



## **The Mike Flynn Case: A Disgrace to the FBI, Not to Flynn**

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**EXECUTIVE SUMMARY:** The case of Lt. Gen. Mike Flynn, accused of lying to the feds, was recently reopened by a new attorney. Though the appellate court has since upheld the Justice Department's order to dismiss the case, the matter remains unresolved, and Flynn remains in danger. The effort to oust Flynn as NSA was a key aspect of a complex plot at the highest levels to overturn the election of President Donald Trump. The DOJ should turn its attention to the people who put Flynn in their sights.

FBI counter-intelligence deputy section chief Peter Strzok played a key role in two quite extraordinary investigations. The first, in July 2016, was of Hillary Clinton, who had acid-washed, bleached, and beaten with a hammer 33,000 e-mails on a private server that was subsequently hacked by foreign powers. Strzok's mission, rather than assemble the facts of the case, was apparently to massage those facts to enable Clinton to run for president. As a government source told CNN, it was Strzok who [changed the language](#) in FBI head James Comey's subsequent public report on Clinton's case from "grossly negligent" to "extremely careless." Strzok also scrubbed prosecutable key words.

Strzok's second investigation was of three-star Lt. Gen. Mike Flynn in January 2017. This was, in essence, a sting operation, as Flynn had not committed a crime. The object of this investigation was to make Flynn commit one and then indict him for it.

Strzok's abuse of his position to further his and his circle's political positions was proven by the disclosure of thousands of e-mails and text messages he exchanged with his lover, FBI lawyer Lisa Page, in which the pair [vented their spleen](#) toward Donald Trump. In August 2016, for example, Page texted Strzok, "He's [Trump] not

ever going to become president, right?!" "No. No he won't. We'll stop it," Strzok assured her.

### **Why was Flynn a target?**

Donald Trump chose Mike Flynn as his NSA based on his strong record in military intelligence in both Afghanistan and Iraq. Flynn was named head of the Defense Intelligence Agency (DIA) in 2012, but was purged from that office in 2014, supposedly for his difficult management style.

Flynn had a different explanation. "The military fired me for calling our enemies radical jihadis," he [wrote](#) in the *New York Post*. "I knew then it had more to do with the stand I took on radical Islamism and the expansion of al-Qaeda and its associated movements." Together with the Joint Chiefs, Flynn disagreed with the US covertly arming so-called "moderate rebels" in Syria as they were fast becoming immoderate. Had not the same scenario turned secular Libya into a jihadist state?

Trump agreed with Flynn. Moreover, as Trump's NSA, Flynn would preside over 17 intelligence agencies, sniff out efforts to hijack Trump's election, and help take the military and the country in different directions from what Obama may have wanted.

### **"Razor still open"**

Two days after the November 2016 election, Obama warned Trump in the Oval Office [against hiring Flynn](#) as NSA.

On January 4, 2017, it was crunch time. The new president would be taking office on January 20. The FBI was scheduled to close its fruitless investigation of Flynn, having found "[no derogatory information](#)" about him.

A [top level meeting](#) of Team Obama took place the next day, January 5, in the Oval Office. In attendance were VP Joe Biden, head of the FBI James Comey, his deputy, Andrew McCabe, DNI director James Clapper, CIA Director John Brennan, NSA Susan Rice, and Deputy Attorney General Sally Yates. While still in her White House office, Rice would refer to this meeting in a January 20 e-mail she sent to herself in the first moments of the new Trump administration. "Obama wants [everything done by the book](#)," she repeatedly stressed, suggesting that not all of Obama's doings were done "by the book."

At the behest of Comey and McCabe, FBI agents then met to decide how to handle Flynn. A handwritten note by Bill Priestap, head of FBI counter-intelligence, was later unearthed that said: "I believe we should rethink this. What is our goal? Truth/admission or to get him to lie, so we can prosecute him or get him fired?" To Priestap's credit, he hoped the FBI would work with the DOJ. But it chose the latter course.

Strzok excitedly e-mailed the “good news” to his lover, Page. “[Razor still open](#),” he wrote, using Flynn’s FBI code name, “Crossfire Razor.” Despite the futility of the original investigation, the FBI had not yet closed the case.

### **The entrapment of Flynn**

Comey’s deputy, Andrew McCabe, [invited](#) Flynn for a fact-finding session at the White House on January 24. Flynn accepted. As Attorney General Sally Yates reported, Comey did not seek the required approval for this meeting from White House Counsel. Nor did he inform the DOJ.

Strzok was the inquisitor. Less has been written about the other agent, Joe Pientka, who took notes. Earlier, in August 2016, Pientka had been sent to interview both Trump and Flynn and has since admitted that “he used the occasion as an opportunity to study Flynn’s behavior and mannerisms” in case the FBI needed it.

On January 24, 2017, the two agents met with Flynn at the White House and worked into the conversation one of several phone calls he had received from former Russian Ambassador Sergey Kislyak in late December. The FBI had recorded those calls right after Obama placed heavy sanctions on Russia for having meddled in the US election.

### **The fix is in**

Strzok asked Flynn whether sanctions on Russia had been discussed during that December 29, 2016 phone conversation with Kislyak. Flynn said his recollections of the call were hazy, but he didn’t think they were. This was, in fact, true. What he [discussed](#) with Kislyak was the anticipated removal of diplomats from each other’s embassies, which was not part of Obama’s executive order. According to the transcript of the call, Flynn [said](#):

I really don’t want us to get into a situation where we’re going, you know, where we do this and then you do something bigger, and then, you know, everybody’s got to go back and forth and everybody’s got to be the tough guy here, you know? ... We need cool heads to prevail, and, uh, we need to be very steady about what we’re going to do because we have absolutely a common, uh, threat in the Middle East right now.

“We agree,” Kislyak responded. Russia did not retaliate. But as Flynn neither confirmed nor denied discussing “sanctions,” the FBI trap snapped shut around him.

In the brief Flynn later filed to withdraw his guilty plea, he explained that over the course of his many years in the military he learned never to divulge sensitive or classified information to anyone but his immediate supervisor. That, of course, was President Trump, not Peter Strzok.

The agents, who had studied Flynn's body language during the interview, [reported](#) that they did not believe Flynn was consciously lying.

Also significant was the "suspiciously [irregular handling and editing](#)" of Pientka's notes on the required FD-302 form. The original notes from the meeting are missing. On February 10, 2017, Strzok told Page he was editing Pientka's 302 form to the point where he was "trying not to completely re-write" it. On February 14, Page, who also edited Pientka's notes, texted Strzok: "Is Andy [McCabe] any good with the 302?"

In short, the heavily redacted and manipulated 302 is hearsay.

### **Trump's mistake**

The DOJ also contained Obama enablers. On January 24, the day of Flynn's takedown, Attorney General Sally Yates informed both Trump and VP Mike Pence that Flynn had lied to Pence about his phone call with the Russian ambassador. She also (falsely) suggested that the phone call might have opened Flynn up to Russian blackmail and mentioned his alleged Logan Act violations, with which the president was not familiar. The FBI had, in fact, rejected using Logan as a legal tactic, as it relied on a 1799 law against Americans who talked with foreign governments. The law had never been invoked and a case that depended on it would surely be thrown out.

Trump swallowed Yates's arguments and fired Flynn. FBI mission accomplished.

As Flynn's attorneys surely told him, not cooperating with a plea bargain could mean fines and a long jail sentence if he was found guilty. Nor was Judge Emmet Sullivan, who asked the prosecutor if a charge of treason was possible, at all encouraging. (Sullivan later apologized.)

Flynn was no pushover. For 10 months he refused to cooperate. He lost his job, home, reputation, and entire fortune. He refused to sign a confession and agree to cooperate with Special Counsel Robert Mueller until they threatened to also prosecute his son, who was employed at Flynn's private consulting firm.

Things changed in June 2017, when lawyer Sydney Powell convinced Flynn that he should never have pleaded guilty. Flynn agreed. He fired his lawyers, hired her firm, and submitted a brief to withdraw his guilty plea. Over Sullivan's objections that Flynn had agreed that no further exculpatory evidence would be introduced, Powell put Flynn under a protective order and subsequently obtained [unsealed new documents](#) from the DOJ as well as investigations in the House and Senate.

### **Conclusion**

The appellate court has upheld the Justice Department's order to dismiss the case, though Flynn is not out of danger.

The Flynn affair was the opening salvo of a massive, drawn-out, multifaceted, and ultimately fruitless investigation designed to paint Trump as a Russian stooge, delegitimize him, and ideally oust him. Now that Russiagate has been debunked and “Spygate” is in the limelight, we may soon have another [nightmare](#) of legal dueling before a divided public.

The president can pardon Flynn, and should, as a last resort. Though nobody is supposed to be above the law in the US, Barack Obama is highly unlikely to do any time for this conspiracy in an environment where Peter Strzok has been reassigned to human resources and Lisa Page has been hired by MSNBC.

It is nevertheless essential to raise questions about Obama’s involvement in the Flynn takedown. That won’t be easy. The half of the country that cheered the appointment of Robert Mueller as dragon-slayer will condemn the other half for wanting more information about Obama’s role in the Flynn matter. In the current highly charged environment, many will brand anyone who believes Obama’s role should be investigated as a racist.

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*For further information on the Mike Flynn case, please see “Decoding Flynngate”, [published](#) at BESA by the Valentas on March 6, 2017.*