

THE MIKE FLYNN INTERVIEWS, WITH BACKUP

A few weeks ago, the government turned over the backup to some Mueller interviews, including a number of Flynn interviews, at least one Steve Bannon interview, and a Corey Lewandowski one.

I've long been tracking the public Mike Flynn interview records (one, two, three). This post is an update incorporating, best as I could, the backup materials along with the interview reports. One primary Mueller interview may remain outstanding, along with his EDVA interviews regarding secretly being an Agent of Turkey.

Generally, the headings consist of one of three things:

- My summary of what got included in the Mueller Report (which is helpful to see what is new to this declassification)
- "Missing" and/or EDVA, which is a reflection of what Bijan Kian's lawyers claimed they had gotten by June 2019
- New, with a description of the content

The backup fleshes out what Flynn was questioned about, and what remains sensitive. The government has released maybe half of the emails and pictures that Flynn was questioned about in interviews, based on the references to such things in the interviews themselves. In general, if BuzzFeed got the backup material, the link I've added should link directly to that item.

But key kinds of materials were withheld. For

example, the following were withheld:

- Communications surrounding a 2016 Egyptian meeting (which Mueller suspected may have involved a bribe)
- A Kushner Blueprint for Russia sent to Flynn on January 1, 2017
- To the extent Flynn was shown it in interviews, the David Ignatius story reporting the Kislyak calls; that was generally withheld both for classification but also ongoing investigation (reflecting John Durham's leak investigation into it)
- A January 5, 2017 email referencing the Logan Act
- An email about the Steele dossier
- A July 24, 2016 email involving Flynn making it clear he recognized Russia had hacked the DNC; Flynn would equivocate on the subject in the weeks after that

**1. November 16, 2017:
Trump appoint Flynn as
NSA, first call with
Putin, Israel vote,**

communications with Kislyak, December Kislyak call

*Mueller attendees: James Quarles, Aaron Zebley,
Brandon Van Grack, Zainab Ahmad*

Entered: January 5, 2018

Nine months after Mike Flynn got fired, ostensibly for lying to the Vice President, Mueller's team invited him for a mulligan on his January 24, 2017 interview in which he lied several times to the FBI. In advance discussions about that interview, Brandon Van Grack alerted Flynn's lawyers that there were likely things Mueller's team knew that Flynn's did not.

There is information that you or your client might not be aware of. From where we're sitting, there might still be value in sitting down with your client. We have a good sense of what Flynn knows and what Flynn doesn't know.

As one indication of how badly Flynn had misled his attorneys, Rob Kelner expressed surprise that Flynn might be exposed for false statements from his interview at the White House.

Frankly, we are surprised by that. That is not consistent with what we have learned from press reports and other sources.

Zainab Ahmad warned,

You don't know everything he knows.

This first interview, then, might be considered a test, whether Flynn was willing to tell the truth about his actions and those of Trump's associates. He failed.

The interview front-loaded general information (how he came to work for Trump, though even

there, later interviews would offer slightly different details as to timing), and questions about topics that Flynn was a tangential participant in – the DNC emails, the June 9 meeting, meetings with Egypt and Mueller’s suspicion that Trump got \$10 million from them, ties with Qatar, Manafort’s role in the platform change, Brad Parscale’s operation, an the hush hush meeting with the UAE.

Only after asking questions about all that did Mueller’s team ask Flynn the same questions the FBI had asked him nine months earlier. He answered the questions the same way. He lied to hide the specific requests of Russia on Egypt’s UN proposal and he lied about whether he had discussed sanctions with Sergey Kislyak and discussed them with the Transition team at Mar-a-Lago with Trump.

Topics:

- How he came to work for Trump
- The \$10 million campaign contribution (Mueller suspected it to be sourced from Egypt)
- Hillary’s emails (Flynn lied and claimed he had never looked for them)
- The DNC emails (Flynn lied about discussions about the topic)
- No knowledge about June 9 meeting
- The meeting with Abdel Fattah el-Sisi (and those suspected of brokering it); Flynn later admitted he met with Egyptians on more than one occasion

- A reference to Qatar
- Flynn's views about Manafort, including the platform change
- Flynn's views on Russia
- Flynn's review of Parscale's operations
- Early congratulation calls, including Egypt, a botched one to Taiwan, and the first call with Putin
- The meeting with Kislyak (Flynn claimed a back channel did not come up)
- The call with Sergey Kislyak on 12/6/16, which he always insisted he didn't remember, and a follow-up on December 7
- The UAE meeting in NY
- The UN vote (Flynn repeated his lies from earlier that year, twice)
- The sanctions discussion (Flynn repeated his lies from earlier that year)

Backup

- 9/15/16 email to Bannon regarding Egypt (A)
- 12/7/16 email RE: Russian Ambassador Sergey Kislyak (regarding deferring all conversations until after inauguration) (B and C)
- 3/27/2017 NYT article describing Kushner meeting

(D)

- 12/12/16 meeting keep UAE meeting to small circle (E)
- Another email on Egypt

That night, Flynn's lawyers told him he had botched the interview.

That same evening, after concluding the first proffer, we returned to the Covington offices where my attorneys told me that the first day's proffer did not go well and then proceeded to walk me through a litany of conceivable charges I was facing and told me that I was looking at the possibility of "fifteen years in prison."

**2, November 17, 2017:
Israel vote, December
Kislyak call,
especially comms with
Mar a Lago, re Ignatius
Flynn said he had not
talked sanctions, Mar a
Lago with Trump,
Flynn's last meeting
with Trump, "we'll take
care of you"**

*Mueller attendees: James Quarles, Aaron Zebley,
Brandon Van Grack, Zainab Ahmad (Zebley and
Quarles in and out)*

Entered: 1/5/18

According to Flynn, overnight his attorneys coached him on language to

“get through” the next day’s proffer and satisfy the special counsel.

Flynn shaded the truth in his November 17 interview – about the Trump Transitions contacts with their predecessors, about his discussions about sanctions with KT McFarland and Steve Bannon, about why he left no written record of having discussed sanctions. Still, it was a better interview, and after being confronted with just a selection of the communications that had recorded these communications in real time, his story edged closer to the truth, even while denying things (such as the explicit nod to their calls from Kislyak) that were in FISA transcripts. Among the things Flynn admitted that day was that he “knew he got involved in U.S. policy when he called KISLYAK.”

In addition, Flynn provided Mueller’s team what must have been important insight. He said that when he resigned, “TRUMP was tired and visibly shaken or upset.” But then when Sean Spicer explained his resignation, “It bugged FLYNN that SPICER said he (FLYNN) had been untruthful.” Flynn’s sense of betrayal would, at times, be powerful motivation for his cooperation with Mueller, until it wasn’t anymore.

Topics:

- Calls with Kislyak, including January 12 one, (several iterations); Flynn lies abt Bossert speaking with Monaco, claims not to remember specifics of discussion with McFarland, makes excuses for not including sanctions in email, then backtracked somewhat, makes excuse for not telling Trump, claims he

didn't discuss it with
Bannon

- Flynn's lies to others,
including knights of the
round table
- His first FBI interview
(several iterations)
- Covington asks who he spoke
with after the call,
includes people (like Ted
Gistaro) whom he didn't tell
- His resignation

Backup

- 12/29/16 Text messages to
Sara Flaherty (possible some
withheld on b3) (A)
- Some exhibit (possibly call
records) eliciting a
discussion about whether he
and Michael Ledeen spoke
about sanctions (B)
- 12/30/16 email from
McFarland relaying the
talking points (C)
- D [possibly comms from after
he spoke with Kislyak]
- 12/31/16 Keith Kellogg email
(E)
- Probably Ignatius article

*Ongoing: Individual words redacted to hide an
investigation into Ignatius' source*

3. November 20, 2017:

Whether he told others at MAL, response to Ignatius

*Mueller attendees: James Quarles, Aaron Zebley,
Brandon Van Grack, Zainab Ahmad*

Entered : 1/5/18

On November 20, Flynn inched still closer to the truth about what happened during the Transition period. He clarified a key detail about the \$10 million infusion of cash that, Mueller suspected, had come from Egypt. Flynn described how Trump blamed him for not informing Trump that Vladimir Putin had been the first to call Trump after inauguration – something Trump had told Jim Comey.

And after being shown texts of the communications he had with Mar-a-Lago surrounding his calls with Sergey Kislyak, he effectively admitted that he had coordinated with Mar-a-Lago. There were still gaps. He had no explanation for why there was a meeting between him, KT McFarland, and Trump at 5PM, which would have been shortly after his call with Kislyak. Flynn inched closer to admitting that he and McFarland had agreed to leave mention of sanctions out of his text summarizing the call. And he admitted that he may have spoken about the sanctions discussion in some meetings with Steve Bannon at the latter's townhome after the calls.

Once Flynn's admissions about his own actions got closer to the truth, Mueller's team asked him questions about Jared Kushner's actions, especially a secret meeting with Mohammed bin Zayed in mid-December 2016.

Topics:

- The Infusion of cash
(correcting earlier
explanation)

- Theresa May arrival (included in Comey's notes)
- Calls with Kislyak (including texts with Flaherty)
- Texts excluding sanction discussion
- Meeting with Trump at 5PM on 12/29
- Meeting with Bannon
- Kushner's blueprint for Russia
- McFarland January 5, 2017 email
- January 6, 2017 ICA briefing
- Dossier
- Cohen's Ukraine plan
- Someone who also believed CIA was bloated (and discussed UAE and Libya)
- Seychelles meeting
- Egypt package

Backup

- 12/29/16 Text messages with Flaherty
- 12/29/16 McFarland email tit-for-tat
- 12/29/16 Trump calendar showing 5PM meeting with Trump and McFarland
- Possibly texts sent to McFarland after call
- 1/1/17 Kushner Blueprint for Russia
- 1/5/17 Logan Act discussion
- 1/10/17 Email about Steele

dossier

- 1/12/17 email about Rex Tillerson
- 2 items marked Secret
- Text messages where he described calls, including Kislyak's text
- Possible b7A

Classified: Rex Tillerson? Some details about early January

Ongoing: Two b7A paragraphs in follow-up to Egypt package

4. November 21, 2017: Whether he told others at MAL, response to Ignatius, meeting with Trump [Missing]

Mueller attendees: James Quarles, Aaron Zebley, Brandon Van Grack, Zainab Ahmad; Mueller, briefly; Zebley left

Entered: 1/5/18

Having given Mueller's team a passable explanation for his own actions, they focused the last interview on fine tuning that – particularly his admission to discussing the sanctions with Bannon – while getting him to talk about all the times he had been thrown under the bus by those who were in the know on the sanctions discussion, Bannon and McFarland.

Mueller's team also got him to go over Kushner's involvement in foreign policy, the relationship with Egypt, and the UAE meeting.

Topics:

- Logan Act

- Bannon's townhouse (Bannon already knew content of conversation)
- Knights of the round table meeting, Bannon and McFarland silent
- Another instance of being thrown under the bus
- Kushner on Mexico
- Egypt
- Rick Gerson and Tony Blair, the UAE meeting (April 2017 Flynn contact with Gerson)

Backup [large b4 redactions likely hiding a bunch]

- Email on el-Sisi meeting
- 9/16/16 email between Ivanka and Phares
- Photo of Rick Gerson
- Kushner email on keeping meeting small

Large b4 redactions (trade secrets), addressing two topics, which leads into Kushner on foreign policy.

5. November 29, 2017: Peter Smith [Missing]

Mueller attendees: Brandon Van Grack, Zainab Ahmad

Entered: 1/5/18

The November 29, 2017 meeting, when the two sides were already discussing a plea deal, seems to be focused on answering questions that Mueller's team didn't know the answers to, unlike the prior proffers. This covered some of Flynn's other legal exposure (such as his non-

disclosure of foreign travel on his clearance form and his financial disclosure), just bits about his ties with Turkish officials, WikiLeaks and the Peter Smith attempt to find Hillary's email, as well as other election year digital activities.

The interview ended with a discussion about language in a draft statement of offense admitting that Flynn had initially not told the government that he and Steve Bannon discussed sanctions. That language was cut from the final statement of offense, but it provides important background to interviews with others, including McFarland and Bannon.

Topics:

- Op-ed on Libya relying on WikiLeaks docs
- Discussions about WikiLeaks having Hillary's emails, no direct contact
- WikiLeaks following Flynn starting in October or November 2016, DMs him on 12/5/16
- An NSC hire
- Flynn notes on index cards
- Meeting with Turkish officials, including sitting with Foreign Minister at Trump International Hotel in January
- More Turkish
- Svetlana Lokhova, including congratulations sent after election
- Jobs after DIA
- Meetings Flynn set up
- Foreign travel not included

in SF-86, financial disclosure

- Peter Smith (original contact cyber business), probably downplaying extent of their contacts
- Rick Gates during transition
- Putin congratulatory phone call (possibly different details than original version), asked about a "signal"
- Rick Gerson notes on 12/14/16
- WikiStrat
- PsyGroup
- Donbass
- Meeting with Susan Rice
- Strong dollar
- Bannon townhouse language in statement of offense

Backup

- 10/6/16 Curtis Ellis email, possibly relating to an op-ed on Libya, using classified information that had shown up on WikiLeaks
- Possible b7A
- Possible SF-86 and financial disclosure form
- 12/4/16 notebook entries re Rick Gerson meeting
- Possible media report that Trump asked him about strong dollar

b7E redactions

Ongoing: Four b7A redactions in discussion of what he did after he left DIA.

6. January 11, 2018: November 30 meeting with Kislyak [Missing]

Mueller attendees: Brandon Van Grack, James Quarles

Entered: 2/22/18

Starts with admonishment.

In Flynn's first interview after pleading guilty, Mueller's team asked him more generic details – about how he used his classified phone, whether he used encrypted apps, whether he knew about the Seychelles meeting. It's not clear he told truth about those questions or not, but he did provide other useful information, such as how often Erik Prince was at Transition headquarters.

Topics:

- Classified emails
- Flynn claims he only used classified phone with Susan Rice
- Encrypted apps (he preferred Signal), especially whether Bannon and Kushner used them
- Kislyak meeting, starting w/12/1/16 (obtained his bio), still claimed no back channel, did not recall sanctions discussion
- UN calls (including Nikki Haley's, Bannon's involvement)

- Rebuff of Manafort's 1/15/17 email (Manafort at National Prayer Breakfast)
- UAE meeting
- Another discussion of fire-the-CIA guy (could be Prince)
- Prince at Trump Tower on daily basis, no knowledge of Seychelles
- Kevin Harrington: Russia trying to usurp US role
- Gitmo transfer
- Parscale meeting in September 2016
- Whom he has heard from post-plea

Backup:

- 1/5/18 NYT article (described as WSJ one) on UNSC vote on Israel
- 1/15/17 KT McFarland email chain involving Manafort
- Possible b7A
- Picture of Egyptian (or maybe Nader)
- Kevin Harrington article
- Possible referral consult

Ongoing: Two b7A paragraphs between discussion of Manafort and Egyptian.

**7. January 19, 2018:
Flynn did not have**

specific recollection about telling POTUS on January 3, 2017

Mueller attendees: Brandon Van Grack, James Quarles, Andrew Goldstein

Entered: 6/21/18 [note: several other 302s have an entry date of 5/21, so this may be a typo]

In Flynn's January 19, 2018 interview, he protected the President. He said, over and over, that he had no idea if he had spoken directly with Trump about sanctions, or even what he had said to KT McFarland. The Mueller team did not prompt him with information that might have been useful to force him to admit that he had told Trump.

Flynn did, however, admit that Trump had a better understanding of the timeline of Flynn's calls with Kislyak than Flynn did, including a probable reference to Trump's involvement in the December 22 call about Egypt.

This 302 was not finalized until June 21, a testament to how important Flynn's claim not to remember discussing this with Trump was to Mueller's case.

Topics:

- Contacts with Mar-a-Lago, claims he assumed McFarland talked to Priebus and Bannon
- Meeting with Bannon on 1/1/17
- Whether it came up on 1/3/17
- Ignatius, now says he's worried he broke the law
- His interview (with b5 that may have covered discussion within WH afterwards)
- Trump corrects his date

- Whether Trump specified calls with Daily Caller
- Correcting Nikki Haley on Crimea

Backup:

- Possibly Ignatius article

8. January 24, 2018: [New] Questions about George Nader and Erik Prince

Mueller attendees: Brandon Van Grack, Zainab Ahmad

Entered: 2/22/18

This interview took place in the wake of the George Nader detention at the airport, and reflects the first review of Nader's phone. Prince was also a focus.

Topics:

- Whether he recognized Nader
- How Flynn arrived to the MbZ meeting and what was discussed
- Whether Russia was discussed
- Flynn's meeting with Rick Gerson in December (which Tony Blair attended)
- Erik Prince's plans to outsource the IC and whether he was getting \$\$ from UAE
- Prince's presence in Trump Tower after the election
- Extended b7A discussion

Backup:

- Picture of himself with Nader, and picture of Nader
- Sketch of meeting
- Two pages from his notebook

9. April 25, 2018: Peter Smith

Mueller attendees: Brandon Van Grack, Zainab Ahmad, Andrew Weissmann, Aaron Zelinsky

Entered: 5/21/18

On April 25, 2018, after most Trump associates had had their first interviews and the Mueller team had begun to unravel Roger Stone's role, Flynn had his first interview discussing those issues. It appears he shaded the truth, disclaiming to have been certain that Russia had hacked the DNC and disclaiming awareness of all the discussions in the campaign about WikiLeaks.

Nevertheless, Flynn likely said things at this interview that betrayed knowledge of far more, even if he didn't understand that.

Topics:

- How he got involved in the campaign, including discussions of Russia and Sam Clovis' role in it, dates involvement from 2/22/16; officially joined June 2016
- RT trip
- Regular contact with retired military officer, including email 6/29/16
- DNC hack, Flynn claims he was uncertain abt

attribution [break to walk Flynn through specific dates], Ledeen on missing emails, no memory of Stone, contact with FBI

- Debate prep included “leverage” discussions about Assange, Flynn did not know under indictment (??)

Backup:

- 6/29/16 (Paul Vallely?) email

10. May 1, 2018: Peter Smith

Mueller attendees: Brandon Van Grack, Aaron Zelinsky

Entered: 5/21/18

In this interview, Stone prosecutor Aaron Zelinsky tried to pinpoint Flynn’s vague memories from August 2016, specifically regarding his first flight with the campaign on August 3, 2016, in the middle of a period when Stone was in close contact with the campaign about WikiLeaks. In this interview, Flynn admitted that he had much higher certainty that Russia had done the hack than he had said weeks earlier.

Mueller’s team also asked him what amount to counterintelligence questions and started to figure out who in the FBI was undermining their case in Flynn’s name.

The meeting ended with a question about who used his IC badge to enter a classified facility on April 3, 2017.

Topics:

- First trip on plane was 8/3/16, to Jacksonville, Flynn's own assessment would be high likelihood Russia did the hack
- Russian born investment capitalist talked about Clinton's emails a lot
- WikiLeaks reaches out to Flynn on 6/22/16 via publisher (recurring)
- Flynn email 7/24/16 about attribution showing certainty—he walked back his certainty by August 3
- Series of emails with someone military who moved to DIA, around first meeting with Manafort on 6/23/16
- Question abt bots and social media
- Email 11/2/16 may have clicked on the link
- Trump's 7/27/16 comment, specifically asked if Stone put it in his head
- Contact in USDI
- Retired general
- 6/29/16 email from someone he was respectful of
- Email 9/10/16 about speaking to Russia on Syria, someone pro-Russian
- Dmitri Simes
- Email sent to someone he met in August 2015 on 8/20/16
- Contacts in FBI

- Digital response team v. Parscales
- Email 10/9/16 with link to Podesta
- Extended discussion of Erik Prince, including transition
- DIA visit on 4/3/17 (discussion about his IC badge)

Backup

- 7/24/16 email on who hacked DNC (when he believed it was Russian)
- 7/15/16 email information war
- 6/21/16 emails starting on 6/21/16
- 6/22/16 WikiLeaks outreach
- 11/2/16 email
- 10/29/16 email
- 6/29/16 email
- 9/10/16 email (Vallely)
- 8/1/16 email
- 8/29/16 Chatham House email wrt Dmitri Simes [Check date]
- 8/20/15 email
- 9/22/16 email involving Parscales (OPSEC)
- 10/9/16 email including link to Podesta emails
- Possible b7A
- Wickr introduction

Ongoing: Two b7A paragraphs abt discreet subject/person between discussion about WikiLeaks and about Prince.

11. May 4, 2018: [New: Manafort, Ledeen, and badging]

Mueller attendees: Brandon Van Grack, Aaron Zelinsky

Entered: 5/21/18

The next meeting started with the unexplained use of his badge (Flynn claimed he still hadn't found it). It hit on his efforts to find Hillary's emails with Barbara Ledeen, their search for the emails on servers in Ukraine, and a long call Flynn had with Manafort in June, when the WikiLeaks effort first began.

Topics:

- Use of his badge 4/3/17
- Barbara Ledeen, including password protected email on 10/29/16
- Servers in Ukraine
- Micro-targeting
- Hour-long call with Manafort on 6/23/16; first met Manafort on 6/30/16
- The dossier and ICA briefing
- Transition meeting, some Captain sharing information, and KT McFarland

Backup:

- 5/24/16 email involving Herridge
- 6/16/16 email from Ledeen to Flynn including proposal on emails
- 9/10/16 email from Ledeen to

Flynn (involving early campaign advisor)

- 10/29/16 Hushmail
- 11/3/16 Hushmail SB memos (possibly related to Sid Blumenthal)
- 10/18/16 email regarding Project Veritas [possibly 4 pages, b4 and r/c]

12. May 17, 2018: [New: Ledeen's tampering]

Mueller attendees: Brandon Van Grack, Zainab Ahmad

Entered: 6/1/18

Most of this meeting focused on ways that Flynn's people were undermining the investigation, with a focus on Barbara Ledeen and Sara Carter (who published several false stories about the investigation). It also returned to the issue of what secure communications he used.

Topics:

- Ledeen's probes of the investigation
- Sarah Carter's propaganda (starting with possible immunity on 3/30/16)
- Discussions about the investigation
- Secure communications

Backup:

- Possibly 5/1/18 Ledeen text inquiring about the investigation

- 3/30/18 Michael Ledeen email involving Sara Carter
- 4/17/18 Michael email arranging a meeting
- 5/16/17 note
- 1 page b3
- 12/19/17 Sara Carter article on Pete Strzok
- 3/31/18 Sara Carter story
- 11/2/16 email about declassifying document to investigate servers
- b3 reference [8 pages total withheld]
- b3 reference
- b3 reference
- 1/12/17 Wickr email

13. May 23, 2018:

Mueller attendees: Brandon Van Grack, Zainab Ahmad

Entered: 5/29/18

While this meeting returned focus to two key prongs of the Middle Eastern part of this investigation, UAE and Qatar, it also probed more about Flynn's current job and the FBI agents tracking his case.

Topics:

- Qatar
- 12/12/16 Trump Tower meeting, possibly with QIA
- His then-current consulting gig
- FBI agents, including retired, who are tracking his case

Backup

- Picture from QIA meeting

b3: An entire discussion covered by b3

**14. June 13, 2018:
[EDVA, Missing]**

**15. June 14, 2018:
[EDVA, Missing]**

**16. June 25, 2018:
[EDVA, Missing]**

**17. July 26, 2018,
[EDVA, Missing,
possibly two 302s]**

**18. September 17, 2018:
[New: someone else's
tampering, probably
Derek Harvey]**

*Mueller attendees: Brandon Van Grack, Zainab
Ahmad*

Entered: 9/28/18

The entirety of this, Flynn's last meeting with the Mueller team, seems to focus on the role of Derek Harvey, whom Flynn hired into the NSC, and who played a key role in helping Devin Nunes undermine the entire investigation.

Topics:

- Relationship with someone on HPSCI, probably Derek Harvey

**September 26, 2018:
Proffer response on
meetings with Foresman**

**January 28, 2019: [EDVA
Missing]**

February 28, 2019: EDVA

**April 5, 2019: [EDVA
Missing]**

**June 6, 2019: EDVA –
Flynn blows up his plea
deal**

FLASHBACKS TO THE 2015 CAMPAIGN



Katy Tur at SXSW

*[h/t nrkbeta Attribution-ShareAlike 2.0
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Several years ago, I got Mrs Dr Peterr Katy Tur's book *Unbelievable: My Front-Row Seat to the Craziest Campaign in American History*. Tur had been the NBC reporter assigned to the Trump campaign in 2015 and 2016, and listening to the impeachment coverage yesterday and the coverage this morning, one episode she recounted in the book came flashing back . . .

In Dec 2015, three days before Trump announced his pledge to institute a Muslim travel ban, Trump got rattled at a rally in Raleigh NC where protesters coordinated their efforts and threw him off his game, interrupting his speech every couple of minutes from different parts of the arena. Disgusted, Trump abruptly left the podium and started shaking hands offstage, and Tur sent out a simple tweet describing what had happened.

Right before lunch the next day, Hope Hicks wrote her to say "Katy, Mr. Trump thought your tweets from last night were disgraceful. Not nice! Best, Hope." Shortly thereafter, the media gets the word about the travel ban Trump intended to announce that night, and that becomes the big story of the day with Katy doing livestreams all afternoon. That evening, before a rally inside the USS Yorktown (an aircraft carrier-turned-museum in Charleston harbor), Trump blasted her with four attack tweets in the span of four minutes.

Tur says the rally's specific location was a surprise, in that it wasn't held on the carrier deck but inside the belly of the ship, with the media crowded into a pen.

Yes, we are in a pen: a makeshift enclosure made of bicycle racks and jammed full of desks, reporters, and camera equipment. We're in the middle of the carrier, slammed against the right side wall. As usual, almost all of

Trump's supporters are white and a lot of them are looking at us, not exactly kindly. The campaign and Secret Service force us to stay inside the pen while Trump is onstage. They even discourage bathroom breaks. None of them have a good explanation for why we're kept separate from the supporters. *Are we the threat or are they?*

Trump starts his rambling speech, and the crowd eats it up. Then Trump opens up on the media.

"The mainstream media," Trump says. "These people back here, they're the worst. They are so dishonest."

Hoots and hollers.

And then I hear my name.

"She's back there, little Katy. She's back there."

Trump then calls her a liar several times, and a third rate reporter several times as well, before pivoting to a more general attack on the media. Finally, once he's got the crowd sufficiently whipped up, he formally announces the Muslim ban, and the crowd which she described earlier as looking at her like "a large animal, angry and unchained" went nuts.

She goes live with Chris Matthews as Trump leaves the stage, and when she's done with that, Chris Hayes takes over and wants to keep her on the air for the lead story on his show that followed Matthews'.

[Trump] supporters are taking their time to leave. They're still whipped up. I know someone is going to start yelling at me as soon as I start talking. So I do what I always do. I find the pinhole deep in the back of the lens and I tune everything else out.

A couple of minutes later, I'm done. The

crowd that had gathered behind my live shot is gone except for a few stragglers, yelling at me. They're five feet away, held back by those lousy bicycle racks. A Trump staffer shoos them away. MSNBC has cleared me and my bosses want [her cameraman/sound tech] Anthony and me to get out of there as quickly as we can. I don't quite understand why until we pack up and start to head out. A Trump staffer stops me and says "These guys are going to walk you out."

I look over and see two Secret Service agents. Thank goodness. They walk Anthony and me along the gangway back to our car. It's pitch black and I'm nervous. We're parked with the crowd.

Once we're moving, I take a look at my phone. My mom has called. And called. And called. I dial her back. "Are you okay? Where are you staying? Can someone stay with you? You need security!?" She is crying. And it hits me.

I'm a target.

On that day in December 2015, the security professionals of the US Secret Service recognized that Trump was dangerously inciting a mob, and stepped in to protect the target he had singled out.

On January 6, 2021, Trump again incited a mob, and this time there was no one to stop them.

RUSSIAN FLIGHT: THE TIMING OF THE

ASSANGE CHARGES

The Department of Justice charged Julian Assange when they did to stave off an attempt to help Assange flee to Russia.

That's one important takeaway from the date of the complaint, December 21, 2017. Days earlier, Ecuador had submitted diplomatic credentials for Assange to the British government, with the intent that he would move (or, according to the less reliable Guardian, be secretly exfiltrated) to Russia under protection of diplomatic status.

Ecuador last Dec. 19 approved a "special designation in favor of Mr. Julian Assange so that he can carry out functions at the Ecuadorean Embassy in Russia," according to the letter written to opposition legislator Paola Vintimilla.

"Special designation" refers to the Ecuadorean president's right to name political allies to a fixed number of diplomatic posts even if they are not career diplomats.

But Britain's Foreign Office in a Dec. 21 note said it did not accept Assange as a diplomat and that it did not "consider that Mr. Assange enjoys any type of privileges and immunities under the Vienna Convention," reads the letter, citing a British diplomatic note.

Ecuador abandoned its decision shortly after, according to the letter.

British authorities have said they will arrest Assange if he leaves the embassy, meaning he would have needed to be recognized as a diplomat in order to travel to Moscow.

The US finalized the complaint the same day the UK rejected the Ecuadorian request (though the

accompanying 26-page affidavit suggests it been in the works for some time). The next day the US sent a formal extradition warrant to the UK. All this happened under dramatically increased (and visible) surveillance from Ecuador's security contractor, UC Global; Assange boosters have tried to spin this attempt as a US kidnapping attempt, which is presumably what they would have called a failed exfiltration attempt.

The timing of two of the other sets of charges against Assange can also be fairly readily explained. Assange was formally indicted on March 6, 2018, the day before the 8-year statute of limitations on the CFAA charge would expire. The most recent superseding indictment, obtained on June 24, 2020, expanded the CFAA conspiracy charge through 2015, which seems to be another effort to expand the conspiracy before statutes toll. The next overt acts in WikiLeaks' efforts to undermine the US came in March and April 2016. Unless Assange is pardoned and released (as I've noted, a pardon may not have the effect Assange boosters want it to), I think it highly likely DOJ will supersede again after inauguration to include, at a minimum, the Vault 7 publication, and probably some overt acts tied to the 2016 election interference. Depending on UK willingness to add to the total charges, the US might well add foreign agent charges they've alluded to.

Only the timing of the indictment adding the Espionage charges on May 23, 2019 can't be readily explained (though it came in the wake of the Mueller Report and the larger Russian investigation which is, per the SSCI Report, what led to a better understanding of the degree to which Russia had "co-opted" WikiLeaks).

It is a testament to the power of WikiLeaks' propaganda efforts that the entire focus on Julian Assange's prosecution has been on false claims about why DOJ decided to prosecute him while Trump was President and not on the specific timing of the first charge against him, which ties it to Assange's relationship with

Russia.

Quite honestly, the US probably would have been far better off had Assange's attempt to flee to Russia succeeded. That would have made clear even to the dead-enders that Assange had become little more than a Russian tool, and thereby diminished WikiLeaks' allure and efficacy as a cover for leaks going forward. Instead, they've made of Assange a martyr about whom most journalism organizations in the world are enthusiastically repeating false propaganda.

ON BILL BARR'S LAST DAY, TRUMP COMMITS THE CRIME BARR AFFIRMED IN HIS CONFIRMATION HEARING

In Bill Barr's confirmation hearing, he affirmed on three different occasions (each time with lessening force) that it would be a crime to offer a pardon for false testimony.

Leahy: Do you believe a president could lawfully issue a pardon in exchange for the recipient's promise to not incriminate him?

Barr: No, that would be a crime.

In Bill Barr's resignation letter, he explained he would "spend the next week wrapping up a few remaining matters important to the Administration and depart on December 23rd." Barr stopped off at the White House yesterday for a short visit. He and his spox wrote his good-byes during the day and then left DOJ in

charge of Jeffrey Rosen.

And then after all that, Trump pardoned Paul Manafort and Roger Stone. The Manafort and Stone pardons – for which the paperwork must have been done ahead of time but held until Barr was no longer Attorney General – only cover the crimes for which they've been found guilty. That means both men would ostensibly remain under investigation for their coordination with Russian Agents during the election (and both men assuredly did coordinate with Russian Agents during the election).

If Bill Barr didn't find a way to permanently end that investigation.

The question now is whether Bill Barr, cover-up artist, managed to cover his tracks this time as well as he did in Iran-Contra.

ROGER STONE INVENTED A NEW COVER STORY RATHER THAN DEFEND HIMSELF AT TRIAL

In the wake of Friday's commutation, I've been prepping to write some stuff about Roger Stone I've long been planning.

In this post, I'd like to elaborate on a comment I made several times during the trial.

Stone's defense, such as it existed, consisted of two efforts. Along with ham-handed attempts to discredit witnesses, Stone – as he had always done and did even after the commutation – denied he had anything to do with "Russia collusion." In the trial, that amounted to an attempt to claim his lies about WikiLeaks were not material, which, if true, would have undermined the false statements charges against

Stone. But that effort failed, in part, because Stone himself raised how the stolen emails got to WikiLeaks early in his HPSCI testimony, thereby making it clear he understood that WikiLeaks, and not just Russia, was included in the scope of HPSCI's investigation.

More interestingly, however, in Bruce Rogow's opening argument for Stone, Rogow reversed his client's claims – made during his HPSCI testimony – to have had an intermediary with WikiLeaks.

Now, the government has said something about Mr. Stone being a braggart. And he did brag about his ability to try to find out what was going on. But he had no intermediary. He found out everything in the public domain.

[snip]

And the first one at paragraph 75, it says that Mr. Stone sought to clarify something about Assange, and that he subsequently identified the intermediary, that's Mr. Credico, who, by the way, the evidence is going to show was no intermediary, there was no go between, there was no intermediary. Mr. Corsi was not an intermediary. These people were playing Mr. Stone.

And Mr. Stone took the bait. And so that's why he thought he had an intermediary. There was no intermediary. There were no intermediaries. And the evidence is going to show that. And I think when Mr. Credico testifies, he will confirm that he was not an intermediary.

And what is an intermediary? What is a go-between? An intermediary is someone between me and the other party. And the other party, the way the government has constructed this, was Julian Assange. And there was no intermediary between Mr. Stone and Julian Assange. It's made

up stuff.

Does it play in politics? Does it play in terms of newspaper articles and public? Did Mr. Stone say these things? You saw the clips that are going to be played. We don't hide from those clips. They occurred. Mr. Stone said these things.

But he was playing others himself by creating for himself that notion that he had some kind of direct contact, which he later on renounced and publicly renounced it and said that is not what I meant, that is not what was happening. And to the extent that anybody thinks that Credico was a direct intermediary, a go-between between Stone and Julian Assange, Mr. Credico will destroy that notion. Mr. Corsi will destroy that notion.

All these people were playing one another in terms of their political machinations, trying to be important people, trying to say that they had more than they really had in terms of value and perhaps value to the committee, I mean, value to the campaign.

That story certainly had its desired effect. Some credulous journalists came in believing that whether Stone had an intermediary or not mattered to the outcome. Those who had reason to discount the possibility that Stone had advance knowledge of the stolen emails grasped on this story (and Jerome Corsi's unreliability), and agreed that Rogow must have it right, that Stone was really working from public information. For a good deal of the public, then, this story worked. Roger Stone didn't have any inside track, he was just trying to boost his value to the Trump campaign.

From a narrative standpoint, that defense was brilliant. It had the desired effect of

disclaiming any advance knowledge of the hack-and-leak, and a great many people believed it (and still believe it).

From a legal standpoint, though, it was suicidal. It amounted to Roger Stone having his lawyer start the trial by admitting his guilt, before a single witness took the stand.

That's true partly because the facts made it clear that Randy Credico not only had not tricked Roger Stone, but made repeated efforts, starting well in advance of Stone's HPSCI testimony, to correct any claim that he was Stone's intermediary. This is a point Jonathan Kravis made in his closing argument.

Now, the defense would have you believe that Randy Credico is some sort of Svengali or mastermind, that Randy Credico tricked Roger Stone into giving false testimony before the committee; that Randy Credico somehow fooled Roger Stone into believing that Stone's own statements from August 2016 were actually about Credico. That claim is absurd.

You saw Randy Credico testify during this trial. I ask you, does anyone who saw and heard that man testify during this trial think for even a moment that he is the kind of person who is going to pull the wool over Roger Stone's eyes. The person that you saw testify is just not the kind of person who is going to fool Roger Stone.

And look at the text messages and the email I just showed you. If Randy Credico is trying to fool Roger Stone about what Roger Stone's own words meant in August 2016, why is Credico repeatedly texting and emailing Stone to set the record straight, telling him: I'm not the guy, there was someone else in early August.

Kravis also laid out the two times entered into evidence (there are more that weren't raised at trial) where Stone coordinated his cover story with Corsi. If he really believed this story, Stone might have argued that when Corsi warned Stone that he risked raising more questions by pushing Credico forward as his intermediary, it was just part of Corsi duping him. But while he subpoenaed Corsi, Stone didn't put him on the stand to testify to that, nor did he ever make such a claim in his defense.

There's a more important reason why such a defense was insane, from a legal standpoint.

Rogow's story was that Stone *believed* that both Credico and Corsi had inside information on the hack-and-leak, and that he was fully and utterly duped by these crafty villains.

If that were true, *it would still mean Stone intended to lie*. It would still mean that Stone sufficiently believed Corsi really was an intermediary when he testified to HPSCI that he believed he needed to – and did – cover up Corsi's role. If Stone believed both Corsi and Credico had inside information on the hack-and-leak, it would mean he lied when he claimed he had one and only one interlocutor. If Stone believed both Corsi and Credico really were back channels, it would mean only one false statement charge against him – the one where he claimed Credico was his back channel (Count 3) – would be true. The rest – that he had no emails about Assange (Count 2), that he didn't make any request of his interlocutor (Count 4), that he had no emails or text messages with his interlocutor (Count 5), and that he didn't discuss his communication with his interlocutor with the campaign (Count 6) – would still be false.

Rogow's claim that poor Roger Stone was too stupid to realize Corsi wasn't really an interlocutor would suggest that Stone nevertheless acted on that false information, and successfully obstructed the HPSCI investigation anyway. Rogow was effectively

arguing that Stone was stupid *and* guilty.

Moreover, if Stone really came to realize he had been duped, as Rogow claimed, then it would mean Stone had his lawyers write multiple follow-ups with HPSCI – including as late as December 2018 – yet never asked them to correct the record on this point.

(Compare that with Michael Caputo, who did correct the record when he learned Mueller knew of his ties with Henry Greenberg in his FBI interview.)

Those who bought this story did so because they believed Stone was all about claiming credit, so much so he was willing to face prison time rather than correct the record. But Stone sustained this story even at a time when Stone was explicitly avoiding making any claim he deserved credit for Trump's victory.

So long as you don't think through how insane this defense strategy was, it made a nice story, one that (as Stone's original HPSCI testimony had) disclaimed any role in optimizing the fruits of the Russian operation and thereby protected Donald Trump. But that's a narrative, not a legal defense, and as a legal defense this effort was absolutely insane.

That doesn't mean we know precisely what secret Roger Stone was willing to risk prison time to hide. But Stone's confession of guilt as a defense strategy makes it far more likely that he was – and is – still trying to keep that secret.

HOURS BEFORE SHE ATTEMPTED TO KILL

HERSELF, PROSECUTORS MAY HAVE TOLD CHELSEA MANNING THAT JULIAN ASSANGE IS A RUSSIAN SPY

Back when the government first subpoenaed Chelsea Manning, I laid out why that was likely to be counterproductive.

[U]nless there's a really good legal reason for the government to pursue its own of evolving theory of WikiLeaks' activities, it doesn't make sense to rush where former WikiLeaks supporters are headed on their own. In virtually all venues, activists' reversed understanding of WikiLeaks is bound to have more credibility (and almost certainly more nuanced understanding) than anything the government can offer. Indeed, that would likely be especially true, internationally, in discussions of Assange's asylum claim.

A charge against Assange in conjunction with Vault 7 or the 2016 election operation might accelerate that process, without foreclosing the government's opportunity to present any evolved understanding of WikiLeaks' role in the future (especially if tied to conspiracy charges including the 2016 and 2017 activities).

But getting into a subpoena fight with Chelsea Manning is likely to have the opposite effect.

That's true, in part, because post-commutation a lot of people worry about the impact renewed pressure from the government against Manning will have, regardless of the legal soundness of it.

The government wanted Aaron Swartz to become an informant when they ratcheted up the pressure on him between 2011 and 2013. They didn't get that information. And his suicide has become a key symbol of the reasons to distrust law enforcement and its ham-handed legal tactics.

Yesterday, Manning tried to kill herself. While the statement released by her lawyers notes that she has a hearing tomorrow on whether she should be freed because no amount of coercion will make her cooperate with the grand jury, the statement is silent about the fact that she was brought before the grand jury yesterday, hours before the suicide attempt.

I know of no account of what happened in that grand jury appearance. But Jeremy Hammond was also brought before the grand jury in advance of a hearing, also on Friday, in a bid to be freed (in Hammond's case, he'd be released back into federal prison to serve out his sentence for hacking Stratfor). He gave an account of the appearance in an interview yesterday (the part about the grand jury starts after 41:20). Hammond described how, before entering the grand jury, the prosecutor asked whether there was anything the government could do to get him to change his mind about not testifying.

"What could the United States government do that could get you to change your mind and obey the law here? Cause you know" – he basically says – "I know you think you're doing the honorable thing here, you're very smart, but Julian Assange, he's not worth it for you, he's not worth your sacrifice, you know he's a Russian spy, you know."

The questions he was asked *in the grand jury* were apparently no surprise: the prosecutor asked whether Assange asked Hammond to hack any websites. Hammond describes the questions as the

same as were asked in his last appearance, in September. Because Hammond decided to answer in the same way Bartleby the Scrivener answered questions – by saying he preferred not to answer – the prosecutor afterwards tried to chat up Hammond about world literature. He even reminded that Bartleby died in prison. The prosecutor then repeated that Assange is a Russian spy.

He implied that all options are on the table, they could press for – he didn't say it directly, but he said they could press for criminal contempt. ... Then he implies that you could still look like you disobeyed but we could keep it a secret – “nobody has to know I just want to know about Julian Assange ... I don't know why you're defending this guy, he's a Russian spy. He fucking helped Trump win the election.”

Hammond asked why Assange wasn't charged in the 2016 operation, and the prosecutor appears to have responded that the extradition would take a long time. One of the prosecutors reminded Hammond that one of his Anonymous co-defendants was now a professor in the UK. One asked whether Hammond would discuss Sabu, which surprised him. Hammond said that Sabu was the only one who asked him to hack into any websites. The FBI officer in the room pulled out a notebook and started taking notes.

There's no indication that prosecutors said the same things to Manning as they did to Hammond, though this is the same grand jury and same prosecutors and both are obviously being asked about Assange.

Which means it is likely that hours before Manning attempted to kill herself, prosecutors tried to get her to answer questions about the man she sent entire databases of secrets to by claiming he is a Russian spy. They may well now have evidence of that – but if they used that tack, they were basically asking Manning to testify that the understanding she has of her

own actions are entirely wrong and that the sacrifices she made were for a purpose other than the one she believed in.

Sadly, if Hammond is any indication, Manning is also getting a distorted view of the extradition fight over Assange. As I have noted, WikiLeaks supporters are telling at least three outright lies by:

- Pretending that discussions of a pardon only started in August 2017, in exchange for testimony claiming that Russia didn't hack the DNC, rather than started well before the FBI investigation into Trump's campaign was public, as either an implicit or explicit payoff for election assistance
- Claiming that Mike Pompeo's designation of WikiLeaks as a non-state hostile intelligence agency was part of the larger attack on the press that formally started four months afterwards and presenting his claim that the First Amendment doesn't protect someone stealing American secrets solely to destroy America out of context
- Distorting the timing of UC Global's increased surveillance of Assange to hide that it followed the Vault 7 publication

These are cynical, transparent lies being spread by a bunch of people claiming to support journalism. Probably, WikiLeaks supporters are also lying about how Assange repeatedly got tipped off to prosecutorial steps against him, presenting that as proof of Trump's hostility against Assange.

Earlier in yesterday's interview, Hammond adopted the distorted claim about Pompeo as "proof" that Assange's prosecution is political and also that Trump has hostility to the guy who helped him get elected. I doubt whether having an accurate understanding of this would have changed Hammond's decision not to testify, but he does, apparently, believe the lies.

And I doubt whatever prosecutors told Manning yesterday was the sole cause of yesterday's attempt. Her attorneys had tried unsuccessfully to prevent yesterday's testimony, which doesn't make sense in the context of this week's hearing unless they believed that even appearing before the grand jury would cause Manning a great deal of stress.

I have no idea what Assange's relationship with Russia is – that's presumably the entire point of the grand jury. There's no doubt there were Russians in chat rooms where the Stratfor hack happened and that Assange was in discussions during the hacks. Obviously, Assange played a key role in the 2016 Russian operation as well as efforts after the fact to invent hoaxes to disclaim Russian involvement. And Joshua Schulte expressed (sometimes contradictory) willingness to seek Russian help after he allegedly sent CIA's hacking tools to WikiLeaks.

But making such claims amid the stress of a grand jury appearance – if they, in fact, did so – isn't going to help someone who has a history of self-harm.

WHEN JULIAN ASSANGE TESTIFIED BEFORE A NATION-STATE INVESTIGATION OF A SUSPECTED SPY...

Back on December 20, 2019, Julian Assange testified in a nation-state's investigation of someone suspected of spying for another nation-state. He testified pursuant to international legal process that got challenged on jurisdictional grounds, but ultimately upheld. While El País provided a report of his testimony, the testimony itself was not open to the press.

As he testified, Chelsea Manning and Jeremy Hammond sat in jail in Alexandria, VA, being held in contempt for refusing to testify, under a grant of immunity, in their own nation-state's investigation of someone suspected of working with the intelligence services of another nation-state. Related charges are being challenged on jurisdictional issues. Manning, at least, claims she won't testify because any hearing – like the one Assange testified in – would not be public. Tomorrow, prosecutors in EDVA will bring Manning before the grand jury again, in a third attempt to get her to testify before a hearing on Friday over her motion to be released based on an assertion the coercion of contempt will never bring her to testify.

This is just one irony about the way WikiLeaks supporters are treating the investigation of David Morales, the owner of a security contractor that provided the security for Ecuador's embassy until 2018. Morales is accused of spying for the CIA – that is, spying for a third country's intelligence service.

There are some problems or obvious alternative explanations for the accusations against

Morales, but even assuming the allegations are true, there is little that separates what Morales would have done from what Assange did on at least one occasion: work as a willing participant in a third country's intelligence service operation compromising the privacy of private citizens. Indeed, there are allegations of Russian involvement in two other WikiLeaks-related publications: there were Russians active in Stratfor hack chat rooms, and Joshua Schulte allegedly expressed an interest in Russian help (though the allegations are contradictory and post-date the initial leak to WikiLeaks, which I'll return to).

You might argue that Morales' surveillance of Assange – on whoever's authority – constituted a far more serious privacy violation than those WikiLeaks has committed by publishing the private emails of John Podesta and the private information of Turkish, Saudi, and third party citizens. That might be true in first instance, but since some of the people exposed by WikiLeaks' publications live in authoritarian countries, the secondary effects of WikiLeaks' publication of details about private individuals might not be.

(I have heard, directly and indirectly, multiple consistent allegations about WikiLeaks itself engaging in practices that constitute privacy violations of the sort implicated by the surveillance of Assange, but it would take a law enforcement investigation to substantiate such claims, most of the affected parties would never want to involve law enforcement, and some investigations would be barred by privilege protections.)

Ultimately, though, Spain's investigation into UC Global is the same thing the US investigation into WikiLeaks is: a properly predicated nation-state investigation into someone suspected of engaging in espionage-related activities with a foreign intelligence service. There are legitimate reasons why those who respect privacy might support both investigations.

WikiLeaks supporters might argue that it's different because it's the United States. That's a perfectly justifiable stance, but if it's the basis of supporting one investigation and another, should be admitted explicitly.

WikiLeaks supporters might argue it's different because Assange *is* the alleged victim, but that doesn't change that there are victims (and not just spy agencies) that the US is trying to protect with its investigation.

Manning and Hammond say they are refusing to testify because they object to American grand jury practices. That amounts to civil disobedience, which is certainly their prerogative. They are paying a steep price for that civil disobedience (as both already paid with their decisions not to cooperate after pleading guilty). But when WikiLeaks supporters complain about the treatment Manning is suffering for her stance, they might think about the fact that – when it came to testifying in an equivalent inquiry – Julian Assange had none of the objections to testifying.

AMID DISCUSSIONS OF FISA REFORM, JAMES BOASBERG PUSHES FOR GREATER REFORM

It's not entirely clear what will happen in a few weeks when several existing FISA provisions expire; there are ongoing discussions about how much to reform FISA in the wake of the Carter Page IG Report. But before anyone passes legislation, they would do well to read the order presiding FISA Judge James Boasberg issued yesterday.

On its face, Boasberg's order is a response to

DOJ's initial response to FISC's order to fix the process, Amicus David Kris' response to that, and DOJ's reply to Kris. The order ends by citing *In re Sealed Case*, the 2002 FISC opinion that limited how much change the FISA Court can demand of DOJ, and "acknowledging that significant change can take time, and recognizing the limits of its authority." By pointing to *In re Sealed Case*, Boasberg highlights the limits of what FISC can do without legislation from Congress – and, importantly, it highlights the limits of what FISC could do to improve the process if Bill Barr were to convince Congress that DOJ can fix any problems itself, without being forced to do so by Congress.

After invoking *In Re Sealed Case*, Boasberg orders reports (due March 27, May 4, May 22, June 30, and July 3) on the progress of a number of improvements. He orders that any DOJ or FBI personnel under disciplinary or criminal review relating to work on FISA applications may not participate in preparing applications for FISC, and he requires additional signoffs on applications, including Section 215 orders, which currently don't require such affirmations.

Boasberg recognizes that DOJ, not just FBI, needs to change

Remarkably, Boasberg notes what I have – the IG Report provides evidence, its focus on FBI notwithstanding, that some of the blame for the Carter Page application belongs with DOJ, not FBI.

According to the OIG Report, the DOJ attorney responsible for preparing the Page applications was aware that Page claimed to have had some type of reporting relationship with another government agency. See OIG Rpt. at 157. The DOJ attorney did not, however,

follow up to confirm the nature of that relationship after the FBI case agent declared it “outside scope.” Id. at 157, 159. The DOJ attorney also received documents that contained materially adverse information, which DOJ advises should have been included in the application. Id. at 169-170. Greater diligence by the DOJ attorney in reviewing and probing the information provided by the FBI would likely have avoided those material omissions.

As a result, Boasberg requires the DOJ attorney signing off on a FISA application to attest to the accuracy of it as well. He also suggests DOJ attorneys “participate in field-office visits to assist in the preparation of FISA applications.”

Boasberg recognizes that DOJ’s existing plan doesn’t address any root cause

Similarly, Boasberg recognizes that if the real problem with the Carter Page FISA applications involved information withheld from the application, improving the Woods procedure won’t fix the problem. In an extended section on oversight, Boasberg strongly suggested that DOJ needs to review whether information was withheld from the application.

Amicus agrees that reviews designed to elicit any pertinent facts omitted from the application, rather than merely verifying the facts that were included, would be extremely valuable, but also recognizes that such in-depth reviews would be extremely resource intensive. See *Amicus Letter Br.* at 12. He thus recommends that such reviews be conducted periodically at least in some cases and, echoing Samuel Johnson,

advises that selection of cases for such reviews should be unpredictable because the possibility that any case might be reviewed “should help concentrate the minds of FBI personnel in all cases.” Id. In its response, the government advised that “it will expand its oversight to include additional reviews to determine whether, at the time an application is submitted to the FISC, there was additional information of which the Government was aware that should have been included and brought to the attention of the Court.” Resp. to Amicus at 13. DOJ advised, however, that given limited personnel to conduct such reviews, it is still developing a process for such reviews and a sampling methodology to select cases for review. Id. The Court sees value in more comprehensive completeness reviews, and random selection of cases to be reviewed should increase that value. As DOJ is still developing the necessary process and methodology, the Court is directing further reporting on this effort.

Amicus also encouraged the Court to require a greater number of accuracy reviews using the standard processes already in place. See Amicus Letter Br. at 12. He believes that the FBI and DOJ have the resources to ensure that auditing occurs in a reasonable percentage of cases and suggested that it might be appropriate to audit a higher percentage of certain types of cases, such as those involving U.S. persons, certain foreign-agent definitions, or sensitive investigative matters. Id. The government did not address Amicus’s recommendation that it increase the number of standard reviews.

Even though accuracy reviews are conducted after the Court has ruled on the application in question, the Court

believes that they have some positive effect on future accuracy. In addition to guarding against the repetition of errors in any subsequent application for the same target, they should provide a practical refresher on the level of rigor that should be employed when preparing any FISA application. It is, however, difficult to assess to what extent accuracy reviews contribute to the process as a whole, partly because it is not clear from the information provided how many cases undergo such reviews. The Court is therefore directing further reporting on DOJ's current practices regarding accuracy reviews, as well as on the results of such reviews.

Finally, the FBI has directed its Office of Integrity and Compliance to work with its Resource Planning Office to identify and propose audit, review, and compliance mechanisms to assess the effectiveness of the changes to the FISA process discussed above. See OIG Rpt. app. 2 at 429. Although the Court is interested in any conclusions reached by those entities, it will independently monitor the government's progress in correcting the failures identified in the OIG Report.

Again, as I already noted, Boasberg himself found DOJ's oversight regime inadequate in a 702 opinion written last year. He *knows* this is insufficient.

But as noted above, all Boasberg can do is order up reports and attestations.

At a minimum, Congress should put legal language behind the oversight he has now demanded twice.

A far better solution, however, would be to provide the oversight on FISA applications that other criminal warrant applications receive:

review by defense attorneys in any cases that move to prosecution, which by itself would build in “unpredictabl[y] because the possibility that any case might be reviewed.”

James Boasberg, the presiding judge of the FISA court, issued an order in the middle of a debate about reform that points to several ways FISA should be improved, ways that he can't do on his own.

Congress would do well to take note.

THE PRESIDENT'S CONSPIRACY THEORIES GET MORE WHACKO THAN GEORGE PAPADOPOULOS'

Perhaps because the entire legal establishment is pushing back against Bill Barr's wholesale politicization of DOJ, the President is disturbed on Twitter. After launching a 3-tweet tirade against the juror



The image shows a screenshot of three tweets from Donald J. Trump. The first tweet, dated 8:14am on Feb 18, 2020, contains several underlined phrases: "These were Mueller prosecutors, and the whole Mueller investigation was illegally set up based on a phony and now fully discredited Fake Dossier, lying and forging documents to the FISA Court, and many other things. Everything having to do with this fraudulent investigation is...". It has 971 replies, 1,975 retweets, and 6,225 likes. Below the tweet is a "Reply to @realDonaldTrump" button. The second tweet, posted 11m ago, says "...badly tainted and, in my opinion, should be thrown out. Even Mueller's statement to Congress that he did not see me to become the FBI Director (again), has been proven false. The whole deal was a total SCAM. If I wasn't President, I'd be suing everyone all over the place..." with 327 replies, 1k retweets, and 4k likes. The third tweet, also 11m ago, says "...BUT MAYBE I STILL WILL. WITCH HUNT!".

Tameka Hart and Judge Amy Berman Jackson based off a Judge Andrew Napolitano appearance on Fox on Friends (that perhaps unsurprisingly neglects to remind his followers that Napolitano made a case in favor of Trump's removal by the Senate). he then launched a 3-tweet tirade against the Stone prosecution more generally.

I'm interested in it because of the way Trump attempts to deploy all the other conspiracy theories he has against the Russian

investigation to the Stone prosecution, to which they simply don't apply.

Start with the way Trump claims that 1) the Mueller investigation was "illegally set up" based on the Steele dossier and 2) "forging documents to the FISA Court."

This is a conceit that has worked well since Paul Manafort, fresh off a meeting with an Oleg Deripaska deputy, suggested Trump could use attacks on the dossier to attack the Mueller Report.

Except one glaring fault of the dossier is that Roger Stone, who had already made comments that suggested he had a direct role in the operation by the time FBI opened investigations on the four initial subjects of it, doesn't appear in the Steele dossier.

Moreover, whatever else the DOJ IG Report on the Carter Page FISA applications showed, it also showed that the predication of the investigation had nothing to do with the Steele dossier; in fact, Steele's reports didn't make it to the investigative team until about six weeks after opening the investigation.

Further, the suggestion that Kevin Clinesmith's alteration of an email in June 2017 to claim that Page was "not a source" for CIA had anything to do with Roger Stone's investigation falls flat given that Mueller's team obtained the first warrant targeting Roger Stone on August 4, 2017, and there's no insinuation anywhere that Stone ever spoke with Carter Page. (Indeed, in spring 2016, Stone was bitching to Rick Gates that he was not in the loop of foreign policy discussions.) In fact, *had* Roger Stone been more closely associated with Trump's freebie foreign policy team, than both Page and George Papadopoulos' claims to know nothing of campaign efforts to optimize WikiLeaks' releases would be anything but exculpatory, as DOJ IG treated them, since Stone was doing just that in the time period when they were asked by informants.

Plus, Robert Mueller testified under oath that his team didn't have anything to do with the Carter Page FISA order. And the investigative record shows that the investigation into Page was largely done by the time Mueller took over.

There's simply no tie between either the Steele dossier or the Page FISA warrants and Roger Stone's prosecution.

Trump continues to claim that Mueller interviewed to be FBI Director, even after evidence showing that Steve Bannon, Reince Priebus, and Don McGahn debunked this in real time, not to mention Rod Rosenstein's 302 that shows that Mueller specifically said he did not want to be interviewed before he met with Trump about Jim Comey's replacement. That is, a bunch of witnesses – all Republicans – say Trump is wrong.

The most interesting accusation is that the prosecutors who won a conviction against Stone "were Mueller prosecutors."

Two were: Aaron Zelinsky and Adam Jed.

But two weren't. Jonathan Kravis (the sole prosecutor who quit DOJ entirely) and Michael Marando were career DC prosecutors brought in to prosecute the case after Mueller shut down. These were, pointedly, not Mueller prosecutors, and the case still went off without a hitch.

In fact, in his interview the other day, Bill Barr made quite clear that this prosecution happened on his watch, and he believes it's a righteous prosecution.

BARR: Well, as you know, the Stone case was prosecuted while I was attorney general. And I supported it. I think it was established, he was convicted of obstructing Congress and witness tampering. And I thought that was a righteous prosecution. And I was happy that he was convicted.

If Trump has a problem with the guy who

prosecuted the case against Roger Stone, he has a problem with his Attorney General Bill Barr.

Which may be why Trump – who shouldn't be affected by mere lies by Roger Stone to Congress – is threatening to “sue everyone all over the place.” Of course, he is affected by Stone – Stone is going to prison to protect the President, to avoid describing the multiple conversations they had about optimizing the WikiLeaks releases. And suing (whom?!?!) won't help Trump suppress that.

The President sounds crazier than George Papadopoulos in this rant, and his conspiracy theories are just as unhinged. Which is, I guess, what happens when all the conspiracy theories you've been using to undermine the prosecution implicating you turn out to be utterly irrelevant to the most important firewall to protect.

CROSSFIRE HURRICANE GLOSSARY

Even before it went live yesterday, I was looking through Marcy's incredibly awesome timeline on Crossfire Hurricane. It is a stunningly important and good thing, not only for those here, but those everywhere. I read things day and night, and have seen many timelines on this subject, but none that approach that which Marcy has produced. That said, if even I have to do double takes on what some of the names and acronyms are, I thought a guide was in order.

So, I thought an enduring glossary would help not even now, but going forward. What follows will be what appears appropriate now, and this post may be supplemented later as necessary. I hope it helps. Maybe at some point I'll come

back and make it alphabetical, but for now I am just going from front to back in order of appearance.

Some are patently obvious and need no explanation, e.g. "CIA" for instance. As to the rest though, away we go:

ASAC: Assistant Agent In Charge, typically of an FBI Field Office.

Zainab Ahmad: Is a seriously kick ass former member of DOJ. Ahmad was a prosecutor with the DOJ who long specialized in investigating and prosecuting terrorism. She served as an AUSA in the Eastern District of New York until 2017, successfully prosecuting several high-profile terrorism cases. In 2017, she was reassigned to the Special Counsel for the United States Department of Justice team. After Mueller closed up shop, Zainab landed as a white collar and cyber security specialist at the NY office of Gibson Dunn.

Evgeny Burykov: A convicted Russian spy. He was arrested on January 26, 2015, charged with, and pleading guilty to, spying on the United States for the Russian Foreign Intelligence Service (SVR). Buryakov was a New York-based Deputy Representative of Vnesheconombank, Russia's state-owned national development bank.

CHS-3: In addition to Steele (CHS-1) and Halper (CHS-2) there was another FBI informant who spoken on a number of occasions with George Papadopoulos. The person's identity is unknown. Papadopoulos told him a version of the Joseph Mifsud in fall 2016.

Anne Conway: Conway is a GHW Bush nominated judge to the Middle District of Florida, and who serves on the FISC, since being designated by John Roberts in 2016. Judge Conway approved a 2017 FISA Court warrant for Carter Page, a former adviser to the 2016 Trump Campaign.

Raymond Dearie: Is a well respected Senior United States District Court Judge from EDNY originally nominated by Reagan, and served on

FISX between July 2012 and July 2019, after appointment by Chief Justice John Roberts.

Oleg Deripaska (Oligarch 1): Paul Manafort's one-time paymaster, and also the client of a lawyer employing Christopher Steele in 2016. In that role, Steele repeatedly offered to broker a meeting at which Deripaska could provide derogatory information on Manafort. FBI belatedly considered whether Deripaska was a source of disinformation for the dossier.

Alexander Downer: Former Australian High Commissioner (ambassador) to the UK (2014-18), former leader of the Australian Liberal Party (1994-95), and former Australian Minister for Foreign Affairs (1996-2007). Definitely not a coffee boy, but met with one over a few drinks in London.

For bmaz, I note that he is a fan of V8 motor racing and has a CMAS racing license. (h/t EH)

Stu Evans: Stuart Evans, deputy assistant attorney general of DOJ's National Security Division. He's the person who insisted on adding a footnote alerting the FISC of Steele's potential bias.

FIFA: The international governing body of soccer. A body Chris Steele gave work and information on to not just US authorities but worldwide ones too.

Michael Gaeta (Handling Agent 1): An FBI agent, previously an attache in Rome and one time handler of Christopher Steele. A specialist in Eastern European organized crime including in the Republic of Georgia, Russia, and Ukraine.

Taushina Gauhar: Is a (former) Deputy Assistant Attorney General (DAAG) in the Department of Justice National Security Division (NSD) and FISA lawyer specialist.

JD Gordan: Gordan is an American communications and foreign policy advisor, who served as a Pentagon spokesman during the Bush Administration and later a National Security

Advisor to Donald Trump. He is also a crackpot gadabout on forums such as One America News Network, Fox News, Sky News, The Daily Caller, The Hill, and The Washington Times. He's the guy who ensured that the Republican platform did not incorporate lethal aid to Ukraine.

Stefan Halper (Source 2): Ooof, this could go on even longer, but per Wiki, Halper is an American foreign policy spy and Senior Fellow at the University of Cambridge where he is a Life Fellow at Magdalene College. He served as a White House official in the Nixon, Ford, and Reagan administrations, and was reportedly in charge of the spying operation by the 1980 Ronald Reagan presidential campaign that became known as "Debategate". Through his decades of work for the CIA, Halper has had extensive ties to the Bush family. Through his work with Sir Richard Dearlove he also has ties to the British Secret Intelligence Service MI6. For purposes here, Halper acted as an FBI informant for its investigation into Russian interference in the 2016 United States elections.

Kathleen Kavalec: Former Deputy Assistant Secretary of State who met with Chris Steele in October 2016.

Mary McCord: McCord was the Acting Assistant Attorney General for National Security at the U.S. Department of Justice from 2016 to 2017 and Principal Deputy Assistant Attorney General for the National Security Division from 2014 to 2016. She now teaches at Georgetown and contributes at Lawfare.

Sergei Millian (Person 1): A Belarus born businessman knee deep in everything Russia and a putative source for Chris Steele. He was also the subject of a counterintelligence investigation during 2016-17. Much still not necessarily clear about Millian.

NYFO: New York Field Office of the FBI.

OGC: Office Of General Counsel at the Department of Justice.

OI: The Office of Intelligence at DOJ. They're in charge of writing FISA applications.

Bruce and Nellie Ohr: Bruce Ohr is a United States Department of Justice official. A former Associate Deputy Attorney General and former director of the Organized Crime Drug Enforcement Task Force (OCDEF). He is an expert on transnational organized crime and has spent most of his career overseeing gang and racketeering-related prosecutions, including Russian organized crime. Nellie is Bruce's wife, and a longtime expert on all things Russian. She worked at one point for Fusion GPS as a contractor between October 2015 and September 2016.

Victor Podobnyy: An Russian SVR (foreign intelligence) officer worked under the cover as a banker who was recruiting Carter Page in 2013.

SSA: Supervisory Special Agent.

Scott Schools: Scott Schools was the "highest-ranking career civil servant at the United States Department of Justice", serving as Associate Deputy Attorney General. For those who have been around long enough, he was, for a while, the "new" David Margolis. Schools, a putatively decent chap, is gone now, having been replaced by a Jeff Sessions designated mope named Bradley Weinsheimer.

Glenn Simpson: Former journalist for the Wall Street Journal and co-founder of Fusion GPS.

Paul Singer: An American billionaire hedge fund manager, activist, investor, vulture capitalist, and philanthropist. A hard line Republican promoter and shill, but also a longtime supporter of LGBTQ rights.

Bruce Swartz: Deputy Assistant Attorney General for International Affairs. Key to the story because of a purported effort by Kurt Volker to get Swartz to officially ask Ukraine to investigate the Bidens. He would have been in the loop in any normal requests between the US and Ukraine. Still a lot of questions open as to

Swartz.

UCE: An FBI employee working undercover. A woman working under the pseudonym Azra Turk accompanied Stefan Halper on his interviews with George Papadopoulos.

Sally Yates: Former US Attorney for Northern District of Georgia, Deputy Attorney General, and Acting AG.