

WAPO SAYS IT'S BREAKING NEWS THAT THEY'VE BEEN DUPED BY LATEST TRUMP- BANNON LIE

The Washington Post treats as BREAKING NEWS that they've been duped by the latest Trump-Bannon lie – in this case, that the reason Steve Bannon blew off the January 6 Committee is because Trump invoked Executive Privilege.

Former President Donald Trump is considering [1] sending a letter to Stephen K. Bannon saying that he is waiving his claim of executive privilege, potentially clearing the way for his former chief strategist to testify before the House select committee investigating the pro-Trump riot at the Capitol. [2]

The letter would reiterate [3] that Trump invoked executive privilege in September 2021, when Bannon was first subpoenaed by the House committee. But it would say that the former president is now willing to give up that claim – the validity of which has been disputed [4] – if Bannon can reach an agreement on the terms of an appearance before the panel. The letter was described by three people familiar with it, who spoke on the condition of anonymity because of the matter's sensitivity.

Some advisers were seeking to talk Trump out of signing the letter. [5]

Let's start with claim 1 and 5. This BREAKING story is about a letter ... that Trump has not signed and may not sign.

Which means it's not so much a news story as an intervention, presumably by the "some advisers" trying to convince Trump not to sign this.

But even if the letter had been signed, it would be news primarily because it was a lie, not because – as asserted in claim 2 – it "clear[ed] the way for his former chief strategist [sic]" to testify. One way three named journalists (or perhaps two, plus WaPo's Mar-a-Lago stenographer) might figure out that claim 2 is false is by looking at the subpoena to Bannon, which among other things asked for any references he made to the insurrection on his podcasts, something which (even his attorney Robert Costello conceded) could not be covered by any claim of privilege.

"The 'War Room' podcast," insofar as at any time you communicated through it statements referring or relating to efforts to contest the election results, including planning for the January 6, 2021, rally, including all statements concerning its planning, objectives, purpose, organization, message, or sponsorship.

In fact, Costello conceded that seven of seventeen things included in the subpoena could not be covered by any Executive Privilege invocation.

Those same journalists plus Mar-a-Lago stenographer might also refer to the letter that Trump's attorney, Justin Clark, sent Costello, which among other things acknowledges that the subpoena calls for records and testimony,

including but not limited to information which is potentially protected from disclosure by the executive and other privileges, including among others the presidential communications, deliberative process, and attorney-client privileges.

That's a far cry from invoking Executive Privilege over the things that might actually be privileged, and it concedes that not all potentially privileged materials are covered by Executive Privilege and further concedes the subpoena is "not limited" to information that might be privileged. So even if Bannon's decision to blow off the Committee was entirely

guided by that letter, it would be inaccurate to say Trump properly invoked Executive Privilege or that Executive Privilege was the only issue.

That's pertinent because among other things these bozos wanted to do was claim attorney-client privilege over meetings between non-attorney Mike Flynn and non-attorney Bannon.

The journalists plus Mar-a-Lago stenographer might also check out the two emails that Clark sent Costello, which made it clear that his instructions didn't go beyond that ambivalent letter, and sure as hell didn't give him immunity from showing up and answering questions, which is (contra to what the WaPo claims) what distinguishes Bannon from Mark Meadows and Dan Scavino, on whose behalf Trump did claim immunity from testifying, valid or not.

And not to be persnickety, but even if claim 2 – that Trump had invoked Executive Privilege – were true, all those communications got sent in October, not September.

Claim 4? That alleged dispute about Trump's claims of Executive privilege? If anyone is disputing that it's *not* valid, they're defying the ruling of the Supreme Court, which is about as undisputed as one can get.

The entire premise of this story is wrong. But because the WaPo accepted several false premises, it served as cover for an excuse for Bannon to change his mind about testifying before the Committee before his trial starts in less than two weeks.

It is rather interesting that Bannon, possibly in coordination with Trump, is reconsidering his willingness to go to jail to obstruct the Committee. Perhaps, as happened in similar fashion in 2018, Trump wants to script Bannon to give false claims to the Committee, partly in an effort to learn what the Committee knows. Perhaps Bannon would simply show up and do what Mike Flynn and Roger Stone did, plead the Fifth to everything – including, in Flynn's case,

whether he believes in the peaceful transfer of power.

A report on which of those things were going on would make an interesting news story.

But the WaPo isn't reporting on the game that Trump and Bannon are playing. Instead, they are being gamed.