



Written by [Bob Adelman](#) on August 29, 2022

## Former FBI Official Declares Government Has “No Case” Against Trump in Mar-a-Lago Raid

In its attempt to justify the illegal, unconstitutional, and outrageous raid by FBI agents on Donald Trump’s home in Florida three weeks ago, CNBC claimed that “the FBI had probable cause to believe that records containing classified national defense information would be found” at his home.

[CNBC quoted from an unredacted portion of the affidavit](#), written by an FBI agent (whose name was blacked out):

Based upon this investigation, I do not believe that any spaces within the PREMISES have been authorized for the storage of classified information at least since the end of FPOTUS’s [former president of the United States] Presidential Administration on January 20, 2021.



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That’s all that the biased left-wing media outlet could find to justify the raid: a single, unnamed FBI agent, charged with creating the document used to justify the issuance of the warrant that led to the raid, concluded that Trump’s home hadn’t “been authorized” for the storage of the documents the FBI seized in the raid.

That the mere statement made by the unnamed agent justified the raid is laughable on its face. So says Kevin R. Brock, a former assistant director of intelligence for the FBI. After reviewing the 11 pages of that 32-page document that weren’t blacked out, [Brock stated](#):

I don’t believe the affidavit articulates how a federal law was or is being broken. For those [on the left] who hold out hope that the affidavit’s redacted sections fill that gap, there is almost no chance that they do.

Brock points out that the Fourth Amendment protection against unreasonable searches and seizures was breached by the agent who authored the affidavit:

A criminal violation of [federal] statutes only exists if it can be established that the person being investigated was not authorized [to store the documents].

But the agent/author failed:



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The unredacted parts of the affidavit make no attempt to articulate cause that Trump was not authorized to have these documents in his home.

The reason is that, as president, he had broad, legally intimidating authority, established by law and court determinations, to declassify any and all documents and to determine what is and is not a presidential record.

In the 1988 Supreme Court case *Department of the Navy v. Egan*, the majority opinion included this:

The President, after all, is the “Commander in Chief of the Army and Navy of the United States.” U.S. Const., Art. II, 2.

His authority to classify and control access to information ... flows primarily from this constitutional investment of power in the President and exists quite apart from any explicit congressional grant.

This was reiterated by Stephen Vladeck, a professor at the University of Texas School of Law: “There’s no question that the president has broad authority to declassify almost anything at any time without any process....”

Any attempt to find Trump guilty under U.S. Code Title 18, Section 2017, is also without merit. On the surface, that section appears to apply to Trump, and, according to anti-Trump lawyer Marc Elias, a conviction would keep him from ever holding office again:

Whoever, having the custody of any such record [filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States], proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and *shall forfeit his office and be disqualified from holding any office under the United States*. [Emphasis added.]

But Hillary Clinton escaped prosecution under this identical law when she destroyed those thousands of emails.

So, one is left with only one conclusion: the raid was a political hit, without substance in law, precedent, or history. Concluded Brock:

The situation does not look good for the government.

The Ivy League-educated attorneys of the DOJ had to know this adventure had little chance of an eventual successful prosecution.

The use, therefore, of a highly intrusive search of a home simply as a forcing function to retrieve documents for the National Archives — and then not follow through with actual charges — spikes the potential abuse needle dramatically and will not help quiet the growing suspicion that this was more of a political [hit job] to take Trump off the chessboard than it was the pursuit of blind justice.



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