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POLITICS

Justice Department Files Redacted Mar-a-Lago Affidavit to Judge

Government submits its redactions of document that led to search of Trump home for approval of judge



The Justice Department has said the affidavit's 'national-security overtones' outweigh the public's interest in having it made public.

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By [Jan Wolfe](#) and [Sadie Gurman](#)

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WASHINGTON—The Justice Department on Thursday submitted to a judge proposed redactions of the affidavit detailing evidence that led to [the extraordinary search](#) of former President [Donald Trump](#)'s Mar-a-Lago home.

Department officials filed what are expected to be significant redactions shortly before the noon deadline set by U.S. Magistrate Judge Bruce Reinhart, who approved the warrant for [the Aug. 8 search of the complex](#) in West Palm Beach, Fla.

The Justice Department submission was filed under seal, or out of public view. Two short entries list the filing as “restricted/sealed until further notice.”

A Justice Department spokesman confirmed the submission and declined to comment further.

While no immediate release of the redacted document is expected, the government's submission is a first step in a process that could lead to the public learning more about the [unprecedented law-enforcement action](#).

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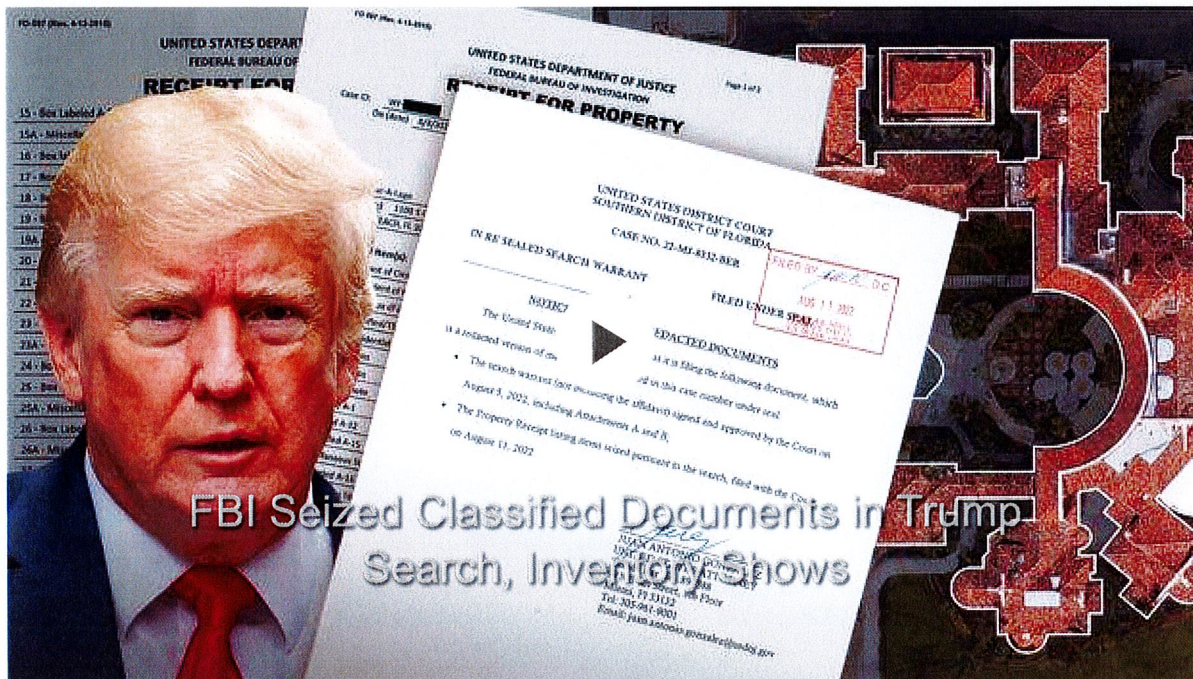


Several advocacy groups and news-media outlets, including Dow Jones & Co., publisher of The Wall Street Journal, petitioned the court earlier this month to make the document public. Mr. Trump and his allies, including some in Congress, have also called for it to be unsealed.

In a memo issued Monday, Judge Reinhart wrote that he was inclined to make public at least part of the affidavit, saying it would “promote public understanding of historically significant events.”

At question is how much of it should be kept secret. The government has argued that revealing too much of that document could expose witnesses and jeopardize the continuing investigation into the former president’s [handling of classified information](#).

[At a hearing last week](#), Jay Bratt, chief of the Justice Department’s counterintelligence and export-control section, said the affidavit is “very detailed and reasonably lengthy” and that the matter’s “national-security overtones” outweigh the public’s interest in having it made public. He also said the exercise of redacting the document would pose a burden on the government.

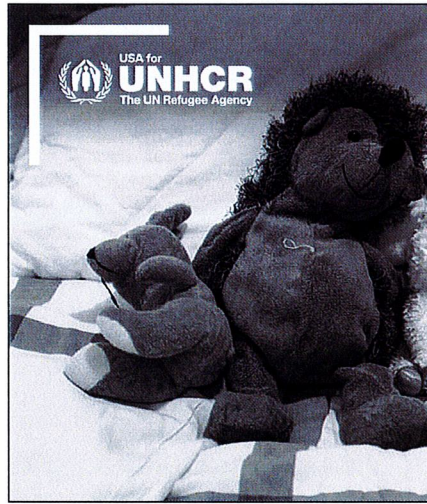


FBI Seized Classified Documents in Trump Search, Inventory Shows

FBI agents who searched former President Donald Trump’s Mar-a-Lago home removed 11 sets of classified documents, including some marked as top secret, according to a search warrant released by a Florida court Friday. Photo illustration: Adele Morgan

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[In his order Monday](#), Judge Reinhart rejected officials’ effort to keep the entire document—which would provide details about how the FBI established probable cause for its search—under seal.

“Particularly given the intense public and historical interest in an unprecedented search of a former President’s residence, the Government has not yet shown that these administrative concerns are sufficient to justify sealing,” Judge Reinhart wrote in the order, which set the Thursday deadline.

He has said he would assess the government’s proposed redactions, and if he deems them excessive would propose his own redacted version of the document, giving the government time to appeal his decisions.

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“This is going to be a considered, careful process, where everybody’s rights, the government’s and the media’s, will be protected,” Judge Reinhart said at last week’s hearing. No timeline has been set for that process.

Separately, Mr. Trump’s lawyers on Monday filed a motion asking that a special master be appointed to review the documents seized at Mar-a-Lago. A special master is a respected third party, usually a retired judge, tasked with reviewing evidence and filtering out irrelevant materials or communications protected by attorney-client privilege, executive privilege, or similar legal doctrines.

That motion, which decried the FBI search as “a shockingly aggressive move,” seemed more directed at the public than the judiciary, said H. Scott Fingerhut, a trial lawyer and law professor at Florida International University.

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“The motion is essentially a political play, not a legal play,” said Mr. Fingerhut, who isn’t involved in the case.

It wasn’t clear whether Mr. Trump’s motion would be considered by Judge Reinhart or another federal judge in South Florida. The case was assigned to Judge Aileen M. Cannon, who is empowered to delegate it to Judge Reinhart.

Judge Cannon on Tuesday asked Mr. Trump's lawyers to clarify the precise relief they are seeking and the basis for her even having jurisdiction over the case. That court filing from Mr. Trump's lawyers is due Friday.

"Judge Cannon would be well within her discretion to direct Magistrate Judge Reinhart to decide the [Trump] motion in the first instance," said Kendall Coffey, a prominent South Florida lawyer not involved in the case. "It would be perfectly logical for him to decide this motion."

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