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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. RES. _____

Expressing the sense of the House of Representatives that the Supreme Court of the United States should use its powers under the All Writs Act to protect its jurisdiction and bring the questions of Federal and constitutional law and equity before the Court for resolution with all deliberate speed and possible urgency.

IN THE HOUSE OF REPRESENTATIVES

Mr. TIMMONS submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expressing the sense of the House of Representatives that the Supreme Court of the United States should use its powers under the All Writs Act to protect its jurisdiction and bring the questions of Federal and constitutional law and equity before the Court for resolution with all deliberate speed and possible urgency.

Whereas the United States is founded on the constitutional bedrock principles of fair trials and equal justice for all before the law;

Whereas the use of weaponized prosecutions, “lawfare”, political show trials, two-tiered justice systems, and targeted

political prosecutions are hostile to the founding principles of the United States;

Whereas, in the case of *The People of the State of New York v. Donald J. Trump*, a conviction on several counts was entered against former President and presumptive Republican nominee for President, former President Donald J. Trump, on May 20, 2024, in the Supreme Court of the State of New York, New York County;

Whereas this conviction was the result of a targeted, dogged, abusive, desperate, and politically motivated prosecution by Manhattan District Attorney Alvin Bragg;

Whereas District Attorney Alvin Bragg resurrected a zombie case, declined by the Federal prosecutors of the Southern District of New York and previously declined by his own District Attorney's office;

Whereas the Federal Election Commission likewise found no reason to issue a civil fine over the same allegations;

Whereas elected District Attorney Alvin Bragg resurrected this zombie case to fulfill his electoral promise to New Yorkers to hold former President Trump "accountable";

Whereas Alvin Bragg even went so far as to staff his office with zealous activists, like former senior Biden Department of Justice official Matthew Colangelo, who has previously targeted former President Trump, to drive the prosecution;

Whereas the judge in the case, Juan Merchan, has and had a clear conflict of interest in the case, with his daughter's role as president of Authentic Campaigns, a firm known for representing and fundraising for Democrat politicians, and whose Democrat clients have fundraised off of this prosecution;

Whereas the New York State Commission on Judiciary Conduct privately cautioned Judge Merchan in July over his own illegal and unethical political donations to Biden and Democrats in 2020, while a sitting judge of the New York State Supreme Court;

Whereas members of this chamber have filed a complaint against Judge Merchan with the New York State Commission on Judiciary Conduct regarding these improprieties;

Whereas throughout the pretrial and trial proceedings Judge Merchan consistently demonstrated favor toward the prosecution through rulings and unconstitutional gag orders on the presumptive Republican nominee for President;

Whereas the unprecedented nature of the prosecution and overwhelming public interest in the case of *The People of the State of New York v. Donald J. Trump* is matter of public record and merits both judicial notice and judicial intervention from superior Federal courts;

Whereas this conviction was based on novel, questionable, and untested legal theories advanced for the purpose of a targeted prosecution against the former President and presumptive Republican nominee;

Whereas there are serious, substantial, and dire questions of Federal and constitutional law under the First Amendment, Fifth Amendment, Sixth Amendment, and Fourteenth Amendment, requiring dispositive resolution before the Court arising from multiple reversible, clear errors in the case of *The People of the State of New York v. Donald J. Trump*;

Whereas the charges against former President Trump were misdemeanors time-barred by the New York statute of limitations;

Whereas the charges against former President Trump involved conduct allegations, such as Federal elections law violations, that are the exclusive jurisdiction of Federal authorities to enforce and resolve;

Whereas former President Trump was convicted based on uncharged conduct, ranging from conspiracy to conceal a Federal election law violation and falsification of business records, to tax law violations, which never had to be proven at trial or specified;

Whereas that uncharged and unproven conduct provided the predicate for felony escalation and the basis for avoiding the time-bar that would otherwise have precluded the entire proceeding;

Whereas prosecutors were permitted to expressly state to the jury that it was “a fact” that Federal election law violations occurred in this case at the direction of former President Trump, even though that “fact” was directly at issue in the case and required a factual finding by the jury to maintain the felony escalation theory;

Whereas the jury instructions in the case were constitutionally deficient and legally flawed by allowing for a non-unanimous, or “4–4–4” verdict on the uncharged conduct, despite the clear command of the Supreme Court that the Sixth and Fourteenth Amendments “require[] a unanimous verdict to convict a defendant of a serious offense,” in *Ramos v. Louisiana*, 590 U.S. 83 (2020);

Whereas the verdict form returned in the case did not even ask for the specificity of jury findings of the various un-

charged conduct theories found in the case, denying the former President his right to fair notice and confrontation;

Whereas the conviction was obtained in part through the testimony of a discredited witness with a personal animus toward former President Trump, admitted felon and disbarred attorney Michael D. Cohen;

Whereas the conviction was obtained in part through the entry of other highly prejudicial and immaterial testimony and evidence that never should have been admitted;

Whereas former President Trump is the presumptive Republican nominee for President of the United States, the highest office in the Nation, and the occupant of which is a matter of utmost public importance;

Whereas the Republican Convention to nominate a Presidential candidate is on July 11, 2024, and the Presidential election is November 5, 2024;

Whereas the felony conviction of a presumptive major party nominee for President can cause confusion for candidate ballot access, depending on State law and despite the opinion of the Supreme Court in *Trump v. Anderson*, No. 23–719 (2023) (reversing the removal of Donald Trump from Colorado’s Republican primary ballot);

Whereas the politically motivated prosecution and conviction draws into question the integrity of Federal Presidential elections, of which the government “indisputably has a compelling interest in preserving the integrity . . .” *Eu v. San Francisco County Democratic Central Comm.*, 489 U. S. 214, 231 (1989);

Whereas the bias of both the judge and prosecutor in this case, as well as the numerous procedural flaws, raises

dire issues of judicial impartiality, the appearance of propriety, and faith in the judicial system;

Whereas the “principles of equity” require speedy resolution of legal issues that could affect voter decision and information at “a time sufficiently early to permit the holding of elections . . . without great difficulty”, cf. *Reynolds v. Sims*, 377 U.S. 533, 585-86 (1964);

Whereas the public interest is in final and Supreme disposition of the substantial questions of Federal law raised in the case;

Whereas the Supreme Court has previously intervened in order to provide final and dispositive resolution as to questions of law and equity arising from essential and crucial Presidential electoral deadlines, e.g., *Bush v. Gore*, 531 U.S. 98 (2000); and

Whereas under the All Writs Act (28 U.S.C. 1651) “the Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law”: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) immediate resolution of these matters is
4 necessary for the people of the United States to
5 make informed decisions about the upcoming Presi-
6 dential election, would be necessary and appropriate
7 in aid of the respective jurisdictions of the Federal
8 courts, is demanded by the principles of equity, and
9 is agreeable to the usages and principles of law; and

1 (2) with all due deference to the respective co-
2 equal branches of government, that the Supreme
3 Court of the United States should use its powers
4 under the All Writs Act to protect its jurisdiction
5 and bring the questions of Federal and constitu-
6 tional law and equity before the Court for resolution
7 with all deliberate speed and possible urgency.