

# The Scalp-Taking of Gen. Flynn

**Exclusive:** The Russia-gate prosecutors have taken the scalp of ex- National Security Adviser (and retired Lt. Gen.) Flynn for lying to the FBI. But this case shows how dangerously far afield this “scandal” has gone, reports Robert Parry.

By Robert Parry

Russia-gate enthusiasts are thrilled over the guilty plea of President Trump’s former National Security Adviser Michael Flynn for lying to the FBI about pre-inauguration conversations with the Russian ambassador, but the case should alarm true civil libertarians.

What is arguably most disturbing about this case is that then-National Security Adviser Flynn was pushed into a perjury trap by Obama administration holdovers at the Justice Department who concocted an unorthodox legal rationale for subjecting Flynn to an FBI interrogation four days after he took office, testing Flynn’s recollection of the conversations while the FBI agents had transcripts of the calls intercepted by the National Security Agency.

In other words, the Justice Department wasn’t seeking information about what Flynn said to Russian Ambassador Sergey Kislyak – the intelligence agencies already had that information. Instead, Flynn was being quizzed on his precise recollection of the conversations and nailed for lying when his recollections deviated from the transcripts.

For Americans who worry about how the pervasive surveillance powers of the U.S. government could be put to use criminalizing otherwise constitutionally protected speech and political associations, Flynn’s prosecution represents a troubling precedent.

Though Flynn clearly can be faulted for his judgment, he was, in a sense, a marked man the moment he accepted the job of national security adviser. In summer 2016, Democrats seethed over Flynn’s participation in chants at the Republican National Convention to “lock her [Hillary Clinton] up!”

Then, just four days into the Trump presidency, an Obama holdover, then-acting Attorney General Sally Yates, primed the Flynn perjury trap by coming up with a novel legal theory that Flynn – although the national security adviser-designate at the time of his late December phone calls with Kislyak – was violating the 1799 Logan Act, which prohibits private citizens from interfering with U.S. foreign policy.

But that law – passed during President John Adams’s administration in the era of the Alien and Sedition Acts – was never intended to apply to incoming officials in the transition period between elected presidential administrations and – in the past 218 years – the law has resulted in no successful prosecution at all and thus its dubious constitutionality has never been adjudicated.

### **Stretching Logic**

But Yates extrapolated from her unusual Logan Act theory to speculate that since Flynn’s publicly known explanation of the conversation with Kislyak deviated somewhat from the transcript of the intercepts, Flynn might be vulnerable to Russian blackmail.

Yet, that bizarre speculation would require that the Russians first would have detected the discrepancies; secondly, they would have naively assumed that the U.S. intelligence agencies had not intercepted the conversations, which would have negated any blackmail potential; and thirdly, the Russians would have to do something so ridiculously heavy-handed – trying to blackmail Flynn – that it would poison relations with the new Trump administration.

Yates’s legal theorizing was so elastic and speculative that it could be used to justify subjecting almost anyone to FBI interrogation with the knowledge that their imperfect memories would guarantee the grounds for prosecution based on NSA intercepts of their communications.

Basically, the Obama holdovers concocted a preposterous legal theory to do whatever they could to sabotage the Trump administration, which they held in fulsome disdain.

At the time of Flynn’s interrogation, the Justice Department was under the control of Yates and the FBI was still under President Obama’s FBI Director James Comey, another official hostile to the Trump administration who later was fired by Trump.

The Yates-FBI perjury trap also was sprung on Flynn in the first days of the Trump presidency amid reverberations of the massive anti-Trump protests that had arisen across the country in support of demands for a “#Resistance” to Trump’s rule.

Flynn also had infuriated Democrats when he joined in chants at the Republican National Convention of “lock her up” over Democratic presidential nominee Hillary Clinton’s use of a private email server and other alleged offenses. So, in targeting Flynn, there was a mix of personal payback and sabotage against the Trump administration.

## The Legal Construct

The two-page complaint against Flynn, made public on Friday, references false statements to the FBI regarding two conversations with Kislyak, one on Dec. 22, 2016, and the other on Dec. 29, 2016.

The first item in the complaint alleges that Flynn did not disclose that he had asked the Russian ambassador to help delay or defeat a United Nations Security Council vote censuring Israel for building settlements on Palestinian territory.

The New York Times reported on Friday that Russia-gate investigators “learned through witnesses and documents that Israeli Prime Minister Benjamin Netanyahu asked the Trump transition team to lobby other countries to help Israel, according to two people briefed on the inquiry.

“Investigators have learned that Mr. Flynn and Mr. Trump’s son-in-law and senior adviser, Jared Kushner, took the lead in those efforts. Mr. Mueller’s team has emails that show Mr. Flynn saying he would work to kill the vote, the people briefed on the matter said,” according to the Times.

Breaking with past U.S. precedents, President Obama had decided not to veto the resolution criticizing Israel, choosing instead to abstain. However, the censure resolution carried with Russian support, meaning that whatever lobbying Flynn and Kushner undertook was unsuccessful.

But the inclusion of this Israeli element shows how far afield the criminal Russia-gate investigation, headed by former FBI Director Robert Mueller, has gone. Though the original point of the inquiry was whether the Trump team colluded with Russians to use “hacked” emails to defeat Hillary Clinton’s campaign, the criminal charge against Flynn has nothing to do with election “collusion” but rather President-elect Trump’s aides weighing in on foreign policy controversies during the transition. And, the first initiative was undertaken at the request of Israeli Prime Minister Netanyahu, not Russian President Vladimir Putin.

The second item, cited by Mueller’s prosecutors, referenced a Dec. 29 Flynn-Kislyak conversation, which received public attention at the time of Flynn’s Feb. 13 resignation after only 24 days on the job. That phone call touched on Russia’s response to President Obama’s decision to issue new sanctions against the Kremlin for the alleged election interference.

The complaint alleges that Flynn didn’t mention to the FBI that he had urged Kislyak “to refrain from escalating the situation” and that Kislyak had subsequently told him that “Russia had chosen to moderate its response to those sanctions as a result of his request.”

The Dec. 29 phone call occurred while Flynn was vacationing in the Dominican Republic and thus he would have been without the usual support staff for memorializing or transcribing official conversations. So, the FBI agents, with the NSA's transcripts, would have had a clearer account of what was said than Flynn likely had from memory. The content of Flynn's request to Kislyak also appears rather uncontroversial, asking the Russians not to overreact to a punitive policy from the outgoing Obama administration.

In other words, both of the Flynn-Kislyak conversations appear rather unsurprising, if not inconsequential. One was taken at the behest of Israel (which proved ineffective) and the other urged the Kremlin to show restraint in its response to a last-minute slap from President Obama (which simply delayed Russian retaliation by several months).

### **Double Standards**

While Flynn's humiliation has brought some palpable joy to the anti-Trump "Resistance" – one more Trump aide being taken down amid renewed hope that this investigation will somehow lead to Trump's resignation or impeachment – many of the same people would be howling about trampled civil liberties if a Republican bureaucracy were playing this game on a Democratic president and his staff.

Indeed, in the turnabout-is-fair-play department, there is some equivalence in what is happening over Russia-gate to what the Republicans did in the 1990s exploiting their control of the special-prosecutor apparatus in the first years of Bill Clinton's presidency when interminable investigations into such side issues as his Whitewater real-estate deal and the firing of the White House travel office staff plagued the Clinton administration.

Similarly, Republicans seized on the deaths of four U.S. diplomatic personnel on Sept. 11, 2012, in Benghazi, Libya, to conduct a series of lengthy investigations to tarnish Secretary of State Hillary Clinton's tenure and raise questions about her judgment. Democrats understandably called these attacks partisan warfare in legal or investigative garb.

What I have heard from many Hillary Clinton supporters in recent months is that they don't care about the unfairness of the Russia-gate process or the dangerous precedents that such politicized prosecutions might set. They simply view Trump as such a danger that he must be destroyed at whatever the cost.

Yet, besides the collateral damage inflicted on mid-level government officials such as retired Lt. Gen. Flynn facing personal destruction at the hands of federal prosecutors with unlimited budgets, there is this deepening pattern of using criminal law to settle political differences, a process more common in

authoritarian states.

As much as the Russia-gate enthusiasts talk about how they are upholding “the rule of law,” there is the troubling appearance that the law is simply being used to collect the scalps of political enemies.

**Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America’s Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)).**

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## America’s Military-Industrial Addiction

Polls show that Americans are tired of endless wars in faraway lands, but many cheer President Trump’s showering money on the Pentagon and its contractors, a paradox that President Eisenhower foresaw, writes JP Sottile.

By JP Sottile

The Military-Industrial Complex has loomed over America ever since President Dwight D. Eisenhower warned of its growing influence during his prescient [farewell address](#) on Jan. 17, 1961. The Vietnam War followed shortly thereafter, and its bloody consequences cemented the image of the Military-Industrial Complex (MIC) as a faceless cadre of profit-seeking warmongers who’ve wrested control of the foreign policy. That was certainly borne out by the war’s utter senselessness ... and by [tales of profiteering](#) by well-connected contractors like [Brown & Root](#).

Over five decades, four major wars and a dozen-odd interventions later, we often talk about the Military-Industrial Complex as if we’re referring to a nefarious, flag-draped Death Star floating just beyond the reach of helpless Americans who’d generally prefer that war was not, as the great [Gen. Smedley Darlington Butler](#) aptly put it, little more than a [money-making “racket.”](#)

The feeling of powerlessness that the MIC engenders in “average Americans” makes a lot of sense if you just follow the money coming out of Capitol Hill. The Project on Government Oversight (POGO) [tabulated](#) all “defense-related spending” for both 2017 and 2018, and it hit nearly \$1.1 trillion for each of the two years. The “defense-related” part is important because the annual [National Defense Authorization Act](#), a.k.a. the defense budget, doesn’t fully account for all the various forms of national security spending that gets peppered around a

half-dozen agencies.

It's a phenomenon that noted Pentagon watchdog William Hartung has tracked for years. He recently dissected it into "no less than 10 categories of national security spending." Amazingly only one of those is the actual Pentagon budget. The others include spending on wars, on homeland security, on military aid, on intelligence, on nukes, on recruitment, on veterans, on interest payments and on "other defense" – which includes "a number of flows of defense-related funding that go to agencies other than the Pentagon."

Perhaps most amazingly, Hartung noted in TomDisptach that the inflation-adjusted "base" defense budgets of the last couple years is "higher than at the height of President Ronald Reagan's massive buildup of the 1980s and is now nearing the post-World War II funding peak." And that's just the "base" budget, meaning the roughly \$600 billion "defense-only" portion of the overall package. Like POGO, Hartung puts an annual price tag of nearly \$1.1 trillion on the whole enchilada of military-related spending.

### **The MIC's 'Swamp Creatures'**

To secure their share of this grandiloquent banquet, the defense industry's lobbyists stampede Capitol Hill like well-heeled wildebeest, each jockeying for a plum position at the trough. This year, a robust collection of 208 defense companies spent \$93,937,493 to deploy 728 "reported" lobbyists (apparently some go unreported) to feed this year's trumped-up, \$700 billion defense-only budget, according to OpenSecrets.org. Last year they spent \$128,845,198 to secure their profitable pieces of the government pie.

And this reliable yearly harvest, along with the revolving doors connecting defense contractors with Capitol Hill, K Street and the Pentagon, is why so many critics blame the masters of war behind the MIC for turning war into a cash machine.

But the cash machine is not confined to the Beltway. There are ATM branches around the country. Much in the way it lavishes Congress with lobbying largesse, the defense industry works hand-in-glove with the Pentagon to spread the appropriations around the nation. This "spread the wealth" strategy may be equally as important as the "inside the Beltway" lobbying that garners so much of our attention and disdain.

Just go to U.S. Department of Defense's contract announcement webpage on any weekday to get a good sense of the "contracts valued at \$7 million or more" that are "announced each business day at 5 p.m." A recent survey of these "awards" found the usual suspects like Raytheon, Lockheed Martin and General Dynamics.

The MIC was well-represented. But many millions of dollars were also “won” by companies most Americans have never heard of ... like this sampling from one day at the end of October:

- Longbow LLC, Orlando Florida, got \$183,474,414 for radar electronic units with the stipulation that work will be performed in Orlando, Florida.
- Gradkell Systems Inc., Huntsville, Alabama, got \$75,000,000 for systems operations and maintenance at Fort Belvoir, Virginia
- Dawson Federal Inc., San Antonio, Texas; and A&H-Ambica JV LLC, Livonia, Michigan; and Frontier Services Inc., Kansas City, Missouri, will share a \$45,000,000 for repair and alternations for land ports of entry in North Dakota and Minnesota.
- TRAX International Corp., Las Vegas, Nevada, got a \$9,203,652 contract modification for non-personal test support services that will be performed in Yuma, Arizona, and Fort Greely, Alaska,
- Railroad Construction Co. Inc., Paterson, New Jersey, got a \$9,344,963 contract modification for base operations support services to be performed in Colts Neck, New Jersey.
- Belleville Shoe Co., Belleville, Illinois, got \$63,973,889 for hot-weather combat boots that will be made in Illinois.
- American Apparel Inc., Selma, Alabama, got \$48,411,186 for combat utility uniforms that will be made in Alabama.
- National Industries for the Blind, Alexandria, Virginia, got a \$12,884,595 contract modification to make and advanced combat helmet pad suspension system. The “locations of performance” are Virginia, Pennsylvania and North Carolina.

### **Sharing the Largesse**

Clearly, the DoD is large enough, and smart enough, to award contracts to companies throughout the 50 states. Yes, it is a function of the sheer size or, more forebodingly, the utter “pervasiveness” of the military in American life. But it is also a strategy. And it’s a tactic readily apparent in a contract recently awarded to Raytheon.

On Oct. 31, 2017, they got a \$29,455,672 contract modification for missions systems equipment; computing environment hardware; and software research, test and development. The modification stipulates that the work will spread around the country to “Portsmouth, Rhode Island (46 percent); Tewksbury, Massachusetts (36 percent); Marlboro, Massachusetts (6 percent); Port Hueneme, California (5 percent); San Diego, California (4 percent); and Bath, Maine (3 percent).”

Frankly, it’s a brilliant move that began in the Cold War. The more Congressional districts that got defense dollars, the more votes the defense

budget was likely to receive on Capitol Hill. Over time, it evolved into its own underlying rationale for the budget.

As veteran journalist William Greider wrote in the Aug. 16, 1984 issue of Rolling Stone, “The entire political system, including liberals as well as conservatives, is held hostage by the politics of defense spending. Even the most well intentioned are captive to it. And this is a fundamental reason why the Pentagon budget is irrationally bloated and why America is mobilizing for war in a time of peace.”

The peace-time mobilization Greider referred to was the Reagan build-up that, as William Hartung noted, is currently being surpassed by America’s “War on Terror” binge. Then, as now ... the US was at peace at home, meddling around the world and running up a huge bill in the process. And then, as now ... the spending seems unstoppable.

And as an unnamed “arms-control lobbyist” told Greider, “It’s a fact of life. I don’t see how you can ask members of Congress to vote against their own districts. If I were a member of Congress, I might vote that way, too.”

Essentially, members of Congress act as secondary lobbyists for the defense industry by making sure their constituents have a vested interest in seeing the defense budget is both robust and untouchable. But they are not alone. Because the states also reap what the Pentagon sows ... and, in the wake of the massive post-9/11 splurge, they’ve begun quantifying the impact of defense spending on their economies. It helps them make their specific case for keeping the spigot open.

Enter the National Conference of State Legislatures (NCSL), which notes, or touts, that the Department of Defense (DoD) “operates more than 420 military installations in the 50 states, the District of Columbia, Guam and Puerto Rico.” Additionally, the NCSL is understandably impressed by a DoD analysis that found the department’s “\$408 billion on payroll and contracts in Fiscal Year 2015” translated into “approximately 2.3 percent of U.S. gross domestic product (GDP).”

And they’ve become a clearinghouse for state governments’ economic impact studies of defense spending. Here’s a sampling of recent data compiled on the NCSL website:

- In 2015, for example, military installations in North Carolina supported 578,000 jobs, \$34 billion in personal income and \$66 billion in gross state product. This amounts to roughly 10 percent of the state’s overall economy.
- In 2014, Colorado lawmakers appropriated \$300,000 in state funds to examine



*the comprehensive value of military activities across the state's seven major installations. The state Department of Military and Veterans Affairs released its study in May 2015, reporting a total economic impact of \$27 billion.*

- *Kentucky has also taken steps to measure military activity, releasing its fifth study in June 2016. The military spent approximately \$12 billion in Kentucky during 2014-15. With 38,700 active duty and civilian employees, military employment exceeds the next largest state employer by more than 21,000 jobs.*
- *In Michigan, for example, defense spending in Fiscal Year 2014 supported 105,000 jobs, added more than \$9 billion in gross state product and created nearly \$10 billion in personal income. A 2016 study sponsored by the Michigan Defense Center presents a statewide strategy to preserve Army and Air National Guard facilities following a future Base Realignment and Closure (BRAC) round as well as to attract new missions.*

## **Electoral Impact**

But that's not all. According to the DoD study cited above, the biggest recipients of DoD dollars are (in order): Virginia, California, Texas, Maryland and Florida. And among the top 18 host states for military bases, electorally important states like California, Florida and Texas lead the nation.

And that's the real rub ... this has an electoral impact. Because the constituency for defense spending isn't just the 1 percent percent of Americans who actively serve in the military or 7 percent of Americans who've served sometime in their lives, but it is also the millions of Americans who directly or indirectly make a living off of the "defense-related" largesse that passes through the Pentagon like grass through a goose.

It's a dirty little secret that Donald Trump exploited throughout the 2016 presidential campaign. Somehow, he was able to criticize wasting money on foreign wars and the neoconservative interventionism of the Bushes, the neoliberal interventionism of Hillary Clinton, and, at the same time, moan endlessly about the "depleted" military despite "years of record-high spending." He went on to promise a massive increase in the defense budget, a massive increase in naval construction and a huge nuclear arsenal.

And, much to the approval of many Americans, he's delivered. A Morning Consult/Politico poll showed increased defense spending was the most popular among a variety of spending priorities presented to voters ... even as voters express trepidation about the coming of another war. A pair of NBC News/Survey Monkey polls found that 76 percent of Americans are "worried" the United States "will become engaged in a major war in the next four years" and only 25 percent

want America to become “more active” in world affairs.

More to the point, only 20 percent of Americans wanted to increase the troop level in Afghanistan after Trump’s stay-the-course speech in August, but Gallup’s three decade-long tracking poll found that the belief the U.S. spends “too little” on defense is at its highest point (37 percent) since it spiked after 9/11 (41 percent). The previous highpoint was 51 percent in 1981 when Ronald Reagan was elected in no small part on the promise of a major build-up.

So, if Americans generally don’t support wars or engagement in the world, why do they seem to reflexively support massive military budgets?

Frankly, look no further than Trump’s mantra of “jobs, jobs, jobs.” He says it when he lords over the sale of weapon systems to foreign powers or he visits a naval shipyard or goes to one of his post-election rallies to proclaim to “We’re building up our military like never before.” Frankly, he’s giving the people what they want. Although they may be war-weary, they’ve not tired of the dispersal system that Greider wrote about during Reagan’s big spree.

Ultimately, it means that the dreaded Military-Industrial Complex isn’t just a shadowy cabal manipulating policies against the will of the American people. Nor is the “racket” exclusive to an elite group of Deep State swamp things. Instead, the military and the vast economic network it feeds presents a far more “complex” issue that involves millions of self-interested Americans in much the way Eisenhower predicted, but few are willing to truly forsake.

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