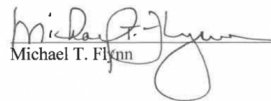


“IN TRUTH, I NEVER LIED;” MIKE FLYNN’S MATERIALLY CONFLICTING SWORN STATEMENTS

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 19th day of January, 2020.


Michael T. Flynn

Amid the discussions of what may happen in the DC Circuit’s review of Mike Flynn’s petition for a writ of mandamus, Judge Emmet Sullivan’s instruction to amicus John Gleeson to review whether Flynn should be held in criminal contempt for perjury has been lost. Indeed, the DC Circuit did not include that part of Sullivan’s order in its order to Sullivan to address Flynn’s petition; it addressed only the question of whether Sullivan must grant the government’s motion to dismiss.

Because few people understand the full scope of Flynn’s conflicting sworn statements – not just before Sullivan but also before the grand jury – I’m reposting and elaborating on that list.

- December 1, 2017: Mike Flynn pled guilty before Judge Rudolph Contreras to lying in a January 24, 2017 FBI interview. In his plea allocution, Flynn admitted:
 - He lied about several conversations with Sergey Kislyak about sanctions

- He lied about several conversations with Kislyak about an attempt to undermine an Obama effort at the UN
- He lied about whether his company knew that it was working for the government of Turkey and about whether senior officials from Turkey were overseeing that contract
- He was satisfied with the services his attorneys had provided
- No other threats or promises were made to him except what was in the plea agreement
- December 18, 2018: Mike Flynn reallocated his guilty plea before Judge Emmet Sullivan to lying in a January 24, 2017 FBI interview. In his plea allocution, Flynn admitted:
 - He lied about several conversations with Sergey Kislyak about sanctions
 - He lied about several conversations with Kislyak about an attempt to undermine an Obama effort at the

UN

- He lied about whether his company knew that it was working for the government of Turkey and about whether senior officials from Turkey were overseeing that contract
- He was satisfied with the services his attorneys had provided
- He did not want a Curcio counsel appointed to give him a second opinion on pleading guilty
- He did not want to challenge the circumstances of his January 24, 2017 interview and understood by pleading guilty he was giving up his right to do so permanently
- He did not want to withdraw his plea having learned that Peter Strzok and others were investigated for misconduct
- During his interview with the FBI, he was aware that lying to the FBI was a federal

crime

- June 26, 2018: Mike Flynn testified to an EDVA grand jury, among other things, that:
 - “From the beginning,” his 2016 consulting project “was always on behalf of elements within the Turkish government,”
 - He and Bijan Kian would “always talk about Gulen as sort of a sharp point” in relations between Turkey and the US as part of the project (though there was some discussion about business climate)
 - “For the most part” “all of that work product [was] about Gulen”
 - When asked if he knew of any work product that didn’t relate to Gulen, Flynn answered, “I don’t think there was anything that we had done that had anything to do with, you know, anything else like business climates or stuff like that”

- He was not aware of “any work done on researching the state of the business climate in Turkey”
- He was not aware of “any meetings held with U.S. businesses or business associations”
- He was not aware of “any work done regarding business opportunities and investment in Turkey”
- He and his partner “didn’t have any conversations about” a November 8, 2016 op-ed published under his name until “Bijan [] sent me a draft of it a couple of days prior, maybe about a week prior”
- January 29, 2020: Mike Flynn submitted a sworn declaration. Among the assertions he made were:
 - “On December 1, 2017 (reiterated on December 18, 2018), I pled guilty to lying to agents of the FBI. I am innocent of this crime.”
 - “I gave [Covington]

the information they requested and answered their questions truthfully.”

- “I still don’t remember if I discussed sanctions on a phone call with Ambassador Kislyak nor do I remember if we discussed the details of a UN vote on Israel.”
- “My relationship with Covington disintegrated soon thereafter.” [After second proffer session.]
- “I did not believe I had lied in my White House interview with the FBI agents.”
- “In the preceding months leading up to this moment [when he agreed to the plea deal], I had read articles and heard rumors that the agents did not believe that I had lied.”
- “It was well after I pled guilty on December 1, 2017, that I heard or read that the agents had stated

that they did not believe that I had lied during the January 24, 2017, White House interview.”

- “I agreed to plead guilty that next day, December 1, 2017, because of the intense pressure from the Special Counsel’s Office, which included a threat to indict my son, Michael, and the lack of crucial information from my counsel.”
- “My former lawyers from Covington also assured me on November 30, 2017, that if I accepted the plea, my son Michael would be left in peace.”
- “Regretfully I followed my lawyers’ strong advice to confirm my plea even though it was all I could do to not cry out ‘no’ when this Court asked me if I was guilty.”
- “In truth, I never lied.”

Three comments about this. First, Flynn has suggested – and his supporters have focused on – that prosecutors promised that Jr wouldn't be prosecuted. Flynn's declaration actually stops short of saying prosecutors made this promise.

Second, note that Flynn's sworn statement conflicts with statements he made to the FBI after his January 24, 2017 interview. For example, his claim not to remember his calls with Kislyak conflicts with 302s cited in the Mueller Report that describe what went on in the calls (though the report cites heavily, though not exclusively, to the one from November 17, 2017, which is the one in which Flynn claims he just repeated what Covington told him to say).

Finally, while Flynn didn't back off his admission he lied in his FARA filing specifically in his declaration, he does claim that he answered Covington's answers about his work for Turkey truthfully. In notes that Flynn himself already made public, however, it's clear he did not, for example where he told his attorneys that the op-ed he published on election day was done for the campaign's benefit, not Turkey's.

- push for placement of article was for campaign reasons. (fighting until the end to show that Trump campaign was serious on fighting Islamic extremism).

↳ maybe tried to get out through campaign channels (initially had tried to push article out on Saturday before).

And his attorneys made much of the fact that he claimed the project started off as being about business climate, which conflicts with his claim that the project was always about Gulen.

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DOJ has 600 more pages from Covington (500 pages of evidence and 100 pages of declarations from its lawyers) disputing the claims Flynn has made about him. The timing of DOJ's motion to dismiss strongly suggests Flynn's boosters knew they had to act before that Covington material became public. But even without that, Flynn has already provided evidence that Flynn lies to his attorneys resulted in a false FARA filing.

I have no idea whether this will even play into filings at DC Circuit. But unless DC Circuit moves Flynn's case to another judge (and possibly even then), the case for perjury is still out there in multiple sworn filings.