

MIKE FLYNN DOESN'T WANT THE BRAZENNESS OF HIS LIES TO BECOME PUBLIC

When the WaPo graciously liberated some of the documents pertaining to Mike Flynn's sentencing, I noted they hadn't included his original 302. WaPo has now even more graciously submitted a request to Judge Emmet Sullivan (who seems keen to unseal as much of these materials as he can) to get that unsealed as well.

Their request reveals that both the government and Flynn did not consent to the request.

The Post has conferred with the parties in the Flynn Case (who have now appeared in this action as well), and they do not consent to this relief.

Though it sounds like the government is amenable to reviewing the 302 to see what can be released, as it did with the other documents; it just doesn't want to be ordered to release the whole thing.

At a minimum, the Government should be required to reassess whether it believes continued sealing is necessary in light of changed circumstances, and to seek unsealing as appropriate (as it did with respect to the documents at issue in the Original Motion). At the teleconference among the parties, the Government agreed to initiate that review, with the expectation that any determination will be made by or before the agreed-upon response date of June 7, 2019. The Post appreciates the Government's efforts on this front to date, but, ultimately, it is the Court that must determine whether compelling interests justify the continued redaction of any material that

the Government seeks to keep under seal.
See *Press-Enter. Co. v. Superior Court of California, Riverside Cty.*, 464 U.S. 501, 510 (1984).

The motion is silent about whether Flynn is objecting to any further unsealing of the FBI record that he got forced to reveal in the first place by being too cute in his sentencing submission, or just to personal details such as his date of birth coming out. But his date of birth (Christmas Eve in 1958) is one of the only personal details in the 302.

As I laid out when this came out, the other existing redactions *probably* include:

- A comment about the fact that Russia did not acknowledge that Flynn's GRU counterpart – whose death he used as an excuse to reach out to Sergey Kislyak – died in Lebanon rather than Russia
- Details about how he excused his RT-funded trip to Moscow (and whether he acknowledged a meeting with his son and Sergey Kislyak before the trip) in December 2015
- Details about the scope of the outreach to Kislyak he had made (possibly including discussions during the election)
- Kislyak's request that Flynn set up a conference call with Putin shortly after inauguration*

- Details on their discussion about sending an American observer to Syrian peace talks hosted by Russia and Turkey in Astana, Kazakhstan (there are probably several references to this, as it is how Flynn excused this call)
- Details on Israel's feelings about Egypt's attempt to condemn Israeli settlers*
- A fairly extensive discussion about what Flynn claimed happened in the meeting where Jared Kushner asked Kislyak for a back channel to contact Russia*

The three bullets with asterisks are at least partly covered in the Mueller Report, and so should be releasable. Some of the others (such as the reference about the dead GRU counterpart and the mention of Israel and Egypt's views), DOJ will likely want to keep redacted for foreign policy reasons.

Some of the other details, however, are among the counterintelligence details that I've noted don't appear in the Mueller Report. It'll be interesting to see whether DOJ continues to keep those details sealed.

In any case, thanks to WaPo's graciousness, we may soon learn what uncharged lies Flynn told to cover that back channel discussion. They may make it easier for Judge Sullivan to find an excuse to give Flynn prison time.

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.*