

United States Senate

WASHINGTON, DC 20510

June 13, 2024

The Honorable Merrick B. Garland
Attorney General
Department of Justice
Washington, DC 20530

Dear Mr. Attorney General:

The conviction of President Trump in Manhattan is nothing short of the evisceration of the American judicial process. In their zeal to imprison Donald Trump, Democrat prosecutors successfully dissolved the constitutional protections afforded to defendants and the barriers that protect every American from the abuses of arbitrary rule.

Among the casualties of this case are the concepts of due process, hitherto guaranteed to Americans by the Fifth and Fourteenth Amendments, as well as the Sixth Amendment right to be informed of the nature and cause of the accusation. Due process requires that a defendant be given notice, the opportunity to be heard, and a neutral decision-maker. Even if we disregard Judge Juan Merchan's financial contributions to Democratic candidates and causes, the prosecutors were permitted to convert alleged time-lapsed business records misdemeanors into felonies because the records violations were supposedly in furtherance of a second crime. Yet, even after the jury rendered its verdict, we do not know what constitutes that specific second crime.

Due process cannot exist when the defendant is accused of a secret crime. No American – not even a President – can defend himself fairly in a court of law if he is deprived of his Sixth Amendment right to know what crime he is alleged to have committed.

The Biden Administration is complicit in the destruction of due process of law. The elusive crimes for which Donald Trump has neither been charged with nor convicted of could include Federal Election Campaign Act (FECA) violations. Alvin Bragg, a New York State prosecutor, has no jurisdiction to enforce federal election law and the federal government would never tolerate a state prosecutor infringing upon its FECA jurisdiction – unless the defendant is Donald Trump. Rather than call out prosecutors for carrying out the political persecution of Donald Trump, President Biden defended the case.¹

We condemn this show trial, not just because it marks the attempt to imprison a leader of the loyal opposition, but because it threatens the existence of due process of law, without which a constitutional republic dedicated to the protection of individual liberty is not possible.

Sincerely,



Rand Paul, M.D.
United States Senator




Mike Lee
United States Senator

¹ See, e.g., Zachary Basu, *Biden Breaks Silence on Trump Conviction, Defends Justice System*, AXIOS (May 31, 2024), <https://www.axios.com/2024/05/31/biden-trump-conviction-verdict-response>.



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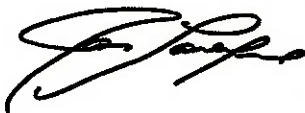
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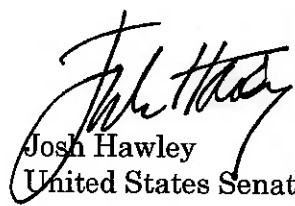
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