

SIDNEY POWELL ACCUSES WILLIAM BARNETT OF COMMITTING “OUTRAGEOUS, DELIBERATE MISCONDUCT” AND KENNETH KOHL HIDES EVIDENCE THAT BRANDON VAN GRACK DID NOT

I want to pause for a moment and look at the maneuvers that Billy Barr pulled last night to try to substantiate a reason to blow up the Mike Flynn case.

First, on Wednesday, the less crazy attorneys on Mike Flynn's team, William Hodes and Lindsay McKesson, moved to withdraw. It's an awfully weird time for lawyers to withdraw from a case, unless they're trying to leave town before the shit starts hitting the fan.

Unless I'm missing something, Sullivan has not approved their motion.

Then, last night, Sidney Powell submitted a memo with a bunch of exhibits, every single one of which have Bates stamps reflecting these are SCO documents:

Exhibit A: **DOJSCO - 700023504**

Exhibit B: **DOJSCO - 700023502**

DOJSCO - 700023503

Exhibit C:

DOJSCO - 700023501

Exhibit D:

DOJSCO - 700023517

Exhibit E:

That means that Mueller team members involved in Flynn's case would have had access to these documents.

In her memo, Powell argues that the exhibits "establish[] misconduct" and are proof of Brady violations. She emphasizes that these documents were "long concealed by the Special Counsel and FBI."

On May 7, 2020, the Government moved to dismiss with prejudice the prosecution of General Flynn. ECF No. 198. Until this case is dismissed with prejudice, the Government has a continuing obligation to provide to the defense all evidence that is exculpatory of General Flynn, establishes misconduct by the Government in its many capacities that contributed to this wrongful prosecution, or otherwise is favorable to the defense. *Brady v. Maryland*, 373 U.S. 83 (1963). The defense has a continuing obligation to make a record that mandates this dismissal— especially in view of this court's unprecedented procedures and position.

[snip]

These documents provide information long known to the agents and others at the highest levels of the Department of Justice and the FBI; information long concealed by the Special Counsel and FBI. This evidence shows outrageous, deliberate misconduct by FBI and DOJ—playing games with the life of a national hero.

Then, later in the night, DOJ released a 302 memorializing a recent interview with William Barnett which I showed was a self-contradictory shitshow. In the accompanying memo, Kenneth Kohl, Acting Principal Assistant US Attorney in DC, noted that Barnett, “handled the counterintelligence investigation of Mr. Flynn, and was thereafter assigned to the Special Counsel’s Office.”

Pursuant to that continuing review, an interview was recently conducted of the former case agent, SA William Barnett, who handled the counterintelligence investigation of Mr. Flynn, and was thereafter assigned to the Special Counsel’s Office investigating Russian interference in the 2016 Presidential Election.

Which is to say that yesterday, Sidney Powell submitted a brief arguing that William Barnett – her new star witness – engaged in “outrageous, deliberate misconduct,” and then later in the day, DOJ submitted a contradiction-riddled interview with that Agent that Powell had earlier accused of engaging in “outrageous, deliberate misconduct.”

Things get stranger.

In her filing, Powell claims that she has included Exhibits D and C as proof that Flynn satisfied the registration obligation.

Newly produced notes of Peter Strzok show: Strzok met with Bruce Schwartz, Lisa, and George at DOJ on March 28, 2017, where he noted Flynn Intel Group “satisfied the registration obligation” and “no evidence of any willfulness.” Nonetheless, “Bruce” decided to issue subpoenas to Flynn Intel Group “and more.” Exhibits C, D.

Exhibit D *seems* to show something dramatically different. It seems to show that the AG (that

is, Jeff Sessions) met with Turkish Ministers and tried to vouch for Flynn about the secret work that Turkey was doing.

Turkey (Glen): AG not w/ Turk foreign minister
fact needs + justice w/ Turk Minister of
All docs related
Turkey + Flynn: why heard + what doing
9/17?

It seems odd to go to the guys who were hoping to keep their relationship with Flynn secret to ask them whether it was secret. Moreover, if they're the ones vouching for it – and not Flynn's cut-out, Ekim Alptekin – it would seem to suggest Flynn was working for Turkey, which is what he testified to under oath but not what he wrote on his delayed FARA filing. If so, this doesn't help Flynn at all. It only serves to hurt him.

Things get stranger still.

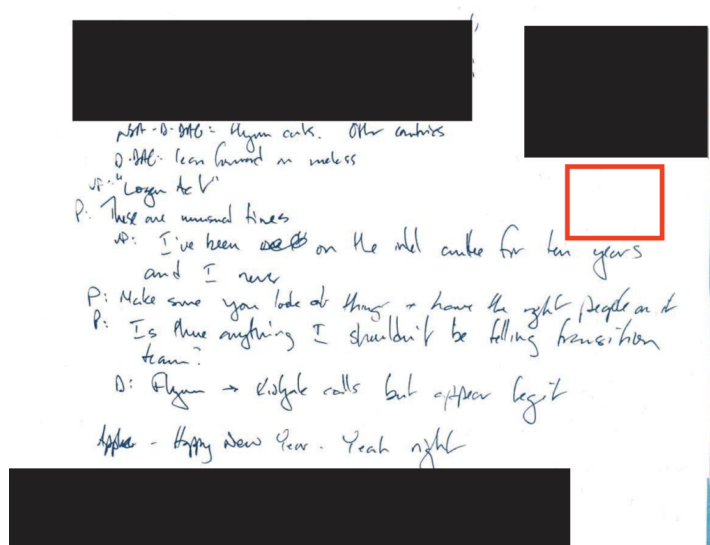
Contrary to Powell's claim, Exhibit C has nothing to do with Turkey. Instead, it's a set of Peter Strzok's notes from Jim Comey's debrief of a meeting at the White House on January 5, 2017.

All thanks to
James - John: declass infrastructure not in
Peters - AG - D - AG: in case - 1 right page
AG - D - AG: Flynn cuts. Other countries
D - AG: been learned in useless
v. "Logan de V"
P: These are unusual times
AG: I've been ~~sett~~ on the intel center for ten years
and I see
P: Make sure you look at things - have the right people on it
P: Is there anything I shouldn't be telling transition
team?
D: Flynn → Klotz calls but appear legit
Apple - Happy New Year. Yeah right

1/4-5/17

We've seen these notes before. They are a copy of notes submitted in June (which also have a – different – SCO Bates stamp on them, indicating that Barnett, the man Powell has accused of

“outrageous, deliberate misconduct,” had access to those too).



The primary difference, aside from DOJ’s decision to newly release notes indicating that President Obama said to put the right people on this, is that the version submitted last night, the version that Powell claims to be about a March 28, 2017 meeting on Turkey is dated, “1/4-5/17.”

When Powell submitted the notes in June, she said they were proof that Vice President Biden “personally raised the idea of the Logan Act.”

Strzok’s notes believed to be of January 4, 2017, reveal that former President Obama, James Comey, Sally Yates, Joe Biden, and apparently Susan Rice discussed the transcripts of Flynn’s calls and how to proceed against him. Mr. Obama himself directed that “the right people” investigate General Flynn. This caused former FBI Director Comey to acknowledge the obvious: General Flynn’s phone calls with Ambassador Kislyak “appear legit.” According to Strzok’s notes, it appears that Vice President Biden personally raised the idea of the Logan Act.

I noted then that there was no question about

date the notes were written, because they obviously describe a meeting that multiple documents (including one that has been public since February 2018, long before Flynn allocated his guilt a second time) make clear happened on January 5, 2017. Nevertheless, Powell claimed (and set off a predictable resulting frenzy, which was probably the point) that they were proof that Biden had it in for Mike Flynn.

Now, normally, when you make an accusation to a court that later gets debunked, you make a filing with the court admitting you were wrong. In this case, Powell would have also had to admit that anyone who believed these notes were from January 3 – as Jeffrey Jensen had suggested they might be – provably knew fuckall about what he was looking at.

But if Powell were to do that, she'd be admitting that Jensen doesn't know fuckall about what he is investigating on the same day she accused Barnett to have engaged in "outrageous, deliberate misconduct." So instead, Powell just slipped the exhibit in with her filing without calling attention to her prior false claims.

But wait. Things get still stranger.

Finally, Kohl submitted the 302 with redactions of the name of an "SCO Atty 1." Now, it has been the standing rule in DOJ that the AUSAs who worked for Mueller are public. That way Trump can rant about their political leanings at rallies.

Last night, for the first time ever, DOJ has decided that these attorneys are not senior enough to have their names released.

Several of those redactions of "SCO Atty 1's" name, however, make it clear that the person has a two part last name, one that wraps at the end of a line.

BARNETT expressed his concerns about RHEE to SCO Atty 1. BARNETT told SCO Atty 1 that he wanted nothing to do with the RAZOR investigation.

During one of the early interviews of KT McFarland (MCFARLAND), MCFARLAND said she was not aware of [REDACTED] between FLYNN and the Russian Ambassador. At a later interview, MCFARLAND said she was aware of [REDACTED]. Andrew Weissmann (WEISSMANN), an attorney at the SCO, suggested this was a blatant lie and suggested charging MCFARLAND with a False Statement charge, a "1001." Many including BARNETT and [REDACTED] ^{SCO Atty 1} believed MCFARLAND was just trying to minimize her knowledge of what had occurred, as it was embarrassing or inconvenient, and she was being proposed for a possible position as an Ambassador to Singapore. BARNETT believed some of the attorneys in the SCO did not ask clarifying questions, but instead took the information provided and interpreted that information in a way favorable to their opinions.

Just one of Mueller's attorneys has such a name (Adam Jed is the only one whose last name is short enough to fit in the first part of those redactions). That attorney is Brandon Van Grack. Indeed, the 302 from an interview that Barnett discussed in his interview makes it clear that Van Grack was the one Barnett is working with. So along with submitting proof that Barnett engaged in "outrageous, deliberate misconduct" as well as providing proof that Jensen led others to make a material misrepresentation to Emmet Sullivan, Kohl just submitted proof that Van Grack routinely took the side of Barnett. And that he, Kohl, was hiding that.

Call me crazy, but John Gleeson can just look at yesterday's filings to show that Sidney Powell and Kenneth Kohl are accusing each other and Jeffrey Jensen of misconduct, at the same time that they're hiding evidence that Van Grack did not engage in misconduct. That's the the kind of misconduct that Emmet Sullivan might use to justify refusing to dismiss the prosecution.

Update: It's not really clear whether the Bates reflects documents obtained by SCO or those investigating SCO. If it's the latter, it raises real questions about whether Strzok's notes are one or two copies.