

# [***Biden And Democrats Hate The Constitution; The National Impact From Former President Trump's Conviction In His New York Criminal Trial; "The War On Warriors"***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C5N-C631-JCS1-6000-00000-00&context=1516831)

Fox News LIFE, LIBERTY, LEVIN 8:00 PM EST

June 2, 2024 Sunday

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**Section:** NEWS; Domestic

**Length:** 6619 words

**Byline:** Mark Levin, Pete Hegseth, Jon Scott

**Guests:** Jim Trusty

**Body**

ANITA VOGEL, FOX NEWS CHANNEL CORRESPONDENT: All right, guys. Well, before we go, don't forget to follow "The Big Weekend Show" on X, Facebook, and Instagram @BigWeekendShow.

That's going to do it for us. We'll see you next weekend.

LIFE, LIBERTY & LEVIN starts right now.

MARK LEVIN, FOX NEWS CHANNEL HOST: Hello, America. I'm Mark Levin and this is LIFE, LIBERTY & LEVIN Sunday.

Two great guests: Jim Trusty, former DOJ prosecutor, former President Trump lawyer; and our buddy, Pete Hegseth. He has a fantastic new book, "The War on Warriors." So relevant, so important on our national security and the men and women who give their all for our country.

But before we get to them, I've been doing a lot of thinking as most of you have about what took place in that courtroom last week and its implications beyond getting into the weeds of grand juries and jury instructions and collateral evidence and so forth and so on because it is so much bigger, so much bigger than the rules of evidence and so forth.

What am I talking about? The Democratic Party. The Democratic Party cheering what took place. Their surrogates are cheering what took place. Joe Biden went to a microphone and lied about what took place and then sneered after it.

This is part and parcel of their war on the Constitution, almost from day one -- almost from day one. This is the party that supported nullification and slavery. This is the party that supported separate but equal, that is segregation. This is the party that supported Jim Crow.

This is the party that supports and embraces American Marxism, which rejects the Constitution and the founders and the framers. They use the 14th Amendment in order to try and prevent Donald Trump from running for president and this is what they do, and that is what happened in New York.

Let me put it to you bluntly: South Carolina was the point in which the Constitution came under attack, came to a head that resulted in the Civil War. New York is the new South Carolina. That is the Confederacy.

What do I mean by that? I'm not arguing here that there will be a violent Civil War. I don't know what comes. Nobody does. What I'm arguing here is the Civil War was about slavery and about the attack on the Constitution and the attack on the union, the nation.

What took place in that courtroom? The jury should never have been impaneled. A Soros-prosecutor and a Biden judge, in effect, decided that they were going to launch a war against our constitutional construct. How so? By nullifying the due process clause of the Constitution in the Fifth Amendment, by nullifying the due process clause that applies to the states through one of the post-Civil War amendments, the 14th Amendment.

And if this stands, the consequences will be very dire for the future of this country and the Constitution.

Let me put it to you this way. Due process goes back to the Magna Carta of 1215. But the phrase itself appears in a statute that was passed in Britain to incorporate the Magna Carta in 1354 and that was during the reign of King Edward III.

And so we have this process where we have the Fifth Amendment and the 14th Amendment and what do they say? With respect to due process and equal protection, they say exactly the same thing. In essence, no one shall be deprived of life, liberty, or property without due process of law.

Fourteenth Amendment was adopted by Congress in 1866. Before it was an amendment, they proposed it to the states, which then ratified it in 1868. The Fifth Amendment was added to the Constitution as part of the Bill of Rights in 1791.

So this is ingrained now in our country -- ingrained in our country. And what took place in that Manhattan courtroom was the first massive assault - - massive assault on the union, due process, and equal protection since the Civil War.

Oh, there have been individual cases, but the impact of this, a presidential candidate, a former president, the purpose of which is to influence a national election. We've never seen anything like this, anything like this, and it has now been resuscitated after we fought the Civil War, put the whole idea of nullification per se.

Now, let me go further on this.

Our friends of the National Constitution Center: Nullification is the constitutional theory that individual states can invalidate federal laws or judicial positions they deem unconstitutional, and it has been controversial since its assumption in American history because the Constitution doesn't provide for nullification per se.

Now that said, this is even worse than nullification that we've seen in the past, nullifying federal laws. This is a nullification of two amendments to the Federal Constitution.

A nullification of amendments to the Federal Constitution that basically enshrine the entire belief system in the Declaration of Independence, your right to life, liberty, and the pursuit of happiness.

James Madison is considered Mr. Constitution. This issue of nullification was raised with him by a former senator, Edward Everett and James Madison wrote a very long letter back to him on August 28, 1830. And he said this, in part: Being thus derived from the same source as the constitutions of the states, it has within each state, this idea of nullification, the same authority as the Constitution of the state, and is as much a Constitution in the strict sense of the term within the prescribed sphere as the Constitutions of the states are within their respective spheres.

But with the obvious and essential difference, that being a compact among the states, that is the Constitution, in their highest sovereign capacity, the states adopted the Constitution, and constituting the people thereof one people for certain purposes. That is, you're a citizen of a state, but you're also a citizen of the United States under the Federal Constitution, it cannot be altered or annulled at the will of the states individually, as the Constitution of a state may be at its individual will.

In other words, a state constitution, or state legislature cannot nullify the nature of national citizenship that was adopted by states -- by states -- these amendments later, we'll get into.

It's worse in this case of Manhattan because the state as an entity is inactive. It's a piece of the state, a small piece of the state -- one judge, and one prosecutor. So it's worse.

He says, between these different constitutional governments, the one operating in all the states, the others operating separately in each with the aggregate powers of government divided between them, it could not escape attention that controversies would arise concerning the boundaries of the jurisdictions, and that some provision ought to be made for such occurrences.

A political system that does not provide for a peaceful and authoritative termination of current controversies would not be more than the shadow of a government. The object and end of a real government being the substitution of law and order for uncertainty and confusion and violence, which, of course, is exactly what Bragg and Merchan have done in their courtroom, not the state legislature, not the governor, two people -- two people.

He goes on: "That the Constitution and the laws made in pursuance thereof and all treaties made under the authority of the United States shall be the supreme law of the land. 2. That the judges of every state shall be bound thereby, by anything in the Constitution and laws of any state to the contrary notwithstanding. 3. That the judicial power of the United States shall extend to all cases in law and equity arising under the Constitution, the laws of the United States and treaties made under the authority thereof."

Well, the issues that took place in that courtroom arise under the Federal Constitution, which is why Joe Biden, an old Confederate who supported racism and segregation, opposed Brown versus Board of Education by opposing the integration of our public school systems. That's why he got up and said this is a state court issue.

No, it happened in a state court. That doesn't make it a state court issue. Madison goes on. He says: "With respect to the judicial power of the United States and the authority of the Supreme Court in relation to the boundary of jurisdiction between the federal and state governments, I may be permitted to refer to the 39th number of the 'Federalist,' for the light in which the subject will be discarded by its writer, (meaning him, he wrote it) at the period when the Constitution was depending. And it is believed that the same was the prevailing view then taken of it, that the same view has continued to prevail and that it does so at this time, notwithstanding the imminent exceptions to it."

He said, there is no nullification right under the Constitution. Period. And what I'm saying is what took place in that Manhattan courtroom was the nullification of a part of the Bill of Rights in the 14th Amendment, one of the Civil War amendments.

Finally, he says, in part: "What the fate of the Constitution of the United States would be if a small proportion of the states could expunge parts of it, particularly valued by a large majority, and have but one answer." Remember that is Civil War, that's 1830. He could see it coming.

In 1834, he wrote a long treatise on this, December, about nullification. And I'm not going to read it to you in full but I'll read one section. "It follows from no view of the subject, that a nullification of a law of the US can, as is now contended, belong rightful rightfully to a single state as one of the parties to the Constitution, the state not ceasing to avow its adherence to the Constitution, a planar contradiction in terms or a more fatal inlet of anarchy cannot be imagined."

He said that New York part of the United States of America, it signed on to the Constitution. It can't now say, okay, but as far as the due process rights go, in modern time, we're going to allow Mr. Bragg and Mr. Merchan to have their way, to basically eviscerate it, to nullify its application in that courtroom, to a presidential candidate and a former president.

Well, who wrote this 14th Amendment? Section I, which is what we're focused on of the 14th Amendment, the main author was a Congressman from Ohio, a Republican by the name of John Bingham. And he went to the floor in the House when he was arguing for his amendment. And he said, among other things, this is 1866, the amendment was ratified, or adopted in 1868. "I think, sir, that the honorable gentleman from Vermont, has uttered words that ought to be considered and accepted by the gentlemen of the House, when he says that the action of this Congress and its effect upon the future prosperity of the country will be felt by generations of men after we shall all have paid the debt of nature. I believe, Mr. Speaker, as I've had occasion to say, more than once, that the people of the United States have entrusted to the present Congress, in some sense, the care of the Republic, not only for the present, but for all hereafter."

"Your committee, sir, would not have sent to this House for its consideration, this proposition, this proposed amendment, the 14th, but for the conviction that its adoption by Congress, and its ratification by the people of the United States is essential to the safety of all the people of every state. I repel the suggestion made here in the heated debate, that the Joint Committee on Reconstruction, or any of its members who favored this proposition, seek in any form to mar the Constitution of the country, or take away from any state any right that belongs to it, or from any citizen of any state any right that belongs to him under the Constitution."

"The proposition pending before the House is simply a proposition to arm the Congress of the United States, by the consent of the people of the United States through the ratification process, with the power to enforce the Bill of Rights, as it stands in the Constitution today. It hath that extent, and no more," he points out.

He says, "Gentlemen, admit the force of the provisions of the bill of rights that the citizens of the United States shall be entitled to all privileges or immunities of citizens of the United States and the several states, and that no person, none, shall be deprived of life, liberty, or property without due process of the law, but they say, we are opposed to its enforcement by act of Congress under an amended Constitution as proposed. That's the sum and substance of all the argument we have heard on this subject. Why are the gentlemen opposed to the enforcement of the Bill of Rights as proposed? Because they aver it would interfere with the reserved rights of the states, whoever before heard that any state had reserved to itself the right under the Constitution of the United States to withhold from any citizen of the United States within its limits, under any pretext whatever, any of the privileges of a citizen of the United States, or to propose upon him, no matter from what state he may have come any burden contrary to that provision of the Constitution, which declares that the citizen shall be entitled in the several states to all the immunities of a citizen of the United States?"

He ends: "The question is simply whether you will give by this amendment to the people of the United States the power by legislative enactment, to punish officials of states for violation of the oaths enjoined upon them by their Constitution. That is the question and the whole question, the adoption of the proposed amendment will take from the states no rights that belong to the states, they elect their legislature, they enact their laws for the punishment of crimes against life, liberty, or property. But in the event of the adoption of this amendment, if they conspire together to enact laws refusing equal protection to life, liberty, or property, that Congress is thereby vested with the power to hold them to answer before the bar of the national courts, for the violation of their oaths and the rights of their fellow man, why should it not be so? Is the Bill of Rights to stand in our Constitution hereafter, as in the past five years within 11 states, a mere dead letter?

And therein, ladies and gentlemen, is the bottom line. Why do I want this case to get before the Supreme Court? So they have the opportunity, whether they take it or not, to give us our Due Process Clause back, to give us our Equal Protection Clause back.

It's not up to a prosecutor and a judge, a rogue prosecutor and a rogue judge, for that matter, to destroy and nullify the due process clause of the Fifth and Fourteenth Amendment, or the Equal Protection Clause of the fifth and Fourteenth Amendment.

And we have the same Democratic Party that rejected the Constitution, the same Democratic Party that fought the Due Process Clause, that fought the Equal Protection Clause, the same Democratic Party that after the Civil War, despite the Fifth Amendment, despite the Civil War Amendment, the Fourteenth Amendment still supported segregation, still supported eugenics, still supported and backed Jim Crow. And nobody is a better figure illustration of that than Joe Biden.

Now, they do it for different reasons and they do it in a different way. But it doesn't change who they are and what they are. They hate the Constitution as they must as they adopt increasingly aggressive Marxist ideology and this party is an autocratic party, an autocratic party, it doesn't care how it gets power.

What was done to Donald Trump in that courtroom, in addition to everything you heard, is an attempt to nullify the Federal Constitution, due process, equal protection. That's what took place.

The Democratic Party is the new Confederacy. That's right. It was the Old Confederacy, now, it is the New Confederacy. Reverse federalism where a judge and a prosecutor steal the jurisdictional power of the federal government and all that implies the Constitution, federal election laws, and these entire processes. That is reverse federalism, that is nullification. That is the new Confederacy.

That's what Joe Biden, the Old Confederate, and that's what his Marxist supporters now support. This needs to be fought.

We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

I've been very, very excited about talking to our friend, Pete Hegseth with his fantastic new book, "The War on Warriors: Behind the Betrayal of the Men Who Keep Us Free." I just finished reading this book.

And let me tell you something, ladies and gentlemen, if we don't have a military that is in shape, a military that knows its mission, a military that's not being undermined from within, then we don't have a country.

And it's one thing to talk about this theoretically, but Pete Hegseth has walked the walk. So that's why we want to hear the talk and its implication for this country, this election, and everything going forward.

Pete Hegseth, congratulations on a fantastic book, "The War on Warriors: Behind the Betrayal of the Men Who Keep Us Free." You can get this on amazon.com on Tuesday, on Tuesday. Go right ahead. Why did you write this book?

PETE HEGSETH, FOX NEWS CHANNEL HOST, "FOX AND FRIENDS" WEEKEND: Well, Mark, you know, thank you, first of all, for your love of country, for your commitment to our Constitution and its institutions.

You've been talking ad nauseam about our justice system, which has two tiers these days and it is very clear that it is off the rails. It's being weaponized.

And the reason that's important is there is only one justice system in America. You see the issue of justice is different than education or taxes where you can move somewhere else if you don't like the status of your income rate or your local school.

Well, the Justice Department is just like the Defense Department. We only have one Pentagon, we only have one Army, one Marine Corps, one 101st Airborne. If we lose those institutions, they're gone. And just like a justice system, which is a precious jewel of our nation, so are our fighting men and women, mostly men, by the way, and this book is very candid, it's very clear.

This is not pussyfooting around using nuanced language. This is clear about how we fight and win wars and how we maintain a meritocracy, Mark. That's why the left hates -- you've written all -- you've studied the left more than anybody else. The left hates the Pentagon because it was the last vestige of a true meritocracy, where it found that the best and the brightest who are able to exact the most lethality on the enemy, with the most latitude possible to win wars.

And what happened in the story, when you go into this about 20 years ago started under Clinton a little bit, fast forwarded under Obama and then hyper speed under Biden, is the left targeted this institution specifically to say, no, no, we don't want our focus on the highest standards and maximum accountability, we want a social experiment inside this institution.

So we're going to insert things like CRT and DEI, like women in combat. We're going to weaponize LGBT issues. We're going to focus on climate change.

Mark, our military is pumping out electric tanks. China is building a military specifically designed to defeat us and our defense industry because of our generals who've given into ideologues is focused on climate change.

Our sons and daughters enter this military in the future and they're questioning whether they want to and understandably so. Recruitment is down for a reason. They see how adrift the Pentagon is.

So this book is meant to call out the issues in a very blunt way. Everybody will have -- this is not acronyms and crazy inside military speak. You'll understand it, call it out and then give an understanding of how we get past it because we have to save our military.

LEVIN: Your passion is on the pages of this book, and even more than that, this is the greatest evisceration of the war on the Pentagon than I've ever read and I read a lot.

It is also the greatest defense of our military and our military personnel that I've ever read and it is extremely readable.

You talk about DEI taking place, you talk about the wokeism taking place, you talk about all these things, all the cultural rot being projected on to the Defense Department. And your point of the book as I sense it at the end is, if you don't know what the hell is going on, you can't fix it, right?

HEGSETH: That's exactly right. And if you don't fix it, we lose it. And it's not just my story, Mark, I tell a lot of my story. I share combat moments, I share a moment where I was deemed an extremist, we can get into that in a moment if you want. That's why I left the military.

The military said, no, Pete after 20 years of fighting extremists while being a part of a military, you're an extremist. It's not just about me, it's about the dozens and dozens of guys that I interviewed currently serving, lower ranks, higher ranks, all of which said the same thing.

We're walking on eggshells. Our standards are being lowered. And because of all the extra nonsense that is being pushed in, we are not training on more important skillsets. The inmates are running the asylum because we've decided to say, well, if you're white -- this is being taught and pushed into units, you know, White you're doing all the CRT training, White you're the oppressor. If you're a minority you're oppressed -- turning an institution in the Pentagon which famously integrated, Mark, you know this. The Pentagon, the Defense Department was integrated racially before really any other part of government was.

The guys I served with, we didn't see Black and Brown and White. We saw green and we bled red together and we love this nation and we went downrange with a mission.

LEVIN: Excellent point, Pete.

We'll be right back.

(COMMERCIAL BREAK)

JON SCOTT, FOX NEWS CHANNEL ANCHOR: Welcome to "Fox News Live," I'm Jon Scott in New York.

Millions of people in the West are bracing for a potentially life- threatening heatwave this week. Widespread triple digit temperatures are forecast to stretch across much of California starting Tuesday, parts of Arizona and Nevada also under the threat. Some places could see high temperatures near 120 degrees by Thursday.

Officials are urging people in these areas to take precautions to stay cool and prevent heat-related illnesses.

Jury selection begins tomorrow in Hunter Biden's federal gun trial. The president's son faces three charges brought by the Special Counsel David Weiss. He is accused of buying and possessing a firearm while addicted to illegal drugs, which is a violation of federal law.

Hunter Biden has pleaded not guilty and claims he is being politically targeted.

I'm Jon Scott. Now back to LIFE, LIBERTY & LEVIN.

LEVIN: Welcome back, America.

This Tuesday, "The War on Warriors: Behind the Betrayal of the Men Who Keep Us Free." Pete Hegseth, fantastic book, I'm telling you, you're going to learn a lot. But it's very intriguing, it is compelling. It's the kind of book you can put down.

Pete, it is obvious, you take this personally, you're very passionate about it. Tell us why.

HEGSETH: Well, this is my generation of war fighters after 9/11. I served in Guantanamo Bay. I served the combat tour in Iraq and I served the tour in Afghanistan.

I also found my -- what happened to me is what's happened to guys across our military, quietly and silently, whether it's vaccine mandates or being dubbed patriot extremists.

You see, I was in the National Guard during the riots of George Floyd in Washington, DC in 2020. I was holding a riot shield outside the White House, Mark. It's surreal when you're in combat, and then you're in America with the White House behind you and fellow Americans are throwing things at you. I served that.

Then January 6th happened, then my unit was designated to guard the inauguration of Joe Biden. Well, I've served under Obama, I served under Trump, I served under Bush. Okay, we're going to guard Joe Biden.

I had orders to go, Mark. I had orders to be a Major there. Everyone had orders. We were all going.

A day before I went, I got a call from the unit. They said stand down, Major. Stand down. We don't need you. I said what do you mean you don't need me? Everybody has orders. No, we're good. We've got it covered.

And a lightbulb went off right away. I said, this is not about that. They don't want me there. Is it because I work for Fox? Is it because I support Trump? Well, what is it? Why am I disinvited? Why have my orders been revoked?

Well, when I wrote the book, Mark, I got a chance to get the inside scoop from people that were involved. I was dubbed -- I joined the military to fight Islamic extremists. I was dubbed by my own unit to be an extremist because of a tattoo, a religious tattoo I have on my chest. They said no, we think you're a White nationalist.

The tattoo has nothing to do with ***politics***. It's a Christian faith religious symbol that I've had for a very long time. And so it was clearly -- was it about religion? Was it about Trump? Was it about Fox? I don't know, but it was about ***politics*** and the message was clear, Pete Hegseth, you're not welcome here to guard Joe Biden's inauguration.

At that point, I said, I'm out. I'm out. I don't want any part of this institution. But my prayer is, is that patriots like us and a future president like Donald Trump can clean out woke generals, can change the way we train at our military academies, get rid -- return the standards and accountability so that my boys -- I end the book, Mark, with a letter to my five sons, because a lot of people ask me this question, do you recommend that your kids serve? The reality is if not patriots, then who?

So my recommendation with trepidation is that they should because we need patriots to serve, but it's our job, Mark, to clean house at the Pentagon so that we have a Pentagon and a military worthy of their service and worthy of their sacrifice.

What happened in Afghanistan was a huge stain on the institution of the military. We have to turn it around.

LEVIN: This Marxist rot is now being spread throughout the military. Joe Biden likes to talk about the bottom up and the middle out. No, this is from the top down.

HEGSETH: Correct.

LEVIN: And you have it in Chapter 14: Marxist-Adjacent Military Academics. In the one minute we have left, what do you mean by that?

HEGSETH: What I mean is, our military academies have been captured like major universities into being factories of extreme left-wing Marxist ideology.

You see, the generals in charge of the military right now have been doing the bidding of leftists. So they've become political generals who do all the woke garbage. They've allowed the military to be taken over by things other than meritocracy.

And now, they're trying to build an officer corps from the bottom up through our military academies, that does the same thing squeezing out the core of our military of patriots who really just want to kill bad guys and defend our nation.

So we have to take our military academies back so that young officers are trained about what it means to maintain military standards, not a political ideology, Mark.

LEVIN: Pete Hegseth, I wish I had the whole hour with you. I really do. You're just fantastic. This book is fantastic.

HEGSETH: Thank you, Mark.

LEVIN: We've marked barely touched the tip of the surface. It's "The War on Warriors: Behind the Betrayal of the Men Who Keeps Us Free." Fresh off the printing press. You could order it on amazon.com right now. It's released on Tuesday, any major bookstore. I want to strongly encourage you to find out what's happening to the United States military, and the military personnel who are there.

God bless you my friend.

HEGSETH: Mark, thank you. God bless you. You are a patriot. Behind you all the way.

LEVIN: You too, brother.

We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

We're here with our friend, top lawyer, Jim Trusty.

Jim Trusty, let's step back from the intricacies and the weeds in this case and the legalese, you look at this case. We can sum it up very easily what took place in there. It was tyranny. It was rogue.

From beginning to end, the taking of the case. I don't blame the jury because there should never been a jury. This case should have been dismissed. Period.

But all of that said, this has a national impact on the voters of the nation. It has an impact on our constitutional system, it has a federal impact on our federal election laws and federal jurisdiction and federal judicial authority.

How do you sum this up? What do you make of all this?

JIM TRUSTY, FORMER FEDERAL PROSECUTOR: I mean, these are the wages of lawfare. You know, we've -- if it stands, we're living in a system now where it's okay to announce that you're going to target political figures to disable them, to destroy their campaigns, and to come up with inventive use of law for that very purpose. And that's -- it's just the antithesis of everything rule of law stands for.

I mean, just think about this, Mark. This week, we had the incredible spectacle of Michael Cohen appearing on TV and announcing that truth is important. I mean, that's the spokesman, the minister of truth for lawfare is Michael Cohen. That should tell you a lot.

So I view it as historic in terms of damage that this is, you know, as you and I have talked about, this is the Rubicon, it's been crossed. And if it is not undone, then we have forever damaged the institution and the respect for the institution of criminal justice.

LEVIN: Do you think the fact that one state -- it is not even the state -- that one prosecutor and one judge, now, they are saying, well, if they sentence Trump and so forth and so on, they will, the question is, to what? Should have this kind of power over the nation in the middle of an election without any real way to address this.

I mean, you go up and down the state criminal court processes, appellate processes, and so forth. But this was timed to basically exclude that, in other words, to make it a dead letter, you can do that all you want. And in the end, you know, Trump will be found innocent, that's all great.

But the damage, the impact on the nation, the electoral system, federal election law has occurred. So this evil, devious effort will have succeeded. So either there's a way to bring this to the Supreme Court, whether they take it or not, or this is what we have to live with, right?

TRUSTY: Well, Mark, yes, that starting point about trying to get the Supreme Court involvement, I think is still a good one. And I recognize it's probably uphill, you've been kind of at the forefront of pushing that argument and I think it's got potential, but the bottom line is, it's nothing ventured, nothing gained. I don't know why -- I mean, someone would have to convince me that it's going to be actually a negative to try to pursue Supreme Court involvement.

And I will say this to have a little shred of encouragement for that. You know, the Supreme Court when they dealt with the immunity issue, and Jack Smith trying to manipulate the timing of when they would deal with it. They seemed, I think, very cognizant, and this went all the way through oral argument, very cognizant of the idea that lawfare is breaking out around them. They knew the context of what was happening when they made their decision to either not take the expedited request or to take it and to handle the arguments the way they did.

So I don't rule out the Supreme Court getting involved just because of the uniquely historical and perhaps horrible context.

And that weaves into the second part of your comments, Mark, you know, the idea that he is going to have this pyrrhic victory of a low-grade series of felonies, overblown vague due process violative felonies being reversed 15 months from now, you know, yes, that's a good ending. But it is justice delayed being justice denied.

It's giving the lawfare proponents the benefit of incapacitating him for the trial and for calling him a felon and all the things they're going to do during this campaign, when the case is on the flimsiest of foundations.

LEVIN: And that is the problem. The problem is the people who hatched this were quite diabolical and they were looking at New York state law. The people who hatched this were people first who are outside the government, and they came in to the DA's Office and this was the plan. The plan was to time it in a way where number one, in which they would bog down Trump so you don't have an equal playing field even when it comes to the electoral process.

You've got one candidate who is unfettered, Biden, and the other guy who's handicapped, so we, the people, the public doesn't get the meat, speak to in person, hear from the candidate, then this horrendous gag order is placed on him.

All of the steps are taken because they want an outcome and that is they want guilty. Now they know well, you can appeal. Well, great, but you can't appeal on time and you are also having to appeal in the very state under the right process that is unconstitutional in my view as the nullification of the due process and equal protection. That's what took place in that courtroom. These are federal constitutional violations.

This is why I think, Jim Trusty, the judge didn't give a damn. That was of no consequence to him, the appeal process, who cares? That'll be after the fact, the damage will be done. Don't you think that's what they were thinking?

TRUSTY: Yes, I think so, Mark.

I mean, look, I tend not to go too heavy about any judge unless I'm sitting in court every day and really picking up on some of the more subtle psychology and moments of it. But this case was chock full of error and that feels like a politicized, reckless kind of approach.

And look, it starts with the judge not recusing. You know, I don't really care that much about the penny-ante donations, but when the judge's daughter is a high-powered operative in the national level Democratic Party, how hard would it be in New York of all places to say maybe somebody else should handle this for the appearance of impartiality? But that didn't happen here.

And then you have a series of rulings, including denying the FEC chairman from testifying in the defense. I think, a critical due process memo, you're talking about a defense witness, and these kind of vague, unsupportable, vile jury instructions that would allow almost any jury to convict on the facts of this case.

So I think there's a whole bunch of issues that need a hard look. Obviously, you want to look to make sure everything is preserved, that there were objections that were made at the appropriate time. But there's a number of violations both independently and cumulatively that look to be violations of due process.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

Jim Trusty, there is a lot of talk. What will the judge do in terms of the sentencing? So first of all, the gag order is hanging over Donald Trump all the way through this process because he hasn't lifted it, the judge. Number two, you have the Democratic Party apparatchiks in and out of the media, lobbying the judge who obviously watches their stuff to put him in jail. Wow.

Do you think the Supreme Court might take up the case if they put a candidate for president in jail? Or if they give him an ankle bracelet and say, you can only campaign on certain days or you need to go to your probation officer and get permission if you want to fly to Wisconsin or Arizona? Or a hundred other possibilities as you well no as a result of sentencing? What do you think about that?

TRUSTY: Yes, I think there's a real good chance that if the judge tries to continue with this effort by escalating it into some form of detention, that a court somewhere, hopefully SCOTUS would impose a stay, immediately and just say enough is enough.

But I have to tell you, you know, the interesting thing to me is, I think everything about this prosecution, from Colangelo leaving a number three perch at DOJ to reinvigorate this misdemeanor case and come up with inventive charges and pursue it, it all obviously, is kind of rotten.

But I think politically, Alvin Bragg would be smart to swear off incarceration, to say, oh, this was just another core principle of our DA's Office and we're not going to treat it any differently than we would any other incredibly low-grade, stale you know, slightly above misdemeanor case. It's a Class E felony in New York. People don't usually go to jail for that.

But all bets are off when you're talking about President Trump, quite obviously. So I think the key here is if Bragg will weigh in and say we're not seeking incarceration, and we're trying to be consistent with how we always approach, whatever case that is somewhat like this, that that puts so much pressure on Merchan that he probably doesn't go out on the limb by himself.

But if you're advising President Trump, you have to tell him, it is a possibility and we're going to prepare motions for stay and motion for intervention from the Supreme Court.

LEVIN: And the only problem is Bragg's audience is the people who vote for him, and they love this. His audience are the people on other networks, and they love this. I've heard it said on other networks that Governor Hochul should pardon Donald Trump. I don't think these people understand the ***politics***. It's the Democratic Party. They want this. They're heavily supportive of this.

If they had their way, they would treat Donald Trump like the end of Mussolini's term, and that is hanging from a telephone pole by a foot. They don't have any rationality when it comes to this. So that is my concern.

The governor is not going to do a damn thing. Bragg is not going to do a damn thing. They've done exactly what they want to do and we're stuck. And I think suggestions like, well, you know, in five years, this will be reversed, the American people will be repulsed. That's not the way it works. This isn't about sovereignty, the American people's right to vote or participate in the judicial system.

You've got the people in Manhattan who elected Bragg, and they'll elect him again and this will be a feather in his cap. You've got to judge we don't even understand how this judge was appointed. He's an assistant. He's an acting judge. They're not going to reflect on what they've done in any negative way. They're conquering heroes, as far as I'm concerned.

Last minute, I'll give it to you, Jim.

TRUSTY: Yes, I suppose the good news for President Trump is a lot of people seem to be recognizing that, whether they watch your show, listen to me, whether they're lawyers or not, people have a fundamental sense of fairness and unfairness and they watched this trial where sordid replaced criminal, where intent was left to a buffet for a bunch of Manhattan jurors to pick from.

I mean it was nothing close to anything I've ever seen and you go back to the gag order, 35 years in the criminal justice system, I've never seen the defendant gagged.

So everything has been selectively about Donald Trump and people are fed up with it.

LEVIN: God bless you, my friend. Thanks for coming on.

TRUSTY: Sure. Good to see you, Mark.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

Pete Hegseth is a truly unique guy. Decent, kind -- it comes across, doesn't it? A hero. A man who stepped up to serve his country in two different theaters, plus Guantanamo Bay.

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And we will see you next time on LIFE, LIBERTY & LEVIN.

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