

# DONALD TRUMP RAISES CONFLICT CONCERNS ABOUT HIS MIKE FLYNN PARDON

The data mules for Trump's latest tirade seem to think his claims that Sidney Powell was never his lawyer are all an attempt to deny he ever took legal advice from Powell in the wake of her plea deal in Georgia.



Donald J. Trump ✓  
@realDonaldTrump

~~Sidney Powell was one of millions and millions of people who thought, and in ever increasing numbers still think, correctly, that the 2020 Presidential Election was RIGGED & STOLEN, AND OUR COUNTRY IS BEING ABSOLUTELY DESTROYED BECAUSE OF IT!!! Despite the Fake News reports to the contrary, and without even reaching out to ask the Trump Campaign, MS. POWELL WAS NOT MY ATTORNEY, AND NEVER WAS. In fact, she would have been conflicted. Ms. Powell did a valiant job of representing a very unfairly treated and governmentally abused General Mike Flynn, but to no avail. His prosecution, despite the facts, was ruthless. He was an innocent man, much like many other innocent people who are being persecuted by this now Fascist government of ours, and I was honored to give him a Full Pardon!~~

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But the substance of his tirade is far more interesting than that.

Trump doesn't just claim that Sidney Powell was never his attorney – a claim that conflicts with claims Trump made in real time.

He says she would have been conflicted.

Immediately after Trump claims Sidney Powell would have been conflicted (because of what? Trump doesn't say), the former President turns to the Thanksgiving pardon he gave to confessed agent of Turkey, Mike Flynn.

Trump implies he gave Flynn a pardon because, "He was an innocent man, much like many other innocent people who are being persecuted by this

now Fascist government of ours." But as we've just reviewed thanks to Flynn's stupid lawsuit against DOJ, the pardon itself did not make that claim. Only a White House press release about the pardon did.

Plus, the pardon *couldn't* have been based on innocence, not entirely, anyway, because Flynn made false statements in the process of reneging off his prior guilty plea to making false statements. It is quite literally impossible for Flynn to have been innocent of making any unlawful false statements, because the things he said in the process of reneging on his plea deal completely contradicted things he had said under oath earlier. The Flynn pardon was easily the most expansive of any pardons Trump gave (perhaps save the clemency for Roger Stone found in Trump's desk drawer, which could pardon Stone for murdering someone on Fifth Avenue for all we know). It had to be written that broadly to prevent Judge Sullivan from referring Flynn for perjury before his court. The pardon covered not just the lies Flynn told the FBI on January 24, 2017, it also covered claims Flynn made before an EDVA grand jury and in plea colloquies before Sullivan.

So here we are, just days after DOJ submitted a response to Trump's claim of absolute immunity that argued – among other things – that a presidential pardon given as part of a *quid pro quo* would be unlawful, and Trump is offering up not just that Sidney Powell *wasn't* his attorney in November 2020 when he claimed she was, but that she would have been conflicted – apparently because of her representation of Mike Flynn! – from being his attorney.

In real time, I addressed the possibility that Trump's public claims about whether Sidney Powell was or was not his attorney may have been an attempt to eliminate the conflict problem with Flynn's pardon.

I wonder whether some smart lawyer grew concerned that Sidney Powell was claiming to represent the President even

while she was representing someone asking for a pardon.

On November 15, Trump explicitly named Powell as part of his team. On November [19], Powell appeared at Rudy the Dripper's press conference. On November 22, Rudy and Jenna Ellis made a show of cutting ties with her.

Sidney Powell is practice law on her own. She is not a member of the Trump Legal Team. She is also not a lawyer for the President in his personal capacity.

According to Maggie Haberman, either he didn't like her appearance and/or advisors convinced Trump to separate himself from her nutjobbery. Three days later, November 25, Trump pardoned Powell's client. The next day, after days of promising to Bring the Kraken, Powell finally started releasing her epically batshit suits. Trump has promoted them.



Indeed, it even appears some Administration lawyers are still associated with Powell's efforts.

I'm not sure I understand *whether* there would be a conflict between Powell representing Trump (for free, inevitably, as all lawyers do), making

desperate efforts to overturn the election at the same time she was trying to ensure her client did no prison time. If that's a conflict, it may still exist anyway given Powell's admission to Judge Sullivan that she had repeatedly discussed Flynn with Trump's campaign lawyer, Jenna Ellis. The fact that DOJ packaged up altered documents to support a Trump attack on Biden may make those ties more important anyway (or lead to more details about them becoming public).

That was the publicly available timeline (and Maggie Haberman's public explanation) when I wrote the post on November 27, 2020, just two days after the pardon.

But Trump's January 6 indictment adds a few details to that timeline in the single solitary paragraph addressing Powell's overt acts, which happens to be tucked away in the section on Georgia, the state where Powell just pled guilty.

On November 16, 2020, on the Defendant's behalf, his executive assistant sent CoConspirator 3 and others a document containing bullet points critical of a certain voting machine company, writing, "See attached – Please include as is, or almost as is, in lawsuit." CoConspirator 3 responded nine minutes later, writing, "IT MUST GO IN ALL SUITS IN GA AND PA IMMEDIATELY WITH A FRAUD CLAIM THAT REQUIRES THE ENTIRE ELECTION TO BE SET ASIDE in those states and machines impounded for non-partisan professional inspection." On November 25, Co-Conspirator 3 filed a lawsuit against the Governor of Georgia falsely alleging "massive election fraud" accomplished through the voting machine company's election software and hardware. Before the lawsuit was even filed, the Defendant retweeted a post promoting it.

The Defendant did this despite the fact that when he had discussed CoConspirator 3's far-fetched public claims regarding the voting machine company in private with advisors, the Defendant had conceded that they were unsupported and that Co-Conspirator 3 sounded "crazy." Co-Conspirator 3's Georgia lawsuit was dismissed on December 7.

Here's how the timeline looks with the details from the indictment added in:

- November 15: Trump says publicly Powell was part of his team
- November 16: Nine minutes after Trump demanded lawsuits include attacks on Dominion, Powell orders that all forthcoming lawsuits include it: "IT MUST GO IN ALL SUITS IN GA AND PA IMMEDIATELY WITH A FRAUD CLAIM THAT REQUIRES THE ENTIRE ELECTION TO BE SET ASIDE"
- November 19: Powell appears at the Rudy the Dropper press conference, looking far less embarrassing than the President's lawyer, which didn't stop Maggie Haberman from claiming that Powell's appearance was the reason Trump was cutting Powell from his legal team
- November 22: Jenna Ellis and Rudy make a big show of

cutting ties with Powell

- November 25: Having ordered that all lawsuits include the Dominion attack Trump ordered, Sidney Powell then files the first lawsuit including such an attack; on the very same day, Trump pardons her client and then starts disseminating her bullshit attacks on Dominion

At least according to the indictment, it all happens on the same day: The lawsuit attacking Dominion, the pardon, Trump's celebration of the lawsuit attacking Dominion.

The indictment focuses on Trump's claims that Powell was crazy – and up until now I have believed that's in there as a guaranteed way to show that Trump was pushing lies he had disavowed.

But with Trump ranting about cooperating witness Sidney Powell's conflicts, I'm no longer so sure.

Update: Fixed date of hair dye presser, h/t critter.