

LETTERS

Eastman's lawyer: Trump indictment smacks of a partisan takedown

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Attorney John Eastman (left) and Rudolph Giuliani at a rally in support of Donald Trump and his presidency outside the White House on Jan. 6, 2021. JACQUELYN MARTIN/ASSOCIATED PRESS

I take strong exception to one central point made by [Scot Lehigh \(Opinion, Aug. 2\)](#) — that, in the words of the headline for his column, it “is essential for democracy” that special counsel Jack Smith secured an indictment against former president Donald Trump for his actions in seeking to overturn the results of the 2020 presidential election.

We are heading into the preliminary jostling for the Republican nominating process, and a prosecutor under a Democratic administration is seeking to essentially eliminate the leading Republican candidate from the race. How can this be described as anything other than candidate suppression?

There is a lengthy statute of limitations governing the former president's alleged crimes. There was no rush. Might the timing of this indictment have something to do with the current administration's effort to seek to eliminate Trump from challenging President Biden in the upcoming race? After all, Biden has some minuses: He has, by many accounts, been a mediocre president.

I should add one final point. I see that Lehigh has noted that my client, John Eastman, is almost certainly one of the [unnamed coconspirators](#), a member of "the disgraced gang that allegedly aided and abetted Trump's effort." I cannot speak for Rudolph Giuliani, Sidney Powell, and Jeffrey Clark, the others named by Lehigh. But I can speak for my client. My co-counsel, Charles Burnham, and I are in the process of preparing a legal memorandum for submission shortly to the Department of Justice. Our memo will argue that based on the law as it stands today, Eastman is not guilty of a single crime. He acted in the highest traditions of the legal profession to advise his client, even if some of his theories were at the very boundary of the law. There is nothing unlawful, much less criminal, about coming up with creative, boundary-pushing legal theories.

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