

United States Senate

WASHINGTON, DC 20510

April 25, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Barr,

During your April 10, 2019, testimony before a Senate Appropriations Subcommittee, you stated that you are looking into the “genesis and conduct of intelligence activities directed at the Trump campaign during 2016.”¹ You further stated that “spying did occur,” and that you believe it is your obligation to look into the question of whether surveillance activities by the Federal Bureau of Investigation (FBI) or other intelligence agencies were adequately predicated.²

We share your concerns about these activities, and are troubled by the apparent unauthorized disclosures of surveillance efforts and other classified information during the same time period. We bring to your attention information that may assist your review.

First, in the course of our oversight work we have reviewed certain text messages that may show potential attempts by the FBI to conduct surveillance of President-elect Trump’s transition team. In text messages exchanged between former FBI Special Agent Peter Strzok and former FBI Attorney Lisa Page, the two discussed the possibility of developing “potential relationships” at a November 2016 FBI briefing for presidential transition team staff. Specifically, it appears they discussed sending “the CI guy” to assess an unnamed person(s) “demeanor” but were concerned because it might be unusual for him to attend. A few weeks after the presidential election, Mr. Strzok and Ms. Page discussed the logistics for the briefing. Mr. Strzok and Ms. Page said the following:

Strzok: Talking with Bill³. Do we want Joe⁴ to go with Evanina⁵ instead of Charlie⁶ for a variety of reasons?

Page: Hmm. Not sure. Would it be unusual to have [sic] show up again?
Maybe another agent from the team?

¹ Gregg Re and Brooke Singman, *Dems rage against Barr for backing claims of Trump campaign ‘spying’ by FBI*, FoxNews (April 10, 2019). Available at <https://www.foxnews.com/politics/dems-rage-against-barr-for-backing-claims-of-trump-campaign-spying-by-fbi>; Nicholas Fandos and Adam Goldman, *Barr Asserts Intelligence Agencies Spied on the Trump Campaign*, The New York Times (April 10, 2019). Available at <https://www.nytimes.com/2019/04/10/us/politics/barr-trump-campaign-spying.html>; Philip Ewing, *Citing ‘Spying’ On Trump, Barr Says He Is Looking Into Origins Of Russia Inquiry*, NPR (April 10, 2019). Available at <https://www.npr.org/2019/04/10/711852861/citing-spying-on-trump-barr-says-he-s-looking-into-origins-of-russia-inquiry>.

² *Id.*

³ “Bill” most likely refers to E.W. Priestap, former Assistant Director of the FBI’s counterintelligence division.

⁴ “Joe” most likely refers to Joe Pientka III, FBI Special Agent.

⁵ “Evanina” most likely refers to William R. Evanina, Director of the National Counterintelligence and Security Center.

⁶ At this time it is unknown who “Charlie” is.

Strzok: Or, he's "the CI guy." Same.might [sic] make sense. He can assess if thete [sic] are **any news [sic] Qs, or different demeanor**. If Katie's husband is there, he can see if there are people we can **develop for potential relationships**

Page: Should I ask Andy⁷ about it? Or Bill⁸ want to reach out for andy⁹?

Strzok: I told him I'm sure we could ask you to make the swap if we thought it was smart. It's not until Mon so Bill can always discuss with him tomorrow.¹⁰

The nature of these communications, and the precise purpose of any attempts to "develop relationships" with Trump or Pence transition team staff are not immediately clear. Were these efforts done to gain better communication between the respective parties, or were the briefings used as intelligence gathering operations? Further, did any such surveillance activities continue beyond the inauguration, and in the event they did, were those activities subject to proper predication? Any improper FBI surveillance activities that were conducted before or after the 2016 election must be brought to light and properly addressed.

Additionally, we note that a number of news outlets have reported sensitive information related to the investigation into alleged Russian collusion with the Trump campaign. Those reports have revealed sensitive information focusing on the FBI sending informants to meet with Trump advisors; a warrant to surveil Carter Page; and the United Kingdom signal intelligence agency briefing former CIA Director John Brennan on alleged communications between Trump's campaign and Russian officials, among other things.¹¹ Notably, the Justice Department Inspector General's review of the Clinton investigation found "profound concerns about the volume and extent of unauthorized media contacts by FBI personnel..."¹² It appears the same happened during the Russia investigation. Leaks to the media about ongoing investigations undermine the ability of investigators to properly investigate. Moreover, sensitive leaks to the media while members of congress performing constitutionally mandated oversight are kept in the dark is unacceptable.¹³

Accordingly, please contact our staff to schedule a briefing and answer the following no later than May 9, 2019:

⁷ "Andy" most likely refers to Andrew McCabe, former Deputy Director of the FBI.

⁸ "Bill" most likely refers to E.W. Priestap, former Assistant Director of the FBI's counterintelligence division.

⁹ "Andy" most likely refers to Andrew McCabe, former Deputy Director of the FBI.

¹⁰ November 17, 2016, Strzok-Page Texts Part 2, p. 159, DOJ-PROD-0000325. Emphasis added.

¹¹ Eli Lake, *Focus on the Leaking, Not Just the Spying*, Bloomberg Opinion (April 11, 2019). Available at <https://www.bloomberg.com/opinion/articles/2019-04-11/spying-did-occur-but-barr-should-also-focus-on-the-leaking>.

¹² A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election at 429 (June 14, 2018). Available at <https://www.justice.gov/file/1071991/download>.

¹³ For example, former Deputy Director McCabe was fired for making unauthorized disclosures to the media regarding the FBI's investigation into the Clinton Foundation and then lying about it. In addition, transcripts of former National Security Advisor Michael Flynn's phone calls with Russian Ambassador to the U.S., Sergey Kislyak, were leaked. On February 15, 2017, the Judiciary Committee requested information from the Justice Department and FBI relating to that leaked information. On March 15, 2017, the FBI provided a briefing about the FBI's Russia investigation which answered a few of the questions posed by the Committee, but most were not.

1. Please describe the nature and extent of your review of FBI surveillance of the Trump Campaign, President-elect Trump's transition staff, Vice President-elect Pence's transition staff, President Trump's staff, and Vice President Pence's staff, including your efforts to determine whether that surveillance was adequately predicated.
2. How many counter-intelligence briefings were provided to the Trump and Pence transition staffs prior to Inauguration Day? Please list the dates, all agencies involved, and each official that represented those agencies at the briefings.
3. Many of the FBI employees involved in these activities are no longer employed by the federal government. How will your review obtain information needed from these individuals?
4. Will you commit to providing the results of your review once completed?
5. What steps have you taken to investigate whether DOJ or FBI officials had unauthorized contacts with the media during the Russia investigation?

We anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to each Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to each Committee, and provide a classified addendum to the Office of Senate Security. Although our Committees comply with all laws and regulations governing the handling of classified information, they are not bound, absent prior agreement, by any handling restrictions.

Should you have any questions, please contact Joshua Flynn-Brown of Chairman Grassley's Finance Committee staff at (202) 224-4515 or Brian Downey of Chairman Johnson's Homeland Security and Governmental Affairs Committee staff at (202) 224-4751.

Sincerely,



Charles E. Grassley
Chairman
Senate Finance Committee



Ron Johnson
Chairman
Senate Committee on Homeland
Security and Governmental Affairs