

The Delray Democrat

Godspeed Merrick Garland and DoJ¹

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It is simply impossible to make up a better story. I hope the Trump team and Trump Congressional enablers keep talking. Tuesday night's DoJ filing completes the picture.

Despite negotiations with the National Archives, negotiations with DoJ, subpoenas from DoJ and a grand jury, etc., Trump refused to return the government documents he wrongfully took from the White House, documents that belong to the government and American people. And as we know, numerous documents were incredibly sensitive for national security and national defense, clearly marked as Top Secret/SCI, Top Secret, Secret, Confidential, etc. These documents were not secured at Mar-a-Lago.

We can now confirm that the Trump team lied multiple times in their negotiations and representations to DoJ and the court. They said they had returned all documents and had conducted a diligent search to confirm all documents were found and returned. We now know those were lies. They neither did a proper search nor returned anywhere close to all government and classified documents. In fact, they hid numerous documents in various places, concealing their existence from law enforcement, and clearly demonstrating the fact that Trump knew he was not supposed to keep them and yet was planning to do so.

There seems to be ample evidence to support at least some charges. Trump, and others working with him, committed wrongful acts in taking, hiding, misrepresenting, improperly storing, and refusing to return numerous government documents. There is evidence of their wrongful intent by the knowing and intentional dishonest statements they repeatedly made to authorities. The efforts to conceal so as to prevent disclosure and seizure of the documents demonstrates the necessary criminal intent. The documents were clearly marked, at least more than enough of them were, so there is no claim of lack of knowledge.

The hard part is the decision to prosecute a former president. No president deserves it more than Trump because of his ongoing criminality both in and out of office and his demonstrated belief that he is above the law. Trump, in malignant narcissistic fashion, believed that he himself was the state and possessed all power, being accountable to no thing and no one. The rule of law, our founding principle, dictates otherwise. No one is above the law. Everyone, including the president, members of Congress, etc., is accountable to the people and to the law. MAGA threats of violence should not factor into the decision. Perhaps to the contrary, they should support moving forward.

Attorney General Garland has an extremely sensitive and difficult decision to make here. This is truly a precedent setting moment. Trump deserves to be prosecuted and saving democracy begs for it. But there is one chance to get this right. There are other possible criminal cases as well. Whichever may go first, it must succeed. The evidence is there, but so will be Trump's defense team in the courtroom, in Congress with his MAGA enablers, and in right wing media. To go

¹ *The Delray Democrat*, September 2022, page 1.

forward, the case must be overwhelming and airtight. There are no guarantees, but there needs to be every confidence of victory. If Trump gets lucky and somehow wins (it is certainly possible he can confuse or convince just a few jurors, some of whom may possess MAGA bias), it is game over. Losing the first case makes any future cases all the more perilous and subject to claims of politics. It would empower Trump and his minions in a dangerous way.

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