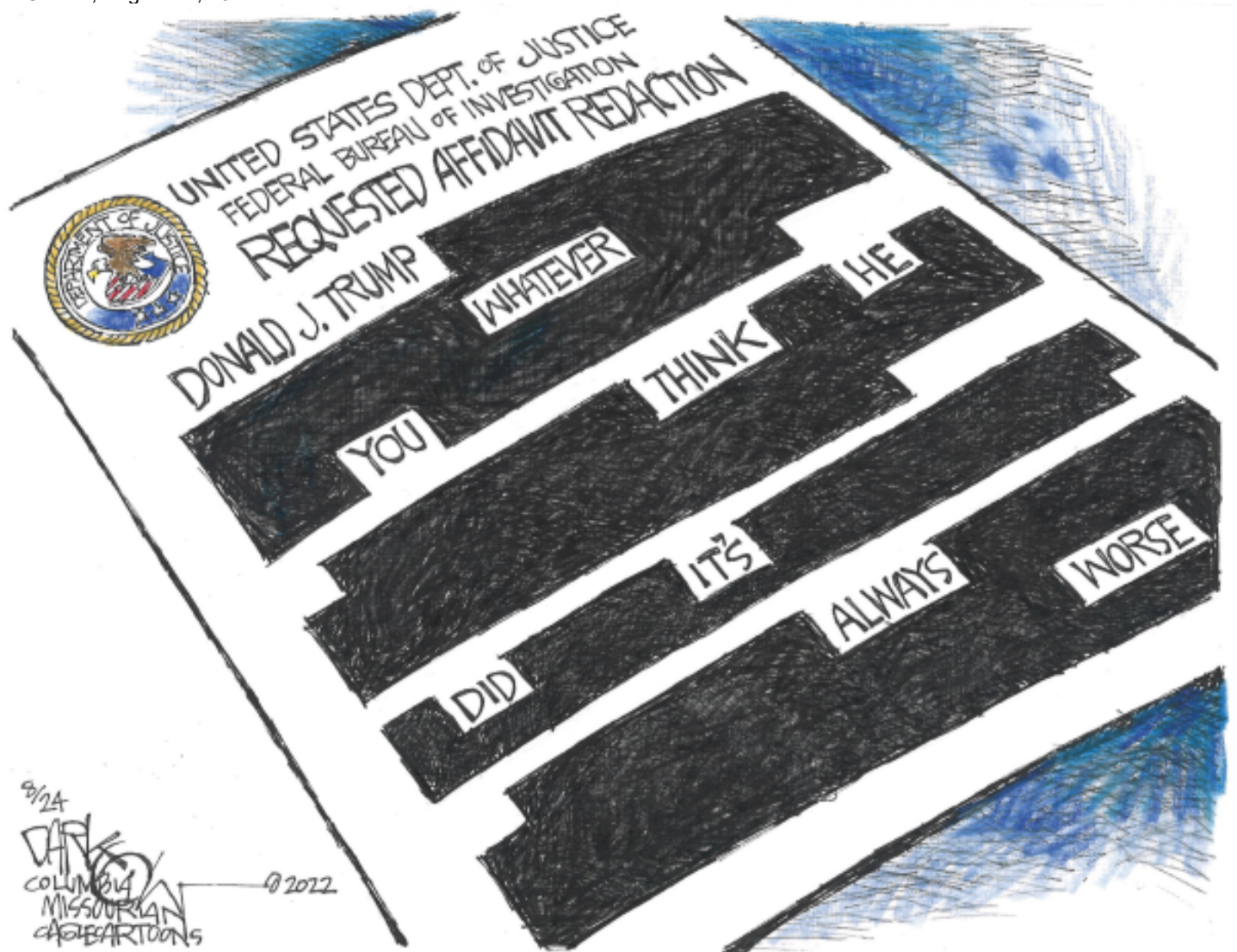


AFTERMATH OF MAR-A-LAGO SEARCH PLAYS INTO TRUMP'S HANDS

Carl Golden, August 24, 2022



In their initial reaction to the FBI execution of a search warrant at former president Donald Trump's Florida estate, Democrats were ecstatic, believing it was a long awaited first step by the Department of Justice in a broader investigation that heralded criminal charges.

The euphoria has since dissolved into a muddle of charges and countercharges, information and misinformation, anonymously sourced news reports, legal proceedings genuine and threatened, while leaving Americans to sort through who and what to believe.

In short, the aftermath of the unprecedented search of the former president's home to retrieve cartons of documents he took with him when he departed the White House has evolved into the kind of tangled overheated political standoff relished by Trump.

He thrives in this environment of confusion and tumult. He likes nothing more than a bare-knuckle street brawl, throwing rhetorical haymakers at his critics to the great delight of his dedicated followers.

He can play the role of victim and aggressor with equal flair and is unfazed by his frequently contradictory words and deeds.

Those qualities combined with his unpredictability and use of the court system to stymie and frustrate his opponents by prolonging legal proceedings make him a formidable force.

Few if any minds have been changed by the Justice Department's actions in approving the raid. Trump supporters assailed it as partisan vindictiveness by an administration intent on destroying him while his opponents claimed it was proof of Trump's misdeeds and deserving of punishment.

With the Justice Department's policy of refusing to publicly discuss details of any investigation, Trump holds the upper hand in establishing the narrative. He's taken full advantage of it to throw the Department on the defensive and play the aggrieved party.

He insisted on public disclosure of the affidavit that led to the issuance of the search warrant – aligning himself with prominent news organizations, but opposed by the Justice Department to protect witnesses and investigatory procedures.

His attorneys filed a request for a court-appointed special master to examine the documents to determine which fall under declassification or subject to executive privilege or attorney-client privilege. The task is already underway, and designating a special master appears unlikely.

There appears little doubt that Trump retained sensitive and classified documents when he left office and stored them in his Mar-a-Lago estate, potentially in violation of federal law.

It will fall to Attorney General Merrick Garland to determine if Trump's actions rose to the level of criminality and whether he should face prosecution.

Garland personally approved the FBI search of Trump's home, apparently satisfied that there was sufficient cause to believe laws were broken. Garland is in an exceedingly difficult position, faced with deciding on a course of action involving arguably the most politically fraught case in modern history.

Those who demand nothing less than to see Trump clapped in handcuffs will be enraged if Garland forgoes filing charges while those who believe pursuing the former president is the equivalent of dictatorships who routinely imprison their opponents will be equally enraged if he does.

The political response to the FBI raid was swift and intensely partisan. The response to his decision to prosecute or not will surpass it.

Trump revels in this sort of high stakes confrontation. It assures he'll remain the center of attention, dominate the media, raise money and delight his base.

He'll continue to use the legal system to challenge the Department's actions, keeping the story alive and at the top of political/media coverage.

He will not shrink from using any platform available to assail the Department, the Biden Administration, congressional Democrats and anyone in his own party who may suggest he acted improperly.

The DOJ may be bound by its own policies and procedures with respect to withholding public comments or refusing to discuss investigatory aspects. Trump, though, is under no such restraints and free to spread criticism and promote theories – valid or foolish – to characterize the Department and the FBI.

It is not an issue likely to be resolved soon, particularly with the slow pace of legal proceedings.

Trump has nothing but time and he is the epitome of the warning to avoid fighting with someone who has nothing to lose.

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