

**Congress of the United States**  
**Washington, DC 20515**

September 15, 2017

Alex G. Copson  
Managing Director  
X-Co Dynamics Inc./ACU Strategic Partners

[REDACTED]

Rear Admiral Michael W. Hewitt (Ret.)  
Chairman  
X-Co Dynamics Inc./IronBridge Group Inc./IP3

[REDACTED]

Flynn Intel Group, LLC  
c/o Robert K. Kelner, Esq.

[REDACTED]

Dear Mr. Copson, Rear Admiral Hewitt, and Mr. Kelner:

On Tuesday, we wrote to thank you for cooperating with our investigation and for confirming allegations that former National Security Advisor Michael Flynn traveled to the Middle East in 2015 on behalf of your companies to promote a joint project with Russia to build nuclear reactors in Saudi Arabia—information he omitted from his security clearance reapplication form in 2016 and concealed from background check investigators who interviewed him as part of that process, in potential violation of federal criminal law.

In that letter, we requested your continued cooperation in providing documents about the specific foreign government officials and foreign businesses General Flynn communicated with before, during, or after that trip, as well as your participation in transcribed interviews with Committee staff. We forwarded the information you provided to us to Special Counsel Robert Mueller.

We also raised a second, very serious concern, which was that General Flynn may have secretly worked to promote this multi-billion dollar nuclear deal from inside the White House. The information you provided to us indicates that some of you may have continued to communicate with General Flynn and other Trump Administration officials after the presidential election, during the transition period, and even after Donald Trump was sworn in as President and appointed General Flynn as National Security Advisor.

After we sent our letter to you on Tuesday, the *Wall Street Journal* issued a startling report on Wednesday that appeared to confirm some of the worst concerns we raised in our letter. The report stated:

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As President Trump's national security adviser, retired Lt. Gen. Mike Flynn promoted a controversial private-sector nuclear power plan in the Middle East that had once involved Russian companies, according to former security-council staffers and others familiar with the effort.<sup>1</sup>

The report continued:

While working at the White House, Mr. Flynn advocated for a group of former senior U.S. military officers with whom he had worked while in the private sector.

The report added:

Flynn in fact remained involved in the project once he joined the Trump administration in January, discussing the plan and directing his National Security Council staff to meet with the companies involved.

The report explained:

During his brief tenure in office, Mr. Flynn sought to meet with the former military officers, an administration official said. While the official confirmed a meeting between the former officers and NSC staff did occur, Mr. Flynn "was instructed that it would be inappropriate for him to attend and he did not attend. Whether he did something we don't know about? We don't know what we don't know."

According to these officials, ethics advisers at the National Security Council were so concerned that they "directed Mr. Flynn to remove himself from the project." According to this report, however, former staffers on the National Security Council conceded that General Flynn's communications regarding this project happened "outside normal channels," were "highly abnormal," and were "not the way things were supposed to go."

The report added that communications regarding this proposal continued with top advisers to the President even after President Trump fired General Flynn:

In April, several members of the group met in the White House with Gary Cohn, Mr. Trump's top economic adviser, and Thomas Barrack Jr., an adviser and real estate billionaire who helped plan the administration's May trip to Saudi Arabia.

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<sup>1</sup> *Flynn Promoted Nuclear-Plant Project While in White House*, Wall Street Journal (Sept. 13, 2017) (online at [www.wsj.com/articles/flynn-promoted-nuclear-plant-project-while-in-white-house-1505328226](http://www.wsj.com/articles/flynn-promoted-nuclear-plant-project-while-in-white-house-1505328226)).

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If General Flynn was actively promoting this multi-billion nuclear project from inside the White House, he may have violated federal laws that protect against egregious conflicts of interests.<sup>2</sup> He also may have violated President Trump's executive order, which required General Flynn to pledge that he would not, for a period of two years, "participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients."<sup>3</sup> These potential violations are in addition to his potential criminal exposure for omitting his foreign travel and foreign government contacts from his 2016 security clearance reapplication, as we explained in our previous letter.

At the root of our concerns are the gravest questions of all—did General Flynn seek to change the course of our country's national security to benefit the same private interests he previously promoted, whether by advising President Trump, interacting with foreign officials, or influencing other members of the Trump Administration? And if so, did he do so covertly or with President Trump's knowledge and consent?

Since the *Wall Street Journal* report appears to confirm some of our most serious concerns, we are writing today to expand our document request to you. In addition to producing the documents we requested in our letter on Tuesday, we now also request that you produce, by the same due date of October 4, 2017:

1. all documents and communications in your possession or control referring or relating to General Flynn, any member of Flynn Intel Group, Thomas Barrack, Jr., Gary Cohn, any formal or informal campaign official or adviser, or any Trump Administration official before, during, or after President Trump appointed General Flynn as National Security Advisor.

In addition, we request that Dr. Cochran, Mr. Copson, Rear Admiral Hewitt, and General Flynn appear for transcribed interviews with our Committee staffs within the next two weeks. If you have any questions about this request, please contact our staff at (202) 225-5051.

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<sup>2</sup> 5 C.F.R. § 2635.502 (prohibiting any executive branch official from participating in any governmental matter when the official "knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter ...". Covered relationship is defined as: "Any person for whom the employee has, within the last year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee").

<sup>3</sup> President Donald J. Trump, Executive Order 13770, Ethics Commitments by Executive Branch Appointees (Jan. 28, 2017) (online at [www.whitehouse.gov/the-press-office/2017/01/28/executive-order-ethics-commitments-executive-branch-appointees](http://www.whitehouse.gov/the-press-office/2017/01/28/executive-order-ethics-commitments-executive-branch-appointees)); see also 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>) (warning about General Flynn's potential conflicts of interests during his work on the transition team).

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Thank you for your prompt attention to this matter.

Sincerely,



Elijah E. Cummings  
Ranking Member  
Committee on Oversight and  
Government Reform



Eliot L. Engel  
Ranking Member  
Committee on Foreign Affairs

cc: The Honorable Trey Gowdy  
Chairman, Committee on Oversight and Government Reform

The Honorable Ed Royce  
Chairman, Committee on Foreign Affairs