



# UNITED STATES V. DONALD TRUMP

June 16, 2023

## INDICTMENT

- ★ On June 8, 2023, 10 months after the Federal Bureau of Investigation (FBI) raided former President Donald J. Trump's Mar-a-Lago residence, the Department of Justice (DOJ), through its appointed Counsel Jack Smith, filed a 44-page, 37-count indictment against Trump in the United States District Court for the Southern District of Florida alleging mishandling of classified documents, obstructing justice, and making false statements.
- ★ The indictment alleges 31 counts of willful retention of national defense information, which is a violation of the Espionage Act. The charge was brought 31 times for each of the 31 separate documents.
- ★ One count alleges conspiracy to obstruct justice. Trump is accused of conspiring with his personal aide, Walt Nauta, to hide classified documents from the FBI and the grand jury investigating the case.
- ★ The other charges involve withholding documents, corruptly concealing documents, and making false statements to law enforcement authorities.
- ★ The potential prison sentences for Trump add up to hundreds of years, although such convictions rarely result in the maximum sentence.
- ★ Trump appeared for his arraignment on Tuesday, June 13, where he entered a plea of not guilty on all counts preceding his release.

## BACKGROUND - SELECTIVE PROSECUTION AND A MANIFEST INJUSTICE

- ★ This is the first time in history that a former president has been indicted; former President Donald J. Trump is the leading political opponent to Joe Biden, the sitting president; and this lawsuit is being brought by Biden's DOJ.
- ★ Biden also removed 25–30 highly classified documents to a private think tank and his home, some of which allegedly stems from his time in the U.S. Senate. Unlike executive branch officials, senators are not permitted to remove classified intelligence from safekeeping and may view these documents only at secure locations on Capitol Hill. If Biden had such documents, his actions would not be unintentional or accidental. President Biden has allegedly been in unlawful possession of classified documents for more than a decade. The DOJ has appointed Special Counsel Robert Hur to investigate Biden's conduct, but to date, Biden has not been prosecuted.
- ★ Former Secretary of State Hillary Clinton violated State Department policy and ignored concerns raised by the National Archives when she stored classified information on her home server. Clinton obstructed an investigation into the matter by refusing to speak to investigators with the Office of Inspector General, denying that she had classified documents, and destroying more than 33,000 emails she claimed were personal, yet she was never prosecuted. Moreover, Jim Comey, the FBI director at the time, declined to prosecute Clinton, saying, "Although there is evidence of potential violations ... regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case." Comey himself leaked classified information but was not prosecuted.
- ★ Special Prosecutor Jack Smith, in one of his more notable corruption cases, prosecuted Robert McDonnell, the former governor of Virginia, a Republican, of honest services fraud and illegally accepting gifts. McDonnell's conviction was unanimously overturned by the United States Supreme Court. Justice Breyer expressed grave concern about separation of powers in the McDonnell case and warned that "to give that kind of power to a criminal prosecutor, who is virtually uncontrollable, is dangerous ..." (See Oral Arguments, McDonnell v. U.S., No. 15-474, p. 32, April 2016).