



Written by [R. Cort Kirkwood](#) on August 10, 2022

## Former Prosecutor: FBI Raid on Trump Not About Docs; Agents Sought Evidence of Link to J6 Protest

The FBI did not raid President Trump's Mar-a-Lago estate to retrieve documents he wrongly took from the White House after he "lost" the 2020 election.

Rather, former federal prosecutor [Andrew McCarthy says](#), the FBI used that excuse to cover the agency's real goal: to find evidence with which they can link Trump to the mostly peaceful protest at the U.S. Capitol on January 6, 2021, which Democrats falsely call an "insurrection."

Federal prosecutors would then use that information to indict Trump for one or more crimes.



AP Images

And frighteningly, as Legal Insurrection's [William Jacobson observed](#), the government is moving on all fronts. Yesterday, the FBI seized U.S. Representative Scott Perry's personal phone. Several congressmen, including GOP leader Kevin McCarthy, received subpoenas to testify before the [January 6 "insurrection" committee](#), which is led by a former insurrection sympathizer.

The Democrats' goal: Stop Trump from running for president in 2024, and make him the issue in November's midterm elections.

"This morning, while traveling with my family, 3 FBI agents visited me and seized my cell phone. They made no attempt to contact my lawyer," <https://t.co/bjnfKL2MaG>

— Legal Insurrection (@LegInsurrection) [August 10, 2022](#)

### Stop Trump for 2024

Writing for the *New York Post*, [McCarthy explained](#) that Democrats hope to get evidence with which they can indict Trump.

When Trump left office, he took 15 boxes of records that he subsequently returned to the National Archives upon request. But if the documents he returned were classified, they "were thus potentially evidence of crimes. In addition, since it is believed Trump did not return everything that was shipped out of the White House in those hectic days of January 2021, there was significant reason to suspect he continued to retain classified information at Mar-a-Lago."

But the real goal isn't to indict Trump for monkeyshines with documents. For one thing, even if Trump were convicted under the relevant law, [Section 2071](#) of the federal penal code, which bars those convicted under it from seeking office, "the Justice Department well knows that the qualifications for a presidential candidate are set out in the Constitution," [McCarthy continued](#):

They may not be altered by statute, precisely because the Framers did not want the



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executive branch to be dominated by the legislature, as would happen if Congress could disqualify incumbent or potential presidents simply by passing a law. The Constitution's qualifications for the presidency are minimal — one must be over 35 and a natural-born citizen. Being a felon is not a disqualification, so even crimes potentially far more serious than mishandling classified information are not a bar to seeking the presidency.

Moreover, the Constitution also prescribes the basis for disqualifying a person from seeking the presidency or other federal office: conviction by the Senate on an impeachment article voted by the House. Again, what is prescribed by the Constitution may not be altered by a mere statute. To trigger disqualification, Congress would have to impeach and convict Trump; it cannot be done by criminal prosecution.

Thus, the supposed classified documents Trump retained are “a pretext to obtain a warrant” to look for evidence that would link Trump to the “insurrection” — “a Capitol riot offense — either a violent crime, such as seditious conspiracy to forcibly attack a government installation (which is highly unlikely), or a non-violent crime, such as conspiracy to obstruct the January 6 joint session of Congress to count electoral votes, or conspiracy to defraud the government.”

### **Phone Seized, Congressmen Subpoenaed**

[Jacobson explained](#) the raid this way: “This is a provocation. They are trying to get a reaction that allows a further crackdown.”

That crackdown, though, has begun. A day after the FBI raided Trump's home, it seized Perry's cellphone.

HFC Chairman [@RepScottPerry](#)'s statement on the FBI seizing his cellphone:  
[pic.twitter.com/Suw1m4mL6P](https://pic.twitter.com/Suw1m4mL6P)

— House Freedom Caucus (@freedomcaucus) [August 10, 2022](#)

The congressman from Pennsylvania strongly protested subpoenas the January 6 committee sent in May to Representatives Kevin McCarthy of California, Jim Jordan of Ohio, Andy Biggs of Arizona, and Mo Brooks of Alabama.

Perry received one, too.

“That this illegitimate body leaked their latest charade to the media ahead of contacting targeted Members is proof positive once again that this political witch hunt is about fabricating headlines and distracting the Americans from their abysmal record of running America into the ground,” [he told](#) Axios.

The raid at Trump's home, [Jacobson wrote](#), is “also a provocation to get Trump to declare his candidacy for President before the midterms. Democrats would love to turn 2022 into a referendum on Trump rather than the deliberate destruction of the national borders and inflation.”

“Would the FBI and DOJ do such a thing?” he continued:

Aren't they “above” politics? The then FBI Director James Comey admitted to trying to set up the new President Trump by alerting him to the Steele Dossier, and then leaked the story of the briefing to CNN, which gave license to report on the false allegations in the dossier. So yes, the FBI and DOJ would do such a thing, and have done such a thing to Trump.



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