



Written by [R. Cort Kirkwood](#) on July 3, 2024

## Missouri's Suit Against NY Shows Bragg Working for Biden; Cuomo Says Case Against Trump Is Political Hit Job

Missouri Attorney General Andrew Bailey's motion with the U.S. Supreme Court convincingly argues that Manhattan District Attorney Alvin Bragg is a torpedo for Joe Biden's reelection campaign.

New York is waging "poisonous lawfare" by interfering not only in the election, the motion claims, but also in the right of Missouri voters to hear Trump's messages and exercise their franchise. The state is also interfering with electors doing their jobs.

Recounting the long years of Democratic lawfare against Trump, the motion asks SCOTUS to stop Trump's sentencing in September and lift the gag order that prevents him from speaking about the case.

And, indeed, it cites no less an authority than former New York Democratic Governor Andrew Cuomo to argue that Bragg never should have prosecuted the "hush money" case.

### Three Counts

The "gag order and impending sentence against Trump interfere with his ability to freely travel and campaign and interfere with the right of Americans everywhere — and members of the Electoral College in particular — to hear Trump's political speech," the [motion argues](#):

Nothing is more destructive to the health of a democracy than distrust in the outcome of an election. And yet New York has brought transparently weak charges for the transparent purpose of trying to impose political damage against Trump and trying to restrain his ability to campaign in advance of an election forecasted by the polls to be very close.

That, and Bragg's "weak" charges invited legal experts left and right to say they were and are outrageous.

"Boston University law professor Jed Handelsman Shugerman, a vehement critic of Trump, [wrote an article](#) in *The New York Times* castigating the charges as 'a disaster,' 'a setback for the rule of law,' and 'a dangerous precedent,'" the motion argues.

Despite Shugerman, Harvard law Professor Emeritus Alan Dershowitz, and others, [Bragg forged ahead](#).

Meanwhile, the judge, Juan Merchan, trespassed "state judicial ethics rules by donating to the Biden campaign and to a group called 'Stop Republicans,'" the motion notes. And his daughter is a [leftist](#)



AP Images  
Alvin Bragg



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[political consultant](#) who will gain financially given that Trump was convicted.

But instead of recusing himself, the motion continues, Merchan imposed a gag order on Trump to stop him from criticizing the daughter.

Bragg's "weak" case involved misdemeanor "bookkeeping offenses" for which the statute of limitations had expired. But to skirt that legal difficulty, he boosted the charge to felonies by claiming they were committed "with intent to commit another crime."

Amusingly, and as Shugerman and [others observed](#), "Bragg refused to specifically identify what conduct other than bookkeeping offenses Trump was accused of committing."

Worse still, [Merchan told](#) the jury it needn't unanimously agree on the crimes Trump committed.

## **Bragg's Bogus Case**

The [motion observes](#) that Bragg chased Trump the way Inspector Javert chased Jean Valjean. Bragg was "involved in more than 100 cases against President Trump while working at the New York Attorney General's Office."

And, of course, he promised during his campaign for Manhattan DA to prosecute Trump.

Bragg "resurrected" the case "under a legal theory that his predecessor had previously sent 'back into the grave,' out of concerns that the felony charges would not hold up in court."

Yet Bragg didn't go after Trump until *after* he announced his run for the White House.

That timing shows political motivation, the motion argues, particularly given that Biden wanted Trump prosecuted, and again, Bragg hired a prosecutor from Biden's Justice Department:

For example, after the FBI and DOJ declined to prosecute Trump for more than a year, word "leaked" to *The New York Times* that President Biden thought President Trump "should be prosecuted." ...

One month after Trump announced he was running for President in 2024, Bragg hired [Matthew] Colangelo, the former number-three at the DOJ, to "jump-start" his office's investigation of President Trump. Colangelo had a "history of taking on Donald J. Trump and his family business" and was purportedly hired for this reason.

## **The Counts**

The first count of the motion alleges "interference with the Presidential Election in Other States." The gag order and forthcoming sentence "impede the ability of Missouri's electors to become fully informed before casting their ballots."

Indeed, prospective Missouri electors, the motion argues, "have filed affidavits expressing their prospects of becoming an elector and their interest in being able to hear Trump's campaign free from the coercive constraints imposed by New York."

New York "has no authority" to interfere with Missouri electors doing their job.

Nor may New York's criminal proceedings affect the presidency or a campaign, the [motion argues](#), without substantial justification. And that it does not have.



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The second count says New York is violating a federal ruling that forbids court orders that affect elections or confuse voters. Both will occur if the gag order and sentencing stand as they are.

Last, the gag order and sentencing violate the First Amendment to the federal Constitution because voters cannot hear Trump's campaign speech. He "was specifically targeted for the purpose of trying to impose political damage and interfere in Trump's political campaign," the motion argues:

And there is no reason for New York to impose a gag order and sentence now rather than waiting and permitting the Presidential election to proceed unimpeded.

### **Lawfare and Cuomo**

The motion also details the long history of leftist lawfare against Trump. It reminds the justices that the FBI "criminally fabricated evidence to obtain a warrant to spy on the Trump campaign."

And after that, "political opponents then harassed President Trump by pressing a baseless conspiracy theory that Trump was a 'Russian asset.'"

That, of course, was the notorious Russian Collusion hoax that [Hillary Clinton and her campaign button men conceived](#) to ruin Trump.

But seemingly worse for New York in the motion is what [Cuomo told Bill Maher](#) on his *Overtime* program:

If his name was not Donald Trump and if he wasn't running for president ... I'm telling you that case would've never been brought.

"I will not sit idly by while Soros-backed prosecutors hold Missouri voters hostage in this presidential election," Bailey said in an X thread. "I am filing suit to ensure every Missourian can exercise their right to hear from and vote for their preferred presidential candidate."



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