

FOUND! DOZENS OF DAMNING DOCUMENTS ABOUT TRUMP'S HOARDING OF CLASSIFIED DOCUMENTS!

In an interview with Marc Elias the other day, Dan Goldman made a number of alarming claims. He said that before the release of Jack Smith's January 6 report, "we didn't really know about ... the extensive litigation that the Special Counsel had to go through just to get this evidence." That is, Goldman admitted that he missed the unsealing, in October, of the very documents Jack Smith cited to describe that process (which I wrote about at the time). Goldman missed the opportunity to make a stink about this before the election.

Goldman also wondered "if Elon Musk and X, while he has owned it, has ever not cooperated in the same way [as they did in response to a warrant for Trump's Twitter account] in a different case." We know the answer to that: according to an opinion Chief Judge Boasberg unsealed (and first spotted by Kyle Cheney, who played a key role in liberating the Executive Privilege dispute), from January to March of last year, Xitter refused to turn over *mere subscriber* records in what sounds like a leak investigation.

Much later in the interview (after 19:00), Goldman said,

Volume Two of the report is going to provide a lot more information that we don't know. The litigation in the January 6 case, including the memo outlining all of the evidence, has been so extensive that, as we see from Volume One, there really isn't that much that

we didn't know. There was also an entire Congressional Committee that did this investigation. This has been exhaustively investigated. And yes they did get more evidence because they had grand jury power. They got more witnesses to speak than the January 6 Committee did. But we've known about that.

We know very little about what the back-and-forth was with the National Archives, the FBI, Donald Trump and his team, others. And one of the things that has jumped out at me in that case is that in one of the filings, the Department of Justice, Special Counsel, said, that there evidence includes why Donald Trump retained the information illegally, and what he was planning to do with it. [my emphasis]

From there, Goldman went on to call for Merrick Garland to dismiss the case, which I'm not sure Garland can do without some judge going along (which was the hold up in the Mike Flynn case).

Now, as I have laid out, Jack Smith eschewed the opportunity to make new information available in Volume One of the report. For example, he didn't explain why an investigation into Trump's fundraising and spending ended without charges. Based on what we've seen in Volume One, I doubt we'd get the kinds of details Robert Hur provided in his 388-page report, describing every document that *wasn't* charged and why not. I doubt we'd learn why the FBI believed there was a tie between a grant of clemency for Roger Stone and a document, classified Secret, about Emmanuel Macron, both found in Donald Trump's own desk drawer. I doubt we'd learn why Trump compiled low-level classified information into a document with messages from a book author, a religious leader, and a pollster.

And I doubt we'd learn what Trump was planning

to do with those classified documents.

I want to see the report. But I doubt it'll include what Goldman hopes it will.

But it is also the case that we have already gotten a great deal of additional information about the investigation.

It's not the case, for example, that "we know very little about what the back-and-forth was with the National Archives, the FBI, Donald Trump and his team, others." This filing describes that process at length, relying on both dozens of documents that Trump himself liberated and 302s from those involved, including a key White House Office of Records Management official and Mark Meadows. This section describes Meadows' involvement, which (along with actions taken by a former Trump White House Counsel, probably Pat Philbin) led to the involvement of Biden White House Counsel Jonathan Su, the basis of Trump's bogus claim that Biden's White House pushed the investigation into Trump.

A succession of Trump PRA representatives corresponded with NARA without ever resolving any of NARA's concerns about the boxes of Presidential records that had been identified as missing in January 2021. By the end of June 2021, NARA had still received no update on the boxes, despite repeated inquiries, and it informed the PRA representatives that **the Archivist had directed NARA personnel to seek assistance from the Department of Justice ("DOJ")**, "which is the necessary recourse when we are unable to obtain the return of improperly removed government records that belong in our custody." Exhibit B at USA-00383980; see 44 U.S.C. § 2905(a) (providing for the Archivist to request the Attorney General to institute an action for the recovery of records). **That message precipitated the involvement of Trump's**

former White House Chief of Staff, who engaged the Archivist directly at the end of July. See Exhibit 4 Additional weeks passed with no results, and by the end of August 2021, NARA still had received nothing from Trump or his PRA representatives. Id. Independently, the House of Representatives had requested Presidential records from NARA, further heightening the urgency of NARA obtaining access to the missing boxes. Id. On August 30, the Archivist notified Trump's former Chief of Staff that he would assume the boxes had been destroyed and would be obligated to report that fact to Congress, DOJ, and the White House. Id. The former Chief of Staff promptly requested a phone call with the Archivist. Id.

[snip]

Fall passes with little progress in retrieving the missing records. In September 2021, one of Trump's PRA representatives expressed puzzlement over the suggestion that there were 24 boxes missing, asserting that only 12 boxes had been found in Florida. Exhibit 7 at USA00383682, USA-00383684. In an effort to resolve "the dispute over whether there are 12 or 24 boxes," NARA officials discussed with Su the possibility of convening a meeting with two of Trump's PRA representatives—the former Chief of Staff and the former Deputy White House Counsel—and "possibly" Trump's former White House Staff Secretary. Id. at USA-00383682. On October 19, 2021, a call took place among WHORM Official 1, another WHORM employee, Trump's former Chief of Staff, the former Deputy White House Counsel, and Su about the continued failure to produce Presidential records, but the call did not lead to a resolution. See Exhibit A at USA-00815672. Again,

there was no complaint from either of Trump's PRA representatives about Su's participation in the call. Later in October, the former Chief of Staff traveled to the Mar-a-Lago Club to meet with Trump for another reason, but **while there brought up the missing records to Trump and offered to help look for or review any that were there**. Exhibit C at USA-00820510. Trump, however, was not interested in any assistance. Id. On November 21, 2021, another former member of Trump's Administration traveled to Mar-a-Lago to speak with him about the boxes. Exhibit D at USA-00818227–USA-00818228. That individual warned Trump that he faced possible criminal exposure if he failed to return his records to NARA. Id

[my emphasis, links added]

Exhibit D, cited to support a description of a former Trump official who warned that Trump faced criminal exposure, links to this complete 302, from someone whose potty mouth resembles Eric Herschmann. It describes a bunch of things:

- How on November 21, 2021, he warned Trump to give the documents back: “Don’t give them a noble reason to indict you, because they will.”
- How a “total moron” who resembles Boris Epshteyn insinuated himself with Trump with claims of voter fraud and subsequently tried to use something, perhaps claims fed to credulous reporters that he was serving a legal function, to

cover for his past activities (a document Trump himself liberated shows call records between this person resembling Epshteyn and a person resembling Chief of Staff designate Susie Wiles).

- A February 2022 call in which someone resembling Tom Fitton told Trump he didn't have to send documents back because of Fitton's "Clinton Socks" ruling,
- A prediction that Walt Nauta would be pardoned if he were charged with lying to the FBI.

But it also describes an extended description of someone "unhinged" and "crazy" who first got access to the White House through the Member of Congress he worked for, who started the "declassified everything" claim when it first started appearing in the media, which is when Kash Patel made the claim.

According to Per.16 [REDACTED] there was no standing declassification order. The first time Per.16 [REDACTED] heard that FPOTUS had "declassified everything" was when it appeared in the media in 2022. Per.16 [REDACTED] had never heard that while in the White House. Per.16 [REDACTED] believed no one in the White House, to include [REDACTED] Per.44 [REDACTED] and [REDACTED], or any of [REDACTED] would testify that there was such an order, with the exception of possibly Per.24 [REDACTED].

Per.16 [REDACTED] believed Per.24 [REDACTED] was pushing the "declassified everything" line of thinking. Per.16 [REDACTED] saw Per.24 [REDACTED] at the White House regularly. Per.24 [REDACTED] bragged a lot about Per.24's access while working for U.S. Congressman [REDACTED], who was how Per.24 [REDACTED] first got into the White House. Per.24 [REDACTED] knew a lot of people. Per.24 [REDACTED] was friendly with [REDACTED] and [REDACTED] at the White House. Per.16 [REDACTED] thought Per.24 [REDACTED] was motivated "to move up in the world" and would brag about the "unbelievable things" Per.24 [REDACTED] had seen.

Per.16 [REDACTED] interacted with Per.24 [REDACTED] since January 2021 "maybe once." They did not leave on the best of terms. Per.16 [REDACTED] explained at one point Per.24 [REDACTED] wanted the position of [REDACTED]. Per.16 [REDACTED] told Per.24 [REDACTED] he was not qualified for that job and relayed the same to [REDACTED]. Per.24 [REDACTED] did not obtain the position. Per.16 [REDACTED] explained Per.24 [REDACTED] was "unhinged" and "crazy" but at one point was under real consideration for the job.

Another dispute – about whether Jay Bratt threatened to retaliate against Stanley Woodward if he didn't get Walt Nauta to cooperate –

includes a long discussion about Kash's testimony. It revealed how Kash tried to delay compliance with a grand jury subpoena indefinitely by hiring a lawyer already busy defending a January 6 seditious insurrectionist, and when Kash did first testify, the aspiring FBI Director pled the Fifth repeatedly.

On Monday, September 19, 2022, the FBI personally served witness Kashyap "Kash" Patel with a grand jury subpoena, commanding him to appear on September 29, 2022. Prior to engaging with counsel, Patel contacted government counsel on Friday, September 23, 2022, to request a two-week extension. The government agreed to that extension and set his appearance for October 13, 2022. Thereafter, [Stan] Woodward contacted government counsel on September 27, 2022, explaining that he had just begun a lengthy jury trial—*United States v. Rhodes et al.*, No. 22-cr-15 (D.D.C.)—but that Patel had retained him. On September 30, 2022, Woodward requested an additional indefinite extension of Patel's grand jury appearance until some point after the *Rhodes* trial concluded. (Ultimately, the verdict in the trial was not returned until November 29, 2022, approximately six weeks after Patel's already-postponed appearance date of October 13, 2022.) The government was unwilling to consent to the indefinite extension that Woodward sought. Woodward, for his part, declined various alternatives offered by the government, including scheduling Patel's grand jury appearance for Friday afternoons, when the *Rhodes* trial was not sitting, and a voluntary interview by prosecutors and agents over a weekend.

On October 7, 2022, Patel (through Woodward) filed a motion to quash his grand jury appearance, arguing that

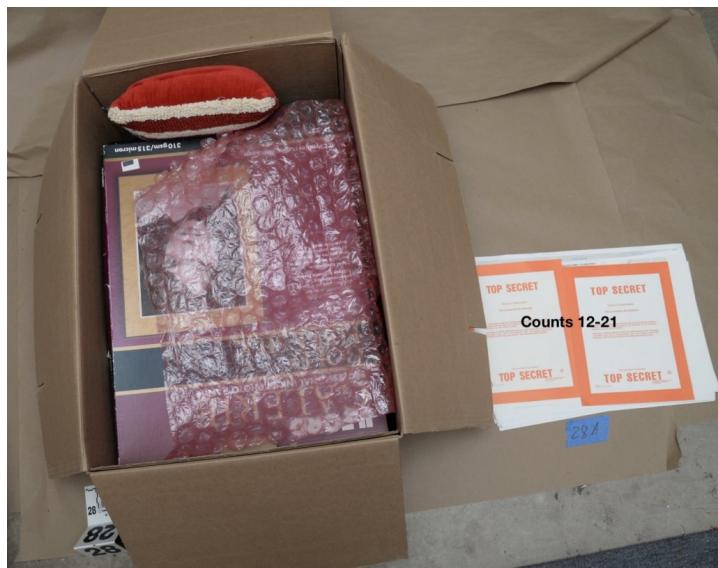
requiring Patel to appeal pursuant to the grand jury's subpoena would violate his constitutional rights by depriving him of his counsel of choice, *i.e.*, Woodward, who was occupied with a jury trial elsewhere in the courthouse. The Court denied the motion to quash on October 11, 2022, see *In re Grand Jury No. 22-03 Subpoena 63-13*, No. 22-gj-41, Minute Order (Oct. 11, 2022), and required Patel to appear as scheduled on October 13. See *id.* ("Mr Patel requests a delay of some unspecified time period in his testimony because his counsel, Stanley Woodward, will be engaged in the *United States v. Rhodes* trial, Case No. 22-cr-15, scheduled to last several weeks, with no promises as to when his counsel will still have time available. **Mr. Patel retained Mr. Woodward on the attorney's first day of jury selection in Rhodes when such circumstance made fully apparent that counsel would be unavailable during Mr. Patel's scheduled grand jury testimony.** In addition, the government has already demonstrated flexibility in meeting Patel's scheduling needs Testifying before a grand jury is not a game of find-or-seek-a-better-time or catch-me-if-you-can, and a witness cannot indefinitely delay a proceeding based on his counsel's convenience. . . .").

Patel appeared before the grand jury on October 13, 2022, where **he repeatedly declined to answer questions on the basis of the rights afforded to him by the Fifth Amendment.** Thereafter, the government moved to compel Patel's testimony. The Court granted the government's motion to compel, contingent on the government offering statutory immunity. [my emphasis]

This is the same kind of extended discussion of

the delays that Trump and his flunkies created that Goldman claimed, incorrectly, first became available in Volume One of Smith's report. And it (plus details of Tim Parlatore's efforts to stall ongoing searches) has been public since April.

Other disputes provided a bunch more information, including pictures, of where and how Trump stored the documents he withheld, including one of this box, in which Trump was storing a document classified Formerly Restricted (that is, a document pertaining to nuclear weapons), along with nine other documents, underneath a Christmas pillow and some bubble wrap (I annotated the photo to show that the documents charged in Counts 12 through 21 were found in it).



Here are discussions of what was hidden under the bubble wrap.

Count	Date	Classification	Description
12	ND	SECRET//REL TO USA, FVEY	Undated document concerning projected regional military capabilities of a foreign country and the United States
13	ND	TOP SECRET//SI//TK//NOFORN	Undated document concerning military capabilities of a foreign country and the United States
14	January 1, 2020	SECRET//RCR//NOFORN	Concerning military options of a foreign country and potential effects on United States interests
15	February 1, 2020	SECRET//RCR//NOFORN	Document dated concerning policies in a foreign country
16	December 1, 2019	SECRET//RCR//NOFORN	Document concerning foreign country support of terrorist acts against United States interests
17	January 1, 2020	TOP SECRET//[redacted]//TK//ORCON//MCNON//NOFORN	Document dated January 2020 concerning military capabilities of a foreign country
18	March 1, 2020	SECRET//NOFORN	Document dated concerning military operations against United States forces and others
19	ND	SECRET//[FORMERLY RESTRICTED DATA]	Undated document concerning nuclear weaponry of the United States
20	ND	TOP SECRET//[redacted]//ORCON//NOFORN	Undated document concerning timeline and details of attack in a foreign country
21	ND	SECRET//NOFORN	Undated document concerning military capabilities of foreign countries

I tried to put these pictures in context in this post and this post.

A passage in the 193-page 302 transcript from Chamberlain Harris (focusing on how she scanned documents including sensitive White House schedules) describes that the door to the

storage closet had only the kind of lock you'd find in a residential bathroom – a pinhole they'd open with a tiny flat screwdriver.

Person 10 [Harris]: They used to unlock it for me, because you could lock it from the inside.

Mr. Thakur: Okay. This is obviously after a lock was placed there, they would unlock it for you?

Person 10: No, this was before.

Mr. Thakur: Okay. So are you talking about a lock to another door, or?

Person 10: It's a door with a pinhole in it.

Mr. Thakur: A door with a pinhole?

Person 10: Like, I don't know, a circle doorknob?

SA 41: Kind of like what you would find on residential door inside of a home? So it might have a lock like that one on one side of it then other side, rather than an actual place for a key, it's sort of like a –

Person 10: Yeah.

SA 41: – very tiny screwdriver?

Person 10: Um-hmm.

SA 51: I see. But that was only on the inside of the door. So you – reasonably couldn't lock it from the outside unless they used that little pin to reengage the lock from the outside?

Person 10: You would just lock it when you left.

Finally, also in April, we got both the interview transcript and grand jury transcript from Walt Nauta.

In other words, there's far, far more that got released as part of litigation in the documents case than the January 6 case.

And Dan Goldman, whose job it is to oversee such investigations, seemingly knows about none of that: Not the description of how the aspiring FBI Director stalled the investigation. Not the document claiming that the "declassify everything" claim Kash first made was a lie. And not the description of the back-and-forth with NARA that Goldman says he wants.

It's all there in the docket. And has been (for the most part) since April.

If you want to know how Democrats failed to make more of a political case against Trump during the election, you can start with the fact that Dan Goldman – one of the Democrats' most forceful voices on rule of law, a former TV personality, and a member of the House Judiciary Committee – knows almost nothing about what was made public in either of the federal cases against Donald Trump and as a result did little to make a big deal of that before the election.