



Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

No Case, No Matter: Destroy Trump!

Leftist Manhattan District Attorney Alvin Bragg knows he doesn't have a case against Donald Trump. And so does everyone else at all familiar with the case. Other prosecutors know it. Top liberal law experts know it. Donald Trump's attorneys know it.

But that won't stop Bragg, one of the many leftist political prosecutors funded by the Soros Combine, who promised during his campaign to get Trump. The purpose of his weak, diaphanous indictment isn't to uphold the law, but instead to bring down the one man whom Bragg, the Democrats, and the ruling class believe threatens them, and in so doing, send a warning to the voters who support that man.



AP Images

Liberal legal scholars Jonathan Turley and Alan Dershowitz warn that the indictment is a black day for the rule of law. It's a selective prosecution to destroy one man.

But for Bragg and his boosters, the rule of law doesn't matter. What matters is wrecking, destroying, and "unpersoning" Trump and his supporters. If this nation's Anglo-Saxon jurisprudential order is destroyed too, well, what's a little thing like the law? Once the entrenched radical Left has the totalitarian power to charge anyone with anything, opposing them politically will be a dangerous business.

The Indictment Charges No Crime

Destroying Trump, indeed, is Bragg's singular mission as Manhattan's top prosecutor, even as violent criminals rape and murder with impunity in the city's streets and Bragg turns violent felonies into misdemeanors. Yet he set out on that mission without the legal provisions he needed — not least, an actual crime.

In 34 felony counts, the indictments alleged that Trump falsified business records to hide hush-money payments to two women with whom Trump allegedly had a twirl between the sheets. One of those women was Stormy Daniels — real name Stephanie Clifford — a porn actress. As a practical matter, she's a prostitute. The other woman was *Playboy* model Karen McDougal. She was digging for gold. Bragg alleges that Trump funneled the money through a shell company set up by his former attorney, convicted criminal Michael Cohen. Daniels received \$130,000; McDougal, \$150,000.

"The defendant, in the County of New York and elsewhere, on or about February 14, 2017, with intent to defraud and intent to commit another crime and aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, to wit, an invoice from Michael Cohen dated February 14, 2017, marked as a record of the Donald J. Trump Revocable Trust, and kept and maintained by the Trump Organization," the first count says.



Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

Thereafter, the essentially identical charges describe myriad account and voucher numbers through which Trump, via Cohen, paid the women. The tale also involves the *National Enquirer's* parent company, American Media, Inc. (AMI), prior to the 2016 election, which paid the women to tell their stories, then suppressed them. Prosecutors claim that AMI “made a payment to a source of a story to ensure that the source ‘did not publicize damaging allegations’ about the Defendant before the 2016 presidential election and thereby influence that election.”

Turley did all but call Bragg’s indictment a case of prosecutorial fraud.

“The first indictment of a former American president was a historical moment, and Bragg failed to rise to that moment,” Turley wrote for the *New York Post*:

Bragg released an indictment that was so vague on key elements that it is unclear what the grand jury thought it was voting on. He vaguely referenced state and federal election laws and later refused to add any details on how they relate to the prosecution.

The result is an indictment with the substance of a legal Slurpee: it was immediately satisfying for many with virtually no legal substance.

Noting that Bragg should have added “details to follow,” Turley explained that legal experts didn’t know “what was the crime that Trump was allegedly covering up with payments to cover up alleged affairs with three women,” which likely means the non-lawyers on the grand jury didn’t know, either.

Translation, which Turley was too nice — or prudent — to say out loud: The jury didn’t know what Trump’s crimes were, or why they should indict him. But it was, after all, a jury empaneled in hate-Trump Manhattan, where voters are bluer than Trump’s dark blue suits. They knew he just had to be guilty of something.



Political prosecution: Manhattan DA Alvin Bragg didn’t decide to prosecute Trump until two former prosecutors shamed him into it. (AP Images)

Indicting the “Ham Sandwich”

A judge once famously said that a prosecutor in New York has such control of grand juries that he could convince one to indict a “ham sandwich.” And here we have Trump, accused in an indictment that has



Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

more holes than the Swiss cheese that goes with the ham.

"This indictment is unintelligible from a legal perspective in understanding the basis for the prosecution," Turley continued:

After the arraignment, Bragg made sweeping references to state and federal election laws before saying that he didn't have to give such details. He just filed the first charges against a former president and refused to specify the basis for the felonies.

He then held a press conference and refused to answer questions about this basis because he "doesn't have to."

What is particularly maddening is that, while Bragg refused to explain the basis for the indictment, he did undermine his own case ... whatever it may prove to be.

Turley rightly explained that no one prosecuted nearly identical behavior by the Clinton campaign in 2016. Clinton's political toughs falsified records to hide payments to the law firm that paid a British spy to concoct the famous Steele Dossier, and manufacture false "oppo research," which in turn unspooled into the Russia Collusion Hoax about Trump's collaborating with Russia to defeat Clinton. The campaign paid fines to the Federal Election Commission for concealing more than \$1 million in payments to the campaign hit squad.

"In Manhattan, the basis for charges against Trump is largely irrelevant," Turley concluded:

This is a thrill kill case and Bragg just delivered on his campaign promise to bag Trump on something ... anything. We still do not know what that was, but it does not matter.

Again, Bragg doesn't explain what felony Trump committed, because he can't. As Turley and others have observed, falsifying business records is a misdemeanor for which the two-year statute of limitations has expired. So Bragg swerved around that big pothole by alleging that Trump falsified the records in connection with "another crime," which made the falsifications prosecutable felonies. That crime, Bragg alleges, was trying to protect his campaign and election prospects, a putative violation of federal election and campaign laws. Yet Bragg presented no evidence that Trump committed such an offense.

"The only crime that has been discussed in this case is an unprecedented attempt to revive a misdemeanor for falsifying business documents that expired years ago," Turley wrote in another pre-indictment column:

If that is still the basis ... Bragg could not have raised a weaker basis to prosecute a former president. If reports are accurate, he may attempt to "bootstrap" the misdemeanor into a felony (and longer statute of limitations) by alleging an effort to evade federal election charges.

The snag for Bragg is this: The federal Justice Department refused to prosecute such charges. It had tried and failed on that count before, when political aides to failed Democrat presidential candidate John Edwards paid off a mistress who conceived a love child. It was adultery. It was a scandal. It



Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

threatened not only Edwards' presidential ambition but also his marriage and family. But it was a nonstarter, legally. A jury acquitted him on one of six federal charges, and deadlocked on five. The judge declared a mistrial on those. That record did not bode well for prosecuting Trump.

As for the 34 counts, Turley observed, "multiplying a flawed theory 34 times does not make it 34 times stronger. Serial repetition is no substitute for viable criminal charges." Bragg included each check to the women (who were paid in installments) as a separate count, which, as Turley and Dershowitz observe, is legally questionable itself and a tactic to run up the defendant's felonious tab.

Bragg's prosecution "is the denial of the core legal principle of blind justice," Turley wrote in another column, and "would not have occurred for anyone other than Donald Trump. It is not just selective prosecution, it is exclusive prosecution for Trump and Trump alone."

Turley, again, isn't the only prominent Democrat lawyer who thinks Bragg went off half-cocked.

Dershowitz said only two crimes have been committed in the case: First, when someone leaked the indictment itself to the hate-Trump *New York Times*, and second, and even more importantly, as he wrote in the *Daily Mail*, when two women threatened to go public about private affairs and received money in exchange for not doing so.

"The only potential criminal wrongdoing identified after months of investigation by experienced professional prosecutors appears to be extortion," Dershowitz wrote:

But I'm talking about extortion of Trump, not by Trump. That's what it's called when an individual threatens to release damaging information about someone else unless they're paid to keep quiet.

Like Turley, Dershowitz said the 34 counts, all essentially the same charge, "sliced the salami very thin" for a case about "bookkeeping."

"Trump is accused of not accurately recording hush money payments on public financial documents," Dershowitz explained:

Consider how ridiculous that is. As I've written before, while immoral, such payments are legal and, in fact, common among high-profile people. It is also not uncommon to withhold why the actual hush money is paid. Obviously, to do so would be to disclose that which the hush money was paid to keep hush.

And in order to turn these questionable financial misdemeanors into even more questionable felonies, Bragg has alleged that the reason Trump made the false entries was to cover up other crimes.

That crime, again, was making payments to help his campaign and eventual election, as opposed to hiding the extramarital shenanigans from his family, or to protect his businesses and highly successful brand name.

The only evidence for that claim comes from Cohen, Dershowitz wrote. Importantly though, for "Bragg's theory to hold water, Trump would have had to have known that he was committing a crime to benefit his campaign when he allegedly made the false entries. But how could he possibly have known that he



Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

would benefit?”

And anyway, Clinton voter Dershowitz noted, Trump *won* the election.

On that note, the payments in the indictment occurred in 2017 — *after* he beat Clinton. Thus, if American Media paid to silence the women in 2016 on Trump’s behalf to help the election, Trump had no reason to pay the women *after* the victory, unless he wanted to conceal the affairs for those personal reasons, along with avoiding the public scandal that might distract him from presidential matters.

Advancing his campaign or election prospects wasn’t part of it.

Indeed, the indictment mentions 2017 60 times.

“He was sitting in the Oval Office,” Trump attorney Alina Habba told Tucker Carlson after Bragg delivered his indictment. “Now explain to me how that’s campaign finance interference, how that affected the election, when everyone knew about Stormy in 2016. It makes no sense on its face.”

Anyway, as for Bragg’s claim that his office regularly prosecutes falsifying such records, Dershowitz challenged him to “find me one example of someone prosecuted for paying hush money and not having recorded it on business records”:

The case doesn’t exist.

Why? Because responsible prosecutors generally don’t prosecute crimes where there is no victim.

And in this case, Dershowitz said, victims there weren’t. Porn queen Daniels was paid. *Playboy* Playmate McDougal was paid. Voters put Trump in the White House despite what the hate-Trump media reported about him.

That raises the obvious question of why Bragg went after Trump.

Dirty lawyer: Donald Trump was indicted on 34 felony counts of falsifying business records by hiding hush-money payments to two women made by his former attorney, Michael Cohen. (AP Images)





Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

Campaign Promise

Answer: That was Bragg's campaign schtick. The unknown Bragg could play a key role in the leftist effort to destroy Trump and his movement. He would become famous as The Man Who Brought Down Trump. Who knows what fame and riches awaited? A book deal. A movie. More political power. So Bragg ran on a platform to destroy Trump. A *New York Times* story about a debate with his opponent carried this headline: *Two Leading Manhattan D.A. Candidates Face the Trump Question*. Bragg bragged that he had sued Trump and his family "more than 100 times," and said this:

I have investigated Trump and his children and held them accountable for their misconduct with the Trump Foundation. I know how to follow the facts and hold people in power accountable.

After he was elected, though, Bragg apparently reconsidered, knowing how difficult the charges his prosecutors expected him to file would be to prove. When two of them quit, and one of them published a book about it, Bragg caved and went ahead.

That story, which greatly concerns Turley because of its ethical implications, appears in a wide-ranging document demand from three GOP U.S. House committee chairmen, including Ohio's Jim Jordan, chief of the Judiciary Committee.

Noting that the facts surrounding the then-impending indictment show that it "is motivated by political calculations," the demand reiterates what Turley and others have repeatedly said. After Bragg took office in January 2022, he "expressed doubts about President Trump's case and suspended the investigation."

That didn't go over well with the two hate-Trump torpedoes who quit Bragg's office:

This decision caused two of your top investigators, Carey Dunne and Mark Pomerantz, to resign in protest and publicly denounce your work. Pomerantz, in particular, heavily criticized you for declining to bring charges at that time, and "Dunne and others" are now "weighing ways" to bar President Trump from holding future office. Pomerantz has published a book in the past month excoriating you for not aggressively prosecuting President Trump. The *Washington Post* reported that you were "deeply stung" by this criticism.

Thus, Bragg moved to indict Trump, fulfilling his campaign promise to voters.

Trump Derangement Syndrome

And "now, those same voters will make up the pool from which Trump's jury will be selected," Dershowitz observed:

And by voting to convict Trump, these future jurors would help Bragg to fulfill the pledge he made to them.

This does not seem to assure a fair trial.



Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

The anti-Trump passions in New York City are incredible. I've experienced them myself.

My acquaintance of many years, Caroline Kennedy, told me at a dinner party: "Alan, if I had known you, who have defended Trump on the floor of the Senate, were going to be at this dinner party, I would not have come. But I am too polite to get up and leave now."

A friend, comedian Larry David, confronted me outside a store shouting, "Alan, you're disgusting," over my defense of Trump.

Despite our friendship, they were furious with me, because I simply disagreed with them. You cannot reason with people, who have Trump Derangement Syndrome.

Dershowitz wrote that Trump's lawyers will seek to change the venue of the trial from solid blue Manhattan to GOP friendly Staten Island, but doesn't expect the judge, a Democrat, to permit it.

As he observed in an interview before Trump pleaded not guilty to the trumped-up charges, "the case has to be moved to a place like Staten Island or upstate New York, where judges and jurors won't come home to their family and be worried that their family will never talk to them again because they're responsible for letting Trump run for president":

[It] happened to me when I represented Trump in front of the Senate [on impeachment]. Lost many, many of my friends, associates. My wife lost her friends, just because I was perceived as being on Trump's side. (I was not on his side politically.) Imagine if a judge has to face that kind of a pushback — or jurors — so you're never going to get a fair trial in New York City and Manhattan.

The Judge

A fair trial, of course, is what the Constitution guarantees all defendants, regardless of how much the prosecutor and judge hate them. And the judge in Trump's case is clearly a Trump hater.

Juan Merchan, a Colombian immigrant who very likely doesn't share Trump's views on immigration, is a Biden contributor. Federal records show that he donated \$35 to Act Blue, a typical campaign rain-making, money-bundling operation that funneled millions to the Biden Machine.

Merchan was also the judge in another Trump-connected case, clear evidence that he could be biased.

He, of course, will not recuse himself. Not when he has the chance to win the adulation of the leftist mainstream media and improve his prospects inside the Democrat Machine for Bigger Things — perhaps a federal judgeship or even a nomination to the U.S. Supreme Court.

Beyond that, though, his daughter is a hitwoman for the Biden Mafia, the *Daily Mail* disclosed. She toiled for Vice President Kamala Harris' failed 2020 presidential bid, then moved over to an outfit that worked for Biden's successful effort.

"I have a Trump-hating judge with a Trump-hating wife and family whose daughter worked for Kamala Harris and now receives money from the Biden-Harris campaign and a lot of it," Trump told supporters at Mar-a-Lago.

"Very unfair venue," Trump complained on social media, "with some areas that voted 1% Republican."



Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

This case should be moved to nearby Staten Island.”

Fat chance.

And, as far as bias goes, Trump rightly and understandably alleged that “this is Political Persecution and Election Interference at the highest level in history,” which suggests an attack possibly conceived if not coordinated inside 1600 Pennsylvania Avenue.

No wonder — a day before Trump appeared in Manhattan criminal court, a curious clip of Biden began circulating on Twitter suggesting that Bragg’s office coordinated with the White House.



Never again? In November, President Joe Biden said he would ensure that Donald Trump never became president again. (AP Images)

In November, certainly knowing that Bragg was going after Trump, President Joe Biden said he would make sure Trump never took office again. “Well, we just have to demonstrate that he will not take power by — if we — if he does run,” Biden replied. “I’m making sure he, under legitimate efforts of our Constitution, does not become the next President again.”

Perhaps those “legitimate efforts” meant indicting, prosecuting, and convicting Trump.

Amusingly, even leftist media “fact checks” couldn’t change Biden’s words, despite claiming that conservatives “misrepresented the old Biden clip as related to Trump case,” as an Associated Press headline put it. Noting that Biden spoke on November 9, 2022, the day after Democrats lost the midterm elections in the House, AP let the cat out of the bag, even as it sought to show that Biden’s remark was unrelated to the prosecution.

“But the clip, from a press conference on Nov. 9, 2022, is being taken out of context,” AP reported:

White House transcripts and original video of the event show Biden was answering a reporter’s question about how to reassure world leaders that Trump and his political movement would not return to power.

Exactly. And Biden might do that by pushing Bragg to prosecute, despite AP’s confident but baseless claim that Bragg’s office “does not take orders from the White House.” Biden’s comments, and Bragg’s Ahab-like pursuit of Trump, invite the obvious observation that Bragg might very well have taken orders



Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

from the White House to proceed with a dubious prosecution and conviction in the vain hope that it would ruin Trump with voters.

Leftist *Newsweek* also tried to wriggle around the truth, with the same line of reasoning.

“We cannot rule out the possibility that the president may have had knowledge of a looming indictment but there are reasons to doubt this,” the website reported. “Firstly, neither Biden nor the White House are involved in the indictment as it’s not a federal charge.”

Maybe, but Bragg’s indictment implies that Trump violated federal election law. That means the charges are in a sense federal, even if Bragg can’t prosecute them as such. The claim that Trump committed “another crime,” though not specified in the indictment, is key to Bragg’s elevating a misdemeanor charge on which the statute of limitations has expired to a felony that he can prosecute.

“Tomorrow It Could Be You”

Even if Bragg fails, he and the Democrats will surely portray Trump, should he become the 2024 GOP nominee, as having escaped conviction on a technicality, and insist that he really did pay the women to help his 2016 campaign. Nothing can stop them from pushing that lie, just as nothing stopped them from pushing, and continuing to push, the “Russia Collusion” or January 6 “insurrection” hoaxes.

The amusing coda to Bragg’s bogus prosecution, even if he convicts Trump, is this: The Constitution, as Dershowitz says, does not forbid convicted felons from running for office, even from prison. But that isn’t what concerns Dershowitz, famous for defending controversial clients such as O.J. Simpson, Claus Von Bulow, and even Trump during his first impeachment.

“Whatever the outcome of this Bragg prosecution, Trump should eventually prevail,” Dershowitz concluded in his *Daily Mail* column:

An appeals court should never uphold such an obvious misapplication of the law.

But I don’t know if the American legal system can come back from this as easily. This is a perversion of justice. And if Trump is convicted, it will be a travesty of justice.

Americans everywhere now have cause for concern, because today it is Trump — but tomorrow it could be you.

Yeah: *It could be you!* Maybe that’s the real message that Bragg and his Deep State puppet masters want you to hear.



Written by [R. Cort Kirkwood](#) on April 25, 2023

Published in the May 15, 2023 issue of [the New American](#) magazine. Vol. 39, No. 09

Subscribe to the New American

Get exclusive digital access to the most informative,
non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



Subscribe

What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.