

HOW WE GOT TO A PLACE WHERE RIGHT WINGERS CHEER STEALING NUCLEAR DOCUMENTS

When Aileen Cannon issued her order delaying Trump's stolen documents trial indefinitely, I posted this on Xitter.

 **emptywheel** není česká 
@emptywheel

...

Trump appointee bows to Trump demands, delays accountability for stealing nuclear documents.

 **Kyle Cheney**  @kyledcheney · 12h

BREAKING: Judge CANNON has indefinitely postponed Donald Trump's trial date in Florida.

It may be months before we know the new schedule.

...

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The Court also determines that finalization of a trial date at this juncture—before resolution of the myriad and interconnected pre-trial and CIPA issues remaining and forthcoming—would be imprudent and inconsistent with the Court's duty to fully and fairly consider the various pending pre-trial motions before the Court, critical CIPA issues, and additional pretrial and trial preparations necessary to present this case to a jury.⁶ The Court therefore vacates the current May 20, 2024, trial date (and associated calendar call), to be reset by separate order following resolution of the matters before the Court, consistent with Defendants' right to due process and the public's interest in the fair and efficient administration of justice.

9:57 PM · May 7, 2024 · 199.8K Views

47 Quote Tweets

The post was factual. Trump nominated Judge Cannon on May 21, 2020. Judge Cannon's order ceded to the requests of Trump and his co-defendants for hearings on all sorts of requests that, before any other judge, would be deemed frivolous. She adopted deadlines Trump asked for last year. The order undoubtedly delayed accountability in this case, with the next deadlines set for a month after the original trial date. And Trump is alleged to have stolen nuclear documents. In the original 15 boxes returned in January 2022, there were three documents classified FRD, for a total of 57

pages and charged document 19, which was seized on August 8, 2022, is also classified FRD, formerly restricted, a classification used for nuclear stockpiles and targeting. All would have been covered by the Presidential Records Act and so belong to the US Government; Trump could declassify none of them on his own.

By 11 my time (plus-5 from ET), it had gone viral, with 200k views, 47 QTs, 4.4k likes, 1.6k RTs, and 300 responses.

The post is a good way to start thinking about the information economy that led us to a place where a Republican judge helps delay accountability for stealing nuclear documents and storing them in a closet normally storing campaign swag. This information economy creates an environment in which a former prosecutor like Aileen Cannon either believes, or claims to believe, outlandish claims of bias and ill-treatment solely because career national security officials – rebranded by Trump as the Deep State – did their job.

Take the responses. In addition to a bunch of lefty responses – including a bunch imagining there was some quick fix switch that Jack Smith can hit to remove Aileen Cannon – there were a range of MAGAt responses, including a bunch doubting that there were really nuclear documents.

Brittany Rae  @legitbrittFLA · 12h
Nuclear secrets omg the fbi own set up and they couldn't even get that right
lmao!

uccat  @mjhags · 10h
Idiot

Robert Capko  @robertcapko · 10h
Nuclear documents? Were they glowing?

hopefortomorrow  @hopefortomorr19 · 12h
What nuclear documents?

One of those was a full Pepe meme invoking Obama's birth certificate.



Several used the superbly inane retort MAGAts like to use with me: that my moniker should be "emptyhead" instead of "emptywheel."



Several of the responses in the thread came from Alexander Sheppard, a Jan6er convicted of obstruction whom John Bates ordered released part way through a 19-month sentence pending the outcome of Joseph Fischer's challenge to the application of 18 USC 1512(c)(2) over government objections that Sheppard still insists he's a political prisoner.



Alexander Sheppard @NotAlexSheppard · 11h
Cry more lib 😂

This kind of viral response on Xitter is the point – right wingers have deliberately stoked such toxic viral responses for years. This is the kind of “engagement” Xitter’s billionaire owner has chosen to foster.

The point is not rational discussion, but instead the replacement of it with brainless mob-think, a mob-think designed to reinforce unquestioning partisan identity, a mob-think designed to drown out rational consideration of what it means that Judge Cannon has intervened in this way.

A mob-think that can be wielded to drown out the basic fact that Trump is accused of refusing to give back a nuclear document.

Of course, Elon Musk’s decision to grant people with a certain sized following, which includes me, checkmark status some months ago helps to ensure that anything I say will be visible to and therefore subject to this kind of mob treatment. Because of that involuntary checkmark, anything I say will be a magnet for this kind of mob response.

One reason the comment went viral is because of a few QTs from right wing influencers, not least Julie Kelly, who plays a key role in the right wing propaganda world. (The first post here is a QT, claiming that I am an example of the people invoked in her prior Tweet who (she falsely claims) hasn’t covered things I have covered; that is, Julie made my post go viral based on an outright lie, on top of the lie that I have never advocated that Smith ask Cannon to recuse because I doubt it would work.)

 Julie Kelly   @julie_kelly2 · 13h
Like, for example, this idiot.

...

 emptywheel (synonym: control) @emptywheel · 14h

Trump appointee bows to Trump demands, delays accountability for
stealing nuclear documents. x.com/kyledcheney/st...

123

381

2.2K

90K

...

 Julie Kelly   @julie_kelly2 · 13h

...

You will see tonight outrage by legal "experts" about Judge Cannon vacating
trial date and refusing to set a new one.

They will again accuse her of being in the tank for Trump and demand Jack
Smith seek her recusal.

At the same time, these frauds will refuse to cover all of the...

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⁷ The Court has since held hearings and resolved Defendant De Oliveira's Motion to Dismiss Indictment, or, in the Alternative, for a Bill of Particulars [ECF No. 323]; Defendant Nauta's Motion for a Bill of Particulars [ECF No. 446]; Defendant Nauta's Motion to Dismiss Obstruction Counts (Counts 33–35, 40–41) for Unconstitutional Vagueness and for Failure to State a Claim [ECF No. 448]; Defendant Trump's Motion to Dismiss Indictment Based on Presidential Records Act [ECF No. 327] as joined by Defendants Nauta and De Oliveira [ECF Nos. 331, 403]; and Defendant Trump's Motion to Dismiss Counts 1–32 Based on Unconstitutional Vagueness [ECF No. 325; *See* ECF Nos. 404, 455]. The Court also held multiple days of CIPA § 4 hearings and issued orders resolving Defendants' Motions for Access to CIPA § 4 filings, granting the Special Counsel's CIPA § 4 Motions as to Defendants Nauta and De Oliveira, and granting in part the Special Counsel's CIPA § 4 Motion as to Defendant Trump [ECF Nos. 307–310, 336, 340, 346, 409, 412]. Separately, and continuing, the Court has ruled upon a plethora of redaction and sealing requests requiring careful review of lengthy *in camera* submissions; resolved a substantive Motion for Reconsideration filed by the Special Counsel; and addressed related filings by the Press Coalition on matters of public access, among other miscellaneous motions [ECF Nos. 261, 267, 269, 270–271, 278, 282, 283, 286, 294, 312, 333, 339, 348, 353, 355, 358, 369 (Hearing), 384, 423, 438, 440, 464, 474, 492, 503–505].

Julie has spent her time since January 6 running a PR campaign for the defendants, falsely claiming they were treated differently than other similarly situated defendants. I have repeatedly showed that Julie has refused to correct lies she has told about the number of January 6 defendants charged with assault and in some but by no means all cases, detained pre-trial. I've also had to explain really basic things to poor Julie, like how white people get charged with terrorism.

Julie has moved on from January 6 to Trump's cases, providing the same kind of inflammatory, factually flawed claims she did for men who attacked cops. And she's effective. Indeed, she spun the latest development that Aileen Cannon may use as political cover for shutting down the prosecution of a guy who stole nuclear documents. Julie has claimed that because FBI replaced certain documents with slip sheets, all the slip sheets were planted there by the FBI. That's not remotely what the evidence shows (indeed, the evidence shows that a number of boxes had cover sheets without any documents, something even Tim Parlatore has backed). Nor

does it convey the one place where altered box order will matter, which is for Trump – except that the altered document order shown thus far is almost certainly not implicated in any of the charged documents, because it involves Confidential, not Top Secret, documents.

Here is Julie's coverage of the Robert Hur report, in which she spins Biden *granting permission* for the FBI to just come and grab boxes as somehow worse than Trump stalling, refusing to let the FBI actually *look* in boxes when they arrive, then withholding boxes and boxes.

Unlike the expansive raid of Mar-a-Lago, however, the bureau came unprepared. "The FBI dispatched two agents to retrieve the boxes in the garage the following day," Hur wrote of the FBI's visit to Delaware on December 21, 2022. "[The] agents conducted a limited search of the garage intended to determine whether it contained other classified documents. The two agents lacked sufficient resources to conduct a comprehensive search of the entire garage given the volume of material stored there."

Authorities waited for Biden's consent—he apparently did not want to turn over his notebooks—to search his home; agents were sent to Delaware on January 20, 2023. One item retrieved by the FBI, according to Hur, was Biden's 2009 "handwritten memo [to President Obama detailing his opposition to the troop surge in Afghanistan] that contains information that remains classified up to the Secret level."

But Biden and his associates will be spared prosecution. The same media echo chamber that raged for months about Trump's threat to national security instead is condemning Hur for his "gratuitous" remarks about Biden's

faulty mental faculties.

In the meantime, Trump and his co-defendants are preparing for a tentative May 20 trial date in Florida, embroiled in costly and time-consuming legal battles with the DOJ.

Another example of the two-tiered standard of justice in Joe Biden's America.

In spite of Julie's close coverage of the Hur report, she has not told her rubes that the FBI similarly reordered documents in the most important box seized from Biden, nor gone back to admit that the problem she is now misrepresenting – that there were so many classified documents at Mar-a-Lago that FBI ran out of slip sheets – is evidence that the FBI was similarly unprepared for the Trump search.

Julie has similarly spun documents that show Mark Meadows was significantly responsible for getting the Biden White House involved in efforts to retrieve documents (because he tried to reach out to WHORM personally), and show key players at NARA hesitating before asking for further involvement of DOJ as the opposite, an aggressive effort to get Trump.

It doesn't have to be true. It only has to feed the rubes.

And by feeding the rubes shamelessly false claims, Julie has become quite the celebrity, speaking at CPAC and regularly appearing on Steve Bannon's show. Bannon knows a useful propagandist when he sees one!

Now, I'm not begrudging Julie the fame she has carefully cultivated with her shamelessness. She has earned it! The right wing propaganda network – the deliberate fostering of lies masterminded by people like accused fraudster Bannon – always rewards people who will tell the rubes what they want to hear.

What I'm trying to explain is how her role gives

Aileen Cannon cover to do truly astonishing things, like entertain the notion that putting a non-partisan in charge of the investigation of Trump for classified documents while putting a Trump appointee who had already deprived a Trump target of due process in charge of the Biden investigation is instead proof of selective prosecution against Trump.

In addition to that premise – that investigating Trump in the same way as investigating Biden is proof of selective prosecution against Trump – Aileen Cannon's order yesterday and earlier orders signalled she is entertaining the following claims:

- That Walt Nauta, who doesn't claim to have sorted through any documents, must have the ability to sort through classified documents
- That because the document investigation, which included crimes in DC, started in DC, and used DC SCIFs for the investigation, it's proof that Jack Smith was deliberately attempting to bypass SDFL
- That because Mark Meadows and Pat Philbin got the White House involved in document response, it's proof that Biden improperly intervened
- That even though multiple Trump-friendly witnesses testified that Trump didn't even know Tom Fitton's Clinton socks theory until

2022, he should be able to argue to jurors he applied it in 2021

- That because NARA informed DOJ about classified documents, the same way they did with Joe Biden, it's proof that NARA are part of the prosecution team as opposed to the victim
- That because Trump's surveillance system uses difficult software and one of the defense lawyers only uses an iPad, prosecutors have failed to meet discovery obligations
- That Trump has immunity to steal nuclear documents that he couldn't even declassify on his own

These are all, individually and collectively, crazy. It's unclear whether Cannon truly believes them or simply doesn't care. She has chosen to treat Trump's claims according to the reality his propaganda bubble has created rather than the actual facts before her.

A lot of the responses to my Tweet were lefties imagining that Jack Smith has some kind of button he can press to get Aileen Cannon replaced; he doesn't.

But even if he did, it wouldn't solve the problem. Because the problem before us is that Trump's mob and his judges have been trained to believe that applying any law to him amounts to a two-tiered system of justice by a very comprehensive propaganda machine.

Trump's propaganda machine has drowned out facts

and replaced it with grievance.

And until something starts cutting through that grievance, mere trials aren't going to fix this.