

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 13, 2017

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Last week, Ranking Member Cummings made his most recent in a series of requests over the past several months to launch an investigation of Lt. General Michael Flynn and his ties to Russia. Specifically, Ranking Member Cummings asked that you send letters to the Department of Defense, National Security Council, and Federal Bureau of Investigation to obtain copies of General Flynn's security clearance applications and any updates he submitted listing his contacts with foreign officials and any sources of foreign financial payments. As with every previous request relating to General Flynn, you declined yet again.

Today, all Democratic Members of the Committee write to you jointly to request that you either reconsider your decision and initiate this investigation, or step aside and allow the Committee to vote on conducting basic oversight going forward.

Grave questions have been raised about the fitness of the General Flynn to serve as National Security Adviser and to continue having access to classified information. It has now been reported that General Flynn took payments of an undisclosed amount to travel to Moscow to dine with Vladimir Putin and celebrate RT, which U.S. intelligence officials warn is the "Kremlin's principal international propaganda outlet"; that he potentially failed to obtain the consent of Congress to receive those funds in violation of the Constitution; that he communicated repeatedly with Russian officials while that nation was engaged in an attack on our democracy and our presidential election; that he secretly discussed with the Russian ambassador, in possible violation of the Logan Act, sanctions imposed by President Obama in response to these Russian attacks; and that he may have lied about these discussions not only to the American people, but to his own White House colleagues, including the Vice President.

It is difficult to imagine a more serious list of allegations for our Committee to investigate. They demand a robust, immediate, and bipartisan investigation rather than partisan stonewalling and the transparent excuses for inaction. If you are not willing to take action, then we ask that you allow us to do our job by scheduling a vote on proposals from other Members of the Committee about the investigative steps we should take on this matter.

### **Repeated Requests to Investigate General Flynn's Ties to Russia**

Over the past several months, Democrats on the Oversight Committee have raised serious concerns about General Flynn's actions, his ties to Russia, and the payments he has reportedly received from foreign sources. During this same time period, you have declined to join any requests relating to General Flynn, and you have refused to request a single document relating to the troubling allegations against him.

On **August 30, 2016**, Ranking Member Cummings sent a letter to the Federal Bureau of Investigation with the Ranking Members of the Committees on the Judiciary, Foreign Affairs, and Homeland Security raising concerns about connections between Russian officials and individuals advising then-candidate Trump.<sup>1</sup> They warned that General Flynn traveled to Moscow in December 2015 to join Vladimir Putin at the head table during a dinner honoring the Kremlin-backed media network RT. During the event, General Flynn gave a speech that was highly critical of the United States, stating, "The United States can't sit there and say, 'Russia, you're bad.'"<sup>2</sup> The following week, Putin praised Donald Trump as "an outstanding and talented personality."<sup>3</sup> General Flynn declined to answer media inquiries about whether he traveled to Moscow on Donald Trump's behalf.<sup>4</sup>

On **November 17, 2016**, Ranking Member Cummings sent a letter to you following up on a meeting you had a day earlier during which he proposed a bipartisan investigation into Russia's interference with the election. Despite the fact that the Office of the Director of National Intelligence and the Department of Homeland Security issued a statement weeks earlier on behalf of our nation's 17 federal intelligence agencies, you asked Ranking Member Cummings to "show the evidence" that Russia meddled in our election.<sup>5</sup> Ranking Member Cummings provided this information one day later, but you never responded to his request.

On **November 18, 2016**, Ranking Member Cummings sent a letter to Mike Pence in his capacity on the Trump Transition Team raising questions about General Flynn's apparent conflicts of interest. The letter explained that General Flynn was reportedly receiving classified briefings during the presidential campaign while his consulting firm, Flynn Intel Group, Inc., was being paid to lobby the U.S. Government on behalf of foreign government interests. The letter asked whether General Flynn's actions violated the Trump for America, Inc. Code of

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<sup>1</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, et al. to James Comey, Director, Federal Bureau of Investigation (Aug. 30, 106) (online at <https://democrats-oversight.house.gov/news/press-releases/top-house-dems-seek-fbi-investigation-of-possible-trump-connections-to-cyber>).

<sup>2</sup> *Trump Embraces Ex-Top Obama Intel Official*, Daily Beast (Mar. 9, 2016) (online at [www.thedailybeast.com/articles/2016/03/09/donald-trump-embraces-top-obama-intel-official.html](http://www.thedailybeast.com/articles/2016/03/09/donald-trump-embraces-top-obama-intel-official.html)).

<sup>3</sup> *Putin Praises "Bright and Talented" Trump*, CNN (Dec. 17, 2015) (online at [www.cnn.com/2015/12/17/politics/russia-putin-trump/](http://www.cnn.com/2015/12/17/politics/russia-putin-trump/)).

<sup>4</sup> *Trump Embraces Ex-Top Obama Intel Official*, Daily Beast (Mar. 9, 2016) (online at [www.thedailybeast.com/articles/2016/03/09/donald-trump-embraces-top-obama-intel-official.html](http://www.thedailybeast.com/articles/2016/03/09/donald-trump-embraces-top-obama-intel-official.html)).

<sup>5</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform (Nov. 16, 2016) (online at <https://democrats-oversight.house.gov/news/press-releases/cummings-requests-house-investigation-of-russian-interference-in-presidential>).

Ethical Conduct, which stated: “I will disqualify myself from involvement in any particular transition matter which to my knowledge may directly conflict with a financial interest of mine.” General Flynn admitted that he was paid to travel to the gala with Vladimir Putin in December 2015, but he refused to disclose how much he received. Seven days after the gala, Putin praised Donald Trump publicly, and then candidate-Trump responded by calling Putin “a man so highly respected within his own country and beyond.”<sup>6</sup>

On **January 31, 2017**, the Committee adopted your proposed Oversight Plan for the 115th Congress after rejecting an amendment from Rep. Jamie Raskin that would have set forth the Committee’s intention to investigate General Flynn. You led Republican opposition to the amendment, which read:

The Committee will also examine multiple reports of communications between Russian officials or entities and the President’s advisors and his associates, including but not limited to his National Security Advisor.<sup>7</sup>

On **February 1, 2017**, Ranking Member Cummings sent a letter with the Ranking Members of the Committees on Armed Services, Judiciary, Homeland Security, Intelligence, and Foreign Affairs requesting that the Department of Defense review a potentially serious violation of the Emoluments Clause by General Flynn. The Department of Defense warns its retired officers against accepting any direct or indirect payments from foreign governments because retired officers continue to hold offices of trust under the Constitution. The Ranking Members explained that it remains unclear how much General Flynn was paid for his dinner with Vladimir Putin in 2015, whether he received additional payments from Russian or other foreign sources on separate occasions, or whether he sought the approval of the Department of Defense or Congress to accept these payments.<sup>8</sup>

On **February 2, 2017**, during a hearing on security clearances, Rep. Brenda Lawrence asked Charles S. Phalen, Jr., the Director of the National Background Investigations Bureau, to confirm that U.S. officials are required to report all contacts with foreign officials and all payments from foreign sources, and he testified that these in fact are basic requirements to maintain a security clearance. As a result, Rep. Lawrence asked that the Committee obtain a copy of General Flynn’s security clearance application forms, as well as any updates he may have submitted. In response, you stated, “send me the request.” Yet, you again seemed to question the conclusions of 17 U.S. intelligence agencies that Russia tried to influence our

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<sup>6</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Vice President-Elect Mike Pence (Nov. 17, 2016) (online at <https://democrats-oversight.house.gov/news/press-releases/cummings-requests-house-investigation-of-russian-interference-in-presidential>).

<sup>7</sup> House Committee on Oversight and Government Reform, Business Meeting, Vote on Amendment to the Authorization and Oversight Plan, Offered by Rep. Raskin (Jan. 31, 2017) (13 yeas, 20 nays) (online at <https://oversight.house.gov/wp-content/uploads/2017/01/Emoluments-Amendment.pdf>).

<sup>8</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, et al., to Secretary James Mattis, Department of Defense (Feb. 1, 2017) (online at [https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-02-01.%20EEC%20Smith%20Conyers%20Thompson%20Schiff%20&%20engel%20to%20Mattis.DOD\\_re\\_Flynn.pdf](https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-02-01.%20EEC%20Smith%20Conyers%20Thompson%20Schiff%20&%20engel%20to%20Mattis.DOD_re_Flynn.pdf)).



election, claiming that it could have been “a guy in a van down by the river.”<sup>9</sup>

On **February 10, 2017**, as you requested, Ranking Member Cummings sent you three draft letters requesting documents relating to General Flynn’s security clearance information from the Department of Defense, the Federal Bureau of Investigation, and the National Security Council.

This past weekend, you declined to join any of these letters. Your decision was particularly difficult to understand given that one day earlier, the *Washington Post* reported that General Flynn may have deceived both Vice President Mike Pence and the American people by claiming falsely that he never discussed sanctions with the Russian Ambassador. The *Post* also reported that General Flynn may be under ongoing FBI investigation for those same communications.<sup>10</sup>

### **Trump Administration’s Inaccurate Public Statements Regarding Russia**

It is unclear whether the President or other White House officials knew about the content of General Flynn’s communications with the Russians, or when they became aware. The President has not made any public statements regarding the matter.

On December 29, 2016, President Barack Obama announced the expulsion of several Russian diplomats and sanctions against Russia for its interference with the U.S. election.<sup>11</sup> On the very same day, General Flynn reportedly had five separate calls with Russia Ambassador, Sergei Kislyak.<sup>12</sup> This exchange was part of a series of phone calls, text messages, and in-person meetings between the two men reportedly beginning during the presidential campaign.<sup>13</sup>

General Flynn repeatedly denied that he discussed sanctions with the Russian ambassador on December 29, 2016. Vice President Mike Pence repeated those denials on CBS’s *Face the Nation*, where he reported that he spoke directly with General Flynn, who told him that he and the Russian Ambassador “did not discuss anything having to do with the United States’ decision to expel diplomats or impose censure against Russia.”<sup>14</sup> Vice President Pence also denied that

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<sup>9</sup> House Committee on Oversight and Government Reform, *Improving Security and Efficiency at OPM and NBIB* (Feb. 2, 2017).

<sup>10</sup> *National Security Adviser Flynn Discussed Sanctions with Russian Ambassador, Despite Denials, Officials Say*, Washington Post (Feb. 9, 2017) (online at [www.washingtonpost.com/world/national-security/national-security-adviser-flynn-discussed-sanctions-with-russian-ambassador-despite-denials-officials-say/2017/02/09/f85b29d6-ee11-11e6-b4ff-ac2cf509efe5\\_story.html?utm\\_term=.e40f0247dc26](http://www.washingtonpost.com/world/national-security/national-security-adviser-flynn-discussed-sanctions-with-russian-ambassador-despite-denials-officials-say/2017/02/09/f85b29d6-ee11-11e6-b4ff-ac2cf509efe5_story.html?utm_term=.e40f0247dc26)).

<sup>11</sup> *Trump Adviser Had Five Calls with Russian Envoy on Day of Sanctions: Sources*, Reuters (Jan. 23, 2017) (online at [www.reuters.com/article/us-usa-trump-russia-idUSKBN14X1YX](http://www.reuters.com/article/us-usa-trump-russia-idUSKBN14X1YX)).

<sup>12</sup> *Id.*

<sup>13</sup> *National Security Adviser Flynn Discussed Sanctions with Russian Ambassador, Despite Denials, Officials Say*, Washington Post (Feb. 9, 2017) (online at [www.washingtonpost.com/world/national-security/national-security-adviser-flynn-discussed-sanctions-with-russian-ambassador-despite-denials-officials-say/2017/02/09/f85b29d6-ee11-11e6-b4ff-ac2cf509efe5\\_story.html?utm\\_term=.e40f0247dc26](http://www.washingtonpost.com/world/national-security/national-security-adviser-flynn-discussed-sanctions-with-russian-ambassador-despite-denials-officials-say/2017/02/09/f85b29d6-ee11-11e6-b4ff-ac2cf509efe5_story.html?utm_term=.e40f0247dc26)).

<sup>14</sup> *Face the Nation*, CBS News (Jan. 15, 2017) (online at [www.cbsnews.com/news/face-the-nation-transcript-january-15-2017-pence-manchin-gingrich](http://www.cbsnews.com/news/face-the-nation-transcript-january-15-2017-pence-manchin-gingrich)).

anyone on the Trump campaign had been in contact with the Russian government during the campaign. He stated: "Of course not. And I think to suggest that is to give credence to some of these bizarre rumors that have swirled around the candidacy."<sup>15</sup>

### **Request for Reconsideration or Vote**

The Oversight Committee has been widely condemned for not conducting adequate oversight of the Trump Administration, particularly in light of the numerous and sometimes abusive investigations launched against President Obama and Secretary of State Hillary Clinton.

We were somewhat encouraged last week when you agreed to the Ranking Member's request to ask the Office of Government Ethics to recommend a penalty for Kellyanne Conway after she engaged in what appeared to be a textbook violation of ethics rules by pitching Ivanka Trump's clothing line on national television. That was a small step in the right direction.

However, General Flynn's potential violations of the U.S. Constitution and federal law are far more grave, and they certainly deserve to be investigated by this Committee more urgently than the President's daughter's clothing line.

We implore you to join us in a bipartisan effort to investigate these issues, beginning with obtaining copies of General Flynn's security clearance applications, and any updates he filed, in order to verify his foreign contacts and payments, as well as the truthfulness and accuracy of his self-reporting. Given the numerous troubling incidents relating to General Flynn—including the prior inappropriate disclosure of sensitive information to foreign military officers—this Committee should evaluate this matter thoroughly.<sup>16</sup>

If you are not willing to initiate this investigation or make these requests, then we ask that you not prevent us from calling up this matter at the next business meeting so we may request a vote on this and other proposals going forward on this matter.

Thank you for your consideration of this request.

Sincerely,



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<sup>15</sup> *Id.*

<sup>16</sup> *Trump's National Security Adviser Shared Secrets Without Permission, Files Show*, Washington Post (Dec. 14, 2016) (online at [www.washingtonpost.com/world/national-security/trumps-national-security-adviser-shared-secrets-without-permission-files-show/2016/12/13/72669740-c146-11e6-9578-0054287507db\\_story.html?utm\\_term=.c09bacebd167](http://www.washingtonpost.com/world/national-security/trumps-national-security-adviser-shared-secrets-without-permission-files-show/2016/12/13/72669740-c146-11e6-9578-0054287507db_story.html?utm_term=.c09bacebd167)).

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