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Jim Wright

First up on the Monday Morning Trump
Twitter Shitter Storm: Mike Flynn

This disingenuous nonsense is getting old
fast.

1. General Flynn had a Top Secret (TS/SCI)
clearance while on ACTIVE DUTY with the
US Army.

He was, after all, in his final assignment,
the Director of the Defense Intelligence
Agency. Prior to that, Flynn served in a
variety of senior intelligence positions. His
clearance was part of his job, and was
initially granted during the REAGAN
administration and renewed periodically
under George H. W. Bush, Bill Clinton,
George W. Bush, and finally Barack Obama.
That said, granting of a security clearance
while on ACTIVE DUTY is adjudicated by the
investigative arm of the specific service
branch, not the president.

2. No one (at least not seriously) has
questioned Flynn's fidelity during his time
on ACTIVE DUTY.

3. Flynn was forced into retirement a year

early.

Flynn was forced into early retirement not for questions regarding his fidelity to the United States, but because HIS PEERS IN THE OFFICER CORPS were appalled by what he was doing to DIA. His management style was incoherent and described by senior officers as "chaotic." In his own words, Flynn felt like he was the ONLY officer in the US who knew what he was doing -- a bad, bad conceit in a general. He ended up at odds with the White House and was terminated -- or in the vernacular of General Officers, he chose to retire early. Now, you can like or dislike Obama, but this is how it works under EVERY president. And you'd better be damned grateful that it does. This is how our country is designed. The military works for the elected civilian leadership. Generals serve the administration. Period. End of discussion. Flynn wasn't the first general fired by a President, nor even the most famous, and he won't be the last.

4. When Flynn retired, his access to classified material was suspended and his clearance became inactive.

NOW:

IF Flynn then took a civilian government job (within a certain time period), his clearance could have been reactivated via certain administrative steps. That would have been the government's responsibility, specifically the hiring agency. It's a process, as anybody here who has been through it can tell you, including me.

IF Flynn had taken a non-government civilian job (within a certain time frame), say at a defense contractor, and that job required a security clearance, his suspended government clearance would have served as a starting point, but there is a complex, expensive, paperwork intensive, process that has to be accomplished FIRST. It can take a LONG time. This is the employer's responsibility. As anybody who's done it can tell you -- there are plenty of them here, including me.

But Flynn didn't do any of that. Instead, he started his own company, Flynn Intel Group, which provides intelligence analysis to various customers, domestically and foreign -- which is the long way around of saying he essentially became a lobbyist for

business and foreign interests. One of which was the Russians. There is NOTHING illegal about this (within certain bounds).

5. The Assistant to the President for National Security Affairs (AKA the National Security Advisor) is a senior presidential aide position in the Executive Office.

Senior AIDE.

That means the position is NOT confirmed by the Senate.

That means vetting, including full background checks and security review, for that position is SOLELY the responsibility of THE OFFICE OF THE EXECUTIVE, i.e. The President. Period. There is no ambiguity here.

Flynn had been retired for too long. His clearance could not be reinstated without a National Agency Check with Inquiries (NACI), i.e. a full background check. That's the law. As part of that process, Flynn was required to fill out the standard background check paperwork, a massive painful endlessly tedious form known to everybody with a clearance as the SF-86. NOW, here's the thing so pay attention: If you fail to disclose the required information on that

form, if you lie either by action or omission, that is a felony. One of the requirements on that form is a detailed listing of foreign contacts. General Michael Flynn did NOT disclose his numerous contacts with various foreign entities INCLUDING RUSSIA. This is illegal.

Moreover, Flynn HAD to have known what he was doing. He was a general, the former Director of DIA, a senior intelligence officer, and he'd been filling out SF-86s for 30 years.

IF he had listed his foreign contacts NONE of this would be a problem.

But he didn't.

And he didn't DELIBERATELY.

Which makes you wonder why, or at least it should.

Additionally, it's come to light this morning that Barack Obama specifically cautioned Donald Trump about Flynn during one of their Oval Office meetings following the election. And it's readily apparent the new administration was aware of Flynn's Russian contacts prior to his appointment and despite the fact that Flynn failed to disclose those contacts on his SF-86.

Responsibility for the Executive rests solely with the CURRENT occupant of that office and nobody else. That's the law. That's how it works.

The buck, as they say, stops at the Resolute Desk.

Except, of course, with Trump the buck stops anywhere but here.

With Trump, it's always somebody else's fault, somebody else's failure. With Trump, the first response every time is to deliberately misstate the situation and refuse to take responsibility.

Trump lacks the moral courage and the personal fortitude to take responsibility for anything, and his statement attached below is proof positive of this failing. Character matters.

NEVERTHELESS, A PRESIDENT IS RESPONSIBLE.

Whether he accepts it or not, Donald Trump is solely responsible for Michael Flynn.

Addendum:

In response to statements by people who have no idea what they are talking about (here and on Twitter)

A) There are two parts to this: clearance and access.

Clearance means you've been vetted to see certain levels of classified material.

Depending on the level, that vetting process can be very detailed and extensive -- Flynn's level of clearance would be that kind.

Access means you have a need to know. Just because you have a clearance, doesn't mean you get to see everything. I spent more than 20 years with the very highest level of clearance, far above the ordinary even for my particular community. But my access was limited to my area of military responsibility. For example, while I might have full access to foreign intelligence materials, I couldn't access materials on say US Naval nuclear reactor systems. I wasn't a nuke, it wasn't my job, even though I was cleared for material at that level.

One of the most obvious ways to spot a mole in your organization is when somebody with clearance starts seeking information that he has no need to know. See John Walker et al.

B) So, when Flynn left active duty and was no longer employed by the US government, he had NO NEED TO KNOW.

He still had a SECURITY CLEARANCE, but no ACCESS.

Flynn's clearance would have been INACTIVE at the date of his retirement in JPAS (the national security system). And it would stay that way until a certain amount of time had passed, before becoming outdated automatically and expiring. Unless it was renewed by a need to know (i.e. federal employment, or civilian employment under government contract as described in para 4 above).

Unless Flynn did something wrong during that period, there would be no reason for his clearance to be revoked. Or even examined. It would simply sit inactive in JPAS until it expired.

C) A common response to this post, here and on Twitter, is: Yeah, but Obama "renewed" Flynn's clearance in 2016!

No. Wrong.

After Trump won the election, Flynn became the incoming National Security Advisor. His clearance was already in JPAS. But he

needed to do another background check (a NACI) because too much time had passed since his last periodic update (typically every 5 years, but for certain levels of access it can be more often). And because as National Security Advisor next to the President, he would need a much more thorough background check than he required as DNI (which was VERY thorough). Because he was the incoming National Security Advisor and because AT THAT TIME there was no reason not to grant him access, Flynn was given an INTERIM clearance so that he could do his job. Interim clearance is a temporary clearance typically granted to supposed trustworthy people (which Flynn was at that time), in critical positions, so that they can do their job while the final clearance is processed. Typically limited access is also granted under the interim clearance, just the bare minimum necessary to do a specific job. In a number of cases, the background check turns up a problem and final clearance is not granted. Interim clearance is normally revoked immediately at that point along with any access. (An example:

Wayne Shelby Simmons, Fox's supposed former CIA agent and national security expert. The guy faked his background, and he did it so well that he managed to get a job with a defense contractor as a Terrain Analyst. He was granted an Interim Clearance and sent to Afghanistan -- because we were at war and we needed people. When the background check turned up evidence that Simmons was a fraud, his interim clearance was immediately revoked and he was fired and sent home. He ended up on Fox, but eventually the FBI caught up to him and he was tried and convicted of fraud and sentenced to prison where he is right now).

Granting of Interim clearance is perfectly normal and a necessary part of the process for these kinds of situations. Without it, the government would grind to a stop. More: without an interim clearance, Flynn couldn't have been briefed by the outgoing National Security Advisor -- because when Susan Rice left office, her access was suspended because she no longer had a need to know, she was no longer a federal employee. There has to be some overlap. So, Flynn

was given an interim clearance so he could be brought up to speed by Rice.

Flynn was granted interim clearance and access while he updated his security background check, which begins with him filling out an SF-86. Yes, this WAS done under the Obama Administration, but again at that point there was no reason not to. So, Flynn has an interim clearance and he is now required to update his permanent clearance. And during that process, he failed to disclose foreign contacts.

THAT'S THE PROBLEM. THAT'S THE CRIME, RIGHT THERE. That happened AFTER he was granted the interim clearance.

And when that discrepancy came to light (by now, under the new administration), HIS ACCESS WAS REVOKED and his clearance suspended pending investigation.

At which point he was fired/resigned/what have you and now he NO LONGER HAS A NEED TO KNOW.

So, saying "Obama renewed Flynn's clearance in 2016" is not only wrong, but demonstrates that the speaker has no idea of what he's talking about.



May 8 at 8:38am · Milton, FL · Public


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James Michael Kelly

We stopped granting interim clearances, at the lower levels anyway, years ago. I guess they still do that for "critical" positions? I was required to update my clearance before it expired or I would have had to complete the entire process over from the beginning.

Like ·  8 · Report · May 9

Raymond Dickey

I told you that they would keep blaming the black guy.

Like ·  26 · Report · May 9

Vicki Amundsen Och... replied · 1 reply

Vicki Amundsen Ochocki

i spent nearly six months reading through a tome we called "Radar for Dummies" while waiting for a clearance so I could begin real work. And I was a 24 year old kid with zero, i mean zero, speed bumps in my record.

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Candy Madigan replied · 2 replies

Angel Murray-Inge

45 will go down in history as the Great Finger Pointer. No responsibility at all.

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Ruth Ross

He probably has a sign on his desk that reads: "The Buck Stops Over There."

Like ·  18 · Report · May 9

Bill Slover

I held high-level (TS, and various compartmentalized) and lower-level clearances myself for nearly 40 years, filled out many SF-86s, transitioned from uniform to civilian, administered

employee clearances and accesses (need-to-know), performed JAG and various informal investigations related to security clearances and physical security. Bottom line: I can attest to the thoroughness, coherence, and accuracy of Jim's discussion above - it is spot on. I believe his discussion of "clearance" vs "access (and need to know)" is especially important for folks to understand.

Edited · Like ·  21 · Report · May 9

Josh Kiem

...and Nixon was president-elect when OJ Simpson won the Heisman.

What's your point, POTUS?

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Neil Conway

Good write up!

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Linda Grimes Brandon

Thanks for taking the time to clarify!

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Bobbi Ennis

He will still be tweeting "fake news" as the reports come out that he has been impeached.

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