

DONALD TRUMP CONFESSES HE CAN'T DISTINGUISH HIS OWN INFLUENCE OPS FROM THAT OF A RUSSIAN SPY

To understand the startling confession at the core of Donald Trump's motion to compel discovery submitted last night, it helps to read a caveat included in Trump's discovery request, but not included in this motion.

In a letter requesting the same things described in the motion to compel in discovery, Trump's team admitted it was using a different definition of "foreign influence" than the one he himself adopted in Executive Order 13848 requiring the Intelligence Community to provide a report on any, "foreign interference that targeted election infrastructure materially affect[ing] the security or integrity of that infrastructure, the tabulation of votes, or the timely transmission of election results."

Rather than just reports of attempts to tamper with election infrastructure to alter the vote count, Trump intended his discovery request to include efforts by foreign governments and non-state actors to influence US policy.

As used herein, the term "foreign influence" is broader than the definition of the term "foreign interference" in Executive Order 13848 and includes any overt or covert effort by foreign governments and non-state actors, as well as agents and associates of foreign governments and non-state actors, intended to affect directly or indirectly a US person or policy or process of any federal, state, or local government actor or agency in the United States.

A vast majority of Trump's discovery requests claim to need backup about intelligence on potential compromises that could not have affected the election tabulation. Not a single one in the 37-page motion addresses the specific lies the January 6 indictment accuses him of telling:

dozens of specific claims that there had been substantial fraud in certain states, such as that large numbers of dead, non-resident, non-citizen, or otherwise ineligible voters had cast ballots, or that voting machines had changed votes for the Defendant to votes for Biden.

Here are some of the totally irrelevant things Trump is demanding:

- The classified backup to the 2016 Intelligence Community assessment, which Trump claims was the source of his purported genuine concern about elections that led him to issue Executive Order 13848, when instead he was probably attempting to stave off a law, proposed by Marco Rubio and Chris Van Hollen, requiring stronger election protection measures
- The backup to the Cybersecurity and Infrastructure Security Agency statement asserting that the election was the most secure in history (which led Trump to fire Chris Krebs by Tweet)

- Details about the Solar Winds hack, which was made public after the CISA statement, and which is not known to have compromised any election infrastructure, but which Patrick Byrne offered as an excuse in real time to start seizing voting machines
- Debates about the findings in the 2020 election report ultimately released that pertain to China's *influence* operations, not *interference* operations
- Details of a January 2 briefing John Ratcliffe gave Jeffrey Clark (which is not described in the indictment), which Trump insinuates is the reason that Clark strengthened language about election irregularities totally unrelated to the things described in the election report, even though – as the indictment notes – Ratcliffe, “disabused the Defendant of the notion that the Intelligence Community’s findings regarding foreign interference would change the outcome of the election”
- The FISA Court opinion describing improper efforts

to query 702 information regarding possible foreign influence – possibly directed at things like Nick Fuentes' cryptocurrency donation and Charles Bausman's ties to Russia – which wouldn't have affected Trump's lies at all

Not a single one of these items pertains to whether Ruby Freeman added votes in Fulton County, Georgia, whether 10,000 dead people voted in one or another state, whether non-citizens voted in Arizona, whether there was a vote dump of 149,772 illegal votes in Detroit, whether Pennsylvania received 700,000 more absentee ballots than they had sent out.

That is, not a single one of Trump's main demands pertains to the specific lies he is accused of telling.

This stunt might have been effective if Trump were charged with moving to seize voting machines after the famous December 18 meeting, at which Byrne and Sidney Powell urged Trump to use E0 13848 and the discovery of the Solar Winds hack to seize voting machines. But that's not in the indictment – the famed meeting is unmentioned. As I've previously noted, Powell is only in the indictment for the way in which Trump adhere to her views about Dominion, not for the December 18 meeting. In this request, Trump repeats an earlier request for investigations into Dominion in passing, but focuses his attention instead on Solar Winds.

Instead of asking for evidence pertaining to the actual lies Trump told, Trump argues that because he had the same goal and effect that Russia pursued in 2016 – to erode faith in democracy – it somehow means his own lies weren't cynical, knowing lies.

Moreover, whereas the Special Counsel's Office falsely alleges that President Trump "erode[d] public faith in the administration of the election," the 2016 Election ICA uses strikingly similar language to attribute the origins of that erosion to foreign influence—that is, foreign efforts to "undermine public faith in the US democratic process." Compare Indictment ¶ 2, with Ex. A at 1; see also *id.* at 6 (describing "Kremlin-directed campaign to undermine faith in the US Government and fuel political protest").

The problem is that the lies Russia and Trump told in common in 2020 – primarily a false claim that Joe Biden corruptly fired a Ukrainian prosecutor – don't have anything to do with the specific lies that Trump told to mobilize thousands of his followers to attack the Capitol.

That both Russia and Trump want to undermine democracy is not a specific defense to the charges against him.