



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

March 20, 2020

William F. Marshall
Judicial Watch
Suite 800
425 Third Street, SW
Washington, DC 20024
bmarshall@judicialwatch.org

Re: DOJ-2018-005947 (DAG)
18-cv-01854 (D.D.C.)
TAZ:BPF

Dear William Marshall:

This is a fourteenth interim response to your FOIA request dated and received in this Office on May 29, 2018, in which you requested records from the Office of the Deputy Attorney General (ODAG) relating to Fusion GPS, Nellie Ohr, and/or Christopher Steele, dating since January 2016. This response is made on behalf of ODAG.

On December 19, 2018, April 15, 2019, May 1, 2019, May 13, 2019, June 3, 2019, July 10, 2019, August 20, 2019, September 20, 2019, October 20, 2019, November 20, 2019, December 20, 2019, January 22, 2020, and February 20, 2020, we provided you with interim responses to your request. We have now completed processing an additional 1,195 pages containing records responsive to your request. I have determined that 196 of these pages are appropriate for release with excisions made pursuant to Exemptions 5, 6, 7(A), 7(C), 7(D), and 7(E) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), and (b)(7)(E), and copies are enclosed. Additionally, I have determined that 999 pages should be withheld in full pursuant to Exemptions 3, 5, 6, 7(C), and 7(E) of the FOIA, 5 U.S.C. § 552(b)(3), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). Please be advised that this material withheld in full may contain duplicative copies.

Exemption 3 pertains to information exempted from release by statute, in this instance 50 U.S.C. § 3024(i)(1). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege and attorney work-product doctrine. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy. Exemption 7(A) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. Exemption 7(D) pertains to records or information compiled for law enforcement purposes, the release of which would disclose the identity of a confidential source. Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would

-2-

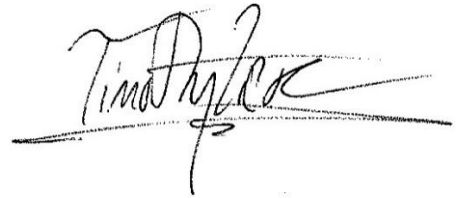
disclose certain techniques and procedures or guidelines for law enforcement investigations or prosecutions.

Please be advised that certain pages within this production contain highlighting or solid black boxes without citation to FOIA exemptions. This highlighting and these black boxes were present on these pages as located by OIP and were not made as part of our FOIA review process.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Michael Gerardi of the Department's Civil Division, Federal Programs Branch, at 202-616-0680.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Ziese", with a horizontal line drawn underneath it.

Timothy Ziese
Senior Supervisory Attorney

Enclosures

SUMMARY OF HIGH PROFILE CONGRESSIONAL REQUESTS

June 28, 2018

CONGRESSIONAL REQUEST

DEPARTMENT'S ACCOMMODATION

Not Resonsive Records



Not Responsive Records

M **RELIANCE ON DOSSIER FOR FISA APPLICATION.** “Any and all applications (including applications for renewal or extension), if they exist, for court orders submitted to the Foreign Intelligence Surveillance Court (FISC) pursuant to the Foreign Intelligence Surveillance Act (FISA) (whether or not approved by the Court) where information provided by Mr. Steele was utilized.” (HPSCI Subpoena No. 1.ⁱⁱ)

The Department satisfied this request. The Department has made available to HPSCI, multiple members of HJC, and certain congressional staff for in camera review of more than 1,000 pages of sensitive material that is responsive to this and other HPSCI requests. 17 Members and 38 congressional staff have had the opportunity to review the following:

- A FISA application and three renewals, with FISC orders,
- An Electronic Communication with redactions narrowly tailored to protect the name of a foreign country and the name of a foreign agent. The document describes the predicate for the counterintelligence investigation, the date the investigation began, and the name of the authorizing official,

- Numerous internal FBI documents including FBI 302 documents,
- A Confidential Human Source validation report,
- A summary of a defensive briefing provided to the Trump Campaign by the FBI,
- A timeline of payments to the Confidential Human Source,
- A background on documents known to FBI comprising Steele Dossier
- FBI 1023 source reporting documents, and
- Documents regarding the FBI's efforts to validate the Steele-authored dossier (prior to the appointment of the Special Counsel.)

The Department provided—and continues to provide—this set of documents to designated members and staff in a lightly redacted form for review at the Department. Much of this classified information was made public when the HPSCI majority invoked House of Representatives Rule X, Section 11, to authorize publication of classified Executive Branch information in the form of the “Nunes Memo.” (The “Schiff Memo” was made public shortly thereafter.)

N **FISC ORDERS.** “Any and all FISC orders issued, if they exist, based on any information provided by Mr. Steele and/or Fusion GPS.” (HPSCI Subpoena No. 2.)

The Department satisfied this request. The Department provided—and continues to provide—responsive FISC orders to designated members and staff in a lightly redacted form for review at the Department. See “Reliance on Dossier for FISA Applications” above.

O **FISC TRANSCRIPTS.** “Any and all additional documents submitted to the FISC, including, but not limited to, pleadings and transcripts, if they exist, based on information provided by and/or created by Mr. Steele and/or Fusion GPS, if they exist.” (HPSCI Subpoena No. 3.)

The Department satisfied this request. The Department explained in substantive briefings and in a March 7, 2018, letter that “no responsive transcripts exist.”

P **STEELE INFO.** “Any information, if it exists, provided by Christopher Steele as an informant/source (confidential or otherwise), or in any other capacity.” (HPSCI Subpoena No. 4.)

The Department satisfied this request. The Department provided—and continues to provide—documents responsive to this request for review at the Department. See “Reliance on Dossier for FISA Applications” above.

Q **FBI DOCS ON STEELE.** “Any and all FD-1023s, Contact Reports, or other documents incorporating, relying on, or referring to information provided by Mr. Steele and/or sub-sources and/or Fusion GPS and/or contained in the “Trump Dossier,” if they exist.” (HPSCI Subpoena No. 5.)

The Department satisfied this request. The Department provided—and continues to provide—documents responsive to this request for review at the Department. See “Reliance on Dossier for FISA Applications” above.

R **STEELE PAYMENTS.** “Any documents that memorialize compensation paid to, or any other benefits conferred on Mr. Steele and/or sub-sources, if they exist.” (HPSCI Subpoena No. 6.)

The Department satisfied this request. The Department provided—and continues to provide—documents responsive to this request for review at the Department. See “Reliance on Dossier for FISA Applications” above.

S **VALIDATION.** “Any documents, if they exist, that memorialize DOJ and/FBI efforts to corroborate, validate, or evaluate information provided by Mr. Steele and/or sub-sources and/or contained in the ‘Trump Dossier’.” (HPSCI Subpoena No. 7.)

The Department satisfied this request. The Department provided—and continues to provide—documents responsive to this request for review at the Department. See “Reliance on Dossier for FISA Applications” above.

T **SUB-SOURCES.** “Any and all documented communications, if they exist, concerning Mr. Steele or sub-sources, information provided by Mr. Steele or sub-sources, or information contained in the ‘Trump Dossier’.” (HPSCI Subpoena No. 8.)

The Department satisfied this request. The FBI provided—and continues to provide—the opportunity to review a highly classified document responsive to this request at the FBI.

Not Responsive Records



Not Responsive Records



AA **COMS FROM DOJ & FBI EMPLOYEES RE: STEELE.** In a March 23, 2018, letter, HPSCI requests communications from 9 Department and FBI employees.

The Department's response to this request is ongoing. The Department has provided responsive information for one of the employees. The FBI is collecting responsive information for the other eight.

Not Responsive Records



Not Resonsive Records



Not Resonsive Records

ⁱⁱ House Permanent Select Committee on Intelligence Subpoena, August 24, 2017.

Not Resonsive Records



Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Monday, June 25, 2018 2:54 PM
To: O'Callaghan, Edward C. (ODAG); Flores, Sarah Isgur (OPA); Boyd, Stephen E. (OLA); Schools, Scott (ODAG); Bolitho, Zachary (ODAG)
Subject: RE: Fight for Russia probe documents splits top Republicans
Attachments: FBI letter to Chairman Nunes - 6.22.2018.pdf; FBI letter to Chairmen Goodlatte & Gowdy 6.22.2018.pdf

Attached. The highlighted portion is discussed in second to last para of first attachment.

From: O'Callaghan, Edward C. (ODAG)
Sent: Monday, June 25, 2018 1:51 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) (b)(6); Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Schools, Scott (ODAG) <:sschools@jmd.usdoj.gov>; Bolitho, Zachary (ODAG) <zbolitho@jmd.usdoj.gov>
Subject: RE: Fight for Russia probe documents splits top Republicans

Was the highlighted part below part of the FBI classified response on Friday? Do we have a copy of what FBI sent over normal channels?

Edward C. O'Callaghan
202-514-2105

From: Flores, Sarah Isgur (OPA)
Sent: Monday, June 25, 2018 1:23 PM
To: Boyd, Stephen E. (OLA) (b)(6); O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Schools, Scott (ODAG) <:sschools@jmd.usdoj.gov>
Subject: Fwd: Fight for Russia probe documents splits top Republicans

Begin forwarded message:

From: DoJ Real Time News Clips <alert-doj@rendon.com>
Date: June 25, 2018 at 9:53:53 AM PDT
To: "Sarah Isgur Flores; Director, Office of Public Affairs, DOJ" <sarah.isgur.flores@usdoj.gov>
Subject: Fight for Russia probe documents splits top Republicans
Reply-To: Rendon Alert Desk <alert@rendon.com>

Fight for Russia probe documents splits top Republicans

Media: Politico
Byline: Kyle Cheney
Date: 25 June 2018

Hyperlink: <https://www.politico.com/story/2018/06/25/russia-documents-justice-department-republicans-669373>

Top House Republicans are divided over whether the Justice Department and FBI are sufficiently cooperating with their demands for sensitive documents connected to the investigation of Russian interference in the 2016 election.

The FBI revealed in late Friday letters to three powerful House GOP chairmen that it had provided thousands of new documents to Congress in response to inquiries about the investigation of contacts between President Donald Trump's associates and Russia-linked individuals during the campaign.

The disclosure was met with a notably positive response from Speaker Paul Ryan, whose office said House committees were "finally getting access" to long-sought documents. Though some requests were still unfulfilled, a Ryan spokeswoman said the FBI's request for more time was "reasonable."

Aides to House Judiciary Committee Chairman Bob Goodlatte (R-Va.) and House Oversight Committee Chairman Trey Gowdy (R-S.C.) also described productive negotiations with DOJ to obtain documents, while emphasizing that they expect to receive the remaining documents they've requested.

But Trump and one of his top House allies, Rep. Mark Meadows (R-N.C.), upended the apparent detente. The chairman of the conservative House Freedom Caucus took to Twitter over the weekend to blast the Justice Department for intransigence.

"New reports of DOJ/FBI compliance with document requests are NOT accurate," he wrote. "While they have turned over additional documents, the new documents represent a small percentage of what they owe. The notion that DOJ/FBI have been forthcoming with Congress is false."

Trump seized on the conflict Monday morning to complain about the Justice Department and FBI — which are both led by his own appointees — and continue his campaign to undermine the probe.

"I have tried to stay uninvolved with the Department of Justice and FBI (although I do not legally have to), because of the now totally discredited and very expensive Witch Hunt currently going on," he tweeted. "But you do have to ask why the DOJ & FBI aren't giving over requested documents?"

It's the third time in recent months that Trump has intervened in document demands by the GOP-led House committees, tweeting out complaints and criticizing his own department leaders — most notably Deputy Attorney General Rod Rosenstein, who oversees DOJ's handling of the ongoing Russia probe.

The relationship between House Republicans and the Justice Department is complicated further by the role of House Intelligence Committee Chairman Devin Nunes, who has issued separate document demands and subpoenas for details related to the Russia investigation.

In a letter to Rosenstein on Sunday, Nunes needled DOJ for sending "late-night letters" on Friday.

"[T]hey have raised more questions than answers," he added. "These questions include whether the FBI and Department of Justice leadership intend to obey the law and fully comply with duly authorized congressional subpoenas."

Nunes is demanding clarity on whether Rosenstein or FBI Director Christopher Wray are primarily responsible for meeting his committee's demands. He also scolded Rosenstein for "unilaterally" restricting access to some sensitive information to the so-called Gang of Eight, an exclusive group of House and Senate leaders with access to the most sensitive intelligence DOJ shares with Congress.

Nunes also took issue with the FBI's decision to punt one document request — a demand for transcripts and summaries of conversations between FBI informants and Trump campaign officials — to the Director of National Intelligence, the umbrella official for the entire intelligence community.

In his letter, Nunes also made a new request for details about the FBI's use of informants to interact Trump campaign associates and how much money may have been spent on their operations.

The FBI insisted in its Friday letter to Nunes that it had "substantially complied" with most of his document requests, including some related to the bureau's use of a sensitive surveillance program known as FISA to monitor former Trump campaign aide Carter Page and whether it deployed informants to interact with the Trump campaign before the Russia investigation officially began.

The FBI said the only outstanding request for Nunes was about documents related to Christopher Steele, the former British spy who provided a series of memos to the FBI alleging an illicit conspiracy between Trump and Russia — accusations Trump has fiercely denied. Steele's "dossier" has become a source of intense controversy, in part because it was financed indirectly by the campaign of Hillary Clinton and the Democratic Party.

The bureau is sifting through between 50,000 and 65,000 "Top Secret" emails to find responsive documents, according to the letter, and has shifted resources from other congressional document requests to speed up the process.

"The FBI is committed to expeditiously completing production of the requested materials," acting assistant director Jill Tyson wrote.

Goodlatte and Gowdy's requests include an outstanding demand for more documents connected to an internal watchdog's review of the FBI's 2016 investigation of Clinton's use of a private email server. In a letter to the two chairmen, Tyson said 800,000 documents had already been made available for review and more were forthcoming.

END

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

June 22, 2018

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Nunes:

This letter provides an update in response to the Committee's written and oral requests for information from the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). As described below, the FBI believes that it has substantially complied with a majority of the Committee's requests, and is actively working to identify and produce additional materials on a rolling basis to fulfill the Committee's remaining request under the FBI's purview.

As you are aware, on June 15, 2018, Deputy Attorney General Rosenstein and FBI Director Wray attended a meeting with Speaker Ryan, Chairmen Nunes, Goodlatte, and Gowdy, and a limited number of staff. That meeting concerned information requested by the Committee, including in letters dated March 23 and April 4, 2018, and the Committee's August 24, 2017, subpoena. At the meeting, the Committee identified four items as outstanding requests, and added a fifth item. The first item related to questions about the FBI's use of Foreign Intelligence Surveillance Act (FISA) authorities, and was agreed upon by all meeting participants to have been substantially complied with based upon document reviews facilitated by DOJ.

The FBI believes it has now complied with three additional items identified by the Committee:

1. On June 20, 2018, the "Woods file" was made available for *in camera* review and Committee staff have reviewed the file.
2. An unredacted copy of the current FBI Domestic Investigations and Operations Guide (DIOG) is now available for *in camera* review in a secure reading room. The FBI has offered to provide a briefing on the section(s) of the DIOG related to FISA verification procedures, which the Committee has articulated to be of ongoing interest.
3. On June 22, 2018, the FBI submitted a classified letter to the Committee responding to the Chairman's question regarding whether, in connection with the investigation into Russian activities surrounding the 2016 Presidential election, the FBI utilized confidential human sources prior to the issuance of the Electronic Communication (EC) initiating that investigation.

The Honorable Devin Nunes

Page Two

Accordingly, only the request for FBI documents pertaining to eight (8) potential custodians and relating to Christopher Steele, the "Steele dossier," and certain FISA applications remains outstanding. The FBI has developed appropriate search terms and date parameters, and is actively searching for and processing responsive materials from two (2) enclaves, Secret and Top Secret. The FBI has built-in search tools on its Secret-level system, but it does not have those tools on its Top Secret-level system. The initial estimated volume of Top Secret emails collected in response to your request for these materials, combined with two requests from Chairmen Goodlatte and Gowdy that required collection of Top Secret communications, is between 50,000 and 65,000 emails. This represents the volume of emails contained in the relevant custodians' accounts, *without* application of search terms. In recognition of the need to produce any responsive material as quickly as possible, the FBI's Science and Technology Branch has built and deployed a tool to allow for faster searches within the Top Secret enclave. Once search parameters are applied, this initial estimate is likely to decrease significantly. To accomplish this production, the FBI has shifted resources from other Congressional production projects and is adding staff to further expedite the review and processing. FBI staff will be working throughout the weekend to keep the production moving forward. To the extent that the Committee can further prioritize its requests, the FBI would appreciate the opportunity to engage in a dialogue.

Finally, regarding the Committee's request for transcripts or summaries of conversations between confidential human source(s) and Trump campaign officials, the FBI understands that this request has been referred to the Director of National Intelligence (DNI) for a response.

The FBI is committed to expeditiously completing production of the requested materials, and looks forward to continuing to work with the Committee.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jill C. Tyson", with a stylized, flowing script.

Jill C. Tyson
Acting Assistant Director
Office of Congressional Affairs

cc: The Honorable Adam Schiff
Ranking Member

The Honorable Paul D. Ryan
Speaker, U.S. House of Representatives



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

June 22, 2018

Chairman Robert W. Goodlatte
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Chairman Trey Gowdy
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Goodlatte and Gowdy:

This letter provides an update in response to the Committees' written and oral requests for information from the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). As described below, the FBI believes that the majority of the Committees' requests have been substantially complied with, and is actively working to identify and produce additional materials on a rolling basis to fulfill the Committees' remaining requests.

As you are aware, on June 15, 2018, Deputy Attorney General Rosenstein and FBI Director Wray attended a meeting with Speaker Ryan, Chairmen Goodlatte, Gowdy, and Nunes, and a limited number of staff. Based on that meeting, as well as ongoing communications with Committee staff, the FBI and DOJ believe that there has been substantial compliance with the majority of requests arising out of the March 22, 2018, subpoena (the subpoena). Specifically:

- Request No. 2 was complied with, by letter dated April 3, 2018;
- Request No. 3 was complied with, by letter dated May 9, 2018, and a document production on approximately June 20, 2018;
- Request No. 4 was complied with, by the *in camera* review of the materials sought;
- Request No. 5 was complied with, by letter dated June 19, 2018; and
- Request No. 6 was complied with, by letter dated March 9, 2018.

With respect to Request No. 1, seeking documents provided to the DOJ Inspector General, that production remains ongoing under the direction of United States Attorney John Lausch. To date, DOJ and the FBI have made available approximately 800,000 documents for review. With regard to Request No. 8, the FBI has collected and will place additional documents related to defensive briefings in the DOJ reading room.

For Request No. 7, on June 22, 2018, the FBI produced over 1400 pages of responsive materials. Following guidance from Committee staff, the FBI continues to diligently and expeditiously collect, review, and process additional responsive materials related to

The Honorable Robert W. Goodlatte
The Honorable Trey Gowdy
Page Two

communications between Peter Strzok and personnel in former FBI Deputy Director McCabe's office. The FBI has identified the relevant personnel, developed appropriate search terms and date parameters, and is actively searching for and processing responsive materials from three (3) enclaves (Unclassified, Secret, and Top Secret), and Lync and text messages. To do this, the FBI has shifted resources from other Congressional production projects, and is adding staff to further expedite the review and processing. FBI staff will be working throughout the weekend to keep the production moving forward.

The initial estimated volume of Top Secret emails collected in response to Request Nos. 7 and 9 of the subpoena, plus a request from Chairman Nunes that required collection of Top Secret communications, is between 50,000 and 65,000 emails. This represents the volume of emails contained in the relevant custodians' accounts, *without* application of search terms. In recognition of the need to produce any responsive material as quickly as possible, the FBI's Science and Technology Branch has built and deployed a tool to allow for faster searches within the Top Secret enclave. Once search parameters are applied, this initial estimate is likely to decrease significantly.

Regarding Request No. 9 of the subpoena, seeking "[a]ll documents and communications referring or relating to proposed, recommended, or actual FISA coverage on the Clinton Foundation or persons associated or in communication with the Clinton Foundation," the FBI is responding by separate, classified letter. Despite attempting a variety of approaches, Request No. 9 is proving difficult to address and the FBI is seeking to further engage with the Committee to better understand the information sought. Because Committee staff have indicated that Request Nos. 8 and 9 may be related, the FBI believes that some of the defensive briefing materials to be placed in the reading room (*i.e.*, in response to Request No. 8) might relate to information sought in Request No. 9. After reviewing those defensive briefing materials, please let this office know whether those documents will assist in focusing Request No. 9.

The FBI is committed to expeditiously completing production of the requested materials, and looks forward to continuing to work with the Committee. To the extent that the Committee can further prioritize its requests, the FBI would appreciate the opportunity to engage in a dialogue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jill C. Tyson".

Jill C. Tyson
Acting Assistant Director
Office of Congressional Affairs

The Honorable Robert W. Goodlatte
The Honorable Trey Gowdy
Page Three

cc: The Honorable Jerrold Nadler
Ranking Member

The Honorable Elijah Cummings
Ranking Member

The Honorable Paul D. Ryan
Speaker, U.S. House of Representatives



Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Wednesday, June 6, 2018 2:58 PM
To: Lasseter, David F. (OLA)
Cc: (b)(6), (b)(7)(C) (OGC) (FBI); (b)(6), (b)(7)(C) (DO) (FBI)
Subject: RE: Search terms for Bruce Ohr communications search

(b)(5)




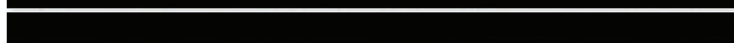
These are terms I used. I would suggest (b)(5)

SS

From: Lasseter, David F. (OLA)
Sent: Wednesday, June 6, 2018 2:53 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Cc: (b)(6), (b)(7)(C) (OGC) (FBI); (b)(6), (b)(7)(C), (b)(7)(E) (DO) (FBI); (b)(6), (b)(7)(C), (b)(7)(E)
Subject: Search terms for Bruce Ohr communications search

SS—good afternoon. (b)(5)

Thanks,
David

David F. Lasseter
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
(202) 514-1260

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Monday, May 14, 2018 11:01 AM
To: (b)(6). (b)(7)(C) (DO) (FBI); (b)(6). (b)(7)(C) (OGC) (FBI); Schools, Scott (ODAG)
Subject: Meeting tomorrow morning at 10am
Attachments: CHM ltr to AG and DIRFBI re Document Production Requests - 23 Mar 18.pdf

All—good morning. (b)(5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Please let me know what else we need to discuss.

Thanks,
David

David F. Lasseter
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
(202) 514-1260

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Monday, April 23, 2018 1:39 PM
To: Gauhar, Tashina (ODAG)
Subject: FW: Quick (I hope) consult
Attachments: Pages from Binder1_KMF.PDF

Per our discussion.

From: Schools, Scott (ODAG)
Sent: Friday, April 20, 2018 10:30 AM
To: Priestap, E. W. (CD) (FBI) (b)(7)(E)
Subject: Quick (I hope) consult

Bill:

HPSCI has asked for Bruce Ohr's comms re Steele. (b)(5); (b)(6) and (b)(7)(C) per FBI
[REDACTED]
[REDACTED]

Thanks.

SS

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Friday, April 20, 2018 2:20 PM
To: Priestap, E. W. (CD) (FBI)
Subject: RE: Quick (I hope) consult
Attachments: Pages from Binder1_KMF.pdf

Sorry to add to your workload, but (b)(5)

From: Priestap, E. W. (CD) (FBI) (b)(7)(E)
Sent: Friday, April 20, 2018 11:07 AM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: RE: Quick (I hope) consult

Scott: I'm on it. I'm aiming to have an answer to you by 1 PM. Thanks, Bill

From: Schools, Scott (ODAG) [<mailto:Scott.Schools@usdoj.gov>]
Sent: Friday, April 20, 2018 10:30 AM
To: Priestap, E. W. (CD) (FBI) (b)(7)(E)
Subject: Quick (I hope) consult

Bill:

HPSCI has asked for Bruce Ohr's comms re Steele. (b)(5); (b)(6) and (b)(7)(C) per FBI

[REDACTED]

[REDACTED]

Thanks.

SS

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Friday, April 20, 2018 1:52 PM
To: Cronan, John (CRM); Liu, Jessie (USADC); Horowitz, Michael E.(OIG); Bowdich, David L. (DO) (FBI)
Subject: Referral from DeSantis et al
Attachments: 2018-04-09 DeSantis et all re crim referrals.pdf

Michael, John, Jessie, and Dave:

Attached is a letter we received from Congressman DeSantis and others "refer[ring] . . . individuals for investigation of potential violation(s) of federal statutes." Consistent with USAM § 1-7.410, the Department will respond to the letter and acknowledge receipt of the referral and advise that we have referred the requests for investigation to the proper investigative agency for review. (b)(5)

We will also advise the senders, "The Department ordinarily does not confirm or deny the existence of an investigation, and you should not interpret this acknowledgement as confirmation of an investigation of any of the matters described in your letter." Please let me know if you have any questions.

Scott

Congress of the United States
Washington, DC 20515

April 9, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

The Honorable John Huber
United States Attorney for the District of Utah
The United States Attorney's Office – District of Utah
111 South Main Street
Salt Lake City, UT 84111

Dear Attorney General Sessions, Director Wray, and Mr. Huber:

We write to refer the following individuals for investigation of potential violation(s) of federal statutes. In doing so, we are especially mindful of the dissimilar degrees of zealotry that has marked the investigations into Former Secretary of State Hillary Clinton and the presidential campaign of Donald Trump, respectively. Because we believe that those in positions of high authority should be treated the same as every other American, we want to be sure that the potential violations of law outlined below are vetted appropriately.

1. Former FBI Director James Comey.

On July 5, 2016, Comey made a statement on the investigation of Secretary Hillary Clinton's use of a personal e-mail system, during which he stated: "...there is evidence that they were extremely careless in their handling of very sensitive, highly classified information."¹ He went on to say: "Although there is evidence of potential

¹ "Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System." FBI National Press Office, July 5, 2016, <https://www.fbi.gov/news/pressrel/press-releases/statement-by-fbi-director-james-b-comey-on-the-investigation-of-secretary-hillary-clinton2019s-use-of-a-personal-e-mail-system>.

violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case.”² Incredibly, this judgment appears to have been made prior to interviewing Secretary Clinton and as many as 17 key witnesses including Clinton’s closest aides.³ Comey’s decision to not seek charges against Clinton’s misconduct suggests improper investigative conduct, potentially motivated by a political agenda. Accordingly, we refer James Comey to DOJ for potential violation(s) of: 18 USC 1505 and 1515b.

In addition to his handling of the Clinton investigation, Comey engaged in questionable conduct vis-à-vis President Donald Trump. As reported by *The New York Times*, Director Comey wrote memoranda detailing alleged conversations between himself and President Trump, creating “a paper trail” for “documenting what he perceived as the president’s improper efforts to influence a continuing investigation.”⁴ The article reports that Comey “created similar memos – including some that are classified – about every phone call and meeting he had with the president.”

As detailed in a January 3, 2018, letter to Deputy Attorney General Rod Rosenstein from the Hon. Charles E. Grassley (Chairman of the Senate Committee on the Judiciary), committee staff reviewed the memoranda created by former Director Comey in a Sensitive Compartmented Information Facility due to the classified nature of the majority of the memos; of the seven memos, four were marked classified at the “SECRET” or “CONFIDENTIAL” levels.⁵

At a June 8, 2017, U.S. Senate Select Committee on Intelligence hearing, Comey stated: “I asked a friend of mine to share the content of the memo with the reporter.”⁶ Chairman Grassley’s aforementioned letter further notes that Professor Daniel Richman of Columbia Law School was the friend and that Mr. Comey provided him with four of the seven memoranda, encouraging him to detail the memos to the press.

In light of the fact that four of the seven memos were classified, it would appear that former Director Comey leaked classified information when sharing these memos with Professor Richman. Accordingly, we refer James Comey to DOJ for potential violation(s) of: 18 USC 641, 18 USC 793, and 18 USC 1924(a).

² Id.

³ <https://www.grassley.senate.gov/news/news-releases/transcripts-comey-drafted-conclusion-clinton-probe-prior-interviewing-key>.

⁴ Michael S. Schmidt, “Comey Memo Says Trump Asked Him to End Flynn Investigation.” *The New York Times*, May 16, 2017, <https://www.nytimes.com/2017/05/16/us/politics/james-comey-trump-flynn-russia-investigation.html>.

⁵ Letter from Sen Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary, to Hon. Rod Rosenstein, Deputy Attorney General, DOJ, January 3, 2018, [https://www.judiciary.senate.gov/imo/media/doc/2018-01-03%20CEG%20to%20DOJ%20\(Classification%20of%20Comey%20Memos\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2018-01-03%20CEG%20to%20DOJ%20(Classification%20of%20Comey%20Memos).pdf).

⁶ U.S. Senate Select Committee on Intelligence, “Open Hearing with Former FBI Director James Comey.” June 8, 2017, <https://www.intelligence.senate.gov/hearings/open-hearing-former-fbi-director-james-comey#>.

Furthermore, President Trump has raised concerns with former Director Comey misleading Congress under oath on his decision not to charge former Secretary of State Hillary Clinton regarding her use of a private email server for official government communications.

As reported by *The Washington Post*, on May 2, 2017, Comey circulated a draft statement on his decision: "Comey sends an email to Andrew McCabe, his deputy, James A. Baker, the FBI general counsel, and James Rybicki, his chief of staff, with a subject heading of 'Midyear Exam.' This was internal FBI code for the Clinton investigation. The body of the email was redacted by the FBI, but it appears to have contained a draft of his statement on the conclusion of the Clinton case. At that point, 17 interviews with potential witnesses had not taken place, including with Clinton and her chief of staff, according to the Senate Judiciary Committee."⁷

Furthermore, on September 28, 2016, during a hearing before the House Judiciary Committee, former Director Comey replied "After," following Rep. John Ratcliffe (TX-04)'s question on the timing of Comey's decision: "Director, did you make the decision not to recommend criminal charges relating to classified information before or after Hillary Clinton was interviewed by the FBI on July the 2?"⁸

Finally, in an April 28, 2017, letter to former Director Comey, Chairman Grassley stated that there "appear to be material inconsistencies between the description of the FBI's relationship with Mr. Steele that you [then FBI Director Comey] did provide in your briefing and information contained in Justice Department documents made available to the Committee only after the briefing."⁹

Accordingly, we refer James Comey to DOJ for potential violation(s) of: 18 USC 1621 and 18 USC 1001.

2. Former Secretary of State Hillary Clinton.

A lawyer representing the Clinton campaign and the Democratic National Committee paid Washington firm Fusion GPS to conduct research that led to the Steele dossier, according to an October 24, 2017, report in *The Washington Post*.¹⁰

⁷ Glenn Kessler and Meg Kelly, "Timeline: James Comey's decision-making on the Clinton probe." *The Washington Post*, October 20, 2017, https://www.washingtonpost.com/news/fact-checker/wp/2017/10/20/timeline-james-comeys-decision-making-on-the-clinton-probe/?utm_term=.fde08bf44528.

⁸ U.S. House of Representatives Committee on the Judiciary Hearing, "Oversight of the Federal Bureau of Investigation." September 28, 2016, https://judiciary.house.gov/wp-content/uploads/2016/09/114-91_22125.pdf.

⁹ Letter from Sen Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary, to Hon. James Comey, Director, FBI, April 28, 2018, [https://www.judiciary.senate.gov/imo/media/doc/2017-04-28%20CEG%20to%20FBI%20\(follow-up%20to%20Steele%20letter\)%20with%20attachments.pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-04-28%20CEG%20to%20FBI%20(follow-up%20to%20Steele%20letter)%20with%20attachments.pdf).

¹⁰ Adam Entous, Devin Barrett, Rosalind S. Helderman, "Clinton campaign, DNC paid for research that led to Russia dossier." *The Washington Post*, October 24, 2017, <https://www.washingtonpost.com/world/national-security/clinton-campaign-dnc-paid-for-research-that-led->

Accordingly, for disguising payments to Fusion GPS on mandatory disclosures to the Federal Election Commission, we refer Hillary Clinton to DOJ for potential violation(s) of: 52 USC 30121 and 52 USC 30101.

3. Former Attorney General Loretta Lynch.

With regard to Former Attorney General Loretta Lynch, we raise concerns regarding her decision to threaten with reprisal the former FBI informant who tried to come forward in 2016 with insight into the Uranium One deal.¹¹

Accordingly, we refer Loretta Lynch to DOJ for potential violation(s) of: 18 USC 1505 and 1515b.

4. Former Acting Director of the FBI Andrew McCabe.

With regard to Former Acting Director of the FBI Andrew McCabe, as reported by *The New York Times*, Attorney General Jeff Sessions has said that, during the internal Hillary Clinton investigation, Mr. McCabe “lacked candor — including under oath — on multiple occasions.”¹² The report went on to say, “That is a fireable offense, and Mr. Sessions said that career, apolitical employees at the F.B.I. and Justice Department agreed that Mr. McCabe should be fired.”¹³

Accordingly, we refer Andrew McCabe for potential violation(s) of: 18 USC 1001, 18 USC 1621, and 18 USC 1505.

5. FBI Agent Peter Strzok and FBI Counsel Lisa Page.

With regard to top counterintelligence FBI agent, Peter Strzok, and senior FBI lawyer Lisa Page, we raise concerns regarding their interference in the Hillary Clinton investigation regarding her use of a personal email server.

As *The Wall Street Journal* reported on January 22, 2018, following the Justice Department’s second release of text exchanges between Strzok and Page, “the latest texts show the FBI also eliminated evidence that Mrs. Clinton compromised high-level communications.”¹⁴ The report provides the following alarming specifics, among others: “Mr. Strzok texts Ms. Page to tell her that, in fact, senior officials had decided to water

[to-russia-dossier/2017/10/24/226fabf0-b8e4-11e7-a908-a3470754bbb9_story.html?utm_term=.0bf8397a749d](https://www.washingtonpost.com/news/energy-environment/wp/2017/10/24/226fabf0-b8e4-11e7-a908-a3470754bbb9_story.html?utm_term=.0bf8397a749d).

¹¹ “House also probing Obama-era Uranium One deal.” *Fox News*, October 22, 2017, <http://www.foxnews.com/politics/2017/10/22/house-also-probing-obama-era-uranium-one-deal-desantis-says.html>.

¹² Matt Apuzzo, “Andrew McCabe’s Firing: Here’s What We Know.” *The New York Times*, March 19, 2018, <https://www.nytimes.com/2018/03/19/us/politics/andrew-mccabe-fbi-firing-explained.html>.

¹³ *Ibid.*

¹⁴ The Editorial Board, “The FBI’s Missing Texts.” *The Wall Street Journal*, January 22, 2018, <https://www.wsj.com/articles/the-fbis-missing-texts-1516667245>

down the reference to President Obama to ‘another senior government official.’ By the time Mr. Comey gave his public statement on July 5, both references—to Mr. Obama and to ‘another senior government official’—had disappeared.”¹⁵

Accordingly, we refer Peter Strzok and Lisa Page for potential violation(s) of: 18 USC 1505 and 1515b.

6. Department of Justice (DOJ) and FBI personnel connected to the compilation of documents on alleged links between Russia and then-presidential candidate Donald Trump known as the “Steele dossier,” including but not limited to Former FBI Director James Comey, Former Acting Director of the FBI Andrew McCabe, Former Acting Attorney General Sally Yates, and former Acting Deputy Attorney General Dana Boente.¹⁶

With regard to the Steele dossier, we raise concerns regarding the presentation of false and/or unverified information to the Foreign Intelligence Surveillance Court in connection with the former Trump aide Carter Page warrant application to conduct surveillance through the Foreign Intelligence Surveillance Act (FISA).

As Rep Devin Nunes, Chairman of the House Intelligence Committee, states in a March 1, 2018, letter to Attorney General Jeff Sessions: “Former and current DOJ and FBI leadership have confirmed to the Committee that unverified information from the Steele dossier comprised an essential part of the FISA applications related to Carter Page.”¹⁷

Accordingly, we refer to DOJ all DOJ and FBI personnel responsible for signing the Carter Page warrant application that contained unverified and/or false information for possible violation(s) of: 18 USC 242 and 18 USC 1505 and 1515b.

¹⁵ Ibid.

¹⁶ Due to the possible involvement of Deputy Attorney General Rod Rosenstein in signing an application for continued surveillance on Carter Page, Rosenstein should be recused from any examination of FISA abuse. Accordingly, neither U.S. Attorney John Huber nor a special counsel (if appointed) should report to Rosenstein.

¹⁷ Letter from Rep Devin Nunes, Chairman, U.S. House Intelligence Committee to Hon. Jeff Sessions, Attorney General, FBI, March 1, 2018, https://www.scribd.com/document/372746970/Nunes-to-Sessions-FBI-may-have-violated-criminal-statutes-in-Carter-Page-FISA-application?irgwc=1&content=27795&campaign=VigLink&ad_group=1361144&keyword=ft500noi&source=impactradius&medium=affiliate#from_embed.

Thank you for your attention to these matters.

Sincerely,



Ron DeSantis
Member of Congress



Andy Biggs
Member of Congress



Dave Brat
Member of Congress



Jeff Duncan
Member of Congress



Matt Gaetz
Member of Congress



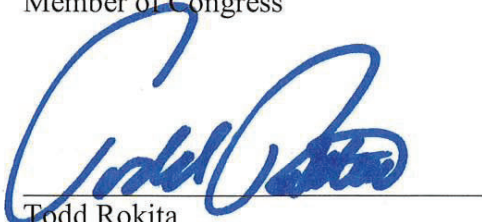
Paul A. Gosar, D.D.S.
Member of Congress



Andy Harris, M.D.
Member of Congress



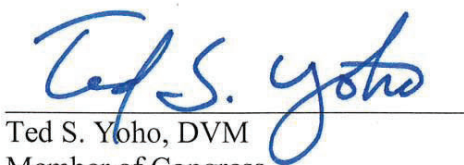
Jody Hice
Member of Congress



Todd Rokita
Member of Congress



Claudia Tenney
Member of Congress



Ted S. Yoho, DVM
Member of Congress

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Wednesday, April 18, 2018 5:27 PM
To: (b)(6), (b)(7)(C) (DO) (FBI); Schools, Scott (ODAG)
Cc: Boyd, Stephen E. (OLA)
Subject: Fwd: Letter for AG Sessions and Director Wray
Attachments: CHM ltr to AG and DIRFBI re Document Production Requests - 23 Mar 18.pdf; ATT00001.htm

Scott—received a friendly reminder from HPSCI. (b)(5)

(b)(5); (b)(6) and (b)(7)(C) per FBI

Thanks,
David

David F. Lasseter

Begin forwarded message:

From: "Patel, Kash" (b)(6) - House Email
Date: April 18, 2018 at 15:20:39 EDT
To: "Lasseter, David F. (OLA)" <David.F.Lasseter@usdoj.gov>, "Ciarlante, Nick" (b)(6) - House Email, "Boyd, Stephen E. (OLA)" (b)(6), (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: "Glabe, Scott" (b)(6) - House Email, "Stewart, Mark" (b)(6) - House Email, "Hull, Cordell" (b)(6) - House Email
Subject: RE: Letter for AG Sessions and Director Wray

All,

Just following-up on the below request from the Chairman to AG Sessions and Director Wray (letter attached for easy reference), requesting production of certain communications. The deadline in the letter was April 9, 2018. Please let us know when DOJ/FBI will be providing the requested material. Thanks very much.

Regards,
Kash

Kashyap P. Patel
National Security Advisor
House Permanent Select Committee on Intelligence

Desk: (b)(6)
Cell: (b)(6)

NSTS: (b)(6)

From: Lasseter, David F. (OLA) [<mailto:David.F.Lasseter@usdoj.gov>]

Sent: Friday, March 23, 2018 3:06 PM

To: Ciarlante, Nick (b)(6) - House Email; Boyd, Stephen E. (OLA)

(b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Cc: Glabe, Scott (b)(6) - House Email; Stewart, Mark

(b)(6) - House Email; Hull, Cordell (b)(6) - House Email; Patel, Kash

(b)(6) - House Email

Subject: RE: Letter for AG Sessions and Director Wray

Received

From: Ciarlante, Nick (b)(6)

Sent: Friday, March 23, 2018 2:02 PM

To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Boyd, Stephen E. (OLA)

(b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Cc: Ciarlante, Nick (b)(6) - House Email; Glabe, Scott

(b)(6) - House Email; Stewart, Mark (b)(6) - House Email; Hull, Cordell

(b)(6) - House Email; Patel, Kash (b)(6) - House Email

Subject: Letter for AG Sessions and Director Wray

Good afternoon,

Attached please find a letter from Chairman Nunes for Attorney General Sessions and Director Wray.

Best,
Nick

Nicholas A. Ciarlante

Executive Director

United States House of Representatives

Permanent Select Committee on Intelligence

Capitol Visitor Center, HVC-304

Washington, DC 20515

O: (b)(6)

C: (b)(6)

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JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

March 19, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Patrick J. Leahy
U.S. Senator

Dear Senator Leahy:

As I explained to you privately before you released your January 30, 2017 letter to the press, I too am deeply concerned about politicization of the FBI. It is a serious matter when half the country is worried that the FBI has its thumb on the scales of justice for one political party, and the other half believes it has its thumb on the scales for the other party. That's why I was worried last year about news that the number two official at the FBI met with a longtime Clinton friend and fundraiser about the political campaign of that official's wife, who later accepted large contributions for her campaign. Many were also shocked that senior FBI officials were texting each other about their political biases against candidate Trump through much of 2016, and also when it was revealed that another high-ranking DOJ official served as a go-between for the author of the anti-Trump dossier and the FBI while his wife worked for Fusion GPS.

Both Democrats and Republicans asked the non-partisan, independent Inspector General appointed by President Obama to look into a whole range of issues involving the FBI's involvement in controversial cases related to the 2016 presidential campaign. We are all eager to see the results of that review, and you can be certain that this Committee will hold hearings on that report's findings once they become available. As many on both sides of the aisle have said in the wake of the removal of the former Deputy Director, we need to see what the evidence shows before making any final judgments. I hope you will support me in seeking documents from the Department that describe the recommendation of the career, non-partisan personnel in the FBI's Office of Professional Responsibility that the former Deputy Director be terminated.

Sincerely,



Charles E. Grassley
Chairman

cc: The Honorable Dianne Feinstein
Ranking Member

Weinsheimer, Bradley (NSD)

importance: high

(b)(5)

NOTE:

Thanks.

From: Lasseter, David F. (OLA)
Sent: Friday, March 23, 2018 3:18 PM
To: McKay, Shirley A (OLA) <smckay@jmd.usdoj.gov>
Cc: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>
Subject: FW: Letter for AG Sessions and Director Wray

Shirley—please log for FBI and NSD.

Thanks,
dfi

From: Ciarlante, Nick (b)(6) - House Email
Sent: Friday, March 23, 2018 2:02 PM
To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) (b)(6);
(b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: Ciarlante, Nick (b)(6) - House Email; Glabe, Scott (b)(6) - House Email; Stewart,
Mark (b)(6) - House Email; Hull, Cordell (b)(6) - House Email; Patel, Kash
(b)(6) - House Email
Subject: Letter for AG Sessions and Director Wray

Good afternoon,

Attached please find a letter from Chairman Nunes for Attorney General Sessions and Director Wray.

Best,
Nick

Nicholas A. Ciarlante
Executive Director
United States House of Representatives
Permanent Select Committee on Intelligence
Capitol Visitor Center, HVC-304
Washington, DC 20515
O: (b)(6)
C: (b)(6)

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DAMON NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

March 1, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

The Federal Bureau of Investigation (FBI) is charged with protecting the American people and enforcing our laws in accordance with the U.S. Constitution. To carry out this essential mission, the FBI has a strict set of internal rules and procedures embodied in the Domestic Investigations and Operations Guide (DIOG). The DIOG was created by the Bureau itself and approved by the Department of Justice (DOJ).

The latest unredacted version of the DIOG available to the Committee (dated October 15, 2011) delineates procedures the FBI must follow when submitting applications to the Foreign Intelligence Surveillance Court (FISC) for orders to conduct surveillance through the Foreign Intelligence Surveillance Act (FISA). According to the DIOG:

- FISA surveillance is a very intrusive means of acquiring information that must balance the need to obtain sensitive national security information against civil liberties.
- When striking this balance, a verification process must be conducted for all FISA applications.
 - Under the subsection “FISA Verification of Accuracy Procedures,” the FBI itself acknowledges this importance: “The accuracy of information contained within FISA applications is of utmost importance.... Only documented and verified information may be used to support FBI applications [FISA] to the court [FISC].”
- The DIOG provides detailed instructions for the FBI to follow to ensure that information appearing in a FISA application that is presented to the FISC has been thoroughly vetted and confirmed.

Former and current DOJ and FBI leadership have confirmed to the Committee that unverified information from the Steele dossier comprised an essential part of the FISA applications related to Carter Page. These details are outlined in a declassified memorandum released by the Committee on February 2, 2018, a copy of which is attached for your review.

In light of what appears to be a clear violation of FBI protocols, the Committee directs that DOJ shall, **no later than March 8, 2018**, provide answers to the following questions:

- Were these protocols changed after the 2011 version to allow for the use of unverified information to support FBI FISA applications to the FISC?
- If not, what steps has the DOJ and/or the FBI taken to hold accountable those officials who violated these protocols?

I will remind you that aside from the violation of these protocols, the presentation of false and/or unverified information to the FISC in connection with the Carter Page warrant applications could entail violations of the following criminal statutes:

- 18 USC 242
- 50 USC 1809
- Conspiracy
- Obstruction of justice
- Contempt of Court

The FBI DIOG provides internal oversight and controls over authorized FBI activities so the American public can be assured the Bureau is conducting its vital mission in accordance with law and established guidelines. However, in this instance, it's clear that basic operating guidance was violated.

Congressional oversight is designed to hold agencies accountable. I trust that you share this view, and will assist the Committee's investigation into violations of DIOG procedures related to the use of the Steele dossier in FISA applications.

Sincerely,

A handwritten signature in blue ink, appearing to read "Devin Nunes", is written over the typed name and title.

Devin Nunes
Chairman

Enclosure

cc: Michael Horowitz, Inspector General of the Department of Justice
The Honorable Christopher Wray, Director, Federal Bureau of Investigation

UNCLASSIFIED

January 18, 2018

Declassified by order of the President
February 2, 2018

To: HPSCI Majority Members

From: HPSCI Majority Staff

Subject: Foreign Intelligence Surveillance Act Abuses at the Department of Justice and the Federal Bureau of Investigation

Purpose

This memorandum provides Members an update on significant facts relating to the Committee's ongoing investigation into the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) and their use of the Foreign Intelligence Surveillance Act (FISA) during the 2016 presidential election cycle. Our findings, which are detailed below, 1) raise concerns with the legitimacy and legality of certain DOJ and FBI interactions with the Foreign Intelligence Surveillance Court (FISC), and 2) represent a troubling breakdown of legal processes established to protect the American people from abuses related to the FISA process.

Investigation Update

On October 21, 2016, DOJ and FBI sought and received a FISA probable cause order (not under Title VII) authorizing electronic surveillance on Carter Page from the FISC. Page is a U.S. citizen who served as a volunteer advisor to the Trump presidential campaign. Consistent with requirements under FISA, the application had to be first certified by the Director or Deputy Director of the FBI. It then required the approval of the Attorney General, Deputy Attorney General (DAG), or the Senate-confirmed Assistant Attorney General for the National Security Division.

The FBI and DOJ obtained one initial FISA warrant targeting Carter Page and three FISA renewals from the FISC. As required by statute (50 U.S.C. §1805(d)(1)), a FISA order on an American citizen must be renewed by the FISC every 90 days and each renewal requires a separate finding of probable cause. Then-Director James Comey signed three FISA applications in question on behalf of the FBI, and Deputy Director Andrew McCabe signed one. Then-DAG Sally Yates, then-Acting DAG Dana Boente, and DAG Rod Rosenstein each signed one or more FISA applications on behalf of DOJ.

Due to the sensitive nature of foreign intelligence activity, FISA submissions (including renewals) before the FISC are classified. As such, the public's confidence in the integrity of the FISA process depends on the court's ability to hold the government to the highest standard—particularly as it relates to surveillance of American citizens. However, the FISC's rigor in protecting the rights of Americans, which is reinforced by 90-day renewals of surveillance orders, is necessarily dependent on the government's production to the court of all material and relevant facts. This should include information potentially favorable to the target of the FISA

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~~TOP SECRET//NOFORN~~

application that is known by the government. In the case of Carter Page, the government had at least four independent opportunities before the FISC to accurately provide an accounting of the relevant facts. However, our findings indicate that, as described below, material and relevant information was omitted.

- 1) The “dossier” compiled by Christopher Steele (Steele dossier) on behalf of the Democratic National Committee (DNC) and the Hillary Clinton campaign formed an essential part of the Carter Page FISA application. Steele was a longtime FBI source who was paid over \$160,000 by the DNC and Clinton campaign, via the law firm Perkins Coie and research firm Fusion GPS, to obtain derogatory information on Donald Trump’s ties to Russia.
 - a) Neither the initial application in October 2016, nor any of the renewals, disclose or reference the role of the DNC, Clinton campaign, or any party/campaign in funding Steele’s efforts, even though the political origins of the Steele dossier were then known to senior DOJ and FBI officials.
 - b) The initial FISA application notes Steele was working for a named U.S. person, but does not name Fusion GPS and principal Glenn Simpson, who was paid by a U.S. law firm (Perkins Coie) representing the DNC (even though it was known by DOJ at the time that political actors were involved with the Steele dossier). The application does not mention Steele was ultimately working on behalf of—and paid by—the DNC and Clinton campaign, or that the FBI had separately authorized payment to Steele for the same information.
- 2) The Carter Page FISA application also cited extensively a September 23, 2016, *Yahoo News* article by Michael Isikoff, which focuses on Page’s July 2016 trip to Moscow. This article does not corroborate the Steele dossier because it is derived from information leaked by Steele himself to *Yahoo News*. The Page FISA application incorrectly assesses that Steele did not directly provide information to *Yahoo News*. Steele has admitted in British court filings that he met with *Yahoo News*—and several other outlets—in September 2016 at the direction of Fusion GPS. Perkins Coie was aware of Steele’s initial media contacts because they hosted at least one meeting in Washington D.C. in 2016 with Steele and Fusion GPS where this matter was discussed.
 - a) Steele was suspended and then terminated as an FBI source for what the FBI defines as the most serious of violations—an unauthorized disclosure to the media of his relationship with the FBI in an October 30, 2016, *Mother Jones* article by David Corn. Steele should have been terminated for his previous undisclosed contacts with Yahoo and other outlets **in September**—before the Page application was submitted to

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the FISC in October—but Steele improperly concealed from and lied to the FBI about those contacts.

- b) Steele's numerous encounters with the media violated the cardinal rule of source handling—maintaining confidentiality—and demonstrated that Steele had become a less than reliable source for the FBI.
- 3) Before and after Steele was terminated as a source, he maintained contact with DOJ via then-Associate Deputy Attorney General Bruce Ohr, a senior DOJ official who worked closely with Deputy Attorneys General Yates and later Rosenstein. Shortly after the election, the FBI began interviewing Ohr, documenting his communications with Steele. For example, in September 2016, Steele admitted to Ohr his feelings against then-candidate Trump when Steele said he **“was desperate that Donald Trump not get elected and was passionate about him not being president.”** This clear evidence of Steele's bias was recorded by Ohr at the time and subsequently in official FBI files—but not reflected in any of the Page FISA applications.
 - a) During this same time period, Ohr's wife was employed by Fusion GPS to assist in the cultivation of opposition research on Trump. Ohr later provided the FBI with all of his wife's opposition research, paid for by the DNC and Clinton campaign via Fusion GPS. The Ohrs' relationship with Steele and Fusion GPS was inexplicably concealed from the FISC.
- 4) According to the head of the FBI's counterintelligence division, Assistant Director Bill Priestap, corroboration of the Steele dossier was in its “infancy” at the time of the initial Page FISA application. After Steele was terminated, a source validation report conducted by an independent unit within FBI assessed Steele's reporting as only minimally corroborated. Yet, in early January 2017, Director Comey briefed President-elect Trump on a summary of the Steele dossier, even though it was—according to his June 2017 testimony—“salacious and unverified.” While the FISA application relied on Steele's past record of credible reporting on other unrelated matters, it ignored or concealed his anti-Trump financial and ideological motivations. Furthermore, Deputy Director McCabe testified before the Committee in December 2017 that no surveillance warrant would have been sought from the FISC without the Steele dossier information.

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- 5) The Page FISA application also mentions information regarding fellow Trump campaign advisor George Papadopoulos, but there is no evidence of any cooperation or conspiracy between Page and Papadopoulos. The Papadopoulos information triggered the opening of an FBI counterintelligence investigation in late July 2016 by FBI agent Pete Strzok. Strzok was reassigned by the Special Counsel's Office to FBI Human Resources for improper text messages with his mistress, FBI Attorney Lisa Page (no known relation to Carter Page), where they both demonstrated a clear bias against Trump and in favor of Clinton, whom Strzok had also investigated. The Strzok/Lisa Page texts also reflect extensive discussions about the investigation, orchestrating leaks to the media, and include a meeting with Deputy Director McCabe to discuss an "insurance" policy against President Trump's election.

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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Chief Counsel and Staff Director

March 15, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Sessions and Deputy Attorney General Rosenstein:

As you know, the Department of Justice Inspector General currently is reviewing the Department's and the Federal Bureau of Investigation's handling of the Clinton email investigation.¹ Recently, the Attorney General requested that he also review questions about the Department's and the FBI's actions in seeking a Foreign Intelligence Surveillance Act (FISA) warrant against former Trump Campaign advisor Carter Page.² On February 28, based on reviews of related documents and facts gathered thus far in the Committee's oversight work, Chairman Grassley and Chairman Graham also requested that the Inspector General broadly review more than 30 classified and unclassified questions related to the FBI and the Department's handling of the so-called Trump/Russia investigation and related matters prior to the appointment of Special Counsel Robert Mueller.³ For reference, we have attached the unclassified portion of that referral.

¹ Press Release, Office of the Inspector General, U.S. Dep't of Justice, *DOJ OIG Announces Initiation of Review* (Jan. 12, 2017).

² Kelly Cohen, Jeff Sessions responds to Nunes memo release: 'No department is perfect', *WASHINGTON EXAMINER* (Feb. 2, 2018); Josh Gerstein, Sessions: Justice Department watchdog investigating GOP Russia memo claims, *POLITICO* (Feb. 27, 2018).

³ Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary and Lindsey O. Graham, Chairman, Subcomm. on Crime and Terrorism, U.S. Sen. Comm. on the Judiciary to Michael Horowitz, Inspector General, U.S. Dep't of Justice (Feb. 28, 2018) (Unclassified Letter attached as Exhibit 1).

The January 4, 2018 referral of Christopher Steele requested that the Justice Department reconcile the statements he made in British libel litigation against him with contrary statements he reportedly made to the FBI, as described in the FISA application. The referral took no position as to which were true, but asked the Justice Department whether Mr. Steele misrepresented the facts to the FBI and whether the FBI inaccurately reported the facts to the court. Based on the release of the memorandum drafted by the minority staff of the House Permanent Select Committee on Intelligence, the FBI has now provided a further un-redacted version of that referral memorandum, also attached here.⁴ The new version provides the public for the first time the actual quote from the FISA application that we flagged for the Justice Department as inconsistent with claims made in the British libel litigation filings.

The attached request to the Inspector General asked that he investigate issues surrounding the application and renewals of the FISA warrant. It also requested that he review potential improprieties in the FBI's relationship with Christopher Steele, the potential conflicts of interest posed by the involvement of high-ranking DOJ official Bruce Ohr in serving as the cut-out between the FBI and Mr. Steele after the FBI terminated its formal relationship with him, apparent unauthorized disclosures of classified information to the press, the FBI and DOJ's handling of the investigation of Lt. Gen. Michael Flynn, and other matters.

We have the utmost confidence in the Inspector General's integrity, fairness, and impartiality, and trust that he will complete these reviews in a thorough, unbiased, and timely fashion. However, by statute, the Inspector General does not have the tools that a prosecutor would to gather all the facts, such as the ability to obtain testimony from essential witnesses who are not current DOJ employees. Thus, we believe that a special counsel is needed to work with the Inspector General to independently gather the facts and make prosecutorial decisions, if any are merited. The Justice Department cannot credibly investigate itself without these enhanced measures of independence to ensure that the public can have confidence in the outcome.

To ensure that the appointment of a special counsel rests on a clear, well-defined predicate and scope, and to give the American people the fullest possible confidence in his or her independence and authority, we believe that the appointment should specifically cite, rely on, and follow the Department's regulations governing such an appointment, including specifically 28 C.F.R. §§ 600.1-600.4.⁵

⁴ Memorandum from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary and Lindsey O. Graham, Chairman, Subcomm. on Crime and Terrorism, U.S. Sen. Comm. on the Judiciary to Rod J. Rosenstein, Deputy Attorney General, U.S. Dep't of Justice and Christopher A. Wray, Director, Federal Bureau of Investigation (Jan. 4, 2018) (Exhibit 2).

⁵ See 28 C.F.R. § 600 *et seq.*; If you determine that a special counsel appointment would not be necessary or appropriate under the Department's regulations, we urge you to designate a disinterested U.S. Attorney or other Justice Department prosecutor with no actual or apparent conflicts to work cooperatively with the Inspector General in his review and ensure that he has access to grand jury process and other prosecutorial tools necessary to guarantee a thorough, complete, and independent review in which the public can have total confidence.

Attorney General Sessions and Deputy Attorney General Rosenstein
March 15, 2018
Page 3 of 3

If you are unwilling to take this step, please send us a detailed reply explaining why not.
We look forward to your response.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Lindsey O. Graham
Chairman
Subcommittee on Crime and Terrorism



John Cornyn
U.S. Senator



Thom Tillis
U.S. Senator

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

The Honorable Sheldon Whitehouse
Ranking Member
Subcommittee on Crime and Terrorism

[REDACTED]
(UNCLASSIFIED when separated from attachments)

JOHN J. WATSON, Chief of Staff
JENNIFER O. GRAHAM, Senate Judiciary
Committee Ranking Member
MICHAEL E. LEE, U.S. Senator
TED CRUZ, U.S. Senator
MIGUEL A. RODRIGUEZ, U.S. Senator
BRIAN K. SLOAN, U.S. Senator
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CHRISTOPHER L. MURPHY, U.S. Senator
KYLE A. HARRIS, U.S. Senator

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CHRISTOPHER L. MURPHY, U.S. Senator
KYLE A. HARRIS, U.S. Senator

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20540-0075

February 28, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001



Dear Inspector General Horowitz:

We respectfully request that you conduct a comprehensive review of potential improper political influence, misconduct, or mismanagement in the conduct of the counterintelligence and criminal investigations related to Russia and individuals associated with (1) the Trump campaign, (2) the Presidential transition, or (3) the administration prior to the appointment of Special Counsel Robert Mueller.

Over the past year, the Department of Justice has made a number of documents relating to these issues available for review by the Chair and Ranking Member of the Senate Judiciary Committee and its Subcommittee on Crime and Terrorism. These documents have raised several serious questions about the propriety of the FBI's relationship with former British Intelligence agent Christopher Steele, including its use of allegations compiled by Mr. Steele for Fusion GPS and funded by Perkins Coie on behalf of the Democrat National Committee and the Clinton campaign. These documents also raise questions about the role of Bruce Ohr, a senior Justice Department official whose wife worked for Fusion GPS, in continuing to pass allegations from Steele and Fusion GPS to the FBI after the FBI had terminated Mr. Steele as a source.

Following the President's declassification of the memorandum prepared by the House Permanent Select Committee on Intelligence majority staff,¹ and its subsequent public release, the existence of these documents is now unclassified:

¹ Letter from Donald J. Trump, President of the United States to Devin Nunes, Chairman, House Permanent Select Committee on Intelligence (Feb. 2, 2018); *see also* Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary and Lindsey O. Graham, Chairman, Subcomm. on Crime and Terrorism, U.S. Sen. Comm. on the

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1. An October 2016 Foreign Intelligence Surveillance Act (FISA) application relying significantly on Mr. Steele's allegations and credibility to seek surveillance of Carter Page;²
2. Three renewal FISA applications—dated January, April, and June of 2017—similarly relying on Mr. Steele's allegations and credibility to seek approval to surveil Mr. Page;³
3. A Human Source Validation Report relating to Mr. Steele;⁴
4. Numerous FD-302s demonstrating that Department of Justice official Bruce Ohr continued to pass along allegations from Mr. Steele to the FBI after the FBI suspended its formal relationship with Mr. Steele for unauthorized contact with the media, and demonstrating that Mr. Ohr otherwise funneled allegations from Fusion GPS and Mr. Steele to the FBI;⁵
5. Spreadsheets summarizing the details of interactions between Mr. Steele and the FBI, including the dates of contacts, the subject-matter of those contacts, and information relating to whether and when any payments may have been made; and
6. Form 1023s and other documents memorializing contacts between the FBI and Mr. Steele.⁶

Additional relevant documents to which the Committee was provided access to review cannot be identified in this unclassified letter. Thus, those documents are detailed more fully in the attached classified memorandum.

We request that your office review all of these documents as soon as possible. We also request that your office examine the following issues, as well as those contained in the attached classified memorandum. Finally, we request that you report to Congress, and to the greatest extent possible, the public, on your recommendations and factual findings in a manner sufficient to answer these questions:

Judiciary to Rod J. Rosenstein, Deputy Attorney General, U.S. Dep't of Justice and Christopher A. Wray, Director, Federal Bureau of Investigation (Jan. 4, 2018) and attached Memorandum re: Referral of Christopher Steele for Potential Violation of 18 U.S.C. § 1001 (version of Memorandum cleared by the FBI as unclassified following the President's declassification of the HPSCI majority staff memorandum), *available at*:

[https://www.judiciary.senate.gov/imo/media/doc/2018-02-06%20CEG%20LG%20to%20DOJ%20FBI%20\(Unclassified%20Steele%20Referral\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2018-02-06%20CEG%20LG%20to%20DOJ%20FBI%20(Unclassified%20Steele%20Referral).pdf).

² Page FISA Application and Order (Oct. 21, 2016).

³ First Page FISA Renewal Application and Order (Jan. 12, 2017); Second Page FISA Renewal Application and Order (Apr. 7, 2017); Third Page FISA Renewal and Order (June 29, 2017).

⁴ Human Source Validation Report, (Nov. 14, 2016).

⁵ Ohr FD-302 12/19/16 (interview date 11/22/16); Ohr FD-302 12/19/16 (interview date 12/5/16); Ohr FD-302 12/19/16 (interview date 12/12/16); Ohr FD-302 12/27/16 (interview date 12/20/16); Ohr FD-302 1/27/17 (interview date 1/27/17); Ohr FD-302 1/31/17 (interview date 1/23/17); Ohr FD-302 1/27/17 (interview date 1/25/217); Ohr FD-302 2/8/17 (interview date 2/6/17); Ohr FD-302 2/15/17 (interview date 2/14/17); Ohr FD-302 5/10/17 (interview date 5/8/17); Ohr FD-302 5/12/17 (interview date 5/12/17); Ohr FD-302 5/16/17 (interview date 5/15/17).

⁶ FD-1023s documenting Mr. Steele's statements to the FBI.

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1. Who in the Department of Justice or the FBI knew that Christopher Steele's work ultimately was funded by the Democratic National Committee (DNC) and the Clinton Campaign? When did each individual learn that information?
2. Why didn't the Foreign Intelligence Surveillance Act (FISA) warrant for Carter Page, or any of its subsequent renewals, more specifically disclose the source of funding for Steele's claims?
3. What connections are there between Mr. Steele and the Russian government or Russian intelligence community? Has Mr. Steele ever been paid directly or indirectly by the Russian government, Russian intelligence community, or other Russian sources?
4. Was any consideration given to providing more information about the funding source than actually appears in the warrant and in its renewals? If not, why not?
5. What were Mr. Steele's motivations in distributing the dossier and the information in the dossier after President Trump won the election? Were these efforts coordinated in any way with employees of the FBI or DOJ?
6. Pursuant to the procedures in Rule 9(a) of the Foreign Intelligence Surveillance Court's Rules of Procedure, did the FBI or Justice Department provide the Foreign Intelligence Surveillance Court (FISC) with a proposed FISA application targeting Mr. Page while he was still affiliated with the Trump campaign? Did the FISC notify the DOJ that the warrant application was insufficient as written and required additional information? If so, why? Was the draft warrant returned with any specific feedback? If so, what was the feedback? Was the dossier information included in any draft warrant applications that might have been provided to the court? If not, when was the dossier information first presented to the court, either in draft or final form?
7. Were Page's departure from his role on the campaign's National Security Working Group and the timing of the application connected in any way?
8. Did the FISA order allow the FBI to obtain emails Page sent prior to the order, during the time he was affiliated with the Trump campaign? If so, were any Obama political appointees able to read internal Trump campaign emails before the election? During the transition period? If so, who, when, and for what purpose?
9. What department standards, rules, regulations, or policies, if any, govern the use of privately or politically funded intelligence gathering as a predicate for a FISA application? Are those standards, rules, regulations, or policies adequate to

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ensure the ultimate political and financial motivations behind the work are adequately shared and disclosed? Were those standards, rules, regulations, or policies followed in connection with the use of the Steele dossier information in the FISA application for Carter Page or in any other context where the dossier information was relied upon?

10. Do the so-called "Woods Procedures" adequately address how to evaluate potential credibility concerns when using privately or politically funded intelligence in FISA warrant applications?⁷
11. Do the Woods Procedures adequately ensure that unverified and uncorroborated information is not used to obtain FISA warrants targeting American citizens?
12. Did the FBI properly follow the Woods Procedures in obtaining the Page FISA warrant or any of its renewals, including those procedures designed to prevent reliance on unverified or uncorroborated information?
13. How many people at the FBI and the Department of Justice reviewed and approved the Page FISA warrant and renewal applications? Did anyone ever raise any concerns with its accuracy or sufficiency?
14. Did anyone express any concerns about the propriety of presenting unverified, uncorroborated claims from the Steele dossier as the basis for a FISA warrant on an American citizen?
15. Which specific dossier claims presented in the FISA application, if any, had the FBI independently verified at the time they were first presented to the court? Which claims, if any, had been verified by the time each of the renewal applications was filed?
16. Who leaked classified information about the Page FISA warrant to the *Washington Post* while the warrant was active?⁸ Why?
17. Chairman Grassley wrote to former Director Comey nearly a year ago requesting him to resolve apparent material discrepancies between information he provided in a closed briefing and information contained in classified documents. Specifically, what Mr. Comey disclosed in a private briefing to the Chairman and Ranking Member Feinstein about the timeline of the FBI's interactions with Mr. Steele appeared inconsistent with information contained in FISA applications the

⁷ Memorandum from the Office of the General Counsel, National Security Law Unit, Federal Bureau of Investigation to All Field Offices, *Foreign Intelligence Surveillance Act Procedures to Ensure Accuracy* (Apr. 5, 2001), available at: <https://fas.org/irp/agency/doj/fisa/woods.pdf>.

⁸ Ellen Nakashima, Devlin Barrett and Adam Entous, *FBI obtained FISA warrant to monitor Trump adviser Carter Page*, WASHINGTON POST (Apr. 11, 2017).

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Chairman and Ranking Member later reviewed.⁹ No explanation for the inconsistencies has ever been provided. It is unclear whether this was a deliberate attempt to mislead the Oversight Committee about whether the FBI's communications with Mr. Steele about the Trump allegations began before or after the FBI opened the investigation.

What is the reason for the difference between what Mr. Comey told the Chairman and Ranking Member in March 2017, and what appears in the FISA application?¹⁰ Did Director Comey intentionally mislead the Committee? Why did the FBI never respond to Chairman Grassley's questions about the inconsistencies? Did the Chairman's letter first alert the FBI to the inconsistencies? Did the FBI seek to correct them in any way? Did anyone block or delay a response to the Chairman on this issue? If so who, and why? Has Mr. Comey provided any other information to congressional committees, Members, or staff, in public testimony or in private briefings, that is inconsistent with the classified documents produced by the FBI in response to congressional inquiries related to the 2016 election?

18. Was Peter Strzok aware of Steele's claims when he opened the so-called Trump/Russia counterintelligence investigation? Did Mr. Steele's claims play any role in the decision to open this investigation, despite the stated basis of foreign intelligence regarding George Papadopoulos? Was there any discussion at the FBI about whether to cite to Steele's information in opening the investigation?
19. To what extent did Mr. Steele's information form any part of the basis for the FBI to expand its investigation from Mr. Papadopoulos to Mr. Page, Lt. Gen. Michael Flynn, and Mr. Manafort?
20. Have Mr. Steele's sources or sub-sources who are described in the dossier, or in any "intelligence reports" compiled by Mr. Steele or his company related to the 2016 election, received any payments directly or indirectly from Mr. Steele, Orbis International, any of Mr. Steele's other sources, or any Russian source?
21. Was anyone in the Justice Department, including senior leadership, aware that Mr. Ohr continued to pass information from Steele and Fusion GPS to the FBI even after Steele was suspended, and terminated, as a source? Who? Were those people aware that Mr. Ohr's wife worked for Fusion? If so, how and when did they become aware?

⁹ Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary to James B. Comey, Jr., Director, Federal Bureau of Investigation (Apr. 28, 2017).

¹⁰ The specific inconsistencies are described in the classified attachment.

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22. Was anyone in the senior leadership of the FBI aware that Mr. Ohr continued to pass information from Steele and Fusion GPS to the FBI after Steele was terminated as a source? Who? Were those people aware that Mr. Ohr's wife worked for Fusion? If so, how and when did they become aware?
23. Did Mr. Ohr ever seek ethics advice from DOJ about his participation in this investigation in light of his wife's employment with Fusion? In light of his becoming a fact witness in a case over which his office (ODAG) likely had supervisory authority? From whom did he seek advice? If so, was he properly advised and to what extent did he follow it?
24. Was it proper for Mr. Ohr to continue to pass information from Steele and Fusion to the FBI after it had suspended, and later terminated, Steele as a source? Why was that fact not disclosed to the FISC? Should it have been? Why was Mr. Ohr's wife's work on behalf of Fusion not disclosed to the FISC?
25. Why did the FBI and the Justice Department fail to disclose Steele's personal bias to the FISC? Specifically, Mr. Ohr informed the FBI that Steele himself was "desperate" to prevent Trump from being elected president. Why was this information withheld from the FISC? Should it have been disclosed in the renewal applications to correct any previous assessments or characterizations about Steele's motivations, as distinct from his client's (Fusion) and funders' (DNC/Clinton campaign)?
26. Who at the Department of Justice or the FBI was aware that Fusion was the subject of a Foreign Agents Registration Act (FARA) complaint alleging that it failed to register as a foreign agent for its work on behalf the Katsyv family to undermine Magnitsky Act sanctions against Russia?¹¹
27. Was anyone involved in the decision to use Steele's dossier information in the FISA application aware that Steele's client, Fusion GPS, was accused of being an unregistered foreign agent for Russian interests at the time? Should that information have been shared with those working in the FISA application and disclosed to the FISC at the time? If so, then why wasn't it?
28. Did the FBI provide a defensive briefing to alert then-candidate Trump or any Trump campaign officials to the FBI's counterintelligence concerns about Carter Page, George Papadopoulos, or Paul Manafort? If not, to what extent was such a briefing considered and rejected as a potential way to thwart Russian attempts to

¹¹ See, e.g., Letter from Chairman Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary and Lindsey O. Graham, Chairman, Subcomm. on Crime and Terrorism, U.S. Sen. Comm. on the Judiciary to Rod J. Rosenstein, Deputy Attorney General, U.S. Dep't of Justice and Andrew McCabe, Acting Director, Federal Bureau of Investigation (June 27, 2017).

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interfere with the 2016 election? If it was rejected as an option, why was it rejected and did that decision comply with any standards, rules, or regulations that govern the use of defensive briefings as a counterintelligence tool? Are the existing standards and guidelines for providing defensive briefings adequate to ensure that senior government officials or major party candidates are adequately warned if individuals surrounding them may be targets of foreign intelligence operations? If not, how should those standard and guidelines be improved?

29. In congressional testimony, Mr. Comey claimed that the FBI briefed then President-Elect Trump about the Steele dossier because the FBI had received word that the media was about to report on the dossier.¹² However, subsequent media reporting made clear that the media generally had found the dossier's unverified allegations unreportable, and CNN only broke the story on the dossier because Mr. Comey briefed the President-Elect about it.¹³ Thus, there is a question as to whether the FBI included the dossier in the briefing, and possibly leaked that it had done so, in order to provide the media a pretext to report on the dossier.

This question arises against the backdrop of an apparent broader pattern of FBI leaks about high-profile investigative matters. Text messages recently produced to the Committee by the Department for example show high-level FBI officials apparently communicating with reporters. Those messages also show that the FBI at least considered using the briefing for the purpose of carrying out a counterintelligence assessment of the attendees.

Did anyone from the FBI or the Department of Justice leak to the media the fact that officials briefed the President-Elect about the contents of the dossier? Did anyone from the FBI or the Department of Justice inform Mr. Steele or anyone associated with Fusion GPS that they briefed the President-Elect about the contents of the dossier? Did the FBI use the briefing to develop a counterintelligence assessment of its attendees?

30. Who leaked to the press the presumably classified contents of the publicly reported call between the Russian ambassador and Michael Flynn?¹⁴ Has anyone been held accountable, and if not, why not?

¹² Testimony of James B. Comey, Jr., Senate Select Committee on Intelligence (June 8, 2017).

¹³ Evan Perez, Jim Sciutto, Jake Tapper, and Carl Bernstein, *Intel chiefs presented Trump with claims of Russian efforts to compromise him*, CNN (Jan. 12, 2017), <https://www.cnn.com/2017/01/10/politics/donald-trump-intelligence-report-russia/index.html>.

¹⁴ David Ignatius, *Why did Obama dawdle on Russia's hacking?*, WASHINGTON POST (Jan. 12, 2017), https://www.washingtonpost.com/opinions/why-did-obama-dawdle-on-russias-hacking/2017/01/12/75f878a0-d90c-11e6-9a36-1d296534b31e_story.html?utm_term=.81bc5cd1cefa; Andrew McCarthy, *Make the Flynn Tape Public*,

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31. On January 24, 2017, before Lt. Gen. Flynn resigned as National Security Advisor, he was interviewed by FBI agents about phone calls he had with former Russian Ambassador Sergei Kislyak. On December 1, 2017, Lt. Gen. Flynn pled guilty to lying to them.¹⁵ Recent news reports, however, state that former FBI Director Comey previously told congressional investigators that those agents neither believed that Lt. Gen. Flynn had lied, nor that "any inaccuracies in his answers were intentional."¹⁶

Was the interview conducted by the FBI agents on January 24, 2017 part of a criminal investigation or a counterintelligence investigation? Did the FBI agents who interviewed Lt. Gen. Flynn believe that he lied to them or intentionally misled them? Did the FBI agents document their interview with Lt. Gen. Flynn in one or more FD-302s? What were the FBI agents' conclusions about Lt. Gen. Flynn's truthfulness, as reflected in the FD-302s? Were the FD-302s ever edited? If so, by whom? At who's direction? How many drafts were there? Are there material differences between the final draft and the initial draft(s) or the agent's testimony about the interview?


What information did the FBI present to the DOJ regarding this interview, or any other investigative steps involving Lt. Gen. Flynn, and when? What, if anything, did the DOJ do with this information?

In addition to these questions, please report on the issues raised in the classified attachment and in our classified referral of Christopher Steele.

Thank you for your attention to this matter. If you have any questions please contact Patrick Davis or DeLisa Lay of Chairman Grassley's staff at (202) 224-5225.


Charles E. Grassley
Chairman
Committee on the Judiciary

Sincerely,


Lindsey O. Graham
Chairman
Subcommittee on Crime and Terrorism

NATIONAL REVIEW (Feb. 15, 2017), <http://www.nationalreview.com/article/444934/michael-flynn-russia-release-tape-call-russian-ambassador>.

¹⁵ Plea Agreement, *U.S. v. Michael T. Flynn*, 1:17-cr-232 (D.D.C. Dec. 1, 2017), <https://www.justice.gov/file/1015121/download>; Criminal Information, *U.S. v. Michael T. Flynn*, 1:17-cr-232 (Nov. 30, 2017), <https://www.justice.gov/file/1015026/download>.

¹⁶ Byron York, Comey told Congress FBI agents didn't think Michael Flynn lied, WASHINGTON EXAMINER (Feb. 12, 2018), <http://www.washingtonexaminer.com/byron-york-comey-told-congress-fbi-agents-didnt-think-michael-flynn-lied/article/2648896>; see also Andrew McCarthy, The Curious Michael Flynn Guilty Plea, NATIONAL REVIEW (Feb. 13, 2018), <http://www.nationalreview.com/article/456379/michael-flynn-guilty-plea-questions-raised-about-fbi-robert-mueller-investigation>.

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(UNCLASSIFIED when separated from attachments)

[REDACTED]
(UNCLASSIFIED when separated from attachments)

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

The Honorable Sheldon Whitehouse
Ranking Member
Subcommittee on Crime and Terrorism

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation

The Honorable Richard Burr
Chairman
Senate Select Committee on Intelligence

The Honorable Mark Warner
Vice Chairman
Senate Select Committee on Intelligence

The Honorable Devin Nunes
Chairman
House Permanent Select Committee on Intelligence

The Honorable Adam Schiff
Ranking Member
House Permanent Select Committee on Intelligence

[REDACTED]
(UNCLASSIFIED when separated from attachments)

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Thursday, March 15, 2018 12:34 PM
To: Hur, Robert (ODAG); Boyd, Stephen E. (OLA); Schools, Scott (ODAG); Terwilliger, Zachary (ODAG); Flores, Sarah Isgur (OPA)
Subject: FW: 2018-03-15 CEG LB JC TT to AG DAG (Special Counsel)
Attachments: 2018-03-15 CEG LG JC TT to AG DAG (Special Counsel).pdf

All—good afternoon. Please see latest incoming from SJC (Grassley, Graham, Cornyn, Tillis) calling for a second special counsel into FISA issues/Steele/Ohr/other related matters. (b)(5)

Thanks,
David

From: Lay, DeLisa (Judiciary-Rep) (b)(6)
Sent: Thursday, March 15, 2018 11:44 AM
To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Cc: Foster, Jason (Judiciary-Rep) <Jason_Foster@judiciary-rep.senate.gov>; Davis, Patrick (Judiciary-Rep) <Patrick_Davis@judiciary-rep.senate.gov>; CEG (Judiciary-Rep) <CEG@judiciary-rep.senate.gov>; Holmes, Lee (Judiciary-Rep) (b)(6); Burwell, Carter (Judiciary-Rep) (b)(6); Rhoades, Chad (Tillis) (b)(6); Sawyer, Heather (Judiciary-Dem) (b)(6); Quint, Lara (Judiciary-Dem) (b)(6)
Subject: 2018-03-15 CEG LB JC TT to AG DAG (Special Counsel)

Hi David,

Attached please find a letter from Sens. Grassley, Graham, Cornyn, and Tillis to the Attorney General and the Deputy Attorney General. Please confirm receipt and send any follow-up correspondence to me and to the addresses copied on this e-mail.

Please also let me know if you have any questions.

Best,
DeLisa

DeLisa Lay
Senior Investigative Counsel
Oversight and Whistleblower Policy
Chairman Charles E. Grassley
U.S. Senate Committee on the Judiciary
(202) 224-5225

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ONE HUNDRED FIFTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

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July 27, 2017

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
Washington, D.C.

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
Washington, D.C.

Dear Attorney General Sessions and Deputy Attorney General Rosenstein:

We are writing to you to request assistance in restoring public confidence in our nation's justice system and its investigators, specifically the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). We need to enable these agencies to perform their necessary and important law enforcement and intelligence functions fully unhindered by politics. While we presume that the FBI's investigation into Russian influence has been subsumed into Special Counsel Robert Mueller's investigation, we are not confident that other matters related to the 2016 election and aftermath are similarly under investigation by Special Counsel Mueller. The unbalanced, uncertain, and seemingly unlimited focus of the special counsel's investigation has led many of our constituents to see a dual standard of justice that benefits only the powerful and politically well-connected. For this reason, we call on you to appoint a second special counsel¹ to investigate a plethora of matters connected to the 2016 election and its aftermath, including actions taken by previously public figures like Attorney General Loretta Lynch, FBI Director James Comey, and former Secretary of State Hillary Clinton.

Many Democrats and members of the Washington media previously called for a "special prosecutor" to investigate Russian influence on the election and connections with the Trump campaign. Not surprisingly, once you actually made the decision to appoint a special counsel, the calls for further investigations by congressional committees continued, focused on allegations that have heretofore produced no evidence of criminality, despite the fact that over a year has passed since the opening of the original FBI investigation. Political gamesmanship continues to

¹ See 28 CFR Part 600 – General Powers of Special Counsel.

saturate anything and everything associated with reactions to President Trump's executive decisions, and reveals the hypocrisy of those who refuse to allow the Special Counsel's investigation to proceed without undue political influence. It is an unfortunate state of affairs.

Your stated rationale for recommending Director Comey's termination as FBI Director was his mishandling of former Secretary Clinton's email investigation and associated public disclosures concerning the investigation's findings. We believe this was the correct decision. It is clear that Director Comey contributed to the politicization of the FBI's investigations by issuing his public statement, nominating himself as judge and jury, rather than permitting career DOJ prosecutors to make the final decision. But many other questions remain unanswered, due to Mr. Comey's premature and inappropriate decision, as well as the Obama Justice Department's refusal to respond to legitimate Congressional oversight. Last week, the Republican Members of this Committee sent a letter to the Justice Department, asking for responses to those unanswered inquiries.² These questions cannot, for history's sake and for the preservation of an impartial system of justice, be allowed to die on the vine.

It is therefore incumbent on this Committee, in our oversight capacity, to ensure that the agencies we oversee are above reproach and that the Justice Department, in particular, remains immune to accusations of politicization. Many Congressional entities have been engaged in oversight of Russian influence on the election, but a comprehensive investigation into the 2016 Presidential campaign and its aftermath must, similarly, be free of even the suggestion of political interference. The very core of our justice system demands as much. A second, newly-appointed special counsel will not be encumbered by these considerations, and will provide real value to the American people in offering an independent perspective on these extremely sensitive matters.

Our call for a special counsel is not made lightly. We have no interest in engendering more bad feelings and less confidence in the process or governmental institutions by the American people. Rather, our call is made on their behalf. It is meant to determine whether the criminal prosecution of any individual is warranted based on the solemn obligation to follow the facts wherever they lead and applying the law to those facts.

As we referenced above, Democrats and the mainstream media called for a special counsel to be appointed to investigate any Russian influence on President Trump's campaign. Their pleas were answered, but there are many questions that may be outside the scope of Special Counsel Mueller's investigation. This was clear following Mr. Comey's recent testimony to the Senate Intelligence Committee on June 8, 2017, which ignited renewed scrutiny of former

² See House Judiciary Committee letter of July 21, 2017 to Attorney General Sessions, requesting answers to multiple questions which remain unanswered or inadequately answered from the Obama Administration, available at https://judiciary.house.gov/wp-content/uploads/2017/07/072117_Letter-to-AG-Sessions.pdf?utm_source=House+Judiciary+Committee+Press+Releases&utm_campaign=fcab593157-EMAIL_CAMPAIGN_2017_07_21&utm_medium=email&utm_term=0_df41eba8fd-fcab593157-101865997.

Attorney General Loretta Lynch, and the actions she took to mislead the public concerning the investigation into the Clinton email investigation. Last year, this Committee inquired repeatedly about the circumstances surrounding that and other matters, but our inquiries were largely ignored.³

During his testimony, Mr. Comey referenced a meeting on the Phoenix airport tarmac between Ms. Lynch and former President Bill Clinton. Mr. Comey raised concerns about Ms. Lynch's conduct, and questioned her independence, stating:

At one point, the attorney general had directed me not to call it an investigation, but instead to call it a matter, which confused me and concerned me. That was one of the bricks in the load that led me to conclude, 'I have to step away from the department if we're to close this case credibly.'⁴

In addition, in preparing to testify in front of Congress for a September 2015 hearing, Mr. Comey asked Ms. Lynch at the time whether she was prepared to refer to the Clinton investigation as just that, an "investigation." Mr. Comey testified that Ms. Lynch said, "Yes, but don't call it that, call it a matter." Mr. Comey retorted, "Why would I do that?" Ms. Lynch answered, "Just call it a matter."⁵ Mr. Comey stated that he acquiesced, but it gave him "a queasy feeling," since it gave him the "impression that the attorney general was trying to align how we describe our work" with how the Clinton campaign was talking about it.⁶

Notwithstanding the fact that the FBI is the Federal Bureau of Investigation, and not the Federal Bureau of Matters, one is hard-pressed to understand why Ms. Lynch directed then-Director Comey to call the Clinton investigation a "matter" unless she intended to use such deceptive language to help wrongly persuade the American people that former Secretary Clinton was not, in fact, the subject of a full-scale FBI investigation, or to otherwise undermine the integrity of the investigation.

Following Director Comey's Senate Intelligence Committee testimony, Senator Dianne Feinstein was asked about the testimony while appearing on CNN's "State of the Union." Senator Feinstein stated, "I would have a queasy feeling too, though, to be candid with you, I think we need to know more about that, and there's only one way to know about it, and that's to have the Judiciary Committee take a look at that."⁷

³ *Id.*

⁴ Peter Baker, *The New York Times*, June 8, 2017, available at <https://www.nytimes.com/2017/06/08/us/politics/comey-testimony-loretta-lynch.html>.

⁵ *Id.*

⁶ Ed O'Keefe, *The Washington Post*, June 8, 2017, available at https://www.washingtonpost.com/politics/2017/live-updates/trump-white-house/james-comey-testimony-what-we-learn/comey-repeats-that-lynch-asked-him-to-describe-clinton-investigations-as-a-matter/?utm_term=.ccb1c193f596.

⁷ Eli Watkins, "Feinstein: Judiciary Committee must 'step up and carry its weight'," *CNN.com*, June 11, 2017, available at <http://www.cnn.com/2017/06/11/politics/dianne-feinstein-james-comey/index.html>.

We share Senator Feinstein's and Mr. Comey's concerns – specifically, that during the midst of a contentious Presidential election, which was already rife with scandal arising from Secretary Clinton's mishandling of classified information, that our nation's chief law enforcement officer would instruct the FBI Director, her subordinate, to mislead the American public about the nature of the investigation. Following Ms. Lynch's directive to downplay the Clinton investigation as a "matter," Director Comey infamously terminated the Clinton investigation, stating, "[a]lthough there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case."⁸

Mr. Comey's testimony has provided new evidence that Ms. Lynch may have used her position of authority to undermine the Clinton investigation. At any other point in history this accusation would entail a shock to the conscience of law abiding Americans who expect a DOJ free of political influence. We only have, however, an investigation into Russian influence on the 2016 election, including any ties to the Trump campaign. To limit our nation's insight into just this single component of the 2016 election will only cause the special counsel's work to be derided as one-sided and incomplete. The special counsel's work must begin and end unimpeded by political motivations on either side of the aisle. For these reasons, the following points must also be fully investigated – ideally, via a second special counsel. This is imperative to regain the cherished trust and confidence in our undoubtedly distressed law enforcement and political institutions.

We call on a newly appointed special counsel to investigate, consistent with appropriate regulations, the following questions, many of which were previously posed by this Committee and remain unanswered:

- 1) Then-Attorney General Loretta Lynch directing Mr. Comey to mislead the American people on the nature of the Clinton investigation;
- 2) The shadow cast over our system of justice concerning Secretary Clinton and her involvement in mishandling classified information;
- 3) FBI and DOJ's investigative decisions related to former Secretary Clinton's email investigation, including the propriety and consequence of immunity deals given to potential Clinton co-conspirators Cheryl Mills, Heather Samuelson, John Bentel and possibly others;
- 4) The apparent failure of DOJ to empanel a grand jury to investigate allegations of mishandling of classified information by Hillary Clinton and her associates;
- 5) The Department of State and its employees' involvement in determining which communications of Secretary Clinton's and her associates to turn over for public scrutiny;

⁸ Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System, July 5, 2016, available at <https://www.fbi.gov/news/pressrel/press-releases/statement-by-fbi-director-james-b-comey-on-the-investigation-of-secretary-hillary-clinton2019s-use-of-a-personal-e-mail-system>.

- 6) WikiLeaks disclosures concerning the Clinton Foundation and its potentially unlawful international dealings;
- 7) Connections between the Clinton campaign, or the Clinton Foundation, and foreign entities, including those from Russia and Ukraine;
- 8) Mr. Comey's knowledge of the purchase of Uranium One by the company Rosatom, whether the approval of the sale was connected to any donations made to the Clinton Foundation, and what role Secretary Clinton played in the approval of that sale that had national security ramifications;
- 9) Disclosures arising from unlawful access to the Democratic National Committee's (DNC) computer systems, including inappropriate collusion between the DNC and the Clinton campaign to undermine Senator Bernie Sanders' presidential campaign;
- 10) Post-election accusations by the President that he was wiretapped by the previous Administration, and whether Mr. Comey and Ms. Lynch had any knowledge of efforts made by any federal agency to unlawfully monitor communications of then-candidate Trump or his associates;
- 11) Selected leaks of classified information related to the unmasking of U.S. person identities incidentally collected upon by the intelligence community, including an assessment of whether anyone in the Obama Administration, including Mr. Comey, Ms. Lynch, Ms. Susan Rice, Ms. Samantha Power, or others, had any knowledge about the "unmasking" of individuals on then candidate-Trump's campaign team, transition team, or both;
- 12) Admitted leaks by Mr. Comey to Columbia University law professor, Daniel Richman, regarding conversations between Mr. Comey and President Trump, how the leaked information was purposefully released to lead to the appointment of a special counsel, and whether any classified information was included in the now infamous "Comey memos";
- 13) Mr. Comey's and the FBI's apparent reliance on "Fusion GPS" in its investigation of the Trump campaign, including the company's creation of a "dossier" of information about Mr. Trump, that dossier's commission and dissemination in the months before and after the 2016 election, whether the FBI paid anyone connected to the dossier, and the intelligence sources of Fusion GPS or any person or company working for Fusion GPS and its affiliates; and
- 14) Any and all potential leaks originated by Mr. Comey and provide to author Michael Schmidt dating back to 1993.

You have the ability now to right the ship for the American people so these investigations may proceed independently and impartially. The American public has a right to know the facts – all of them – surrounding the election and its aftermath. We urge you to appoint a second special counsel to ensure these troubling, unanswered questions are not relegated to the dustbin of history.

Sincerely,

Bob Goodlatte

Jo Jordan

Lamar Smith

Matt [Signature]

Tom Marino

Steve Chalot

Blake Farentsoid

Steve King

Rene Lohmeyer

[Signature]

[Signature] Raul R. Labrador

[Signature] Andy Biggs

MIKE JOHNSON

John Rutherford

Martha Roby

John Ratcliffe

Ken Starks

Karen C. Handel

Malmstrom, Jason R. (OIG)

From: Malmstrom, Jason R. (OIG)
Sent: Thursday, March 8, 2018 2:24 PM
To: Schools, Scott (ODAG)
Subject: Letter
Attachments: 2018-02-02 CEG to FBI DOJ (Declassification of Steele Criminal Referral).pdf

Scott, I believe this is the letter.

Jason
202.616.4651

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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Chief Counsel and Staff Director

February 2, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Director Wray and Deputy Attorney General Rosenstein:

Pursuant to Section 3.5 of Executive Order 13526, I am writing to formally demand a Mandatory Declassification Review of the classified criminal referral Senator Graham and I sent to the FBI and the Justice Department regarding Christopher Steele's potential violations of 18 U.S.C. § 1001.¹

On January 4, 2018, Senator Graham and I sent a classified memo to the Justice Department and the FBI. The eight-page memo referred for further investigation materially inconsistent statements reportedly made by Christopher Steele, the author of the anti-Trump dossier funded by the Democratic National Committee and the Clinton campaign during the 2016 Presidential election. On January 19, 2018, an FBI Congressional liaison, Greg Brower, sent a letter claiming that a few of the paragraphs marked as unclassified in our memo contained classified information. A redacted copy of Mr. Brower's letter is attached for reference.

As I explained in a speech on the Senate floor, the FBI's claims mischaracterize and misstate what those paragraphs actually say. Nonetheless, on January 29, I wrote to Director Wray and Inspector General Horowitz, raising my objections to the FBI's classification claims, but attaching a further redacted version of the referral that addressed FBI's concerns. On February 2, 2018, Mr. Brower stated that the FBI had no concerns with the public release of that further redacted version, which is attached to this letter.

Today, the President formally declassified a memorandum drafted by the majority staff of the House Permanent Select Committee on Intelligence (HPSCI).² Much of the information in the declassified HPSCI memorandum overlaps with the information in the criminal referral made by Senator Graham and me. That information has now been declassified and can no longer

¹ Similarly, pursuant to Section 1.8 of Executive Order 13526, I am, as an authorized holder of the information, also formally challenging the propriety of the classification of the FBI and Justice Department information referenced in the referral.

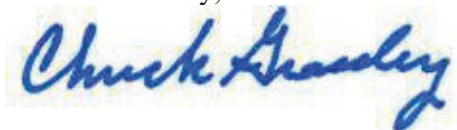
² https://intelligence.house.gov/uploadedfiles/memo_and_white_house_letter.pdf

Director Wray and Deputy Attorney General Rosenstein
February 2, 2018
Page 2 of 2

properly be deemed as classified in our criminal referral. Accordingly, I ask that you immediately review the classified referral in light of today's declassification and provide the Committee with the declassified version by no later than February 6, 2018.

Thank you for your prompt attention to this matter. Please contact Patrick Davis of my staff at (202) 224-5225 if you have any questions.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

Enclosures: As stated.

cc: The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

Director, Office of Information Policy
United States Department of Justice
1425 New York Ave, NW
Suite 11050
Washington, DC 20530



U.S. Department of Justice
Federal Bureau of Investigation

Washington, D.C. 20535-0001

January 19, 2018

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

JUDICIARY - GRASSLEY
OSS-2018-0076, Copy 001
FBI RESPONSE TO REQUEST REGARDING
STEELE MEMORANDUM (U)
COPY 1 OF 2 19 JAN 2018 2 PGS

Dear Mr. Chairman:

(U) The Department of Justice and the FBI appreciate the Senate Judiciary Committee's consultation regarding the potential public release of unclassified portions of its January 5, 2018 classified memorandum regarding Christopher Steele. As referenced in a January 12, 2018 communication with your staff, I am following-up with an official FBI response to your request.

As previously communicated to your staff via e-mail, the FBI considers some information marked UNCLASSIFIED within the Committee's memo to be classified. This derives from the fact that

the FBI has not declassified or publicly acknowledged. As such, the FBI considers to be classified.

(U//FOUO) In particular, the FBI considers the following portions of the document that are marked UNCLASSIFIED to contain classified information:

1. Page 1: Paragraphs 2 and 3: The FBI continues to protect this information at the SECRET//NOFORN level.
2. Page 4; Paragraph 3: The FBI continues to protect this information at the SECRET//NOFORN level.
3. Page 6; Paragraph 4: This paragraph discloses information that the FBI continues to protect at the SECRET//NOFORN level. Although the underlying source document produced for the Committee *in camera* did not contain classification markings, the FBI has treated the document as classified.



[REDACTED]

Honorable Charles E. Grassley

[REDACTED] The FBI respects the Committee's commitment to transparency in executing its oversight responsibilities; however the FBI cannot and will not weaken its commitment to protecting [REDACTED] Public reporting about [REDACTED] does not affect the FBI's policy with respect to classification [REDACTED] nor does it diminish our obligations [REDACTED] In particular, we are deeply concerned that granting exceptions to this policy would send a troubling signal to [REDACTED] and may degrade our ability to [REDACTED] in the future.

Sincerely,



Gregory A. Brower
Assistant Director
Office of Congressional Affairs

① Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United State Senate
Washington, DC 20510

[REDACTED]



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 24, 2018

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

As directed by the President and in accordance with a letter provided to you on February 9, 2018, Department of Justice (Department) and Federal Bureau of Investigation (FBI) personnel have provided technical assistance to the House Permanent Select Committee on Intelligence (Committee) with respect to the second classified memorandum written by Committee members.

The enclosed version of that memorandum identifies the redactions that the Department and the FBI believe are necessary to protect information that remains properly classified in accordance with Executive Order 13526. The classification determinations reflected in this document have been made by career professionals taking into account the President's decision to declassify an earlier memorandum, as described in a letter to you dated February 2, 2018.

With the redactions as marked in the enclosed, the document is unclassified.

Very truly yours,

A handwritten signature in blue ink, appearing to read "S. Boyd", with a large, stylized initial "S" that loops around the first part of the name.

Stephen E. Boyd
Assistant Attorney General

Enclosure

Cc: The Honorable Adam Schiff
Ranking Member
House Permanent Select Committee on Intelligence

UNCLASSIFIED

~~TOP SECRET//NOFORN~~

TO: All Members of the House of Representatives
FROM: HPSCI Minority
DATE: January 29, 2018
RE: Correcting the Record – The Russia Investigations

The HPSCI Majority's move to release to the House of Representatives its allegations against the Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ) is a transparent effort to undermine those agencies, the Special Counsel, and Congress' investigations. It also risks public exposure of sensitive sources and methods for no legitimate purpose.

FBI and DOJ officials did not "abuse" the Foreign Intelligence Surveillance Act (FISA) process, omit material information, or subvert this vital tool to spy on the Trump campaign.

In fact, DOJ and the FBI would have been remiss in their duty to protect the country had they not sought a FISA warrant and repeated renewals to conduct temporary surveillance of Carter Page, someone the FBI assessed to be an agent of the Russian government. DOJ met the rigor, transparency, and evidentiary basis needed to meet FISA's probable cause requirement, by demonstrating:

- contemporaneous evidence of Russia's election interference;
- concerning Russian links and outreach to Trump campaign officials;
- Page's history with Russian intelligence; and
- [REDACTED] Page's suspicious activities in 2016, including in Moscow.

The Committee's Minority has therefore prepared this memorandum to correct the record:

- **Christopher Steele's raw intelligence reporting did not inform the FBI's decision to initiate its counterintelligence investigation in late July 2016.** In fact, the FBI's closely-held investigative team only received Steele's reporting in mid-September – more than seven weeks later. The FBI – and, subsequently, the Special Counsel's – investigation into links between the Russian government and Trump campaign associates has been based on troubling law enforcement and intelligence information unrelated to the "dossier."
- **DOJ's October 21, 2016 FISA application and three subsequent renewals carefully outlined for the Court a multi-pronged rationale for surveilling Page, who, at the time of the first application, was no longer with the Trump campaign.** DOJ detailed Page's past relationships with Russian spies and interaction with Russian officials during the 2016 campaign, [REDACTED]. DOJ cited multiple sources to support the case for surveilling Page — but made only narrow use of information from Steele's sources about Page's specific activities in 2016, chiefly his suspected July 2016 meetings in Moscow with Russian officials. [REDACTED]. In fact, the FBI interviewed Page in March 2016 about his contact with Russian intelligence, the very month candidate Donald Trump named him a foreign policy advisor.

As DOJ informed the Court in subsequent renewals, [REDACTED] **Steele's reporting about Page's Moscow meetings** [REDACTED]. DOJ's applications did not otherwise rely on Steele's reporting, including any "salacious" allegations

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UNCLASSIFIED

UNCLASSIFIED

~~TOP SECRET//NOFORN~~

about Trump, and the FBI never paid Steele for this reporting. While explaining why the FBI viewed Steele's reporting and sources as reliable and credible, DOJ also disclosed:

- Steele's prior relationship with the FBI;
 - the fact of and reason for his termination as a source; and
 - the assessed political motivation of those who hired him.
- **The Committee Majority's memorandum, which draws selectively on highly sensitive classified information, includes other distortions and misrepresentations that are contradicted by the underlying classified documents, which the vast majority of Members of the Committee and the House have not had the opportunity to review – and which Chairman Nunes chose not to read himself.¹**

Background

On January 18, 2018, the Committee Majority, during an unrelated business meeting, forced a surprise vote to release to the full House a profoundly misleading memorandum alleging serious abuses by the FBI and DOJ. Majority staff drafted the document in secret on behalf of Chairman Devin Nunes (and reportedly with guidance and input from Rep. Trey Gowdy), and then rushed a party-line vote without prior notice.

This was by design. The overwhelming majority of Committee Members never received DOJ authorization to access the underlying classified information, and therefore could not judge the veracity of Chairman Nunes' claims. Due to sensitive sources and methods, DOJ provided access only to the Committee's Chair and Ranking Member (or respective designees), and limited staff, to facilitate the Committee's investigation into Russia's covert campaign to influence the 2016 U.S. elections.² As DOJ has confirmed publicly, it did not authorize the broader release of this information within Congress or to the public, and Chairman Nunes refused to allow DOJ and the FBI to review his document until he permitted the FBI Director to see it for the first time in HPSCI's secure spaces late on Sunday, January 28 – 10 days after disclosure to the House.³

FBI's Counterintelligence Investigation

In its October 2016 FISA application and subsequent renewals, DOJ accurately informed the Court that the FBI initiated its counterintelligence investigation on July 31, 2016, after receiving information [REDACTED]. George Papadopoulos revealed [REDACTED] that individuals linked to Russia, who took interest in Papadopoulos as a Trump campaign foreign policy adviser, informed him in late April 2016 that Russia [REDACTED].⁴ Papadopoulos's disclosure, moreover, occurred against the backdrop of Russia's aggressive covert campaign to influence our elections, which the FBI was already monitoring. We would later learn in Papadopoulos's plea that the information the Russians could assist by anonymously releasing were thousands of Hillary Clinton's emails.⁵

DOJ told the Court the truth. Its representation was consistent with the FBI's underlying investigative record, which current and former senior officials later corroborated in extensive

~~TOP SECRET//NOFORN~~

UNCLASSIFIED

UNCLASSIFIED

~~TOP SECRET//NOFORN~~

Committee testimony. Christopher Steele's reporting, which he began to share with an FBI agent [REDACTED] through the end of October 2016, **played no role** in launching the FBI's counterintelligence investigation into Russian interference and links to the Trump campaign. In fact, Steele's reporting did not reach the counterintelligence team investigating Russia at FBI headquarters until mid-September 2016, more than seven weeks after the FBI opened its investigation, because the probe's existence was so closely held within the FBI.⁶ By then, the FBI had already opened sub-inquiries into [REDACTED] individuals linked to the Trump campaign: [REDACTED] and former campaign foreign policy advisor **Carter Page**.

As Committee testimony bears out, the FBI would have continued its investigation, including against [REDACTED] individuals, even if it had never received information from Steele, never applied for a FISA warrant against Page, or if the FISC had rejected the application.⁷

DOJ's FISA Application and Renewals

The initial warrant application and subsequent renewals received independent scrutiny and approval by four different federal judges, ²three of whom were appointed by President George W. Bush and one by President Ronald Reagan. DOJ first applied to the FISC on October 21, 2016 for a warrant to permit the FBI to initiate electronic surveillance and physical search of Page for 90 days, consistent with FISA requirements. The Court approved three renewals – in early January 2017, early April 2017, and late June 2017 – which authorized the FBI to maintain surveillance on Page until late September 2017. Senior DOJ and FBI officials appointed by the Obama and Trump Administrations, including acting Attorney General Dana Boente and Deputy Attorney General Rod Rosenstein, certified the applications with the Court.

One by
George
H.W. Bush

FISA was not used to spy on Trump or his campaign. As the Trump campaign and Page have acknowledged, Page ended his formal affiliation with the campaign months before DOJ applied for a warrant. DOJ, moreover, submitted the initial application less than three weeks before the election, even though the FBI's investigation had been ongoing since the end of July 2016.

DOJ's warrant request was based on compelling evidence and probable cause to believe Page was knowingly assisting clandestine Russian intelligence activities in the U.S.:

- **Page's Connections to Russian Government and Intelligence Officials:** The FBI had an independent basis for investigating Page's motivations and actions during the campaign, transition, and following the inauguration. As DOJ described in detail to the Court, Page had an extensive record as [REDACTED] ⁸prior to joining the Trump campaign. He resided in Moscow from 2004-2007 and pursued business deals with Russia's state-owned energy company Gazprom—[REDACTED] ⁹As early as [REDACTED], a Russian intelligence officer [REDACTED] targeted Page for recruitment. Page showed [REDACTED].

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Page remained on the radar of Russian intelligence and the FBI. In 2013, prosecutors indicted three other Russian spies, two of whom targeted Page for recruitment. The FBI also interviewed Page multiple times about his Russian intelligence contacts, including in March 2016.¹⁰ The FBI's concern about and knowledge of Page's activities therefore long predate the FBI's receipt of Steele's information.

- **Page's Suspicious Activity During the 2016 Campaign:** The FISA applications also detail Page's suspicious activity after joining the Trump campaign in March 2016. [REDACTED] Page traveled to Moscow in July 2016, during which he gave a university commencement address – an honor usually reserved for well-known luminaries.
 - It is in this specific sub-section of the applications that DOJ refers to Steele's reporting on Page and his alleged coordination with Russian officials. Steele's information about Page was consistent with the FBI's assessment of Russian intelligence efforts to recruit him and his connections to Russian persons of interest.
 - In particular, Steele's sources reported that Page met separately while in Russia with Igor Sechin, a close associate of Vladimir Putin and executive chairman of Rosneft, Russia's state-owned oil company, and Igor Divyekin, a senior Kremlin official. Sechin allegedly discussed the prospect of future U.S.-Russia energy cooperation and "an associated move to lift Ukraine-related western sanctions against Russia." Divyekin allegedly disclosed to Page that the Kremlin possessed compromising information on Clinton ("kompromat") and noted "the possibility of its being released to Candidate #1's campaign."¹¹ [Note: "Candidate #1" refers to candidate Trump.] This closely tracks what other Russian contacts were informing another Trump foreign policy advisor, George Papadopoulos.
 - In subsequent FISA renewals, DOJ provided additional information obtained through multiple independent sources that corroborated Steele's reporting.
 - [REDACTED]¹²
 - [REDACTED]
 - Page's [REDACTED] in Moscow with [REDACTED] senior Russian officials [REDACTED] as well as meetings with Russian officials [REDACTED]¹³
- This information contradicts Page's November 2, 2017 testimony to the Committee, in which he initially denied any such meetings and then was forced to admit speaking with

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Dvorkovich and meeting with Rosneft's Sechin-tied investor relations chief, Andrey Baranov.

- **The Court-approved surveillance of Page allowed FBI to collect valuable intelligence.** The FISA renewals demonstrate that the FBI collected important investigative information and leads by conducting Court-approved surveillance. For instance, [REDACTED]

DOJ also documented evidence that Page [REDACTED]

[REDACTED], anticipated
[REDACTED] and repeatedly contacted [REDACTED]
[REDACTED] in an effort to present himself as [REDACTED]

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Page's efforts to [REDACTED] also contradict his sworn testimony to our Committee.

DOJ's Transparency about Christopher Steele

Far from "omitting" material facts about Steele, as the Majority claims,¹⁷ DOJ repeatedly informed the Court about Steele's background, credibility, and potential bias. DOJ explained in detail Steele's prior relationship with and compensation from the FBI; his credibility, reporting history, and source network; the fact of and reason for his termination as a source in late October 2016; and the likely political motivations of those who hired Steele.

- **DOJ was transparent with Court about Steele's sourcing:** The Committee Majority, which had earlier accused Obama Administration officials of improper "unmasking," faults DOJ for not revealing the names of specific U.S. persons and entities in the FISA application and subsequent renewals. In fact, DOJ appropriately upheld its longstanding practice of protecting U.S. citizen information by purposefully not "unmasking" U.S. person and entity names, unless they were themselves the subject of a counterintelligence investigation. DOJ instead used generic identifiers that provided the Court with more than sufficient information to understand the political context of Steele's research. In an extensive explanation to the Court, DOJ discloses that Steele

"was approached by an identified U.S. Person,¹⁸ who indicated to Source #1 [Steele]¹⁹ that a U.S.-based law firm²⁰ had hired the identified U.S. Person to conduct research regarding Candidate #1's²¹ ties to Russia. (The identified U.S. Person and Source #1 have a long-standing business relationship.) The identified U.S. person hired Source #1 to conduct this research. The identified U.S. Person never advised Source #1 as to the motivation behind the research into Candidate #1's ties to Russia. The FBI speculates that the identified U.S. Person was likely looking for information that could be used to discredit Candidate #1's campaign."²²

Contrary to the Majority's assertion that DOJ fails to mention that Steele's research was commissioned by "political actors" to "obtain derogatory information on Donald Trump's ties to Russia,"²³ DOJ in fact informed the Court accurately that Steele was hired by

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politically-motivated U.S. persons and entities and that his research appeared intended for use “to discredit” Trump’s campaign.

- **DOJ explained the FBI’s reasonable basis for finding Steele credible:** The applications correctly described Steele as [REDACTED]. The applications also reviewed Steele’s multi-year history of credible reporting on Russia and other matters, including information DOJ used in criminal proceedings.²⁴ Senior FBI and DOJ officials have repeatedly affirmed to the Committee the reliability and credibility of Steele’s reporting, an assessment also reflected in the FBI’s underlying source documents.²⁵ The FBI has undertaken a rigorous process to vet allegations from Steele’s reporting, including with regard to Page.²⁶
- **The FBI properly notified the FISC after it terminated Steele as a source for making unauthorized disclosures to the media.** The Majority cites no evidence that the FBI, prior to filing its initial October 21, 2016 application, actually knew or should have known of any allegedly inappropriate media contacts by Steele. Nor do they cite evidence that Steele disclosed to *Yahoo!* details included in the FISA warrant, since the British Court filings to which they refer do not address what Steele may have said to *Yahoo!*.

DOJ informed the Court in its renewals that the FBI acted promptly to terminate Steele after learning from him (after DOJ filed the first warrant application) that he had discussed his work with a media outlet in late October. The January 2018 renewal further explained to the Court that Steele told the FBI that he made his unauthorized media disclosure because of his frustration at Director Comey’s public announcement shortly before the election that the FBI reopened its investigation into candidate Clinton’s email use.

- **DOJ never paid Steele for the “dossier”:** The Majority asserts that the FBI had “separately authorized payment” to Steele for his research on Trump but neglects to mention that payment was cancelled and never made. As the FBI’s records and Committee testimony confirms, although the FBI initially considered compensation [REDACTED], Steele ultimately never received payment from the FBI for any “dossier”-related information.²⁷ DOJ accurately informed the Court that Steele had been an FBI confidential human source since [REDACTED], for which he was “compensated [REDACTED] by the FBI” – payment for previously-shared information of value unrelated to the FBI’s Russia investigation.²⁸

Additional Omissions, Errors, and Distortions in the Majority’s Memorandum

- **DOJ appropriately provided the Court with a comprehensive explanation of Russia’s election interference, including evidence that Russia courted another Trump campaign advisor, Papadopoulos, and that Russian agents previewed their hack and dissemination of stolen emails.** In claiming that there is “no evidence of any cooperation or conspiracy between Page and Papadopoulos,”²⁹ the Majority misstates the reason why DOJ specifically explained Russia’s courting of Papadopoulos. Papadopoulos’s interaction with Russian agents, coupled with real-time evidence of Russian election interference, provided the Court with a broader context in which to evaluate Russia’s clandestine activities and Page’s history and alleged contact with Russian officials. Moreover, since only Page [REDACTED]

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[REDACTED], no evidence of a separate conspiracy between him and Papadopoulos was required. **DOJ would have been negligent in omitting vital information about Papadopoulos and Russia's concerted efforts.**

- **In its Court filings, DOJ made proper use of news coverage.** The Majority falsely claims that the FISA materials “relied heavily” on a September 23, 2016 *Yahoo!* News article by Michael Isikoff and that this article “does not corroborate the Steele Dossier because it is derived from information leaked by Steele himself.”³⁰ In fact, DOJ referenced Isikoff’s article, alongside another article the Majority fails to mention, not to provide separate corroboration for Steele’s reporting, but instead to inform the Court of Page’s public denial of his suspected meetings in Moscow, which Page also echoed in a September 25, 2016 letter to FBI Director Comey. [REDACTED]

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- **The Majority’s reference to Bruce Ohr is misleading.** The Majority mischaracterizes Bruce Ohr’s role, overstates the significance of his interactions with Steele, and misleads about the timeframe of Ohr’s communication with the FBI. In late November 2016, Ohr informed the FBI of his prior professional relationship with Steele and information that Steele shared with him (including Steele’s concern about Trump being compromised by Russia). He also described his wife’s contract work with Fusion GPS, the firm that hired Steele separately. This occurred weeks after the election and more than a month after the Court approved the initial FISA application. The Majority describes Bruce Ohr as a senior DOJ official who “worked closely with the Deputy Attorney General, Yates and later Rosenstein,” in order to imply that Ohr was somehow involved in the FISA process, but there is no indication this is the case.

Bruce Ohr is a well-respected career professional whose portfolio is drugs and organized crime, not counterintelligence. There is no evidence that he would have known about the Page FISA applications and their contents. The Majority’s assertions, moreover, are irrelevant in determining the veracity of Steele’s reporting. By the time Ohr debriefs with the FBI, it had already terminated Steele as a source and was independently corroborating Steele’s reporting about Page’s activities. Bruce Ohr took the initiative to inform the FBI of what he knew, and the Majority does him a grave disservice by suggesting he is part of some malign conspiracy.

- **Finally, Peter Strzok and Lisa Page’s text messages are irrelevant to the FISA application.** The Majority gratuitously includes reference to Strzok and Page at the end of their memorandum, in an effort to imply that political bias infected the FBI’s investigation and DOJ’s FISA applications. In fact, neither Strzok nor Page served as affiants on the applications, which were the product of extensive and senior DOJ and FBI review.³² In demonizing both career professionals, the Majority accuses them of “orchestrating leaks to the media” – a serious charge; omits inconvenient text messages, in which they critiqued a wide range of other officials and candidates from both parties; does not disclose that FBI Deputy Director McCabe testified to the Committee that he had no idea what Page and Strzok were referring to in their “insurance policy” texts;³³ and ignores Strzok’s acknowledged role in preparing a public declaration, by then Director Comey, about former Secretary Clinton’s “extreme carelessness” in handling classified information—which greatly damaged Clinton’s public reputation in the days just prior to the presidential election.

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¹ Letter to HPSCI Chairman Devin Nunes, Assistant Attorney General Stephen Boyd, Department of Justice, January 24, 2018.

² Letter to HPSCI Chairman Devin Nunes, Assistant Attorney General Stephen Boyd, Department of Justice, January 24, 2018. DOJ also confirmed in writing to Minority Staff DOJ and FBI's terms of review:

the Department has accommodated HPSCI's oversight request by allowing repeated in camera reviews of the material in an appropriate secure facility under the general stipulations that (1) **the Chair (or his delegate) and the Ranking Member (or his delegate) and two staff each, with appropriate security clearances, be allowed to review on behalf of the Committee,** (2) that the review take place in a reading room set up at the Department, and (3) that the documents not leave the physical control of the Department, and (5) that the review opportunities be bipartisan in nature. Though we originally requested that no notes be taken, in acknowledgment of a request by the Committee and recognizing that the volume of documents had increased with time, the Department eventually allowed notes to be taken to facilitate HPSCI's review. Also, initial reviews of the material include [sic] short briefings by Department officials to put the material in context and to provide some additional information.

Email from Stephen Boyd to HPSCI Minority Staff, January 18, 2018 (emphasis supplied).

³ Letter to HPSCI Chairman Devin Nunes, Assistant Attorney General Stephen Boyd, Department of Justice, January 24, 2018.

⁴ [REDACTED]

⁵ Papadopoulos's October 5, 2017 guilty plea adds further texture to this initial tip, by clarifying that a Russian agent told Papadopoulos that "They [the Russians] have dirt on her"; "the Russians had emails of Clinton"; "they have thousands of emails." *U.S. v. George Papadopoulos* (1:17-cr-182, District of Columbia), p. 7.

⁶ [REDACTED]

⁷ Under the Special Counsel's direction, Flynn and Papadopoulos have both pleaded guilty to lying to federal investigators and are cooperating with the Special Counsel's investigation, while Manafort and his long-time aide, former Trump deputy campaign manager Rick Gates, have been indicted on multiple counts and are awaiting trial. See *U.S. v. Michael T. Flynn* (1:17-cr-232, District of Columbia); *U.S. v. Paul J. Manafort, Jr., and Richard W. Gates III* (1:17-cr-201, District of Columbia); *U.S. v. George Papadopoulos* (1:17-cr-182, District of Columbia).

⁸ [REDACTED]

⁹ [REDACTED]

¹⁰ [REDACTED] See also, *U.S. v. Evgeny Buryakov, a/k/a "Zhenya," Igor Sporyshev, and Victor Podobnyy*, U.S. Southern District of New York, January 23, 2015.

¹¹ Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, p.18. Repeated in subsequent renewal applications

¹² Department of Justice, Foreign Intelligence Surveillance Court Application, June 29, 2017, pp. 20-21.

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[REDACTED] the FBI and broader Intelligence Community's high confidence assessment that the Russian government was engaged in a covert interference campaign to influence the 2016 election, including that Russian intelligence actors "compromised the DNC" and WikiLeaks subsequently leaked in July 2016 "a trove" of DNC emails. Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, pp. 6-7. Repeated and updated with new information in subsequent renewal applications. Department of Justice, Foreign Intelligence Surveillance Court Application, June 29, 2017, pp. 20-21.

¹⁵ Department of Justice, Foreign Intelligence Surveillance Court Application, June 29, 2017, pp. 36, 46, 48.

¹⁶ Department of Justice, Foreign Intelligence Surveillance Court Application, June 29, 2017, p. 56.

¹⁷ HPSCI Majority Memorandum, *Foreign Intelligence Surveillance Act Abuses at the Department of Justice and the Federal Bureau of Investigation*, January 18, 2018, pp. 2-3 (enumerating "omissions" of fact, regarding Steele and his activities, from the Page FISA applications).

¹⁸ Glenn Simpson.

¹⁹ Christopher Steele.

²⁰ Perkins Coie LLP.

²¹ Donald Trump.

²² Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, pp. 15-16, n. 8. Repeated in subsequent renewal applications.

²³ HPSCI Majority Memorandum, *Foreign Intelligence Surveillance Act Abuses at the Department of Justice and the Federal Bureau of Investigation*, January 18, 2018, p. 2.

²⁴ Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, p. 15, footnote 8. Repeated in subsequent renewal applications.

²⁵ Interview of Andrew McCabe (FBI Deputy Director), House Permanent Select Committee on Intelligence, December 19, 2017, p. 46, 100; Interview of Sally Yates (former Deputy Attorney General), House Permanent Select Committee on Intelligence, November 3, 2017, p. 16; Interview with John Carlin (former Assistant Attorney General for National Security), House Permanent Select Committee on Intelligence, July, 2017, p. 35.

²⁶ Interview of Andrew McCabe (FBI Deputy Director), House Permanent Select Committee on Intelligence, December 19, 2017, p. 100-101, 115.

²⁷ Interview of FBI Agent, House Permanent Select Committee on Intelligence, December 20, 2017, p. 112.

²⁸ Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, pp. 15-16, n. 8. Repeated in subsequent renewal applications.

²⁹ HPSCI Majority Memorandum, *Foreign Intelligence Surveillance Act Abuses at the Department of Justice and the Federal Bureau of Investigation*, January 18, 2018, p. 4 ("The Page FISA application also mentions information regarding fellow Trump campaign advisor George Papadopoulos, but there is no evidence of any cooperation or conspiracy between Page and Papadopoulos.")

³⁰ HPSCI Majority Memorandum, *Foreign Intelligence Surveillance Act Abuses at the Department of Justice and the Federal Bureau of Investigation*, January 18, 2018, p. 2. Neither Isikoff nor Yahoo! are specifically identified in the FISA Materials, in keeping with the FBI's general practice of not identifying U.S. persons.

³¹ Department of Justice, Foreign Intelligence Surveillance Court Application, October 21, 2016, p. 25; Department of Justice, Foreign Intelligence Surveillance Court Application, January 12, 2017, p. 31; Carter Page, Letter to FBI Director James Comey, September 25, 2016.

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³³ Interview of Andrew McCabe (FBI Deputy Director), House Permanent Select Committee on Intelligence, December 19, 2017, p. 157.

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Brower, Gregory (DO) (FBI)

From: Brower, Gregory (DO) (FBI)
Sent: Tuesday, February 6, 2018 3:15 PM
To: Boyd, Stephen E. (OLA); Lasseeter, David F. (OLA); Schools, Scott (ODAG)
Subject: FW:
Attachments: F-SJC_Cover_Grassley_0206.docx

And this is the DRAFT cover letter that will accompany the redacted memo.

I plan to email both to chair and ranking at no later than 4pm.

thx

Gregory A. Brower
Assistant Director
FBI Congressional Affairs
(Direct) (b)(6), (b)(7)(C), (b)(7)(E)
(Mobile) (b)(6), (b)(7)(C), (b)(7)(E)

-----Original Message-----

From: (b)(6), (b)(7)(C) (DO) (FBI)
Sent: Tuesday, February 06, 2018 3:07 PM
To: Brower, Gregory (DO) (FBI) (b)(6), (b)(7)(C), (b)(7)(E)
Subject:

Brower, Gregory (DO) (FBI)

From: Brower, Gregory (DO) (FBI)
Sent: Tuesday, February 6, 2018 2:51 PM
To: Boyd, Stephen E. (OLA); Lasseeter, David F. (OLA); Schools, Scott (ODAG)
Cc: Anderson, Trisha B. (OGC) (FBI); (b)(6), (b)(7)(C) (CD) (FBI)
Subject: Chair Grassley request
Attachments: image_0206.pdf

Attached, please find (b)(5)

This is what we plan to provide to SJC by COB today. As you will see, (b)(5)

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Sunday, February 4, 2018 4:35 PM
To: Boyd, Stephen E. (OLA); Lasseeter, David F. (OLA); Schools, Scott (ODAG); Brower, Gregory (DO) (FBI)
Subject: Fwd: Politico: House Intel members: Release the FISA application

House Intel members: Release the FISA application

Politico

Rebecca Morin

February 4, 2018 – 10:24 AM

<https://www.politico.com/story/2018/02/04/congressmen-release-fisa-application-nunes-memo-389088>

A bipartisan pair of congressmen on the House Intelligence Committee on Sunday urged the release of the FISA application that prompted surveillance that opened a federal probe on whether Russia was involved with President Donald Trump's campaign.

Reps. Jim Himes (D-Conn.) and Brad Wenstrup (R-Ohio) agreed that the FISA application should be opened. Parts of the application have come under scrutiny following the release of a memo that was orchestrated by Rep. Devin Nunes (R-Calif.).

Himes said on CNN's "State of the Union" that he supports the release of the FISA application, "if it could be redacted in such a way as to not be damaging," to be released. He said a problem with the process is that conclusions and allegations are being drawn based off the application — which only Reps. Trey Gowdy and Adam Schiff have seen.

"What Americans would see but they would see dozens and dozens of pages citing all sorts of facts, you would see a very comprehensive project that gets put together by 10, 12 people at the FBI, then presented to a federal judge," the Connecticut Republican said. "I would certainly support that release because then the American people would see how comprehensive the FISA application process is rather than the way it's being characterized as secret, dark, behind closed doors."

FISA is an acronym for the Foreign Intelligence Surveillance Act. That 1978 law created a court that allows for law-enforcement agencies to seek warrants for surveillance. The memo, which was released Friday, claims the FBI obtained and renewed surveillance warrants against former Trump campaign adviser Carter Page relying heavily on a dossier compiled by former British spy Christopher Steele.

Democrats have argued that the memo aims to discredit special counsel Robert Mueller's probe into whether Russia colluded with Trump's campaign.

Wenstrup agreed with Himes, adding: "We want to have our eyes on more."

Wenstrup said the intelligence committee currently receives weekly briefs on the application.

"Open it up. This is what I keep talking about. Let's shed light on what's going on with the agencies that the taxpayers pay for, by the way," the Ohio Republican said.

On ABC's "This Week," Rep. Will Hurd (R-Texas) said he doesn't believe that the GOP memo "is an attack "on Bob Mueller, I don't believe this is an attack on the men and women in the FBI."

"What this is about is ... should unverified information be able to be used to spy on an American," said Hurd, who is also a member of the House Intelligence Committee.

He added that he doesn't agree that the memo vindicated Trump in the Russia investigation and believes Mueller, the special counsel, should continue with his probe.

"I want to stress, Bob Mueller should be allowed to turn over every rock, pursue every lead so that we can have trust in knowing what actually the Russians did or did not do," he said.

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Sunday, February 4, 2018 11:30 AM
To: Schools, Scott (ODAG); Brower, Gregory (DO) (FBI)
Cc: Boyd, Stephen E. (OLA); Johnson, Joanne E. (OLA); (b)(6), (b)(7)(C) (DO) (FBI)
Subject: Fwd: 2018-02-02 CEG to FBI DOJ (Declassification of Steele Criminal Referral)
Attachments: 2018-02-02 CEG to FBI DOJ (Declassification of Steele Criminal Referral).pdf; ATT00001.htm; Unclassified CEG LG memo to DOJ FBI (Steele Referral).pdf; ATT00002.htm; 2018-01-19 FBI to CEG (Classification objections to Steele Referral).pdf; ATT00003.htm

Scott—FYSA below and attached. Letter from Grassley to DAG and Director regarding the declassification of their referral memo. They want a response by 6 Feb. (b)(5)

Greg—(b)(5)

dfi

David F. Lasseter

Begin forwarded message:

From: "Davis, Patrick (Judiciary-Rep)" <Patrick.Davis@judiciary-rep.senate.gov>
To: "Boyd, Stephen E. (OLA)" (b)(6), "Lasseter, David F. (OLA)" <dlasseter@jmd.usdoj.gov>, "Brower, Gregory (DO) (FBI)" (b)(7)(E)
Cc: "CEG (Judiciary-Rep)" <CEG@judiciary-rep.senate.gov>, "Foster, Jason (Judiciary-Rep)" <Jason.Foster@judiciary-rep.senate.gov>, "Holmes, Lee (Judiciary-Rep)" (b)(6), "Sawyer, Heather (Judiciary-Dem)" (b)(6), "Privor, Brian (Judiciary-Dem)" (b)(6)
Subject: 2018-02-02 CEG to FBI DOJ (Declassification of Steele Criminal Referral)

Greg, David, and Stephen:

Attached is a letter from Chairman Grassley to Director Wray and Deputy Attorney General Rosenstein. Please confirm receipt and please send all formal follow-up correspondence to CEG@judiciary-rep.senate.gov, Jason.Foster@judiciary-rep.senate.gov, and me.

Thanks,

-Patrick



U.S. Department of Justice
Federal Bureau of Investigation

Washington, D.C. 20535-0001

January 19, 2018

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

JUDICIARY - GRASSLEY
OSS-2018-0076, Copy 001
FBI RESPONSE TO REQUEST REGARDING
STEELE MEMORANDUM (U)
COPY 1 OF 2 19 JAN 2018 2 PGS

Dear Mr. Chairman:

(U) The Department of Justice and the FBI appreciate the Senate Judiciary Committee's consultation regarding the potential public release of unclassified portions of its January 5, 2018 classified memorandum regarding Christopher Steele. As referenced in a January 12, 2018 communication with your staff, I am following-up with an official FBI response to your request.

As previously communicated to your staff via e-mail, the FBI considers some information marked UNCLASSIFIED within the Committee's memo to be classified. This derives from the fact that

the FBI has not declassified or publicly acknowledged. As such, the FBI considers to be classified.

(U//FOUO) In particular, the FBI considers the following portions of the document that are marked UNCLASSIFIED to contain classified information:

1. Page 1: Paragraphs 2 and 3: The FBI continues to protect this information at the SECRET//NOFORN level.
2. Page 4: Paragraph 3: The FBI continues to protect this information at the SECRET//NOFORN level.
3. Page 6: Paragraph 4: This paragraph discloses information that the FBI continues to protect at the SECRET//NOFORN level. Although the underlying source document produced for the Committee *in camera* did not contain classification markings, the FBI has treated the document as classified.




[REDACTED]

Honorable Charles E. Grassley

[REDACTED] The FBI respects the Committee's commitment to transparency in executing its oversight responsibilities; however the FBI cannot and will not weaken its commitment to protecting [REDACTED] Public reporting about [REDACTED] does not affect the FBI's policy with respect to classification [REDACTED] nor does it diminish our obligations [REDACTED] In particular, we are deeply concerned that granting exceptions to this policy would send a troubling signal to [REDACTED] and may degrade our ability to [REDACTED] in the future.

Sincerely,



Gregory A. Brower
Assistant Director
Office of Congressional Affairs

① Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United State Senate
Washington, DC 20510

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Saturday, February 03, 2018 4:24 PM
To: Brower, Gregory (DO) (FBI); Boyd, Stephen E. (OLA); Schools, Scott (ODAG); Lasseeter, David F. (OLA)
Subject: Fwd: Strictly FYI
Attachments: FINAL DRAFT -- Dear Colleague on Nunes Memo.pdf; ATT00001.htm

Begin forwarded message:

From: "Williams, Pete (NBCUniversal)" <pete.williams@nbcuni.com>
Date: February 3, 2018 at 2:30:13 PM EST
To: "Flores, Sarah Isgur (OPA) (Sarah.Isgur.Flores@usdoj.gov)" <Sarah.Isgur.Flores@usdoj.gov>, "Prior, Ian (OPA) (Ian.Prior@usdoj.gov)" <Ian.Prior@usdoj.gov>
Subject: Strictly FYI

This letter from Rep. Jerry Nadler is going to House Democrats today.

February 3, 2018

Dear Democratic Colleague:

On Friday, House Republicans released the so-called “Nunes memo,” a set of deeply misleading talking points drafted by the Republican staff of the House Permanent Select Committee on Intelligence. House Republicans did so over the objections of the Department of Justice, the Director of the FBI, the Director of National Intelligence, and several Senate Republicans, among others.

You may have heard President Trump describe the allegations in the Nunes memo as a “disgrace.” He thinks “a lot of people should be ashamed.” President Trump is right, in his way. This embarrassingly flawed memo is a disgrace. House Republicans should be ashamed.

Although I have had the benefit of reading the materials that form the basis for the Nunes memo, most members have not—including, reportedly, Chairman Nunes. Accordingly, I am forwarding the legal analysis below for use by your office based on my review the Nunes memo and on outside sources.

I. The FISA court found probable cause to believe that Carter Page is an agent of a foreign power. Nothing in the Nunes memo rules out the possibility that considerable evidence beyond the Steele dossier helped the court reach that conclusion.

We should not lose sight of a critical and undisputed fact: the Foreign Intelligence Surveillance Court found probable cause to believe that Carter Page—a member of the Trump campaign’s foreign policy team—was an agent of the Russian government.

The Nunes memo states that, “[o]n October 21, 2016, DOJ and FBI sought and received a FISA probable cause order . . . authorizing electronic surveillance on Carter Page.” To obtain an order to conduct surveillance under Title I of the Foreign Intelligence Surveillance Act, the government must provide “a statement of the facts and circumstances” demonstrating probable cause that “the target of the electronic surveillance is . . . an agent of a foreign power.”

The central allegation of the Nunes memo is that the government committed a fraud when it obtained an order to conduct surveillance of Carter Page, a member of President Trump’s foreign policy team during the campaign. The memo claims that “[t]he ‘dossier’ compiled by Christopher Steele . . . formed an essential part of the Carter Page FISA application,” but that the

government failed to disclose “the role of the DNC, Clinton campaign, or any party/campaign in funding Steele’s efforts.”

If not for this misrepresentation to the court, the story goes, there never would have been a Russia investigation. **This claim is deliberately misleading and deeply wrong on the law.**

First, the Nunes memo appears to concede that the investigation into the Trump campaign’s ties to the Russian government was well underway before the government applied for an order to conduct surveillance of Carter Page. In its final paragraph, the Nunes memo states: “[t]he Papadopoulos information triggered the opening of an FBI counterintelligence investigation in late July 2016.” The statement refers to George Papadopoulos, another member of the Trump campaign’s foreign policy team. There is no reason to dispute the Nunes memo’s assertion that the FBI was actively investigating the Trump campaign months before they approached the court about Carter Page.

Second, there is already a well-established body of law dealing with allegations that “material and relevant information was omitted” from the application to the court and, in the case of Carter Page, that law appears to fall almost entirely on the side of the government. In *Franks v. Delaware* (1978), the U.S. Supreme Court held that a court may only void a search warrant if the government “knowingly and intentionally, or with reckless disregard for the truth,” included false information or excluded true information that was or would have been critical to the court’s determination of probable cause. **The Nunes memo alleges nothing that would even come close to meeting this standard.** Indeed, we have every indication that the government made its application to the court in good faith.

So, to be clear: Carter Page was, more likely than not, an agent of a foreign power. The Department of Justice thought so. A federal judge agreed. That consensus, supported by the facts, forms the basis for the warrant issued by the FISA court. The Russian government waged a massive campaign to discredit our election. Carter Page appears to have played a role in that effort. The FBI has a responsibility to follow these facts where they lead. The Nunes memo would have us sweep this all under the rug. And for what, exactly?

II. Christopher Steele is a recognized expert on Russia and organized crime.

Through several acts of willful omission, the Nunes memo alleges the FISA application is tainted because Christopher Steele “was a longtime FBI source who was paid over \$160,000 by the DNC and the Clinton campaign . . . to obtain derogatory information on Donald Trump’s ties to Russia.” The Nunes memo would have us believe the Russia investigation was a Democratic plot from the outset. That is simply ridiculous.

The Nunes memo does not show that the government relied solely, or even substantially, on the information provided to the FBI by Christopher Steele when it made its application to the court. It does not show that Steele's work was compromised by the source of funding. It does not show that Fusion GPS—the firm that hired Steele to do this work—was any more or less diligent when it worked for Democratic clients than when it worked for Republicans. And, amazingly, **the Nunes memo does not provide a single shred of evidence that any aspect of the Steele dossier is false or inaccurate in any way.**

We have no idea if Christopher Steele even knew the source of his funding when Fusion GPS first hired him to research Donald Trump's connections to the Russian government. In fact, Fusion GPS initiated the project on behalf of the conservative *Washington Free Beacon*, not the DNC. The firm's task was to provide credible research, and they hired an expert for the job—a retired British intelligence officer, experienced in Russian affairs and well-known to the FBI as a useful source of valuable intelligence in earlier investigations.

Nothing about the source of Steele's funding or his later opinions about Donald Trump speak to the credibility of his work, or its inclusion in the FISA application. The Nunes memo gives us no reason to doubt the court's determination of probable cause to believe that Carter Page was an agent of the Russian government—particularly given Page's later admissions to the press about his interactions with Russian officials.

And nothing about the payment from the DNC is unethical or improper. Christopher Steele is one of the world's leading experts on Russian organized crime. His job was to uncover the facts. Many feared during the election that the Trump campaign had been compromised by the Russian government. Two guilty pleas and two indictments later, those fears seem well justified.

III. The Nunes memo provides no credible basis whatsoever for removing Rod Rosenstein as Deputy Attorney General.

The Nunes memo makes a point of stating that a number of officials, including Deputy Attorney General, "signed one or more FISA applications on behalf of DOJ." Because Attorney General Jeff Sessions is recused from any investigation related to the 2016 campaigns, Deputy Attorney General Rosenstein directly oversees the Special Counsel's investigation. The Deputy Attorney General has become a target for those attempting to interfere with that investigation. President Trump has refused to rule out using the Nunes Memo as pretext for dismissing the DAG. "You figure that one out," he said when asked about the Deputy Attorney General on Friday.

Whatever one thinks of the merits of the Nunes memo and it is clearly not a serious document the memo provides no basis whatsoever to justify the removal of Rod Rosenstein as Deputy Attorney General from his critical and trusted position. The Nunes memo focuses largely on process that transpired before the Deputy Attorney General took office. There is no reason to believe that he reviewed or approved any FISA application for submission to the court except according to normal process and procedures.

The Nunes memo leaves out a critical point in this area as well. Under the Foreign Intelligence Surveillance Act, when seeking a renewal of a surveillance order, the government is required to provide the court “a statement of the facts concerning all previous applications . . . involving any of the persons, facilities, or places specified in the application.” That requirement includes a description of the intelligence received so far and its value to the underlying case. Although he was not involved in the initial application, the Deputy Attorney General could not have signed an application to renew surveillance on Carter Page if the government was unable to show that it had already gathered valuable evidence under existing orders and expected that collection to continue. Under these circumstances, any decision *not* to approve the renewal would have appeared to have been politically motivated.

If the President is looking to fire Mr. Rosenstein, he will have to look outside the Nunes memo for his pretext.

IV. The Nunes memo shows that House Republicans are now part and parcel to an organized effort to obstruct the Special Counsel’s investigation.

On January 24, 2018, the Department of Justice wrote to warn the House Intelligence Committee that releasing the memo would be “extraordinarily reckless.” On January 29, the FBI issued a statement citing “grave concerns” with inaccuracies and omissions in that document. On January 30, the Majority twice blocked our request to move the House Judiciary Committee into closed session, where we would have been free to discuss our own concerns with the plan to make this information public without context, without meaningful input from the FBI, and without providing Members with access to the source materials. On February 1, I wrote to Chairman Goodlatte asking for him to call the FBI Director and other officials from the Department of Justice to brief us on an emergency basis before the Nunes memo was made public but my request was again ignored.

House Republicans do not speak up when President Trump attacks the press, smears career investigators by name, or demands loyalty from the leadership of the Department of Justice and the FBI. They have taken no significant steps to understand how the Russian

government worked to undermine our last election. They show little interest in protecting our next election from foreign attack even though President Trump's hand-picked intelligence chiefs warn us that the threat is very real.

Until now, we could only really accuse House Republicans of ignoring the President's open attempts to block the Russia investigation.

But with the release of the Nunes memo a backhanded attempt to cast doubt on the origins of the Special Counsel's investigation we can only conclude that House Republicans are complicit in the effort to help the President avoid accountability for his actions and for the actions of his campaign.

In the end, who could possibly benefit from the release of this shoddy work?

Only Donald Trump, who will use these half-truths to further interfere with the Special Counsel, and Vladimir Putin, who now has a clear view of how our intelligence community attempted to interrupt his operations in the United States.

Additional Background

Christopher Steele served as an intelligence officer with British intelligence service MI6 from 1987 until his retirement in 2009. From 1990 to 1992, he [worked under diplomatic cover](#) as an MI6 agent in the Embassy of the United Kingdom to Russia. By 2006, Steele headed the Russia Desk at MI6. He remains one of the world's foremost experts on Russia and, in particular, connections between the Russian government and organized crime.

In September 2015, the conservative [Washington Free Beacon](#) retained the services of Fusion GPS to conduct opposition research on Donald Trump. When President Trump emerged as the Republican candidate, the Clinton Campaign and the Democratic National Committee hired Fusion GPS for the same services. As part of this project, Christopher Steel produced what became known as the Steele dossier.

Carter Page was known to the United States government for his [involvement with the Russian government](#) long before he joined the Trump campaign. [Court documents](#) show that Russian intelligence operatives attempted to recruit Page in 2013. One spy thought that Page was "an idiot" who wants to "rise up" and "earn lots of money."

Then-candidate Donald Trump named Page a part of the Trump campaign's [foreign policy team](#) on March 21, 2016. In July 2016, with the [explicit approval](#) of the Trump campaign,

Page traveled to Moscow to give a speech on “the future of the world economy” and to [meet with Russian officials](#). Despite several public accounts of these meetings, Page would later [deny any contact](#) with the Russian government. By August 2016 when it had become apparent that the Russian government was working to [undermine the election](#) the Trump campaign began to [distance itself](#) from Carter Page.

Later reports show that, in testimony before the House Intelligence Committee, Page admitted to meeting with Russian officials and to briefing at least one “[senior person](#)” on the Trump campaign about those meetings.

None of this information relies upon the Steele dossier.

The **relevant legal standard** for evaluating the FISA application is laid out in [Franks v. Delaware](#). “[T]here is, of course, a presumption of validity with respect to the affidavit supporting the search warrant.” 438 U.S. 154, 171.

Ohr, Bruce (CRM)

From: Ohr, Bruce (CRM)
Sent: Tuesday, January 30, 2018 9:45 AM
To: Schools, Scott (ODAG)
Subject: RE: Following up on my notes

They are on their way to you now. Thanks.

From: Schools, Scott (ODAG)
Sent: Monday, January 29, 2018 6:51 PM
To: Ohr, Bruce (CRM) (b)(6)
Subject: RE: Following up on my notes

Please. Thanks.

From: Ohr, Bruce (CRM)
Sent: Monday, January 29, 2018 3:09 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: RE: Following up on my notes

Scott –

I realized that I also have some text messages and emails on my personal phone and email of communications with Glen Simpson at Fusion GPS and with Chris Steele. Can I send them to you?

- Bruce

From: Schools, Scott (ODAG)
Sent: Tuesday, January 23, 2018 2:29 PM
To: Ohr, Bruce (CRM) (b)(6)
Subject: RE: Following up on my notes

Thanks.

From: Ohr, Bruce (CRM)
Sent: Tuesday, January 23, 2018 2:29 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: RE: Following up on my notes

Scott –

I put them in the interoffice mail yesterday. Let me know if you don't see them. Thanks!

- Bruce

From: Schools, Scott (ODAG)
Sent: Saturday, January 20, 2018 12:43 PM
To: Ohr, Bruce (CRM) (b)(6)

To: Ohr, Bruce (CRM) (b)(6)
Subject: RE: Following up on my notes

That would be great. Thanks.

From: Ohr, Bruce (CRM)
Sent: Friday, January 19, 2018 6:05 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: Following up on my notes

Scott –

I know you are very busy but I just wanted to let you know that I have gone through my handwritten notes and (b)(5) Let me know if you would like me to send them to you. Thanks!

- Bruce

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Monday, January 29, 2018 6:56 PM
To: Boyd, Stephen E. (OLA); Schools, Scott (ODAG)
Subject: FW: 2018-01-29 CEG to FBI and DOJ IG (Unclassified Cover Letter on Classification Review of Referral)
Attachments: 2018-01-29 CEG to FBI and DOJ IG (Unclassified Cover Letter on Classification Review of Referral).pdf

FYSA.....letter to Director Wray

From: Davis, Patrick (Judiciary-Rep) [mailto:Patrick_Davis@judiciary-rep.senate.gov]
Sent: Monday, January 29, 2018 3:50 PM
To: Brower, Gregory (DO) (FBI) (b)(7)(E); Sabina, Greg (OIG) <gsabina@OIG.USDOJ.GOV>
Cc: CEG (Judiciary-Rep) <CEG@judiciary-rep.senate.gov>; Foster, Jason (Judiciary-Rep) <Jason_Foster@judiciary-rep.senate.gov>; Holmes, Lee (Judiciary-Rep) (b)(6); [REDACTED]; Sawyer, Heather (Judiciary-Dem) (b)(6); Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) (b)(6)
Subject: 2018-01-29 CEG to FBI and DOJ IG (Unclassified Cover Letter on Classification Review of Referral)

Greg and Greg,

Attached is an unclassified cover letter from Chairman Grassley to Director Wray and Inspector General Horowitz regarding the classification objections the FBI raised about the referral Chairmen Grassley and Graham sent the FBI. The unclassified cover letter and the referenced materials will be delivered via classified courier in the near future. Please confirm receipt and please send all unclassified formal follow-up correspondence electronically in PDF format to CEG@judiciary-rep.senate.gov, [Jason Foster@judiciary-rep.senate.gov](mailto:Jason_Foster@judiciary-rep.senate.gov), and me.

We intend to publicly release an unclassified version of the referral, with additional redactions pursuant to the FBI's January 19, 2018 letter, which raised classification concerns about items in paragraphs we had portion marked as unclassified. We also intend to publicly release an unclassified version of the FBI's January 19, 2018 letter. If, after reviewing our proposed unclassified versions, you have any further classification concerns, please let the Committee know by no later than 3pm Tuesday, January 30, 2018. If we have not heard from you by then, we will take that to mean the FBI has no objections. We plan to then release these unclassified versions, having completed our consultation with you. Thanks for your cooperation.

-Patrick

Patrick D. Davis
Deputy Chief Investigative Counsel
Chairman Charles E. Grassley

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY
224 Dirksen Senate Office Building | Washington, DC 20510
phone: 202.224.5225

~~TOP SECRET//NOFORN~~
(UNCLASSIFIED when separated from attachments)

CHARLES E. GRASSLEY, IOWA, CHAIRMAN
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KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Chief Counsel and Staff Director

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

January 29, 2018

VIA CLASSIFIED COURIER

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Director Wray and Inspector General Horowitz:

On January 4, 2018, Senator Graham and I sent a classified memo to the Justice Department and the FBI. The eight-page memo referred for further investigation materially inconsistent statements reportedly made by Christopher Steele, the author of the anti-Trump dossier funded by the Democratic National Committee and the Clinton campaign during the 2016 Presidential election.

On January 19, 2018, an FBI Congressional liaison, Greg Brower, sent a letter claiming that a few of the paragraphs marked as unclassified in our memo contained classified information. A copy of Mr. Brower's classified letter is attached for reference. As I explained in a speech on the Senate floor last week, the FBI's claims mischaracterize and misstate what those paragraphs actually say.

I intend to formally challenge the FBI's classification decision with respect to these paragraphs. I also formally request that the entire memo be reviewed and declassified to the greatest extent possible, with minimal redactions if any are necessary to protect information that would legitimately cause harm to national security.

In the meantime, please find attached a redacted copy of the memo intended for public distribution. For now, in an abundance of caution and out of respect for the FBI's equities, Committee staff have redacted portions of those paragraphs identified by Mr. Brower as allegedly containing classified information. In light of these redactions, the remaining portions of the paragraphs are still marked as unclassified. Additionally, all of the paragraphs we originally marked as being derived from classified information provided to the Committee have been redacted as well. In addition, we have created and attached an unclassified version of Mr. Brower's January 19, 2018 letter by redacting the classified portions. Please notify the

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(UNCLASSIFIED when separated from attachments)

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(UNCLASSIFIED when separated from attachments)

Director Wray and Inspector General Horowitz
January 29, 2018
Page 2 of 3

Committee as soon as possible if the FBI has any additional concerns about these unclassified versions of the memo and letter.

As the Justice Department suggested in its letter to the House Permanent Select Committee on Intelligence regarding its classified memo, I am also addressing this request to Inspector General Michael Horowitz and requesting that his office independently oversee, assess, and report to Congress on (1) the FBI's reply regarding the public release of the attached redacted memorandum, (2) the declassification process requested in this letter, (3) the classification challenge that I intend to file at a later date regarding the paragraphs identified in Mr. Brower's January 19, 2018 letter, and (4) the underlying issue raised in the memo.

Thank you for your prompt attention to this matter. Please contact Patrick Davis of my staff at (202) 224-5225 if you have any questions.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

The Honorable Richard Burr
Chairman
Senate Select Committee on Intelligence

The Honorable Mark Warner
Vice Chairman
Senate Select Committee on Intelligence

The Honorable Devin Nunes
Chairman
House Permanent Select Committee on Intelligence

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(UNCLASSIFIED when separated from attachments)

Director Wray and Inspector General Horowitz
January 29, 2018
Page 3 of 3

The Honorable Adam Schiff
Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Sheldon Whitehouse
Ranking Member
Subcommittee on Crime and Terrorism
Committee on the Judiciary

~~TOP SECRET//NOFORN~~
(UNCLASSIFIED when separated from attachments)

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Monday, January 29, 2018 5:52 PM
To: Murphy, Marcia (ODAG); Gamble, Nathaniel (ODAG); Watson, Theresa J. (ODAG)
Cc: Lasseter, David F. (OLA); Hur, Robert (ODAG); Terwilliger, Zachary (ODAG)
Subject: DAG Call with Mark Meadows
Attachments: Letter from MRM to Rosenstein 1.4.2018.pdf

Team ODAG:

Could you please set up a phone call with the DAG and Rep. Mark Meadows later this week?

It relates to the letter attached as well as the FBI "1.2 million production."

I believe his scheduler is Mallory Rasher at 202-225-6401.

Thanks,

Stephen

Stephen E. Boyd
Assistant Attorney General
U.S. Department of Justice
Washington, D.C.

(b)(6)

MARK MEADOWS
11TH DISTRICT, NORTH CAROLINA

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
CHAIRMAN, SUBCOMMITTEE ON
GOVERNMENT OPERATIONS

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

COMMITTEE ON FOREIGN AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515-3311

1024 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6401

200 NORTH GROVE STREET, SUITE 90
HENDERSONVILLE, NC 28792
(828) 693-5660

www.house.gov/meadows

January 4, 2018

The Honorable Rod Rosenstein
Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Mr. Rosenstein:

As you are aware, until recently Bruce Ohr served as Associate Deputy Attorney General, a post that placed him under your supervision at the Department of Justice. On December 13, 2017, you testified before the House Judiciary Committee that Mr. Ohr had “no role” in the investigation of Russian government efforts to influence the 2016 presidential election and related matters.¹

Despite your contention Mr. Ohr had “no role” in the investigation, documents filed in federal court by Glenn Simpson, the founder of the opposition research firm which compiled the Trump-Russia dossier, reveal otherwise. Mr. Simpson, the founder of Fusion GPS, testified he met with Mr. Ohr “at his request, after the November 2016 election to discuss our findings regarding Russia and the election.”² Mr. Simpson also testified Fusion GPS contracted with Mr. Ohr’s wife, Nellie, to help the company “with its research and analysis of Mr. Trump.”³ According to published reports, Mr. Ohr also met with Christopher Steele, the former British intelligence official who compiled the dossier.⁴

The timing of Mr. Ohr’s meetings with Steele and Fusion GPS raises serious concerns. According to published reports, Mr. Ohr met with Christopher Steele to discuss the dossier during and after the campaign and with Glenn Simpson shortly after the election.⁵ However, in testimony before the Senate Intelligence Committee in June 2017, former FBI Director Comey described the dossier as “salacious and unverified.”⁶ Logically speaking, if Mr. Comey

¹ Laura Jarrett, *Senate Intel to interview Justice Dept. official with Fusion GPS ties*, CNN (December 15, 2017), available at <http://www.cnn.com/2017/12/15/politics/senate-intel-bruce-ohr/index.html>.

² Declaration of Glenn R. Simpson in Support of Plaintiff’s Notice of Additional Record Evidence, No. 17-cv-21870RJL, *Bean LLC d/b/a Fusion GPS v. Defendant Bank and Permanent Select Committee on Intelligence of the US House of Representatives* (D.D.C., December 12, 2017).

³ *Id.*

⁴ Rowan Scarborough, *Justice Dept. lawyer who met with dubious Trump dossier author to be hauled before Congress*, the Washington Times (December 7, 2017), available at <https://www.washingtontimes.com/news/2017/dec/7/bruce-ohr-who-met-dossier-author-christopher-steele/>.

⁵ *Id.* See also Declaration of Glenn R. Simpson in Support of Plaintiff’s Notice of Additional Record Evidence, *supra* note 3.

⁶ United States Select Senate Committee on Intelligence, *Open Hearing with Former FBI Director James Comey*, June 7, 2017, 115th Cong. 1st sess. (statement of James Comey, Former Director, Federal Bureau of Investigation).

determined Steele's information unverified in June 2017, it would have been unverified months earlier, at the time of Mr. Ohr's meetings with Steele and Fusion GPS.

Considering this timeline of events, if Mr. Ohr met with Christopher Steele and Fusion GPS before and after the election, why would you testify he had "no role" in the investigation? Either Mr. Ohr lied under oath about these meetings, you did not know one of your subordinates was meeting with third parties to discuss "salacious and unverified" intelligence matters, or you were aware of Mr. Ohr's meetings but nevertheless failed to disclose it in your testimony.

Given the apparent contradiction, I am writing to provide you the opportunity to correct or clarify your testimony.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark R. Meadows", with a stylized flourish at the end.

Mark R. Meadows
Member of Congress

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Saturday, January 27, 2018 8:46 AM
To: Brower, Gregory (DO) (FBI)
Cc: Flores, Sarah Isgur (OPA); Lasseeter, David F. (OLA); Schools, Scott (ODAG)
Subject: Re: Chris Geidner Tweet

Ha, fantastic.

Sent from my iPhone

On Jan 27, 2018, at 7:36 AM, Brower, Gregory (DO) (FBI) (b)(7)(E) wrote:

Thanks. BTW, I just now read Strassel's column in yesterday's WSJ. Join the club Stephen.

-

----- Original message -----

From: "Flores, Sarah Isgur (OPA)" <Sarah.Isgur.Flores@usdoj.gov>
Date: 1/26/18 6:40 PM (GMT-05:00)
To: "Boyd, Stephen E. (OLA) (JMD)" (b)(6), "Lasseeter, David F. (OLA) (JMD)" <David.F.Lasseeter@usdoj.gov>, "Brower, Gregory (DO) (FBI)" (b)(7)(E), "Schools, Scott (ODAG) (JMD)" <Scott.Schools@usdoj.gov>
Subject: Fwd: Chris Geidner Tweet

I've decided Lasseeter and Brower are now subject to my random news updates. Sorry, guys.

Chris Geidner
@chrisgeidner

The Senate Judiciary Committee releases information on Friday at 6:25 p.m. about letters sent on Thursday "regarding Christopher Steele's work on behalf of the Democratic National Committee and Hillary for America."

 Media preview

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, January 26, 2018 6:39 PM
To: Boyd, Stephen E. (OLA); Lasseter, David F. (OLA); Brower, Gregory (DO) (FBI); Schools, Scott (ODAG)
Subject: Fwd: Chris Geidner Tweet

I've decided Lasseter and Brower are now subject to my random news updates. Sorry, guys.

Chris Geidner
@chrisgeidner

The Senate Judiciary Committee releases information on Friday at 6:25 p.m. about letters sent on Thursday "regarding Christopher Steele's work on behalf of the Democratic National Committee and Hillary for America."



COMMITTEE on the JUDICIARY
CHAIRMAN CHUCK GRASSLEY
WWW.JUDICIARY.SENATE.GOV

FOR IMMEDIATE RELEASE
Friday, January 26, 2018

Grassley, Graham Send Batch of Letters Related to Potential Political Influence on FBI

WASHINGTON – As part of their ongoing oversight efforts to ensure that the FBI's law enforcement activities are free of improper political influence, Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) and Judiciary Subcommittee on Crime and Terrorism Chairman Lindsey Graham (R-S.C.) yesterday sent six letters seeking information and documents regarding Christopher Steele's work on behalf of the Democratic National Committee and Hillary for America. The letters seek information and documents relating to those political organizations' knowledge of and involvement in Mr. Steele's work and his reported interactions with the FBI while he was working on behalf of these political organizations. The letters were sent to:

- [The Democratic National Committee \(DNC\)](#)
- [Hillary for America \(HFA\)](#)
- [Former DNC Chair Rep. Debbie Wasserman Schultz](#)
- [Former DNC Chair Donna Brazile](#)
- [HFA Chair John Podesta](#)
- [HFA Chief Strategist Joel Benenson](#)

-30-

<https://twitter.com/chrisgeidner/status/957033825137250310>

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Wednesday, January 24, 2018 11:11 AM
To: Flores, Sarah Isgur (OPA); Boyd, Stephen E. (OLA); Hur, Robert (ODAG)
Subject: The Flores Letter - Edits - SB - RKH - SNS - SB - SB - WED - END
Attachments: The Flores Letter - Edits - SB - RKH - SNS - SB - SB - WED - END.DOCX

I know this letter has been edited to death, (b)(5)

[REDACTED]

SS

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Wednesday, January 24, 2018 10:55 AM
To: Schools, Scott (ODAG); Brower, Gregory (DO) (FBI); Lasseter, David F. (OLA);
(b)(6), (b)(7)(C) (DO) (FBI); Hur, Robert (ODAG); Flores, Sarah Isgur (OPA)
Subject: Letter
Attachments: The Flores Letter - Edits - SB - RKH - SNS - SB - SB - WED - END.DOCX

Proposed final version attached. (b)(5)

Any other 11th hour comments? If not, I'll have OLA prep for signature.

SB

Brower, Gregory (DO) (FBI)

From: Brower, Gregory (DO) (FBI)
Sent: Wednesday, January 24, 2018 10:04 AM
To: Priestap, E. W. (CD) (FBI); (b)(6), (b)(7)(C) (OGC) (FBI); Boyd, Stephen E. (OLA);
Schools, Scott (ODAG)
Subject: Question
Attachments: Sen Burr and Warner Letter to DAG and FBI Director 1-18-18.pdf

(b)(5)

Hur, Robert (ODAG)

From: Hur, Robert (ODAG)
Sent: Tuesday, January 23, 2018 8:17 PM
To: Boyd, Stephen E. (OLA) (seboyd@jmd.usdoj.gov)
Cc: Schools, Scott (ODAG)
Subject: Nunes letter
Attachments: The Flores Letter - Edits - SB - RKH - SNS.DOCX
Importance: High

Redline with further edits and one comment attached.

Thanks,
Rob

Robert K. Hur
Principal Associate Deputy Attorney General
Office of the Deputy Attorney General
(202) 514-2105 desk
(b)(6) cell
Robert.Hur@usdoj.gov

Hur, Robert (ODAG)

From: Hur, Robert (ODAG)
Sent: Tuesday, January 23, 2018 7:15 PM
To: Boyd, Stephen E. (OLA) (seboyd@jmd.usdoj.gov)
Subject: The Flores Letter - Edits - SB - RKH
Attachments: The Flores Letter - Edits - SB - RKH.DOCX

Hur, Robert (ODAG)

From: Hur, Robert (ODAG)
Sent: Tuesday, January 23, 2018 6:23 PM
To: Boyd, Stephen E. (OLA); Schools, Scott (ODAG); Flores, Sarah Isgur (OPA)
Subject: RE: 2018-01-22 Draft letter to Nunes + olc
Attachments: The Flores Letter - Edits - SB - RKH.DOCX

Revised version of the Flores letter attached.

From: Boyd, Stephen E. (OLA)
Sent: Tuesday, January 23, 2018 6:05 PM
To: Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>; Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>; Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: FW: 2018-01-22 Draft letter to Nunes + olc

The competing drafts (OLC and Flores) are attached. (b)(5)

I'll walk upstairs to make things easier.

SB

From: Engel, Steven A. (OLC)
Sent: Tuesday, January 23, 2018 5:18 PM
To: Boyd, Stephen E. (OLA) (b)(6); Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>; Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Cc: Gannon, Curtis E. (OLC) (b)(6); Colborn, Paul P (OLC) (b)(6)
Subject: 2018-01-22 Draft letter to Nunes + olc

As discussed, here is OLC's revision of the draft letter. (b)(5)

Best, Steve

Steven A. Engel
Assistant Attorney General
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Office: (b)(6)
(b)(6)

Hur, Robert (ODAG)

From: Hur, Robert (ODAG)
Sent: Tuesday, January 23, 2018 5:19 PM
To: Flores, Sarah Isgur (OPA)
Subject: Fwd: 2018-01-22 Draft letter to Nunes + olc
Attachments: 2018-01-22 Draft letter to Nunes + olc.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Engel, Steven A. (OLC)" (b)(6)
Date: January 23, 2018 at 5:18:28 PM EST
To: "Boyd, Stephen E. (OLA)" (b)(6), "Hur, Robert (ODAG)" <rhur@jmd.usdoj.gov>, "Schools, Scott (ODAG)" <sschools@jmd.usdoj.gov>
Cc: "Gannon, Curtis E. (OLC)" (b)(6) "Colborn, Paul P (OLC)" (b)(6)
Subject: 2018-01-22 Draft letter to Nunes + olc

As discussed, here is OLC's revision of the draft letter. (b)(5)

Best, Steve

Steven A. Engel
Assistant Attorney General
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Office: (b)(6)
(b)(6)

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Tuesday, January 23, 2018 12:03 PM
To: Colborn, Paul P (OLC); Gannon, Curtis E. (OLC)
Cc: Schools, Scott (ODAG); Hur, Robert (ODAG)
Subject: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB - RH- SB - CD - SB
Attachments: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB - RH- SB - CD - SB.docx

Curtis/Paul:

Could you give this a once-over and let us know if you see any problems and/or have ideas for improvement?

If you need a quick brief on the factual situation, happy to discuss via phone.

Thanks,

SB

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Tuesday, January 23, 2018 11:43 AM
To: Hur, Robert (ODAG); Boyd, Stephen E. (OLA)
Subject: FW: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB - RH- SB
Attachments: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB - RH- SB - CD.docx

I asked (b)(6) to take a look at the letter, and he had some minor suggestions and comments. (b)(5)

[REDACTED]

From: (b)(6) (NSD)
Sent: Tuesday, January 23, 2018 10:12 AM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: RE: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB - RH- SB

Think this is good. A couple minor suggestions attached for your consideration. (b)(5)

[REDACTED]

[REDACTED]

From: Schools, Scott (ODAG)
Sent: Tuesday, January 23, 2018 8:04 AM
To: (b)(6) (NSD) (b)(6)
Subject: FW: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB - RH- SB

Let me know what you think of this. Thanks.

From: Boyd, Stephen E. (OLA)
Sent: Monday, January 22, 2018 11:17 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>; Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>
Subject: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB - RH- SB

Gentlemen:

Incorporated some of the edits in the attached. Thanks for the good input.

A few points left to discuss tomorrow.

(b)(5)

[REDACTED]

SB

Hur, Robert (ODAG)

From: Hur, Robert (ODAG)
Sent: Monday, January 22, 2018 9:38 PM
To: Schools, Scott (ODAG)
Cc: Boyd, Stephen E. (OLA) (b)(6)
Subject: RE: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB
Attachments: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB - RH.docx

Gents,

Some suggested edits and comments in the attached for your consideration.

Thanks,
Rob

From: Schools, Scott (ODAG)
Sent: Monday, January 22, 2018 9:08 PM
To: Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>
Subject: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB

Rob:

Stephen and I have drafted this letter as I referenced in our earlier meeting. We would value you views.

SS

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Monday, January 22, 2018 9:08 PM
To: Boyd, Stephen E. (OLA)
Subject: FW: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB
Attachments: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB.docx

FYI.

From: Schools, Scott (ODAG)
Sent: Monday, January 22, 2018 9:08 PM
To: Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>
Subject: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB

Rob:

Stephen and I have drafted this letter as I referenced in our earlier meeting. We would value you views.

SS

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Monday, January 22, 2018 8:21 PM
To: Schools, Scott (ODAG)
Subject: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB
Attachments: 2018-01-22 Draft letter to Nunes (003) - SB - SS - SB.docx

An additional round of edits. Take a look, then send to Rob?

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Monday, January 22, 2018 7:25 PM
To: Boyd, Stephen E. (OLA)
Subject: 2018-01-22 Draft letter to Nunes
Attachments: 2018-01-22 Draft letter to Nunes.docx

For your consideration.

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Monday, January 22, 2018 2:59 PM
To: Schools, Scott (ODAG)
Cc: Hur, Robert (ODAG); Brower, Gregory (DO) (FBI); Lasseter, David F. (OLA)
Subject: Document1
Attachments: Document1.docx

See attached for a DRAFT of a potential letter to Nunes re: the Nunes Memo.

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Friday, January 12, 2018 11:08 AM
To: Lasseeter, David F. (OLA); Schools, Scott (ODAG); Brower, Gregory (DO) (FBI); Hur, Robert (ODAG)
Subject: RE: SJC members want access to Russia investiagtion

(b)(5) See below. SB

From: Lasseeter, David F. (OLA)
Sent: Friday, January 12, 2018 11:05 AM
To: Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>
Subject: SJC members want access to Russia investiagtion

(b)(5)

CQ NEWS

Judiciary Members Seek Details on Their Panel's Russia Probe

Jan. 11, 2018 – 12:04 p.m. – By Todd Ruger, CQ

Two Republican members of the Senate Judiciary Committee voiced frustration Thursday they weren't being kept in the loop on the panel's investigation into Russian meddling in the 2016 election.

Sen. John Kennedy of Louisiana summed up his access to information from the panel investigation this way: "I've seen nothing. Zero. Zilch. Nada."

Kennedy brought up the issue at the end of an otherwise sedate committee meeting, asking Chairman Charles E. Grassley for a status report on the "various and sundry investigations we have ongoing so we can be brought up to speed."

Texas John Cornyn, the majority whip, added to that sentiment and said it was important all members get a chance to be informed of what the committee is doing.

"I think members of the committee are finding ourselves reading about the investigation in the press as a result of various stories," Cornyn said.

Grassley and Sen. Dianne Feinstein, the committee's top Democrat, said they would look into such a status report for the panel, which is one of three congressional committees

investigating the Russian influence in the election.

The issue was not on the meeting's agenda, which included 18 judicial nominations. The committee advanced one judicial pick but held the others so new Democratic members of the committee, Sens. Kamala Harris of California and Cory Booker of New Jersey, could get a chance to submit written questions to the nominees before voting on them.

Cornyn specifically mentioned the release Tuesday by Feinstein of the transcript of committee investigators' interview in August with Fusion GPS co-founder Glenn Simpson. The firm hired a subcontractor who authored a dossier of opposition research on Trump. Feinstein drew the ire of Grassley because she released the transcript without his approval. He said such a unilateral release was "confounding" and undermines the integrity of the Judiciary Committee's work.

President Donald Trump weighed in on Twitter, dubbing the Democrat "Sneaky Dianne Feinstein."

"The fact that Sneaky Dianne Feinstein, who has on numerous occasions stated that collusion between Trump/Russia has not been found, would release testimony in such an underhanded and possibly illegal way, totally without authorization, is a disgrace. Must have tough Primary!," Trump wrote.

Feinstein later told reporters she was sorry about how the transcript was released. Grassley, after Thursday's meeting, declined to comment on whether Feinstein had apologized to him but insisted that the panel's investigation on Russia and the election is on track, and that he and Feinstein continue to work together.

- Donald Trump
- Elections 2016
- Judiciary
- Russia

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Wednesday, January 10, 2018 10:27 AM
To: Brower, Gregory (DO) (FBI); (b)(6), (b)(7)(C) (DO) (FBI)
Cc: Schools, Scott (ODAG); Boyd, Stephen E. (OLA)
Subject: SSCI text message request
Attachments: DAG_Rosenstein_SSCI_121915.pdf

Greg, (b)(6), (b)(7)(C) —good morning. (b)(5)

SS—(b)(5)

Thanks,
David

David F. Lasseter
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
(202) 514-1260

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
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JOE MANCHIN, WEST VIRGINIA
KAMALA HARRIS, CALIFORNIA

COMMITTEE SENSITIVE

United States Senate

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WASHINGTON, DC 20510-6475

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KELSEY STROUD BAILEY, CHIEF CLERK

December 19, 2017

VIA ELECTRONIC MAIL

The Honorable Rod Rosenstein
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 1145
Washington, DC 20530

Deputy Attorney General Rosenstein:

We write to you today concerning FBI Special Agent Peter Stzrok and his recent reassignment after exchanging inappropriate messages with a colleague. We request all messages in the Department's possession that he sent or received concerning Christopher Steele, Michael Flynn, Russian counterintelligence activities, and matters relating to the 2016 U.S. elections. We are not requesting nor are we interested in receiving communications or materials that might be considered personal or salacious, unless they are related to the four topics noted in this letter.

Please respond in writing upon receipt of this letter. If you have any questions about this letter, please contact Committee counsel Vanessa Le at 202-228-6117 or April Doss at 202-224-1737.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

COMMITTEE SENSITIVE

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Friday, January 5, 2018 3:51 PM
To: Schools, Scott (ODAG)
Cc: Boyd, Stephen E. (OLA); Brower, Gregory (DO) (FBI)
Subject: Fwd: CEG to DOJ OIG (ORCON)
Attachments: CEG to DOJ OIG (ORCON).pdf; ATT00001.htm

Scott—please see attached incoming

David

David F. Lasseter

Begin forwarded message:

From: "Parker, Daniel (Judiciary-Rep)" (b)(6)
Date: January 5, 2018 at 07:35:53 MST
To: "Lasseter, David F. (OLA)" <David.F.Lasseter@usdoj.gov>, "Greg.Sabina@usdoj.gov" <Greg.Sabina@usdoj.gov>
Cc: "CEG (Judiciary-Rep)" <CEG@judiciary-rep.senate.gov>, "Foster, Jason (Judiciary-Rep)" <Jason_Foster@judiciary-rep.senate.gov>, "Davis, Patrick (Judiciary-Rep)" <Patrick_Davis@judiciary-rep.senate.gov>, "Sawyer, Heather (Judiciary-Dem)" (b)(6), "Mary.Blanche.Hankey2@usdoj.gov" <Mary.Blanche.Hankey2@usdoj.gov>, "doj.correspondence@usdoj.gov" <doj.correspondence@usdoj.gov>, (b)(6) - Stephen Boyd (OLA)
Subject: CEG to DOJ OIG (ORCON)

Dear David and Greg,

Please find attached a letter from Chairman Grassley. Please confirm receipt and send all formal follow-up correspondence to the email addresses copied above. Thanks.

Regards,

Daniel Parker
Investigative Assistant
Chairman Charles E. Grassley
U.S. Senate Committee on the Judiciary
(202) 224-5225

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, January 5, 2018 1:58 PM
To: Boyd, Stephen E. (OLA); Terwilliger, Zachary (ODAG); Schools, Scott (ODAG)
Subject: FW: heads up
Attachments: 2018-01-04 CEG LG to FBI DOJ (unclassified cover letter for classified S.._.pdf)

I have a feeling Boyd is reading this currently. (b)(6)

Can discuss in person.

xxx

Sarah Isgur Flores
Director of Public Affairs
202.305.5808

From: Rosenberg, Matthew [mailto:matthew.rosenberg@nytimes.com]
Sent: Friday, January 5, 2018 12:32 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Fwd: heads up

Here goes ...

----- Forwarded message -----

From: Hartmann, George (Judiciary-Rep) (b)(6)
Date: Fri, Jan 5, 2018 at 10:42 AM
Subject: heads up
To: Nicholas Fandos <nicholas.fandos@nytimes.com>

Please consider the attached document *embargoed until public release or other notice from this office.*

GEORGE HARTMANN

Deputy Press Secretary | Senate Judiciary Committee
Chairman Chuck Grassley (R-Iowa)

--
Nicholas Fandos
The New York Times
Washington Bureau
Office: [202-862-0425](tel:202-862-0425)
Mobile: (b)(6)

~~TOP SECRET//NOFORN~~
(UNCLASSIFIED when separated from attachment)

CHARLES E. GRASSLEY, IOWA, CHAIRMAN
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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-8275

KIMAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

January 4, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Deputy Attorney General Rosenstein and Director Wray:

Attached please find a classified memorandum related to certain communications between Christopher Steele and multiple U.S. news outlets regarding the so-called "Trump dossier" that Mr. Steele compiled on behalf of Fusion GPS for the Clinton Campaign and the Democratic National Committee and also provided to the FBI.

Based on the information contained therein, we are respectfully referring Mr. Steele to you for investigation of potential violations of 18 U.S.C. § 1001, for statements the Committee has reason to believe Mr. Steele made regarding his distribution of information contained in the dossier.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis or DeLisa Lay of Chairman Grassley's staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Lindsey O. Graham
Chairman
Subcommittee on Crime and Terrorism
Committee on the Judiciary

Enclosure: As stated.

~~TOP SECRET//NOFORN~~
(UNCLASSIFIED when separated from attachment)

Deputy Attorney General Rosenstein and Director Wray

January 4, 2018

Page 2 of 2

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

The Honorable Richard Burr
Chairman
Senate Select Committee on Intelligence

The Honorable Mark Warner
Vice Chairman
Senate Select Committee on Intelligence

The Honorable Devin Nunes
Chairman
House Permanent Select Committee on Intelligence

The Honorable Adam Schiff
Ranking Member
House Permanent Select Committee on Intelligence

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Friday, January 5, 2018 8:28 AM
To: Schools, Scott (ODAG); Brower, Gregory (DO) (FBI); (b)(6), (b)(7)(C) (DO) (FBI)
Cc: Boyd, Stephen E. (OLA)
Subject: Fwd: Letter for Deputy Attorney General Rosenstein
Attachments: CHM ltr to DAG re Memorialization of Call and Subpoena Compliance - 4 Jan 18.pdf; ATT00001.htm

Fysa

David F. Lasseter

Begin forwarded message:

From: "Ciarlante, Nick" (b)(6) Congressional Email
Date: January 4, 2018 at 14:58:48 MST
To: "Boyd, Stephen E. (OLA)" (b)(6), "Lasseter, David F. (OLA)" <David.F.Lasseter@usdoj.gov>
Cc: "Ciarlante, Nick" (b)(6) Congressional Email, "Glabe, Scott" (b)(6) Congressional Email, "Stewart, Mark" (b)(6) Congressional Email, "Patel, Kash" (b)(6) Congressional Email
Subject: Letter for Deputy Attorney General Rosenstein

Good evening,

Attached please find a letter from Chairman Nunes for Deputy Attorney General Rosenstein.

Best,
Nick

Nicholas A. Ciarlante
Chief Clerk
United States House of Representatives
Permanent Select Committee on Intelligence
Capitol Visitor Center, HVC-304
Washington, DC 20515
O: (b)(6)
C: (b)(6)

Our Mission: To serve the American people by providing oversight, direction and resources to enable effective, efficient and constitutional intelligence activities.

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC 304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225 4121

January 4, 2018

The Honorable Rod Rosenstein
Deputy Attorney General
U.S. Department of Justice
1201 Pennsylvania Ave, NW
Washington, D.C. 20004

Dear Mr. Rosenstein:

Pursuant to our phone call yesterday evening, I write to memorialize the agreement we reached regarding compliance with the subpoenas issued by the House Permanent Select Committee on Intelligence (the Committee) on August 24, 2017, to the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI), as well as several other outstanding requests by the Committee for information and interviews. It is my hope that this agreement will provide the Committee with all outstanding documents and witnesses necessary to complete its investigations into matters involving DOJ and FBI.

As agreed, designated Committee investigators and staff will be provided access to all remaining investigative documents, in unredacted form, for review at DOJ on Friday, January 5, 2018. The documents to be reviewed will include all FBI Form FD-1023s and all remaining FBI Form FD-302s responsive to the Committee's August 24, 2017 subpoenas. The only agreed-upon exception pertains to a single FD-302, which, due to national security interests, will be shown separately by Director Wray to myself and my senior investigators during the week of January 8, 2018.

You further confirmed that there are no other extant investigative documents that relate to the Committee's investigations into (a) Russian involvement in the 2016 Presidential election or (b) DOJ/FBI's related actions during this time period. This includes FD-302s, FD-1023s, and any other investigatory documents germane to the Committee's investigations, regardless of form and/or title. If, somehow, "new" or "other" responsive documents are discovered, as discussed, you will notify me immediately and allow my senior investigators to review them shortly thereafter.

With respect to the witness interviews requested by the Committee, you have agreed that all such witnesses – namely, former DOJ Associate Deputy Attorney General Bruce Ohr; FBI Supervisory Special Agent Peter Strzok; former FBI General Counsel James Baker; FBI Attorney Lisa Page; FBI Attorney Sally Moyer; FBI Assistant Director Greg Brower; FBI Assistant Director Bill Priestap; and FBI Special Agent James Rybicki – will be made available for interviews to be conducted in January.

Lastly, as to the remaining approximately 9,500 text messages between FBI Supervisory Special Agent Peter Strzok and his mistress, FBI Attorney Lisa Page, it is my understanding based on your representations that another search is being conducted and all relevant messages will be provided. Accordingly, the Committee requests production of these messages by no later than close of business, Thursday, January 11, 2018. Similarly, I understand that your office is researching records related to the details of an April 2017 meeting between DOJ Attorney Andrew Weissman (now the senior attorney for Special Counsel Robert Mueller) and the media, which will also be provided to this Committee by close of business on Thursday, January 11, 2018.

It was further agreed that all documents made available to the Committee will also be available for review by the minority Ranking Member and designated staff.

The materials we are requesting are vital to the Committee's investigation of potential abuses into intelligence and law enforcement agencies' handling of the Christopher Steele dossier. The Committee is extremely concerned by indications that top U.S. Government officials who were investigating a presidential campaign relied on unverified information that was funded by the opposing political campaign and was based on Russian sources. Going forward, it's crucial that we memorialize our conversations on this issue, and that we're as transparent as possible with the American people, who deserve answers to the questions the Committee is investigating.

The subpoenas issued August 24, 2017, remain in effect.

Sincerely,



Devin Nunes
Chairman

Copies to:

The Honorable Jeff Sessions, Attorney General

The Honorable Christopher Wray, Director, Federal Bureau of Investigation

Hur, Robert (ODAG)

From: Hur, Robert (ODAG)
Sent: Thursday, January 4, 2018 6:20 PM
To: Flores, Sarah Isgur (OPA); Boyd, Stephen E. (OLA)
Cc: Terwilliger, Zachary (ODAG); Schools, Scott (ODAG)
Subject: RE: House intelligence committee letter
Attachments: CHM ltr to DAG re Memorialization of Call and Subpoena Compliance - 4 Ja....pdf

Yep.

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, January 4, 2018 5:54 PM
To: Boyd, Stephen E. (OLA) (b)(6)
Cc: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Schools, Scott (ODAG) <:sschools@jmd.usdoj.gov>; Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>
Subject: FW: House intelligence committee letter

Do we have this?

xxx

Sarah Isgur Flores
Director of Public Affairs
202.305.5808

From: Herridge, Catherine [<mailto:Catherine.Herridge@FOXNEWS.COM>]
Sent: Thursday, January 4, 2018 5:50 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>; (b)(6), (b)(7)(C)
(DO) (FBI) (b)(6), (b)(7)(C), (b)(7)(E)
Cc: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: House intelligence committee letter

Good evening -

We understand the house intelligence committee chairman Devin Nunes has sent a letter to DAG Rosenstein later today, memorializing the agreement, to provide access to all outstanding records by Friday this week, and outstanding witnesses later this month.

If there is additional comment or context to provide from the Justice Department or FBI, we will add it to our reporting.

Many thanks,
Catherine

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

Devin Nunes, California, CHAIRMAN

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Nancy Pelosi, DEMOCRATIC LEADER

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

September 5, 2017

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave, N.W.
Washington, D.C. 20530

Dear Director Wray:

As explained in my letter of [September 1, 2017], if the Federal Bureau of Investigation fails to comply in full with the subpoena for production of documents issued by the House Permanent Select Committee on Intelligence (Committee) on August 24, 2017, the Committee requires that Director Christopher Wray appear before the Committee on September 14, 2017 to explain that failure. The accompanying subpoena, issued today, is intended to ensure compliance with that requirement. Should the Federal Bureau of Investigation comply in full and in a timely manner with the Committee's subpoena of August 24, 2017, then the Director's appearance will not be necessary, and the appearance subpoena dated September 5, 2017, will be withdrawn.

Sincerely,



Devin Nunes
Chairman

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

Director Christopher Wray
Federal Bureau of Investigation

To

You are hereby commanded to be and appear before the
Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- ☐ to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: _____

Date: _____

Time: _____

- ☐ to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

- ☒ to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: United States Capitol, HVC-210

Date: 9/14/17

Time: 9:00am

To The United States Marshal Service or any authorized member of Congress or congressional staff

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 5th day of September, 2017.

Darin Newman

Chairman or Authorized Member

Attest:

Karen P. Hane
Clerk

PROOF OF SERVICE

Subpoena for Director Christopher Wray
Federal Bureau of Investigation

Address

before the Permanent Select Committee on Intelligence

*U.S. House of Representatives
115th Congress*

Served by (print name) Nicholas A. Ciarlante

Title Chief Clerk

Manner of service 5 September 17 By Electronic Mail

6 September 17 By Hand

Date 5 September 17

Signature of Server

Nicholas A. Ciarlante

Address

Chairman Nunes' stated Areas of Focus during 10/11/17 meeting at HPSCI.

1. Production, in camera if necessary, of 1023 and 302 documents regarding the source and sub-sources.
2. Q: Who authorized the initial CI investigation? (b)(5)
3. Was original input from friendly foreign nation based on the Source's own reporting, thus creating a circular reporting loop?
4. Production, in camera if necessary, of all FISA's (and renewals) (b)(7)(E) per FBI
5. Q: Who paid Fusion GPS? Did a Republican individual or organization ever fund GPS activities?
6. Q: What, if anything, did the FBI do to verify dossier information?
7. Q: Did FBI investigate who was funding Fusion GPS?
8. Q: Why was "Pete" re-stationed in Human Relations?
9. Q: Was there a "defensive brief" offered by the FBI to campaign?

(b)(5)

LINDSEY O. GRAHAM
SOUTH CAROLINA



290 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5972

UNITED STATES SENATE

December 13, 2017

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Deputy Attorney General Rosenstein and Director Wray:

The American people deserve to know if their government used a dossier funded in part by the DNC and created by former foreign intelligence officer Christopher Steele to support an application for a warrant or other investigative process authorizing surveillance of American political operatives. The answer to this question must be public and complete, so as to put an end to media speculation on the matter.

If the Steele Dossier was used to support an application for a warrant or other investigative process, did the DOJ know the dossier was funded by the DNC? Why did Associate Deputy Attorney General Bruce G. Ohr allegedly meet with Glenn Simpson, the founder of the firm that produced the dossier, and Christopher Steele? Did Mr. Ohr's wife work for Fusion GPS during the 2016 election?

In furtherance of my longstanding desire to get to the bottom of all aspects of Russian interference in the 2016 election, I will use any and all tools at my disposal to delay and block Senate consideration of all of the Administration's executive branch nominees until you fully and publicly disclose the answers to these questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lindsey O. Graham".

Lindsey O. Graham
United States Senator

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Wednesday, December 13, 2017 11:04 AM
To: Boyd, Stephen E. (OLA); Schools, Scott (ODAG); Brower, Gregory (DO) (FBI);
(b)(6), (b)(7)(C) (DO) (FBI)
Subject: Fwd: Letter to Rosenstein and Wray
Attachments: 2017-12-13--Letter to Deputy AG and FBI Director.pdf; ATT00001.htm

Gents—please attached latest from Graham..(b)(5)

Scott—we are assigning to ODAG, (b)(5)

Thanks,
David

David F. Lasseter

Begin forwarded message:

From: "Holmes, Lee (Judiciary-Rep)" (b)(6)
Date: December 13, 2017 at 10:29:10 EST
To: "'David.F.Lasseter@usdoj.gov'" <David.F.Lasseter@usdoj.gov>, "(b)(6), (b)(7)(C) (DO) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E)
Subject: Letter to Rosenstein and Wray

Hey David and (b)(6), (b)(7)(C)—I have attached a letter from Senator Graham to DAG Rosenstein and Director Wray. Please confirm receipt. Thanks, and hope y'all are well.

Lee

LEE HOLMES
Chief Counsel
Senator Lindsey O. Graham
U.S. Senate Committee on the Judiciary
(b)(6)

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Monday, December 11, 2017 4:47 PM
To: Hur, Robert (ODAG); Terwilliger, Zachary (ODAG); Bolitho, Zachary (ODAG); Brower, Gregory (DO) (FBI); (b)(6), (b)(7)(C) (DO) (FBI); Flores, Sarah Isgur (OPA); Lasseeter, David F. (OLA); Hankey, Mary Blanche (OLA); Johnson, Joanne E. (OLA); Schools, Scott (ODAG)
Subject: Update on HPSCI Production

All:

For your own situational awareness, (b)(5)

[REDACTED]

(b)(5)

[REDACTED]

Please let me know if you have any questions.

Thanks,

Stephen

PS – See below.

WALL STREET JOURNAL

The Editorial Board

Dec. 10, 2017 5:02 p.m. ET

Christopher Wray was supposed to bring a new candor and credibility to the FBI after the James Comey debacle, but the country is still waiting. The director's testimony Thursday to the House Judiciary Committee suggests he has joined the Justice Department effort to stop the public from learning about the bureau's role in the 2016 election.

Judiciary Chairman Bob Goodlatte invited Mr. Wray to answer the multiplying questions about the bureau's 2016 political interference. This includes the role that the Steele dossier—opposition research financed by the Clinton campaign—played in the FBI's decision to investigate the Trump presidential campaign. The committee also wants answers about reports that special counsel Robert Mueller demoted Peter Strzok, a lead FBI investigator in both the Trump and Hillary Clinton email investigations, after Mr. Strzok exchanged anti-Trump texts with his mistress, who also works at the FBI.

Mr. Wray spent five hours stonewalling. The director ducked every question about the FBI's behavior by noting that the Justice Department Inspector General is investigating last year's events.

Is Mr. Wray concerned that Mr. Strzok edited the FBI's judgment of Mrs. Clinton's handling of her emails to "extremely careless" from "grossly negligent" in a previous draft? The grossly negligent phrase might have put Mrs. Clinton in legal jeopardy, but Mr. Wray said he couldn't answer because that is subject to the "outside, independent investigation."

Is Mr. Wray taking steps to ensure his top ranks are free of political "taint"? He couldn't say because of the "outside, independent" investigation.

Ohio Republican Jim Jordan noted that the only way for Congress to know if the FBI used the Steele dossier to obtain a warrant to spy on the Trump campaign is for the FBI to provide its application to the Foreign Intelligence Surveillance Court. "Is there anything prohibiting you from showing this committee [that application]?" Mr. Jordan asked.

Mr. Wray's answer was dismissive. "I do not believe that I can legally and appropriately share a FISA court submission with this committee," said Mr. Wray. "When I sign FISA applications, which I have to do almost every day of the week, they are all covered with a 'classified

information' cover."

This is an excuse, not a serious reason. The IG is a watchdog created by Congress to investigate executive misbehavior. It was never intended to supplant congressional oversight, much less be an excuse for executive officials to protect their decisions from scrutiny.

As for hiding behind "classified information," the House Intelligence Committee that is investigating Russian campaign meddling has appropriate clearances. Mr. Goodlatte reminded Mr. Wray that the Judiciary Committee also has primary jurisdiction over the FISA court.

The FISA application is central to the issue of Russian meddling and whether the FBI used disinformation to trigger a counterintelligence investigation of a U.S. presidential candidate. Congress and the U.S. need to know not only if Trump officials were colluding with Russians but also if Russia and the Clinton campaign used false information to dupe the FBI into intervening in a U.S. election. Yet the FBI and Justice have been stonewalling House Intelligence for months.

The lack of cooperation has become more troubling amid reports that senior career Justice officials have a partisan motivation. Judicial Watch last week released emails showing that Mr. Mueller's top lieutenant, Andrew Weissmann, praised Obama holdover and acting Attorney General Sally Yates in January for defying Mr. Trump on his travel ban.

Justice also confirmed a Fox News report last week that one of its top lawyers, Bruce Ohr, was in contact with Christopher Steele (the dossier author) before the election, and after the election with Glenn Simpson, the founder of Fusion GPS, the opposition-research firm that hired Mr. Steele. Mr. Ohr was demoted, which suggests his contacts were unauthorized.

By the way, the chief law enforcement officer of the United States is the President. This means he has the legal authority through his deputies at the White House and Justice to see the FISA application. AG Jeff Sessions is recused from the Russia probe, which complicates his access because we don't know the extent of his recusal. But Deputy AG Rod Rosenstein supervises the FBI when Mr. Sessions does not.

Mr. Rosenstein can and should order the FBI to meet Congress's document requests including the FISA application. If he refuses, then Mr. Trump through White House counsel Donald McGahn can order him to do so. Mr. Rosenstein could choose to resign rather than comply, but he will not have the law on his side.

The easy way to solve this standoff is for executive officials, including the FBI, to do their duty and cooperate with the duly elected Members of Congress. If they don't, sterner measures like a

finding of contempt of Congress will be needed.

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Monday, November 20, 2017 11:51 AM
To: Patel, Kash
Cc: Schools, Scott (ODAG); Stewart, Mark; Nelson, Damon; Glabe, Scott; Mark Eply; Lasseeter, David F. (OLA)
Subject: Re: Status of outstanding requests

Kash:

When Mark, copied here, called me to discuss this, we left it that HPSCI would be sending a narrowed, written request to interview McCabe on three of the four points of the HPSCI scope, but would not further request to question the witness on matters within the SC's investigation. (I believe this is point two on HPSCI's scope document.)

Several weeks ago we cleared McCabe to interview on the 3 other points. As far as we are concerned, that interview could have already taken place. We must, however, protect the integrity of the SC investigation, and if the SC asks that we decline to make a witness available on a certain subject, we are going to make that our first priority.

I know that HPSCI staff called the SC to confirm this view, which SC did (and then informed me of the call.)

As I understand it, per my conversation with the speaker's office when Mark called me, we are waiting on your narrowed written request for McCabe, which will be quickly approved if made under the terms Mark and I discussed. Let me know if I am somehow in error on this.

We're not in a position at this time to provide un-redacted FISA's or the 1023's. I have no reason to believe that we will change our view on that in the near future. As you know, we previously made certain FISAs, redacted, available for the committee's in camera review.

We're evaluating the request for the handler. I'll let you know when a decision is reached on that, likely next week.

SB

Sent from my iPhone

On Nov 20, 2017, at 11:23 AM, Patel, Kash (b)(6) - Congressional Email wrote:

Stephen,

I have not heard from you regarding the below matters: We are renewing ALL requests in their entirety. Please let us know when Steele's handler and McCabe will appear for interview- we will NOT accept any limitations on scope that impede the parameters of our investigation. Also, when will the Committee be provided unredacted copies of the FISAs and renewals, 1023s and 302s- which have been previously requested in writing and via outstanding subpoenas

302s which have been previously requested in writing and no outstanding requests. DOJ/FBI's cooperation is greatly appreciated. Happy to chat whenever you need. thanks

Regards,
Kash

Kashyap P. Patel
Senior Counsel for Counterterrorism
House Permanent Select Committee on Intelligence

Desk: (b)(6)
Cell: (b)(6)
NSTS: (b)(6)

From: Patel, Kash
Sent: Friday, November 10, 2017 1:16 PM
To: 'Boyd, Stephen E. (OLA)' (b)(6); Ramer, Sam (OLA) <Sam.Ramer@usdoj.gov>; Schools, Scott (ODAG) <Scott.Schools@usdoj.gov>
Cc: Stewart, Mark (b)(6) - Congressional Email; Nelson, Damon (b)(6) - Congressional Email; Glabe, Scott (b)(6) - Congressional Email
Subject: RE: Status of outstanding requests

Stephen,

This is to confirm my phone conversation with Sam Ramer from yesterday afternoon at approximately 5pm. As to our outstanding requests, Sam relayed the following:

Deputy Director Andrew McCabe would be made available for interview with restrictions that DOJ/FBI finds acceptable (which have not yet been discussed). There was no further information regarding production of the unredacted FISA applications, meeting with Christopher Steele's handler, and production of relevant 1023s and 302s. I was also informed there is no transcript before the FISC.

While we appreciate DOJ/FBI willingness to facilitate an interview of McCabe, the Committee will only agree to conduct such that does not limit the scope of our investigation. As to the document productions, the Committee stands by its request made in the August 24 subpoenas and hopes DOJ/FBI will provide all said documents in full. Lastly, we hope you will provide this Committee with full access to Steele's handler. We ask to hear from DOJ/FBI ASAP regarding these outstanding matters.

Regards,
Kash

Kashyap P. Patel
Senior Counsel for Counterterrorism
House Permanent Select Committee on Intelligence

Desk: (b)(6)
Cell: (b)(6)
NSTS: (b)(6)

From: Boyd, Stephen E. (OLA) (b)(6)

Sent: Thursday, November 09, 2017 10:12 AM

To: Patel, Kash (b)(6) - Congressional Email; Ramer, Sam (OLA) <Sam.Ramer@usdoj.gov>; Schools, Scott (ODAG) <Scott.Schools@usdoj.gov>

Cc: Stewart, Mark (b)(6) - Congressional Email; Nelson, Damon

(b)(6) - Congressional Email; Glabe, Scott (b)(6) - Congressional Email

Subject: RE: Status of outstanding requests

Kash,

Let me know a good time to call regarding the list below, especially #3 and 4.

SB

From: Patel, Kash (b)(6) - Congressional Email

Sent: Friday, November 3, 2017 6:29 PM

To: Boyd, Stephen E. (OLA) (b)(6); Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>; Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>

Cc: Stewart, Mark (b)(6) - Congressional Email; Nelson, Damon

(b)(6) - Congressional Email; Glabe, Scott (b)(6) - Congressional Email

Subject: Status of outstanding requests

Gents,

Greatly appreciate y'all setting us up in your space this week. During our review, we had some additional requests that we socialized with those from DOJ in attendance. I wanted to reduce them to writing and hope we can receive the following early next week:

- 1) unredacted copies of the FISAs,
- 2) meeting with Steele's handler,
- 3) transcript from FISC, and
- 4) interview of McCabe.

Thanks and have a great weekend.

Kash

Kashyap P. Patel

Senior Counsel for Counterterrorism

House Permanent Select Committee on Intelligence

Desk: (b)(6)

Cell: (b)(6)

Hur, Robert (ODAG)

From: Hur, Robert (ODAG)
Sent: Tuesday, October 31, 2017 4:30 PM
To: Boyd, Stephen E. (OLA); Greg Brower (AD/FBI/OCA); Schools, Scott (ODAG)
Cc: Ramer, Sam (OLA)
Subject: RE: Background for HPSCI

Thanks, Stephen. Suggested edits below in red, and comments/questions in highlights.

Rob

From: Boyd, Stephen E. (OLA)
Sent: Tuesday, October 31, 2017 3:14 PM
To: Greg Brower (AD/FBI/OCA) (b)(7)(E); Schools, Scott (ODAG)
<sschools@jmd.usdoj.gov>; Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>
Cc: Ramer, Sam (OLA) <srmer@jmd.usdoj.gov>
Subject: Background for HPSCI

(b)(5)

[REDACTED]

SB

(b)(5)

[REDACTED]

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Tuesday, October 31, 2017 3:14 PM
To: Greg Brower (AD/FBI/OCA); Schools, Scott (ODAG); Hur, Robert (ODAG)
Cc: Ramer, Sam (OLA)
Subject: Background for HPSCI

(b)(5)

A large rectangular area of the document is completely redacted with a solid black fill. It spans approximately three lines of text.

SB

(b)(5)

A very large rectangular area of the document is completely redacted with a solid black fill. It covers the majority of the lower half of the page, spanning approximately 15 lines of text.

Ramer, Sam (OLA)

From: Ramer, Sam (OLA)
Sent: Monday, October 30, 2017 6:31 PM
To: Lasseter, David F. (OLA)
Cc: Boyd, Stephen E. (OLA); Schools, Scott (ODAG); Brower, Gregory (DO) (FBI)
Subject: Re: Email to SJC re: HPSCI Docs

Looks good to me.

Sent from my iPhone

On Oct 30, 2017, at 6:27 PM, Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov> wrote:

This makes sense to me SB

From: Boyd, Stephen E. (OLA)
Sent: Monday, October 30, 2017 4:00 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>; Brower, Gregory (DO) (FBI)
(b)(7)(E); Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>; Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Subject: Email to SJC re: HPSCI Docs

Scott, Greg, Sam, David:

See below for my proposed email to SJC. Open to feedback and suggestions.

Thanks,

Stephen

(b)(5)



Thank you,

Stephen

Stephen E. Boyd
Assistant Attorney General
U.S. Department of Justice
Washington, D.C.

(b)(6)

CHARLES E. GRASSLEY, IOWA, CHAIRMAN
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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

September 20, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Wray:

I write to inquire about whether the FBI ever provided the Trump campaign with a defensive briefing or other warning regarding attempts to infiltrate the campaign by people connected with, or compromised by, Russian intelligence. In public testimony before the House Intelligence Committee in March of 2017, then-Director Comey acknowledged that the FBI began its investigation in late July of 2016 into “the nature of any links between individuals associated with the Trump campaign and the Russian government.”

After he was fired, Mr. Comey acknowledged in public testimony before the Senate Intelligence Committee that President Trump had never been one of the individuals under investigation. Recent news articles have claimed that Paul Manafort was one of the campaign associates under FBI investigation.¹ This raises the question of whether the FBI ever alerted Mr. Trump to the FBI’s counter-intelligence concerns regarding his campaign manager and others associated with the campaign—so that he could take defensive action to prevent the campaign from being infiltrated.² Such briefings are one of the tools that the FBI often uses to thwart attempts by foreign intelligence services to infiltrate organizations or compromise U.S. citizens. Such a briefing allows innocent, unwitting organizations and individuals to take defensive action to protect themselves.

¹ Evan Perez, Shimon Prokupcz & Pamela Brown, *US Government Wiretapped Former Trump Campaign Chairman*, CNN (Sept. 18, 2017), <http://www.cnn.com/2017/09/18/politics/paul-manafort-government-wiretapped-fisa-russians/index.html>.

² Mr. Comey did seem to indicate that after the election, the transition team was given some sort of defensive briefings, stating: “there were a variety of defensive briefings given to the incoming administration about the counterintelligence risk.” However the nature of those briefings and whether they related to counterintelligence concerns the FBI had regarding any campaign associates is unclear. Mr. Comey also stated that after a briefing on January 6, 2017, with the then-President Elect, Mr. Comey remained alone with him to inform him about the dossier, which Mr. Comey stated was intended to be a defensive briefing, though apparently to alert Mr. Trump about the dossier’s existence, not about counterintelligence concerns the FBI had with any campaign associates.

According to press reports, it appears that during at least one previous presidential election, U.S. intelligence has raised these types of concerns to campaign staff, including concerns about Mr. Manafort's ties.³ The concerns allegedly involved work performed by Mr. Manafort and his business partner at the time, Rick Davis, on behalf of Ukrainian Prime Minister Viktor Yanukovich, who was backed by Putin.⁴ Mr. Davis became Senator McCain's campaign manager. Moreover, Mr. Manafort and Mr. Davis reportedly had previously arranged for Russian oligarch Oleg Deripaska to meet Senator McCain twice.⁵ According to John Weaver, a former top campaign advisor to Senator McCain: "My sense is that Davis and Manafort, who were already doing pro-Putin work against American national interests, were using potential meetings with McCain—who didn't know this and neither did we until after the fact—as bait to secure more rubles from the oligarchs."⁶

Mr. Weaver further stated that "U.S. intelligence raised concerns to McCain's staff about the Davis Manafort work."⁷ A recent report quoted an anonymous U.S. counterintelligence official who had been involved as saying: "Before there was Trump, there were concerns about some of the same people being around McCain about 10 years ago, and we alerted his team to those concerns and they appeared to take some defensive action."⁸ Indeed, earlier, Senator McCain's inner circle was reportedly cautioned by U.S. intelligence to distance itself from a Russian advisor who U.S. intelligence believed might have ties to the Russian military, and the McCain team subsequently asked the advisor to leave.⁹

In short, if these accounts are accurate it appears that in at least one prior presidential campaign, U.S. intelligence alerted a candidate's team about counterintelligence concerns it had regarding campaign associates' connections with Russia. This makes sense, given that sophisticated foreign intelligence services likely seek to exploit presidential campaigns through various means. The circumstances leading to those prior alerts to a campaign by U.S. intelligence seem substantially similar to the circumstances surrounding President Trump's campaign.

If the FBI did provide a defensive briefing or similar warning to the campaign, then that would raise important questions about how the Trump campaign responded. On the other hand, if the FBI did not alert the campaign, then that would raise serious questions about what factors contributed to its decision and why it appears to have been handled differently in a very similar circumstance involving a previous campaign.

³ Sara A. Carter, *Here's the Russia Influence Controversy That John McCain Doesn't Want You To Know About*, CIRCA (June 21, 2017), <https://www.circa.com/story/2017/06/21/heres-the-russia-influence-controversy-that-john-mccain-doesnt-want-you-to-know-about>; Jeffrey H. Birnbaum & John Solomon, *Aide Helped Controversial Russian Meet McCain*, WASHINGTON POST (Jan. 25, 2008), <http://www.washingtonpost.com/wp-dyn/content/article/2008/01/24/AR2008012403383.html?sid=ST2008012500226>; see also Barry Meier, *In McCain Campaign, A Lobbying Labyrinth*, NEW YORK TIMES (May 25, 2008), <http://www.nytimes.com/2008/05/25/us/politics/25davis.html?mcubz=0>.

⁴ Carter.

⁵ Birnbaum & Solomon.

⁶ Carter.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

Please provide the following information to the Committee no later than **October 4, 2017**:

1. Prior to the election, did the FBI provide any defensive briefings or otherwise alert Donald J. Trump, or any Trump campaign official, to warn them of potential connections between campaign officials and the Russian government?
2. If yes, please describe each instance, including:
 - a. The date, time, and place of the communication;
 - b. The names of the campaign officials who received the information;
 - c. A detailed summary of the communication; and
 - d. Any action taken by the campaign as a result.
3. If not, please explain why the FBI did not provide a briefing or other warning, including by answering the following questions:
 - a. Did the FBI contemplate providing a briefing or other warning? If so, please list all FBI personnel involved in those discussions and provide all related documents.
 - b. If a defensive briefing or other warning was contemplated, what factors informed the FBI's decision not to provide a briefing? Did the allegations against Mr. Trump contained in the unverified political opposition research dossier compiled by Christopher Steele factor into the decision?
 - c. Did the FBI share concerns with anyone else, inside or outside of the government, relating to potential connections between Trump campaign officials and the Russian government?
4. Please explain the FBI's policies and practices relating to defensive briefings to political campaigns.

Please contact Samantha Brennan of my Committee staff at (202) 224-5225 with any questions. Thank you for your cooperation on this matter.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
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THOM TILLIS, NORTH CAROLINA	MAZIE HIRONO, HAWAII
JOHN KENNEDY, LOUISIANA	

KELAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DICKI, Democratic Staff Director

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

October 4, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Wray:

On March 6, 2017, I wrote to then-Director Comey asking a series of questions stemming from press reports about the FBI's interaction with Mr. Christopher Steele, the former British spy and purported author of the political opposition research dossier of allegations of collusion against President Trump and his associates. While the Committee did receive some information in response, most of the questions went unanswered, and the information the Committee received contained material inconsistencies.

To address these inconsistencies, I sent a follow up letter on April 28, requesting that the FBI answer all the questions in the original letter, explain the inconsistencies, and answer some additional questions. Although Mr. Comey indicated at his oversight hearing on May 3, 2017, that the FBI would provide answers, the President fired him shortly thereafter. The Committee has received no additional information about these issues from the FBI. The Committee continues to need this information to perform its constitutional duty of oversight of the FBI. On August 25, 2017, I sent you a classified letter addressing the issues in detail. I have yet to receive a response to that letter.

There is another concern about Mr. Steele's and Fusion GPS's work that the FBI needs to address. Public reports indicate that the FBI received the dossier and has used it in the Russia investigation. However, it appears that the FBI, the media, and various Congressional offices were not the only recipients of the dossier prior to its publication. In court filings by Mr. Steele's attorneys in London, he admitted that he had passed at least some contents of the dossier to at least one foreign government – the United Kingdom.¹

¹ Those filings are attached to this letter.

Director Wray
October 4, 2017
Page 2 of 3

Media reports have also claimed that foreign governments passed along information to the United States about purported contacts between Trump associates and Russians. Given that Mr. Steele also distributed the dossier's contents to at least one foreign government, it is possible that this political dossier's collusion allegations, or related allegations originating via Mr. Steele, may have also been surreptitiously funneled into U.S. intelligence streams through foreign intelligence sharing. If so, that foreign information would likely have ended up within the FBI's investigation of allegations of collusion between Trump associates and Russia. However, given that foreign intelligence agencies carefully guard their sources and methods, it may not have been clear to the FBI that the foreign reporting was actually based on the work of Mr. Steele and Fusion GPS.

If this in fact happened, it would be alarming. Mr. Steele's dossier allegations might appear to be "confirmed" by foreign intelligence, rather than just an echo of the same "research" that Fusion bought from Steele and that the FBI reportedly also attempted to buy from Steele. It is even more alarming in light of what we are learning about the allegedly unregistered Russian foreign agents who Fusion GPS and Glenn Simpson were working with to undermine the Magnitsky Act and who met with Trump family and campaign officials last summer.

The Committee must understand what steps the FBI has taken to ensure that any foreign information it received and used in the Russia investigation, beyond the dossier itself, was not ultimately sourced to Mr. Steele, his associates such as Fusion GPS, or his sub-sources. Please respond to the following by no later than October 18, 2017:

1. Please provide all foreign intelligence reports that are or have been part of the FBI's investigation into alleged collusion between Trump associates and Russia.
2. Please explain what steps, if any, the FBI took to determine whether Mr. Steele or his network were the ultimate source of each foreign intelligence document received.
3. Other than the Steele dossier itself, did the FBI rely on any information provided by foreign nationals or foreign governments in seeking investigative authorities in the investigation of alleged collusion between Trump associates and Russia? If so, please include the relevant warrant applications and related documents.

I anticipate that your responses to these questions may contain both classified and unclassified information. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Director Wray
October 4, 2017
Page 3 of 3

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Thursday, October 05, 2017 9:50 PM
To: Rosenstein, Rod (ODAG); Schools, Scott (ODAG); Hur, Robert (ODAG); Ramer, Sam (OLA)
Subject: Fwd: WSJ

(b)(5)

SB

Sent from my iPhone

Begin forwarded message:

From: "Flores, Sarah Isgur (OPA)" <siflores@jmd.usdoj.gov>
Date: October 5, 2017 at 7:39:16 PM EDT
To: "Boyd, Stephen E. (OLA)" (b)(6), "Ramer, Sam (OLA)" <sramer@jmd.usdoj.gov>, "Brower, Gregory (DO) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E)
Subject: WSJ

More non-news on the Russia-collusion front came Wednesday, when the Senate Intelligence Committee said it has now verified what everyone knew nine months ago: Russia worked to sow chaos during the 2016 election; vote totals weren't affected; and no evidence has emerged that Donald Trump was in cahoots with Moscow.

But in the more distant, less camera-filled corners of Washington, there actually is some interesting new information. It centers on the document that increasingly looks central to the "chaos" Russia sowed: the Trump dossier.

That was the infamous list of accusations compiled starting in the summer of 2016 by a former British spook, Christopher Steele, who had been hired by the liberal opposition-research firm Fusion GPS. The discredited rumors about Mr. Trump came from anonymous Russian sources. This is notable, since it turns out Fusion was separately—or maybe not so separately—working with entities tied to the Kremlin.

How close was Fusion's leader, Glenn Simpson, to Natalia Veselnitskaya, the Kremlin-linked lawyer? Did the Russians know about the dossier all along and help plant the

information in it? Were American law-enforcement agencies relying on Russian-directed disinformation when they obtained secret warrants against Trump associates? Chaos, indeed.

Witness how hard the Federal Bureau of Investigation is fighting to avoid divulging any information about the dossier. More than a month ago the House Intelligence Committee issued subpoenas to the FBI and the Justice Department, asking for dossier-related documents. Lawmakers were told to go swivel.

A little more than a week ago, the committee's frustrated chairman, Rep. Devin Nunes, took the case all the way to Deputy Attorney General Rod Rosenstein, who finally offered to make an FBI official available for a briefing. But the bureau is still withholding all documents. To date, Sen. Chuck Grassley's Judiciary Committee has not received any paper from the FBI on Russia matters, despite numerous requests, some countersigned by the Democratic ranking member, Dianne Feinstein.

Increasingly, one name is popping up: Gregory Brower, who leads the FBI's Office of Congressional Affairs. Mr. Brower is an odd man for the job. These gigs tend to go to more-junior people, since they involve the drudgery of answering calls from grumpy congressional staffers. Yet Mr. Brower is a former U.S. attorney—a job that requires Senate confirmation—and a former Nevada state senator.

Before his latest role, he was the deputy general counsel of the FBI. In that post he was described as a confidant of former FBI Director James Comey. It was Mr. Comey who installed Mr. Brower in the congressional affairs job, just a few days before President Trump fired the director.

Mr. Brower has been shutting down congressional requests and stonewalling ever since. He has even tried appealing directly to House Speaker Paul Ryan's office to squelch committee demands for documents. The FBI keeps justifying its intransigence by saying it doesn't want to interfere with Special Counsel Robert Mueller's investigation. But Mr. Grassley recently announced that Mr. Mueller's separate inquiry would no longer be considered a legitimate reason for the FBI to withhold information from Congress.

Now here's the surprise: Reuters reported Wednesday that Mr. Mueller "has taken over FBI inquiries into a former British spy's dossier" against Mr. Trump. How very convenient.

The Mueller team has leaked all manner of details from its probe, even as it had avoided the dossier. But just as Congress is ratcheting up pressure on the FBI, anonymous sources say that it's out of the bureau's hands.

Some Republicans might be tempted to cheer news that the special counsel is looking into the dossier. They shouldn't. A Mueller takeover will make it even harder for Congress to conduct an independent investigation—which may well have been the reason for the move. Mr. Mueller has had months to look into the document, and his lack of curiosity so far speaks volumes. As a friend of Mr. Comey and a former FBI director himself, Mr. Mueller cannot be counted on to examine impartially whether the FBI was duped.

Sen. Richard Burr, who leads his chamber's Intelligence Committee, noted on Wednesday that his dossier investigation has "hit a wall." Mr. Steele has gone underground. Mr. Simpson won't hand over relevant documents or say who paid him. The FBI is stiff-arming lawmakers. No one wants to talk about a dossier that Paul Roderick Gregory, a Russia expert at the Hoover Institution, found to read like something "compiled by a Russian, whose command of English is far from perfect and who follows the KGB (now FSB) practice of writing intelligence reports." No one wants to discuss an array of Russian lawyers, lobbyists and Kremlin officials who may have been involved in its creation.

All of this is a lot more shady than Facebookads. If Congress wants to produce the answers it has promised, it has to break through the dossier "wall."

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Tuesday, September 26, 2017 9:32 AM
To: Colborn, Paul P (OLC); Gannon, Curtis E. (OLC)
Subject: RE: DAG/Nunes Meeting
Attachments: CHM ltr to AG Sessions & Director Wray re Subpoena Compliance--15 Sep 17....pdf; Re: DAG/Nunes Meeting.msg

It's attached. I also attached from the Committee staffer that responded to the DAG's letter.

From: Colborn, Paul P (OLC)
Sent: Tuesday, September 26, 2017 9:29 AM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>; Gannon, Curtis E. (OLC) (b)(6)
Subject: RE: DAG/Nunes Meeting

Thanks, Scott. Could you also send us the September 15 Nunes letter referred to in the DAG's letter?

From: Schools, Scott (ODAG)
Sent: Monday, September 25, 2017 6:30 PM
To: Gannon, Curtis E. (OLC) (b)(6); Colborn, Paul P (OLC) (b)(6)
Subject: Fwd: DAG/Nunes Meeting

FYSA.

Sent from my iPhone

Begin forwarded message:

From: "Boyd, Stephen E. (OLA)" (b)(6)
Date: September 22, 2017 at 9:00:26 AM EDT
To: "Hur, Robert (ODAG)" <rhur@jmd.usdoj.gov>, "Brower, Gregory (OGC) (FBI)" (b)(7)(E), "Ramer, Sam (OLA)" <sramer@jmd.usdoj.gov>, "Schools, Scott (ODAG)" <sschools@jmd.usdoj.gov>, "Patel, Kash" (b)(6) Congressional Email, "Ciarlante, Nick" (b)(6) Congressional Email, "Glabe, Scott" (b)(6) Congressional Email, "Nelson, Damon" (b)(6) Congressional Email, "Stewart, Mark" (b)(6) Congressional Email
Subject: RE: DAG/Nunes Meeting

All:

Please find attached a 9/22/2017 letter from Deputy Attorney General Rosenstein to Chairman Nunes.

Stephen

From: Boyd, Stephen E. (OLA)
Sent: Thursday, September 21, 2017 6:13 PM
To: 'Patel, Kash' (b)(6) Congressional Email [REDACTED]; Ciarlante, Nick
(b)(6) Congressional Email [REDACTED]; Glabe, Scott (b)(6) Congressional Email [REDACTED]; Nelson, Damon
(b)(6) Congressional Email [REDACTED]; Stewart, Mark (b)(6) Congressional Email [REDACTED]
Cc: Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>; Brower, Gregory (OGC) (FBI)
(b)(7)(E) [REDACTED]; Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>; Schools, Scott (ODAG)
<sschools@jmd.usdoj.gov>
Subject: RE: DAG/Nunes Meeting

Kash:

We welcome a call. Unfortunately, the DAG will be out of the country for the first part of next week. Given where he will be and the subject matter of the conversation, a phone call at that time is not advisable for security reasons.

My understanding is that the DAG could speak via phone on Saturday morning before he leaves, if the Chairman is back? Or, perhaps the DAG and the Chairman could speak or meet privately on Thursday 9/28?

Sorry for all of the scheduling trouble. Appreciate your help on this.

SB

From: Patel, Kash (b)(6) Congressional Email [REDACTED]
Sent: Thursday, September 21, 2017 4:08 PM
To: Boyd, Stephen E. (OLA) (b)(6) [REDACTED]; Ciarlante, Nick
(b)(6) Congressional Email [REDACTED]; Glabe, Scott (b)(6) Congressional Email [REDACTED]; Nelson, Damon
(b)(6) Congressional Email [REDACTED]; Stewart, Mark (b)(6) Congressional Email [REDACTED]
Cc: Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>; Brower, Gregory (OGC) (FBI)
(b)(7)(E) [REDACTED]; Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>; Schools, Scott (ODAG)
<sschools@jmd.usdoj.gov>
Subject: RE: DAG/Nunes Meeting

Stephen,

Thanks for your patience. Due to the Chairmen's overseas travel and engagement schedules, he will not be available for a telephone call with the DAG tomorrow. However, the Chairmen is available for a telephone call with the DAG on Monday (September 25), which would need to be at the classified level. Thanks very much.

Regards,

Kash

Kashyap P. Patel
Senior Counsel for Counterterrorism
House Permanent Select Committee on Intelligence

Desk: (b)(6)

Cell: (b)(6)

NSTS: (b)(6)

From: Boyd, Stephen E. (OLA) (b)(6)
Sent: Thursday, September 21, 2017 11:49 AM
To: Patel, Kash (b)(6) Congressional Email; Ciarlante, Nick
(b)(6) Congressional Email; Glabe, Scott (b)(6) Congressional Email; Nelson, Damon
(b)(6) Congressional Email; Stewart, Mark (b)(6) Congressional Email
Cc: Hur, Robert (ODAG) <Robert.Hur@usdoj.gov>; Brower, Gregory (OGC) (FBI)
(b)(7)(E); Ramer, Sam (OLA) <Sam.Ramer@usdoj.gov>; Schools, Scott (ODAG)
<Scott.Schools@usdoj.gov>
Subject: RE: DAG/Nunes Meeting

Roger that. Understood. Standing by. SB

From: Patel, Kash (b)(6) Congressional Email
Sent: Thursday, September 21, 2017 11:47 AM
To: Boyd, Stephen E. (OLA) (b)(6); Ciarlante, Nick
(b)(6) Congressional Email; Glabe, Scott (b)(6) Congressional Email; Nelson, Damon
(b)(6) Congressional Email; Stewart, Mark (b)(6) Congressional Email
Cc: Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>; Brower, Gregory (OGC) (FBI)
(b)(7)(E) Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>; Schools, Scott (ODAG)
<sschools@jmd.usdoj.gov>
Subject: RE: DAG/Nunes Meeting

Stephen,

Thanks very much for reaching out. As you correctly guessed, the Chairmen is OCONUS for work during this recess. I will circle back with you once we have guidance. Please indulge us with your patience as we reach out.

Regards,

Kash

Kashyap P. Patel
Senior Counsel for Counterterrorism
House Permanent Select Committee on Intelligence

Desk: (b)(6)

Cell: (b)(6)

NSTS: (b)(6)

From: Boyd, Stephen E. (OLA) (b)(6)
Sent: Thursday, September 21, 2017 11:41 AM
To: Patel, Kash (b)(6) Congressional Email; Ciarlante, Nick

----- (b)(6) Congressional Email -----
(b)(6) Congressional Email; Glabe, Scott (b)(6) Congressional Email; Nelson, Damon
(b)(6) Congressional Email
Cc: Hur, Robert (ODAG) <Robert.Hur@usdoj.gov>; Brower, Gregory (OGC) (FBI)
(b)(7)(E); Ramer, Sam (OLA) <Sam.Ramer@usdoj.gov>; Schools, Scott (ODAG)
<Scott.Schools@usdoj.gov>
Subject: DAG/Nunes Meeting

Gentlemen:

Deputy Attorney General Rosenstein and I would like to invite Chairman Nunes to a meeting this afternoon or tomorrow at the Department, if he is available. Realizing that the House is out of session and that Chairman Nunes might not be in Washington, we would be happy to set up a phone call between the two, if preferable.

Please advise on the Chairman's availability. I look forward to hearing from you.

Thank you,

Stephen

Nelson, Damon


From: Nelson, Damon
Sent: Friday, September 22, 2017 3:28 PM
To: Boyd, Stephen E. (OLA)
Cc: Hur, Robert (ODAG); Brower, Gregory (OGC) (FBI); Ramer, Sam (OLA); Schools, Scott (ODAG); Patel, Kash; Ciarlante, Nick; Glabe, Scott; Stewart, Mark
Subject: Re: DAG/Nunes Meeting

The rest of the IC has found a way to provide the committee access to all the docs it has requested for the investigation - including raw intelligence. I find it interesting that the FBI and Justice are taking a different approach. This information is critical to the House's investigation and access to the raw documents are needed to complete the investigation.

Sent from my iPhone

On Sep 22, 2017, at 9:00 AM, Boyd, Stephen E. (OLA) (b)(6) wrote:

Duplicative Material



Brower, Gregory (OGC) (FBI)

From: Brower, Gregory (OGC) (FBI)
Sent: Monday, September 04, 2017 1:19 PM
To: Hur, Robert (ODAG)
Subject: FW: Letter for Director Wray
Attachments: CHM ltr to Dir FBI Wray re Subpoena Compliance--1 September 17.pdf

Happy Labor Day!

FYSA, this came in late on Friday. OLA knows about it. I have not confirmed, but assume that the AG received the same as it is a response to a letter from OLA.

(b)(5)

Let's try to connect tomorrow.

Thx

Gregory A. Brower
Assistant Director
FBI Congressional Affairs
(Direct) (b)(6), (b)(7)(C)
(Mobile) (b)(6), (b)(7)(C)

From: Ciarlante, Nick (b)(6)
Sent: Friday, September 01, 2017 6:16 PM
To: Brower, Gregory (OGC) (FBI) (b)(7)(E)
Cc: Ramer, Sam (OLA) (JMD) <Sam.Ramer@usdoj.gov>; Ciarlante, Nick (b)(6);
Patel, Kash (b)(6) Congressional Email; Glabe, Scott (b)(6) Congressional Email; Stewart, Mark
(b)(6) Congressional Email; Nelson, Damon (b)(6) Congressional Email
Subject: Letter for Director Wray

Attached please find a letter from Chairman Nunes for Director Wray.

Best,
Nick

Nicholas A. Ciarlante
Chief Clerk
United States House of Representatives
Permanent Select Committee on Intelligence
Capitol Visitor Center, HVC-304
Washington, DC 20515
O: (b)(6)
C: (b)(6)

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DAMON NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

September 1, 2017

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave, N.W.
Washington, D.C. 20530

Dear Director Wray:

On August 24, 2017, the House Permanent Select Committee on Intelligence (“Committee”) served subpoenas on the Attorney General, in his capacity as head of the Department of Justice (“DOJ”), and the Director of the Federal Bureau of Investigation (“FBI”) for production of documents relevant to the Committee’s ongoing investigation of Russian interference in the 2016 U.S. presidential election, including allegations of collusion between the Trump campaign and the Russians.

The subpoenas directed DOJ and FBI to produce any and all documents relating to the agencies’ relationship with former British Secret Intelligence Service officer Christopher Steele and/or the so-called “Trump Dossier,” including those memorializing FBI’s relationship with Mr. Steele, any payments made to Mr. Steele, and efforts to corroborate information provided by Mr. Steele and his sub-sources—whether directly or via Fusion GPS. The subpoenas also directed DOJ and FBI to provide copies of any Foreign Intelligence Surveillance Act (FISA) applications submitted to the Foreign Intelligence Surveillance Court (FISC)—whether or not approved by the FISC—incorporating information provided by Mr. Steele, his sub-sources, and/or Fusion GPS.

Resort to compulsory process was necessary because of DOJ’s and FBI’s insufficient responsiveness to the Committee’s numerous Russia-investigation related requests over the past several months. On multiple occasions, through written requests and direct engagements, the Committee has sought but failed to receive responsive testimony or documents from DOJ and FBI. For example, to date the Committee has not received a meaningful response to its May 9, 2017, request to Attorney General Sessions. Additionally, on May 16, 2017, the Committee sent a letter asking then-Acting Director Andrew McCabe to participate in a voluntary interview, and produce relevant documents. The Committee received no reply until May 27—more than two months later—when DOJ declined the interview request and indicated that “the Department is not prepared to respond further to your request at this time.”

Previously, on March 8, the Committee sought from DOJ certain documents, including relevant FISA applications and FISC orders, and on March 17 was allotted two billets to review responsive documents on a read-and-return basis. The Committee was not provided a copy of these documents, and the Committee's request to review them again was denied.

The subpoenas issued on August 24 required production no later than 12:00pm on September 1, 2017. Neither DOJ nor FBI provided any documents by the deadline. On the afternoon of August 31, less than 24 hours before the due date, the Committee received an initial response from the DOJ Office of Legislative Affairs requesting—on behalf of both DOJ and FBI—additional time to comply with the subpoenas.

The Committee requires timely production of the subpoenaed documents in order to execute its oversight responsibilities on behalf of the American public and fully evaluate the actions of both DOJ and the FBI. There is no legitimate basis for FBI's failure to meaningfully engage the Committee until the eve of the deadline or begin production as a show of good faith.

Moreover, there is no legitimate basis for FBI's request for additional time to comply, because DOJ and the FBI are well aware of the identity of the requested documents. Indeed, as noted above, at least some of them have already been compiled and made temporarily available for the Committee's review, and the remaining requested documents are readily identifiable.

Notwithstanding these concerns, the Committee hereby grants an additional thirteen (13) days for full compliance and production, to occur no later than 9:00 a.m. on September 14, 2017, at the local specified in the original subpoena. This revised deadline will not be extended.

In the alternative, if all responsive documents are not produced by the revised deadline, the Attorney General and the Director of the FBI shall appear before the Committee at 9:00 am on September 14, 2017, in Room HVC-210 of the U.S. Capitol during an open hearing, to explain under oath DOJ's and FBI's unwillingness or inability to comply in full with the subpoenas issued on August 24.

Please be advised that, in the event that DOJ or FBI fails to provide the documents in full or testimony described above, the Committee expressly reserves its right to proceed with any and all available legal options—including reporting to the full House of Representatives a resolution to hold the Attorney General and Director of the FBI in contempt of Congress, pursuant to 2 U.S.C. §§ 192, 194.

Sincerely,



Devin Nunes
Chairman

(b)(6)

From: (b)(6)
Sent: Sunday, August 6, 2017 5:30 AM
To: USDOJ-Office of Legal Counsel (SMO); Flores, Sarah Isgur (OPA); Gunn, Currie (OASG); Press; Gore, John (CRT); Schools, Scott (ODAG); Pustay, Melanie A (OIP)
Subject: NYT: Bobby Sticks It to Trump

Dear DOJ team:

(b)(6)

Amidst the continued impact of foreign agent / political consultant Christopher Steele's Dodgy Dossier which allegedly helped to drive the U.S. "Intelligence" Community's and the FISA kangaroo court's actions last year, FOIA is apparently dead while the de facto FILTH Act reigns supreme in DC (Freedom of Illegal Leakers to Terrorize Humans). (b)(6)

<https://www.nytimes.com/2017/08/05/opinion/sunday/dowd-trump-mueller-russia.html>

(b)(6)

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

March 31, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Dana Boente
Acting Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Mr. Boente:

Over the past few years, the Committee has repeatedly contacted the Department of Justice to raise concerns about the Department's lack of enforcement of the Foreign Agents Registration Act ("FARA"). I write regarding the Department's response to the alleged failure of pro-Russia lobbyists to register under FARA. In July of 2016, Mr. William Browder filed a formal FARA complaint with the Justice Department regarding Fusion GPS, Rinat Akhmetshin, and their associates.¹ His complaint alleged that lobbyists working for Russian interests in a campaign to oppose the pending Global Magnitsky Act failed to register under FARA and the Lobbying Disclosure Act of 1995. The Committee needs to understand what actions the Justice Department has taken in response to the information in Mr. Browder's complaint. The issue is of particular concern to the Committee given that when Fusion GPS reportedly was acting as an unregistered agent of Russian interests, it appears to have been simultaneously overseeing the creation of the unsubstantiated dossier of allegations of a conspiracy between the Trump campaign and the Russians.

Mr. Browder is the CEO of Hermitage Capital Management ("Hermitage"), an investment firm that at one time was the largest foreign portfolio investor in Russia. According to the Justice Department, in 2007, Russian government officials and members of organized crime engaged in corporate identity theft, stealing the corporate identities of three Hermitage companies and using them to fraudulently obtain \$230 million.² The \$230 million was then extensively laundered into accounts outside of Russia. When Hermitage learned of the situation, its attorneys, including Mr. Sergei Magnitsky, investigated. In December of 2007, Hermitage filed criminal complaints with law enforcement agencies in Russia, complaints which identified the Russian government officials who had been involved. In response, the Russian government

¹ *Complaint Regarding the Violation of US Lobbying Laws by the Human Rights Accountability Global Initiative Foundation and Others*, Hermitage Capital Management (July 15, 2016) ("Browder Complaint") (attached).

² *Second Amended Verified Complaint, U.S. v. Prevezon Holdings Ltd., et al.*, No. 13 cv 6326, ECF 381 (SDNY) ("DOJ Complaint") (attached).

assigned the case to the very officials involved in the crime, who then arrested Mr. Magnitsky and kept him in pretrial detention for nearly a year, until he died under highly suspicious circumstances after being beaten by guards and denied medical treatment.

In response to this brazen violation of human rights, Congress passed the bipartisan Sergei Magnitsky Rule of Law Accountability Act of 2012 (“Magnitsky Act”), which was signed into law by President Obama. The law authorized sanctions against those who the President determined were responsible for Mr. Magnitsky’s detention and death, those who financially benefitted from it, and those involved in the criminal conspiracy he had uncovered. The law also authorized sanctions against those the President determined were responsible for other extrajudicial killings, torture, or human rights violations committed against individuals seeking to promote human rights or expose illegal activity carried out by Russian government officials. The sanctions involved banning the identified individuals from the U.S. and authorizing the President to use the International Emergency Economic Powers Act to freeze their property, provided that the property is in the United States. President Obama initially identified 18 such individuals, and subsequently added others.

The Russian government responded to the Magnitsky Act by prohibiting all adoptions of Russian children by United States citizens. It similarly put out a list of 18 U.S. government officials banned from Russia.

In 2013, the Department of Justice initiated a civil asset forfeiture case against Prevezon Holdings, a company owned by Russian Denis Katsyv, the son of a former Russian government minister.³ The Justice Department argued that his company had received millions of the laundered \$230 million from the conspiracy Mr. Magnitsky discovered, and had used it to purchase real estate in New York.⁴ Additionally, in 2015, Senators Cardin and McCain introduced the Global Magnitsky Act, which would extend the Magnitsky sanctions framework to human rights violators across the globe.

As detailed in press accounts and in Mr. Browder’s FARA complaint, in response to these actions, Prevezon Holdings and the Russian government began a lobbying campaign purportedly designed to try to: repeal the Magnitsky Act; remove the name “Magnitsky” from the Global Magnitsky Act and delay its progress; and cast doubt on the Justice Department’s version of events regarding the corporate identity theft of Hermitage’s companies, the fraudulently obtained \$230 million, and the death of Mr. Magnitsky.⁵

³ *U.S. v. Prevezon Holdings Ltd., et al.*, No. 13 cv 6326 (SDNY).

⁴ DOJ Complaint, *supra* note 2.

⁵ Browder Complaint, *supra* note 1; see Isaac Arnsdorf, *FARA Complaint Alleges Pro Russian Lobbying*, POLITICO (Dec. 8, 2016); Michael Weiss, *Putin’s Dirty Game in the U.S. Congress*, THE DAILY BEAST (May 18, 2016); Mike Eckel, *Russian ‘Gun For Hire’ Lurks in Shadows of Washington’s Lobbying World*, RADIO FREE EUROPE/RADIO LIBERTY (July 17, 2016); Isaac Arnsdorf, *From Russia, With Love?*, POLITICO (Aug. 17, 2016); Chuck Ross, *Oppo Researcher Behind Trump Dossier Is Linked to Pro Kremlin Lobbying Effort*, THE DAILY CALLER (Jan. 13, 2017); Isaac Arnsdorf and Benjamin Oreskes, *Putin’s Favorite Congressman*, POLITICO (Nov. 23, 2016).

Prevezon's lobbying efforts were reportedly commissioned by Mr. Katsyv, who organized them through a Delaware non-profit he formed and through the law firm then representing Prevezon in the asset forfeiture case, Baker Hostetler.⁶ Among others, the efforts involved lobbyist Rinat Akhmetshin and Fusion GPS, a political research firm led by Glenn Simpson.⁷ According to press reports, Baker Hostetler partner Mark Cymrot briefed congressional staff on the asset forfeiture case, attempting to discredit the Justice Department's version of events and instead push the Russian government's account.⁸ Rinat Akhmetshin, along with former Congressman Ron Dellums, reportedly lobbied the House Foreign Affairs Committee, telling staffers "they were lobbying on behalf of a Russian company called Prevezon and ask[ing] [the Committee] to delay the Global Magnitsky Act or at least remove Magnitsky from the name," as well as telling the staffers "it was a shame that this bill has made it so Russian orphans cannot be adopted by Americans."⁹ Mr. Akhmetshin was also involved in the screening, targeting Congressional staffers and State Department officials, of an anti-Magnitsky propaganda film.¹⁰ For its part, Fusion GPS reportedly "dug up dirt" on Mr. Browder's property and finances, and attempted to generate negative stories about Mr. Browder and Hermitage in the media, shopping stories to a number of reporters.¹¹

According to press reports, the Russian government also directly delivered a letter on the issue to a Congressional delegation visiting the country, which similarly sought to undermine the Justice Department's account of events by accusing Mr. Browder and Mr. Magnitsky of a variety of crimes.¹² The letter from the Russian government also stated:

Changing attitudes to the Magnitsky story in Congress, obtaining reliable knowledge about real events and personal motives of those behind the lobbying of this destructive Act, taking into account the pre-election political situation may change the current climate in interstate relations. Such a situation could have a very favorable response from the Russian side on many key controversial issues and disagreements with the United States, including matters concerning the adoption procedures.¹³

⁶ Browder Complaint, *supra* note 2; Isaac Arnsdorf, *FARA Complaint Alleges Pro Russian Lobbying*, POLITICO (Dec. 8, 2016).

⁷ *Id.*; Chuck Ross, *Oppo Researcher Behind Trump Dossier Is Linked to Pro Kremlin Lobbying Effort*, THE DAILY CALLER (Jan. 13, 2017).

⁸ Isaac Arnsdorf, *FARA Complaint Alleges Pro Russian Lobbying*, Politico (Dec. 8, 2016).

⁹ Michael Weiss, *Putin's Dirty Game in the U.S. Congress*, THE DAILY BEAST (May 18, 2016); *see* Isaac Arnsdorf, *From Russia, With Love?*, POLITICO (Aug. 17, 2016).

¹⁰ Mike Eckel, *Russian 'Gun For Hire' Lurks in Shadows of Washington's Lobbying World*, RADIO FREE EUROPE/RADIO LIBERTY (July 17, 2016).

¹¹ Isaac Arnsdorf, *FARA Complaint Alleges Pro Russian Lobbying*, Politico (Dec. 8, 2016); Chuck Ross, *Oppo Researcher Behind Trump Dossier Is Linked to Pro Kremlin Lobbying Effort*, THE DAILY CALLER (Jan. 13, 2017).

¹² Michael Weiss, *Putin's Dirty Game in the U.S. Congress*, THE DAILY BEAST (May 18, 2016).

¹³ *Id.*

It is particularly disturbing that Mr. Akhmetshin and Fusion GPS were working together on this pro-Russia lobbying effort in 2016 in light of Mr. Akhmetshin's history and reputation. Mr. Akhmetshin is a Russian immigrant to the U.S. who has admitted having been a "Soviet counterintelligence officer."¹⁴ In fact, it has been reported that he worked for the GRU and allegedly specializes in "active measures campaigns," *i.e.*, subversive political influence operations often involving disinformation and propaganda.¹⁵ According to press accounts, Mr. Akhmetshin "is known in foreign policy circles as a key pro-Russian operator,"¹⁶ and Radio Free Europe described him as a "Russian 'gun-for-hire' [who] lurks in the shadows of Washington's lobbying world."¹⁷ He was even accused in a lawsuit of organizing a scheme to hack the computers of one his client's adversaries.¹⁸

As you know, Fusion GPS is the company behind the creation of the unsubstantiated dossier alleging a conspiracy between President Trump and Russia. It is highly troubling that Fusion GPS appears to have been working with someone with ties to Russian intelligence let alone someone alleged to have conducted political disinformation campaigns as part of a pro-Russia lobbying effort while also simultaneously overseeing the creation of the Trump/Russia dossier. The relationship casts further doubt on an already highly dubious dossier.

The actions of Mr. Akhmetshin, Fusion GPS, and the others described in Mr. Browder's complaint appear to show that they acted on behalf of a foreign principal. This is exactly the type of activity Congress intended to reach with FARA. When properly enforced, FARA provides important transparency. However, in this case, because none of the parties involved in the anti-Magnitsky lobbying had properly registered under FARA, these suspicious connections were not appropriately documented and brought to public light. In fact, it is unclear whether the FBI was or is aware of Fusion GPS's pro-Russia lobbying and connection to Mr. Akhmetshin, or that these efforts coincided with the creation of the dossier. Presumably, such awareness would have informed the FBI's evaluation of the dossier's credibility. This is why it is important for the Department of Justice to actually enforce FARA's disclosure requirements.

¹⁴ Isaac Arnsdorf, *FARA Complaint Alleges Pro Russian Lobbying*, POLITICO (Dec. 8, 2016).

¹⁵ *Id.* ("Akhmetshin used to spy for the Soviets and 'specializes in active measures campaigns' ... Akhmetshin acknowledged having been a Soviet counterintelligence officer"); Chuck Ross, *Oppo Researcher Behind Trump Dossier Is Linked to Pro Kremlin Lobbying Effort*, THE DAILY CALLER (Jan. 13, 2017) (Akhmetshin "was affiliated with GRU, Russia's main intelligence directorate"); STEVE LEVINE, THE OIL AND THE GLORY: THE PURSUIT OF EMPIRE AND FORTUNE ON THE CASPIAN SEA 366 (2007) (describing how a former KGB officer turned businessman turned Kazakh politician "hired a lobbyist, and English speaking former Soviet Army counter intelligence officer named Rinat Akhmetshin [and] the skilled Akhmetshin burrowed in with Washington reporters, think tank experts, administration bureaucrats, and key political figures"); Plaintiff's Complaint, *International Mineral Resources B.V. v. Rinat Akhmetshin, et al.*, No. 161682/2015, 2015 WL 7180277 (N.Y. Sup.) ("Akhmetshin is a former Soviet military counterintelligence officer who moved to Washington, D.C. to become a lobbyist.");

¹⁶ Isaac Arnsdorf, *From Russia, With Love?*, POLITICO (Aug. 17, 2016).

¹⁷ Mike Eckel, *Russian 'Gun For Hire' Lurks in Shadows of Washington's Lobbying World*, RADIO FREE EUROPE/RADIO LIBERTY (July 17, 2016).

¹⁸ *Id.*; Plaintiff's Complaint, *International Mineral Resources B.V. v. Rinat Akhmetshin, et al.*, No. 161682/2015, 2015 WL 7180277 (N.Y. Sup. Ct.).

Mr. Dana Boente
March 31, 2017
Page 5 of 6

In order for the Committee to evaluate the situation, please respond to the following by no later than April 14, 2017:

1. What actions, if any, has the Department of Justice taken to enforce FARA's requirements regarding the parties identified in Mr. Browder's July 16, 2016 complaint?
2. None of the parties involved appear to have registered these activities pursuant to FARA. Why has the Justice Department not required them to register under FARA?
3. Has the Justice Department sent letters of inquiry to any of the parties identified in the complaint?
4. If so, please provide copies. If not, why not?
5. Under 28 C.F.R. § 5.2, any present or prospective agent of a foreign entity may request an advisory opinion from the Justice Department regarding the need to register. Have any of the parties identified in the complaint ever requested an advisory opinion in relation to the pro-Russia work described in this letter? If so, please provide a copy of the request and the opinion.

I anticipate that your written response and the responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. The Committee complies with all laws and regulations governing the handling of classified information. The Committee is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

Mr. Dana Boente
March 31, 2017
Page 6 of 6

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

The Honorable James Comey
Director
Federal Bureau of Investigation

The Honorable Ben Cardin
United States Senate

The Honorable John McCain
United States Senate

House Committee on Foreign Affairs

Weinsheimer, Bradley (NSD)

From: Weinsheimer, Bradley (NSD)
Sent: Thursday, July 13, 2017 12:44 PM
To: Gauhar, Tashina (ODAG)
Cc: (b)(6) (NSD); Hickey, Adam (NSD)
Subject: FW: SJC July 19, 2017 Hearing Announcement: Oversight of the Justice Department's (Non) Enforcement of the Foreign Agents Registration Act: Lessons from the Obama Administration and Current Compliance Practices

Tash: (b)(5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Johnson, Joanne E. (OLA)
Sent: Thursday, July 13, 2017 12:20 PM
To: Hickey, Adam (NSD) (b)(6); Weinsheimer, Bradley (NSD) (b)(6); Wiegmann, Brad (NSD) (b)(6); Hardee, Christopher (NSD) (b)(6); Hunt, Heather H. (NSD) (b)(6); (b)(6) (NSD) (b)(6); (b)(6) (NSD) (b)(6); (b)(6) (NSD) (b)(6)
Cc: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Subject: RE: SJC July 19, 2017 Hearing Announcement: Oversight of the Justice Department's (Non) Enforcement of the Foreign Agents Registration Act: Lessons from the Obama Administration and Current Compliance Practices

(b)(5)

[REDACTED]

From: Hickey, Adam (NSD)
Sent: Thursday, July 13, 2017 12:17 PM
To: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>; Weinsheimer, Bradley (NSD) (b)(6); Wiegmann, Brad (NSD) (b)(6); Hardee, Christopher (NSD) (b)(6); Hunt, Heather H. (NSD) (b)(6); (b)(6) (NSD) (b)(6); (b)(6) (NSD) (b)(6); (b)(6) (NSD) (b)(6)
Cc: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Subject: RE: SJC July 19, 2017 Hearing Announcement: Oversight of the Justice Department's (Non) Enforcement of the Foreign Agents Registration Act: Lessons from the Obama Administration and Current Compliance Practices

(b)(5)

[REDACTED]

[REDACTED]

[REDACTED]

From: Johnson, Joanne E. (OLA)
Sent: Thursday, July 13, 2017 12:12 PM
To: Hickey, Adam (NSD) (b)(6); Weinsheimer, Bradley (NSD) (b)(6); Wiegmann, Brad (NSD) (b)(6); Hardee, Christopher (NSD) (b)(6); Hunt, Heather H. (NSD) (b)(6); (b)(6) (NSD) (b)(6); (b)(6) (NSD) (b)(6); (b)(6) (NSD) (b)(6)
Cc: Lasseeter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Subject: FW: SJC July 19, 2017 Hearing Announcement: Oversight of the Justice Department's (Non) Enforcement of the Foreign Agents Registration Act: Lessons from the Obama Administration and Current Compliance Practices

All: See below re: (b)(5)

From: (b)(6), (b)(7)(C) (DO) (FBI) (b)(6), (b)(7)(C), (b)(7)(E)
Sent: Thursday, July 13, 2017 11:24 AM
To: Johnson, Joanne E. (OLA) <jjohnson@jmd.usdoj.gov>
Subject: Fwd: SJC July 19, 2017 Hearing Announcement: Oversight of the Justice Department's (Non) Enforcement of the Foreign Agents Registration Act: Lessons from the Obama Administration and Current Compliance Practices

Joanne,

(b)(5)

(b)(6), (b)(7)(C)

----- Original message -----

From: (b)(6), (b)(7)(C) (CD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E)
Date: 7/13/17 10:40 AM (GMT-05:00)
To: (b)(6), (b)(7)(C) (DO) (FBI) (b)(6), (b)(7)(C), (b)(7)(E)
Subject: RE: SJC July 19, 2017 Hearing Announcement: Oversight of the Justice Department's (Non) Enforcement of the Foreign Agents Registration Act: Lessons from the Obama Administration and Current Compliance Practices

(b)(6), (b)(7)(C)

Thanks for forwarding this. (b)(5)

(b)(5)

Thanks,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) (DO) (FBI)

Sent: Thursday, July 13, 2017 7:36 AM

To: (b)(6), (b)(7)(C) (CD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E)

Subject: FW: SJC July 19, 2017 Hearing Announcement: Oversight of the Justice Department's (Non) Enforcement of the Foreign Agents Registration Act: Lessons from the Obama Administration and Current Compliance Practices

Importance: High

FYI

(b)(6), (b)(7)(C)

Congressional Affairs Specialist

FBI Office of Congressional Affairs

(b)(6), (b)(7)(C) - Desk

(b)(6), (b)(7)(C) - Samsung

From: (b)(6) (NSD) (b)(6)

Sent: Wednesday, July 12, 2017 11:19 PM

To: Hickey, Adam (NSD) (JMD) (b)(6); Priestap, E. W. (CD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E);

Lasseeter, David F. (OLA) <David.F.Lasseeter@usdoj.gov>; Johnson, Joanne E. (OLA) (JMD)

<Joanne.E.Johnson@usdoj.gov>; Beers, Elizabeth R. (DO) (FBI) (b)(6), (b)(7)(C), (b)(7)(E); (b)(6), (b)(7)(C) (DO) (FBI)

(b)(6), (b)(7)(C), (b)(7)(E); Weinsheimer, Bradley (NSD) (JMD) <Bradley.Weinsheimer@usdoj.gov>; Laufman, David

(NSD) (JMD) <David.Laufman@usdoj.gov>; (b)(6) (NSD) (JMD) (b)(6); Hunt, Heather H.

(NSD) (JMD) (b)(6); (b)(6), (b)(7)(C) (DO) (FBI) (b)(6), (b)(7)(C), (b)(7)(E);

(b)(6), (b)(7)(C) (DO) (FBI) (b)(6), (b)(7)(C), (b)(7)(E)

Cc: (b)(6) (NSD) (JMD) (b)(6); NSD CES (JMD) <NSDCES@jconmail.usdoj.gov>;

(b)(6) (NSD) (JMD) (b)(6)

Subject: SJC July 19, 2017 Hearing Announcement: Oversight of the Justice Department's (Non) Enforcement of the Foreign Agents Registration Act: Lessons from the Obama Administration and Current Compliance Practices

Importance: High

FYI – Announced late tonight...

<https://www.judiciary.senate.gov/>

<https://www.judiciary.senate.gov/meetings/oversight-of-the-justice-departments-non-enforcement-of-the-foreign-agents-registration-act-lessons-from-the-obama-administration-and-current-compliance-practices>

Oversight of the Justice Department's (Non) Enforcement of the Foreign Agents Registration Act: Lessons from the Obama Administration and Current Compliance Practices

and Current Compliance Practices

Full Committee

Date: Wednesday, July 19, 2017 [Add to my Calendar](#)

Time: 10:00 AM

Location: Dirksen Senate Office Building 226

Presiding: Chairman Grassley

A video of the hearing will be available here once the hearing begins.

Witnesses

Panel I

1. Mr. Adam Hickey
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Washington, DC
2. Mr. E.W. "Bill" Priestap
Assistant Director
Counterintelligence Division
Federal Bureau of Investigations
Washington, DC
3. The Honorable Michael Horowitz
Inspector General
U.S. Department of Justice
Washington, DC

Panel II

1. Mr. William Browder
Chief Executive Officer
Hermitage Capital Management
London, United Kingdom
2. Mr. Glenn R. Simpson
Fusion GPS
Washington, DC

=====
Regards,

(b)(6)

(b)(6)

(b)(6) [REDACTED]

Supervisory Program Manager

Registration Unit / Foreign Agents Registration Act (FARA)

Counterintelligence and Export Control Section (CES)

National Security Division (NSD)

U.S. Department of Justice

1303 BICN

Washington, DC 20530

(b)(6) (desk)

(b)(6) (mobile)

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

May 2, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Rosenstein,

Now that you have been confirmed as Deputy Attorney General, it is vital that you begin to closely supervise and oversee the FBI's handling of politically charged, high-profile and controversial investigations. In the past several months, the Committee has sought greater transparency regarding Deputy Director Andrew McCabe's role in those investigations and the appearance of political bias that his involvement creates. Public reports of his meeting with a longtime Clinton and Democrat party fundraiser, Governor Terry McAuliffe, and his wife's subsequent campaign for public office being substantially funded by McAuliffe's organization raise serious questions about his ability to appear impartial. The FBI provided unsatisfactory answers to those questions.

On October 28, 2016, I wrote to the FBI about Deputy Director McCabe's conflicts in the Clinton investigation and the reported FBI investigation into Gov. Terry McAuliffe's potential violation of federal campaign laws. On December 14, 2016, the FBI responded but failed to provide the requested records of communications among FBI officials or answer important questions relating to the Clinton and McAuliffe investigations. Further, on March 28, 2017, I wrote to the FBI inquiring about Mr. McCabe's level of involvement in the investigation into alleged collusion between Mr. Trump's associates and Russia prior to the election. Recently, reports have indicated that the FBI may be setting up a special unit, overseen by Mr. McCabe, to investigate these allegations.¹

Mr. McCabe is already under investigation by the Department of Justice Office of Inspector General for failing to recuse himself from the Clinton investigation due to his meeting with McAuliffe. After that meeting, McAuliffe-aligned political groups donated about \$700,000 to Mr. McCabe's wife, Dr. McCabe, for her campaign to become a Democrat state Senator in Virginia. The Wall Street Journal has reported that 98% of the Gov. McAuliffe related donations to Dr. McCabe came after the FBI launched the investigation into Secretary Clinton.² As you are aware, Gov. McAuliffe has been a close associate of Secretary Clinton and former President Bill

¹ David J. Lynch, "FBI plans to create special unit to co ordinate Russia probe," Financial Times (April 2, 2017). Available at <https://www.ft.com/content/40498d94-155b-11e7-80f4-13e067d5072c>

² Wall Street Journal Editorial, "The FBI's Clinton Probe Gets Curiouser," (October 24, 2016). Available at <http://www.wsj.com/articles/the-fbi-clinton-probe-gets-curiouser-1477352522>

Clinton for many decades. Naturally, the financial and political links between Mr. McCabe and Gov. McAuliffe raise concerns about the appearance of impartiality in the course of not only the Clinton investigation, but the reported McAuliffe investigation, and the ongoing investigation of alleged ties between associates of Mr. Trump and Russia.

In February 2016, three months after Dr. McCabe lost her election bid, Mr. McCabe became the FBI's second in command and, according to the FBI, "assumed responsibility for the Clinton email investigation." The FBI merely asserted that with respect to the Clinton investigation, "[b]ased on these facts, it did not appear that there was a conflict of interest actual or apparent that required recusal or waiver."

However, according to the FBI ethics memorandum applicable to Mr. McCabe and provided in its December 14 response, there were other matters the FBI identified where Mr. McCabe's "disassociation would be appropriate." Notably, Mr. McCabe was the approval authority for his own memorandum, so it is unclear who provided oversight of the recusal process outside the FBI itself, if anyone. The memo says:

"[s]pecifically, all public corruption investigations arising out of or otherwise connected to the Commonwealth of Virginia present potential conflicts, as Dr. McCabe is running for state office and is supported by the Governor of Virginia. Therefore, out of an abundance of caution, the ADIC will be excluded from any involvement in all such cases."

The scope of that recusal would include the reported investigation into Gov. McAuliffe. The memo also says, "[t]his protocol will be reassessed and adjusted as necessary and at the conclusion of Dr. McCabe's campaign in November 2015."

The FBI did not explain whether the protocol was reassessed when Dr. McCabe lost her election bid in November 2015 or what the scope of any remaining recusal was, if any, after the end of her campaign. Thus, it is unclear whether Mr. McCabe is still recused from the reported McAuliffe investigation. However, the FBI's December 14 response made clear that Mr. McCabe's "disassociation" from Virginia-related cases would merely be followed "for the remainder of [Dr. McCabe's] campaign." This implies that once the campaign ended, Mr. McCabe was free again to oversee any investigation related to the man who recruited his wife to run for office and the organizations that provided her approximately \$700,000 to do so.

With respect to the Russia investigation, during the week of March 20, 2017, Director Comey publicly testified that in late July of 2016, the FBI began investigating the Russian government's attempts to interfere in the 2016 presidential election, including alleged collusion between individuals associated with the Trump campaign and the Russian government. The inquiry appears to have arisen during the same time that there was intense public controversy over the FBI's handling of the Clinton email investigation. On April 17, 2017, the FBI responded to my March 28, 2017, letter regarding Mr. McCabe's involvement in the investigation into the Russian Government's efforts to interfere in the 2016 election. In that response, the FBI said, "the FBI has assessed that there is no basis in law or in fact for such a recusal," without providing any reasoning, rationale, or documentation to support this conclusory statement.

Further, according to public reports, the FBI agreed to pay Christopher Steele, the author of the unsubstantiated dossier alleging a conspiracy between Trump associates and the Russians. Clinton associates also reportedly paid Mr. Steele to create the dossier against Mr. Trump. The FBI has failed to publicly reply to my March 6, 2017, letter asking about those reports. That leaves serious questions about the FBI's independence from politics unanswered.

Mr. McCabe's appearance of a partisan conflict of interest relating to Clinton associates only magnifies the importance of the Committee's unanswered questions. This is particularly true if Mr. McCabe was involved in approving or establishing the FBI's reported arrangement with Mr. Steele, or if Mr. McCabe vouched for or otherwise relied on the politically-funded dossier in the course of the investigation. Simply put, the American people should know if the FBI's second-in-command relied on Democrat-funded opposition research to justify an investigation of the Republican presidential campaign. Full disclosure is especially important since he is already under investigation by the Department of Justice Office of Inspector General for failing to recuse himself from the Clinton matter due to his partisan Democrat ties.

These same conflict of interest concerns exist with Mr. McCabe's involvement in any potential investigation into what appear to be multiple politically motivated leaks of classified information related to the Russia controversy.

As a general matter, all government employees must avoid situations that create even the appearance of impropriety and impartiality so as to not affect the public perception of the integrity of an investigation.³ Importantly, the FBI Ethics and Integrity Program Guide cites 28 C.F.R. § 45.2 which states that,

no employee shall participate in a criminal investigation if he has a personal or political relationship with [...] [a]ny person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or [a]ny person or organization which he knows has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.⁴

As applied to Mr. McCabe's role in the Clinton, McAuliffe, Trump associates investigation, and leak investigation, these rules demand that he and the FBI take steps to ensure that no appearance of a loss of impartiality undermines public confidence in the work of the Bureau. The FBI has failed to show the Committee that it has taken those necessary steps.

³ Specifically, 5 C.F.R. § 2635.502, advises that a government employee should seek clearance before participating in any matter that could cause his or her impartiality to be questioned. Executive Order 12674, "Principles of Ethical Conduct for Government Officers and Employees," makes clear that "[e]mployees shall not hold financial interests that conflict with the conscientious performance of duty," "[e]mployees shall act impartially and not give preferential treatment to any private organization or individual," and "[e]mployees shall endeavor to avoid any actions creating the *appearance* that they are violating the law or the ethical standards promulgated pursuant to this order." FBI Ethics and Integrity Program Policy Guide, p. 29 and 30, citing Executive Order 12674. Emphasis added. If the employee's supervisor determines that a personal or political relationship exists the employee shall be relieved unless the supervisor determines, in writing, the relationship "*would not* create an appearance of a conflict of interest likely to affect the *public perception* of the integrity of the investigation or prosecution." FBI Ethics and Integrity Program Policy Guide, p. 30. Emphasis added.

⁴ *Id.* at 30. Emphasis added.

Mr. Rosenstein
May 2, 2017
Page 4 of 4

Accordingly, a significant cloud of doubt has been cast over the FBI's work. Due to the FBI's continued failure to adequately respond to the Committee, please answer the following questions:

1. What steps do you plan to take to ensure that the publicly acknowledged investigation into alleged collusion with Russian efforts to influence the elections is not tainted with the appearance of political bias due to the information outlined above?
2. What steps do you plan to take to ensure that the apparent leaks of classified information related to contacts between Trump associates and Russians are fully and impartially investigated, given that several senior FBI officials, including Mr. McCabe, are potential suspects with access to the leaked information?
3. What steps do you plan to take to ensure that the reported investigation related to Gov. McAuliffe was or is being fully and impartially investigated given that Deputy Director McCabe's recusal appears to have ended at the time that his wife was no longer a candidate for elected office?

In addition, due to the FBI's failure to answer any McAuliffe related questions, I am attaching the Committee's October 28, 2016, letter for your reference with a request that the Justice Department answer questions 11 and 12(a)-(g). In addition, I am attaching the March 6, 2017, and March 28, 2017, letters to the FBI for your review.

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you in advance for your cooperation with this request. Please respond no later than May 16, 2017 and number your answers according to their corresponding questions. If you have questions, contact Josh Flynn-Brown or Patrick Davis of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
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MIKE CRAPO, IDAHO	RICHARD BLUMENTHAL, CONNECTICUT
THOM TILLIS, NORTH CAROLINA	MAZIE HIRONO, HAWAII
JOHN KENNEDY, LOUISIANA	

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

March 28, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Comey:

At your speech last Thursday at the University of Texas, you referenced former FBI Director J. Edgar Hoover's short letter to Attorney General Robert Kennedy, which sought authorization for FBI surveillance of Dr. Martin Luther King Jr. without any proper basis for doing so. You mentioned that you keep this letter on your desk, and place FISA applications awaiting your review on top of it, as a reminder. You cited this to emphasize the importance of oversight over the FBI, even over well-meaning FBI officials, to ensure the propriety of the FBI's actions. You are right to call attention to the importance of such oversight. As Chairman of the Senate Judiciary Committee, it is my constitutional duty to conduct that oversight over the FBI and the Department of Justice.

Pursuant to its authority under the Constitution and the Rules of the Senate, the Committee requires information to determine: (1) the extent to which FBI Deputy Director Andrew McCabe has been involved in the FBI's investigation of President Trump's associates and Russia; (2) whether that involvement raises the appearance a conflict of interest in light of his wife's ties with Clinton associates; and (3) whether Mr. McCabe has been or should be recused from the investigation.

As you know, Mr. McCabe is under investigation by the Department of Justice Office of the Inspector General. That investigation is examining whether the political and financial connections between his wife's Democratic political campaign and Clinton associates warranted his recusal in the FBI's Clinton email investigation. On March 7, 2015, just five days after the *New York Times* broke the story about Secretary Clinton's use of private email for official business, Mr. McCabe met with Virginia Governor Terry McAuliffe, a longtime, close associate of the Clintons along with his wife, Dr. McCabe. Mr. McAuliffe recruited Dr. McCabe, who had not previously run for any political office, to be the Democratic candidate for a Virginia state senate seat. Dr. McCabe agreed, and

Director Comey
March 28, 2017
Page 2 of 4

Governor McAuliffe's political action committee subsequently gave nearly \$500,000 to her campaign while the FBI's investigation of Secretary Clinton was ongoing. The Virginia Democratic Party, over which Mr. McAuliffe exerts considerable control, also donated over \$200,000 to Dr. McCabe's campaign. While Mr. McCabe recused himself from public corruption cases in Virginia—presumably including the reportedly ongoing investigation of Mr. McAuliffe regarding illegal campaign contributions—he failed to recuse himself from the Clinton email investigation, despite the appearance of a conflict created by his wife's campaign accepting \$700,000 from a close Clinton associate during the investigation.

You have publicly stated that the people at the FBI “don't give a rip about politics.”¹ However, the fact is that the Deputy Director met with Mr. McAuliffe about his wife's run for elected office and she subsequently accepted campaign funding from him. The fact is that the Deputy Director participated in the controversial, high-profile Clinton email investigation even though his wife took money from Mr. McAuliffe. These circumstances undermine public confidence in the FBI's impartiality, and this is one of the reasons that many believe the FBI pulled its punches in the Clinton matter. FBI's senior leadership should never have allowed that appearance of a conflict to undermine the Bureau's important work. The Department of Justice Office of the Inspector General is now investigating that matter, as part of the work it announced on January 12, 2017.

Last week, you publicly testified that in late July of 2016, the FBI began investigating the Russian government's attempts to interfere in the 2016 presidential election, including investigating whether there was any collusion between individuals associated with the Trump campaign and the Russian government. Given the timing of the investigation and his position, it is likely that Mr. McCabe has been involved in that high-profile, politically charged inquiry as well. If Mr. McCabe failed to avoid the appearance of a partisan conflict of interest in favor of Mrs. Clinton during the presidential election, then any participation in this inquiry creates the exact same appearance of a partisan conflict of interest against Mr. Trump. As you testified last week, you believe that if someone had a bias for or against one of them, he would have the opposite bias toward the other: “they're inseparable, right; it's a two person event.”

According to public reports, the FBI agreed to pay the author of the unsubstantiated dossier alleging a conspiracy between Trump associates and the Russians. It reportedly agreed to pay the author, Christopher Steele, to continue investigating Mr. Trump. Clinton associates reportedly paid Mr. Steele to create this political opposition research dossier against Mr. Trump. The FBI has failed to publicly reply to my March 6 letter asking about those reports. That leaves serious questions about the FBI's independence from politics unanswered.

Mr. McCabe's appearance of a partisan conflict of interest relating to Clinton associates only magnifies the importance of those questions. That is particularly true if Mr. McCabe was involved in approving or establishing the FBI's reported arrangement with Mr. Steele, or if Mr. McCabe vouched for or otherwise relied on the politically-funded dossier in the course of the investigation. Simply put, the American people should know if the FBI's second-in-command relied on Democrat-funded opposition research to justify an investigation of the Republican presidential campaign. Full disclosure is especially important since he is already under investigation for failing to recuse himself from the Clinton matter due to his partisan Democrat ties.

¹ Evan Perez, *FBI Chief on Clinton Investigation: My People 'Don't Give a Rip About Politics'* CNN (Oct. 1, 2015).

The Committee requires additional information to fully understand this situation. Please provide the following information and respond to these questions by April 11, 2017:

1. Has Mr. McCabe been involved in any capacity in the investigation of alleged collusion between Mr. Trump's associates and Russia? If so, in what capacity has he been involved? When did this involvement begin?
2. Has Mr. McCabe been involved in any requests or approvals for physical surveillance, consensual monitoring, searches, or national security letters relating to the investigation? If so, please provide all related documents.
3. In the course of the investigation, has Mr. McCabe been involved in any requests or approvals relating to the acquisition of the contents of stored communications from electronic communication service providers pursuant to the Electronic Communications Privacy Act? If so, please provide all related documents.
4. Has Mr. McCabe been involved in any FISA warrant applications relating to the investigation? If so, in what capacity? Please provide all related documents.
5. In the course of the investigation, has Mr. McCabe, or anyone under his supervision, made any representations to prosecutors or judges regarding the reliability of information in the FBI's possession as part of seeking judicial authorization for investigative tools? Has he or anyone under his supervision made any such representations about the political opposition research dossier compiled by Mr. Steele and Fusion GPS? If so, please explain and provide copies of all relevant documents.
6. Was Mr. McCabe involved in any FBI interactions with Mr. Steele? If so, please explain.
7. Did Mr. McCabe brief or otherwise communicate with anyone in the Obama administration regarding the investigation? If so, who did he brief, and when? Please provide all related documents.
8. Has Mr. McCabe been authorized by the FBI to speak to the media, whether as an anonymous source or otherwise, regarding the investigation? If so, please provide copies of such authorizations. If he was so authorized, to whom did he speak, and when? If he was not authorized to do so, does the FBI have any indication that he nonetheless spoke to the media?
9. To the best of your knowledge, has anyone within the FBI raised concerns within the Bureau that Mr. McCabe appears to have a conflict of interest in the investigation of Trump associates? If so, who raised such concerns, when did they do so, and how did FBI respond?

Director Comey
March 28, 2017
Page 4 of 4

10. To the best of your knowledge, has anyone within the FBI filed a complaint with the Department of Justice Office of the Inspector General regarding Mr. McCabe's involvement in the investigation?
11. Have personnel from the Department of Justice Office of the Inspector General spoken with you yet as part of that Office's investigation into Mr. McCabe's alleged conflict of interest in the Clinton investigation? If so, did they also raise concerns as to whether Mr. McCabe's alleged partisan conflict would also apply to the investigation of Mr. Trump's associates?
12. Has anyone at FBI, the Department of Justice, or the Department of Justice Office of the Inspector General recommended or requested that Mr. McCabe recuse himself from the investigation of Mr. Trump's associates or from any ongoing investigations of the Clinton Foundation? If so, what action was taken in response?

I anticipate that your responses to these questions may contain both classified and unclassified information. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

The Honorable Dana Boente
Acting Deputy Attorney General
United States Department of Justice

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice

**FBI Weekly Report to DOJ on Congressional Matters
Monday May 8, 2017**

HEARINGS

Thursday May 11, 2017; 10:00 am (b)(6), (b)(7)(C)
SSCI Member Hearing Open & (Closed 2:00 pm)
“Annual Threat Assessment/World Wide Threat”
FBI Participants: Director Comey
Other Participants: DNI; CIA; DIA; NSA

BRIEFINGS

Monday May 8, 2017; 10:00 am (b)(6), (b)(7)(C)
Rep. Brad Sherman Staff Briefing
“Visa Waiver Program”
FBI Participants: (b)(6), (b)(7)(C)
Other Participants: DHS; DOS

Monday May 8, 2017; 1:00 pm (b)(6), (b)(7)(C)
SSCI Staff 101 Briefing
(b)(7)(E) and Vetting Foreign Investment”
FBI Participants: DAD Dina Corsi (b)(6), (b)(7)(C)
Other Participants: None

FOIA Withholdings
per FBI

Wednesday May 10, 2017; 10:00 am (b)(6), (b)(7)(C)
House Financial Services, Terrorism and Illicit Financing Subcommittee
“ISIS Trafficking of Antiquities, Unclassified”
FBI Participants: SC Max Marker (b)(6), (b)(7)(C); UC
(b)(6), (b)(7)(C)
Other Participants: None

Wednesday May 10, 2017; 2:00 pm (b)(6), (b)(7)(C)
SSCI Quarterly Sensitive Case Briefing
“Quarterly Sensitive Case Briefing”
FBI Participants: DAD Jennifer Boone
Other Participants: None

Friday May 12, 2017; 12:00 pm (b)(6), (b)(7)(C)
Senator Mark Warner Briefing with Director Comey
“SSCI Matters”
FBI Participants: Director Comey
Other Participants: None

COURTESY VISITS

Monday May 8, 2017; 4:00 pm (b)(6), (b)(7)(C)

Chairman Richard Burr/Vice Chairman Mark Warner Visit Director Comey
“Russia Investigative”

FOIA Withholdings
per FBI

FBI Participants: Director Comey
Other Participants: None

(b)(5)



CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

April 28, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey:

On March 6, 2017, I wrote to you requesting information about the FBI's relationship with Mr. Christopher Steele, the author of the political opposition research dossier alleging collusion between associates of Mr. Trump and the Russian government. Although that letter asked for a response by March 20, the FBI has failed to provide one.

Ranking Member Feinstein and I had previously written to the FBI on February 15, 2017, asking for a briefing and documents relating to the resignation of Mr. Flynn and the leaks of classified information involving him. After a startling lack of responsiveness from the FBI, I was forced to delay Committee proceedings on the nomination for Deputy Attorney General in order to obtain DOJ's cooperation. In response, on March 15, 2017, you did provide a briefing about the FBI's Russia investigation to Ranking Member Feinstein and me. While a few of the questions from my March 6 letter were also addressed in that briefing, most were not. Nor was there any indication from the FBI before or during the briefing that the FBI considered it to be responsive to the March 6 letter.

Nonetheless, on April 19, 2017, the FBI sent Ranking Member Feinstein and me a four-sentence letter purporting to be in response to both the February 15 and March 6 letters. Two of those sentences are merely the standard closing boilerplate language in all FBI letters. The letter did not answer any questions and instead incorrectly claimed that the briefing addressed the concerns raised in both the February 15 and March 6 letters. That is incorrect. The FBI has failed to provide documents requested in the March 6 letter or to answer the vast majority of its questions.

There appear to be material inconsistencies between the description of the FBI's relationship with Mr. Steele that you did provide in your briefing and information contained in Justice Department documents made available to the Committee only after the briefing. Whether those inconsistencies

Director Comey
April 28, 2017
Page 2 of 3

were honest mistakes or an attempt to downplay the actual extent of the FBI's relationship with Mr. Steele, it is essential that the FBI fully answer all of the questions from the March 6 letter and provide all the requested documents in order to resolve these and related issues.

Also, more information has since come to the Committee's attention about the company overseeing the creation of the dossier, Fusion GPS. Namely, Fusion GPS is the subject of a complaint to the Justice Department, which alleges that the company violated the Foreign Agents Registration Act by working on behalf of Russian principals to undermine U.S. sanctions against Russians. That unregistered work was reportedly conducted with a former Russian intelligence operative, Mr. Rinat Akhmetshin, and appears to have been occurring simultaneous to Fusion GPS's work overseeing the creation of the dossier. I wrote to the Justice Department about this issue on March 31, copying you, and I have attached that letter here for your reference. The Justice Department has yet to respond.

In addition to fully answering my March 6, 2017 letter, please also provide the following documents and information:

1. Documentation of all payments made to Mr. Steele, including for travel expenses, if any; the date of any such payments; the amount of such payments; the authorization for such payments.
2. When the FBI was in contact with Mr. Steele or otherwise relying on information in the dossier, was it aware that his employer, Fusion GPS, was allegedly simultaneously working as an unregistered agent for Russian interests? Please provide all related documents.
3. If so, when and how did FBI become aware of this information? Did it include this information about Fusion GPS's alleged work for Russian principals in any documents describing or relying on information from the dossier? If not, why not?
4. If the FBI was previously unaware of Fusion GPS's alleged unregistered activity on behalf of Russian interests and connections with a former Russian intelligence operative, does the FBI plan to amend any applications, reports, or other documents it has created that describe or rely on the information in the dossier to add this information? If so, please provide copies of all amended documents. If not, why not?

Please provide all the requested documents and full answers to all the question by May 12, 2017. I hope that this matter can be resolved without additional holds on nominees. These are important issues that require public transparency. I anticipate that your responses to these questions may contain both classified and unclassified information. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Director Comey

April 28, 2017

Page 3 of 3

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KIMBERLY DAVIS, Chief Counsel and Staff Director
JENNIFER DAVIS, Democratic Staff Director

March 6, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Comey:

On February 28, 2017, the *Washington Post* reported that the FBI reached an agreement a few weeks before the Presidential election to pay the author of the unsubstantiated dossier alleging a conspiracy between President Trump and the Russians, Christopher Steele, to continue investigating Mr. Trump.¹ The article claimed that the FBI was aware Mr. Steele was creating these memos as part of work for an opposition research firm connected to Hillary Clinton. The idea that the FBI and associates of the Clinton campaign would pay Mr. Steele to investigate the Republican nominee for President in the run-up to the election raises further questions about the FBI's independence from politics, as well as the Obama administration's use of law enforcement and intelligence agencies for political ends. It is additionally troubling that the FBI reportedly agreed to such an arrangement given that, in January of 2017, then-Director Clapper issued a statement stating that "the IC has not made any judgment that the information in this document is reliable, and we did not rely upon it in any way for our conclusions." According to the *Washington Post*, the FBI's arrangement with Mr. Steele fell through when the media published his dossier and revealed his identity.

The Committee requires additional information to evaluate this situation. Please provide the following information and respond to these questions by March 20, 2017. Please also schedule a briefing by that date by FBI personnel with knowledge of these issues.

1. All FBI records relating to the agreement with Mr. Steele regarding his investigation of President Trump and his associates, including the agreement itself, all drafts, all internal FBI

¹ Tom Hamburger and Rosalind Helderman, *FBI Once Planned to Pay Former British Spy Who Authored Controversial Trump Dossier*, THE WASHINGTON POST (Feb. 28, 2017).

Director Comey

March 6, 2017

Page 2 of 3

communications about the agreement, all FBI communications with Mr. Steele about the agreement, all FBI requests for authorization for the agreement, and all records documenting the approval of the agreement.

2. All records, including 302s, of any FBI meetings or interviews with Mr. Steele.
3. All FBI policies, procedures, and guidelines applicable when the FBI seeks to fund an investigator associated with a political opposition research firm connected to a political candidate, or with any outside entity.
4. All FBI records relating to agreements and payments made to Mr. Steele in connection with any other investigations, including the reported agreements relating to his investigation of FIFA.
5. Were any other government officials outside of the FBI involved in discussing or authorizing the agreement with Mr. Steele, including anyone from the Department of Justice or the Obama White House? If so, please explain who was involved and provide all related records.
6. How did the FBI first obtain Mr. Steele's Trump investigation memos? Has the FBI obtained additional memos from this same source that were not published by *Buzzfeed*? If so, please provide copies.
7. Has the FBI created, or contributed to the creation of, any documents based on or otherwise referencing these memos or the information in the memos? If so, please provide copies of all such documents and, where necessary, clarify which portions are based on or related to the memos.
8. Has the FBI verified or corroborated any of the allegations made in the memos? Were any allegations or other information from the memo included in any documents created by the FBI, or which the FBI helped to create, without having been independently verified or corroborated by the FBI beforehand? If so, why?
9. Has the FBI relied on or otherwise referenced the memos or any information in the memos in seeking a FISA warrant, other search warrant, or any other judicial process? Did the FBI rely on or otherwise reference the memos in relation to any National Security Letters? If so, please include copies of all relevant applications and other documents.
10. Who decided to include the memos in the briefings received by Presidents Obama and Trump? What was the basis for that decision?
11. Did the agreement with Mr. Steele ever enter into force? If so, for how long? If it did not, why not?
12. You have previously stated that you will not comment on pending investigations, including confirming or denying whether they exist. You have also acknowledged that statements about closed investigations are a separate matter, sometimes warranting disclosures or public

Director Comey

March 6, 2017

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comment. Given the inflammatory nature of the allegations in Mr. Steele's dossier, if the FBI is undertaking or has undertaken any investigation of the claims, will you please inform the Committee at the conclusion of any such investigations as to what information the investigations discovered and what conclusions the FBI reached? Simply put, when allegations like these are put into the public domain prior to any FBI assessment of their reliability, then if subsequent FBI investigation of the allegations finds them false, unsupported, or unreliable, the FBI should make those rebuttals public.

I anticipate that your responses to these questions may contain both classified and unclassified information. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Diane Feinstein
Ranking Member
Senate Committee on the Judiciary

UNITED STATES SENATE
OFFICE OF THE CLERK
100 SENATE BUILDING
WASHINGTON, D.C. 20540
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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20540-6275

December 5, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Wray:

Over the summer, media outlets reported that Peter Strzok was removed from his position in the FBI's counterintelligence division and from Special Counsel Robert Mueller's team and had been reassigned to work in the FBI's human resources department. According to recent media reports, Mr. Mueller removed Mr. Strzok from the team after discovering that he and FBI lawyer Lisa Page, his alleged mistress, "had exchanged politically charged texts disparaging President Trump and supporting Hillary Clinton."¹ It appears the Special Counsel may have learned this information from the Office of Inspector General's ongoing review of the handling of controversial pre-election activities of the Justice Department and FBI related to the campaign.²

Reportedly, Mr. Strzok and Ms. Page exchanged these text messages while working on the Clinton investigation. Mr. Strzok has been described as "a key player in the investigation into [Hillary] Clinton's use of a private email server to do government work as secretary of state."³ Ms. Page reportedly "was a regular participant when Comey would hold 'skinny group' meetings on the case—a small collection of advisers who gathered to address sensitive cases."⁴ Additionally, Mr. Strzok reportedly was one of two FBI agents who interviewed former National

¹ Karoun Demirjian & Devlin Barrett, *Top FBI Official Assigned to Mueller's Russia Probe Said To Have Been Removed After Sending Anti-Trump Texts*, THE WASHINGTON POST (Dec. 2, 2017), https://www.washingtonpost.com/world/national-security/two-senior-fbi-officials-on-clinton-trump-probes-exchanged-politically-charged-texts-disparaging-trump/2017/12/02/9846421e-d707-11e7-a986-d0a9770d9a3e_story.html?utm_term=.5628b4762af1.

² Press Release, Office of Inspector General, Department of Justice (Dec. 2, 2017), *available at* <https://oig.justice.gov/press/2017/2017-12-02.pdf>.

³ Demirjian & Barrett, *Top FBI Official Assigned to Mueller's Russia Probe Said To Have Been Removed*.

⁴ *Id.*

Security Advisor Michael Flynn.⁵ The communications between members of the Clinton email investigation team raise questions about the integrity of that investigation, and about the objectivity of Mr. Strzok's work for the Special Counsel and in the FBI's investigation of Mr. Flynn.

The Committee has previously written to Mr. Strzok requesting an interview to discuss his knowledge of improper political influence or bias in Justice Department or FBI activities during either the previous or current administration, the removal of James Comey from his position as Director of the FBI, the DOJ's and FBI's activities related to Hillary Clinton, the DOJ's and FBI's activities related to Donald J. Trump and his associates, and the DOJ's and FBI's activities related to Russian interference in the 2016 election. To date, the Committee has received no letter in reply to that request. In advance of Mr. Strzok's interview, please provide the following communications, in the form of text messages or otherwise, to the Committee no later than December 11, 2017:

1. All communications sent to, received by, or copying Mr. Strzok related to then-Director Comey's draft or final statement closing the Clinton investigation, including all records related to the change in the portion of the draft language describing Secretary Clinton's and her associates' conduct regarding classified information from "grossly negligent" to "extremely careless";⁶
2. All communications sent to, received by, or copying Mr. Strzok regarding the decision to close the Clinton investigation without recommending any charges;
3. All communications sent to, received by, or copying Mr. Strzok related to opening the investigation into potential collusion by the Trump campaign with the Russian government, including any FBI electronic communication (EC) authored or authorized by Mr. Strzok and all records forming the basis for that EC;
4. All communications sent to, received by, or copying Mr. Strzok related to the FBI's interactions with Christopher Steele relating to the investigation into potential collusion by the Trump campaign with the Russian government, including any communications regarding potential or realized financial arrangements with Mr. Steele;
5. All communications sent to, received by, or copying Mr. Strzok related to any instance of the FBI relying on, or referring to, information in Mr. Steele's memoranda in the course of seeking any FISA warrants, other search warrants, or any other judicial process;

⁵ Nicole Darrah, *FBI Agent Fired From Russia Probe Oversaw Flynn Interviews, Softened Comey Language on Clinton Email Actions*, FOX NEWS (Dec. 4, 2017), <http://www.foxnews.com/politics/2017/12/04/fbi-agent-fired-from-russia-probe-oversaw-flynn-interviews-changed-comey-memos-on-clinton-charges.html>.

⁶ Laura Jarrett & Evan Perez, *FBI Agent Dismissed from Mueller Probe Changed Comey's Description of Clinton to 'Extremely Careless'*, CNN (Dec. 4, 2017, 4:57 PM), <http://www.cnn.com/2017/12/04/politics/peter-strzok-james-comey/index.html>.

The Honorable Christopher Wray
December 5, 2017
Page 3 of 3

6. All FD-302s of FBI interviews of Lt. Gen. Flynn at which Mr. Strzok was present, as well as all related 1A documents (including any contemporaneous handwritten notes); and
7. All communications sent to, received by, or copying Mr. Strzok containing unfavorable statements about Donald J. Trump or favorable statements about Hillary Clinton.

If you have questions, please contact Patrick Davis of my committee staff at (202) 224-5225. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Chuck Grassley". The signature is written in a cursive, slightly slanted style.

Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice

Congress of the United States
Washington, DC 20515

December 5, 2017

The Honorable Jefferson B. Sessions III
Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Rod J. Rosenstein
Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

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2017 DEC 14 AM 8:36

Dear Attorney General Sessions, Deputy Attorney General Rosenstein, and Director Wray:

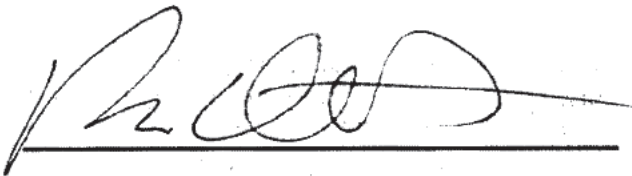
Months ago, public reporting indicated that the Foreign Intelligence Surveillance Court approved a Federal Bureau of Investigation request for a warrant to monitor the communications of a one-time informal advisor to your presidential campaign.¹ There is some indication that the basis for the application was content from a discredited opposition-research dossier funded by the Democratic National Committee and its party's presidential nominee through a law firm and Fusion GPS.²

We desire to understand the extent to which opposition research by a political party was used to seek a FISA warrant in this case. Moreover, the American people deserve to know whether the FISA Court relied on a salacious document filled with disproven allegations made by unnamed sources to authorize government surveillance of a private citizen. More particularly, we need to know if the FBI vetted, corroborated, contradicted, or otherwise investigated the underlying information in the dossier.

We have no intention of interfering in any ongoing intelligence probes, but believe that proper constitutional oversight of our nation's premier law enforcement agency justifies our request. Respectfully, and mindful of national security interests, we ask that you declassify and release to the public—in unredacted form—all relevant information presented to the Court that led it to authorize this reported surveillance.

Thank you for your consideration of this request and for your service to our great nation.

Sincerely,



¹ www.washingtonpost.com/world/national-security/fbi-obtained-fisa-warrant-to-monitor-former-trump-adviser-carter-page/2017/04/11/620192ea-1e0e-11e7-ad74-3a742a6e93a7_story.html;
www.nytimes.com/2017/04/12/us/politics/carter-page-fisa-warrant-russia-trump.html

² www.businessinsider.com/carter-page-fbi-dossier-fisa-warrant-case-2017-4

The Honorable Jefferson B. Sessions III
The Honorable Rod J. Rosenstein
The Honorable Christopher Wray

Page 2

Art Johnson NC-11

Mike Kelly PA-04

Lin Bizz AZ-05

Ken B. IA-01

Matt J. FL-1

L. M. NY-1

Mike Johnson LA-04

Kush Patil PA-12

Al White FL-11

Bohmer TX-1

Paul A. Dan SD-04

Odd R. SD-04

P. Mark Walker NC-06

The Honorable Jefferson B. Sessions III
The Honorable Rod J. Rosenstein
The Honorable Christopher Wray

Page 3

Signers:

The Honorable Ron DeSantis
Member of Congress

The Honorable Jim Jordan
Member of Congress

The Honorable Mark Meadows
Member of Congress

The Honorable Scott Perry
Member of Congress

The Honorable Andy Biggs
Member of Congress

The Honorable Rod Blum
Member of Congress

The Honorable Matt Gaetz
Member of Congress

The Honorable Lee M. Zeldin
Member of Congress

The Honorable Mike Johnson
Member of Congress

The Honorable Keith J. Rothfus
Member of Congress

The Honorable Daniel Webster
Member of Congress

The Honorable Louie Gohmert
Member of Congress

The Honorable Paul A. Gosar
Member of Congress

The Honorable Todd Rokita
Member of Congress

The Honorable Mark Walker
Member of Congress

COMMITTEE ON ARMED SERVICES

COMMITTEE ON THE BUDGET

COMMITTEE ON THE JUDICIARY

Congress of the United States
House of Representatives
Washington, DC 20515-0901

DISTRICT OFFICE
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6TH FLOOR
PENSACOLA, FL 32502
(850) 479-1183

<http://gaetz.house.gov>

December 18, 2017

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

RECEIVED
DEPT OF JUSTICE
CLERK OF THE HOUSE
DEC 19 2017
PM 2:54

Dear Deputy Attorney General Rosenstein:

In your December 13 testimony before the House Judiciary Committee, you said that were unable to answer several of my questions, as well as the questions of my colleagues, because you needed to check your information before providing an answer. I appreciate your commitment to accuracy. Now that you are able to check and confirm the information you provide, I would like to ask again:

- 1) Was Peter Strzok either the recipient or the sender of any documents or correspondence related to the “tarmac meeting” of former Attorney General Loretta Lynch and former President William Clinton? If so, please provide copies of any and all such documents.
- 2) When did the Department of Justice become aware that Nellie Ohr was employed by Fusion GPS? Since her husband, Bruce Ohr, served as the Associate Deputy Attorney General, did her employment with Fusion GPS raise any concerns about potential conflicts-of-interest among anyone within the Department of Justice or the Federal Bureau of Investigation? Were these concerns addressed in any way?

- 3) When did the Department of Justice learn about Bruce Ohr's meeting with Christopher Steele, and his meeting with Glenn Simpson? When I asked you these questions during your testimony, you said that you were not in a position to provide that information, but that the Department of Justice has agreed to turn over relevant information to the House Permanent Select Committee on Intelligence. I should not need to point out that the House Committee on the Judiciary, not the Intelligence Committee, has oversight over the Department of Justice. Your answer to this question is relevant to our oversight capacity.

The American people have seen your testimony, and have been left with more questions than answers. So too have my fellow members of the House Committee on the Judiciary. With this letter, I hope to receive answers.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Gaetz". The signature is stylized with a large, looping "M" and a cursive "Gaetz".

Matt Gaetz

Member of Congress

FBI:

11/21

Lisa Page

Peter Strzok DAD

(b)(6), (b)(7)(C) per FBI

SSA

(b)(5), (b)(6), (b)(7)(C), (b)(7)(D) per FBI

PARTIAL CHRON

2007 Met 1st time London

2008 Jan Met UK

[REDACTED]
[REDACTED]
11/21/2014 Met

Per FBI: b6, b7A,
b7C, b7D, b7E

~~10/21~~ 2/10/2015 Call
[REDACTED]

10/2/2015 Met

7/7/2016 Call

7/30/2016 Meeting in DC

[8/22/2016 Simpson DC]

9/23/2016 Met in DC

10/18/2016 Call

10/19/2016 Call