EXHIBIT 1

(Declaration of Benjamin Wittes)

nent White House chief of staff. He has said he prefers it this way. "I like acting. It gives me more flexibility."

"The one that matters is me," Trump told Fox News on November 2, 2017, in addressing why he hadn't filled so many State Department vacancies. "I am the only one that matters, because when it comes to it, that's what the policy is going to be. You've seen that. You've seen it strongly." Referring to this comment, the journalist Major Garrett writes, "Trump truly believes this," observing that

> Trump has been known to derail policy discussions formed over weeks and moved through key agencies—humiliating senior White House staff or cabinet officials in the process. Sometimes he would decide an issue abruptly, skipping over that same policy process, because he grew bored or impatient. Both tendencies left senior White House advisors and cabinet officials wondering how to approach their core mission, uncertain how to present or move options through a rational process. Trump's approach was dismissive of almost everyone around him and the very jobs they did in service of his agenda and his government. Fundamentally, Trump believed most government jobs were useless and the process to create a solution too cumbersome and slow.

The irony is that Trump regularly pays a huge price for this vision of the presidency. Mostly it's a price in effectiveness. The travel ban debacle turned out to be a kind of template. Time after time, traditional processes have simply vanished, to the detriment of the administration's ability to carry out the president's own objectives in a timely, efficient, and coherent manner. Trump, for example, announced a ban on transgender service members in the military by tweet, without meaningful prior consultation with the military. Predictably, the policy saw swift judicial rebuke; as with the travel ban, the military had to start over and create a process that would support the outcome the president had announced. As of this writing, the

litigation over the second version of the transgender service ban remains ongoing. In the foreign policy realm, Trump impulsively announced a meeting with the North Korean leader Kim Jong Un—whose country he had only weeks earlier been threatening with nuclear annihilation—after a single meeting with a South Korean representative who pitched the idea. His announcement of the withdrawal of U.S. forces from Syria followed a similar pattern. The absence of process behind any of these announcements, the attempt to conduct a presidency by whim and will, has not served Trump well. Indeed, it is not an accident that the phrase "malevolence tempered by incompetence," coined by one of the present authors to describe the travel ban order, has become a kind of buzzword for the Trump presidency more broadly.

If the goal is a presidency that can successfully do things, there is little logic to what Trump is doing here. But that's actually the point: in his vision, the presidency is emphatically not about the successful management of bureaucracies or the implementation of policy objectives. It is about the showmanship and flamboyance of the person and about entertaining and captivating audiences. So, whereas the traditional presidency developed process because administering government effectively required it to work optimally, Trump is proposing a kind of disconnect between the workaday functions of government and the show going on at the top. He doesn't care if it works optimally; optimal effectiveness is not the goal. He wants to mouth off and announce things and have the executive branch below him effectuate his will.

Here it is important to step back and acknowledge that Trump may be onto something important. Although the process presidency is essential to good decision-making, it is also legitimately frustrating in its remoteness and lack of immediacy and democratic responsiveness. Trump's critique of the traditional presidency—that Americans elect a person who makes promises, but they are stuck with a permanent government that is not elected and thwarts their democratic demands—is often descriptively accurate. And it is a frustration that has been shared even by those who

strongly oppose Trump and condemn his disregard of process as reckless. For example, at least some members of that group probably celebrated when Obama signed, in his first week in office and without much advance process and deliberation, an executive order to close the military detention facility at Guantánamo Bay. And these people likely felt frustrated to discover—as Obama himself did—that it wasn't so easy. There's a reason that the facility remained open and operational on Obama's final day in office eight years later: there were lots of complex governmental and political interests at stake, which a better process might have identified even in that first week. Trump's appeal is evidence that people want a presidency that does not just act, but is seen to act. It is evidence that the underbrush that has grown up around presidential decision-making, however necessary it may be, is for many people an unwelcome accretion of debris.

For this reason, though it is difficult to imagine that future presidents will wish to run the executive branch in the self-defeating fashion Trump has adopted, it is worth asking whether there are aspects of the Trumpian personal presidency that may have more staying power. For example, although future presidents likely won't aspire to Trump's management ineptitude and replacement of process with personal whim, it's not hard to imagine the highly self-expressive elements of the Trump presidency having a certain appeal. Married in some future figure to a minimal level of managerial competence, it's possible to imagine them having a profound impact on presidential behavior and our expectations of it.

It is also possible to imagine the management of the executive branch adapting over time so that a president will have fewer meetings and consultations and briefing books to read and more time to vent in public or declare dramatic initiatives if he or she so desires. We haven't organized the executive branch this way to date, because that's not what presidents have wanted. But to the extent that future presidents adopt Trump's elevation of the expressive presidency over the process presidency, some mechanism to manage chaos would be necessary—some kind of chief operating officer for the executive branch. Perhaps the White House chief of staff would

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51 *Major Garrett writes*: Major Garrett, *Mr. Trump's Wild Ride: The Thrills, Chills, Screams, and Occasional Blackouts of an Extraordinary Presidency* (New York: St. Martin's Press, 2018), 26.

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March 10, 2018, www.nytimes.com/2018/03/10/world/asia/trump-north-korea.html.

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53 *executive order to close the military detention facility*: See Executive Order 13492, "Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities," 74 FR 4897, January 22, 2009, available at www.federalregister.gov/documents/2009/01/27/E9-1893/review-and-disposition-of-individuals-detained-at-the-guantaacutenamo-bay-naval-base-and-closure-of.

53 *as Obama himself did*: Obama described part of the challenge in a February 2016 speech: "Unfortunately, during that period where we were putting the pieces in place to close it, what had previously been bipartisan support suddenly became a partisan issue. Suddenly, many you [*sic*] previously had said it should be closed backed off because they were worried about the politics. The public was scared into thinking that, well, if we close it, somehow we'll be less safe. And since that time, Congress has repeatedly imposed restrictions aimed at preventing us from closing this facility." See "Remarks by the President on Plan to Close the Prison at Guantanamo Bay," February 23, 2016, available at https://obamawhitehouse.archives.gov/the-press-office/2016/02/23/remarks-president-plan-close-prison-guantanamo-bay.

54 *journalist Bob Woodward recounts Reince Priebus's frustrations*: Bob Woodward, *Fear: Trump in the White House* (New York: Simon & Schuster, 2019), 144–45.

54 *"They were in their own silo"*: Woodward, *Fear*, 144.

54 *"No one could fire the family"*: Woodward, *Fear*, 144.

54 *"'You're a goddamn staffer!'"*: Woodward, *Fear*, 145.

55 *he also had dinner with his FBI director*: See James B. Comey, "Statement for the Record," U.S. Senate Select Committee on Intelligence, June 8, 2017, available at www.intelligence.senate.gov/sites/default/files/documents/os-jcomey-060817.pdf. See also Comey, *A Higher Loyalty*, 233–44. The Mueller report specifically notes that while the White House disputed Comey's story, "substantial evidence corroborates Comey's account of the dinner invitation and the request for loyalty." See "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Vol. II, 35.

EXHIBIT 2

(Declaration of Benjamin Wittes)

With Snap 'Yes' in Oval Office, Trump Gambles on North Korea

By Peter Baker and Choe Sang-Hun
March 10, 2018

WASHINGTON — Summoned to the Oval Office on the spur of the moment, the South Korean envoy found himself face to face with President Trump one afternoon last week at what he thought might be a hinge moment in history.

Chung Eui-yong had come to the White House bearing an invitation. But he opened with flattery, which diplomats have discovered is a key to approaching the volatile American leader. "We could come this far thanks to a great degree to President Trump," Mr. Chung said. "We highly appreciate this fact."

Then he got to the point: The United States, South Korea and their allies should not repeat their "past mistakes," but South Korea believed that North Korea's mercurial leader, Kim Jong-un, was "frank and sincere" when he said he wanted to talk with the Americans about giving up his nuclear program. Mr. Kim, he added, had told the South Koreans that if Mr. Trump would join him in an unprecedented summit meeting, the two could produce a historic breakthrough.

Mr. Trump accepted on the spot, stunning not only Mr. Chung and the other high-level South Koreans who were with him, but also the phalanx of American officials who were gathered in the Oval Office.

His advisers had assumed the president would take more time to discuss such a decision with them first. Defense Secretary Jim Mattis and Lt. Gen. H.R. McMaster, the president's national security adviser, both expressed caution. If you go ahead with this, they told Mr. Trump, there will be risks and downsides.

Mr. Trump brushed them off. I get it, I get it, he said.



Where others see flashing yellow lights and slow down, Mr. Trump speeds up. And just like that, in the course of 45 minutes in the Oval Office, Mr. Trump threw aside caution and dispensed with decades of convention to embark on a daring, high-wire diplomatic gambit aimed at resolving one of the world's most intractable standoffs.

The story of how this came about, assembled through interviews with officials and analysts from the United States, South Korea, Japan and China, is a case study in international relations in the Trump era. A president with no prior foreign policy experience takes on a festering conflict that has vexed the world for years with a blend of impulse and improvisation, and with no certain outcome. One moment, he is hurling playground insults and threatening nuclear war, the next he is offering the validation of a presidential meeting.

Whether the high-stakes gamble ultimately pays off, no one can know. Given two unpredictable and highly combustible leaders, it seems just as likely that the meeting will never take place. If it does occur, the challenges are so steep, the gulf so wide and the history so fraught with misunderstanding, suspicion and broken promises that the prospect of an enduring resolution to the impasse seems remote.

But Mr. Trump has staked his reputation as a deal maker on the presumption that he can personally achieve what no other president has before him.

A Thorny Road

The path to a possible meeting led through a thicket of hostility and feints.

Throughout his first year in office, Mr. Trump ratcheted up economic sanctions while rattling his nuclear saber at "Little Rocket Man" and threatening to "totally destroy North Korea."

Mr. Kim could match the president he called "the mentally deranged U.S. dotard" bombast for bombast. In a New Year's Day speech, he said he had "a nuclear button on the desk" that could launch missiles capable of reaching the United States. Mr. Trump responded with a tweet saying that "I too have a Nuclear Button, but it is a much bigger & more powerful one than his."

But South Korea's president, Moon Jae-in, focused on the other part of Mr. Kim's speech, when he declared that he would send athletes to the Winter Olympics, which would be held the next month in South Korea. A flurry of negotiations ensued at Panmunjom, the "truce village" inside the Korean demilitarized zone, that, by the standards of inter-Korean talks, went unusually well.



At the Winter Olympics in South Korea, Vice President Mike Pence made a point of refusing to greet Kim Yo-jong, the sister of the North Korean leader, Kim Jong-un. Odd Andersen/Agence France-Presse — Getty Images

For the opening ceremony, on Feb. 9, Mr. Kim sent his sister, Kim Yo-jong, while Mr. Trump sent Vice President Mike Pence. The vice president was told of a possible meeting with North Korean officials at the Games if he would tone down his message, not talk about sanctions, not meet with defectors and not bring along Fred Warmbier, whose son, Otto, an American student, died soon after being released from captivity in North Korea.

Mr. Pence opted to do all of those anyway to show resolve, and the North Koreans canceled the meeting at the last minute. Taking the hard-line position he believed the president wanted him to take, a grim-faced Mr. Pence refused to stand for the entry of the joint Korean team that included athletes from both North and South and made a point of refusing to greet Mr. Kim's sister, who was just 10 feet away.

Mr. Pence's failure to stand was taken as an insult to Mr. Moon and the South Korean public, undercutting the vice president's intent to show solidarity with an ally. Mr. Moon had been determined to bring the Americans and North Koreans together, to the irritation of the American delegation, which believed that he was deliberately trying to stage-manage an encounter they considered awkward and inappropriate.

Mr. Moon, by contrast, hosted Ms. Kim for a lavish luncheon at the presidential Blue House, and she surprised him with a letter from her brother. She told Mr. Moon that her brother wanted to convene a summit meeting at an early date. The two spent nearly three hours together, with Mr. Moon doing most of the talking.

He said that he really wanted to meet Mr. Kim and improve ties, but that there was a limit to how far he could go without progress in dismantling the North's nuclear program. He urged North Korea to talk to the Americans and said they needed to hurry so as not to lose the rare momentum from the spirit of the Olympics visits.

A Family Envoy

After the unfortunate optics from Mr. Pence's visit and what some viewed as a missed opportunity, Mr. Trump sent his daughter, Ivanka Trump, to the closing ceremony of the Games. She had dinner with Mr. Moon at the Blue House and briefed him on new sanctions her father would impose on North Korea, then made a public statement to reporters reaffirming the American strategy of "maximum pressure."

She then headed to Pyeongchang for the last two days of competition. Briefed by Mr. Pence's staff, Ms. Trump and her team were "incredibly forceful," as one official put it, in going over the seating plan for the box and the timing and sequencing of arrivals to avoid any surprises.

Ms. Trump proffered a smiling, more open image that went over better in South Korea. She stood for the South Korean athletes, who this time entered the stadium separately from their compatriots from the North, and posed for photographs with famous Korean pop stars. But she too made a point of sending a message; for her guest in the box, she brought Gen. Vincent K. Brooks, commander of American forces in South Korea.

When she attended a curling event, Ms. Trump's team received word that the North Koreans were on their way in what the Americans thought was an effort to make a scene or prompt her to leave in an embarrassing spectacle. Ms. Trump decided to stay, and the North Koreans in the end did not come.

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All Smiles in the North

With the Olympics over, it was time for Mr. Moon to make his move. Last week, he sent two trusted aides on a two-day trip to Pyongyang: Mr. Chung, his national security adviser, and Suh Hoon, his National Intelligence Service director. Flying north, they knew that they were meeting Mr. Kim but not when.

After landing in Pyongyang, they were taken to a riverside guesthouse where they found their rooms equipped with the internet and access to foreign television channels, including CNN. They could even surf South Korean websites, a rare privilege in the totalitarian state. As soon as they unpacked, Kim Yong-chol, a general who heads inter-Korean relations, showed up and said that they were meeting Mr. Kim that evening.

Black limousines took the South Koreans to Azalea Hall in the ruling Workers' Party headquarters, Mr. Kim's workplace. They found Mr. Kim and his sister waiting to greet them with broad smiles. Mr. Chung and Mr. Suh were the first South Koreans to set foot inside the party headquarters since the Korean War.



Mr. Chung and Suh Hoon, the director of South Korea's National Intelligence Service, announced outside the White House that Mr. Trump had accepted an invitation to meet with the North Korean leader. Doug Mills/The New York Times

Mr. Chung had barely launched into his talking points when Mr. Kim said "I know" and "I understand you." Then he laid out his proposal: talks with the United States on denuclearizing his country; a suspension of nuclear and missile tests during the talks; and his understanding that the United States and South Korea must proceed with annual joint military exercises.

The South Koreans found Mr. Kim to be an extremely confident leader. He was closely following foreign news media, knew how he was depicted, and even joked about it. He had studied Mr. Moon's speeches and overtures toward the North.

He even joked about his missile launches. "I was sorry to hear that President Moon Jae-in had to convene his National Security Council meetings early in the morning because of our missile launchings," he told the South Koreans. "Now, he won't lose his early morning sleep any more."

Mr. Kim agreed to open a direct hotline to Mr. Moon. "Now if working-level talks are deadlocked and if our officials act like arrogant blockheads, President Moon can just call me directly and the problem will be solved," he said.

And, he added, he was eager to hold a summit meeting with his South Korean counterpart. The South Koreans suggested Pyongyang, Seoul and Panmunjom as possible sites and asked Mr. Kim to choose. Mr. Kim said he would come to the Peace House, a South Korean building inside Panmunjom.

The meeting and dinner, complete with wines and traditional Korean liquor, lasted from 6 p.m. to 10:12 p.m. with much laughter and bonhomie.

After returning to Seoul on Tuesday, the South Korean officials briefed Mr. Moon and then South Korean reporters. After his news conference, Mr. Chung called General McMaster and told him that he was carrying a message from Mr. Kim to Mr. Trump. Only several people at the Blue House knew that the message included a proposal for a meeting with Mr. Trump.

Off to Washington

Mr. Chung and Mr. Suh flew to Washington, arriving Thursday morning. By the afternoon, they were at the White House, meeting separately with General McMaster and Gina Haspel, the deputy C.I.A. director. The four then got together and were soon joined by other American officials, including Mr. Pence, Mr. Mattis, Dan Coats, the national intelligence director, Gen. Joseph F. Dunford Jr., the Joint Chiefs of Staff chairman, and John F. Kelly, the White House chief of staff.

Joined by their ambassador to Washington, the South Korean visitors were not supposed to meet with Mr. Trump until Friday, but when he heard they were in the building, he called them to the Oval Office.

Mr. Kim's invitation to meet was not a complete surprise to Mr. Trump's team. An American official said they had learned about it from intelligence agencies, so on Thursday morning, before the arrival of the South Koreans, Mr. Trump talked by phone with Secretary of State Rex W. Tillerson, who was traveling in Africa, about the possibility. What he did not tell Mr. Tillerson was that he would accept.

Mr. Trump was eager enough, however, that once he said yes, they discussed a meeting as early as next month. The South Koreans suggested it would be better to wait until after Mr. Moon's summit meeting with Mr. Kim in April, which led to a target of May.

Not only did Mr. Trump surprise the South Koreans by accepting immediately, he even suggested that they make the public announcement right there and then at the White House.



Mr. Chung and Mr. Suh met with Mr. Kim in Pyongyang on Monday. They were the first South Koreans to set foot inside the party headquarters since the Korean War. Korean Central News Agency

A stunned Mr. Chung retreated to General McMaster's office to draft a statement in collaboration with the Americans. Then, using a secure telephone line, he called Mr. Moon early in the morning in Seoul to get his approval.

Elated, Mr. Trump stuck his head into the White House briefing room to tell reporters there would be an important announcement soon, something he had never done before.

Some of the president's advisers objected to the idea of a foreign official making a statement from the White House lectern, so they had him do it instead on the White House driveway, where visitors typically speak with reporters. Still, it was highly unusual for a foreign official to announce an American president's decision in a major international situation.

Out of the Loop

Mr. Trump's quick decision caught many off guard, including Mr. Tillerson and American allies. Television networks set up live feeds from the White House driveway to carry Mr. Chung's announcement. Congressional leaders and top officials at the Pentagon and the State Department learned what was happening from news reports.

The fact that it came on the same day that the president slapped stiff new tariffs on imported steel that would hit South Korea and Japan hard indicated how hasty and unplanned it was.

While Mr. Chung headed to the driveway, Mr. Trump hurriedly called Prime Minister Shinzo Abe of Japan to let him know. Mr. Abe has worked assiduously to cultivate a close relationship with Mr. Trump and taken a hard line on North Korea, but he was left out of the loop, a fact that stung.

"I have an impression that the Japanese are not quite well informed," said Yoshiki Mine, head of a previous Japanese delegation seeking normalized relations with North Korea. "What we have been told is awfully out of tune, I should say."

Mr. Trump did not reach President Xi Jinping of China until the next morning. China has backed Mr. Trump on North Korea, generating good will between Mr. Trump and Mr. Xi. But China refused last month to go along with an American plan to interdict oil tankers bound for North Korea on the high seas, demonstrating that there were limits to how far China would go in punishing Mr. Kim, given the risk of a North Korean collapse on its borders.

Mr. Trump said his conversation with Mr. Xi went well. "President XI told me he appreciates that the U.S. is working to solve the problem diplomatically rather than going with the ominous alternative," the president wrote on Twitter on Saturday. "China continues to be helpful!"

But in response to Mr. Trump's planned meeting, China is engaged in what some call "exclusion anxiety," worried about being shut out. China would like the meeting to be held in Beijing, where six-nation talks were held with North Korea during President George W. Bush's administration, but Chinese analysts doubt Mr. Kim would agree.

For now, Mr. Trump is juggling these dynamics and preparing to meet the world's most hermetic leader. To his advisers, Mr. Trump has said he is impressed that Mr. Kim at such a young age has outmaneuvered almost everyone, but he has added that the North Korean leader is a wild card.

Of course, so is he. Mr. Trump vacillates between confidence and fatalism when it comes to North Korea. For the moment, he is optimistic.

"North Korea has not conducted a Missile Test since November 28, 2017 and has promised not to do so through our meetings," he wrote on Twitter on Saturday. "I believe they will honor that commitment!"

Peter Baker reported from Washington, and Choe Sang-Hun from Seoul, South Korea. Reporting was contributed by Jane Perlez from Beijing, Motoko Rich from Tokyo, and David E. Sanger and Mark Landler from Washington.

Follow Peter Baker on Twitter: @peterbakernyt

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: With Snap 'Yes,' Trump Rolls Dice On North Korea

EXHIBIT 3

(Declaration of Benjamin Wittes)

not appear to know it and has no capacity to correct it. His mendacity is a key feature of his incompetence.

Trump's mendacity is also a key feature of the erosion of his control over the executive branch, which we discussed in depth in chapter 3. When lower-level officials are constantly in the position of contradicting the president, it gravely disrupts executive unity. When the president misstates policy and some lesser official articulates the actual policy by way of clarification or correction, it widens the disconnect between the White House and the agency in question. When that happens every day and with every agency, it trains the public to accept that the executive branch is just this free-floating set of agencies and that the presidency is an unconnected, yammering head.

It may seem obvious that no future president would want to emulate Trump's behavior in this regard, as it seems so wholly self-defeating. The trouble is that it isn't clear how much of a price Trump really pays for his untruthfulness. To be sure, it impairs him in certain relationships, but those do not tend to be relationships he cares about in his expressive presidency. And even reasonably honest prior presidents were deeply mistrusted by partisans on the other side, so maybe the benefit of telling the truth was more limited than analysts assumed at the time. Trump's lies do not appear to have gravely harmed his standing with his base, and he remains as of this writing electorally viable. If a candidate can lie as much as Trump did and be elected, and a president can lie as much as Trump does and still be reelected, then future presidents may well feel freer to lie. They almost surely won't do it quite as flamboyantly as Trump does; the volume and the energy of his lying clearly have some element of pathology. But every prior president has faced inconvenient truths during his tenure—matters in which it would be far more expedient in the moment to simply lie. If someone like Trump can be reelected, it would be a demonstration that the importance of hoarding presidential credibility has been wildly overrated historically. It would mean that the traditional

presidency utterly misjudged—at least recently—the political economy of truth, or that this political economy has shifted substantially of late. If that's the case, future politicians will notice.

There is, however, one price Trump has paid for his lies that future presidents will almost certainly want to avoid. And that price is leaks.

Leaks, of course, are a permanent feature of Washington. But once again, the Trump administration is different. The flow of leaks is near constant, and they pour from every direction. There are leaks about the president's calls with foreign leaders, leaks about his mood and private comments, leaks of sensitive national security information, leaks about policy strategy, about Trump's TV-watching habits, about disparaging comments and evaluations by his staff, and about his legal strategy. There are even leaks of memos addressing a plan to stop leaks. Staffers barely exit the Oval Office before texting their favorite member of the press to spill all.

The unprecedented number of leaks emanating from the White House, executive agencies, and Congress is an organic feature of the president's mendacity. This means that future presidents should view leaks as the inevitable consequence of following Trump's path away from presidential truth. The American democratic system requires accurate information in order to function. The president refuses to provide it, and the typical truth-seeking mechanisms—congressional oversight, most notably—have not effectively held him to task. The executive branch's internal immune response is to route around the damage and spill out secrets. Many of the leaks are specific responses to lies—as when the president insisted that he was not involved in his family members' security clearance process, only to have it leak that, over objections, he had personally ordered they be granted clearances.

The legal scholar David Pozen has argued that leaks bolster government credibility by reducing "the incidence of official lying." When the details of a classified program become public, even if the government refuses to formally confirm or deny its existence, there is little point in actually lying about it. According to Pozen, "Leakiness, in this context, not only pushes out specific revelations to the media but also creates an

environment in which official lying becomes an untenable and unnecessary strategy." Furthermore, the threat of future leaks may also reduce governmental dishonesty generally. Officials are aware that despite formal rules, they do not have complete control over the flow of information to the public. In that sense, according to Pozen, "a pervasive culture of leaking may substitute, to some extent, for a pervasive culture of lying. The executive benefits from this trade-off both because it likely better supports public trust in government and because it prevents most officials from feeling pressure to violate an injunction ('thou shall not lie') that, unlike the leak laws, continues to exert a strong moral pull on public servants."

Pozen wrote this paper in 2013, before the Trump administration, and he surely would have written it differently had he imagined Trump. But the Trump presidency has, in important respects, validated it. If Pozen's theory was right, after all, one would expect to see a particularly mendacious president preside over a period of exceptional leaking. And that's exactly what has happened.

But Pozen, in imagining that the leaks would limit lies, underestimated Trump. Even the tidal wave of leaks from the Trump administration has been insufficient, after all, to displace the "pervasive culture of lying." To the contrary, the culture of mendacity has simply driven more leaks, which are in turn met with more lies. The lies and the leaks do not counterbalance one another, but drive an ever-downward spiral. And, of course, some of the leaks are more politically motivated than reflective of civic commitment to truth, with individuals leaking damaging tidbits about programs and policies and people they find objectionable or simply in an effort to hurt an administration they dislike.

Most leaks have been merely embarrassing for the president, who portrays himself in some heroic fashion only to have his staff or his agencies describe him completely differently. Some leaks, however, are more serious, implicating especially grave national harms. In this sense, as Jack Goldsmith has argued, the president's norm violations are inspiring reciprocal violations by his detractors that are themselves dangerous.

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130 *about Trump's TV-watching habits*: See, for example, Maggie Haberman, Glenn Thrush, and Peter Baker, "Inside Trump's Hour-by-Hour Battle for Self-Preservation" *New York Times*, December 9, 2017, www.nytimes.com/2017/12/09/us/politics/donald-trump-president.html.

130 *about disparaging comments and evaluations*: See, for example, Woodward, *Fear*, 357.

130 *about his legal strategy*: See, for example, Carol D. Leonnig, "A Beefed-Up White House Legal Team Prepares Aggressive Defense of Trump's Executive Privilege as Investigations Loom Large," *Washington Post*, January 9, 2019, www.washingtonpost.com/politics/a-beefed-up-white-house-legal-team-prepares-aggressive-defense-of-trumps-executive-privilege-as-investigations-loom-large/2019/01/09/066b8618-1045-11e9-84fc-d58c33d6c8c7_story.html.

130 *leaks of memos addressing a plan to stop leaks*: Chris Geidner, "Trump Administration Launches Broad New Anti-Leak Program," *BuzzFeed News*, September 13, 2017, www.buzzfeednews.com/article/chrisgeidner/trump-administration-launches-broad-new-anti-leak-program.

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130 *"the incidence of official lying"*: Pozen writes, "There is an additional, more speculative sense in which leakiness may preserve the credibility of government, as well as the professional integrity of its employees: if it reduces the incidence of official lying." See David E. Pozen, "The Leaky Leviathan: Why the Government Condemns and Condones Unlawful Disclosures of Information," *Harvard Law Review* 127 (2013): 576, available at https://harvardlawreview.org/wp-content/uploads/pdfs/vol127_pozen.pdf.

130 *"Leakiness, in this context"*: Pozen, "The Leaky Leviathan," 576–77.

131 *"a pervasive culture of leaking may substitute"*: Pozen, "The Leaky Leviathan," 577.

131 *the president's norm violations are inspiring reciprocal violations*: Jack Goldsmith, "Will Donald Trump Destroy the Presidency?" *Atlantic*, October 2017, www.theatlantic.com/magazine/archive/2017/10/will-donald-trump-destroy-the-presidency/537921/.

132 *an episode described at length in the Mueller report*: Mueller report, Vol. II, 24–37.

132 *the calls had been scrutinized by counterintelligence investigators*: See the Mueller

EXHIBIT 4

(Declaration of Benjamin Wittes)

TRUMP'S WAY

Inside Trump's Hour-by-Hour Battle for Self-Preservation

With Twitter as his Excalibur, the president takes on his doubters, powered by long spells of cable news and a dozen Diet Cokes. But if Mr. Trump has yet to bend the presidency to his will, he is at least wrestling it to a draw.

By Maggie Haberman, Glenn Thrush and Peter Baker
Dec. 9, 2017

WASHINGTON — Around 5:30 each morning, President Trump wakes and tunes into the television in the White House's master bedroom. He flips to CNN for news, moves to "Fox & Friends" for comfort and messaging ideas, and sometimes watches MSNBC's "Morning Joe" because, friends suspect, it fires him up for the day.

Energized, infuriated — often a gumbo of both — Mr. Trump grabs his iPhone. Sometimes he tweets while propped on his pillow, according to aides. Other times he tweets from the den next door, watching another television. Less frequently, he makes his way up the hall to the ornate Treaty Room, sometimes dressed for the day, sometimes still in night clothes, where he begins his official and unofficial calls.

As he ends his first year in office, Mr. Trump is redefining what it means to be president. He sees the highest office in the land much as he did the night of his stunning victory over Hillary Clinton — as a prize he must fight to protect every waking moment, and Twitter is his Excalibur. Despite all his bluster, he views himself less as a titan dominating the world stage than a maligned outsider engaged in a struggle to be taken seriously, according to interviews with 60 advisers, associates, friends and members of Congress.

For other presidents, every day is a test of how to lead a country, not just a faction, balancing competing interests. For Mr. Trump, every day is an hour-by-hour battle for self-preservation. He still relitigates last year's election, convinced that the investigation by Robert S. Mueller III, the special counsel, into Russia's interference is a plot to delegitimize him. Color-coded maps highlighting the counties he won were hung on the White House walls.

Before taking office, Mr. Trump told top aides to think of each presidential day as an episode in a television show in which he vanquishes rivals. People close to him estimate that Mr. Trump spends at least four hours a day, and sometimes as much as twice that, in front of a television, sometimes with the volume muted, marinating in the no-holds-barred wars of cable news and eager to fire back.

"He feels like there's an effort to undermine his election and that collusion allegations are unfounded," said Senator Lindsey Graham, a Republican from South Carolina who has spent more time with the president than most lawmakers. "He believes passionately that the liberal left and the media are out to destroy him. The way he got here is fighting back and counterpunching.

"The problem he's going to face," Mr. Graham added, "is there's a difference between running for the office and being president. You've got to find that sweet spot between being a fighter and being president."

Bracing and refreshing to his alienated-from-the-system political base, Mr. Trump's uninhibited approach seems erratic to many veterans of both parties in the capital and beyond. Some politicians and pundits lament the instability and, even without medical degrees, feel no compunction about publicly diagnosing various mental maladies.

In recent weeks, the president made a derogatory reference to Native Americans in front of Navajo guests, insinuated that a television host was involved in the death of an aide and prompted an international incident with Britain by retweeting inflammatory anti-Muslim videos — demonstrating the limits of a staff that has tried hard to steer him away from volatile territory.

His approach got him to the White House, Mr. Trump reasons, so it must be the right one. He is more unpopular than any of his modern predecessors at this point in his tenure — just 32 percent approved of his performance in the latest Pew Research Center poll — yet he dominates the landscape like no other.

After months of legislative failures, Mr. Trump is on the verge of finally prevailing in his efforts to cut taxes and reverse part of his predecessor's health care program. While much of what he has promised remains undone, he has made significant progress in his goal of rolling back business and environmental regulations. The growing economy he inherited continues to improve, and stock markets have soared to record heights. His partial travel ban on mainly Muslim countries has finally taken effect after multiple court fights.

Jared Kushner, his son-in-law and senior adviser, has told associates that Mr. Trump, deeply set in his ways at age 71, will never change. Rather, he predicted, Mr. Trump would bend, and possibly break, the office to his will.

That has proved half true. Mr. Trump, so far, has arguably wrestled the presidency to a draw.



Day breaks on the South Portico of the White House. Tom Brenner/The New York Times

'Time to Think'

In the jargon of the military, John F. Kelly, a retired four-star general, served as a "wagon boss" for Marines crashing into Iraq in 2003, keeping his column moving forward despite incoming fire. As White House chief of staff, Mr. Kelly has adopted much the same approach, laboring 14-hour days to impose discipline on a chaotic operation — with mixed success.

In the months before Mr. Kelly took over last summer from his embattled predecessor, Reince Priebus, the Oval Office had a rush-hour feel, with a constant stream of aides and visitors stopping by to offer advice or kibitz. During one April meeting with New York Times reporters, no fewer than 20 people wandered in and out — including Mr. Priebus, who walked in with Vice President Mike Pence. The door to the Oval Office is now mostly closed.

Mr. Kelly is trying, quietly and respectfully, to reduce the amount of free time the president has for fiery tweets by accelerating the start of his workday. Mr. Priebus also tried, with only modest success, to encourage Mr. Trump to arrive by 9 or 9:30 a.m.

The pace of meetings has increased. Beyond Mr. Kelly and Mr. Kushner, they often include Lt. Gen. H. R. McMaster, the national security adviser; Ivanka Trump, the president's daughter and senior adviser; Hope Hicks, the communications director; Robert Porter, the staff secretary; and Kellyanne Conway, the president's counselor.

Mr. Trump, who enjoyed complete control over his business empire, has made significant concessions after trying to micromanage his first months in office. Despite chafing at the limits, the president actually craves the approval of Mr. Kelly, whom he sees as a peer, people close to Mr. Trump said.

He calls Mr. Kelly up to a dozen times a day, even four or five times during dinner or a golf outing, to ask about his schedule or seek policy advice, according to people who have spoken with the president. The new system gives him "time to think," he said when it began. White House aides denied that Mr. Trump seeks Mr. Kelly's blessing, but confirmed that he views him as a crucial confidant and sounding board. Mr. Kelly has also adopted some of Mr. Trump's favorite grievances, telling the president recently that he agrees that some reporters are interested only in taking down the administration.

At times, Mr. Trump has been able to circumvent Mr. Kelly. Over Thanksgiving at Mar-a-Lago, the president mingled with guests the way he had before the election. Some passed him news clips that would never get around Mr. Kelly's filters. And he dialed old friends, receiving updates about how they see the Russia investigation. He returned to Washington fired up.

Mr. Kelly has told people he will try to control only what he can. As he has learned, there is much that he cannot.



John F. Kelly, the White House chief of staff, has labored 14-hour days to impose discipline on a chaotic operation, with mixed success. Tom Brenner/The New York Times

'I Don't Watch Much'

For most of the year, people inside and outside Washington have been convinced that there is a strategy behind Mr. Trump's actions. But there is seldom a plan apart from pre-emption, self-defense, obsession and impulse.

Sign up to get Maggie Haberman's articles emailed to you. Maggie Haberman is a White House correspondent reporting on President Trump. Get it sent to your inbox.

Occasionally, the president solicits affirmation before hitting the "tweet" button. In June, according to a longtime adviser, he excitedly called friends to say he had the perfect tweet to neutralize the Russia investigation. He would call it a "witch hunt."

They were unimpressed.

He has bowed to advice from his lawyers by not attacking Mr. Mueller, but at times his instincts prevail.

When three former campaign advisers were indicted or pleaded guilty this fall, Ty Cobb, the White House lawyer handling the investigation, urged the president not to respond. If he did, it would only elevate the story.

Mr. Trump, however, could not help himself. He tweeted that the financial charges lodged against his former campaign manager, Paul J. Manafort, had nothing to do with the campaign and that investigators should be examining "Crooked Hillary & the Dems" instead. By the next morning, he was belittling George Papadopoulos, the campaign adviser who pleaded guilty to lying about his outreach to Russians, dismissing him as a "low level volunteer" who has "proven to be a liar."

He was calm at first when his former national security adviser, Michael T. Flynn, pleaded guilty. The next morning, as he visited Manhattan for Republican fund-raisers, he was upbeat. He talked about his election and the "major loser" in the Senate who had said his tax bill would add to the deficit (presumably meaning Senator Bob Corker, Republican of Tennessee).

By Sunday morning, with news shows consumed by Mr. Flynn's case, the president grew angry and fired off a series of tweets excoriating Mrs. Clinton and the F.B.I., tweets that several advisers told him were problematic and needed to stop, according to a person briefed on the discussion.

Once he posts controversial messages, Mr. Trump's advisers sometimes decide not to raise them with him. One adviser said that aides to the president needed to stay positive and look for silver linings wherever they could find them, and that the West Wing team at times resolved not to let the tweets dominate their day.

The ammunition for his Twitter war is television. No one touches the remote control except Mr. Trump and the technical support staff — at least that's the rule. During meetings, the 60-inch screen mounted in the dining room may be muted,

but Mr. Trump keeps an eye on scrolling headlines. What he misses he checks out later on what he calls his "Super TiVo," a state-of-the-art system that records cable news.

Watching cable, he shares thoughts with anyone in the room, even the household staff he summons via a button for lunch or for one of the dozen Diet Cokes he consumes each day.

But he is leery of being seen as tube-glued — a perception that reinforces the criticism that he is not taking the job seriously. On his recent trip to Asia, the president was told of a list of 51 fact-checking questions for this article, including one about his prodigious television watching habits. Instead of responding through an aide, he delivered a broadside on his viewing habits to befuddled reporters from other outlets on Air Force One heading to Vietnam.

"I do not watch much television," he insisted. "I know they like to say — people that don't know me — they like to say I watch television. People with fake sources — you know, fake reporters, fake sources. But I don't get to watch much television, primarily because of documents. I'm reading documents a lot."

Later, he groused about being forced to watch CNN in the Philippines because nothing else was available.

Before taking office, Mr. Trump told top aides to think of each presidential day as an episode in a television show in which he vanquishes his rivals. Here, he called journalists back into the Roosevelt Room in January to hear a union leader praise him. Doug Mills/The New York Times

'Aren't You Glad I Don't Drink?'

To an extent that would stun outsiders, Mr. Trump, the most talked-about human on the planet, is still delighted when he sees his name in the headlines. And he is on a perpetual quest to see it there. One former top adviser said Mr. Trump grew uncomfortable after two or three days of peace and could not handle watching the news without seeing himself on it.

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During the morning, aides monitor "Fox & Friends" live or through a transcription service in much the way commodities traders might keep tabs on market futures to predict the direction of their day.

If someone on the show says something memorable and Mr. Trump does not immediately tweet about it, the president's staff knows he may be saving Fox News for later viewing on his recorder and instead watching MSNBC or CNN live — meaning he is likely to be in a foul mood to start the day.

Yet the image of him in a constant rage belies a deeper complexity for a man who runs in bellow-and-banter cycles. Several advisers said the president may curse them for a minor transgression — like bringing an unknown aide into his presence without warning — then make amiable small talk with the same person minutes later.

"He is very aware that he is only the 45th person to hold that job," Ms. Conway said. "The job has changed him a bit, and he has changed the job. His time as president has revealed other, more affable and accessible, parts and pieces of him that may have been hidden from view during a rough and tumble primary."

Few get to see those other parts and pieces. In private moments with the families of appointees in the Oval Office, the president engages with children in a softer tone than he takes in public, and he specifically asked that the children of the White House press corps be invited in as they visited on Halloween. Yet he does little to promote that side, some longtime friends say, because it cracks the veneer of strength that he relishes.

Only occasionally does Mr. Trump let slip his mask of unreflective invincibility. During a meeting with Republican senators, he discussed in emotional terms the opioid crisis and the dangers of addiction, recounting his brother's struggle with alcohol.

According to a senator and an aide, the president then looked around the room and asked puckishly, "Aren't you glad I don't drink?"



Mr. Trump's uninhibited approach seems erratic to veterans of both parties in the capital. Tom Brenner/The New York Times

'Don't Interrupt Me'

Mr. Trump's difficult adjustment to the presidency, people close to him say, is rooted in an unrealistic expectation of its powers, which he had assumed to be more akin to the popular image of imperial command than the sloppy reality of having to coexist with two other branches of government.

His vision of executive leadership was shaped close to home, by experiences with Democratic clubhouse politicians as a young developer in New York. One figure stands out to Mr. Trump: an unnamed party boss — his friends assume he is referring to the legendary Brooklyn fixer Meade Esposito — whom he remembered keeping a baseball bat under his desk to enforce his power. To the adviser who recounted it, the story revealed what Mr. Trump expected being president would be like — ruling by fiat, exacting tribute and cutting back room deals.

But while he is unlikely to change who he is on a fundamental level, advisers said they saw a novice who was gradually learning that the presidency does not work that way. And he is coming to realize, they said, the need to woo, not whack, leaders of his own party to get things done.

During his early months in office, he barked commands at senators, which did not go over well. "I don't work for you, Mr. President," Mr. Corker once snapped back, according to a Republican with knowledge of the exchange.

Senator Mitch McConnell of Kentucky, the Republican majority leader, likewise bristled when Mr. Trump cut in during methodical presentations in the Oval Office. "Don't interrupt me," Mr. McConnell told the president during a discussion of health care.

Mr. Trump may have gotten the message. After a bout of public feuding last summer, he and Mr. McConnell reconciled and began speaking most days. And as the president increasingly recognizes how much Congress controls his fate, Marc Short, the legislative affairs director, has sought to educate him by appealing to Mr. Trump's tendency to view issues in terms of personality, compiling one-page profiles of legislators for him, the congressional equivalent of baseball cards.

While he is no policy wonk — "nobody knew that health care could be so complicated," he famously said at one point — he has shown more comfort with the details of his tax-cutting legislation. And aides said he had become more attentive during daily intelligence briefings thanks to pithy presentations by Mike Pompeo, the C.I.A. director, and a deeper concern about the North Korea situation than his blithe, confrontational tweets suggest.

"At first, there was a thread of being an impostor that may have been in his mind," said Representative Nancy Pelosi of California, the House Democratic leader, who has tried to forge a working relationship with the president.

"He's overcome that by now," she said. "The bigger problem, the thing people need to understand, is that he was utterly unprepared for this. It would be like you or me going into a room and being asked to perform brain surgery. When you have a lack

of knowledge as great as his, it can be bewildering."

Mr. Graham, once a fierce critic and now increasingly an ally, said Mr. Trump was adjusting. "You can expect every president to change because the job requires you to change," he said. "He's learning the rhythm of the town." But Mr. Graham added that Mr. Trump's presidency was still "a work in progress." At this point, he said, "everything's possible, from complete disaster to a home run."



Mr. Trump has said that the Oval Office feels empty now that Keith Schiller, his longtime aide, is gone. Al Drago for The New York Times

'He Wears You Down'

In almost all the interviews, Mr. Trump's associates raised questions about his capacity and willingness to differentiate bad information from something that is true.

Monitoring his information consumption — and countering what Mr. Kelly calls "garbage" peddled to him by outsiders — remains a priority for the chief of staff and the team he has made his own. Even after a year of official briefings and access to the best minds of the federal government, Mr. Trump is skeptical of anything that does not come from inside his bubble.

Some advisers, like the Treasury secretary, Steven Mnuchin, consider this a fundamentally good thing. "I see a lot of similarities between the way he was running the campaign and the way he is as president," Mr. Mnuchin said. "He really loves verbal briefings. He is not one to consume volumes of books or briefings."

Other aides bemoan his tenuous grasp of facts, jack-rabbit attention span and propensity for conspiracy theories.

Mr. Kelly has told people he pushed out advisers like Stephen K. Bannon and Sebastian Gorka, who he believed advanced information to rile up Mr. Trump or create internal conflict. But Mr. Trump still controls his own guest list.

Jeanine Pirro, whose Fox News show is a presidential favorite, recently asked to meet about a deal approved while Mrs. Clinton was secretary of state that gave Russia control over some American uranium, which lately has become a favorite focus of conservatives.

Mr. Trump, Mr. Kelly and Donald F. McGahn II, the White House counsel, met for more than an hour on Nov. 1 as Ms. Pirro whipped up the president against Mr. Mueller and accused James B. Comey, the former F.B.I. director, of employing tactics typically reserved for Mafia cases, according to a person briefed on the meeting.

The president became visibly agitated as she spoke. "Roy Cohn was my lawyer!" he exclaimed, referring to the legendary McCarthy-era fixer who mentored Mr. Trump in the 1980s, suggesting that was the type of defender he needed now.

At another point, Mr. Kelly interrupted. She was not "helping things," he said, according to the person briefed. Even Mr. Trump eventually tired of Ms. Pirro's screed and walked out of the room, according to the person.

Mr. Trump is an avid newspaper reader who still marks up a half-dozen papers with comments in black Sharpie pen, but Mr. Bannon has told allies that Mr. Trump only "reads to reinforce." Mr. Trump's insistence on defining his own reality — his repeated claims, for example, that he actually won the popular vote — is immutable and has had a "numbing effect" on people who work with him, said Tony Schwartz, his ghostwriter on "The Art of the Deal."

"He wears you down," Mr. Schwartz said.

Mr. Trump spends at least four hours a day, and sometimes as much as twice that, in front of a television, sometimes with the volume muted, marinating in the no-holds-barred wars of cable news and eager to fire back. Tom Brenner/The New York Times

'Where the Hell Have You Been?'

Some of the changes resulting from Mr. Kelly's arrival have been subtle. For the last decade, for example, Mr. Trump's most trusted aide was his longtime security chief, Keith Schiller, a bald, brawny former New York police officer who played an ambiguous role as protector, gatekeeper and younger brother to the president. An early warning system, Mr. Schiller tipped callers when the boss was in a bad mood and sometimes reached out to the president's friends to urge them to buck him up.

In August, Mr. Trump asked Mr. Schiller for a newspaper article he had heard about. After Mr. Trump mentioned the article to Mr. Kelly, the chief of staff dispatched two aides to investigate how it had gotten to the president without being cleared. Mr. Schiller acknowledged providing the contraband newsprint. Mr. Kelly thanked him tersely for coming forward, according to two people Mr. Schiller later told.

To the surprise of aides, the president did not try to make clear Mr. Schiller's unique place in the Trump orbit. After some additional encounters with Mr. Kelly, Mr. Schiller announced his departure, a decision fueled primarily by a dislike for Washington and a desire to once again earn private-sector pay before retiring.

Since then, Mr. Trump has repeatedly expressed frustration at Mr. Schiller's absence, telling a visiting lawmaker that his Oval Office suite now seems "empty." The departure of other familiar faces has been equally unsettling.

Once this fall, Mr. Trump lashed out at an aide he had not seen for weeks, asking, "Where the hell have you been?" When the aide told him that Mr. Kelly had limited the meetings he could attend, the president cooled off and said, "Oh, O.K.," according to an aide told of the exchange.

If Mr. Kelly knows he cannot always control access, he is intent on at least knowing who is peddling what to his boss. He reserves the right to listen to calls coming to the president through the White House switchboard. To some callers, Mr. Kelly

politely promises to forward messages. On calls he cannot monitor personally, Mr. Kelly or a deputy will usually double-back to debrief the caller on any promises the president may have made in unguarded moments.

On weekdays, Mr. Trump's principal mode of blowing off steam is his nightly dinner in the residence. He has always relished gossiping over plates of well-done steak, salad slathered with Roquefort dressing and bacon crumbles, tureens of gravy and huge slices of dessert with extra ice cream. Tom Brenner/The New York Times

'I Can Invite Anyone'

Mr. Trump seeks release on the golf course on weekends. But on weekdays, his principal mode of blowing off steam is his nightly dinner in the White House residence, which begins at 6:30 or 7 p.m. with a guest list organized by the ever-vigilant Mr. Kelly.

"I can invite anyone for dinner, and they will come!" Mr. Trump marveled to an old friend when he took office.

Mr. Trump has always relished gossiping over plates of well-done steak, salad slathered with Roquefort dressing and bacon crumbles, tureens of gravy and massive slices of dessert with extra ice cream.

He needs support, a sounding board and, as a lifelong hotelier, guests. Mr. Trump is naturally garrulous, and loves to give White House tours. He has an odd affinity for showing off bathrooms, including one he renovated near the Oval Office, and enjoys pulling dinner companions into the Lincoln Bedroom or onto the Truman Balcony for the postcard view of the city he has disrupted.

Over the summer, he invited four Democratic lawmakers and immediately peppered them with questions as they strolled through the Diplomatic Reception Room.

"Who is going to run against me in 2020?" he asked, according to a person in attendance. "Crooked Hillary? Pocahontas?" — his caustic nickname for Senator Elizabeth Warren, Democrat of Massachusetts, who once claimed Native American heritage in a law school directory.

Senator Bernie Sanders of Vermont, the president opined, would definitely run — "even if he's in a wheelchair," Mr. Trump added, making a scrunched-up body of a man in a wheelchair.

Mr. Trump still takes shots at Mark Cuban, a fellow rich-guy reality star, and expresses disappointment that Tom Brady, the New England Patriots quarterback, has distanced himself. But he spends much of his time now puzzling over political options and wrestling with the terrifying responsibilities of the presidency.

Even when Mr. Trump is in a lighthearted mood, hints of anxiety waft over the table like steam over a teacup. In September, he met with evangelical leaders to reassure them that he would still pursue their agenda despite a flirtation with Democrats.

"The Christians know all the things I'm doing for them, right?" he asked, according to three attendees, who reported praising his positions on issues like abortion and Planned Parenthood.

When the guests depart, the remote control comes back out. He is less likely to tweet at this hour, when the news he would react to is mostly recycled from hours earlier. But he watches Ms. Pirro and her fellow Fox News hosts Sean Hannity and Laura Ingraham, and sometimes "hate-watches" CNN to get worked up, especially Don Lemon.

In between, it is time for phone calls, to people he has fired like Corey Lewandowski and Mr. Bannon, old friends like Thomas J. Barrack Jr. and Richard LeFrak, and more recently Republican lawmakers, especially Representative Mark Meadows of North Carolina, the head of the conservative Freedom Caucus. This is when his fixations are unfettered: Russia, Mrs. Clinton, Barack Obama, the "fake news" media, his bitter disappointment with Attorney General Jeff Sessions.

In recent weeks, Mr. Trump's friends have noticed a different pitch, acknowledging that many aides and even his own relatives could be hurt by Mr. Mueller's investigation. As for himself, he has adopted a surprisingly fatalistic attitude, according to several people he speaks with regularly.

"It's life," he said of the investigation.

From there it is off to bed for what usually amounts to five or six hours of sleep. Then the television will be blaring again, he will reach for his iPhone and the battle will begin anew.

In recent weeks, Mr. Trump's friends said, he has expressed fear about how many aides, even his own relatives, could be hurt by the investigation into Russian election meddling. Doug Mills/The New York Times

Glenn Thrush contributed to this article before he was suspended pending the result of an investigation into allegations of inappropriate behavior. Matt Apuzzo also contributed reporting.

Follow Maggie Haberman and Peter Baker on Twitter: @maggienyt @peterbakernyt.

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: The President vs. the Presidency

EXHIBIT 5

(Declaration of Benjamin Wittes)

Democracy Dies in Darkness

Mattis resigns after clash with Trump over troop withdrawal from Syria and Afghanistan

December 20, 2018 More than **7 years ago**

By Paul Sonne, Josh Dawsey and Missy Ryan

Defense Secretary Jim Mattis resigned Thursday after clashing with President Trump over the withdrawal of U.S. troops from Syria and Afghanistan, saying in a parting letter that the president deserves someone atop the Pentagon “better aligned” with his views.

The retired Marine general’s surprise resignation came a day after Trump shocked American allies and overruled his advisers, including Mattis, upon announcing a withdrawal from Syria. In the process, Trump declared victory over the Islamic State, even though the Pentagon and State Department for months have been saying the fight against the group in Syria isn’t over.

Trump also ordered the Pentagon, against Mattis's recommendation, to come up with a plan to withdraw approximately half of the American troops deployed to Afghanistan, a move that military officials have warned could plunge the nation into chaos.

The discord, coupled with an array of other disagreements, caused Trump to lose a respected Cabinet official who won widespread praise at home and abroad but who experienced increasing differences with a commander in chief known for his skepticism of American allies and military operations overseas.

Long seen as a bulwark against Trump's isolationist impulses and more extreme proposals, Mattis served as a calm "reassurer-in-chief" as the president sent out startling and provocative tweets. His departure prompted a chorus of concern about the president's temperament and decision-making processes and injected new uncertainty into the administration's approach to global threats.

Mattis pointed to some of his differences with Trump in a parting letter he submitted to the White House on Thursday, which marked the first resignation of a Cabinet official in the Trump administration over a matter of principle that exploded into public view.

The retired general emphasized that the United States derives its strength from its relationships with allies and should treat them with respect. He said the country must also be “clear-eyed” about threats, including from groups such as the Islamic State.

“We must do everything possible to advance an international order that is most conducive to our security, prosperity and values, and we are strengthened in this effort by the solidarity of our alliances,” Mattis wrote. He did not offer any praise of Trump in the letter.

The defense secretary resigned during what one senior administration official described as a disagreement in the Oval Office on Thursday afternoon, in which Mattis sought to persuade the president to stand down on the Syria withdrawal but was rejected.

Trump was later given a copy of the resignation letter and noted to aides that it was not positive toward him. By then, the president had shocked the Pentagon by filming a video on the White House lawn in which he claimed the Islamic State had been defeated and said U.S. troops who had died in combat would be proud to see their fellow service members return home.

While the Syria announcement looked poised to score political points domestically, Mattis and other top advisers suspect that it will deliver a win to Russia, Iran and Syrian leader Bashar al-Assad, while risking a resurgence of the Islamic State.

Mattis also has argued against drawing down troops from Afghanistan, which Trump is leaning toward executing in the coming months, according to administration officials. Senior administration officials

executing in the coming months, according to administration officials. Senior administration officials said late Thursday that Trump had ordered the military to come up with a plan to remove approximately 7,000 of the 14,000 U.S. troops deployed to the country, after a 17-year war, starting as early as January.

The Pentagon released the resignation letter moments after Trump announced on Twitter that Mattis would be leaving, saying the already retired Marine would "retire." Trump made no mention of his differences in opinion with Mattis.

"General Jim Mattis will be retiring, with distinction, at the end of February, after having served my Administration as Secretary of Defense for the past two years," Trump wrote. "During Jim's tenure, tremendous progress has been made, especially with respect to the purchase of new fighting equipment. General Mattis was a great help to me in getting allies and other countries to pay their share of military obligations. A new Secretary of Defense will be named shortly. I greatly thank Jim for his service!"

During his nearly two years at the Pentagon, Mattis secured sizable increases in defense spending after years of budget caps and oversaw the development of a new strategy that began orienting the military toward competition with China and Russia and away from combating extremist insurgencies in the Middle East.

A staunch Russia hawk, Mattis bristled at the president's conciliatory gestures toward Russian President Vladimir Putin and comments that undermined NATO, according to people close to him. Russia and China "want to shape a world consistent with their authoritarian model," Mattis underscored in his resignation letter.

Moscow and Beijing are looking for "veto authority over other nations' economic, diplomatic and security decisions," he said, warning the president that the United States must "use all the tools of American power to provide for the common defense."

Lawmakers, ambassadors and policymakers for two years have looked to Mattis as a source of stability in a chaotic administration. His sudden resignation on Thursday sent jitters through a Washington establishment already coping with a meltdown in the financial markets and a possible government shutdown.

House Minority Leader Nancy Pelosi (D-Calif.) said she was “shaken” by the resignation and described it as “very serious for our country.”

Republicans were also dismayed by the decision.

Sen. Ben Sasse (R-Neb.) said it was “a sad day for America because Secretary Mattis was giving advice the president needs to hear.”

Senate Majority Leader Mitch McConnell (R-Ky.) said the United States must maintain its carefully built alliances and a clear understanding of its friends and foes, recognizing that nations such as Russia are among the latter.

“I was sorry to learn that Secretary Mattis, who shares those clear principles, will soon depart the administration,” McConnell said in a statement. “But I am particularly distressed that he is resigning due to sharp differences with the president on these and other key aspects of America’s global leadership.”

Known as the “Warrior Monk” from his days in uniform, Mattis developed a reputation as a cerebral thinker in the Marine Corps who liked to deliberate, read and study all possibilities before making important decisions.

That style clashed with the most freewheeling presidential administration in the postwar era, most notably this week, when Trump decided to withdraw from Syria without first running an in-depth policy process that would consider the options and ramifications.

Mattis’s frustrations grew with the arrival of national security adviser John Bolton, who curbed decision-making meetings and interagency policy discussions that the defense secretary valued, according to people familiar with the matter.

The final rupture between the defense secretary and the president came after weeks of tensions over Trump’s broadsides against allies, his demands to withdraw from military entanglements in the Middle East and personnel decisions.

Mattis told one confidante last month that he wasn’t going to leave because he had too many changes to make at the Defense Department, particularly on personnel.

But the defense secretary lost the most crucial battle on that front this month when the president disregarded his recommendation to make Air Force Chief of Staff Gen. David Goldfein the next

chairman of the Joint Chiefs of Staff and instead chose Army Chief of Staff Gen. Mark A. Milley.

The person close to Mattis said that choice was particularly offensive to the defense secretary.

“It’s the one major selection the secretary of defense usually gets,” the person said, who like others spoke on the condition of anonymity to discuss the defense secretary’s private views. “And the president totally overruled him.”

It wasn’t the first time. The president announced the creation of a Space Force as a separate branch of the military, even though Mattis had opposed the idea. Trump forced his defense secretary to scramble after announcing by tweet a ban on transgender service members from serving in the military. Trump also foisted other initiatives on Mattis that the defense secretary didn’t see as particularly important, from a deployment to the U.S. border with Mexico to a military parade that failed to materialize.

According to people in the White House, Trump didn’t consider Mattis to be fully on board with some of his key initiatives. Mattis expressed skepticism over the prospects of nuclear disarmament negotiations with North Korea and bristled at the president’s decision to suspend certain military exercises with South Korea as a goodwill gesture. Trump told advisers that he trusted Secretary of State Mike Pompeo, who has led the North Korea negotiations, more than he trusted Mattis.

From the start, Trump and Mattis displayed starkly different attitudes toward long-standing American alliances. Trump threw Starburst candies on the table in front of German Chancellor Angela Merkel and berated British Prime Minister Theresa May; Mattis flew around the world thanking such allies for their contributions to American security.

Several possible replacements for Mattis this week decried the president's decision to pull out of Syria, and the Senate may prove hesitant to confirm a replacement who would execute such a withdrawal. Retired Army Gen. Jack Keane called the move a "strategic mistake" on Twitter. Republican Sens. Lindsey O. Graham (R-S.C.) and Tom Cotton (R-Ark.) signed a letter demanding that Trump reconsider, warning that the withdrawal bolsters Iran and Russia. Speculation began that Trump might reach outside the world of retired generals and politicians and seek someone from the defense industry.

With a career shaped by the wars following the 9/11 attacks, Mattis caught Trump's eye shortly after the presidential election in 2016. Revealing his choice for Pentagon chief, Trump hailed the retired general as "Mad Dog," a nickname Mattis earned — but detested — for his conduct in battle.

In the weeks leading up to Mattis's dismissal, Trump publicly called the defense secretary "sort of a Democrat" and began referring to him as "Moderate Dog."

Pentagon officials downplayed accounts of friction between Mattis and the White House as speculation grew that Mattis would join other national security leaders, including Secretary of State Rex Tillerson and Lt. Gen. H.R. McMaster, Trump's former national security adviser, who left their posts abruptly amid reports of distance from the president. Fellow retired Marine Gen. John F. Kelly, the White House chief of staff, is also leaving the administration, bringing an end to an era when Trump relied heavily on retired military brass.

In recent months, media accounts described the secretary quietly challenging or setting aside requests from the White House, even from the president himself, further fueling speculation about a possible departure.

The departure of Mattis is likely to be greeted with mixed feelings among some in uniform, many of whom revered him as a straight-talking commander with deep knowledge of military affairs. Still, service members are prohibited from speaking negatively of Trump or other senior leaders.

Retired Sgt. Maj. Carlton Kent, Mattis's top enlisted Marine when the two were deployed in Iraq, said Thursday night that his phone has been "ringing off the hook" because service members and veterans wanted to talk about the departure.

"They were concerned that he was the right man for the right job, and now he's transitioning," Kent said. "They thought he was leading the department in the right direction. And it was combat-hardened warriors saying that, people who have witnessed him in combat."

Dan Lamothe contributed to this report.

EXHIBIT 6

(Declaration of Benjamin Wittes)

LAWFARE

Executive Branch

The Situation: 100 Days, 100 Acts of Menace and Inanity

Benjamin Wittes

Thursday, May 1, 2025, 5:55 PM

An impressionistic painting.

The Situation on Monday decried administration policy toward Ukraine and Russia.

Today, I want to mark the first 100 days of the Trump administration with 100 actions by the president or his minions on each of those days. It's a timeline of executive actions of sorts of the Trump second term so far—necessarily incomplete, as each day, however action packed, gets only a single line item. The goal is not a comprehensive sense of the first hundred days. It is, rather, a kind of impressionistic painting of them.

1. Jan. 20—A proclamation granting pardons and commutations to all Jan. 6 insurrectionists and other criminals, including those convicted of seditious conspiracy and assaulting police officers.
2. Jan. 21—An executive order ordering a halt to all government DEI programs.
3. Jan. 22—The Trump administration threatens that federal workers, the New York Times reports, would face "'adverse consequences' if they fail to report on colleagues who defy orders to purge diversity, equity and inclusion efforts from their agencies."
4. Jan. 23—A federal judge in Seattle blocks President Trump's executive order to end birthright citizenship.
5. Jan. 24—The State Department begins freezing most foreign aid, under an executive order from Jan. 20.
6. Jan. 25—Trump fires inspectors general from more than a dozen federal agencies effective immediately, notwithstanding a 2022 law that requires that he give Congress 30 days notice and state his reasons for doing so.
7. Jan. 26—Trump announces he wants to "clean out" the Gaza Strip of its population either temporarily or permanently.
8. Jan. 27—An executive order declaring that "It is the policy of the United States Government to establish high standards for troop readiness, lethality,

cohesion, honesty, humility, uniformity, and integrity. This policy is inconsistent with the medical, surgical, and mental health constraints on individuals with gender dysphoria. This policy is also inconsistent with shifting pronoun usage or use of pronouns that inaccurately reflect an individual's sex."

9. Jan. 28—The administration offers to buy out federal workers in an email ordering them to resign or return to in-person work full-time.
10. Jan. 29—A memo to the secretary of defense and the secretary of homeland security instructing them to " to take all appropriate actions to expand the Migrant Operations Center at Naval Station Guantanamo Bay to full capacity to provide additional detention space for high-priority criminal aliens unlawfully present in the United States, and to address attendant immigration enforcement needs identified by the Department of Defense and the Department of Homeland Security."
11. Jan. 30—Following a plane crash over the Potomac River in Washington D.C., the president orders "An Immediate Assessment of Aviation Safety."
12. Jan. 31—An executive order entitled "Unleashing Prosperity Through Deregulation"—which makes no reference to aviation safety.
13. Feb. 1—An order imposing tariffs on Canada in order to stem the flow of fentanyl across the northern border, across which virtually no fentanyl flows. Separate orders also impose tariffs on Mexico and China.
14. Feb. 2—The New York Times reports that Treasury "Secretary Scott Bessent has given access to the federal government's payment system to representatives of the Department of Government Efficiency (DOGE)."
15. Feb. 3—Trump delays the tariffs on Mexico and Canada after token concessions for 30 days.
16. Feb. 4—A memorandum directing the national security staff to impose "Maximum Pressure on the Government of the Islamic Republic of Iran, Denying Iran All Paths to a Nuclear Weapon, and Countering Iran's Malign Influence."
17. Feb. 5—The acting deputy attorney general, Emil Bove, accuses the acting director of the FBI, Brian Driscoll, and his deputy of "insubordination" following their resistance to identifying FBI agents who investigated the Jan. 6 attacks.
18. Feb. 6—The administration informs USAID leadership that it is laying off nearly all of the agency's staff.
19. Feb. 7—An order "Addressing the Egregious Actions of the Republic of South Africa" against Afrikaners: "The Secretary of State and the Secretary of Homeland Security shall take appropriate steps, consistent with law, to prioritize humanitarian relief, including admission and resettlement through the United States Refugee Admissions Program, for Afrikaners in South Africa who are victims of unjust racial discrimination."

20. Feb. 8—A Truth Social post: “Crooked Joe's MANDATE, ‘NO PLASTIC STRAWS, ONLY PAPER,’ IS DEAD! Enjoy your next drink without a straw that disgustingly dissolves in your mouth!!!”
21. Feb. 9—A proclamation declares the day, “Gulf of America Day,” noting that, “I call upon public officials and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.”
22. Feb. 10—A proclamation imposes new tariffs on steel.
23. Feb. 11—A proclamation imposes new tariffs on aluminum.
24. Feb. 12—A call with President Vladimir Putin of Russia.
25. Feb. 13—Interim U.S. attorney in New York Danielle Sassoon resigns rather than drop the criminal case against New York Mayor Eric Adams, as she has been ordered by Acting Deputy Attorney General Emil Bove. Others in her office resign as well.
26. Feb. 14—Vice President J.D. Vance, speaking at the Munich Security Conference, tells European democracies to stop shunning Nazis: “what no democracy, American, German, or European, will survive is telling millions of voters that their thoughts and concerns, their aspirations, their pleas for relief are invalid or unworthy of even being considered. Democracy rests on the sacred principle that the voice of the people matters. There’s no room for firewalls. You either uphold the principle or you don’t. Europeans, the people, have a voice. European leaders have a choice. And my strong belief is that we do not need to be afraid of the future. You can embrace what your people tell you, even when it’s surprising, even when you don’t agree.”
27. Feb. 15—A post on Truth Social, Trump wrote, quoting Napoleon: “He who saves his Country does not violate any Law.”
28. Feb. 16—The Wall Street Journal publishes the resignation letter of Hagen Scotten, one of the Eric Adams prosecutors who resigned following the order to drop the case against the mayor. “No system of ordered liberty can allow the Government to use the carrot of dismissing charges, or the stick of threatening to bring them again, to induce an elected official to support its policy objectives. . . . I can . . . understand how a Chief Executive whose background is in business and politics might see the contemplated dismissal-with-leverage as a good, if distasteful, deal. But any assistant U.S. attorney would know that our laws and traditions do not allow using the prosecutorial power to influence other citizens, much less elected officials, in this way. If no lawyer within earshot of the President is willing to give him that advice, then I expect you will eventually find someone who is enough of a fool, or enough of a coward, to file your motion. But it was never going to be me.”
29. Feb. 17—Multiple Justice Department officials resign over the Adams case.
30. Feb. 18—Russian and American senior officials meet in Saudi Arabia. The New York Times reports: “The United States and Russia moved toward a

head-spinning reset of their relationship on Tuesday, agreeing to work together on ending the Ukraine war, financial investment and re-establishing normal relations. The meeting between senior officials from both countries was a striking display of bonhomie after three years of American efforts to isolate Moscow for its 2022 invasion."

31. Feb. 19—A Truth Social post calls Ukrainian President Volodymyr Zelensky "a dictator without elections" one day after saying that Ukraine started the war.
32. Feb. 20—The Justice Department dismantles its operations to counter malign foreign influence, reassigning or removing key staff.
33. Feb. 21—Chairman of Joint Chiefs of Staff Gen. Charles Q. Brown, Jr. is fired.
34. Feb 22—FBI Director Kash Patel is selected to also be acting director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.
35. Feb. 23—Right-wing podcaster and media personality Dan Bongino named Deputy FBI Director in Truth Social post.
36. Feb. 24—Office of Personnel Management tells federal employees that responding to the DOGE's email asking each employee to name five things they accomplished last week was "voluntary." HHS tells workers they should assume their responses are being read by malign foreign actors.
37. Feb. 25—Executive order suspends "active security clearances held by Peter Koski and all members, partners, and employees of Covington & Burling LLP who assisted former Special Counsel Jack Smith during his time as Special Counsel." It also orders termination of any government business with the firm, which represents Smith.
38. Feb. 26—A child in Texas dies of measles.
39. Feb. 27—Hundreds of workers at the National Oceanic and Atmospheric Administration and its National Weather Service are fired.
40. Feb. 28—Oval office meeting in which the president and vice president berate Ukrainian President Volodymyr Zelensky.
41. March 1—Executive order designating English as the country's official language.
42. March 2—Truth Social post: "We should spend less time worrying about Putin, and more time worrying about migrant rape gangs, drug lords, murderers, and people from mental institutions entering our Country - So that we don't end up like Europe!"
43. March 3—U.S. pauses all military aid to Ukraine.
44. March 4—Fentanyl tariffs against Canada and Mexico go into effect. Canada and Mexico retaliate. China also retaliates against tariffs directed at China.
45. March 5—Automakers are exempted from some tariffs. Most Canada and Mexico tariffs are suspended the following day.
46. March 6—Executive order targeting the law firm of Perkins Coie.

47. March 7—White House cancels $400 million in grants to Columbia University.
48. March 8—Mahmoud Khalil, a Columbia University graduate student and lawful permanent resident, is detained by ICE in front of his 8-months-pregnant wife after Secretary of State Marco Rubio declares Khalil's anti-Israel protest activities hostile to the foreign policy of the United States.
49. March 9—Proclamation declares the day to be "U.S. Hostage and Wrongful Detainee Day" and notes that "Today, we solemnly stand with every American being held hostage or wrongfully detained and their families who are enduring bitter uncertainty."
50. March 10—Truth Social post boasts: "Following my previously signed Executive Orders, ICE proudly apprehended and detained Mahmoud Khalil, a Radical Foreign Pro-Hamas Student on the campus of Columbia University. This is the first arrest of many to come. We know there are more students at Columbia and other Universities across the Country who have engaged in pro-terrorist, anti-Semitic, anti-American activity, and the Trump Administration will not tolerate it. Many are not students, they are paid agitators. We will find, apprehend, and deport these terrorist sympathizers from our country — never to return again. If you support terrorism, including the slaughtering of innocent men, women, and children, your presence is contrary to our national and foreign policy interests, and you are not welcome here. We expect every one of America's Colleges and Universities to comply. Thank you!"
51. March 11—Ukraine backs U.S. 30-day ceasefire proposal, and Trump lifts suspension of military aid and intelligence sharing.
52. March 12—Judge Beryl Howell in Washington grants a temporary restraining order to Perkins Coie, which had sued the previous day to enjoin the March 6 executive order.
53. March 13—A Truth Social post alleges that "The European Union, one of the most hostile and abusive taxing and tariffing authorities in the World . . . was formed for the sole purpose of taking advantage of the United States."
54. March 14—Executive order targeting the law firm of Paul Weiss.
55. March 15—Three planes fly more than 200 migrants, mostly Venezuelan, to El Salvador for detention despite a judge's order that planes carrying deportees under the Alien Enemies Act turn around. A proclamation invoking the Alien Enemies Act is not signed until after the migrants are already rounded up for the flights.
56. March 16—The White House denies flouting the court order.
57. March 17—A Truth Social post declares that "April 2nd [will be] Liberation Day for America, because we will start taking back some of the vast wealth that has been taken from us due to the many weak, incompetent, and perhaps even dishonest politicians who have represented us in the past!"

58. March 18—Truth Social posts attack Judge James Boasberg, who issued the order purporting to turn the plans around: "If a President doesn't have the right to throw murderers, and other criminals, out of our Country because a Radical Left Lunatic Judge wants to assume the role of President, then our Country is in very big trouble, and destined to fail!"
59. March 19—Trump speaks by phone with Ukrainian President Zelensky for the first time since their disastrous Oval Office meeting. By accounts from both leaders, the call goes well.
60. March 20—Executive order purports to shutter the Department of Education.
61. March 21—Executive order rescinding the March 14 order concerning Paul Weiss, after the firm capitulates to Trump's demands: "Paul Weiss indicated that it will engage in a remarkable change of course. Specifically, Paul Weiss has acknowledged the wrongdoing of its former partner Mark Pomerantz, and it has agreed to a number of policy changes to promote equality, justice, and the principles that keep our Nation strong, including: adopting a policy of political neutrality with respect to client selection and attorney hiring; taking on a wide range of pro bono matters representing the full political spectrum; committing to merit-based hiring, promotion, and retention, instead of "diversity, equity, and inclusion" policies; dedicating the equivalent of $40 million in pro bono legal services during my term in office to support causes including assisting our Nation's veterans, fairness in the justice system, and combating anti-Semitism; and other similar initiatives." The same day, Columbia University capitulates to Trump's demands in the face of grants cutoff.
62. March 22—Presidential memorandum cutting off security clearances and access to classified information for "Antony Blinken, Jacob Sullivan, Lisa Monaco, Mark Zaid, Norman Eisen, Letitia James, Alvin Bragg, Andrew Weissmann, Hillary Clinton, Elizabeth Cheney, Kamala Harris, Adam Kinzinger, Fiona Hill, Alexander Vindman, Joseph R. Biden Jr., and any other member of Joseph R. Biden Jr.'s family."
63. March 23—A Truth Social post complains about Trump's official portrait in the Colorado state Senate: "Nobody likes a bad picture or painting of themselves, but the one in Colorado, in the State Capitol, put up by the Governor, along with all other Presidents, was purposefully distorted to a level that even I, perhaps, have never seen before. The artist also did President Obama, and he looks wonderful, but the one on me is truly the worst. She must have lost her talent as she got older. In any event, I would much prefer not having a picture than having this one, but many people from Colorado have called and written to complain. In fact, they are actually angry about it! I am speaking on their behalf to the Radical Left Governor, Jared Polis, who is extremely weak on Crime, in particular with respect to Tren de

Aragua, which practically took over Aurora (Don't worry, we saved it!), to take it down. Jared should be ashamed of himself!"

64. March 24—Alina Habba, one of the president's personal lawyers and television spokespeople, is named acting U.S. attorney in New Jersey.
65. March 25—After his national security team shares attack plans in Yemen with Atlantic editor Jeffrey Goldberg, the president stands by his team and blames Goldberg. Executive order targeting the law firm of Jenner & Block.
66. March 26—Order imposing 25 percent tariffs on imported cars and car parts.
67. March 27—Executive order targeting the law firm of Wilmer Hale.
68. March 28—Both Jenner & Block and Wilmer Hale obtain temporary restraining orders against the executive orders directed at them.
69. March 29—Phone interview with NBC in which the president says he is committed to obtaining Greenland and doesn't rule out the use of military force to do so.
70. March 30—Truth Social post attacking Judge Boasberg: "People are shocked by what is going on with the Court System. I was elected for many reasons, but a principal one was LAW AND ORDER, a big part of which is QUICKLY removing a vast Criminal Network of individuals, who came into our Country through the Crooked Joe Biden Open Borders Policy! These are dangerous and violent people, who kill, maim and, in many other ways, harm the people of our Country. The Voters want them OUT, and said so in Record Numbers. If it was up to District Judge Boasberg and other Radical Left Judges, nobody would be removed, the President wouldn't be allowed to do his job, and people's lives would be devastated all throughout our Country. MAKE AMERICA GREAT AGAIN!"
71. March 31—Truth Social post thanks El Salvadoran President Nayib Bukele for taking migrant deportees from the United States and keeping them locked up: "Thank you President Bukele, of El Salvador, for taking the criminals that were so stupidly allowed, by the Crooked Joe Biden Administration, to enter our Country, and giving them such a wonderful place to live!"
72. April 1—The law firm of Willkie Farr & Gallagher becomes the next firm to capitulate to Trump's demands to avoid an executive order. A Truth Social post boasts that Wilkie Farr "will provide a total of at least $100 Million Dollars in pro bono Legal Services, during the Trump Administration, and beyond, to causes that President Trump and Willkie both support."
73. April 2—Liberation Day!
74. April 3—As the stock market plummets, a proclamation declares April, and I swear I am not making this up, "National Sexual Assault Awareness and Prevention Month": "One of the leading causes of sexual violence over the last 4 years has been the invasion of illegal aliens at our southern border. In

a treasonous act of betrayal against the American people, the previous administration unleashed an army of gangs and criminal aliens from the darkest and most dangerous corners of the world — causing a dramatic increase of sexual violence in our neighborhoods and communities."

75. April 4—Executive order extends the TikTok enforcement delay announced on Jan. 20 notwithstanding a clear statutory requirement that TikTok be divested by its Chinese parent company or be removed from app stores: "In light of this direction, even after the expiration of the above-specified period, the Department of Justice shall not take any action to enforce the Act or impose any penalties against any entity for any conduct that occurred during the above-specified period or any period prior to the issuance of this order."
76. April 5—As China retaliates for Liberation Day sanctions, a Truth Social post declares: "China has been hit much harder than the USA, not even close. They, and many other nations, have treated us unsustainably badly. We have been the dumb and helpless "whipping post," but not any longer. We are bringing back jobs and businesses like never before. Already, more than FIVE TRILLION DOLLARS OF INVESTMENT, and rising fast! THIS IS AN ECONOMIC REVOLUTION, AND WE WILL WIN. HANG TOUGH, it won't be easy, but the end result will be historic. We will, MAKE AMERICA GREAT AGAIN!!!"
77. April 6—The president declares aboard Air Force One that he would be "very happy" if El Salvador could put U.S. citizens in its mega-prisons. "If they can house these horrible criminals for a lot less money than it costs us, I'm all for it, but I'd only do it according to the law."
78. April 7—The president declares that "We're having direct talks with Iran, and they've started. It'll go on Saturday. We have a very big meeting, and we'll see what can happen."
79. April 8—Following a unanimous Supreme Court decision saying the administration could not deport Venezuelans to El Salvador under the Alien Enemies Act without giving them a opportunity for judicial review, a Truth Social post announced: "Last month, we officially designated Tren de Aragua, MS-13 and the Mexican drug cartels as foreign terrorist organizations—and thanks to the Supreme Court yesterday...we will continue to deport these monsters under the Alien Enemies Act…"
80. April 9—Liberation Day tariffs for countries other than China put on hold for 90 days.
81. April 10—The Supreme Court unanimously affirms a lower court order "requir[ing] the Government to 'facilitate' [Kilmar] Abrego Garcia's release from custody in El Salvador and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador." Abrego Garcia

was deported on one of the March 15 flights in what the government conceded to be an error.

82. April 11—Presidential memorandum ordering that the military have access to federal lands in order to effectuate "the military missions of repelling the invasion and sealing the United States southern border from unlawful entry to maintain the sovereignty, territorial integrity, and security of the United States."
83. April 12—Tariff reprieves for smartphones and computers and other electronics.
84. April 13—Russian forces bomb the Ukrainian city of Sumy on Palm Sunday, killing at least 34 people. Comments to reporters on Air Force One: "I think it was terrible. And I was told they made a mistake. But I think it's a horrible thing. I think the whole war is a horrible thing. I think, for that war to have started, is an abuse of power. This country would have never allowed that war to have started if I were president. That war is a shame."
85. April 14—The administration freezes $2.2 billion in grants to Harvard University after Harvard refuses to capitulate to administration demands affecting all aspects of university administration.
86. April 15—A Truth Social post muses: "Perhaps Harvard should lose its Tax Exempt Status and be Taxed as a Political Entity if it keeps pushing political, ideological, and terrorist inspired/supporting 'Sickness?' Remember, Tax Exempt Status is totally contingent on acting in the PUBLIC INTEREST!"
87. April 16—Judge Boasberg rules, one month after the March 15 flights to El Salvador, that "the Government's actions on that day demonstrate a willful disregard for [the court's] Order, sufficient for the Court to conclude that probable cause exists to find the Government in criminal contempt."
88. April 17—Sen. Chris Van Hollen meets with Kilmar Abrego Garcia in San Salvador, a few days after Presidents Trump and Bukele in the Oval Office mock the court orders requiring his release and return to the United States.
89. April 18—A Truth Social post says that "Senator Chris Van Hollen of Maryland looked like a fool yesterday standing in El Salvador begging for attention from the Fake News Media, or anyone. GRANDSTANDER!!!"
90. April 19—In a court order at 1:00 am, the Supreme Court orders a halt to deportations under the Alien Enemies Act: "The Government is directed not to remove any member of the putative class of detainees from the United States until further order of this Court."
91. April 20—On Easter Sunday, Vice President J.D. Vance meets with Pope Francis, who promptly dies.
92. April 21—Responding to Secretary of Defense Pete Hegseth's second Signal chat group discussing attack plans with people not cleared to receive classified information, the president describes the flap as a "waste of time"

and says that Hegseth's "doing a great job—ask the Houthis how he's doing." Not a single Houthi could be reached for comment.

93. April 22—One day after Harvard sues over the grant freeze, the White House declares that the "gravy train of federal assistance" is coming to an end.
94. April 23—Executive order targets "foreign influence at American Universities": "It is the policy of my Administration to end the secrecy surrounding foreign funds in American educational institutions, protect the marketplace of ideas from propaganda sponsored by foreign governments, and safeguard America's students and research from foreign exploitation."
95. April 24—Presidential memorandum targeting Democratic fundraising powerhouse Act Blue: "I direct the Attorney General, in consultation with the Secretary of the Treasury, to use all lawful authority, as necessary, to investigate allegations regarding the unlawful use of online fundraising platforms to make "straw" or "dummy" contributions or foreign contributions to political candidates and committees, and to take all appropriate actions to enforce the law."
96. April 25—FBI agents arrest a Milwaukee judge after she allegedly helped an undocumented migrant try to evade ICE arrest.
97. April 26—Presidents Trump and Zelensky meet at Pope Francis's funeral, the same as which a Truth Social post complains: "No matter what deal I make with respect to Russia/Ukraine, no matter how good it is, even if it's the greatest deal ever made, The Failing New York Times will speak BADLY of it. Liddle' Peter Baker, the very biased and untalented writer for The Times, followed his Editor's demands and wrote that Ukraine should get back territory, including, I suppose, Crimea, and other ridiculous requests, in order to stop the killing that is worse than anything since World War II. Why doesn't this lightweight reporter say that it was Obama who made it possible for Russia to steal Crimea from Ukraine without even a shot being fired. It was also Liddle' Peter who wrote an absolutely fawning, yet terribly written Biography, on Obama. It was a JOKE! Did Baker ever criticize the Obama Crimea Giveaway? NO, not once, only TRUMP, and I've had nothing to do with this stupid war, other than early on, when I gave Ukraine Javelins, and Obama gave them sheets. This is Sleepy Joe Biden's War, not mine. It was a loser from day one, and should have never happened, and wouldn't have happened if I were President at the time. I'm just trying to clean up the mess that was left to me by Obama and Biden, and what a mess it is. With all of that being said, there was no reason for Putin to be shooting missiles into civilian areas, cities and towns, over the last few days. It makes me think that maybe he doesn't want to stop the war, he's just tapping me along, and has to be dealt with differently, through 'Banking' or 'Secondary Sanctions?' Too many people are dying!!!"

98. April 27–A Truth Social post declares: “Hopefully ACTBLUE, the Democrats ILLEGAL SCAM used to raise money, including from not allowed “foreign contributions,” is being looked at by authorities. The Dems only know how to win by CHEATING, something which they do better than any group or party in history. But now, with their terrible policies and candidates, and with people like Crooked Adam Schiff, who demanded a full Pardon from Sleepy Joe, leading the way, it is almost impossible to reach their money goals. The USA is wise to these scoundrels and crooks. Also, why did the Auto Pen give Schiff a Pardon? Biden knew nothing about it. Who operated the Auto Pen? That is the biggest question being asked in D.C. They almost destroyed our Country. They should all be in jail!!!”
99. April 28–Executive order targeting sanctuary cities: “some State and local officials nevertheless continue to use their authority to violate, obstruct, and defy the enforcement of Federal immigration laws. This is a lawless insurrection against the supremacy of Federal law and the Federal Government’s obligation to defend the territorial sovereignty of the United States. Beyond the intolerable national security risks, such nullification efforts often violate Federal criminal laws. . . . Some measures to assist illegal aliens also necessarily violate Federal laws prohibiting discrimination against Americans in favor of illegal aliens and protecting Americans’ civil rights.”
100. April 29—Sen. Lindsey Graham tweets: “I was excited to hear that President Trump is open to the idea of being the next Pope. This would truly be a dark horse candidate, but I would ask the papal conclave and Catholic faithful to keep an open mind about this possibility! The first Pope-U.S. President combination has many upsides. Watching for white smoke…. Trump MMXXVIII!”



Benjamin Wittes

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Read More

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EXHIBIT 7

(Declaration of Benjamin Wittes)

Trump Says Call With Putin Is Beginning of Ukraine Peace Negotiations

Among the topics the leaders discussed in their first confirmed conversation of President Trump's second term was ending the war in Ukraine, he said.

Listen · 8:37 min





By Maggie Haberman, Zolan Kanno-Youngs and Anton Troianovski

Feb. 12, 2025

President Trump said on Wednesday that he had a "lengthy and highly productive phone call" with President Vladimir V. Putin of Russia, characterizing it as the beginning of a negotiation to end the war in Ukraine.

It was the first confirmed conversation between the two men during Mr. Trump's second term, coming as Mr. Trump has made clear to advisers that finding a U.S.-backed end to a war that Russia began is a priority for his administration.

"We each talked about the strengths of our respective Nations, and the great benefit that we will someday have in working together," Mr. Trump wrote in a social media post. "But first, as we both agreed, we want to stop the millions of deaths taking place in the War with Russia/Ukraine." (An estimated several hundred thousand deaths have occurred in the conflict, not millions.)

For Mr. Putin, the call was a major milestone, signifying the collapse of Western efforts to isolate him diplomatically after he invaded Ukraine nearly three years ago. Ever since Mr. Trump's re-election in November, the Russian president has

heaped praise on Mr. Trump, underlining the Kremlin's hope that the new American leader could reshape Moscow's relationship with Washington and back away from supporting Ukraine.

The conversation between the two presidents came a day after Russia agreed to release an imprisoned American teacher in exchange for the United States returning a convicted cybercriminal to Russia.

Mr. Trump, for whom fear of a nuclear war dates back decades, has long sought a better relationship with Russia. At a summit with Mr. Putin in Helsinki, Finland, in his first term, Mr. Trump accepted Mr. Putin's statement that Russia did not interfere in the election he had won, a view that contradicted the assessment of U.S. intelligence officials.

Mr. Trump campaigned last year on a pledge to settle the war in Ukraine in "24 hours," a hyperbolic description of his own deal-making skills that nonetheless underscored how important achieving a peace agreement was to him.

Sign up to get Maggie Haberman's articles emailed to you. Maggie Haberman is a White House correspondent reporting on President Trump. Get it sent to your inbox.

His announcement of a plan to work with Russia on a cease-fire comes amid fears in Ukraine that Mr. Putin and Mr. Trump would forge a close relationship that would push Ukraine to the sidelines in any peace talks.

After speaking to Mr. Trump on Wednesday, President Volodymyr Zelensky of Ukraine emphasized that he would be part of the process, writing on social media that he and the U.S. president were "charting our next steps to stop Russian aggression and ensure a lasting, reliable peace. As President Trump said, 'Let's get it done.'"

Mr. Trump said his conversation with Mr. Zelensky "went very well."

“He, like President Putin, wants to make PEACE,” Mr. Trump wrote in a post, adding that an initial meeting would be held on Friday in Munich, with a delegation led by Vice President JD Vance and Secretary of State Marco Rubio.

Mr. Trump did not elaborate on how Mr. Zelensky would factor into the discussions that he and Mr. Putin were setting in motion. Mr. Trump has long been skeptical of Ukraine and has never warmed to Mr. Zelensky.

The Kremlin’s spokesman, Dmitri S. Peskov, told reporters that Mr. Putin’s call with Mr. Trump lasted almost an hour and a half.

He said that the two men agreed to hold a personal meeting and that Mr. Putin invited Mr. Trump to visit Moscow, something that Mr. Trump also alluded to in his social media post. Mr. Putin agreed with Mr. Trump that “the time has come for our countries to work together,” Mr. Peskov said.

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On Ukraine, Mr. Putin told Mr. Trump of “the need to eliminate the root causes of the conflict,” Mr. Peskov said. That was a sign that the Russian president would not accept a simple cease-fire in Ukraine and would seek broader concessions from Ukraine and the West before he stopped fighting.

The Ukrainians appear to be facing an effort in which they have little leverage. The call between Mr. Putin and Mr. Trump came on the same day that Defense Secretary Pete Hegseth, speaking at the NATO headquarters in Brussels, said that it was an “unrealistic” objective for Ukraine to restore its borders as they were before 2014, when Russia annexed Crimea. Mr. Hegseth added that the United States did not support Ukraine’s desire to join NATO as part of a realistic peace plan.

Mr. Hegseth also suggested that Europe needed to assume a greater role in its own defense, echoing a point that Mr. Trump has made for many years.

Mr. Trump echoed his defense secretary later on Wednesday, telling reporters that "it's unlikely" that Ukraine would return to its pre-2014 borders. "They took a lot of land and they fought for that land," he said. The president then added that he thought that "some of it will come back." Mr. Trump also said he thought that future NATO membership for Ukraine was not "practical."

But Mr. Trump also said that he intended to continue sending financial support to Ukraine, adding that he wanted it "secured." "If we didn't do that, Putin would say he won," Mr. Trump said, in the clearest indication he has given that he recognizes that the aid is leverage in acquiring a deal.

Mr. Trump said he did not believe that Mr. Hegseth's comment's undermined negotiations with Russia. "I'm backing Ukraine," Mr. Trump said from the White House.

After his call on Wednesday with Mr. Trump, Mr. Zelensky wrote on social media that they discussed a plan that would secure continued U.S. support in exchange for access to Ukrainian natural resources and the "preparation of a new document on security, economic cooperation, and resource partnership."

The United Nations said on Wednesday that it welcomed any efforts leading to peace talks between Russia and Ukraine.

"We would appreciate any efforts to resolve the war in Ukraine that would involve the Russian and Ukrainian sides, so obviously if both of them are willing to be involved in the process, that would be a welcome development," said Farhan Haq, a U.N. spokesman.

After a meeting of European foreign ministers in Paris on Wednesday, the French Foreign Ministry said the participants — France, Germany, Poland, Italy, Spain, Britain, Ukraine and the European Union — were prepared to increase support for Ukraine "in the face of Russia's war of aggression."

"We are looking forward to discussing the way ahead together with our American allies," the ministry said in a statement. "Our shared objectives should be to put Ukraine in a position of strength. Ukraine and Europe must be part of any

negotiations. Ukraine should be provided with strong security guarantees. A just and lasting peace in Ukraine is a necessary condition for a strong trans-Atlantic security."

Mr. Trump wrote in his social media post that the U.S. negotiating team would include Mr. Rubio; John Ratcliffe, the C.I.A. director; Mr. Trump's national security adviser, Michael Waltz; and his Middle East envoy, Steve Witkoff. Mr. Witkoff was in Moscow this week and retrieved the American schoolteacher Marc Fogel, who was imprisoned for more than three years in Russia.

Mr. Trump did not mention Keith Kellogg, the retired general he had named as his envoy for Russia and Ukraine. Mr. Kellogg has generally taken a more aggressive posture toward Russia than some of Mr. Trump's informal advisers, and he recently suggested that Mr. Trump could increase sanctions against Russia to force it toward a peace deal.

When asked why Mr. Kellogg was not named as part of the negotiating team, the White House press secretary, Karoline Leavitt, told reporters on Wednesday that he remained "a critical part of this team and this effort" and that he was still "very much" a part of the administration.

Mr. Trump has repeatedly refused to say whether he had spoken to Mr. Putin before Wednesday, although several people who would know of such a call in the U.S. government were not aware of one, according to people briefed on the president's conversations.

Mr. Trump has often made admiring remarks about the Russian president, whom he called a "genius" after the full-scale invasion of Ukraine in 2022. But in the first week of Mr. Trump's second term, he was more critical, saying Mr. Putin should not have invaded.

"He can't be thrilled, he's not doing so well," Mr. Trump told reporters in the Oval Office hours after he was inaugurated last month. "Russia is bigger, they have more soldiers to lose, but that's no way to run a country."

Farnaz Fassihi, Julian E. Barnes, Maria Varenikova and Aurelien Breeden contributed reporting.

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A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: A Call With Putin Spawns Peace Talks, Trump Says

EXHIBIT 8

(Declaration of Benjamin Wittes)

LAWFARE

The Situation: Meanwhile

Benjamin Wittes

Tuesday, March 17, 2026, 6:04 PM

Some things happened.

The Situation on Sunday commented on the shocking paucity of detail or evidence in the government's effort to issue subpoenas to the Federal Reserve Board—a paucity that grew more dramatic when the government filed a five-page motion for reconsideration in Chief Judge James Boasberg's court.

Meanwhile, the United States proceeded with its war against Iran. And the president threatened European countries that they'd better join in or NATO was in trouble. And yet the European countries in question seemed oddly unmoved.

And so the president cast his wandering eye on Cuba. It's close by, after all, and Iran turns out to be complicated. And Cuba is more like Venezuela—being close by and Spanish speaking—than is Iran. Iran, as we have all learned, is far far away and Farsi-speaking.

And meanwhile, while nobody was looking, Pakistan conducted airstrikes on Kabul and seems to have killed a lot of people.

And meanwhile, while everyone was looking, the Israelis claimed they killed the *de facto* Iranian leader, Ali Larijani—a claim the Iranian government has now confirmed.

And, as you know, the Oscars were awarded, and a lot of people got dressed up in formal wear and made speeches.

And there were storms in Washington, D.C. that fell somewhat short of catastrophic, as weather in Washington tends to do.

And Ric Grenell lost his job running the Kennedy Center into the ground.

And Peter Thiel gave lectures about the Antichrist near the Vatican.

And Joe Kent, the head of the National Counterterrorism Center, became the first administration official to resign in protest over the Iran war.

And a meteor exploded over Cleveland—because it was the time in this particular drama when a meteor should for some reason explode over Cleveland.

And the Supreme Court agreed to hear cases on whether the president can terminate temporary protective status for Syrians and Haitians.

And a federal judge in Boston blocked the administration's changes to the country's immunization schedule for children.

And meanwhile, the president outed a member of Congress for having a terminal illness. And the president's chief of staff outed herself for having breast cancer.

And the guy charged with planting bombs at the DNC and RNC headquarters back in January of 2021 claimed that he is covered by the president's Jan. 6 pardon.

And the Department of Homeland Security remains unfunded. And nobody seems to care except for the many employees of the Department of Homeland Security who are not getting paid.

And, as I write this column, U.S. District Judge Royce C. Lamberth finds the shutdown of the Voice of America unlawful and orders 1,000 of its employees reinstated.

And I know what you're thinking. You're thinking: What does any of this have to do with Judge Boasberg, or Jeanine Pirro, or the subpoenas to the Fed?

And you're thinking: Hold on hoss. You can't make a column out of a series of events bound together by nothing more than their having appeared prominently in major newspapers in close proximity in time to the Boasberg-Pirro spat, when some of those events have nothing to do with The Situation or the rule of law at all but involve third party wars, the weather, or even random astronomical events.

And if that's what you're thinking, you are very much wrong. Because I can make a column out of such a list.

The very essence of The Situation is a bewildering, disorienting blizzard of stuff being thrown at you all at once. Yes, it's flooding the zone with shit, but it's not all shit. Some of it is war and death and some of it is illegal stuff, and some of it is policy craziness, and some of it you can't even tell if it's related to The Situation at all. And some of it is other actors doing other-actor things. And some of it is the weather. And some of it is a meteor blowing up over Cleveland. And it all happens at the same time.

And so you experience the news as a kind of panic attack, a breathless list of things that are happening that may or may not be connected, but they—individually and collectively—make you breathe faster, make your pulse race. And critically, they make you angry.

And depending on who you are, they may make you angry at different people. You might be angry at the president. You might be angry at the Israelis. You might be angry at the president's enemies or those Europeans who seem strangely unmoved by the president's demands that they get involved in his war. Or you might be mad at the media, for hyping the storm that fell somewhat short of apocalyptic. But you're mad at somebody about something. Because in The Situation, you're always mad at somebody about something. Because that is part of the experience of The Situation.

And part of the reason you're angry is that you know it will continue tomorrow—because knowing that The Situation continues tomorrow is also part of the essence of The Situation. It doesn't stop. The torrent, the blizzard, the unending stream of bullshit—some of it trivial (who cares if Grenell lost his job?), some of it deadly serious—didn't start yesterday or the day before or the day before that, and it won't end today or tomorrow or the day after that.

The list of meanwhiles has no beginning and no end.

The Situation continues tomorrow—because of course it does.



Benjamin Wittes

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Read More →

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EXHIBIT 9

(Declaration of Benjamin Wittes)

Trump Hits Out at Allies After Cool Response to Requests for Warships

Australia, Germany and Japan said they weren't planning to participate in efforts to reopen the Strait of Hormuz. President Trump said his call for help was really a loyalty test.

Listen · 8:15 min



By Anton Troianovski, Erica L. Green, David E. Sanger and Aaron Boxerman

March 16, 2026

President Trump on Monday disparaged American allies who have responded coolly to, or outright rebuffed, his call to send warships to escort merchant vessels in and out of the Persian Gulf, complaining that the United States had been defending other countries for decades.

"You mean for 40 years we're protecting you, and you don't want to get involved in something that's very minor?" Mr. Trump said, speaking about the war at a White House event with the board of the John F. Kennedy Center for the Performing Arts.

He went on to say, "We don't need anybody; we're the strongest nation in the world," adding that his request for international help to reopen the Strait of Hormuz was really a loyalty test for U.S. allies.

"I'm almost doing it in some cases not because we need them, but because I want to find out how they react," he said.

Before his comments, top officials of Germany, Japan, Italy and Australia had said on Monday that their countries would not participate in efforts to reopen the Strait of Hormuz, a conduit for around a fifth of the world's oil shipments. Other nations,

including France, Britain and South Korea, were noncommittal.

As Iran blockades most ship traffic through the strait, Mr. Trump's appeal for an international naval escort, which he issued on Saturday, was the first time he sounded eager to build a broad coalition against Iran. But he was asking for backup from allies who had not been consulted ahead of the U.S.-Israeli decision to begin bombing Iran last month, and who have been mocked by Mr. Trump in the past.

The sharpest refusal came from Germany, whose defense minister, Boris Pistorius, said on Monday, "This is not our war; we did not start it." He added, "We want diplomatic solutions and a swift end to the conflict, but sending more warships to the region will likely not help achieve that."



Tankers sailing in the Gulf near the United Arab Emirates last week. Reuters

Britain's prime minister, Keir Starmer, said that his government was working with allies on a plan to reopen the strait. But he did not say if Britain would send warships to the Persian Gulf and vowed that it would not be "drawn into wider war."

Prime Minister Sanae Takaichi of Japan told Parliament on Monday that her country had no plans to send its navy to the Persian Gulf. And Catherine King, Australia's transport minister, told her country's national broadcast service, "We know how incredibly important that is, but that's not something that we've been asked or that we're contributing to."

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Despite those comments, Mr. Trump said that "numerous countries have told me that they're on the way." Asked to name them, he replied, "I'd rather not say yet, but we'll be announcing them."

The U.S.-Israeli war on Iran, now in its third week, has killed more than 2,000 people, mostly in Iran and Lebanon, and has drawn in much of the Middle East, as Iran has launched rockets and drones at neighboring countries and at ships in the Gulf. Global energy prices have skyrocketed with tanker traffic all but stopped through the Strait of Hormuz.

The United States appears to have been unprepared for the extent of Iran's retaliation and the need to protect ships in the strait, which also carry fertilizer and other products that help fuel the global economy. Mr. Trump has been pressuring NATO to help, with a sharp warning.

"If there's no response, or if it's a negative response, I think it will be very bad for the future of NATO," Mr. Trump told The Financial Times on Sunday. A NATO official said, "We are aware that individual allies are talking with the U.S. and others on what more they might do, including in the context of security in the Strait of Hormuz."

Mr. Trump called on China to send naval escorts, too, but Beijing has little incentive to cooperate; Iran, which sells oil to China, is letting its ships pass safely. Mr. Trump said on Monday that he would ask to postpone for a month a summit with Xi Jinping, China's leader, which was expected to start on March 31 in Beijing.

“Because of the war, I have to be here,” Mr. Trump said.

There are no signs that the conflict is easing.

Brig. Gen. Effie Defrin, the chief Israeli military spokesman, said on Monday that Israeli ground forces had expanded their presence in southern Lebanon to more than 15 different areas, adding to fears that Israel could launch a wider invasion as it fights Hezbollah, the Iranian-backed militia, which has been firing rockets into Israel in solidarity with Tehran.



Firefighters working at the site of a Hezbollah strike in the northern Israeli city of Nahariya on Monday. Odd Andersen/Agence France-Presse — Getty Images

More than 800,000 people in Lebanon have fled their homes, particularly in the country’s south.

Some Lebanese living in border villages are worried that Israel could occupy southern Lebanon, much as it did from 1982 to 2000, when the Israeli prime minister, Ehud Barak, withdrew his country’s troops and declared, “This 18-year tragedy is over.”

“I feel like this is preparation for an occupation, and I’m afraid history will repeat itself,” said Iman Ibrahim, 30, who fled her Lebanese village, Blida, when the war between Hezbollah and Israel escalated this month. “Everything we used to hear from our grandparents about occupation, we’re living it now.”

The Israeli military has already issued sweeping evacuation orders for much of southern Lebanon, stretching as far as 25 miles from the Israeli border. On Monday, Lt. Col. Nadav Shoshani, an Israeli military spokesman, said that the Israeli military was prepared for at least three more weeks of military operations and “even more if we need to.”

In a strongly worded joint statement on Monday, the leaders of Britain, Canada, France, Germany and Italy urged Israeli and Lebanese leaders to negotiate a political solution to the conflict with Hezbollah.

“A significant Israeli ground offensive would have devastating humanitarian consequences and could lead to a protracted conflict,” the statement said. “It must be averted. The humanitarian situation in Lebanon, including ongoing mass displacement, is already deeply alarming.”

Germany, one of Israel’s closest allies, also warned on Monday that an Israeli ground offensive in Lebanon could lead to worsening humanitarian conditions. Germany is urging its “Israeli friends not to go down this path, and we are in contact with them to convey this message,” Stefan Kornelius, a German government spokesman, said at a news conference in Berlin.

Israeli leaders have not ruled out negotiations but have signaled that the military must keep striking targets in Lebanon. “I believe the next step will be talks, but first we have to degrade the capabilities of Hezbollah,” Israel’s ambassador to the United Nations, Danny Danon, said on Monday.



Displaced people in Beirut, Lebanon, on Monday. Diego Ibarra Sanchez for The New York Times

The Israeli police reported on Monday that interceptor and missile fragments from a barrage of Iranian missiles had fallen in Jerusalem near the holy sites of Al Aqsa and the Church of the Holy Sepulcher as well as in the Jewish Quarter. At least one person had minor injuries, Magen David Adom, Israel's rescue service, said.

In the United Arab Emirates, a drone crashed near Dubai International Airport on Monday, damaging a fuel tank, sparking a fire and forcing the airport to briefly suspend flights, officials said. In Iran, airstrikes knocked out power to parts of Tehran for several hours, according to Iranian media reports, Iran's Red Crescent Society and several residents.

Mr. Trump, who has offered several goals for the war, on Monday returned to the topic of stopping Iran from obtaining a nuclear weapon with some of his strongest language yet.

"You can't let the most violent, vicious country in the last 50 years have a nuclear weapon, because the Middle East will be gone," he said. "Israel will go first without question, and they'll certainly take a shot at us before we get our act together."

The comments were notable because Mr. Trump is considering a risky operation to send forces into Isfahan, a city of two million people in the center of Iran, to recover 970 pounds of near-bomb-grade uranium.

Reporting was contributed by Christina Goldbaum, Dayana Iwaza, Johnatan Reiss, Ravi Mattu, Nick Cumming-Bruce, Farnaz Fassihi and Michael Levenson.

Anton Troianovski writes about American foreign policy and national security for The Times from Washington. He was previously a foreign correspondent based in Moscow and Berlin.

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Aaron Boxerman is a Times reporter covering Israel and Gaza. He is based in Jerusalem.

A version of this article appears in print on , Section A, Page 7 of the New York edition with the headline: Trump Faults Allies Over Their Lukewarm Responses to Securing Strait

EXHIBIT 10

(Declaration of Benjamin Wittes)

NEWS ANALYSIS

Trump's Next Target: 'Taking Cuba'

Still at war with Iran and in control in Venezuela, President Trump is signaling that he is about to intervene in another country.

Listen · 5:10 min



By Jack Nicas
Jack Nicas is a lead correspondent covering Latin America.

March 17, 2026

"I do believe I'll be having the honor of taking Cuba," President Trump told reporters in the Oval Office on Monday.

"Taking Cuba in some form, yeah," he added when a reporter asked for clarification. "Taking Cuba. I mean, whether I free it, take it — I think I could do anything I want with it, if you want to know the truth."

Even by Mr. Trump's precedent-shattering standards for speaking his mind as the U.S. president, his comments were a stunning insight into his perceptions of his power and its lack of limits.

There have been 13 U.S. presidents since Fidel Castro took power in Cuba, all with their own complicated and often contentious relationship with the Communist-ruled island. But none has so publicly pondered seizing control of the nation, until now. And after Mr. Trump's military attacks in Venezuela and Iran this year, his comments may not simply be off-the-cuff musings.

Instead, the remarks seem to suggest that Mr. Trump is pushing toward a third consecutive attempt to behead a foreign government, perhaps before the year finishes its first quarter.

“I am holding Cuba,” he said on Sunday aboard Air Force One, adding, “We will pretty soon make a deal or do whatever we have to do.” But he also made the sequencing clear: “We’re going to do Iran before Cuba.”

In reality, the Trump administration is already engaging on both. Since January, the United States has established what amounts to an oil blockade on Cuba, threatening other countries if they provide oil to the island and even taking military action. Last month, a U.S. Coast Guard vessel intercepted a tanker full of crude oil from Colombia en route to Cuba.

As a result, Cuba has not received any significant oil or fuel shipments since Jan. 9, creating a rapidly escalating crisis on the island. Gasoline sold on the black market has soared to about $35 a gallon and the electricity is failing almost every day, including a nationwide blackout on Monday. Surgeries are being delayed, medicine is running out, and food insecurity is increasing.

That has backed Cuba’s leadership into a corner.

"I do believe I'll be having the honor of taking Cuba," President Trump told reporters in the Oval Office on Monday. Doug Mills/The New York Times

President Miguel Díaz-Canel delivered a national address last week that acknowledged for the first time that Cuba was talking to the United States and would soon begin opening its economy.

At the same time, the Trump administration was making clear to Cuba that Mr. Díaz-Canel must go, The Times reported on Monday. So far, the White House is not pushing for action against the Castro family, which remains in power behind the scenes. That is in line with the Trump administration's preference for regime compliance, versus regime change, as seen in Venezuela.

Russia has signaled it is prepared to back Cuba, its longtime ally, if necessary. A Kremlin spokesman said on Tuesday that Russian and Cuban officials were in close contact about the crisis.

On Monday night, Cuba's economic czar, Oscar Pérez-Oliva Fraga, announced a series of changes to allow Cubans abroad to invest, bank and do business in Cuba, a potentially major shift in policy that the Cuban diaspora has long been seeking.

In one sign of the pressure that Cuba is under to make such changes, Mr. Pérez-Oliva Fraga made the announcement over the radio. He had been scheduled to speak on television, but the power grid — which runs largely on oil — was still out. By 7 a.m. local time on Tuesday, the Cuban government said nearly 70 percent of Havana, the capital, was still without power.

The potential of an economic reopening of Cuba is not lost on Mr. Trump. A real estate mogul with a long interest in South Florida and the Caribbean, Mr. Trump has long coveted the island.



Havana on Monday, when Cuba experienced a widespread power outage. Yamil Lage/Agence France-Presse — Getty Images

In 1998, a company he controlled secretly hired consultants to visit Cuba to explore its potential, a trip that might have violated the U.S. embargo on Cuba, according to a 2016 investigation by Newsweek. In 2011 and 2012, Trump Organization executives visited Cuba scouting for a golf course, Bloomberg reported in 2016.

While on the campaign trail in 2016, Mr. Trump repeatedly said he would like to do business there. “Cuba would be a good opportunity for investment,” he told a Miami news station that year. “I think probably the time’s not right.”

Now he is suggesting the timing might be near. “They’re talking to us. It’s a failed nation. They have no money. They have no oil. They have no nothing,” he said in the Oval Office on Monday.

Then he had another thought. “They have nice land. They have nice landscape,” he said, adding, “I think Cuba, in its own way, tourism and everything else, it’s a beautiful island, great weather.”

But then he revealed the geographical and meteorological limits to his knowledge. “They’re not in a hurricane zone, which is nice for a change, you know?” he said. That, of course, is like saying it doesn’t snow in Buffalo.

Mr. Trump, however, already seemed to be thinking in the context of Cuba as American property: “They won’t be asking us for money for hurricanes every week.”

Jack Nicas is The Times’s Mexico City bureau chief, leading coverage of Mexico, Central America and the Caribbean.

A version of this article appears in print on , Section A, Page 5 of the New York edition with the headline: Venezuela. Iran. Now Cuba Tops Trump’s List.

EXHIBIT 11

(Declaration of Benjamin Wittes)

Courts & Litigation | Executive Branch

Lawfare Daily: The Trials of the Trump Administration, July 17

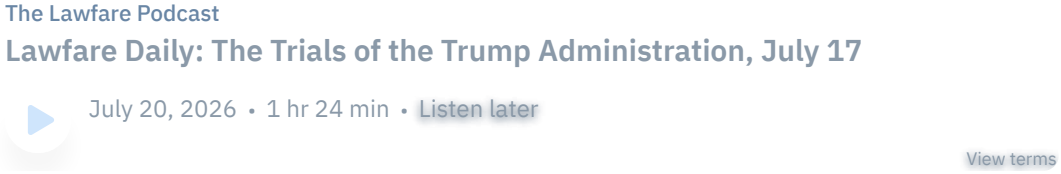
Benjamin Wittes, Anna Bower, Eric Columbus, Molly Roberts, Roger Parloff

Monday, July 20, 2026, 7:00 AM

Listen to the July 17 livestream as a podcast.

In a live conversation on YouTube, *Lawfare* Editor in Chief Benjamin Wittes sat down with Senior Editors Eric Columbus, Anna Bower, Molly Roberts, and Roger Parloff to discuss the confirmation hearing for acting Attorney General Todd Blanche, subpoenas sent to New York Times reporters, a judicial opinion voiding President Trump's settlement with the IRS, and more.

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▼ **Transcript**

Benjamin Wittes: It is Friday, the 17th day of July in 2026, and you are watching *Lawfare Live*: The Trials and Tribulations of the Trump Administration. I'm Benjamin Wittes, editor-in-chief of *Lawfare*, and I am here with four separate *Lawfare* senior editors. In reverse alphabetical order, Molly Roberts, Roger Parloff,

Eric Columbus, and Anna Bower. And the trials over the last week have been trialing and the tribulations have been tribulating, and for none more than Todd Blanche, and we're gonna get to Mr. Blanche in a minute.

But before we do, we're gonna pause a minute, moment over Donald Trump's speech last night which was not all it was cracked up to be, but it still was a thing. We did a whole separate *Lawfare Live* on it this morning, so, we're gonna be very brief on this. But, Anna, I know what Molly made of it because I've done not one, but two livestreams with Molly today about it. What did you make of it?

Anna Bower: I thought that it was kind of a no- I mean, I, I haven't listened to the livestreams that we've done today on it, but I felt that it was a bit of a big nothing burger, Ben. The, there was so much hype in the lead-up to, to this speech and it was a lot of recycled information and it also was a lot of information, including in this document release as well, of, of things that don't provide any support for the idea that American elections were interfered, were actually interfered with.

You know, it's things like there are vulnerabilities, but there's no actual, you know, e- evidence of there being, the, the fact that those vulnerabilities were actually exploited. But, you know, curious for thoughts from Molly more specifically on whether I'm right about this being a big dud.

Molly Roberts: Oh, I think you're 100% right on it being a big dud. I mean, certainly you're right on the documents not supporting what they claim that they support. A lot of times the file name of the document when you go into these zipped folders makes it seem like it's gonna say something a lot worse than what the document actually says. So, it's certainly selective declassification at its finest or least fine or whatever. So I agree with you on that.

Actually, kind of what I thought was, you know, they bill this primetime speech and everybody tunes in and is waiting to see what happens, and nothing much happens. But then today, what Markwayne Mullin said, which got a lot less hype in the lead-up, was much more alarming, which was he threatened to prosecute top election officials who don't run their voter rolls through SAVE even though courts have blocked SAVE, and also, weird. Like, you're the DHS secretary, what are you doing?

Benjamin Wittes: Yeah, can I-

Molly Roberts: But also, yeah.

Benjamin Wittes: Can I just pause a moment and ask what authority the DHS secretary has to prosecute people?

Molly Roberts: I don't believe that that's in his remit.

Benjamin Wittes: So, do, do you understand him to have been ignorantly threatening to do something that he, in fact, has no authority whatsoever to do? Or do you understand this to be an attempted power grab by the DHS secretary

and sort of a coup against the attorney general?

Molly Roberts: I mean, great question. I wasn't really sure whether he was kind of just getting out ahead of his skis and it's something that the administration plans to signal more broadly not coming from the Department of Homeland Security. But the fact that he was the one who said it first I thought was extremely alarming, because I'm certainly worried by the kind of degree to which ICE resembles a paramilitary force under the president's personal control.

So I don't have a definitive answer for you. I felt the optics of it were really scary. He also threatened to withhold grants from those who don't scrub their voting machines, which is more something that DHS can do.

Anna Bower: Well, wasn't there-

Eric Columbus: I mean-

Anna Bower: Also an, an, a moment, perhaps I'm misremembering I was trying to pull up the transcript, but wasn't there also a moment in Trump's speech where he directs, I believe it was ODNI, to criminally charge people, which is similarly, you know, is not the office that criminally charges people.

Eric Columbus: He said that, really?

Anna Bower: Am I correct about that, or am I misremembering?

Molly Roberts: He, he directs, he directs a bunch of agencies to look into the coverup. I don't know that he said, and. ODNI specifically, or some intelligence agency, like, without the power to prosecute specifically, should do the prosecution. But he named a number of agencies, including ODNI, and said he wanted them to look into the coverup. The “coverup” in, in quotation marks, in giant blaring quotation marks.

Benjamin Wittes: Eric?

Eric Columbus: Yeah, I was gonna say re- regarding Mullin, I mean, I, I did not get the sense that he was choosing his words too carefully. I, I think he was kind of just indicating that if you're not playing nice with DHS, y- you, state leaders could be subject to fines, and then he said, "And even prison time."

So I, you know, he's a guy who likes to talk tough, and I wouldn't necessarily read this as an indication of administration policy. But equally obviously it's not, it's not, it doesn't mean that they're not gonna try to do anything just because-

Benjamin Wittes: Right.

Eric Columbus: He said they would.

Anna Bower: Just a brief correction on my part. Trump, in his speech, says, "I'm asking the Office of the Director of National Intelligence, the Department of Justice, the FBI, and the CIA to investigate you know, and, and where appropriate, to file criminal charges." So, my apologies for misremembering. He does include the FBI and the Department of Justice in that statement.

Benjamin Wittes: All right. Let us turntTo the aforementioned acting Attorney General Todd Blanche, who while the Secretary of Homeland Security was launching a coup against him, perhaps unknowingly this week he was on Capitol Hill testifying to get the permanent job. Anna, how'd he do?

Anna Bower: Well, Ben, to my mind, I, I think that he did better than, than Pam Bondi's recent appearances before various congressional committees in that he was much more measured.

Benjamin Wittes: Talk about damning with faint praise.

Anna Bower: He-

Benjamin Wittes: Better than Pam Bondi.

Anna Bower: He managed to get all the way through this hearing without, you know, yelling at members of the Senate. And he also did not mention the Dow being over 50-thou one time. So, to, to that extent, it was a success. I- Eric, you watched it as well. What, what was your take?

Eric Columbus: Yeah, I mean, he's, he, he, he comes across as much more professional than, than Pam Bon- unlike some prosecutors, he is skilled at being on the receiving end of, of questions as well. And he's very, you know, he's very good at slicing things finely, which is a good skill to have when you are testifying before Congress because your interlocutors are often not as adept a- as, as you are in, in these arts.

Like he was asked about during, he said, "Well, you know, in these, these lawsuits for voter rolls, they're trying to get the unredacted state voter rolls, to have any judges agreed with DOJ's position." And he said, "Well, they've agreed with some of our positions." Which is technically true. There were a bunch of arguments raised against DOJ, and some judges, in the course of ruling against DOJ-

Benjamin Wittes: Right, accept some portion of their argument.

Eric Columbus: Yes. And, and so there was some kind of nice sleight of hands with that. He was pressed a lot about the, anti-weaponization fund, which he, he kept saying was dead. And, and then there's a question like, "Well, why don't you do something or put forth a piece of paper saying that it's dead?" And he, you know, he didn't really have great responses for that.

He said, "Well, the reason we're not doing it in court is because w- it's not appropriate to have a cabinet secretary submit declarations for... It's not appropriate for a, a judge to force a cabinet secretary to input decla- put in declarations." He seemed open to the idea that there could be congressional language to finally kill the fund, but it's, it, it, it's not clear whether that was actually willingness on his part or just kind of wanting to kind of play nice to Congress and kick the ball down the road.

He said a couple times that, that, that Trump would not, that he would not do anything illegal or unethical and that Trump would never ask him to, to do that, which I found rather amusing. I'm not sure if anyone else in the room found it amusing. They kept it to themselves.

And I, I don't, there wasn't really a huge amount of, of interest. There was a lot of discuss- and, oh, another, another interest- interesting moment of, of just kind of slicing things a little bit finely, he was asked whether, by Cory Booker from New Jersey, whether he, whether Blanche had ordered the arrest of I, I believe it was the of Mayor Baraka of, of Newark and who, who was arrested and, and then charges were dropped against the mayor for his participation in a protest yeah, outside of a detention facility, a state detention facility that is leased by ICE.

And Blanche said, "Well, no, I did not order his arrest. I just authorized it," which was interesting. Apparently, I think, I think there needs to be some type of high-level approval of an arrest of a, a public official, and he apparently gave that approval. And so in his mind, that was not ordering it, but he was just authorizing it.

He also said, which is interesting and maybe I think for the first time, that he was asked, you know, again and again, "Do you believe a January 6th attacker or someone who actually hurt people should get money under the Anti-Weaponization Fund?" And Blanche said, "Well, you know, if the, if there had been parameters set up under that fund, that such a person would, would likely not recover. And but it's not gonna happen anyway."

And this was a question from Senator Padilla who then asked a, I, I thought it was a very good question. He said, "Well, can you, I wanna make clear that they can't recover under the Federal Tort Claims Act. Would you support that?" And then Blanche kind of hedges this and says, "Well, you're talking about a statute that exists," blah, blah, blah, and eventually they move on to something else.

And, but this is something that Anna and I wrote an article about, about how even with the weapon- weaponiz- Anti-Weaponization Fund, even if it is well and truly dead, they can basically still accomplish most of, if they actually want to pay off all their, their buddies in in malefactors, they could do that using existing law, the Federal Tort Claims Act.

Benjamin Wittes: Just sue and settle, right?

Eric Columbus: Basically, yeah.

Benjamin Wittes: Yeah.

Eric Columbus: And,

Benjamin Wittes: All right, so-

Eric Columbus: Then there was... Sorry, go. You, you, you do the segue.

Benjamin Wittes: No, go ahead.

Eric Columbus: No, I was, I was just do the segue to, to Grassley and Jack Smith, which was also the subject of a lot of questions and-

Benjamin Wittes: Wait, wait, wait, wait, wait. We're not done with Mr. Blanche yet.

Eric Columbus: Okay.

Benjamin Wittes: Yep, so I, Roger has a question before I do.

Roger Parloff: Yeah, for Eric or Anna, 'cause I didn't watch all the testimony, and I, I saw, on TV afterwards you know, I saw excerpts of questions about the anti-weaponization fund, maybe 'cause it, it was one of the things Cornyn was asking about. But how much attention did the tax waiver part of it get? Which, you know, as far, it, they are not pret- claiming is over, and you know, comes pretty close, raises a lot of criminal questions.

Eric Columbus: What do you mean by criminal questions?

Roger Parloff: A- a- a- about whether there was criminal conduct. I mean, the asking the IRS to-

Eric Columbus: Oh.

Roger Parloff: Maybe-

Eric Columbus: That part was, I, it, it, it came up I think a couple of times. That part was no one said, "Did you, are you engaged in criminal conduct by, by setting this up?" Blanche noted correctly that this does not immunize Trump as to future conduct. It only immunizes him from audits from, for past filings by the-

Roger Parloff: Only immunizes him for the $100 million audit that was pending.

Eric Columbus: Exactly, yeah. And y- they, they kind of- i- it was a little bit frustrating to me that they d- and they talked about kind of the legal aspect of it. But no one asked what, what seemed to me a, a rather simple and obvious question. Like, whatever would make you think that someone whose tax returns were leaked, why in the world would you, a- and who sues you by that, a- a- under that and-

Benjamin Wittes: All right, Eric, we're getting a lot of noise on your line. Anna Hickey, can you work with Eric to make that work? And we're going to, we will come back to Eric when when we can hear him.

In the meantime, Anna Bower let's talk about Chuck Grassley, who says that he has received records from the Justice Department that prove that Jack Smith's team reviewed the contents, not just the metadata associated with congressional text messages. Now, I distinctly recall you and me talking about Jack Smith's testimony where he said, "I only got the m- you know, the metadata, the use of this." So did Jack Smith commit perjury, or is Chuck Grassley going beyond the facts here?

Anna Bower: Jack Smith very obviously did not commit perjury i- in, in the in this exchange that many members of Congress are now encouraging an investigation under the allegation that Jack Smith committed perjury because Jack Smith was asked in this deposition before Congress that you know, w- w- did you receive the content of congressional communications from these toll records that you requested? Now, Ben, do you know what toll records are?

Benjamin Wittes: Well, toll records would be the billing records of who called whom when, and they by definition do not contain contents. They just contain the to and from and the time of the call and the duration of the call. And so if he received contents, it wouldn't have been from the toll records. He would've had to get it from somewhere else, presumably with a search warrant.

Anna Bower: Right, and remember, the toll records are specifically in this question what he's asked about. He's asked if in the toll records he received the content of the communications. Toll records are by definition non-content.

Benjamin Wittes: Right. It's like-

Anna Bower: It's just who called who.

Benjamin Wittes: It’s like in the poem, did you read a novel?

Anna Bower: Yeah. Right. Right. So he's asked about this and he says, "No we didn't, you know, receive the contents of these communications in the toll records."

Now fast-forward to on the eve of Todd Blanche's confirmation hearing, Grassley sends out this thing about these communications and this letter the Justice Department sent him in which they, they reveal that at one point Smith's team reviewed the contents of the contents of text messages that were between White House officials and members of Congress. These are messages that Jack Smith's team got from NARA that were of White House officials- texting with people, and it just happened to include some of them were members of Congress.

Benjamin Wittes: So NARA here is the National Archive.

Anna Bower: Yeah.

Benjamin Wittes: And so I take it what happens is these are government records, right?

Anna Bower: Right.

Benjamin Wittes: Because you're using a government phone, so you send text messages, and then the National Archive gets those when the administration leaves office. You don't need a warrant as the government to get your own records. Right. So you get records of the text messages, and they just happen to be texting with members of Congress, so there's some incidental collection of content that's generated by members of Congress. Is there noth- is that it?

Anna Bower: That's, that's what, as I understand it, that is it, but it has led to this allegation that Jack Smith committed perjury. Josh Hawley, Mike Lee, people like that have been now calling for an investigation. There's even a question there were multiple questions during Blanche's confirmation hearing about this. Blanche ended up saying, you know, they're looking into it, essentially.

But it all seemed to be, you know, timed to kind of, provide fodder for some type of distraction you know, either in advance of or, or during Blanche's confirmation hearing. That, that's my take on it. Roger people who watched, you know, do you, do you have anything else to add? Am I missing anything here? No.

Benjamin Wittes: And what, and with respect to, to Blanche, did you get any sense that that there are going to be or may be Republican defections on Blanche, or is this just gonna be one of those party line or near party line things?

Anna Bower: So my understanding, and, and look, I, I'm not a congressional reporter, so I, I, this is not, this is just based on, you know, reading the people who are the congressional reporters who, who are, you know, talking to sources about this. My sense from both the public hearing and then also from reading those reports, is that even the people who had expressed some hesitation you know, about the Anti-Weaponization Fund, about Blanche's position, you know, people like Thom Tillis, Blanche's position on January 6th pardons, you know, the Epstein files stuff, he-

Benjamin Wittes: Sea shells indictments-

Anna Bower: Yeah.

Benjamin Wittes: Serial indictments of Letitia James. A dismissal of a case for vindictive prosecution because of the conduct of, among other people, Todd Blanche. The entire history of the behavior of Blanche's principal deputy- or s- principal associate Emil Bove. I mean, it's not like it's a short record

Anna Bower: No, it's not like it's a short record, but I'm, I'm pointing to specific things that some p- you know, Republican members of Congress have, have pointed to as kind of their red line or their areas of concern. Specifically the Anti-Weaponization Fund and specif- specifically, you know, the January 6th pardons for people who assaulted cops.

And it seems like there's not going to be... Like, it, it seems like that was all kind of just you know, "I'm concerned" political rhetoric as opposed to a real kind of red line. Because if, if it, it, you know, if that's really a red line, I, I don't know that Todd Blanche's statements during this hearing about, for example, Anti-Weaponization Fund really did not do much to dispel concerns that at some point, you know, Trump's team could go and, and seek to enforce this settlement, that meaning his personal lawyers.

He r- again, kind of, really skirted this question of whether he would rescind whe- whether he'd be willing to rescind his orders in writing. You know, stuff like that, that if you were really concerned about the Anti-Weaponization Fund, you would think that would be kind of a, a hard line for you. But as, as far as I can tell, it doesn't seem like people, you know, who, who professed concern, I believe like Thom Tillis, like people like that, it doesn't seem like that's kind of moving the needle for them at all.

Benjamin Wittes: Do you have the impression that there were any likely Republican defections on, on the the talented Mr. Blanche?

Eric Columbus: I think Cornyn would be the only possibility. It, it's, it would, if I had to bet, I would say Cornyn would, would vote for him. I think Tillis was, was drawing a line, a hard line on, on Blanche's willingness to meet with the survivors of Jeffrey Epstein, and, which Blanche apparently did yesterday.

Benjamin Wittes: After saying it would be inappropriate.

Eric Columbus: After saying it would be inappropriate because they were represented by counsel, to which the obvious-

Benjamin Wittes: Right.

Eric Columbus: Response is, well, so when you talk to their counsel and then if your coun- the counsel says sure, then you can do it

Benjamin Wittes: Well, I'm represented by counsel too, so I, I, I don't think it's appropriate for Todd Blanche to meet with me. All right. Eric, we have a very important question about Todd Blanche, which is, does it matter if he gets confirmed since he seems like he's gonna stay in the acting attorney general role anyway?

Eric Columbus: As a legal matter, it probably does not matter. The, he is, the, the Attorney General Succession Act says that if there's a vacancy then the deputy attorney general may exercise all the duties of that office, and there's no time limit in there. And so he could, you know, probably stay there as long as he wants.

And, and, and this is not really a, a, unlike many Trump legal puzzles we have a recent precedent that is not from the last Trump administration. It's from something more recent. It's from the Biden administration when the labor secretary resigned in March 2023, and the deputy labor secretary became the acting secretary via a similar statute.

Biden nominated her for the job. It was clear that she didn't have the votes. It became clear after a few months 'cause Manchin and Sinema opposed her and as did all the Republicans. And so Biden just kept her there. Just, she was just the acting labor secretary in Julie Su, and she was there for nearly two years until Biden Biden's term end, and she was dubbed “Biden's forever nominee.” And Todd, that could be Todd Blanche's situation if it becomes clear that he does not have the votes.

Benjamin Wittes: All right. Well, since it doesn't seem to matter whether he gets confirmed or not, perhaps we should move on and talk about something else.

Eric Columbus: Before we do, I just wanna say that, just wanna plug that I wrote an article about what I just said, so I was not just making it up on the spot. And you can read it. It's called “The Unbearable Lightness of the Todd Blanche Confirmation Fight,” and I was, I was proud of that title.

Benjamin Wittes: Indeed. All right. Meanwhile, while, while, while Todd Blanche was getting relatively kid hand kid gloves treatment from the Judiciary Committee, he was subpoenaing New York Times reporters just to create a record for the Judiciary Committee to ignore. Roger, what is this about? And what do I have to do to get a subpoena to testify about my reporting on Qatari jets?

Roger Parloff: Yeah. So, on July 8th, The Times did a story by Tyler Pager Julian Barnes, Eric Schmidt, no, I mean, Mike Schmidt and Eric Lipton. Trump had flown into Turkey on the Qatari or, or Qatari emolument jet, the Air Force- the new Air Force One.

And, but when he flew to England afterwards Mildenhall, England, he took the Air Force the old Air Force One. And so reporters asked him about that, and he gave really fishy answers. And you know, like, "Well, they wanted to show the big one to the troops in England."

And, and at the same time when they pressed him, he, he, he said, "Well, it's not about, I- long story short, the, the reporting was that there, it lacked an advanced missile sys- de- defense system that the older plane had, that they hadn't yet

retrofitted it with those, and, and because of the threats created by the Iran situation the Secret Service asked him to take the old plane.

Benjamin Wittes: And, and just to be clear, Roger, when you fly, would you ever fly without an advanced anti-missile system?

Roger Parloff: Well, in, in fairness I, I wouldn't if I had a plane that had them already.

Benjamin Wittes: Okay. But, and like, faced with a choice-

Roger Parloff: Yeah.

Benjamin Wittes: With, I, I think what Trump described as "luxuries like no one's ever seen before" in one plane, or an advanced anti-missile system in the other plane, which do you go with, putting Secret Service advice aside for a second?

Roger Parloff: Well, yeah, I would take the advanced missile system. But, but actually, from England back to the U.S., he took the cushy train- plane. Yeah. He was out, out of range, I guess, of Iranian missiles and decided to get back on the, the Qatari jet.

So, on July 10th, apparently three of the New York Times reporters received subpoenas. The New York Times has now said that apparently five subpoenas were prepared, one for Adam Goldman too, who's not listed on that article. And, but, but only three were served, or at least received as of Wednesday, I think. And then they've now moved for to quash it, to quash them. And the un- unfortunate- they're still sealed. The, the Times says that they are trying to unseal them.

David McCraw, the deputy general counsel, called them abusive and improper, said they were brought in bad faith to punish The Times for its coverage. Now a- and apparently the, another piece is that apparently they reported in their article on when they got the grand jury subpoenas that apparently a high-level FBI official did ask them not to publish it. Didn't, didn't tell them why they shouldn't. So, I saw a, Jack Smith who you know, the Harvard law professor who I think, can I say he helped found this L- *Lawfare*? Is that accurate?

Benjamin Wittes: You mean Jack Goldsmith?

Roger Parloff: Yeah, Jack Goldsmith, I mean.

Benjamin Wittes: Oh, yeah, Jack-

Roger Parloff: Yeah.

Benjamin Wittes: And he is not facing any pressure for perjury about-

Roger Parloff: That's good

Benjamin Wittes: A- about toll records. Yes, Jack was one of the three co-fa- co-founders of Lawfare, along with Bobby Chesney and me.

Roger Parloff: Yeah. So he did a h- had an interesting piece on this in his thing, “Executive Functions.” And the law here is not great for journalists. You know, long story short if a, a journalist has information about a crime and the, the, there is no ironclad reporter's privilege.

And the circuits are sort of split about how much protection the reporter gets. The Second Circuit where this is, it the, the, the grand jury subpoenas were apparently served in or at least they're qu- they're being, the motion to quash is in the Southern District of New York, and I think the grand jury subpoenas came from Jay from the Southern District, from Jay Clayton.

And the Second Circuit's a little better than the Fourth Circuit. But there is, I, I, I think the reason that the general counsel was saying, was emphasizing the, the background here, and there is a lot of background with Trump suing The Times in de- for defamation and for, for E- EEOC now issues, putting a lot of pressure on many media organizations.

But there's also sort of, you know, the, the, it's not a trivial national security question about how the president's plane is the defense mechanisms that are on it or aren't on it, but more importantly, and, and also whether there was classified information involved. So they, and the the government has said they're not going after the reporters, they're going after the leakers of, and they said of, of classified information. So, it's not a slam dum- dunk case for The Times.

Benjamin Wittes: Right. All right, let's talk about cases that were also not a slam dunk at least for in this case, for the government which is the slush fund case where Judge Williams has now come in and said the settlement is abusive and collusive and was unethical, and seems to be sending everybody to the bar. Eric, what is going on?

Eric Columbus: This is the original lawsuit in, that was, that Trump and his family filed against Treasury and the IRS in Florida, and it's before Judge Williams. She is an Obama appointee and a, generally fairly liberal. And this was when they, they quickly came to a, a quote-unquote "settlement," or, or, or tried to come to a settlement actually right before, they purported to come to a settlement right before, right when she kind of began looking into whether there was sufficient adversity between the parties, and they attempted to dismiss it. They, they did dismiss the case.

And, but nonetheless, she appointed some, a couple of former judges and other lawyers to be amici and look into what, if anything, she had the authority to do and she i- in a lo- lo- in a lengthy 55-page opinion, she considered whether to grant sanctions here, and she concluded that she, in fact, she should.

And she first said that she did, even though the parties volunt- even though the plaintiff voluntarily, or the parties, I guess, voluntarily dismissed the case, they, she said, "Look, I still have authority under the law to determine whether sanctions should be ordered." And so she proceeded to, and she went through in, in impressive detail, and it, it's kind of, I think there's some kind of historical benefit to having done so, cataloging all the ways in which the, the parties behaved improperly here.

And I, I won't go through that because if you are a loyal listener, you, you, you probably know much of that already. They filed this for an improper purpose and therefore they could not, therefore it was, it was sanctionable. And the, the, the sanctions she ordered were to, she referred to the bar a couple of Trump's private lawyers.

And she, with regard to Blanche, she said, "Well, you know, I've got the authority to have to order monetary sanctions here, but I'm there isn't really that whole lot to, to deal with here. I could, for the court-appointed amici, I could try to have them pay those expenses, but the court-appointed amici declined any payment, so there's nothing there. I am, however, going to order I'm gonna ask the other amici who filed briefs of their own accord if they want to submit any bills. And, and some people suggested that she referred Blanche to the bar, and I think one senator also suggested that.

Benjamin Wittes: Roger, let's talk about the law firm stuff, which, you know, we used to have two groups of law firms, the groups that got EO'd and sued, where we kept talking about them because there was a live issue between them and the White House, and the group of law firms that capitulated, which we kind of stopped talking about other than occasionally to note their disgrace relative to the four or something that challenged it.

But now we are once again talking about the law firms that capitulated because it turns out if you give the bully your lunch money once, he wants it the next day too. So what happened that nobody could have anticipated coming between these poor law firms that just wanted to pay $100 million or in, in pro bono stuff or whatever, and then kind of go on unmolested further by, by the administration?

Roger Parloff: Yeah, this is a strange thing, and m- most of what I know about the recent stuff comes from a Times article from J- J- July 14 for, by Michael Schmidt and Devlin B- Barrett. They reported that the Trump administration is now s- subpoenaing the le- the leaders of the cooperating law firms, the nine cooperating law firms, to depositions and they're lawyering up.

I'll, I'll, but I'll, I'll, and, and apparently also the same with respect to the law firms that are, have resisted. I'll, I'll tell you what the context is. And, and the other important part is that the ABA is subpoenaing Boris “Epshteyn” or “Epstein,”

however you pronounce it. And that's probably what's causing all of the tumult.

The, the backdrop is this you know, back in June of 2025, the ABA sued the White House, the Executive Office of the President, and this was about all of the executive orders attacking law firms, and by this time, nine of the firms had folded and, and made settlements. And this was to try to stop int- the policy of intimidating law firms through these executive orders and intimidating them into violate to not represent clients that that the administration doesn't approve of in violation the so violating the, the First Amendment and other, and other constitutional provisions by doing that.

So they sued in, in June 2025 seeking a declaratory judgment and injunction. That was stalled for a while with a motion to dismiss from the government. And the judge in D.C. Amir Ali denied that finally in March of this year. And then in June, he set a discovery schedule. And so, in July, the f- I think the very first person that the ABA wanted to talk to was Boris Epshteyn, 'cause all of the reporting suggests that he's the guy that negotiated these settlements.

And he's an outsider. He's not in the administration. And so the conversations between him as a private citizen and the private law firms should not be protected by privilege, and so I think that was their thinking. But, and Epshteyn is, is a very hot potato, if you remember that I think before the administra- just before the administration started, there had been a s- semi-scandal where Scott Bessent complained that he, that Epshteyn seemed to be demanding or inviting a monthly stipend from, from Bessent at around the time that he was being considered for a position in the cabinet. And, and-

Benjamin Wittes: Epshsteyn is the new Michael Cohen

Roger Parloff: Y- yeah, and, you know, there's a question about, well, who exactly is paying him for his work here and how does he get paid? So anyway they, they filed, ge, he got the first, I think subpoena. It's a civil subpoena to, to testify and also a, a subpoena duces to bring your do- produce documents.

And and so they moved to qu- the Trump administration moved to quash in the Southern District. So that's in front of a different judge at the moment, Katherine Fa- “Fayeh” or Fa- “Failla.” But actually, there's a motion to move that down to be in front of Judge Ali also pending.

So, and then while that was happening, it seems that, it seems that the Trump administration began to subpoena all of these. You would think they would be sort of, friendly witnesses in theory, the law firms that settled with them. But, and, and nobody's exactly sure what they're what, what they're doing. But the, the law fi- the article suggested that maybe they were, they were hoping that these law firms

that don't, that whose managing partners don't wanna be doing this will urge the ABA to back off and to back off their subpoena to, to Epshteyn and, and others. Bannon is another person that's gonna be a ta- targeted here.

So, it's a, it's a pretty interesting situation from a law firm from a lawsuit that I hadn't really focused on because it was, I tho- I thought the big, the main event were the law firms themselves, Perkins Coie and Sussman Godfrey and so on. But anyway it's a, it's an interesting situation.

Benjamin Wittes: All right. We have an award to present and I think this is the first honoree for this award, which is the shortest serving ever U.S. attorney. Roger, would you like to do the honors and present this award?

Roger Parloff: Yes. This goes to Roger Rogoff from Roger Parloff to Roger Rogoff. And it's he was a U.S. attorney of the Western District of Washington for almost an hour.

And what happened was the attorney general, I don't know which one at the time, had installed an immigration, former immigration judge in that position for the Trump administration. And h- his 120 days expired. That's under the interim the, that's under the 28 USC 546.

He was an interim U.S. attorney. And at that point, the Trum- Trump admin- Trump had not appointed, had not nominated anyone to be permanent, and so the bench of that district, quote, "In view of lo- the longstanding vacancy," unquote, in that position, did what they're allowed to do under that section, I think Section D. They, they appointed somebody to fill it, Roger Rogoff, who's a veteran litigator and a former Democratic-appointed state superior court judge. And he was fired.

So, and and, and B- Blanche had on Twitter, he had promised to fire him. And of course, they cite Article 2 and they cite 541(c), which does say that the, each U.S. attorney is removable by the President of the United States. And so between, you know, the, the, the reasoning of the *Slaughter* decision and that section he may well have the right to fire him. But 541(c) on the other hand, is you know, 541 is the provision that says when you appoint the, that the president appoints the U.S. attorney with the consent of the Senate, which is not what happened.

So the question is when the, when you have to resort to having the bench appointed under 546, I think D, can the president repru- remove that guy too? And this person has said, "Well, we are considering all our options," and he has hired a law firm. So it's conceivable we will get the first litigation on this question there.

Benjamin Wittes: I find it pretty hard to believe that he could prevail on this. This is a position that there is some fairly well-developed law, that it is an inferior officer and therefore appointable by the court. But it is also a, you know, presidentially appointed position with advice and consent of the Senate, and I find it inconceivable that a Supreme Court that decided *Slaughter* the way that it did

would not regard it as within the power of the president to remove a U.S. attorney. But, you know that and a quarter will get you a cup of coffee with a few more dollars.

All right, let's talk about David Hearn because, you know, Roger we need we need to talk about canoeing in *Lawfare Live*, always. David Hearn, of course, is the reflecting pool defendant and you know, my vote for Man of the Year, Time magazine Man of the Year. So, he also, like the congressional Republicans says there's interesting stuff in connection with the search warrant for his phone records.

Roger Parloff: Yeah. He, I remember, I think it was last week, I, I had attended his, or two weeks ago, I can't remember, I attended his Superior Court arraignment and, and in fact my computer fell off a chair and eventually the, the screen broke, and eventually the logic board broke, and so I've done nothing but deal with Apple since then.

But anyway, right after he was arraigned, and we didn't know, I didn't know this, but he was taken aside and he was his phone was seized by a U.S. attorney's office investigator. It's actually and he, he got a seizure warrant, not a search warrant. The seizure warrant and the idea would be that eventually they would try to get a search warrant. I don't know that they have yet.

And so the next day hi- Hearn's lawyers filed a, basically a Rule 41, we've talked about a lot of those, to get his property back. But what he, what was interesting was that wh- what his lawyers say, and, and, and this is still sealed, the seizure warrant is sealed, so I'm taking the word of Hearn's lawyers about what it says, but they say that in it, it cites a government witness, and what the witness said was that Hearn took some pictures of the reflecting pool before he reached down and touched the, the reflecting pool and then whatever happened, what happened.

And the importance of that is that those pictures have been, you know, were almost immediately in The Washington Post and other papers. They show, you know, they show Hearn's shoe, in fact, and along the edge of the reflecting pool, and what you see is, you know, great shards of lining peeking up from you know, through the surface in this incredibly, and all of that was a per-

Benjamin Wittes: And the significance of this is that this was before he allegedly maliciously cut it with his razored canoe paddle?

Roger Parloff: Yeah. And so, it does seem exculpatory because remember, it, it, the, the crime is you, you have to de- certainly for a felony, you need to cause $1,000 worth of damage. And if the lining is already shredded and you're gonna have to replace it, it's worthless, and it's doubtful that you could do $1,000 of damage by touching or even pulling on it. And in fact, it's doubtful that you could do any damage if it's worthless already.

So, that might mean you can't get a misdemeanor either. So, anyway, that's an interesting development. But like I say, it's based on their motion and I, I haven't seen the response yet, so to be fair.

Benjamin Wittes: All right. Well, we will be back to talk more about the travails of canoe legend David Hearn. We're gonna follow up on this case, low that it may be go all the way to the Supreme Court.

Molly the D.C. Circuit, speaking of the Supreme Court has ruled that a district court doesn't have any jurisdiction to review the Postal Service's revised mail handling policies. Why are we talking about this? And what, like, why, why does anybody, why is this on Trump Trials and Tribulations?

And what is the entity that has primary jurisdiction here and you had to go through, you know, is it the Merit Systems Protection Board? Is it you know, who, who is the, the initial lord and master of changes to the Postal Service's revised rules?

Molly Roberts: Yeah, I'm learning about so many entities that I never would've known existed. The answer to that last question is the Postal Regulatory Commission. So this is a little complicated. It's not just in Trump Trials and Tribulations because it dates to a dispute over the summer of 2020 during the first Trump administration. It is here, we're talking about it now, because it could be relevant to what's happening ahead of the midterms.

So we've discussed in other recent weeks the president's executive order on mail-in voting, which seeks to tell the Postal Service to adjust its policies to only transmit mail-in ballots who, for, to people who appear on states' lists that they submit, and it's all kind of tied to the idea of trying to get states to verify their voter rolls and have a citizenship requirement.

So, this decision, as I said, dates to a dispute over the summer of 2020 when the Postal Service made some changes like reducing high-speed sorting, having, getting rid of some extra delivery trips that some blue states and cities were worried would make it harder to vote by mail or have votes transmitted by mail counted, especially during COVID.

So back then, the state sued, and District Court Judge Emmet Sullivan blocked the changes. The decision ended up on appeal to the D.C. Circuit, and then just last week, the D.C. Circuit unanimously threw out the ruling. The panel was Neomi Rao, who, as we all know, is a Trump appointee, and Chief Judge Sri Srinivasan and Robert Wilkins, who are both Obama appointees.

So she kind of won them over to her side on this one, and it's a procedural case, as she says. It starts and ends with jurisdiction. It's basically about whether the suing states had to go first to the Postal Regulatory Commission, even if that would've taken too long before Election Day, before going to the district court.

So it's not saying the district court can't ever have any jurisdiction over it, saying at first they have to go through the Postal Regulatory Commission, and then you could bring a lawsuit based on the opinion of the Postal Regulatory Commission. So that's what it's saying. And to arrive at the decision, they applied a test that courts typically use in cases about Congress channeling claims for initial review to a body like the Postal Regulatory Commission.

So why is it relevant here? It's because it seems to augur poorly for challenges to these recent USPS changes or any others the administration would try to make ahead of the election.

Benjamin Wittes: Right.

Molly Roberts: That's fair, but it is a little overblown, I think, primarily because there's a footnote in the ruling where the judges say that this decision is about a challenge to the district court's grant of summary judgment and explicitly doesn't address whether the scheme would have foreclosed meaningful judicial review, which is one of the key prongs of the test to determine whether the court can rule on it anyway at the preliminary injunction stage, which states went through in this case too to halt the changes right before the election.

So it, it explicitly says we're not saying that you can't get a preliminary injunction against postal service changes without going to this body. You can still try to do that. It's when you're trying then to move to the next step of judgment that you run into trouble.

So really what it is is a sign, first of all, you can see, these, it, it doesn't, you know, directly address any preliminary injunction that's been issued, which preliminary injunctions have been issued against the recent rules. Also, it's kind of a sign to anyone who has a problem with the rules that they should go ahead right now and go to the Postal Regulatory Commission and, you know, see if they can get an order from them on the, on the changes.

So, so we'll see what happens. We'll see whether that happens. I'm not 100% sure how the fact that the postal service proposed changes have been blocked and that they say they're not implementing now, I'm not, I'm not sure how that affects the ability of anyone to go to the PRC. But yeah, I think that it is somewhat concerning, but not as alarming as it may have initially appeared.

Benjamin Wittes: All right, so I wanna just ask whether you're now, going to use PRC constantly in casual conversations so that people think you're referring to the People's Republic of China, and actually you'll be referring to the Postal Regulatory Commission?

Molly Roberts: Yeah. No, no, no, definitely. I, I want to confuse as many of my friends and family as possible.

Benjamin Wittes: That's exactly the right attitude. All right. Judge Boasberg, Roger, who seems like he's, like, the busiest man in Washington had a case challenging a State Department policy that frankly I had forgotten existed.

So, for those who don't believe Renée DiResta when she says that they really have declared war on everybody who does trust and safety and, and misinformation, disinformation research and policy, content moderation, that sort of thing keep in mind that the State Department slapped a visa ban on people who work in these fields and actually revoked visas of people who some of whom, you know, live here and because they, you know, work in content moderation. And so this came, of course, before Judge Boasberg because everything comes before Judge Boasberg. And Roger, what did he do with it?

Roger Parloff: He did pause it or suspend it. He issued a, a stay under Section 705 of the APA. So the, it's the equivalent of a preliminary injunction, but it's what but it's under the APA and it's, and like you say, I mean, content moderation is sort of like DEI. It's one of the things that the, this administration has declared war on. And, and even though it's sort of a, a vague concept and I mean, embraces a whole lot of things, including things that a lot of that nobody disagrees with. You know, like nobody, almost nobody, wants child pornography on, on so- you know, social media platforms.

So it's sort of a… They're, they're a line-drawing question and there are people like Renée who are the pe- who study these problems. There's a whole ecosystem of researchers, fact-checkers, advocates, trust and safety professionals. And so, there's an organization of the called the Coalition for Independent Technology Research, CITR, and they sued. It's a group of, that represents these people that sued to, to challenge these policies.

Now, they can't get, you know, people like Renée herself but they can get they tried to get to harass people from other, that are foreign nationals. Either try to not allow them to get visas or to revoke their visas if they're already here.

And the provision that they relied on is one you're now familiar with. We've talked about it in the context of people like a Mahmoud Khalil and Rümeysa Öztürk and Yoon, Yoon, Yoon Seo Chung. The 8 U.S.C. 1182(a)(3)(C)(1) and (a)(3)(C)(3), the, the, this is when the Secretary of State says there's reasonable ground to believe that an individual's entry or proposed activities in the U.S. would have potentially serious adverse foreign policy consequences for the United States.

And, and so that's the theory under which this was done. It was challenged under the First Amendment, also Fifth Amendment vagueness. You might remember Judge Farbiarz struck this down for vagueness. And also some APA provisions.

And and he, Judge Boasberg, did say that it was likely, that it likely violated the First Amendment. He had to slalom past some of these jurisdiction-stripping provisions but he said this is very likely viewpoint discrimination. “It reaches private researchers, advocates, nonprofit leaders, and trust and safety professionals whose asserted “censorship” consists of studying platforms, reporting on differ disinformation, petitioning for access to platform data, and urging platforms or advertisers to act on what they find.”

He did say that, you know, there might be some lawful applications. For instance, if a foreign national, if when foreign countries punish, like purport to fine Twitter, say, or X, for having more permissive policies than they have in Europe, it might be permissible to punish the foreign sovereign, you know, to revoke the visas of, or rej- deny a visa to the foreign nationals responsible. But, but he didn't make specific findings, but this one was predominantly going to be unconstitutional.

Benjamin Wittes: All right. Meanwhile, In actual federal war on civilians. The federal government has apparently agreed to give Minnesota evidence relevant to the shootings of Renee Good and Alex Pretti. What do we know about that? And are these are they finally cooperating with the state investigations of these killings?

Roger Parloff: There, there has been progress. It's, it's about six months after the, the fact. It's those two shootings which of course killed citizens, and also Julio Sosa-Celis, who was not killed and is not a citizen, but that shooting is also controversial. And his shooter Christian Castro, has been indicted by Minnesota, the ICE agent.

And so, and the, the, the, Minnesota had come to D.C, and had filed suit here against DOJ trying to get this stuff, and that may be what shook it loose. And they, this may settle that suit. But the Hennepin County Attorney Mary Moriarty did say there is now two-way sharing going on. They do have hard drives of evidence in those two ca- or three cases. They do have the car that Renee Good was driving. So, it does seem to be progress.

I'd also note, just while we're on the topic, that there's a, a second guy that Minnesota a second ICE guy that Minnesota indicted, Greg Morgan. You remember, he's the one who was driving up the shoulder in an unmarked SUV after work, or as work was ending, and to get back quickly and a guy a, an angry motorist sort of cut him off 'cause they don't, he doesn't like it when people do that. It's illegal. And, and the officer pointed his gun at, at the two citizens in the car that did that.

That's now, the government removed that case, I mean he removed that case to a federal court, and the government is supporting the agent in that case in trying to prevent it from being remanded to state court, and they have filed a, a brief saying

that they regard that, him as having a colorable federal defense. That's going to go to a hearing pretty soon. So that's some- something interesting to watch.

Benjamin Wittes: All right. Meanwhile, speaking of something interesting to watch, Ma- Mahmoud Khalil is back in court. What is, my sense is his situation is getting pretty desperate for a guy with as strong a claim of outrageous government behavior as he has. What court is he in, and why, and what is he trying to do?

Roger Parloff: Well, the, the new case w- we're talking about is in the so- I, I think it's in the Southern District of New York. I, I actually don't… Yeah, it is. But the key case is, is his removal case, which is down to the wire. He's gonna file a petition for cert with the Supreme Court pretty soon. And of course that's, that's sort of a long shot. The Third Circuit did not help him, and the re-rehearing was denied. So, you're right, he's in a bad shape.

This one is an interesting read. It's 131 pages. It, it's Mahmoud Khalil versus Heritage Foundation, but it's really about, I think it's around 17 defendants. And it's the Heritage Foundation, its leaders, Betar and C-Canary Mission, which you probably know a lot more about than I do, Ben. Todd Blanche, Kristy Noem, Stephen Miller, and it, it alleges a vast, and I don't mean to diminish, I don't mean to make fun of it, but a, a conspiracy, a, a, a Ku Klux Klan conspiracy under 42 U.S.C. 1985-3, the Ku Klux Klan Act. And there's also 1986, which is conspiring to deprive some- to interfere with somebody's constitutional rights.

And they the, and 1986, the next section is neg- is an interesting section, which is "neglecting to prevent" conspiracy to interfere with someone's constitutional rights. It's a, it's factually it's a well-documented accusation of, of cooperation between all these groups to deprive Palestinian protesters of their First Amendment rights to, to protest. And… But I, I just, and I don't know this, the law in this area, but I can't believe, I'm, I'm very skeptical that this, th- that this is viable because if it is, there's, we'd be seeing more of these things. I, I, I think it's it's, it is by the Center for Constitutional Rights. But I, I, I think it's a little bit of a cri in the, a cri de Coeur.

Benjamin Wittes: All right. Speaking of 2-1 D.C, Circuit opinions, Molly, you're, you're, like, specializing in them this week. The, a divided D.C. Circuit panel has granted the Defense Department's emergency motion for a stay of Judge Paul Friedman's injunction against the escort requirements for journalists brought by the New- in the Pentagon brought by The New York Times. So, who were the two and who was the one?

Molly Roberts: Yeah, it's not necessarily as easy to guess as it might be. So the two were Henderson and Millett, and the one was Garcia. So Henderson, George W. Bush appointee-

Benjamin Wittes: Interesting. Okay, so we're cross-ideological.

Molly Roberts: Yes, it's cross-ideological. Exactly. So, you know, I guess one thing that's important to be clear about is that this is just the escort requirement, which has now been sort of broken out separately from the original Pentagon press policy, which involved getting this special press credential. And to get that, you had to sign on to all these patently ludicrous restrictions that basically made it so that you couldn't ask any hard questions of the administration or try to cultivate any sources, so do reporting.

So, so this is broken out from that now. It's a separate issue because when Judge Friedman ruled on the policy as a whole and then the policy was revised, the initial policy hadn't had an escort requirement. The new one did. So he hadn't ruled on it, and then this got sent back to him. He ruled on the escort thing. The administration asked for a stay, and it's that stay that now the D.C. Circuit has granted.

And, and the two judges said that they thought that The New York Times was unlikely to succeed on the merits and that they thought that because The Times hadn't argued that the escort requirement, which is the requirement that you get an escort to go into any area of the Pentagon. And there was some worry for a while that you would need pre-approval, so you couldn't just show up and say, "Hey, give me an escort." And the Department of Defense has tried to assuage concerns by saying, "No, you don't need pre-approval," but you still need an escort.

Anyway. That the escort policy wasn't generally applicable to all reporters. They hadn't argued it wasn't implemented evenhandedly. And so, you know, it was kind of different from the press credential policy in that regard, because the press credential, if you're Laura Loomer, you were allowed to come in and send out a tweet soliciting all sorts of unauthorized information. But if you were a more kind of critical or critical thinking outlet, you weren't.

The judges also noted that The Times hadn't raised claims that the policy was unlawful for reasons other than retaliation as a basis for denying the stay. And Judge Garcia, disagreeing, said essentially, "Well, we shouldn't let them get away with a retaliatory policy, a policy that was issued as retaliation, just because now it's broadly and evenly applied." And he said, you know, "The chilling effect doesn't go away just because the same requirement is applied to everyone."

So we'll see what happens. They'll have to go and argue it out, and it seems like the Times might want to focus on why the requirement is unlawful for reasons other than retaliation, which I imagine kind of involves expanding on that idea of the chilling effects, but I, I don't know how easy it will be.

Benjamin Wittes: All right. Finally, Roger, we have a state lawsuit to block David Ellison's takeover of Warner Brothers. Is this a cri de coeur, or is there some plausibility to the notion that it may have traction?

Roger Parloff: I, I think, well, I'm, I'm not an antitrust expert. It, it, it doesn't look like the strongest case. But, and, we, we're covering it because obviously there's interest i- i- in the First Am- Amendment angle is that this would swallow up CNN, and David Ellison would have control of it the way he got control of CBS, and Trump is all for it.

As, as far as the briefs which were filed, July 13th. It's a very conventional antitrust case. There are redacted portions of the plaint- of the complaint and and, and there was a hearing today which I was futzing with my Apple issues so I did not attend. There it's a, a motion yeah, for a TRO or, or preliminary injunction on the West Coast.

But it's, as far as I could tell, it's being argued, maybe they're, are amici, but it's being argued as a pure conventional economic case about Section 7 of the Clayton Act arguing that it will substantially harm competition. It, it, it's a merger of two of the nation's five major film distributors. There it, it, it also concentrates the, the market for cable channels and there's several other markets that are impacted. But and, and it's, it, it would cause maybe 30% of the market, it would, of several different markets would be controlled by this one entity. But it, it, it has extremely good lawyers on the other side, very famous lawyers, antitrust lawyers on the other side. And there are two other, it's, it's been joined with two other lawsuits. The, the Writers Guild ha- filed a su- WEST suit filed a suit and, and one other suit.

I would say that the other, the other thing going on is that the European Commission will probably take a close look at the, i- is taking a close look at this. And, and that one they, they are pretty aggressive. But whether the, even if they get involved, and of course Trump's reaction to that would be amazing if, if they do there would, it, it might be resolved through a settlement, not by stopping the whole, Right, merger and say, you know, "Okay, well, don't take this these three companies, take only this one," this arrangement. So, I, I think it's a long shot

Benjamin Wittes: All right. So, let us go to audience questions. Sam asks "What is up with the Venezuelan oil?" Venezuela, the oil, and the payments to the United States. I don't know that any of us is really in a position to answer that authoritatively.

I will tell you what I know, which is that there is some U.S.-run fund that receives the money for sale of Venezuelan oil that then you know, supposedly passes it on and Venezuela can spend it subject to some oversight. I'm not sure I know any more detail than that. Do any of you guys?

Roger Parloff: I don't, but I would recommend Tyler Pager's New York Times story about Marco Rubio essentially being the viceroy of Venezuela at the moment. It's, it's very-

Benjamin Wittes: Yeah

Roger Parloff: Amazing.

Benjamin Wittes: All right. And we also, of course, Venezuela's also been the subject of a completely devastating earthquake that it is having a lot of recovery issues with. And I hope to have some coverage of that situation next week on the *Lawfare Podcast*.

David asks "In the Nick Bednar Phillips article on *Slaughter*, who has standing to sue under the theory laid down?" So this is an article written by Nick Bednar and and Todd Phillips entitled “Faithful Execution and the Removal Power.”

I think the answer to that is anybody fired under a theory, on fired from government, has standing to challenge the firing. I don't think standing is going to be an obstacle. But of course, *Slaughter*, who standing was not challenged, did in fact lose and the educa- the Election Administration Assistance Commission members EAC, which is not to be confused with Intelligence Community Assessment, which is ICA they would all have standing to sue in that situation too.

I don't think standing is a obstacle to chal- the nature of removal from office is that it convey, it tends, it's, it's an injury in fact that can be remediated by some court action, right? So it's, so it's, it's pretty standing is not gonna be a barrier there.

All right. Do we have any other questions? All right, I will take that as a no. And so we are going to wrap up. All right. You know, I didn't have, couldn't use the the, the Marseillaise or the the, you know, the usual the, the grand conspiracy

[Outro]

theme. All right. This has been a production of *Lawfare*, and it is a part of *Lawfare*’s live stream series, *Lawfare Live*: The Trials of the Trump Administration.

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This podcast is edited by the good folks at Goat Rodeo and our audio engineer this episode, handling errant mics like they are you know, just so much flotsam and jetsam, is the estimable Anna Hickey of Lawfare. Our music is, of course, from Alibi Music. And as always, thanks for listening

EXHIBIT 12

(Declaration of Benjamin Wittes)

Advertisement



Trump's speech claiming US election vulnerabilities, annotated

By Zachary B. Wolf and Annette Choi, CNN
Published July 17, 2026

President Donald Trump tried to convince Americans in a primetime address Thursday night that their elections are vulnerable to fraud and need immediate attention. While he did not repeat his frequent mantra that he actually won the presidential election he lost in 2020, Trump did declassify documents he said showed an influence campaign by China, a coverup by US intelligence officials and fraud in Michigan.

The evidence, offered mostly in highly redacted out-of-context emails, did not live up to those claims. But it will certainly be grist for Trump's efforts to curtail mail-in voting and add new voter ID requirements.

The speech, along with context, is below.

Good evening. Before we begin, I'm proud to report that our country is safer, stronger, and far wealthier than it has ever been before. We are doing great. Less than two years ago, we inherited an economic and social disaster after the worst inflation in 48 years, the wide open borders with millions and millions of people pouring in from all over the world, including criminals of all types, and 11,888 murderers, many of whom killed more than one person.

We had transgender for everybody, men in women's sports, crime ravaging our cities, and the whole world was laughing at us as a nation, but not anymore. Two years ago, our country was dead. Now, we are the hottest country anywhere in the world. America is respected like we have never been respected before.

> *This speech was billed as a major address on election security. It’s starting with some standard Trump talking points.*

We have more money being invested in the United States than at any time in the history of our country. More Americans are working today than ever before. This week, it was announced that inflation saw the largest monthly decline in more than six years, just happened. It was just given out. The media reported it and we accept it, the best in six years.

The tax cuts in our Great Big Beautiful Bill are saving hardworking families thousands and thousands of dollars, like with the provisions, no tax on tips, no tax on overtime and no tax on Social Security for our great seniors, along with the interest deduction on a loan used to purchase a car, but only if that car is made in America.

And a 100 percent expensing for our job-creating businesses. Our stock markets are at their highest point in many years, but we can actually say of all time. And your 401(k)s, pensions and retirement accounts are setting records every single day, the highest in history. For years we paid the highest price for prescription drugs anywhere in the world.

Now we pay the lowest price under my Most-Favored-Nations policy, because I was able to get the rest of the world and the pharmaceutical companies to act responsibly. Drug prices are coming down by 70, 80 and 90 percent. Trumprx.gov, this will ultimately reduce the cost of health care. You have to go to Trumprx.gov and take advantage of it. But the cost of health care is coming way down because of what we've done with prescription drugs.

And with Trump accounts, every child in America now has access to a tax free investment account to save for their future. Billions and billions of dollars are being invested, put in by companies and individuals to take care of our children, so that at age 18, they will have potentially hundreds of thousands of dollars in their account, and they'll get off to a great start in life.

So for that, go to Trumpaccounts.gov and sign up your child or any child you'd like to sign up. Our previously wide open borders have been transformed into the most secure borders in the history of our country, with zero illegal aliens being admitted to the United States in the past 14 months. That is zero.

Nobody thought it was possible. **We had the worst border in the history of our country, and now we have the best.**

> *Many of Trump's claims above have been the subject of CNN reporting. I recently talked to CNN's Priscilla Alvarez about the crackdown on immigration, illegal and otherwise, in the US. She told me it's an overstatement to say that zero people have crossed into the country illegally. But certainly the number has dropped under Trump. Still waiting for the election meat of this speech.*

Crime is plummeting nationwide, with the murder rate at its lowest level since 1900 - or more than 125 years ago. We're making a record investment in our armed forces, and we have the strongest and most powerful military by far anywhere in the world. I built it during my first term and, unfortunately, we're forced to use it now. We won in Venezuela, which is now working with us to produce millions and millions of barrels of oil.

We are likewise winning big in Iran, and you will see the fruits of that labor very, very shortly. America is back and doing really well. But we still have a major challenge that must be urgently addressed, because no country can be great without fair and honest elections. You have to trust your country because, if there can be no trust, there can be no greatness.

And that's very simple — no trust, no greatness. For many years I've called for bold, swift and decisive action to protect the integrity of America's elections. Every American deserves to know that, when they cast their vote, that vote will be counted accurately in a system, and that is to make that system secure.

One where cheating and interference are not just difficult, but virtually impossible. Unfortunately, the system we have today falls catastrophically short of that standard. Tonight, I'm announcing the immediate declassification and release of critical intelligence, revealing **shocking vulnerabilities in our election infrastructure.**

> *"Vulnerabilities" are different than evidence of interference.*

This evidence shows that the election system we have dangerously exposes and really exposes, like levels never thought possible, to hacking, exploitation, and foreign interference. Just as disturbingly, this vital information has for many years been covered up and hidden from you, the American people — our beautiful, our great American people.

But that all changes right now. The documents we will release starting tonight have been gathered by the White House Government Transparency Task Force, a great group of people, along with the staff of the president's Intelligence Advisory Board, supported by our top intelligence agency chiefs who have all personally reviewed the findings we are presenting this evening and fully confirmed their authenticity.

You can see these documents for yourself at whitehouse.gov, that's whitehouse.gov, go check it out. Our purpose in disclosing this information is not to weaken confidence in elections, but to earn that confidence by confronting vulnerabilities and correcting them very, very quickly, and that's what we're doing.

The documents cover five major areas of concern. First, they show that, over a period of years, starting during the 2020 election cycle, the People's Republic of China carried out what is believed to be the largest compromise of election data in history, resulting in **China's illicit acquisition of 220 million US voter files**.

> *This is indeed an alarming disclosure if the US Intelligence Community fears China is compiling information on US voters. It’s important to note, however, that there is general information on US voters publicly available or available for purchase from states.*

That information includes **names, addresses, phone numbers, political party preferences** and other sensitive data that would be needed to register to vote and engage in other nefarious activities, which is exactly what was happening. This data loss presents an unprecedented election security nightmare. The intelligence even shows that China assigned a data exploitation unit specifically to this new project.

> *CNN’s Izzy Lippolis writes: “A foreign adversary can learn a lot about Americans from accessing US voter rolls. And it creates a real possibility of chaos on Election Day, if the foreign actor somehow accesses live databases and starts manipulating entries. But the US has never accused China of tainting or deleting voter records.”*

Compounding the travesty, the second set of documents we are releasing reveals that **members of the Deep State** — a very, very famous group of people, in many cases — in our intelligence agency, **worked to actively suppress** and downplay **information about the extent of China's sinister election meddling**, covering it up from both the president and the American people like nobody thought was possible.

> *This is a bold accusation. The official intelligence assessment suggested Russia and Iran were more actively trying to influence the 2020 presidential election.*

US spy agencies began learning about the compromise of voter registration files in 2020, when they discovered that tens of millions of voter data — think of that, tens of millions of voters' data — in 18 states have been **bought, stolen or hacked** by China. Yet those responsible for sounding the alarm instead kept the information secret and hidden.

> *It would be important to know how much was bought versus stolen or hacked.*

They did not disclose to me as president or to anyone else. And to the best of our knowledge, they did not inform Congress. In fact, **all they kept saying is, this is the most secure election** in the history of our country — a standard, very pat line that was divvied out to say.

> *He says this in a mocking tone as if it's not true. CNN's Marshall Cohen has reported extensively about US elections and explains why they are still viewed to be more secure than those in other countries.*
>
> *From Cohen:*
> *Unlike many countries, American elections are administered by thousands of state and local officials – as opposed to a centralized federal agency that could be vulnerable to foreign cyberattacks or internal manipulation from the incumbent president.*

The cover up of this colossal security breach is even more disturbing in light of the additional information showing that China engaged in other election-related activities to undermine my first administration and our 2020 campaign.

They did not want — and they just didn't want it. They fought like hell not to have it, Donald Trump to win, and for good reason. As the documents we are releasing show, CIA reporting explicitly stated, and I quote, in mid-2018, the Chinese Communist Party's policy was to leverage all domestic and foreign elements that were opposed to the US president in an effort to reduce the US president's votes and make him resign or prevent his reelection.

Isn't that nice? Also, in mid-2018, China was working to influence the results of the US midterm elections and **later the results of the 2020 presidential election itself**. Separately, in mid-2019, the Chinese government's strategy against the United States was focused on undermining domestic confidence in the US president.

> *This is not what the official Intelligence Community assessment concluded after assessing all of the material related to the 2020 election. The intelligence services agreed that China, rather than actively fighting to block Trump from winning, did not try to interfere in the election because they felt such meddling would not be worth the risk. Read more from CNN's Sean Lyngaas.*

They wanted to just make you sound like your president wasn't so hot, when actually your president has done a great job. And they did everything possible to do exactly that. Going on this document says, and this is by the CIA, the strategy included efforts to use Chinese contacts with big US companies to influence US business leaders to turn against the president of the United States of America.

> *Trump's approval rating in mid-2019 was hovering in the high '30s and low '40s.*

The Chinese government sought to identify US journalists who had reported negatively on the US president and pay them large sums of money to write more negative articles about him, as many as they could and they didn't care what they said. **The Chinese government wanted US president to lose the next election.**

> *This is true, according to the Intelligence Community assessment. China did prefer a Trump loss in 2020. So did Russia and Iran, two other countries that were also identified as trying to influence in the election.*

And the reason they wanted me to lose is because they knew I was wise to them. Charged them billions and billions of dollars' worth of tariffs and built the strongest military anywhere in the world. We have the strongest military anywhere in the world. These are exact quotes from the CIA reporting. The name of the person doing the quote is now under review, but it gets even worse.

Raw intelligence obtained by the FBI in 2020, yet buried by rogue bureaucrats, stated that China's activities even included an attempt to manufacture illegal ballots for Joe Biden. Documents show that during this period, dozens of significant CIA and NSA reports about China's election targeting were kept out of the presidential briefing.

> *Unverified intelligence is frequently incorrect, as Trump well knows from refuting the infamous dossier that included unverified claims about him. It’s important to note he uses that phrase here. There’s no evidence that China actually sought to manufacture ballots.*

These were briefings I would get almost every day; everything was kept out that was of importance. One email among intelligence analysts admitted that they had, quote, deliberately massaged the presidential daily briefing to withhold information regarding Chinese activities related to the election. Another official inside the FBI wrote that she was running, quote, a shadow government, unquote, to keep intelligence about China's election meddling from becoming known and to keep it away from the honorable press.

> *Trump is essentially alleging a coverup here. It will be interesting to see how or whether the administration pursues this inside the Intelligence Community.*

Other officials who witnessed such efforts perceived the motivations to be blatantly political. Recently, we found **significant numbers of burn bags information**, and this is a group of bags that were used to destroy information, **given by President Barack Hussein Obama to be burned**, it was supposed to be burned.

These bags were supposed to be at a different level by different people, incinerated and checked, but it never happened. Maybe we got lucky. We believe this was not done on purpose, but rather through gross incompetence of the people that were supposed to burn the bags. But the findings are stunning.

> *Burn bags! Obama! That is meant to sound very bad. But it's extremely hard to follow what he's trying to say here and there is nothing immediately evident about black bags in the released documents. What was in the bags? How do we know Obama had anything to do with them?*

Today, I'm asking the Office of **the Director of National Intelligence**, the Department of Justice, the FBI and the CIA to investigate how and why such crucial information was hidden. To fire those involved in the cover up and to file criminal charges, if appropriate, against these people.

> *Trump recently appointed a fellow election denier, Bill Pulte, as acting Director of National Intelligence. Pulte is a housing official and has no background in intelligence gathering. Trump's nominee to be a permanent DNI is Jay Clayton, who is currently US Attorney for the Southern District of New York.*

Yet concealing China's meddling was only the beginning. The third set of documents we are releasing proves that for many years, **Americans were blatantly lied to about the security of our election infrastructure**, including electronic voting machines and ballot counting systems, dishonest, almost all.

> *The emails released by the White House are heavily redacted. Officials repeatedly try to make clear their belief that China is not actively trying to interfere in the election. Follow along with CNN's team reading the newly released documents.*

They're vulnerable and they're easily compromised and people within our government knew that. Tonight, we're publishing a series of previously

classified US intelligence community assessments and other reports proving that our government has long known these machines are extremely exposed to attack. As one assessment states, we judge that the United States' adversaries, including at a minimum Russia, China, Iran, North Korea, as well as non-state groups have the capability to compromise US election infrastructure.

That's unquote but that's some statement, isn't it, made by supposedly great patriots of our country? The document goes on to further state that, quote, we assess that centralized election-related data repositories, such as voter registration databases, poll books, and other official election websites are **most vulnerable to exploitation, and adversaries could use this access to these systems to disrupt election processes** within the United States of America.

> *Trump is likely overstating things here. The US election system is completely decentralized. Each state runs its own elections in its own way and with different systems. Which is not to say that maintaining election security should not be a priority.*

Tonight, we're releasing all of those findings and spanning from January 2020 to June 2026. This is a cyber threat aimed at the very heart of our democracy. Many people have questioned whether it could actually be possible to electronically manipulate vote totals or change election results on these terrible machines.

Today, we are releasing documents that show the CIA obtained reporting of **a specific plot to do a big number in favor of the corrupt Maduro regime in Venezuela**, and that's exactly what happened, conspiring to digitally rig their own country's elections in 2020. And that's what they did. This reporting included precise details about methods to regime develop, to digitally alter vote totals in ways that could not be detected, even with an audit, no matter how deep they went.

> *There is no evidence this plot was ever carried out, but it is certainly true that elections in Venezuela have been disputed and questioned.*

This intelligence underscores why we must take urgent action to

compromised like it was in the past. The fourth set of documents reveals that even when significant evidence of fraud has been detected, it has been buried and covered up. Among the disclosures tonight are FBI files detailing evidence of alleged fraud by a large scale voter registration operation in Michigan.

> *What action, exactly? Trump doesn't say. So stay tuned.*

In 2020, Michigan State Police raided a Democrat Get Out the Vote Organization, corrupt group in Muskegon, and were so concerned by what they found. They were just so concerned, they couldn't believe it, actually, that they contacted the FBI in Detroit. The documents state that some canvassers admitted to FBI agents that they signed voter registration forms in other people's names, submitted fraudulent registration for people who did not exist, and received gift cards tied to their number of applications that they produced.

In other words, it was pay, play and cheat. The FBI agents working on the case believe that crimes were committed, yet the Biden Department of Justice slow-walked the investigation and killed it. **Tonight, I'm asking the FBI director to ensure that the matter is fully investigated** and to work with the Department of Justice to prosecute those responsible for any crimes.

> *According to local reporting at the time, no ballots were issued as a result of this incident. Will this speech kick off a follow-up investigation? Trump was president in October of 2020 and his Attorney General at the time said there was no evidence of widespread voter fraud despite efforts to find it.*

Finally, to reveal just how vulnerable our elections continue to be, we are releasing the results of a stunning investigation by the Department of Homeland Security. **According to the DHS review, state voter rolls and public records, they identified approximately 278,000 non-citizens who are registered to vote in federal elections.**

> *CNN's Tierney Sneed, Fredreka Schoutan and Betsy Klein note: "... the data-matching program Trump cited is known to present an inflated number of suspected non-citizens, in part because naturalized citizens are often flagged wrongly as non-citizens. The agreement that DHS has entered with states that use the program – SAVE (Systematic Alien Verification for Entitlements) – to vet their rolls warns that they must do their own due diligence in reviewing the results, in compliance with the law, before using it for voter purges."*

Since Democrat states refuse to share their voter files the real number is actually much higher than that. Yet even this limited analysis found more than a quarter of a million foreigners illegally registered to vote. Put together, **these disclosures reveal an election system so broken and so vulnerable that no one can possibly defend it.** It is not defensible.

> *Despite his earlier claim to the contrary, the bottom line of this speech seems to be to undercut Americans' confidence in their election system. But Trump does not ever say that votes were not properly cast or counted.*

Hundreds of millions of US voter files are in the hands of foreign governments. Our machines and ballot counting systems are exposed to hacking and manipulation and corruption. China and other countries have been trying to meddle in our elections. Evidence of fraud has been buried. Hundreds of thousands of non-citizens and dead people are listed and active on the voter rolls.

And yet we still have elections with no voter ID , no proof of citizenship, and tens of millions of ballots floating aimlessly through the mail. As one example of the insanity, California's recent election for mayor of LA and governor, was held on June 2nd, long time ago, but it was just completed a few days ago, on July 10th. Think of that, much more than one month.

> *Most states do have some form of voter ID requirement. It is illegal for noncitizens to vote and there's little evidence that*

> *they do. Each state is different, but each mail-in ballot in every state is attached to a specific voter.*

Took a month to count the votes. I wonder what they were doing. This is worse than any third world country. There's no third world country that has elections like we have.

> *Everyone can agree that California can do better to count ballots faster. One issue is that it accepts ballots postmarked by Election Day but received later on. The Supreme Court recently declined to ban that practice.*

In a rare move, NBC and ABC fake news have both said that they would not cover this speech. They knew what it was about, because of the fact that they don't like the topic, because they know how corrupt our system is and they don't want to reveal it. They and others in the media are part of a plot.

> *Those networks, like CNN, did not carry the speech live given Trump's history of saying false things about elections. But not carrying a speech live is different than not covering it. You're reading this annotation right now.*

They want to continue this fraud for whatever reason. They want to keep it going. They want to protect the radical left. They can't have a great country and that's true; you can't have a great country without free and fair elections. Fraud like this should mean a revocation of their licenses. They use our public multibillion dollar in value airways for absolutely no money.

They pay nothing. All we want is honesty in our elections and honesty in reporting. They pay nothing for multi-billion dollar assets. Great damage has been done to our country. **Our elections were left vulnerable to being rigged and stolen,** and the trust of the American people was lost. This cannot be allowed to continue.

> *One thing Trump has not said is that the 2020 election was rigged and stolen from him. He believes it and says routinely that he actually won the 2020 election, but interestingly does not say it here.*

Every American, whether you're a Republican, Democrat, independent or otherwise, should be able to agree that we deserve the most secure, honest, and fair election system anywhere in the world. Secure elections should be a partisan — really, should just, we should be together Democrats, Republicans, independents, everybody, and it should not be a partisan issue.

It should cause to unite us, not to divide us. This should be a cause, we should be united, not divided. In light of the brand new and irrefutable information, I have revealed tonight my administration is in the process of notifying the states whose election data was compromised by the People's Republic of China and many others.

We will be working closely to mitigate any harm and we're taking swift action to ensure that sensitive voter data is better protected so we can never be bought, **we can never be hacked, and we can never watch a stolen election again.**

> *It's quite a leap from bought or hacked voter roll data to stolen election. Nothing released by the White House for this speech suggests a stolen election.*

Tomorrow, the Secretary of Homeland Security will hold a briefing to outline his department's recent work confirming cyber vulnerabilities in our electronic voting systems.

They are bad. We're in the process of informing governors, Senators and members of Congress of potential issues in their states. If you look at voting today, it's in such bad shape in so many states, and we are committing to fix it and we're also committing to be **working with those states and local jurisdictions to help them fix and patch known technical vulnerabilities** before the midterm elections.

> *The needed context here is that Trump recently fired members of the Election Assistance Commission, which was created by Congress to help states administer secure elections.*

We have very important elections coming up. We want those elections to be honest. I've also ordered DHS to notify every state about noncitizens on their voter rolls and direct them to remove all ineligible voters from the lists immediately. But most importantly, addressing this crisis of election security demands that **Congress must pass the SAVE America Act**. How easy is that to do, unless you want to cheat.

The only reason you wouldn't do it is you want to cheat because your policies are so bad, and your candidates are so pathetic that you can't get away or can't get elected any other way. This landmark bill requires that all voters must show photo voter ID. How simple is that? Could I have your photo, please? Photo voter ID. All voters must provide proof of citizenship.

> *The House passed this legislation, but it does not have the support of all Republicans in the Senate, which means it has no path to becoming law this year.*
>
> *One Republican, Sen. Thom Tillis, says the bill is impossible to implement this year and threatened to block the bill if Republicans try to cram it through in this Congress.*
>
> *"I have been trying to explain for nearly a year that the SAVE Act, whether it's the SAVE Act, the SAVE America Act, the new SAVE legislation that's being proposed in the House, SAVE goes to Hollywood, SAVE goes to Hawaii, whatever the sequels are, all of them are fundamentally flawed and impossible to implement by this election," Tillis recently said on the Senate floor.*

Are you a citizen of our country, please? And **hopefully there will be no corrupt mail-in ballots**, which, if you watched California and so many other places, mail-in ballots are inherently corrupt. So, you would have no mail-in ballots except for illness, disability, military deployment, or travel if you're going away on business or vacation.

> *Many states allow some form of mail-in voting and some states, including the entire West Coast and Utah, do most of their elections by mail. There’s no evidence of widespread fraud in mail balloting.*

These reforms are urgently needed to stop the vulnerabilities that I've mentioned. To all Americans, I ask you to pick up your phone tomorrow, call your Representatives in the House and Senate and demand that they pass the SAVE America Act without delay. Together, we will restore faith and confidence in our country, and we will be bigger, better and stronger than ever before.

Thank you. God bless you. God bless our great military. And God bless America. Thank you very much.

”

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What Trump’s newly declassified documents do — and don’t — say about threats to US elections



Officials debated White House push to declassify documents amid Trump campaign to sow election mistrust, sources say



Trump barely mentioned the Iran conflict in wartime, primetime address

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Trump says proposed triumphal arch will double as military complex with snipers and drones

UPDATED SEP 20, 2026

By Logan Schiciano, Sunlen Serfaty





The Air Force Thunderbirds fly past a mockup of President Donald Trump's proposed Triumphal Arch at the Great American State Fair on the National Mall in Washington, DC, on July 3. *(Jen Golbeck/Sipa/AP)*

President Donald Trump on Sunday provided a new reason to justify his proposal to build a 250-foot triumphal arch directly across Arlington National Cemetery, saying the structure would double as a "top grade Military Complex."

The facility on what military veterans argue overlooks hallowed ground would "house, store, and have the rapid ability to use large numbers of drones, plus Snipers, on both the roof and plaza areas, and additionally have and hold large quantities of sniper ammunition in storage," Trump wrote in a post on Truth Social.

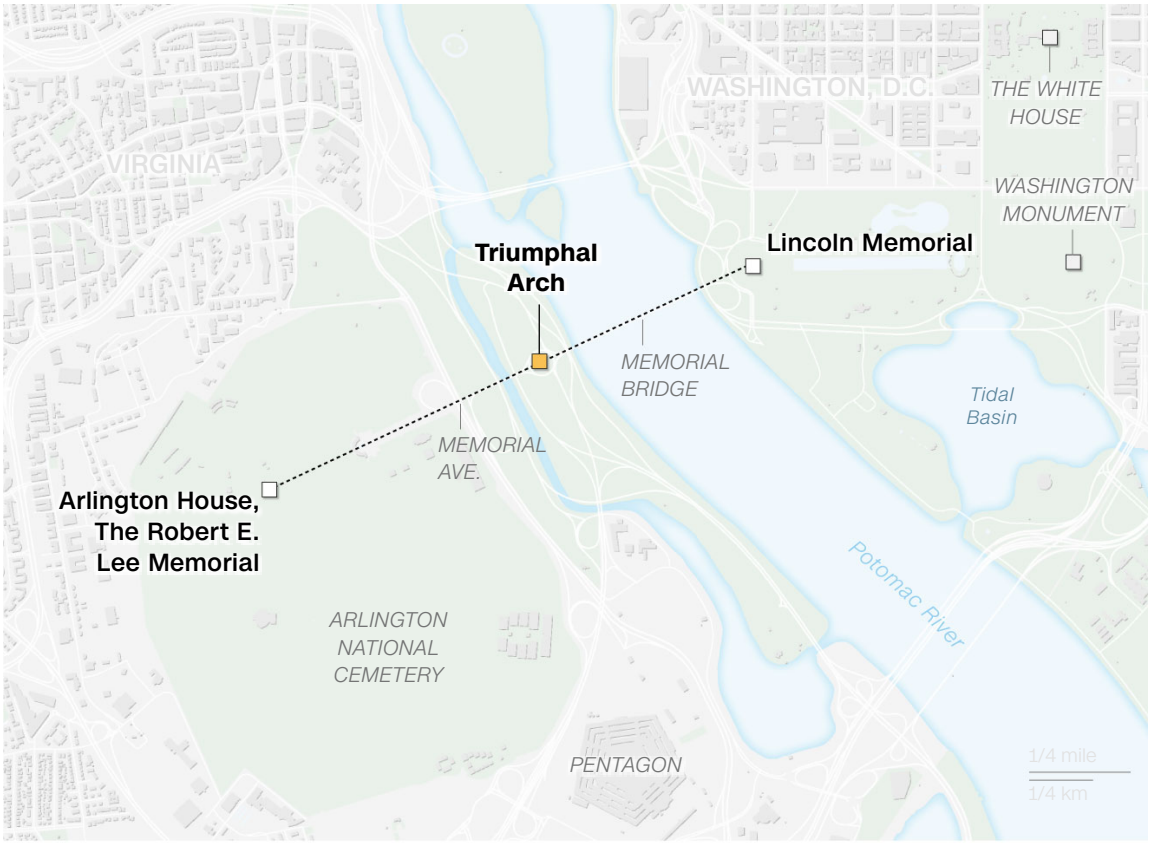
"There will be no facility like this anywhere in the World," Trump added in the announcement, which multiple sources working with the administration on the project said caught them by surprise.

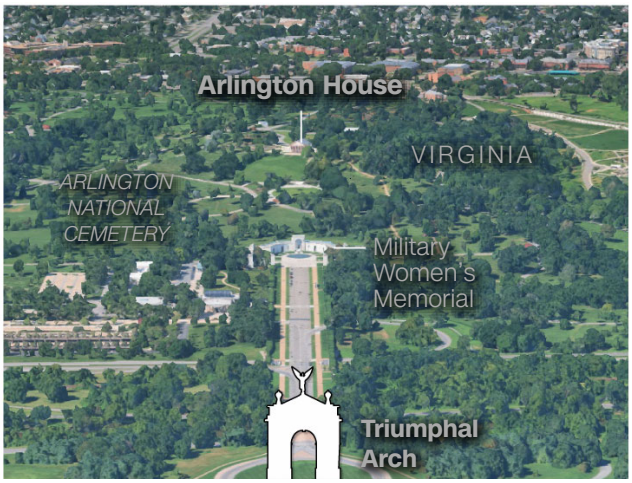
The proposed arch is among several projects Trump is pursuing in DC in an effort to remake the nation's capital in his image, prompting legal battles from preservationists and others. The idea of the arch being needed for national security purposes mirrors an argument Trump has made for building a White House ballroom where the East Wing once stood.

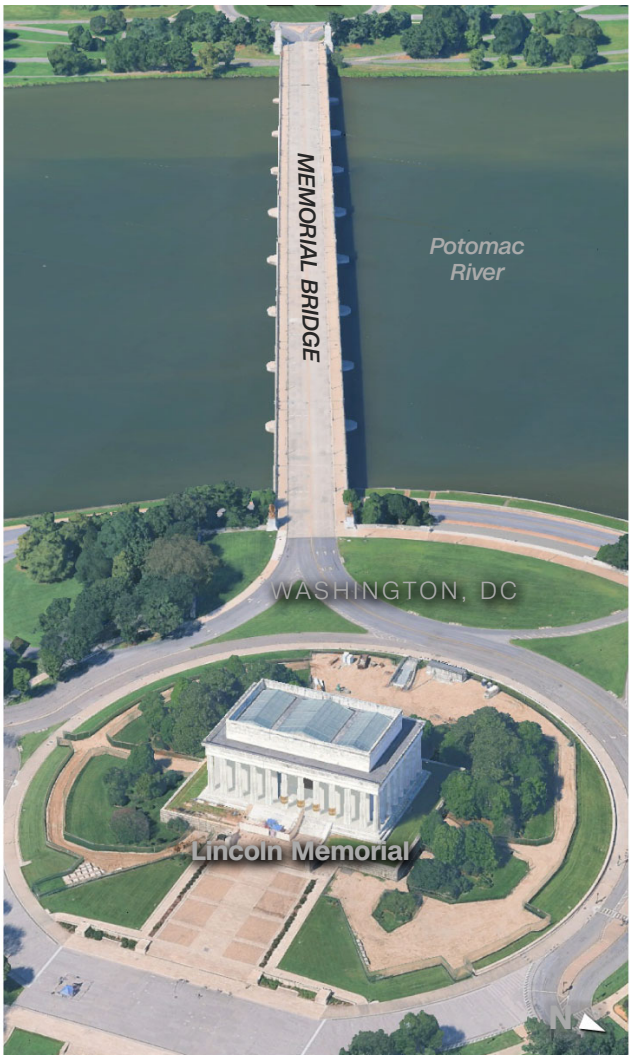
The arch's proposed location in a traffic circle near a bridge that connects Washington, DC, with Virginia has been heavily criticized. Veterans suing to stop its construction argue that the towering structure, which would include an observation deck, would disrupt the sightline from the Lincoln Memorial to the Arlington cemetery and Arlington House, the Robert E. Lee memorial.

The arch would be built in the middle of a symbolic Civil War connection

President Donald Trump's arch would fall between the Lincoln Memorial and Arlington House — the memorial to Confederate leader Robert E. Lee. Arlington Memorial Bridge "physically and symbolically linked the north and south as a symbol of reunion," post-Civil War, according to the National Park Service.







Sources: National Park Service, CNN research, Google (image)
Graphic: Renée Rigdon, CNN

It's unclear how the president's new version of the plan will affect the project's approval process. It was not included in the designs or concepts that went through the Commission of Fine Arts or the National Capital Planning Commission, the two key federal agencies that oversee architecture and design changes in DC.

"The plan for the Arch the President is announcing is a completely different one than what the government has presented thus far," Ed Stierli of the nonprofit National Parks Conservation Association told CNN. "The location is reckless, it's already deeply unpopular with veterans and the public, and regardless of what is inside of the Arch, it still has to follow the law."

The original design for the arch has already been given final approval by the Commission of Fine Arts.

The administration has signaled it is eyeing final approval from the National Capital Planning Commission during its November meeting.

A Section 106 review, a necessary step in the process required for agencies to consider how projects will affect historical properties, is still not completed.

Even so, the administration has signaled it intends to fast-track Section 106 approval by asking consulting parties to sign onto a draft Memorandum of Agreement that emerged last week.

But the revised plans have not been reviewed by the public, as the previous plans had, receiving a massive amount of feedback. A source involved in the effort noted the public should be much more concerned now if munitions and explosives are potentially being stored in the middle of a busy traffic circle.

CNN has reached out to the White House for more details about Trump's latest version of the plan. The Pentagon declined to comment. The Trump administration in recent weeks has ramped up its arguments for the project to be built.

A report released by the National Park Service last month found that the arch would have "adverse" effects on dozens of historical landmarks and that it would alter the "design continuity" of iconic Washington settings and views of surrounding monuments.

However, that same report found the arch must stay at the proposed site on the banks of the Potomac River as the project is "inherently location dependent" and "not interchangeable" with any other placement.

Interior Secretary Doug Burgum said on September 3 that excavation work would begin "over the next two-week period," though government lawyers seemed to backtrack a day later, saying in a court filing what's planned is archeological survey work that's needed to "ensure compliance with statutes such as the National Historic Preservation Act."

CNN has not observed any visible work taking place at the site.

Plans for the arch cleared a significant hurdle last week when the Federal Aviation Administration said the structure will not interfere with aircraft flying into the nearby Ronald Reagan Washington National

Airport, an early concern of opponents.

Trump's stated intention to have the arch bolster US military operations is similar to his legal justification for building of the White House ballroom, which he has said will also feature military and national security components.

But Trump began messaging the ballroom as a national security necessity in late February, only after the project began facing legal challenges. The Supreme Court said last month that construction on the ballroom could move forward.

The Trump administration appeared to be moving toward characterizing the arch in a similar way in August, when the National Parks Service quietly began referring to the planned observation deck on top of the structure as a "military observation deck" instead of one meant for tourists. That slight change in rhetoric was made without an announcement.

This story has been updated with additional information.