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

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,<sup>1</sup> and its subsequent public release, the existence of these documents is now unclassified:

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

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1. An October 2016 Foreign Intelligence Surveillance Act (FISA) application relying significantly on Mr. Steele's allegations and credibility to seek surveillance of Carter Page;<sup>2</sup>
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;<sup>3</sup>
3. A Human Source Validation Report relating to Mr. Steele;<sup>4</sup>
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;<sup>5</sup>
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.<sup>6</sup>

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:

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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).

<sup>2</sup> Page FISA Application and Order (Oct. 21, 2016).

<sup>3</sup> 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).

<sup>4</sup> Human Source Validation Report, (Nov. 14, 2016).

<sup>5</sup> 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).

<sup>6</sup> FD-1023s documenting Mr. Steele's statements to the FBI.

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

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

10. Do the so-called "Woods Procedures" adequately address how to evaluate potential credibility concerns when using privately or politically funded intelligence in FISA warrant applications?<sup>7</sup>
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?<sup>8</sup> 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

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<sup>7</sup> 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>.

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

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Chairman and Ranking Member later reviewed.<sup>9</sup> 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?<sup>10</sup> 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?

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<sup>9</sup> 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).

<sup>10</sup> The specific inconsistencies are described in the classified attachment.

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22. Was anyone in the senior leadership of the FBI aware that Mr. Ohr continued to pass information from Steele and Fusion GPS to the FBI after Steele was terminated as a source? Who? Were those people aware that Mr. Ohr's wife worked for Fusion? If so, how and when did they become aware?
23. Did Mr. Ohr ever seek ethics advice from DOJ about his participation in this investigation in light of his wife's employment with Fusion? In light of his becoming a fact witness in a case over which his office (ODAG) likely had supervisory authority? From whom did he seek advice? If so, was he properly advised and to what extent did he follow it?
24. Was it proper for Mr. Ohr to continue to pass information from Steele and Fusion to the FBI after it had suspended, and later terminated, Steele as a source? Why was that fact not disclosed to the FISC? Should it have been? Why was Mr. Ohr's wife's work on behalf of Fusion not disclosed to the FISC?
25. Why did the FBI and the Justice Department fail to disclose Steele's personal bias to the FISC? Specifically, Mr. Ohr informed the FBI that Steele himself was "desperate" to prevent Trump from being elected president. Why was this information withheld from the FISC? Should it have been disclosed in the renewal applications to correct any previous assessments or characterizations about Steele's motivations, as distinct from his client's (Fusion) and funders' (DNC/Clinton campaign)?
26. Who at the Department of Justice or the FBI was aware that Fusion was the subject of a Foreign Agents Registration Act (FARA) complaint alleging that it failed to register as a foreign agent for its work on behalf the Katsyv family to undermine Magnitsky Act sanctions against Russia?<sup>11</sup>
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

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

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

29. In congressional testimony, Mr. Comey claimed that the FBI briefed then President-Elect Trump about the Steele dossier because the FBI had received word that the media was about to report on the dossier.<sup>12</sup> 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.<sup>13</sup> 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?<sup>14</sup> Has anyone been held accountable, and if not, why not?

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

<sup>13</sup> 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>.

<sup>14</sup> 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](https://www.washingtonpost.com/opinions/why-did-obama-dawdle-on-russias-hacking/2017/01/12/75f878a0-d90c-11e6-9a36-1d296534b31e_story.html?utm_term=.81bc5cd1cefa); Andrew McCarthy, *Make the Flynn Tape Public*,

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31. On January 24, 2017, before Lt. Gen. Flynn resigned as National Security Advisor, he was interviewed by FBI agents about phone calls he had with former Russian Ambassador Sergei Kislyak. On December 1, 2017, Lt. Gen. Flynn pled guilty to lying to them.<sup>15</sup> 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.”<sup>16</sup>

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>.

<sup>15</sup> 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>.

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

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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

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