The Phyllis Schlafly Report

Gag Order Invites Reversal

By John and Andy Schlafly

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Democrats' goal of censoring Donald Trump was embraced by an Obama-appointed federal judge in D.C. on Monday. She then imposed a sweeping gag order demanded by the politicized prosecutor, Jack Smith, to muzzle Trump as he campaigns for president.

Her gag order censors Trump from criticizing Jack Smith and his partisan prosecutors, any of the court's staff who might later be viewed as including the judge, and "any reasonably foreseeable witness or the substance of their testimony." The prosecutors can seek to hold Trump in contempt for anything he says that might be interpreted as a violation.

In layman's terms, the gag order prevents Trump from being Trump. And that is unconstitutional for any court to do to the front-runner for president during his reelection campaign.

Nothing prevents Biden, the Democrats, and the media from exploiting the gag order by relentlessly ranting against Trump on the same topics that he is now prevented from addressing. Ads can be run by rivals while Trump is wrongfully prohibited from rebutting them, because the gag order further censors all who act under Trump's direction.

Late-night Leftist talk show host Jimmy Kimmel quipped that the gag order shuts down Trump's ability to criticize even him, because Kimmel is a potential witness. After all, Kimmel joked, "I don't know about you — I saw the whole thing happen."

A gag order is a type of prior restraint, which in other contexts would be "presumptively invalid" under Supreme Court precedents. Trump immediately vowed to appeal, correctly pointing out that this gag order interferes with democracy.

Judge Tanya Chutkan repeats the mantra that Trump will not be treated any differently from any other defendant, but no other defendant is constantly and unfairly vilified by the liberal media as Trump is. Judge Chutkan does not censor any of Trump's critics, yet unconstitutionally prohibits Trump from defending himself as he campaigns.

The delusional Deep State thinks it can imprison Trump for supposedly violating an unlawful restraint on his speech. The gag order immediately harms all Americans by interfering with Trump's campaign while he appeals.

Judge Chutkan took an oath to uphold the Constitution, and that includes protecting the First Amendment rights of Trump and all Americans. The weaponization of the federal government against Trump and others is an issue in the presidential campaign, and all Americans have a First Amendment right to hear what Trump has to say about it.

An impartial presiding judge is essential to due process. Yet at Monday's hearing the Obama-appointed judge praised the prosecutors of Trump as "public servants who are simply doing their jobs," displaying her bias in favor of a team of prosecutors who were just admonished by a different federal judge in the Mar-a-Lago documents case.

Judge Chutkan should not continue to preside over Trump's case while praising and defending his prosecutors. Jack Smith, the taxpayer-funded biased prosecutor who has wasted many millions on interfering with the political process, may dislike being criticized but the First Amendment requires allowing it.

Yet in court the judge spoke like a CNN political host, taking umbrage at the use of the word "censorship" by Trump's attorney despite how that is what the gag order is. At one point she reportedly leaned back in her chair and shook her head while Trump's attorney, John Lauro, was speaking.

When Lauro stated that "President Trump firmly believes that these proceedings are brought by a politically motivated prosecutor," the judge demanded that Lauro "tone down his language," as delightfully recounted by CNN. There was no jury present and thus no justification for muzzling an attorney as he argued for his client.

Rep. Marjorie Taylor Greene schooled the judge afterwards about the double standard imposed. Judge Chutkan "said the case isn't about the court of public opinion, yet she allows the media to sit in her courtroom, the very people who craft public opinion through their headlines and stories," Rep. Greene pointed out.

Courtrooms in D.C. have become pockets of tyranny where judges seem to care more about the media, as when Judge Royce Lamberth lashed out at Tucker Carlson in a hearing about one of the over-prosecuted January 6 cases.

Judge Chutkan infringes not only on Trump's First Amendment right to speak out, but also on the First Amendment right of every American to hear Trump's rebuttal of media reporting about his case. Judge Chutkan ignores the clear constitutional right of Americans to learn Trump's responses to the media's negative spin about this politically motivated

prosecution.

Judge Chutkan declared at Monday's hearing that "this trial will not yield to the election cycle, and we will not revisit the trial date." With her impertinent comments, the judge has amply demonstrated why an appellate court should remove her from Trump's case.

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