

significance; and whether those officials, in turn, incorporated the intelligence into their decision-making regarding the investigation of individuals who were part of the Trump campaign and had possible ties to Russian election interference efforts.

As was declassified and made public previously, the purported Clinton Plan intelligence was derived from insight that “U.S. intelligence agencies obtained into Russian intelligence analysis.”³⁹⁴ Given the origins of the Clinton Plan intelligence as the product of a foreign adversary, the Office was cognizant of the statement that DNI Ratcliffe made to Senate Judiciary Chairman Lindsey Graham in a September 29, 2020 letter: “The [intelligence community] *does not know the accuracy of this allegation* or the extent to which the Russian intelligence analysis may reflect exaggeration or fabrication.”³⁹⁵

Recognizing this uncertainty, the Office nevertheless endeavored to investigate the bases for, and credibility of, this intelligence in order to assess its accuracy and its potential implications for the broader matters within our purview.

Given the significance of the Clinton Plan intelligence, and the need to protect sources and methods of the Intelligence Community, we report the results of our investigation in bifurcated fashion. More specifically:

(1) This section describes in unclassified form the circumstances in which U.S. officials received and acted on (or failed to act upon) the Clinton Plan intelligence, as well as the nature and significance of their reactions to it;

(2) The Classified Appendix to this report provides further information about (i) the details of the Clinton Plan intelligence; (ii) facts that heightened the potential relevance of this intelligence to the Office’s inquiry; and (iii) the Office’s efforts to verify or refute the key claims found in this intelligence.

a. Relevant facts

Before addressing the U.S. government’s receipt and handling of the Clinton Plan intelligence, we reiterate below the description of that intelligence as declassified by the DNI in his September 29, 2020 letter to Chairman Graham. Ratcliffe’s letter stated, in part, as follows:

In late July 2016, U.S. intelligence agencies obtained insight into Russian intelligence analysis alleging that U.S. Presidential candidate Hillary Clinton had approved a campaign plan to stir up a scandal against U.S. Presidential candidate Donald Trump by tying him to Putin and the Russians’ hacking of the Democratic National Committee.³⁹⁶

As described herein and in the Classified Appendix, U.S. officials described the Clinton Plan intelligence in various other ways in their official notes and documents. As described more fully in the Classified Appendix, there were specific indications and additional facts that heightened the potential relevance of this intelligence to the Office’s inquiry.

³⁹⁴ *Ratcliffe Letter*.

³⁹⁵ *Id.* (emphasis added).

³⁹⁶ *Id.*

i. Receipt of the Clinton Plan intelligence

The Intelligence Community received the Clinton Plan intelligence in late July 2016.³⁹⁷ The official who initially received the information immediately recognized its importance—including its relevance to the U.S. presidential election—and acted quickly to make CIA leadership aware of it.³⁹⁸ Materials obtained from former Director Brennan’s office holdings reflect that he personally received a copy of the intelligence.³⁹⁹ When interviewed, Brennan generally recalled reviewing the materials but stated he did not recall focusing specifically on its assertions regarding the Clinton campaign’s purported plan.⁴⁰⁰ Brennan recalled instead focusing on Russia’s role in hacking the DNC.⁴⁰¹

On July 28, 2016, Director Brennan met with President Obama and other White House personnel, during which Brennan and the President discussed intelligence relevant to the 2016 presidential election as well as the potential creation of an inter-agency Fusion Cell to synthesize and analyze intelligence about Russian malign influence on the 2016 presidential election.⁴⁰² Brennan’s recollection was that he spoke with Director Comey on the morning of July 29, 2016, to brief him on his July 28th meeting with the President.⁴⁰³ Brennan could not recall when he actually saw the Clinton Plan intelligence, but he did not think he had the information when he spoke to Comey on that morning.

Immediately after communicating with the President, Comey, and DNI Clapper to discuss relevant intelligence, Director Brennan and other agency officials took steps to ensure that dissemination of intelligence related to Russia’s election interference efforts, including the Clinton Plan intelligence, would be limited to protect sensitive information and prevent leaks.⁴⁰⁴ Brennan stated that the inter-agency Fusion Cell, a team to synthesize and analyze pertinent intelligence on Russian malign influence activities related to the presidential election, was put in motion after his meeting with President Obama on July 28th. Email traffic and witness interviews conducted by the Office reflect that at least some CIA personnel believed that the Clinton Plan intelligence led to the decision being made to set up the Fusion Cell.⁴⁰⁵

³⁹⁷ *Id.*; see also OSC Report of Interview of IC Officer #6 on Aug. 19, 2020 at 11.

³⁹⁸ OSC Report of Interview of IC Officer #6 on Aug. 19, 2020 at 4.

³⁹⁹ OSC Report of Interview of John Brennan on Aug. 21, 2020 at 7-8; 16-17.

⁴⁰⁰ *Id.* at 8-9.

⁴⁰¹ *Id.*

⁴⁰² OSC Report of Interview of John Brennan on Aug. 21, 2020 at 8; Email from OGA Liaison-1 to OGA employees dated 08/02/2016; Notes of Retired CIA Employee-2 dated 07/28/2016.

⁴⁰³ OSC Report of Interview of John Brennan on Aug. 21, 2020 at 8.

⁴⁰⁴ *Id.*

⁴⁰⁵ OSC Report of Interview of I.C. Officer #6 on Aug. 19, 2020 at 4; OSC Report of Interview of I.C. Officer #12 on Dec. 23, 2020 at 3.

ii. *White House briefing*

On August 3, 2016, within days of receiving the Clinton Plan intelligence, Director Brennan met with the President, Vice President and other senior Administration officials, including but not limited to the Attorney General (who participated remotely) and the FBI Director, in the White House Situation Room to discuss Russian election interference efforts.⁴⁰⁶ According to Brennan's handwritten notes and his recollections from the meeting, he briefed on relevant intelligence known to date on Russian election interference, including the Clinton Plan intelligence.⁴⁰⁷ Specifically, Director Brennan's declassified handwritten notes reflect that he briefed the meeting's participants regarding the "alleged approval by Hillary Clinton on 26 July of a proposal from one of her [campaign] advisors to vilify Donald Trump by stirring up a scandal claiming interference by the Russian security services."⁴⁰⁸

iii. *FBI awareness*

The Office was unable to determine precisely when the FBI first obtained any of the details of the Clinton Plan intelligence (other than Director Comey, who attended the August 3, 2016 briefing). It appears, however, that this occurred no later than August 22, 2016. On that date, an FBI cyber analyst ("Headquarters Analyst-2") emailed a number of FBI employees, including Supervisory Intelligence Analyst Brian Auten and Section Chief Moffa, the most senior intelligence analysts on the Crossfire Hurricane team, to provide an update on Russian intelligence materials.⁴⁰⁹ The email included a summary of the contents of the Clinton Plan intelligence.⁴¹⁰ The Office did not identify any replies or follow-up actions taken by FBI personnel as a result of this email.

When interviewed by the Office, Auten recalled that on September 2, 2016 – approximately ten days after Headquarters Analyst-2's email – the official responsible for overseeing the Fusion Cell briefed Auten, Moffa, and other FBI personnel at FBI Headquarters regarding the Clinton Plan intelligence.⁴¹¹ Auten did not recall any FBI "operational" personnel (*i.e.*, Crossfire Hurricane Agents) being present at the meeting.⁴¹² The official verbally briefed the individuals regarding information that the CIA planned to send to the FBI in a written investigative referral, including the Clinton Plan intelligence information.⁴¹³ Auten recalled thinking at the meeting that he wanted to see the formal *Referral Memo* containing the Clinton

⁴⁰⁶ OSC Report of Interview of John Brennan on Aug. 21, 2020 at 7; *Brennan Notes*; Notes of Retired CIA Employee-2 dated August 3, 2016 (brief-back notes of Brennan post-White House meeting).

⁴⁰⁷ *Brennan Notes*.

⁴⁰⁸ *Id.*

⁴⁰⁹ FBI-JCM-0004364 (Email from Headquarters Analyst-2 to Brian Auten, Jonathan Moffa & others dated 08/22/2016.).

⁴¹⁰ *Id.*

⁴¹¹ OSC Report of Interview of Brian Auten on July 26, 2021 at 7, 13.

⁴¹² *Id.* at 7.

⁴¹³ *Id.*

Plan intelligence.⁴¹⁴ Separate and apart from this meeting, FBI records reflect that by no later than that same date (September 2, 2016), then-FBI Assistant Director for Counterintelligence Bill Priestap was also aware of the specifics of the Clinton Plan intelligence as evidenced by his hand-written notes from an early morning meeting with Moffa, DAD Dina Corsi and Acting AD for Cyber Eric Sporre.⁴¹⁵ The Office was unable to determine the exact contours of Priestap's knowledge, however, in part, because he declined to be interviewed by the Office on this subject.⁴¹⁶

iv. *CIA referral and dissemination*

Five days later, on September 7, 2016, the CIA completed its *Referral Memo* in response to an FBI request for relevant information reviewed by the Fusion Cell.⁴¹⁷ The CIA addressed the *Referral Memo* to the FBI Director and to the attention of Deputy Assistant Director Peter Strzok. The *Referral Memo*, which mentioned the Clinton Plan intelligence, stated, in part:

Per FBI verbal request, CIA provides the below examples of information the CROSSFIRE HURRICANE fusion cell has gleaned to date [Source revealing information redacted]:

[] An exchange . . . discussing US presidential candidate Hillary Clinton's approval of a plan concerning US presidential candidate Donald Trump and Russian hackers hampering US elections as a means of distracting the public from her use of a private email server. According to open sources, Guccifer 2.0 is an individual or group of hackers whom US officials believe is tied to Russian intelligence services. Also, per open sources, Guccifer 2.0 claimed credit for hacking the Democratic National Committee (DNC) this year.⁴¹⁸

None of the FBI personnel who agreed to be interviewed could specifically recall receiving this *Referral Memo*, nor did anyone recall the FBI doing anything in response to the *Referral Memo*. Auten stated that it was possible he hand-delivered this *Referral Memo* to the FBI, as he had done with numerous other referral memos,⁴¹⁹ and noted that he typically shared referral memos with the rest of the Crossfire Hurricane investigative team, although he did not recall if he did so in this instance.⁴²⁰

In late September 2016, high-ranking U.S. national security officials, including Comey and Clapper, received an intelligence product on Russian interference in the 2016 presidential election that included the Clinton Plan intelligence.⁴²¹ The Office did not identify any further

⁴¹⁴ *Id.*

⁴¹⁵ Handwritten notes of E.W. Priestap dated 09/02/2016.

⁴¹⁶ *Id.*

⁴¹⁷ *Referral Memo*.

⁴¹⁸ *Id.*

⁴¹⁹ OSC Report of Interview of Brian Auten on July 26, 2021 at 13.

⁴²⁰ *Id.*

⁴²¹ Intelligence Community Document-1.

actions that the CIA or FBI took in response to this intelligence product as it related to the Clinton Plan intelligence.

v. *Awareness by the Crossfire Hurricane investigators*

The Office located no evidence that in conducting the Crossfire Hurricane investigation the FBI considered whether and how the Clinton Plan intelligence might impact the investigation. No FBI personnel who were interviewed by the Office recalled Crossfire Hurricane personnel taking any action to vet the Clinton Plan intelligence.⁴²² For example, Brian Auten stated that he could not recall anything that the FBI did to analyze, or otherwise consider the Clinton Plan intelligence, stating that it was “just one data point.”⁴²³

This stands in sharp contrast to its substantial reliance on the uncorroborated Steele Reports, which at least some FBI personnel appeared to know was likely being funded or promoted by the Clinton campaign. For example:

- During a meeting in London on July 5, 2016, Steele provided his first Report to Handling Agent-1. Handling Agent-1’s notes from the meeting reflect that “HC” was aware of his (Steele’s) “Brit firm seeking info.”⁴²⁴ While Handling Agent-1 did not have an independent recollection of Steele explicitly stating that “HC” referred to Hillary Clinton, he could think of no other individual – in that context – to whom “HC” could possibly refer.⁴²⁵
- On September 23, 2016, Strzok sent a Lync message to Brian Auten regarding the Michael Isikoff article that stated, “Looking at the Yahoo article. I can definitely say at a minimum [Steele’s] reports should be viewed as intended to influence as well as to inform.”⁴²⁶
- On October 11, 2016, Strzok sent a Lync message to OGC attorney Kevin Clinesmith noting that Steele’s “unnamed client” was “presumed to be connected to the [Clinton] campaign in some way[.]”⁴²⁷

Nor did the Office identify any evidence that the FBI disclosed the contents of the Clinton Plan intelligence to the OI attorneys working on FISA matters related to Crossfire Hurricane. Similarly, the FBI did not disclose any of the Clinton Plan intelligence materials to the FISC (despite relying on the uncorroborated Steele reporting in its FISA applications

⁴²² See, e.g., OSC Report of Interview of Headquarters Analyst-2 on Feb. 25, 2020 at 11; OSC Report of Interview of Jonathan Moffa on Feb. 28, 2020 at 2-4.

⁴²³ OSC Report of Interview of Brian Auten on July 26, 2021 at 13.

⁴²⁴ Handwritten notes of Handling Agent-1 at 4.

⁴²⁵ OSC Report of Interview of Handling Agent-1 on Mar. 1, 2022 at 2.

⁴²⁶ FBI-AAA-EC-00006182 (Lync Message Exchange between Strzok and Auten dated 09/23/16).

⁴²⁷ FBI-AAA-EC-00006440 (Lync Message Exchange between Strzok and Clinesmith on 10/11/16).

concerning Carter Page), and we uncovered no evidence that anyone at the FBI considered doing so.

The Office showed portions of the Clinton Plan intelligence to a number of individuals who were actively involved in the Crossfire Hurricane investigation. Most advised they had never seen the intelligence before, and some expressed surprise and dismay upon learning of it. For example, the original Supervisory Special Agent on the Crossfire Hurricane investigation, Supervisory Special Agent-1, reviewed the intelligence during one of his interviews with the Office.⁴²⁸ After reading it, Supervisory Special Agent-1 became visibly upset and emotional, left the interview room with his counsel, and subsequently returned to state emphatically that he had never been apprised of the Clinton Plan intelligence and had never seen the aforementioned *Referral Memo*.⁴²⁹ Supervisory Special Agent-1 expressed a sense of betrayal that no one had informed him of the intelligence. When the Office cautioned Supervisory Special Agent-1 that we had not verified or corroborated the accuracy of the intelligence and its assertions regarding the Clinton campaign, Supervisory Special Agent-1 responded firmly that regardless of whether its contents were true, he should have been informed of it.⁴³⁰

Former FBI General Counsel Baker also reviewed the Clinton Plan intelligence during one of his interviews with the Office.⁴³¹ Baker stated that he had neither seen nor heard of the Clinton Plan intelligence or the resulting *Referral Memo* prior to his interview with the Office. He acknowledged the significance of the reporting and explained that had he known of it during the Crossfire Hurricane investigation, he would have viewed in a different and much more skeptical light (i) information the FBI received from Steele concerning Trump's purported ties to Russia and (ii) information received from attorney Michael Sussmann that purported to show a secret communications channel between the Trump Organization and Alfa Bank.⁴³²

vi. Other evidence obtained by the Office that appears to be relevant to an analysis of the Clinton Plan intelligence

As discussed above, according to the declassified Clinton Plan intelligence, on July 26, 2016, Clinton allegedly approved a proposal from one of her foreign policy advisors to tie Trump to Russia as a means of distracting the public from her use of a private email server. The Office interviewed a number of individuals connected with the campaign as part of its investigation into the Clinton Plan intelligence. One foreign policy advisor ("Foreign Policy Advisor-1") stated that she did not specifically remember proposing a "plan" to Clinton or other campaign leadership to "stir up a scandal" by tying Trump to Putin or Russia.⁴³³ Foreign Policy Advisor-1 stated, however, that it was possible that she had proposed ideas on these topics to the campaign's leadership, who may have approved those ideas.⁴³⁴ Foreign Policy Advisor-1

⁴²⁸ OSC Report of Interview of Supervisory Special Agent-1 on July 22, 2020 at 7.

⁴²⁹ *Id.*

⁴³⁰ *Id.*

⁴³¹ OSC Report of Interview of James Baker on June 18, 2020 at 4.

⁴³² *Id.*

⁴³³ OSC Report of Interview of Foreign Policy Advisor-1 on July 21, 2021 at 7.

⁴³⁴ *Id.*

recalled conversations with others in the campaign expressing their genuine concerns that the DNC hack was a threat to the electoral system, and that Trump and his advisors appeared to have troubling ties to Russia.⁴³⁵ Foreign Policy Advisor-1 said it was also possible someone proposed an idea of seeking to distract attention from the investigation into Clinton's use of a private email server, but she did not specifically remember any such idea.⁴³⁶ Foreign Policy Advisor-1 advised that she did not recall the FBI coming up in any campaign conversations she had.⁴³⁷

Records obtained from Foreign Policy Advisor-1 reflect that on July 27, 2016 – the day following candidate Clinton's purported authorization of the plan – Foreign Policy Advisor-1 circulated a draft public statement to certain of her colleagues. In the email circulating the draft statement, Foreign Policy Advisor-1 urged her colleagues to sign the draft statement, which criticized Trump for his comments about the NATO alliance and asserted that Trump's public statements concerning NATO were too friendly towards Russia. In her cover email, Foreign Policy Advisor-1 wrote, in part:

We are writing to enlist your support for the attached public statement. Both of us are Hillary Clinton supporters and advisors but hope that this statement could be signed by a bipartisan group[.] Donald Trump's repeated denigration of the NATO Alliance, his refusal to support our Article 5 obligations to our European allies and his kid glove treatment of Russia and Vladimir Putin are among the most reckless statements made by a Presidential candidate in memory.⁴³⁸

During the same week, Clinton's campaign manager, Robby Mook, stated in media interviews that the campaign believed that the Russian government had carried out the DNC hack to assist Trump's electoral chances, and that Trump had made troubling statements concerning Russia.⁴³⁹

During an interview of former Secretary Clinton, the Office asked if she had reviewed the information declassified by DNI Ratcliffe regarding her alleged plan to stir up a scandal between Trump and the Russians.⁴⁴⁰ Clinton stated it was "really sad," but "I get it, you have to go down every rabbit hole." She said that it "looked like Russian disinformation to me; they're very good at it, you know." Clinton advised that she had a lot of plans to win the campaign, and anything that came into the public domain was available to her.

In addition, the Office interviewed several other former members of the Clinton campaign using declassified materials⁴⁴¹ regarding the purported "plan" approved by Clinton.

⁴³⁵ *Id.*

⁴³⁶ *Id.*

⁴³⁷ *Id.*

⁴³⁸ XXXX-0014561 (Email from Foreign Policy Advisor-1 dated July 27, 2016).

⁴³⁹ Jeremy Herb, *Mook Suggests Russians Leaked DNC Emails to Help Trump*, Politico (July 24, 2016); Jessie Hellmann, *Clinton Campaign Manager Questions Russian Involvement in Email Leak*, The Hill (July 24, 2016).

⁴⁴⁰ OSC Report of Interview of Hillary Clinton on May 11, 2022 at 6.

⁴⁴¹ *See Ratcliffe Letter.*

The campaign Chairperson, John Podesta, stated that he had not seen the declassified material before, characterized the information as “ridiculous,” and denied that the campaign was involved in any such “plan.”⁴⁴² Jake Sullivan, the campaign Senior Policy Advisor, stated that he had not seen the intelligence reporting before and had no reaction to it other than to say, “that’s ridiculous.”⁴⁴³ Although the campaign was broadly focused on Trump and Russia, Sullivan could not recall anyone articulating a strategy or “plan” to distract negative attention away from Clinton by tying Trump to Russia, but could not conclusively rule out the possibility.⁴⁴⁴ The campaign Communications Director, Jennifer Palmieri, who was shown the *Referral Memo*,⁴⁴⁵ stated that she had never seen the memorandum before, found its contents to be “ridiculous,” and could not recall anything “like this” related to the campaign.⁴⁴⁶ She stated that Podesta, Mook, Sullivan and herself were aware of a project involving ties between Trump and Russia being conducted by Perkins Coie, the campaign law firm, but she did not think Clinton was aware of it, nor did she receive any direction or instruction from Clinton about the project.⁴⁴⁷

Another foreign policy advisor (“Foreign Policy Advisor-2”) confirmed that the campaign was focused on Trump and Russia, but that focus was due to national security concerns and not designed to distract the public from Clinton’s server issue.⁴⁴⁸ Foreign Policy Advisor-2 stated that she did not have a conversation with Clinton about a plan involving Trump and Russia during the Democratic convention, that she did not remember Clinton approving anything concrete, but that she would not necessarily have been involved in such strategy conversations.⁴⁴⁹

The Office’s review of certain communications involving Foreign Policy Advisor-1 and Foreign Policy Advisor-2, however, arguably provide some support for the notion that the Clinton campaign was engaged in an effort or plan in late July 2016 to encourage scrutiny of Trump’s potential ties to Russia, and that the campaign might have wanted or expected law enforcement or other agencies to aid that effort, in part, by concluding that the Russians were responsible for the hack.

For example, on July 5, 2016, Foreign Policy Advisor-2 sent an email to three other campaign advisors (“Individual-1,” “Individual-2,” and “Individual-3”) in which she wrote:

We’re looking for ways to build on Franklin Foer’s great (and scary) piece on Trump and Russia.⁴⁵⁰ One thing I’ve heard from a few folks is that the Russia

⁴⁴² OSC Report of Interview of John Podesta on Jan. 19, 2022 at 5.

⁴⁴³ OSC Report of Interview of Jake Sullivan on Nov. 12, 2021 at 3-4.

⁴⁴⁴ *Id.*

⁴⁴⁵ *Referral Memo*.

⁴⁴⁶ OSC Report of Interview of Jennifer Palmieri on Nov. 10, 2021 at 4.

⁴⁴⁷ *Id.* at 1-2

⁴⁴⁸ OSC Report of Interview of Foreign Policy Advisor-2 on Mar. 28, 2022 at 4.

⁴⁴⁹ *Id.*

⁴⁵⁰ In its June 2020 issue, the *Atlantic* had published an article by Franklin Foer titled “*Putin is Well on His Way to Stealing the Next Election: RIP Democracy.*”

desk at State has been tracking (and sounding an internal alarm) about parallels between rhetoric/words/methods that Trump uses and Putin-supported European right-wing candidates. I'm told it goes beyond just populist stuff. I'd love to get my hands on details of what they are seeing - can one of you help run this down? I imagine INR or IC [Intelligence Community] types might also have some insight - obviously need to be a bit careful here but eager to get specifics or details.⁴⁵¹

Foreign Policy Advisor-2 stated that she did not speak with anyone at the State Department about this issue.⁴⁵² The information she mentioned in this email regarding the State Department's Russia desk came from an outside advisor who formerly worked at the State Department ("Outside Advisor-1").⁴⁵³

In addition, on July 25, 2016, Foreign Policy Advisor-1 had the following text message exchange with Foreign Policy Advisor-2:

[Foreign Policy Advisor-2]: Can you see if [Special Assistant to the President and National Security Council member] will tell you if there is a formal fbi or other investigation into the hack?

[Foreign Policy Advisor-1]: [She] won't say anything more to me. Sorry. Told me [she] went as far as [she] could.

[Foreign Policy Advisor-2]: Ok. Do you have others who might?

[Foreign Policy Advisor-1]: Has [Individual-2] tried [her]? Curious if [she] would react differently to [Individual-2]? I can also try OVP [Office of the Vice President]. They might say more.

[Foreign Policy Advisor-2]: I don't know if he has but can ask. Would also be good to try ovp, and anyone in IC [intelligence community]

[Foreign Policy Advisor-1]: Left messages for OVP but politico just sent me a push notification stating that they are indeed investigating.

[Foreign Policy Advisor-2]: Fbi just put our [sic] statement. Thx⁴⁵⁴

In sum, Foreign Policy Advisor-1's July 27, 2016 email to her colleagues regarding Trump, Russia and NATO – the day after Clinton purportedly approved a plan to tie Trump to Russia – is consistent with the substance of the purported plan. In addition, Foreign Policy

⁴⁵¹ XX_DOJ_000003 (Email from Foreign Policy Advisor-2 dated July 5, 2016).

⁴⁵² *Id.*

⁴⁵³ *Id.*

⁴⁵⁴ XX_DOJ_000022-23 (Text message exchange between Foreign Policy Advisor-1 and Foreign Policy Advisor-2 dated 07/25/2016).

Advisor-1's text message exchange with Foreign Policy Advisor-2 supports the notion that at least some officials within the campaign were seeking information about the FBI's response to the DNC hack, which would be consistent with, and a means of furthering, the purported plan. Moreover, the campaign's funding of the Steele Reports and Alfa Bank allegations as described in greater detail in Sections IV.D.1.b.ii and IV.E.1.b provide some additional support for the credibility to the information set forth in the Clinton Plan intelligence.

vii. *Other events occurring at the time of the purported approval of the Clinton Plan intelligence*

As set forth in Section IV.D.1.h.i, some of the significant Steele Dossier reporting related to Carter Page and his alleged role as a conduit for passing Russian information between Paul Manafort and the Trump campaign. This uncorroborated allegation is significantly undercut by the evidence examined by the Office and that, at the time, was in the possession of the Crossfire Hurricane investigators. As discussed below, this evidence was never presented to OI or the FISC at any time during the pendency of the Page FISA surveillance.

Furthermore, the evidence gathered by the Office revealed a concerted effort on the part of Fusion GPS in late July 2016 – i.e., the same timeframe the Clinton Plan intelligence was purportedly approved – to communicate with the press regarding the Page allegations in the Steele reporting. For example:

- On July 19, 2016, Peter Fritsch of Fusion GPS emailed Steve LeVine, identified in his signature block as a Washington correspondent for *Quartz*, and asked of LeVine “have you ever come across this cat carter page? He strikes me as a fraud”⁴⁵⁵ Mr. LeVine responded that he knew Page, he (LeVine) was on vacation, but would reach out when he returned.⁴⁵⁶
- On July 22, 2016, Fritsch emailed Franklin Foer of *Slate* stating “now we need to do the next level, which is in the works.” Foer responded, “Good deal – what’s the next level? And is it a sex scandal?” Fritsch replied, “it’s who carter page met with in early july and what they talked about.”⁴⁵⁷
- On July 25, 2016, Mark Hosenball of *Reuters* sent Glenn Simpson at Fusion GPS an email stating “if you have stuff on the Carter Page guy, including his most recent Russian excursion, pls. send. Doing two Russian hacking stories today and might be able to do another as early as tomorrow.”⁴⁵⁸

⁴⁵⁵ SCID_00034478.

⁴⁵⁶ *Id.*

⁴⁵⁷ SCID_00034501. Notably, in an uncorroborated Steele Report dated just three days earlier, in what Steele designated as “Company Intelligence Report 2016/94,” dated July 19, 2016, it was alleged that Page had met secretly with “SECHIN and senior Kremlin Internal Affairs official, DIVYEKIN.”

⁴⁵⁸ SC-00082677.

- On July 26, 2016, Fritsch emailed Jay Solomon of the *Wall Street Journal* and wrote:

“OTR the easy scoop waiting for confirmation: that dude carter page met with igor sechin when he went to moscow earlier this month. sechin discussed energy deals and possible lifting of sanctions on himself et al. he also met with a senior kremlin official called divyekin who told page they have good kompromat on hillary and offered to help. he also warned page they have good kompromat on the donald. i know of one person who is chasing this and has asked kremlin re these meets. the response: there was no meeting between sechin and page “at the kremlin.” uh, well, ok . . . maybe somewhere else? no comment. needless to say, a senior trump advisor meeting with a former kgb official close to putin, who is on the treasury sanctions list, days before the republican convention and a big russian-backed wikileak would be huge news.”⁴⁵⁹

That same day, Solomon responded, “Page is neither confirming nor denying.” Fritsch replied “call adam schiff or difi [in context, Sen. Diane Feinstein] for that matter. i bet they are concerned about what page was doing other than giving a speech over 3 days in moscow.”⁴⁶⁰

Fritsch later emailed Solomon that “its kind of hard to believe that the wsj is ignoring the russia stuff. literally everyone is chasing this [expletive] now.”⁴⁶¹

- Also, on July 26, 2016 – the date of the purported approval of the Clinton Plan intelligence – Fritsch reached back out to Steve LeVine of *Quartz*, and wrote “[S]o carter page is of some urgency now. Can you talk?”⁴⁶² LeVine replied that he could and asked if Fritsch wanted to talk by phone.⁴⁶³
- On that same date, July 26, 2016, Glenn Simpson emailed Jane Mayer of *New Yorker* magazine with the subject line “Carter Page.” Simpson wrote, “Jane – I understand that you are interested in him.”⁴⁶⁴ Two days later, Mayer responded to Simpson advising him that her editor, among others, was “interested in setting up an off the record meeting to discuss stories, and learn more about your research.”⁴⁶⁵

⁴⁵⁹ SCID_00034363.

⁴⁶⁰ *Id.*

⁴⁶¹ *Id.* (emphasis added).

⁴⁶² SCID_00034478 (emphasis added).

⁴⁶³ *Id.*

⁴⁶⁴ SC-00082579.

⁴⁶⁵ *Id.*

- On July 28, 2016, Simpson sent Jake Berkowitz, an employee at Fusion GPS, an email with the subject line “carter page TLO/ clear.”⁴⁶⁶ Simpson asked Berkowitz to send “the carter page TLO/clear” to Tom Hamburger “asap” at the *Washington Post*.⁴⁶⁷ Later that same day, Berkowitz sent Hamburger a copy of the “carter page clear” information.⁴⁶⁸
- Importantly, on the very next day, July 29, 2016, Hamburger emailed Simpson with subject line “Re: fyi, we are getting kick back to the idea,” and wrote “*That Page met with Sechin and Ivanov, ‘It’s [expletive]. Impossible,’ said one of our Moscow sources.*”⁴⁶⁹ Simpson responded to Hamburger’s email and stated “ok.”⁴⁷⁰ Hamburger then emailed Simpson “FYI, passed on by another reporter who likely doesn’t like this story. Just letting you know. . . .”⁴⁷¹

Thus, in one day – and months before the Crossfire Hurricane investigators used the alleged Page meetings in its initial and subsequent renewal FISA applications – a Moscow-based U.S. media source for the *Washington Post* appears to have been able to debunk to its satisfaction the Page meetings.

Several weeks later, on September 16, 2016, Fritsch emailed Michael Isikoff of *Yahoo! News*. As discussed below, on September 23, 2016, Isikoff was the first journalist to publish an article about the alleged meetings between Page and Sechin. Fritsch wrote, “Glenn [Simpson] says you may soon break the carter page story? I ask cuz if so I’m gonna stiff-arm someone else chasing...”⁴⁷² Isikoff replied, “got it, am going to talk to glenn [Simpson] on [sic] a bit.”⁴⁷³ Thereafter, on September 20, 2016, Simpson sent Isikoff a Word document identified as a transcript of Page’s July 7, 2016 speech in Moscow.⁴⁷⁴

The above-quoted emails from Fusion GPS to members of the media are a sampling of the correspondence regarding Carter Page that the Clinton/DNC-funded Fusion GPS sent to various members of the media from late July 2016 (the purported date the Clinton Plan intelligence was approved) through the fall of 2016.

In addition, as relates to the Clinton Plan intelligence and as discussed in detail in Section IV.E.1.c.iii below, on September 19, 2016, Michael Sussmann, a lawyer at Perkins Coie, the firm that was then serving as counsel to the Clinton campaign, met with James Baker, the FBI

⁴⁶⁶ SC-00082631. Simpson’s reference to “TLO/clear” appears to refer to two commercially available databases that provide information on, among other things, individuals, businesses and assets.

⁴⁶⁷ *Id.*

⁴⁶⁸ *Id.*

⁴⁶⁹ SC-00082576 (emphasis added).

⁴⁷⁰ *Id.*

⁴⁷¹ *Id.*

⁴⁷² SCID_00034257.

⁴⁷³ *Id.*

⁴⁷⁴ SCID_00024621.

General Counsel, at FBI Headquarters in Washington, D.C. Sussmann provided Baker with purported data and “white papers” that allegedly demonstrated a covert communications channel between the Trump Organization and a Russia-based bank, Alfa Bank.⁴⁷⁵ Sussmann’s billing records reflect that he was regularly billing the Clinton campaign for his work on the Alfa Bank allegations.⁴⁷⁶ Importantly, on July 29, 2016 – three days after the purported approval of the Clinton Plan intelligence – Michael Sussmann and Marc Elias, the General Counsel to the Clinton campaign, met with Fusion GPS personnel in Elias’s office at Perkins Coie. Sussmann billed his time in this meeting to the Clinton campaign under the category “General Political Advice.”⁴⁷⁷ Thereafter, on July 31, 2016, Sussmann billed the Clinton campaign for twenty-four minutes with the billing description, “communications with Marc Elias regarding server issue.” In compiling and disseminating the Alfa bank allegations, Sussmann consistently met and communicated with Elias.⁴⁷⁸

On October 31, 2016 – a little over one week before the election – multiple media outlets reported that the FBI had received and was investigating allegations concerning a purported secret channel between the Trump Organization and Alfa Bank.⁴⁷⁹ On that day, the *New York Times* published an article titled *Investigating Donald Trump, F.B.I. Sees No Clear Link to Russia*.⁴⁸⁰ The article stated that the FBI possessed information concerning “what cyber experts said appeared to be a mysterious back channel between the Trump Organization and Alfa Bank.”⁴⁸¹ The article further reported that the FBI “had spent weeks examining computer data showing an odd stream of activity to a Trump Organization server,” and that the *New York Times* had been provided computer logs that evidenced this activity.⁴⁸² The article also noted that the FBI had not found “any conclusive or direct link” between Trump and the Russian government and that “Hillary Clinton’s supporters . . . pushed for these investigations.”⁴⁸³ On the same date, *Slate* published an article titled *Was a Trump Server Communicating with Russia?* that likewise discussed at length the allegations that Sussmann provided to the FBI.⁴⁸⁴

Notably, also on that day, *Mother Jones* published David Corn’s article titled *A Veteran Spy Has Given the FBI Information Alleging a Russian Operation to Cultivate Donald Trump: Has the Bureau Investigated this Material?* The *Mother Jones* piece referenced the Foer *Slate*

⁴⁷⁵ Indictment, *United States v. Sussmann*, No. 1:21-cr-00582-CRC (D.D.C. September 16, 2021) (hereinafter “*Sussmann Indictment*” or “*Indictment*”) at ¶¶ 3, 27.

⁴⁷⁶ *Id.* at ¶¶ 4, 20, 24, 25, 26, 29, 37.

⁴⁷⁷ *Id.* at ¶ 20.

⁴⁷⁸ *Id.* at ¶¶ 19, 20, 21, 24, 25, 26, 33.

⁴⁷⁹ *Id.* at ¶ 1.

⁴⁸⁰ Eric Lichtblau & Steven Lee Myers, *Investigating Donald Trump, F.B.I. Sees No Clear Link to Russia*, N.Y. Times (Oct. 31, 2016).

⁴⁸¹ *Id.*

⁴⁸² *Id.*

⁴⁸³ *Id.*

⁴⁸⁴ Franklin Foer, *Was a Trump Server Communicating with Russia?*, *Slate* (Oct. 31, 2016).

article on Alfa Bank and also disclosed that it had reviewed memos prepared by the “former western intelligence official.” Corn included information in his October 31, 2016 article that referenced the Isikoff’s earlier *Yahoo! News* piece on Carter Page and the Russians. In addition, the Corn article contained allegations that were consistent with those contained in some of the Steele Dossier reports that eventually were published in January 2017 by *BuzzFeed*.⁴⁸⁵

In the months before the publication of these articles, Sussmann had communicated with the media and provided them with the Alfa Bank data and allegations.⁴⁸⁶ Sussmann also kept Marc Elias apprised of his efforts, and Elias, in turn, communicated with the Clinton campaign’s leadership about potential media coverage of these issues.⁴⁸⁷

On September 1, 2016, Sussmann met with the *New York Times* reporter who published the aforementioned article and billed his time to the Clinton campaign.⁴⁸⁸ On September 15, 2016, Elias provided an update to the Clinton campaign regarding the Alfa Bank allegations and the not-yet-published *New York Times* article, sending an email to senior members of the Clinton campaign, which he billed to the campaign as “re: Alfa Article.”⁴⁸⁹

On the same day that these articles were published, the Clinton campaign posted a tweet through Clinton’s Twitter account that stated: “Computer scientists have apparently uncovered a covert server linking the Trump Organization to a Russian-based Bank.”⁴⁹⁰ The tweet included a statement from Clinton campaign advisor Jake Sullivan that made reference to the media coverage of the article and stated, in relevant part, that the allegations in the articles “could be the most direct link yet between Donald Trump and Moscow[,] that “[t]his secret hotline may be the key to unlocking the mystery of Trump’s ties to Russia[,]” and that “[w]e can only assume that federal authorities will now explore this direct connection between Trump and Russia as part of their existing probe into Russia’s meddling in our elections.” The fact that the Clinton campaign immediately issued a tweet concerning the articles – after funding the Alfa Bank allegations and receiving foreknowledge of the articles from Sussmann and Elias – tends to

⁴⁸⁵ According to Glenn Simpson and Peter Fritsch, on September 21, 2016, Steele flew to Washington, D.C. at the urging of Fusion GPS to meet with reporters. *Crime in Progress* at 109. The following day, Simpson and Steele, who was only speaking “on background” with the background information being attributed to a “former, senior western intelligence official,” met with reporters in staggered intervals at the Tabard Inn. *Id.* at 109-110. Among the reporters who attended the Tabard presentations were Eric Lichtblau from the *New York Times* and Michael Isikoff of *Yahoo! News*. *Id.* at 110. The next day, September 23, 2016, Isikoff’s *Yahoo! News* article focusing on Carter Page and the Russians was published. *Id.* at 111. The article reported that Senate minority leader Harry Reid had written to Director Comey about the need for the FBI to investigate Page and “‘significant and disturbing ties’ between the Trump campaign and the Kremlin.” The article also reported that a “senior U.S. law enforcement official” confirmed that Page was on the radar screen and being looked at. *See Isikoff, Officials Probe Ties.*

⁴⁸⁶ *Sussmann Indictment* at ¶¶ 24, 25, 26, 27, 33-38.

⁴⁸⁷ *Id.* at ¶ 25.

⁴⁸⁸ *Id.*

⁴⁸⁹ *Id.*

⁴⁹⁰ Twitter, @HillaryClinton 10/31/2016 8:36 p.m. Tweet.

support the notion that the Alfa Bank allegations were part of a Clinton campaign plan to tie Trump to Russia.

2. *Prosecution decisions*

The aforementioned facts reflect a rather startling and inexplicable failure to adequately consider and incorporate the Clinton Plan intelligence into the FBI's investigative decision-making in the Crossfire Hurricane investigation. Indeed, had the FBI opened the Crossfire Hurricane investigation as an assessment and, in turn, gathered and analyzed data in concert with the information from the Clinton Plan intelligence, it is likely that the information received would have been examined, at a minimum, with a more critical eye. A more deliberative examination would have increased the likelihood of alternative analytical hypotheses and reduced the risk of reputational damage both to the targets of the investigation as well as, ultimately, to the FBI.

The FBI thus failed to act on what should have been – when combined with other, incontrovertible facts – a clear warning sign that the FBI might then be the target of an effort to manipulate or influence the law enforcement process for political purposes during the 2016 presidential election. Indeed, CIA Director Brennan and other intelligence officials recognized the significance of the intelligence by expeditiously briefing it to the President, Vice President, the Director of National Intelligence, the Attorney General, the Director of the FBI, and other senior administration officials.⁴⁹¹ Whether or not the Clinton Plan intelligence was based on reliable or unreliable information, or was ultimately true or false, it should have prompted FBI personnel to immediately undertake an analysis of the information and to act with far greater care and caution when receiving, analyzing, and relying upon materials of partisan origins, such as the Steele Reports and the Alfa Bank allegations. The FBI also should have disseminated the Clinton Plan intelligence more widely among those responsible for the Crossfire Hurricane investigation so that they could effectively incorporate it into their analysis and decision-making, and their representations to the OI attorneys and, ultimately, the FISC.⁴⁹²

Whether these failures by U.S. officials amounted to criminal acts, however, is a different question. In order for the above-described facts to give rise to criminal liability under federal civil rights statutes, the Office would need to, for example, identify one or more persons who (i) *knew* the Clinton campaign intended to falsely accuse its opponent with specific information or allegations, (ii) intentionally disregarded a particular civil right of a particular person (such as the right to be free of unreasonable searches or seizures), and (iii) then intentionally aided that effort by taking investigative steps based on those allegations while knowing that they were false.

In order to prove a criminal violation of the false statements and/or obstruction statutes by a government official, the Office would need to prove that the official willfully and intentionally failed to inform the FISC or caused another to fail to inform the FISC of the Clinton Plan intelligence in order to conceal that information from the Court. Similarly, to prove a

⁴⁹¹ See *Ratcliffe Letter*; *Brennan Notes*.

⁴⁹² See OSC Report of Interview of James Baker on June 11, 2020 at 2 (stating that he would have remembered if he had seen the Clinton Plan intelligence reporting and would have considered it significant); OSC Report of Interview of Supervisory Special Agent-1 on July 22, 2022 at 7.

criminal violation of the perjury statutes, the Office would need to prove, among other things, that the official made a false statement to the Court “with knowledge of its falsity, rather than as a result of confusion, mistake, or faulty memory.”⁴⁹³

Although the evidence we collected revealed a troubling disregard for the Clinton Plan intelligence and potential confirmation bias in favor of continued investigative scrutiny of Trump and his associates, it did not yield evidence sufficient to prove beyond a reasonable doubt that any FBI or CIA officials⁴⁹⁴ intentionally furthered a Clinton campaign plan to frame or falsely accuse Trump of improper ties to Russia. Nor did it reveal sufficient evidence to prove that the omission of the Clinton Plan intelligence from applications to the FISC was a conscious or intentional decision, much less one intended to influence the Court’s view of the facts supporting probable cause.

Moreover, any attempted prosecution premised on the Clinton Plan intelligence would face what in all likelihood would be insurmountable classification issues given the highly sensitive nature of the information itself.

In sum, the government’s handling of the Clinton Plan intelligence may have amounted to a significant intelligence failure and a troubling instance in which confirmation bias and a tunnel-vision pursuit of investigative ends may have caused government personnel to fail to appreciate the extent to which uncorroborated reporting funded by an opposing political campaign was intended to influence rather than inform the FBI. It did not, all things considered, however, amount to a provable criminal offense.

D. The Carter Page FISA Applications

On April 1, 2016, Perkins Coie, a law firm acting as counsel to the Clinton campaign, “Hillary for America,” retained Fusion GPS, a Washington, D.C.-based investigative firm, to conduct opposition research on Trump and his associates.⁴⁹⁵ Shortly thereafter, Fusion GPS hired Christopher Steele and his U.K.-based firm, Orbis Business Intelligence, to investigate Trump’s ties to Russia. At the time, Steele, who again has stated that he was formerly an intelligence professional for the British government,⁴⁹⁶ was an FBI CHS. Beginning in July 2016 and continuing through December 2016, Steele and Fusion GPS prepared a series of reports containing derogatory information about purported ties between Trump and Russia. According to the reports, important connections between Trump and Russia ran through campaign manager Paul Manafort and foreign policy advisory Carter Page.

Steele provided the reports to the Department, the FBI, the State Department, members of Congress, and multiple media outlets. Steele styled the reports “Company Intelligence Reports,” and each report contained an identifying number (*e.g.*, Company Intelligence Report 2016/095). Collectively, these reports came to be known colloquially as the “Steele Dossier,” and we refer to them in this report as the “Steele Dossier” or the “Steele Reports.” The reports played an

⁴⁹³ See *supra* § III.D.3 (quoting the Department’s *Criminal Resources Manual*).

⁴⁹⁴ Indeed, as noted above, the CIA acted with dispatch to bring the information to the attention of the highest levels of the U.S. government.

⁴⁹⁵ SC-00004920 (Consulting Agreement dated Apr. 1, 2016).

⁴⁹⁶ See *supra* at footnote 34.

important role in applications submitted to the FISC targeting Page, a U.S. person. The FBI relied substantially on the reports to assert probable cause that Page was knowingly engaged in clandestine intelligence activities on behalf of Russia, or knowingly helping another person in such activities. As discussed in more detail below, the FBI was not able to corroborate a single substantive allegation contained in the Steele Reports, despite protracted efforts to do so. The Steele Reports themselves, however, were not the only issue that we considered in connection with the Page FISA applications.

This section begins by discussing probable cause and the Page FISA applications. It then focuses on the Steele Reports and the subsources that Steele allegedly used:

- The FBI's relationship with Steele and its handling of the Steele Reports (Subsection V.D.1.b).
- The prior counterespionage investigation of Igor Danchenko, Steele's primary subsource for his reporting (Subsection V.D.1.c).
- Danchenko's relationship with Charles Dolan, one of Danchenko's subsources (Subsection V.D.1.d).
- The FBI's failure to investigate Dolan's possible role as a subsource for Danchenko (Subsection V.D.1.e).
- Danchenko's purported contact with Sergei Millian, another subsource that Danchenko claimed to have received information from (Subsection V.D.1.f).

This section then turns to other aspects of the Page FISA applications:

- Information about Page's role as a source of another U.S. government agency (Subsection V.D.1.g).
- Meetings between FBI CHSs and Papadopoulos, Page, and a senior Trump campaign official (Subsection V.D.1.h).
- Other shortcomings in the Page FISA applications (Subsection V.D.1.i).

This section concludes with a discussion of the factors that the Office considered in its prosecution and declination decisions related to the Page FISA applications.

A few additional aspects of the FISA applications are discussed in the Classified Appendix.

1. Factual background

a. "Probable Cause" and the Page FISA applications

"Omissions of material fact," the FISC has stated, "were the most prevalent and among the most serious problems with the Page applications."⁴⁹⁷ The OIG, for its part, found in its review of the applications targeting Page "at least 17 significant errors or omissions" and "so many basic and fundamental errors."⁴⁹⁸ These were "made by three separate, hand-picked teams on one of the most sensitive FBI investigations that was briefed to the highest levels within the

⁴⁹⁷ *In re Accuracy Concerns Regarding FBI Matters Submitted to the FISC*, Corrected Op. and Order at 4, Misc. No. 19-02 (FISC Mar. 5, 2020).

⁴⁹⁸ *Redacted OIG Review* at xiii-xiv; *see also id.* at 413.

FBI.”⁴⁹⁹ The *OIG Review* also found that FBI personnel “did not give appropriate attention to facts that cut against probable cause.”⁵⁰⁰

Also of concern, and the focus of this section, is that several Crossfire Hurricane investigators were skeptical of the information used in the Page FISA applications and, particularly as time went on, believed that Page *was not* acting as an agent of Russia and *was not* a threat to national security. Nevertheless, despite the surveillance’s lack of productivity, FBI management directed the Crossfire Hurricane investigators to renew the Page surveillance three times.

i. The lead up to the initial Page FISA application

As has been noted by several individuals, including Deputy Director McCabe, the FISA on Page would not have been authorized without the Steele reporting.⁵⁰¹ Indeed, prior to receipt of the Steele Reports, the FBI had drafted a FISA application on Page that FBI OGC determined lacked sufficient probable cause.⁵⁰² Within two days of their eventual receipt by Crossfire Hurricane investigators, however, information from four of the Steele Reports was being used to buttress the probable cause in the initial draft FISA application targeting Page.^{503 504} Yet even prior to the initial application, the Page case agent, Case Agent-1, recognized that the FBI’s reliance on the uncorroborated and unvetted Steele Reports could be problematic.

Indeed, on September 27, 2016, Case Agent-1 exchanged the following FBI Lync messages with another employee assisting with Crossfire Hurricane (“Support Operations Specialist-1”):

Support Operations Specialist-1:	Hopefully [Steele] can get more detailed info though
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⁴⁹⁹ *Id.* at xiv.

⁵⁰⁰ *Redacted OIG Review* at 413; *see also id.* at xiii.

⁵⁰¹ When asked during his HPSCI testimony whether the initial Page FISA had sufficient probable cause without the Steele Report information, McCabe stated, “Let me be clear. I don’t want to rely on implication. My position is that anything less than the package that went to the FISA court would not have been enough. We put in that information that we thought was necessary.” U.S. House of Representatives Permanent Select Cmte. On Intelligence Interview of Andrew McCabe on Dec. 19, 2017 at 109.

⁵⁰² In her interview with the Office, FBI OGC Unit Chief-1 described the probable cause without the Steele reporting as a “close call.” OSC Report of Interview of FBI OGC Unit Chief-1 on August 29, 2019 at 6-7. FBI OGC Unit Chief-1 informed the OIG that the Steele reporting “pushed it over.” OIG Interview of FBI OGC Unit Chief-1 on June 1, 2018 at 83.

⁵⁰³ FBI-EMAIL-385532 (Email from Case Agent-1 to FBI OGC Unit Chief-1 & Clinesmith dated 9/21/16) (stating that Case Agent-1 had “repackaged the information from the Rome Source [Steele] and put it in the application.”)

⁵⁰⁴ David Laufman, the then-Chief of the Department’s Counterespionage and Export Control Section, referred to the FISA targeting Page as “predicated on [the] [Steele] reporting.” DOJ-NSD-00060564 (Notes of David Laufman dated 3/27/2017).

Case Agent-1:	Yeah, exactly. Dates, times, etc, would be key
Support Operations Specialist-1:	Yeah – it just goes down to how confident we are in that reporting
Support Operations Specialist-1:	There aren't a WHOLE lot of details in it
Case Agent-1:	haha, true.
Support Operations Specialist-1:	Which is just what worries me a bit
Support Operations Specialist-1:	Hopefully the sources sub-sources are legit
Support Operations Specialist-1:	They seem legit based on past reporting
Case Agent-1:	Yeah, no kidding. What was strange was that [British Intelligence Services] don't seem to want to deal with the guy.
Support Operations Specialist-1:	But there aren't many specifics in this reporting that couldn't be expanded on from open source
Case Agent-1:	Not sure why.
Support Operations Specialist-1:	Yeah that's weird too
Support Operations Specialist-1:	If he has the sub-source network that he claims to have (and the reporting suggests), you would think they'd be interested in him.
Support Operations Specialist-1:	Though, maybe these are newly developed since he went to [British Intelligence Services]?
Case Agent-1:	Yeah that's the weird thing. [Handling Agent-1] said it was the OC angle and that they're not too interested, but that still seems odd
Case Agent-1:	<i>Who knows. We may have to take a calculated risk with the reporting, if we're pressed for time.</i> ⁵⁰⁵

This exchange between Case Agent-1 and Support Operations Specialist-1 underscores the fact that Case Agent-1, the principal contributor of the factual information contained in the

⁵⁰⁵ FBI-AAA-EC-00008439 (Lync message exchange between Case Agent-1 and Support Operations Specialist-1 dated 09-27-2016) (capitalization in original; emphasis added).

request for the initial Page FISA application, had clearly recognized issues with using the Steele Report information due to the uncorroborated nature of the allegations and the lack of insight into the reliability of Steele's sub-sources. Indeed, an experienced counterintelligence agent like Case Agent-1 was no doubt aware of the need to evaluate the credibility and reliability of human source information.

The OI attorney who was responsible for preparing the initial FISA application ("OI Attorney-1"), recalled being constantly pressured to advance the FISA and FBI executive management being invoked as the reason for the pressure.⁵⁰⁶ OI Attorney-1 advised the Office that FBI OGC attorney Kevin Clinesmith informed him that Director Comey "wants to know what's going on," and that Deputy Director McCabe asked who the FBI needed to speak with at DOJ "to get this going."⁵⁰⁷ McCabe confirmed this basic push by the FBI and Comey when he was interviewed by the OIG investigators. McCabe told the interviewers that there was a lot of back-and-forth between the Crossfire Hurricane investigators and OI regarding "[w]hen are we going to get it? When are we going to get it?" and that Comey repeatedly asked him "where is the FISA, where is the FISA? What's the status with the, with the Page FISA?" McCabe noted that the FISA was something McCabe definitely knew Comey wanted.⁵⁰⁸

This recollection also is consistent with email traffic and other FBI records in which the inclination on the part of Department personnel to move cautiously and FBI executives to move quickly are made clear. For example, on October 12, 2016, a meeting took place involving AD Priestap, DAD Strzok, FBI OGC Unit Chief-1 and the Deputy Director's Special Assistant Lisa Page. Page's notes from the meeting reflect that Deputy Assistant Attorney General Evans had spoken with Strzok the night before and raised concerns about the proposed FISA. Page's notes show the following:

- Lots of Qs re source's motivation re reliability/bias. Hired to do opp. Research, tasked network of subsources.
- Don't know who his sub-source is, who their sub-sources are.
- FISA bad idea from policy perspective.
- Email out the [unreadable] hacked email to [Steele] re talking to the FBI.⁵⁰⁹

FBI OGC Unit Chief-1's notes from the same meeting reflect that Evans was concerned that "[Steele] may have been hired by the Clinton campaign or the DNC. . . ."⁵¹⁰

That same day, at 7:13 p.m., FBI OGC Unit Chief-1 emailed OGC attorneys Trisha Anderson and Clinesmith to advise them that, "We raised Stu's concerns to the D[irector] and D[eputy] D[irector] at the 130, and they are supportive if [sic] moving forward despite his

⁵⁰⁶ OSC Report of Interview of OI Attorney-1 on July 1, 2020 at 5.

⁵⁰⁷ *Id.*

⁵⁰⁸ OIG Interview of Andrew McCabe on Aug. 15, 2019 at 208-09. McCabe, through his counsel, did not agree to be interviewed by the Office even after we offered to narrow the scope of subjects to be asked about.

⁵⁰⁹ FBI-LP-00000111 (Handwritten notes of Lisa Page dated 10/12/16).

⁵¹⁰ E2018002-A-002016 (Handwritten notes of FBI OGC Unit Chief-1 dated 10/12/16).

concerns. I just talked to Lisa, and she had reached out to Stu and will inform the DD. We're close to losing our operational window."⁵¹¹

Over the next few days, Department and FBI personnel continued to exchange information on questions and needed clarifications in the draft application. On October 18th, Strzok emailed FBI OGC Unit Chief-1 and Clinesmith and asked, "How significant were Bakers [sic] changes back when he reviewed? If the DAG and we (investigative team) are good with the current draft, we need to ram this through. Thanks. I hate these cases."⁵¹² FBI OGC Unit Chief-1 responded shortly thereafter:

Just talked to Lisa. Baker had a bunch if [sic] comments, but they were not directed to issue Stu's now made a bug [sic] deal about. I think if the investigative team is good with the facts and the DAG is good with the PC, then Andy [McCabe] should push (regardless of Baker's comments.)⁵¹³

The FISC approved the surveillance three days later, on October 21st.

NYFO Case Agent-1, the counterintelligence agent who led the NYFO investigation of Page, was never contacted by the Crossfire Hurricane investigators prior to the submission of the initial Page FISA application.⁵¹⁴ When interviewed by the Office, NYFO Case Agent-1 noted that the NYFO viewed Page as someone "we need[ed] to watch" due to the Russians contacting Page, but she and others were never overly concerned about Page being an intelligence officer for the Russians.⁵¹⁵ At no time during the course of her investigation did NYFO Case Agent-1 consider pursuing a FISA on Page.⁵¹⁶ NYFO Case Agent-1 later read the Page FISA applications and recalled seeing some aspects of her investigation referenced. NYFO Case Agent-1 felt the language used to link Page to the Russians was "a little strong."⁵¹⁷ Nevertheless, NYFO Case Agent-1 assumed the Crossfire Hurricane investigation had uncovered additional information linking Page to the Russians.⁵¹⁸ In fact, the additional information contained in the initial Page FISA application was largely taken from the Steele Reports and carefully selected portions of consensual recordings with an FBI CHS as described below. In retrospect, NYFO Case Agent-1 viewed the Page investigation as a "waste of money."⁵¹⁹

⁵¹¹ FBI-EMAIL-488872 (Email from FBI OGC Unit Chief-1 to Anderson & Clinesmith dated 10/12/16).

⁵¹² FBI-EMAIL-483856 (Email from FBI OGC Unit Chief-1 to Strzok, Clinesmith dated 10/18/2016)

⁵¹³ *Id.* At the time, James Baker was the General Counsel of the FBI and FBI OGC Unit Chief-1's boss.

⁵¹⁴ OSC Report of Interview of NYFO Case Agent-1 on Sept. 5, 2019 at 3.

⁵¹⁵ *Id.* at 2.

⁵¹⁶ *Id.*

⁵¹⁷ *Id.* at 4.

⁵¹⁸ *See id.*

⁵¹⁹ *Id.*

ii. *The Page FISA application renewals*

In late January 2017, Supervisory Special Agent-1 transferred back to WFO.⁵²⁰ Supervisory Special Agent-1 was replaced in that position by an experienced counterintelligence agent assigned to WFO (“Supervisory Special Agent-3”).⁵²¹ In his interview with the Office, Supervisory Special Agent-3 stated that, upon arriving at FBI Headquarters, DAD Jennifer Boone informed him that his primary tasking was to renew the Page FISA application.⁵²² Despite this tasking, Supervisory Special Agent-3 stated that his investigators did not feel connected to the Page investigation and were excluded from the flow of information and decision-making process, an investigation that, according to Supervisory Special Agent-3, was still managed by the “Triumvirate of control” of the Crossfire Hurricane investigation, namely, Strzok, Auten, and Section Chief Moffa.⁵²³ For example, during the course of their time on Crossfire Hurricane, neither Supervisory Special Agent-3 nor Special Agent-1, an investigator working for Supervisory Special Agent-3, knew that Page had previously served as a source for another government agency.⁵²⁴ When Special Agent-1 eventually learned this information, he stated that he “felt like a fool.”⁵²⁵ Special Agent-1 also recalled that Supervisory Special Agent-3 would often rhetorically ask his investigators, “what are we even doing here.”⁵²⁶

Moreover, based on their review of the case file and the lack of evidence obtained from the FISA surveillance, neither Supervisory Special Agent-3 nor his investigators believed that Page was a threat to national security or a witting agent of the Russian government.⁵²⁷ Special Agent-1 and another agent working for Supervisory Special Agent-3, (“Supervisory Special Agent-2”) shared Supervisory Special Agent-3’s conclusion that Page was not a witting agent of the Russian government.⁵²⁸ Special Agent-1 went as far to say that the surveillance on Page was a “dry hole.”⁵²⁹ Nonetheless, Special Agent-1 “assumed” that “somebody above them” possessed important information – unknown to the investigators – that guided the Crossfire Hurricane decision-making.⁵³⁰ When Supervisory Special Agent-3 informed DAD Boone of his

⁵²⁰ OSC Report of Interview of Supervisory Special Agent-3 on March 18, 2021 at 1.

⁵²¹ *Id.*

⁵²² *Id.* at 2.

⁵²³ *Id.*

⁵²⁴ OSC Report of Interview of Special Agent-1 on March 21, 2021 at 3; OSC Report of Interview of Supervisory Special Agent-3 on March 18, 2021 at 5.

⁵²⁵ OSC Report of Interview of Special Agent-1 on March 21, 2021 at 3.

⁵²⁶ *Id.* at 2.

⁵²⁷ OSC Report of Interview of Supervisory Special Agent-3 on March 18, 2021 at 2, 5.

⁵²⁸ OSC Report of Interview of Special Agent-1 on March 21, 2021 at 2; OSC Report of Interview of Supervisory Special Agent-2 on May 5, 2021 at 1.

⁵²⁹ OSC Report of Interview of Special Agent-1 on March 21, 2021 at 2.

⁵³⁰ *Id.*

team's assessment, he was largely ignored and directed to continue the FISA renewal process.⁵³¹ It was Supervisory Special Agent-3's opinion that Boone was being directed by FBI executive management to continue the FISA surveillance.⁵³² When interviewed by the Office, Boone did not recall Supervisory Special Agent-3 voicing concerns about the Page FISA, and stated that, if he had, she would have elevated those concerns to AD Bill Priestap.⁵³³ Boone did state, however, that it was not the normal course of business to have the "7th floor" (FBI executive management) intimately involved in an investigation and very unusual to have an investigation run from FBI Headquarters.

Boone did not know why the 7th floor was so involved in this case nor did she know who from the 7th floor was the ultimate decision maker regarding Crossfire Hurricane.⁵³⁴ Boone did not have direct communication with Deputy Director McCabe, but she understood that McCabe was heavily involved in all aspects of the investigation.⁵³⁵ Her sense was that Priestap was not in charge and had to get approvals from the 7th floor.⁵³⁶ On a few occasions, Boone "ran ideas" by Priestap and never heard back from him.⁵³⁷ Boone recalled occasions when, during Crossfire Hurricane, Priestap would direct field offices to open cases on particular targets associated with the Trump campaign and the field offices would push back due to insufficient predication.⁵³⁸ During one meeting, Boone and her investigators presented a "Russia Strategy" to Priestap. Boone could sense that Priestap was visibly upset by their strategy and walked out of the meeting.⁵³⁹

Supervisory Special Agent-2 signed all three renewals of the Page FISA application.⁵⁴⁰ When interviewed by the Office, Supervisory Special Agent-2 stated that, after the initial FISA surveillance of Page, the investigators had "low confidence" that Page was a witting agent of the Russian government.⁵⁴¹ In fact, at the time of the third renewal, Supervisory Special Agent-2 stated that the probability of Page being a witting agent was "very low."⁵⁴² Nevertheless, Supervisory Special Agent-2 signed the final renewal because, in his opinion, it was incumbent

⁵³¹ Supervisory Special Agent-3 stated that he developed a sense of "helplessness" and was "powerless" to influence the course of the investigation. OSC Report of Interview of Supervisory Special Agent-3 on March 18, 2021 at 1-2, 4.

⁵³² *Id.* at 4.

⁵³³ OSC Report of Interview of Jennifer Boone on July 9, 2021 at 2.

⁵³⁴ *Id.*

⁵³⁵ *Id.*

⁵³⁶ *Id.*

⁵³⁷ *Id.*

⁵³⁸ *Id.*

⁵³⁹ *Id.*

⁵⁴⁰ OSC Report of Interview of Supervisory Special Agent-2 on May 5, 2021 at 1.

⁵⁴¹ *Id.*

⁵⁴² *Id.* at 2.

on the FBI to exhaust all resources to ensure that Page was not a Russian intelligence officer.⁵⁴³ In essence, it appears that Supervisory Special Agent-2 saw the final renewal of the Page FISA as a “belt and suspenders” approach to confirm that Page was not a Russian agent. For his part, Supervisory Special Agent-3 told us that he would not have signed the renewal affidavits if he had been the agent responsible for certifying the accuracy of the government’s assertions.⁵⁴⁴ The approach taken by Supervisory Special Agent-2, an experienced agent, is concerning. A U.S. person is an agent of a foreign power if there is probable cause to believe that the person is knowingly engaged in clandestine intelligence activities on behalf of a foreign power, or knowingly helping another person in such activities.⁵⁴⁵ That is an affirmative determination. FISA surveillance must be used for the purposes and in the ways specified in the statute rather than to prove that someone is not an agent of a foreign power.

iii. *What the FBI knew from its intelligence collections as of early 2017*

As the record reflects, as of early 2017, the FBI still did not possess any intelligence showing that anyone associated with the Trump campaign was in contact with Russian intelligence officers during the campaign. Indeed, based on declassified documents from early 2017, the FBI’s own records show that reports published by *The New York Times* in February and March 2017 concerning what four unnamed current and former U.S. intelligence officials claimed about Trump campaign personnel being in touch with any Russian intelligence officers was untrue.⁵⁴⁶ These unidentified sources reportedly stated that (i) U.S. law enforcement and intelligence agencies intercepted communications of members of Trump’s campaign and other Trump associates that showed repeated contacts with senior Russian intelligence officials in the year before the election; (ii) former Trump campaign chairman Paul Manafort had been one of the individuals picked up on the intercepted “calls;” and (iii) the intercepted communications between Trump associates and Russians had been initially captured by the NSA.

However, official FBI documentation reflects that all three of these highly concerning claims of Trump-related contacts with Russian intelligence were untrue. Indeed, in a contemporaneous critique of the *Times* article prepared by Peter Strzok, who was steeped in the details of Crossfire Hurricane, all three of the above-referenced allegations were explicitly refuted.⁵⁴⁷ Strzok’s evaluation of the allegations included the following:

- The FBI had not seen any evidence of any individuals affiliated with the Trump team in contact with Russian intelligence officers. He characterized this allegation as misleading and inaccurate as written. He noted that there had been some individuals in contact with Russians, both governmental and non-governmental, but none of

⁵⁴³ *Id.*

⁵⁴⁴ OSC Report of Interview of Supervisory Special Agent-3 on March 18, 2021 at 3.

⁵⁴⁵ See 50 U.S.C. § 1801(b)(2)(A), (b)(2)(B), & (b)(2)(E).

⁵⁴⁶ SENATE-FISA2020-001163 to 001167 (Annotated version of Michael Schmidt, Mark Mazzetti & Matt Apuzzo, *Trump Campaign Aides Had Repeated Contacts With Russian Intelligence*, N.Y. Times (Feb. 14, 2017)).

⁵⁴⁷ *Id.*

these individuals had an affiliation with Russian intelligence. He also noted previous contact between Carter Page and a Russian intelligence officer, but this contact did not occur during Page's association with the Trump campaign.

- The FBI had no information in its holdings, nor had it received any such information from other members of the Intelligence Community, that Paul Manafort had been a party to a call with any Russian government official. Strzok noted that the Intelligence Community had not provided the FBI with any such information even though the FBI had advised certain agencies of its interest in anything they might hold or collect regarding Manafort.⁵⁴⁸
- Regarding the allegation that the NSA initially captured these communications between Trump campaign officials and Trump associates and the Russians, Strzok repeated that if such communications had been collected by the NSA, the FBI was not aware of that fact.

In a second article published by the *Times* on March 1, 2017, bearing the headline, "Obama Administration Rushed to Preserve Intelligence of Russian Election Hacking," allegations were made that U.S. allies, including two named countries, had provided information describing meetings in European cities between Russian officials and other Russians close to Russian President Putin and associates of Trump. The article also repeated the assertions set forth in its February 14, 2017 article. Again, a review of official FBI documentation shows that Strzok had reviewed and refuted these additional allegations in a second critique.⁵⁴⁹ With respect to the March 1, 2017 allegations, Strzok noted that no such information had been received from one of the named countries and that the only information received from the second named country, which was received in response to a specific request from the FBI, related to a woman of Russian descent purportedly having been in contact with former Trump National Security Advisor Michael Flynn. In this second critique, Strzok further noted that with respect to the information provided to the *Times* by the four unnamed former and current officials, the FBI (approximately three weeks after it was first reported) continued to be unaware of any information, other than that provided by Christopher Steele in his dossier reports, alleging contacts between Trump associates and senior Russian intelligence officials.

Thus, the FBI had no intelligence about Trump or others associated with the Trump campaign being in contact with Russian intelligence officers during the campaign at least as of early 2017.

Moreover, significant intelligence information that first became available for the FBI to review in 2018 showed that the Russians had access to sensitive U.S. government information years earlier that would have allowed them to identify Steele's subsources. Indeed, an experienced FBI analyst assessed that as a result of their access to the information, Steele's subsources could have been compromised by the Russians at a point in time prior to the date of

⁵⁴⁸ *Id.* at 001164.

⁵⁴⁹ FBI-EMAIL-428172 (Annotated version of article titled *Obama Administration Rushed to Preserve Intelligence of Russian Election Hacking*, N.Y. Times (Mar. 1, 2017)).

the first Steele dossier report.⁵⁵⁰ The review team initially briefed Counterintelligence and Cyber executive management about their findings during a conference call. Following the call, while driving home, Headquarters Analyst-3 was called by Acting Section Chief-2. Acting Section Chief-2 told Headquarters Analyst-3 that they appreciated the team's work, but no more memorandums were to be written.⁵⁵¹ A meeting was then held with Assistant Director Priestap and others. During that meeting, the review team was told to be careful about what they were writing down because issues relating to Steele were under intense scrutiny.⁵⁵² Two weeks later, the Deputy Assistant Director for Counterintelligence, Dina Corsi, met with the review team and directed them not to document any recommendations, context, or analysis in the memorandum they were preparing. The instructions, which Headquarters Analyst-3 described as "highly unusual,"⁵⁵³ concerned the team because analysis is what analysts do. Although the team did not fully adhere to that instruction because of the need to provide context to the team's findings, they did tone down their conclusions in the final memorandum.⁵⁵⁴ Headquarters Analyst-3 recalled that a separate briefing on the review was eventually provided by the team in the Deputy Director's conference room, although Headquarters Analyst-3 could not recall if Deputy Director David Bowdich attended the briefing. Headquarters Analyst-3 did know that Bowdich was aware of the review itself.⁵⁵⁵

In this same regard, for a period of time, an FBI OGC attorney ("OGC Attorney-1") was part of the review team and was present for the meeting with Corsi. He confirmed that the team was told not to write any more memoranda or analytical pieces and to provide their findings orally.⁵⁵⁶ OGC Attorney-1 remembered being shocked by the directive from Corsi.⁵⁵⁷ OGC Attorney-1's recollection was that Corsi was speaking for FBI leadership, but that she did not say exactly who provided the directive. OGC Attorney-1 advised the Office that what Corsi said was not right in any circumstance, and it was the most inappropriate operational or professional statement he had ever heard at the FBI.⁵⁵⁸ OGC Attorney-1 stated that the directive from Corsi was "really, really shocking" to him and that he was "appalled" by it. As a result of the incident,

⁵⁵⁰ OSC Report of Interview of Headquarters Analyst-3 on Dec. 2, 2021 at 1; OSC Report of Interview of Headquarters Analyst-3 on Feb. 19, 2020 at 1.

⁵⁵¹ OSC Report of Interview of Headquarters Analyst-3 on Feb. 19, 2020 at 1.

⁵⁵² *Id.*

⁵⁵³ OSC Report of Interview of Headquarters Analyst-3 on Dec. 2, 2021 at 1. Headquarters Analyst-3 was so concerned about the failure to fully exploit the materials involving Steele subsorce information (and the possible need to bring information already exploited to the attention of the FISC) that she raised her concerns about the FBI's lack of action in an email to her supervisor in the hope of having the issues explored further. *See* FBI-0009265 (Email from Headquarters Analyst-3 to FBI employees dated 10/17/2018).

⁵⁵⁴ OSC Report of Interview of Headquarters Analyst-3 on Dec. 2, 2021 at 1.

⁵⁵⁵ *Id.* at 3.

⁵⁵⁶ OSC Report of Interview of OGC Attorney-1 on June 30, 2021 at 3.

⁵⁵⁷ *Id.*

⁵⁵⁸ *Id.* at 3-4.

he ended up walking away from further participation in the review. OGC Attorney-1 said he felt guilty about leaving, but he felt he had to do it.⁵⁵⁹ The record thus reflects that at the time the FBI opened Crossfire Hurricane on July 31, 2016, as noted above in the *SSCI Report*, the Russians already knew about Steele's election investigation,⁵⁶⁰ and there is reason to believe that even earlier in time they had access to other highly sensitive information from which the identities of Steele's sources could have been compromised.⁵⁶¹

Finally, in May 2017, about a month before the submission of the last Page FISA renewal application, Strzok was debating whether to join Special Counsel Mueller's investigation. He texted that he was hesitating about joining, "in part, because of my gut sense and concern there's no big there there."⁵⁶² Although the "there" does not appear to have been explicitly identified, it may well have been a reference to the Russia – Trump collusion investigation.⁵⁶³ In any event, and more generally, the OIG found that, "as the investigation progressed and more information tended to undermine or weaken the assertions in the FISA applications," the FBI "did not reassess the information supporting probable cause."⁵⁶⁴

b. The "Steele dossier"

i. *Christopher Steele – FBI Confidential Human Source*

Beginning in 2010, Christopher Steele started providing information to the FBI on a range of subjects including, but not limited to, Russian oligarchs and corruption in international soccer competition. Steele had been introduced to his eventual FBI CHS handler ("Handling Agent-1") by former DOJ official Bruce Ohr.⁵⁶⁵ In 2013, the FBI formally opened Steele as an FBI CHS,⁵⁶⁶ and Handling Agent-1 would serve as Steele's primary handler over the course of his service as an FBI source. Steele would eventually be closed as an FBI source in November 2016 for disclosing his status as a CHS while providing information to the media regarding his work with Fusion GPS on behalf of the Clinton campaign and the DNC against Trump.⁵⁶⁷

⁵⁵⁹ *Id.*; see also OSC Report of Interview of Headquarters Analyst-3 on Dec. 2, 2021 at 1.

⁵⁶⁰ See *supra* footnotes 252 and 253.

⁵⁶¹ OSC Report of Interview of Headquarters Analyst-3 on Dec. 2, 2021 at 1-2; OSC Report of Interview of OGC Attorney-1 on June 30, 2021 at 2.

⁵⁶² U.S. House of Representatives Committee on the Judiciary Interview of Lisa Page on July 13, 2018 at 113.

⁵⁶³ See *id.* at 113-16 (discussion between Lisa Page and Congressman Ratcliffe as to whether Strzok "had a concern that there was no big there there regarding any collusion . . . between the Trump campaign and Russia"); see also *id.* at 155-56 (discussion of same text from Strzok).

⁵⁶⁴ *Redacted OIG Review* at 413.

⁵⁶⁵ OSC Report of Interview of Handling Agent-1 on July 2, 2019 at 1.

⁵⁶⁶ FBI-0000127 (Source Opening Communication dated 10/30/2013).

⁵⁶⁷ FBI-0000237 (Source Closing Communication dated 11/17/2016).

Nevertheless, the FBI – using Department official Bruce Ohr as a conduit – continued to receive information from Steele despite his closure as a CHS.⁵⁶⁸

ii. *The FBI first received the Steele Reports in July 2016*

In July 2016, Handling Agent-1 was serving as the FBI's Assistant Legal Attaché ("ALAT") in Rome, Italy. In early July 2016, Steele contacted Handling Agent-1 and requested an urgent meeting at Steele's office in London.⁵⁶⁹ On July 5, 2016, Handling Agent-1 met with Steele in London and Steele provided him with Report 2016/080 dated June 20, 2016.⁵⁷⁰ This Report detailed, among other things, salacious information about Donald Trump's alleged sexual activities during trips to Moscow and details of how the Kremlin purportedly had been "feeding" information to Trump's campaign regarding his political rivals.⁵⁷¹ Steele informed Handling Agent-1 that he (Steele) had been hired by Fusion GPS to collect information on Trump, including Trump's relationship with the Kremlin and various business dealings with Russia.⁵⁷² Steele told Handling Agent-1 that Fusion GPS had been hired by a law firm and that his ultimate client was "senior Democrats" supporting Clinton.⁵⁷³ Handling Agent-1's notes of this meeting reflect that "HC" was aware of his (Steele's) reporting.⁵⁷⁴ During an interview with the Office, Handling Agent-1 was shown a copy of his notes from the July 5, 2016 meeting. As previously noted, while Handling Agent-1 did not have an independent recollection of Steele explicitly stating that "HC" referred to Hillary Clinton, he could think of no other individual – in that context – to whom "HC" could possibly refer.⁵⁷⁵

Steele claimed that prior to his July 5, 2016 meeting with Handling Agent-1, he and Chris Burrows, his co-principal at Orbis, had decided that the information collected by Steele had significant national security implications and therefore should be provided to the FBI and Fusion GPS principal Glenn Simpson agreed.⁵⁷⁶ At the July 5, 2016 meeting, Steele informed Handling

⁵⁶⁸ The Source Closing report indicates that Steele was closed as a CHS for disclosing his confidential relationship with the FBI. *Id.*

⁵⁶⁹ OSC Report of Interview of Handling Agent-1 on July 2, 2019 at 2.

⁵⁷⁰ Steele Source File at A-022 ("July 5 rpt"); OIG Interview of Handling Agent-1 on Aug. 30, 2018 at 152-158.

⁵⁷¹ SCO-105084 (Documents Known to the FBI Comprising the "Steele Dossier") at 2-4, (Company Intelligence Report 2016/080).

⁵⁷² OSC Report of Interview of Handling Agent-1 on July 2, 2019 at 2.

⁵⁷³ U.S. House of Representatives Permanent Select Cmte. On Intelligence Interview of Handling Agent-1 on Dec. 20, 2017 at 24-25; OIG interview of Christopher Steele on June 5 and 6, 2019 at 26.

⁵⁷⁴ Handwritten notes of Handling Agent-1 at 4 (July 5, 2016).

⁵⁷⁵ OSC Report of Interview of Handling Agent-1 on Mar. 1, 2022 at 2.

⁵⁷⁶ *OIG Review* at 95. Simpson told the HPSCI, however, that he did not approve of the disclosure beforehand. U.S. House of Representatives Permanent Select Cmte. On Intelligence Interview of Glenn Simpson on Nov. 14, 2017 at 61-62.

Agent-1 that he was working on additional reports for Fusion GPS.⁵⁷⁷ As discussed in detail below, following this meeting, Handling Agent-1 contacted NYFO ASAC-1 at the NYFO for guidance about the information Steele had provided.⁵⁷⁸

In his interviews with the Office, Handling Agent-1 stated his initial reaction to Steele's reporting was disbelief.⁵⁷⁹ Handling Agent-1 knew that Steele possessed strong feelings against the Russians and their threat to the world, and Steele felt that the possibility of a Trump-compromised presidency would pose a global problem.⁵⁸⁰ Furthermore, Steele explained to Handling Agent-1 that the information was gathered at the request of Simpson who was working with an unidentified law firm in the United States for the purpose of acquiring information on Trump and his activities in Russia.⁵⁸¹ In his HPSCI testimony, Handling Agent-1 told the committee that he assumed Steele's tasking was "politically motivated."⁵⁸² Notwithstanding his skepticism about the reporting, Handling Agent-1 deemed the allegations to be something he could not arbitrarily discount, particularly since Steele was his CHS and someone in whom he had faith.⁵⁸³

On July 19, 2016, Steele sent Handling Agent-1 an additional Report (2016/94) detailing, among other things, an alleged meeting that Trump campaign foreign policy advisor Carter Page had in July 2016 with Igor Sechin, Chairman of Russian energy conglomerate Rosneft, and another such meeting with Igor Divyekin, a senior official in the Russian Presidential Administration. This Report alleged details of (i) Page's conversations with Sechin regarding the lifting of U.S. sanctions, and (ii) Page's conversations with Divyekin about Russia being in possession of compromising information on both candidates Trump and Clinton.⁵⁸⁴ On July 28, 2016, Handling Agent-1 forwarded Steele Reports 2016/080 and 2016/94 to NYFO ASAC-1.⁵⁸⁵ These Reports – including four additional reports subsequently received by Handling Agent-1 from Steele – only reached the Crossfire Hurricane investigators at FBI Headquarters on September 19, 2016.⁵⁸⁶

⁵⁷⁷ OIG Interview of Christopher Steele on June 5 and 6, 2019 at 7.

⁵⁷⁸ OSC Report of Interview of Handling Agent-1 on July 2, 2019 at 2.

⁵⁷⁹ *Id.*

⁵⁸⁰ *Id.* at 1.

⁵⁸¹ *Id.* at 2.

⁵⁸² U.S. House of Representatives Permanent Select Cmte. On Intelligence Interview of Handling Agent-1 on Dec. 20, 2017 at 25.

⁵⁸³ *Id.*

⁵⁸⁴ SCO-105084 (Documents Known to the FBI Comprising the "Steele Dossier") at 8 (Company Intelligence Report 2016/94).

⁵⁸⁵ FBI-EMAIL-130305 (Email from Handling Agent-1 to NYFO ASAC-1 dated 07/28/2016).

⁵⁸⁶ FBI-EMAIL-129902 (Email from Handling Agent-1 to Supervisory Special Agent-1 on 09/19/2016); FBI-EMAIL-129908 (Email from Handling Agent-1 to Supervisory Special Agent-1 dated 09/19/2016).

iii. *The delay in the FBI's transmission of the Steele Reports to the Crossfire Hurricane investigators*

The Office endeavored to account for the nearly 75 days between when Handling Agent-1 received the initial report from Steele in London and when the reports ultimately were passed to the Crossfire Hurricane team at FBI Headquarters. As discussed more fully below, these issues remain unresolved, and the Office has not received a satisfactory explanation that would account for the unwarranted delay.

The FBI possessed the earliest Steele reporting claiming Russian efforts to assist the Trump campaign more than three weeks prior to the receipt of the information provided by the Australian diplomats concerning George Papadopoulos and the opening of the Crossfire Hurricane investigation on July 31, 2016. The Office's investigation has revealed that – taken in its most favorable light to the FBI – the initial reports provided by Steele to Handling Agent-1 in London on July 5, 2016, and then later in July 2016, met an inexplicable FBI bureaucratic delay. As a consequence, the Reports were not disseminated in a manner that would have allowed experienced FBI counterintelligence experts an early opportunity to examine the reports and subject them to appropriate analysis and scrutiny. The failure to act resulted in a gap in time of approximately 75 days from when Steele initially shared his first report with the FBI on July 5, 2016, and September 19, 2016, when the Crossfire Hurricane investigators appear to have first received six of the Steele Reports. Despite the lack of any corroboration of the Reports' sensational allegations, however, in short order portions of four of the Reports were included in the initial Carter Page FISA application without any further verification or corroboration of the allegations contained therein.

Due to conflicting recollections of those involved, significant gaps exist in our understanding of how and why this delay occurred in analyzing Steele's Reports. As discussed above, after meeting Steele in London on July 5, 2016, Handling Agent-1 returned to Rome with Steele's first report (Report 2016/080). Handling Agent-1 told the Office that he informed his immediate supervisor, ("Italy Legat-1"), about the Steele reporting, which led to a conversation about what to do with the Report.⁵⁸⁷ Handling Agent-1 informed Italy Legat-1 that he intended to contact trusted colleagues in the NYFO for advice.⁵⁸⁸

In his interview with the OIG, Steele stated that he re-contacted Handling Agent-1 approximately one-week after their initial meeting on July 5, 2016, to inquire if Handling Agent-1 was interested in receiving additional reports that Steele had prepared.⁵⁸⁹ Thereafter, Steele emailed Handling Agent-1 his second Report (2016/94).

On July 13, 2016, one week after receiving the initial Steele Report in London, Handling Agent-1 spoke with NYFO ASAC-1 to inform him of the reporting and to ask for guidance.⁵⁹⁰

⁵⁸⁷ OSC Report of Interview of Handling Agent-1 on July 2, 2019 at 2.

⁵⁸⁸ The NYFO was Handling Agent-1's former office of assignment.

⁵⁸⁹ OIG Interview of Christopher Steele on June 5 and 6, 2019 at 8.

⁵⁹⁰ FBI-AAA-EC-00001529 (Lync message exchange between Handling Agent-1 and NYFO ASAC-1 dated 07/13/2016).

During that call, Handling Agent-1 summarized his July 5th meeting with Steele and Report 2016/080.⁵⁹¹

NYFO ASAC-1 told the Office that he was unsure of what to do about the Steele Report, but that he verbally informed both his NYFO Supervisor, Criminal SAC Michael Harpster, and NYFO Chief Division Counsel-1, of the Steele reporting and requested their guidance.⁵⁹² NYFO ASAC-1 believed that by informing SAC Harpster he was effectively placing the information in the right hands.⁵⁹³ According to NYFO ASAC-1, NYFO Chief Division Counsel-1 assigned an Assistant Division Counsel (“NYFO Assistant Division Counsel-1”) to handle the matter.⁵⁹⁴

No follow up activity appears to have occurred between the NYFO and Handling Agent-1 until NYFO ASAC-1 called Handling Agent-1 on July 28, 2016, at which time he asked Handling Agent-1 to send the Steele Reports to him.⁵⁹⁵ NYFO ASAC-1 could not recall the reason for the two-week delay between his July 13th and July 28th calls with Handling Agent-1.⁵⁹⁶ For his part, Handling Agent-1 recalled that in the July 28th call, NYFO ASAC-1 advised him that FBI leadership, including an FBI Headquarters official at the Executive Assistant Director (“EAD”) level, was now aware of the existence of the reports.⁵⁹⁷ That same day, Handling Agent-1 forwarded to NYFO ASAC-1 Steele Reports 2016/080 and 2016/94.

A few hours after receiving the reports, NYFO ASAC-1 forwarded them to SAC Michael Harpster.⁵⁹⁸ Harpster initially told the Office that he recalled receiving the Reports from NYFO ASAC-1, but did not read them in order to avoid taint issues with respect to the Clinton Foundation matter that he was overseeing.⁵⁹⁹ Harpster recalled, however, that he immediately forwarded the Reports to his supervisor, Assistant Director-in-Charge (“ADIC”) Diego Rodriguez.⁶⁰⁰ Harpster told the Office that he had no other involvement with the Steele Reports after he provided them to Rodriguez, and, further, that he could not recall speaking with anyone

⁵⁹¹ OSC Report of Interview of Handling Agent-1 on July 2, 2019 at 2.

⁵⁹² OSC Report of Interview of NYFO ASAC-1 on July 2, 2019 at 1-2.

⁵⁹³ *Id.* at 1.

⁵⁹⁴ *Id.*

⁵⁹⁵ FBI-AAA-EC-00001529 (Lync message exchange between Handling Agent-1 and NYFO ASAC-1 dated 07/28/2016); OSC Report of Interview of Handling Agent-1 on July 2, 2019 at 2.

⁵⁹⁶ OSC Report of Interview of NYFO ASAC-1 on July 2, 2019 at 2.

⁵⁹⁷ OSC Report of Interview of Handling Agent-1 on July 2, 2019 at 2; U.S. House of Representatives Permanent Select Cmte. on Intelligence Interview of Handling Agent-1 on Dec. 20, 2017 at 31 (but in that interview Handling Agent-1 thought NYFO ASAC-1 told him this during a follow-up call on either July 31, 2016 or Aug. 1, 2016).

⁵⁹⁸ FBI-EMAIL-135629 (Email from NYFO ASAC-1 to Harpster dated 07/28/2016).

⁵⁹⁹ OSC Report of Interview of Michael Harpster on July 3, 2019.

⁶⁰⁰ *Id.* Harpster noted that he did not believe the Steele Reports were appropriately sent to him, but rather that they should have been handled by the FBI’s International Operations Division which has responsibility for the activities and intelligence involving the FBI’s Legal Attaché offices.