

A BOOK AUTHOR, A RELIGIOUS LEADER, AND A POLLSTER WALK INTO TRUMP'S CLASSIFIED DOCUMENT BAR

As noted, yesterday Trump took the opportunity created by news of an additional document with classification marks at Mike Pence's house to make a series of disclosures. Lawyers found another empty classified document folder, marked Classified Evening Briefing, as well as a laptop and a thumb drive with a classified document on it. The latter, described here by CNN, has generated a really inflammatory response.

Former President Donald Trump's legal team turned over more materials with classified markings and a laptop belonging to an aide to federal prosecutors in recent months, multiple sources familiar with the investigation told CNN.

The Trump attorneys also handed over an empty folder marked "Classified Evening Briefing," sources said.

The previously undisclosed handovers – from December and January – suggest the protracted effort by the Justice Department to repossess records from Trump's presidency may not be done.

The Trump attorneys discovered pages with classified markings in December, while searching through boxes at the former president's Mar-a-Lago residence. The lawyers subsequently handed the materials over to the Justice Department.

A Trump aide had previously copied those same pages onto a thumb drive and

laptop, not realizing they were classified, sources said. The laptop, which belonged to an aide, who works for Save America PAC, and the thumb drive were also given to investigators in January.

Pete Strzok, popularizing my nifty (and now outdated) table, raised a lot of predictable questions about the thumb drive and laptop.



Pete Strzok @petestrzok 3h
Updated chart from @emptywheel

Electronic storage of classified info on unclassified systems - which we now know Trump did - opens up a whole new set of CI concerns (eg, were additional copies/backups made? Connected to the internet? Cloud backup(s)? Hostile cyber interest?)

[twitter.com/petestrzok/sta...](https://twitter.com/petestrzok/status/1234567890)

	Trump	Biden	P.
documents with classified markings	<20%	<21 to 30	<1%
in place in workspace	81	<50%	8.6%
don	Yes	None known	None known
personal knowledge	Yes	Unclear	Unclear
documents	Yes	Possible	Possible
ed documents	Yes	Possible	None known
classified on systems	47	None known	None known
with potential classified info	2	No	No
ed outstanding documents	Yes	None known	None known
age of homes and offices searched by	<20%	100%	100%

He's not wrong that these are the kinds of questions FBI will now be asking. All the more so given the ABC report that the laptop, at least, was not found at Mar-a-Lago.

ABC News has also learned that after the information was recovered, federal agents retrieved the laptop from the aide. The laptop was not retrieved on the Mar-a-Lago grounds, the sources said.

But the answers may be somewhat simpler, particularly if – as I suspect – Trump's lawyers went and found this laptop as a response to one of the other most-pressing questions about Trump's stolen documents.

After all, there must be some reason why Trump's lawyers went to look for this document, after

having investigators search Mar-a-Lago already. There must be a specific reason they were looking for these documents, given that investigators had done a seemingly thorough search of everything.

And Trump's lawyers have no doubt been scrambling to answer one of the most important questions revealed in the Special Master review: who had compiled a document – after Trump left the White House – with a Secret and a Confidential document. That document was described in one of the last Special Master filings. It's a document that includes messages from a book author, a religious leader, and a pollster, probably something from a lawyer, and what were upon seizure a Secret and a Confidential document.

One potentially privileged document that had been scanned was removed from the database (SM_MAL_00001185 to SM_MAL_00001195). That document – excluding the one potentially privileged page (SM_MAL_00001190) – is discussed in the next section about the Filter Materials Log. The potentially privileged page is the subject of a separate letter from the Filter Team to Your Honor, which is sent today.

[snip]

This document is a **compilation** that includes three documents that post-date Plaintiff's term in office and **two classified cover sheets, one SECRET and the other CONFIDENTIAL**. Because Plaintiff can only have received the documents bearing classification markings in his capacity as President, the entire mixed document is a Presidential record.

Besides the classified cover sheets, which were inserted by the FBI in lieu of the actual documents, none of the remaining communications in the document

are confidential presidential communications that might be subject to a claim of executive privilege. Three communications are from a book author, a religious leader, and a pollster. The first two cannot be characterized as presidential advisers and all three are either dated or by content occurred after Plaintiff's administration ended. [my emphasis]

It was, as I've been describing, a mini-smoking gun: Two classified documents "compiled" with a bunch of documents that post-date Trump's Administration, seeming proof that *someone* accessed classified documents after they were removed from the White House.

The mini-smoking gun is a political document: it includes a message from a pollster. But what FBI meant by a "compilation" was never clear: Was it just two classified documents paper clipped onto messages from a pollster, a religious leader, and a book author? Was this digitally compiled, in which case it might appear to be one 11-page document with passages that were classified?

What would have happened after DOJ and Trump's lawyers agreed that the messages post-dated Trump's presidency is that Trump's lawyers would have scrambled to come up with a non-criminal explanation for the document.

And one possible story to explain it is the one Trump is now offering: an entire box of documents were scanned, and an aide – CNN appears to know who she is – took copies, not knowing they were classified. And then the aide used the classified documents in her job at Trump's PAC.

Both the removal of the document, including some classified documents, and this aide's integration of the documents into some kind of political document, could both be unwitting, and therefore not a crime. Particularly if she were represented by lawyers paid for by Trump, as is

his habit.

Given that FBI only found *one* document like this, the story is not implausible.

And it would answer the really pressing question of the “compiled” classified document (which Trump lawyers have undoubtedly treated as a very pressing question, given that this is a mini-smoking gun). And it would answer the question of why they were searching an aide’s laptop and thumb drive.

Only, if that’s Trump’s final answer – and it may well be! – then it will raise other questions. Such as why Trump had Presidential Records Act documents that he would go on to use for his PAC in the first place.

Particularly at a time when his fundraising is under scrutiny for the *other* criminal investigation of Donald Trump, the answer to that question might get awkward quickly.

Update: Here is the Guardian’s explanation for the aide and the laptop (none of which makes sense):

[A]t Mar-a-Lago in December, the contractors found a box that mainly contained presidential schedules, in which they found a couple of classified-marked documents to also be present and alerted the legal team to return the materials to the justice department, the sources said.

The exact nature of the classified-marked documents remains unclear, but a person with knowledge of the search likened their sensitivity to schedules for presidential movements – for instance, presidential travel to Afghanistan – that are considered sensitive until they have taken place.

After the Trump legal team turned over the box of schedules, the sources said, they learned that a junior Trump aide –

employed by Trump's Save America political action committee who acted as an assistant in Trump's political "45 Office" – last year scanned and uploaded the contents of the box to a laptop.

The junior Trump aide, according to what one of the sources said, was apparently instructed to upload the documents by top Trump aide Molly Michael to create a repository of what Trump was doing while in office and was apparently careless in scanning them on to her work laptop.

When the Trump legal team told the justice department about the uploads, federal prosecutors demanded the laptop and its password, warning that they would otherwise move to obtain a grand jury subpoena summoning the junior aide to Washington to grant them access to the computer.

To avoid a subpoena, the Trump legal team agreed to turn over the laptop in its entirety last month, though they did not allow federal prosecutors to collect it from Mar-a-Lago.