

DOJ'S NSL REPORT PROVES THAT WILLIAM BARNETT MISREPRESENTED THE EVIDENCE IMPLICATING MIKE FLYNN

Later today, DOJ will stand up before Emmet Sullivan and argue that Peter Strzok – whom, they'll claim, had it in for Mike Flynn even though they've submitted evidence that Strzok protected Flynn in August 2016 and December 2016 and February 2017 and May 2017 – obtained National Security Letters targeting Mike Flynn without proper predicate.

In fact, their "evidence" to support that claim will show that in his interview with Jeffrey Jensen, William Barnett misrepresented the evidence when he claimed it was "astro projection" that Mike Flynn lied to hide Trump's involvement in Flynn's effort to blow up sanctions on Russia. Indeed, their evidence will actually affirmatively provide *more reason* to think that this entire effort is an attempt to protect Flynn because he protected the President from being charged in a quid pro quo, rewarding Russia with sanctions relief in exchange for help getting elected.

What DOJ *wants* to show is that, in December 2016, Barnett and others on the Flynn investigation wanted to get NSLs targeting Flynn, but Strzok stopped them, in part because the investigation into Flynn – but not the Crossfire Hurricane investigation into the Trump campaign as a whole – did not treat Flynn as an Agent of a Foreign Power. [I'll fill this post in with links once I post it.] But then, in February and March – after DOJ said that they didn't think Flynn was a Foreign Agent (but also said they needed to check to make sure!!!) –

Strzok approved NSLs targeting Flynn. DOJ plans to claim that Strzok had no other reason to do this except to take Trump down.

The claim is amazing, in its own right, because *even making* the claim suggests that FBI had reason to know at that point that an investigation into Flynn which FBI believed to involve only Flynn might bring down Trump. That is, DOJ is claiming that FBI knew precisely what they only discovered by obtaining these NSLs.

FBI didn't know at the time – but the NSLs would reveal – that in fact, the investigation might take down Trump.

And one reason they didn't know that is because Flynn told Peter Strzok and Joe Pientka these three lies when they interviewed him on January 24, 2017:

FLYNN noted he was not aware of the then-upcoming actions [the sanctions] as he did not have access to television news in the Dominican Republic and his government Blackberry was not working.

[snip]

The U.S. Government's response was a total surprise to FLYNN.

[snip]

FLYNN reflected and stated that he did not think he would have had a conversation with KISLYAK about the matter, as he did not know the expulsions were coming.

Strzok and Pientka knew – as Flynn offered up they must – what he said to Kislyak in a series of calls to Sergey Kislyak during the Transition, because they had transcripts of those calls. But what Strzok and Pietka did *not* know, and what Flynn's lies were designed to hide, was that Flynn had consulted with Mar-a-Lago before returning the call with Kislyak, and so not only knew about the sanctions, but had

learned about them from the people staffing the President-elect, and in fact Flynn *raised the sanctions* he claimed not to know about himself.

That lie – that Flynn did not know about the sanctions when he called Kislyak – served (for a time) to hide his consultations with Mar-a-Lago. That lie served to protect the President.

That's a lie that Barnett professed ignorance of in his interview with Jeffrey Jensen.

And it's a lie that Strzok discovered was a lie with a series of NSLs, as laid out in this summary.

The day after Flynn's interview, FBI told DOJ that they didn't think Flynn was a Russian agent, *but they needed to confirm that.* (DOJ documents would record the conclusion, without recording FBI's determination that they needed to verify it.)

- CI → Do not think Agent, but need to verify
- CBMC → not willing to say at this point now.
- Compromise → Refrain from saying

On February 2, 2017 – a week after FBI told DOJ that they didn't think Mike Flynn was an Agent of Russia but needed to check – Strzok obtained an NSL for subscriber and toll billing records (meaning call records) on one Flynn phone line **[Phone 1]** from July 1, 2015 to the present. Probably, that's the phone FBI learned he used – instead of his government BlackBerry, which Flynn claimed wasn't working in Dominican Republic – to call Kislyak.

On February 7, 2017, FBI submitted 2 more NSLs:

- Transactional records for a Mike Flynn email account from July 15, 2015 to the present (this may have reflected emails implicated in Flynn's trip to Russia in December 2015)

- Subscriber records (but not transactional records) for a Mike Flynn phone [**Phone 2**] from August 1, 2016 to the present (given the date, which coincides when GSA normally starts providing materials to candidates and their aides in support of a Presidential Transition, this is likely the government BlackBerry that Flynn claimed wasn't working in Dominican Republic)

On February 23, 2017, FBI submitted 3 more NSLs:

- Toll records for 3 different phone numbers for the period from January 1, 2016 to the present [**Phone 3, Phone 4, possible Phone 5**]
- An email address, from inception to the present

On March 7, 2017, FBI submitted a last NSL, for subscriber and transactional information for a Mike Flynn phone [**possibly Phone 2**] between December 21, 2016 and January 15, 2017. Given the abbreviated dates (narrowly scoped to the days when Flynn was secretly contacting Kislyak), this may be Flynn's government BlackBerry. Or maybe it's a phone he used to contact Trump directly. Whatever it is, it can't be Phone 1, 3, or 4, because DOJ already had that span of call records. And whatever it is, the narrowed scope suggests some recognition that the phone was particularly sensitive, as a phone involving Trump or the Transition would be.

On January 25, 2017, when the FBI said they

didn't think Mike Flynn was a Foreign Agent but needed to check that, they would have had no idea why Flynn lied when he claimed not to know about sanctions. More importantly, they would have had no idea that Flynn lied about the source of his advance warning about the sanctions: From those staffing the President-elect at Mar-a-Lago.

Over the next six weeks, though, Peter Strzok did what FBI said they were going to do in that meeting on January 25, 2017: Actually check.

And using a series of NSLs that DOJ will try to claim were illegal, FBI would discover that Flynn was using at least four different phone lines – his known BlackBerry, the phone he used to call Kislyak, and at least two more. At a minimum, they would have discovered Flynn's coordination with Mar-a-Lago, which would ultimately yield content showing that those at Mar-a-Lago were the ones who gave him the heads up on sanctions. They might have discovered a curious pattern of calls with SJC staffer Barbara Ledeen's husband Michael. They may have found more extensive calls with Russians, or more interesting traffic around Flynn's trip to Russia.

And who knows? They might have found a phone directly to the President.

This is the additional evidence that William Barnett, DOJ's star witness, claims is not evidence that Flynn was hiding his Mar-a-Lago calls to protect the President.