



Explosive Developments in Case of Michael Flynn Will Judge Sullivan Finally Right the Ship of State?

December 13, 2018—Late Tuesday, December 12th, U.S. District Judge Emmet Sullivan ordered Robert Mueller's prosecutors to produce all documents relevant to Michael Flynn's interview by FBI agents at the White House on January 24, 2017. Sullivan's order calls for certain FBI documents to be produced FORTHWITH, or immediately, and others to be produced by Friday. This is the can of worms Mueller and the Justice Department have been dancing around since December 1, 2017 when Mueller procured his first scalp, a guilty plea by Flynn for lying to the FBI at that fateful interview, and for making false statements under the Foreign Agents Registration Act. Flynn is presently scheduled to be sentenced by Judge Sullivan on December 18th.

There are several extremely significant problems with the Flynn interview which forms the basis of Mueller's hit job against the General. First, the interview concerned totally legal discussions between then National Security Adviser Flynn and Russian Ambassador Kisylak about U.S. Russian relations occurring during the transition. The contents of classified intercepts of that conversation were leaked to the Washington Post by an individual or individuals hostile to Trump and that leaking constituted a felony. Further, Flynn's name was unmasked in the intercepts, constituting a second felony. Neither extremely significant crime appears headed to prosecution.

Instead, disgraced former Deputy Attorney General Sally Yates, invented a pretext by which to trap Flynn on a false statements charge, using the classified transcripts of the Kisylak/Flynn conversations to test Flynn's memory. To set this up, she claimed, falsely, that Flynn's conversations with Kisylak were a violation of the neutrality provision of the Logan Act of 1799, a statute which has never seen an actual prosecution and is unconstitutional.

Now, according to the sentencing memorandum submitted Tuesday by Flynn's attorneys, FBI documents show that fired FBI Deputy Director Andy McCabe actively dissuaded Flynn from having an attorney present at the interview, and the agent team, which included Peter Strzok, of Strzok-Lisa Page fame, was told not to give Flynn standard warnings about making false statements to the FBI. Instead, the agents were encouraged to deceive Flynn and make him relax, encouraging a jocular conversation between intelligence colleagues. Nonetheless, according to James Comey's Congressional testimony in 2017, the agents reported back to Comey that while Flynn had misstated certain facts about discussions about Russian sanctions during the interview, they did not believe that Flynn had deliberately lied during the interview.

This leads to another issue: whether the accounts of this

interview were altered by Mueller's team. In the sentencing Memorandum, Footnote 23, reveals that the operative FD 302, the FBI account of this interview, used by Mueller's team was dated August 22, 2017, seven months after the Flynn interview. In a very interesting article in *The Federalist* today, Margot Sullivan makes a convincing case that the original FBI interview notes, which were been produced right after the interview itself, have been disappeared and a new version of the interview concocted, possibly far less exculpatory to Flynn. Congress has been trying to get the same documents now ordered to be produced by Judge Sullivan for months. They have been stonewalled by Mueller and the Department of Justice.

Adding to the stink here, Flynn's plea was taken by a different Judge, Rudolph Contreras who, it has subsequently been revealed, was a friend of disgraced FBI Agent Peter Strzok. Immediately after he took Flynn's plea, Contreras recused himself from the case. Judge Sullivan then took over.

Flynn's plea was procured after Mueller threatened to indict Flynn, his son, and business partners for Foreign Agent Registration Act violations involving Turkey, destroyed Flynn's reputation, and after Flynn was forced to sell his house to pay the legal fees necessary for competent representation in the jungle of Special Prosecutor and Washington metropolitan area prosecutions. Prior to Mueller's criminalization of FARA in the Flynn and other cases, FARA violations were almost never prosecuted, with violators allowed to cure the problem civilly. Here the so-called false statement seems to involve Flynn not disclosing, to Mueller's satisfaction, how much Turkey controlled Flynn's lobbying activities, while those activities themselves were disclosed.

Judge Emmett Sullivan provokes outright fear at the Department of Justice because, in the corrupt prosecution of Alaska Senator Ted Stevens, he upheld the law and unearthed, through an almost unprecedented judicially ordered inquiry, massive and deliberate government misconduct, resulting in a reversal of Stevens conviction. While this development is extremely promising, it is unclear how it will develop.

Finally, we emphasize the determinative political issue concerning General Flynn which has largely disappeared from the legal landscape. Flynn was targeted for elimination by British intelligence starting in 2014 because of perceived softness towards Russia, and because he knew where the bodies were buried in the overt Anglo-American support for terrorists in regime change operations throughout the Middle East, inclusive of the Arab Spring. He had called out the Obama Administration on both perfidies.