Trump lawyers seek indefinite delay in documents trial as legal cases pile up

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12 July 2023

Attorneys for the fascist ex-president Donald Trump filed a motion Monday night seeking an indefinite postponement of his trial on charges of taking top secret documents on his way out of the White House and refusing requests from the National Archives to return them.

He faces 37 felony counts, most of them under the 1917 Espionage Act, in the first federal criminal case ever brought against a former US president. His personal aide Walt Nauta faces criminal charges as well, related to his moving boxes of documents, under instructions from Trump, to hide them from federal agents seeking to retrieve them.

The legal motion seeks a postponement of the trial, which South Florida Federal District Judge Aileen Cannon, a Trump appointee and political supporter, initially set for next month. Staff attorneys for Special Counsel Jack Smith have sought a December 11 date for the opening of the trial, so that it can be completed before the primary season in the contest for the Republican presidential nomination. Cannon will preside over the first pretrial hearing on the case on July 18.

Trump's attorneys openly argued on the basis of his political standing, rather than citing compelling legal reasons for the delay. They presented the case as a political attack by the Biden White House on the likely Republican presidential nominee, calling it "a prosecution advanced by the administration of a sitting president against his chief political rival, himself a leading candidate for the presidency of the United States."

Representing an ex-president who sought to overthrow the US Constitution and retain power despite being defeated in the 2020 elections, Trump's lawyers nonetheless declared, "This extraordinary case presents a serious challenge to both the fact and perception of our American democracy."

"President Trump is running for president of the United States and is currently the likely Republican Party nominee," they wrote. "This undertaking requires a tremendous amount of time and energy, and that effort will continue until the election on Nov. 5, 2024."

"There is simply no question any trial of this action during the pendency of a presidential election will impact both the outcome of that election," they continued, "and, importantly, the ability of the defendants to obtain a fair trial."

By that rationale, any trial for Trump would be delayed until after the 2024 election. If Trump wins the election and returns to power, he could immediately dismiss Smith and shut down the entire special counsel's office. The *New York Times* claimed: "Some of the former president's advisers have been blunt in private conversations that he is looking to winning the election as a solution to his legal problems."

In one of the few substantive legal points raised in the motion, Trump's lawyers cited the time required to review 833,450 pages of documents turned over in response to their initial discovery request. Additional evidence was likely to be forthcoming, as they filed additional discovery motions once they began to review the first batch of material.

"In general, the defendants believe there should simply be no 'secret' evidence, nor any facts concealed from public view relative to the prosecution of a leading presidential candidate by his political opponent," the lawyers wrote. "Our democracy demands no less than full transparency."

That language is particularly cynical coming from an ex-president who green-lighted the persecution of WikiLeaks founder Julian Assange, oversaw his arrest at the Ecuadorian embassy in London, and then approved the filing of a Justice Department extradition request that has kept Assange locked up in Belmarsh prison, "Britain's Guantanamo," for more than four years.

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Special Counsel Smith is also investigating far more politically significant charges relating to the violent attack on Congress on January 6, 2021. That attack was carried out by a right-wing mob of Trump supporters, summoned to Washington by Trump and spearheaded by fascist thugs from militia groups like the Proud Boys and the Oath Keepers. Any prosecution of Trump for charges linked to the assault on Capitol Hill would be in federal court in Washington DC.

The pace of that investigation appears to have stepped up in recent months, and it is expected that Smith's office will decide whether to bring criminal charges against Trump and his co-conspirators before the summer is out. There is enormous pressure on Smith from all sides in the capitalist political establishment to avoid a prosecution that would potentially raise questions about the role of key state institutions like the military and the FBI in permitting or even facilitating the attack on the Capitol.

Trump faces an array of charges in Georgia and New York state as well. On Monday, a regular grand jury was empaneled in Atlanta, the first step in the likely prosecution of Trump on state charges relating to his efforts to steal Georgia's electoral votes in the 2020 election.

Fulton County (Atlanta) District Attorney Fani Willis has already conducted an investigation using a special grand jury, which had subpoena powers but not the power to indict. That grand jury recommended criminal charges be brought against multiple, unnamed figures in the Trump campaign, believed to include all those who agreed to be false "Trump electors" and had their names submitted to Congress as though they had been elected by Georgia voters.

It is not known whether those who organized the fake elector scheme, including Trump attorney and former mayor of New York City, Rudy Giuliani, will be indicted, but Giuliani has been told he is a target of Willis's investigation. Trump too could be charged, both in relation to the fake electors and for his telephone appeal to Georgia Secretary of State Brad Raffensperger to "find" enough votes for Trump to overcome the margin of 11,779 votes by which Democrat Joe Biden won the state.

The first court case facing Trump is a civil trial in October over fraud charges brought by New York state Attorney General Letitia James against the Trump Organization, the business entity that the ex-president controls. A Manhattan district attorney investigation into the filing of false financial reports by the Trump Organization led to the indictment and guilty pleas of lower-ranking corporate officers, but not Trump, last year. The state civil case covers much of the same territory.

Trump also faces criminal charges of falsifying business records related to hush money payments to porn actress Stormy Daniels made during the 2016 elections. Former Trump fixer Michael Cohen, who went to prison for his role in various Trump scams, served as the conduit for the payments to Daniels and is now the main witness against him. That criminal trial is currently scheduled for March 2024.

Trump also faces a civil suit by retired magazine columnist E. Jean Carroll, who filed a civil case last year in which she charged Trump with sexual assault and defamation. The sexual assault took place 30 years ago, long past the statute of limitations, while the defamation took place in 2019, when Trump denied Carroll's account of the violent assault and engaged in one of his typical vitriolic personal attacks on her.

Carroll was awarded $5 million, but the jury did not uphold her claim of rape, only of the lesser charge of sexual assault. Neither charge required proof beyond a reasonable doubt, since this was a civil case seeking damages, not a criminal prosecution.

Trump has since engaged in further vituperation against Carroll, and a Manhattan judge has allowed Carroll to file a lawsuit alleging additional acts of defamation by Trump since he lost the first civil case. The federal Department of Justice, which had previously defended Trump against the defamation charge, claiming his statements were made in his capacity as president, announced Monday it would pull out of the new case.

The result, partly as a result of Trump's own refusal to curb his public statements, is that he could be facing as many as five legal proceedings in four states while simultaneously conducting campaigns in the presidential primaries and then in the general election.

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