

# SECRET DOCUMENTS! THE TEN MONTH PRIVILEGE FIGHT WHINGERS CLAIM DIDN'T HAPPEN

As always happens when people who don't bother to check the public record get afraid, folks are complaining about Merrick Garland again, both that they didn't notice the number of times Garland explained publicly that back in June 2021 DOJ had set up a special Election Task Force to prepare for this moment, and to complain that (they say) Garland hasn't charged Donald Trump.

I was working on a timeline already when Politico's two year effort to get the DC District Court to unseal grand jury proceedings bore fruit yesterday. Kyle Cheney has a story describing how the documents he liberated show both Beryl Howell and her successor as Chief Judge, James Boasberg, kept swatting back at Trump's efforts to delay precisely *because* of the upcoming election.

More than 18 months ago, as Donald Trump sought to delay several high-profile witness' testimony to a grand jury investigating his effort to subvert the 2020 election, Washington's top federal district judge sensed a potential calamity.

"The special counsel's investigation is moving quickly. There is an imperative that it moves quickly particularly so as not to interfere with the 2024 election cycle," Chief Judge James Boasberg said on April 3, 2023, according to a newly unsealed transcript of the secret proceeding. "So when the former President's pleading says that there

will be a nominal impact from a delay, I think that is a vast understatement, that there would be a serious and deleterious impact from a delay.”

Boasberg’s warning in the early stages of special counsel Jack Smith’s investigation of the former president now rings prescient. A series of delays engineered by Trump, most notably an eight-month freeze while the Supreme Court considered his claim to be immune from the charges altogether, have caused the criminal proceedings to collide with the 2024 election cycle – and made it impossible for Trump to stand trial on the most serious charges he faces before Election Day.

The documents also confirm dates that, just yesterday, anti-Garland whingers claimed I made up. The fight over executive privilege started with a June 15, 2022 subpoena (probably to Greg Jacob and Marc Short) and continued through the next April, when Jack Smith – having come on after the precedents on executive privilege had already been set – got Mike Pence’s testimony on April 27.

Here’s the timeline mapped by the documents Politico liberated:

June 15, 2022: Subpoena to two officials (possibly Jacob and Short)

September 28, 2022: Order and opinion requiring testimony from two officials (possibly Jacob and Short)

October 6, 2022: Order and opinion denying stay of decision

November 19, 2022: Order and opinion requiring testimony (probably the two Pats, Cipollone and Philbin)

December 18, 2022: Order and opinion denying stay

January 23, 2022: Order and opinion extending appeal

December 9, 2022: Order and opinion requiring testimony (possibly Eric Hershmann, given description of his emails demanding written instructions)

January 10, 2023: Order and opinion denying stay

March 15, 2023: Order and opinion requiring testimony (this is the omnibus order covering eight people – see redacted list on page 2 – including Mark Meadows, Stephen Miller, and Dan Scavino)

March 25, 2023: Opinion requiring testimony, probably involving Mike Pence

April 3, 2023: Transcript of hearing, probably involving Mike Pence

April 10, 2023: Transcript of hearing, probably involving Mike Pence