

ARE TRUMP'S ASSOCIATES FORGOING LAWYERS BECAUSE THEY EXPECT PARDONS?

One of the numerous topics over which Attorney General Jeff Sessions invoked non-executive executive privilege when he testified earlier this month was whether the Trump Administration has started discussing pardoning those who might be criminally exposed for their ties with Russia.

WARNER: To your knowledge, have any Department of Justice officials been involved with conversations about any possibility of presidential pardons about any of the individuals involved with the Russia investigation?

SESSIONS: Mr. Chairman, I'm not able to comment on conversations with high officials within the white house. That would be a violation of the communications rule that I have to –

WARNER: Just so I can understand, is the basis of that unwilling to answer based on executive privilege?

SESSIONS: It's a long standing policy. The department of justice not to comment on conversations that the attorney general had with the president of the united States for confidential reasons that rounded in the coequal branch.

WARNER: Just so I understand, is that mean you claim executive privilege?

SESSIONS: I'm not claiming executive privilege because that's the president's power and I have no power there.

WARNER: What about conversations with other Department of Justice or White

House officials about potential pardons?
Not the president, sir.

SESSIONS: Without in any way suggesting I had any conversations concerning pardons, totally apart from that, there are privileges of communication within the department of justice that we share all of us do. We have a right to have full and robust debate within the Department of Justice and encourage people to speak up and argue cases on different sides. Those arguments are not – historically we have seen they shouldn't be revealed.

WARNER: I hope you agree since you recused yourself that if the president or others would pardon someone during the midst of this investigation while our investigation or Mr. Mueller's investigation, that would be problematic.

After I watched this testimony I predicted Trump would pardon someone – probably Mike Flynn – within three months of the day I made the prediction (which was roughly June 14).

I said that, in part, because of Sessions' sheer arrogance when he was providing obviously false answers (most especially to Kamala Harris). Sessions had the giddy look of someone who knew he'd get away with whatever he was pulling, even beyond the kind of a look you'd expect from a southern white man talking to a woman of color.

But I also say that because some of the people most exposed in this affair have had at least initial conversations with the FBI without a lawyer. That's true of Mike Flynn in his first interview with the FBI at the White House. (Flynn has since retained Robert Kelner.)

WHITEHOUSE: Do you know where that interview took place or under what circumstances?

YATES: I believe it took place at the White House.

WHITEHOUSE: The Flynn interview?

YATES: Yes.

WHITEHOUSE: OK. Do you know if Flynn was represented by counsel at the time?

YATES: I don't believe he was.

And – according to a new WaPo story – that's true of the 10 hours of questioning that Carter Page underwent in March.

Over a series of five meetings in March, totaling about 10 hours of questioning, Page repeatedly denied wrongdoing when asked about allegations that he may have acted as a kind of go-between for Russia and the Trump campaign, according to a person familiar with Page's account.

The interviews with the FBI are the most extensive known questioning of a potential suspect in the probe of possible Russian connections to associates of President Trump. The questioning of Page came more than a month before the Russian investigation was put under the direction of Special Counsel Robert S. Mueller III.

Page confirmed Monday that the interviews occurred, calling them "extensive discussions." He declined to say if he's spoken to investigators since the March interviews.

[snip]

Because it is against the law for an individual to lie to FBI agents about a material issue under investigation, many lawyers recommend their clients not sit for interviews with the bureau without a lawyer present. Page said he spoke without a lawyer and wasn't concerned

about the risks because he told the truth.

Now, it may be that after getting these men to incriminate themselves, the FBI encouraged them to lawyer up so they could be flipped. Certainly, Sheldon Whitehouse appears to believe Flynn has done just that.

Still, the kind of arrogance that would lead men as exposed as they are to forgo a lawyer makes me wonder whether they've already been promised pardons?

Update: Meanwhile, the most likely Trump associate to get a pardon, father of his grandchildren Jared Kushner, just hired Abbe Lowell, while still retaining Jamie Gorelick.