

SHORTER DJT: MEXICO WILL PAY FOR MY NEW SCIF

In Trump's response to DOJ's motion for a classified protective order in the stolen documents case, his lawyers clarified that they didn't so much want to discuss classified documents with Trump while sitting in his offices, which is how the government represented their request, but instead wanted to restore the SCIF at one or another of his resorts.

Even there, the response itself says that Trump wants to review classified materials in a restored SCIF, while a footnote disavows that, then says he wants the space where he used to review such material, with another footnote disavowing a plan to transport classified documents there now.

President Trump opposes any portion of the Proposed CIPA Protective Order that prohibits counsel from simply discussing the relevant purportedly classified material with President Trump inside an approved secure location other than the designated SCIFs in the Southern District of Florida where the classified discovery will be housed. President Trump respectfully requests that the Proposed CIPA Protective Order be modified to approve re-establishment of a secure facility in which President Trump was permitted previously to discuss (and review²) classified information during his term as President of the United States.³

² To be clear, President Trump is not asking for the proposed CIPA Protective Order to be modified to permit any classified materials to be transported to or reviewed or stored in, this location.

3 Counsel can provide additional information about President Trump's proposed secure location but respectfully request that such information be provided in camera because of security concerns.

[snip]

So that President Trump and his legal team may discuss classified information in a substantive manner as regularly as necessary to prepare an adequate defense, we respectfully request that the Court approve re-establishment of a secure facility in which President Trump previously discussed (and reviewed⁵) classified information during his term as President of the United States.

5 Again, President Trump is not requesting that any classified materials be transported to or reviewed or stored in this location. [my emphasis]

Throughout this filing, Trump refers to purportedly classified material in the body of his argument, then disavows wanting to transport classified material in a footnote.

To that end, President Trump requests that the Court approve the renewed use of the previously approved and appropriately secure location so that he is then able to discuss the relevant classified information with his counsel without the need to mobilize his security detail and state and local law enforcement every time he has a conversation regarding his defense as it relates to purportedly classified information.⁸

8 Again, President Trump is not asking for the proposed CIPA Protective Order to be modified to permit any classified materials to be transported to, or stored in, this location.

[snip]

Indeed, the government has the authority to discuss the purported classified material in other approved facilities outside of a Court designated SCIF, and we anticipate it does so regularly. That is not inconsistent with the law so long as they are having those discussions in a secure, approved facility. Our request is to have the same opportunity. We are seeking the Court's permission to discuss classified information in a secure facility that was long approved for such use and met then, and could easily meet now, the standard required by our nation's intelligence community to ensure protection of information deemed classified. [my emphasis]

All the reassurances that Trump doesn't want to store classified material back at Mar-a-Lago modify claims that it might not be classified. Given those caveats, there's a big question whether stolen classified documents will end up right back at Mar-a-Lago.

Put aside the gimmick here – Trump is demanding that the government make his home a legal place for classified information, which still amounts to seeking, “permission to do so in the very location at which he is charged with willfully retaining the documents charged in this case.”

This is also a filing about Secret Service. The response and Todd Blanche's related declaration describes that this proposal is based on, “multiple communications with several individuals who are familiar with the required security protocols surrounding President Trump and his family.” But it doesn't describe any consultation with the people whose job it is to protect classified records.

6. When President Trump was in office, there was a designated, secure location where classified information was

approved to be housed and discussed. We have had discussions with officials familiar with this arrangement.

Blanche says that because he had discussions with the Secret Service agents who know where the SCIF was, it's the same as discussing security arrangements for building and maintaining one.

That is, this filing is about conflating the protection of Trump with the protection of classified records.

Indeed, Trump repeatedly minimizes the risk of storing classified records at Mar-a-Lago, with all the spies targeting it (which I'll return to), because of the Secret Service detail there.

Similarly, the government's statement to the court in its Motion that President Trump's personal residence should be compared to the residence of "any private citizen" is misleading. This is especially true given the necessary protections afforded to our nation's leaders after they leave office and the uniqueness of the location of President Trump's residence, coupled with the fact that a secure location already existed for the relief sought herein and can be re-established with appropriate safeguards.⁶

⁶ The statement comparing President Trump's personal residence at Mar-a-Lago to that of "any private citizen" is all the more disingenuous considering a member of the prosecution's trial team has visited the Mar-a-Lago property during the course of the investigation and is therefore personally aware of the differences between President Trump's residence and that of "any private citizen."

[snip]

President Trump objects to the Proposed Protective Order insofar as it does not allow him and his counsel to discuss the relevant purportedly classified material inside an appropriate secure facility at or near his personal residence. Limiting any discussions with counsel to the government offered SCIFs is an inappropriate, unnecessary, and unworkable restriction, given the unique circumstances of President Trump's access to security—namely that he resides and works in a secure location that is protected at all times by members of the United States Secret Service, and that the proposed alternate location previously housed an area approved for not only the discussion, but also the storage and review, of classified information

[snip]

The government's Motion dismisses this fact and compares President Trump's request herein to any other defendant's request to discuss classified information in their "private" or "personal residences" or offices. (See ECF No. 84 ¶¶ 13–14). This characterization is misleading and misconstrues the facts of this case. Donald J. Trump served as President of the United States for four years, and he, along with other Presidents and senior government officials, have had access to remote facilities for the purposes of reviewing and discussing sensitive information while in office, and at times after leaving office.

Of course, Trump *didn't* have access to classified information after he left office, at least not after Biden ended Trump's classified briefings in February 2021.

But this dispute is likely partly an attempt to

manufacture some conflict between the President and the guy who wants to replace him.

The argument here is based on inflated claims about how hard it is for Trump and his Secret Service detail – who are making multiple trips a week to give speeches in places like New Hampshire high school gymnasias – to travel from Mar-a-Lago to a SCIF in South Florida.

2. If President Trump travels to a public facility in the Southern Division of this District, most circumstances would require an overnight stay in the local area by his protective detail, including members of the Secret Service, as well as an overnight stay by President Trump, due to the distance between his residence and the public facility.

[snip]

5. In any of these scenarios, the required security measures take significant planning and effort, as well as financial resources.

6. The alternate secure location in which President Trump seeks to discuss (but not review) classified information is under 24-hour a day full security protection, whether President Trump is present or not. Furthermore, the government can re-establish a restricted area within the proposed secure location in which President Trump and his legal team can discuss classified information in a manner that is consistent with government security protocols.

7. Between 2017 and 2021, with reasonable effort and expense, a secure facility was established and approved at President Trump's residence in the Southern District of Florida. In that facility, President Trump was permitted to review and discuss classified information. Reestablishing this secure

facility is readily possible if the Court so directs.

Donald J. Trump – the same guy who never missed a chance to bilk the Secret Service for space in his own residences or hotels – is demanding that the US Government minimize the inconvenience of secure travel by him to defend himself for stealing classified information even as he is traveling all over the country – incurring the same costs and inconveniences for those around him – campaigning with nary a care about the cost that imposes on tax payers.

And he's not offering to pay the US government to rebuild the SCIF in his beach resort.

Multiple people on Xitter joked that he'll probably just ask Mexico to pay for it, and that's about right: Trump is promising that the government can build something instantaneously without cost.

But given that Aileen Cannon is involved, it may well work.

This is not a good faith offer. It is an attempt to create a conflict that, if and when it is appealed to the 11th Circuit, will present closer calls than the ones on which Judge Cannon got her ass handed to her last year.