

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

MICHAEL T. FLYNN,

Defendant

Crim. No. 17-232 (EGS)

UNCLASSIFIED DECLARATION OF JOHN BROWN

I, John Brown, hereby declare as follows, pursuant to 28 U.S.C. § 1746:

INTRODUCTION

1. I am the Executive Assistant Director (“EAD”) of the National Security Branch of the Federal Bureau of Investigation (“FBI”), United States Department of Justice. The purpose of this declaration is to support the Government’s response to the Court’s October 23, 2020, Minute Order requiring the government to establish under penalty of perjury that the Government Exhibits and Discovery Documents are true and correct copies.

2. As the EAD of the FBI’s National Security Branch, I am responsible for, among other things, overseeing the national security operations of the FBI’s Counterintelligence Division, Counterterrorism Division, High-Value Detainee Interrogation Group, Terrorist Screening Center, and Weapons of Mass Destruction Directorate. The FBI’s National Security Branch also guides the functions carried out by other FBI divisions that support the FBI’s national security missions, such as training, technology, human resources, and any other operations that further the FBI’s mission to defeat national security threats directed against the United States. In this role, I have official supervision over all of the FBI’s investigations to deter, detect, and disrupt national security threats to the United States.

3. As the EAD of the National Security Branch, I have also been delegated original classification authority by the Director of the FBI. *See* Executive Order 13526, 75 F.R. 707 (Dec. 29, 2009), § 1.3(c). As a result, I am responsible for the protection of classified national security information within the National Security Branch of the FBI and in matters affecting the

national security mission of the FBI, including the sources, methods, and techniques used by the FBI in the collection of national security and criminal information for national security investigations. To that end, the Director of the FBI has authorized me to execute declarations and affidavits to protect such information.

4. The statements in this declaration are based on my review and consideration of documents and information made available to me in my official capacity, and on information obtained from Special Agents and other FBI employees. I have reached my stated conclusions in accordance with this information.

SUMMARY

5. To the best of my knowledge, and based on the information provided to me, the Government Exhibits described in Exhibit A, with the exception of ECF Nos. 198-8 and 249-1, are true and correct copies of documents and records, including copies of select pages of a larger record, maintained by the FBI pursuant to the applicable records retention policy. *See* ECF Nos. 198-2, 198-3, 198-4, 198-5, 198-6, 198-7, 198-9, 198-10, 198-11, 198-12, 198-13, and 198-14.

6. To the best of my knowledge, and based on the information provided to me, the Discovery Documents described in Exhibit B, with the exception of ECF Nos. 228-3, are true and correct copies of documents and records maintained by the FBI pursuant to the applicable records retention policy. *See* ECF Nos. 231-1, 237-1, 251-1, 257-1, 259-1, 259-2, 259-3, and 264-1.

7. One of the Discovery Documents is a summary substitution of classified materials that were provided to DC-USAO by the FBI. *See* ECF 257-2. This summary substitution was prepared by AUSA Jocelyn Ballantine, and was reviewed, approved, and declassified by the FBI. To the best of my knowledge, and based on the information provided to me, the information contained therein truly and correctly summarizes the underlying classified information provided by the FBI and maintained by the FBI pursuant to the applicable records retention policy.

CONCLUSION

8. In sum, for the reasons explained herein, I have determined that the Government Exhibits and the Discovery Documents referenced in Exhibits A and B, with the exception of ECF Nos. 198-8, 228-3 and 249-1, the accuracy of which are attested to separately, are true and correct copies of documents, records, or summaries of documents or records maintained by the FBI pursuant to the applicable records retention policy, with the exceptions as stated above, which I understand will be addressed separately.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 26, 2020



John Brown
Executive Assistant Director
National Security Branch
Federal Bureau of Investigation
Washington, D.C.