

Two prosecutors leading criminal investigation into Trump Organization resign

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The two lead prosecutors in the long-running investigation into criminal business practices at the Trump Organization have resigned, imperiling the future of the investigation and any criminal charges against former president Donald Trump and other family members who have led the organization.

The *New York Times* reported that the two prosecutors, Carey R. Dunne and Mark F. Pomerantz, tendered their resignation after recently elected Manhattan District Attorney Alvin Bragg “indicated to them that he had doubts about moving forward with a case.” According to the *Times*, prior to tendering their resignations, the two prosecutors had ceased presenting evidence to a grand jury late last month, apparently after Bragg expressed his reservations.

In the context of the ongoing internecine conflict within the US ruling class, which has only intensified following Trump’s failed coup of January 6, 2021, the resignation of the two prosecutors is politically significant.

While it is impossible at this time to determine the exact reasons why Bragg decided to pull back on the investigation against the Trump Organization, the fact it is not moving forward seems an obvious win for the Trump family. A criminal indictment would impose considerable financial costs on the ex-president for the legal fight, to say nothing of the political impact.

Last June, as part of the same investigation, the Trump Organization, Trump Payroll Corporation and the chief financial officer of the Trump Organization, Allen Weisselberg, were charged with 15 felony counts as part of a 16-year alleged grand larceny and tax fraud scheme. This appeared to be part of a standard prosecutorial approach, directed by then Manhattan District Attorney Cyrus R. Vance Jr., to squeeze Weisselberg and induce him to become a state witness

against Trump.

Over eight months later, Weisselberg has refused to spill the beans on the family that employed him for nearly four decades. Vance, who started the investigation in 2019, decided not to seek re-election and instead passed the case along to his successor, Bragg. Both men are Democratic Party politicians, although Bragg was not the favorite candidate of the Democratic Party establishment in New York City to succeed Vance.

The reasons for his decision remain murky, but it is possible that upon seeing all the evidence gathered so far, Bragg felt that without a high-level insider as a witness, even a jury in Manhattan might have one or more holdouts who would not be convinced beyond a reasonable doubt that Trump personally directed the criminal activity. Trump won about 15 percent of the vote in Manhattan in 2020, or about one voter in six.

At the time the charges were filed against Weisselberg, Trump released a statement defending the fraudulent practices at the heart of his business empire. Trump justified the over-inflating of assets and tax-avoidance practices of the Trump Organization as “standard practice” in the “US business community, and in no way a crime.”

Trump’s admission confirms the pervasiveness of financial parasitism, fraud and illegality that permeates the ruling elite in all capitalist countries, but especially the United States.

While the criminal investigation appears to be winding down, a parallel investigation by the New York state attorney general’s office into possible civil charges against the Trump Organization seemed to gain significant momentum two weeks ago. Trump’s former accounting firm Mazars announced they would cease to represent the Trump Organization and could no longer

stand behind decades worth of financial statements, known as “statements of financial condition,” they had created on behalf of the company.

In their February 9 letter, addressed to the general counsel of Trump’s businesses, Alan Garten, Mazars said that they could not conclude with certainty that the documents they created for Trump, and which were relied upon by him to obtain loans, contained “material discrepancies.” Yet they also said that “based upon the totality of circumstances, we believe our advice to you [is] to no longer rely upon those financial statements as appropriate.”

The letter was made public by New York state attorney general Leticia James five days later. James, a Democrat, released the letter as part of a bid to obtain a court order compelling Trump and his children Ivanka and Donald Jr. to provide testimony to her civil investigation.

Last Thursday, Judge Arthur Engoron of the New York State Supreme Court ruled that Trump, Ivanka and Donald Jr. had to testify in the civil case. In rejecting the Trump’s bid to quash the subpoenas, Engoron wrote that Trump’s argument that James’ investigation was a politically motivated witch-hunt “completely misses the mark.”

“Neither [the Office of Attorney General] nor the Manhattan District Attorney’s office has subpoenaed the new Trump respondents to appear before a grand jury,” Engoron wrote. The judge noted that the defense’s argument “overlooks the salient fact that they have an absolute right to refuse to answer questions that they claim may incriminate them.”

Engoron noted that Trump’s son Eric, who sat for a deposition two years ago as part of the same investigation, “invoked the right against self-incrimination more than 500 times during his one-day deposition.”

Despite the judge’s ruling, which compels Trump and his children to provide testimony within 21 days, *Business Insider* reported Friday a statement from Ron Fischetti, a Trump lawyer, that none of them will be testifying. He said the Trumps are in the process of appealing the judge’s order, which could take months to file.

In a prepared statement, Attorney General James said, “While they have the right to seek a delay, they cannot deter us from following the facts and the law wherever

they may lead. Make no mistake: My office will continue to pursue this case without fear or favor because no one is above the law.”

While these cases relating to old and well-known issues of financial flimflam drag on, Trump remains free and uncharged of far more important crimes in the January 6, 2021 coup attempt in which his supporters stormed the US Capitol and sought to halt the certification of electoral votes by Congress. Attorney General Merrick Garland has claimed that “no one” is above the law, but in capitalist America a president can seek to overthrow the government with impunity.



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