

# **New Report: How Manhattan DA Alvin Bragg and Judge Merchan Violated the Constitutional and Legal Rights of President Donald J. Trump**

July 9, 2024

[Press Release](#)

**WASHINGTON, D.C.** – Today, the House Judiciary Committee and its Select Subcommittee on the Weaponization of the Federal Government released an interim staff report titled, "[Lawfare: How the Manhattan District Attorney's Office and a New York State Judge Violated the Constitutional and Legal Rights of President Donald J. Trump.](#)" The state or local prosecution of a current or former president by a popularly elected district attorney raises substantial federal interests and raises serious concerns about conflict between state and federal entities.

The report explains the several ways in which New York County District Attorney (DANY) Alvin Bragg's prosecution of President Trump suffers from severe legal and procedural defects, including:

- Bragg's unconstitutional and unprecedented Russian-nesting-doll theory of criminal liability, in which the jury never had to reach unanimity as to each element of the criminal offenses; and
- Bragg's usurpation of the federal government's exclusive authority to prosecute alleged violations of federal campaign finance laws and the Biden-Harris Administration's refusal to intercede to protect federal interests.

The report also details Judge Merchan's egregious legal rulings before and during the trial that all cut against President Trump's rights, including:

- Judge Merchan's failure to recuse himself for manifest political bias against President Trump;
- The unconstitutional gag order he imposed on President Trump during the trial;
- Judge Merchan's admission of plainly inadmissible, irrelevant, and unfairly prejudicial testimony against President Trump; and
- Judge Merchan's refusal to permit former Federal Election Commission Chairman Bradley Smith to testify as to the meaning and complexities of the Federal Election Campaign Act.

Every person admitted to practice law in New York, including elected district attorneys and appointed judges, must take a "constitutional oath of office," swearing or affirming to "support

the constitution of the United States, and the constitution of the State of New York." By taking that oath, District Attorney Alvin Bragg and Judge Juan Merchan were legally "bound to a constitutional course of conduct." In their politicized efforts to indict and convict President Trump, they failed their oaths of office.

Given that President Trump's indictment was conceived in legal and constitutional error and the trial exacerbated and compounded those errors, an honest review of the facts and the law will likely lead appellate courts to vacate the conviction and dismiss the indictment with prejudice. This will go a long way in restoring the American people's trust and confidence in our justice system, although more work is ahead. In the meantime, the Committee and Select Subcommittee will continue our oversight of lawfare and its effect on the rule of law in the United States.