

# DOJ Alumni Statement on Flynn Case

---

 [medium.com/@dojalumni/doj-alumni-statement-on-flynn-case-7c38a9a945b9](https://medium.com/@dojalumni/doj-alumni-statement-on-flynn-case-7c38a9a945b9)

May 12, 2020



We, the undersigned, are alumni of the United States Department of Justice (DOJ) who have collectively served both Republican and Democratic administrations. Each of us proudly took an oath to defend the Constitution and pursue the evenhanded administration of justice free from partisan consideration.

Many of us have spoken out previously to condemn President Trump's and Attorney General Barr's political interference in the Department's law enforcement decisions, as we did when Attorney General Barr overruled the sentencing recommendation of career prosecutors to seek favorable treatment for President Trump's close associate, Roger Stone. The Attorney General's intervention in the Stone case to seek political favor for a personal ally of the President flouted the core principle that politics must never enter into the Department's law enforcement decisions and undermined its mission to ensure equal justice under the law. As we said then, "Governments that use the enormous power of law enforcement to punish their enemies and reward their allies are not constitutional republics; they are autocracies."

Now, Attorney General Barr has once again assaulted the rule of law, this time in the case of President Trump's former national security adviser Michael Flynn. In December 2017, Flynn pleaded guilty to lying to the FBI about his communications with the Russian ambassador to the United States. Subsequent events strongly suggest political interference in Flynn's prosecution. Despite previously acknowledging that he "had to fire General Flynn because he lied to the Vice President and the FBI," President Trump has repeatedly and publicly complained that Flynn has been mistreated and subjected to a "witch hunt." The President has also said that Flynn was "essentially exonerated" and that he was "strongly considering a [f]ull [p]ardon." The Department has now moved to dismiss the charges against Flynn, in a filing signed by a single political appointee and no career prosecutors. The Department's purported justification for doing so does not hold up to scrutiny, given the ample evidence that the investigation was well-founded and — more importantly — the fact that Flynn admitted under oath and in open court that he told material lies to the FBI in violation of longstanding federal law.

Make no mistake: The Department's action is extraordinarily rare, if not unprecedented. If any of us, or anyone reading this statement who is not a friend of the President, were to lie to federal investigators in the course of a properly predicated counterintelligence investigation, and admit we did so under oath, we would be prosecuted for it.

We thus unequivocally support the decision of the career prosecutor who withdrew from the Flynn case, just as we supported the prosecutors who withdrew from the Stone case. They are upholding the oath that we all took, and we call on their colleagues to continue to follow their example. President Trump accused the career investigators and prosecutors involved in the Flynn case of “treason” and threatened that they should pay “a big price.” It is incumbent upon the other branches of government to protect from retaliation these public servants and any others who are targeted for seeking to uphold their oaths of office and pursue justice.

It is now up to the district court to consider the government’s motion to dismiss the Flynn indictment. We urge Judge Sullivan to closely examine the Department’s stated rationale for dismissing the charges — including holding an evidentiary hearing with witnesses — and to deny the motion and proceed with sentencing if appropriate. While it is rare for a court to deny the Department’s request to dismiss an indictment, if ever there were a case where the public interest counseled the court to take a long, hard look at the government’s explanation and the evidence, it is this one. Attorney General Barr’s repeated actions to use the Department as a tool to further President Trump’s personal and political interests have undermined any claim to the deference that courts usually apply to the Department’s decisions about whether or not to prosecute a case.

Finally, in our previous statement, we called on Attorney General Barr to resign, although we recognized then that there was little chance that he would do so. We continue to believe that it would be best for the integrity of the Justice Department and for our democracy for Attorney General Barr to step aside. In the meantime, we call on Congress to hold the Attorney General accountable. In the midst of the greatest public health crisis our nation has faced in over a century, we would all prefer it if Congress could focus on the health and prosperity of Americans, not threats to the health of our democracy. Yet Attorney General Barr has left Congress with no choice. Attorney General Barr was previously set to give testimony before the House Judiciary Committee on March 31, but the hearing was postponed due to the COVID-19 pandemic. We urge the Committee to reschedule Attorney General Barr’s testimony as soon as safely possible and demand that he answer for his abuses of power. We also call upon Congress to formally censure Attorney General Barr for his repeated assaults on the rule of law in doing the President’s personal bidding rather than acting in the public interest. Our democracy depends on a Department of Justice that acts as an independent arbiter of equal justice, not as an arm of the president’s political apparatus.

(If you are a former DOJ employee and would like to add your name to this statement, **please complete this form**. Protect Democracy will update this list daily with new signatories until May 25th.)

Signatories have been vetted to the best of our ability.