

# [***Judge Says Trump s Free Speech Rights Are Not Absolute As She Limits What He Can Say***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:68XJ-7G61-JBCM-F1SV-00000-00&context=1516831)

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**Highlight:** Judge Tanya Chutkan said she didn t want Trump to "release information that could taint the jury pool, intimidate witnesses or otherwise interfere with the process.

**Body**

**Topline**

Judge Tanya Chutkan, who is presiding over former President Donald Trump s 2020 election interference case, said Friday she plans to issue a protective order to prohibit Trump from speaking about certain aspects of the case in an effort to prevent him from interfering with the judicial process, restricting the former president s speech as he ramps up his 2024 campaign.

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Former President Donald Trump speaks before he boards his plane at Ronald Reagan Washington National Airport, Aug. 3, 2023, in Arlington, Va. (AP Photo/Alex Brandon, File)

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**Key Facts**

The protective order comes at the request of the prosecution, which initially proposed a much broader protective order that Chutkan rejected in favor of a more limited one, saying she disagreed with the prosecution on the scope of what information was deemed sensitive.

Chutkan said that Trump like every American, has a First Amendment right to free speech, but that right is not absolute and in a criminal case such as this one, the defendant s free speech is subject to the rules.

This is a direct repudiation of Trump and his legal team s argument that any restrictions on what the former president can and can t say would be violation of his constitutional rights; Trump wrote on Truth Social before the hearing, No, I shouldn t have a protective order placed on me because it would impinge upon my right to FREE SPEECH.

Chutkan said that a protective order was necessary because otherwise Trump could release information to taint the jury pool, intimidate witnesses or otherwise interfere with the process of justice.

Chutkan also addressed the concerns about how this might affect Trump s campaign, saying the campaign has to yield to the administration of justice, and if that means he can t say exactly what he wants to say in a political speech, that is just how it s going to have to be.

Trump s attorney, John Lauro, raised the question of whether Trump can publicly remark on something from his personal memory during his campaign that also happens to be evidence in the case, saying what we are talking about is fair use of information. (Chutkan responded by saying she would ensure Trump is entitled to all his rights.)

Meanwhile, both parties will meet August 28 for a hearing to decide when a trial will take place Jack Smith, the special counsel for this investigation, has proposed a January 2 trial date, an idea Trump has vehemently opposed as it is just days before the first Republican primary.

**What To Watch For**

How this protective order could impact the trial and Trump s campaign. Mark MacDougall, an adjunct professor at Georgetown Law in Washington, D.C.told NPRthat protective orders like this in federal criminal cases are commonplace, but "nothing about this case is typical. McDougall said Trump will be able to say anything he wants about the cases in which he is under indictment and his prospective defenses, but not about specific items found in discovery. "What he can't say is something like: 'On June 12, 2022, John Doe was interviewed by the FBI. I've seen the memo and he lied repeatedly to the FBI,'" MacDougall explained.

**Crucial Quote**

I intend to keep ***politics*** out of this, Chutkan said during the hearing.

**Key Background**

This case, which is one of three sets of criminal charges being leveled at Trump, centers around Trump s alleged plot to overturn the results of the 2020 presidential election, where he lost his bid for a second term to President Joe Biden. Last week, Trump was indicted on four charges for which he pleaded not guilty: conspiracy to defraud the United States, conspiracy against the rights of citizens, obstructing an official proceeding and conspiring to obstruct an official proceeding. All charges could lead to prison time if convicted. The Department of Justice, which brought these charges upon Trump,is arguingthat Trump and his co-conspirators attempted to pressure then-Vice President Mike Pence to illegally prevent Congress from certifying the votes, pressured his own Department of Justice to falsely claim there was evidence of voter fraud, created a pool of fake electors that he planned to use to disrupt the certification of the actual electors, pressured state officials and legislators to overturn election results and attempted to take advantage of the chaos created by the capitol riots on Jan. 6, 2021. He is dealing with this case as he runs a third campaign to return to the White House.

**Further Reading**

Trump Indicted: Here s How DOJ Says He Illegally Tried To Overturn The 2020 Election(Forbes)

Trump Now Faces Same Charge As Hundreds Of Jan. 6 Rioters: Obstructing An Official Proceeding(Forbes)

Special Counsel Jack Smith Pushes Jan. 2 Trump Trial Date(Forbes)

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