

United States: Trump Found Guilty of 34 Felonies—What Does it Mean for the Election?

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For the first time in U.S. history, a former president, Donald J. Trump, has been found guilty of having committed a felony, yet it appears that this will have little or no impact on the coming election. Republican politicians and Trump supporters have rallied round him. In fact, Trump claims, that in the 48 hours since the jury decision, he raised an extraordinary \$52.8 million mostly from small donors, 30% of them new donors, all motivated to give by his false claim that the entire process was orchestrated by President Joe Biden, that the judge was corrupt, and the trial rigged.

In fact, the trial was a model of American justice. New York State prosecutors brought the charges after three years of investigation, Judge Juan M. Merchan conducted a fair trial, and Trump was found guilty by the unanimous vote of 12 jurors, ordinary citizens of New York City, vetted and selected by both teams of attorneys. One has to admire the remarkable courage of the jurors for declaring a guilty verdict despite violent threats from Trump's supporters. Former president Donald Trump was found guilty of all 34 counts of falsifying business records to cover up hush money payments to porn film actress Stormy Daniels with whom he had sex. The jury was allowed to consider that suppressing that information interfered with both the state and federal election.

The judge alone will sentence Trump on July 11 and he has great latitude. He could allow the former president to go free, could condition his discharge, could have him held under house arrest, or send him to prison for four to twenty years. Many believe that he is unlikely to go to prison. He might well.

Judges typically take one's record into account. Trump has no former criminal convictions, but the judge will take into account other civil cases. A judge already ordered Trump to pay \$35 million for lying about his wealth. And in another case, he was ordered to pay \$5 million in a civil suit for raping E. Jean Carroll and then \$83.3 million for defaming Carroll. During this fraud case, the judge issued a gag order, forbidding Trump from threatening witnesses, jurors, the judge, family members of the judge and jury, prosecutors, and court official. Trump violated the gag order ten times, for which he was fined \$9,000. The judge may also consider that Trump has shown no remorse in this case.

Once Trump is sentenced, he has the right to appeal, though appeals can take several months. Since this is a conviction of a crime in New York State and not a federal crime, he may appeal to higher state courts but by law cannot be appeal to the U.S. Supreme Court, some of whose members he appointed.

Mike Johnson, the rightwing Republican speaker of the House, called upon the U.S. Supreme Court to intervene in Trump's appeal, which would be a violation of the Constitution.

The U.S. Constitution does not prohibit a felon or even a prisoner from being a candidate or being elected to the presidency. The Socialist Eugene V. Debs, while in prison for his anti-war activities, ran for president in 1920. Ironically, Trump may not be able to vote for himself in his home state of Florida, because there a felon can't vote until he has served the full sentence.

Trump maintains a very slight lead in polls over Biden, despite his conviction. Over 80% of Republicans say they will back Trump, while 16% say they are reconsidering how they will vote, but only 4% have deserted him. Key Trump constituencies such as the Evangelical Christians still back Trump. Biden, meanwhile is losing the support of Arab and Muslim voters and of some young voters who call him "genocide Joe." And while most Black and Latino voters still back him, his support among those groups is declining some.

On Tuesday, November 5, Americans could go to the polls and elect a neo-fascist who is a convicted felon—and perhaps a prison inmate.

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