



Trump indicted under espionage act for risking national security, sharing defense secrets and hiding evidence from grand jury

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June 10, 2023 (Washington D.C.) – Special Counsel Jack Smith yesterday unsealed a 49-page [indictment\(link is external\)](#) charging former president and current presidential candidate Donald Trump with “felony violations of our national security laws as well as participating in a conspiracy to obstruct justice,” Smith announced, after a Florida grand jury voted to indict. Trump is charged with 37 felonies; if convicted, he could face decades in prison.

His chauffeur and former White House aide Waltine Nauta also faces charges, including conspiring with Trump to obstruct justice.

Prosecutors allege that Trump:

- Showed a secret Pentagon plan of attack against a foreign country to unauthorized persons including a writer and publisher in a taped meeting in July 2021, in which he stated, “See as president I could have declassified it...Now I can’t, you know, but this is still a secret.”
- Showed a political action committee member without a security clearance a classified map of a foreign country during a military operation that he stated was “not going well” in summer 2021.
- Asked his lawyers to defy a subpoena, withhold documents and lie to the FBI;
- Ordered an aide to move boxes of subpoenaed documents without telling his attorneys, shortly before the FBI raid on Mar a Lago;
- Stored highly sensitive documents in an insecure manner in a bathroom, ballroom, storage closet and other areas with unlocked doors Mar a Lago, where thousands of guests attended over 150 events while records were there;
- Mishandled documents on nuclear weaponry of the United States, America’s vulnerabilities, nuclear capabilities of a foreign country, a foreign country’s support of

terrorism against U.S. interests, and plans for possible retaliation in response to a foreign attack.

Smith says of the indictment, "I invite everyone to read it in full to understand the scope and the gravity of the crimes charged... Our laws that protect national defense information are critical to the safety and security of the United States and they must be enforced. Violations of those laws put our country at risk.... We have one set of laws in this country, and they apply to everyone."

Trump is scheduled for arraignment in the U.S. District's Court's Southern District of Florida on Tuesday at 3 p.m. Eastern Standard Time.

The counts filed against Trump include violations of the Espionage Act, which prohibits unauthorized keeping of national defense information. Trump has claimed without evidence that he declassified some documents, but classified status is not required for convictions under the Espionage Act.

The counts include obstruction of justice, making false statement (or causing others to do so), and conspiracy to conceal classified documents he had taken from the grand jury.

Trump denies guilt, blasts special prosecutor

Trump insists he is innocent and committed "no crime." On his Truth Social platform, he blasted special prosecutor Smith as a "deranged 'psycho' that shouldn't be involved in any case having to do with Justice." He has continued to campaign, using the new charges against him in his fundraising efforts as he portrays himself as a target of a "witch hunt."

The Special Prosecutor and witnesses

Smith has successfully prosecuted international war criminals at the Hague and has also prosecuted high-level criminals including politicians and gang leaders, while with the U.S. Justice Department and previously, the Manhattan district attorney's office. He previously led the Justice Department's public integrity unit, investigating public corruption.

The prosecution has lined up many witnesses, including two of Trump's former lawyers. One of them, Evan Cocoran, who kept notes transcribed from his iPhone recordings that indicate Trump pressured him to break the law.

On the day the indictment was unsealed, two more Trump attorneys, James Trusty and John Rowley, resigned.

Witnesses reportedly will include dozens of individuals including former Trump insiders and staffers.

An incriminating time table

The indictment spells out a detailed timetable, that puts the allegations in context.

January 2021: Trump and White House staff including Nauta packed boxes, a process in which Trump was "personally involved." Boxes with hundreds of classified documents were illegally

sent to his Mar-a-Lago estate in Florida. There, they were stacked up and stored on a ballroom stage, where they were stored for months.

March 2021: Nautaa and others moved some boxes to the Mar-a-Lago business center, at Trump's request.

April 2021: Some boxes were moved to a bathroom in Mar-a-Lago's Lake Room.

May 2021: The National Archives and Records Administration (NARA) repeatedly demanded that Trump turn over presidential records he had taken.

May 2021: Trump directed that a storage room be cleared out and boxes stored there. A hall leading to the storage room could be reached through several outside entrances, including one from a pool area often kept open.

May 2021: Trump arranged for some of the boxes to be brought to his summer residence at the Bedminster Club.

June 2021: NARA warned Trump that if he did not turn over the records requested, it would refer the missing records matter to the U.S. Department of Justice.

June 24, 2021: Over 80 boxes were moved into the storage room at Mar-a-Lago.

July 21, 2021: Trump showed a writer, publisher and staffers as senior military officer's plan to attack a foreign country and said on tape the info was "highly confidential" and admitted it was still classified. None of those present were authorized to view classified info. (The indictment does not identify the writer, but the story matches a description by famed journalist and author Bob Woodward, who was researching an authorized biography of Trump at the time. Woodward's reporting for the Washington Post during Watergate was instrumental in bringing down then-President Richard Nixon.)

In that meeting, Trump admitted he never declassified the document and the staffer said "We have a problem," as the men laughed. (*Photo, left: transcript of that conversation*)

November and December, 2021: NAUTA and another Trump employee brought records from the Storage Room to Trump's residence for Trump to review. On Nov. 12, Trump was provided a photo of boxes in the Storage Room.

December 7, 2021: Nauta found some boxes fallen with contents spilled on the Storage Room floor (*photo, left, via indictment*), including a secret document that should only have been released to five U.S. allies.

January 2022: Trump texted the employee to request new box covers due to "too much writing on them...I marked too much." On Jan. 15, Nauta transported just 15 of the 80+ boxes in his own vehicle to a truck for delivery to NARA. NARA found the boxes returned had 197 classified documents including secret, top secret, confidential, and even higher level classifications.

Feb. 2022: NARA contacted the Dept. of Justice to investigate, after the discovery of classified documents.

March 30, 2022: The FBI opened a criminal investigation.

April 26, 2022: A federal grand jury opened an investigation.

May 11, 2022: Grand jury issued a subpoena requiring Trump to turn over all other classified documents in his possession or control.

May 22, 2022: Nauta carried one box out of the Storage Room.

May 23, 2022: Trump met with two of his attorneys about the subpoena. When told that the attorneys needed to search for documents, Trump said, "I don't want anybody looking through my boxes" and said, "Wouldn't it be better if we just told them we don't have anything here...isn't it better if there are no documents?" During this meeting, Trump also implied destruction of documents was a good idea, praising Hilary Clinton's attorney for a "great job" because "he was the one who deleted all of her emails, the 30,000 emails...so she didn't get in any trouble because he said that he was the one who deleted them."

May 23-June 2: Nauta, at Trump's direction, moved about 64 boxes from the Storage Room to Trump's residence, then brought back only 30 boxes to the Storage Room. Neither Trump nor Nauta informed Trump's attorneys of this, though Trump knew that on June 2, his attorney was coming to review documents related to the subpoena.

June 2, 2022: Trump Attorney 1 reviewed the 30 boxes in the Storage Room and found 38 documents marked classified, removed them and placed in a folder and sealed it. Trump and the lawyer discussed whether to bring those documents to a safe in the lawyer's hotel room. Trump made a plucking motion, which his attorney interpreted to mean he should remove anything negative from the folder. That night, the attorney contacted the Dept. of Justice and asked for an FBI agent to meet him the next day to turn over the subpoenaed documents.

June 3, 2022: Nauta and others loaded up several Trump boxes on an airplane and flew them north, along with Trump and his family for the summer. Later that day, a third attorney of Trump's signed a certification as custodian of records, even though that attorney did not search any boxes and not reviewed the subpoena or contents of the folder turned over. Despite this, she attested that based on information provided to her, a diligent search had been conducted and all responsive documents turned over.

July 2022: The FBI and grand jury reviewed surveillance video from Mar-a-Lago showing boxes being moved.

August 8, 2022: the FBI executed a court-approved search warrant at Mar-a-Lago and seized 102 documents with classified markings that had been moved to Trump's office as well as the Storage room. These included top secret, secret, and confidential classifications.

Reactions to Trump's indictment

House Minority Leader Adam Schiff, a Democrat, stated on Twitter, "Trump's apparent indictment on multiple charges arising from his retention of classified materials([link is](#)

external) is another affirmation of the rule of law .For four years, he acted like he was above the law. But he should be treated like any other lawbreaker. And today, he has been."

Local Democratic Congresswoman Sara Jacobs wrote on Twitter, "I represent San Diego – a community that disproportionately bears the human cost of war – so I find it especially abhorrent that a former president may have revealed classified information that threatens our national security. We must apply the law equally and find out the truth."

Among conservatives, reactions to the Trump indictment varied widely.

Trump's former Attorney General, Republican Bill Barr, called the indictment "damning." On the Fox News Sunday show, Barr said, "This idea of presenting Trump as a victim here, a victim of a witch hunt, is ridiculous," contrasting the situation with past accusations. "Yes, his adversaries have obsessively pursued him with phony claims. And I've been at his side, defending against them when he is a victim. But this is much different. He's not a victim here."

Barr added, "Those documents are among the most sensitive secrets the country has. He had no right to maintain them and retain them. And he kept them in a way in Mar-a-Lago, that anyone who really cares about national security — their stomach would churn at it."

Clark Neily, a legal expert at the conservative Cato Institute, told the New York Times after reading the indictment, "That's about as clear a case of obstruction as you could imagine."

Former Arkansas Governor Asa Hutchinson, a presidential contender, has called on Trump to drop out of the race after the indictment was made public.

But Governor Ron DeSantis, who is running against Trump in the Republican primary, condemned what he termed a "weaponization" of government agencies, although he did not mention Trump by name in his speech, Reuters reports.

House Speaker Kevin McCarthy called the indictment a "grave injustice."

New Jersey Governor Chris Christie, a former federal prosecutor, told CNN, "The facts that are laid out here are damning in terms of Donald Trump's (link is external) conduct, and that's what I think we as a party should be looking at."

Senator Mitt Romney of Utah, a former GOP presidential nominee, said, "Mr. Trump brought these charges upon himself by not only taking classified documents, but by refusing to simply return them when given numerous opportunities to do so."

By contrast, no charges have been filed against former Vice President Mike Pence, a Republican, or President Joe Biden, a Democrat, who were both found to have inadvertently packed up some classified documents when moving offices, but both returned all documents immediately after they were asked to do so. Trump, it should be noted, has not been prosecuted for any of the documents that he returned when asked to do so.

On Fox News, some talk show hosts railed about unrelated topics including Hunter Biden and Hillary's emails. But Fox legal analyst Jonathan Turley said the evidence against Trump is "daunting" and that the former President's actions "borders on the bizarre."

As for Hilary Clinton's emails that Trump assailed during his 2016 campaign, the indictment reveals that while urging his own legal team to lie and withhold documents, he raised his fingers in a "plucking" manner to suggest his attorney remove incriminating files –also praising Clinton's attorney for erasing sensitive email messages.

The indictment also quotes Trump's own words during his 2016 campaign, when he stated that, "In my administration, I'm going to enforce all laws concerning the protection of classified information. No one will be above the law."