

DID PAM BONDI BURY THE ELECTION DAY BOMB THREATS?

The other day, Pete Hegseth capitulated to Vladimir Putin, dealing away Ukraine's future and leverage, making Neville Chamberlain look not only stronger, but better dressed, by comparison.

He tried to walk back his capitulation the next day.

Everything is on the table in his conversations with Vladimir Putin and Zelenskyy. What he decides to allow or not allow is at the purview of the leader of the free world of President Trump. So I'm not going to stand at this podium and declare what President Trump will do or won't do, what will be in or what will be out, what concessions will be made or what concessions are not made.

Remember, in response to questions from Tammy Duckworth, Hegseth confessed he had *never* been part of international negotiations. In his first day and second days learning on the job, he failed every rule of negotiation.

I may return to Pete Hegseth's predictable failures.

For now, though, I want to note all the things put in place *before* Trump seemingly turned on a dime, effectively demoting his Ukraine negotiator Keith Kellogg in favor of Marco Rubio, John Ratcliffe, Mike Waltz, and Steve Witkoff (who has been liaising with people like Mohammed bin Salman and – reportedly, Kirill Dmitriev from Mueller Report fame) and taking a much more pro-Russian stance in this negotiation.

Between Trump, Attorney General Pam Bondi, and

DHS Secretary Kristi Noem, they have protected precisely the kind of interference and corruption with which Russia kicked off Trump's political career ten years ago. These moves have been covered already (see this post from Casey Michel and this from Cyberscoop). But I want to look at the kinds of DOJ and CISA actions against which Trump's team may be reacting, not least because this pivot from Trump did not happen until they were all in place.

Non-prosecution of FCPA: Start with the decision to first limit (in Bondi's adoption) and then pause (in Trump's adoption, in a later Executive Order) prosecution of the Foreign Corrupt Practices Act, a law that prohibits businesses with a presence in the United States from engaging in bribery. Bondi actually put this provision in a memo otherwise eliminating approval requirements for investigations and prosecutions targeting trafficking, and with regards to FCPA, simply made using FCPA against traffickers the priority.

Foreign Corrupt Practices Act. The Criminal Division's Foreign Corrupt Practices Act Unit shall prioritize investigations related to foreign bribery that facilitates the criminal operations of Cartels and TCOs, and shift focus away from investigations and cases that do not involve such a connection. Examples of such cases include bribery of foreign officials to facilitate human smuggling and the trafficking of narcotics and firearms.

Trump, on the other hand, halted its use for six months and then maybe another six months.

Most coverage of this move noted its use, under Trump, to penalize Goldman Sachs for bribing Malaysia's 1MDB sovereign wealth fund, an investigation the aftermath of which sucked in Trump associate Elliott Broidy before Trump pardoned him. But it might be better to consider how such bribery statutes limit transnational

investment companies like Trump's own and Jared Kushner's. That is, Trump's intervention in FCPA might be personal to Trump.

Elimination of KleptoCapture Task Force: In the same memo, buried under a shift of focus for Money Laundering cases to traffickers and away from Trump's buddies, Bondi also included this language about the KleptoCapture program that has been a key prong of Joe Biden and Merrick Garland's response to the Ukraine invasion.

Money Laundering and Asset Forfeiture.

The Criminal Division's Money Laundering and Asset Recovery Section shall prioritize investigations, prosecutions, and asset forfeiture actions that target activities of Cartels and TCOs.

Task Force KleptoCapture, the Department's Kleptocracy Team, and the Kleptocracy Asset Recovery Initiative, shall be disbanded. Attorneys assigned to those initiatives shall return to their prior posts, and resources currently devoted to those efforts shall be committed to the total elimination of Cartels and TCOs.

It's not yet clear whether this means DOJ will start giving yachts back to the sanctioned Russian oligarchs that Biden seized them from.

But what this does imply is that the sanctioned oligarchs who had invested in property and other facilities in the US – people like Oleg Deripaska and Andrii Derkach, both of whom were identified to have ties to Russian influence operations in election years – might be free to invest in the US again.

Shift away from FARA: Buried in Section IV of a different memo innocuously titled "General policy regarding charging, plea negotiations, and sentencing," are two paragraphs describing changes in the National Security Division's focus.

Shifting Resources in the National Security Division. To free resources to address more pressing priorities, and end risks of further weaponization and abuses of prosecutorial discretion, the Foreign Influence Task Force shall be disbanded. Recourse to criminal charges under the Foreign Agents Registration Act (FARA) and 18 U.S.C. § 951 shall be limited to instances of alleged conduct similar to more traditional espionage by foreign government actors. With respect to FARA and § 951, the Counterintelligence and Export Control Section, including the FARA Unit, shall focus on civil enforcement, regulatory initiatives, and public guidance.

The National Security Division's Corporate Enforcement Unit is also disbanded. Personnel assigned to the Unit shall return to their previous posts.

Let's take them in reverse order. The FARA statement basically says that only people akin to spies will be charged criminally with it; everyone else will be subject to the same civil sanctions DOJ used before the Paul Manafort case. That of course means Manafort's ongoing work is in the clear (a point that Ken Vogel makes in a column hilariously titled, "Moves by Trump and Bondi Raise Hopes of Those Accused of Foreign Corruption"). It also makes things far easier for Pam Bondi's former colleagues at Ballard Partners, the most powerful foreign influence peddlers under the first and undoubtedly the second Trump term. This will save Bondi's friends a whole lot of money in compliance worries.

But here's the problem with this move: Most of the people DOJ has charged with criminal FARA in recent years *were being handled by foreign spies*. FARA, as it was used under Mueller and since, was a way to neutralize people for being in the pay of foreign spies without having to

prove – or having to declassify evidence to show – that they were themselves spies. It was a way to disable spying, even or especially if people receiving foreign money didn't know they were being handled by spies.

But Bondi just said she won't use that tool.

Elimination of FITF: I might have written this post weeks ago, except I keep staring at Bondi's claim that the Foreign Influence Task Force (the website for which has been taken down) led to "abuses of prosecutorial discretion." Now, Bondi often parrots the stupidest bullshit that Jim Jordan has floated (which includes a lot of false claims made by Matt Taibbi), and this may be an example – because FITF would not lead to prosecution of a US person, as I tried to lay out in this table (which first appeared in this post).

Entity	Activity	Relevant Crimes	US Person?
CISA	Sharing both correct and incorrect information about elections	N/A	Yes
Election	Sharing of specific identifiers vetted by PIN providing false information about location, time, or means of voting	241	Yes
FITF	Sharing of techniques used by malicious foreign actors	CFAA, FARA, 951	Victim
FITF	Sharing of specific identifiers (usually obtained from OGA) of malicious foreign activity, pretending to be US persons	CFAA, FARA, 951	Victim of deceit
FBI Cyber	Investigative steps in conjunction with cyber (or other criminal) investigations	CFAA	Yes

What the FITF did was to identify attempts by foreigners to clandestinely influence Americans (not just during elections). It played a key role in funneling intelligence to the private sector, especially social media companies. While the government has *charged foreigners* involved in such operations (such as the Iranians who hacked Trump's campaign), Americans would almost always be victims.

Based on that assumption, I can only imagine Bondi's reference to "abuses of prosecutorial discretion" pertains to one of three possible prosecutions:

- The prosecution of Douglass Mackey for duping Hillary Clinton voters into

“texting” their vote rather than voting in person, a prosecution that in later years might have arisen out of election protection efforts (the second row in this table) put in place in the wake of 2016.

- A warning about the Andrii Derkach influence operation in 2020, which was managed by FITF, and which led the FBI to shut down some informants sharing information on Hunter Biden. Importantly, the entire right wing believes that a FITF staffer, Laura Dehmlo, should have breached the confidentiality of a non-public investigation in 2020 and told Facebook that the hard drive shared with New York Post derived from a Hunter Biden laptop in the FBI’s possession was “real” (notwithstanding that the FBI had not, and still has not, done the most basic things to test if it was packaged up). So it’s possible that Bondi believes, like Jim Jordan does, that the outcome of the Hunter Biden investigation would have been different if they could

have relied more on the laptop.

- The Tenet operation, in which the RT funded right wing propagandists Dave Rubin, Tim Pool, and Benny Johnson. The operation was exposed with an indictment of foreigners shortly before the pre-election halt to such actions, but not even Canadian Lauren Chen has been charged, much less the right wing bros. That indictment, for money laundering and FARA, might not be viable under Bondi's new restrictions on other prosecutorial focus.

But
there
are a
whole
bunch of
things
you
throw
out with
that
bathwater.
If
the FITF
is
disbanded,

then social media companies might not have discovered that Iran was adopting the identities of the Proud Boys to suppress turnout among people of color. There's the ongoing Doppelganger effort to create counterfeit versions of real US and European media outlets to spread disinformation – such as an attack on



USAID that Elon Musk spread just days ago.

Or there's the multiple influence operations that Jack Posobiec has been party to, starting with PizzaGate (the weaponization of the Podesta emails stolen by the GRU), the GRU MacronLeaks operation, as well as a more recent FSB campaign. Posobiec's centrality to all this – as well as his involvement in other kinds of rat-fucking – is particularly pertinent because Pete Hegseth at least *invited* Jack Posobiec to travel with him to the Munich Security Conference where he sold Ukraine out.

Trump administration officials at the Pentagon invited a far-right activist, Jack Posobiec, to participate in Defense Secretary Pete Hegseth's first trip overseas, according to a planning document obtained by The Washington Post and people familiar with the decision, triggering alarm among U.S. defense officials worried about the military being dragged into partisan warfare.

Posobiec was in Ukraine yesterday – it's not yet clear whether he traveled to Europe with the Defense Secretary.

The most charitable explanation for Bondi's decision to shut down FITF is that she's suffering from delusions that Jim Jordan passed on. But if she really understands what this program did, then she has deliberately chosen to make it easier for hostile countries, especially Russia, China, and Iran, to affect US elections.

Administrative Leave of CISA Election Security

Staff: Which brings me to the most recent effort to help foreign adversaries, something done by Kristi Noem, not Pam Bondi. On Monday, 17 of the people who were involved in keeping the 2024 election secure were put on leave, citing a focus on election disinformation.

In recent days, 17 employees of the U.S. Cybersecurity and Infrastructure Security Agency who have worked with

election officials to provide assessments and trainings dealing with a range of threats – from cyber and ransomware attacks to physical security of election workers – have been placed on leave pending a review, according to a person familiar with the situation who was not authorized to speak publicly.

Ten of those employees are regional election security specialists hired as part of an effort to expand field staff and election security expertise ahead of the 2024 election. The regional staffers were told the internal review would examine efforts to combat attempts by foreign governments to influence U.S. elections, duties that were assigned to other agency staff, according to the person.

All were former state or local election officials who were brought in to build relationships across all 50 states and the nation's more than 8,000 local election jurisdictions. They spent the past year meeting with election officials, attending conferences and trainings, and ensuring officials were aware of the agency's various cybersecurity and physical security services.

[snip]

The other staffers placed on leave are current or former members of the agency's Election Security and Resilience team, who were told the review was looking into agency efforts to combat misinformation and disinformation campaigns, according to the person familiar with the situation. The 10 election security specialists who worked with state and local election officials reported to a different team at CISA, the field operations division.

Now, the rationale offered for this decision is a review of CISA's involvement in warnings about mis- and disinformation. As noted above, that's not what CISA does. To the extent it shares information with social media companies, it is to provide correct information to make it easier for people to get quality information on voting.

But consider something that these 17 people might have been involved in: the effort, in real time, to respond to bomb threats called into electoral precincts in Democratic areas, many of which were sourced to Russian email domains. (Remember that Ohio Governor Mike DeWine attributed the bomb threats in Springfield – threats ginned up with the significant involvement of Jack Posobiec – to overseas actors.)

We still don't know whether the bomb threats targeting Springfield and voting locations actually *were* Russian operations or whether they were funneled through Russia by American actors to obscure their origin. We still don't have a report from the FBI explaining what happened.

And with the decision to shut down both the FITF and to pause CISA's election protection work, we may never get it now. We may never learn whether Democratic precincts had to shut down due to Russian involvement or that of people laundering their work through Russia.

In the wake of Trump's victory, key Putin advisor Nikolai Patrushev claimed that, to win, Trump "relied on certain forces to which he has corresponding obligations."

In his future policies, including those on the Russian track US President-elect Donald Trump will rely on the commitments to the forces that brought him to power, rather than on election pledges, Russian presidential aide Nikolay Patrushev told the daily Kommersant in an interview.

"The election campaign is over," Patrushev noted. "To achieve success in

the election, Donald Trump relied on certain forces to which he has corresponding obligations. As a responsible person, he will be obliged to fulfill them."

He agreed that Trump, when he was still a candidate, "made many statements critical of the destructive foreign and domestic policies pursued by the current administration."

"But very often election pledges in the United States can diverge from subsequent actions," he recalled.

When he gave that ominous warning, I concluded that Trump would soon sell out Ukraine and the rest of Europe. But that didn't happen right away. Rather, for months, Trump feigned a hardline stance against Russia, all while teasing the number of calls he was having with Putin.

Until this week.

Trump didn't move to "fulfill" the "corresponding obligations" he made to get help in the election, if indeed he did get help, until Pam Bondi instructed DOJ not to look for such things.