

MIKE FLYNN'S “COOPERATION” DID NOT EXTEND TO REMEMBERING BOB FORESMAN'S BACK DOOR DISCUSSIONS

In the wake of yesterday's revelation that someone “connected to Congress” reached out to Flynn to try to dissuade him from cooperating with Mueller, CNN has a story about how Flynn himself reached out to Matt Gaetz to encourage his attacks on Mueller.

Which makes me seriously reconsider a detail I've been pondering in the Mueller Report. The Report describes how Bob Foresman – who contacted the campaign about setting up a back channel in spring 2016 and then tried to get a job in the Administration – also went out of his way to tell Mike Flynn whom he should meet with during the transition period.

Flynn met with the guy twice: once in December (at the time he and Jared Kushner were asking Kislyak about a back channel) and once again in January.

Bob Foresman, the UBS investment bank executive who had previously tried to transmit to candidate Trump an invitation to speak at an economic forum in Russia, see Volume I, Section IV.A.l.d.ii, *supra*, may have provided similar information [suggesting that Yuri Ushakov, not Sergei Kislyak, would be the guy to contact on serious matters] to the Transition Team. According to Foresman, at the end of an early December 2016 meeting with incoming National Security Advisor Michael Flynn and his designated deputy (K.T. McFarland) in New York, Flynn

asked Foresman for his thoughts on Kislyak. Foresman had not met Kislyak but told Flynn that, while Kislyak was an important person, Kislyak did not have a direct line to Putin. 1132 Foresman subsequently traveled to Moscow, inquired of a source he believed to be close to Putin, and heard back from that source that Ushakov would be the official channel for the incoming U.S. national security advisor. 1133 Foresman acknowledged that Flynn had not asked him to undertake that inquiry in Russia but told the Office that he nonetheless felt obligated to report the information back to Flynn, and that he worked to get a face-to-face meeting with Flynn in January 2017 so that he could do so. 1134 Email correspondence suggests that the meeting ultimately went forward, 1135 but Flynn has no recollection of it or of the earlier December meeting. 1136 (The investigation did not identify evidence of Flynn or Kushner meeting with Ushakov after being given his name. 1137)

All that information comes from an October 17, 2018 Foresman interview with the FBI and emails. Flynn – who started cooperating just 10 months after the second meeting – had his lawyer tell Mueller that he didn't remember either of those meetings. That happened on September 26, 2018.

9/26/18 Attorney Proffer from Covington & Burling LLP (reflected in email on file with the Office).

That email happened 9 days after the government told the Judge Sullivan – on September 17 – that it was time to sentence Flynn. Contrary to what a lot of reports have suggested, Flynn hasn't been interviewed since then.

That may mean nothing.

But Foresman seems like a guy pretty persistently trying to forge back channels between Trump and Russia. And in spite of Flynn's "cooperation," he claims to have remembered none of that.

As I disclosed last July, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.