No let-up in criminal probe of Trump's handling of military-intelligence documents

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The crisis of the American political system continues to mount in the aftermath of the unprecedented raid on former President Donald Trump's private compound in Palm Beach, Florida carried out by the FBI on August 8.

Amid new revelations about the highly sensitive character of the documents Trump removed from the White House, the Justice Department appears to be expanding its investigation into the ex-president's violations of national security procedures, while Trump is initiating a rearguard legal action in an attempt to stall the probe.

Tuesday's print edition of the *New York Times* featured a report, based on information leaked by unnamed "people briefed on the matter," that the government had recovered more than 300 documents with classified markings from Trump, who failed to turn them over to the National Archives when he left the White House in January of 2021.

These documents, kept by Trump at his Mar-a-Lago private club and residence, were retrieved in three batches: one turned over to the National Archives and Records Administration (NARA) at the latter's insistence last January, a second provided by Trump aides to Justice Department officials in June following a subpoena issued the previous month, and the third seized by over two dozen FBI agents who raided Mar-a-Lago on August 8. The raid was carried out on the basis of a judicial warrant citing probable cause that Trump violated the federal Espionage Act and federal statutes prohibiting tampering with official government records and obstructing a criminal investigation.

Among other significant revelations in the *Times* article:

• The 15 boxes of documents turned over to NARA in January included documents from the CIA, the National Security Agency and the FBI.

• The FBI agents who conducted the raid on August 8 found documents in a closet in Trump's Mar-a-Lago office, in addition to those taken from the storage room in the basement of the complex where, according to Trump's lawyers, all of the documents removed from the White House had been stored.

• Justice Department investigators decided to seek a search warrant after Mar-a-Lago surveillance footage they had subpoenaed and obtained from Trump's aides showed people moving boxes in and out of the storage room and changing the containers in which documents were being kept.

• Justice Department investigators are now requesting additional surveillance video from Mar-a-Lago for the weeks leading up to the August 8 search.

This information follows previous reports that the 26 boxes of documents removed from Mar-a-Lago on August 8 included 11 separate batches of material marked as classified, comprising scores of documents. One set had the highest level of classification—top secret/secret compartmented information.

More damaging information, from the standpoint of the US national security apparatus and American imperialist foreign and military policy, was made public on Tuesday through the release of a letter sent last May 10 by the acting US archivist, Debra Steidel Wall, to M. Evan Corcoran, one of Trump's lawyers. In the letter, Wall expressed alarm over Trump's stonewalling in regard to official records still being withheld from the government and his efforts to hold back the FBI and other federal agencies from conducting a damage assessment of his mishandling of sensitive documents by making frivolous claims of executive privilege.

Wall wrote that Trump had taken more than 700 pages of classified documents, including some "related to the nation's most covert intelligence operations," when he left the White House. The figure of 700 pages was based on just the first 15 boxes of documents that had been recovered from Mar-a-Lago in January.

The archivist added: "In its initial review of materials within those boxes, NARA identified items marked as classified national security information, up to the level of Top Secret and including Sensitive Compartmented Information and Special Access Program materials."

Explaining the extraordinarily sensitive nature of "special access program" documents, the *Times* wrote: "Historically,

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special access programs have been reserved for extremely sensitive operations carried out by the United States, or for closely held technologies and capabilities. That could include covert programs against adversaries, or the development of special surveillance and weapons technologies, such as new kinds of stealth aircraft and hypersonic missiles. … They are created when the sharing of specific information represents a heightened threat of damaging disclosures, or when a 'secret' or 'top secret' classification is not deemed sufficiently protective."

In its report on the May 10 letter from Wall, *Politico* wrote: "It can take up to a decade to declassify certain information, said one former defense official who still holds a security clearance, so the fact that Trump took hundreds of pages of classified material is 'one of the worst things I've ever heard. There is no gray area here. I'm just appalled.'"

Politico cited Republican Representative Chris Stewart of Utah, a member of the House Intelligence Committee, as saying, "I mean, if he had actual special access programs—do you know how extraordinarily sensitive that is? That's very, very sensitive. If that were actually at his residence, that would be a problem."

Ironically, Wall's letter was first disclosed on Monday night by John Solomon, a right-wing media ally of Trump, who also serves as one of Trump's representatives to the archives. Solomon posted it on his website, and NARA released it the next day.

Solomon posted the letter shortly after Trump's lawyers filed a legal motion asking a federal judge in Florida to appoint an independent arbiter, known as a special master, to review all of the documents retrieved from Mar-a-Lago by the Justice Department and remove any papers supposedly protected by executive privilege. In the meantime, federal investigators would be blocked from continuing to examine the documents themselves.

Trump filed the motion before a judge he had appointed to the bench in 2020, District Court Judge Aileen M. Cannon in the Southern District of Florida. From a legal standpoint, the motion appears on its face to be without merit, given the fact that Trump is no longer a government official and it is the executive branch, in the form of the Department of Justice, that legally has possession of the documents and that Trump is seeking to block in the name of executive privilege.

On Tuesday, Judge Cannon gave Trump's lawyers until Friday to elaborate on their arguments as to why the court has the ability to intervene, explain what exactly Trump is asking for, and clarify whether the Justice Department has been served with Trump's special master motion.

Cannon also asked Trump's team to discuss what effect its request for a special master might have on the separate review being conducted by federal Magistrate Judge E. Bruce Reinhart into whether portions of the still-sealed FBI affidavit laying out probable cause for the search warrant executed at Mar-a-Lago on August 8 can be released.

The fact that it took Trump two weeks to legally respond to the FBI raid, after seizing on it to whip up his fascist base and incite violent threats against the FBI, Attorney General Merrick Garland and Judge Reinhart, suggests a growing appreciation of the seriousness of the legal offensive being waged on national security grounds by the Justice Department, with the silent backing and doubtless behind-the-scenes participation of the Biden White House.

It is noteworthy that Trump's legal team did not intervene last week to support a suit by major media outlets calling on Judge Reinhart to unveil the affidavit. Nor did his lawyers raise the issue in its motion before Judge Cannon on Monday.

In framing its most serious move against Trump around issues of national security and state secrets, while hesitating to go after Trump on his attempt to overturn the 2020 election and install a fascistic dictatorship, the Biden Justice Department is motivated by the central concern of the Democratic Party—the prosecution of the US proxy war against Russia in Ukraine and Washington's confrontation with China over Taiwan.

This—questions of imperialist foreign policy—has been the basis from the outset of the Democrats' opposition to Trump, not his assault on democratic rights. In prosecuting the conflict with Trump—and those factions of the ruling elite, the military and the intelligence apparatus that back him—on national security questions, Biden and the Democrats are making their appeal to the military and the need to strengthen the state in a period of widening war, to take on both US imperialism's foreign adversaries and its great adversary at home—the working class.

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