

# [***Aileen Cannon Faces Being 'Politely' Recused: Former Prosecutor***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B9T-8C21-DY68-1007-00000-00&context=1516831)

Newsweek.com

February 12, 2024 Monday 6:22 AM EST

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**Length:** 551 words

**Byline:** Kate Plummer

**Highlight:** Andrew Weissmann said the judge overseeing Donald Trump's classified documents trial could be removed from the case.

**Body**

U.S. District Court for the Southern District of Florida Judge [*Aileen Cannon*](https://www.newsweek.com/topic/aileen-cannon?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) could be recused from [*Donald Trump*](https://www.newsweek.com/topic/donald-trump?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)'s classified documents case, a former prosecutor has said.

Cannon, who was nominated to the bench by Trump, is overseeing the former president's Mar-a-Lago indictment. In June 2023, Trump was charged with [*retaining national security information*](https://www.newsweek.com/donald-trump-classified-documents-case-defense-rally-new-hampshire-1837205?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)—including U.S. nuclear secrets and plans for [*military*](https://www.newsweek.com/topic/u.s.-military?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) retaliation in the event of an attack—and obstructing efforts to retrieve them.

[*Prosecutors have said Trump took documents*](https://www.newsweek.com/donald-trump-lawyer-jack-smith-election-trial-1854988?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) that he was no longer authorized to have after leaving the White House in January 2021 and that he resisted repeated requests by federal officials to return them. Trump has denied all wrongdoing and pleaded not guilty to the charges.

Cannon has long faced calls to recuse herself from the case after she made a[*number of decisions that favored*](https://www.newsweek.com/jack-smith-donald-trump-classified-documents-florida-aileen-cannon-release-1868038?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) the former president, including ones that could potentially delay the [*start of the trial*](https://www.newsweek.com/judge-cannon-delay-donald-trump-classified-documents-trial-1860477?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships), scheduled for May.

On Tuesday, she [*ordered federal prosecutors*](https://www.newsweek.com/jack-smith-could-seek-remove-aileen-cannon-granting-trumps-request-1867665?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) to hand over unredacted materials sought by Trump's legal team in discovery, as well as the two other co-defendants in the case, Walt Nauta and Carlos De Oliveira, causing [*legal commentators to accuse her of bias*](https://www.newsweek.com/donald-trump-judge-cannon-classified-documents-jack-smith-1868744?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) towards Trump.

*Newsweek* contacted the [*Department of Justice*](https://www.newsweek.com/topic/department-justice?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) by website form to comment on this story.

On [*MSNBC*](https://www.newsweek.com/topic/msnbc?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) on Sunday, former assistant United States Attorney Andrew Weissmann was asked whether there was cause to remove Cannon over these issues.

Weissman said Cannon has a lot of experience, but "seems to have her thumb on the scale."

"So now there is this issue, with respect to divulging the name of someone who is under investigation which could interfere with a criminal investigation," he said. "We don't know about the underlying facts of that so it is somewhat guesswork."

"That does not get disclosed when you are doing an investigation," he continued. "To me, it is so reminiscent of the same problem she had during the investigation. So, if she continues this route, it will be interesting to see whether [*Jack Smith*](https://www.newsweek.com/topic/jack-smith?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) gets to the 11th circuit and whether they sort of politely recuse her, essentially, which happens when the circuit hears the case and basically says 'When we send this back, we think that the better course is for a different judge to hear it.'"

However, speaking to *Newsweek*, Scott Lucas, a professor in international ***politics*** at University College Dublin, said it was unlikely Cannon will be recused from the case.

He said: "I don't think we are going to see a move by the special counsel to try and challenge Judge Cannon on her impartiality because there's a bit of ***politics*** involved because she is a Trump appointee, so the moment you go after her and ask her to recuse, every Trumpist is going to come out and say 'oh this is the special prosecutor trying to politicise this, he's the one who's actually trying to tip the scales of justice by removing a judge from the bench', so highly unlikely Cannon is recused."

In response to Cannon's decision about the documents last week, Jack Smith accused [*Cannon of making a "clear error*](https://www.newsweek.com/donald-trump-jack-smith-aileen-cannon-documents-release-intimidation-1868428?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)." He said in filings that the move would reveal the identities of numerous potential witnesses, potentially exposing them to "significant and immediate risks of threats, intimidation, and harassment."

[*Link to Image*](https://d.newsweek.com/en/full/2347677/donald-trump.jpg)

**Graphic**

Donald Trump

Photo by Win McNamee/Getty Images

Donald Trump mocks Joe Biden while speaking during a Get Out The Vote rally at Coastal Carolina University on February 10, 2024 in Conway, South Carolina. Andrew Weissmann said the judge overseeing his classified documents trial could be removed from the case.

**Load-Date:** February 12, 2024

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