



Written by [Steve Byas](#) on August 13, 2022

Biden Justice Department Pursuing Espionage Charges Against Trump

The Biden Justice Department evidently wants to send former President Donald Trump to prison, with the revelation on Friday that the unprecedented raid on Trump's Mar-a-Lago estate earlier this week was personally approved by Attorney General Merrick Garland in an effort to secure evidence that Trump had violated the Espionage Act. Violation of the Espionage Act is a felony that is punishable by imprisonment or a fine, or both.

Not since former Vice President Aaron Burr was unsuccessfully prosecuted by the administration of President Thomas Jefferson has such a formerly high-ranking public official faced such legal jeopardy. While it is almost routine in some other countries for a government to hound a defeated foe with the criminal justice system, this has not been the case in America — thankfully.



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With the release of the warrant, we know that the FBI claimed to be looking for evidence of removing or destroying records; obstruction of justice; and violating the Espionage Act. Failure to return national security documents can constitute a violation of the law. There does not have to be any act of delivering to, or intending to turn those documents over to, a foreign power, as was the case with State Department official Alger Hiss, who was a spy for the Soviet Union during the early years of the Cold War. Hiss had been a close advisor to President Franklin Roosevelt, was a key player in the establishment of the United Nations in 1945, and gave Soviet agents secret government documents.

It is reported that federal investigators believed there was grave concern that the documents in Trump's possession were a serious threat to national security. Agents seized more than 30 items and more than 20 boxes, including information about the president of France and photographs.

Trump, on the other hand, has argued that he had been cooperating with investigators from the National Archives and the FBI for the past several months; in fact, Trump had already turned over many documents in January. He has also contended that he had no top secret documents. It is well known that Trump declassified many documents before he left the White House in January 2021. Under the law, the president can declassify government documents on his own authority.

According to the warrant, FBI agents were to seize "all physical documents and records constituting evidence, contraband, fruits of crime, or other items illegally possessed in violation" in some way of the Espionage Act. Three statutes were alleged by the FBI to have been violated. Section 793 concerned the



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gathering, losing or sharing with an unauthorized person information that relates to national defense, while sections 2071 and 1519 deal with the destruction or removing of documents, as well as concealing of documents.

They were also to search for and seize “information, including communication in any form, regarding the retrieval, storage, or transmission of national defense information or classified material.”

One item seized — an item labeled “Executive grant of clemency re: Roger Jason Stone, Jr. — raises a question as to what this particular item had to do with “espionage” or top secret government documents. A close political ally of Trump, Stone received a presidential pardon in late 2020. It is not unusual for outgoing presidents to issue several pardons near the end of their term of office. For example, President Bill Clinton, in his last days of office, pardoned his brother, who was in trouble on federal drug charges.

In any event, any documents relating to presidential pardons would have nothing at all to do with top secret government documents.

Another question that has been raised concerns the Florida federal judge, Bruce Reinhart, who issued the warrant. Reinhart is known as a close political ally of former President Barack Obama, and many have suggested that Judge Reinhart should have recused himself in the case. When law enforcement officers seek a warrant from a judge, they must follow certain procedures in both the law and the Constitution itself. The Fourth Amendment requires that law enforcement request a warrant from a judge by demonstrating what is called “probable cause.” Probable cause means that they are more likely than not to find evidence of a crime. The Constitution requires that a law-enforcement officer swear that the information he is giving in the affidavit seeking the warrant is true.

While the focus is on the warrant and the receipt given to Trump’s lawyer for what was taken during the raid, it is the affidavit that is most important, as it would tell us exactly why the FBI thought a crime had been committed. Representative Michael Turner (R-Ohio) raised this very issue on Friday. Turner is the top Republican on the Intelligence Committee of the House of Representatives. He said the release of the warrant is not enough, that without release of the affidavit “it will still leave many unanswered questions.”

There certainly are many unanswered questions, including those involving the clear double standard in how Democrats have been excused for taking or mishandling documents in the past. One example was when President Bill Clinton’s former National Security Advisor Sandy Berger actually stole documents from the National Archives. He was charged with a misdemeanor, not a felony. And, of course, he was not a president and had no legal authority to declassify such documents.

Of course, the most glaring example of the double standard was the refusal of the Obama Justice Department to charge former Secretary of State Hillary Clinton with any crime whatsoever in 2016, when she was the Democratic Party nominee who eventually lost to Trump. In Clinton’s case, she actually destroyed evidence on her laptop, which was being sought by federal authorities.

Finally, the Trump raid is crossing a line that has never been crossed in American history — the attempt to prosecute a former president by the administration that replaced him. This happens in banana republics — where the new administrations routinely use the criminal justice system to go after political opponents. There are allegations that Russian President Vladimir Putin has actually had political opponents killed. And, of course, Adolf Hitler wiped out hundreds of political opponents in the infamous Night of the Long Knives.



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There has been no talk of seeking the death penalty against Donald Trump — at least not yet. Regardless of whether one is a fan of Trump or does not really care for him, this raid and this effort to criminalize political differences should be of concern to all Americans.

As Thomas Renz, an attorney, told *The New American* on Wednesday, “The search was an act of desperation by the corrupt Washington establishment to bring down a political opponent who adheres to the America First agenda that is incompatible with its own destructive policies.” He added that the federal justice system has become so extremely politicized that it must be thoroughly reformed.



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