

New York grand jury, impaneled to consider charges against Trump, expires without issuing indictment

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2 May 2022

A Manhattan, New York, grand jury impaneled last year to consider whether to recommend criminal charges against former President Donald Trump was discharged at the end of April without issuing an indictment. Democratic Manhattan District Attorney Alvin Bragg's decision to not request an extension of the grand jury means that Trump will not be facing any criminal charges related to his fraudulent business practices for the foreseeable future.

The ending of the grand jury does not directly affect the ongoing civil case against Trump led by Democratic New York Attorney General Leticia James. For failing to comply with a subpoena as part of that investigation, New York Supreme Court Judge Arthur Engoron held Trump in civil contempt last month, fining the ex-president \$10,000 a day for failing to turn over documents requested by James' office.

That Bragg allowed the grand jury's term to expire without requesting an extension is not surprising, given that the two lead prosecutors in the case, Carey R. Dunne and Mark F. Pomerantz, resigned in February, less than two months after Bragg took office. In his resignation letter, which Bragg tried to prevent from being released, Pomerantz wrote that he thought Trump was "guilty of numerous felony violations" and that he considered Bragg's decision to cease presenting evidence to the grand jury and not bring charges against Trump "a grave failure of justice."

Substantiating Bragg's lack of enthusiasm in moving forward with the case, a report last week by the *New York Times*, which endorsed Bragg in the 2021

election, cited three witnesses who were considered "central" to the investigation yet who have not been called on to testify in front of the grand jury "in months." The *Times* noted that the remaining prosecutors on the case have abandoned a "war room" that was used to prepare presentations for the grand jury "earlier this year."

The investigation into Trump and the Trump Organization began over three years ago, following testimony given by former Trump attorney and "fixer" Michael Cohen before Congress in March 2019. During that hearing, Cohen testified for over six hours on the various criminal aspects of the Trump business empire, from defrauding lenders and the Internal Revenue Service, to intimidating and threatening clients, critics and/or witnesses.

Bragg inherited the investigation from his Democratic predecessor, Cyrus Vance Jr. Prior to leaving office, Vance's office charged the Chief Financial Officer of the Trump Organization and Trump Payroll Corporation, Allen Weisselberg, with 15 felony counts, including conspiring to commit fraud and grand larceny. The litany of charges leveled was aimed at forcing Trump's accountant to turn state's witness against his longtime employer. These efforts have apparently failed.

Several news outlets reported last week that another key prosecutor leading the investigation into Trump, Solomon Shinerock, is also no longer actively involved in the investigation but continues to work on the prosecution team against Weisselberg and the Trump

Organization which are expected to go to trial later this year.

While the grand jury has expired, Bragg's office maintains that the investigation into the Trump organization remains ongoing and that if "new evidence" emerged, he would consider impaneling a new grand jury.

Last month, Bragg's office issued two subpoenas requesting information from a "major financial institution" and the "Trump Organization," per the *Times*. In an interview with the leading Democratic Party press organ last month, Bragg said that the investigation remained a "work in progress" but that he did not have a "timeline" to provide on when an indictment would be forthcoming.

At this time, it is impossible to say for sure why Bragg decided not to move forward with the grand jury. While it is certainly a win for the 2024 Republican frontrunner, it does not mean that the whole US ruling class has resigned itself to a dictatorship under Trump. There could be procedural reasons why Bragg chose not to move forward.

It has been suggested that he thought he would not be able to prove beyond a reasonable doubt that Trump intended to commit fraud without a "star witness" or "smoking gun," given that Weisselberg has refused to flip on Trump. A civil case against Trump requires a lower standard of proof.

Citing "people with knowledge of the situation," the *Washington Post* reported that Bragg was not keen on using Cohen, Trump's former lawyer, as a witness.

In an interview last week with the *Daily Beast*, Cohen said he provided "thousands of documents" to the Manhattan DA's office throughout the three-year investigation and sat down for multiple interviews, including while he was incarcerated. He said the documents, "coupled with my testimony, would have been a valid basis for an indictment and charge."

Cohen explained that since charges are not forthcoming against his former boss, he would not be participating in a possible, yet unlikely, future grand jury against

Trump, saying, "I'm not interested in any further investment of my time."

There is no doubt that Trump is guilty of numerous crimes related to his business empire. This includes artificially inflating his assets in order to secure more favorable loans, while at the same time maintaining a separate set of accounting books to claim poverty when filing taxes in order to reap generous tax benefits. These business practices, while illegal, are ordinary and routine among the financial aristocracy.

No doubt one of the numerous political considerations behind Bragg's decision not to move forward against Trump includes the fact that there are plenty of fellow Democratic Party politicians guilty of the same crimes as Trump.

What Trump is also guilty of, but is *not* routine among the US ruling class, is organizing and launching a violent coup aimed at overturning the votes of some 81 million people and with it, the last vestiges of bourgeois democracy in the United States.

This more significant crime is something for which neither Trump, nor any of his high-level co-conspirators in the Republican Party, has been held to account for by the Democratic Party and the US "justice system," nearly 16 months after the attack on the US Capitol.



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