

# THE “AT LEAST ONE OTHER DISTRICT” MIKE FLYNN’S COOPERATION LIVE IN

The other day, I described the graymail that former Mike Flynn sleazy influence peddling partner, Bijan Kian, was engaged in. In an effort to identify all the lies Flynn told to discredit him on the stand, his defense team was asking for *all* his 302s (FBI interview reports). Yesterday, the judge gave Kian a partial victory, ordering him to come up with a specific list of things they still want.

The response is still graymail – they want documents that will embarrass Trump and disclose some of the most sensitive parts of Mueller’s investigation – but not as excessive as it could have been. Among the things they’re asking for are:

- Details of whether he told DIA about a 2015 meeting with Sergey Kislyak and payments from RT, Kaspersky, and Volga-Dnepr Airlines.
- A description of the reasons Flynn got fired from DIA in 2014.
- Details of Flynn’s contact with Kirill Dmitriev and other Russian officials following the election, and whether those were reported to DIA.

Now, this graymail attempt seems to be more focused on revealing that Flynn is nowhere near as honorable as the title he’d use at trial, General, would otherwise indicate. There’s a

reason Turkey picked Flynn to run their anti-Gulen campaign, and it's that he's willing to trade his values to make a buck, and these documents will help demonstrate that. The government may still want to delay handing these documents over.

That said, details disclosed in the hearing (CNN, Politico, CNS) suggest there may be parts of Flynn's cooperation beyond those embarrassing details relating to the Mueller probe, parts that wouldn't be included in Kian's discovery request.

First, the government revealed that there are 19 Flynn 302s, of which 15 are from Mueller's office.

In all, the Virginia prosecutors say they have 19 memos from Flynn's cooperation — 15 from the special counsel's office and four from the Turkish lobbying investigation in Virginia.

"We do not want those 302s leaving the office" of the Virginia US attorney inside the courthouse, Gillis said

More interestingly, AUSA James Gillis at first said those other 302s pertain to investigations in more than one other US Attorney district, only to correct himself and say they pertained to at least one other district.

The prosecutor in court Friday stopped himself after he acknowledged other US attorneys may be looking at what Flynn shared with the special counsel.

"At least one other district," he said, correcting himself after first saying "districts," before asking to withdraw his statement in court representing the number of ongoing investigations.

Some thoughts on what this new information might mean.

The government is pretty sensitive about the 302s pertaining even to this case, asking that Kian's attorneys review them at the EDVA US Attorney's office, not share them with other counsel, not copy them, and not quote from those not identified as Jencks material at trial without permission.

This may, in part, be an effort to keep the documents out of the hands of Ekim Alptekin, the other defendant charged with Kian, who is back in Turkey.

As of Thursday, Kian's team had seen just "several" and therefore not all four of the Flynn 302s pertaining to this investigation.

To be perfectly clear, the government has already permitted the defense to review a number of 302s, including several 302s of General Flynn. We have offered upon reasonable conditions to give the defense an opportunity to review all of the General's 302s that were generated during its investigation of the crimes charged in the indictment,<sup>1</sup> as well as the 302s for all but one<sup>2</sup> of the other witnesses interviewed in connection with the present charges.

1. The conditions the government requested are listed in the attachment. We offered to negotiate these terms, but we have not heard from the defense. It is interesting, therefore, that the defense has filed this motion for all of General Flynn's unrelated 302s when that have not even taken the opportunity to review those actually relevant to this prosecution.

2 This individual's identity is being protected for the time being to prevent any reprisals or tampering involving the witness.

In addition, some of the 302s deemed to belong

to the Mueller investigation mentioning Kian or Alptekin or other entities involved in the conspiracy.

Under similar conditions, we have invited the defense to review redacted versions of General Flynn's 302s that contain any mention the defendants or any reference to the other individuals or entities involved in the charged conspiracy – regardless of whether they relate to this prosecution or to other investigations by the Special Counsel's Office.

This suggests there's more of a Turkish part of the Mueller investigation than previously reported.

Remember that in Flynn's initial FBI 302 (which must be additional to the 19 capturing interviews while he was cooperating), he explained away his December 29, 2016 conversation with Sergey Kislyak to the FBI by claiming they were talking about a Syrian peace conference in Astana, Kazakhstan.

The redactions in Flynn's 302 included two passages on Flynn's December 29, 2016 phone calls with Ambassador Kislyak. In the first, Flynn offered up that he and Kislyak had discussed two things: a phone call with Vladimir Putin that would take place on January 28, and whether the US would send an observer to Syrian peace talks Turkey and Russia were holding in Kazakhstan the next month.

[snip]

The claim that those Kislyak phone calls discussed a later call with Putin and the Astana conference is the same one the Transition would offer to the WaPo the day after David Ignatius made clear that the FBI had recordings of the call. Mueller's reply to Flynn's

sentencing memo describes that Flynn asked a subordinate to feed this information to the WaPo.

[snip]

Flynn's lies to cover the discussion about sanctions and expulsions were not entirely invented; he's a better liar than that. The Transition really was struggling over its decision of whether to join in a Syrian peace plan that would follow Russia (and Turkey's lead) rather than the path the Obama Administration had pursued in the previous year. As he noted to the FBI, the Trump Administration had only decided not to send a senior delegation to Astana earlier that week. It was **announced** on January 21.

[snip]

But by staking his lies on the Astana conference – and the Trump Administration's willingness to join a Syrian effort that deviated from existing US policy – Flynn also raised the stakes of his past paid relationship with Turkey. It became far more damaging that Flynn had still been on the Turkish government payroll through the early transition, when Trump directed him to conduct early outreach on Syria. So even while DOJ was repeatedly telling Flynn he had to come clean on his Turkish lobbying ties, he lied about that, thereby hiding that the early days of Trump Administration outreach had been conducted by a guy still working for Turkey.

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conspiracy – regardless of whether they relate to this prosecution or to other investigations by the Special Counsel’s Office.

In other words, there appear to be parts of the Mueller investigation pertaining to Turkey outside of Flynn’s sleazy influence peddling with Kian. Some of those may have been spun off (like so much else) to other districts (perhaps SDNY, where Reza Zarrab flipped).

Now consider the addendum to Flynn’s sentencing memo describing his cooperation (of which there was an ex parte version withheld even from Flynn). I’ve suggested the description of his cooperation (which covers the same 19 302s at issue in yesterday’s hearing, so there has been no new cooperation since December) is structured like this.

The defendant has assisted with several ongoing investigations: a criminal investigation  
A [REDACTED] B the Special  
Counsel’s Office’s (“SCO”) investigation concerning any links or coordination between the  
Russian government and individuals associated with the campaign of President Donald J. Trump,  
C [REDACTED]  
[REDACTED]. As part of his assistance with these investigations, the defendant

Between the three investigations, Flynn sat for 19 interviews with prosecutors.

Here’s the structure of how the body of the cooperation section describes the three investigations:

#### A Criminal Investigation:

11+ line paragraph  
6.5 line paragraph  
2 line paragraph

#### B Mueller investigation:

Introductory paragraph (9 lines)  
i) Interactions between Transition Team and Russia (12 lines, just one or two sentences

redacted)

ii) Topic two

10 line paragraph

9 line paragraph

C Entirely redacted investigation:

4.5 line paragraph

The description of the first and third investigations are both almost entirely redacted.

The description of his cooperation with the Mueller investigation is split into two topics – i) interactions between the transition team and Russians, plus another ii) redacted section.

Category A is almost certainly the Kian prosecution, which consists of 4 302s.

Category B, Mueller's investigation, breaks down into what we know (transition related activities) and something else. Parts of that something else (which likely has to do with the Trump team's serial efforts to monetize the presidency) may well have gotten spun off.

Then there's Category c, which given what was said yesterday, seems to relate to Mueller but is of a different sort of information – I've suggested it may pertain to a general counterintelligence investigation into Russia, one that might live at DOJ's National Security Division rather than a US Attorney's office.

That still doesn't tell us all that much – except that Flynn hasn't cooperated further since December and the 3-part cooperation described in his cooperation memo may involved some complexity reflecting Turkish issues that were part of the Mueller investigation as well as other topics (graft?) that could have been spun off.

Mueller may be close to done, but his investigation seems to have spin-offs that we haven't even begun to hear of yet.

*As I disclosed last July, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.*