

# LORDY, THERE ARE TAPES [OF TRUMP ACKNOWLEDGING HE HAD STOLEN CLASSIFIED DOCUMENTS]!

CNN has a blockbuster report about a recording, taken in conjunction with Mark Meadows' memoir, capturing Trump claiming that he had a document planning an attack on Iran that he wished he could share, but could not, because it was classified.

The July 2021 meeting was held at Trump's golf club in Bedminster, New Jersey, with two people working on the autobiography of Trump's former chief of staff Mark Meadows as well as aides employed by the former president, including communications specialist Margo Martin. The attendees, sources said, did not have security clearances that would allow them access to classified information. Meadows didn't attend the meeting, sources said.

Meadows' autobiography includes an account of what appears to be the same meeting, during which Trump "recalls a four-page report typed up by (Trump's former chairman of the Joint Chiefs of Staff) Mark Milley himself. It contained the general's own plan to attack Iran, deploying massive numbers of troops, something he urged President Trump to do more than once during his presidency."

The document Trump references was not produced by Milley, CNN was told.

[snip]

The meeting in which Trump discussed the Iran document with others happened

shortly after The New Yorker published a story by Susan Glasser detailing how, in the final days of Trump's presidency, Milley instructed the Joint Chiefs to ensure Trump issued no illegal orders and that he be informed if there was any concern. The story infuriated Trump.

Glasser reported that in the months following the election, Milley repeatedly argued against striking Iran and was concerned Trump "might set in motion a full-scale conflict that was not justified." Milley and others talked Trump out of taking such a drastic action, according to the New Yorker story.

On the recording and in response to the story, Trump brings up the document, which he says came from Milley. Trump told those in the room that if he could show it to people, it would undermine what Milley was saying, the sources said. One source says Trump refers to the document as if it is in front of him.

Several sources say the recording captures the sound of paper rustling, as if Trump was waving the document around, though is not clear if it was the actual Iran document.

This is clearly an elaboration of what WaPo reported (as evidence of obstruction!) here, which I wrote about here. It is one of two documents – the other is a map – persistently described as something prosecutors asked about because Trump discussed sharing it with others.

The meeting was in Bedminster, not Mar-a-Lago.

One reason witnesses would be asked about it is to find out if Trump really had the document in front of him.

Let me explain how I think it relates (WaPo's

conceit notwithstanding) to potential Espionage Act or 18 USC 2071 charges.

First, it's certainly possible this is one of the documents pertaining to Iran that WaPo has reported were among the ones obtained in the search in August 2022.

If it is, then it would be a document that Trump transported back and forth from Florida – something that would make it easier for DOJ to charge this in DC instead of SDFL.

If it's something DOJ *didn't* obtain in the search, but also didn't obtain among the documents Trump returned in either January or June 2022, then ... then we have problems. If this is among the documents that DOJ thinks Trump didn't return, then we have problems, especially given Jack Smith's focus on Trump's LIV golf deal, because this is the kind of document that the Saudis would pay billions of dollars for.

Weeks ago, CNN also reported that Smith had asked NARA for 16 documents about declassification decisions. Few have considered the possibility those documents relate to specific documents that Trump still retained – though if there are any Russian investigations among those Trump retained at least until January 2022, then there surely would be. The same could be true here.

The document is, as CNN reports, evidence that Trump knew he had stolen classified documents.

Importantly, though, it's also evidence about motive. No matter what reason Trump originally stole this document, this incident shows how Trump was exploiting it: To prove a critic wrong.

It's precisely the same reason why Trump spent his last days attempting to declassify all the Russian investigation documents: revenge. It's the most Trump motive ever.

But it also goes a long way to prove one of the more serious crimes listed in the warrant

authorizing the search last August.

As I laid out in August, the elements of a straight up 18 USC 793 offense are:

- Did the defendant, without authorization, have possession of, access to, or control over a document that was National Defense Information?
- Did the document in question relate to the national defense?
- Did the defendant have reason to believe the information could be used to the injury of the United States or to the advantage of any foreign nation?
- Did the defendant retain the above material and fail to deliver it to the officer or employee of the United States entitled to receive it?
- Did he keep this document willfully?

All of Trump's behavior here fulfils these elements of offense. The document could be heard rustling on the recording, and several witnesses can describe whether he really had it. The document pertained to an attack on Iran, quintessentially a matter of national defense. Trump exhibited awareness that he couldn't share it, because it was classified. And Trump had it, at least in part, to avenge what he perceived as a slight by Milley.

The one caveat – one made by Charlie Savage on Twitter – is the bolded bullet. DOJ had not yet

subpoenaed this document. If he wasn't caught in possession in of this document, it would serve only as evidence of 18 USC 2071 – the law prohibiting taking classified documents that disqualifies someone from holding federal office. Though if he ever did share it with people, it could exposure him to more serious levels of the Espionage Act.

All trials are about prosecutors telling stories.

This incident is a story so good that Trump tried to tell it himself, and in the process got recorded admitting he had stolen classified documents. And that's why prosecutors asked a bunch of witnesses about it.

Update: Hugo Lowell's version of this includes important details (the NYT also got several of these):

1. The meeting in question was in July 2021.
2. The recording came from Margo Martin, whose devices prosecutors obtained and imaged.
3. The actual document in question predates Mark Milley's tenure as CJS.
4. Trump's lawyers claim a document matching this description was among those returned to the Archives.
5. Prosecutors have shown the actual document to grand jury witnesses.