

MIKE FLYNN AND JARED KUSHNER HAD REMARKABLE SUCCESS AT AVOIDING THE CIA ASSET

About ten days ago, my mom died, two months after a health setback that we thought she was on the rebound from. As you can imagine, I have been and will be focused on that for another ten days or so. While I've been watching the imminent "FISA Abuse" IG Report (which I was working closely on before and in the days after mom's death), the Russian defector, and the DNI whistleblower dispute closely, I haven't had time to do deep dives. (I plan to write a post about mom, soon, but I'm not ready yet.)

I'd like to make a small point about the story of the Russian defector, Oleg Smolenkov. There seems to be a fierce contest going on – as Trump permits Bill Barr to declassify information to embarrass his opponents – to pitch Smolenkov as one or another thing.

One thing that's not contested, though, is that he was close to Yuri Ushakov, a key foreign policy advisor to Putin. And that's interesting for the way Ushakov figures in the Mueller Report. Both Jared Kushner and Mike Flynn got told, by two different people, that Ushakov, and not Sergey Kislyak, was the guy they should liaise with on important issues.

On November 16, 2016, Catherine Vargas, an executive assistant to Kushner, received a request for a meeting with Russian Ambassador Sergey Kislyak. 1128 That same day, Vargas sent Kushner an email with the subject, "MISSED CALL: Russian Ambassador to the US, Sergey Ivanovich Kislyak " 1129 The text of the email read, "RE: setting up a time

to meet w/you on 12/1. LMK how to proceed.” Kushner responded in relevant part, “I think I do this one – confirm with Dimitri [Simes of CNI] that this is the right guy .” 1130 After reaching out to a colleague of Simes at CNI, Vargas reported back to Kushner that Kislyak was “the best go-to guy for routine matters in the US,” while **Yuri Ushakov, a Russian foreign policy advisor, was the contact for “more direct/substantial matters.”** 11 31

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 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)

In the meantime, although he had already formed the impression that Kislyak was not necessarily the right point of contact, 1138 Kushner went forward with the meeting that Kislyak had requested on November 16. It took place at Trump Tower on November 30, 2016. 1139 At Kushner's invitation, Flynn also attended; Bannon was invited but did not attend.1140 During the meeting, which lasted approximately 30 minutes, Kushner expressed a desire on the part of the incoming Administration to start afresh with U.S.-Russian relations. 1141 Kushner also asked Kislyak to identify the best person (whether Kislyak or someone else) with whom to direct future discussions-someone who had contact with Putin and the ability to speak for him. 1142

The three men also discussed U.S. policy toward Syria, and Kislyak floated the idea of having Russian generals brief the Transition Team on the topic using a secure communications line. 1143 After Flynn explained that there was no secure line in the Transition Team offices, Kushner asked Kislyak if they could communicate using secure facilities at the Russian Embassy. 1144 Kislyak quickly rejected that idea. 1145

In spite of being told to contact Ushakov twice, neither did that. They continued to communicate via Sergey Kislyak.

While it's true that NSA was collecting Kislyak's comms – and therefore discovered Trump's efforts to undermine official US policy after the fact – because Kushner and Flynn did not (apparently) communicate with Ushakov, they

did not alert CIA in real time.