

Donald Trump cited for civil contempt for failing to comply with subpoena

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On Monday, New York Supreme Court Judge Arthur Engoron held former President Donald Trump in civil contempt for failing to comply with a December 2021 subpoena requiring him to turn over documents requested by New York Attorney General Leticia James. The subpoena was part of a long-running financial fraud investigation into the Trump Organization and other Trump family businesses.

“Mr. Trump: I know you take your business seriously, and I take mine seriously,” Engoron said prior to issuing his contempt ruling. This is the second time in the last two months the judge has ruled against Trump.

Last month, Engoron rejected a bid from Trump, Ivanka Trump and Donald Trump Jr. to quash a separate subpoena compelling their testimony as part of James’ civil investigation into the Trump business empire.

In court on Monday, Andrew Amer, an attorney for James’ office, said that they had “received zero documents” from Trump, despite ordering Trump to turn over “the files located in cabinets outside Mr. Trump’s office,” “the storage room by Mr. Trump’s office,” “the Executive Office storage closet” and “the file cabinets located on the 25th and 26th floors.”

The *New York Times* reported that earlier this April, James’ office filed a motion claiming that Trump had refused to turn over the requested documents. The attorney general cited eight separate requests Trump had defied and asked that he be fined \$10,000 a day as long as he refused to cooperate.

In finding Trump in contempt, Judge Engoron agreed to assess the requested fine of \$10,000 a day until Trump complied. For the billionaire Trump, who has raised over \$124 million through his “Save America” group since November 2020, according to Federal Election Commission filings analyzed by Reuters, the fine is insignificant.

Even so, Trump attorney Alina Habba signaled her client’s intention to appeal the ruling, delaying any payment by Trump of the fines. Habba said her client “is an honest person” and added, “All documents responsive to the subpoena were produced to the attorney general months ago.”

She also argued that Trump did not have any of the documents requested and declared, “This does not even come close to meeting the standard on a motion for contempt.”

Engoron ruled that Habba did not present enough evidence to conclude that Trump had conducted a proper search for the requested documents. “In particular, there is no admissible evidence of who, what, where, when and how any search was conducted,” Engoron said. He added that Trump’s refusal to comply and his justifications for doing so “just doesn’t cut it.”

After the ruling, James claimed victory, telling reporters, “For years, Donald Trump has tried to evade the law and stop our lawful investigation into him and his company’s financial dealings.”

Without a hint of irony, she added, “Today’s ruling makes clear: No one is above the law.”

If the last 15 months have proved anything, it is that in capitalist America, billionaire presidents, even those who launch a fascist coup to overturn an election and impose a dictatorship, are indeed “above the law.” Despite the well documented culpability of Trump and his family in illegal practices that allowed them to amass an obscene level of wealth, the Democratic Party has failed to criminally prosecute Trump. The same holds true in relation to Trump’s massively documented role as ringleader of the siege of the US Capitol on January 6, 2021.

Trump has characterized the investigation into his business dealings as a “witch-hunt” by the “Communist Democratic Party” and repeatedly incited violence against James at his campaign-style rallies around the country.

Trump frequently calls the African American attorney general a “racist” for carrying out her investigation, while linking it to the January 6 “Unselect Committee’s” investigation into his failed coup.

On January 18 of this year, James’ office released a 115-page court filing detailing numerous instances of illegality and fraud committed by Trump, his businesses and his children.

The crimes include artificially inflating the value of his assets to lenders and appraisers to secure cheap credit, while underreporting the value of the same assets to the Internal Revenue Service to evade paying taxes.

Trump’s actions, while notable for their frequency and scale, are pervasive throughout the ruling class. The son of a Hitler-praising, KKK marching millionaire, Trump is just a particularly odious expression of a historically outdated social and economic system that is on the brink of collapse.

On Monday, the *Times* reported that James’ office was “nearing the culmination of its inquiry” into Trump and was “preparing” to file a “lawsuit ... in the near future.”

Meanwhile, a separate criminal investigation into the Trump Organization and the Trump Payroll Corporation by Manhattan District Attorney Alvin

Bragg has been effectively scuttled. The two lead outside prosecutors, Carey R. Dunne and Mark F. Pomerantz, resigned on February 23, 2022, one day after Bragg told them he was discontinuing the presentation of evidence to the grand jury.

At the end of March, the *New York Times* published a scathing resignation letter, which District Attorney Bragg’s office had refused to release. In it, Pomerantz wrote that he believed “Donald Trump is guilty of numerous felony violations of the Penal Law in connection with the preparation and use of his annual Statements of Financial Condition.”

Pomerantz continued: “His financial statements were false, and he has a long history of fabricating information relating to his personal finances and lying about his assets to banks, the national media, counterparties, and many others, including the American people.”

Rejecting claims that the DA’s office was unable to find sufficient evidence of criminality, Pomerantz wrote, “The team that has been investigating Mr. Trump harbors no doubt about whether he committed crimes—he did.”

He went on the warn, “Whatever the risks of bringing the case may be, I am convinced that a failure to prosecute will pose much greater risks in terms of public confidence in the fair administration of justice. ... I fear that your decision means that Mr. Trump will not be held fully accountable for his crimes. I have worked too hard as a lawyer, and for too long, now to become a passive participant in what I believe to be a grave failure of justice.”



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