**Pardon my pardons**

B Y F.S. AIJAZUD D IN 2020-12-31

THE next time any American preaches to you about democracy, whisper one word in reply: Trump. Whenever any American talks to you condescendingly about the quality of justice and the rule of law in the US, say: presidential pardons. And if any American boasts of the absence of nepotism in their country, one word should be enough to silence them:Kushner.

No election in US history has exposed the fragility of its democratic system than the 2020 presidential election. Until then, it was understood that the unsuccessful candidate (even if he was a sitting president) would concede defeat in a gentlemanly manner to the person who pipped him at the electoral post.

For example, in 2000, George W. Bush defeated Al Gore by five electoral college votes, even though Gore received 543,816 more individual votes than Bush. A recount in Florida where Jeb Bush happened to be governor (any similarity between the two Bushes was purely genetic) gifted the presidency to Bush. In 2004, George W. Bush, standing for re-election, defeated John Kerry by 35 electoral votes, with only 2.4 per cent of the popular vote.

Nevertheless, both Gore and Kerry made graceful concession speeches before leaving the ring. They did not, like losing boxers, also raise their arms in victory. Nor did they claim, as Roger Federer could have done, after the gruelling five set men`s final at Wimbledon in July 2019 (decided in extratime), that the referee-ship had been rigged.

Convention expected that by now Trump would have conceded to Joe Biden. But then Donald Trump is an unconventional, unpredictable maverick. He relishes mocking tradition, disturbing the status quo, stirring the swamp in Washington, D.C. He enjoys nothing more than being a laughing hyena in a loft of faint-hearted pigeons.

Why has Trump not conceded yet to his successor-elect Biden? It is suspected that Trump is waiting for a joint session of Congress to meet on Jan 6, 2021, when it will count the certified votes of the Electoral College. During that session which should be a formality it is not inconceivable that Republicans loyal to Trump might be tempted to invoke some obtuse provision of the antiquated Electoral Count Act of 1877, in an attempt to delay the inevitable.

The Electoral Count Act was promulgated 143 years ago to break an impasse after the contentious election of 1876 which threatened to unleash another civil war. Trump`s last-ditch stand may well turn Washington into a second Gettysburg. If so, the casualties would be America`s exposure as a dyslexic superpower, its presumptuous claim to be a template of democracy that other countries must follow, and a soiled Oval Office whichwill take President-elect Joe Biden four years to disinfect. Deus vult, another casualty would hopefully be the spectre of Donald Trump`s frightening ambitions to contest in 2024.

Until Jan 20, President Trump will keep himself busy clearing the White House cupboards of skeletons hidden there over the past four years. In the Oval Office, he empties the trough by throwing out a swill of pardons to crooks, criminals, and convicts. They include four Blackwater mercenaries whose only crime was that they killed 14 unarmed innocent civilians (including two children) at a Baghdad traf fic stop. Courts found them guilty. Trump redeemed them, forgiving them their unholy trespasses.

Trump is nothing if not impartial. He has pardoned also Charles Kushner, the father of his son-in-law Jared Kushner. Kushner senior was convicted in 2005 of illegal campaign contributions (wait for it) to the Democratic party. Charles Kushner, like Trump, is a family man. Kushner intimidated his sister`s hus-band William Schulder (cooperating at the time with federal investigators against him), by hiring a prostitute to compromise him and then sent the videotape of their shenanigans to his sister. Presidentialpardons like these are smeared with slimy sleaze. Their malodour will cling to history.

The most controversial presidential pardon in modern times was that granted in 1974 by Gerald Ford (the incoming US president) to his outgoing predecessor Richard Nixon. Ford took a decision which he hoped would heal a nation lacerated by the Watergate episode. It cauterised the wounds at the time but cost Ford the presidency in the 1976 election, two years later.

After Ford left the White House, he carried with him into oblivion a decision by the Supreme Courtin the 1915 Burdick vs United States case. It decreed that every pardon carries `an imputation of guilt`, and that acceptance of the pardon carries `a confession of guilt`. A pardon notwithstanding, the stigma remains.

In Pakistan, under Article 45 of the Constitution, pardons are a presidential prerogative. Ordinary criminals and convicts though should expect no relief under it. Too many crooked politicians are ahead of them in the queue for absolution of their sins.  The writer is an author www.fsaijazuddin.pk