

THE ONGOING QUESTION OF TRUMP'S (AND HIS FLUNKIES') SUSCEPTIBILITY TO COMPROMISE BY RUSSIA

One of Robert Mueller's most remarkable lines in his testimony to the Judiciary and Intelligence Committees last week was a follow-up in the latter hearing to a Raja Krishnamoorthi question about how Mike Flynn's lies exposed him to compromise.

KRISHNAMOORTHY: For example, you successfully charged former National Security Advisor Michael Flynn of lying to federal agents about this conversations with Russian officials, correct?

MUELLER: Correct.

KRISHNAMOORTHY: Since it was outside the purview of your investigation your report did not address how Flynn's false statements could pose a national security risk because the Russians knew the falsity of those statements, right?

MUELLER: I cannot get in to that, mainly because there are many elements of the FBI that are looking at different aspects of that issue.

Two and a half years after Flynn was fired, the FBI is still trying to figure out what kind of damage his venality and lies put America at risk

It should surprise no one following closely that the FBI is still looking into different aspects of how Flynn's lies – both about Russia and about Turkey – exposed him to compromise. After all, a footnote in the Mueller Report that should describe what happened to the

counterintelligence investigations into Flynn remains redacted to protect ongoing investigations.

In addition, the investigation produced evidence of FARA violations involving Michael Flynn. Those potential violations, however, concerned a country other than Russia (*i.e.*, Turkey) and were resolved when Flynn admitted to the underlying facts in the Statement of Offense that accompanied his guilty plea to a false-statements charge. Statement of Offense, *United States v. Michael T. Flynn*, No. 1:17-cr-232 (D.D.C. Dec. 1, 2017), Doc. 4 (“*Flynn Statement of Offense*”).¹²⁸¹

¹²⁸¹ Harm to Ongoing Matter

There’s still a redaction in Flynn’s cooperation addendum that likely pertains to something that went through Mueller but cannot yet be unsealed, which I suspect is a counterintelligence investigation. In March, prosecutors in Bijan Kian’s case said at least one other district had an ongoing investigation into matters relating to Flynn (after correcting himself for saying districts, plural, had such investigations). And just recently, Kian’s lawyers disclosed that prosecutors had told them there was classified evidence showing Ekim Alptekin’s efforts to cultivate Flynn and through him, Trump, outside of his consulting company.

Prosecutors wrote to lawyers for Flynn’s ex-lobbying partner Bijan Kian that the US government was “in possession of multiple, independent pieces of information relating to the Turkish government’s efforts to influence United States policy on Turkey and Fethullah Gulen, including information relating to communications, interactions, and a relationship between Ekim Alptekin and Michael Flynn, and Ekim Alptekin’s engagement of Michael Flynn because of Michael Flynn’s relationship with an ongoing presidential campaign, without any reference to the defendant of FIG.”

Then there are the new materials released by the Oversight Committee showing how willing Flynn was to entertain a corrupt proposal to sell nukes to Saudi Arabia.

From: Michael Flynn [REDACTED]@ptt.gov>
Date: 1/2/17 21:35 (GMT-07:00)
To: Michael FLYNN [REDACTED]@gmail.com>, Michael FLYNN [REDACTED]@gmail.com>, Robert McFarlane [REDACTED]@gmail.com>
Subject: Re: Launching The Marshall Plan for the Middle East

Bud, let me and KT figure out a time to get together to discuss all below. This sounds very exciting and we need to take advantage of the momentum that comes with this initiative.

As you know, things like this can be big wins for everyone on a number of levels. Especially the ability to help stabilize the situation in the Middle East by helping to fix their economy, something the leadership across the ME wants to see change.

Owe you a note back and thanks for all you're doing.

Mike

On Mon, Jan 2, 2017 at 10:24 AM Robert McFarlane [REDACTED] wrote:

Dear Mike,

I hope that you've found time for at least a day or two with your family during the Christmas holiday and have entered the New Year with conviction and purpose.

You're preparing to launch an intensive policy planning process that will set the course of the Trump Administration in national security affairs for the first term. We believe that our Marshall Plan for the Middle East can offer a useful adjunct to your strategy toward that region.

As you know, Generals Jack Keane, Keith Alexander, Admiral Mike Hewitt and I have completed a week-long visit to Saudi Arabia (our trip report is attached). In this note I want to give you our sense of the historic opportunity that we believe is at hand for launching a regionally-funded approach that will truly transform the region and thereby:

(Note, it's a bit ironic that one of the other National Security Advisors to plead guilty to a crime spoke to Flynn of the Christmas vacation during which he had tried to secretly undermine Barack Obama's punishment of Russia for its interference in the election spoke to Flynn of his "conviction" in the new year.)

By August 2017, Flynn was being investigated for four things, and it's not clear we yet know all of them.

Now that Bijan Kian has been convicted, Flynn may be scot free (though the timing on his sentence will be a bit awkward, given that Judge Trenga may still overturn one or both of his convictions in early September, after Flynn's next status hearing). But, in one of the big disclosures Mueller made last week, he revealed that the FBI is still investigating all the ways the General's venality put the United States at risk in his short time as Trump's top national security advisor.

And that's just one aspect of the most important confirmations of the Mueller hearings.

When the Mueller Report came out (and even more so, when the four page Barr summary came out), denialists proclaimed that the Report (that is, the Barr summary) proved that concerns about

Trump being compromised by Russia had been proven false – the substantive concern that led to the Trump investigation in the first place. The damning details of Trump’s interactions with Russia left unmentioned in the Mueller Report, as well as the descriptions of the separate FBI track of the counterintelligence investigation, already suggested that wasn’t true.

But on several different occasions, Mueller made it clear that nothing in his report rules out Trump or Flynn or several other people having been blackmailed by Russia.

To be clear, Mueller makes it clear that Trump is not a “Russian agent,” meaning the report does not present evidence that Trump is willfully doing Russia’s bidding.

WENSTRUP: So a member of this Committee said President Trump was a Russian agent after your report was publicly released. That statement is not supported by your report, correct?

MUELLER: That is accurate. Not supported.

But three other times, Mueller does not dispute and at times agrees that Trump and his flunkies’ actions pose a blackmail threat. He didn’t disagree on this point with Lou Correa:

CORREA: I may begin because of time limits we have gone in depth on only five possible episodes of obstruction. There’s so much more. And I want to focus on another section of obstruction which is the president’s conduct concerning Michael Flynn, the president’s national security advisor.

In early 27, the White House Counsel and the president were informed that Mr. Flynn had lied to government authorities about his communications with the Russian ambassador during the Trump campaign in transition. Is this correct?

MUELLER: Correct.

CORREA: If a hostile nation knows that a U.S. official has lied publicly that can be used to blackmail that government official, correct?

MUELLER: I'm not going to speak to that. I don't disagree with it necessarily, but I'm not going to speak to – anymore to that issue.

With Adam Schiff, Mueller seemingly agreed that Flynn's lies could expose him, though he refused to answer Schiff's question about the President specifically:

SCHIFF: You have, I think we can all see that. And befitting the times, I'm sure your reward will be unending criticism, but we are grateful. The need to act in ethical manner is not just a moral one, but when people act unethically it also exposes them to compromise particularly in dealing with foreign powers, is that true?

MUELLER: True.

SCHIFF: Because when someone acts unethically in connection with a foreign partner, that foreign partner can expose their wrongdoing and extort them.

MUELLER: True.

SCHIFF: And that conduct – that unethical conduct can be of a financial nature if you have a financial motive or elicit business dealing, am I right?

MUELLER: Yes.

SCHIFF: It could also just involve deception. If you are lying about something that can be exposed, then you can be blackmailed.

MUELLER: Also true.

SCHIFF: In the case of Michael Flynn, he was secretly doing business with Turkey, correct?

MUELLER: Yes.

SCHIFF: That could open him up to compromise that financial relationship.

MUELLER: I presume.

SCHIFF: He also lied about his discussions with the Russian ambassador and since the Russians were on the other side of the conversation, they could have exposed that, could they not?

MUELLER: Yes.

SCHIFF: If a presidential candidate was doing business in Russia and saying he wasn't, Russians could expose that too, could they not?

MUELLER: I leave that to you.

But Krishnamoorthi's full exchange with Mueller not only gets him to acknowledge that Trump lied about his Trump Tower deal (and continued to lie during the investigation), but establishes that at least some of Trump's possible vulnerabilities because of his financial ties were not included in Mueller's investigation.

KRISHNAMOORTHY: Director, since it was outside the purview of your investigation, your report did not reach counterintelligence conclusions regarding the subject matter of your report.

MUELLER: That's true.

KRISHNAMOORTHY: For instance, since it was outside your purview, your report did not reach counterintelligence conclusions regarding any Trump administration officials who might potentially be vulnerable to compromise of blackmail by Russia, correct?

MUELLER: Those decisions probably were made in the FBI.

KRISHNAMOORTHY: But not in your report, correct?

MUELLER: Not in our report. We avert to the counterintelligence goals of our investigation which were secondary to any criminal wrongdoing that we could find.

KRISHNAMOORTHY: Let's talk about one administration official in particular namely President Donald Trump. Other than Trump Tower Moscow, your report does not address or detail the president's financial ties or dealings with Russia, correct?

MUELLER: Correct.

KRISHNAMOORTHY: Similarly since it was outside your purview your report does not address the question of whether Russian oligarchs engaged in money laundering through any of the president's businesses, correct?

MUELLER: Correct.

KRISHNAMOORTHY: And of course your office did not obtain the president's tax returns which could otherwise show foreign financial sources, correct?

MUELLER: I'm not going to speak to that.

KRISHNAMOORTHY: In July 2017 the president said his personal finances were off limits, or outside the purview of your investigation and he drew a "red line," around his personal finances. Were the president's personal finances outside the purview of your investigation?

MUELLER: I'm not going to get in to that.

KRISHNAMOORTHY: Were you instructed by

anyone not to investigate the president's personal finances?

MUELLER: No.

KRISHNAMOORTHY: Mr. Mueller, I'd like to turn your attention to counterintelligence risks associated with lying. Individuals can be subject to blackmail if they lie about their interactions with foreign countries, correct?

MUELLER: True.

KRISHNAMOORTHY: For example, you successfully charged former National Security Advisor Michael Flynn of lying to federal agents about this conversations with Russian officials, correct?

MUELLER: Correct.

KRISHNAMOORTHY: Since it was outside the purview of your investigation your report did not address how Flynn's false statements could pose a national security risk because the Russians knew the falsity of those statements, right?

MUELLER: I cannot get in to that, mainly because there are many elements of the FBI that are looking at different aspects of that issue.

KRISHNAMOORTHY: Currently?

MUELLER: Currently.

KRISHNAMOORTHY: Thank you. As you noted in Volume two of your report, Donald Trump repeated five times in one press conference, Mr. Mueller in 2016 "I have nothing to do with Russia."

Of course Michael Cohen said Donald Trump was not being truthful, because at this time Trump was attempting to build Trump Tower Moscow. Your report does not address whether Donald Trump was

compromised in any way because of any potential false statements that he made about Trump Tower Moscow, correct?

MUELLER: I think that's right – I think that's right.

The FBI continues to assess the damage done by Flynn's vulnerability to compromise. But Mueller didn't say whether the FBI continues to assess whether the President's own lies and entanglements have made him vulnerable to compromise.

That's not to say they have – as Mueller said, the report does not show Trump to be an agent of Russia.

But the Mueller Report does not say, one way or another, whether Russia has been able to manipulate Trump by getting him to lie to America about his entanglements with Russia.