

# Judge denies DOJ request to keep ‘classified’ documents out of special master review

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By Nigel Tufnell

September 19, 2022



District Court Judge Aileen Cannon on Thursday rejected a request from the Justice Department’s to exclude classified documents from the special master review and went on to appoint former New York federal judge Raymond Dearie to lead the review.

Cannon has urged Dearie to “prioritize the review” and has given him a deadline of November 30th.

The DOJ made their request on late Tuesday to refuse former President Trump’s request for a “special master” to scrutinize the evidence that the FBI removed from his Mar-a-Lago home, stating that doing so would be a national security issue.

The DOJ added in its filing that it possesses “evidence that government records were likely concealed and removed from the Storage Room and that efforts were likely taken to obstruct the government’s investigation.”

The DOJ’s filing goes on to say that the “evidence indicating that boxes formerly in the Storage Room were not returned prior to counsel’s review.”

Cannon's rulings will present Trump with an opportunity to use both attorney-client and executive privilege, however Trump's lawyers have not yet confirmed whether they will use any of these.

"The Court declines to conduct a subset-by-subset, piecemeal analysis of the seized property," Cannon wrote, in part, adding, "Indeed, if the Court were willing to accept the Government's representations that select portions of the seized materials are—without exception—government property not subject to any privileges, and did not think a special master would serve a meaningful purpose, the Court would have denied Plaintiff's special master request."

"The Court does not find it appropriate to accept the Government's conclusions on these important and disputed issues without further review by a neutral third party in an expedited and orderly fashion," Cannon wrote in her order.

In her rulings, Cannon is giving Trump an opportunity to assert both attorney-client and executive privilege, though his lawyers have not officially sought to assert either in court.