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5 on 45:
On Michael Flynn's resignation
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PITA: You're listening to 5 on 45 from the Brookings Podcast Network: analysis and commentary from Brookings experts on today's news regarding the Trump administration.

HENNESSEY: Hi, I'm Susan Hennessey. I'm a fellow in national security law and Governance Studies here at Brookings and I'm the managing editor of Lawfare.

WRIGHT: And I'm John Wright, I'm a fellow at Brookings and director of the Project on International Order and Strategy in the Foreign Policy program

HENNESSEY: So we are here to discuss the breaking news, the evolving story of the resignation of national security adviser Michael Flynn. Flynn, of course, resigned late last night over revelations that he had in fact discussed sanctions with the Russian ambassador before the inauguration, and then apparently had lied to Vice President Mike Pence.

So, sort of the background of the story is, this first emerged in early January shortly before the inauguration. A story was reported by David Ignatius saying that there was a series of phone calls that had taken place on December 29th, which is the day that the Obama administration announced the series of sanctions and retaliatory measures for Russian interference in the U.S. election. That revelation set off a pretty big question which is, well, what did they talk about? Reportedly there were five phone calls in this period of time, and the real significant question mark there was whether or not they had discussed sanctions; so whether or not Flynn had extended any kind of representations that the incoming administration would be lifting those sanctions. So we saw that Putin decided not to, in fact, retaliate, and then President Trump tweeting, you know, I always knew he was a very smart guy.

So this has been sort of a story that's been out there in the ether. Every few weeks we're seeing a new update to it, so reports that there's an ongoing investigation, then reports that there's in fact a transcript of the call. All throughout, both Flynn and the White House had made some shifting representations about what was discussed in the calls: maybe it was extending condolences, maybe it was arranging a future call, maybe it was to say Merry Christmas. The one thing that they'd been really firm and clear on was that sanctions were not discussed.

And so that's why this latest story is such a bombshell, because it turns out that in fact sanctions were discussed, and apparently there are recordings of those conversations. So, a quick note with my lawyer hat on, also my former NSA attorney hat on, there's nothing particularly unusual about an incoming national security adviser having a conversation with the Russian ambassador. You know, that's part of his role, it's not unusual for a US official who has routine conduct with a foreign power or foreign officials to be picked up in intercepted communications that are targeted at those officials. What's weird is this kind of ongoing investigation.

So it really seems as though the reason for Flynn's resignation or dismissal has really been based on this lie. He made a misrepresentation to Mike Pence, who then went on TV and repeated it, so he sort of made a liar out of his boss—not great for career security. That raises a series of open questions that I'm going to put to Tom, in terms of what we should be thinking about next. So my first big question is, kind of, what did the president and vice-president know and when? How much should we care about this? How much are you worried about it?

WRIGHT: Yeah it's a really extraordinary development. I think the previous national security adviser that held the record for the shortest term served was Reagan's first, at about a year. So to be gone after three weeks is extraordinary, and of course this is a story that's not particularly new. I mean, back during the transition people were talking in the press, in the New York Times and elsewhere, about the fact that he had been talking about sanctions, and then it was the fact that the vice president was asked about it, and said that that was not true at the time because he talked to Michael Flynn, and subsequently, of course, it's unfolded as it has.

But I think as you said, I totally agree, it raises many more questions than it answers, particularly, was the National Security Advisor acting on the instructions of the president? I mean, did he ask Michael Flynn to raise this with the Russian ambassador? And the report today from the White House is that he had no idea but that seems sort of extraordinary, particularly since he indicated that he wanted that to happen anyway. And how will Congress react? Will they finally establish an investigation into Russia's role in the election and connections to the Trump administration, or will they continue sort of to push that to one side? So I think there are lots and lots of really important questions that aren't going away. I mean, this will probably last for months, if not years, in the administration until there's sort of satisfactory answer to those questions.

HENNESSEY: I agree that sort of this Russia story is not going away. There's clearly really serious investigations ongoing and there's big questions. It's certainly important to know whether or not the president lied to the press, the American people; whether or not the vice president made a misstatement in public and then did not correct it when he learned that he had lied. The other sort of big question is one of

substance. We've heard this administration talk a lot about America first and, you know, fighting for US interests. So how exactly are US interests advanced by the incoming administration undercutting these retaliatory measures by saying, well, don't worry about it, in a few weeks we're going to lift them?

There really had been a relatively bipartisan response out of Congress saying hey, you know, Russian interference in the election? That's not a political issue. That's something that should concern all of u. Just because it potentially helped a Republican or hurt a Democrat, that shouldn't be the way we're thinking about this. We should think about this as kind of the baseline integrity of our democracy. And a lot of Republicans had actually criticized President Obama for being insufficiently strong in response. They said, you know, once again, you know, he's weak as he walks out the door and that he should have done more. You know, is there a coherent rationale for why this administration would think that it was in the best interest of the American people to pick up the phone and say, you know, maybe don't worry about those sanctions, we'll work it out whenever we get in office?

WRIGHT: I think that's exactly the right question, because really there isn't. I mean, this wasn't an old issue that they were trying to signal a future change on, this is something that was happening in real time, and it raised real perceptions of a quid pro quo, that they were trying to reward the Russians for help in the election; at least that's how it would appear. So I think that's a really sort of disturbing development but it happened. And that's, as you say, Congress was very determined to actually have tougher sanctions in place, even than the Obama administration, so it was going against that current as well.

I do think that there will be general relief in Congress and elsewhere now that Flynn has resigned, because it wasn't just the Russia problem. I mean, he also was presiding over a process that was non-existent. I mean, all of the reports from the NSC were that it was the most chaotic and least organized transition ever in the history of transitions, which is quite a—quite a standard, and so lots of things were falling through the cracks. The president wasn't properly staffed in foreign policy, whether that's because they weren't doing it or he didn't want it. And so now the hope is that there may finally be a sign of sort of normality, but there were also people, of course, who were opposed to the president who may feel threatened by that normalcy. I mean, does Steve Bannon, you know, really want a normal process, does he really want something that's more status quo oriented, more in line with what Tillerson, Mattis, and others want?

So I think, you know, those substantive questions about future policy sit alongside these really important legal questions and questions about what happened, and it means that the next week, I think, is incredibly important in terms of who they decide to get to replace Flynn and also what Congress does, about whether they really press for answers to these questions.

HENNESSEY: Yeah, I agree. Sort of the most important thing to focus on now is the replacement is going to be. We've heard David Petraeus potentially, his name being circulated; you know, allies of Mattis—the name is escaping me.

WRIGHT: Harward.

HENNESSEY: Harward, yes. And, you know, potentially keeping on current acting NSA General Kellogg. There are other sort of interesting candidates out there.

You know, we've seen that Trump really likes a strong military presence. I think the public would be reassured by someone who potentially could stand up to the other power centers. You know, McChrystal, McRaven, there's lots of pretty interesting options that might be on the table, so that will certainly be the thing to watch.

WRIGHT: Yeah. What I find really extraordinary about it is, you know, obviously he has this thing for generals and admirals, but also he seems to hate civilians. You know, like he doesn't want any one from the traditional civilian national security establishment, even if they sort of agree with him, and I think it's because he measures success in a couple of very narrow ways, right? One is, have you made a lot of money, and if you've made a lot of money you've sort of succeeded in life. And if you haven't, have you been a great general or a great admiral, that's another metric of success. But everyone else he seems to sort of really dismiss. And of course, the national security team is a balance between the military and civilians. I mean, there are certain things the military's excellent at, there are other things, maybe long-term planning and sort of holistic approaches to national security, that maybe civilians have the upper hand on. And this is a team, now that's massively out of sync with itself, and there appears to be no indication that he's about to change that with his next pick

HENNESSEY: Right so I think it's certainly a turning point. The question now is whether or not it gets better from here or whether or not it gets worse.