

The Virgin Islands Consortium

Grand Jury in New York Indict Former President Trump, a First in the U.S.'s Nearly 250-Year History

Community Center / **Published On March 31, 2023 06:20 AM /**

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Former U.S. President Donald Trump has been indicted for his involvement in paying hush money to a porn star before the 2016 election. The charges mark the first time in American history that a former president has faced criminal charges.

The indictment was brought by Manhattan District Attorney Alvin Bragg, a Democrat. Judges in New York typically keep charges private until defendants make their first court appearance, and Mr Trump is expected to surrender and attend his arraignment on Tuesday. His lawyers, Susan Necheles and Joe Tacopina, have declared that he did not commit any crime and that they will fight the charges.

The case against Mr. Trump may not result in a conviction since prosecutors must rely on the testimony of Michael Cohen, a former Trump attorney who has been involved in his own legal issues. Cohen was found guilty of a campaign finance offense for paying the porn star, Stormy Daniels, \$130,000. He has claimed that Trump directed him to make the payment. Trump denies having had an affair with Daniels and says he was following the advice of his lawyer.

Even if Mr. Trump is convicted, the charges are unlikely to have any impact on his presidential candidacy. The U.S. Constitution does not require presidential candidates to have a clean record, and states are prohibited from imposing their own restrictions on presidential candidates.

Mr. Trump has stated that he will continue in the presidential race regardless of the criminal charges. The Justice Department's Office of Legal Counsel has ruled that a sitting president cannot be indicted. Cohen's convictions and history as a fixer for Trump could make him a challenging witness for a jury to trust, but his account of Trump's role in the hush-money payment has circumstantial support.

Phone records show that Trump and Cohen spoke twice immediately before Cohen made arrangements to wire money to Daniels's attorney in October 2016. They were also in touch earlier that month, as Trump's allies in the tabloid world alerted Cohen to the threat of Daniels's story becoming public. Federal prosecutors have claimed that the money Cohen paid to Daniels to keep her quiet was the legal equivalent of him donating \$130,000 to Trump's campaign directly. The Trump Organization cut monthly cheques to Cohen to reimburse him for the payment to Daniels. The company allegedly booked the checks falsely as payment for legal services that Cohen did not provide. Cohen testified in Congress in 2019 that Trump personally approved the plan.

Cohen also pleaded guilty in 2018 to a campaign-finance crime involving a payment to a former Playboy model who claimed she had a ten-month affair with Trump. The National Enquirer, a long-time ally of Trump, purchased Karen McDougal's story for \$150,000 in August 2016, preventing her from telling it elsewhere. American Media Inc., the publisher, later admitted to coordinating the payment with Cohen and Trump, who denies the affair.

Mr. Bragg's prosecutors have questioned grand-jury witnesses. If the case goes to trial, a conviction would likely require a jury to believe Cohen's testimony. However, the case is far from a sure bet, given that Vance and federal prosecutors declined to bring charges against Trump in a stand-alone case related to the hush money. Trump has used the threat of prosecution as a rallying point to raise campaign funds and argue that he is being charged unfairly for political reasons. He has stated that Democrats have done the unthinkable by indicting a completely innocent person for blatant election interference.