

# THE COMMANDER-IN-CHIEF KEEPS INSTRUCTING HIS NATIONAL SECURITY OFFICIALS NOT TO PROTECT THE COUNTRY

One of the most alarming passages in the Mueller Report describes how, in an effort to get Corey Lewandowski to convince Jeff Sessions to reverse his recusal in the Russian investigation, Trump suggested that Mueller could be limited to investigating future election hacks. (h/t to TC who has been emphasizing this passage)

During the June 19 meeting, Lewandowski recalled that, after some small talk, the President brought up Sessions and criticized his recusal from the Russia investigation.<sup>605</sup> The President told Lewandowski that Sessions was weak and that if the President had known about the likelihood of recusal in advance, he would not have appointed Sessions.<sup>606</sup> The President then asked Lewandowski to deliver a message to Sessions and said “write this down.”<sup>607</sup> This was the first time the President had asked Lewandowski to take dictation, and Lewandowski wrote as fast as possible to make sure he captured the content correctly.<sup>608</sup> The President directed that Sessions should give a speech publicly announcing:

I know that I recused myself from certain things having to do with specific areas. But our POTUS . . . is being treated very unfairly. He shouldn't have a Special Prosecutor/Counsel b/c he hasn't done anything wrong. I was on the

campaign w/ him for nine months, there were no Russians involved with him. I know it for a fact b/c I was there. He didn't do anything wrong except he ran the greatest campaign in American history.609

The dictated message went on to state that Sessions would meet with the Special Counsel to limit his jurisdiction to future election interference:

Now a group of people want to subvert the Constitution of the United States. I am going to meet with the Special Prosecutor to explain this is very unfair and let the Special Prosecutor move forward with investigating election meddling for future elections so that nothing can happen in future elections.610

The President said that if Sessions delivered that statement he would be the "most popular guy in the country."6 11 Lewandowski told the President he understood what the President wanted Sessions to do.612

In June 2017, the Commander-in-Chief of the United States suggested that the FBI should not investigate a historic cyberattack by an adversary on the United States. The investigation Trump was obstructing was not just of his own conduct, but also that of Russia.

That revelation puts two other events in dramatically different light.

First, recall that when Congress was considering bills to ensure election integrity last year, Trump pre-empted the effort with an Executive Order imposing a two step review, after the fact, to see if foreign adversaries had attempted to interfere in the election. First, ODNI does a report on the election, then he

delivers it to other Executive Branch Officials. Then DHS Secretary and the Attorney General deliver a report based on that describing whether the effort to interfere had had a material effect. That report, too, just gets delivered to Executive Branch officials.

Section 1. (a) Not later than 45 days after the conclusion of a United States election, the Director of National Intelligence, in consultation with the heads of any other appropriate executive departments and agencies (agencies), shall conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in that election. The assessment shall identify, to the maximum extent ascertainable, the nature of any foreign interference and any methods employed to execute it, the persons involved, and the foreign government or governments that authorized, directed, sponsored, or supported it. The Director of National Intelligence shall deliver this assessment and appropriate supporting information to the President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, and the Secretary of Homeland Security.

(b) Within 45 days of receiving the assessment and information described in section 1(a) of this order, the Attorney General and the Secretary of Homeland Security, in consultation with the heads of any other appropriate agencies and, as appropriate, State and local officials, shall deliver to the President, the Secretary of State, the Secretary of the Treasury, and the Secretary of Defense a report evaluating, with respect to the United

States election that is the subject of the assessment described in section 1(a):

(i) the extent to which any foreign interference that targeted election infrastructure materially affected the security or integrity of that infrastructure, the tabulation of votes, or the timely transmission of election results; and

(ii) if any foreign interference involved activities targeting the infrastructure of, or pertaining to, a political organization, campaign, or candidate, the extent to which such activities materially affected the security or integrity of that infrastructure, including by unauthorized access to, disclosure or threatened disclosure of, or alteration or falsification of, information or data.

The report shall identify any material issues of fact with respect to these matters that the Attorney General and the Secretary of Homeland Security are unable to evaluate or reach agreement on at the time the report is submitted. The report shall also include updates and recommendations, when appropriate, regarding remedial actions to be taken by the United States Government, other than the sanctions described in sections 2 and 3 of this order.

Predictably, when the deadlines for these reports came due after the mid-term elections last year, the Trump Administration balked at sharing all this reporting with the Senate Intelligence Committee.

Then there's this NYT report revealing that the Mick Mulvaney told DHS Secretary Kirstjen Nielsen not to involve the Commander-in-Chief in

any effort to keep this country's elections safe, which (the report implicitly suggests) made it far more difficult for Nielsen to make protecting elections a priority.

Ms. Nielsen left the Department of Homeland Security early this month after a tumultuous 16-month tenure and tensions with the White House. Officials said she had become increasingly concerned about Russia's continued activity in the United States during and after the 2018 midterm elections – ranging from its search for new techniques to divide Americans using social media, to experiments by hackers, to rerouting internet traffic and infiltrating power grids.

But in a meeting this year, Mick Mulvaney, the White House chief of staff, made it clear that Mr. Trump still equated any public discussion of malign Russian election activity with questions about the legitimacy of his victory. According to one senior administration official, Mr. Mulvaney said it “wasn't a great subject and should be kept below his level.”

Even though the Department of Homeland Security has primary responsibility for civilian cyberdefense, Ms. Nielsen eventually gave up on her effort to organize a White House meeting of cabinet secretaries to coordinate a strategy to protect next year's elections.

[snip]

Ms. Nielsen grew so frustrated with White House reluctance to convene top-level officials to come up with a governmentwide strategy that she twice pulled together her own meetings of cabinet secretaries and agency heads. They included top Justice Department,

F.B.I. and intelligence officials to chart a path forward, many of whom later periodically issued public warnings about indicators that Russia was both looking for new ways to interfere and experimenting with techniques in Ukraine and Europe.

[snip]

A second senior administration official said Ms. Nielsen began pushing after the November midterms for the governmentwide efforts to protect the 2020 elections, but only after it became increasingly clear that she had fallen out of Mr. Trump's favor for not taking a harder line against immigration.

That official said Ms. Nielsen wanted to make election security a top priority at meetings of Mr. Trump's principal national security aides, who resisted making it a focus of the discussions given that the 2020 vote was, at the time, nearly two years away.

Trump's refusal to protect elections accompanies a de-emphasis – one enforced by John Bolton – on cybersecurity generally.

This is, quite literally, a case where the Commander-in-Chief is refusing to take the action necessary to protect the country from being attacked in the same way were most recently were attacked.

Update: Earlier this week Politico reported on the effects of a reorganization in Office of Management and Budget's cybersecurity office before Mulvaney left OMB to become Chief of Staff.

Few Americans may have heard of the Office of the Federal Chief Information Officer, but the unit inside the Office of Management and Budget coordinates tech improvements across the

government, helping agencies boost cybersecurity and manage technology and cybersecurity budgets that totaled \$105 billion in the past fiscal year.

But many OFCIO employees are overwhelmed by unclear and changing priorities, while others are simply checked out or feeling increasingly marginalized, according to an internal February staff survey that POLITICO obtained, along with data from an annual governmentwide report and interviews with a current OMB employee, five former OFCIO employees and three former senior federal officials familiar with the office.

The unit is grappling with “high turnover,” “a lot of infighting,” a “crushing workload” and “inaction from leadership,” said the current employee, who – like others interviewed for this story – requested anonymity to discuss sensitive personnel matters.

“Things do slip through the cracks,” the OMB employee said. OFCIO’s guidance “impacts the long-term implementation strategy out in the agencies,” and if that’s lacking, there will be “a debilitating effect on overall cybersecurity in the long run,” the person said, adding that there was “real concern at the staff level that if this continues, something bad will happen and we won’t be ready for it.”

[snip]

“This organization looks like it’s in free fall,” said a former senior federal IT official who worked closely with the office.

[snip]

[A] November reorganization appeared to cause significant confusion and discontent among employees. It replaced

a structure built around three core units – agency oversight, cybersecurity and policy development – with one centered on “workstreams” for activities such as cybersecurity risk and data strategy.

But the reorganization was “built on the fly” and poorly explained, said a former staffer. More than 80 percent of survey respondents said it was unclear how the reorganization improved office communication.

Adding to these woes is significant frustration with OFCIO’s senior leaders, especially Kent, a former Ernst & Young consultant who took over the office in March 2018 after the team went more than a year without a leader.

Kent, who lacks a cybersecurity or IT background, has fostered “a closed-door culture,” the current OMB employee said.

*As I disclosed last July, I provided information to the FBI on issues related to the Mueller investigation, so I’m going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.*