

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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January 16, 2018

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

Dear Mr. Chairman:

I am writing to request that you issue subpoenas to compel the production of portions of the security clearance application submitted by Michael Flynn, Jr.—the son of President Donald Trump’s former National Security Advisor, Lieutenant General Michael Flynn—as well as related documents. If you decline to join this request, I ask that you allow Committee Members to debate and vote on motions to issue these subpoenas at our next regularly scheduled business meeting.

On November 16, 2016, I sent a letter to Vice President-Elect Mike Pence requesting that he, as head of the Trump Transition Team, produce information about individuals for whom security clearance applications were submitted.<sup>1</sup> Two days later, I wrote to Vice President-Elect Pence again, expressing my grave concerns about General Flynn’s “apparent conflicts of interests” and work on behalf of foreign governments.<sup>2</sup> Although the Trump Transition Team acknowledged receipt of my letters, Vice President-Elect Pence failed to respond to either one.

On March 16, 2017, our Committee confirmed that Michael Flynn, Jr. accompanied his father to Russia in December 2015, met with Russian officials there, and accepted business class airline travel and hotel accommodations in Moscow.<sup>3</sup> We also determined that Michael Flynn, Jr. communicated directly with officials from RT, including an October 19, 2015, email

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<sup>1</sup> 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](https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-11-16.EEC%20to%20Pence_0.pdf)).

<sup>2</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Vice President-Elect Mike Pence (Nov. 18, 2016) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-11-18.EEC%20to%20Pence.pdf>).

<sup>3</sup> 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>).

confirming that “RT will be delighted to cover all expenses related to travel, transportation and accommodation for the duration of the event.”<sup>4</sup>

Documents obtained by the Committee showed that Michael Flynn, Jr.’s father, General Flynn, failed to disclose the source of these Russian payments on the security clearance application that he submitted in January 2016, which is a potential felony. Documents also showed that General Flynn omitted other foreign contacts and travel from his application. For example, during our investigation of General Flynn’s involvement in promoting a Saudi-funded, joint U.S.-Russian nuclear power plan for the Middle East, we obtained confirmation from multiple sources that General Flynn omitted from his security clearance application significant foreign contacts and travel to the Middle East.<sup>5</sup>

We do not know whether Michael Flynn, Jr., like his father, concealed the source of Russian payments for his trip to Moscow in 2015 when he submitted his security clearance application. We also do not know whether Michael Flynn, Jr., like his father, omitted other foreign contacts and trips, although news accounts have reported that Michael Flynn, Jr. “made several other forays abroad with his father.”<sup>6</sup>

To investigate these issues further, I sent a letter to the Federal Bureau of Investigation (FBI) on November 16, 2017, requesting all documents in the possession or control of the FBI relating to the “foreign contacts” sections of Michael Flynn, Jr.’s security clearance application.<sup>7</sup> I directed this letter to the FBI because it processes security clearance applications and conducts background investigations for Transition Team personnel.

On December 5, 2017, the FBI appeared to acknowledge that it is in possession of a security clearance application from Michael Flynn, Jr., but asserted that “[a]ny decision to release materials” relating to this inquiry “would be made in consultation with the relevant agency(ies).”<sup>8</sup> In this case, the relevant agency at issue is the Trump Transition Team, which

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<sup>4</sup> 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>).

<sup>5</sup> 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>).

<sup>6</sup> *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](http://www.gq.com/story/mike-flynn-junior-in-mueller-investigation-schreckinger)).

<sup>7</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Director Christopher Wray, Federal Bureau of Investigation (Nov. 16, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2017-11-15.EEC%20to%20FBI%20Director%20Wray%20Re.%20Flynn.pdf>).

<sup>8</sup> Letter from Office of Congressional Affairs, Federal Bureau of Investigation, to Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Dec. 5, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-12-05.Letter%20to%20Ranking%20Member%20Elijah%20E.%20Cummings%20Re.%20Flynn.pdf>).

was led by Vice President Pence, who has refused to respond to multiple previous requests.

In order to exhaust all avenues, I sent yet another letter to Vice President Pence on December 18, 2017—again in his capacity as head of the Transition Team—referencing the FBI’s letter and requesting that he authorize the FBI to produce these documents.<sup>9</sup> Since Vice President Pence claimed that he never received my previous letters, I requested the courtesy of a response by December 22, 2017.<sup>10</sup> Vice President Pence never responded to this request.

### **Request for Subpoenas**

For the reasons set forth above, I request that you issue subpoenas compelling, by January 30, 2018, the production of all documents in the possession or control of the FBI, Department of Justice, or Trump Transition Team 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 have made clear that I do not seek any investigative documents created as part of any criminal investigation being conducted by the FBI, Justice Department, or Special Counsel. Instead, I am requesting only the original source documents that the FBI processed as part of its normal conduct of background checks on behalf of the Transition Team, and which the Department of Justice or any other adjudicatory entities used to determine eligibility for security clearances.

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[oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/FBI%20to%20EEC%2012-05-17.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/FBI%20to%20EEC%2012-05-17.pdf)).

<sup>9</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Vice President Mike Pence (Dec. 18, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2017-12-18.%20EEC%20to%20VP%20Pence.pdf>).

<sup>10</sup> *How Could Trump, Pence Not Have Known Flynn Was Lobbying for Turkey?*, McClatchy (May 19, 2017) (online at [www.newsobserver.com/news/politics-government/article151421902.html](http://www.newsobserver.com/news/politics-government/article151421902.html)).

The Honorable Trey Gowdy  
Page 4

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Elijah E. Cummings". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Elijah E. Cummings  
Ranking Member