

WHILE TRUMP WAS SECRETLY LOADING UP DOCUMENTS, MIKE ELLIS WAS HOARDING AN NSA DOCUMENT AT THE WHITE HOUSE

The WaPo continues to own the story of the Archives' efforts to reclaim documents removed from the White House by Donald Trump. Yesterday, they reported that some of the documents Trump absconded with were marked as classified, including Top Secret.

Some of the White House documents that Donald Trump improperly took to his Mar-a-Lago residence were clearly marked as classified, including documents at the "top secret" level, according to two people familiar with the matter.

The existence of clearly marked classified documents in the trove – which has not previously been reported – is likely to intensify the legal pressure that Trump or his staffers could face, and raises new questions about why the materials were taken out of the White House.

While it was unclear how many classified documents were among those received by the National Archives and Records Administration, some bore markings that the information was extremely sensitive and would be limited to a small group of officials with authority to view such highly classified information, the two people familiar with the matter said.

But the more interesting part of WaPo's latest is a description of Trump packing up boxes

without letting his closest aides look at them (I take this to mean the repacking at Mar-a-Lago).

It is not precisely clear who packed up the classified materials at Mar-a-Lago, or how they got there in the first place. Trump was very secretive about the packing of boxes that were retrieved from Mar-a-Lago last month, and did not let other aides – including some of his most senior advisers – look at them, according to people close to him.

As this story has been snowballing, I can't get a detail from the IG Report on White House Counsel Mike Ellis' aborted hiring as NSA General Counsel out of my head.

The DOD IG found that Ellis' hiring itself wasn't a problem. But it also found that NSA Director Paul Nakasone correctly responded by holding up the process when Ellis was involved in two security incidents in the days after January 6. In both cases, Ellis was treating NSA information improperly.

First Security Incident

An NSA employee received a controlled, classified NSA notebook of documents on January 7, 2021, from a Department of State official who was not authorized to access that information. An initial NSA review further found that several copies of the notebook had been produced without NSA authorization. This event raised concerns that other individuals possessed copies of these sensitive materials without NSA authorization.

[NSA Deputy Director George] Barnes told us that “[they] were spending the last week or so of the administration trying to find out who had them, where they were, and trying to get them back into positive control before the administration members left.” NSA

officials received information on January 13, 2021, that **Mr. Ellis either created or directed the copying of these notebooks of documents with compartmented, classified information without NSA knowledge, consent, or control.**

Second Security Incident

On January 8, 2021, **an NSA employee tried to retrieve an NSA document from Mr. Ellis that contained information of a classified, controlled, compartmented NSA program “of some of the most sensitive information that NSA possesses.”** Mr. Barnes told us that Mr. Ellis refused to return the document, retained it for the White House archives, and, based on what the NSA employee saw, placed the document in a container that did not meet the security storage requirements for such a sensitive program. Mr. Barnes told us that he contacted Mr. Eisenberg on January 9, 2021, for help obtaining the document, and the document was returned to the NSA on January 14, 2021. Mr. Barnes said, **“The White House people were all leaving so every day new members were leaving and so we were prioritizing on identifying our documents that needed to be brought under positive control and accounted for.”** [italicized brackets and bold mine]

When Nakasone was asked about this by the IG, he explained that the intelligence deals with a particular foreign actor.

I learned ... that we had questions about the way that Mr. Ellis had handled our most sensitive intelligence **that deals with a foreign actor** when he was in the White House. ... and I’m not able to get the actual full details until that

Tuesday [January 19]. ... I'm ... growing concerned... I have an OGC that I've said is okay to be hired, now we have concerns about his clearance. We have concerns about merit. We have concerns about an ongoing inquiry by the DoD IG. And so, my sense was ... let's get this all resolved... before he actually becomes the General Counsel for the National Security Agency. [emphasis mine]

So at precisely the time when Trump was packing up documents to take with him, in the wake of his failed coup attempt, Mike Ellis was refusing to return an NSA document from the White House.

And the NSA's concerns, even then, pertained to the possibility that White House staffers would move on and these documents would disappear.

Update: TF reminded me that in December 2020 (so during the period when Ellis' nomination was pending), Mike Flynn and friends came up with a scheme to use NSA data to try to prove foreign interference in the election, one that Mike Lindell was trying to implement in January.

The memo used the banal language of government bureaucracy, but the proposal it advocated was extreme: President Donald Trump should invoke the extraordinary powers of the National Security Agency and Defense Department to sift through raw electronic communications in an attempt to show that foreign powers had intervened in the 2020 election to help Joe Biden win.

Proof of foreign interference would "support next steps to defend the Constitution in a manner superior to current civilian-only judicial remedies," argued the Dec. 18, 2020, memo, which was circulated among Trump allies.

The document, a copy of which was obtained by The Washington Post, laid

out a plan for the president to appoint three men to lead this effort. One was a lawyer attached to a military intelligence unit; another was a veteran of the military who **had been let go** from his National Security Council job after claiming that Trump was under attack by deep-state forces including “globalists” and “Islamists.”

[snip]

[North Dakota Senator Kevin] Cramer said Del Rosso sent the memo to his office after a Jan. 4 meeting that both men attended at the Trump International Hotel, which was organized by MyPillow chief executive Mike Lindell, a prominent backer of Trump’s bogus election fraud claims.

Cramer and Sen. Cynthia M. Lummis (R-Wyo.) joined some two dozen others crammed into a ground-floor hotel conference room to discuss election fraud allegations, according to Cramer and an aide to Lummis. Participants recalled that Johnson also attended, via videoconference. The details of the meeting, which took place two days before the attack on the U.S. Capitol, have not been previously reported. The meeting was similar to a briefing held in a congressional office building the next day for members of the House.

Michael Flynn, who resigned in 2017 as Trump’s national security adviser and had advocated using the military to “rerun” the election in battleground states, also extended an invitation to at least one senator and his staff, according to a person familiar with the meeting. Flynn did not respond to requests for comment.