

WHAT IF THE SPECIAL COUNSEL IS ABOUT SCOTT PERRY, NOT JUST DONALD TRUMP?

Given how narrow the GOP majority in the House is, any investigation into a sitting member of Congress could more immediately disrupt the status quo power than an investigation into a potential Presidential candidate. Which means the appointment of Jack Smith as Special Counsel may also pertain to the investigation of Scott Perry's actions leading up to January 6.

MERRICK GARLAND NAMES WAR CRIMES PROSECUTOR JACK SMITH TO OVERSEE TRUMP INVESTIGATIONS

I mostly feel like the decision to appoint war crimes and public corruption prosecutor Jack Smith as Special Counsel is a "meh" decision. But it will make subpoenaing Ginni Thomas easier.

AILEEN CANNON'S SPECIAL MASTER

REVIEW HELPED DOJ PREPARE FOR A KEY WITNESS INTERVIEW

As part of the Special Master process, DOJ got Trump to confirm certain details, including dates, about a “mini smoking gun” that was in a desk drawer in his office. Which means he has helped DOJ prepare to interview whatever witness had control over that desk drawer.

DEVLIN BARRETT’S “PEOPLE FAMILIAR WITH THE MATTER”

Devlin Barrett’s sources would have you believe that a man in whom the Saudis have invested upwards of \$3B would have no financial interest in stealing documents on Iran’s missile system.

GOVERNMENT ASKS RAYMOND DEARIE TO RECOMMEND JUDGE CANNON LIFT INJUNCTION ON 2,794 DOCUMENTS

The government has asked Raymond Dearie to treat this Special Master review as he would any other Special Master review, and to recommend to Judge

Cannon that she lift the injunction over all the documents—2,794 out of 2,916—over which Trump has made no privilege claim.

MERRICK GARLAND HASN'T DONE THE SPECIFIC THING YOU WANT BECAUSE DOJ HAS BEEN BUSY DOING THINGS THEY HAVE TO DO FIRST

We know why DOJ has not yet indicted Trump. The reason is that DOJ has been very busy taking steps that have to happen before they could indict Trump.

ANDY MCCARTHY GIVES FROTHERS PERMISSION TO APPROVE OF A TRUMP INDICTMENT

Andy McCarthy is full of shit. But the shit he says is important because he tells Republican activists what they should think and say about legal matters. And he just gave those activists permission to support the indictment of Donald Trump.

TRUMP'S SECRET DOCUMENT, WITH THE POST-ADMINISTRATION POLLSTER COMMUNICATION, IN HIS DESK DRAWER

A document found in a desk drawer in Trump's Mar-a-Lago office shows he was commingling stolen classified documents with his ongoing affairs after leaving the White House. The document gets investigators far closer to showing that Trump was using government secrets for his own personal affairs even after he left the White House.

HEAD OF REPUBLICAN PARTY ATTEMPTS TO STAVE OFF MULTIPLE INDICTMENTS BY ANNOUNCING CANDIDACY EARLY

Imagine if every time Trump toyed with the press about announcing his candidacy, Trump beat reporters instead described the institutional support in the Republican Party for fraud and political violence?

JUDGE RAYMOND DEARIE PREPARES TO CONSULT WITH THE ARCHIVES

In his last act before today's election, Special Master Raymond Dearie issued the following order:

SCHEDULING ORDER

1. Pursuant to Paragraph 3 of the Order Appointing Special Master, ECF 91, the undersigned intends to contact the National Archives and Records Administration regarding its practices and guidance documents concerning the categorization of materials under the Presidential Records Act. Any party seeking to be heard in connection with this consultation may submit a letter of no more than three pages by November 10, 2022.

2. An in-person status conference in this matter is scheduled for Thursday, December 1, 2022, at 10:30AM. The undersigned anticipates that this conference will be an opportunity for the parties to elaborate upon their respective positions in advance of the Report and Recommendation to be filed by December 16, 2022.

Signed by Special Master Raymond J. Dearie on 11/7/2022. (Entered: 11/07/2022)

I've added the new dates to the timeline below.

The December 1 status conference, which has attracted the most attention, is scheduled for such time as Dearie will have had a chance to review the two sides' disputes. More importantly, it comes after the 11th Circuit will have this issue fully briefed – and could well have decided to stop the entire process. It will also come after most results of the election will have been decided. It will be public, so Trump will have to make his bid to claw back all the documents he stole before the press.

The notice that he will consult NARA is a bit more interesting. As Dearie notes, this was specifically permitted in Judge Aileen Cannon's order of appointment. At the first status hearing, Dearie said he would alert Trump before making such consultation. This order serves primarily to tell Trump that this is his chance – while his team is writing their 11th Circuit response and drawing up their general document – to weigh in. But nothing will prevent Dearie from making this consultation.

Dearie knows a good deal about what NARA will say, because the Presidential Records Act is clear. Any document Trump saw as President is a Presidential record. Most of Trump's claims so

far are without merit, even ignoring that the documents were seized with a valid warrant and have evidentiary value.

But the order will ensure that Trump makes a three-page argument about how he is above the PRA. And it'll provide another authority on which Dearie can rely to rule that Trump cannot convert government documents to his personal property by the mere act of stealing them.

Update: Tweaked timeline.

Timeline

October 13: DOJ provides materials to Trump

By October 14: DOJ provides notice of completion that Trump has received all seized documents

On or before October 14: DOJ revised deadline to 11th Circuit

October 18: Phone Special Master conference

October 20: Deadline for disputes about Executive Privilege and Presidential Records Act on filtered material

October 24: Date Trump unilaterally declares his deadline to comply with Dearie's order

October 25: Trump rethinks and submits his version of disputes

October 26: Both sides agree to brief general issues; Dearie resolves the remaining privilege issues and accepts briefing dates

November 2 (21 days after notice of completion): Trump provides designations for all materials to DOJ

November 7: Dearie reveals he will consult with NARA

November 8: Election Day; Principal briefs due to Dearie

November 10, 2022: Trump revised deadline to 11th Circuit; deadline to complain about

consultation with NARA

November 12 (10 days after November 2): Both sides provide disputes to Dearie; response briefs to Dearie

November 17: DOJ revised reply to 11th Circuit

December 1: Status conference

December 16: Dearie provides recommendations to Cannon