

SUPREME COURT

Trump immunity case: Supreme Court rules ex-presidents have substantial protection from prosecution

The issue before the Supreme Court stemmed from Special Counsel Jack Smith's election interference case against former President Trump



By **Brooke Singman** · Fox News

Published July 1, 2024 10:34am EDT



SCOTUS hearing on Trump immunity claim could be felt for 'generations to come': Shannon Bream

Fox News chief legal correspondent Shannon Bream has more on former President Trump's legal cases and how they could impact the 2024 presidential election on 'Special Report.'

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The Court sent the matter back down to a lower court, as the justices did not apply the ruling to whether or not former President Trump is immune from prosecution regarding actions related to efforts to overturn the results of the 2020 election.



Members of the Supreme Court (L-R) Associate Justices Amy Coney Barrett, Neil M. Gorsuch, Sonia Sotomayor, and Clarence Thomas, Chief Justice John G. Roberts, Jr., and Associate Justices Ketanji Brown Jackson, Samuel A. Alito, Jr., Elena Kagan, and Brett M. Kavanaugh pose in the Justices Conference Room prior to the formal investiture ceremony of Associate Justice Ketanji Brown Jackson September 30, 2022 in Washington, D.C. (Collection of the Supreme Court of the United States via Getty Images)

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proceeding; and conspiracy against rights.

Those charges stem from Smith's months-long investigation into whether Trump was involved in the Jan. 6, 2021, Capitol riot and any alleged interference in the 2020 election result.

Trump pleaded not guilty to all charges and argued he should be immune from prosecution from official acts done as president of the U.S.



Republican presidential candidate former President Donald Trump boards his plane after speaking at a campaign rally in Freeland, Mich., Wednesday, May 1, 2024. (AP Photo/Paul Sancya) (AP Photo/Paul Sancya)

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Smith's case against the former president and its trial have been pending amid the high court's consideration of the issue.

The justices heard arguments from Trump attorney John Sauer and Michael Dreeben, a Justice Department attorney representing Special Counsel Jack Smith, on April 25 on whether presidents should have "absolute immunity."

During those arguments, both liberal and conservative justices focused on the broader implications of the question for future presidents but raised sharply different concerns.

Justice Samuel Alito questioned the repercussions of charging a former president.

"Now if an incumbent who loses a very close, hotly contested election knows that a real possible nullity after leaving office is not that the president is going to be able to go off into a peaceful retirement, but that the president may be criminally prosecuted by a bitter political opponent,"

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Donald Trump and Jack Smith (Getty Images)

Meanwhile, Justice Ketanji Brown Jackson, appointed by President Biden, asked if the "potential for criminal liability is taken off the table, wouldn't there be a significant risk that future presidents would be emboldened to commit crimes with abandon while they're in office?"

TRUMP ATTORNEY. SUPREME COURT JUSTICE CLASH ON WHETHER A PRESIDENT WHO

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Committing crimes. I'm trying to understand what the disincentive is from turning the Oval Office into, you know, the seat of criminal activity in this country," she said.

Justice Brett Kavanaugh summed up the stakes for the court's decision: "This will have huge implications for the presidency."

TRUMP WARNS THAT IF HE LOSES PRESIDENTIAL IMMUNITY, SO WILL 'CROOKED' JOE BIDEN

"I'm not talking about the present, so I'm talking about the future," Kavanaugh said.

And Justice Neil Gorsuch stressed during questioning: "We're writing a rule for, yes, for the ages."

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Meanwhile, the ruling comes after a New York jury found Trump guilty on all counts of falsifying business records in the first degree stemming from Manhattan District Attorney Alvin Bragg's investigation.

Brooke Singman is a political correspondent and reporter for Fox News Digital, Fox News Channel and FOX Business.

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