

TRUMP TRIED TO CLAIM PRIVILEGE OVER A DOCUMENT FLYNN CLAIMED TO NOT REMEMBER

I'm beginning to read the SSCI Russia Report. I'm sure I'll have a running slew of posts as I go.

SSCI was quite peeved about Trump's expansive claims of Executive Privilege, extending even to its Transition members (SSCI noted that Obama officials were all willing to share details of communications directly with Obama).

One example of a crazy-ass privilege claim came pertained to Mike Flynn's aide during the Transition, Sarah Flaherty. The White House claimed privilege over a document and provided this description of the document to the committee, which omitted even that it pertained to Russia.

One of these documents was described to Committee counsel as an undated eight-paragraph memorandum with a sticky note dated January 9, 2017, from Flynn to McFarland stating: "re: [a foreign nation] for your consideration." The paragraphs were further summarized as follows:

(U) 1: Discussion identifying foreign government internal personnel movements.

(U) 2: Recitation of the author's assessment of the foreign government's view of areas ,of long-term strategic concern shared with the U.S.

(U) 3: ·Assessment of the foreign government's view concerning the effect of post-1992 U.S. policies for both countries.

(U) 4: Discussion of the author's view of challenges facing the President (broad), especially in the national security area:

(U) 5: List of issues for the U.S. involving the foreign government and the author's observation regarding the degree of connection or non-connection to the foreign government:

(U) 6: Expresses a need for a plan to make progress on strategic matters, not specifically tied to the foreign government.

(U) 7: Author's assessment that the foreign-government and the people of the foreign nation have substantial goodwill towards the President-elect.

(U) 8: Suggestion/proposal for possibilities of engagement with the foreign government. 32

Don McGahn claimed it was privileged because it had been prepared for a top official and concerned foreign policy.

But SSCI figured out what the document was. It was a memo provided by Robert Foresman, who adapted it from one an oligarch's associate did.

Based on the description, the Committee identified the memorandum as- a document already in its possession, produced by Robert Foresman-who- was not a member of the Campaign nor the Transition Team-and written to Flynn.³⁴ The Committee also knew from its investigation that Foresman had adapted a substantial part of the memorandum from another document shared by Allen Vine, who is an associate of the Putin-linked Russian oligarch Suleiman Kerimov.³⁵ The Committee's position was that the document could not be privileged: it was not drafted by a member of the

Transition Team and had, in part, originated with a close associate of a Kremlin insider. Committee counsel informed the WHCO of the general contours of these facts (though not specific names or the details of how it had acquired the information). WHCO subsequently dropped its claim of potential executive privilege and produced the document to the Committee.

What makes this expansive claim of privilege all the nuttier is when Mueller asked Flynn about the two meetings he had with Foresman, in what was the last known question Mueller (as opposed to EDVA) asked of him, Flynn claimed he didn't remember either one.

It's really not clear Flynn ever really cooperated with Mueller. Which is, I guess, why Billy Barr is going to such lengths to ensure he'll be rewarded for not doing so.