

Donald Trump stored, showed off and refused to return classified documents, indictment says

AP apnews.com/article/trump-justice-department-indictment-classified-documents-miami-8315a5b23c18f27083ed64eef21efff3

June 10, 2023

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Former President Donald Trump says he's been indicted on charges of mishandling classified documents at his Florida estate, igniting a federal prosecution that is arguably the most perilous of multiple legal threats against the former president. (June 8)

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Former President Donald Trump is facing 37 felony charges related to the mishandling of classified documents. An indictment unsealed Friday alleges he described a Pentagon attack plan and shared a classified map related to a military operation. (June 9)

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Prosecutors say Donald Trump stored documents "in a ballroom, a bathroom and shower, and office space, his bedroom, and a storage room," at his Florida estate. They note tens of thousands of visitors also had access to his club at the time. (June 9)

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New York City residents woke up Friday to the news of a Federal indictment of former President Donald Trump on charges he mishandled classified documents at his Florida estate. This is Trump's second indictment this year. The first was handed up by a New York Grand Jury. (June 9) (AP video shot by Joseph B. Frederick)

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The indictment against former President Donald Trump is photographed on Friday, June 9, 2023. Trump is facing 37 felony charges related to the mishandling of classified documents according to the unsealed indictment that also alleges that he improperly shared a Pentagon “plan of attack” and a classified map related to a military operation. (AP Photo/Jon Elswick)

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Special counsel Jack Smith speaks to reporters Friday, June 9, 2023, in Washington. Former President Donald Trump is facing 37 felony charges related to the mishandling of classified documents according to an indictment unsealed on Friday. (AP Photo/Alex Brandon)

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FILE - Former President Donald Trump listens as he speaks with reporters while in flight on his plane after a campaign rally at Waco Regional Airport, in Waco, Texas, March 25, 2023, while en route to West Palm Beach, Fla. (AP Photo/Evan Vucci, File)

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This image, contained in the indictment against former President Donald Trump, shows boxes of records being stored on the stage in the White and Gold Ballroom at Trump's Mar-a-Lago estate in Palm Beach, Fla. Trump is facing 37 felony charges related to the mishandling of classified documents according to an indictment unsealed Friday, June 9, 2023. (Justice Department via AP)

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The indictment against former President Donald Trump is photographed on Friday, June 9, 2023. Trump is facing 37 felony charges related to the mishandling of classified documents according to the unsealed indictment that also alleges that he improperly shared a Pentagon “plan of attack” and a classified map related to a military operation. (AP Photo/Jon Elswick)

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This image, contained in the indictment against former President Donald Trump, shows boxes of records on Dec. 7, 2021, in a storage room at Trump's Mar-a-Lago estate in Palm Beach, Fla., that had fallen over with contents spilling onto the floor. Trump is facing 37 felony charges related to the mishandling of classified documents according to an indictment unsealed Friday, June 9, 2023. (Justice Department via AP)

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FILE - Former President Donald Trump attends an event with supporters at the Westside Conservative Breakfast, in Des Moines, Iowa, Thursday, June 1, 2023. Trump described a Pentagon “plan of attack” and shared a classified map related to a military operation, according to an indictment unsealed Friday, June 9. The document marks the Justice Department’s first official confirmation of a criminal case against Trump arising from the retention of hundreds of documents at his Florida home, Mar-a-Lago. (AP Photo/Charlie Neibergall, File)

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This image, contained in the indictment against former President Donald Trump, shows boxes of records in a storage room at Trump's Mar-a-Lago estate in Palm Beach, Fla., that were photographed on Nov. 12, 2021. Trump is facing 37 felony charges related to the mishandling of classified documents according to an indictment unsealed Friday, June 9, 2023. (Justice Department via AP)

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The indictment against former President Donald Trump is photographed on Friday, June 9, 2023. Trump is facing 37 felony charges related to the mishandling of classified documents according to the unsealed indictment that also alleges that he improperly shared a Pentagon “plan of attack” and a classified map related to a military operation. (AP Photo/Jon Elswick)

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This image, contained in the indictment against former President Donald Trump, shows boxes of records stored in a bathroom and shower in the Lake Room at Trump's Mar-a-Lago estate in Palm Beach, Fla. Trump is facing 37 felony charges related to the mishandling of classified documents according to an indictment unsealed Friday, June 9, 2023. (Justice Department via AP)

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This image, contained in the indictment against former President Donald Trump, shows boxes of records that had been stored in the Lake Room at Trump's Mar-a-Lago estate in Palm Beach, Fla., after they were moved to a storage room on June 24, 2021. Trump is facing 37 felony charges related to the mishandling of classified documents according to an indictment unsealed Friday, June 9, 2023. (Justice Department via AP)

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This image, contained in the indictment against former President Donald Trump, shows boxes of records that had been stored in the Lake Room at Trump's Mar-a-Lago estate in Palm Beach, Fla., after they were moved to a storage room on June 24, 2021. Trump is facing 37 felony charges related to the mishandling of classified documents according to an indictment unsealed Friday, June 9, 2023. (Justice Department via AP)

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Special counsel Jack Smith speaks to reporters Friday, June 9, 2023, in Washington. Former President Donald Trump is facing 37 felony charges related to the mishandling of classified documents according to an indictment unsealed on Friday. (AP Photo/Alex Brandon)

MIAMI (AP) — Donald Trump improperly stored in his Florida estate sensitive documents on nuclear capabilities, repeatedly enlisted aides and lawyers to help him hide records demanded by investigators and cavalierly showed off a Pentagon “plan of attack” and classified map, according to a sweeping felony indictment that paints a damning portrait of the former president’s treatment of national security information.

The conduct alleged in the historic indictment — the first federal case against a former president — cuts to the heart of any president’s responsibility to safeguard the government’s most valuable secrets. Prosecutors say the documents he stowed, refused to return and in some cases showed to visitors risked jeopardizing not only relations with foreign nations but also the safety of troops and confidential sources.

“Our laws that protect national defense information are critical to the safety and security of the United States and they must be enforced,” Jack Smith, the Justice Department special counsel who filed the case, said in his first public statements. “Violations of those laws put our country at risk.”

Trump, currently the leading contender for the 2024 Republican presidential nomination, is due to make his first court appearance Tuesday afternoon in Miami. In a rare bit of welcome news for the former president, the judge initially assigned to the case is someone he appointed and who drew criticism for rulings in his favor during a dispute last year over a special master assigned to review the seized classified documents. Meanwhile, two lawyers who worked the case for months announced Friday that they had resigned from Trump's legal team.

All told, Trump faces 37 felony counts — 31 pertaining to the willful retention of national defense information, the balance relating to alleged conspiracy, obstruction and false statements — that could result in a substantial prison sentence in the event of a conviction. A Trump aide who prosecutors said moved dozens of boxes at his Florida estate at his direction, and then lied to investigators about it, was charged in the same indictment with conspiracy and other crimes.

Trump responded to the indictment Friday by falsely conflating his case with a separate classified documents investigation concerning President Joe Biden. Though classified records were found in a Biden home and office, there has been no indication that the president, unlike Trump, sought to conceal them or knew they were there.

“Nobody said I wasn't allowed to look at the personal records that I brought with me from the White House. There's nothing wrong with that,” Trump said in a post on his Truth Social platform.

The case adds to deepening legal jeopardy for Trump, who has already been indicted in New York and faces additional investigations in Washington and Atlanta that also could lead to criminal charges. But among the various investigations he has faced, legal experts — as well as Trump's own aides — had long seen the Mar-a-Lago probe as the most perilous threat and the one most ripe for prosecution. Campaign aides had been bracing for the fallout since Trump's attorneys were notified that he was the target of the investigation, assuming it was not a matter of if charges would be brought, but when.

The indictment arrives at a time when Trump is continuing to dominate the Republican presidential primary. A Trump campaign official described the former president's mood as “defiant” and he is expected to deliver a full-throated rebuke of the filing during a speech before Republican Party officials in Georgia Saturday afternoon and will also speak in North Carolina in the evening

Aides were notably more reserved after the indictment's unsealing as they reckoned with the gravity of the legal charges and the threat they pose to Trump beyond the potential short-term political gain.

The document's startling scope and breadth of allegations, including a reliance on surveillance video and an audio recording, will almost certainly make it harder for Republicans to rail against than an earlier New York criminal case that many legal analysts had derided as weak.

The documents case is a milestone for a Justice Department that had investigated Trump for years — as president and private citizen — but had never before charged him with a crime. The most notable investigation was an earlier special counsel probe into ties between his 2016 campaign and Russia, but prosecutors in that probe cited Justice Department policy against indicting a sitting president. Once he left office, though, he lost that protection.

The inquiry took a major step forward last November when Attorney General Merrick Garland, a soft-spoken former federal judge who has long stated that no person should be regarded as above the law, appointed Smith, a war crimes prosecutor with an aggressive, hard-charging reputation, to lead both the documents probe as well as a separate investigation into efforts to subvert the 2020 election. That investigation remains pending.

The 49-page indictment centers on hundreds of classified documents that Trump took with him from the White House to Mar-a-Lago upon leaving office in January 2021. Even as “tens of thousands of members and guests” visited Mar-a-Lago between the end of Trump's presidency and August 2022, when the FBI obtained a search warrant, documents were recklessly stored in spaces including a “ballroom, a bathroom and shower, and office space, his bedroom, and a storage room.”

The indictment claims that, for a two-month period between January and March 15, 2021, some of Trump's boxes were stored in one of Mar-a-Lago's gilded ballrooms. A picture included in the indictment shows boxes stacked in rows on the ballroom's stage.

Prosecutors allege that Trump, who claimed without evidence that he had declassified all the documents before leaving office, understood his duty to care for classified information but shirked it anyway. It details a July 2021 meeting in Bedminster in which he boasted about having held onto a classified document prepared by the military about a potential attack on another country.

“Secret. This is secret information. Look, look at this,” the indictment quotes him as saying, citing an audio recording. He also said he could have declassified the document but “Now I can't, you know, but this is still a secret,” according to the indictment.

Using Trump's own words and actions, as recounted to prosecutors by lawyers, aides and other witnesses, the indictment alleges both a refusal to return the documents despite more than a year's worth of government demands but also steps that he

encouraged others around him to take to conceal the records.

For instance, prosecutors say, after the Justice Department issued a subpoena for the records in May 2022, Trump asked his own lawyers if he could defy the request and said words to the effect of, “I don’t want anybody looking through my boxes.”

“Wouldn’t it be better if we just told them we don’t have anything here?” one of his lawyers described him as saying.

But before his own lawyer searched the property for classified records, the indictment says, Trump directed aides to remove from the Mar-a-Lago storage room boxes of documents so that they would not be found during the search and therefore handed over to the government.

Weeks later, when Justice Department officials arrived at Mar-a-Lago to collect the records, they were handed a folder with only 38 documents and an untrue letter attesting that all documents responsive to the subpoena had been turned over. That day, even as Trump assured investigators that he was “an open book,” aides loaded several of Trump’s boxes onto a plane bound for Bedminster, the indictment alleges.

But suspecting that many more remained inside, the FBI obtained a search warrant and returned in August to recover more than 100 additional documents. The Justice Department says Trump held onto more than 300 classified documents, including some at the top secret level.

Walt Nauta, one of the personal aides alleged to have transported the boxes around the complex, lied to the FBI about the movement of the boxes and faces charges that he conspired to hide them, according to the indictment. His lawyer declined to comment.

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