

# [***Judge In Trump Hush Money Case Crossed Line By Expanding Gag Order, Legal Experts Say***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BPM-9T21-DXXD-7007-00000-00&context=1516831)

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**Byline:** Katelynn Richardson, Contributor, [*katelynn@dcnf.org*](mailto:katelynn@dcnf.org)

**Body**

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2024/04/GettyImages-2112640005-scaled-e1712004567721.jpg)

New York judge Juan Merchan went too far by placing an expanded gag order on former President Donald Trump that prevents him from speaking about Merchan's daughter, legal experts said.

Merchan [*expanded*](https://dailycaller.com/2024/04/01/judge-juan-merchan-expands-gag-order-against-trump-after-daughters-anti-trump-statements-criticized/) the gag [*order*](https://dailycaller.com/2024/03/26/judge-trump-hush-money-gag-order/) [*Monday*](https://www.nycourts.gov/LegacyPDFS/press/PDFs/Clarification-OrderRestrictingES.pdf) after Trump made [*statements*](https://truthsocial.com/@realDonaldTrump/posts/112168131310885618) on Truth Social attacking his daughter, who runs a political consulting firm, Authentic Campaigns, that [*works*](https://www.declassified.live/p/ties-between-judge-merchans-child?r=4yy1i&utm_medium=ios&triedRedirect=true) with Democratic clients like California Rep. Adam Schiff, [*according*](https://www.justsecurity.org/wp-content/uploads/2023/09/Just-Security-Hush-Money-New-York-Trump-Clearinghouse-%E2%80%94-Trump-memorandum-of-law-in-support-of-motion-for-recusal-of-Justice-Merchan-May-31-2023.pdf) to a motion Trump's attorneys filed in May 2023. In practice, the order bars Trump from criticizing what he perceives as the judge's bias, legal experts said.

John Malcolm, vice president for The Heritage Foundation's Institute for Constitutional Government and former deputy assistant attorney general in the Justice Department's Criminal Division, told the Daily Caller News Foundation that Trump should be allowed to criticize the judge's daughter.

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2023/04/DCNF-Trump-Kelly-Carlson-Newsmax-Featured-e1682386522321.jpg)

Screenshot/Rumble/Newsmax

“While it may be unseemly and perhaps unwise for him to do so, Trump is, essentially, arguing that the judge is biased against him as evidenced by his daughter's political affiliations and clients,” Malcolm said. “I was actually a bit surprised, in light of those connections, that Judge Merchan did not recuse himself from this matter.”

Trump criticized Merchan's daughter on Truth Social for posting “pictures of her 'dream' of putting me in jail” - which the court later [*said*](https://www.nytimes.com/2024/03/27/nyregion/trump-social-media-attack.html) was posted on an account she abandoned a year ago - and questioned whether Merchant is “such a hater” because of the money his daughter makes working to “Get Trump.” [***(RELATED: Judge Overseeing Trump Hush Money Case Issues Gag Order)***](https://dailycaller.com/2024/03/26/judge-trump-hush-money-gag-order/)

Monthly payments from Adam Schiff's campaign committee to Loren Merchan's Authentic Campaigns company in 2019 and 2020:

1/19: $167,649

2/19: $37,500

3/19: $257,500

4/19: $7,500

5/19: $57,500

6/19: $119,264

7/19: $7,500

8/19: $25,000

9/19: $145,000

10/19: $250,000

11/19: $57,500...

- Julie Kelly (@julie\_kelly2) [*April 2, 2024*](https://twitter.com/julie_kelly2/status/1774950719629431228?ref_src=twsrc%5Etfw)

“Trump's social commentary - attacks, if you will - are not so much directed at the judge's daughter, who is entitled to make a living and represent whoever she wants,” Malcolm continued. “It is, however, a commentary suggesting that the judge is biased against him. Criticism of the judge and the prosecutorial team should be fair game.”

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2024/04/GettyImages-2105322378-scaled-e1712018910513.jpg)

NEW YORK, NEW YORK - MARCH 25: Former U.S. President Donald Trump appears with his lawyer Susan Necheles for a pre-trial hearing in a hush money case in criminal court on March 25, 2024 in New York City.(Photo by Curtis Means-Pool/Getty Images)

The gag [*order*](https://dailycaller.com/2024/03/26/judge-trump-hush-money-gag-order/) prevents Trump from making statements about witnesses, prosecutors other than the district attorney, court staff, jurors and family members of the staff, district attorney or judge. Merchan wrote in his Monday ruling expanding the order that any participant in the case's legal proceedings “must now concern themselves not only with their own personal safety, but with the safety and the potential for personal attacks upon their loved ones.”

“Putting a gag order on a criminal defendant is a clear violation of his constitutional rights,” Mike Davis, founder of the Article III Project and former clerk for Justice Neil Gorsuch, [*wrote*](https://x.com/mrddmia/status/1774984991967002744?s=20) Monday on X. He questioned why the judge doesn't “want the public to know his adult daughter might be profiting from this trial.”

George Washington University law professor Jonathan Turley [*said*](https://dailycaller.com/2024/04/02/turley-blasts-gag-order-witness-campaigning-against-trump/) Monday on Fox News that the order is “wrong,” noting the election is “likely to turn on this question of the weaponization of the legal system.”

“You know, you've got Michael Cohen, who is going on the air every night attacking Trump, basically campaigning against him,” Turley said. “He is not allowed to respond. Now, I would prefer that Trump leave these attacks or issues raised with the judge's family to his counsel, I think that's always the better approach.”

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**Graphic**

NEW YORK, NEW YORK - MARCH 25: Former President Donald Trump listens as his attorney Todd Blanche speaks during a press conference at 40 Wall Street after a pre-trial hearing on March 25, 2024 in New York City. Judge Juan Merchan scheduled Trump's criminal trial to begin on April 15, which would make it the first criminal prosecution of a former American president. Trump was charged with 34 counts of falsifying business records last year, which prosecutors say was an effort to hide a potential sex scandal, both before and after the 2016 election

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