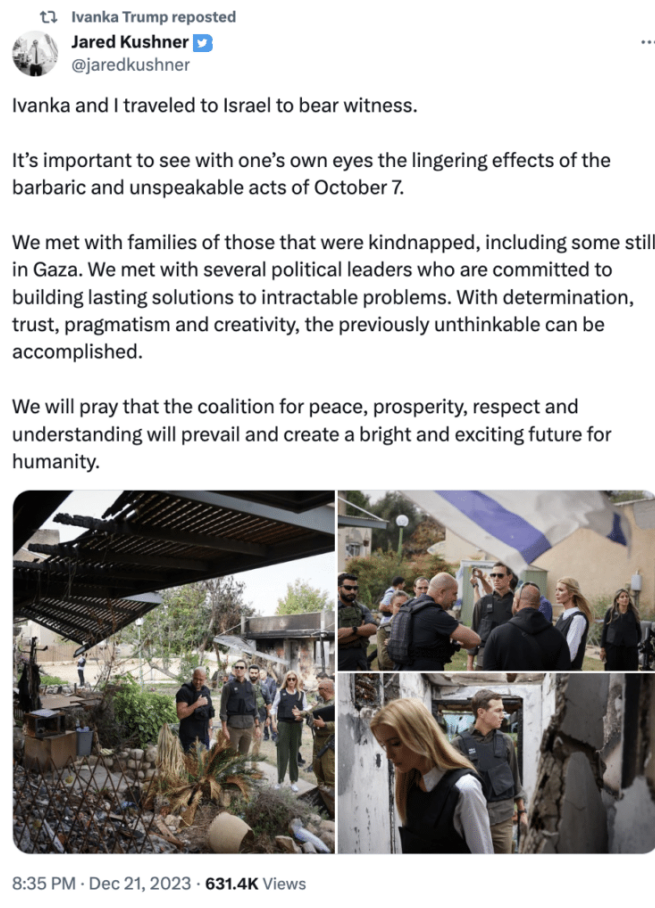


THE FIRST TIME TRUMP “COLLUDED” WITH RUSSIA WAS TO HELP BIBI NETANYAHU

The first time Donald Trump worked via back channel with Russia to undermine Barack Obama's foreign policy, it was to help Bibi Netanyahu dodge repercussions for illegal settlements in the West Bank.

And yet that effort – and the way that Jared Kushner mobilized a group of countries to undermine the sitting President's foreign policy decision – has gone unmentioned in recent months, even as Bibi blows off Joe Biden's requests for moderation in advance of the November election, even as Vladimir Putin holds overt meetings with Hamas, even as Kushner – effectively an employee of Mohammed bin Salman at this point – meets with Qatar and tours Kfar Aza.



The Mueller Report actually soft-pedaled what happened in December 2016.

On December 21, 2016, Egypt submitted a resolution to the United Nations Security Council calling on Israel to cease settlement activities in Palestinian territory.¹²⁰⁸ The Security Council, which includes Russia, was scheduled to vote on the resolution the following day.¹²⁰⁹ There was speculation in the media that the Obama Administration would not oppose the resolution.¹²¹⁰

According to Flynn, the Transition Team regarded the vote as a significant issue and wanted to support Israel by opposing the resolution.¹²¹¹ On December 22, 2016, multiple members of the Transition Team, as well as President-Elect Trump, communicated with foreign government officials to determine their views on the resolution and to rally support to delay the vote or defeat the

resolution.¹²¹² Kushner led the effort for the Transition Team; Flynn was responsible for the Russian government.¹²¹³ Minutes after an early morning phone call with Kushner on December 22, Flynn called Kislyak.¹²¹⁴ **According to Flynn**, he informed Kislyak about the vote and the Transition Team's opposition to the resolution, and requested that Russia vote against or delay the resolution.¹²¹⁵ Later that day, President-Elect Trump spoke with Egyptian President Abdel Fattah al-Sisi about the vote.¹²¹⁶ Ultimately, Egypt postponed the vote.¹²¹⁷

On December 23, 2016, Malaysia, New Zealand, Senegal, and Venezuela resubmitted the resolution.¹²¹⁸ Throughout the day, members of the Transition Team continued to talk with foreign leaders about the resolution, with Flynn continuing to lead the outreach with the Russian government through Kislyak.¹²¹⁹ When Flynn again spoke with Kislyak, Kislyak informed Flynn that if the resolution came to a vote, Russia would not vote against it.¹²²⁰ The resolution later passed 14-0, with the United States abstaining.¹²²¹ [my emphasis]

¹²⁰⁸ Karen DeYoung, *How the U.S. Came to Abstain on a U.N. Resolution Condemning Israeli Settlements*, Washington Post (Dec. 28, 2016).

¹²⁰⁹ Karen DeYoung, *How the U.S. Came to Abstain on a U.N. Resolution Condemning Israeli Settlements*, Washington Post (Dec. 28, 2016).

¹²¹⁰ Michelle Nichols & Lesley Wroughton, *U.S. Intended to Allow Passage of U.N. Draft Critical of Israel*, Reuters (Dec. 21, 2016).

¹²¹¹ Flynn 11/16/17 302, at 12; Flynn

11/17/17 302, at 2.

1212 Flynn 11/16/17 302, at 12-14; Flynn 11/17/17 302, at 2.

1213 Flynn 11/16/17 302, at 12-14; Flynn 11/17/17 302, at 2; Kushner 11/1/17 302, at 3; 12/22/16 Email, Kushner to Flynn; 12/22/16 Email, McFarland to et al.

1214 Flynn 11/16/17 302, at 13; Call Records of Michael T. Flynn

1215 Statement of Offense ¶ 3(d), United States v. Michael T. Flynn, No. 1:17-cr-232 (D.D.C. Dec. 1, 2017), Doc. 4 (“Flynn Statement of Offense”); Flynn 11/16/17 302, at 12-13.

1216 Flynn 11/17/17 302, at 2; Flynn 11/16/17 302, at 13.

1217 U.N. Vote on Israeli Settlement Postponed, “Potentially Indefinitely”, Reuters (Dec. 22, 2016).

1218 Somini Sengupta & Rick Gladstone, Rebuffing Israel, U.S. Allows Censure Over Settlements, New York Times (Dec. 23, 2016).

1219 Flynn 11/16/17 302, at 12-14; Kushner 11/1/17 302, at 3; 12/23/16 Email, Flynn to Kushner et al.

1220 Flynn Statement of Offense ¶ 3(g).

1221 Israel’s Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms, 7853rd Meeting (PM), United Nations Security Council (Dec. 23, 2016).

This account separates the description of the December 1, 2016 meeting including Sergey Kislyak and Flynn at which Jared suggested setting up a back channel via secure Russian channels, as well as the December 13, 2016 meeting with sanctioned banker Sergey Gorkov at

Tom Barrack's office, a meeting Jared claimed was diplomatic but Gorkov claimed pertained to business.

The Report doesn't reveal which Senator's office alerted Flynn to the risk that Obama would allow Israel be sanctioned.

The Report doesn't describe all the calls that took place on December 22. In a warrant affidavit targeting Flynn, multiple calls are described as taking place on Flynn's phone – suggesting the possibility that Trump used Flynn's phone to call al-Sisi. McFarland later noted that Flynn, “worked it all day with trump from Mara lago.”

The Report did not mention that Jared asked to – and did – release a false report claiming that Egypt had initiated this effort.

Can we make it clear that Al Sisi reached out to DJT so it doesn't look like we reached out to intercede? This happens to be the true fact patter and better for this to be out there.

Because it remained under investigation, the Report doesn't mention the suspected \$10 million payment an Egyptian bank had given Trump in September 2016, important background to Trump's call to al-Sisi.

It doesn't describe that KT McFarland had likened the effort to undercut Obama's foreign policy to Richard Nixon's effort to forestall peace in Vietnam and Ronald Reagan's effort to delay the release of hostages from Iran.

Based on her study of prior presidential transitions, McFarland believed the sorts of things Flynn did were not unusual. She cited Richard Nixon's involvement in Vietnam War peace talks and Ronald Reagan's purported dealings with Iran to free American hostages during an incoming administration. Most incoming administrations did similar

things. No “red light” or “alarm bells” went off in her head when she heard what Flynn was doing. The President-elect made his support for Israel very clear during the campaign and contrasted his position with President Obama, who he believed had not treated Israel fairly.

And Mueller – likely working under the normally safe assumption that the call intercepts with Sergey Kislyak would never be released – left out several damning details revealed when John Ratcliffe *did* release the transcripts in May 2020.

First, Mueller implies that Egypt, by itself, decided to delay the vote, but on their second call, Sergey Kislyak told Flynn that they would push for a delay too.

Kislyak: Uh, I just wanted as a follow up to share with you several points. One, that, uh, your previous, uh, uh, telephone call, I reported to Moscow and **it was considered at the highest level in Russia**. Secondly, uh, uh, here we are pointing [PH], uh, taking into account, uh, entirely your, uh, arguments.

Flynn: Yes.

Kislyak: To raise a proposal or an idea of continued consultations in New York. We will do it.

Flynn: Okay.

Kislyak: Uh, to give time for working out something, uh, that would be, would be, uh, less controversial.

Flynn: Okay. That. .. That’s good news.

[snip]

Kislyak: But, uh, responding to your, uh, telephone call and our conversations, we will try to help, uh, to~ uh~ postpone the vote and to allow

for consultations.

Flynn: Okay. That's .. that's good.

In Kislyak's call with Flynn (in which he had to cut off the blubbing General to make his carefully scripted points), he made it clear that he had discussed the topic with "the highest level in Russia," which can only mean Putin.

When Flynn called Kislyak back on December 29, the Russian Ambassador told him that they were not going to support Obama's other framework for the Middle East at the time.

KISLYAK: Oh, General, thank you very much for calling me back. I was trying to reach you for quite a while because I have several, uh, issues to raise with you –

FLYNN: Uh huh.

KISLYAK: – rather to inform you. If you'll allow me, one by one.

FLYNN: Please.

KISLYAK: One, uh, since you were interested in the issue of the Middle East and you called me on that issue

FLYNN: Uh huh.

KISLYAK: We wanted to convey to you and through you to the President Elect that we had uh significant reservations about the idea of adopting now the principles for the Middle East, uh, that our American colleagues are pushing for. So we are not going to support it to – in the quartet, or in the Security Council. And we have conveyed to our American colleagues. So in the spirit of full transparency I was asked to inform you as well.

FLYNN: Okay.

KfSLYAK: So it's not something that we –
Russia – are going to support.

FLYNN: Okay that's good.

Kislyak tied that, implicitly, to a demand to reverse Obama's sanctions; he used Flynn's discussion about cooperating on counterterrorism to note that GRU and FSB would need to be part of the cooperation.

FLYNN: We have to eliminate the common threat.

KISLYAK: We agree. One of the problems among the measures that have been announced today is that now FSB and GRU are sanctioned, are sanctioned, and I ask myself, uh, does it mean that the United States isn't willing to work on terrorist threats?

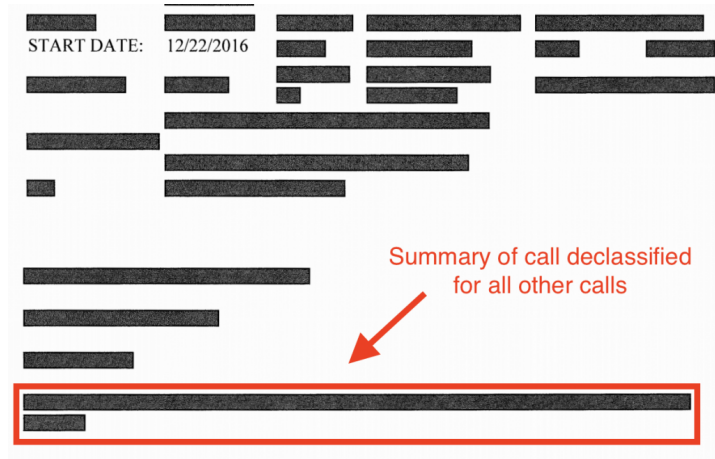
FLYNN: Yeah, yeah.

KISLYAK: Because that's the people who are exactly, uh, fighting the terrorists.

Most importantly, a point utterly inconsistent with the conclusion in the Mueller Report that it was never clear if Trump knew of this back channel, on their December 31 call, Flynn told Kislyak that "boss is aware" of an invite that Kislyak had extended.

Remember that a pro-Trump FBI agent was pushing the conclusion that all this was a big misunderstanding, a conclusion that largely held the day.

And that's just what is included. Ratcliffe didn't release the December 22 transcript, the one that started this discussion.



Flynn was in Mar-a-Lago on December 22 – and the December 29 transcript suggests that Flynn may have been on speaker phone (he made the call from his hotel phone, and so could have had his own phone connected back to MAL). So it's not impossible that Trump was actually involved in the calls placed on December 22. As bolded above, in the Report, Mueller didn't describe what he knew from the transcripts; instead, he attributed his version of the December 22 calls to Flynn.

At a time when Trump was advised – at least partly – by adults, he didn't hesitate to intervene back channel to undercut his Democratic predecessor in order to help Bibi Netanyahu. Per KT McFarland, it was all in the tradition of Nixon and Reagan intervening in foreign policy to help win an election.

This post is part of a Ball of Thread I'm putting together before I attempt to explain how Trump trained Republicans to hate rule of law. See this post for an explanation of my Ball of Thread.