

SUMMARY OF HIGH PROFILE CONGRESSIONAL REQUESTS

June 28, 2018

CONGRESSIONAL REQUEST

DEPARTMENT'S ACCOMMODATION

Not Resonsive 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 Resonsive Records

Not Resonsive 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 Resonsive 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

RENDON Media News Alert Notice:

This RENDON Media News Alert is distributed as part of a deliverable for DOJ News Clipping Service Solicitation 15JPSS18RQZM00005 for for sarah.isgur.flores@usdoj.gov.

This media news Alert may not be further distributed to a bulk mailing list, placed on a website/web portal, inserted into an RSS feed, or disseminated by other means of mass distribution due to legal restrictions. If you were forwarded this message, you are subject to the same bulk dissemination/mass distribution restrictions.

The original recipient is currently subscribed to alert-doj as: sarah.isgur.flores@usdoj.gov



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".

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)




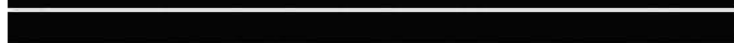
These are terms I used. I would suggest (b)(5)




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 refer 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



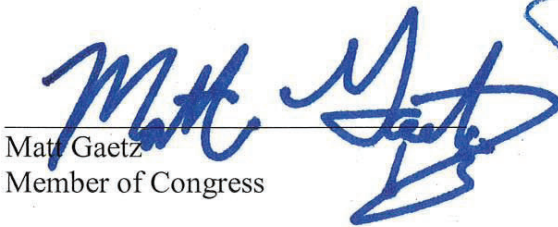
Andy Biggs
Member of Congress



Dave Brat
Member of Congress



Jeff Duncan
Member of Congress



Matt Gaetz
Member of Congress



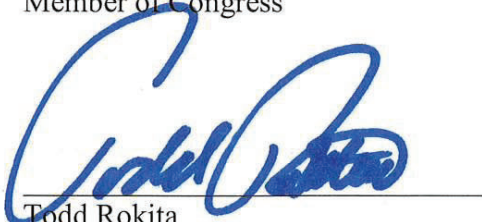
Paul A. Gosar, D.D.S.
Member of Congress



Andy Harris, M.D.
Member of Congress



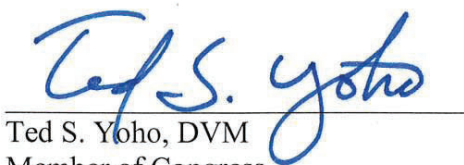
Jody Hice
Member of Congress



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)

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

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
LINDSEY O. GRAHAM, SOUTH CAROLINA	PATRICK J. LEAHY, VERMONT
JOHN CORNYN, TEXAS	RICHARD J. DURBIN, ILLINOIS
MICHAEL S. LEE, UTAH	SHELDON WHITEHOUSE, RHODE ISLAND
TED CRUZ, TEXAS	AMY KLOBUCHAR, MINNESOTA
BEN SASSE, NEBRASKA	CHRISTOPHER A. COONS, DELAWARE
JEFF FLAKE, ARIZONA	RICHARD BLUMENTHAL, CONNECTICUT
MIKE CRAPO, IDAHO	MAZIE HIRONO, HAWAII
THOM TILLIS, NORTH CAROLINA	CORY A. BOOKER, NEW JERSEY
JOHN KENNEDY, LOUISIANA	KAMALA D. HARRIS, CALIFORNIA

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

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

From: Weinsheimer, Bradley (NSD)
Sent: Monday, March 26, 2018 2:50 PM
To: Lasseter, David F. (OLA)
Cc: Gauhar, Tashina (ODAG); Schools, Scott (ODAG); NSD.Leg (NSD); Evans, Stuart (NSD)
Subject: FW: Letter for AG Sessions and Director Wray -EXPEDITE
Attachments: CHM ltr to AG and DIRFBI re Document Production Requests - 23 Mar 18.pdf; FW: Letter for AG Sessions and Director Wray.msg
Importance: High

David: (b)(5)

[REDACTED]

[REDACTED] let me know if you would like to discuss further or if there is something you would like NSD to do. Thanks, Brad.

G. Bradley Weinsheimer
Director, Risk Management and Senior Counsel
National Security Division
Bradley.weinsheimer@usdoj.gov

(b)(6)

From: McKay, Shirley A (OLA)
Sent: Friday, March 23, 2018 4:20 PM
To: DOJExecSec (JMD) <Ex DOJExecSecSendAs@jmd.usdoj.gov>
Cc: Tolson, Kimberly G (JMD) <ktolson@jmd.usdoj.gov>; (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); (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); (b)(6) (NSD) (b)(6)
Subject: FW: Letter for AG Sessions and Director Wray -EXPEDITE
Importance: High

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)

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

Devin Nunes, California, CHAIRMAN

K. Michael Conaway, Texas
Peter T. King, New York
Frank A. LoBiondo, New Jersey
Thomas J. Rooney, Florida
Ileana Ros-Lehtinen, Florida
Michael R. Turner, Ohio
Brad R. Wenstrup, Ohio
Chris Stewart, Utah
Rick Crawford, Arkansas
Trey Gowdy, South Carolina
Elise M. Stefanik, New York
Will Hurd, Texas

Adam B. Schiff, California,
RANKING MEMBER

James A. Himes, Connecticut
Terri A. Sewell, Alabama
André Carson, Indiana
Jackie Speier, California
Mike Quigley, Illinois
Eric Swalwell, California
Joaquin Castro, Texas
Denny Heck, Washington

Paul D. Ryan, SPEAKER OF THE HOUSE
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

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

~~TOP SECRET//NOFORN~~
PROPERTY OF THE U.S. HOUSE OF REPRESENTATIVES

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

UNCLASSIFIED

~~TOP SECRET//NOFORN~~

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.

UNCLASSIFIED

~~TOP SECRET//NOFORN~~

PROPERTY OF THE U.S. HOUSE OF REPRESENTATIVES

~~TOP SECRET//NOFORN~~

- 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.

UNCLASSIFIED

~~TOP SECRET//NOFORN~~

PROPERTY OF THE U.S. HOUSE OF REPRESENTATIVES

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
LINDSEY O. GRAHAM, SOUTH CAROLINA	PATRICK J. LEAHY, VERMONT
JOHN CORNYN, TEXAS	RICHARD J. DURBIN, ILLINOIS
MICHAEL S. LEE, UTAH	SHELDON WHITEHOUSE, RHODE ISLAND
TED CRUZ, TEXAS	AMY KLOBUCHAR, MINNESOTA
BEN SASSE, NEBRASKA	CHRISTOPHER A. COONS, DELAWARE
JEFF FLAKE, ARIZONA	RICHARD BLUMENTHAL, CONNECTICUT
MIKE CRAPO, IDAHO	MAZIE HIRONO, HAWAII
THOM TILLIS, NORTH CAROLINA	CORY A. BOOKER, NEW JERSEY
JOHN KENNEDY, LOUISIANA	KAMALA D. HARRIS, CALIFORNIA

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.

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 F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.

JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.
JOHN F. WATSON, JR.

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20540-0000

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

[REDACTED]
(UNCLASSIFIED when separated from attachments)



[REDACTED]
(UNCLASSIFIED when separated from attachments)

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.

[REDACTED]
(UNCLASSIFIED when separated from attachments)

[REDACTED]
(UNCLASSIFIED when separated from attachments)

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

[REDACTED]
(UNCLASSIFIED when separated from attachments)

[REDACTED]
(UNCLASSIFIED when separated from attachments)

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).

[REDACTED]
(UNCLASSIFIED when separated from attachments)

[REDACTED]
(UNCLASSIFIED when separated from attachments)

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.

[REDACTED]
(UNCLASSIFIED when separated from attachments)

[REDACTED]
(UNCLASSIFIED when separated from attachments)

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).

[REDACTED]
(UNCLASSIFIED when separated from attachments)

[REDACTED]
(UNCLASSIFIED when separated from attachments)

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*,

[REDACTED]
(UNCLASSIFIED when separated from attachments)

[REDACTED]
(UNCLASSIFIED when separated from attachments)


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>.

[REDACTED]
(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

BOB GOODLATTE, Virginia
CHAIRMAN

F. JAMES SENSENBRENNER, JR., Wisconsin
LAMAR S. SMITH, Texas
STEVE CHABOT, Ohio
DARRELL E. ISSA, California
STEVE KING, Iowa
TRENT FRANKS, Arizona
LOUIE GOMMERT, Texas
JIM JORDAN, Ohio
TED POE, Texas
TOM MARINO, Pennsylvania
TREY GOWDY, South Carolina
RAÚL R. LABRADOR, Idaho
BLAKE FARENTHOLD, Texas
DOUG COLLINS, Georgia
RON DeSANTIS, Florida
KEN BUCK, Colorado
JOHN RATCLIFFE, Texas
MARTHA ROBY, Alabama
MATT GAETZ, Florida
MIKE JOHNSON, Louisiana
ANDY BIGGS, Arizona
JOHN RUTHERFORD, Florida
KAREN HANDEL, Georgia

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

(202) 225-3951

<http://www.house.gov/judiciary>

JOHN CONYERS, JR., Michigan
RANKING MEMBER

JERROLD NADLER, New York
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
TED DEUTCH, Florida
LUIS V. GUTIERREZ, Illinois
KAREN BASS, California
CEDRIC L. RICHMOND, Louisiana
HAKEEM S. JEFFRIES, New York
DAVID CICILLINE, Rhode Island
ERIC SWALWELL, California
TED LIEU, California
JAMIE RASKIN, Maryland
PRAMILA JAYAPAL, Washington
BRAD SCHNEIDER, Illinois

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 Gaetz

Tom Marino

Steve Chalot

Blake Farentsoid

Steve King

Lois Lohman

AMM

D. Calk Raúl R. Labrador

Phil DeSantis Andy Biggs

MIKE JOHNSON

John Puthford

Martha Raley

John Ratchiffe

Pentti Pankas

Karen C. Handel