

# JUDGE AILEEN CANNON TREATED A PUBLIC LETTER ABOUT TRUMP'S HEALTH AS MORE SENSITIVE THAN AMERICA'S NATIONAL SECURITY

As I have shown, had Judge Aileen Cannon left well enough alone, the government would have handed all Category B documents identified by the filter team back to Trump on September 1. Instead, she deliberately inflicted what *she herself* deemed to be further harm on Trump to justify intervening in the search of Trump's beach resort.

And now she may have caused even more harm. That's because, by means that are not yet clear (but are likely due to a fuck-up by one of Cannon's own staffers), the inventories from both Category A (government documents that deal with a legal issue) and Category B (more personal documents) were briefly posted on the docket. (h/t Zoe Tillman, who snagged a copy)

Those inventories not only show Cannon's claims of injury to Trump were even more hackish than I imagined. But it creates the possibility that DOJ's filter team will attempt to retain some of the documents included in Category B, notably records pertaining to the Georgia fraud attempts and January 6, they otherwise wouldn't have.

Start with the hackishness. The harm that Cannon sustained to justify intervening consisted of preventing DOJ from returning, "medical documents, correspondence related to taxes, and accounting information" to Trump, "depriv[ing Trump] of potentially significant personal documents." Cannon made DOJ withhold such documents from Trump for a least two additional

weeks and then used it to argue that Trump had a personal interest in what DOJ claims are mostly government documents and press clippings.

The single solitary medical document pertaining to Trump (there's a Blue Cross explanation of benefits that appears to pertain to someone else) is this letter from Trump's then-personal physician released during the 2016 Presidential campaign.

01	Medical letter from Dr. Harold N. Bornstein dated 9/13/2016	FILTER-B-001
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Not only was it publicly released over six years ago, but details of medicines left off the report and Trump's role in dictating an earlier version of the letter were widely reported in 2017.

Aileen Cannon held up a national security investigation into highly sensitive documents stored insecurely at a beach resort targeted by foreign intelligence services, in part, because the FBI seized a public letter than had been released as part of a political campaign six years ago.

She personally halted efforts to keep the United States safe, in part, to prevent leaks of a document that Trump released himself six years ago.

But that's not all she did.

There are documents in both Category A and Category B that may be responsive to subpoenas from the January 6, the DOJ investigation, and Fani Willis' Georgia investigation.

The December 31, 2020 email from Kurt Hilbert pertaining to Fulton County lawsuits is likely the one investigators turned over to the filter team on September 26 (which Trump's lawyers claim is privileged).

17	Printed email dated 12/31/2020 from Kurt Hilbert to White House email account regarding signed verifications for Fulton County lawsuit and federal complaint and three verifications	FILTER-A-056 to FILTER-A-060
18	Printed email dated 12/31/2020 from Kurt Hilbert to White House email account sharing 10 files regarding federal lawsuit	FILTER-A-061 to FILTER-A-064

For some unknown reason (probably that it was sent to the White House, which DOJ considers a waiver of privilege), DOJ put it in Category A.

There are several uninteresting Georgia-related documents included among Category B documents – the Civil Complaint in Trump v. Kemp, retainer agreements pertaining to various Fulton County lawsuits, a retention agreement with Veen, O’Neill, Hartshorn, and Levin, along with another folder with retention agreements pertaining to Fulton County. But this file, including a letter to Kurt Hilbert with a post-it note from Cleta Mitchell, might be more interesting.

08	First page of letter from Balch & Bingham to Kurt Hilbert; post-it note “from Cleta Mitchell”	FILTER-B-078
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There’s also a document pertaining to Joe DiGenova regarding appointing a Special Counsel (as well as might be an effort to get Pat Cipollone to complain about Saturday Night Live’s taunts of Trump).

04	Pat Cipollone business card with “LIC Sat Night Live” written on it; post-it note “Joe Digernova Appoint Special Councel [sic]”	FILTER-B-069
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The DiGenova document might pertain to any number of topics, but like Cleta Mitchell, he has been named in DOJ subpoenas on election fraud.

Similarly, there are documents that might be responsive to and of interest to Tish James in her investigation of Trump’s fraud. Those include:

- 5 copies of the same one-page letter from Morgan Lewis about taxes
- A document about a restrictive covenant agreement
- A confidential settlement between the PGA and Trump Golf

- Several IRS Form 872s, including one in a folder marked NYC 8/10 (the date of Trump's deposition with Tish James)
- An IRS Form 2858 with Molly's name on it (almost certainly Molly Michael)
- A signed tax return disclosure consent form

The desk drawer also includes details of Alina Habba's retention agreements and payments, which she would have found when she searched the drawers to ensure there were not tax documents in there.

The tax documents are likely uninteresting. Some (especially the Hilbert documents) may already be in investigators hands. But the point remains: By preventing DOJ from turning over these Category B documents to Trump on September 1 like they requested permission to do, Cannon has now given DOJ an opportunity to argue these document *are not* privileged, possibly even that they're responsive to various subpoenas that might be crime-fraud excepted.

With the exception of the Hilbert emails to the White House, DOJ may still return these – fighting over them may be more trouble than it's worth. But because this inventory got released, it will now be clear what Trump's lawyers are attempting to hide. It may even give James or Willis opportunity to subpoena the documents anew.

And it will be clear that Aileen Cannon endangered the United States, in part, based off a claim that a medical record that Trump himself released six years ago is more important than some of the government's most sensitive documents.

As Tillman noted in her piece on the inventory,

there are also details of some of the clemency packages Trump reviews. Those include pardons for Rod Blagojevich, what are probably two Border Patrol agents convicted for shooting a drug smuggler, Ignacio Ramos and Jose Compean, and Michael Behanna, a soldier courtmartialed for killing an Iraqi prisoner, as well as the commutation of Ted Suhl. There's also one for an "RN" that might be Ronen Nahamani, whose clemency a bipartisan group of politicians supported, including Matt Gaetz. The inclusion of all these clemency packages makes it more likely that Roger Stone's was among them – though by description, Stone's pardon was in another drawer of a desk in Trump's office.

One of the other main categories of Category A documents are letters to NARA, something likely covered by the part of the warrant authorizing the seizure of communications about classified records.

19	Contents of red folder marked "NARA letters & other copies"	Filter-A-065 to FILTER-A-091
20	Contents of manila folder marked "NARA letters one top sheet + 3 signing sheets"	FILTER-A-092 to FILTER-A-098