

MIKE FLYNN'S "WIPE" PHONE

Back in October, I noted that Chuck Grassley and Ron Johnson had written a 285-page report complaining that the FBI had obtained records from the GSA as part of the Mueller investigation. I further pointed out that one of their central complaints, that the FBI hadn't obtained a warrant, was almost certainly refuted by the public record.

[T]he craziest thing is how the report confesses that they are unaware of any legal process for these files.

Although the FBI's August 30, 2017 cover email referenced applying for a search warrant, the Committees are aware of only one court-ordered disclosure of records, specifically, information related to the transition records of Lt. Gen. Flynn, K.T. McFarland, Michael Flynn's son, and Daniel Gelbinovich.¹²⁸

¹²⁸ Order, In re Application of the U.S. for an Order Pursuant to 18 U.S.C. § 2703(d) Directed at Google Related to [the transition email accounts for those four individuals], 1:17-mc-2005 (D.D.C. Aug. 18, 2017) [GSA004400- 4404] (ordering the disclosure of customer/subscriber information but not content).

At one level, they're being coy in that they claim to be interested in *court-ordered* disclosure. A document recently released via the Jeffrey Jensen review reveals that in February 2017, star witness and pro-Trump FBI Agent was

obtaining some of this information using NSLs. Another document explains why, too: because one of the first things FBI had to do to understand why Flynn had lied to them was to determine if he was coordinating his story with those at Mar-a-Lago.

1/25/17 RAZOR-DOJ - NSA + ODAG
• ✓ DR travel *Account to read, sm Task: M.A.A.* *Baker, Bill*
• to HS - did he talk to admin first

The lie that he didn't even know Obama had imposed sanctions was not one of Flynn's charged lies, but it was his most damning. He lied to hide that he had consulted with Mar-a-Lago before picking up a phone and secretly undermining sanctions in "collusion" with Russia.

Crazier still, Chuck and Ron didn't go to the first place one should go to understand how legal process worked, the publicly released Mueller warrants. The warrant to access the devices and email of at least the original nine (plus one other person) is right there in the docket.

1:17-mj-00633-BAH *SEALED* USA v. EMAIL ACCOUNTS AND TEN ELECTRONIC DEVICES CURRENTLY LOCATED AT THE FBI WASHINGTON FIELD OFFICE	Entered: 08/25/2017	Category: misc-cr
	9:58:05 Filed: 08/25/2017	Event: Application and Affidavit for Search/Seizure Warrant under Rule 41 by USA Document: 1
Application and Affidavit for Search Warrant by USA as to EMAIL ACCOUNTS AND TEN ELECTRONIC DEVICES CURRENTLY LOCATED AT THE FBI WASHINGTON FIELD OFFICE. (Attachments: # 1 Affidavit)		

GSA transferred the requested records to the FBI, but FBI didn't access them until it had a warrant.

In other words, this 285-page report is effectively a confession from Chuck and Ron that two Committee Chairs and a whole slew of staffers can't figure out how to read the public record.

Perhaps not coincidentally, the very same day Grassley and Johnson released their report, the government submitted its proposed redactions in the Mike Flynn warrants that Flynn's attorneys had been stalling on. Those finally got released on November 10. Two of the warrants prove I was correct.

An August 25, 2017 warrant obtaining the GSA emails and device content of Mike Flynn, KT McFarland, and Daniel Gelbinovich explains,

As described below, each of the Target Email Accounts and Target Devices was provided by the General Services Administration (GSA) to one of three members of then-President Elect Donald J. Trump's transition team after the 2016 presidential election: MICHAEL T. FLYNN, Kathleen T. McFarland, and [Gelbinovich]. At the FBI's request, the GSA provided the Target Email Accounts and Target Devices to the FBI, which is maintaining them at the FBI's Washington Field Office located at 601 4th Street NW, Washington, D.C., 20535. While the FBI might already have all necessary authority to examine the property, I seek this additional warrant out of an abundance of caution to be certain that an examination of the property will comply with the Fourth Amendment and other laws.

Much later, the affidavit addresses another concern raised by the Senate report, that the devices had been preserved improperly. Not true.

Like Peter Strzok and Lisa Page's cell phones, they were wiped.

Information provided by the GSA indicates that the Target Devices were "wiped" after they were returned to GSA following the transition period.

They were wiped even though there was an active

criminal investigation into Flynn.

A September 27, 2017 warrant for the emails and devices of Keith Kellogg, Sarah Flaherty, Sean Spicer, Reince Priebus, and Jared Kushner explains further.

Based on information provided by the GSA, when email accounts and devices including the Transition Team Email Accounts and Subject Devices were issued to members of the Transition Team, recipients were required to certify that the "Government property" they had received was being provided "in connection with [their] role with the President-elect/Eligible Candidate Transition Team"; that it needed to be returned when they were no longer working for the Transition Team; and that they agreed to abide by the IT Acceptable Use Policy. In addition, the laptop computers issued by GSA to members of the Transition Team included a visible banner upon turning on the computers that stated: "This is a U.S. General Services Administration Federal Government computer system that is FOR OFFICIAL USE ONLY. By accessing and using this computer you are consenting to monitoring, recording, auditing and information retrieval for law enforcement and other purposes. Therefore, no expectation of privacy is to be assumed." [emphasis added]

Curiously, this warrant reveals that *not all of these phones were wiped.*

Information provided by the GSA indicates that some of the Subject Devices were "wiped" after they were returned to the GSA following the transition period.

If Mike Flynn's phone (along with KT

McFarland's) was wiped, but those of other senior officials were not, even though the White House had learned of a criminal investigation into Flynn in the earliest days of the Administration, it would suggest that the most damning phones may have been selectively wiped.

I'll describe in a follow-up some of the damning details that wiping the phones might have attempted to hide.