



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

November 20, 2020

Austin Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: FOIA-2020-00385
20-cv-01211 (D.D.C.)
VRB:JMB:BPF

Dear Austin Evers:

This is a second interim response to your FOIA requests dated February 28 and March 6, 2020, seeking various records pertaining to Michael Flynn and the review of his criminal investigation and prosecution, dating from June 1, 2019 or January 1, 2020.¹

On October 20, 2020, this Office provided you with an interim response to your request. We have now completed processing of an additional 117 pages containing records responsive to your request. At this time, I have determined that forty-seven of these pages are appropriate for release with information withheld pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. §§ 552(b)(5) and (b)(6), and copies are enclosed. Additionally, seventy pages containing records responsive to your request are being withheld in full pursuant to Exemptions 5, 6, and 7(C) of the FOIA, 5 U.S.C. §§ 552(b)(5), (b)(6), and (b)(7)(C).

Exemption 5 pertains to certain inter- and intra-agency communications protected by the attorney work-product and deliberative process privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Finally, Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Please be advised that certain pages contain highlighting. This highlighting was present on these pages as located by OIP and was not made as part of our FOIA review process. Please note that the enclosed pages also contain duplicative records, which have not been processed for release and are marked accordingly.

¹ You sent a request to the Executive Office for United States Attorneys (EOUSA), which forwarded a portion of that request to this Office for handling. The EOUSA tracking number associated with this request is EOUSA-2020-001827. This Office received your request from EOUSA on March 6, 2020.

For your information, the official Department email account of Attorney General Barr does not use his name. This practice is consistent with that of former Attorneys General and protects the privacy and security of the Attorneys General, allowing them to conduct official business efficiently via email. Attorney General email account names are released once they are no longer in use, and, in such circumstances, requesters are advised that the account denotes emails to or from the Attorney General. Attorney General email account names in current use are withheld pursuant to Exemption 6, and, in such instances, requesters are advised that the withheld information is the email address of the Attorney General. These procedures ensure that all Attorney General emails released under the FOIA are identifiable as such.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Christopher Bates of the Department's Civil Division at 202-514-3307.

Sincerely,



Jonathan Breyan
Senior Supervisory Attorney
for
Vanessa R. Brinkmann
Senior Counsel

Enclosures

MaryPat Decker

From: MaryPat Decker
Sent: Wednesday, February 19, 2020 2:08 PM
To: Rabbitt, Brian (OAG); Marlene Colucci
Cc: Laura Boring; Adrienne Ball; Robert Haben; Laura Boring
Subject: RE: Attorney General William Barr Questions / February 20
Attachments: m055-3 William BARR (Business Council Interview - February 20- WDC) - edits.docx

Hi Brian,

Thank you for your edits. David is on travel today so we will speak with him when he calls in and will be back in touch soon.

Best,
MaryPat

From: Rabbitt, Brian (OAG) <Brian.Rabbitt@usdoj.gov>
Sent: Wednesday, February 19, 2020 1:12 PM
To: Marlene Colucci <mcolucci@businesscouncil.com>
Cc: Laura Boring <Laura.Boring@carlyle.com>; MaryPat Decker <MaryPat.Decker@carlyle.com>; Adrienne Ball <aball@businesscouncil.com>
Subject: RE: Attorney General William Barr Questions / February 20

Hi Marlene,

To save everyone time, I've taken the liberty of making edits, in redline, to the proposed questions. I've removed a handful of questions that we probably won't be able to get into tomorrow, and I've added another set that David may be interested in asking given the makeup of the audience. I am happy to discuss with you or David at your convenience.

Best,

BR

Brian C. Rabbitt
Chief of Staff & Sr. Counselor to the Attorney General
U.S. Department of Justice
T: (202) 514-3893
M: (b)(6)
Brian.Rabbitt@usdoj.gov

From: Marlene Colucci <mcolucci@businesscouncil.com>
Sent: Wednesday, February 19, 2020 10:38 AM
To: Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>
Cc: Laura Boring <Laura.Boring@carlyle.com>; MaryPat Decker <marypat.decker@carlyle.com>; Adrienne Ball <aball@businesscouncil.com>

Subject: Fwd: Attorney General William Barr Questions / February 20

Brian,

Attached are a list of the Questions David has prepared for the "Fireside Chat". Please review them and let us know if there are any changes or additions. I am copying MaryPat and Laura in David's office so they can note any changes.

David is traveling today but we can see if there is time for the two of you to chat today or tomorrow.

I am also resending the agenda and list of attendees.

Warmest regards,

Marlene

Marlene Colucci

EXECUTIVE DIRECTOR

T: (b)(6)
C: (b)(6)
F: 202-785-0296

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The Business Council Meeting
David Rubenstein in Conversation with Attorney General William Barr
Location: The Kennedy Center - REACH
Thursday, February 20, 2020

1. Why did you want to give up your peaceful and lucrative life in the private sector to return to government, and to a position that you had held 25 years ago?
2. Since leaving as Attorney General under Bush 41, what were your principal legal and private sector activities?
3. Now that you are back at Justice, what are the principal changes in the Department over these last 25 years? Has technology become much more important at Justice?
4. Did you know President Trump before he was elected? How did you come to know or deal with him when he became President?
5. Did you write him a memo about the power of the Executive Branch under the Constitution? Has your view about Presidential power been a long held one?
6. When the Mueller Report was finalized, you were criticized by some for not immediately releasing the whole Report and for summarizing its conclusions in a most favorable way to President Trump. How do you respond to that criticism?
7. Do you view yourself – as probably Bobby Kennedy did – as the President' lawyer, or as the head of the Justice Department, without any obligation to defend the President personally?
8. In hindsight, do you think the Justice Department – and really Ron Rosenstein – was justified in having a special counsel?
9. When you became Attorney General, did you have any understanding with the President about the ground rules relating to his getting involved in civil or criminal proceedings?
10. The recent controversy over the Roger Stone sentencing has obviously received enormous attention. ~~Did you decide without Presidential or White House involvement that the initial 7-9 year recommendation from the career prosecutors was too high? Wasn't that recommendation exactly what the sentencing guidelines called for?~~ Media reports suggest that supervisors in the D.C. U.S. Attorney's Office, including the U.S. Attorney, disagreed with the recommendation of the line prosecutors on the case, and you ultimately weighed

M055-3/lb

1

The Business Council Meeting
David Rubenstein in Conversation with Attorney General William Barr
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~~in on the Department's sentencing recommendation. Commentators have questioned your involvement. Do you feel that it is important for line prosecutors to be supervised? Why? In your view, is it appropriate to have political officials in the Department supervising sensitive matters?~~

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~~11. The President's tweets on the Stone and other matters, and your reaction, have also received a tremendous amount of media attention in recent days. Why do the President's statements concern you? Why do they make your job "impossible," as you said during your recent ABC interview?~~

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~~12. Media reports have suggested that you have taken an interest in a number of sensitive investigations at the Department, which some have said is unusual for an Attorney General. Do you feel that it is inappropriate for the Attorney General to be directly involved in sensitive matters? Why or why not?~~

~~11. When the President tweeted about the proposed sentencing, was that the first you heard about his concern?~~

~~12. Was your expression of concern about Presidential tweets in this area orchestrated in any way with the White House? Was it the appearance which so upset you?~~

~~13. You have recently appointed an outsider—a U.S. attorney not involved in the case—to review the General Flynn case. Why was that necessary? Did the President ask you to do that, directly or indirectly?~~

~~14. The Justice Department has apparently opened a channel to receive information gathered by Rudy Giuliani on corruption in Ukraine. Is that an unusual step? Can any citizen get such a channel?~~

~~15. Over 2,000 former Justice Department officials have signed a letter saying that your recent actions require you to resign. Any thoughts along those lines?~~

~~16. Is this the only time you have ever become involved in the Department's sentencing recommendations? Do you expect to do so again?~~

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The Business Council Meeting
David Rubenstein in Conversation with Attorney General William Barr
Location: The Kennedy Center - REACH
Thursday, February 20, 2020

~~17.16.~~ —During the recent impeachment trial, one of the President’s lawyers, Alan Dershowitz, said that anything the President does is legal if he thinks it is in pursuit of helping his Presidency. Does the Department of Justice agree with that view?

~~18.~~ ~~Is it the Department’s policy to give a heads up to the White House on major actions about to be taken by the Justice Department? Was there any feedback from the White House staff or the President about the decision to not prosecute Andrew McCabe? Was that decision effectively forced by the judge overseeing the grand jury in that case? Do you agree with the President that he has the right to weigh in on these kind of decisions?~~

~~19.17.~~ What are your highest priorities as Attorney General? Major policy initiatives?

18. You recently gave a speech on the future of 5G technology and the threat posed by China and Huawei. Some have said it is unusual for an Attorney General to be so involved in an area like this. Why do you feel the need to speak on this topic as Attorney General? How do you view the threat and what does the U.S. need to do? Does your background in telecommunications at Verizon color your thinking on this issue?

19. In your speech, you seemed to suggest that the U.S. and its allies should perhaps join together to purchase or back an alternative to China’s Huawei, like Nokia or Ericsson. Why do you think that is an important? Should the U.S. really be in the business of endorsing and supporting private companies?

20. Since becoming Attorney General, you’ve spoken frequently about the challenges posed by encryption and the need for law enforcement to have what you have termed “lawful access” to communications and stored media. Why is this such an important issue for you and the Department?

21. Advocates of encryption say that it provides much-needed protection against hackers and other bad actors in an increasingly digital world. They say that providing law enforcement with a “back door” into their systems will make them vulnerable to

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cybercriminals. How do you propose to balance the benefits provided by encryption against the need for what you term "lawful access"?

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22. The DOJ has made headlines in recent months for its review of leading technology companies. Given how pervasive social media and online platforms are in everyday life, the DOJ's work in this area will obviously have large implications for many Americans. What motivated you to undertake this review? What concerns do you have about these companies? Can you give us an update on the progress of the review and where you see it going?

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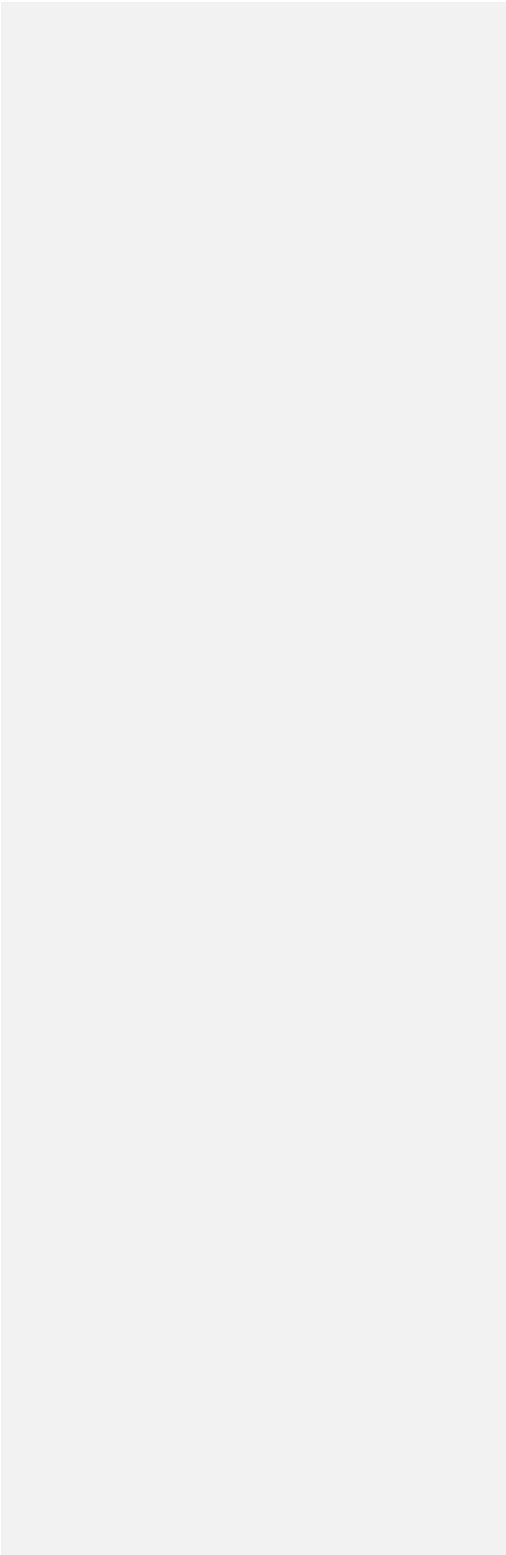
20-23. Do you have a list of potential Supreme Court nominations if a vacancy should arise? Do you think it's too late in the President's term to have another Justice confirmed if a vacancy should arise soon?

21-24. How often do you talk to or meet with the President?

22-25. Do you expect to stay for the whole first term? Any interest in staying for part or all of a second term?

23-26. Do you still have time to play the bagpipes?

The Business Council Meeting
David Rubenstein in Conversation with Attorney General William Barr
Location: The Kennedy Center - REACH
Thursday, February 20, 2020



M055-3/lb

5

Rabbitt, Brian (OAG)

From: Rabbitt, Brian (OAG)
Sent: Tuesday, February 18, 2020 2:36 PM
To: Levi, William (OAG)
Cc: Kupec, Kerri (OPA)
Subject: Re: In-town pool report #9 -- comments on Barr and Stone
Attachments: image001.jpg

Can we get a transcript?

Sent from my iPhone

On Feb 18, 2020, at 2:09 PM, Levi, William (OAG) <wlevi@jmd.usdoj.gov> wrote:

He also said again he has the right to intervene, that he is the chief law enforcement office of the country, but chose not to get involved

From: Kupec, Kerri (OPA) (b)(6)
Sent: Tuesday, February 18, 2020 2:08 PM
To: Rabbitt, Brian (OAG) <brabbitt@jmd.usdoj.gov>; Levi, William (OAG) <wlevi@jmd.usdoj.gov>
Subject: FW: In-town pool report #9 -- comments on Barr and Stone

From: White House Press Office <info@mail.whitehouse.gov>
Sent: Tuesday, February 18, 2020 2:02 PM
To: Kupec, Kerri (OPA) (b)(6)
Subject: In-town pool report #9 -- comments on Barr and Stone

From: Lindsey McPherson <lindseymcpherson@rollcall.com>
Sent: Tuesday, February 18, 2020 1:54 PM
Subject: In-town pool report #9 -- comments on Barr and Stone

President Donald Trump agreed with comments Attorney General William Barr made last week about the president's tweets making his job harder.

"I do make his job harder. That's true."

Trump called Barr "a man with great integrity."

Asked something I couldn't hear about Roger Stone, Trump said:

"I think Roger Stone has been treated very unfairly. I think Michael Flynn has been treated very unfairly," he said, noting unspecified others who've also been treated unfairly.

Asked if Stone deserves any prison time, Trump demurred, saying, "You're going to see what

...and it's not about any person, it's about the system, it's about the way things are going to be done.

happens."

Lindsey McPherson

Senior House Reporter

Roll Call

(b)(6)

@lindsemcpherson

~Sent from my cell, so forgive any typos please~

[Unsubscribe](#)

The White House · 1600 Pennsylvania Ave NW · Washington, DC 20500 · USA · 202-456-1111

<image001.jpg>

Jensen, Jeff (USAMOE)

From: Jensen, Jeff (USAMOE)
Sent: Friday, February 14, 2020 2:32 PM
To: DuCharme, Seth (ODAG)
Subject: RE: Flynn/Jensen

Thank you Seth.

-----Original Message-----

From: DuCharme, Seth (ODAG) <seducharme@jmd.usdoj.gov>
Sent: Friday, February 14, 2020 12:49 PM
To: Burns, David P. (NSD) <dburns@jmd.usdoj.gov>
Cc: Shea, Timothy (USADC) (b)(6); Evangelista, Alessio (USADC)
(b)(6); Jensen, Jeff (USAMOE) (b)(6); Levi, William (OAG)
<wlevi@jmd.usdoj.gov>
Subject: Flynn/Jensen

(b)(5), (b)(6)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Sent from my iPhone

DuCharme, Seth (ODAG)

From: DuCharme, Seth (ODAG)
Sent: Friday, February 14, 2020 1:57 PM
To: Kupec, Kerri (OPA)
Subject: Re: Flynn/Jensen

Thanks you're great. (b)(5)

Sent from my iPhone

On Feb 14, 2020, at 10:53 AM, Kupec, Kerri (OPA) (b)(6) wrote:

Already done w/ the press room

From: DuCharme, Seth (ODAG) <seducharme@jmd.usdoj.gov>
Sent: Friday, February 14, 2020 1:49 PM
To: Kupec, Kerri (OPA) (b)(6)
Subject: Fwd: Flynn/Jensen

For your consideration.

Sent from my iPhone

Begin forwarded message:

From: "DuCharme, Seth (ODAG)" <seducharme@jmd.usdoj.gov>
Date: February 14, 2020 at 10:48:40 AM PST
To: "Burns, David P. (NSD)" <dburns@jmd.usdoj.gov>
Cc: "Shea, Timothy (USADC)" (b)(6); "Evangelista, Alessio (USADC)" (b)(6); "Jensen, Jeff (USAMOE)" (b)(6); "Levi, William (OAG)" <wlevi@jmd.usdoj.gov>
Subject: Flynn/Jensen

Duplicative Material



Jensen, Jeff (USAMOE)

From: Jensen, Jeff (USAMOE)
Sent: Wednesday, February 12, 2020 11:16 AM
To: DuCharme, Seth (ODAG)
Cc: Burns, David P. (NSD)
Subject: Re: support

Thank you Seth. I appreciate being involved. (b)(5)

Sent from my iPhone

On Feb 12, 2020, at 11:05 AM, DuCharme, Seth (ODAG) <seducharme@jmd.usdoj.gov> wrote:

Jeff,

(b)(5), (b)(6)

The mantra I am trying to instill is that our attorneys always need to strive to be the most reasonable person in the room with the greatest command of the facts and the law.

(b)(5), (b)(6)

Thanks again for being a steady hand in all of this and helping me keep the trains on the tracks. Very grateful to have your help as always. Please don't hesitate to reach out to me or David if you need any assistance.

Best,
Seth

Seth D. DuCharme
Principal Associate Deputy Attorney General
U.S. Department of Justice
202 514 2105

(b) (6)

Shea, Timothy (OAG)

From: Shea, Timothy (OAG)
Sent: Sunday, February 2, 2020 6:26 PM
To: (b)(6) Timothy Shea
Subject: FW: WSJ story

From: Kupec, Kerri (OPA) (b)(6)
Sent: Thursday, January 30, 2020 5:32 PM
To: Shea, Timothy (OAG) <tshea@jmd.usdoj.gov>
Subject: WSJ story

Attorney General Picks Close Aide to Lead U.S. Attorney's Office in D.C.

Timothy Shea will serve as the office's top prosecutor on an interim basis



Timothy Shea, an aide to Attorney General William Barr, has been chosen as the next top prosecutor for the District of Columbia. PHOTO: /ASSOCIATED PRESS

By

Sadie Gurman

Attorney General William Barr has tapped one of his closest advisers to be the next top

Attorney General William Barr has tapped one of his closest advisers to be the next top prosecutor for the District of Columbia, putting him in charge of the largest U.S. attorney's office and several politically sensitive investigations.

Timothy Shea is currently a counselor to Mr. Barr, handling issues related to law enforcement and the Federal Bureau of Prisons. He has also served in a number of other roles in the Justice Department, including as a federal prosecutor and in the deputy attorney general's office when Mr. Barr was attorney general the first time in the early 1990s.

Mr. Shea [will replace Jessie Liu](#), who has been nominated to serve as undersecretary for terrorism and financial crimes at the Treasury Department. He was appointed on an interim basis.

He would arrive as the office is pursuing several closely watched probes, including long-running investigations into media leaks. In one of the investigations, the office is examining whether former FBI Director James Comey, a frequent target for President Trump, provided classified information to reporters for articles that were published more than two years ago, people familiar with the matter have said.

The office has also been investigating [former FBI Deputy Director Andrew McCabe](#) for allegedly lying to federal investigators. That case remains unresolved, one of the people said, though a federal grand jury met for days in September without returning an indictment, and the Justice Department has made no public move since.

The office is also handling multiple cases stemming from special counsel Robert Mueller's investigation, including the conviction of Trump adviser Roger Stone and the controversial sentencing of Michael Flynn, the former Trump national security adviser who is seeking to withdraw his prior guilty plea for lying to the FBI. Mr. Stone is scheduled to be sentenced next month.

Mr. Barr praised Mr. Shea's federal law enforcement experience, saying in a statement that "his commitment to fighting violent crime and the drug epidemic will greatly benefit the city of Washington."

Kerri Kupec
Director
Office of Public Affairs
U.S. Department of Justice

(b)(6)

(b)(5), (b)(6)



From: DCD_ECFNotice@dcd.uscourts.gov <DCD_ECFNotice@dcd.uscourts.gov>
Sent: Friday, January 24, 2020 10:52 AM
To: DCD_ECFNotice@dcd.uscourts.gov
Subject: Activity in Case 1:17-cr-00232-EGS USA v. FLYNN Order on Motion to Continue

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U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 1/24/2020 at 10:52 AM EDT and filed on 1/24/2020

Case Name: USA v. FLYNN

Case Number: [1:17-cr-00232-EGS](#)

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER as to MICHAEL T. FLYNN granting [157] Defendant's Second Motion to Continue Briefing Deadlines. The parties shall adhere to the following modified briefing schedule: (1) Mr. Flynn shall file his "Supplemental Motion to Withdraw for alternative additional reasons" by no later than 12:00 PM on January 29, 2020; (2) the government shall file its response to Mr. Flynn's motion and supplemental motion by no later than 12:00 PM on February 12, 2020; and (3) Mr. Flynn shall file his reply brief by no later than 12:00 PM on February 18, 2020. Mr. Flynn's supplemental motion and the government's response shall address the following: (1) the standard in this Circuit for a defendant seeking to withdraw a guilty plea before sentencing; and (2) the need for an evidentiary hearing where the parties would present all testimony and evidence concerning the issue of whether Mr. Flynn can show that there is good cause to set aside his guilty pleas, see United States v. Cray, 47 F.3d 1203, 1206 (D.C. Cir. 1995), including testimony from Mr. Flynn and other witnesses under oath, subject to cross-examination, to show any "fair and just reason" for this Court to grant his motion to withdraw, Fed. R. Crim. P. 11(d). Signed by Judge Emmet G. Sullivan on 1/24/2020. (lcegs3)

1:17-cr-00232-EGS-1 Notice has been electronically mailed to:

Jocelyn S. Ballantine jocelvn.ballantine2@usdoj.gov,

USADC.CriminalDocket@usdoj.gov

Brandon Lang Van Grack brandon.van.grack@usdoj.gov, ees@usdoj.gov,
lmm@usdoj.gov

Jesse R. Binnall jbinnall@harveybinnall.com, Tricia@federalappeals.com,
dfox@harveybinnall.com, sidney@federalappeals.com

Zainab Naeem Ahmad zna@usdoj.gov

W. William Hodes wwh@hodeslaw.com

Lindsay R. McKasson lmckasson@harveybinnall.com

Molly McCann mccann.mol@gmail.com

1:17-cr-00232-EGS-1 Notice will be delivered by other means to::

Rosen, Jeffrey A. (ODAG)

From: Rosen, Jeffrey A. (ODAG)
Sent: Thursday, January 23, 2020 1:04 PM
To: Suero, Maya A. (ODAG)
Subject: FW: Working doc - press conference prep
Attachments: OffTopicQs_WorkingDoc_Jan2020.docx

Please print this attachment for me, 2-sided, to take on trip. Thanks.

From: Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov>
Sent: Thursday, January 16, 2020 11:06 AM
To: Rosen, Jeffrey A. (ODAG) (b)(6)
Cc: DuCharme, Seth (ODAG) <seducharme@jmd.usdoj.gov>
Subject: Fwd: Working doc - press conference prep

Patrick Hovakimian
(b)(6)

Begin forwarded message:

From: "Kupec, Kerri (OPA)" (b)(6)
Date: January 16, 2020 at 11:05:44 AM EST
To: "Hovakimian, Patrick (ODAG)" <phovakimian4@jmd.usdoj.gov>
Subject: Fwd: Working doc - press conference prep

Begin forwarded message:

From: "Kupec, Kerri (OPA)" (b)(6)
Date: January 12, 2020 at 5:54:40 PM EST
To: (b)(6) AG Barr
Cc: "Rabbitt, Brian (OAG)" <brabbitt@jmd.usdoj.gov>, "Levi, William (OAG)" <wlevi@jmd.usdoj.gov>
Subject: Working doc - press conference prep

See attached.

Kerri Kupec
Director
Office of Public Affairs
U.S. Department of Justice
(b)(6)

(b)(5), (b)(6)

From: DCD_ECFNotice@dcd.uscourts.gov <DCD_ECFNotice@dcd.uscourts.gov>
Sent: Thursday, January 16, 2020 11:50 AM
To: DCD_ECFNotice@dcd.uscourts.gov
Subject: Activity in Case 1:17-cr-00232-EGS USA v. FLYNN Order

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U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 1/16/2020 at 11:50 AM EDT and filed on 1/16/2020

Case Name: USA v. FLYNN

Case Number: [1:17-cr-00232-EGS](#)

Filer:

Document Number: No document attached

Docket Text:

[MINUTE ORDER as to MICHAEL T. FLYNN granting #451 Unopposed Motion](#)

MINUTE ORDER as to MICHAEL T. FLYNN granting [151] Unopposed motion to Continue; deferring ruling on [151] Defendant's Motion to Withdraw Plea. The parties shall adhere to the following briefing schedule: (1) Mr. Flynn shall file his "Supplemental Motion to Withdraw for alternative additional reasons" by no later than 12:00 PM on January 22, 2020; (2) the government shall file its response to Mr. Flynn's motion and supplemental motion by no later than 12:00 PM on February 5, 2020; and (3) Mr. Flynn shall file his reply brief by no later than 12:00 PM on February 12, 2020. The Court hereby reschedules the sentencing hearing for February 27, 2020 at 11:00 AM in Courtroom 24A. Signed by Judge Emmet G. Sullivan on 1/16/2020. (lcegs3)

1:17-cr-00232-EGS-1 Notice has been electronically mailed to:

Jocelyn S. Ballantine jocelyn.ballantine2@usdoj.gov, USADC.CriminalDocket@usdoj.gov

Brandon Lang Van Grack brandon.van.grack@usdoj.gov, ees@usdoj.gov, lmm@usdoj.gov

Jesse R. Binnall jbinnall@harveybinnall.com, Tricia@federalappeals.com,
dfox@harveybinnall.com, sidney@federalappeals.com

Zainab Naeem Ahmad zna@usdoj.gov

W. William Hodes wwh@hodeslaw.com

Lindsay R. McKasson lmckasson@harveybinnall.com

Molly McCann mccann.mol@gmail.com

1:17-cr-00232-EGS-1 Notice will be delivered by other means to::

(b)(5), (b)(6)

From: sidney@federalappeals.com <sidney@federalappeals.com>
Sent: Saturday, January 11, 2020 12:35 PM
To: Ballantine, Jocelyn (USADC) (b)(6) didn't ge
Cc: Van Grack, Brandon (NSD) (b)(6); 'Molly McCann'
(b)(6); Jesse R. Binnall
<jbinnall@harveybinnall.com>; 'Lindsay McKasson'
<lmckasson@harveybinnall.com>; 'Abigail Frue' <afvue@harveybinnall.com>

sidney.powell@federalappeals.com, emmet.g.sullivan@federalappeals.com

Subject: CERTIFICATE OF CONFERENCE

Importance: High

We request your reply ASAP for the government's position on a motion we intend to file today to request a 30-day continuance of Mr. Flynn's sentencing date to move to February 27. There are many reasons, not the least of which is a 330,000 document data base, the recent IG report of 478 pages chocked full of information we are still processing, Judge Sullivan's recent 92 page decision, your recent production of 637 pages including never-before seen 302s, your recent change in position on sentencing; our discovery of documents we had not previously seen in our collection despite our best efforts, etc. etc, etc. We would appreciate your agreement to this request.

The relief we request specifically is as follows:

[PROPOSED] ORDER

Having considered the Motion for Continuance of Sentencing Date and for Extension of Time to File Defendant's Sentencing Memorandum, it is hereby ORDERED that:

The Sentencing Date be moved to February 27, 2020, and the time for Defendant to file Defendant's Sentencing Memorandum be extended thirty (30) days to be filed on February 21, 2020.

Dated: _____

Sullivan

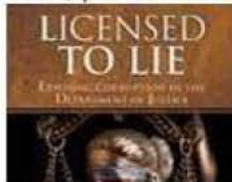
District Judge

Emmet G.

United States

Sidney Powell P.C. – Author of the #1 Best-seller LICENSED TO LIE:
Exposing Corruption in the Department of Justice – Federal Appellate
Attorney – Senior Fellow of the London Center for Policy Research
www.SidneyPowell.com
www.FederalAppeals.com
www.LicensedToLie.com

This communication is **attorney-client privileged**. If you receive it in error, please delete it and notify us at Tricia@federalappeals.com.





Rosen, Jeffrey A. (ODAG)

From: Rosen, Jeffrey A. (ODAG)
Sent: Tuesday, January 7, 2020 4:08 PM
To: DuCharme, Seth (ODAG); Demers, John C. (NSD)
Subject: fyi

WaPo: "Michael Flynn deserves up to six months in prison, U.S. Justice Department says in reversal for former Trump national security adviser," Spencer S. Hsu, January 07, 2020, 12:51 PM

Federal prosecutors on Tuesday recommended that former national security adviser Michael T. Flynn serve up to six months in prison, reversing their earlier recommendation of probation because of his drawn out attacks against the FBI and Justice Department. The dramatic revocation of the Justice Department's request for leniency came weeks after Flynn's sentencing judge on Dec. 16 categorically rejected Flynn's claims of prosecutorial misconduct and that he had been duped into pleading guilty to lying to FBI agents about his Russian contacts after the 2016 U.S. election. [[Continue Reading](#)] **See also:** [CNBC](#), [NYT](#), [WSJ](#)

DuCharme, Seth (ODAG)

From: DuCharme, Seth (ODAG)
Sent: Tuesday, January 7, 2020 4:05 PM
To: Rosen, Jeffrey A. (ODAG)
Subject: Re: pool report #7b

Thanks

I've been following the press reports -

(b)(5)

The headlines say we ask for jail time - the body of most of the articles say "up to six months"

Sent from my iPhone

On Jan 7, 2020, at 4:02 PM, Rosen, Jeffrey A. (ODAG) (b)(6) wrote:

Note last paragraph.

From: White House Press Office <info@mail.whitehouse.gov>
Sent: Tuesday, January 7, 2020 3:57 PM
Subject: pool report #7b/expanded Ukraine quote re aid sent "ahead of schedule"

From: Gillman, Todd <tgillman@dallasnews.com>

Sent: Tuesday, January 7, 2020 3:48 PM

Subject: pool report #7b/expanded Ukraine quote re aid sent "ahead of schedule"

This is a yet more expanded version of the president's comments on Ukraine, including the part where he asserted that military aid that had been frozen was ultimately delivered "two or three weeks ahead of schedule."

Q: "Will you be OK if John Bolton testifies? He indicated yesterday that he would if he is subpoenaed."

Trump: "That's going to be up to the lawyers. It'll be up to the Senate, and we'll see how they feel. He would know nothing about what we're talking about, because as you know the Ukrainian government came out with a very strong statement no pressure no anything and this from the boss. That's from the President of Ukraine. The Foreign Minister came out with a statement that was equally as strong. And

frankly, if you look at it and you look at everything, all they have to do is read the transcripts. Take a look, not just at one, you take a look at two transcripts. They were absolutely perfect. There was absolutely nothing done wrong. There was no false statement, and it's crazy that it's gotten to a point where you -- look, Ukraine, the President of Ukraine said there was no pressure whatsoever. There was no pressure on his country whatsoever. And by the way, in terms of the money, it got there two or three weeks ahead of schedule, long before it was supposed to be there. There was absolutely nothing done wrong."

Also, as pool was heading out of the Oval, Fox's John Roberts asked about the prosecution's recommendation of 6 months in prison for former National Security Advisor Michael Flynn. POTUS said he was learning about it from the question and had nothing of substance to say on it.

Todd J. Gillman

Washington Bureau Chief
The Dallas Morning News

M: (b)(6)

O: 202.661.8421

tgillman@dallasnews.com

@ToddGillman

[Unsubscribe](#)

The White House · 1600 Pennsylvania Ave NW · Washington, DC 20500 · USA · 202-456-1111

DuCharme, Seth (ODAG)

From: DuCharme, Seth (ODAG)
Sent: Tuesday, January 7, 2020 2:43 PM
To: Liu, Jessie (USADC)
Cc: Weinsheimer, Bradley (ODAG); Demers, John C. (NSD); Evangelista, Alessio (USADC)
Subject: Re: Prosecutors Ask That Michael Flynn Get Prison Time - The New York Times

Thanks. This looks fairly straightforward too:

“It is within the government’s sole discretion to determine whether the defendant has ‘substantially assisted’ the government,” prosecutor Brandon Van Grack wrote in a 33-page court filing. “In light of the complete record, including actions subsequent to December 18, 2018, that negate the benefits of much of the defendant’s earlier cooperation, the government no longer deems the defendant’s assistance ‘substantial.’ ”

Sent from my iPhone

On Jan 7, 2020, at 2:37 PM, Liu, Jessie (USADC) (b)(6) wrote:

Yes. (b)(5)

On Jan 7, 2020, at 2:34 PM, DuCharme, Seth (ODAG) <seducharme@jmd.usdoj.gov> wrote:

“Federal prosecutors recommended on Tuesday that President Trump’s former national security adviser Michael T. Flynn be sentenced to up to six months in prison”

Sounds like we actually just asked for the guidelines range of zero to six months, right?

Sent from my iPhone

On Jan 7, 2020, at 2:12 PM, Liu, Jessie (USADC) (b)(6) wrote:

<https://www.nytimes.com/2020/01/07/us/politics/flynn-prosecutors-sentencing.html>

DuCharme, Seth (ODAG)

From: DuCharme, Seth (ODAG)
Sent: Tuesday, January 7, 2020 2:23 PM
To: Rabbitt, Brian (OAG)
Subject: Fwd: Prosecutors Ask That Michael Flynn Get Prison Time - The New York Times

“Federal prosecutors recommended on Tuesday that President Trump’s former national security adviser Michael T. Flynn be sentenced to up to six months”

Not quite what the headline implies. Zero months is also among the range of reasonable sentences.

Sent from my iPhone

Begin forwarded message:

From: "Liu, Jessie (USADC)" (b)(6)
Date: January 7, 2020 at 2:12:19 PM EST
To: "Weinsheimer, Bradley (ODAG)" <bradweinsheimer@jmd.usdoj.gov>, "DuCharme, Seth (ODAG)" <seducharme@jmd.usdoj.gov>, "Demers, John C. (NSD)" (b)(6)
Cc: "Evangelista, Alessio (USADC)" (b)(6)
Subject: Prosecutors Ask That Michael Flynn Get Prison Time - The New York Times

?

<https://www.nytimes.com/2020/01/07/us/politics/flynn-prosecutors-sentencing.html>

Hovakimian, Patrick (ODAG)

From: Hovakimian, Patrick (ODAG)
Sent: Tuesday, January 7, 2020 2:20 PM
To: Kupec, Kerri (OPA)
Subject: Fwd: Prosecutors Ask That Michael Flynn Get Prison Time - The New York Times

Patrick Hovakimian

(b)(6)

Begin forwarded message:

From: "DuCharme, Seth (ODAG)" <seducharme@jmd.usdoj.gov>
Date: January 7, 2020 at 2:18:58 PM EST
To: "Hovakimian, Patrick (ODAG)" <phovakimian4@jmd.usdoj.gov>
Subject: Fwd: **Prosecutors Ask That Michael Flynn Get Prison Time - The New York Times**

Sent from my iPhone

Begin forwarded message:

From: "Liu, Jessie (USADC)" (b)(6)
Date: January 7, 2020 at 2:12:19 PM EST
To: "Weinsheimer, Bradley (ODAG)" <bradweinsheimer@jmd.usdoj.gov>, "DuCharme, Seth (ODAG)" <seducharme@jmd.usdoj.gov>, "Demers, John C. (NSD)" (b)(6)
Cc: "Evangelista, Alessio (USADC)" (b)(6)
Subject: **Prosecutors Ask That Michael Flynn Get Prison Time - The New York Times**

<https://www.nytimes.com/2020/01/07/us/politics/flynn-prosecutors-sentencing.html>

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Monday, September 9, 2019 3:55 PM
To: Kupec, Kerri (OPA)
Subject: Re: DOJ memo - 1/30/2017

I don't. It's well before I was back in DOJ and have not otherwise seen it.

Edward C. O'Callaghan
202-514-2105

On Sep 9, 2019, at 3:38 PM, Kupec, Kerri (OPA) (b)(6) wrote:

Do you know what this is?

From: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Sent: Thursday, September 5, 2019 11:04 AM
To: Kupec, Kerri (OPA) (b)(6)
Subject: DOJ memo - 1/30/2017

Kerri –

Trust you are well and can help, or get the query to the right person.

We understand that there is a DOJ memo dated January 30, 2017. The memo records that the FBI advised Justice that they had concluded National Security Adviser Michael Flynn was not an agent of the Russians.

Are you aware of the memo, and able to provide it?

Given the Special Counsel investigation is now closed, we anticipate most of the memo is no longer classified.

Thank you for the consideration,
Catherine

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Tuesday, July 23, 2019 7:19 PM
To: Terwilliger, Zachary (USAVAE); Gill, Mike (USAVAE)
Subject: Fwd: U.S. Department of Justice DOJ Press Releases & News Update

Congrats!

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

From: U.S. Department of Justice <usdoj@public.govdelivery.com>
Date: July 23, 2019 at 4:01:52 PM PDT
To: <edward.c.o'callaghan@usdoj.gov>
Subject: U.S. Department of Justice DOJ Press Releases & News Update
Reply-To: <usdoj@public.govdelivery.com>

 U.S. Department of Justice

You are subscribed to DOJ Press Releases & News for U.S. Department of Justice. This information has recently been updated, and is now available.

[Jury Convicts Flynn Intel Group Founder of Conspiring to Act as an Undisclosed Agent of Turkey](#)

07/23/2019 12:00 AM EDT

After three hours of deliberations a federal jury convicted a California man today on charges of conspiring to act as an agent of a foreign government, conspiring to make false statements and willful omissions in a FARA filing, and acting as an agent of a foreign government.



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O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Monday, June 10, 2019 2:44 PM
To: Rabbitt, Brian (OAG); Levi, William (OAG)
Subject: RE: Sydney Powell

Sounds good. (b)(5)

Edward C. O'Callaghan
202-514-2105

From: Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>
Sent: Monday, June 10, 2019 2:42 PM
To: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Levi, William (OAG) <wlevi@jmd.usdoj.gov>
Subject: Sydney Powell

Ed, Will:

To close the loop on Friday's discussions, I spoke briefly today with Sydney Powell. (b)(5)

BR

Brian C. Rabbitt
Chief of Staff & Senior Counselor
Office of the Attorney General
U.S. Department of Justice
T: (202) 514-3893
M: (b)(6)
Brian.Rabbitt@usdoj.gov

(b)(5), (b)(6)

From: Gillis, James P. (USAVAE)
Sent: Saturday, June 8, 2019 10:12 AM
To: 'Sidney Powell' <sidney@federalappeals.com>
Cc: (b)(6) (NSD) (JMD) (b)(6); Gibbs, John (USAVAE)
(b)(6)
Subject: RE: United States v. Rafiekian

No.

From: Sidney Powell <sidney@federalappeals.com>
Sent: Friday, June 7, 2019 9:06 PM
To: Gillis, James P. (USAVAE) (b)(6)
Cc: (b)(6) (NSD) (JMD) (b)(6); Gibbs, John (USAVAE)

(b)(6)

Subject: Re: United States v. Rafiekian

Can you send me the entire FISA application please?

Sidney Powell, Attorney & Author of LICENSED TO LIE: Exposing Corruption in the Department of Justice www.LicensedtoLie.com

On Fri, Jun 7, 2019, 9:19 AM Gillis, James P. (USAVAE)

(b)(6) wrote:

From: Gillis, James P. (USAVAE)
Sent: Friday, June 7, 2019 9:14 AM
To: 'Sidney Powell' <sidney@federalappeals.com>
Cc: (b)(6) per NSD
Gibbs, John (USAVAE) (b)(6)
Subject: United States v. Rafiekian

Sidney,

Here are some of the exhibits we discussed yesterday evening.

Jim

James P. Gillis
Assistant United States Attorney
office: (b)(6)
mobile: (b)(6)

<< File: Doc 173-1 - GEX 8-16 FOR FILING.pdf >> << File: Doc 173-2 - GEX 17-23A FOR FILING.pdf >> << File: Doc 173-3 - GEX 23B-25 FOR FILING.pdf >> << File: Doc 173-4 - GEX 26-30 FOR FILING.pdf >> << File: Doc 173-5 - GEX 33-34 FOR FILING.pdf >> << File: Doc 173-6 - GEX 35A-38 FOR FILING.pdf >> << File: Doc 173-7 - GEX 42-50 FOR FILING.pdf >> << File: Doc 173-8 - GEX 56-63 FOR FILING.pdf >> << File: Doc 175 - GEX 40 FOR FILING.pdf >>

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Friday, June 7, 2019 5:23 PM
To: Weinsheimer, Bradley (ODAG)
Subject: Fwd: Sidney Powell Letter 6-6-19.pdf
Attachments: Sidney Powell Letter 6-6-19.pdf; ATT00001.htm

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

From: "Rabbitt, Brian (OAG)" <brrabbitt@jmd.usdoj.gov>
Date: June 7, 2019 at 4:53:24 PM EDT
To: "Liu, Jessie (USADC)" (b)(6)
Cc: "Levi, William (OAG)" <wlevi@jmd.usdoj.gov>, "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>
Subject: **Sidney Powell Letter 6-6-19.pdf**

Jessie – As you discussed with Will. BR

Brian C. Rabbitt
Chief of Staff & Senior Counselor
Office of the Attorney General
U.S. Department of Justice
T: (202) 514-3893
M: (b)(6)
Brian.Rabbitt@usdoj.gov

SIDNEY POWELL, P.C.
Federal Appeals in Complex Commercial Litigation

sidneypowell@federalappeals.com

214-707-1775

3831 Turtle Creek Blvd. #5B

Dallas, Texas 75219

June 6, 2019

The Honorable William Barr
Attorney General

The Honorable Jeffrey Rosen
Deputy Attorney General

United States Department of Justice
950 Pennsylvania Avenue N.W.
Washington, DC 20530

Re: Internal review, *Brady*, IG Report, Declassification, and Lt. General Michael Flynn (retired)

Dear Attorney General Barr and Deputy Attorney General Rosen:

I write on behalf of Lt. General (Retired) Michael Flynn, and as a former Assistant United States Attorney of ten-years-service under nine United States Attorneys from both political parties, as a lawyer dedicated to the rule of law, and a firm believer in the mandate of *Berger v. United States* that the role of the United States is to “seek justice—not convictions.” It is my fervent hope that you and the Department of Justice will use this case to restore integrity and trust in the Department and reinstate clear application of the Rule of Law.

Covington and Burling has moved to withdraw, and I will soon appear on the record on behalf of General Flynn. They are not aware of this communication which I will treat with the utmost confidentiality. My goal is to encourage and allow the Department to address these issues internally for the benefit of all concerned—especially the Department itself. Despite what he and his family have been through, General Flynn firmly believes in our justice system and hopes to be a positive and forceful spokesperson for it in the future.

This letter is a preliminary outreach primarily to provide you with an outline and notice of likely exculpatory information we ask you to watch for as you and your appointed investigators— independent of the SCO—are re-examining the possible corruption of our beloved government institutions for what appears to be political purposes and to suggest a just resolution if the evidence shows what we believe to be true.

1

Confidential to AG/DAG

AMERICAN
OVERSIGHT

DOJ-OIP-20-0368, 20-0369, 20-0370, DOJ-EOUSA-20-0371-B-000036

To that end, we request:

- (i) The appointment of new government counsel with *no connection to the Special Counsel team of attorneys or agents* to conduct review of the entire Flynn case for *Brady* material that has not been produced and prosecutorial misconduct writ large.
- (ii) A determination of when, how, and on what basis the first investigation of General Flynn began.
- (iii) The preservation of all electronic devices issued to anyone by Special Counsel and preservation of their text messages, emails, and any other means of electronic communications.
- (iv) A review of currently classified information that we believe to be *Brady* for declassification, or at a minimum, production to me of a summary of that information.
- (v) Interviews of additional witnesses we can identify that the Special Counsel did not interview because they would have created exculpatory information.
- (vi) Consideration of the specific targeting of General Flynn and the disparate way in which he was treated as compared to others similarly situated—even by SCO.
- (vii) At the end of this internal review, we believe there will be ample justification for the Department to follow the precedent of the Ted Stevens case and move to dismiss the prosecution of General Flynn in the interest of justice—whether it be we ink a simple joint motion or *sua sponte* by the Department.

Current Status:

General Flynn is from a generational military family. He served this country in the military for more than 33 years—highly decorated—with five of those years in direct combat. His entire life has been devoted to service to this nation. As ingrained in him from childhood, he immediately took responsibility for what the SCO said he did wrong, entered a plea of guilty to one count of 18 U.S.C. §1001, and he has been cooperating fully with SCO—and now the ED VA—well beyond his cooperation agreement. His sentencing was scheduled before Judge Emmet G. Sullivan Jr. on December 18, 2018, pursuant to the plea agreement. The SCO recommended Flynn receive probation.

At the hearing, however, Judge Sullivan launched a tirade, effectively accusing Flynn of working for a foreign power while he was in the White House and committing treason. Judge Sullivan made clear he intends to send him to prison. Judge Sullivan was completely wrong on the facts of the case, and his rant seems to have come straight from MSNBC comments of the previous night. After a short break in the court proceedings, the Judge returned to the bench and made something of a retraction of his most egregious choice of words.

However, severe damage was done. The press ran wild with the treason suggestion unabated for an hour, and it morphed into days of media speculation about General Flynn, the President, the Mueller probe, and treason. Judge Sullivan postponed the sentencing to give Flynn more time to

provide more cooperation in the possibility that *might* lessen the prison sentence Sullivan strongly suggested he will impose—despite DOJ’s recommendation. He also left open a question as to the materiality of General Flynn’s statements to the FBI Agents. Shortly after the hearing, Judge Sullivan imposed strict travel restrictions on General Flynn and required him to surrender his passport. The General was forced to sell his home two years ago to fund his legal defense and still needs a legal defense fund. He has effectively been on probation since 2017.

SCO has long advised that his cooperation with that office is complete, however General Flynn continues to cooperate in the EDVA conspiracy, §951 and §1001 prosecution of his former business partner, who misled him in many ways, and that trial is scheduled for July 15. General Flynn will continue to cooperate with the EDVA regardless of what happens in response to this request or when.

Friday, May 16, Judge Sullivan entered minute orders requiring the government to file on the open docket transcripts of all recordings of General Flynn with Russian officials along with an unredacted copy of the Mueller report as to all sections that apply to General Flynn. He also ordered production of the actual recordings to him on a DVD. The “voicemail recording” to which the docket text refers was already in the Mueller Report, Vol. II at 6, 120-21. We just learned from the required production of the transcript of the message that SCO selectively removed words that changed the tone of and significantly clarified John Dowd’s message to Rob Kelner of Covington and Burling.

We anticipate that General Flynn’s sentencing would be set for late August or September, and I will request an additional 90 days in our status report due June 14.

Brief background.

I’m sure you know more about this now than I do—as we anxiously await more information from the Inspector General and declassification of more 302s, FISA applications and other information. However, as more evidence has come to light, it is increasingly apparent that General Flynn was targeted and taken out of the Trump administration for concocted and political purposes. We believe there is specific evidence of that fact. He was the tip of the spear aimed at President Trump. From the time Flynn was fired from the Obama administration as DIA, it is public knowledge that General Flynn was a sharp, vocal, and effective critic of the Obama administration and Mrs. Clinton for Benghazi, the fight against ISIS, and the Iran Nuclear deal. Mr. Obama personally attempted to persuade incoming President Trump not to hire General Flynn. I have been told Flynn is the only name Obama mentioned to Mr. Trump.

From former Director Comey’s bragging on national television (just two days before Flynn’s scheduled 18 December sentencing) about how he dispatched two agents to ambush-interrogate Flynn—a special tactic carefully planned and executed for the Trump administration in its first few chaotic days—to new evidence surfacing daily, it appears the FBI and DOJ under Loretta Lynch and Sally Yates broke all protocols, used the ancient Logan Act as a pretext, ran a back-channel with Peter Strzok to Vice President Pence’s office, began an investigation on Flynn even before that of which we were aware, illegally unmasked him, illegally leaked his conversation

with Kislyak, got him fired, and yet still cleared him of any wrongdoing until Mr. Mueller appeared.

General Flynn was the victim of egregious Fourth Amendment violations. His call with Kislyak—as Mr. Van Grack was forced to admit in Judge Sullivan’s court on December 18—was perfectly lawful, and SCO did not even consider charging him with a Logan Act violation—much less treason. There was no “Logan Act violation,” and everyone knew it.¹ Yet General Flynn was illegally unmasked by the Obama administration and his call leaked to explode the “Russia collusion” narrative in the press. The FBI interview was worse than “entrapment.” He was led to believe he was having a casual conversation with friends about a training exercise from a day or two before, when in truth, it was a set-up—tantamount to a “frame”—manipulated by Yates, Comey, Strzok, McCabe, and others to take General Flynn out of the administration. SCO then used it to pressure him to try to take out President Trump.

Brady/Giglio Request.

Judge Sullivan entered a *Brady* order as soon as he was assigned the case. Under the terms of a protective order already in place, I request review and production of the following information that is likely *Brady/Giglio* material as to General Flynn:

1. We have information that the British Embassy delivered a classified document shortly after Trump’s election to the PTT, likely also to Susan Rice, and perhaps to others that destroys Steele’s credibility, disavows him, and declares him untrustworthy. It apparently went into the safe for the PTT office. SCO made clear it was aware of and very concerned about this document, was told by a witness with personal knowledge about it, yet SCO did not even take notes about the document. Notably, there is no mention of it in the Mueller Report.
2. The original draft of the Flynn 302 and all subsequent drafts, including the A-1 file that shows everyone who had possession of it. It appears that SCO has never produced the original 302. There were multiple drafts. It stayed in “deliberative/draft” stage for an inordinate time. Who influenced it, how, and why?
3. All documents, notes, information, FBI 302s, or testimony regarding Nellie Ohr’s research on General Flynn.
4. All payments and instructions by the FBI, CIA, and/or DOD to Stephan Halper going back as far as 2014 regarding General Flynn and/or Svetlana Lokhova.

¹ No one has ever been prosecuted under the Logan Act. Charges were brought in 1803 but dropped. Sally Yates’ attempted resurrection of this never-prosecuted statute was obviously a pretext—as by its plain text, it would not apply to a member of the President-Elect’s transition team who had every right to speak to the Russian Ambassador. In fact, SCO admitted as much at the hearing in Judge Sullivan’s court on December 18. FBI 302s of McCabe, McCord, Yates, Strzok, and Page admit as much also. Regardless, as incoming NSA to the President-Elect, General Flynn was doing his job when he spoke to Kislyak.

Mr. Halper, and perhaps Cambridge Professor Christopher Andrew (MI5 tie) and Mr. Richard Dearlove of MI6, played a role in setting-up and then relentlessly smearing Flynn with allegations of an illicit relationship with Ms. Svetlana Lokhova—a British national and academic of Russian origin and living in London. She has just filed suit over the defamation, including a detailed timeline. We have information that that Halper was paid through the Office of Net Assessment, and that it was illegal. David Shedd (former Deputy Director of DIA) and Mike Vickers, who were CIA officers, were likely responsible for it. Someone in DOD Office of Net Assessment, I believe it was James H. Baker (an Obama “plant”), who paid Halper, met with David Ignatius on a monthly basis. Halper was paid four times what his “studies” were worth. Shedd was fired from DIA for fraud, and DIA had a moratorium on CI during this time because of a major 4th Amendment violation. Shedd met with VP Pence twice during the transition.

5. The Mueller/Weissmann report discloses that Flynn was under investigation previously. Vol. II at pp. 24, 26. When did surveillance first begin on Flynn? Was there a FISA warrant or application ever made on Flynn? If so, what was the basis; who wrote it, and who approved it? Or was he just illegally surveilled? Why was the Trump team not defensively briefed on this? This supposedly predates “Russia collusion.” The Mueller Report is the first General Flynn, or apparently the President, was notified of that startling fact—as General Flynn had a security clearance, was briefing DIA on his travel to and from Russia to give a speech set up by his speaker’s bureau, and no one voiced any concerns. That briefing alone is *Brady* material that has not been produced.
6. Transcripts, recordings, notes, and 302s of any interactions with human sources tasked against General Flynn since he left DIA.
7. The unredacted Page-Strzok text messages as well and text messages, emails and other electronic communications to, from or between Andrew McCabe, James Comey, Rod Rosenstein, Bruce Ohr, Nellie Ohr, Andrew Weissmann, Tashina Gauhar, Agent Pientka, Zainab Ahmad regarding General Flynn or the FISA applications or any illegal surveillance that would have reached General Flynn’s communications.
8. **The General’s plea was heavily manipulated while Brady evidence was suppressed, and the press was complicit.** When did the Inspector General of the DOJ notify SCO of the extremely biased Strzok-Page text messages and to what extent?² It appears to have been in July. When did the press start pushing for answers on Strzok-Page departure and texts? And, who at SCO (Weissmann? Van Grack?) persuaded the press to sit on the Strzok story until the very day after Flynn’s guilty plea was taken in court?

² On 07/26/17, Strzok is interviewed under advice of rights—obviously more than General Flynn received. Was that Weissmann?

Suddenly, SCO was making extreme threats and placing enormous pressure on General Flynn to enter a guilty plea. Sometime after Mueller was notified by the IG of the extremely biased Strzok-Page text messages, Mueller went to Rosenstein to get authority to target Michael Flynn, Jr.

Flynn, Jr., who had a four-month-old baby, was required to produce his phones and computers. Suddenly, General Flynn was threatened with the public arrest, search of his home, the indictment of his son, the Manafort treatment, etc.

The eleventh hour before General Flynn signed the plea agreement, SCO notified defense counsel by phone only that “electronic communications” of one agent (Strzok) “showed a preference for one of the candidates for President,” the IG was assessing whether that constituted misconduct, and that the agents did not think Flynn was lying at the time.

It would seem the press was in league with SCO to conceal the information of the Strzok-Page texts until after Flynn entered his guilty plea. Flynn entered his plea in open court before Judge Contreras on December 1 (who almost immediately thereafter recused for no disclosed reason), and on December 2, WaPo published an article exposing that Strzok and Page had made “politically-charged texts disparaging Trump.”

Judge Sullivan took the case on December 7, 2017, and entered a *Brady* order on December 12, updating it on February 16, 2018. That order that required production of all *Brady* even though a guilty plea had been entered. Despite a protective order, SCO remained silent until March 13, 2018, when it provided its first *Brady* production which then included a hyperlink to then publicly available Strzok-Page texts.

The timeline makes it obvious that Mr. Van Grack, Ms. Ahmad, and SCO deliberately suppressed remarkable *Brady* material both devastating to the credibility of the agent who led the ambush-interview of General Flynn as well as evidence supporting the General’s own truthfulness, while they sought every means to put the utmost pressure on him to compel a guilty plea—to the point of using threats against his son—and manipulated the press to hide the truth in the process.

9. Unredacted copies of all **Comey memos** that mention or deal with any investigation, surveillance, interviews, or use of a CHS against General Flynn.
10. An unredacted version of **Comey’s testimony** before all Congressional committees.
11. Comey 302 of 11/15/17 and all **Comey 302s** that bear on or mention Flynn.
12. The briefings Flynn provided to DIA before and after his trip to Russia speaking to RT.

13. Any information, recordings, 302s, about Joseph Mifsud's presence and involvement in spying on General Flynn and presence at the RT dinner in Russia on December 17, 2015. We believe Mifsud was working for/at behest/with Brennan.
14. All details, notes, memoranda, 302s of the McCabe/Strzok meeting with VP Pence hinted by Mueller at Vol II: 34. Note Peter Strzok's Russia analyst was married to Pence's Chief of Staff, Josh Pitcock. This meeting was never revealed to General Flynn.
15. Mary McCord 302s or interviews, including when she advised the FBI that the Logan Act was "a stretch," that the FBI had concluded Flynn did not have 'a clandestine relationship with Russia,' there was no further need to interview him, and a 302 of 7/17/17 when she went to the White House with Sally Yates to discuss Flynn.
16. Any 302s or notes of Sally Yates, including when she advised that she was "not clear what the FBI was doing to investigate Flynn," that the interview on January 24 broke protocols, and that the agents believed he was telling the truth. Also, we request the 302s or notes for or of her meetings with White House Counsel, or materials she reviewed in preparation for those meetings.
17. **An internal DOJ document dated January 30, 2017, in which the FBI advised DOJ that Flynn was not acting as an agent of Russia.**
18. FBI 302s and notes of interviews of Michael Boston regarding Flynn's lack of involvement in Flynn Intel Group work on the Turkey project.
19. An unredacted version of all information provided by Kathleen Kavlec at the Department of State to the FBI.
20. All evidence that McCabe said words during a senior-attended FBI meeting/video conference to the effect of: "First we fuck Flynn, then we fuck Trump."
21. The two-page EC that supposedly began the Russia investigation.
22. We believe all of the information that underlies the bogus FISA applications is *Brady* as to Flynn as well, including anything that undermines Steele's credibility, because the FISA applications were a ruse to coverup all of the illegal spying and FISA abuses that had been going on for some time—including of General Flynn—and evidence egregious government misconduct.
23. Given the unusual involvement Andrew Weissmann and Ms. Ahmad had in DOJ with Bruce Ohr, Christopher Steele, the FBI and the FISA applications, we request all Bruce Ohr 302s of his debriefings regarding Steele and the role of Weissmann and Ahmad as

their involvement may have infected the entire investigation and prosecution of General Flynn.

24. Testimony of all persons who signed FISA applications whether those applications—regarding Flynn or anyone that would have reached Flynn’s communications—were approved or rejected.
25. Unredacted versions of all FISA applications related to the Russia matter, whether approved or rejected, since 2015, involving Flynn or reaching Flynn’s communications with anyone.
26. Information identifying reporters paid by Fusion GPS and/or the Penn Quarter group to push the “Russia Collusion” hoax and any stories about General Flynn and any testimony or statements about how the reporters were used.
27. KT McFarland’s 302s, notes of interviews of her or her own notes, and text messages with General Flynn from “The Passing of the Baton” through on and around December 29, 2015, and until Flynn’s resignation. The 302s should reflect that she initially lied to FBI agents but was shown her statements or text messages from that time and given an opportunity to correct her statements—unlike General Flynn. She also had counsel and was aware of the purpose of the interview by then.
28. Any new information on the SCO’s destruction of the cell phones of Strzok and Page after being advised of their abject bias and text messages. What efforts were made to recover those texts? Were any recovered from any source? NSA? This raises a significant spoliation issue and provides additional reasons to obtain, preserve and retrieve information from the phones of all other members of SCO to obtain communications from Strzok and Page in addition to others now implicated in highly questionable conduct—such as Weissmann and Ahmad with Bruce Ohr, Nellie Ohr, Baker, McCabe, Comey, and Christopher Steele.
29. Any information regarding FBI Agent Stephen Rees’s eradication of cell phone data, texts, emails, information belonging to Peter Strzok and Lisa Page that created the “gap” identified by the IG and caused important information to be destroyed.
30. The subjects of Strzok’s failures in any polygraph examinations after the MYE began.
31. Evidence that Clapper specifically targeted General Flynn for removal/destruction and on whose orders.
32. We request production of any *Brady/Giglio* you may have found already in your separate investigations (and by the IG) of which we are not aware.

33. We would appreciate the government's agreement to whatever extension of time is necessary on the Flynn case to allow further review of his case by me and by the Department. We would also appreciate the government's agreement to remove his travel restrictions and allow him to travel freely within the United States.
34. We also request a transcript and copies of the recordings of General Flynn's calls with Ambassador Kislyak or anyone else that were reviewed or used in any way by the FBI or SCO.

We have information that there are additional witnesses who have never been interviewed by SCO but who have information exculpatory as to General Flynn. We will consult with them and would like to provide their names to you for interviews by new government counsel reviewing the prior conduct if you believe they would be helpful.

As an officer of the Court in the highest sense of the words, I cannot thank Attorney General Barr and you enough for all that you are doing to restore trust in the Department and the Rule of Law. We appreciate your attention to and consideration of these important issues, and I look forward to your reply. My cell is 214-707-1775. I will continue working on a more comprehensive analysis of these issues. I would like to schedule a meeting to discuss this further at your earliest convenience and provide you additional information. Please let me know when.

Sincerely,



Sidney Powell

cc: The Honorable William Barr
Attorney General of the United States

Levi, William (OAG)

From: Levi, William (OAG)
Sent: Friday, June 7, 2019 4:37 PM
To: Rabbitt, Brian (OAG)
Cc: Gramley, Shannon (OAG)
Attachments: Sidney Powell Letter 6-6-19.pdf

Here we go.

Washington, Tracy T (OAG)

From: Washington, Tracy T (OAG)
Sent: Friday, June 7, 2019 4:36 PM
To: Levi, William (OAG)
Subject: Sidney Powell letter
Attachments: Sidney Powell Letter 6-6-19.pdf

Tracy T. Washington
Staff Assistant
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-9660

Gramley, Shannon (OAG)

From: Gramley, Shannon (OAG)
Sent: Friday, June 7, 2019 3:13 PM
To: Rabbitt, Brian (OAG)
Subject: Question

We just got a call from Sidney Powell that she was coming to drop off something confidential for the AG and the DAG. Security turned her away, but then she called again and said she texted with the AG and he told her he was at Quantico and to call Theresa and she would arrange for the package to get dropped off from him. Since (b)(6), I just want to confirm with you that all this checks out?