

Judge orders former Trump enforcer Michael Cohen to be released from prison

Jacob Crosse
25 July 2020

Federal District Court Judge Alvin Hellerstein, in a slap at President Donald Trump and Attorney General William Barr, ordered the release of former Trump confidant and disbarred lawyer Michael Cohen from Otisville prison July 23.

Cohen was arrested by US federal marshals at a Manhattan federal courthouse on July 9 after refusing to agree to last minute stipulations, seemingly inserted at the last minute into his furlough release by the Bureau of Prisons. The terms, which appear to have been dictated from the highest levels of the executive branch, would have barred Cohen from publishing a “tell-all” book and prohibited Cohen from any “engagement of any kind with the media, including print, TV, film, books.”

This clear violation of his First Amendment rights was rejected outright by Cohen and his lawyers at the time. In an interview for the *New York Post*, former lawyer and friend of Cohen, Lenny Davis, recalled that after Cohen rejected the marshals’ request they left for approximately an hour and half only to return with prison shackles. Cohen, according to Davis, quickly backtracked, frantically pleading with the marshals that he would “sign anything you want” as long as he didn’t have to go back to prison.

Per the judge’s ruling, Cohen is to serve out the rest of his three-year prison sentence in his luxurious Upper East Side apartment, to which he returned Friday afternoon. Cohen was originally released in May because of the COVID-19 outbreak, and sent to home confinement, but only seven weeks later home confinement was revoked and he was returned to prison.

On Monday, July 20, Cohen and the American Civil Liberties Union (ACLU), sued Attorney General William Barr and the Bureau of Prisons accusing them

of retaliating against him over his plan to publish his upcoming book, tentatively titled: *Disloyal: The True Story of Michael Cohen, Former Personal Attorney to President Donald J. Trump*.

If the book, which is set to be published in September for maximum political effect before the election, is anything like his more than six-hour testimony in front of the House Oversight Committee last March, it will be filled with unflattering revelations about the inner workings of the Trump Organization, which Cohen served for decades.

In issuing his ruling, Judge Hellerstein made it clear that the terms dictated to Cohen by the Bureau of Prisons were highly unusual: “I’ve never seen such a clause in 21 years of being a judge and sentencing people and looking at terms of supervised release.”

Hellerstein questioned prosecutors on Thursday, asking: “Why would the Bureau of Prisons ask for something like this ... unless there was a retaliatory purpose?” Hellerstein continued, “it’s retaliatory because of his desire to exercise his first amendment rights to publish a book and to discuss anything about the book or anything else he wants on social media and with others.”

Prison officials insisted throughout Thursday’s hearing that the officers didn’t know about Cohen’s plans to publish an upcoming book, which Cohen publicly announced he had been writing from inside the prison since his incarceration.

The Bureau of Prisons released a statement following Hellerstein’s ruling, rejecting the judge’s assertion that the reimprisonment of Cohen “was a retaliatory action” instead stating that, “Mr. Cohen refused to agree to the terms of the program, specifically electronic monitoring. In addition, he was argumentative, was attempting to dictate the conditions of his monitoring,

including conditions relating to self-employment, access to media, use of social media and other accountability measures.”

Cohen pleaded guilty in May 2019 to tax evasion, lying to Congress, and bank fraud. He, along with several other non-violent federal prisoners were released on May 20 to serve out their sentences at home after a judge ruled that the inmates faced legitimate safety concerns due to the coronavirus’ unchecked spread throughout the US prison system, the largest in the world.

Danya Perry, Cohen’s lawyer, issued a statement after his release calling Hallerstien’s ruling “a victory for the First Amendment.” The ACLU’s Vera Eidleman echoed Perry’s sentiments writing: “With this release, the Trump administration would do well to remember that it cannot put someone in prison for writing a book critical of the president.”

Earlier this year Trump, through the Justice Department, attempted to block the release of John Bolton’s book *The Room Where It Happened*, which detailed Bolton’s frustrations with Trump’s occasional hesitations when it comes to prosecuting US imperialist wars around the globe. The Democratic Party wholeheartedly embraced Bolton and the revelations within his book, using the arch-warmonger’s words to attack Trump from the right as part of their “Russiagate” impeachment campaign which centered around Trump’s temporarily withholding of \$391 million in US military aid, directed for the ultra-right Ukrainian government.

Donald Trump’s younger brother, Robert Trump, also sued the president’s niece, Mary Trump, on behalf of the Trump Organization to block the release of another “tell-all” book: *Too Much and Never Enough: How My Family Created the World’s Most Dangerous Man*. This “revelatory, authoritative portrait of Donald J. Trump and the toxic family that made him” is set to be released on July 28, and has already been widely reviewed.

These continuous efforts at suppression and censorship only underscore the right-wing authoritarian character of the Trump administration. In seeking to silence exposures of his crimes, of course, Trump is only following in the footsteps of his predecessors. Barack Obama filed more criminal cases against whistleblowers and leakers than all previous US

presidents.

Trump represents the further slide by the American ruling class into authoritarian rule. At the same time that Trump continues to deploy federal agents around the country, with the full support of the Democratic party, he is also cultivating a personalist and highly politicized use of the justice system. Unable to adhere to any semblance of democracy or egalitarianism, the ruling class is rapidly shedding democratic principles in anticipation of violent class struggle in order to maintain their outlived social order.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact