

THE INTELLIGENCE ISSUES THE HOUSE INTELLIGENCE COMMITTEE LARGELY IGNORED

I watched or listened to most of the House Intelligence Committee hearing with Acting Director of National Intelligence Joseph Maguire this morning. And because both sides (with the very limited exception of Will Hurd) failed to raise the issues regarding the whistleblower complaint that go to the core of Maguire's own equities, he was largely able to dodge the difficult issues.

Maguire's own actions implicate whether IC whistleblowers will believe credible complaints will be treated appropriately. As Democrats noted, his first actions when he received a complaint implicating the President and the Attorney General were to refer to lawyers reporting directly to the President and the Attorney General. Maguire even pretended that Bill Barr's role in this was not a significant part of the complaint to dismiss the worthlessness of referring this complaint to Bill Barr to investigate.

But there were three other key issues Maguire should not have been able to dodge.

First is the allegation that Trump moved the summary of this call to the covert communications system to hide the improper nature of the call. The whistleblower complaint said that this is not the first time the White House has done so. This is a clear abuse of the legal status of covert operations dictated by the National Security Act, something for which Maguire has direct responsibility. Covert operations must be communicated, by law, to at least the Gang of Eight in Congress. That Trump

has politicized and misused this system discredits a core means of accountability for the White House, on Maguire's job directly oversees. And yet he wasn't asked how Trump's actions undermine the legally mandated system of covert communications.

Then there's the fact that Trump is premising policy decisions not on the best intelligence, but instead on how he can derive personal benefit from them. His doing so is a core abuse of presidential power. But – as I noted this morning – it also robs American citizens of the benefits the entire intelligence system is supposed to ensure. Maguire admittedly cannot force the President to make the right decisions. But the repercussions of premising policy decisions on personal gain for the national security of the US should be a concern of Maguire's. That wasn't mentioned either.

Finally, there's the allegation that someone without clearance and entirely outside of the intelligence community was being asked to share and act on classified information derived from the intelligence community. Maguire at one point claimed that Trump can do whatever he wants with his personal lawyer and that such discussions would be privileged (after, at another point, dodging a question because he's not a lawyer). That's the height of absurdity. Rudy's pursuit of policy actions has nothing to do with his role as Trump's personal lawyer. And as the DOJ IG complaint against Jim Comey makes clear, sharing even retroactively confidential information with your personal lawyers – as Comey was scolded for doing – is not permissible. Yes, it's true that as President Trump can declassify anything he wants (though Comey was original classification authority for the information he shared with his own lawyers), but others in the IC cannot share information with an uncleared person without formal declassification, or they risk their own legal troubles.

None of this came up in substantive fashion in

today's hearing by the people who are supposed to oversee the intelligence community.