

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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December 6, 2017

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

Dear Mr. Chairman:

Today, I am writing to inform you about a whistleblower who has come forward with evidence that Lt. General Michael Flynn—within minutes of Donald Trump being sworn in as President—was communicating directly with his former business colleagues about their plan to work with Russia to build nuclear reactors in the Middle East. According to this whistleblower, General Flynn reportedly sent a key communication on Inauguration Day indicating that the project was now “good to go” and directing his business colleagues to move forward.

I have spoken to this whistleblower, and I find this person to be authentic, credible, and reliable. Although this individual was extremely hesitant to come forward—and still fears retaliation—the whistleblower has decided to do so now because this individual feels duty bound as a citizen to make this disclosure. If you agree to protect the individual’s identity, this whistleblower will speak with you directly so you can verify the information in this letter.

I do not bring this whistleblower to your attention lightly. I have attempted to advance this investigation without exposing individuals to personal or professional risk. But the exceptionally troubling allegations in this case—combined with ongoing obstruction from the White House and others—have made this step necessary.

Based on the information provided by this whistleblower—and other information we have uncovered—I request that the Committee issue a subpoena to compel the White House to produce all of the documents it is currently withholding relating to General Flynn that our Committee requested on a bipartisan basis in March. I also request that the Committee issue subpoenas to compel General Flynn’s company and his business colleagues to produce all of the documents they are withholding in response to letters I sent in June, September, and November.

Our Committee has credible allegations that President Trump’s National Security Advisor sought to manipulate the course of international nuclear policy for the financial gain of his former business partners. These grave allegations compel a full, credible, and bipartisan congressional investigation.

Summary of Whistleblower's Account

In June 2017, the whistleblower contacted my office to provide information about former National Security Advisor Michael Flynn. The whistleblower has now authorized me to convey the facts below in support of our request to conduct a credible and thorough investigation and to obtain documents and interviews we requested.

On January 20, 2017—Inauguration Day—the whistleblower attended an event in Washington, D.C. At this event, the whistleblower met Alex Copson.

Mr. Copson is the managing partner of ACU Strategic Partners and was working with General Flynn to promote a joint project with Russia to build nuclear reactors in the Arab world.¹ Mr. Copson confirmed in a letter to me on June 27, 2017, that his company paid the expenses for a trip General Flynn made to the Middle East in June 2015 to promote this project and provided a \$25,000 check to compensate him for the “loss of income and business opportunities resulting from this trip.”² On August 3, 2017, General Flynn reported that he served as an “Advisor” to Mr. Copson’s company from April 2015 to June 2016.³

The whistleblower greeted Mr. Copson at the event on Inauguration Day and asked how he was doing. Mr. Copson responded, “I couldn’t be better. This is the best day of my life.” He added, “This is the start of something I have been working on for years, and we are good to go.” He described the project as involving a joint partnership between the United States and Russia relating to the energy sector in the Middle East.

During their conversation, Mr. Copson informed the whistleblower that he “just got this text message” from General Flynn saying that the project was “good to go” and directing Mr. Copson to contact their business colleagues to “let them know to put things in place.”

Mr. Copson quickly showed the whistleblower his phone with the text message. The whistleblower saw that the time stamp of the message was 12:11 p.m., but did not read the text. The whistleblower recalled this time stamp because it was during President Trump’s inaugural address, which General Flynn personally attended. At 12:11 p.m., President Trump was approximately ten minutes into his speech, promising that “every decision—on trade, on taxes,

¹ *Michael Flynn, Russia and a Grand Scheme to Build Nuclear Power Plants in Saudi Arabia and the Arab World*, Newsweek (June 9, 2017) (online at www.newsweek.com/flynn-russia-nuclear-energy-middle-east-iran-saudi-arabia-qatar-israel-donald-623396).

² Letter from Alex Copson, Managing Director, ACU Strategic Partners, to Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Eliot L. Engel, House Committee on Foreign Affairs (June 27, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Response%20from%20Copson%20%28ACU%29%2006-27-2017.pdf>) (confirming that General Flynn accepted the flights, lodging, and other expenses, but did not deposit the check for \$25,000).

³ Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e) for Michael Flynn (Aug. 3, 2017) (online at www.documentcloud.org/documents/3913715-Michael-Flynn-amended-public-financial-disclosure.html).

on immigration, on foreign affairs—will be made to benefit American workers and American families.”⁴

Mr. Copson then told the whistleblower, “Mike has been putting everything in place for us.” He stated, “I am going to celebrate today.” He added, “This is going to make a lot of very wealthy people.”

Mr. Copson explained that General Flynn was making sure that sanctions would be “ripped up” as one of his first orders of business and that this would allow money to start flowing into the project. He blamed President Obama for the sanctions, stating that he “f*cked everything up in my nuclear deal with the sanctions.”

When the whistleblower asked why the United States needed to be involved in a Middle East nuclear project, Mr. Copson explained that the U.S. would provide military support to “defend these installations.” He also explained that this would provide a pretext for placing U.S. military forces in these countries.

During his conversation with the whistleblower, Mr. Copson described the citizens of these foreign nations in highly derogatory terms. He explained his view that “they will be better when we recolonize the Middle East.”

The whistleblower was extremely uncomfortable with this conversation. While at the event, the whistleblower made brief notes of Mr. Copson’s name and the discussion. The whistleblower left the event shortly thereafter.

The whistleblower’s account appears to be supported by numerous press reports over the past two weeks documenting steps General Flynn took before and after Donald Trump was sworn in as President.⁵

Since you have declined to issue subpoenas to the White House, General Flynn, Mr. Copson, or anyone else, we have been unable to verify the whistleblower’s account with corroborating documents. It is also possible that Mr. Copson was lying to the whistleblower. The most direct way to validate this account would be for the Committee to obtain the documents we have been seeking for months.

⁴ President Trump 2017 Inaugural Ceremony, *C-SPAN* (Jan. 20, 2017) (online at www.c-span.org/video/?422124-1/donald-trump-sworn-45th-president-united-states).

⁵ See, e.g., *Mike Flynn’s Promotion of Nuclear-Plant Project Went Deep Into the White House*, *Wall Street Journal* (Nov. 28, 2017) (online at www.wsj.com/articles/flynn-promotion-of-nuclear-plant-project-went-deep-into-the-white-house-1511901009); *Inside the White House, Michael Flynn Pushed Proposal from Company He Said He Had Advised*, *Washington Post* (Nov. 28, 2017) (online at www.washingtonpost.com/politics/inside-the-white-house-michael-flynn-pushed-proposal-from-company-he-had-advised/2017/11/28/445da6f0-d454-11e7-b62d-d9345ced896d_story.html); *White House May Share Nuclear Power Technology With Saudi Arabia*, *ProPublica* (Nov. 29, 2017) (online at www.propublica.org/article/white-house-may-share-nuclear-power-technology-with-saudi-arabia); *Exclusive: Mideast Nuclear Plan Backers Bragged of the Support of Top Trump Aide Flynn*, *Reuters* (Dec. 1, 2017) (online at www.reuters.com/article/us-usa-trump-flynn-nuclear-exclusive/exclusive-mideast-nuclear-plan-backers-bragged-of-support-of-top-trump-aide-flynn-idUSKBN1DV5Z6).

Your Previous Refusal to Investigate

At the beginning of this year, our Committee was at the forefront of investigating General Flynn's actions. Working in a bipartisan manner, former Chairman Chaffetz and I obtained key documents from the Department of Defense, and we held a joint press conference to announce that General Flynn apparently lied on his security clearance forms about foreign contacts and payments. In March, we sent a bipartisan request to the White House seeking documents relating to General Flynn, but the White House refused to provide even a single document in response to our request.

When you took over as Chairman this summer, you refused to press the White House to comply with our bipartisan request for documents, and you disregarded new evidence we uncovered about General Flynn's secret effort to work with Russia on a plan to build nuclear reactors in Saudi Arabia. On October 18, 2017, all Committee Democrats sent you a letter asking for the opportunity to vote on a subpoena to the White House, but you refused to place it on the Committee's agenda. You also declined to join my requests to Mr. Copson to produce documents and appear for an interview with Committee staff.

In defending your refusal to investigate, you argued that you do not want to risk somehow interfering with the ongoing probe being conducted by the Special Counsel. Your new position contradicts your daily participation in the investigation being conducted by the House Permanent Select Committee on Intelligence relating to Russian interference in our election during the Special Counsel's ongoing investigation. It is also the exact opposite of the position you held as Chairman of the Benghazi Select Committee investigating former Secretary of State Hillary Clinton during a criminal investigation.

Nevertheless, in this case, your argument is unfounded. As you know, the Special Counsel's office does not take a position on whether congressional investigations should be conducted or not, but instead raises specific requests for accommodations as they arise. In this case, my staff consulted with the Special Counsel's office, which asked my office to hold on the public release of this information until they completed certain investigative steps. They have now informed us that they have done so.

Request for Subpoenas

For the reasons set forth above, I ask that you now issue subpoenas to the following individuals and entities seeking all documents—including emails and text messages sent on personal devices—relating to General Flynn's foreign contacts and payments, General Flynn's disclosure of that information to the President or White House officials, and efforts by General Flynn and others before and after the election to promote this proposal:

- (1) White House Chief of Staff John Kelly, as custodian of record for the White House;
- (2) General Michael Flynn, Michael Flynn Jr., Bijan Kian, and Flynn Intel Group;

- (3) Alex Copson, Thomas Cochran, Donald Gross, ACU Strategic Partners, and X-Co Dynamics;
- (4) Rear Admiral Hewitt, Bud McFarlane, X-Co Dynamics, IP3 Corporation, and IronBridge Group; and
- (5) Thomas J. Barrack, Jr., and K.T. McFarland.

I also ask that you issue subpoenas requiring Mr. Copson, Rear Admiral Hewitt, Dr. Cochran, Mr. McFarlane, Mr. Barrack, and General Flynn to appear for depositions. If you decline to issue these subpoenas, then I request that you allow Committee Members to debate and vote on subpoena motions during the Committee's next business meeting.

Conclusion

I believe the American people want Congress to hold President Trump and his Administration accountable, and they are tired of Republicans in Congress putting their heads in the sand when faced with credible allegations of grave abuses while at the same time conducting investigations of allegations against Secretary Clinton that were debunked years ago.

As Chairman of the Benghazi Select Committee, you pursued your investigation of Hillary Clinton during an ongoing criminal investigation. Even now, as a Member of the Intelligence Committee, you are demanding documents, interviewing witnesses, and issuing subpoenas—all during an ongoing criminal probe by the Special Counsel.

If you choose to continue blocking our Committee's investigation of General Flynn and allowing the White House to defy our bipartisan requests, the Oversight Committee will be faced with allegations of hypocrisy that are extremely difficult to defend. The integrity of this Committee's work will be questioned, and the credibility of its investigations will be severely degraded.

I believe our Committee can and should pursue these allegations against General Flynn in a responsible way and in consultation with the Special Counsel's office. If objections are raised, we should consider those objections carefully to take steps to ensure that we do not impair the Special Counsel's investigation, which is exactly what I have endeavored to do in this case.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member