

## THE STEADY STATE

### Statement in Support of Department of Justice Alumni Letter Condemning Handling of U.S. v. Michael Flynn

Last week the U.S. Department of Justice took the extraordinary step of seeking dismissal of charges against retired General and former National Security Advisor Michael Flynn, who had twice pled guilty in federal court. Attorney General Barr has publicly supported this decision (and, it appears, may have made the decision himself). It is a decision as dangerous as it is unprecedented. The members of the Steady State<sup>1</sup> condemn it.

Earlier this week more than two thousand alumni of the Department of Justice issued a [letter](#) [hyperlink] condemning this action, and calling for the Attorney General's resignation. Many of the Department alumni who signed the letter worked in national security, including in the National Security Division. Others worked at the FBI, which has both law enforcement and national security and law enforcement responsibilities and authorities. The Steady State wholeheartedly endorses the principles outlined in the Alumni letter. It speaks to the critical importance of the Rule of Law, and the importance of a committed, professional cadre of experts (both prosecutors and agents) who apply their passion and expertise to upholding the Rule of Law. The core of the letter is set forth in a single paragraph:

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.

DOJ's reversal on the Flynn case also sets a dangerous precedent for future counter-intelligence investigations and the ability of law enforcement to prevent hostile powers from subverting our government. In lying to the FBI and Vice President Pence about his interactions with Russian Ambassador Kislyak, General Flynn left himself open to blackmail by Moscow once those lies became public, as they did. In arguing that the FBI had no material basis to investigate Flynn, DOJ now in effect claims the FBI cannot keep open a counter-intelligence investigation when new and potentially damning information arises.

Imagine that standard applied to any number of investigations of enemy spies and the ridiculousness of that position becomes clear. If the DOJ argument stands, however, it will serve as a dangerous precedent for future counter-intelligence investigations.

The experts who signed the Alumni letter (and their colleagues in the Steady State) represent and support a fundamental concept in American democracy – that the engine of executive action, and the apparatus of security and law enforcement, are entrusted to the care of patriotic professionals. They are not a "Deep State," nor are they "disloyal" to the Office of the President. They are loyal, but to a country, a Constitution, and to the rule of law.

The Steady State is proud and honored to stand with the Department of Justice alumni.

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<sup>1</sup> [The Steady State](#) [hyperlink] is a group of veterans of the U.S. National Security Community who believe that President Trump, unfit for the Presidency, presents a clear and present danger to America's safety and security. The Steady State, including former Intelligence Officers, defense policy makers, Ambassadors and diplomats and Congressional staffers, have served the country during Democratic and Republican administrations. Some have been lifelong Democrats; others, Republicans; some are resolutely independent.