

SOME PEOPLE HAVE SEX TOYS; TRUMP [CLAIMS HE] HAS EMPTY CLASSIFIED EVENING BRIEFING FOLDERS

I'd like to situate the details about an empty folder marked, "Classified Evening Briefing," from this Guardian story into what we know about the searches of Mar-a-Lago. It describes that the folder was first observed, *in Trump's residence*, and recorded in a report shared with DOJ by the investigators who did the search of Trump's properties. But Trump didn't return the folder because it, itself, was not classified information.

The folder was seen in Trump's residence by a team of investigators he hired to search his properties last year for any remaining documents marked as classified. The team transparently included the observation in an inventory of Mar-a-Lago and Trump properties in Florida, New Jersey and New York.

[snip]

The folder is understood to have not been initially returned because the lawyers thought "Classified Evening Briefing" did not make it classified, nor is it a formal classification marking.

"Weeks after" DOJ got the report on Trump's properties in December, DOJ subpoenaed the folder in January.

Donald Trump's lawyers turned over an empty manilla folder marked "Classified Evening Briefing" after the US justice department issued a subpoena for its

surrender once prosecutors became aware that it was located inside the residential area of the former president's Mar-a-Lago resort, two sources familiar with the matter said.

The previously unreported subpoena was issued last month, the sources said, as the recently appointed special counsel escalates the inquiry into Trump's possible unauthorized retention of national security materials and obstruction of justice.

[snip]

Weeks after the report was sent to the justice department, the sources said, federal prosecutors subpoenaed the folder.

Here's the story Trump told to DOJ about the empty classified folder:

The backstory the justice department was told about the folder was that Trump would sometimes ask to keep the envelopes, featuring only the "Classified Evening Briefings" in red lettering, as keepsakes after briefings were delivered, one of the sources said.

It's just some kink that Trump has, his lawyers want DOJ to believe, that he wants to have "Classified Evening Briefing" folders strewn around his personal residence.

It's not entirely ridiculous. After all, just two days after the search of Mar-a-Lago, reporters found a folder just like that one at a shrine to the Donald in Trump's Wine and Whiskey Bar in Manhattan.



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Looks like Trump is hiding classified documents in plain sight in the Trump Tower bar.



9:00 PM · Aug 10, 2022

There are several problems with this story, though.

Let's review some chronology of Trump's stolen document scandal. In May, Trump's lawyer Evan Corcoran accepted a subpoena for all documents with classified markings at any Trump property. Trump stalled for almost a month, but then the day before Trump was set to leave for Bedminster, Corcoran told the FBI to come to Mar-a-Lago the next day to retrieve documents. On June 3, Jay Bratt showed up with some FBI agents, and Corcoran handed over a folder of documents – certified by Christina Bobb, not himself – and also showed the people from DOJ the storage room where many, but not all, of Trump's presidential records were stored. Trump's story does not match DOJ's story about whether Trump interacted with Jay Bratt when the senior DOJ official was at Mar-a-Lago.

On June 24, DOJ subpoenaed surveillance footage that, subsequent reporting has made clear, showed Walt Nauta moving boxes out of the storage facility, thereby preventing Corcoran from finding the documents inside in the search he did in advance of June 3. Prior to obtaining the video, Nauta had testified that he didn't move any documents; afterwards, he testified he had moved boxes to Trump's residence.

Then, on August 5, DOJ obtained a warrant to search Mar-a-Lago. The affidavit for the search

specifically mentioned Trump's residence, "Pine Hall." And the search warrant authorized the search of "the '45 Office,' all storage rooms, and all other rooms or areas within the premises used or available to be used by FPOTUS and his staff and in which boxes or documents could be stored," which particularly given DOJ's knowledge that Trump *already had* hidden stolen documents in his residence, surely would include the residence. In the weeks after the search, Trump claimed publicly that the FBI had searched Melania's closet, implying that the FBI did search the residence. But the only way Trump would know what the FBI searched or not would be if those rooms were covered by his own surveillance camera.

Let's assume, however, that the FBI did at least go through the residence closely enough to ensure no documents remained there after Nauta had stashed them there while Corcoran conducted a search.

The FBI seized no documents from the residence on August 8. Documents were seized from just the storage room (those marked with an "A-" preface on the search warrant return) and Trump's office (those without).

One thing supports Trump's claim that he took this – and all the other – empty classified folders, as well as 42 empty aide folders, as trophies. There were 43 empty classified folders and 28 empty aide folders in his leatherbound box, which also had the most sensitive documents. Particularly given the appearance of those documents in the photo the FBI released, it is not inconceivable that Trump stole them as trophies of some events he think reflect well on his presidency, just like he stole the Kim Jong Un letters.



Plus, by appearances, Trump stored those super secret documents right next to his Time Magazine covers. All of which supports his claim that he stole these items as trophies of his time as President.

But that's not the only place the FBI found empty folders in their August 8 search. They also found them in five other boxes, all stored in the storage room.

Item	Box Number	Privileged	Classified	Clippings	Clippings start	Clippings end	TS	Secret	Confidential	WFO	Empty CLASS	Empty Aide
2	Leatherbound	X		99	1/2017	10/2018	7	15	2	74	43	28
15	A-28	X		65	10/2016	11/2018		4	1	78	2	2
18	A-35	X		4	1/2018	12/2019		1		1578		2
23	A-39	X		68	11/2016	6/2018		1		69		8
25	A-41	X		76	10/2016	11/2017		1	1	20	1	
33	A-33	X		83	2/2017	2/2018				44	0	2

With one exception – box A-33 – all the boxes with empty folders also had classified records, though mostly just one or two classified documents.

In other words, even indulging Trump's excuse – that he stole these empty classified folders as keepsakes – that only explains one of the motives and means by which he stole them. It only explains the folders stored with his other trophies, in the leatherbound box. It doesn't account for the fact that Trump also stole files that weren't keepsakes per se, but were boxes of other records, among which some classified records remained. It doesn't account for the fact that hoarding large amounts of documents, as Trump did, along with sloppy treatment of classified documents while in the White House, will result in the theft of classified documents. Along with some empty classified folders.

More importantly, the discovery of an empty classified briefing folder in his residence, which was not found during the no-notice search on August 8, but was found during the search for which Trump would have had advance notice, could not readily be explained by the kink trophy explanation.

Which is why this currently operative story – and the fact that Trump’s lawyers have decided to share it publicly now – should focus on the other investigative steps that took place in the same time.

Back in October, before Attorney General Garland appointed Jack Smith, Trump was reportedly still considering letting the FBI do a further search of his property, like Joe Biden and Mike Pence have since done. But then, probably after the appointment of Smith and the 11th Circuit ruling overturning the Special Master, Trump decided to have a private firm do the search instead. After the search of (some of) Trump’s properties – this probably happened at the end of November and beginning of December – the contractors provided an inventory to DOJ, which is how DOJ learned of the empty folder. Because Trump’s lawyers refused to certify the searches themselves, DOJ immediately tried to hold Trump in contempt for violating the May 11 subpoena. That request – to hold Trump’s lawyers in contempt – happened at the same time (around December 6) as a bunch of inconsistent stories serially revealed the search of four of Trump’s properties and, the stories claimed, the discovery of just two more classified documents.

We now know those stories were false, classic Trump limited hangout. Yesterday’s stories reveal that when Trump’s lawyers told journalists the search firm had only found two documents marked as classified in December, they were hiding the Trump calendars and the classified folder. They were lying to hide the stuff just revealed yesterday.

Beryl Howell did not make a final decision on contempt, though the same Trump lawyers also

falsely told journalists she *had* made a final decision.

Then, after some back in forth, early in January, DOJ got Beryl Howell to require Trump to turn over the names of the people who did the search. That's the first we learned that, contrary to the headlines you'd read based on the December 2022 stories, Howell had not made a final decision on contempt.

That's all background to the mad set of stories yesterday, announced even as Pence admitted FBI found one more classified document at his house. It should tell you something that the leaks yesterday resemble the ones from December 7, when Trump's lawyers told two lies: That Howell had already decided not to hold them in contempt, and that the search firm had found only two more classified documents. Based on past experience, we should assume yesterday's stories, like the ones in December, had as their primary goal to tell a false story.

What we know, though, is that after attempting to hold Trump's lawyers in contempt in early December, DOJ took steps that would be necessary preparation for interviewing the people who did the search. First, forcing Trump to share the names. Then, interviewing two of three lawyers involved in Trump's obstruction last June, Evan Corcoran and Christina Bobb. And then, obtaining the things found in the search that weren't immediately turned over as positive search results, which would be necessary preparation to interviewing those who did the search.

Trump told DOJ in December that this empty folder, which the FBI didn't find when they showed up to MAL unannounced on August 8, 2022, had found its way to Trump's residence in time for the contracted search, because he has an empty folder fetish.

He certainly does appear to have an empty folder fetish.

But that cannot explain why the folder – full or empty – was not found in August but was found in

December.

I've updated my resource page on Trump's stolen documents here.

Timeline

May 11, 2022: Subpoena for all documents bearing classification marks

June 3: Corcoran hands over folder with 38 classified records

June 24: DOJ serves a subpoena for surveillance footage

July 6: Trump provides surveillance footage

October 19: Trump still considering letting FBI search his properties for further classified documents

November 18: Merrick Garland appoints Jack Smith Special Counsel

December 7: A series of inconsistent stories reveal, serially, the search of four properties and the discovery of just two more classified documents

Late 2022: DOJ reaches out to Alina Habba, who last summer claimed to have done a thorough search of Trump's properties

December: Trump returns box of presidential schedules, which includes classified information

January 4, 2023: Beryl Howell orders Trump to turn over names of investigators to DOJ

Early January: Trump turns over aide's laptop and DOJ subpoenas both empty folder and

Early January: Evan Corcoran and Christina Bobb appear before the grand jury

February 2: Tom Fitton appears before grand jury

February: Robert O'Brien subpoenaed for both stolen documents and attempted stolen election investigations