critical medical treatment. This was denounced as “deporting kids with cancer” by one Senate Democrat.

The Pentagon announced it had transferred funds from other purposes—designated by Congress—to build new sections of border wall in the Organ Pipe Cactus National Monument. A two-mile stretch of 15-foot-high fencing will be replaced with a wall twice as high. It is the first construction on federal lands using funds diverted under Trump’s national emergency declaration.

And BuzzFeed News reported that the Trump administration was seeking to expand DNA testing by enabling CBP officers to take DNA swabs from immigrants in its custody, whether they consent or not. A DHS official told BuzzFeed, “DHS is working closely with the Department of Justice on a path forward for DNA collection.”



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