

United States Senate

WASHINGTON, DC 20510

October 23, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable Michael K. Atkinson
Inspector General of the Intelligence Community
1500 Tysons McLean Drive
McLean, VA 22102

Dear Inspector General Atkinson:

We are in receipt of your October 10, 2019, letter, which again failed to answer whether your office is investigating leaks from the Intelligence Community (IC). In that letter, you stated that “the ICIIG cannot confirm or deny the existence of an investigation into those suspected leaks, or disclose the details of any such investigations”¹ without citing any law, regulation, or guidance that prohibits you from informing Congress and the taxpayer about the steps you have taken, or not taken, to investigate leaks of sensitive and classified material.

Contrary to your position, other inspectors general have been more transparent with Congress and the public about information relating to their investigations, particularly where there is significant public interest. For example, on January 12, 2017, the Department of Justice Inspector General (DOJ IG) provided Congress details of its soon-to-be initiated investigation into various actions by the DOJ and FBI in advance of the 2016 election relating to the Clinton investigation and other matters.² In a letter to Congress, the DOJ IG provided five detailed bullet points describing the initial scope of review. Two of those bullet points specifically mentioned personnel by job title, “[a]llegations that the FBI Deputy Director should have been recused from participating in certain investigative matters” and “[a]llegations that the Department’s Assistant Attorney General for Legislative Affairs improperly disclosed non-public information to the Clinton campaign and/or should have been recused from participating in certain matters.”³ Moreover, the DOJ IG stated that the review would include “[a]llegations that Department and FBI employees improperly disclosed non-public information,” which is what we have asked whether you are doing, or intend to do.⁴

¹ Letter from Michael K. Atkinson, to Chairman Ron Johnson and Chairman Charles Grassley (Oct. 10, 2019).

² Letter from Michael Horowitz, Inspector General, Department of Justice to Senator Charles Grassley, Chairman, Senate Committee on the Judiciary et al, (Jan. 12, 2017).

³ *Id.*

⁴ *Id.*

Indeed, on March 28, 2018, the DOJ IG also publicly announced its initiation of a review to examine the “Justice Department’s and the Federal Bureau of Investigation’s compliance with legal requirements, and with applicable DOJ and FBI policies and procedures, in applications filed with the U.S. Foreign Intelligence Surveillance Court relating to a certain U.S. person.”⁵ We eagerly await that report’s findings. Finally, as we noted in our previous letter, Attorney General Barr confirmed that “multiple criminal leak investigations” are underway relating to sensitive and classified leaks during the pendency of the Russia investigation.⁶ In light of this transparency by the DOJ IG and the Attorney General about their ongoing investigations or imminent reviews, it is unclear to us why you cannot provide the same level of transparency.⁷

As we have made clear in previous letters to you, since President Donald Trump’s election there have been a number of leaks of highly sensitive information.⁸ These leaks are seemingly perpetrated to achieve partisan political ends at the expense of national security. For example, reports have cited leaked information about the FBI’s use of informants to meet with Trump campaign advisors; a warrant to surveil Carter Page; and the United Kingdom signal intelligence agency briefing former CIA Director Brennan on alleged communications between Trump’s campaign and Russian officials, among other leaks.⁹

But, that’s not all. Chairman Johnson issued a report detailing leaks during President Trump’s first 18 weeks in office. That report found that the administration had “faced 125 leaked stories – one leak a day – containing information that was potentially damaging to national security under the standards laid out in a 2009 Executive Order signed by President Obama.”¹⁰ Nearly 80 percent of the leaks focused on the Russia probe, and many revealed “closely-held information such as intelligence community intercepts, FBI interviews and intelligence, grand jury subpoenas, and even the workings of a secret surveillance court.”

Given the intense congressional and public interest surrounding the most recent leaks of sensitive and classified information, it is incumbent upon you to answer the simple questions that we have posed. Furthermore, you asserted that, because you gave closed-door testimony to a

⁵ Press Release, *DOJ OIG Announces Initiation of Review*, (March 28, 2018), <https://oig.justice.gov/press/2018/2018-03-28b.pdf>

⁶ Jerry Dunleavy, *Barr says ‘multiple criminal leak investigations underway’*, Washington Examiner (May 1, 2019), <https://www.washingtonexaminer.com/news/barr-says-multiple-criminal-leak-investigations-underway>

⁷ In your October 10, 2019 response, you also state, “[p]lease let me assure you that the ICIG has coordinated with the appropriate agencies concerning the matters referenced in your May 6, 2019, letter and will continue to do so, as appropriate.” Without more, it is entirely unclear what you mean by this.

⁸ Attached to this letter, we have also included two email chains and a text message exchange between and among FBI officials noting references to leaks during the Russia investigation.

⁹ Eli Lake, *Focus on the Leaking, Not Just the Spying*, Bloomberg Opinion (Apr. 11, 2019), <https://www.bloomberg.com/opinion/articles/2019-04-11/spying-did-occur-but-barr-should-also-focus-on-the-leaking>; see also Maj. Staff Report, S. Comm. Homeland Security and Gov’t Affairs, *State Secrets: How an Avalanche of Media Leaks Is Harming National Security* (July 6, 2017), <https://www.hsgac.senate.gov/imo/media/doc/2017-07-06%20State%20Secrets%20report.pdf>.

¹⁰ Maj. Staff Report, S. Comm. Homeland Security and Gov’t Affairs, *State Secrets: How an Avalanche of Media Leaks Is Harming National Security* (July 6, 2017), <https://www.hsgac.senate.gov/imo/media/doc/2017-07-06%20State%20Secrets%20report.pdf>.

Senate Committee and House Committee, you cannot answer our Committees' questions until transcripts are made public. We are not aware of any justification for this position, which is particularly concerning given the role of Inspectors General in promoting transparency and helping Congress to fulfill its oversight responsibilities. Moreover, our committees are quite familiar with handling sensitive or classified information.

Accordingly, we reiterate our requests that you provide full and complete answers to the questions below from our May 6, 2019 letter, our October 2, 2019, letter and our additional questions no later than October 30, 2019:

1. On December 15, 2016, Peter Strzok texted Lisa Page, "Think our sisters have begun leaking like mad. Scorned and worried and political, they're kicking in to overdrive."¹¹ Who are the "sisters" and what does it mean to say that the "sisters have [been] leaking like mad"? What are they worried about, and what are they kicking into "overdrive"?
2. On April 13, 2017, Strzok e-mailed FBI colleagues with regard to the publication of an article titled, "British spies were first to spot Trump team's links with Russia." He wrote, "I'm beginning to think the agency got info a lot earlier than we thought and hasn't shared it completely with us. Might explain all these weird/seemingly incorrect leads all these media folks have. Would also highlight agency as source of some of the leaks."¹² Which "agency" is he referring to and why does Strzok believe the referenced article highlights that "agency as [a] source of some of the leaks"?
3. Has the ICIG initiated an investigation into these apparent leaks and those detailed in Chairman Johnson's July 2017 report?¹³ If not, please explain why not.
4. Are you investigating the classified leaks relating to the complaint and Ukraine call? If not, why not?
5. How many people within your office had access to the complaint and call transcript before they were made public?
6. With regard to our October 2, 2019, request about how many people within your office had access to the complaint and call transcript before they were made public, you responded on October 10, 2019, that "substantially similar inquiries have been the subject of [your] closed briefing sessions before [the intelligence committees]"

¹¹ Text message from Peter Strzok to Lisa Page (Dec. 15, 2016).

¹² FBI_HJC_03_22_18_Req7_000376, 377, Email from Peter Strzok (Apr. 13, 2017).

¹³ Maj. Staff Report, S. Comm. Homeland Security and Gov't Affairs, *State Secrets: How an Avalanche of Media Leaks Is Harming National Security* (July 6, 2017), <https://www.hsgac.senate.gov/imo/media/doc/2017-07-06%20State%20Secrets%20report.pdf>.

but then noted that “[t]he transcripts of those closed briefing sessions have not yet been made public.” On what basis are you asserting that, because you gave closed-door testimony to a Senate Committee and House Committee, you cannot answer our Committees’ questions until transcripts are made public?

We anticipate that your written reply and some responsive documents will be unclassified. Please send all unclassified material directly to the Committees. 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 the Committees, and provide a classified addendum to the Office of Senate Security. Although the Committees comply with all laws and regulations governing the handling of classified information, they are not bound, absent their prior agreement, by any handling restrictions.

Thank you advance for your assistance in this matter. Should you have any questions, please contact Joshua Flynn-Brown of Chairman Grassley’s Committee staff at (202) 224-4515 and Brian Downey or Scott Wittmann of Chairman Johnson’s staff at (202) 224-4751.

Sincerely,



Charles E. Grassley
Chairman
Committee on Finance



Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, April 06, 2017 8:12 PM
To: Kortan, Michael P. (DO) (FBI)
Cc: Priestap, E. W. (CD) (FBI); Page, Lisa C. (OGC) (FBI)
Subject: Fwd: C.I.A. Had Evidence of Russian Effort to Help Trump Earlier Than Believed
NYTimes.com

Mike, below is inaccurate, favors the CIA at the expense of the FBI in particular, and is at odds with what Apuzzo and Goldman know. Most importantly, it's at odds with the D's recent public testimony that we've been looking at links (which necessarily imply favoring Trump) since July '16.

"The briefings indicate that intelligence officials had evidence of Russia's intentions to help Mr. Trump much earlier in the presidential campaign than previously thought. The briefings also reveal a critical split last summer between the C.I.A. and counterparts at the F.B.I., where a number of senior officials continued to believe through last fall that Russia's cyberattacks were aimed only at disrupting America's political system, and not at getting Mr. Trump elected, according to interviews."

<https://mobile.nytimes.com/2017/04/06/us/trump-russia-cia-john-brennan.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&r=0&referrer=https://t.co/bAOTdiJvvT?t=1&cn=ZmxleGlibGVfcmVjc18y&refsrc=email&iid=3c5dae46c0b24452ac69a9e89fce34e8&uid=1717233499&nid=244+289476615>

C.I.A. Had Evidence of Russian Effort to Help Trump Earlier Than Believed

By ERIC LICHTBLAU / April 6, 2017

John O. Brennan in July when he was the C.I.A. director. Mr. Brennan was said to be so concerned about increasing evidence of Russia's election meddling that in late August he began a series of individual briefings for eight top members of Congress.

Al Drago / The New York Times

WASHINGTON — The C.I.A. told senior lawmakers in classified briefings last summer

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that it had information indicating that Russia was working to help elect Donald J. Trump president, a finding that did not emerge publicly until after Mr. Trump's victory months later, former government officials say.

The briefings indicate that intelligence officials had evidence of Russia's intentions to help Mr. Trump much earlier in the presidential campaign than previously thought. The briefings also reveal a critical split last summer between the C.I.A. and counterparts at th

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Page, Lisa C. (OGC) (FBI)

From: Page, Lisa C. (OGC) (FBI)
Sent: Tuesday, June 06, 2017 9:03 PM
To: Strzok, Peter P. (CD) (FBI)
Subject: Re: News Alert: Top intelligence official told associates Trump asked him if he could intervene with Comey to get FBI to back off Flynn

They're already happening.

Original message

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 6/6/17 8:59 PM (GMT 05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Subject: RE: News Alert: Top intelligence official told associates Trump asked him if he could intervene with Comey to get FBI to back off Flynn

Thanks. Hadn't seen/didn't know. Think there will be a crescendo of leaks/articles leading up to Thurs

Original message

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 6/6/17 8:38 PM (GMT 05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: Fwd: News Alert: Top intelligence official told associates Trump asked him if he could intervene with Comey to get FBI to back off Flynn

Original message

From: "Kelly, Stephen D. (DO) (FBI)" [REDACTED]
Date: 6/6/17 8:32 PM (GMT 05:00)
To: Aaron Zebley [REDACTED], Jim Quarles [REDACTED]
Cc: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Subject: Fwd: News Alert: Top intelligence official told associates Trump asked him if he could intervene with Comey to get FBI to back off Flynn

I assume you've seen this; Brad mentioned it might be coming out tonight.

Original message

From: The Washington Post <email@e.washingtonpost.com>
Date: 06/06/2017 8:08 PM (GMT 05:00)
To: "Kelly, Stephen D. (DO) (FBI)" [REDACTED]

FBI_HJC_03_22_18_Req7_000684

Subject: News Alert: Top intelligence official told associates Trump asked him if he could intervene with
Comey to get FBI to back off Flynn

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Democracy Dies in Darkness

News Alert

Tue., Jun. 06, 2017 8:07 p.m.

FBI_HJC_03_22_18_Req7_000685

Top intelligence official told associates Trump asked him if he could intervene with Comey to get FBI to back off Flynn

Director of National Intelligence Daniel Coats told associates in March that President Trump asked him to intervene with then-FBI Director James B. Comey to get the bureau to back off its attention on former national security adviser Michael Flynn in its Russia probe, according to officials.

The events involving Coats show the president went further than just asking intelligence officials to deny publicly the existence of any evidence showing collusion during the 2016 election, as The Washington Post reported in May. The interaction with Coats indicates that Trump tried to enlist top officials to privately pressure Comey to curtail the bureau's probe.

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Date UTC	Type of Message	Body	Type
2016-12-13 20:57:46, Tue	INBOX	Coffee /tea?\n\nStories for you.....	sms
2016-12-13 21:03:21, Tue	INBOX	Let me know when you're done, want to hear about it, obviously	sms
2016-12-13 21:36:50, Tue	INBOX	Need to talk to you before wrap	sms
2016-12-13 22:31:53, Tue	INBOX	Who is [REDACTED]	sms
2016-12-13 22:34:06, Tue	OUTBOX	No idea.	sms
2016-12-13 22:34:33, Tue	INBOX	These texts are quite the....	sms
2016-12-13 22:35:24, Tue	OUTBOX	You're killing me.	sms
2016-12-13 22:36:01, Tue	INBOX	Text from reporter: retrieving my password for skype. I forgot it.\n\nText from reporter an hour and 31 minutes later: thanks man. Awesome as usual	sms
2016-12-13 22:36:26, Tue	OUTBOX	Jesus.	sms
2016-12-13 22:37:23, Tue	INBOX	And Oh. I'm literally on the 5th line of a 2417 line spreadsheet.	sms
2016-12-13 22:42:07, Tue	OUTBOX	I'm calling now.	sms
2016-12-13 22:43:28, Tue	OUTBOX	Wtf, where'd you go?	sms
2016-12-13 22:44:38, Tue	INBOX	In with Bill an dads	sms
2016-12-13 22:45:00, Tue	OUTBOX	Aaarggh.	sms
2016-12-13 22:54:05, Tue	OUTBOX	I'm going to try to leave as soon as I get 5 minutes with andy. The d had wrap.	sms
2016-12-13 22:55:03, Tue	OUTBOX	Jm said that the D asked Dd about the phone records pull today. So I am going to mention it, but no details.	sms
2016-12-13 22:55:12, Tue	INBOX	K. Bill is rambling. I'll let you know when done	sms
2016-12-13 23:17:22, Tue	INBOX	Hi. You in with him?	sms
2016-12-13 23:18:17, Tue	OUTBOX	Still waiting for him to get out. \U0001f621	sms
2016-12-13 23:21:14, Tue	INBOX	Talked with DoJ about HA interview. Told them we had to interview, no immunity. They said they thought that would get counsel to the point of saying she's either taking the 5th in the Gj or you need to give her immunity. I said that's fine, please have discussions to get the decision to that point and I would run up the chain	sms
2016-12-13 23:21:41, Tue	INBOX	[REDACTED] then asked if Toscas should call Mike, as that was his understanding of who his new POC was on this case.	sms
2016-12-13 23:21:50, Tue	OUTBOX	Do I need to bring up to andy at some point?	sms
2016-12-13 23:22:03, Tue	INBOX	I said Bill would be better, but that I needed to run past Bill to see what he says	sms