

# Trump Indictment and the Presidential Records Act

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*Like other media prognosticators eager to judge former **President Donald Trump** prior to a fair trial or presumption of the evidence, it is clear that the op ed entitled "Trump Indictment: How did we let things get this far?" did not consider the Presidential Records Act; and therefore lacks an understanding of the motivation behind the DOJ's desperate indictment to legally pursue Trump.*

Oblivious to key legal precedents, the op ed degenerated into a political hit job relying on personal attacks as frequently happens when truth is in short supply.

Under the guise of an indictment, the Federal government initiated a political persecution to block Trump from seeking re-election in 2024. As MSNBC's Rachel Maddow has suggested, if Trump withdraws from the presidential race, the charges will go away.

As the recent Durham Report confirmed, an FBI/DOJ/Democrat coalition created Operation Crossfire Hurricane in 2016 with accusations of Russiagate to construct a diversion from Hilary Clinton's illegal obstruction of justice with destruction of 30,000 emails as confirmed by former FBI Director Comey. There have been no criminal proceedings against Clinton.

The FBI's August, 2022 raid on Mar A Lago was in pursuit of Trump's OCH documents.

Despite an obvious distaste for Trump, the oped's perspective has been skewed by political ideology, just as former AG Bill Barr who is a known Trump-hater with his own political agenda, is also skewed with incorrect assertions that "*he's toast.*"

The Presidential Records Act is the sole governing legal authority in this case and since 1978 has established that every President as Chief Executive of the country has the exclusive, discretionary, non-reviewable, uncontestable power to possess any documents when he leaves the White House. No one has the right to retrieve any of those documents which may include classified, confidential, personal or public documents. As a Constitutionally empowered, duly elected President, Trump retained that right and had the

undisputed power to declassify any documents as a matter of Presidential discretion just as Article II, section 1 of the Constitution asserts that all “*executive power shall be vested in the President of the United States.*”

In addition, on January 19, 2021, one day before he left office, Trump filed a “[Declassifying Certain Materials related to FBI’s Operation Crossfire Hurricane](#)” which may be found in the Federal Register. That Order allows those specific documents to be publicly available.

In 2012, a lawsuit was initiated against former President Bill Clinton to return a stash of seventy nine audiotaped conversations with other foreign leaders on national security matters. Those tapes were retained by the former President in his sock drawer. An Obama-appointed Judge declared that the tapes were Clinton’s personal possessions as the court held: “*the President enjoys unconstrained authority to make decisions regarding the disposal of documents,*” that the President has ‘*sole discretion*’ and “*unfettered control*” over those documents. That same standard should apply to Trump’s documents.

This dispute should be about the dual standard of justice; the politicization and weaponization of justice that is now apparent with FBI and DOJ as publicly-acknowledged corrupted agencies operating outside the rule of law; conducting a seven year persecution of a psychological warfare campaign much like efforts to destabilize a foreign country yet all within cover of the federal government’s unelected administrative state.

Fortunately, the House Oversight Committee and House Judiciary Committee are currently investigating and exposing the level of corruption, malfeasance, and criminal behavior within those specific Federal agencies, to hold those agencies and personnel accountable, to restore the rule of law and the remains of a Constitutional Republic to its rightful place in American life.

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