

When we think about democracy, we think of it as this infallible political principle that rules the US, one where the voters decide the president and other political officials. Well, that's what we thought. And to a certain extent, that was true until November 2020. Democratic nominee Joe Biden beat Republican incumbent Donald Trump 51.3-46.8 in the popular vote and 306-232 in the electoral college. The citizens of this country were expecting a peaceful transition to power. We have never had a presidential incumbent refuse to give up the white house to the winner. Well, after 45 straight peaceful transitions, we did not get a 46th. President Trump began a long despicable but unsuccessful attempt to overturn the election. However, Donald Trump would not get away with trying to overturn a free and fair election. After months of calls for prosecution, investigation by prosecutors, and numerous helpless screams of fraud by the former president, He was indicted on 91 charges in 4 different jurisdictions in Georgia, Florida, New York, and Washington D.C. The charges included racketeering, conspiracy to obstruct an official proceeding, making false statements about classified documents, and much more¹. Yet for reasons that I do not understand, Donald Trump is still out and about, having posted bail a literal 20 minutes after being processed in Fulton County, Georgia. The fact that bail was even granted is a deep insult to the election workers, politicians, and others who worked hard to preserve our democracy. While every person, including President Trump, deserves a fair trial, that does not mean he should be given every loophole to stay out of jail. President Trump is dangerous, perhaps not with a firearm or weapon, but still poses a threat to a fair judicial proceeding. Granting former President Trump bail was a big mistake and if things go wrong, our democracy will experience an earthquake, one that will test our country in ways that we have never seen before.

Bail, for those who don't know, is a way for defendants to remain pre-trial after being booked and photographed. The judge will install a certain fixed amount and if an associate of the defendant pays the amount, then the defendant is released from prison but must come back to trial, or else an arrest warrant is issued. Sociologist Joshua Page, in an interview conducted by Knowable Magazine on August 8, 2022, described bail as "a cherished value in our society. When people are charged with a crime, they are innocent until proven guilty. Holding them in jail before conviction is tantamount to punishment, so there had been better good reasons for doing that".²

I would like to take a moment to moment to emphasize something that Sociologist Page said in that quote. He said that there must be good reasons for holding them in jail before punishment. Well in President Trump's case, there are good, perhaps more than good, better reasons for doing that.

Bail is undoubtedly an important part of our society. Yet sometimes, Bail is not granted. One such reason is if you may be a flight risk. Flight risk in the legal world is the idea that there is a

¹ Zhou, Li, and Andrew Prokop. "Trump's 4 Indictments, Ranked by the Stakes." Vox, 15 Aug. 2023, www.vox.com/trump-investigations/23832341/trump-charges-prison-time-sentence-indictments. Accessed 18 Sept. 2023.

² Waldrop, M. M. (2022, August 11). *Doing away with cash bail - knowable magazine*. Knowable magazine. <https://knowablemagazine.org/article/society/2022/doing-away-cash-bail>

chance that the accused may try and escape the area to evade trial and potential criminal sentence and conviction. Innocent until proven guilty does not mean you get to escape on a plane to a different country to escape trial to avoid being guilty. Another such reason is that you may be dangerous to society. This refers to defendants being charged with violent crimes such as murder, rape, assault, and other crimes of that nature. Other reasons for having bail revoked or denied are if, on a court day, the defendant does not show up, not respecting the judge, and more.

Former President Trump is a flight risk. Throughout his presidency and the leadup to the presidency, he has built up numerous connections to Russia³. The amount of connections that he has to Russia is astonishing. I will not list all of them. If I were to, I would be 30 by the time I am done. But to list a few examples, his former attorney general and former senator, Jeff Sessions, met with Sergey Kislyak, the Russian ambassador to the United States twice. His former national security advisor Michael Flynn appeared on RT, a Kremlin, Russia-funded propaganda network. The Trump Organization has a private server connected to the Alfa Bank, the biggest commercial bank in Russia. Former President Trump's former business partner: Fedor Emelianko, is friends with Russian President Vladimir Putin. This is just perhaps 5% of President Trump's connections to Russia. It is not as if President Trump has an ankle bracelet to track his movements, only an order to attend court dates⁴. But as we all know, President Trump does not respect oaths or rules. Former President Trump, at his inauguration, swore that he would "faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect, defend the Constitution of the United States". 4 years later, he tried to overturn a fair and free election. After his presidency, he called for the Constitution to be torn up⁵. It seems clear to me that he does not respect the law. If he is not stupid, he could fly off to Russia and no one could do much about it. By the time the authorities realize former President Trump is in Russia, it may be too late. Because of a lack of an extradition treaty, Former President Trump, by law, cannot be brought back to the USA for trial. He could escape to Russia, and hide there for as long as he wants, perhaps pray for a Republican to win the presidential election, come back to the United States, get convicted, and get pardoned. He could even try to win the election from Russia.

There is an argument that our criminal justice system should be one of presumption of innocence and that keeping someone in prison before trial is contrary to that principle. I concede that point to a certain extent. Yet I remind the readers that innocent until proven guilty does not mean they are just naturally free like everyone else. They have court dates and conditions they

³ Crowley, Michael, et al. "All of Trump's Ties to Russia, in 7 Charts." *POLITICO Magazine*, www.politico.com/magazine/story/2017/03/connections-trump-putin-russia-ties-chart-flynn-page-manafort-sessions-214868/. Accessed 18 Sept. 2023.

⁴ Superior Court of Fulton County. *State of Georgia vs Donald John Trump*. 21 Aug. 2023, p. 1,2,3, www.cnn.com/2023/08/21/politics/read-trump-bond-agreement/index.html.

⁵ Holmes, Kristen. "Trump Calls for the Termination of the Constitution in Truth Social Post | CNN Politics." *CNN*, Cable News Network, 4 Dec. 2022, www.cnn.com/2022/12/03/politics/trump-constitution-truth-social/index.html. Accessed 21 Sept. 2023.

need to abide by to be free before trial. They have still been charged and indicted with a crime. The prosecution believes they have enough evidence to charge the person for crimes. They have gone through the proper procedures and especially in President Trump's case, have done lots of investigating over about 2.5 years to charge him. While former President Trump and his counsel do have the power to file a motion to dismiss the charges, they, to my understanding, have not done so yet. Unless this motion is granted, former President Trump is still charged and by the terms of his bail agreement, is treated differently than the average citizen. There is a necessity to keep former President Trump in jail because of his access to foreign countries (most notably Russia) with his vast wealth making money no problem. There is also a national security threat to this case. Some of former President Trump's indictments include handling of classified documents⁶. Trump refused to give up classified documents⁷. While these documents have since been confiscated after a legal search by the Department of Justice in President Trump's home in Mar a Lago on August 8, 2022⁸, despite Trump claiming a lack of knowledge of the whereabouts of these documents which ended up proving to be a lie and in general, refusing to give up the documents, former President Trump may as well be able to tell potential national security secrets to President Putin in exchange for residence in Russia. Considering that Trump has announced his support for Russia in the Ukraine-Russian war and his numerous connections to Russia via political allies and business partnerships, it would be a stretch to say that former President Trump and President Vladimir Putin aren't at least acquaintances.

What we have before us is a monumental event, perhaps a trial that may be the trial of the century, bigger than the OJ Simpson murder case in 1994, bigger than the impeachment trial of Bill Clinton, bigger than the Michael Jackson Trial. The stakes are high. If we can't put a man who tried to overthrow our democracy, then the principle of law and order is nothing but words on a page. Yet the fact that we allowed a former president, one with vast financial resources, one with vast access to foreign leaders, one who can escape the country without difficulty, one who incited an insurrection on the US Capitol, to let himself out of jail before trial, is incredibly naive and could lead to devastating consequences, some that may lead to our democracy to wobble, shake, and one day, collapse. By the time we realize our mistakes, it may be too late. I fear the worst of Judge Scott F. McAfee's decision.

⁶ Dorn, Andrew. "Prosecutors: Trump Had Documents Related to Nuclear Weapons." *NewsNation*, 9 June 2023,

⁷ Colvin, Jill, et al. "Donald Trump Stored, Showed off and Refused to Return Classified Documents, Indictment Says." *AP News*, 21 June 2023, apnews.com/article/trump-justice-department-indictment-classified-documents-miami-8315a5b23c18f27083ed64eef21efff3. Accessed 21 Sept. 2023.

⁸ Legare, Robert, et al. "Timeline: The Government's Efforts to Get Sensitive Documents Back from Trump's Mar-a-Lago." *CBS News*, CBS Interactive, 23 June 2023, www.cbsnews.com/news/trump-indicted-mar-a-lago-documents-investigation-timeline/.