US Supreme Court ruling on Trump immunity looms

AFP- Des opposants à l'ex-président américain Donald Trump manifestent devant la Cour suprême des Etats-Unis, à Washington, le 25 avril 2024 (Mandel NGAN)
The US Supreme Court is expected to rule Monday on the most highly anticipated decision of its term – a ruling "for the ages" on whether Donald Trump, as a former president, is immune from prosecution.

Even if the ruling is likely to reject Trump's claim he should enjoy absolute immunity, the decision will be key in whether his trial for conspiring to overturn his 2020 election loss can go ahead before this year's election, in which he is the Republican candidate.

"We are writing a rule for the ages," said conservative justice Neil Gorsuch, who was appointed by Trump, as arguments were heard in April.

"This case has huge implications for the presidency, for the future of the presidency, for the future of the country," added justice Brett Kavanaugh, another Trump appointee.

Trump's original trial date in the election case had been for March 4, well before his November rematch with President Joe Biden.

But the Supreme Court – dominated by conservatives, including the three appointed by Trump during his term in office – agreed in February to hear his argument for presidential immunity, putting the case on hold while they considered the matter in April.

That means the trial has already been considerably delayed.

The court is unlikely to rule that Trump has complete

immunity. During the April arguments, the justices appeared largely skeptical of his claims, with some questioning whether it meant a president could “commit crimes with abandon.”

However, the scope and wording of the decision could further postpone the trial – shrinking the odds that Trump will face prosecutors before the November 5 vote.

For instance, justices could send the case back to lower courts to sort out which of the special counsel’s allegations against 78-year-old Trump concern official acts, and thus could be immune from prosecution.

That would inevitably further push back the trial, a complicated undertaking which, regardless of the ruling, will take months of preparation to get back on track.

Facing four criminal cases, Trump has been doing everything in his power to delay the trials at least until after the election.

On May 30, a New York court convicted Trump on 34 felony charges of falsifying business records to cover up a sex scandal in the final stages of the 2016 presidential campaign, making Trump the first former US president ever convicted of a crime. His sentencing will take place on July 11.

The New York hush money case was considered the weakest of the four cases by many legal experts, but likely the only one that will see trial before the vote.

By filing many pre-trial motions, Trump’s lawyers have managed to put on hold the three other trials, which deal with his attempts to overturn the 2020 election results and hoarding top-secret documents at his home in Florida.

If reelected, Trump could, once sworn in as president in January 2025, order the federal trials against him closed.

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