

JUDGE SULLIVAN TO JUDGE GLEESON: PICK FLYNN'S PERJURY

Since at least last July, I've been warning that Sidney Powell's serial efforts to use Judge Sullivan's courtroom to rile up the Fox frothers might backfire. In January, I started pointing out that the claims Flynn had made to try to get out of his prosecution presented four materially conflicting sworn statements. Just this morning I pointed out that Sullivan has to figure out what to do with Flynn's conflicting sworn statements, which are:

- 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 allocation, 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), and 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.” The statements conflict with a FARA filing submitted under Flynn’s name.

- January 29, 2020: Mike Flynn declared, under oath that, “in truth, I never lied.” Flynn claims he forgot about the substance of his conversations with the Russian Ambassador, rather than lied about them.

Judge Sullivan just appointed an old mob prosecutor, John Gleeson, to do just that – as well as to represent the views that a competent government would represent if we had one.

Upon consideration of the entire record in this case, it is hereby

ORDERED that the Court exercises its inherent authority to appoint The Honorable John Gleeson (Ret.) as amicus curiae to present arguments in opposition to the government’s Motion to Dismiss, ECF No. 198, see, e.g., United States v. Fokker Servs. B.V., 818 F.3d 733, 740 (D.C. Cir. 2016); Jin v.

Ministry of State Sec., 557 F. Supp. 2d 131, 136 (D.D.C. 2008); it is further

ORDERED that amicus curiae shall address whether the Court should issue an Order to Show Cause why Mr. Flynn should not be held in criminal contempt for perjury pursuant to 18 U.S.C. § 401, Federal Rule of Criminal Procedure 42, the Court's inherent authority, and any other applicable statutes, rules, or controlling law.

I'm still sorting through the different legal consequences of doing this versus appointing Gleeson as a Special Master. Probably, Gleeson will only have access to the public record of the case, and not the Covington materials prosecutors were just about to unpack, to say nothing of evidence at DOJ proving or disproving that none of the materials submitted last week were new.

For now, though, understand that Powell has been laying these consequences for ten months.