

Russia's annexation of Crimea and influenced changes to the Republican Party's platform on providing weapons to Ukraine.

We found that, other than this information from Report 95, the FBI's investigation did not reveal any information to demonstrate that Carter Page had any involvement with the Republican Platform Committee. We further found that, even after the FBI identified the individuals who were involved with influencing the Republican Platform change on Ukraine (which did not include Page), the FBI never altered their assessment. The FBI also did not include in any subsequent Carter Page FISA applications information that contradicted the assertion that Carter Page was involved with the Republican Platform Committee's provision on Ukraine, nor did OI provide such information at any time to the FISC.

As discussed in Chapter Ten, in October 2016, Carter Page met with an FBI CHS and, two days later, pertinent statements from that meeting were sent to Case Agent 1, SSA 1, and other agents and analysts on the Crossfire Hurricane team. The excerpts included statements Page made to the CHS about the platform committee during the Republican National Convention. Page told the CHS that he "stayed clear of that—there was a lot of conspiracy theories that I was one of them...[but] totally off the record...members of our team were working on that, and...in retrospect it's way better off that I...remained at arms length."

Case Agent 1 told the OIG that he did not believe Carter Page's statements on the platform issue were "that specific" and said that Page "minimized" and "vacillated on some things." SSA 1 told us he did not recall why Page's denial that he participated in the Republican Platform Committee was not included in the first FISA application. Before FISA Renewal Application No. 1, which was filed in January 2017, the OI Attorney did receive the documents containing Page's October 2016 denials. Yet, the information about the meeting remained unchanged in the renewal applications. The OI Attorney told us that he did not recall the circumstances surrounding this, but he acknowledged that he should have updated the descriptions in the renewal applications to include Page's denials.

Subsequently, an FBI November 30, 2016 Intelligence Memorandum titled "The Trump Campaign and US-Russia-Ukraine Policy—A Quick Overview," stated:

During a RNC platform sub-committee meeting, Diana Denman, a platform committee member, attempted to insert amendment language calling for the United States to "provide lethal defensive weapons to the Ukrainian government," adding that the Ukraine [sic] was presently "fighting a [Russian-backed] separatist insurrection." In response to Denman's amendment, two Trump campaign members—one of whom was Jeff [JD] Gordon—approached the sub-committee co-chairman and asked for the amendment to be set aside. Denman's amendment was subsequently tabled, and the Trump staffers instead convinced the platform subcommittee to change the language from "lethal defensive weapons" to calling for "appropriate assistance."

The Intelligence Memorandum did not identify or reference Carter Page as the second individual involved, or state that he was involved in any capacity in the platform change. Case Agent 1 said he did not recall reading the November 30 Intelligence Memorandum but said that, at that time, the team was still trying to determine if there was any information connecting Carter Page to the platform change. Case Agent 1 told us that although the FBI did not know who from the Trump campaign approved Carter Page's trip to Moscow prior to the Republican Convention, and the platform change was made shortly after Page returned from his trip to Russia, the belief was that Page was involved in the platform change and the team was hoping to find evidence of that in their review of the FISA collections of Page's email accounts.

Additionally, as described in Chapter Six and earlier in this chapter, in January 2017, Steele's Primary Sub-source provided the FBI with information that was inconsistent with the information Steele reported from Person 1 (Source E in Report 95), including the reporting that Page was involved in the Republican Platform Committee changes on Ukraine. Indeed, the Primary Sub-source made no reference to discussing the Republican Platform Committee or Ukraine provision with Person 1.

Further, on March 16, 2017, Case Agent 1 and Case Agent 6 interviewed Carter Page and asked him about his activities at the 2016 Republican National Convention. Carter Page told them he had no part in the decision by the Platform Committee to omit the reference to "lethal assistance" involving Ukraine, but that he supported the omission of the reference. Page said he learned of the policy change upon receiving an email from Gordon dated July 14, 2016, to himself, Papadopoulos, and four members of the campaign foreign policy team. The email, which Page provided to the FBI during the interview, stated, in part:

I hope you had a chance to read some of the press coverage over Platform [sic]. We are proud to say it is the strongest pro-Israel policy statement in the history of the Republican Party. We are also pleased to say we defeated red line amendments like providing lethal assistance to Ukraine.

That same day, Carter Page replied to this email, "Fantastic, J.D. thanks a lot for the useful insights and context. As for the Ukrainian amendment, excellent work."

Case Agent 6 sent this email to members of the Crossfire Hurricane investigative team, including SSA 2. The OI Unit Chief told us that he did not recall specifically seeing this email but said that if the FBI had any information suggesting Carter Page might not have been involved with the Republican platform, then it should have been discussed with OI.

Renewal Application Nos. 2 and 3 included Carter Page's denials about his involvement in the Republican Platform Committee's changes on assistance to Ukraine from the March 16 interview with the FBI. After including these denials in the applications, the renewal applications stated that,

As the FBI believes that Page also holds pro-Russian views and appears to still have been a member of Candidate #1's [Trump's] campaign in August 2016, the FBI assesses that Page may have been downplaying his role in advocating for the change to Political Party #1's [Republican] platform.

We observed among the NSD's Counterintelligence and Export Control Section (CES) records an April 2017 version of an investigation outline CES prepared and periodically updated reflecting that Carter Page received an email from Gordon in July 2016 about the platform change and that the email "suggests Page was not involved in the decision." Also included in the CES outline were Page's denials to the FBI. Former CES Chief David Laufman told us that, at that time, the FBI was at an "investigative dead end" with respect to Page and the platform issue with no new evidence emerging. During his OIG interview, we provided Laufman with the July 2016 email that Carter Page provided to FBI agents during his March 16 interview. After reviewing the email, Laufman told us that he would reword the reference in the CES outline stating that the email "suggests Page was not involved in the decision to" instead read: "there's no indication in the email that Page was involved."

An FBI March 20, 2017 Intelligence Memorandum titled "Overview of Trump Campaign Advisor Jeff D. [J.D.] Gordon" again attributed the change in the Republican Platform Committee's Ukraine provision to Gordon and an unnamed campaign staffer. The updated memorandum did not include any reference to Carter Page working with Gordon or communicating with the Republican Platform Committee. On May 5, 2017, the Counterintelligence Division updated this Intelligence Memorandum to include open source reporting on the intervention of Trump campaign members during the Republican platform discussions at the Convention to include Gordon's public comments on his role. This memorandum still made no reference to involvement by Carter Page with the Republican Platform Committee or with the provision on Ukraine.

On June 7, 2017, the FBI interviewed a Republican Platform Committee member. This interview occurred three weeks before Renewal Application No. 3 was filed. According to the FBI FD-302 documenting the interview, this individual told the FBI that J.D. Gordon was the Trump campaign official that flagged the Ukrainian amendment, and that another person (not Carter Page) was the second campaign staffer present at the July 11 meeting of the National Security and Defense Platform Subcommittee meeting when the issue was tabled.

Although the FBI did not develop any information that Carter Page was involved in the Republican Platform Committee's change regarding assistance to Ukraine, and the FBI developed evidence that Gordon and another campaign official were responsible for the change, the FBI did not alter its assessment of Page's involvement in the FISA applications. Case Agent 6 told us that when Carter Page denied any involvement with the Republican Platform Committee's provision on Ukraine, Case Agent 6 "did not take that statement at face value." He told us that at the time of the renewals, he did not believe Carter Page's denial and it was the team's "belief" that Carter Page had been involved with the platform change. We

asked Case Agent 6 if the FBI had any information to support its continued assessment that Carter Page was involved in the Republican Platform Committee's provision on Ukraine, and he provided no further information.

In the next chapter, we discuss the interactions career Department attorney Bruce Ohr had with the Crossfire Hurricane team, the information he provided to the team regarding his interactions with Steele and Glenn Simpson, and the work Ohr's wife performed for Fusion GPS. We also describe Ohr's actions following the 2016 elections relating to the investigation of Paul Manafort.

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## **CHAPTER NINE**

### **DEPARTMENT ATTORNEY BRUCE OHR'S ACTIVITIES DURING THE CROSSFIRE HURRICANE INVESTIGATION**

In this chapter, we describe Department attorney Bruce Ohr's activities during the Crossfire Hurricane investigation, primarily relating to his interactions with Christopher Steele. Ohr was an Associate Deputy Attorney General (ADAG) in the Office of the Deputy Attorney General (ODAG) and the Director of the Organized Crime and Drug Enforcement Task Force (OCDETF) at the time of the Crossfire Hurricane investigation, and was personally acquainted with Steele and Fusion GPS co-founder Glenn Simpson. In addition, Ohr's wife Nellie Ohr was employed as an independent contractor by Fusion GPS. During 2016 and 2017, Ohr received information from Steele and Simpson describing alleged links between the Russian government and the Donald J. Trump campaign and suggesting that the Russian government had leverage over Trump. Ohr provided the information he received from Steele and Simpson to the FBI, which had already received much, but not all, of the same information through its direct contact with Steele. Ohr did not advise any of his supervisors in ODAG about his contacts with Steele and Simpson, about his wife's work for Fusion GPS, or about his acting as a conduit of this information to the FBI, until ODAG leadership confronted Ohr about his activities in late 2017.

We also describe in this chapter Ohr's and several other Department attorneys' activities before and after the November 2016 elections relating to the Department's then ongoing criminal money laundering investigation of Paul Manafort.

#### **I. Bruce Ohr's Background**

##### **A. Department Positions and Responsibilities**

Bruce Ohr joined the Department on January 31, 1991, as an Assistant U.S. Attorney (AUSA) in the U.S. Attorney's Office for the Southern District of New York (SDNY). Ohr remained with SDNY until 1999 when he transferred to the Department's Criminal Division (CRM) in Washington, D.C., as Chief of the Organized Crime and Racketeering Section (OCRS). Ohr told the OIG that as Chief of OCRS, he tried to develop the Department's capacity for fighting transnational organized crime and that this was when he began tracking Russian organized crime.

In 2011, Ohr became Counsel for Transnational Organized Crime and International Affairs to the Assistant Attorney General in CRM and worked primarily for CRM Deputy Assistant Attorney General Bruce Swartz. According to Ohr, in that position he focused on policy issues relating to transnational organized crime and had no prosecutorial responsibilities. He stated that he was often the Department's "public face" at conferences and was sometimes approached by individuals who provided information about transnational organized crime.

In November 2014, Ohr became an ADAG in ODAG and the Director of OCDETF, a Senior Executive Service-level (SES) position. Ohr reported to the Principal Associate Deputy Attorney General (PADAG) and the Deputy Attorney General (DAG) in both of these positions. Ohr stated that as OCDETF Director, he oversaw OCDETF in its "mission...to coordinate organized crime and primarily drug investigations across the different parts of the U.S. government." He said OCDETF is responsible for aspects of the national drug and organized crime policies and provides funding for agents and prosecutors working on drug and organized crime cases. OCDETF is not an operational entity and does not direct prosecutorial actions in any cases. Ohr told us that when he became the OCDETF Director, then DAG Jim Cole expressed his desire for Ohr to expand OCDETF's mission to include transnational organized crime matters. He said that, as a result, he continued working on transnational organized crime policy and, in order to maintain awareness, tracked Russian organized crime issues.

As an ADAG, Ohr also served as Director of the Attorney General's Organized Crime Council, as the Department's Liaison to the Office of National Drug Control Policy, and as a member of the Attorney General's Capital Case Committee. He also assisted with implementing portions of the 2017 Executive Order on Transnational Organized Crime and developing a Transnational Organized Crime initiative.

Throughout his tenure in the Department, Ohr has been a career employee and not a political appointee.

## **B. Ohr's Relationship with Steele and Glenn Simpson**

### **1. Ohr's Relationship with Steele from 2007 to March 2016**

Ohr stated that he met Christopher Steele in late 2007 during meetings with an allied country's government officials.<sup>406</sup> He said that after the meetings, he met Steele for lunch and spoke about the threat of Russian organized crime. Ohr stated that after Steele left government service, Steele set up a private investigations firm and remained in contact with Ohr. Ohr told us that he and Steele spoke "probably less than once a year" and that he would see Steele for social visits, such as breakfast or lunch, if Steele visited Washington, D.C. He described his relationship with Steele as being "primarily professional," but also "friendly" because they shared with each other information about their families. Steele likewise told us that he and Ohr were personal friends and that he would see Ohr whenever he was in Washington, D.C., which was about once or twice a year.

Ohr stated that Steele provided him reports that Steele prepared for his clients, which Steele thought the U.S. government might find interesting. He told

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<sup>406</sup> Steele told us he recalled meeting Ohr in 2008 while he was visiting a U.S. government agency, and his contact at that agency arranged for him to meet Ohr.

us that he initially did nothing with the information he received from Steele because it was general and not directly useful for an investigation.

Ohr said he introduced Steele to Handling Agent 1 so that Steele could provide information directly to the FBI in approximately spring 2010.<sup>407</sup> He told us that he “pushed” to make Steele an FBI Confidential Human Source (CHS) because Steele’s information was valuable. Ohr also said that it was “not efficient” for him to pass Steele’s information to the FBI and he preferred having Steele work directly with an FBI agent. According to Steele, Ohr and Handling Agent 1 coordinated over a period of time with Steele to set up his relationship with the FBI.

Ohr’s contact with Steele did not end after Steele formalized his relationship with Handling Agent 1 and the FBI.<sup>408</sup> Ohr met or talked with Steele multiple times from 2014 through fall 2016, and on occasion those in-person meetings or video calls included Handling Agent 1. Ohr told us that he viewed meeting with Steele as part of his job because he needed to maintain awareness of Russian organized crime activities and Steele knew Russian organized crime trends better than anyone else. He said he knew Steele was also speaking to Handling Agent 1 at this time because Steele would say that he provided the same information to Handling Agent 1. Handling Agent 1 told us that he knew Steele and Ohr were in contact and talked about issues “at a higher policy level,” but stated that he did not know anything further regarding their interactions.

Ohr and Steele also communicated frequently over the years regarding Russian Oligarch 1, including in 2016 during the time period before and after Steele was closed as an FBI CHS.<sup>409</sup> Steele told us his communications with Ohr concerning Russian Oligarch 1 were the result of an outreach effort started in 2014 with Ohr and Handling Agent 1, to approach oligarchs about cooperating with the U.S. government. Ohr confirmed that he and Handling Agent 1 asked Steele to contact Russian oligarchs for this purpose. This effort resulted in Ohr meeting with Russian Oligarch 1 and an FBI agent in September 2015.

## **2. Ohr’s Relationship with Simpson**

Ohr told the OIG that he could not recall how he first met Fusion GPS co-founder Glenn Simpson.<sup>410</sup> He estimated that he saw Simpson less than ten times over several years. According to Ohr, Simpson usually reached out to him to

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<sup>407</sup> Ohr stated that he met Handling Agent 1 when he was with SDNY and remained in contact with him through 2017. As described in Chapter Four, Steele stated he recalled meeting Handling Agent 1 when he was with Ohr at a European seminar on Russian related issues in June 2009.

<sup>408</sup> Ohr stated that he talked to other individuals he met through his job duties over the years and discussed Russian organized crime whenever the opportunity arose. He told us that he spoke with Steele more often than other individuals because Steele contacted him more frequently. Ohr also stated that Steele was the only contact that he introduced to the FBI.

<sup>409</sup> The United States imposed sanctions on Russian Oligarch 1 and his business interests, including his Russian company, for his links to senior Russian government officials, suspected criminal activities, and ties to Russian organized crime.

<sup>410</sup> As noted in Chapter One, Simpson declined our request for an interview.



provide information about Russian organized crime figures. Ohr stated that most of Simpson's past information was not actionable, so he did not do anything with it and did not try to introduce Simpson to the FBI. However, as described below, Ohr told us that when Simpson provided names in 2016 of possible intermediaries between Russia and the Trump campaign, he wanted to introduce Simpson to the FBI, but thought Simpson seemed reluctant and did not do so.

### **C. Nellie Ohr's Relationship with Steele and Work for Fusion GPS**

Nellie Ohr, Bruce Ohr's wife, told the OIG that she met Steele in 2009 through her husband, and that she recalled meeting him two more times—sometime after 2014 and then at the July 30, 2016 breakfast meeting discussed later in this chapter. She stated that she knew of Steele's interest in Russian oligarchs and understood him to be a Russia analyst. She described his relationship with her husband as a "professional associate" and considered them to be friendly, but not friends.

Nellie Ohr, who has a doctorate in Russian history and is fluent in Russian, told us that she contacted Simpson in October 2015 to ask for a job with Fusion GPS. She stated that she was familiar with Simpson from reading published newspaper articles he wrote relating to Russian criminal activity. She said that she was hired by Fusion GPS as an independent contractor shortly thereafter. According to Nellie Ohr, she worked remotely from home for Fusion GPS, conducting online open source research. Bruce Ohr told us that he did not play any role in Nellie Ohr's hiring by Fusion GPS.

Nellie Ohr stated that while working for Fusion GPS, she initially conducted online, open source research about a Russian company suspected of human trafficking. She told us that, after her first project, Fusion GPS tasked her to research then candidate Trump and his Russian business associates, which involved searching Russian and other foreign language websites and databases and providing periodic reports detailing her findings. Nellie Ohr stated that she was not told who was funding this project and did not know that Steele was also working for Fusion GPS until July 2016. She said that she stopped working for Fusion GPS on September 24, 2016, when she began a full-time job elsewhere.

## **II. Ohr's Communications with Steele, Simpson, and the FBI in 2016 and 2017**

This section details Ohr's communications in 2016 and 2017 with Steele and Simpson regarding alleged Russian connections with Trump or persons associated with the Trump campaign, Ohr's meetings with FBI personnel concerning the information he received from Steele and Simpson, and the FBI's internal communications regarding Ohr.

**A. Ohr's 2016 Contacts with Steele and Simpson Regarding Russian Issues**

**1. Ohr's July 30, 2016 Meeting with Steele**

On Saturday, July 30, 2016, at Steele's invitation, Ohr and Nellie Ohr had breakfast with Steele and an associate in Washington, D.C. Nellie Ohr told us she initially thought it was going to be a social brunch, but came to understand that Steele wanted to share his current Russia reporting with Ohr. According to Steele, he intended the gathering to be a social brunch, but Ohr asked him what he was working on. Steele told us that he told Ohr about his work related to Russian interference with the election. Ohr told us that, among other things, Steele discussed Carter Page's travel to Russia and interactions with Russian officials. He also said that Steele told Ohr that Russian Oligarch 1's attorney was gathering evidence that Paul Manafort stole money from Russian Oligarch 1. Ohr also stated that Steele told him that Russian officials were claiming to have Trump "over a barrel." According to Ohr, Steele mentioned that he provided two reports concerning these topics to Handling Agent 1 and that Simpson, who owned Fusion GPS, had all of Steele's reports relating to the election. Steele did not provide Ohr with copies of any of these reports at this time. Later that evening, Steele wrote to Ohr asking to "keep in touch on the substantive issues" and advised Ohr that Simpson was available to speak with him.<sup>411</sup>

Ohr told the OIG that he did not know before the breakfast that Steele was working with Nellie Ohr's then employer, Fusion GPS, and did not know whether Steele was aware of Nellie Ohr's employment with Fusion GPS. However, Nellie Ohr told us that Steele made a comment during the breakfast indicating to her that he knew about her connection to Fusion GPS and that Simpson was "okay" with Steele talking to her and Ohr. Steele told us he knew Nellie Ohr was working for Fusion GPS, but he did not know she was doing work related to his project—Russian interference with the 2016 U.S. elections.

Ohr stated that because Nellie Ohr was unaware of Steele's information and had never been involved in similar situations, he became uncomfortable during the breakfast and spoke to Steele privately. Ohr said that he did not discuss "the details of the cases that [he was] working on" with Nellie Ohr. He said he explained to Steele that he did not want Nellie Ohr involved and that he made sure that she was not present for any future conversations he had with Steele. Steele told us that Ohr advised him not to discuss his reporting in front of Nellie Ohr.

Ohr said that he knew the information Steele provided to him was opposition research, but did not know who was paying for it. He told us that it was "clear" to him, due to the nature of the research, that Steele and Simpson were hired by a private party "somehow related to the Clinton campaign." He said he also surmised that Steele thought that by giving the information to Ohr, the U.S. government would do "something." Nellie Ohr similarly stated that she understood from the

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<sup>411</sup> Ohr memorialized each of his meetings with Steele and Simpson with detailed notes about what they told him.

meeting that Steele hoped Ohr would speak with the FBI regarding the information concerning then candidate Trump.

Steele later told the FBI that, prior to the 2016 elections, he provided information to Ohr and was "pushing Ohr to do something about the [election] reports."

Following the July 30 breakfast, Ohr reached out to officials in the FBI and the Department about the information Steele had provided, but did not discuss this information with the DAG or anyone in ODAG. On August 3, 2016, Ohr emailed Handling Agent 1 asking to speak to him. Handling Agent 1 told us he talked with Ohr, who asked him if he had seen Steele's election reports and whether the FBI was doing anything with them. Handling Agent 1 stated that he told Ohr that an executive assistant director at FBI Headquarters and executive management in the New York Field Office (NYFO) knew about Steele's reporting and were addressing it.<sup>412</sup>

Ohr told us that because the information provided by Steele on July 30 was "scary" and he was unsure what to do with it, he also reached out to CRM Deputy Assistant Attorney General Bruce Swartz. According to Ohr's calendar, he met with Swartz on August 4, and both Ohr and Swartz told us that Ohr provided Swartz with specific details of what Steele had told Ohr on July 30.

Swartz told us that he did not tell his immediate supervisor, CRM Assistant Attorney General Leslie Caldwell (who was a political appointee), or any other senior Department political appointees that Ohr was meeting with Steele or the FBI because he did not want to politicize Steele's information by providing it to political appointees.

We asked Ohr whether he contemporaneously sought any ethics guidance regarding any of the events connected with Steele, Simpson, and Nellie Ohr. Ohr stated that he did not recall considering at the time whether the connections between Nellie Ohr's employment and his receipt of information from Steele and Simpson presented any ethics issues, nor did he recall contacting an ethics official for advice. Ohr stated it was possible he did not seek ethics advice because he did not want to "spread" the information around the Department before it was evaluated.<sup>413</sup>

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<sup>412</sup> Chapter Four details Handling Agent 1's actions once he received the election reports from Steele, including how the reports made their way to FBI Headquarters and, eventually, to the Crossfire Hurricane team. Handling Agent 1 also told us that, in October 2016, he advised the members of the Crossfire Hurricane team who came to Europe to interview Steele about his August 2016 conversation with Ohr. Handling Agent 1 stated that they did not appear to be surprised by the information, so he assumed the team knew about Ohr's involvement with Steele. However, when we interviewed the Crossfire Hurricane team members, none of them recalled Handling Agent 1 telling them about Ohr.

<sup>413</sup> Ohr told us that although he did not seek any ethics advice concerning his wife's presence at the July 30, 2016 breakfast, he ensured that Nellie Ohr was not present for any future conversations with Steele.

## **2. Ohr's August 22, 2016 Meeting with Simpson**

On August 22, 2016, Simpson emailed Ohr requesting that Ohr call him. Later that same day, at Simpson's request, Ohr met with Simpson, and Simpson provided Ohr with the names of three individuals who Simpson thought were potential intermediaries between Russia and the Trump campaign.<sup>414</sup> The three names are included in notes that Ohr told us he wrote on the same day as his meeting with Simpson. According to these notes, one of the three names provided by Simpson was one of the sub-sources in Steele's election reports, who we reference as Person 1 in previous chapters. Another of the names was Carter Page's "[b]usiness partner" who was an "[a]lleged" Russian intelligence officer and "the 'brains' behind [Carter] Page's company—Global Energy Capital." Ohr stated that he was uncomfortable receiving this information from Simpson and did not recall Simpson asking him to do anything with it.

Ohr told the OIG that he was troubled by Simpson's information. He stated that he could not remember when or how he provided Simpson's information to the FBI, but would have likely contacted Handling Agent 1 or the FBI's Transnational Organized Crime-East (TOC-East) Section Chief. Emails indicate that Ohr and Handling Agent 1 spoke on August 24, 2016, but neither of them could recall what they discussed.<sup>415</sup>

On September 12, 2016, Ohr and Handling Agent 1 exchanged emails referencing Steele. In one email, Handling Agent 1 informed Ohr that an FBI team was looking into Steele's information. In response, Ohr asked Handling Agent 1 to let him know who to contact with additional information. Handling Agent 1 told us that he did not reply to Ohr's question, and we did not find a response.

## **3. Ohr's September 23, 2016 Meeting with Steele**

On September 23, 2016, at Steele's request, Steele met with Ohr in Washington, D.C. Ohr told us they spoke about various topics related to Russia, including information regarding Russian Oligarch 1's willingness to talk with the U.S. government about Manafort. Ohr said that Steele identified the person who was funding Fusion GPS's opposition research; however, according to Ohr, he did not recognize the name and could not remember it long enough to write it down after the meeting. Ohr also said that he and Steele also discussed allegations that an Alfa Bank server in the United States was a link between Russia and the Trump campaign; that Person 1's Russian/American organization in the United States had

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<sup>414</sup> On November 14, 2017, Simpson testified before the House Permanent Select Committee on Intelligence. During his testimony, Simpson told the Committee that he did not meet with Ohr prior to the November 2016 presidential election. He stated further that he met with Ohr one time after Thanksgiving 2016. See *Interview of Glenn Simpson Before the Executive Session of the H. Perm. Select Comm. On Intelligence*, 115th Cong. 78 (November 14, 2017) (hereinafter *HPSCI Interview of Glenn Simpson*).

<sup>415</sup> Department emails indicate that Ohr first spoke with the TOC-East Section Chief regarding Steele and Simpson's information in October 2016, which we discuss below.

used the Alfa Bank server earlier in September; and that an individual working with Carter Page was a Russian intelligence officer.

According to Steele, he and Ohr also discussed Steele's concerns that if Trump won the election, Steele's source network may be in jeopardy. Steele said that a new FBI Director and new agency heads appointed by Trump would have a higher degree of loyalty to the new President, and could decide to take action against Steele and his source network. Steele told us that Ohr explained that the FBI Director had a 10-year term and could not be removed from the position by the President, so information about Steele's source network should be protected.<sup>416</sup> According to Steele, he also asked Ohr about why it appeared from the news that the U.S. government was not addressing his election reporting. Steele said that Ohr told him that the Hatch Act made it a criminal offense for a federal official to make a public statement to the detriment or benefit of a candidate within 90 days of an election.<sup>417</sup> When we asked Ohr about this, he told us he did not recall talking to Steele about either of these concerns.

Ohr did not recall whether he provided anyone with the information he received from Steele at this meeting, but stated that he might have spoken to Swartz and Handling Agent 1 about it. Swartz told us that Ohr provided him with specific information at the time regarding Steele's reporting, but he could not recall the specific information when interviewed by the OIG. Handling Agent 1 told us he did not recall discussing these topics with Ohr.

#### **4. Ohr's Early October 2016 Activities Regarding Steele's Information**

Sometime prior to October 13, 2016, Ohr talked to the FBI's TOC-East Section Chief about Steele's information, but Ohr could not recall what he told him. The TOC-East Section Chief recalled Ohr mentioning Steele to him starting in mid-2016, but stated that he could not specifically recall the information Ohr relayed concerning Steele's election reporting.<sup>418</sup>

In an October 13, 2016 email, the TOC-East Section Chief told Ohr that counterintelligence agents had traveled to a European city and spoken with Handling Agent 1. Ohr responded that he had additional information to share,

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<sup>416</sup> This statement concerning the FBI Director's term is incorrect. The President has the authority to remove the FBI Director prior to the expiration of the 10-year term. See Pub. L. No. 94-503, § 203, 90 Stat. 2407 (1976); 5 U.S.C. § 532 notes.

<sup>417</sup> The Hatch Act does not address this issue. Rather, among other things, it prohibits federal employees from participating in certain political activities on and off duty. Section 7323(a)(1) provides that "an employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election." 5 U.S.C. § 7323(a)(1); 5 C.F.R. §§ 734, 734.401(a)(2), 734.407, 734.411.

<sup>418</sup> The TOC-East Section Chief noted that while it was odd to have a high-level Department official in contact with Russian oligarchs, it did not surprise him that Ohr would be approached by individuals, such as Steele, who wanted to talk to the U.S. government. The TOC-East Section Chief said that it would be "outside [of Ohr's] lane" to continue the relationship with these potential sources after their introduction to the FBI.

specifically names of possible intermediaries, and asked if the counterintelligence agents had an interest in receiving this information. We did not find a response to Ohr's email and the TOC-East Section Chief did not recall providing a name to Ohr, but the TOC-East Section Chief said he likely passed the email to a relevant point of contact who could follow up with Ohr.

#### **5. Ohr's October 18-19, 2016 Communications with Steele and Meeting with McCabe and Lisa Page**

Early in the morning of October 18, 2016, Steele emailed Ohr, stating "I have something quite urgent I would like to discuss with you, preferably by [video call] (even before work if you can)." Records reflect that Steele and Ohr spoke around 7:00 a.m. Later that morning, Steele wrote Ohr an email referring to U.S. sanctions on the Russian company controlled by Russian Oligarch 1. In the email, Steele referenced their earlier video call and stated that Russian Oligarch 1's attorney wanted Ohr to receive the information. Ohr told us he could not recall what he talked with Steele about that morning, or what the urgent issue was, but based on this email, he said he believed they likely discussed Russian Oligarch 1. Likewise, Steele said he could not recall the topic of the call, but after reviewing the follow-up email, he said he assumed that the conversation included information about Russian Oligarch 1.

Records reflect that shortly after the video call between Ohr and Steele, Ohr called then Deputy Director Andrew McCabe and made a calendar entry indicating a meeting with McCabe for later that day. Ohr told us he set up the meeting to share Steele's and Simpson's information with McCabe. He told us that he contacted McCabe because Ohr had previously worked with McCabe on issues associated with Russian Oligarch 1 and Russian organized crime. Ohr explained that when Ohr was an AUSA in the SDNY, McCabe was leading the Russian organized crime squad at the NYFO. Ohr also stated that he wanted to ensure McCabe knew about Steele's information and assumed McCabe would provide the information to the right people in the FBI.

We asked Ohr if Steele had asked Ohr to meet with the FBI in order to provide the information that Steele had shared with Ohr. Ohr said that he did not think so. We asked Ohr what prompted him to seek a meeting at that time with McCabe, if it was not at Steele's request. He responded that he recalled being concerned sometime between his August conversations with Handling Agent 1 and his later conversation with the TOC-East Section Chief that NYFO was not talking to FBI Headquarters about Steele's reports. Ohr stated that he wanted to meet with McCabe to ensure that McCabe knew about Steele's information and then McCabe could direct it to the right place within the FBI. We asked Ohr why the TOC-East Section Chief's October 13 email advising Ohr that counterintelligence agents were examining Steele's allegations did not alleviate his concern. He responded that he could not recall.

Ohr met with McCabe during the afternoon of October 18, 2016.<sup>419</sup> Ohr told us that he recalled only meeting with McCabe once concerning Steele's information. McCabe's Special Counsel Lisa Page was also present. Ohr told us that he informed McCabe and Lisa Page about his background with Steele and the reporting Steele provided to him. He stated that he told them that Steele and Simpson were hired by a private party to provide opposition research, but said he could not recall whether he specifically mentioned the Clinton campaign. Ohr thought he also shared with them that Steele and Simpson were communicating with others and that their information was generated for a political client and not for the U.S. government. Although Ohr told us that he believed Steele and Simpson were communicating with the media, he said he could not recall whether he specifically mentioned that to McCabe and Lisa Page.

Ohr said that he also told McCabe and Lisa Page that Nellie Ohr had worked for Fusion GPS (by the date of this meeting, Nellie Ohr was no longer working for Fusion GPS). He said he did so because the information he was providing to McCabe and Lisa Page came from Fusion GPS and Steele and that they needed to consider any possible bias. Ohr told us that this was "another reason [for the FBI] to be cautious" when assessing the information's credibility. According to Ohr, he understood from his meeting with McCabe and Lisa Page that he should contact the FBI if Steele contacted him again. Ohr stated that neither McCabe nor Lisa Page discussed the Crossfire Hurricane investigation with him during the meeting.

McCabe told us that he recalled meeting with Ohr in fall 2016. He did not remember Ohr calling him to set up the meeting or how it came to be scheduled.<sup>420</sup> He said that the Crossfire Hurricane team previously told him that Ohr knew Steele and that it was not until the meeting that he better understood Ohr's connection to Steele. McCabe stated that he could not recall specific details from the meeting with Ohr, but believed that the October 18, 2016 notes by Lisa Page and Deputy Assistant Director (DAD) Peter Strzok (as detailed below) accurately captured the meeting's details.

Lisa Page told us she attended the meeting, but did not recall Ohr conveying much substantive information. She stated that in general, Ohr told McCabe that Steele had information he wanted to provide to the FBI. Lisa Page's notes from the meeting show that Ohr discussed Steele, provided Steele's previous employment background, talked about issues concerning Russian Oligarch 1, and indicated that Simpson provided Ohr with names of intermediaries between the Kremlin and the

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<sup>419</sup> Ohr testified on August 28, 2018, before the House Committees on the Judiciary and on Government Reform and Oversight. He told the committee members that he met with McCabe shortly after his July 30, 2016 meeting with Steele. Based on the documentary evidence, including Ohr's calendar entry and Lisa Page's handwritten notes, along with Ohr's testimony that he met with McCabe a single time, we believe that Ohr met with McCabe on October 18, 2016. We asked Ohr about the date of his meeting with McCabe in light of the documentary evidence. He told us that he did not recall exactly when he contacted McCabe.

<sup>420</sup> McCabe said that he and Ohr first met in 2003, when McCabe was assigned to NYFO's Eurasian Organized Crime Task Force and Ohr was Chief of OCRS. According to McCabe, the two spoke periodically between 2003 and 2016 regarding Russian Oligarch 1.

Trump campaign. Lisa Page also wrote that Ohr met with Russian Oligarch 1 the previous year and "Need report?"

We also reviewed Strzok's notes dated October 18 that detail information concerning Ohr. Strzok told us he believed either Lisa Page or McCabe provided the information to him. In addition to the information contained in Lisa Page's notes, Strzok's notes also stated: "Bruce's wife fluent Russian speaker," "Simpson hired Ohr's wife to find connections," and "She saw no connections [at] first." Additionally, we reviewed Assistant Director E.W. "Bill" Priestap's notes, which reflect an entry dated October 19 that states: "DOJ Bruce [Ohr]—Steele is providing reporting to a variety of people." Priestap told us that he did not recall who told him or how he learned this information.

Steele and Ohr spoke on October 19 at Ohr's request. Ohr and Steele both told us that they could not recall what they spoke about, but Ohr claimed that he did not advise Steele or Simpson that he met with McCabe and Lisa Page.

#### **6. Ohr's November 2016 Communications with the FBI and State Department Regarding Steele**

As described in Chapter Six, Handling Agent 1 determined that Steele should be closed as a CHS on November 1, 2016, following the October 31 publication of the *Mother Jones* article.<sup>421</sup> Handling Agent 1 told us that he spoke with Ohr that same day and recommended to Ohr that he read the article. According to Handling Agent 1, as a courtesy, he told Ohr that he was not engaging with Steele anymore, warned Ohr to be careful when dealing with Steele, and said that Steele could not be trusted.

Ohr said that he did not recall whether Handling Agent 1 informed him that Steele was closed as a CHS during the November 1 telephone call, but remembered Handling Agent 1 telling him that he would no longer be working with Steele because Steele spoke to the press. Ohr told the OIG that he was not surprised that Steele talked to the press because he knew that Steele and Simpson were collecting the information for political purposes and that they had previously talked to others about it. According to Ohr, his understanding was that Steele was not collecting the information for the U.S. government, so he was not functioning as an FBI source.

Handling Agent 1 met with Ohr 1 week later in Washington, D.C. According to Handling Agent 1, Ohr apologized for introducing him to Steele and said that he had not realized the impact of the *Mother Jones* article.<sup>422</sup> Ohr told us that he

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<sup>421</sup> Handling Agent 1 told us that he informed Steele on November 1, 2016, that it was unlikely the FBI would continue a relationship with him and that Steele must cease collecting information for the FBI. Handling Agent 1 completed a Source Closing Communication document on November 17, 2016, stating that Steele had been closed for cause on November 1, 2016.

<sup>422</sup> Handling Agent 1 told us that Ohr also commented to him at this meeting that Nellie Ohr worked at Fusion GPS. Handling Agent 1 stated he never met Nellie Ohr and did not learn her name until the media publicized the Ohrs' involvement.



recalled meeting Handling Agent 1 and discussing the FBI's closure of Steele as a CHS. He also said that Handling Agent 1 told him that the FBI wanted to interview Ohr about his contacts with Steele.<sup>423</sup>

On the morning of November 21, 2016, at the State Department's request, Ohr met with Deputy Assistant Secretary Kathleen Kavalec and several other senior State Department officials regarding State Department efforts to investigate Russian influence in foreign elections and how the Department of Justice might assist those efforts. During a break in this meeting, Ohr and Kavalec discussed together Kavalec's interactions with Steele. Ohr told us that he could not recall how he discovered that Kavalec knew Steele or how he and Kavalec began discussing Steele. Ohr also stated that he recalled meeting with Kavalec on more than one occasion because Ohr was interested in obtaining relevant information about Steele from Kavalec so that he could share it with the FBI's Crossfire Hurricane team.<sup>424</sup> We asked Ohr if he provided Kavalec with any of the information Steele or Simpson shared with him during these conversations. He said that he could not recall.

Kavalec told us that she could not recall the specifics of her conversations with Ohr regarding Steele. She stated that, just before or after the November 21, 2016 meeting, she asked Ohr if he knew Steele. Kavalec said that she generally shared with Ohr the information that Steele had provided, and she said Ohr appeared to be aware of it already. She told us that Ohr responded that Steele's information was "kind of crazy...kind of wild...quite a tale." She told us that she provided this information to Ohr believing that he would pass it along to whoever needed it. Kavalec said that she did not specifically ask Ohr to do anything with the information and did not expect to receive any feedback from Ohr.

Later on November 21, 2016, in a meeting previously arranged by Lisa Page at Strzok's request, Ohr met with Lisa Page, Strzok, SSA 1, the Office of the General Counsel (OGC) Unit Chief, and the Chief of the Counterintelligence Division's (CD) Counterintelligence Analysis Section I (Intel Section Chief). Strzok, the OGC Unit Chief, SSA 1, and the Intel Section Chief told us the purpose of the meeting was to better understand Steele's background and reliability as a source and to identify his source network.

Notes taken by meeting participants indicate that Ohr shared the following information:

- Ohr thought Steele had "great expertise" concerning Russia;

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<sup>423</sup> Ohr is mentioned in Strzok's notes in connection with a November 9, 2016 Crossfire Hurricane team meeting, but Strzok could not tell us what his handwritten notes said, nor could he recall the conversation.

<sup>424</sup> Ohr stated that obtaining information from Kavalec was not part of his Department responsibilities, and even though he had previously provided her name to individuals who were part of the Crossfire Hurricane team, he actively sought information from her because he thought it could be important to whatever investigation the FBI was conducting about Russian interference in the 2016 U.S. elections.

- Steele wrote well-sourced reports using a variety of sub-sources that he wrote for other purposes and shared with the FBI;
- Steele had participated in past efforts to connect Ohr to Russian oligarchs through intermediaries;
- Simpson hired Steele to research Trump and hired Nellie Ohr to perform open source research on Trump;
- Ohr met with Simpson in August 2016 and Simpson provided Ohr with the names of three “potential conduits” of information between Russia and the Trump campaign;<sup>425</sup>
- Steele’s reporting was shared by Simpson with “a lot of people” including the Clinton campaign and the Department of State;<sup>426</sup>
- Steele was “desperate” that Trump not be elected, but was providing reports for ideological reasons, specifically that “Russia [was] bad;”<sup>427</sup> and
- Reporting of Kremlin activities “may be exaggerated or conspiracy theory talk,” so Steele cannot know whether all the reporting is true.

According to Ohr, he asked the FBI personnel whether there was a prosecutor assigned to their investigation and was told “no.” He also said that no one at the meeting told him about the Crossfire Hurricane investigation, but that he was advised that the FBI was “pushing ahead” on a Manafort case.

SSA 1 memorialized the meeting with Ohr in an FD-302, which largely mirrored the attendees’ notes, but also provided additional details.<sup>428</sup> SSA 1 documented in the FD-302 that Ohr told the FBI that:

- Steele was “desperate that Donald Trump not get elected and was passionate about him not being the U.S. President;”
- “Ohr never believed Steele was making up information or shading it;”
- “Simpson and Steele could have met with [Yahoo] or [Yahoo News reporter] jointly, but Ohr [did] not know if they did;” and

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<sup>425</sup> See Section II.A.2 of this chapter regarding the individuals mentioned by Simpson. At the November 21 meeting, Ohr provided SSA 1 with a copy of his notes containing these three names and a short summary of their alleged roles.

<sup>426</sup> Strzok and SSA 1’s notes specifically mention then State Department Assistant Secretary Victoria Nuland and then Special Assistant to the Special Envoy to Libya, Jonathan Winer.

<sup>427</sup> When we interviewed Steele, he told us that he did not state that he was “desperate” that Trump not be elected and thought Ohr might have been paraphrasing his sentiments. Steele told us that based on what he learned during his research he was concerned that Trump was a national security risk and he had no particular animus against Trump otherwise.

<sup>428</sup> SSA 1 told us that the FD-302 documenting the meeting with Ohr was incorrectly dated as having occurred on November 22, 2016, instead of November 21, 2016.

- Ohr “knew” that Simpson was “hired by a lawyer who does opposition research” and that Steele’s reporting was being distributed to “the Clinton Campaign, Jon Winer at the U.S. State Department and the FBI.”<sup>429</sup>

The FD-302 also documented that Ohr provided the FBI with copies of the notes he took about the meetings with Steele on July 30, 2016, and in late September 2016. The FBI did not insert this FD-302 into Steele’s closed CHS file.<sup>430</sup>

SSA 1 told us that no one in the meeting directed Ohr to contact Steele or take any action on behalf of the FBI, but added that Ohr likely left the meeting with the impression that he should contact the FBI if Steele contacted him. When asked if the FBI provided him any guidance on what to do if Steele contacted him, Ohr stated that “the general instruction was to let them know...when I got information from Steele,” though he could not recall who told him this or whether he was told this at the October 18 or November 21 meeting. Ohr told us that SSA 1 became his initial FBI point of contact when Ohr sought to provide more of Steele’s information to the FBI.

## **7. Ohr’s December 2016 Meetings with the FBI and Simpson**

On December 5, 2016, Ohr had a follow-up interview with SSA 1 concerning his contacts with Steele and Simpson. During the interview, Ohr told SSA 1 that Simpson directed Steele to speak to the press, which was part of what Simpson was paying Steele to do, but that Ohr did not know whether speaking with *Mother Jones* was Simpson’s idea or not. Additionally, according to the FD-302, Ohr gave SSA 1 a document that Nellie Ohr had created, titled “Manafort Chronology” and told SSA 1 that he would provide the FBI with additional research compiled by Nellie Ohr while working for Fusion GPS.

Ohr told us that he did not recall when or why Nellie Ohr provided him with the Manafort Chronology, but pointed to the July 2016 breakfast with Steele as a possible reason she provided it to him. Nellie Ohr told us that she offered Ohr her Fusion GPS research at the end of September 2016, which included the Manafort Chronology, in an effort to supplement what she believed Ohr would tell the FBI after the July 30 meeting with Steele.<sup>431</sup>

On December 7, 2016, Ohr convened an interagency meeting (including representatives from the FBI) regarding strategy in dealing with Russian Oligarch 1. One of Ohr’s junior Department colleagues who attended the meeting told us that, after the meeting, she talked with Ohr about why the U.S. government would support trying to work with Russian Oligarch 1. Ohr’s colleague said that Ohr told her that Steele provided information that the Trump campaign had been corrupted

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<sup>429</sup> The FD-302 also stated that Ohr knew “Simpson and others” were talking to Victoria Nuland at the State Department, but did not provide any details.

<sup>430</sup> The FBI drafted a total of 13 FD-302s documenting its meetings with Ohr. None of the FD-302s were added to Steele’s closed CHS file.

<sup>431</sup> As discussed above, Nellie Ohr stopped working for Fusion GPS in September 2016.

by the Russians. The colleague told us that she asked Ohr if the allegations went "all the way to the President" and that Ohr responded "yes." She told us that Ohr said to her that this information was "the basis for the [Russian Oligarch 1] discussion." Ohr told us he recalled telling his colleague generally about the information he received from Steele, but said he could not recall when he told her or what prompted him to do so.

According to Ohr's telephone log, Ohr called Simpson on December 8 and arranged a time to meet, but Ohr told us he could not recall why he contacted Simpson. Ohr said that he met with Simpson on December 10, 2016, and that Simpson gave him a thumb drive. Ohr stated that Simpson did not tell him what was on the thumb drive and that Ohr did not ask him, but that Ohr believed it contained Steele's election reports.<sup>432</sup> In testimony to the House Permanent Select Committee on Intelligence, Simpson stated that Ohr requested that he provide information regarding Steele's election reporting.<sup>433</sup>

Ohr stated, and his contemporaneous notes reflect, that Simpson told him during the meeting that Trump's attorney, Michael Cohen, was an intermediary between the Russian government and the Trump campaign and had replaced Manafort and Carter Page as intermediaries. According to Ohr's notes, during the meeting Simpson referenced several other alleged links between the Trump campaign and the Russian government. Ohr's notes show that Simpson told Ohr that Simpson "still thinks [Person 1] is a key figure connecting Trump to Russia." Additionally, Ohr's notes reflect that Simpson told Ohr that it was Simpson who asked Steele to speak with the *Mother Jones* reporter as a "Hail Mary attempt."

On December 11, 2016, Simpson forwarded an article to a personal email account shared by Ohr and his wife (which Nellie Ohr forwarded to Ohr's Department email account) about a Russian senator's possible support of Trump. The next day, December 12, Simpson wrote another email, this time requesting to speak with Ohr on the telephone. According to Ohr's telephone log, he spoke with Simpson that same day, but Ohr could not recall what he and Simpson discussed.

Also on December 12, Ohr met with SSA 1 and told SSA 1 that Simpson had explained to Ohr that it was Simpson who asked Steele to speak with the *Mother Jones* reporter as a "Hail Mary attempt" to stop Trump from being elected. Ohr also gave SSA 1 the thumb drive that he had received from Simpson during their December 10 meeting.

On December 20, 2016, Ohr provided SSA 1 with another thumb drive, this one containing open source research that Nellie Ohr had produced for Fusion GPS.

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<sup>432</sup> As mentioned in Chapter Six, the thumb drive included 15 election reports and 1 additional document. The FBI had previously received 9 of the 15 election reports from Steele and 4 additional election reports from the *Mother Jones* reporter through then FBI General Counsel James Baker. Two election reports were new to the FBI, but the FBI also received those two reports at about the same time from then Senator McCain through then Director James Comey. The FBI only received one additional document from the thumb drive Ohr provided to the FBI.

<sup>433</sup> *HPSCI Interview of Glenn Simpson, at 78.*

Nellie Ohr stated that after the July 30, 2016 brunch, she understood that Ohr was going to talk to the FBI “on request of Steele” and so she provided her work product to her husband at the end of September 2016 as she finished working for Fusion GPS. Ohr told us he could not recall when Nellie Ohr provided him with her research. According to Nellie Ohr, she removed the Fusion GPS headers from her research because she had not asked Simpson for permission to provide the reports to the FBI and wanted the reports to stand on their own merit.

## **B. Ohr’s Continued Contacts with Steele and Simpson from January to November 2017**

In 2017, Ohr’s written communications with Steele transitioned from emails using Ohr’s Department email account to communications using an encrypted electronic messaging forum. Ohr provided the OIG with a transcript of his encrypted electronic communications with Steele, dating from January 25 to November 27, 2017, and his notes from their conversations. These documents indicate that Ohr and Steele communicated multiple times in 2017 and that Ohr typically informed the FBI of those communications shortly thereafter. The FBI’s interviews with Ohr between January and mid-May 2017 were summarized in nine FD-302s, which we discuss below.<sup>434</sup>

During this timeframe, Ohr’s FBI point of contact changed. As described in Chapter Three, SSA 1 rotated off the Crossfire Hurricane team in January 2017, and SSA 3 became Ohr’s FBI point of contact until April 2017. From approximately May to June 2017, SSA 4 became Ohr’s third point of contact. An agent from the Special Counsel’s Office became Ohr’s final point of contact through November 2017.

In January 2017, Steele expressed concerns to Ohr that the media would identify, and therefore endanger, his employee and the employee’s sub-sources. Ohr conveyed Steele’s concerns to SSA 3 and SSA 4 several times in the early months of 2017.<sup>435</sup> Steele told us that it was clear to him that Ohr was a conduit to the FBI. He said that Ohr told him that he had talked to the FBI about his concern for his sources’ safety, and the FBI had offered to help.

At the end of January 2017 and aware that President Trump had removed Acting Attorney General Sally Yates, Steele asked Ohr for an FBI contact if Ohr were to leave the Department. Ohr provided Steele’s concerns to the FBI and, on February 6, 2017, SSA 3 and Case Agent 8 requested Ohr to ask Steele if he would be willing to talk to the FBI again.

On February 14, 2017, Ohr shared with SSA 3 and Case Agent 8 information on topics Steele was working on for different clients, unrelated to Russia or

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<sup>434</sup> In addition to the information summarized in this section, Ohr also provided information to the FBI from Steele and other individuals on unrelated matters.

<sup>435</sup> Ohr stated that by the end of January 2017, Steele knew that Ohr was talking with the FBI because he informed Steele that the FBI could protect Steele’s employee.

Crossfire Hurricane.<sup>436</sup> Ohr also informed the agents that he did not speak to Steele about re-engaging directly with the FBI. Ohr told us that the FBI's offers to talk with Steele in early 2017 were for the purpose of assisting with an emergency with Steele's sub-sources, but when the danger to the sub-sources passed, the need to re-engage disappeared.

On May 8, 2017, Ohr told SSA 4 and Case Agent 5 that Steele was willing to work with the FBI again. Ohr said that Steele had independently raised with Ohr the subject of re-engaging with the FBI. On May 12, 2017, SSA 4 requested that Ohr ask Steele if he was willing to meet with FBI agents in Europe. According to Ohr, he contacted Steele, who agreed to talk with the FBI agents on May 15, 2017. This meeting did not take place, and, as discussed in Chapter Six, the FBI did not have contact with Steele until September 2017 when he was interviewed by agents assigned to the Special Counsel's Office. Ohr told us he continued to communicate with Steele through the end of November 2017 and provided the details of those communications to the FBI, which primarily focused on Steele's interest in being interviewed by the Special Counsel. However, the FBI did not memorialize any meetings its agents had with Ohr after the Crossfire Hurricane investigation was transferred to the Special Counsel's Office in May 2017. Ohr told us that Steele stopped contacting him after Ohr's name appeared in news articles at the end of 2017.

### **C. Ohr's Lack of Notification to ODAG, NSD, and Others Regarding His Contacts with Steele, Simpson, and the FBI**

Ohr stated that it was both his "duty as a citizen" and a Department employee to provide Steele's and Simpson's allegations concerning Russian connections to the Trump campaign to the FBI. Ohr did not inform his supervisors or political leadership in ODAG that he was meeting with Steele, Simpson, or the FBI, and did not seek any ethics advice regarding these activities in light of his wife's employment with Fusion GPS from October 2015 to September 2016.

Ohr told us that while he had the opportunities to do so, he did not advise ODAG's political leadership of his interactions with Steele and Simpson, or of the information they provided and that he shared with the FBI, because he viewed the information as "raw" and "unfinished" Russian source information that the FBI needed to evaluate. Asked whether he instead considered informing a career employee within ODAG of the information, Ohr responded, "I think if I told another ODAG person, then they might have said, well we just got to tell the DAG." Asked whether a factor in his reluctance to tell then DAG Yates was because she may have told him to stop speaking with Steele, Ohr responded, "It may have been, yeah...."

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<sup>436</sup> Ohr said that he understood Steele was "angling" for Ohr to assist him with his clients' issues. For example, Ohr stated that Steele was hoping that Ohr would intercede on his behalf with the Department attorney handling a matter involving a European company. Ohr denied providing any assistance to Steele in this regard, and we found no evidence that he did. The Department attorney handling the matter involving the European company told us that Ohr never spoke with her about the matter. Steele told us that he asked Ohr about the Department attorney involved in the case because he was considering contacting the attorney about an issue involving his client.

He further stated that he did not want to stop talking to Steele because he was alarmed by the information he was receiving and believed he needed to get it to the FBI.

Ohr told Swartz about his meetings with Steele and Simpson and the information they had provided. Ohr told us that it was possible that he also told then Counsel to the Criminal Division Assistant Attorney General, Zainab Ahmad,<sup>437</sup> and Chief of the Fraud Section, Andrew Weissmann, about his meetings with Steele, Simpson, and McCabe. When asked why he thought he may have told these Department employees as opposed to individuals in ODAG, Ohr stated he wanted "to get the information to career people...to evaluate it and figure out what to do."

Weissmann told us that Ohr told him "nothing" about the allegations Ohr received from Steele. Ahmad told us that Ohr did not provide her with detailed information about what Ohr was hearing from Steele and that Ohr only alluded to the fact that Steele had derogatory information about President-elect Trump.

Former members of ODAG leadership told us they were unaware of Ohr's communications with Steele, Simpson, and the FBI at the time those communications were occurring. Former DAG Yates told the OIG that she was "stunned" to learn through media reports in late 2017 that Ohr had engaged in these activities without telling her, and that she would have expected Ohr to inform her about his communications with Steele because they were outside of his area of responsibility and involved the Russia investigation. Yates added that she "would have hoped that [Ohr and the FBI] would have both told me" of Ohr's meetings with Steele and the FBI. She further stated that Ohr's activities needed to be coordinated with the overall Crossfire Hurricane investigation, which included ensuring that the chain of command at both the Department and FBI were jointly deciding what actions, if any, Ohr might take relating to the Russian interference investigation.

Yates told us that had she learned of Ohr's activities as they were occurring, she would have ensured that all Department and FBI personnel involved in the investigation were informed and consulted. Specifically with respect to Ohr's October 18, 2016 meeting with McCabe, Yates told us she expected Ohr to inform her of any meeting with someone at McCabe's level, regardless of the subject matter, but especially about something "outside of [Ohr's] area" of responsibility.

Then Principal Associate Deputy Attorney General Matthew Axelrod similarly told us that he would have expected to know about Ohr's activities, communicating with Steele and providing information to the FBI, because these were not responsibilities assigned to Ohr and his activities related to a "sensitive" matter. Axelrod said that if had he learned of Ohr's activities as they were occurring, he would have asked questions and sought to determine whether the FBI could stop receiving Steele's information through Ohr. Axelrod told us that he thought ODAG would have been uncomfortable with Ohr continuing to provide Steele's information

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<sup>437</sup> Ahmad was an Acting Deputy Assistant Attorney General in the Criminal Division from January to April 2017.

to the FBI. Then Associate Deputy Attorney General Scott Schools, who was the highest-ranking career official in the Department, and ODAG's ethics advisor, stated that the FBI had a responsibility to fully report Ohr's involvement to the Department's National Security Division (NSD) and that Ohr had a duty to report his involvement to ODAG's managers.

Dana Boente, who became Acting DAG when Yates was removed from the position on January 30, 2017, told us that he was "really surprised" when he learned that Ohr had multiple conversations with Steele, particularly because Ohr had been a prosecutor and knew that an attorney should never talk to a potential witness without an agent being present. Boente stated that if he had learned about Ohr's contacts with Steele while he was Acting DAG, he may have allowed Ohr to meet with Steele for the limited purpose of putting Steele in direct contact with an FBI agent.

Ohr also told the OIG that he did not approach anyone in NSD because he talked to Swartz, who once oversaw counterintelligence cases for the Department, and thought Swartz was in contact with NSD concerning "Russia stuff."<sup>438</sup> Ohr also said that he did not know whether Swartz passed any of the information to NSD. Ohr said that, in hindsight, he thought he should have told people in ODAG and NSD about his communications with Steele and Simpson so that they could deal with the issues presented and so that Ohr could have guidance about how to proceed when communicating with Steele or Simpson. Swartz told us that he had no recollection of Ohr asking him to do anything with Steele's information. Swartz further stated that he did not think he informed anyone in NSD about Steele's information.

### **III. The FBI's Understanding of Its Relationship and Communications with Ohr**

In this section, we describe the Crossfire Hurricane team's and FBI leadership's knowledge and understanding of Ohr's activities with Steele, and the information Ohr provided to the FBI.

#### **A. The Crossfire Hurricane Team's Understanding of Ohr's Activities Related to the Investigation**

As described earlier in this chapter, Ohr met with FBI agents 13 times between November 21, 2016 and May 15, 2017, to discuss his contacts with Steele and Simpson. At two of these meetings, in December 2016 after Nellie Ohr had left Fusion GPS, Ohr provided the FBI with open source research Nellie Ohr compiled while employed by Fusion GPS. All 13 meetings between Ohr and the FBI were memorialized in FBI FD-302s and, except for the first meeting, each meeting was held at Ohr's request. Ohr told us that, other than the FBI's request to inquire about Steele's interest in talking with the FBI again, Ohr did not recall the FBI

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<sup>438</sup> Swartz's responsibility for overseeing counterintelligence cases for the Department ended when NSD was created in 2006, but he continues to advise NSD's leadership on international matters.



asking him to take any action regarding Steele or Simpson. However, Ohr also stated that "the general instruction was to let [the FBI] know...when I got information from Steele."

The FBI personnel we interviewed generally told us that Ohr did not make any requests of the FBI, nor did he inquire about any ongoing cases or make any recommendations about potential investigative steps. None of the FBI witnesses we interviewed recalled anyone tasking Ohr to gather information from Steele or to act as an intermediary between the FBI and Steele.

However, SSA 1, the first FBI supervisory agent to meet with Ohr in November 2016, told us that after their meetings, Ohr likely knew that the FBI was seeking information regarding Russian interference in the 2016 elections and would subsequently inform SSA 1 about anything relevant he learned from Nellie Ohr, Steele, Simpson, or elsewhere. SSA 1 stated that he was in "receive mode" with respect to Ohr's information and was trying to glean from it as much as he could about Steele's source network. He also said that Ohr was well-versed in Russian organized crime and that, in SSA 1's view, Ohr's motives for coming to the FBI were "pure."

Case Agent 1, the lead agent on the Carter Page investigation, told us he recalled learning about Ohr from SSA 1, likely before the first Carter Page FISA application was filed on October [REDACTED], 2016. Case Agent 1 recalled that contacting Ohr was one of many things on the Crossfire Hurricane team's "to do" list in fall 2016, but it was not as urgent as some of the others. He further stated that the team viewed Ohr as another "stream of reporting" with potentially new information on Steele's election reports. Case Agent 1 told us that ultimately he did not think that Ohr's information presented anything new and said it did not impact the FBI's work on the Carter Page investigation. He also said that once Steele was closed as a CHS, Case Agent 1 did not believe there were any issues with Ohr being a "conduit" to Steele, but the team never discussed specifically tasking Ohr. Case Agent 1 told us that he thought it was "a patriotic thing" for Ohr to provide information to the FBI. Case Agent 1 also stated that Nellie Ohr's former employment with Fusion GPS did not cause him any concern in November and December 2016 because the team was still trying to understand Fusion GPS's role, and the team trusted that Ohr was a professional, career Department official.

SSA 3, one of the supervisory agents who replaced SSA 1, stated that in January 2017, SSA 1 briefed him on the case during their changeover and identified Ohr only as a "DOJ official" and Nellie Ohr as working for Fusion GPS. He recalled SSA 1 informing him that Ohr provided a version of Steele's election reports to the FBI. SSA 3 also told us that Ohr forwarded other information to the team regarding Russian oligarchs and other issues unrelated to the Crossfire Hurricane investigation. SSA 3 stated that he received the information but took no action and did not provide feedback to Ohr because he did not want Ohr to perceive anything as a tasking or discern the focus of the investigation. SSA 3 also stated that he did not task Ohr because of the appearance of using Ohr to obtain information from a closed source. According to SSA 3, he had two main concerns: 1) Ohr's and Nellie Ohr's connections to Steele and Fusion GPS, the latter of which appeared to have

political connections, and 2) the FBI's continual contact with Steele through Ohr about such a sensitive matter, particularly because such contact with a closed source was "out of the norm." He told us that the members of his team shared these concerns, and he expressed them to his supervisor, DAD Jennifer Boone. SSA 3 stated that each time Ohr asked to meet with him, he consulted Boone and was directed to attend the meeting. He told us he fully informed Boone about the information Ohr provided after each interview and provided her with the FD-302s.<sup>439</sup> SSA 3 stated that it was his understanding that Boone would then determine what information to share at the executive level meetings.

SSA 4, who became the third SSA to meet with Ohr after SSA 3 rotated off the investigation in May 2017, said that SSA 3 told him that Ohr would come in and talk about "stuff" related to Steele and the agents would listen to Ohr's information, but that they did not consider the information important. According to SSA 4, SSA 3 stated that Ohr was "just some [person] you [had] to talk to when [he] call[ed]." SSA 4 was working from the FBI's Washington Field Office (WFO) and said that he provided updates regarding his communications with Ohr through WFO's chain of command to FBI Headquarters. SSA 4 also said he updated SSA 2 at FBI Headquarters.<sup>440</sup> SSA 2 told us he talked with SSA 4 about it being a "bad idea" to continue engaging with Ohr regarding his contacts with Steele. SSA 2 also said that by May 2017 he was "completely tired" of dealing with Ohr as an intermediary and thought the team should cease doing so.

The Supervisory Intelligence Analyst (Supervisory Intel Analyst) who was assigned to the Crossfire Hurricane investigation from its opening in July 2016 and participated in an interview with Ohr in January 2017, told the OIG that the Crossfire Hurricane team was initially receptive to Ohr's information and cited the Simpson thumb drive containing some of Steele's reports the FBI did not already possess as an example of useful information from Ohr. However, the Supervisory Intel Analyst also said that when Ohr began relaying Steele's concerns about the sub-sources and talking about topics unrelated to Crossfire Hurricane, he believed that Ohr was "acting or trying to act more as a conduit."

## **B. FBI Management's Knowledge of Ohr's Activities**

Strzok told the OIG that he did not know whether Ohr continued to meet with Steele after Steele was closed. Strzok said that, if Ohr had continued to meet with Steele, he hoped Ohr would not have talked about anything work related. Strzok also said that he did not recall having any indication or concern that Ohr was meeting with Steele and did not recall anyone having such concerns. However, Strzok's handwritten notes indicate that he received updates from SSA 1 and others on December 12, 2016, December 20, 2016, December 22, 2016, and January 23,

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<sup>439</sup> SSA 3's notes also reflect he briefed Boone and several others regarding Ohr or the information Ohr provided.

<sup>440</sup> As mentioned in Chapter Seven, SSA 2 was the Headquarters Program Manager assigned to the Crossfire Hurricane investigation and the affiant for the three Carter Page FISA renewal applications.

2017, regarding Ohr's ongoing communications with Steele and Simpson about Steele's election reporting and Steele's concerns about his sub-sources.

In January 2017, Boone and the new team of agents assigned to Crossfire Hurricane assumed responsibility for communicating with Ohr. Boone stated that she knew SSA 3 had spoken with Ohr regarding his contacts with Steele and was documenting the communications in FD-302s, but she did not recall receiving or reviewing them, but said it was possible that she did. She told us that she recalled advising Priestap about the team's contacts with Ohr and the information they received from him, including how to respond to Steele's interest in re-establishing contact with the FBI. Priestap told us that Boone may have briefed him on the team's interviews of Ohr, but he did not remember her doing so.<sup>441</sup>

Priestap told us he knew that the Crossfire Hurricane team met with Ohr, but was unaware of how often the meetings occurred and did not know the full extent of Ohr's involvement with Steele until mid-to-late 2017. Priestap stated that the FBI's engagement with Ohr to learn what Steele had shared with Ohr was potentially useful in understanding Steele and verifying his reporting. Priestap said that he believed Ohr was not a "major factor" in the investigation, but instead saw Ohr as a liaison due to his relationship with Steele.

Priestap said he told the team to document what they learned from Ohr to compare it to the other information gathered. Priestap said he was surprised to later learn that the FBI treated Ohr more like a witness or a source. Priestap also stated that he was not told about Ohr's meetings with Simpson, Nellie Ohr's employment with Fusion GPS, or that Ohr provided Simpson's and Nellie Ohr's thumb drives to the FBI—information that was provided by Ohr to the FBI between November 21 and December 20, 2016. He told us that he did not inform Comey or McCabe about Ohr's involvement in the Crossfire Hurricane investigation, because he was unaware of the full extent of it.

Priestap stated that knowing the full extent of Ohr's activities would have raised "red flags" for him because the situation would have been different than Ohr merely having a pre-existing relationship with Steele. He told us that had he been fully aware of the extent of Ohr's activities, he would have inquired about Ohr's motivations and involvement with Steele, Simpson, and the Crossfire Hurricane investigation.

General Counsel Baker stated that he understood from Crossfire Hurricane leadership briefings he attended in fall 2016 that Ohr had a pre-existing relationship with Steele and that Steele may have had conversations with Ohr about Steele's election reporting. He told us that he did not understand Ohr to be acting as a conduit between Steele and the FBI at this time. According to Baker, he was concerned that if the FBI took an action with which Steele disagreed, Steele would

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<sup>441</sup> We reviewed notes taken by a Counterintelligence Division DAD. Her notes from January 23, 2017, contain a reference to Ohr's interview that day and specific information provided by Ohr concerning Steele's sub-sources. Although the notes do not list the attendees of this meeting, they appear to be from a Crossfire Hurricane update meeting.

complain to Ohr, whom Baker viewed as being a prominent Department official. He explained that if Steele complained, Ohr would feel compelled to intervene on Steele's behalf.

Baker told us that he obtained more information regarding Ohr's interactions with Steele during a Crossfire Hurricane leadership meeting with Comey and McCabe in spring 2017. He stated that he did not recall Ohr being critical of how the FBI was handling Steele, but that Ohr had become involved to a greater degree than he had in the past. Baker told us that he learned that Ohr was providing to the FBI information that Ohr had received from Steele, and it was Baker's view that "this [was] not good." He said that he could not recall who was discussing this, but he believed it was McCabe and maybe Priestap and then Executive Assistant Director Michael Steinbach.<sup>442</sup> He also stated that he thought it was "imprudent" to have Ohr involved and "a bit of a mess," but that he believed that McCabe, Steinbach, and Priestap were "on top of it." Baker told us he "may have mentioned" the issue to OGC Principal Deputy General Counsel Trisha Anderson, and asked her to look into it. Anderson told us that she had limited contemporaneous knowledge about Ohr's interactions with Steele and the FBI. In particular, she told us that she did not know at the time that Ohr had repeatedly provided information from Steele to the investigative team or that Ohr's interviews with the FBI were documented in FD-302s. McCabe told us he did not recall the discussion Baker described.

We asked Baker if he had concerns about Ohr receiving information from Steele. He told us that Ohr was "arguably a source," and the situation needed to be handled carefully to protect Ohr and the Department. Baker further stated that accepting information from a closed source through Ohr was "not the right way to run a railroad" and either the FBI needed to reopen Steele or tell Ohr to stop taking information from him. According to Baker, the decision about whether to utilize Ohr, a senior Department official, as an ongoing, frequent conduit with Steele was not a decision for the investigative team to make, but for the Director. He also said the FBI's use of Ohr in this fashion should have been shared with the Department, but he did not recall anyone doing so.

McCabe told us that he knew Ohr was meeting with the investigative team concerning his contacts with Steele, but did not know how often the team met with Ohr until it was reported in the news media. He said he did not recall knowing that Ohr provided the investigative team with a thumb drive from Simpson or from Nellie Ohr. McCabe told us that Ohr was doing the "responsible thing" by informing the investigative team about his conversations with Steele and that he did not tell the Department about Ohr's involvement because he viewed doing so as Ohr's responsibility. Lisa Page stated that she met with Ohr twice in fall 2016 and had no knowledge of Ohr providing information from Steele and Simpson to the FBI.

Comey told us he had no knowledge of Ohr's communications with members of the Crossfire Hurricane investigative team and only discovered Ohr's association

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<sup>442</sup> Steinbach told us he did not recall ever knowing about Ohr's involvement with Steele. Steinbach retired from the FBI on February 24, 2017.

with Steele and the Crossfire Hurricane investigation when the media reported on it. However, notes taken by Strzok during a November 23, 2016 Crossfire Hurricane update meeting attended by Comey, McCabe, Baker, Lisa Page, Anderson, the OGC Unit Chief, the FBI Chief of Staff, and Priestap, reference a discussion at the meeting concerning “strategy for engagement [with Handling Agent 1] and Ohr” regarding Steele’s reporting. Strzok stated that, based on his notes, he believed he informed FBI leadership that Ohr approached the FBI concerning his relationship with Steele and that Ohr relayed Steele’s information regarding Russia to the team. Although the OGC Unit Chief could not recall when it occurred, she recalled discussing with executive leadership that the FBI should not use Ohr to direct Steele’s actions. Because Strzok’s notes of the meeting were classified at the time we interviewed Comey, and Comey chose not to have his security clearances reinstated for his OIG interview, we were unable to show him the notes and ask about the reference in them to Steele and Ohr.

#### **IV. Ohr’s Activities Relating to the Criminal Division’s Manafort Investigation**

In addition to Ohr’s interactions with the FBI and Steele in connection with the Crossfire Hurricane investigation, Ohr also participated in discussions about a separate money laundering investigation of Paul Manafort that was then being led by prosecutors from the Money Laundering and Asset Recovery Section (MLARS), which is located in the Criminal Division at the Department’s headquarters. That criminal investigation was opened by the FBI’s Criminal Investigation Division in January 2016, approximately 2 months before Manafort joined the Trump campaign as an advisor, and concerned allegations that Manafort had engaged in money laundering and tax evasion while acting as a political consultant to members of the Ukrainian government and Ukrainian politicians.

Shortly after the 2016 elections, Ohr participated in several meetings with three senior attorneys from the Department’s Criminal Division during which they discussed ways to move the Manafort investigation forward more quickly. Ohr and the three senior Criminal Division attorneys were not assigned to the MLARS Manafort investigation and did not advise MLARS or anyone in their respective chain of command of their discussions. In this section, we describe these meetings regarding the MLARS money laundering case.

##### **A. November 2016 to December 2016**

Between November 16, 2016 and December 15, 2016, Ohr attended four meetings to discuss the MLARS investigation. These meetings were attended, at various times, by some or all of the following individuals: Bruce Swartz, Criminal Division Deputy Assistant Attorney General (Deputy AAG); Zainab Ahmad, then Counsel to the Criminal Division’s Assistant Attorney General; Andrew Weissmann,

then Section Chief of the Criminal Division's Fraud Section; Strzok; and Lisa Page. MLARS was not represented at any of these meetings or told about them.<sup>443</sup>

The meetings involving Ohr, Swartz, Ahmad, and Weissmann focused on their shared concern that MLARS was not moving quickly enough on the Manafort investigation and whether there were steps they could take to move the investigation forward. The meetings with Strzok and Page focused primarily on whether the FBI was aware of the Manafort investigation so that it could assess the case's relevance, if any, to the FBI's Russian interference investigation.

Then Section Chief of MLARS, Kendall Day, told us that Ohr, Ahmad, and Weissmann did not have any role in the MLARS Manafort investigation. Day told us that Swartz provided assistance to the investigation because it involved gathering foreign evidence and working with foreign governments, but that his assistance was limited to consulting on those specific issues. According to Swartz, he had a long standing interest in the investigation and prosecution of Manafort, dating to at least 2014, and it was therefore appropriate for him to "strategize" with others about how best to move the MLARS Manafort investigation forward. However, Day and Swartz told us that Swartz could not direct the manner in which such investigations progressed. Swartz also told us that as the Deputy AAG responsible for, among other things, the Office of International Affairs, he could not make prosecutorial decisions relating to cases, but "might weigh in on" case-related decisions such as the timing or sensitivities of charges.<sup>444</sup>

Ohr told the OIG that during a meeting with Swartz and Ahmad on November 16, 2016, he advised them of information "about [Paul] Manafort and Trump and possible Russian influence that [Ohr] was getting from Steele and Glenn Simpson," and that he recalled their response was that they should look into the MLARS Manafort investigation.<sup>445</sup> Ohr and Swartz both told us that they felt an urgency to move the Manafort investigation forward because of Trump's election and a concern that the new administration would shut the investigation down. Ahmad said that her concerns regarding the Manafort investigation, which were based upon her conversations with Swartz and Ohr, were focused on the line prosecutors not adequately working the investigation. Weissmann stated that Ahmad expressed to him that there was a concern, with which he later agreed, that MLARS was not

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<sup>443</sup> Swartz, Ohr, and Weissmann were members of the Senior Executive Service (SES). Ahmad was on detail to the Criminal Division from the U.S. Attorney's Office for the Eastern District of New York and was not a member of the SES.

<sup>444</sup> As a Deputy Assistant Attorney General, Swartz supervised three sections in the Department's Criminal Division: the Office of International Affairs (OIA), the Overseas Prosecutorial Development Office (OPDAT), and the Department's police training organization. He also acted as an advisor to the Attorney General, the DAG, and the Assistant Attorney General for the Criminal Division on international affairs issues.

<sup>445</sup> Swartz told us that he became aware of allegations that Manafort may have engaged in criminal conduct through the media when former Ukrainian President Victor Yanukovich was ousted from office in February 2014. Swartz said that because he was aware of Manafort's connection to the Russian-backed Yanukovich and other alleged misconduct through MLARS's Manafort investigation, he was concerned when the Trump Campaign named Manafort as its manager in May 2016.

moving quickly enough on its Manafort investigation and that he accepted an invitation from Ahmad to attend a meeting with Ohr and Swartz.

The Fraud Section that Weissmann supervised at the time was part of the Department team that had indicted a foreign national whom Ohr, Swartz, Ahmad, and Weissmann came to believe had information relating to Manafort's alleged criminal conduct. Swartz said that because MLARS had not moved the Manafort investigation forward, he thought it appropriate to meet with Weissmann and discuss the possibility of seeking to obtain information from this foreign national regarding Manafort. In December 2016, the four of them discussed a plan for the Department to approach this foreign national and seek his cooperation against Manafort. Because the extradition of this foreign national was being handled by OIA, Swartz had supervisory responsibility for the extradition aspect of that matter.

Ohr told us that after his November 21, 2016 meeting with FBI officials concerning Steele's information, discussed above, Ohr was advised that the FBI was "pushing ahead" on its Manafort case. Ohr said that he probably shared this information with Swartz. According to Ohr, because "we [had] information that Manafort [was]...somehow...a possible connection between the Russian government and the Trump campaign" it was important to get "national security people" involved in that investigation. Ohr said that because Swartz, Strzok, and Lisa Page were all working on matters involving Manafort, he wanted them to meet and get on the "same page." Consequently, at Ohr's suggestion, Ohr, Swartz, and Ahmad met with Strzok and Lisa Page on December 15, 2016.

Strzok told us that the December 15 meeting consisted mainly of Ohr, Swartz, and Ahmad describing information they had regarding Manafort, and inquiring if they could assist the FBI's investigation. He stated that Swartz discussed the MLARS Manafort investigation and stated that the investigation had stalled. Strzok told us that Swartz wanted him to "kick that [investigation] in the ass and get it moving." We asked Strzok if he understood that Swartz was speaking on behalf of the Department about the Manafort investigation. He responded that his "assumption and belief was that [Swartz] and Bruce Ohr were speaking about topics for which they had relevant supervision and authority over."

Swartz stated that the reason he wanted to talk to Strzok about Manafort was to see if Strzok had any counterintelligence information that would be relevant to what Manafort may have been doing and to push the MLARS Manafort investigation forward. Strzok later sent an email to Boone and others, including the OGC Unit Chief, stating that Boone and he needed to speak with the FBI's Criminal Investigation Division regarding its Manafort investigation to get a better understanding its investigative efforts. The OGC Unit Chief responded: "we have got to get our arms around what CID investigated and what it means for [Manafort]...figure what resources, if any, we can bring to bear to get a better understanding of [Manafort's] foreign power connections and the money that passed hands (if any)."

Ohr, Swartz, Ahmad, and Weissmann all told us that they did not inform anyone in their chain of command, such as the leadership of the Criminal Division

or ODAG, about these meetings.<sup>446</sup> Ohr stated that he should have advised ODAG leadership that he was participating in meetings about the MLARS Manafort investigation because it was a sensitive matter. Swartz told us that the political appointees leading the Criminal Division knew the Manafort investigation existed, and therefore they should only be briefed if “steps were going to be taken” to move the case forward. Swartz added that he did not advise them of his meetings with Ohr, Ahmad, and Weissmann, as well as those with Strzok and Lisa Page, because he was keeping the Manafort investigation from being “politicized” and protecting the Department from allegations that its investigation of Manafort was politically motivated.

Weissmann told us that at around the time of these meetings, he and Ahmad had a conversation in which Ahmad told him that she and Swartz were not going to tell the Department’s political leadership about their efforts to move the Manafort investigation forward. Weissmann said that he remembered thinking, at the time, that this was because Swartz and Ahmad wanted to insulate the political leadership from an allegation of politically targeting Manafort. He stated further that he thought it was “an incorrect judgment call,” but could not recall if he told that to Ahmad and said he satisfied himself that it was appropriate because the Criminal Division’s front office was aware of the fact MLARS had an open investigation of Manafort. Ahmad told us that she did not recall telling Weissmann that political appointees would not be advised of the meetings and that being the “junior person” in the meetings, she would not have made such a decision, but that Swartz may have done so.

The then Section Chief of MLARS, Kendall Day, a career Department official, told us that he was unaware of the meetings discussed above.<sup>447</sup> He stated that, given that he was supervising MLARS’s Manafort investigation, he should have been invited to these meetings because none of those involved knew the strength of the evidence amassed by MLARS against Manafort or the investigation’s status. Day also stated that, because the Manafort investigation was a “sensitive matter,” it was imperative to keep the Criminal Division’s leadership aware of relevant events to ensure that there were no surprises. He stated further that he was providing briefings regarding MLARS’s investigation to his political supervisors, including then Criminal Division Assistant Attorney General Leslie Caldwell.

Caldwell told us that she was unaware of any meetings involving Ohr, Swartz, Ahmad, and Weissmann in which they discussed the MLARS investigation of Manafort. She stated further that she thought that not advising political supervisors about the meetings “suggest[ed] a lack of trust or a lack of confidence in the political appointee...and that seem[ed] a little bit paranoid to [her].” She stated further that a rationale that not advising political appointees of the meetings

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<sup>446</sup> Ahmad told us that she did not advise her chain of command of work she did with Swartz. She said that Swartz was a higher-level supervisor within the Criminal Division and, to her knowledge, was reporting on those activities.

<sup>447</sup> Day, who had been Chief of MLARS, became an Acting Deputy Assistant Attorney General in the Criminal Division in January 2017.



protected them from an allegation of engaging in a political prosecution was “inappropriate,” showed “poor judgment” and was “in itself political.”

Yates told us that she too was unaware of the meetings involving Ohr, Swartz, Ahmad, and Weissmann. She said that not telling political appointees about these activities “trouble[d]” her because the Department of Justice does not “operate that way.” Yates then stated that there is not “a career Department of Justice and a political appointees’ Department of Justice. It’s all one DOJ.”

## **B. January 31 and February 1, 2017 Meetings**

There were no meetings about the Manafort case involving Ohr, Swartz, Ahmad, and Weissmann from December 16, 2016 to January 30, 2017. On the morning of January 31, 2017, the day after Yates was removed as Acting Attorney General, Ahmad, then an Acting Deputy AAG, sent an email to Ohr, copying Swartz, stating that Weissmann “had something he wanted to discuss with us” and asking Ohr if he was free to meet with Weissmann that morning. Due to scheduling conflicts, Ohr could not attend the meeting, which went forward with Weissmann, Swartz, and Ahmad. Neither Swartz, Weissmann, nor Ahmad could remember what occurred at this meeting. However, each of them speculated that they may have discussed the case involving the indicted foreign national pending extradition, referenced above, who they believed might have evidence detrimental to Manafort.

After the meeting, Ahmad sent an email to Lisa Page, copying Weissmann, Swartz, and Ohr, requesting a meeting the next day, February 1. Ahmad wrote:

Do you by chance have time to meet around 11 tomorrow to follow up on our last discussion? There have been a few Criminal Division related developments that we wanted to discuss. Bruce Swartz is leaving for Mexico tomorrow afternoon, so we were hoping we could squeeze this in before he leaves....

On February 1, 2017, Swartz, Ohr, Ahmad, and Weissmann met with Strzok, Lisa Page, and Acting Section Chief 1 of the FBI.<sup>448</sup> Strzok told us that the meeting was “largely a discussion about [the Criminal] Division’s work on Manafort” and that he did not find the meeting “notable.” According to contemporaneous notes taken by Strzok and Lisa Page, they discussed efforts that the Department could undertake to investigate attempts by Russia to influence the 2016 elections. Specifically, the FBI was advised that, with regard to Manafort, the Department was “looking just at [Money Laundering]/Kleptocracy” violations and wanted to bring financial analysis experts into the investigation. The notes also show that Swartz inquired whether there were other types of offenses relating to Manafort that could be investigated, such as Foreign Corrupt Practices Act violations. MLARS was not represented at the meeting and was not notified of it. None of the attendees recalled any discussion of new “Criminal Division related developments,” and

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<sup>448</sup> Acting Section Chief 1 attended the meeting because his section was handling the Manafort counterintelligence investigation. As discussed in Chapter Four, Acting Section Chief 1 attended the FBI’s meeting with Steele in early October 2016.

neither Ahmad nor Weissmann could recall what the reference in Ahmad's email concerned.

We asked Weissmann, Ahmad, Ohr, and Swartz whether there was a connection between the removal of Yates and these meeting requests. Weissmann and Ahmad denied that this was the case. Ohr, on the other hand, told us that it made sense that Yates's firing influenced the decision to have a meeting with Strzok and Lisa Page. Ohr stated further that he could not specifically recall the discussion, but Yates's name may have been mentioned in connection with this meeting. Swartz stated that Yates's departure obviously could have come up, and he was sure they discussed how to proceed with the Manafort investigation in light of her removal.

Ohr stated that Swartz and Ahmad were worried that the Trump Administration would shut down the Manafort investigation after Yates's departure from the Department. Swartz told us that he may have speculated that the Trump Administration would shut down the MLARS Manafort investigation. Weissmann told us that he was not concerned by Yates's removal and did not recall anyone discussing the impact her removal might have on the Manafort investigation. Ahmad similarly told us that she did not recall anyone expressing concerns to her about political appointees interfering with the Manafort investigation.

No one in MLARS, or the Criminal Division's or ODAG's leadership were made aware of this meeting. Then Principal Associate Deputy Attorney General James Crowell told us that career employees do not get to brief the FBI on a very important case without going through Department leadership. He told us that the Manafort case was important with "potentially...national implications" and that not briefing the AG or the AG's staff was not "okay." Crowell further stated that it was "unbelievable" that Ohr was involved in these meetings because as OCDET Director it was not his job to involve himself in the Manafort investigation.

When we told then Acting DAG Boente that political appointees may not have been advised of these meetings for the purpose of insulating them from allegations of engaging in a political prosecution of Manafort, Boente responded that that was a "less than satisfying answer." He stated that "political appointees make tough calls on political cases every day," and "[that is] not a reason not to tell [political appointees] about [the case]." He stated further that career officials, such as Swartz, Ohr, Ahmad, and Weissmann, have to depend on the Department's political appointees to do the "right thing."

Boente also told us that the Manafort investigation was an MLARS case and that MLARS ought to be prosecuting it. He added that if Swartz, Weissmann, or Ahmad were unhappy with MLARS's prosecution of the matter, they could have spoken with the then Acting Assistant Attorney General, who was a career Department employee, to see if one of them could take over the investigation.

On February 23, 2017, Swartz sent an email to Ohr, Ahmad, and Weissmann proposing a "check-in meeting" and suggested that they invite Lisa Page to attend. Weissmann responded that Lisa Page should not be invited to the meeting, but that

the new Acting Chief of MLARS should be.<sup>449</sup> Weissmann told us that he wanted the Acting Chief included in the meeting because she had “equity” in the Manafort investigation. He stated further that he had spoken with the Acting Chief about the Manafort case, but had no recollection if he had told her about his prior meetings with Swartz, Ohr, and Ahmad.

The then Acting Chief of MLARS told us that she only learned about the November 2016 to early February 2017 meetings involving Ohr, Swartz, Weissmann, and Ahmad as a result of her OIG interview. Day, the Acting Deputy AAG overseeing MLARS, told us that he discovered in late March or early April 2017 that Weissmann was planning a meeting with reporters to obtain evidence associated with MLARS’s Manafort investigation and that Swartz, Ohr, Weissmann and Ahmad were “collectively interested” in the investigation.<sup>450</sup> He stated further that he met with Swartz and Ahmad in his office and inquired about Weissmann’s meeting and their interest in the Manafort investigation. Day recalled telling Swartz and Ahmad that, given their high-ranking positions in the Department, their “unusual level of interest” in the Manafort investigation could create a perception that the Department was investigating Manafort for inappropriate reasons. According to Day, Swartz expressed concern that “because of the change in the administration” the Manafort investigation “might not be allowed to progress.” Day said he told Swartz and Ahmad that the investigation would be handled “just like any other” and that Swartz even asking the question suggested that it was going to be treated differently, which was not going to happen. He also told us that he was “comfortable that no decisions were made for any improper reasons” because he “owned” the Manafort investigation and supervised the attorneys working on it. Swartz told us that he did not recall this conversation with Day.<sup>451</sup>

The Manafort money laundering investigation remained with MLARS until it was transferred to the Special Counsel’s Office in May 2017. Manafort was subsequently indicted on a series of criminal charges. On August 21, 2018, a jury in the United States District Court for the Eastern District of Virginia found Manafort guilty of five counts of filing false tax returns, failing to report foreign bank accounts, and two counts of bank fraud. He was sentenced to 47 months in federal prison. On September 14, 2018, Manafort pled guilty in the United States District Court for the District of Columbia to one count of conspiracy to launder money, tax fraud, failing to file foreign bank account reports, violating the Foreign Agents Registration Act, and making false statements to the Department of Justice. He was sentenced to 43 months in federal prison.

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<sup>449</sup> In early 2017, after Day had been appointed an Acting Criminal Division Deputy AAG, a new Acting Chief was appointed to lead MLARS.

<sup>450</sup> Weissmann told us that on or about March 31, 2017, an Associated Press (AP) reporter contacted him and stated that he had information regarding Manafort having a storage locker in Virginia. Weissmann said that he believed the information was worth obtaining and set up a meeting with the AP reporter.

<sup>451</sup> After reviewing a draft copy of this report, Ahmad told us that she did not recall having this conversation with Day.

## **V. Ohr's Removal from ODAG and OCDETF**

Prior to fall 2017, ODAG management had no knowledge of Ohr's ongoing relationship with Steele, Ohr's meetings with the FBI, or Fusion GPS's employment of Nellie Ohr. In November 2017, shortly after the Department received a Congressional request to interview Ohr, ODAG received from the FBI the FD-302s detailing Ohr's relationship with Steele and Ohr's subsequent meetings with the FBI. Shortly after receiving the FD-302s, then DAG Rod Rosenstein directed Ohr's removal from his ADAG position. In January 2018, Ohr was removed as Director of OCDETF. This section discusses ODAG's communication expectations, lack of knowledge regarding Ohr's activities with Steele and Simpson, the limited information Ohr provided to Rosenstein in October 2017 about his connection to Steele and Fusion GPS, the eventual full accounting of Ohr's activities provided to ODAG, and ODAG leadership's decisions to remove Ohr from ODAG and OCDETF.

### **A. ODAG's Communication Expectations and Lack of Knowledge of Ohr's Activities**

Several leaders and managers in ODAG during the time period of our review told us that communication within ODAG is imperative.<sup>452</sup> As explained below, the DAG relies upon assistance from the career Associate Deputy Attorneys General (ADAGs), such as Ohr, to ensure the Department's effective operation. Among other things, the ADAGs contribute to that effort by keeping ODAG leadership aware of pertinent information and issues affecting the Department.

Then PADAG Axelrod explained that, as the PADAG, he was the day-to-day manager of ODAG, and Ohr reported to Yates through him. Axelrod told us that when he started in ODAG, he told everyone in that office to be "canaries in the coal mine" and advise ODAG management of any issues affecting the Department. Axelrod explained that to properly manage ODAG, he needed to be aware of the issues that ODAG personnel were addressing to ensure that work was not being duplicated, nothing "[fell] through the cracks," and Department components knew who to speak with if questions arose. Yates also stressed that raising significant issues to her enabled her decision making process and prevented her from being surprised.

New ODAG leadership reiterated this theme on January 23, 2017, when Crowell sent an email to the Department's top leadership, including Ohr, directing "timely and complete communication" including the details of "any sensitive or

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<sup>452</sup> From summer 2016 through December 2017, ODAG leadership and management changed several times, with three separate DAGs and several iterations of their staff. Yates was DAG until President Trump removed her on January 30, 2017, at which time Boente was appointed Acting DAG. On April 26, 2017, Rosenstein was sworn in as the DAG. Matt Axelrod was Yates's PADAG until he left the Department on January 30, 2017. Crowell joined ODAG in January 2017 and served as Acting PADAG until June 28, 2017, when Robert Hur arrived, at which point Crowell served as Rosenstein's Chief of Staff until December 9, 2017. Tashina Gauhar was the Associate Deputy Attorney General (ADAG) responsible for ODAG's national security portfolio at this time. Scott Schools, who had served in ODAG during a prior tenure in the Department, rejoined ODAG on October 31, 2016, and served as an ADAG until his departure from the Department on July 6, 2018.

high-profile matters” or issues “[l]ikely to generate significant press attention.” Additionally, Crowell requested that “unexpected and/or urgent matters” be raised with ODAG to allow for proper collaboration and response.

When asked why he did not alert anyone in ODAG about his contacts with Steele and Simpson after Crowell’s January 24, 2017 email, Ohr stated that his contacts with Simpson and Steele were not part of any of his OCDETF cases, so he provided the information to the FBI and career people instead. Ohr told us he felt that he should talk to career people with experience in dealing with Russian information instead of talking to a supervisor within ODAG. According to Ohr, he did not view the fact that he, as a member of ODAG, was receiving information from Steele as significant or problematic, but rather he viewed the information itself as significant and thought it needed to be provided to the FBI.

Crowell stated that he was “flabbergasted” when he learned about Ohr’s involvement with Steele and the FBI. He stated that Ohr should have informed ODAG officials of his relationships with Steele and Simpson and his provision of information from them to the FBI, especially when Rosenstein appointed the Special Counsel and began supervising the investigation, because “a potential fact witness” was on Rosenstein’s staff.

Crowell told us that if he had known about Nellie Ohr’s connection to Fusion GPS or Ohr’s involvement with the Russia investigation, he would have moved Ohr away from the DAG to eliminate any appearance that Ohr was involved in the DAG’s oversight of the investigation. Crowell also opined that knowing this information about Nellie Ohr or about Ohr’s relationship with Steele earlier would have given Department leadership the time and opportunity to determine how to handle the situation as “the American public need[ed] to have confidence that [the investigation was] done the right way....”

Rosenstein stated that, like his predecessor, his Chief of Staff or PADAG ran weekly staff meetings with the ADAGs. He told us that if Ohr or other members of ODAG had any issues or problems, he expected them to talk to his Chief of Staff, the PADAG, or Scott Schools, who was the ODAG ethics advisor and a career Department employee. According to Rosenstein, “everybody understood that if you had...an ethical issue or just a difficult process issue, that’s what [Schools was] there for” and that he expected anyone with a sensitive issue to bring it to Schools.

In his position as ADAG, Ohr was not briefed on the existence of the Crossfire Hurricane investigation and the naming of U.S. persons as subjects. This information was known by ODAG leadership and those ADAGs with national security portfolios, which did not include Ohr. However, as detailed in earlier chapters, by fall 2016, rumors about the investigation were in the press; by January 2017, Steele’s election reports were published online; and by March 2017, Comey publicly acknowledged the investigation to Congress in a public hearing. Yates told us that the Russian interference investigation in general was well known within ODAG by the time Ohr met with McCabe in October 2016, and that Ohr knew to speak with Tashina Gauhar, the ADAG responsible for ODAG’s national security portfolio, about his involvement with Steele and the FBI. Ohr told us he knew from his November

21, 2016 meeting with members of the Crossfire Hurricane investigative team, Strzok, and Lisa Page that the FBI was doing something regarding the allegations, but he did not know prior to that that the FBI had opened a “specific” investigation. During this period, Ohr never disclosed to anyone in ODAG his contacts with Steele regarding Steele’s election reporting. Ohr told us that he could have gone to Gauhar as the national security ADAG, but he decided to speak with Swartz instead. Boente told us that at least after the release of the Intelligence Community Assessment (ICA) on Russian interference with the 2016 presidential elections in January 2017, Boente thought Ohr would have appreciated the potential for an investigation into Russia’s activities even if nobody in ODAG mentioned it specifically to Ohr.

As discussed above, Ohr also told us that he did not tell any career attorneys within ODAG about his contacts with Steele and Simpson because he thought that if he told another “ODAG person...they might have said, well we just got to tell the DAG.” He said another factor may have been concern that the DAG may tell him to stop speaking with Steele.

The OIG identified notes taken during three FBI Russia briefings to Department personnel that mention Ohr.<sup>453</sup> In connection with a Department meeting with FBI representatives (including Strzok) on February 16, 2017, notes by Boente, Gauhar, and Schools indicate that someone likely from the FBI mentioned that Nellie Ohr was employed by Simpson and that Ohr and Steele were in contact.<sup>454</sup> Additionally, notes from an FBI briefing for Boente on March 6, 2017, indicate that someone in the meeting stated that Ohr and Swartz had a “discussion of kleptocracy + Russian org. crime” in relation to the Manafort criminal case in an effort to “re-energize [the] CRM case.” Finally, a section of Boente’s notes from a March 22, 2017 meeting include the names Weismann, Swartz, and Ohr next to a section of notes regarding Manafort.

After reviewing these notes, none of the ODAG personnel at these meetings could remember Ohr being mentioned, or recall any additional information provided during these briefings beyond what was stated in these notes. Boente, Gauhar, and Schools did not remember the references to Ohr until they reviewed their notes. Gauhar and Schools stated that without more of the salient information now known concerning Ohr’s involvement, the remarks about Ohr did not make an impression on them or indicate to them that Ohr was substantially involved in the investigation. Gauhar told us that had the FBI provided any additional information regarding Ohr’s involvement at the February 16, 2017 meeting, she would have included that in her notes.<sup>455</sup> Gauhar further stated that, given the information now available regarding the extent of Ohr’s contributions to the FBI’s investigation, the

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<sup>453</sup> See Chapter Three for further information regarding these briefings.

<sup>454</sup> Schools stated that he also recalled that sometime after the February 16, 2017 meeting, the FBI OGC Unit Chief made a passing reference to Ohr knowing Simpson and Steele.

<sup>455</sup> Gauhar took extensive notes during Crossfire Hurricane meetings. For example, her notes for the February 16, 2017 meeting are eight pages long.

FBI should have alerted somebody at the Department about Ohr's activities, or Ohr should have alerted ODAG leadership about what he was doing.<sup>456</sup>

**B. Ohr Provides Rosenstein with Limited Information about His Connection with Steele and Fusion GPS**

Ohr told the OIG that in October 2017, Nellie Ohr received a call from someone at Fusion GPS who told her that the company was providing documents to Congress that identified her as a Fusion GPS contractor and that he realized that then DAG Rosenstein may need to know about this, so he asked to speak with him. He stated that he informed Rosenstein that his wife, Nellie Ohr, worked for Fusion GPS, and that it may become public that Ohr knew Steele and introduced him to the FBI. Ohr told the OIG that he was "prepared to go into more detail [with Rosenstein], but there really wasn't time."

Rosenstein recalled having this conversation in Ohr's office and told us he remembered Ohr stating he knew Steele and that Nellie Ohr worked for Fusion GPS. Rosenstein told us that during this conversation, Ohr may have also said that he introduced Steele to the FBI and that all this information may become public. Rosenstein described the meeting with Ohr as casual and noted that he was in Ohr's office for another reason, which indicated to him that Ohr did not make a special effort to notify him. Rosenstein stated that he left the conversation under the impression that it was only a "strange coincidence" that Ohr knew Steele.

Schools recalled that Ohr, at some point, "stuck his head in the door and said, hey I just wanted to make sure there's nothing I need to do. My wife works at Fusion GPS. I don't know if there's anything, like, a recusal, or anything I need to deal with." Schools stated that he responded to Ohr by saying that "you don't have anything to do with that case. We don't typically in the Department recuse individuals who aren't responsible for the matter giving rise to a potential conflict." Schools believed this conversation occurred a couple months before Ohr's conduct became public and may have coincided with Ohr's October 2017 conversation with Rosenstein.

Ohr told us that a few weeks after his first conversation with Rosenstein on this issue, he spoke with Rosenstein again and told him that he still talked to Steele from time to time and provided information to the FBI when Steele called him. Rosenstein told us that he recalled a second conversation with Ohr concerning Steele, which he believed occurred in early December 2017. According to Rosenstein, Ohr told him that he delivered a thumb drive containing Steele's election reports to the FBI. Rosenstein said this information changed his perspective of the situation. Rosenstein told us the fact that Ohr

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<sup>456</sup> As explained in previous chapters, no one in NSD had knowledge of Ohr's substantive contacts with Steele. Nor were they aware of his delivery to the FBI of Simpson's and Nellie Ohr's thumb drives. NSD attorneys only learned of Ohr's participation in Crossfire Hurricane in late 2017 or early 2018. NSD witnesses told the OIG that they would have expected the FBI or Ohr to have informed them of Ohr's involvement in the investigation as it occurred.

knew Steele was kind of just an unusual coincidence, but the idea that he had actually had some role in this Russia investigation was shocking to me.... [W]e had been fending off these Congressional inquiries. And they were asking for all sorts of stuff, [FD-]302s and things, and...I had no idea that somebody on my staff had actually been involved in...an operational way in the investigation.

According to Rosenstein, he learned that day or the next day that there were several FD-302s from Ohr's interviews with the FBI. He said that Ohr appeared to be serving as an "intermediary" with Steele.

### **C. ODAG Learns of Ohr's Activities in Connection to the Russian Investigation and Transfers Ohr**

On November 28, 2017, the Department received a letter from the Senate Select Committee on Intelligence (SSCI) requesting a closed interview of Ohr as part of its inquiry into Russian interference with the 2016 presidential election. SSCI's request was forwarded to Ohr and Crowell the next day, and the FBI subsequently provided ODAG with the Ohr FD-302s, which Crowell and Schools reviewed. Schools told us he was shocked by the number of FD-302s concerning Ohr because no one from the FBI had mentioned meeting with Ohr as part of the FBI's efforts to corroborate Steele's reporting.

Following ODAG receiving this information, there were a series of meetings within ODAG involving Rosenstein, Crowell, then PADAG Robert Hur, and Schools. These meetings concerned Ohr's involvement in the investigation and what Ohr had previously described as his limited connection to Steele in his conversations with Rosenstein and Schools. Rosenstein stated he was uncomfortable with Ohr's failure to fully inform anyone in ODAG about his communications with Steele and Simpson. Crowell told us that, after reading the FD-302s, he thought Ohr essentially functioned as a source for the FBI on a sensitive investigation without informing his leadership and was surprised that Ohr provided a version of Steele's election reporting to the FBI. Likewise, Schools told us:

[I]t's just inconceivable to me that somebody in the DAG's office would be having those communications [with Steele], and not report them to the DAG and the PADAG. Just because [the DAG and PADAG] have a right to know.

On December 5, 2017, Crowell and Schools met with Ohr to discuss Ohr's contacts with Steele. Crowell stated that they informed Ohr that they reviewed the FD-302s of his meetings with the FBI and asked Ohr why he did not inform anyone in ODAG about his activities. Schools stated that Ohr told them that he thought Steele's information needed to go to the FBI and not to ODAG political leadership because it was a political matter. According to Crowell and Schools, Ohr also stated that he should have let someone know and apologized.

Rosenstein told us Crowell and Schools reported back to him with their findings, and at that point, he realized Congress likely knew more about Ohr's activities with Steele and the FBI than anyone in ODAG did. Rosenstein told us:



[It] was really disappointing to me that he had made the decision originally not to brief anybody [on] our staff and then even after it was clear it was going to be...of national interest...he chose not to disclose, at least to [Schools], that he had actually had an active role....I felt like, if you're in the DAG's office, and the DAG is getting criticized by Congress for the handling of the Russia investigation, you ought to tell him that you had some role in it.

Rosenstein told us he focused on Ohr's role as essentially the equivalent of an FBI agent when dealing with Steele, over the substance of the information Ohr provided to the FBI. According to Rosenstein, the fact that Ohr had extensive conversations with Steele regarding the allegations of Russian interference and transmitted this information from Steele to the FBI—essentially acting as an intermediary, which was not a normal attorney role—formed the basis for Rosenstein's decision to remove Ohr from ODAG. According to Rosenstein, he viewed what Ohr did as collateral to his primary Department responsibilities, and that Ohr should have informed his supervisors about his involvement or sought ethics advice before taking these actions. Rosenstein said he expected an ADAG in these situations to err on the side of disclosure.

Crowell stated his recommendation, as Chief of Staff, was to remove Ohr as an ADAG and alert the appropriate investigative entities for further determination of the extent of Ohr's activities. According to Rosenstein, Crowell, and Schools, Rosenstein decided to use his discretion to move Senior Executive Service-level (SES) employees. He removed Ohr as an ADAG and reassigned him to the Criminal Division.

Crowell and Schools talked to Ohr again on December 6, 2017. They informed him that he was no longer an ADAG, but would remain Director of OCDETF. Crowell stated that he led Ohr through his options to dispute the decision or accept his removal as an ADAG, and that Ohr agreed to the reassignment.

According to Schools, on December 20, 2017, he met with Ohr to inform him that he also was being removed from his position as Director of OCDETF. Ohr stated that Schools told him that then Attorney General Sessions and DAG Rosenstein decided to remove him as Director of OCDETF because the position required coordination with the White House, which was something they no longer wanted Ohr to do. During his OIG interview, Schools told us he could not recall what he told Ohr about the reason for his removal; however, after reviewing a draft of this report, Schools stated that Ohr was correct in his recollection of the reason Schools had provided to him for his removal as OCDETF Director.

Rosenstein told the OIG that he and Sessions were both involved in the decision to move Ohr from OCDETF to the Criminal Division. Rosenstein said that Sessions did not want Ohr running the transnational organized crime program and wanted to replace Ohr as a member of the associated threat management working group at the White House. He said that, independently from Sessions, he wanted to take OCDETF in a different direction with a more proactive OCDETF Director. Rosenstein stated that neither of Ohr's moves were disciplinary actions.

In the next chapter, we discuss the FBI's use of CHSs other than Steele and its use of Undercover Employees as part of the Crossfire Hurricane investigation. We also describe several individuals we identified who had either a connection to candidate Trump or a role in the Trump campaign, and were also FBI CHSs, and explain why such individuals were not tasked as part of the Crossfire Hurricane investigation. Finally, we describe the participation of the SSA supervising Crossfire Hurricane at ODNI strategic intelligence briefings given to the presidential candidates and certain campaign advisors.

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## **CHAPTER TEN**

### **THE USE OF OTHER CONFIDENTIAL HUMAN SOURCES AND UNDERCOVER EMPLOYEES IN CROSSFIRE HURRICANE**

In this chapter, we examine the FBI's use of Confidential Human Sources (CHSs) other than Steele and its use of Undercover Employees (UCEs) in the Crossfire Hurricane investigation to determine whether the FBI had placed any CHSs within the Donald J. Trump for President Campaign or tasked any CHSs to report on the Trump campaign. We found no evidence that the FBI placed any CHSs or UCEs within the Trump campaign or tasked any CHSs or UCEs to report on the Trump campaign. However, we found that the Crossfire Hurricane team did task several CHSs and UCEs during the 2016 presidential campaign, which resulted in interactions with Carter Page, George Papadopoulos, and a high-level Trump campaign official who was not a subject of the investigation. All of the CHS interactions were consensually monitored by the FBI. We found that the Crossfire Hurricane team tasked CHSs to interact with Page and Papadopoulos both during the time Page and Papadopoulos were advisors to the Trump campaign, and after Page and Papadopoulos were no longer affiliated with the Trump campaign. We describe the types of information the CHSs sought to elicit from Page, Papadopoulos, and the high-level campaign official, as well as the information the CHSs obtained and the use, if any, that the Crossfire Hurricane team made of that information.

We also determined that additional CHSs were tasked by the FBI to attempt to contact Papadopoulos, but that those attempted contacts did not lead to any operational activity. In addition, we identified several individuals who had either a connection to candidate Trump or a role in the Trump campaign, and were also FBI CHSs, but who were not tasked as part of the Crossfire Hurricane investigation. One such CHS did provide the Crossfire Hurricane team with general information about Crossfire Hurricane subjects Carter Page and Paul Manafort, but we found that this CHS had no further involvement in the investigation. We identified another CHS that the Crossfire Hurricane team first learned about in 2017, when the CHS voluntarily provided his/her Handling Agent with [REDACTED]

[REDACTED]. These [REDACTED] were placed into the FBI's files and provided to the Crossfire Hurricane team for review, which determined there was not "anything significant" in the [REDACTED]. Below, we provide additional information about the individuals who had either a connection to candidate Trump or a role in the Trump campaign, and who were also FBI CHSs, and explain why they were not tasked in the Crossfire Hurricane investigation.

Finally, we learned during the course of our review that, in August 2016, the supervisor of the Crossfire Hurricane investigation, SSA 1, participated on behalf of the FBI in a strategic intelligence briefing given by the Office of the Director of National Intelligence (ODNI) to candidate Trump and his national security advisors, including Michael Flynn, and in a separate strategic intelligence briefing given to candidate Clinton and her national security advisors. Although the briefing of candidate Trump and his advisors was not an undercover operation, because SSA 1

was introduced to the briefing participants as an FBI agent, we discuss this briefing in this chapter, including the reason why SSA 1 was in attendance, and the observations that SSA 1 made as a result of his participation.

## **I. Methodology**

To review the FBI's use of CHSs and UCEs in the Crossfire Hurricane investigation, the OIG was given broad access to highly classified information. In July 2018, the FBI's then Assistant Director (AD) for the Counterintelligence Division (CD), E.W. "Bill" Priestap, briefed the OIG regarding the FBI CHSs and UCEs who provided information for the Crossfire Hurricane investigation. This briefing was based on CD's knowledge of the Crossfire Hurricane investigation as well as searches of the FBI's Sentinel and Delta databases.<sup>457</sup> In this briefing, Priestap described the FBI's operational use of CHSs other than Steele and his sub-sources, and use of UCEs in the Crossfire Hurricane investigation.

Separately, the OIG reviewed emails, text messages, and instant messages of the FBI agents, analysts, and supervisors working on the Crossfire Hurricane investigation, as well as contemporaneous handwritten notes, to identify references to CHSs and UCEs. Through our Delta searches and review of documents, we learned of additional CHSs who were discussed for potential use in Crossfire Hurricane, but ultimately were not tasked by the FBI. We describe these CHSs in greater detail below.

We also obtained and analyzed the FBI's index for the Crossfire Hurricane case file, as well as the indices of the Crossfire Hurricane sub-files for Papadopoulos, Carter Page, Manafort, and Flynn, who were named subjects of the Crossfire Hurricane investigation. These indices reference activities undertaken by the Crossfire Hurricane team involving CHSs by listing the CHS [REDACTED] in each line item that pertains to CHS activity. We then analyzed the underlying documents from the Crossfire Hurricane case file and sub-files that further described any activities involving CHSs.

The OIG was also given access to the FBI's classified Delta database, which is the FBI's automated case management system for all CHS records. We were able to review [REDACTED] the files of CHSs who were used, as well as those who were considered for use, in the Crossfire Hurricane investigation. The Delta files for these CHSs contained historical information, including when the FBI opened each CHS; the issues on which the CHS had reported; contact reports for all interactions with the FBI; quarterly (QSSR) reports and annual (FOASR) reviews of each CHS; and, where one had been performed, a human source

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<sup>457</sup> As described in Chapter Two, the FBI maintains an automated case management system for all CHS records, which the FBI refers to as "Delta." The Delta file for each CHS contains all of the personal and administrative information about the CHS, as well as sub-files for unclassified reporting, classified reporting, validation documentation, and payment records.

validation report. For any CHS that had been closed by the FBI, the Delta file also described the events that led to the closure, and the basis for the FBI's decision.

We also conducted word searches within the FBI's Delta database for a number of terms, including "Trump" and "campaign," as well as the names of individuals who held leadership positions within the Trump campaign. We analyzed each of the Delta documents containing the search terms related to the Trump campaign and its members. In addition, for any CHS identified through these word searches, we reviewed that CHS's Delta file index for at least the 2016-2017 time period, as well as CHS reports within that file, as appropriate, to determine whether the CHS contributed to Crossfire Hurricane, and, if so, how. We also interviewed numerous former and current Department and FBI officials concerning the FBI's use of CHSs and UCEs during the Crossfire Hurricane investigation.

## **II. Background**

CHSs play an important role in the FBI's efforts to combat crime and protect national security, by allowing law enforcement direct access to information that is often not available through other investigative means. At any one time, the FBI has thousands of active CHSs from diverse backgrounds who report on a wide variety of threats. We were told by the FBI that the relationship between a CHS and the FBI may continue for many years, during which time a source may become inactive, and then become active again. We also were advised that it is commonplace for CHSs to bring information to the FBI that is outside of his or her typical focus, because that individual believes the information may be of interest or value to the FBI.

According to the FBI, its use of CHSs in counterintelligence investigations is common. Priestap told the OIG that CHSs are an "ordinary investigative tool" that are "part and parcel of what [FBI] agents do in an investigative sense every day." Priestap added that the upper levels of FBI management, including the Assistant Director and the Deputy Director, are not usually advised when an investigative team wants to use a CHS for a particular investigation. Indeed, the FBI Confidential Human Source Policy Guide (CHSPG) specifies that "daily oversight responsibility for...CHSs resides with the [Supervisory Special Agent (SSA)], who must review all communications regarding the CHSs on his or her squad and supervise the special agents (SAs) operating those CHSs."

With respect to the involvement of CHSs in political campaign activities, as described in Chapter Two, FBI policies allow for the use of "sensitive" sources (a category which includes individuals who are "prominent within domestic political organizations"), the use of CHSs in sensitive monitoring circumstances, and the undisclosed participation of CHSs in organizations exercising First Amendment rights. The use of CHSs in these circumstances requires heightened levels of supervisory approval to safeguard Constitutional rights and protect civil liberties. In our analysis in Chapter Eleven, we explain why those requirements did not apply to any of the CHS or UCE activities undertaken in the Crossfire Hurricane investigation, from its inception through the November 8, 2016 elections.

### **III. Strategy and Planning for Use of CHSs and UCEs in the Crossfire Hurricane Investigation**

#### **A. Strategy for Use of CHSs and UCEs in Crossfire Hurricane**

The agents, analysts, and supervisors who worked on Crossfire Hurricane told the OIG that CHSs played an important role in the investigation. The Section Chief of CD's Counterintelligence Analysis Section I (Intel Section Chief) told the OIG that the use of CHSs was

viewed as...one of the best avenues to potentially get some meat on the bones of the allegation that came through that started the case, to get somebody talking about what that reality was, even if the reality was, this guy Papadopoulos knows nothing or...this is what happened that actually explains that predication.... [I]t was one of those few avenues...available to us in that moment, where you could start to get some clarity around...that initial predicated allegation.... [The idea] was to get...[a] source...to develop enough of a relationship to be able to ask some relatively pointed questions around the Russia issue to try to get clarity on that predicated information.

Case Agent 2 agreed that the best way to find the truth was to get a human source to gather information "to tell [us] where the problem is, period. Period."

The witnesses we interviewed gave the OIG three practical reasons for focusing on operations using CHSs in the investigation. First, the case agents said they were conscious that they were working on a compressed time frame, and told us that CHSs can be an effective tool for quickly obtaining information, such as the telephone numbers and email addresses of the named subjects.

Second, early in the investigation, the Crossfire Hurricane team discovered that it had an existing FBI CHS who had previously interacted with named subjects of the investigation. Then Deputy General Counsel Trisha Anderson told the OIG that using such a source operationally in a counterintelligence investigation is "an obvious selection because of those preexisting relationships." SSA 1 told the OIG that "if we have a source...who has direct contact with...predicated subjects, we can run potential consensual monitoring operations and us[e]...undercovers, and...that was a better use of our limited time and resources." Case Agent 2 added that in thinking about which CHSs to use, the Crossfire Hurricane team "didn't have resources to start going out to every Field Office and sensitizing sources," so using an existing CHS to conduct operations against the Crossfire Hurricane subjects made sense.

Third, multiple witnesses told the OIG that they were very concerned about preventing leaks regarding the nature and existence of the Crossfire Hurricane investigation. SSA 1 told the OIG that one of the overriding concerns was keeping information about the investigation out of the public realm, because the team did not want to impact the presidential election in any way. Priestap said that, in an effort to prevent leaks, the investigative team was kept to a "small group...to try to control the information from getting out."

## **B. Planning for Operations Involving CHSs and UCEs**

SSA 1 told the OIG that he and the case agents were responsible for planning how to use CHSs in the Crossfire Hurricane investigation.<sup>458</sup> Case Agent 1, Case Agent 2, and Case Agent 3 likewise told us that plans for the operational activities using CHSs and UCEs were driven by the agents and SSA 1. Case Agent 1 said that the investigative team was not “told to do anything specifically. It usually emanated from us coming up with our plans and operations.” The Intel Section Chief told the OIG the same thing—that the decisions about the use of CHSs and UCEs for Crossfire Hurricane were made by the case agents and SSA 1, and then approved through the chain of command.

SSA 1 told the OIG he did not remember any instances of then Section Chief Peter Strzok expressing opinions about how CHSs should be used or not used, or instructing the team on how to task the CHSs.<sup>459</sup> Case Agent 1 told the OIG that he did not recall Strzok “telling us to do anything or directing us to do anything” and did not remember “anything [Strzok] did on his own.”<sup>460</sup> Similarly, Case Agent 2 told the OIG that he had no memory of Strzok ever “com[ing] in and say[ing], nope, I don’t want this; I want this.” Case Agent 3 told us he remembered talking to Strzok on “a couple of occasions” but Case Agent 3 said he could not “remember engaging him in a whole lot.” Priestap told the OIG that there were no operational decisions involving CHSs for which Strzok was the sole decision maker.

Strzok’s description of his role matched the information provided by the case agents, SSA 1, and Priestap. Strzok told the OIG that there were no investigative steps or operational decisions that he made on his own, independent of the team. With respect to CHS operations, Strzok told the OIG that his role was not exercising decision making authority, but rather “awareness and oversight.” Strzok told the OIG he received briefings on the use of CHSs, but that “by and large, the kind of day-to-day operational use of sources was at a lower level than me.” Strzok said that decisions on operations involving CHSs were made at the team level, and FBI managers were told by the team “[w]e’ve got these operations coming up. This is how we’re going to use” each CHS.

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<sup>458</sup> The FBI’s CHSPG allowed an SSA to approve the operation of CHSs for all of the circumstances involved in the Crossfire Hurricane investigation, except for a heightened approval requirement for extraterritorial operation of a CHS, which applied to one of the Crossfire Hurricane CHS operations addressed in this chapter. We determined that the heightened approval requirement was met in the applicable circumstance. See CHSPG §§ 19.2 & n.12.

<sup>459</sup> Strzok was promoted to CD Section Chief in February 2016, and later to Deputy Assistant Director (DAD) of CD’s Operations Branch I on September 4, 2016.

<sup>460</sup> The one issue Case Agent 1 remembered Strzok weighing in on was how aggressively to task one of the CHSs. Case Agent 1 told the OIG he remembered Strzok voicing concern that the investigative team was using the CHS “too often” and that repeated use of a CHS could possibly raise suspicions. Case Agent 1 told the OIG he disagreed and thought the team should be more aggressive “given the compressed time frame in which we had to operate” but characterized the discussion as “just a normal kind of give and take” that occurs in planning CHS operations.



The FBI's Office of the General Counsel (OGC) Unit Chief told the OIG that, following a briefing in August 2016, then Deputy Director Andrew McCabe was "on board with using the sources and using them quickly given the timing issue." However, the OGC Unit Chief added that McCabe did not give direction about what sources to use and how.<sup>461</sup> The OGC Unit Chief also did not remember any position that Lisa Page ever took about whether to use any of the CHSs, and said that Lisa Page had no final say over decisions on operations involving CHSs.<sup>462</sup> Priestap told the OIG that, in the updates that the Director, Deputy Director, and EAD received, they were not provided with the "detail[s] of how...[each] confidential human source was going to be used going forward." During his OIG interview, McCabe said that he did not expect the Crossfire Hurricane team to brief him on every CHS, and that he did not direct the Crossfire Hurricane team to use any specific CHSs. Rather, he said that it was the responsibility of the investigative team "to make [the] assessments" of which CHSs to use and how to use them. He added that FBI policies contain no requirement for a case agent to "get[]" the Deputy Director's opinion on whether [a] source operation is a good idea or not or what the limitations should be."

The OGC Unit Chief also told us that members of the investigative team identified the CHSs and UCEs they wanted to use, and proposed the operational activities, as "the best way to try to get [the] answer quickly and covertly." She said that, under FBI policy, SSA 1 had the authority to approve the types of CHS operations used in the Crossfire Hurricane investigation. The Department was not part of the discussions regarding how to use FBI CHSs and UCEs to further the investigation. Department approval was not required to conduct operations using CHSs and UCEs, and the OGC Unit Chief told the OIG that the FBI does not "generally loop in DOJ...to discuss source operations" in counterintelligence investigations because the FBI is very protective of its source base and the identity of its CHSs.

In determining how to use CHSs in the Crossfire Hurricane investigation, SSA 1 and the case agents told the OIG that they focused their CHS operations on the predicated information and the four named subjects. Case Agent 1 told the OIG

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<sup>461</sup> The only express direction we found that McCabe gave regarding the use of a CHS concerned a former FBI CHS, who contacted an FBI agent in an FBI field office in late July 2016 to report information from "a colleague who runs an investigative firm...hired by two entities (the Democratic National Committee [DNC] as well as another individual...[who was] not name[d]) to explore Donald Trump's longstanding ties to Russian entities." The former CHS also gave the FBI agent a list of "individuals and entities who have surfaced in [the investigative firm's] examination," which the former CHS described as "mostly public source material." In mid-September 2016, McCabe told SSA 1 to instruct the FBI agent from the field office not to have any further contact with the former CHS, and not to accept any information regarding the Crossfire Hurricane investigation. McCabe told the OIG he did not remember giving those instructions, and could not tell us why he might have done so. We found no evidence that the FBI reopened the former CHS for the Crossfire Hurricane investigation, or tasked the former CHS in connection with the Crossfire Hurricane investigation.

<sup>462</sup> Case Agent 1, Case Agent 2, and Case Agent 3 each told us that they were not aware of any decision making by Lisa Page in the investigation and that they had little to no interaction with her.

that the team "had a very narrow mandate" and that was "a mandate to look at these four individuals...and see if there's any potential cooperation between themselves and the Russian government...that was our goal in that investigation." He added that they were focused on the information from the Friendly Foreign Government (FFG) "and wanted to prove or disprove it, [as] best we could" but also "wanted to make sure that it didn't get broadcast out and we didn't harm the electoral process." Case Agent 2 told the OIG that the Crossfire Hurricane team was "focused on four predicated subjects." He stated that the core of the investigation was "literally looking at the predication and saying, okay, who reasonably could have had been in a position to receive suggestions from the Russians?" Case Agent 2 also said that in his "experience over twenty years [in the FBI]...a human source every time is going to answer that question" and so the team had "to start thinking about what human sources we can use."

SSA 1 also told the OIG that he did not have any information that the use of the CHSs was motivated in any way by political objectives rather than investigative objectives. He said that there was "no inkling of that. I never detected that, or had any indication of that." Priestap likewise told the OIG he was not aware of anyone's political preferences playing any role in the tasking of the CHSs. Priestap said that if he had seen any indication that Strzok was taking investigative actions for political reasons, Priestap would have removed Strzok from the Crossfire Hurricane team. Priestap said that he "absolutely would not have tolerated" politicization of the investigation, and that he never saw anything to indicate that type of activity was occurring.

### **C. Absence of FBI CHSs Inside the Trump Campaign**

All of the witnesses we interviewed told the OIG that the FBI did not try to recruit members of the Trump campaign as CHSs, did not send CHSs to collect information in Trump campaign headquarters or Trump campaign spaces, and did not ask CHSs to join the Trump campaign or otherwise attend campaign related events as part of the investigation. Using the methodology described above, we found no information indicating otherwise.

Priestap told the OIG he knew of no effort by the FBI to infiltrate the Trump campaign. He said the investigation

was about a foreign adversary trying to mess with our free and fair election system. We wanted to know if any U.S. persons assisted in any way. In no way was it an investigation into...the political process.... [I]t's not the FBI's role in any way to try to monitor or...investigate campaigns.

Priestap added that the FBI wasn't

after policy and plans. We were after some specific information about possible collusion with the Russians.... We never tried to develop somebody and insert them into the campaign. I'm actually pretty darn confident we could have been able to do that...if that was the objective. The FBI is pretty good at developing sources and inserting

them into situations to advance our investigations. I know of no conversation in which that was a plan on the part of the FBI's.

McCabe told the OIG that he was never involved in any discussions about placing an FBI CHS into the Trump campaign to further the Crossfire Hurricane investigation, or for any other purpose. Former Director James Comey told the OIG that, if there had been an effort to place a CHS within the Trump campaign, he would have expected to have been notified of that. He also said he had no knowledge of any FBI CHSs that had been asked by the FBI to join the Trump campaign in any capacity, and no information that would support an allegation that the FBI had been spying on the Trump campaign.

#### **IV. Use of CHSs and UCEs in the Crossfire Hurricane Investigation**

##### **A. No CHSs and UCEs Used Prior to the Opening of the Crossfire Hurricane Investigation**

In our review, we did not find any evidence that the FBI used CHSs or UCEs to interact with members of the Trump campaign prior to the opening of the Crossfire Hurricane investigation. All of the members of the Crossfire Hurricane team told the OIG that no investigative steps of any type were taken prior to receipt of the predicated information for the Crossfire Hurricane investigation on July 28, 2016, and we found no evidence to the contrary.

We investigated allegations that the FBI used specific individuals to undertake CHS activities prior to the predication of Crossfire Hurricane. For example, we investigated an allegation that the FBI sent a CHS (known as "Henry Greenberg" by other aliases) to meet with Trump advisors Roger Stone and Michael Caputo in March 2016, to offer to sell derogatory information about Hillary Clinton for \$2 million. We found no evidence in the FBI's Delta files or from witness testimony that this individual was acting as an FBI CHS for any purpose in 2016.

We also investigated an allegation, raised by Papadopoulos, that the FBI used Joseph Mifsud, a Maltese citizen who was living in London and serving as a university professor, to pass information to Papadopoulos in April 2016 as a set up, so that the FBI could predicate the Crossfire Hurricane investigation. Papadopoulos raised this possibility during his October 25, 2018 testimony before the House Judiciary Committee and House Committee on Government Reform and Oversight, by stating that Mifsud might have been "working with the FBI and this was some sort of operation" to entrap Papadopoulos. The FBI's Delta files contain no evidence that Mifsud has ever acted as an FBI CHS,<sup>463</sup> and none of the witnesses

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<sup>463</sup> As previously noted, we searched the FBI's Delta database for evidence of FBI CHSs interacting with Papadopoulos and other targets of the Crossfire Hurricane investigation, and found no evidence of such interactions, other than the CHSs specifically described in this chapter.

we interviewed or documents we reviewed had any information to support such an allegation.<sup>464</sup>

In addition, we investigated whether the FBI tasked any CHSs to meet with Carter Page prior to the opening of Crossfire Hurricane. We found no evidence that the FBI had. Case Agent 1, SSA 1, and the Supervisory Intelligence Analyst (Supervisory Intel Analyst) each told the OIG that the FBI did not have anything to do with any operational activities against Carter Page prior to the start of the Crossfire Hurricane investigation on July 31, 2016.<sup>465</sup>

## **B. CHS and UCE Involvement in Crossfire Hurricane**

We found no evidence that the FBI placed any CHSs or UCEs within the Trump campaign or tasked any CHSs or UCEs to report on the Trump campaign. However, through our review, we determined that, during the 2016 presidential campaign, the Crossfire Hurricane team tasked four CHSs and a few UCEs, which resulted in interactions with Carter Page, George Papadopoulos, and a high-level Trump campaign official who was not a subject of the investigation. We found that the Crossfire Hurricane team tasked CHSs to interact with Page and Papadopoulos both during the time Page and Papadopoulos were advisors for the Trump campaign, and after Page and Papadopoulos were no longer affiliated with the Trump campaign. All of the CHS interactions were consensually monitored by the FBI. Two of the CHSs tasked by the FBI are referred to below as Source 2 and Source 3. Below we discuss the types of information these CHSs sought to elicit from Page, Papadopoulos, and the high-level campaign official, the information that the CHSs obtained, and the use, if any, that the Crossfire Hurricane team made of that information.

We also determined that two additional CHSs were tasked by the FBI to attempt to contact Papadopoulos, but that those attempted contacts did not lead to any operational activity, and those CHSs are not discussed further in this report.

### **1. Source 2**

Source 2 was closed by the FBI in 2011 for “aggressiveness toward handling agents as a result of what [Source 2] perceived as not enough compensation” and “questionable allegiance to the [intelligence] targets” with which Source 2 maintained contact. However, Source 2 was re-opened 2 months later by Case Agent 1, and was handled by Case Agent 1 from 2011 through 2016 as part of Case Agent 1’s regular investigative activities at an FBI field office. The FBI conducted human source validation reviews on Source 2 in 2011, 2013, and 2017.

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<sup>464</sup> The FBI also requested information on [REDACTED]

<sup>465</sup> As noted in Chapter Three, a New York Field Office (NYFO) Counterintelligence (CI) Agent also told us that the FBI did not use any CHSs to target Carter Page during the NYFO counterintelligence investigation of Page, which was opened on April 6, 2016, and transferred to the Crossfire Hurricane team on August 10, 2016.

Case Agent 1 told the OIG that Source 2 can be "mercurial" and explained that Source 2 was closed for cause in 2011 because the former FBI handler, although very skilled, was "not the right match" for Source 2, which resulted in interpersonal conflict. Case Agent 1 said that when he reopened Source 2, he told Source 2 that this was the "last opportunity" and that the FBI would not tolerate the issues that had arisen in the past. According to Case Agent 1, since that time Case Agent 1 has not experienced any aggressiveness, and has not seen any indication that Source 2 has questionable allegiances to intelligence targets. Instead, Case Agent 1 described Source 2 as willing to assist the FBI "without any hesitation." He added that Source 2 has never given Case Agent 1 any reason to doubt the veracity of Source 2's reporting. Case Agent 1 and SSA 1 both told the OIG that nothing happened in the Crossfire Hurricane investigation to suggest that the concerns leading to Source 2's closure for cause in 2011 had any impact on Crossfire Hurricane.

**a. Crossfire Hurricane Team's Initial Meeting with Source 2 on August 11, 2016**

Source 2's involvement in the Crossfire Hurricane investigation arose out of Case Agent 1's pre-existing relationship with Source 2. Case Agent 1 told the OIG that when he arrived in Washington, D.C. in early August 2016 to join the Crossfire Hurricane team, he had never previously dealt with the "realm" of political campaigns. He said he lacked a basic understanding of simple issues, for example what the role of a "foreign policy advisor" entails, and how that person interacts with the rest of the campaign. Case Agent 1 said he proposed meeting with Source 2 to ask these questions because Case Agent 1 knew that Source 2 had been affiliated with national political campaigns since the early 1970s. Case Agent 1 also believed Source 2 might have information about, and potentially may have met, one or more of the Crossfire Hurricane subjects. Case Agent 1 told the OIG that he did not know at the time he proposed the meeting that Source 2 had been invited to join the Trump campaign. SSA 1 told the OIG that he did not know about Source 2, or know that Case Agent 1 was Source 2's handler, prior to Case Agent 1 proposing the meeting, which SSA 1 approved.

On August 11, 2016, Case Agent 1, Case Agent 2, and a Staff Operations Specialist (SOS) met with Source 2. Case Agent 1 told the OIG that the plan going into the meeting was to talk generally with Source 2 about Russian "interference in the election, what [Source 2] may know, and...to bring up Papadopoulos." Case Agent 1 added that the team used media reports concerning the release of emails and allegations of Russian hacking to frame the discussion. The Electronic Communication (EC) documenting the meeting states that the investigative team told Source 2 they were "assigned to a project" concerning Russian interference in the Presidential campaign. Case Agent 1 said they did not tell Source 2 that there was an open investigation or who the subjects were. Case Agent 1 also said they did not tell Source 2 about any specifics, including the information the FBI had received from the Friendly Foreign Government (FFG) that led to the opening of the investigation.

Case Agent 1 told the OIG that the team asked Source 2 about Papadopoulos, but Source 2 said he had never heard of him. The EC documenting the meeting reflects that Source 2 agreed to work with the Crossfire Hurricane team by reaching out to Papadopoulos which would allow the Crossfire Hurricane team to collect assessment information on Papadopoulos and potentially conduct an operation.

Case Agent 1 told the OIG that Source 2 then asked whether the team had any interest in an individual named Carter Page. Case Agent 1 said that the members of the investigative team "didn't react because at that point we didn't know where we were going to go with it" but asked some questions about how Source 2 knew Carter Page. Source 2 explained that, in mid-July 2016, Carter Page attended a three-day conference, during which Page had approached Source 2 and asked Source 2 to be a foreign policy advisor for the Trump campaign. According to the EC summarizing the August 11, 2016 meeting, Source 2 said he/she had been "non-committal" about joining the campaign when discussing it with Carter Page in mid-July, but during the August 11, 2016 meeting with the Crossfire Hurricane team, Source 2 "stated that [he/she] had no intention of joining the campaign, but [Source 2] had not conveyed that to anyone related to the Trump campaign." Source 2 further stated he/she "was willing to assist with the ongoing investigation and to not notify the Trump campaign about [Source 2's] decision not to join." Source 2 also told the Crossfire Hurricane team that Source 2 was expecting to be contacted in the near future by one of the senior leaders of the Trump campaign about joining the campaign.

In addition, Source 2 told the Crossfire Hurricane team that Source 2 had known Trump's then campaign manager, Manafort, for a number of years and that he had been previously acquainted with Michael Flynn. Case Agent 1 told the OIG that "quite honestly...we kind of stumbled upon [Source 2] knowing these folks." He said that it was "serendipitous" and that the Crossfire Hurricane team "couldn't believe [their] luck" that Source 2 had contacts with three of their four subjects, including Carter Page.

#### **b. Internal FBI Discussions Concerning Source 2 and the Trump Campaign**

Case Agent 1 told the OIG that, after meeting with Source 2 on August 11, 2016, he drove back to FBI Headquarters with Case Agent 2 and the SOS, and met with other members of the Crossfire Hurricane team to discuss how to proceed. During that meeting, the OGC Unit Chief, SSA 1, Strzok, and Priestap learned that Source 2 had been invited to join the Trump campaign by Carter Page and that Source 2 was going to turn down the invitation. All of the FBI witnesses we interviewed said that they would not have used Source 2 for the Crossfire Hurricane investigation if Source 2 had actually wanted to join the Trump campaign. SSA 1 said he did not remember anyone on the Crossfire Hurricane team advocating for Source 2 to actually join the Trump campaign and told the OIG he was relieved that Source 2 did not want to join the campaign "at all." Strzok told the OIG his reaction was "no, no, no, no, no, no.... [O]h god no. Absolutely not" when he learned that Source 2 had been invited to join the Trump campaign. Case Agent 1

told the OIG that if Source 2 had joined the campaign, the Crossfire Hurricane team would not have used Source 2 “because that’s not what we were after.” He added that having Source 2 in the campaign would have been difficult because “then [Source 2] actually has a job to do and [Source 2 is] going to actually have to do that job.” Case Agent 2 told us that the reaction of the OGC attorneys advising the Crossfire Hurricane team was “no freaking way” and that the team was not “pushing for that...[because they were] not trying to get into the campaign.” Case Agent 2 said that by using Source 2 outside of the campaign, the Crossfire Hurricane team could find “smart ways, and quiet ways to get information that we can corroborate, that helps us understand what the heck Mr. Papadopoulos meant by...the Trump team received a suggestion from the Russians.” Priestap said that his first question was “what was Source 2’s answer?” and that the response was Source 2 did not want to join the campaign.

The OGC Unit Chief said that she remembered the team seeking her advice, and said she told them they should not direct Source 2 to join the campaign, but they also should not tell Source 2 not to join the campaign. She told the OIG her advice was that Source 2 “should do what [Source 2] would normally do” and that the Crossfire Hurricane team should “follow [Source 2’s] lead.” She added that she was “grateful” when she learned that Source 2 did not want to join the Trump campaign, because she said that if the Crossfire Hurricane team had wanted to operate a CHS within the campaign (which she said none of the team members ever proposed to her), that would have raised a host of complicated issues under the FBI’s Domestic Investigations and Operations Guide (DIOG), including undisclosed participation in political activities, appearance issues if it became publicly known an FBI source was in the Trump campaign, and the potential that the source could influence campaign policy or strategy.

**c. Follow-up Crossfire Hurricane Team Meeting with Source 2 on August 12, 2016**

The next day, August 12, 2016, Case Agent 1, Case Agent 2, and the SOS met with Source 2 again. During the August 12, 2016 meeting, Source 2 provided additional information about the role of a foreign policy advisor in a presidential campaign. Case Agent 1 described this portion of their conversation as “more of a generic question, like what is the foreign policy advisor doing” and who does that person report to? Case Agent 1 said that the Crossfire Hurricane team was not interested in the Trump campaign’s “policies or any of their positions,” but more generally just needed to understand the role of a foreign policy advisor.

During the August 12, 2016 meeting, Case Agent 1, Case Agent 2, and the SOS also told Source 2 that the FBI was interested in Carter Page, and asked whether Source 2 would be willing to contact Carter Page for a private meeting, as a follow-up to their meeting in July 2016. The investigative team told Source 2 that, because the Trump campaign appeared interested in recruiting Source 2, Source 2 was in a perfect position to directly ask Carter Page about media reports regarding links between the campaign and Russia. The team also discussed with Source 2 plans regarding Papadopoulos. As discussed below, Source 2 ultimately met with three members of the Trump campaign on behalf of the FBI—Carter Page,

George Papadopoulos, and a high-level campaign official who was not a subject of the investigation—and the FBI consensually monitored Source 2’s conversations with each of these individuals.

**d. Source 2’s Meetings with Carter Page**

**(1) August 20, 2016**

The first consensually monitored meeting between Source 2 and Carter Page took place on August 20, 2016. As described in Chapter Seven, some of the information obtained from this meeting was referenced in the Carter Page FISA Renewal Application No. 3. Case Agent 1 said that he instructed Source 2 to use the information in the media regarding Russia and Hillary Clinton’s emails, and to ask questions Source 2 would normally ask if Source 2 was talking to a foreign policy advisor to a campaign. Members of the Crossfire Hurricane team told the OIG that they expected Source 2 to ask whether the campaign was planning an “October Surprise,” as had been reported in the media, in addition to asking Carter Page if he maintained contacts with Russians or knew whether the Russians had been releasing emails to benefit the campaign.

We reviewed the transcript of Source 2’s August 20, 2016 meeting with Carter Page. Through their conversations, Source 2 learned where Page was staying while in Washington for campaign meetings. Page also claimed to “personally...have no ambition” to seek a position in the administration if Trump won the election. Page also stated that he had “literally never met” Manafort, had “never said one word to him,” and that Manafort had not responded to any of Carter Page’s emails. Source 2 (who had known Manafort for decades) told Carter Page not to “feel bad” because everybody who has ever sent emails to Manafort “never got a response.”<sup>466</sup>

During their conversation, Page told Source 2 that his July 2016 trip to Moscow “was the most incredible experience of my life.” However, Page repeatedly complained about the negative, and highly personal, media attention he was receiving. For example, Page described an article from *The Washington Post* and how “95% of it was complete garbage.” Page also complained that, next to Manafort (who he called “public enemy number one”) Page was being treated as “public enemy number two.” Page said that as a result of a “hit job” in Bloomberg News he had been branded as “Trump’s Russia Advisor” with “close ties with the Russian government,” and that idea had become “the consistent narrative ever since.” Page told Source 2 that he was “just a shareholder” in the Russian energy company Gazprom, but that the media’s approach was to highlight “anything that they can kind of spin in a...negative way.” As a result of the negative media coverage, Page said that others working for the campaign were joking with him

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<sup>466</sup> As described in Chapters Five and Seven, the FBI did not advise NSD’s Office of Intelligence or the Foreign Intelligence Surveillance Court (FISC) of Carter Page’s statements concerning Manafort, which contradicted information from Steele’s election reporting that was relied upon in the Carter Page FISA applications.



about "attract[ing] all the attention" and keeping the rest of them "off the radar screen."

When Source 2 raised the issue of an "October Surprise," Carter Page said "there's a different October Surprise...[a]lthough maybe some similarities" to the October Surprise in the 1980 Presidential Campaign. Page did not elaborate. Source 2 raised the issue again later in the meeting, and asked if the Trump campaign could access information that might have been obtained by the Russians from the DNC files. Source 2 added that in past campaigns "we would have used [it] in a heartbeat." Page's response was that, because he had been attacked by the media for his connections to Russia, he was "perhaps...[being] overly cautious." When the October Surprise issue came up again, Page alluded to "the conspiracy theory about...the next email dump with...33 thousand" additional emails, but did not further explain what he meant. Source 2 asked "[w]ell the Russians have all that don't they?" to which Page responded "I don't, I-I don't know."

Page also said that "we were not on the front lines of this DNC thing" during the Philadelphia convention and wondered aloud "who's better to do this?" Page asked Source 2 whether the Trump campaign should just leave it to the "other forces that be" and just let it "run its course," with the Trump campaign "egg[ing] it a long a little bit" but without being "seen as the one advancing this in concert with the Russians." Source 2 responded "it needs to be done very delicately and with no fingerprints" to which Page said "[o]kay." Page asked Source 2 if "picking out a couple trusted journalists" and giving them "some ideas of...potential big stories" would be the right way to handle it. Page also suggested that "there may be people that kind of work this angle" but that Page was being "very cautious, you know, right now."

Source 2 also asked Page for information about Papadopoulos. Page said that Papadopoulos was the youngest guy on the campaign, that he used to live in London, and that he had not been to the last campaign meeting. Page also said he had "no comment" on whether Papadopoulos was easily triggered emotionally.

At one point, Source 2 steered the conversation toward Source 2's contacts in the Russian [REDACTED], and described how Source 2 arranged fully paid trips for the [REDACTED] and other Russians to speak [REDACTED]. Source 2 asked if Page knew anyone of that type that might be interested in coming to speak [REDACTED], and Page responded that he "know[s] a couple of people in London" but that he wanted to be "doubly cautious...to limit conspiracy theories" and that his preference would be to "pass along names discreetly." Page added that he would need to "think about the easiest[,] most efficient[,] frankly safest way to...navigate this."

Throughout the meeting, Page asked Source 2 to assist the Trump campaign by writing op-eds. Source 2 stated a willingness "to be helpful to the campaign" but also said that Source 2 would like to know "what the plan is" before committing. Page responded that it was "unfortunate" that Source 2 had not yet gotten to meet a high-level campaign official who was not a subject of the investigation, and Source 2 responded that Source 2 was available whenever that

high-level campaign official "wants to chat." Later in the meeting, Source 2 told Page that Source 2 would like to meet with the high-level campaign official to discuss "what I'm getting in to" because Source 2 said there are "some things that have to be done at this part of...the campaign.... And if you don't do them you're going to lose."

Case Agent 1 told the OIG that Page's comment about the "October Surprise" was meaningful to the Crossfire Hurricane team. He said that when Page was asked the question, Page

kind of trailed off and it...piqued our interest because it seemed like that he knew of something, but he wasn't 100 percent sure and was just kind of alluding to something, but he didn't really give much more information to it. So that kind of pique[d] our interest.

Case Agent 1 said that within the investigative team "there was a discussion whether or not [Carter Page] knew more than he was [letting] on." SSA 1 told the OIG that the Crossfire Hurricane team viewed Page's responses to questions as "less than forthright" and Case Agent 3 described Page as not "as forthcoming as he could have been." As described previously in Chapters Five and Seven, however, the FBI did not include any of the information from the August 20, 2016 meeting between Source 2 and Carter Page in the first FISA application, or Renewal Application Nos. 1 and 2, but did include some of Page's comments to Source 2 about the "October Surprise" in Renewal Application No. 3.

SSA 1 and Case Agent 1 told the OIG that this meeting between Source 2 and Carter Page was important for the investigation in other ways. SSA 1 told the OIG that it was important for the team to determine "where [Carter Page] was living, [and] what he was up to." Case Agent 1 said that, as a result of this operation, "we now had a successful contact between the established FBI source and one of our targets" which gave the Crossfire Hurricane team confidence that they could "find out investigatively what we've been charged to do." Case Agent 1 also said that, because "there were several emails sent back and forth thanking [Source 2]," the FBI obtained Carter Page's email address and telephone number, which could be used in the first FISA application.

Consensual monitoring of the August 20 meeting between Source 2 and Carter Page was presented to McCabe, Priestap, then FBI General Counsel James Baker, Strzok, Anderson and other FBI personnel during briefings on August 25, 2016. Baker told the OIG that what he remembered about the briefing

was feeling comfortable that the focus was on the Russians, the focus was on trying to get foreign-intelligence information, [and] that this other stuff [regarding the campaign] was part of the cover story and not what we were interested in, and something that we...just weren't going to make any use of.

He added that "even though the FBI was collecting some type of political information" through Source 2's conversation with Carter Page, the political information "was not the focus of what we were after...[and] it was being minimized

in the sense that it was just extra crap that we got that we didn't really want." He also said that at the time he felt the people presented the monitoring were appropriately focused on the fact that Source 2 "couldn't get Carter Page to say anything about the Russians." Anderson told the OIG that her impression of the consensual monitoring was that Carter Page was "pretty guarded" in talking to Source 2. McCabe told the OIG he remembered that "there weren't any...smoking guns from the conversation" but that "Page seemed kind of evasive." McCabe did not remember being told about any portions of the conversation other than what was contained on the consensual monitoring that the Crossfire Hurricane team provided to him for review. McCabe also said he remembered having an "expectation that [the Crossfire Hurricane team] would continue to use [Source 2, who] obviously had access to" Carter Page, but McCabe could not remember any follow-up discussions or what the investigative team planned to do next. As described previously in Chapters Five and Seven, the FBI did not inform the National Security Division (NSD) attorney in the Office of Intelligence (OI) who was working on the Carter Page FISA applications about Page's August 2016 interaction with Source 2 until 10 months later, in June 2017. As a result, none of the information from this interaction was considered by OI for inclusion in the first FISA application, or Renewal Application Nos. 1 and 2. Page's comments about the "October Surprise" were included in Renewal Application No. 3, which was filed in June 2017, after Case Agent 6 sent the OI Attorney a 163-page document for the purpose of showing him Page's statements about the "October Surprise." The OI Attorney told the OIG that he used the 163-page document to accurately quote Page's statements concerning the "October Surprise" in Renewal Application No. 3, but that he did not read the other aspects of the 163-page document and that Case Agent 6 did not flag for him Page's statements about Manafort. The OI Attorney told us that these statements, which were available to the FBI before the first application, should have been flagged by the FBI for inclusion in the FISA applications at the time the statements were made because they were relevant to the court's assessment of the allegations concerning Manafort using Page as an intermediary with Russia. Case Agent 6 told the OIG that he did not know that Page made the statement about Manafort because the August 2016 meeting between Source 2 and Page took place before Case Agent 6 was assigned to the investigation. He said that the reason he knew about the "October Surprise" statements in the document was that he had heard about them from Case Agent 1 and did a word search to find the specific discussion on that topic.

## **(2) October 17, 2016**

The second consensually monitored meeting between Source 2 and Carter Page took place on October 17, 2016, 4 days before the FBI obtained the first FISA targeting Page, and after Page had left the Trump campaign. As described in Chapter Five, Page made statements to Source 2 that led the FBI to believe that Page was continuing to be closely tied to Russian officials, including Page's suggestion (described below) that "the Russians" may be giving him an "open checkbook" to fund a foreign policy think tank.

Case Agent 1 told the OIG that the Crossfire Hurricane team had learned through travel records that Page was planning a trip. Case Agent 1 said that the Crossfire Hurricane team

wanted to find out what he was going to do...because at that point he was no longer affiliated with the campaign. He was out. As far as we could tell he was no longer a part of the campaign. We still didn't have the FISA up, but we wanted to see who he was going to be in contact with..., and why he was going...because it just seemed very odd.

Case Agent 1 told the OIG that the investigative team believed that Page may be going to meet an individual with ties to Russian Intelligence. The investigative team was also aware of a Russian responsible for "recruiting U.S. government employees and handling U.S. government employees." Case Agent 1 said that the plan was for Source 2 to help determine where Page was planning to stay and what he was planning to do during his trip.

Case Agent 1 told the OIG that the Crossfire Hurricane team did not get a complete transcript of the meeting, which was consensually monitored, but instead "wrote up only the pertinent parts of whatever meetings occurred just because...doing a full transcript would have taken too long and it was just not pertinent." We reviewed the Crossfire Hurricane team's partial transcript of Source 2's October 17, 2016 meeting with Carter Page.

During the meeting, Page told Source 2 that Page "never had any ambitions to go into government regardless of who won" the upcoming presidential election, and instead called himself the "equivalent" of influential diplomat and academic George Kennan. Page said that, like Kennan who "found[ed] his Institute of Advanced Study," Page would like to develop a research institute to be "a rare voice that talks against this consensus" of Russian containment, which Page believes is too "hawkish and aggressive in a lot of ways against the Russians." In talking about how he would fund this institute, Page told Source 2 "I don't want to say there'd be an open checkbook, but the Russians would definitely..." then, according to the partial transcript, the sentence trailed off as Page laughed. Source 2 asked "they would fund it—yeah you could do alright there" and Page responded "Yeah, but that has its pros and cons, right?"

At other points in the conversation, Page stated that he had "a longstanding constructive relationship with the Russians going back throughout" his life, and that he "could talk for the next 5 hours about all these sneaky little approaches that the [U.S. government] has been taking against Russia—going back...a couple decades." Page also stated his belief that "if these ridiculous approaches and these failed policies continue next January, you know...we're on the brink of war."

When asked about the link between the Russians and WikiLeaks, Page said that, as he has

made clear in a lot of...subsequent discussions/interviews...I know nothing about that—on a personal level, you know no one's ever said

one word to me. But it's interesting, you know, off the record between us—if the only source of transparency and the truth is an external source, you know, *c'est la vie* right?

Page also mentioned to Source 2 “very deep off the record” that the Clinton campaign had “hired investigators to come after me, including some in London,” and that Page had “very good sources...[and knew] the names of the investigators as well.”

As for the platform committee during the Republican National Convention, Page told Source 2 that he “stayed clear of that—there was a lot of conspiracy theories that I was one of them.... [But] totally off the record...members of our team were working on that, and...in retrospect it's way better off that I...remained at arms' length. But again, our team was working on that.”

Page also told Source 2 that the “core lie” against Page in the media “is that [Page] met with these sanctioned Russian officials, several of which I've never even met in my entire life.” Page said that the lies concern “Sechin [who] is the main guy, the head of Rosneft...[and] there's another guy I had never even heard of, you know he's like in the inner circle.” When Source 2 asked Page about that person's name, Page said “I can't even remember, it's just so outrageous.”<sup>467</sup> Page stated that he did meet a number of people when he was the commencement speaker at the July 2016 New Economic School graduation in Moscow, and told Source 2 that “the irony of it [was]...there's no law against meeting with sanctioned officials” and that his lawyer said everything would be fine “as long as you don't take gifts or have any sort of business dealings...the lawyer quote was ‘don't even take a pen.’”

When Source 2 asked whether Page could introduce Source 2 to Russians who might be interested in speaking [REDACTED], Page laughed and said “[m]y lawyers would probably advise me to...” then laughed again and mentioned Harry Reid's letter to FBI Director Comey asking the FBI to “please look into Carter Page's connections to these people.” When asked again, Carter Page reiterated that “lawyers are always cautious...and... this would be setting off such big alarm bells.” Page also told Source 2 that Page did not have their “contact details.”

Members of the Crossfire Hurricane team and FBI OGC told the OIG they considered Page's discussion of having a potentially “open checkbook” as the most useful and concerning piece of information from the October 17, 2016 meeting between Source 2 and Page. Case Agent 1 told the OIG that, as a result of that comment, the Crossfire Hurricane team was “trying to figure out at the time if that was part of a quid pro quo.” SSA 1 told the OIG that Page's comment on funding a research institute using “an open checkbook” from Russia brought SSA 1 closer to believing that Carter Page may actually be acting as an agent of a foreign power. The OGC Attorney told us that he viewed the remark as an indication that Page had “connections that he expected to be able to use to his advantage as a result of the

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<sup>467</sup> As described in Chapters Five and Seven, the FBI did not include Carter Page's denials of these meetings with Russian officials in its description of this CHS operation in the FISA applications.

potential election of Donald Trump.” The OGC Unit Chief told the OIG she viewed this as a suggestion “that the Russians would pay for [Page] to operate a think tank in the United States...basically as a propaganda machine.”

As discussed in Chapters Five and Seven, these statements about “an open checkbook” from Page’s interaction with Source 2 were included in the FISA applications, but Page’s statements denying knowing about a WikiLeaks connection to Russia, having involvement in the platform committee, or having met with the sanctioned Russian officials, or even knowing who one of them was, were not included in any of the FISA applications.

### **(3) December 15, 2016**

The third consensually monitored meeting between Source 2 and Carter Page took place on December 15, 2016, which was several days after Page returned from giving a lecture at the New Economic School in Moscow. The New Economic School was the university in Moscow where Page had spoken in July 2016. During their lunch meeting, Page described his recent trip to Moscow as involving “18 hour days for a...week.” Page also told Source 2 that Page would be traveling back to Moscow “after the New Year” and that Page had been invited to Christmas parties at Gazprom and Rosneft, but declined those invitations because of recent media reports suggesting that Page was being investigated by the FBI. Page also complained that media outlets had been “bad mouthing” him earlier that day, and told Source 2 that one of the issues Page wanted to discuss was “damage control.”

During the meeting, Page and Source 2 discussed some of the individuals who were under consideration for prominent positions in the Trump Administration. With respect to President-elect Trump’s announcement that he would nominate Rex Tillerson to be Secretary of State, Page stated that one of the things Tillerson will “get[] hit the worst on” by critics is his relationship with Igor Sechin. However, Page added “[t]hey tried it on me...[and] [t]hey’ve already played that card so they[’ve] got to come up with something new.” When Source 2 asked Page how the Russians viewed Tillerson, Page stated that the Russians are “almost in awe” of him, and that they view him as “[s]omeone who has real knowledge as opposed to just standard rhetoric that’s been in place for 70-some years.”

When asked by Source 2 about where the Russians might take the relationship with the United States, Page said that the Russians are “[e]xcited but cautious” because the Russians had “been...burned a lot in the past.” Page also told Source 2 that he thought the question with respect to the relationship between the United States and Russia was whether the United States was going to be “scolding or nasty or [have an] actual friendship.”

Source 2 also asked Page about Congressional inquiries into whether the Russians had been leaking Hillary Clinton’s emails to try to alter the results of the presidential election. Page responded by saying that, even if they were to “assume [the allegations] are correct,” Page believed the real impact was “giving some transparency to the actual corruption of...the people that [the Russians] were exposing,” and that was important to the functioning of the democratic process

because "democracy is based on information." Page told Source 2 that the difference between Hillary Clinton's "public versus private positions...never would have come to the forefront" otherwise, and that without such transparency, the American people would have been left with "lies and false information." Page stated that democracy had been "actually made more pure by this exposure, public versus private" of Hillary Clinton's positions, such that the disclosure of her emails "actually served a positive role." When Source 2 suggested that information in U.S. government elections should not be provided by "actors outside the process," Page asked Source 2 "how many times have parties within this town...the U.S. government, interfered in the direction of governments around the world?" Page then stated that he had "an even more controversial statement" which was that the Russian media organizations RT and Sputnik "may...warrant a Nobel Peace Prize" for "providing this transparency and helping to facilitate a pure democracy."

Source 2 also asked Page about the think tank they had discussed in their October 17, 2016 meeting. Page told Source 2 that he had been talking with the New Economic School "a little bit," that "they were actually quite...positive" about the idea, they were thinking about "doing something jointly or...actually based there," and that the New Economic School was "possibly" going to help with the financing. Page added that the New Economic School had a "lot of support internally...[f]rom the government.... High level." When Source 2 asked about Page's statement, during their October 17, 2016 meeting, about Russians giving Page a "blank check" for the think tank, Page stated that he didn't "know that [he] went that far" but that "there was some support...[and] this trip proved it." According to Page, the New Economic School told him to "come back to us with a proposal" and that "very high-level people were quite supportive." Page added that he was weighing the "pros and cons" and that "some people have warned [him to] be careful with having too much Russia connection for obvious reasons."

During their meeting, Page used his personal laptop to show Source 2 the PowerPoint presentation from his most recent lecture, and then gave Source 2 a thumb drive containing a copy of the PowerPoint presentation. Page told Source 2 that one of Page's comments during the Moscow lecture was a play on Trump's phrase "[d]rain the swamp." According to Page, in his lecture he said the "reference for U.S.-Russia relations is, '[d]rain the septic tank,'" by which Page meant that prior dealings with Moscow could be characterized as "deep misunderstandings and...huge missed opportunities." Page pointed out one of the slides from the presentation, which was a "score card" Page had put together concerning previous administrations' positions on Russia. In discussing the "score card," Page told Source 2 that when Hillary Clinton was Secretary of State in 2011, she was interfering with other governments in the same way "that people...are accusing Russia of doing" in the 2016 elections.

As described in Chapter Seven, the Crossfire Hurricane team incorporated some of the information from this December 15, 2016 meeting between Carter Page and Source 2 into Renewal Application No. 1.

#### **(4) January 25, 2017**

The final consensually monitored meeting between Source 2 and Carter Page took place on January 25, 2017. None of the information from this meeting was included in any of the Carter Page FISA applications.

During the January 25, 2017 meeting between Page and Source 2, Page asked whether Source 2 had ever "come across that [Steele] guy." Source 2 told Page that he did not know Steele. Page then stated that the reports were "just so false." Page said that he wished the reports "had come out...three [or] four months earlier because...all the stuff...against [Page was] based...directly upon that." Page stated that the reporting, which included "some sort of sex escapade...discredits itself so much" and contains "a lot of factual errors," although Page did not specify which part of the reporting he viewed as erroneous. Page characterized the reporting as "a bigger fraud" than the allegations of voter fraud made by President Trump reported by the media that morning, because Hillary Clinton "was playing against [Page] and...everyone around [Trump] and this [reporting] is the basis of it," which Page described as "complete lies and spin." Page added that, in his view, the lies in the reporting were comparable to the obstruction of justice at issue in Watergate, because "[o]ne of the key elements of obstruction of justice is false evidence" and this "false evidence is directly traceable back to [Hillary Clinton]...sending this over to...the authorities at the J. Edgar Hoover building." In addition, Page told Source 2 that, according to "the front page of the Wall Street Journal," Page was "under surveillance." Page said he thought there was an analogy to Dr. Martin Luther King Jr., "[w]here J. Edgar Hoover was all over this guy," and that Page felt he was being targeted by those in "positions of power, [using] government resources to come after someone [for exercising] freedom of speech" because Page had spoken out on his views regarding Russia. Page told Source 2 he thought it was "completely outrageous" but that he would have to talk to Source 2 "about this offline...[because Page was] not going to put this in email or [discuss it] on a phone call."

Page also told Source 2 that Page was scheduled to meet with Steve Bannon later that afternoon. At the time, Bannon was President Trump's Chief Strategist. Page said he would be "curious to hear" any ideas Source 2 had about ways Page could be "helpful" to the Trump Administration. Page asked for Source 2's advice on whether Page should "take this [fraud] on aggressively and...go on the offensive and fight back" because the allegations against him are "not going away." Page also suggested that if he were offered a position in the Trump Administration and went through a Senate confirmation hearing, he could use the opportunity as "a way of getting it all out there...what a complete lie and what a complete sham...this is" and that it was all done "using government resources based on completely false evidence." Page said that he wanted to show how "this all started based on complete utter lies." Page told Source 2 that he thought Bannon might be receptive to this "forward leaning approach" through which the "lies are exposed and everyone[] kind of understands how this all came about and the impact." In response, Source 2 suggested that the Trump Administration was unlikely to put Page "through a Senate confirmation, [because] everybody who objects to [Page's] viewpoint on [Russia] will be rounded up and trotted through in front of the



cameras" and it would be politically impossible to get the votes needed for confirmation.

Source 2 asked Page whether he had made any more progress on the think tank, which Source 2 said could be helpful by undertaking projects "exploring how...international business leads to international political cooperation," for example. Source 2 stated that he thought Page "might be able to create something useful in London," and added that if Page "could bring some Russian money to the table...[Source 2] might be able to help...get some US money." Page told Source 2 that he was concerned about "anything that's sort of balanced, getting that weight correct." Page said he was trying to take his time and weigh the pros and cons, but also was "kind of anxious...[based on] conversations last month in Moscow...[that the] momentum is building" toward another potential Cold War. Page said that, based on his conversations with Deputy Prime Minister Arkady Dvorkovich, who Page described as the "de facto chairman" of the New Economic School, the Russians are "fully on board" and want to "get started." But Page said that he was concerned that doing this "on that side that can be a black mark for people like McCain" who might view it as "[t]oo un-American." When Source 2 asked Page if Page could "tie him down to...a dollar amount...that then [Source 2] can try to match" Page responded "a million and a million?" but Source 2 expressed doubt about whether Source 2 could raise a million dollars to contribute to the think tank.

The only other subject of the Crossfire Hurricane investigation that was mentioned during the January 25, 2017 conversation was Michael Flynn. Source 2 asked Page if he knew Flynn "pretty well," and Page responded that he "kind of" knew Flynn's "number two."

As with other denials made by Page to an FBI CHS, these statements about the Steele reports were not included in FISA Renewal Application No. 2 or FISA Renewal Application No. 3.

**e. Source 2's Meeting on September 1, 2016 with a High-Level Trump Campaign Official Who Was Not a Subject of the Crossfire Hurricane Investigation**

At the request of the Crossfire Hurricane team, Source 2 also reached out to a high-level official of the Trump campaign, who was not a subject of the investigation. Source 2 succeeded in arranging a meeting with the high-level Trump campaign official on September 1, 2016, and their meeting was consensually monitored by the Crossfire Hurricane team. Case Agent 1 told the OIG that this meeting occurred after Case Agent 1 got approval from the OGC Unit Chief to consensually monitor the conversation, as required by the DIOG. Priestap told the OIG that from an operational standpoint, he personally reviewed and approved the operation even though review at his level was not required by the DIOG. McCabe's handwritten notes reflect that he was told ahead of time that Source 2 was going to be meeting with the high-level Trump campaign official, but McCabe told the OIG he did not remember anything specific about that discussion. He added that his approval was not required for such an operation, and if he was told ahead of time, it was "likely that [he] asked...who [that] was because that [name] would not

have...stood out to [him] independently." FBI and Department policy did not require that the FBI obtain Department approval to consensually monitor this conversation. Then Chief of NSD's Counterintelligence and Export Control Section (CES) David Laufman told the OIG that he had no recollection of being informed that the FBI was planning to consensually monitor a conversation between a CHS and a high-level official of the Trump campaign, and we are not aware of any Department official having been informed in advance by the FBI.

Case Agent 1 told the OIG that the plan for this meeting was for Source 2 to ask the high-level campaign official about Papadopoulos and Carter Page "because they were...unknowns" and the Crossfire Hurricane team was trying to find out how "these two individuals who are not known in political circles...[got] introduced to the campaign," including whether the person responsible for those introductions had ties to Russian Intelligence Services (RIS). SSA 1 told the OIG that he did not remember having a plan in place in case the FBI monitored information that was politically sensitive. He told the OIG that "if we received that information and recognized it for what it was, our first call would be to our general counsel to talk to them about how we need to ingest that." SSA 1 also told the OIG that he did not think the Crossfire Hurricane team gathered any of that type of information through Source 2's meeting with the high-level campaign official.

The OGC Unit Chief remembered discussing with the team, with respect to the use of Source 2, the need to be careful about First Amendment-protected activities. However, she said that her concern about a CHS collecting that type of information arises if the operation seeks information falling outside the authorized purpose of the investigation or if the FBI is "broadly disseminating that information and/or using it in a way that would undermine or promote" one candidate or the other. The OGC Unit Chief said the Crossfire Hurricane investigation did not really raise that concern, because the FBI did not seek information outside the authorized purpose of the investigation and was not disseminating the information it gathered from the CHSs or using it "in a way that would expose it to people that didn't need to know it." The OGC Unit Chief also said that her main concern about CHSs interacting with members of the Trump campaign was ensuring that CHSs were not "influencing steps the campaign was going to take."

Priestap told the OIG he remembered multiple meetings where the team discussed the objectives of having Source 2 engage with members of the Trump campaign and former members of the Trump campaign, and the "need to steer clear" of collecting campaign information "deal[ing] with policies, plans, staffing decisions, [or] anything related." Priestap also said that "it's not always possible...[o]nce people start talking" to a source to stay on point, because the target of the operation may tell a source about the topic that interests the FBI, as well as a lot of additional information. He added that "the FBI tries really hard to take the information we're authorized to collect and to disregard the information it [isn't], no matter how embarrassing, scintillating, or whatever else that information might be to others."

Case Agent 1 told the OIG that none of the information collected from monitoring Source 2's conversation with the high-level Trump campaign official was

ever used in the Crossfire Hurricane investigation. He said that the team determined that "the conversation wasn't germane to any of the investigative activity we were taking, so we didn't do anything with that." We found that the Crossfire Hurricane team did not transcribe the meeting. Instead, Case Agent 1 said that the consensual monitoring was "check[ed]...into evidence and that was about it. We didn't do anything with that conversation."

We reviewed the consensual monitoring of the September 1, 2016 meeting between Source 2 and the high-level Trump campaign official who was not a subject of the investigation.<sup>468</sup> In the consensual monitoring, Source 2 raised a number of issues that were pertinent to the investigation, but received little information in response. For example, Source 2 asked whether the Trump campaign was planning an "October Surprise." The high-level Trump campaign official responded that the real issue was that the Trump campaign needed to "give people a reason to vote for him, not just vote against Hillary." When asked about the allegations of Russian interference in the 2016 elections, the high-level Trump campaign official told Source 2:

Honestly, I think for the average voter it's a non-starter. I think in this city [Washington, D.C.] it's a big deal. I think in New York it's a big deal, but I think from the perspective of the average voter, I just don't think they make the connection.

The high-level Trump campaign official added that in his view, the key for the Trump campaign "is to say what we have said all along—we need to raise the level of abstraction, we need to talk about the security of the election system, which includes things like voter IDs."

Source 2 also asked about George Papadopoulos, who the high-level Trump campaign official described as "very eager" and "a climber." The high-level campaign official added that he was "always suspicious of people like that." The high-level campaign official described Carter Page as a "treasure," but agreed with Source 2 that Carter Page is "ambiguous" in his thinking, and that it can be hard to get a clear answer out of him. When Source 2 asked whether the Trump campaign needed to do something to put the ideas raised by Carter Page's Moscow speech in perspective, the high-level campaign official told Source 2 that "it's not that it's not important," but that the campaign official was "not sure it was something that in the grand scheme of things rises to the level of the campaign making an open effort" to do "other than to say we should never have any interference in our electoral process." As for the relationship between candidate Trump and Manafort, Source 2 was told that the high-level campaign official thought Trump and Manafort did not "ever hit it off" and that Manafort "was trying to do a traditional campaign, and Mr. Trump wasn't buying it." The high-level campaign official made a few additional comments about the internal structure, organization, and functioning of

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<sup>468</sup> At the beginning of this consensual monitoring, Source 2 has a brief conversation with the FBI agent. The FBI agent clearly instructs Source 2 that, in meeting with the high-level campaign official, "consistent with our theme...listen to him, talk to him with your points, we are not directing you to join the campaign."

the Trump campaign. During the conversation, Source 2 and the high-level campaign official also discussed issues unrelated to the Crossfire Hurricane investigation, such as an internal campaign debate about Trump's immigration strategy, efforts to reach out to minority groups and the impact of those efforts, and the campaign's strategies for responding to questions about Trump's decision not to release his tax returns. We found no evidence that any information contained on the consensual monitoring was put to any use by the Crossfire Hurricane team.

#### **f. Source 2's Meetings with George Papadopoulos**

At the direction of the Crossfire Hurricane team, Source 2 invited Papadopoulos to meet with Source 2 in September 2016, to discuss a project. Case Agent 1 said that the Crossfire Hurricane team thought it would play to "Papadopoulos's ego to help take part in a project." The project was based on Papadopoulos's past writings about the Leviathan oil fields off the coast of Israel and Turkey, and was not related to Papadopoulos's role in the Trump campaign. The FBI, through Source 2, covered the costs of Papadopoulos's travel, and paid Papadopoulos \$3,000 for the project.

The Crossfire Hurricane case agents told the OIG that they were trying to recreate the conditions that resulted in Papadopoulos's comments to the FFG officials about the suggestion from Russia that it could assist the Trump campaign by anonymously releasing derogatory information about presidential candidate Hillary Clinton, which we described in Chapter Three. Case Agent 1 said that by taking Papadopoulos to another country, Papadopoulos might "feel a little freer to talk outside the confines of the United States and...repeat that conversation" he had with the FFG officials. Case Agent 3 said that it made sense to take him there, "have a political discussion over a couple drinks and reproduce" Papadopoulos's statements to the representative of the FFG if possible.

The members of the Crossfire Hurricane team who traveled for the operation were Case Agent 1, Case Agent 2, and the SOS. The written plan for the operation stated that Papadopoulos would meet with Source 2 to discuss the project. The written plan stated that during that time "there will be ample opportunity and various angles to have [Papadopoulos] expound on the initial comments made in May 2016" to the FFG regarding the anonymous release of emails by the Russians that would damage the Clinton presidential campaign.

SSA 1 told the OIG that it was his understanding that FBI executive managers were "briefed consistently" during the planning for this operation, and orally approved the operation before it took place.<sup>469</sup> Case Agent 1 said that he did not remember any FBI managers voicing concerns about this operation. Priestap

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<sup>469</sup> There is no requirement in the CHSPG for the FBI to inform the Department of extraterritorial CHS operations in support of national security investigations. In fact, the CHSPG states: "Pursuant to the AG memo dated May 5, 2006, the AG delegated to the FBI Director the authority to approve national security [extraterritorial] operations," which the Director then delegated to the Assistant Director.

told the OIG that he recalled being aware of the operation and approving it. McCabe told the OIG that he did not remember knowing ahead of time that the FBI was going to be consensually monitoring Source 2's meetings, but that approval for such an operation by the Deputy Director was not required.

The OGC Unit Chief told the OIG that because the operation targeted Papadopoulos individually and wasn't directed at anything related to the campaign, she thought that it was appropriate. She said that her main concern about using Source 2 to interact with members of the Trump campaign was ensuring that Source 2 was not "influencing steps the campaign was going to take" and that "asking questions of Papadopoulos to collect information did not raise those kinds of concerns." Priestap signed the formal authorization for the operation on September 15, 2016, the day the operation concluded. SSA 1 told the OIG that it was "just standard practice...[to] get verbal authority" before such an operation and to have the paperwork "signed after the fact."

### **(1) September 15, 2016 Brunch Meeting with Source 2 and Papadopoulos**

On September 15, 2016, Papadopoulos met for brunch with Source 2 and to discuss the project. The meeting was consensually monitored by the FBI, and later transcribed. Much of the conversation between Source 2 and Papadopoulos concerned Papadopoulos's academic pursuits, his work with the Hudson Institute, and his research on the Arab Spring, Greek energy production, and the strategic importance of Cyprus. During the meeting, Source 2 told Papadopoulos that the paper Papadopoulos was writing should focus on geopolitical dimensions in the eastern Mediterranean, including the energy sector and Russia's engagement with the Israelis. Source 2 offered Papadopoulos \$3,000 for the paper, and asked for Papadopoulos to complete it within three weeks.

During the meeting, Source 2 told Papadopoulos that Carter Page "always says nice things about you." Papadopoulos told Source 2 that although Carter Page was one of the campaign's "Russian people," Page "has never actually met Trump...[and] hasn't actually advised him on Russia...[but] [h]e might be advising him indirectly through [another campaign official]." Papadopoulos also told Source 2 that General Flynn "does want to cooperate with the Russians and the Russians are willing to...embrace adult issues." As for Papadopoulos's own connections with Russia, Papadopoulos told Source 2 he thought that "we have to be wary of the Russians" and mentioned that "they actually invited me to their...faith talk. I didn't go though." Papadopoulos explained to Source 2 that he made the decision not to go because it is "just too sensitive...[as an] advisor on the campaign trail...especially with what is going [on] with Paul Manafort." Source 2 also asked Papadopoulos about the possibility of the public release of additional information that would be harmful to Hillary Clinton's campaign. Papadopoulos responded that Julian Assange of WikiLeaks had said in public statements to "get ready for October...[but] [w]hatever that means no one knows."

As a result of this brunch meeting, the Crossfire Hurricane team assessed that Papadopoulos was "responding in a deferential mode" to Source 2, and decided

that Source 2 would set a follow-up meeting for drinks with Papadopoulos later that afternoon "to ask direct questions...pertaining to the Crossfire Hurricane predicated material."

**(2) September 15, 2016 Evening Meeting with  
Source 2 and Papadopoulos**

On the evening of September 15, 2016, Source 2 and Papadopoulos met for pre-dinner drinks and further discussion. The meeting was consensually monitored by the FBI, and later transcribed. According to the executive summary written by Case Agent 2 after the operation, the goal of this meeting was for Source 2 to ask Papadopoulos direct questions about whether the Trump campaign benefitted from, or anyone in the Trump campaign had knowledge of, Russian assistance or the WikiLeaks release of information that was damaging to the Clinton campaign.

When Source 2 initially asked about WikiLeaks, Papadopoulos commented that with respect to Assange "no one knows what he's going to release" and that he could release information on Trump as a "ploy to basically dismantle... [or] undercut the...next President of the United States regardless of who it's going to be." Papadopoulos also stated that "no one has proven that the Russians actually did the hacking," then continued to discuss hacking by pointing out that he had "actually had a few...Israelis trying to hack" his cell phone, which Papadopoulos said "shocked" him because he had "done some sensitive work for that government," and he said the Israelis had "allowed [him] quite a high level of access." Papadopoulos also stated that "no one else" did the work that he did for the Israelis, and that it had led "some folks [to] joke...[that Papadopoulos] should go into the CIA after this if [Trump] ends up losing."

Later in the conversation, Source 2 asked Papadopoulos directly whether help "from a third party like WikiLeaks for example or some other third party like the Russians, could be incredibly helpful" in securing a campaign victory. Papadopoulos responded:

Well as a campaign, of course, we don't advocate for this type of activity because at the end of the day it's, ah, illegal. First and foremost it compromises the US national security and third it sets a very bad precedence [sic].... So the campaign does not advocate for this, does not support what is happening. The indirect consequences are out of our hands.... [F]or example, our campaign is not...engag[ing] or reaching out to wiki leaks or to the whoever it is to tell them please work with us, collaborate because we don't, no one does that.... Unless there's something going on that I don't know which I don't because I don't think anybody would risk their, their life, ah, potentially going to prison over doing something like that. Um...because at the end of the day, you know, it's an illegal, it's an illegal activity. Espionage is, ah, treason. This is a form of treason.... I mean that's why, you know, it became a very big issue when Mr. Trump said, "Russia if you're listening...." Do you remember?... And you know we had to retract it because, of course, he didn't mean for

them to actively engage in espionage but the media then took and ran with it.

When Source 2 raised the issue again, Papadopoulos added:

to run a shop like that...of course it's illegal. No one's looking to...obviously get into trouble like that and, you know, as far as I understand that's, no one's collaborating, there's been no collusion and it's going to remain that way. But the media, of course, wants to take a statement that Trump made, an off-the-cuff statement, about [how] Russia helped find the 30,000 emails and use that as a tool to advance their [story]...that Trump is...a stooge and if he's elected he'll permit the Russians to have carte blanche throughout Eastern Europe and the Middle East while the Americans sit back and twiddle their thumbs. And that's not correct.<sup>470</sup>

The meeting ended with Papadopoulos offering to introduce Source 2 to more members of the Trump campaign team, and offering to set up a follow-up meeting the next time Source 2 is in Washington, D.C. Source 2 advised Papadopoulos that Source 2 did not "really want to be in government again" but was "wanting to help on China" and willing to provide Papadopoulos with written materials, such as speeches and pre-position papers, which might be helpful on foreign policy issues involving China.

Case Agent 1 told the OIG that Papadopoulos's "response to the direct questions seemed weird" to the Crossfire Hurricane team because it "seemed rehearsed and almost rote." Case Agent 1 added that at these points in the conversation, Papadopoulos "went from a free-flowing conversation with [Source 2] to almost a canned response. You could tell in the demeanor of how [Papadopoulos] changed his tone, and to [the Crossfire Hurricane team] it seemed almost rehearsed." Case Agent 1 emailed SSA 1 and others to report that Papadopoulos "gave...a canned answer, which he was probably prepped to say when asked." According to Case Agent 1, it remained a topic of conversation on the Crossfire Hurricane team for days afterward whether Papadopoulos had "been coached by a legal team to deny" any involvement because of the "noticeable change" in "the tenor of the conversation."

Case Agent 2 told the OIG that his concern after Papadopoulos's meetings with Source 2 was that the team was not "any closer to answering the question of whether...any of these guys have information on penetration" of the Trump campaign. Case Agent 3 added that because Papadopoulos "made statements about doing sensitive work for [a foreign] government" that opened a new area of inquiry with respect to Papadopoulos's foreign contacts.

SSA 1 told the OIG that his main observation was that when Papadopoulos was pushed for answers, he seemed to have a "prepared statement. It sounded

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<sup>470</sup> As described in Chapters Five and Seven, none of the Carter Page FISA applications advised the FISC of Papadopoulos's denials to Source 2 that the Trump campaign had any involvement in the release of DNC emails by WikiLeaks.

like a lawyer wrote it.” OGC Deputy General Counsel Trisha Anderson similarly said that, when she learned of Papadopoulos’s responses in 2018 while working on the Rule 13 Letter to the FISC (described in Chapter Eight), she viewed them as “self-serving” and “sound[ing] like a lawyered statement.” SSA 1 said that, as a result of Source 2’s meetings with Papadopoulos, SSA 1 did not have any concerns that the information gathered intruded upon planning or strategy of the Trump campaign.

## **2. Source 3**

Case Agent 3 and an Intelligence Analyst identified Source 3 as an individual with a connection to Papadopoulos who may be willing to act as a CHS, based on statements Source 3 had made to the FBI several years prior, during an interview in an unrelated investigation. Source 3 had never previously worked for the FBI as a CHS, and the Delta records for Source 3 state that the opening of this CHS “was accelerated due to operational necessity.”

Case Agent 3 said that he considered Source 3 to be a reliable CHS because Source 3 was always available when the FBI needed Source 3, provided good descriptions of the conversations with Papadopoulos, and the summaries that Source 3 provided to the FBI were corroborated by the consensual monitoring. The FBI performed a human source validation review on Source 3 in 2017, and recommended Source 3 for continued operation.

Papadopoulos and Source 3 met multiple times between October 2016 and June 2017, all of which occurred after the FBI understood that Papadopoulos had ceased working on the Trump campaign.<sup>471</sup> All but one of their meetings were consensually monitored by the FBI; however, not all of them were transcribed by the FBI. Instead, Case Agent 3 said that he and the Intelligence Analyst would review the recordings to find portions that were of investigative interest, and those portions were written up or reviewed.

Case Agent 3 told the OIG that, with respect to Source 3, the topics that Case Agent 3 “was interested in didn't pertain to the [Trump] campaign. They

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<sup>471</sup> The precise date that Papadopoulos left the Trump campaign is unclear. Case Agent 3 told the OIG that it was his understanding that Papadopoulos left the Trump campaign on October 4, 2016. We noted that, on October 10, 2016, Papadopoulos sent a text message stating that he was “no longer with the campaign.” However, we also reviewed a text message that Papadopoulos sent to a different contact on October 17, 2016, stating that he was still working for the Trump campaign, but that he was “laying low” after getting in trouble for comments during an “interview on Russia.” The Special Counsel’s Report stated that Papadopoulos was dismissed from the Trump campaign in early October 2016, after the September 30, 2016 publication of an interview he gave to a Russian news agency created negative publicity. See *The Special Counsel’s Report*, Vol. I at 93 & n. 492. In his interview with the House Judiciary Committee and House Committee on Government Reform and Oversight on October 25, 2018, Papadopoulos said that the date he was removed from the campaign was unclear, and that he did not think he “ever really left the campaign.” See *Transcript of Interview of George Papadopoulos before the House Judiciary Committee and House Committee on Government Reform and Oversight*, October 25, 2018, 133. For the purpose of this report, we have used early October as the approximate date of Papadopoulos’s separation from the Trump campaign, as that is the date that the FBI believed such separation occurred.



pertained to Russia and [another foreign country], with regard to whatever Papadopoulos was doing." Case Agent 3 said the guidance he gave to Source 3 was that the FBI was "interested in these foreign activities, and we're not interested in the campaign stuff."

Case Agent 3 told the OIG that Source 3 collected information about Papadopoulos's contacts with Russians through their monitored conversations. However, Case Agent 3 said that the consensual monitoring revealed that Papadopoulos had contacts with, and an interest in selling access to the United States government, which Case Agent 3 said he pursued as a separate "prong" of the Crossfire Hurricane investigation. Case Agent 3 said that, as a result, he "pivoted with the source to try to passively collect the Russia stuff and bring that up subtly during conversation" while collecting information about Papadopoulos's contacts with the other foreign government. Case Agent 3 also said that the monitored conversations between Source 3 and Papadopoulos gave the FBI information about how Papadopoulos "reacts to different topics...[which] was incredibly useful" in the FBI's preparation to interview Papadopoulos.

We reviewed the transcripts of two conversations between Source 3 and Papadopoulos that were monitored prior to the November 8, 2016 elections. In the first consensually monitored conversation, during the third week of October 2016, Papadopoulos described how he had worked for the presidential campaign of Ben Carson before joining the Trump campaign, and that when he was with the Trump campaign, he "set up a meeting with...[t]he President of Egypt and Trump." Papadopoulos also told Source 3 that, since leaving the Trump campaign, Papadopoulos had "transitioned into like my own private brand." Papadopoulos later stated he was "still with...the campaign indirectly" and that he had made "a lot of cool [connections] and I'm going to see what's going to happen after the election." He added that he had learned "[i]t's all about connections now days, man." Papadopoulos did not say much about Russia during the first conversation with Source 3, other than to mention a "friend Sergey...[who] lives in...Brooklyn," and invite Source 3 to travel with Papadopoulos to Russia in the summertime.

In the second consensually monitored conversation, at the end of October 2016, Papadopoulos told Source 3 that Papadopoulos had been "on the front page of Russia's biggest newspaper" for an interview he had given 2 to 3 weeks earlier. Papadopoulos said that he was asked "[w]hat's Mr. Trump going to do about Russia if he wins, what are your thoughts on ISIS, what are your thoughts on this?" and stated that he did not "understand why the U.S. has such a problem with Russia." Papadopoulos also said that he thinks Putin "exudes power, confidence." When Source 3 asked Papadopoulos if he had ever met Putin, Papadopoulos said that he was invited "to go and thank God I didn't go though." Papadopoulos said that it was a "weird story" from when he "was working at...this law firm in London" that involved a guy who was "well connected to the Russian government." Papadopoulos also said that he was introduced to "Putin's niece" and the Russian

Ambassador in London.<sup>472</sup> Papadopoulos did not elaborate on the story, but he added that he needed to figure out

how I'm going to monetize it, but I have to be an idiot not to monetize it, get it? Even if [Trump] loses. If anything, I feel like if he loses probably could be better for my personal business because if he wins I'm going to be in some bureaucracy I can't do jack..., you know?

Papadopoulos added that there are plenty of people who aren't even smart who are cashing in, and asked Source 3 "Do you know how many Members of Congress I've met that know jack...about anything? Except what their advisors tell them?... They can barely put a sentence together.... I'm talking about Members of Congress dude." In other portions of the conversation with Source 3, Papadopoulos repeated that what he really wanted to figure out was how to "monetize...[his] connections" because Papadopoulos felt like he knew "a lot of Ambassadors...[and] a lot of Presidents." Papadopoulos said that once the election was over, Papadopoulos was going

to sit down and systematically write who I know, what they want, and how I can leverage that because if you know like government guys and ambassadors you should be making money, that's all I know because there's not one person I know who has those connections that isn't making...money.

He observed that what he had to "sell is access," and "[t]hat's what people pay millions of dollars for every year. It's the cleanest job."

However, when Source 3 asked Papadopoulos whether Papadopoulos thought "Russia's playing a big game in this election," Papadopoulos said he believed "That's all bull[.]" Papadopoulos said "[n]o one knows who's hacking [the DNC].... Could be the Chinese, could be the Iranians, it could be some Bernie...supporters." Papadopoulos added that arguments about the Russians are "all...conspiracy theories." He said that he knew "for a fact" that no one from the Trump campaign had anything to do with releasing emails from the DNC, because Papadopoulos said he had "been working with them for the last nine months.... And all of this stuff has been happening, what, the last four months?" Papadopoulos added that he had been asked the same question by Source 2. Papadopoulos said he believed Source 2 was going to go

and tell the CIA or something if I'd have told him something else. I assume that's why he was asking. And I told him, absolutely not....it's illegal, you know, to do that....

The FBI did not inform OI of these conversations at the time they occurred and, as described in Chapters Seven and Eight, the subsequent FISA renewal applications

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<sup>472</sup> As described in The Special Counsel's Report, Papadopoulos later learned that the woman he had met was not actually Putin's niece. See *The Special Counsel's Report*, Vol. I at 84 & n.424.

on Carter Page did not include these statements. In its July 12, 2018 Rule 13 Letter to the FISC, NSD advised the court of this information.

## **B. Other CHSs Who Were Not Tasked As Part of Crossfire Hurricane**

In our review, we also learned that, in 2016, the FBI had several other CHSs with either a connection to candidate Trump or a role in the Trump campaign. Some of these sources were known to and available for use by the Crossfire Hurricane team during the 2016 presidential campaign, while others were not.

As one example, the Crossfire Hurricane team received general information about Page and Manafort in August 2016 from one such CHS. This CHS was not involved in the presidential campaign but, according to the Handling Agent, knew candidate Trump and had been in contact with the candidate. The Handling Agent for this CHS told the OIG that he was given "zero context" about the Crossfire Hurricane investigation, "told absolutely nothing." According to the Handling Agent, the information the CHS provided about Page was "open-source information" that was "[a]ll over the Internet." The Handling Agent also said that, once FBI Headquarters received this general information, the "matter was dropped." We found no evidence that any members of the Crossfire Hurricane team ever suggested inserting this CHS into the Trump campaign to gather investigative information. SSA 1 told the OIG "that was not what we were looking to do." SSA 1 added that the Crossfire Hurricane team was "looking for information about the predicate, and didn't want it to be construed later...as something other than what we were really after."<sup>473</sup>

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<sup>473</sup> SSA 1 did contact the Handling Agent for this CHS after the November 8, 2016 election, and asked for "a read-out from your CHS regarding possible positions in administration." SSA 1 told the OIG that he sent this email because he thought that the CHS might receive "a position somewhere in the administration" which would become a "sensitive matter that we would need to handle differently." In late November 2016, the Handling Agent met with the CHS. The Handling Agent later wrote a document stating one purpose of the meeting was "to obtain insight regarding the upcoming Trump Administration following the recent U.S. Presidential elections." We asked the members of the Crossfire Hurricane team about this statement in the document. SSA 1 told the OIG that he had never seen this document before and that this was not what he intended the Handling Agent to discuss with the CHS. Priestap told the OIG that this statement "absolutely" would have raised concerns if he had learned of it in real time. He said he was not aware that this type of information was being collected from a CHS and that he "hope[d] it was misstated [in the document], because we don't, well, it's not what we should be doing." The Handling Agent told the OIG that, to him, the phrase "obtain insight" was a synonym for asking a "[p]ersonal opinion," and that he was just making "small talk" with the CHS, the way you would expect to converse with those "tied to political circles" immediately following an election. The Handling Agent added that this information was "not investigative in nature" and was not placed into any case file. The Handling Agent's SSA said that "because the Trump Administration...was not under any kind of investigation" by her squad, she was not concerned about this sentence when she saw it, and she understood it to be written in the general context of preparation for the CHS's meeting with a foreign intelligence officer unrelated to the Crossfire Hurricane investigation. The Handling Agent added that he was not aware of this document being shared with or accessible to the Crossfire Hurricane team, and we found no evidence that members of the Crossfire Hurricane team ever received this document.

We also learned about a different CHS who at one point held a position in the Trump campaign. However, by the time that the CHS told his/her Handling Agent about this involvement, the CHS was no longer part of the Trump campaign. After Crossfire Hurricane team members learned about this CHS, they reviewed the CHS's file, but did not task the CHS as part of the investigation. The OGC Attorney told the OIG that he distinctly remembered the OGC Unit Chief "strongly advising [the Crossfire Hurricane agents] to be cautious with this particular CHS." Case Agent 1 recalled that, because this CHS was "at one point...part of the campaign...we just said, hey, hands off." Documents in the CHS's Delta file reflect that the Handling Agent minimized contact with the CHS because of the CHS's campaign activities, even though the CHS was no longer involved in the Trump campaign.<sup>474</sup>

As part of our review, we also discovered an October 2016 email written to SSA 1 by an Intelligence Analyst on the Crossfire Hurricane team. The email copied information out of a CHS's Delta file stating that the CHS is "scheduled to attend a 'private' national security forum with Donald Trump" in October 2016, after which the CHS will provide "an update on the Trump meeting." However, none of the Crossfire Hurricane case agents remembered knowing that any FBI CHS had been scheduled to attend a private forum with candidate Trump. SSA 1 told the OIG he did not remember this CHS "at all" and had no information about whether the CHS actually attended such a meeting. The Handling Agent for this CHS told the OIG that what was described in the document was a gathering at a hotel that was "more of a...campaign speech or campaign discussion" and "more like a campaign stop than a meeting." The Handling Agent told the OIG he could not remember if the CHS ended up attending or not, and added that he "would certainly not be tasking a source to go attend some private meeting with a candidate, any candidate, for president or for other office, to collect the information on what that candidate is saying." We found no evidence that this CHS ever reported any information collected from a meeting with Trump or a Trump campaign event.

Although the Crossfire Hurricane team was aware of these CHSs during the 2016 presidential campaign, we were told that operational use of these CHSs would

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<sup>474</sup> The email stating that the CHS would not be used in Crossfire Hurricane said:

After careful consideration, the CROSSFIRE HURRICANE team has decided, at this time, it is best to utilize your CHS as a passive listening post regarding any observations [he/she] has of the campaign so far. Base[d] on current, on-going operations/developments in the CROSSFIRE HURRICANE investigation, we are not going to directly task or sensitize the CHS at this point in time. We appreciate [your] assistance in this matter and remain interested in any campaign related reporting that you guys may receive from the CHS during normal debriefs.

Case Agent 2, who wrote the email, told the OIG that the email was "incorrect" and what he was asking for was any information about attempts by Russia "to screw around with the campaign or the elections." He also acknowledged that it was "a mistake" not to make that clear in the email. The Handling Agent for this CHS told the OIG he "dismissed the e-mail...outright" because the CHS was "not even in the campaign" by that time. He added that within the field office, they had "made the decision...that we weren't touching this...right prior to a Presidential election." We found no evidence that the Crossfire Hurricane team received any information from this CHS in response to Case Agent 2's email.

not have furthered the investigation, and so these CHSs were not tasked with any investigative activities. Moreover, SSA 1 told the OIG that the members of the Crossfire Hurricane team "never [had] any intent, never any desire...to collect...campaign or privileged information with regard to the presidential election."

We also learned of two other FBI CHSs, one of whom held a position [REDACTED] and the other of whom [REDACTED]. We found no evidence that the Crossfire Hurricane team ever knew about the CHS who held a position [REDACTED] and, accordingly, no evidence that the CHS was tasked to do anything as part of the Crossfire Hurricane investigation.

With respect to the CHS with connections to [REDACTED], the Handling Agent told the OIG that this CHS regularly provides "a ton of information on all sorts of things" to the FBI without being tasked and brings "reams of information" to their meetings. In March 2017, after the campaign had ended, the CHS voluntarily provided his/her Handling Agent with five sets of documents on multiple topics [REDACTED]. According to the Handling Agent, this was not information that he had asked the CHS to obtain or provide to the FBI. The Handling Agent told the OIG that the CHS gave the [REDACTED] to the FBI because the CHS "thought it was of interest to the U.S. government." The Handling Agent placed the materials into the FBI's files.<sup>475</sup> Also in March 2017, the Handling Agent forwarded the [REDACTED] to his supervisor, who sent it to FBI Headquarters, after which it was provided to the Crossfire Hurricane team for review.<sup>476</sup> Later, the Handling Agent learned from the CHS [REDACTED]. An Intelligence Analyst assigned to the Crossfire Hurricane team asked the Handling Agent [REDACTED] from the CHS, which the Handling Agent placed in the FBI's files and sent to the Crossfire Hurricane team. The Crossfire Hurricane Intelligence Analyst who reviewed [REDACTED] advised Crossfire Hurricane supervisors and case agents that there was not "anything significant" in [REDACTED]. Moreover, the Crossfire Hurricane team [REDACTED].

The OGC Unit Chief told the OIG she had no concerns about the Crossfire Hurricane team receiving [REDACTED] was over and that, because the focus of the Crossfire Hurricane

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<sup>475</sup> We notified the FBI upon learning during our review that [REDACTED] materials that the CHS had provided to the FBI were still maintained in FBI files.

<sup>476</sup> The Handling Agent for this CHS and the Handling Agent's SSA were aware that FBI Headquarters was conducting a "special" investigation because the Handling Agent assisted the Crossfire Hurricane team by serving a court order in October 2016 related to the investigation. However, neither the Handling Agent nor his SSA was provided any information about the nature or scope of the Crossfire Hurricane investigation.

investigation was "trying to identify whether or not the Russians had infiltrated or were working with U.S. persons associated with the Trump campaign,...[it] would have been fine to collect it either during the campaign or afterwards" because it went to "the heart of the question of whether or not there was any sort of conspiracy."

The Handling Agent for this CHS told the OIG that he did not recall asking this CHS any questions [REDACTED]

[REDACTED] The Handling Agent said he was aware that the CHS "may have had some political meanderings toward...[REDACTED], and was trying to be associated with that," but the Handling Agent did not understand, or inquire about, the full extent of the CHS's involvement. The SSA in the field office who supervised the Handling Agent told the OIG that he had no memory of knowing [REDACTED]. He characterized the CHS's involvement as the source's "hobby" or "outside interests." He said:

the FBI did not have a source in the campaign, [REDACTED], that we didn't even know about at the time or didn't care about at the time.

He said that, in his view, any [REDACTED] "was totally separate from [the CHS's] work with the FBI." He added that, because the CHS was a Trump supporter, he was "not worried about [the source] trying to provide information or getting dirty information on Trump." He said any suggestion this CHS "was directed to damage or investigate the Trump Administration is just absurd."<sup>477</sup>

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<sup>477</sup> We reviewed the text and instant messages sent and received by the Handling Agent, the co-case Handling Agent, and the SSA for this CHS, which reflect their support for Trump in the 2016 elections. On November 9, the day after the election, the SSA contacted another FBI employee via an instant messaging program to discuss some recent CHS reporting regarding the Clinton Foundation and offered that "if you hear talk of a special prosecutor...I will volunteer to work [on] the Clinton Foundation." The SSA's November 9, 2016 instant messages also stated that he "was so elated with the election" and compared the election coverage to "watching a Superbowl comeback." The SSA explained this comment to the OIG by saying that he "fully expected Hillary Clinton to walk away with the election. But as the returns [came] in...it was just energizing to me to see....[because] I didn't want a criminal to be in the White House."

On November 9, 2016, the Handling Agent and co-case Handling Agent for this CHS also discussed the results of the election in an instant message exchange that reads:

Handling Agent: "Trump!"

Co-Case Handling Agent: "Hahaha. Shit just got real."

Handling Agent: "Yes it did."

Co-Case Handling Agent: "I saw a lot of scared MFers on...[my way to work] this morning. Start looking for new jobs fellas. Haha."

Handling Agent: "LOL"

No one involved with the Crossfire Hurricane investigation, including Strzok, Priestap and Comey, knew about this CHS during the campaign, or when the CHS was [REDACTED], or when the CHS met with [REDACTED]. Priestap told the OIG he "did not know it was happening," and that, as the AD of the Counterintelligence Division, he "absolutely" should have been told that there was an active FBI CHS with access to [REDACTED]. He said that, no matter what level of approval was required to continue operating such a CHS, that as a matter of "common sense" this was a situation where "[t]he bosses need to know." We make a recommendation in Chapter Eleven to address this issue. We found no evidence that this CHS was tasked by the FBI to interact with any members of the Trump campaign, transition team, or Administration.

#### **V. ODNI Strategic Intelligence Briefing Provided to Candidate Trump, Flynn, and Another Trump Campaign Advisor**

As we described in Chapter Three, the FBI decided not to conduct defensive briefings for any members of the Trump campaign about the information the FFG provided to the U.S. government that served as the predicate for opening Crossfire Hurricane. However, we learned during the course of our review that, during the presidential election campaign, the FBI was invited by ODNI to provide a baseline counterintelligence and security briefing (security briefing) as part of ODNI's strategic intelligence briefing given to members of both the Trump campaign and the Clinton campaign, consistent with ODNI's and the FBI's practice in prior presidential election cycles. We also learned that, because Flynn was expected to attend the first such briefing for members of the Trump campaign on August 17, 2016, the FBI viewed that briefing as a possible opportunity to collect information potentially relevant to the Crossfire Hurricane and Flynn investigations. We found no evidence that the FBI consulted with Department leadership or ODNI officials about this plan.

In the first week of August 2016, the FBI's Presidential Transition Team requested that CD begin preparations for providing unclassified "counterintelligence awareness" briefings to the transition teams for the Trump and Clinton campaigns. The FBI participated in strategic intelligence briefings conducted by ODNI on August 17, 2016, for Trump and his selected advisors, including Flynn; and on August 27, 2016, for Clinton and her selected advisors. The FBI also participated in ODNI strategic intelligence briefings for members of each campaign: on August 31, 2016, to Trump campaign staff; on August 31, 2016, to Clinton campaign staff; on September 8, 2016, to Vice Presidential candidate Tim Kaine; and on September 9, 2016, to Vice Presidential candidate Michael Pence.

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Co-Case Handling Agent: "Come January I'm going to just get a big bowl of popcorn and sit back and watch."

Handling Agent: "That's hilarious!"

The FBI selected SSA 1, the supervisor for the Crossfire Hurricane investigation, to provide the FBI security briefings for Trump and Clinton.<sup>478</sup> SSA 1 told us that one of the reasons for his selection was that ODNI had informed the FBI that one of the two Trump campaign advisors attending the August 17 briefing would be Flynn. He further stated that the briefing provided him “the opportunity to gain assessment and possibly have some level of familiarity with [Flynn]. So, should we get to the point where we need to do a subject interview...I would have that to fall back on.” Asked to explain what he meant by “assessment,” the SSA 1 continued,

[Flynn’s] overall mannerisms. That overall mannerisms and then also if there was anything specific to Russia, or anything specific to our investigation that was mentioned by him, or quite frankly we had an...investigation, right. And any of the other two individuals in the room, if they, any kind of admission, or overhear, whatever it was, I was there to record that.

SSA 1 told us that he did not recall specific internal FBI discussions about having him provide the FBI security briefings for Trump and Clinton, but believes that the group who likely would have been part of any such discussions—Strzok, the Intel Section Chief, and possibly Lisa Page—shared a general understanding of the reasons for doing so. SSA 1 also told us that using an opportunity to interact with the subject of an investigation is not unusual for the FBI, and that in this instance, it actually proved useful because SSA 1 was able to compare Flynn’s “norms” from the briefing with Flynn’s conduct at the interview that SSA 1 conducted on January 24, 2017, in connection with the FBI’s investigation of Flynn.

We asked SSA 1 whether he was aware of any discussions within the FBI about the appropriateness of the FBI using an ODNI strategic intelligence briefing for a presidential candidate, organized by ODNI as part of the presidential transition process, as an opportunity to gather potentially relevant investigative information about or from a staff member who is the subject of an FBI investigation. SSA 1 responded that he did not recall if there were any such discussions, but that if there were, they would have occurred at levels above him. He also told us that he did not personally have any concerns with the plan.

According to Baker, discussions about using SSA 1 as the FBI briefer did occur at higher levels. Baker told us that he recalled these discussions included himself, McCabe, Priestap, Strzok, possibly Lisa Page, and the FBI’s then Executive Assistant Director of the National Security Branch. Baker said the decision to use SSA 1 for the briefing was reached by consensus within this group. Baker told us that he did not raise any concerns about using SSA 1 as the briefer because “[h]e was not there to induce anybody to say anything.... He was not there to do an undercover operation or...elicit some type of statement or testimony.... He was there on the off chance that somebody said something that might be useful.” From Baker’s perspective, the benefit of having SSA 1 at the briefing was to pick up on

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<sup>478</sup> SSA 1 also provided the FBI security briefings on behalf of the FBI to Kaine and Pence, but not to the campaigns’ staffs.



any statements by the attendees that might have relevance to the Crossfire Hurricane investigation:

[I]f somebody said something, you want someone in the room who knew enough about the investigation that they would be able to understand the significance of something, or some type of statement, whereas...a regular briefer who didn't know anything about that might just let it go, and it might not even register with them. And so...that was the reason to have [SSA 1] there.

We asked Baker whether he recalled any discussion about the potential chilling effect on, and the FBI's participation in, future presidential transition briefings if the FBI's use of SSA 1 in this manner became known. Baker told us that he did not recall that issue being discussed, and added that the use of SSA 1 was focused on the FBI's counterintelligence investigation and Russian activities, including any directed at the Trump campaign; it was not the intention to collect any "political intelligence about campaign strategy, about campaign personalities, or anything that could be used in any political way."

We asked McCabe about his knowledge of the ODNI strategic intelligence briefings of the presidential campaigns and the decision to use SSA 1 as the FBI briefer because of SSA 1's role in the Crossfire Hurricane investigation. McCabe told us that ODNI was primarily responsible for providing national security threat briefings, and that the FBI was given a limited period of time in this instance to cover what it needed to address. He told us that he could not recall if he was aware in advance of the briefing that SSA 1 would attend for the FBI, or why SSA 1 was selected. McCabe acknowledged that it was possible he was part of a conversation about whether SSA 1 should handle the briefing because of his involvement with Crossfire Hurricane, but said he could not recall any such conversation. Asked whether he was aware there was an investigative purpose for SSA 1 handling the briefing, McCabe told us that he did not recall such a conversation and was not aware there was an investigative purpose for SSA 1 attending.

SSA 1 told us that he recalled Strzok being primarily responsible for providing SSA 1 with instruction on how to handle the FBI's portion of the ODNI strategic intelligence briefings, but that others also assisted, including the Intel Section Chief and possibly Lisa Page. SSA 1 did not recall Priestap having any role. SSA 1 told us that he believed he and Strzok created the briefing outline together, and that he prepared himself through mock briefings attended by Strzok, Lisa Page, the Intel Section Chief, and possibly the OGC Unit Chief. According to SSA 1, the briefing outline was not tailored to serve the investigative interests of Crossfire Hurricane and there was nothing he did differently for the Trump briefing as compared to the Clinton briefing: "that was one of the things that was very key. [The briefings] needed to be consistent."

The OIG reviewed the briefing outline prepared by SSA 1 and Strzok. According to the outline, the purpose of the briefing was to "give [the recipients] a baseline on the presence and threat posed by Foreign Intelligence Services to the

National Security of the U.S.” The outline described the type of information that Foreign Intelligence Services (FIS) seek to obtain, the presence of FIS intelligence officers in the United States, and the primary methodologies FIS intelligence officers use to collect information. The outline also identified the Russian FIS and the Chinese as posing the greatest threat to the United States and described generally the difference in how the two countries conduct intelligence operations.

SSA 1 told us that he was the only FBI representative at the ODNI briefing on August 17, 2016, which was attended by Trump, Flynn, and another Trump campaign advisor. According to SSA 1, he understood the ODNI briefing would take about 2 hours to complete and that SSA 1 would have about 10 minutes to conduct the FBI’s security briefing. After completing his briefing, SSA 1 said he remained for the duration of the ODNI briefing. About a week after the briefing, SSA 1 communicated separately with the OGC Attorney and Strzok about whether to formally document the briefing. There was agreement that he should. SSA 1 told us that given the “[b]ig stakes” involved, it was important to document the interaction with the subject of an FBI investigation so that there was a clear record of what was said. There was also agreement that an Electronic Communication (EC) instead of an FD-302 was the better document form to use because the briefing was not an interview and there was nothing testimonial to memorialize.

The August 30, 2016 EC was drafted by SSA 1 and approved by Strzok and the OGC Attorney. The 3-page document describes the purpose, location, and attendees of the briefing. It states that the FBI security briefing lasted approximately 13 minutes, and describes how one of the ODNI briefers initiated the briefing, explained the ground rules, and introduced SSA 1. The EC then recounts in summary fashion the briefing SSA 1 provided. In this regard, the EC is consistent with the outline of the briefing described above. Woven into the briefing summary are questions posed to SSA 1 by Trump and Flynn, and SSA 1’s responses, as well as comments made by Trump and Flynn.

Other than identifying the ODNI briefers and the length of the ODNI strategic intelligence briefing, the EC does not contain any details about the information that was provided by ODNI. With regard to comments made by Trump or Flynn during the ODNI briefing, the EC describes two questions asked by Trump. SSA 1 told us that Flynn made comments during exchanges with the ODNI briefers on many subjects unrelated to Russia that SSA 1 did not document because the information was not pertinent to any FBI interests. SSA 1 told us that he documented those instances where he was engaged by the attendees, as well as anything related to the FBI or pertinent to the FBI Crossfire Hurricane investigation, such as comments about the Russian Federation. SSA 1 said that he also documented information that may not have been relevant at the time he recorded it, but might prove relevant in the future. After completing the EC, SSA 1 added it to the Crossfire Hurricane case file.<sup>479</sup>

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<sup>479</sup> FBI records indicate the EC was uploaded to the FBI’s Sentinel case management system on August 30, 2016.

With respect to the FBI security briefings SSA 1 provided to Clinton, Kaine, and Pence, SSA 1 told us that he did not memorialize those briefings in writing because the attendees did not include a subject of an FBI investigation.<sup>480</sup> He also told us that there was nothing from the other briefings that was of investigative value to the Crossfire Hurricane team; had there been, he said he would have documented it. We also asked SSA 1 whether he participated in any post-presidential election transition briefings.<sup>481</sup> He told us that he did not and that he would be surprised if the FBI provided any such briefings that included Flynn without SSA 1's knowledge.

We identified no Department or FBI policies or procedures regarding the handling of presidential transition briefings, and no requirement that Department leadership be consulted before using a presidential transition briefing, or a defensive briefing, for possible investigative purposes. Because we believe doing so presents important policy issues, we make a recommendation in Chapter Eleven that addresses this issue.

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<sup>480</sup> We identified text messages between Strzok and Lisa Page from November 2016 suggesting the FBI may have considered using a connection between a then member of Pence's staff and an FBI employee in some manner to further the Crossfire Hurricane investigation. We asked SSA 1 about this. He said that he had been told of the connection but did not personally know the FBI employee, and that he did not change his approach to Pence's FBI security briefing because of the connection. He also said he could not recall any discussions about using the connection to further the Crossfire Hurricane investigation, and we did not find any evidence that it was used.

<sup>481</sup> On September 2, 2016, ODNI provided a second strategic intelligence briefing to Trump, Flynn, and another Trump campaign advisor. We found no evidence that SSA 1 or anyone from the FBI attended this briefing, although instant messages indicate that the FBI had contacted ODNI about including SSA 1 at the briefing.

## **CHAPTER ELEVEN ANALYSIS**

In this chapter, we provide the OIG's analysis of the events described in Chapter Three through Chapter Ten. We divide our analysis into five sections. In Section I, we discuss whether the opening of the Crossfire Hurricane investigation and four related investigations, and whether certain early investigative techniques used by the FBI, complied with the requirements of the Attorney General's Guidelines for Domestic FBI Operations (AG Guidelines) and the FBI's Domestic Investigations and Operations Guide (DIOG).

In Section II, we analyze the role of Christopher Steele's election reporting in the four Carter Page Foreign Intelligence Surveillance Act (FISA) applications and the numerous instances in which factual representations in those applications were inaccurate, incomplete, or unsupported by appropriate documentation, based upon information the FBI had in its possession at the time the applications were filed. In Section III, we analyze the FBI's handling of Christopher Steele and his election reporting, and whether the FBI's receipt and use of his reporting during the Crossfire Hurricane investigation complied with FBI Confidential Human Source (CHS) policies and procedures.

Section IV examines issues relating to Department attorney Bruce Ohr's interactions with Steele, Glenn Simpson, the FBI, and the State Department during the Crossfire Hurricane investigation, as well as whether the work Ohr's spouse performed for Simpson's firm implicated any ethical rules applicable to Ohr. We also analyze Ohr's interactions with Department attorneys and FBI officials concerning the Department's criminal investigation of Paul Manafort.

Lastly, in Section V, we focus on the FBI's use of CHSs, other than Steele, and Undercover Employees (UCEs) in the Crossfire Hurricane investigation and analyze whether the Crossfire Hurricane team's use of such individuals complied with Department and FBI policies. We also analyze the attendance of an FBI Supervisory Special Agent (SSA) assigned to the Crossfire Hurricane investigation at counterintelligence briefings given to the 2016 presidential candidates and certain campaign advisors.

As we explained in Chapter One, we did not analyze all of the decisions in the Crossfire Hurricane investigation. Rather, we reviewed the topics described above. Moreover, our role in this review was not to second-guess discretionary judgments by Department personnel about whether to open an investigation, or specific judgment calls made during the course of an investigation, where those decisions complied with or were authorized by Department rules, policies, or procedures. We do not criticize particular decisions merely because we might have recommended a different investigative strategy or tactic based on the facts learned during our investigation. The question we considered was not whether a particular investigative decision was ideal or could have been handled more effectively, but rather whether the Department and the FBI complied with applicable legal requirements, policies, and procedures in taking the actions we reviewed, or,

alternatively, whether the circumstances surrounding a decision indicated that it was based on inaccurate or incomplete information, or considerations other than the merits of the investigation. If the explanations we were given for a particular decision were consistent with legal requirements, policies, and procedures, and were not unreasonable, we did not conclude that the decision was based on improper considerations in the absence of documentary or testimonial evidence to the contrary.

## **I. The Opening of Crossfire Hurricane and Four Related Counterintelligence Investigations**

In this section, we examine the opening of Crossfire Hurricane and four related counterintelligence investigations of individuals associated with the Donald J. Trump for President Campaign. Specifically, we analyze whether, in opening these investigations, the FBI complied with the requirements set forth in the AG Guidelines and the DIOG.

The applicable provisions of the AG Guidelines and the DIOG require that FBI investigations be undertaken for an “authorized purpose”—that is, “to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security or to collect foreign intelligence.” The AG Guidelines also require that FBI investigations have adequate factual predication—that is, allegations, reports, facts, or circumstances indicative of possible criminal activity or a national security threat. In addition, for investigations designated as Sensitive Investigative Matters (SIMs), such as Crossfire Hurricane, the DIOG imposes special approval and notification requirements when opening such a matter. The DIOG also emphasizes that investigators take particular care to consider whether a planned investigative activity is the least intrusive method and is reasonably based upon the needs of the investigation.

As described in Chapter Three, on July 31, 2016, the FBI’s Counterintelligence Division (CD) opened a Full Investigation titled “Crossfire Hurricane” to determine whether individual(s) associated with the Trump campaign were “witting of and/or coordinating activities with the Government of Russia.” The opening of the investigation occurred days after WikiLeaks publicly released hacked emails from the Democratic National Committee (DNC). According to the FBI Electronic Communication (EC) documenting the decision, the investigation was opened in response to information CD officials received on July 28, 2016, from a Friendly Foreign Government (FFG) indicating that in a May 2016 meeting with the FFG, George Papadopoulos, an advisor to the Trump campaign, “suggested the Trump team had received some kind of a suggestion” from Russia that it could assist in the election process with the anonymous release of information during the campaign that would be damaging to candidate Clinton and President Obama. We did not find information in FBI or Department emails, or other documents, or through witness testimony, indicating that any information other than the FFG information was relied upon to predicate the opening of the Crossfire Hurricane investigation. However, as noted below, the FBI received the FFG information at a time when it had reason to believe that Russia may have been connected to the

WikiLeaks disclosures that occurred earlier in July 2016, and when the U.S. Intelligence Community (USIC), including the FBI, was aware of Russia's efforts to interfere with 2016 U.S. elections.

In the following weeks, the FBI also opened related counterintelligence investigations into four individuals associated with the Trump campaign—Papadopoulos, Carter Page, Michael Flynn, and Paul Manafort—because the FBI identified these individuals as having alleged ties to Russia or a history of travel to Russia.

We concluded that the FBI's decision to open Crossfire Hurricane and the four related individual investigations was, under Department and FBI policy, a discretionary judgment call and that the FBI's exercise of discretion was in compliance with those policies. For the reasons described below, we found that each investigation was opened for an authorized purpose and, in light of the low threshold established by Department and FBI predication policy, with adequate factual predication. We also found that the FBI satisfied the DIOG's notification and approval requirements for designating Crossfire Hurricane and the four related individual investigations as SIMs. Nevertheless, we were concerned about the limited notice requirements under Department and FBI policy before opening investigations such as these, relating to constitutionally protected activity occurring during a national presidential campaign. We were also concerned about the limited notice requirements before using more intrusive investigative techniques that could impact constitutionally protected activity. Accordingly, we make several recommendations below to address these concerns.

#### **A. Authorized Purpose**

The AG Guidelines and the DIOG both require that FBI investigations be undertaken for an "authorized purpose"—that is, "to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security or to collect foreign intelligence." Under both the AG Guidelines and the DIOG, the FBI may not undertake an investigation for the sole purpose of monitoring activities protected by the First Amendment or to interfere with the lawful exercise of other rights secured by the Constitution or laws of the United States. However, both the AG Guidelines and the DIOG permit the FBI to conduct an investigation, even if it might impact First Amendment or other constitutionally protected activity, so long as there is a legitimate law enforcement purpose associated with the investigation.

We concluded that, under the AG Guidelines and the DIOG, the FBI had an authorized purpose when it opened Crossfire Hurricane to obtain information about, or to protect against, a national security threat or federal crime, even though the investigation also had the potential to impact constitutionally protected activity. The FBI's opening EC referenced the Foreign Agents Registration Act (FARA) and stated, "[b]ased on the information provided by [the FBI Legal Attaché], this investigation is being opened to determine whether individual(s) associated with the Trump campaign are witting of and/or coordinating activities with the Government of Russia." We found that the FBI opened the Crossfire Hurricane

investigation shortly after officials in CD received the FFG information on July 28. The opening EC documented the pertinent FFG information verbatim and described relevant background information. All of the senior FBI officials who participated in the discussions about whether to open a case told us the information from the FFG warranted investigation. For example, the FBI's then Deputy General Counsel told us that the FBI "would have been derelict in our responsibilities had we not opened the case," because a foreign power allegedly colluding with a presidential candidate or his campaign was a threat to our nation that the FBI was obligated to investigate under its counterintelligence mission.

Then CD Assistant Director E.W. "Bill" Priestap, who approved opening the case, told us that the combination of the FFG information and the FBI's ongoing cyber intrusion investigation into the July 2016 hacks of the DNC's emails created a counterintelligence concern that the FBI was "obligated" to investigate. Priestap also told us that, prior to making the final decision to approve the opening of Crossfire Hurricane, he considered whether the FBI should conduct defensive briefings for the Trump campaign about the information from the FFG. However, Priestap ultimately decided that providing such briefings created the risk that "if someone on the campaign was engaged with the Russians, he/she would very likely change his/her tactics and/or otherwise seek to cover-up his/her activities, thereby preventing us from finding the truth." We did not identify any Department or FBI policy that applied to this decision and therefore determined that the decision whether to conduct defensive briefings in lieu of opening an investigation, or at any time during an investigation, was a judgment call that is left to the discretion of FBI officials.<sup>482</sup>

As part of our review, we sought to determine whether there was evidence that political bias or other improper considerations affected decision making in Crossfire Hurricane, including the decision to open the investigation. Such evidence would raise questions as to whether Crossfire Hurricane was opened for an authorized purpose, and serious concerns about whether the decision compromised the constitutional rights of any U.S. persons. We discussed the issue of political bias in a prior OIG report, *Review of Various Actions in Advance of the 2016 Election*, where we described text messages between then Special Counsel to the Deputy Director Lisa Page and then Section Chief Peter Strzok, among others. These text messages included statements of hostility toward then candidate Trump and statements of support for then candidate Hillary Clinton. These messages, most of which pertained to the Russia investigation, potentially indicated or created the appearance that investigative decisions were impacted by bias or improper considerations. Our prior review stated that the text messages were "not only

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<sup>482</sup> Later in this chapter, we recommend that the Department and FBI evaluate which types of sensitive investigative matters should require advance notification to a senior Department official, such as the Deputy Attorney General, in addition to the notifications currently required for such matters, especially for opening investigations that implicate core First Amendment activity and raise policy considerations or heighten enterprise risk. Such a requirement would not only give senior Department leadership the opportunity to consider the constitutional and prudential issues associated with opening certain investigations but also the opportunity to consult with the FBI about whether to conduct a defensive briefing in a circumstance such as this one.

indicative of a biased state of mind but, even more seriously, impl[y] a willingness to take official action to impact [Trump's] electoral prospects." For example, on July 31, 2016, in connection with the formal opening of Crossfire Hurricane, Strzok texted Page: "And damn this feels momentous. Because this matters. The [Clinton email investigation] did, too, but that was to ensure we didn't F something up. This matters because this MATTERS. So super glad to be on this voyage with you." Additionally, on August 8, 2016, Page sent a text message to Strzok that stated, "[Trump's] not ever going to become president, right? Right?!" Strzok responded, "No. No he's not. We'll stop it." Although we did not find in our prior report any documentary or testimonial evidence directly connecting the political views stated in the text messages to the specific investigative actions in Midyear that we reviewed, we concluded that Strzok's text messages with Page indicated or created the appearance of bias against Trump. We further concluded that the messages raised serious questions about the propriety of any investigative decisions in which Strzok and Lisa Page played a role. Because several of these inappropriate and troubling messages occurred at or near the time of the opening of Crossfire Hurricane, we closely reviewed the roles of Strzok and Lisa Page in the investigation's opening and whether there was any documentary or testimonial evidence that their views impacted the decision to open the investigation.

We found that while she attended some of the discussions, Lisa Page did not play a role in the decision to open Crossfire Hurricane or the four individual cases. Strzok was directly involved in the decisions to open Crossfire Hurricane and the four individual cases, but we found that he was not the sole, or even the highest level decision maker as to any of those matters. Priestap, Strzok's supervisor, told us that ultimately he was the official who made the decision to open the Crossfire Hurricane investigation, and Strzok then prepared and approved the formal documentation, as required by the DIOG. Evidence reflected that this decision by Priestap was reached by consensus after multiple days of discussions and meetings that included Strzok and other leadership in CD, the FBI Deputy Director, the FBI General Counsel, and the FBI Deputy General Counsel. We similarly found that the decisions to open the four individual cases were reached by consensus of Crossfire Hurricane agents and analysts who identified individuals associated with the Trump campaign who had recently travelled to Russia or had other alleged ties to Russia, and that Priestap was involved in those decisions. The formal documentation opening each of these four investigations was approved by Strzok, as required by the DIOG.

We did not find documentary or testimonial evidence that political bias or improper motivation influenced Priestap's decision to open Crossfire Hurricane. The evidence also showed that FBI officials responsible for and involved in the case opening decisions were unanimous in their belief that, together with the July 2016 release by WikiLeaks of hacked DNC emails, the Papadopoulos statement described in the FFG information reflected the Russian government's potential next step to interfere with the 2016 U.S. elections. These FBI officials were similarly unanimous in their belief that the FFG information represented a threat to national security that warranted further investigation by the FBI. Witnesses told us that they did not



recall observing during these discussions any instances or indications of improper motivations or political bias on the part of the participants, including Strzok.

We also reviewed the text messages and emails of each of the FBI officials, in addition to Strzok, who participated in the decision to open Crossfire Hurricane and the four individual cases, and did not identify any statements in those communications that indicated or suggested the decision could have been affected by political bias or other improper considerations. We also reviewed other contemporaneous documents, such as meeting notes, and asked witnesses who were not involved in the decision to open Crossfire Hurricane but who were familiar with the predication for the case for any evidence of political bias or improper motivation in the FBI's decision making. Again, we found no such evidence, including from Department officials briefed about Crossfire Hurricane subsequent to it being opened. These officials also did not express any concerns about the FBI's decision to open the investigation. By way of example, David Laufman, then Chief of the National Security Division's (NSD) Counterintelligence and Export Control Section (CES), told us that it would have been "a dereliction of duty and responsibility of the highest order not to commit the appropriate resources as urgently as possible to run these facts to the ground, and find out what was going on."

We therefore concluded the FBI met the requirement in the AG Guidelines and the DIOG that Crossfire Hurricane be opened for an "authorized purpose," namely "to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security or to collect foreign intelligence." We also determined that, although the investigation had the potential to impact constitutionally protected activity, the FBI's decision to open the investigation was permissible under both Department and FBI policies because there was a legitimate law enforcement purpose associated with the investigation. Nevertheless, we believe that investigations affecting core First Amendment activity and national political campaigns raise significant constitutional and prudential issues and therefore we recommend below that Department policy require advance notification to a senior Department official, such as the Deputy Attorney General (DAG), before a Department component opens such an investigation so that Department leadership can consider these issues from the outset.

## **B. Factual Predication**

In addition to requiring an authorized purpose, Department and FBI policy also mandate that each case have adequate factual predication before being initiated. The predication requirement is not a legal requirement but rather a prudential one imposed by Department and FBI policy. For example, the Supreme Court has held that the Department and FBI can lawfully open a federal criminal grand jury investigation even in the absence of predication. *See United States v. Morton Salt*, 338 U.S. 632, 642-43 (1950) (a grand jury "can investigate merely on suspicion that the law is being violated, or even just because it wants assurance that it is not"); *see also United States v. R. Enterprises*, 498 U.S. 292, 297 (1991).

The AG Guidelines generally describe predication as allegations, reports, facts, or circumstances indicative of possible criminal activity or a national security threat, or the potential for acquiring information responsive to foreign intelligence collection requirements. For full counterintelligence investigations such as Crossfire Hurricane and the four related individual investigations, Section II.B.4 of the AG Guidelines and Section 7 of the DIOG state that the required level of predication is an “articulable factual basis” that “reasonably indicates” that any one of three defined circumstances exists, including:

An activity constituting a federal crime or a threat to the national security has or may have occurred, is or may be occurring, or will or may occur and the investigation may obtain information relating to the activity or the involvement or role of an individual, group, or organization in such activity.<sup>483</sup>

The AG Guidelines and the DIOG do not provide heightened predication standards for sensitive matters, or for allegations potentially impacting constitutionally protected activity, such as First Amendment rights. Rather, as we discuss below, the approval and notification requirements contained in the AG Guidelines and DIOG are, in part, intended to provide the means by which such concerns can be considered by senior officials.

In Crossfire Hurricane, the “articulable factual basis” set forth in the opening EC was the FFG information received from an FBI Legal Attaché stating that Papadopoulos had suggested during a meeting in May 2016 with officials from a “trusted foreign partner” that the Trump team had received some kind of suggestion from Russia that it could assist by releasing information damaging to candidate Clinton and President Obama.<sup>484</sup> Additionally, by July 31, 2016, although not specifically mentioned in the EC, the FBI had reason to believe that Russia may have been connected to the WikiLeaks disclosures that occurred earlier in July 2016. Further, as we note in Chapter Three, the FBI received the FFG information at a time when the USIC, including the FBI, was aware of Russia’s efforts to interfere with the 2016 U.S. elections. Given the low threshold for predication in

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<sup>483</sup> As detailed in Chapter Two, the DIOG separately provides that a Preliminary Investigation may be opened based upon “any allegation or information” indicative of possible criminal activity or threats to the national security. In cases opened as Preliminary Investigations, the DIOG provides that all lawful investigative methods (including CHS and UCE operations) may be used except for mail opening, physical searches requiring a search warrant, electronic surveillance requiring a judicial order or warrant (Title III wiretap or a FISA order), or requests under Title VII of FISA. A Preliminary Investigation may be converted to a Full Investigation if the available information provides predication for a Full Investigation.

<sup>484</sup> Papadopoulos has stated that the source of the information he shared with the FFG was a professor from London, Joseph Mifsud, and has raised the possibility that Mifsud may have been working with the FBI. As described in Chapter Ten of this report, the OIG searched the FBI’s database of Confidential Human Sources (CHSs) and did not find any records indicating that Mifsud was an FBI CHS, or that Mifsud’s discussions with Papadopoulos were part of any FBI operation. The FBI also requested information on [REDACTED]

the AG Guidelines and the DIOG, we concluded that the FFG information, provided by a government the USIC deems trustworthy, and describing a first-hand account from an FFG employee of the content of a conversation with Papadopoulos, was sufficient to predicate the full counterintelligence investigation because it provided the FBI an articulable factual basis that, if true, reasonably indicated activity constituting either a federal crime or a threat to national security may have occurred or may be occurring.<sup>485</sup>

We similarly concluded that the FBI had sufficient predication to open full counterintelligence investigations of Papadopoulos, Page, Flynn, and Manafort in August 2016. The investigation of Papadopoulos was predicated upon his alleged statements in May 2016 to an employee of the FFG. According to the opening EC, Papadopoulos was “identical to the individual who made statements indicating that he is knowledgeable that the Russians made a suggestion to the Trump team that they could assist the Trump campaign with an anonymous release of information during the campaign that would be damaging to the Clinton campaign.” The three other cases were predicated on information developed by the Crossfire Hurricane team through law enforcement database and open source searches, conducted to determine which individuals associated with the Trump campaign may have been in a position to have received the alleged offer of assistance from Russia. As described in Chapter Three, through these efforts, the Crossfire Hurricane team identified three individuals—Page, Manafort, and Flynn—associated with the Trump campaign with either ties to Russia or a history of travel to Russia, two of whom (Page and Manafort) were already the subjects of open FBI investigations pertaining to, in part, their Russia-related activities. The FBI determined that this information, taken together with the information from the FFG indicating Russia had made a suggestion to the Trump team that it could assist by releasing information damaging to candidate Clinton, stated an articulable factual basis reasonably indicating activity may be occurring that may constitute a federal crime or a threat to national security. As with the opening of Crossfire Hurricane, we concluded that the quantum of information articulated by the FBI to open these individual investigations was sufficient to satisfy the low threshold established by Department and FBI predication policy, particularly in the context of the FBI’s separate and ongoing investigative efforts to address Russian interference in 2016 U.S. elections.

### **C. Sensitive Investigative Matters (SIMs)**

We concluded that the FBI appropriately designated Crossfire Hurricane and each of the four individual counterintelligence investigations as SIMs, or Sensitive

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<sup>485</sup> We determined that the election reporting from Christopher Steele played no role in the opening of Crossfire Hurricane. As described in Chapter Four, while some individuals in the FBI, including Steele’s handling agent, had received Steele’s election reporting as early as July 2016, the CD officials at FBI Headquarters and the members of the Crossfire Hurricane team did not receive the first Steele reports until September 19—weeks after the Crossfire Hurricane investigation was opened—and were not aware of any of the information in the reports prior to that date. We also found no evidence that the FBI undertook any investigative activities directed at the Trump campaign or members of the Trump campaign before opening Crossfire Hurricane on July 31, 2016. As described in Chapters Three and Nine, the FBI had ongoing investigations of Paul Manafort and Carter Page at that time, which were unrelated to the information that predicated Crossfire Hurricane.

Investigative Matters. As described in Chapter Two, a SIM is an investigative matter that must be approved for opening by FBI management and brought to the attention of Department officials because of the possibility of public notoriety and sensitivity. The categories of matters designated as SIMs include investigations involving the activities of a domestic political organization or an individual prominent in such an organization. Under the DIOG's definition, the term "domestic political organization" includes a committee or group formed to elect an individual to public office. Moreover, if an assessment or predicated investigation concerns a person prominent in a "domestic political organization" but not the political organization itself, it nonetheless must be treated as a SIM.

For Crossfire Hurricane, the FBI believed that any potential subjects of the investigation would be "prominent" members of a political campaign. With the four individual cases, the FBI determined that the individuals identified as subjects—foreign policy advisors Page, Papadopoulos, and Flynn; and campaign manager Manafort—were "prominent" in the Trump political campaign. We found the decision to designate the cases as SIMs to be appropriate. However, as discussed later in this chapter, our interviews with certain FBI agents revealed significant confusion over the meaning of the phrase "prominent within a domestic political organization" in the context of the policies applicable to CHSs, with some agents interpreting that phrase as limited to a person "running for office," and other agents questioning whether a presidential campaign was a "domestic political organization." We recommend later in this chapter that the FBI establish guidance to better define this phrase with respect to CHS use. Because the phrase is also used in FBI policies applicable to SIMs, we recommend that any additional guidance also take into account and be applied to the SIM requirements.

We also determined that the FBI satisfied the DIOG's approval and notification requirements for SIMs. At the FBI, these requirements included review of the opening by the FBI Office of the General Counsel (OGC), which in this case was conducted by the OGC Unit Chief; and approval by the FBI Headquarters operational Section Chief, which was provided here by then Section Chief Strzok. The DIOG also requires that NSD be notified of the opening of a SIM. The FBI satisfied this requirement by briefing NSD officials in the Counterintelligence and Export Control Section—orally, due to the sensitivity of the cases—about the openings within days of the investigations being initiated.<sup>486</sup>

Although the FBI satisfied the approval and notification requirements for SIMs, we believe such sensitive cases should also include advance notice to Department senior management officials, especially for case openings such as this one that implicated core First Amendment activity and a national political campaign. The FBI did not formally brief anyone in Department leadership at the time that Crossfire Hurricane was opened. While the then FBI Deputy Director was aware of

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<sup>486</sup> Technically, the DIOG's notice requirement for cases designated as a SIM provides that notice be emailed to a NSD email account within 30 days of the case opening. As described in Chapter Three, the Crossfire Hurricane team orally briefed NSD and Department officials on two occasions within days of the case opening rather than email notice to a general email account due to the sensitivity of the cases.

and gave his approval for the investigation prior to its opening, the investigation—concerning the actions of individuals associated with a presidential campaign—could have been opened, consistent with FBI and Department policy, without any notice to FBI or Department leadership and based solely on the decision of an FBI Headquarters Section Chief, with review by FBI OGC and notice to an “appropriate NSD official.” As noted in Chapter Two, current Department and FBI policies require high-level notice and approval in other circumstances where investigative activity could substantially impact certain civil liberties. The purpose of such notice and approval is to allow senior Department officials to consider the potential constitutional and prudential implications of opening certain investigations, even where there is sufficient predication to do so. Accordingly, we recommend that the Department and FBI evaluate which types of SIMs should require advance notification to a senior Department official, such as the DAG, in addition to the notifications currently required for SIMs, especially for cases that implicate core First Amendment activity and a national political campaign, and establish, as necessary, implementing policies and guidance.

#### **D. Staffing of Investigation**

Due to the sensitivity of the investigation, FBI leadership initially ran the investigation out of FBI Headquarters, rather than out of one or more field offices as is typically done in FBI investigations. We found that the decision to run the investigation out of FBI Headquarters created challenges for the team, which we were told were known risks consciously taken by CD officials, including Priestap, in order to minimize the potential of an unauthorized public disclosure of the investigation and allow for better coordination with Headquarters and interagency partners. These challenges included difficulties in obtaining needed investigative resources, such as surveillance teams, electronic evidence storage, technically trained agents, and other investigative assets standard in field offices to support investigations. Additionally, the FBI had to detail agents to FBI Headquarters from field offices for 90-day temporary duty assignments (TDYs). Then, when these 90-day TDY assignments expired, new agents were detailed to FBI Headquarters, resulting in three iterations of Crossfire Hurricane teams and supervisors from July 31, 2016, to the transfer of the case to the Special Counsel’s Office in May 2017.

We found that this ad hoc staffing presented challenges compared to the established chain of command structure that exists in FBI field offices. The turnover of agents and supervisors resulted in a loss of institutional knowledge and a lack of communication among agents, analysts, and supervisors. While we did not find that conducting the investigation from FBI Headquarters was the cause of the problematic issues we identify in this report, witnesses we interviewed told us that investigating Crossfire Hurricane from FBI Headquarters created significant challenges. We therefore recommend that the FBI develop specific protocols and guidelines for staffing and running any future sensitive investigations from FBI Headquarters.

## **E. Least Intrusive Investigative Techniques**

The AG Guidelines and the DIOG require that the “least intrusive” means or method be “considered” when selecting investigative techniques and, “if reasonable based upon the circumstances of the investigation,” be used to obtain information instead of a more intrusive method. The least intrusive method principle reflects an attempt to balance the FBI’s ability to effectively conduct investigations with the potential negative impact an investigation can have on the privacy and civil liberties of individuals encompassed within an investigation. The DIOG emphasizes that in the context of cases designated as SIMs, particular care should be taken when considering whether the planned course of action is the least intrusive method if reasonable based upon the circumstances of the investigation. However, DIOG § 4.1.1 states that investigators “must not hesitate to use any lawful method consistent with the [AG Guidelines] when the degree of intrusiveness is warranted in light of the seriousness of the matter concerned.” According to DIOG § 4.4.5, “[i]n the final analysis, choosing the method that [most] appropriately balances the impact on privacy and civil liberties with operational needs, is a matter of judgment, based on training and experience.”

As described in Chapter Three, immediately after opening the investigation, the Crossfire Hurricane team submitted name trace requests to other U.S. government agencies and a foreign intelligence agency, and conducted law enforcement database and open source searches, to identify individuals associated with the Trump campaign in a position to have received the alleged offer of assistance from Russia. Members of the Crossfire Hurricane team told us that they avoided the use of compulsory legal process to obtain information at this time in order to prevent any public disclosure of the investigation’s existence and to avoid any potential impact on the election. The FBI also sent Strzok and an SSA to a European city to interview the source of the information the FBI received from the FFG, and also searched the FBI’s CHS database to identify sources who potentially could provide information about connections between individuals associated with the Trump campaign and Russia. Each of these early steps is authorized under the DIOG and was a less intrusive investigative technique.

After the FBI opened the four individual cases based on information obtained through the above-described efforts, the Crossfire Hurricane team used CHSs to interact and consensually record conversations with two of the investigative subjects—Page and Papadopoulos—on multiple occasions in an effort to obtain specific information relevant to the allegations. The FBI also used a CHS to consensually record a conversation with a high-level Trump campaign official who was not a subject of the Crossfire Hurricane investigation. Use of a CHS to conduct consensual monitoring is a more intrusive investigative technique than the ones used immediately after Crossfire Hurricane was opened, but is also one that FBI witnesses told us is commonly used in FBI counterintelligence investigations. For example, Priestap told the OIG that CHSs are an “ordinary investigative tool” that

are "part and parcel of what [FBI] agents do in an investigative sense every day."<sup>487</sup>

As noted above, FBI policy provides that these decisions are matters of judgment to be made based on an investigator's training and experience. We found that, in making these judgments about using CHSs to interact with investigative subjects, the Crossfire Hurricane team complied with applicable Department and FBI policies for these operations, and obtained all requisite approvals. Although the CHS operations implicated constitutionally protected activity, we found no evidence that they were undertaken solely for the purpose of monitoring constitutionally protected activity, which is prohibited by the DIOG. We also found no testimonial or documentary evidence that these operations resulted from political bias or other improper considerations. We therefore concluded that these early investigative activities undertaken by the Crossfire Hurricane team were matters of judgment that were permitted by the AG Guidelines and the DIOG. However, as discussed later in this chapter, we are concerned that current Department and FBI policies do not require, at a minimum, consultation with the Department before using a CHS to monitor conversations with members of a major party candidate's presidential campaign, including a high-level campaign official who was not a subject of the investigation. Further, we are concerned that the FBI did not have a plan or process in place to address what the team should have done in the event a CHS operation resulted in the FBI's incidental receipt of sensitive campaign information. Accordingly, we make a recommendation below to ensure additional oversight, accountability, and consideration of the constitutional interests at stake in such operations.

In addition to these CHS operations, the FBI also discussed in August 2016, within days of opening the Carter Page investigation, the possible use of a separate, highly intrusive technique to obtain information: FISA-authorized electronic surveillance [REDACTED] targeting Carter Page. According to Case Agent 1, the Crossfire Hurricane team had hoped that emails and other communications obtained through surveillance would help provide valuable information about what Page did while in Moscow in the previous month and the Russian officials with whom he may have spoken. As detailed in Chapter Five, the FBI ultimately did not seek a FISA order in August 2016 because OGC, NSD's Office of Intelligence (OI), or both determined that more evidence was needed to support a probable cause determination that Page was an agent of a foreign power.

As discussed below, after the Crossfire Hurricane team received the election reporting from Christopher Steele on September 19, they reinitiated discussions with OI and efforts to obtain authority for FISA surveillance [REDACTED] targeting Page, which they received from the Foreign Intelligence Surveillance Court (FISC) on October [REDACTED]. Because of the reviews and approvals required before submitting a FISA application to the FISC, the decision to seek to use this highly

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<sup>487</sup> As we summarize in Chapter Ten, the consensual recordings done by the CHSs did not generate information tending to support the allegation that Page and Papadopoulos were, wittingly or unwittingly, providing assistance to Russia. Members of the Crossfire Hurricane team told us that the recordings nevertheless provided important background information about the subjects.

intrusive investigative technique was reviewed and approved at multiple levels of the Department, including by then DAG Sally Yates for the initial FISA application and first renewal and by then Acting Attorney General Dana Boente and then DAG Rod Rosenstein for the second and third renewals. However, as we explain in the next section, the Crossfire Hurricane team failed to inform the Department of significant information that was available to the team at the time that the FISA applications, including the first application, were drafted and filed. Much of that information was inconsistent with, or undercut, the allegations contained in the FISA applications to support probable cause and, in some instances, resulted in inaccurate information being included in the applications. Accordingly, we questioned the judgment and performance of members of the Crossfire Hurricane team involved in the FISA applications, and determined that, as a result of their actions, senior Department officials authorized the FBI to seek to use this highly intrusive investigative technique targeting Carter Page based on significant omissions and inaccurate information in the initial and renewal FISA applications. While we do not speculate whether senior Department officials would have authorized the FBI to seek to use FISA authority had they been made aware of all relevant information, it was clearly the responsibility of Crossfire Hurricane team members to advise Department officials of such critical information so that they could have made a fully informed decision.

## **II. The FISA Applications**

In this section, we analyze the role of Christopher Steele's election reporting in the four Carter Page FISA applications filed with the FISC. Additionally, we detail and analyze the numerous instances in which factual representations in the applications were inaccurate, incomplete, or unsupported by appropriate documentation, based upon information the FBI had in its possession at the time the applications were filed.

As described in Chapter Five, within days of opening the Carter Page and George Papadopoulos cases on August 10, 2016, the FBI first considered the possibility of seeking to obtain a FISA order authorizing electronic surveillance [REDACTED] targeting Carter Page and George Papadopoulos. We found that the Crossfire Hurricane team initially focused its efforts on obtaining FISA authority targeting Page, more than on efforts to surveil Papadopoulos or other members of the Trump campaign, because of Page's prior contacts with known Russian intelligence officers, which the Crossfire Hurricane team believed would have made Page most susceptible, and most likely, to have received, the suggestion or offer of assistance reported in the FFG information.<sup>488</sup>

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<sup>488</sup> As described in Chapter Five, although the Crossfire Hurricane team was also interested in seeking FISA surveillance targeting Papadopoulos, the FBI OGC attorneys were not supportive because the FBI had no information that Papadopoulos was being directed by the Russians. FBI and NSD officials told us that the Crossfire Hurricane team ultimately did not seek FISA surveillance of Papadopoulos. We were also told that the team also did not seek FISA surveillance of Manafort or Flynn, and we are aware of no information indicating that the Crossfire Hurricane team requested or seriously considered FISA surveillance of Manafort or Flynn.



We determined that, on August 15, 2016, Case Agent 1 sent a written summary by email to the OGC Unit Chief describing Page's Russian business and financial ties, his prior contacts with known Russian intelligence officers, and his recent travel to Russia. In this email, Case Agent 1 stated his belief that the information provided "a pretty solid basis" for requesting authority under FISA to conduct surveillance targeting Page. The next day, August 16, the OGC Unit Chief emailed Stuart Evans, then NSD's Deputy Assistant Attorney General with oversight responsibility over OI, to advise him of the possible FBI request for a FISA order to surveil Page. The email from the OGC Unit Chief stated that "I don't think we are quite there yet, but given the sensitivity and urgency of this matter, I would like to get OI involved as early as possible."

On or about August 17, 2016, in response to the Crossfire Hurricane team's prior Carter Page name trace request, the Crossfire Hurricane team received a memorandum from another U.S. government agency detailing its prior interactions with Page, including that Page had been approved as an "operational contact" for the other agency from 2008 to 2013.<sup>489</sup> The memorandum also detailed the information that Page had provided to the other agency concerning his prior contacts with certain Russian intelligence officers. As detailed in Chapters Five and Eight, the Crossfire Hurricane team did not accurately describe to OI the nature and extent of the information that the FBI received from the other agency, which we found was highly relevant to an evaluation of the FISA request.

Additionally, in August 2016, Page made statements to an FBI CHS that, if true, were in tension with the reporting the FBI received subsequently from Steele, alleging that Page was being used as an intermediary by Manafort to conspire with Russia. The FBI did not inform OI of Page's statements before any of the four FISA applications were filed, and did not inform OI of the CHS operation until June 2017, shortly before filing the last FISA application.

On or about August 22, 2016, a decision was made by the FBI OGC, OI, or both that more evidence was needed to support probable cause that Carter Page was an agent of a foreign power. The OGC ceased its discussions with OI about seeking a FISA order targeting Page. However, on September 19, 2016, the same day that the Crossfire Hurricane team first received Steele's election reporting, the team reinitiated discussions with OGC about seeking a FISA order authorizing surveillance targeting Page and specifically focused on Steele's reporting in drafting the FISA request. Two days later, on September 21, the OGC Unit Chief contacted the NSD OI Unit Chief to advise him that the FBI believed it was ready to submit a formal FISA request to OI relating to Page.

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<sup>489</sup> As described in Chapter Five, according to the U.S. government agency, "operational contact," as that term is used in the memorandum about Page, provides "Contact Approval," which allows the agency to contact and discuss sensitive information with a U.S. Person and to collect information from that person via "passive debriefing," or debriefing a person of information that is within the knowledge of an individual and has been acquired through the normal course of that individual's activities. According to the U.S. government agency, a "Contact Approval" does not allow for operational use of a U.S. Person or tasking of that person.

Over the next several weeks, the FBI and OI prepared the FISA application targeting Carter Page, which was filed with the FISC on October [REDACTED], 2016. The FISC granted the first FISA warrant the same day, authorizing electronic surveillance [REDACTED] targeting Page for 90 days. As the Crossfire Hurricane investigation proceeded, the Department submitted three renewal applications with the FISC on January [REDACTED], April [REDACTED], and June [REDACTED], 2017, seeking authority to continue electronic surveillance [REDACTED] targeting Carter Page. A different FISC judge considered each application before issuing the requested orders, which collectively resulted in approximately 11 months of FISA coverage from October [REDACTED], 2016, until September [REDACTED], 2017.

As noted above, in the OIG's June 2018 report, *Review of Various Actions in Advance of the 2016 Election*, we described text messages between Peter Strzok and Lisa Page discussing statements of hostility toward then candidate Trump and statements of support for candidate Clinton. Several of these text messages appeared to mix political opinions with discussions about the investigation into candidate Clinton's email use and refer to the Crossfire Hurricane investigation. As part of our review of the Carter Page FISA applications, we sought to determine whether there was evidence that Strzok or Page affected the preparation of or decision to file any of the applications. As described in Chapter Five, Strzok approved the request to expedite the FISA application proposed by the Crossfire Hurricane team, and he and Lisa Page communicated with Department officials, as did other FBI officials, in an effort to move the first application forward. This included conversations with NSD officials during which Strzok expressed frustration that the FISA process was not moving forward at the pace desired by the FBI. However, testimonial and documentary evidence we reviewed established that Strzok and Lisa Page played no role in the substantive preparation or approval of any of the four FISA applications, including the Woods process. We did not find documentary or testimonial evidence that political bias or improper motivation influenced the FBI's decision to seek FISA authority on Carter Page.

#### **A. The Role of the Steele Election Reporting in the Applications**

We concluded that the Crossfire Hurricane team's receipt of Steele's election reporting on September 19, 2016, played a central and essential role in the decision by FBI OGC to support the request for FISA surveillance targeting Carter Page, as well as the Department's ultimate decision to seek the FISA order. In particular, the OGC Unit Chief told us that she thought probable cause was a "close call" when the team first proposed seeking a FISA in mid-August and separately when she discussed the idea with OI around the same time. She said that it was the Steele reporting received in September, concerning Page's alleged activities with Russian officials in the summer of 2016, that "pushed it over" the line in terms of establishing probable cause that Page was acting in concert with Russian officials. The OGC Unit Chief's testimony was consistent with the testimony of the OI Unit Chief who told us that the Steele reporting was "what kind of pushed it over the line" in terms of the FBI being ready to pursue FISA authority targeting Page. Contemporaneous handwritten notes from Case Agent 1 and the then Chief of NSD's Counterintelligence and Export Control Section similarly indicated that in late

August 2016 an assessment had been made, by FBI OGC, OI, or both, that the information known at that time did not establish probable cause.

In addition, we found no evidence of further discussions between the FBI and OI between late August and September 19 concerning the possibility of obtaining a FISA order targeting Page. We determined those discussions were effectively reinitiated on September 21, two days after the Crossfire Hurricane team's receipt of the Steele election reporting. At that time, FBI OGC attorneys advised OI of the reporting from Steele and said for the first time that the FBI was ready to move forward with a FISA application targeting Page. Further, we found that the first FISA application drew heavily, although not entirely, upon the Steele reporting to support the government's position that Page was an agent of a foreign power.

We found that the FBI's decision to rely upon Steele's election reporting to help establish probable cause that Page was an agent of Russia was a judgment reached initially by the case agents on the Crossfire Hurricane team. We further found that FBI officials at every level concurred with this judgment, from the OGC attorneys assigned to the investigation to senior CD officials, then FBI General Counsel James Baker, then Deputy Director Andrew McCabe, and then Director James Comey. FBI leadership supported relying on Steele's reporting to seek a FISA order authorizing surveillance targeting Page after being advised of, and giving consideration to, the concerns expressed by Evans that Steele may have been hired by someone associated with presidential candidate Clinton or the DNC, and that the foreign intelligence to be collected through the FISA order would probably not be worth the "risk" of being criticized later for collecting communications of someone (Carter Page) who was "politically sensitive." According to McCabe, the FBI "felt strongly" that the FISA application should move forward because the team believed they had to get to the bottom of what they considered to be a potentially serious threat to national security, even if the FBI would later be criticized for taking such action. As described in Chapter Five, McCabe and others discussed the FBI's position with NSD and ODAG officials, and these officials accepted the FBI's decision to move forward with the application, based substantially on the Steele information.

The FISA statute and FISC Rules of Procedure (FISC Rules) do not establish requirements specific to the use of CHS information, such as Steele's, to support probable cause in a FISA application. The FBI OGC's FISA guidance (described in Chapter Two) specifies that agents should take into account the reliability of any "informant," the circumstances of the informant's knowledge, and the age of the information relied upon when judging the evidence to support probable cause in any given case. As described in earlier chapters, we found that the FBI did not have information corroborating the specific allegations against Carter Page in Steele's reports when it relied upon them in the FISA applications. FBI OGC and NSD officials told us that the verification process set forth in the FBI's Woods Procedures does not require that the FBI have corroboration for the CHS information presented in an application. According to these officials, when information in a FISA application is attributed to a CHS, the Woods Procedures require only that the agent verify, with supporting documentation, that the application accurately reflects what the CHS told the FBI. The procedures do not

require that the agent verify, through a second, independent source, that what the CHS told the FBI is true. We did not identify anything in the Woods Procedures that is inconsistent with these officials' description of the procedures. According to Evans, the FISC is aware of how the FBI "verifies" information in a FISA application under the Woods Procedures, including information attributed to a CHS.

However, without corroboration, it was particularly important for the FISA applications to articulate to the court the FBI's knowledge of Steele's background and its assessment of his reliability. On these points, the applications advised the court that Steele was believed to be a reliable source for three reasons: his professional background, his history of work as an FBI CHS since 2013, and his prior reporting, which the FBI described as "corroborated and used in criminal proceedings." As described below, the representations about Steele's prior reporting were overstated and not approved by Steele's handling agent, as required by the Woods Procedures. Our analysis of the FBI's assessment of the Steele reporting is described later in this chapter.

Following the FBI's decision to proceed with seeking a FISA order after consideration of the risks identified by Evans, OI developed a footnote, based on information provided by the Crossfire Hurricane team, to address Evans's concern about the potential political bias of Steele's research. The footnote stated that Steele was hired by an identified U.S. person (Glenn Simpson) to conduct research regarding "Candidate #1's" (Donald Trump) ties to Russia and that the FBI "speculates" that this U.S. person was likely looking for information that could be used to discredit the Trump campaign. Evans told us that this additional information made him comfortable with the way Steele was described in the application, based upon the information the FBI provided to OI at that time. However, Evans also expressed frustration to the FBI at the time, and later to the OIG, that the FBI had not advised OI of the political origins of Steele's election reporting until late in the drafting process on the first FISA application, and only after OI asked the team three times for information about Steele's possible political connections.

## **B. Inaccurate, Incomplete, or Undocumented Information in the FISA Applications**

The FBI's FISA and Standard Minimization Procedures Policy Guide (FISA SMP PG) states that the U.S. government's "ability to obtain FISA authority depends on the accuracy of applications submitted to the FISC. Because FISA proceedings are *ex parte*, the FISC relies on the [U.S. government's] full and accurate presentation of the facts to make its probable cause determinations." It further states that it is the case agent's responsibility to ensure that statements contained in applications submitted to the FISC are "scrupulously accurate." As we discuss below, we found that the FBI failed to fulfill this obligation to the court. This failure falls most immediately on the shoulders of the case agents and supervisors who were responsible for assisting OI in the preparation of the FISA applications and performing the factual accuracy review during the Woods process. However, as we discuss below, we identified (1) numerous serious factual errors and omissions in the applications, (2) a failure across three investigative teams to advise NSD