

DEVLIN BARRETT'S “PEOPLE FAMILIAR WITH THE MATTER”

As Devlin Barrett's sources would have it, a man whose business ties to the Saudis include a \$2 billion investment in his son-in-law, a golf partnership of undisclosed value, and a new hotel development in Oman would have no business interest in stealing highly sensitive documents describing Iran's missile systems.

I'll let you decide whether the claim, made in Barrett's latest report on the stolen documents case, means the FBI is considering the issue very narrowly or Barrett's sources are bullshitting him.

That review has not found any apparent business advantage to the types of classified information in Trump's possession, these people said. FBI interviews with witnesses so far, they said, also do not point to any nefarious effort by Trump to leverage, sell or use the government secrets. Instead, the former president seemed motivated by a more basic desire not to give up what he believed was his property, these people said.

Barrett has a history of credulously repeating what right wing FBI agents feed him for their own political goals, which means it's unclear how seriously to take this report. Particularly given several critical details Barrett's story does not mention:

- Trump's efforts, orchestrated in part by investigation witness Kash Patel, to release documents about the Russian

investigation specifically to serve a political objective

- The report, from multiple outlets, that Jay Bratt told Trump's lawyers that DOJ believes Trump still has classified documents
- Details about classified documents interspersed with a Roger Stone grant of clemency and messages – dated after Trump left the White House – from a pollster, a book author, and a religious leader; both sets of interspersed classified documents were found in Trump's office
- The way Trump's legal exposure would expand if people like Boris Epshteyn conspired to help him hoard the documents or others like Molly Michael accessed the classified records

To be sure: I think a good many of the documents Trump stole – including the most sensitive ones – were stolen as trophies. We know that's why Trump stole his love letters with Kim Jong Un. And the visible contents of the FBI's search photograph show that the most highly classified documents were stored along with Time Magazine covers.

But this report, from sources described as "people familiar with the matter," bespeaks a partial view of the investigation, one Barrett hasn't bothered to supplement (or challenge)

with public records.

That description, “people familiar with the matter,” is the same one Barrett uses to remind readers that he got the scoop on the Iranian missile documents that his sources don’t think the Saudis would have any interest in, and his scoop that Trump stole documents about some country’s defense system (which, if the country is Iran, Saudi Arabia, or Israel, would be of acute interest to Trump’s golf partners, too).

The Washington Post has previously reported that among the most sensitive classified documents recovered by the FBI from Mar-a-Lago were documents about Iran and China, according to people familiar with the matter.

At least one of the documents seized by the FBI at Mar-a-Lago on Aug. 8 describes Iran’s missile program, according to these people, who spoke on the condition of anonymity to describe an ongoing investigation. Other documents described highly sensitive intelligence work aimed at China, they said. The Post has also reported that some of the material focuses on the defense systems of a foreign country, including its nuclear capabilities.

There’s no guarantee that these “people familiar with the matter” are the same sources for both the information about the most sensitive documents Trump stole and the current understanding about Trump’s motive. It could be that Barrett is using the same vague description to protect his source(s).

But they *could* be the same sources. Indeed, the blind spots in Barrett’s reporting may stem from having sources familiar with the national security review of the documents, but not necessarily the ongoing investigation into it. Some of the WaPo’s past reporting on this story seems to come from people who’ve seen the

unredacted affidavit, but not necessarily the investigative files.

And that's interesting, among other reasons, because the leak to Barrett about the most sensitive documents has formed the primary harm claimed by Trump's lawyers in filing after filing after filing, starting literally the day after Judge Aileen Cannon cited leaks in her original order enjoining the criminal investigation.

The Government is apparently not concerned with unauthorized leaks regarding the contents of the purported "classified records," see, e.g., Devlin Barrett and Carol D. Leonnig, *Material on foreign nation's nuclear capabilities seized at Trump's Mara-Lago*, WASH. POST (Sept. 6, 2022), <https://www.washingtonpost.com/national-security/2022/09/06/trump-nuclear-documents/>, and would presumably be prepared to share all such records publicly in any future jury trial. However, the Government advances the untenable position in its Motion that the secure review by a Court appointed and supervised special master under controlled access conditions is somehow problematic and poses a risk to national security.

Trump cites Barrett's work right alongside EO 13526 as "Other Authorities" central to Trump's argument:

Other Authorities

Devlin Barrett and Carol D. Leonnig, <i>Material on foreign nation's nuclear capabilities seized at Trump's Mar-a-Lago</i> , WASH. POST (Sept. 6, 2022), https://www.washingtonpost.com/national-security/2022/09/06/trump-nuclear-documents/	16
Exec. Order 13526 (Dec. 29, 2009)	12

In any case, given the precedent of Nghia Pho (which may still be the only 18 USC 793 case cited by DOJ in this proceeding), it may not matter if Trump stole all or only *some* of these

documents because he's a narcissist. Trump brought a stack of classified documents to a foreign intelligence target and left them unprotected as multiple suspect foreigners infiltrated his resort. He continued to hoard such documents even after it was publicly reported that he had brought classified documents home.

During Trump's Administration two men were sent to prison because, by bringing highly classified documents home for motives that had nothing to do with leaking, they made the documents accessible to Russian-linked sources, actions that ultimately led to a devastating compromise of US intelligence resources. Under Donald Trump's DOJ, Pho and Hal Martin were not given a pass because they were serving their own ego.

So there's no reason Trump's narcissism, alone, should be a basis not to charge him.