

300 New Jersey Avenue, N.W., Suite 900
Washington, D.C. 20001
Phone: 202-465-8728

June 28, 2024

Hon. Justice Juan Manuel Merchan
Supreme Court, New York County
100 Centre Street
New York, New York 10013

Re: Sentencing Donald J. Trump for 34 felony convictions

Dear Justice Merchan:

July 11, 2024.

A day that will live either in infamy or glory to the United States Constitution and the rule of law.

The future of the United States will be materially influenced by your sentencing Donald J. Trump. He was found guilty of 34 felonies under New York law and twice found guilty of violating your constitutionally irreproachable “gag order” to protect trial participants from death threats, harassment, defamation, and stalking. The trial featured due process safeguards, in contrast to the victims of Mr. Trump’s incitement to violent, vigilante justice featured in the January 6, 2021, attack on the Capitol.

The law endows you with the discretion to sentence Mr. Trump to prison up to 4 years based upon the circumstances of the felonies and the obligatory appraisal of the character of the offender after a customary investigation—time-honored sentencing considerations.

The case for prison time is open and shut based on the character of the offender alone.

Mr. Trump threatens a counter-revolution against the American Revolution and the United States Constitution in favor of executive absolutism indistinguishable from French King Louis XIV. On July 23, 2019, Mr. Trump proclaimed, “Then I have Article 2, where I have the *right to do anything I want as president.*” On December 4, 2022, Mr. Trump bugled that whenever he decrees that an election has been fraudulent, “termination of...the Constitution” is justified.

Mr. Trump and his would-be vice-presidential running mates have repeatedly refused to endorse the peaceful transfer of presidential power after the 2024 presidential election if Mr. Trump shouts electoral fraud without any testing in courts of law or other due process. During a 2023 interview with Sean Spicer, his former press secretary, *Trump said, "I was told if I get 63 million we win easily... But when they rig and cheat, you know, there's not a lot you can do about that other than you have to stop it. And we have to stop it a second time."* We know where that leads: a reprise of violence and attempted subversion of the Republic.

Mr. Trump has not disowned threats of civil war on social media thundered by his MAGA ruffians after his conviction of 34 felonies.

As to a hammer everything looks like a nail, to Mr. Trump every legal or political adversity is a corrupt witch hunt aiming at the destruction of America. The soundtrack—rewarded by massive partisan donations—never changes.

Do not be oblivious to what all the world can see. Mr. Trump covets dictatorial powers like his friend Vladimir Putin in Russia. On September 15, 2023, he swooned over praise from the Russian dictator.

Germany's Weimar Republic invited its demise by ignoring Adolf Hitler's *Mein Kampf*, a playbook for the Nazi ascent to absolute power for which the world paid a staggering price.

Your task is to ensure that the sentence matches the character of the offender, including his clear and present danger to the peaceful transfer of presidential power. Set a standard to which the wise and honest judge may repair with a jail term—at least a serious fraction of the 4-year statutory maximum.

Sincerely,



Bruce Fein, Esq.



Ralph Nader, Esq.