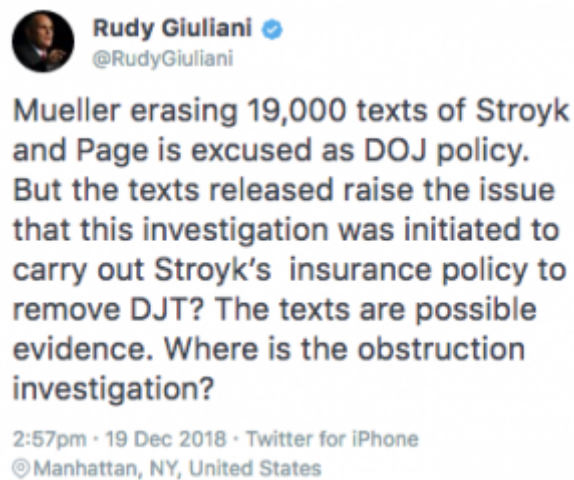
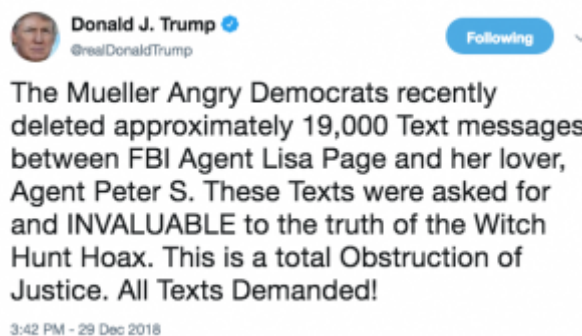


IF TRUMP IS SO CONCERNED THAT A DOJ CONTRACTOR FAILED TO ARCHIVE TEXTS, WHY NOT HOLD THE CONTRACTOR ACCOUNTABLE?

In yet another attempt to project criminal wrong-doing on those investigating criminal wrong-doing, both Rudy ...



... And his client, Individual 1, have repeated a false claim that Robert Mueller deleted 19,000 Peter Strzok and Lisa Page texts.



The claim is, like so much else emanating from these two men's twitter thumbs, an either willful or ignorant misstatement, this one based on a DOJ IG Report on efforts to collect Strzok-

Page texts that, because of a technical malfunction, didn't get collected by an FBI contractor. It conflates efforts to replace texts sent using their FBI-issued Samsung Galaxy phones (where some 19,000 texts did not get archived, though the number itself is inflated because it would necessarily include a lot of overlap) with a belated effort to check their Mueller-issued iPhones. Worse still, it talks about texts that actually were recovered.

OIG digital forensic examiners used forensic tools to recover thousands of text messages from these devices, including many outside the period of collection tool failure (December 15, 2016 to May 17, 2017) and many that Strzok and Page had with persons other than each other. Approximately 9,311 text messages that were sent or received during the period of collection tool failure were recovered from Strzok's S5 phone, of which approximately 8,358 were sent to or received from Page. Approximately 10,760 text messages that were sent or received during the period of collection tool failure were recovered from Page's S5 phone, of which approximately 9,717 were sent to or received from Strzok. Thus, many of the text messages recovered from Strzok's S5 were also recovered from Page's S5.

The only thing to blame Mueller's office for is that, after reviewing Strzok's phone and finding no substantive text messages, his Records Officer freed up the phone to be factory reset and issued to someone else.

According to SCO's Records Officer, Strzok was removed from SCO-related work in late July 2017, and he completed his Exit Clearance Certificate on August 11, 2017. As part of an office records retention procedure, the SCO Records Officer stated that she reviewed Strzok's phone on September 6, 2017. She

told the OIG that she determined it did not contain records that needed to be retained. She noted in her records log about Strzok's phone: "No substantive texts, notes or reminders."

The Records Officer appears not to have realized that Page had a Mueller iPhone, so it was only subsequently checked for content, after which point it, too, had been factory reset.

But there's no reason to think hers would have anything more substantive than Strzok's phone. That's because they appear to have kept using their Samsungs in the period they were assigned with Mueller (which is where their interesting texts were sent).

On May 17, 2017, the Special Counsel's Office (SCO) was established to investigate alleged Russian interference in the 2016 Presidential election. Strzok and Page were assigned to the SCO shortly thereafter (Strzok in early June; Page on May 28) and were provided DOJ JMD iPhones during their SCO assignment. Based on OIG's examination of their FBI mobile devices, Page and Strzok also retained and continued to use their FBI mobile devices. Specifically, on or about May 18, 2017, Page received an FBI-issued Samsung Galaxy S7 mobile device to replace her previously-issued FBI Samsung Galaxy S5. On or about July 5, 2017, Strzok received an FBI-issued Samsung Galaxy S7 mobile device to replace his previously-issued FBI Samsung Galaxy S5.

So what the President and his plays-a-lawyer-on-TV-flack are complaining about is that the federal government reissued government devices when users no longer needed those government devices, something bureaucracies of all types do all the time. With Strzok, at least, before doing so, the Records Officer checked the device

to make sure no important content would be overwritten.

And in trying to invent an obstruction claim out of normal bureaucratic thriftiness, they are ignoring the really damning part of the IG Report. The government contractor whose “bug” was responsible for the text messages that weren’t originally archived (but which were later recovered) still can’t ensure more than 90% of FBI’s texts are recovered.

Among the other excuses FBI offers for implementing a fix to a 20% failure with one that still results in a 10% failure is to say, “complete collection of text messages is neither required nor necessary to meet the FBI’s legal preservation obligations” (which goes back to how they’re requiring retention via policy, but not technologically-assisted procedure). The FBI also says that it “is not aware of any solution that closes the collection gap entirely on its current mobile device platforms,” which makes me wonder why they keep buying new Samsungs if the Samsungs aren’t serving their needs? Aside from the question of why we’d ask FBI Agents to use less secure Korean phones rather than more secure American ones (note, Mueller’s team *is* using iPhones)?

This story – particularly the contractor’s squirrelness when asked about what privileges its retention function accesses...

As DOJ IG was trying to puzzle through why they couldn’t find all of Strzok and Page’s texts, the unnamed vendor got squirrely when asked how the retention tool interacts with administrative privileges.

Upon OIG’s request, ESOC Information Technology Specialist [redacted] consulted

with the FBI's collection tool vendor, who informed the FBI that the collection application does not write to enterprise.db. [Redacted] further stated that ESOC's mobile device team and the vendor believed enterprise.db is intended to track applications with administrative privileges and may have been collecting the logs from the collection tool or another source such as the Short Message Service (SMS) texting application. The collection tool vendor preferred not to share specific details regarding where it saves collected data, maintaining that such information was proprietary; however, [redacted] represented that he could revisit the issue with the vendor if deemed necessary.

Maybe it's me, but I find it pretty sketchy that this unnamed collection tool vendor doesn't want to tell the FBI precisely what they're doing with all these FBI Agents' texts. "Proprietary" doesn't cut it, in my opinion.

... Seems like what happens in government when a unit has made inappropriate purchase and contracting decisions, but even two years after discovering that fact, nevertheless doubles down with new investments in the same inappropriate purchase decisions.

If Trump really cared that FBI wasn't archiving all its texts and continues to fail to do so, he should command Big Dick Toilet Salesman Matt Whitaker to ensure that FBI make purchasing decisions (perhaps starting by replacing the Samsungs with more secure iPhones) that will result in full archival records.

But he didn't do that. Perhaps it's time for journalists to start asking why he's not demanding better of DOJ and FBI going forward?

As I disclosed in 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.