

Judge orders DoJ to produce redacted version of affidavit in state secrets investigation of Trump

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On Thursday, US Magistrate Judge Bruce Reinhart ordered the Department of Justice (DoJ) to submit a redacted version of the affidavit used to secure the search warrant for the August 8 FBI raid on Donald Trump's Mar-a-Lago estate in Palm Beach, Florida.

The judge gave the DoJ until noon on August 25 to submit its proposed redacted document, saying he would either accept it or amend it, while giving the Justice Department the opportunity to appeal his proposal. Reinhart said he was inclined to release a redacted version of the document to the public after a "considered, careful process."

The affidavit lays out a detailed evidentiary basis, citing witnesses and informants, for the claim stated in the warrant that there is probable cause to prosecute Trump for violating several statutes dealing with national security. One of these is the 1917 Espionage Act, which was used to jail socialist leader Eugene Debs for speaking out against the US entry into World War I, to convict and execute the Rosenbergs, to prosecute anti-war and anti-government spying whistleblowers Chelsea Manning and Edward Snowden, and to seek the extradition and life imprisonment of WikiLeaks founder Julian Assange.

In an unprecedented raid on the home of a former president, FBI agents seized 27 boxes of documents, including 11 sets of classified documents, some marked "top secret." Trump had improperly removed the documents from the White House upon leaving office on January 20, 2021, and had failed to turn them over to the FBI in defiance of a subpoena issued in June.

According to the property receipt of materials seized from Trump's residence, unveiled last week along with the warrant, the documents include some of the most sensitive information in the possession of the American military-intelligence establishment. These may include

signals intelligence—intercepted electronic communications, such as emails and phone calls of foreign leaders.

The *Washington Post* reported last week that the seized documents include information on nuclear weapons.

Attorney General Merrick Garland last week asked Judge Reinhart, who had approved the search warrant, to unseal the warrant and the property receipt to counter inflammatory claims by Trump and his fascist Republican allies that the raid was a politically motivated and unconstitutional attack aimed at blocking him from running for reelection in 2024.

Trump sought to use the silence of the Biden White House on the raid to go on the offensive, inciting fascist militia elements to carry out armed protests and call for the murder of Justice Department officials and FBI agents. On Thursday, in advance of the hearing on the affidavit, it was revealed that Judge Reinhart is among those officials who have received death threats.

The raid and the aggressive criminal investigation of Trump on national security grounds mark the most serious action taken against the fascist ex-president to date. The events of the past two weeks have brought the crisis of the US political system to a new and unprecedented stage.

At the same time, they stand in sharp contrast to the halting and ambivalent conduct by the Biden administration of the investigation into the conspiracy to overthrow the 2020 election and retain Trump in power on the basis of a de facto dictatorship.

As the *World Socialist Web Site* wrote on August 15 in "Trump, state secrets and the crisis of the American state":

However, these events expose what the real

priorities of the ruling class are. The state cannot tolerate Trump's disruption of its war effort. The Democrats' appeal is to the military and repressive state apparatus, as it has been since Trump's election. Biden's strategy has always been to appeal to the military brass and to "save" his "colleagues" in the Republican Party through an alliance based on imperialist bellicosity and "bipartisanship"...

Its primary aim is to forge ruling class unity to prosecute the war and crush opposition from below, with no surprises from the unpredictable Trump.

The parties to Thursday's hearing were the Justice Department, represented by top counterintelligence official Jay Bratt, and lawyers for a group of media outlets that had called on Judge Reinhart to unseal the affidavit in the interests of transparency and intense public interest in the actions taken against Trump. Media groups that joined the suit included The New York Times Company, the Washington Post Company, the publisher of the *Wall Street Journal*, several Florida-based newspapers, the Associated Press, the three major broadcast networks and CNN. Judicial Watch, a right-wing watchdog organization, was also a party.

Trump had called for the release of the affidavit with no redactions in a post on his Truth Social platform, but his lawyers did not submit a brief for the hearing, although the judge had invited them to do so. One of his lawyers, Christina Bobb, was in the courtroom but only as an observer.

The *Washington Post* and other media have reported that Trump's aides are divided over the possible release of the document, since they have no knowledge of the facts and evidence it might contain. And while Trump and some of his Republican allies continue to post inflammatory statements denouncing the raid as a witch-hunt, others in the GOP have sought to discourage verbal or physical attacks on the FBI. Noticeably absent from the vicinity of the courthouse in West Palm Beach, Florida, on Thursday were pro-Trump militia types who have demonstrated elsewhere since the August 8 raid.

Last Monday, the Justice Department submitted a brief for the hearing arguing against unsealing the affidavit on the grounds that it would impede its investigation and subject witnesses and informants cited in the document to harassment, intimidation and possible violence on the part

of Trump supporters. In that connection, it noted the attempted breach last week of an FBI field office in Cincinnati, Ohio, by an armed Trump zealot and various press reports of threats of violence in retaliation for the raid.

The DoJ further argued that unsealing the affidavit would compromise national security and highly sensitive classified information, as well as grand jury proceedings that by law are sealed. It said that it was prepared, if so ordered by the judge, to propose redactions but argued that these would have to be so extensive as to render the resulting document of little or no use to the public.

It also noted, citing many legal precedents, that it is highly unusual to unseal an affidavit in a criminal investigation before an indictment has been issued and charges have been laid, which is the case in the current probe into Trump's mishandling of government documents.

Significantly, the DoJ brief said that unsealing the affidavit would "chill future cooperation by witnesses whose assistance may be sought as this investigation progresses, *as well as other high-profile investigations.*" [Emphasis added.] The reference to "other investigations" was an oblique but pointed allusion to the Justice Department's separate investigation into Trump's January 6 coup conspiracy.

In that connection, it is worth pointing out that one day before Thursday's hearing, the *New York Times* reported for the first time the fact that the Justice Department had issued a subpoena last May to the National Archives for all of the documents it had provided in August 2021 to the House Select Committee investigating the events of January 6. These include records from the files of Trump's top aides, his daily schedule and phone logs, and a draft text of his speech at the Ellipse that preceded the attack on the US Capitol.



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