

# **TRIAL ATTENTION: DON'T LET A PECKER DISTRACT FROM MORE IMPORTANT STORIES**

In my opinion, Donald Trump's criminal trial, which starts in earnest today, is no more than the third most important thing happening to him this week. While I think charging Trump for alleged crimes for which his co-conspirators have already been punished and in which Bill Barr's DOJ tampered has merit, and while I don't think you can separate the allegations here from his other attempts to cheat to win elections, I believe the Trump Organization fraud case and the outcome of the January 6 case (and his claim to absolute immunity generally) have far more impact on Trump's ability to continue to wreak havoc.

So I think Tish James' bid to have Knight Specialty Insurance disqualified for providing Trump's appeal bond and SCOTUS' review of Trump's absolutely immunity claims are far more important events this week than the Alvin Bragg trial.

The same is true of last week. Jury tampering – abetted by Jesse Watters and other Trump allies – will be an urgent, ongoing concern. But there are a slew of events – the UAW's election win in a southern VW plant, the House's passage of Ukraine funding (and follow-on repercussions we're likely to see from it), continuing Israeli and Iranian tensions and attacks on Palestinians, the likelihood SCOTUS will narrow the application of the obstruction statute in the context of January 6, even the planned withdrawal of US troops from Niger – will be far more important to the fate of the US and the world than whether Trump glowered or slept or farted in the courtroom.

All of which is my way of saying: beware of

letting this trial drown out more important events. Yes, it is unprecedented to see Trump subjected to discipline. But this trial is sucking up far, far too much attention that might better be directed elsewhere – and all that attention is one of the reasons why jury and witness tampering are such a risk.

I will be monitoring it in passing, but will rely on the very good journalists who are in the courtroom rather than covering it myself. Adam Klasfeld (with support from Just Security) is, as always, one of the best journalists providing live trial coverage, Lawfare has a full trial team covering it, NBC's Lisa Rubin and Katie Phang have been offering useful expectation setting.

David Pecker may testify as soon as today about how he conspired with Trump and Michael Cohen to manage media focus during the 2016 election. This trial may have very much the same effect.