

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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November 16, 2017

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Wray:

I am writing to request information about the security clearance application that reportedly was submitted by Michael Flynn, Jr., the son of President Donald Trump's fired National Security Advisor, Lieutenant General Michael Flynn.

On November 16, 2016, I sent a letter to Vice President-Elect Mike Pence, who headed the transition team, requesting information on all individuals who President-Elect Trump or his transition team requested security clearances for or proposed giving classified information.¹ Although the transition team confirmed receipt of my letter, Vice President-Elect Pence never provided the information I requested.

Three weeks later, on the morning of December 6, 2016, Vice President-Elect Pence appeared on MSNBC's *Morning Joe* and claimed repeatedly that "General Flynn's son has no involvement in the transition whatsoever."²

In contrast, later that same day, President Trump fired Michael Flynn, Jr.—from the transition team—"for using Twitter to spread a fake news story about Hillary Clinton that led to an armed confrontation in a pizza restaurant in Washington," according to a news report.³ News accounts also reported that Michael Flynn, Jr. had a transition team email address⁴ and that the

¹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Vice President-Elect Mike Pence (Nov. 16, 2016) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-11-16.EEC%20to%20Pence_0.pdf).

² *Morning Joe*, MSNBC (Dec. 6, 2016) (online at https://twitter.com/Morning_Joe/status/806119394451435520).

³ *Trump Fires Adviser's Son from Transition for Spreading Fake News*, New York Times (Dec. 6, 2016) (online at www.nytimes.com/2016/12/06/us/politics/michael-flynn-son-trump.html).

⁴ *Incoming National Security Adviser's Son, Who Peddles Conspiracies, Has a Government Transition Email*, CNN (Dec. 5, 2016) (online at www.cnn.com/2016/12/05/politics/kfile-flynn-transition-email/index.html).

transition team had requested a security clearance for him.⁵

Later that same day, Vice President-Elect Pence had this lengthy exchange on CNN:

PENCE: I said this morning that his son had no involvement in the transition, but I have talked to General Flynn. And his son was helping him a bit with scheduling and administrative items. But that's no longer the case. Look, all of our families want to be helpful. And four weeks to the day from Election Day, there has been an awful lot of work to do. But Mike Flynn Jr. is no longer associated with General Flynn's efforts or with the transition team. And we're focused eyes forward.

TAPPER: You're downplaying his role. But you must be aware that the transition team put in for security clearance for Michael G. Flynn, the son of Lieutenant General Flynn.

PENCE: Well, I am aware, in talking to General Flynn, that his son was helping with scheduling, Jake.

TAPPER: No, but you put in for a security clearance for him.

PENCE: He was helping his dad arrange for meetings and provide meetings.

TAPPER: But do you need security clearance to do scheduling?

PENCE: I think that's the appropriate decision, for us to move forward, avoid any further distraction. And I'm very confident as we continue to build this team. And, as tonight, you will see the president-elect formally announce General Mattis as the new secretary of the Department of Defense, that the American people are going to be impressed with the way that the president-elect is bringing together men and women that are make—will make America safe again.

TAPPER: I want to move on to other issues, but I am afraid I just didn't get an answer, which is, were you aware that the transition had put in for a security clearance for Michael Flynn Jr.?

PENCE: I have worked very closely with General Flynn. We have met on many occasions. I have never—I have never seen his son present for any of those meetings.

(CROSSTALK)

⁵ Source: *Trump Transition Team Requested Security Clearance for Flynn Jr.*, CNN (Dec. 6, 2016) (online at www.cnn.com/2016/12/06/politics/trump-transition-michael-flynn-conspiracy-theories/index.html).

TAPPER: But you're head of the transition team, so you know who you put in for security clearances for.

PENCE: Well, General Flynn did inform me that his son was helping on administrative matters.

...

TAPPER: It's just you're not answering the question, which is, were you aware that the transition team had put in for a security clearance? This is a young man who had a social media profile that had all sorts of crazy conspiracy theories, that had all sorts of links and retweets with white supremacists. Were you aware that the transition put in for a security clearance for him?

PENCE: Well, what I can tell you is that, in talking with General Flynn today, he made me aware that his son was assisting him in scheduling meetings.

TAPPER: And that you put in for a security clearance?

PENCE: Well, whatever the appropriate paperwork was to assist him in that regard, Jake, I'm sure was taking place.⁶

Background on Security Clearance Application Process

In order to obtain access to classified information, applicants must submit Standard Form 86 (SF-86), Questionnaire for National Security Positions. The SF-86 explains: "All questions on this form must be answered completely and truthfully." In addition, it warns applicants: "The U.S. Criminal Code (title 18, section 1001) provides that knowingly falsifying or concealing a material fact is a felony which may result in fines and/or up to five (5) years imprisonment." The questions applicants must answer include the following:

- Section 19—Foreign Contacts: Do you have, or have you had, close and/or continuing contact with a foreign national within the last seven (7) years with whom you, or your spouse, or cohabitant are bound by affection, influence, common interests, and/or obligation?
- Section 20A—Foreign Activities:
 - Section 20A.1: Have you, your spouse, cohabitant, or dependent children EVER had any foreign financial interests (such as stocks, property, investments, bank accounts, ownership of corporate entities, corporate interests or businesses) in which you or they have direct control or direct ownership?

⁶ *State of the Union*, CNN (Dec. 6, 2016) (online at <http://transcripts.cnn.com/TRANSCRIPTS/1612/06/cg.01.html>).

- Section 20A.2: Have you, your spouse, cohabitant, or dependent children EVER had any foreign financial interests that someone controlled on your behalf?
- Section 20A.3: Have you, your spouse, cohabitant, or dependent children EVER owned, or do you anticipate owning, or plan to purchase real estate in a foreign country?
- Section 20B—Foreign Business, Professional Activities, and Foreign Government Contacts:
 - Section 20B.1: Have you in the past seven (7) years provided advice or support to any individual associated with a foreign business or other foreign organization that you have not previously listed as a former employer?
 - Section 20B.2: Have you, your spouse, cohabitant, or any member of your immediate family in the past seven (7) years been asked to provide advice or serve as a consultant, even informally, by any foreign government official or agency?
 - Section 20B.3: Has any foreign national in the past seven (7) years offered you a job, asked you to work as a consultant, or consider employment with them?
 - Section 20B.4: Have you in the past seven (7) years been involved in any other type of business venture with a foreign national not described above (own, co-own, serve as business consultant, provide financial support, etc.)?
 - Section 20B.5: Have you in the past seven (7) years attended or participated in any conferences, trade shows, seminars, or meetings outside the U.S.?
 - Section 20B.6: Have you or any member of your immediate family in the past seven (7) years had any contact with a foreign government, its establishment (such as embassy, consulate, agency, military service, intelligence or security service, etc.) or its representatives, whether inside or outside the U.S.?
- Section 20C—Foreign Travel: Have you traveled outside the U.S. in the last seven (7) years?

Questions About Security Clearance Application of Michael Flynn, Jr.

Since I sent my initial letter to Vice President-Elect Pence on November 16, 2016, the Committee has obtained troubling new information about the lack of truthfulness of Michael Flynn, Jr. in multiple contexts—including the lack of truthfulness that caused President Trump to fire him from the transition team. Unfortunately, Vice President-Elect Pence declined to respond to my request for information about the security clearance of Michael Flynn, Jr. and others, and he declined to answer direct questions from the press. These actions raise serious questions about the information Michael Flynn, Jr. submitted in his security clearance application relating to his foreign contacts and foreign sources of funding.

On March 16, 2017, our Committee confirmed that Michael Flynn, Jr. had accompanied his father to Russia in December 2015, met with Russian officials there, and accepted business class airline travel and hotel accommodations in Moscow.⁷

The Committee also determined that Michael Flynn, Jr. communicated directly with officials from RT, including an October 19, 2015, email confirming that “RT will be happy to cover all expenses related to travel, transportation and accommodation for the duration of the event.”⁸ In addition, on October 23, 2015, Michael Flynn, Jr. exchanged emails with officials from General Flynn’s speaker’s bureau who were arranging payment for the trip to Russia through RT’s London subsidiary.⁹

News accounts have reported that Michael Flynn, Jr. “made several other forays abroad with his father” in a similar fashion.¹⁰

In addition, Michael Flynn, Jr. is listed as being paid by Flynn Intel Group’s contract to benefit the Turkish government.¹¹ It has also been reported that Michael Flynn, Jr. attended a December 2016 meeting “where Mr. Flynn and representatives of the Turkish government discussed removing [Fetullah] Gulen,” a Muslim cleric living in the United States.¹²

We are also investigating Flynn Intel Group’s involvement in promoting a Saudi-funded, joint U.S.-Russian nuclear power plan for the Middle East.¹³ Our investigation was spurred in part by the discovery that General Flynn, Michael Flynn, Jr.’s father, omitted significant foreign

⁷ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to President Donald J. Trump et al. (Mar. 16, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-03-16.EEC%20to%20POTUS%20DOD%20FBI%20re%20Flynn%20Payments.pdf>).

⁸ Email from Veronica Volokhonovich, RT, to Michael G. Flynn, Flynn Intel Group (Oct. 19, 2015) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Email%20Chain%20%233%20--%20Michael%20Flynn%20Jr%20and%20Covered%20Expenses.pdf>).

⁹ Email from Michael G. Flynn, Flynn Intel Group, to [Redacted] (Oct. 23, 2015) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Email%20Chain%20%233%20--%20Michael%20Flynn%20Jr%20and%20Covered%20Expenses.pdf>).

¹⁰ *How Mike Flynn Jr. Is Dealing with Being Trapped Inside the Mueller Investigation*, GQ (Oct. 2, 2017) (online at www.gq.com/story/mike-flynn-junior-in-mueller-investigation-schreckinger).

¹¹ Flynn Intel Group, *Supplemental FARA Disclosure Form* (Mar. 7, 2017) (online at www.fara.gov/docs/6406-Supplemental-Statement-20170307-1.pdf).

¹² *Mueller Probes Flynn’s Role in Alleged Plan to Deliver Cleric to Turkey*, Wall Street Journal (Nov. 10, 2017) (online at <https://www.wsj.com/articles/mueller-probes-flynn-s-role-in-alleged-plan-to-deliver-cleric-to-turkey-1510309982>).

¹³ See, e.g., Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Eliot L. Engel, House Committee on Foreign Affairs, to Flynn Intel Group et al. (Sept. 15, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-09-15.EEC%20E.%20Engel%20to%20ACU%20re.%20followup%20to%209-12%20letter%20REDACTED.pdf>).

contacts and foreign travel from his own security clearance renewal application in January 2016.

Request for Documents

For the reasons set forth above, I request that you produce all documents in the possession or control of the Federal Bureau of Investigation (FBI) relating to:

1. information provided by Michael Flynn, Jr. in response to all questions in Sections 19, 20A, 20B, and 20C of any security clearance applications he submitted over the past ten years;
2. all investigative and adjudicative files concerning or relating to Guideline B ("Foreign Influence") or Guideline C ("Foreign Preference") associated with Michael Flynn, Jr.'s security clearance;
3. all documents and information provided by Michael Flynn, Jr. and his associates relating to Michael Flynn, Jr.'s contacts with foreign nationals; and
4. all documents and information provided by Michael Flynn, Jr. and his associates relating to Michael Flynn, Jr.'s receipt of funds from any foreign source.

I want to make clear that I am not requesting any investigative documents the FBI may have created as part of any criminal investigation being conducted by the Department of Justice or the Special Counsel. Instead, I am seeking only those original source documents that the FBI processed as part of its role in the normal conduct of background checks and adjudicatory functions for security clearance applicants.

I request that you provide the documents requested above by November 30, 2017. Thank you for your consideration of this request.

Sincerely,


Elijah E. Cummings
Ranking Member

cc: The Honorable Trey Gowdy, Chairman