Re: Robert Kelley Declaration

From: "Anthony, Stephen" <mailto:santhony@cov.com>
To: "Chertoff, Michael" <mailto:mchertoff@cov.com>
Date: Sat, 28 Oct 2017 07:33:37 -0400

I tip my cap to Kelley for his candor in this.

Sent from my iPhone

On Oct 28, 2017, at 7:16 AM, Chertoff, Michael <mailto:mchertoff@cov.com> wrote:

Home run.

From: Kelner, Robert
Sent: Saturday, October 28, 2017 12:33 AM
To: Anthony, Stephen
Cc: Polack, Roger; Chertoff, Michael; DeBold, Joshua; Smith, Brian; Langton, Alexandra
Subject: Re: Robert Kelley Declaration

I’m just getting to this now. I think it came out great, all things considered. It reads like it’s in his voice and not heavily lawyered at all, which it wasn’t. The mix of things he included adds to its credibility. It does what we hoped it would do. Thanks, Steve, for great work in bringing this to a conclusion. Frankly, there are not many lawyers who would be as frank as Kelley has been here.

Sent from my iPhone

On Oct 27, 2017, at 9:45 PM, Anthony, Stephen <mailto:santhony@cov.com> wrote:

See the attached. I believe our private investigator has succeeded in getting a declaration from FIG’s counsel that (a) makes clear that Bijan/FIG intended to make a FARA filing, (b) establishes that counsel gave legal advice that FIG did not need to file under FARA, (c) shows that it was the lawyer who spontaneously came up with the idea of not filing under FARA, and (d) confesses that it was the lawyer’s idea to put the [inaccurate] information on the LDA filing, with no input from anyone else. There are a few points that Bob Kelley throws in that I would not have scripted (e.g., his assertion that no one told him about the NY meeting with Turkish officials), but he does not say or imply that that fact would have changed his advice — indeed, he specifies that he didn’t ask any further questions when he spoke to Bijan. So, the record now establishes that FIG acted on advice of counsel, having truthfully answered all of the questions that its counsel saw fit to ask. Further, it’s helpful to us that the attached declaration was drafted to summarize the facts that Kelley recollected in speaking with a private investigator (not Flynn’s lawyers, who weren’t there), and no one even suggested to Kelley that he omit any of the facts he recollected—this is a true rendition of his memory, and thus will not be vulnerable on cross-examination.

Sent from my iPhone

Begin forwarded message:

From: George Kucik <mailto:gkucik@columbiaprocess.com>
Date: October 27, 2017 at 6:40:33 PM EDT
To: "Anthony, Stephen" <mailto:santhony@cov.com>
Subject: RK Signed Declaration
I just met with Mr. Kelley. He carefully reviewed the declaration and stated: "This is great! I'll sign it." He initialed the first two pages and signed the last page. He then said, "You did a great job. That's exactly what I said."

Please see attached.

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George Kucik  
Columbia Process and Investigative Services, LLC  
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<RK Declaration Signed.PDF>