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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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October 2, 2020

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave., NW
Washington, DC 20535

Dear Director Wray:

As you know, on August 6, 2020, the Homeland Security and Governmental Affairs Committee (HSGAC) issued a subpoena to the Federal Bureau of Investigation (FBI) for records relating to several unanswered or incomplete responses to ongoing oversight inquiries. These oversight requests have also been made by Chairman Grassley. We are writing to raise three specific issues relating to those requests.

First, on April 16, 2020, we requested all intelligence records, foreign or domestic, received or reviewed by the Crossfire Hurricane team, as well as all FBI records about those intelligence products.¹ In response, the FBI directed us to the Office of the Director of National Intelligence, but has not produced any other records responsive to that request. In that April 2020 request, we highlighted a now-declassified footnote in the Inspector General's report that the Crossfire Hurricane team received intelligence reporting that the Steele Dossier contained Russian disinformation.

Recently, in a September 29, 2020, letter to the Senate Judiciary Committee, DNI Ratcliffe identified a different intelligence report from late July 2016. That intelligence report apparently relates to candidate Hillary Clinton "approv[ing] a campaign plan to stir up a scandal against [] candidate Donald Trump by tying him to [Russian President] Putin and the Russians' hack of the [DNC]," which ultimately resulted in a September 7, 2016, investigative referral from the intelligence community to the FBI.² Our April 2020 letter, not to mention the HSGAC's subpoena, calls for the production of all information and records demonstrating what, if anything, the FBI did with these and other intelligence reporting received or made available to the FBI's Crossfire Hurricane team.

Second, throughout our inquiry into the Department's mishandling of Crossfire Hurricane, we have requested the production of various text or Lync messages for different individuals. Our Committees previously had received only about a dozen total text messages

¹ Letter from Ron Johnson & Charles E. Grassley, Chairman, to Christopher A. Wray, Director (Apr. 16, 2020).

² Letter from John Ratcliffe, Dir. Of National Intelligence, to Sen. Lindsey Graham, Chairman, S. Comm. On the Judiciary, Sept. 29, 2020, https://www.judiciary.senate.gov/imo/media/doc/09-29-20_Letter%20to%20Sen.%20Graham_Declassification%20of%20FBI's%20Crossfire%20Hurricane%20Investigations_20-00912_U_SIGNED-FINAL.pdf.

from former Director James Comey,³ and approximately several dozen text messages belonging to former Deputy Director Andrew McCabe.⁴ These included the following text messages to Mr. McCabe on October 14, 2016, a few weeks after the FBI became aware that a computer seized from former Rep. Anthony Weiner contained emails from Hillary Clinton's private server:

Lisa Page⁵ to McCabe: Just called. Apparently the DAG⁶ now wants to be there, and WH⁷ wants DOJ to host. So we are setting that up now. We will very much need to get [REDACTED] view before we meet with her. Better, have him weigh in with her before the meeting. We need to speak with one voice, if that is in fact the case.⁸

Moreover, less than a minute later, McCabe received the following text message:

[REDACTED] to McCabe: I also have moffa⁹ writing up everything cyd¹⁰ knows about what is on those drives. Will be ready by Monday.¹¹

According to the Inspector General, this conversation between Page and McCabe is discussed in the classified appendix of the OIG's Review of Various Actions in Advance of the 2016 Election report.¹² That appendix is classified, therefore the Inspector General was unable to provide additional public information about the text.¹³ We have called for that appendix to be declassified so that the public fully understands what took place during the Mid-Year investigation.

Additional text or Lync messages directly relevant to our inquiry have recently been made public; however, many of them appear to have not been produced previously. In order to fully understand the meaning and context behind the aforementioned McCabe texts, as well as others, it is necessary for the Committees to possess and review all text messages relating to these matters. For that reason, on September 24, 2020, our respective staff requested that the FBI produce all text and Lync messages involving members of the Crossfire Hurricane team. The recent public disclosures show that the FBI has already collected and reviewed at least some subset of these records. Accordingly, we ask that you produce those sets of records to us immediately.

³ FBI000995-FBI000997.

⁴ FBI001005-FBI001015 and FBI000658-FBI000661.

⁵ Letter from Michael E. Horowitz, Inspector General, U.S. Dept. of Justice, to Ron Johnson, Chairman, S. Comm, on Homeland Security and Governmental Affairs, (Jul. 21, 2020).

⁶ "DAG" most likely refers to the Deputy Attorney General and in October 2016 the DAG was Sally Yates.

⁷ "WH" most likely refers to White House.

⁸ FBI001012.

⁹ "moffa" most likely refers to Jonathan Moffa, former deputy assistant director of the FBI Counterintelligence Division and who was on the Clinton email investigation team.

¹⁰ "cyd" most likely refers to the FBI's Cyber Division.

¹¹ FBI001012.

¹² Letter from Michael E. Horowitz, Inspector General, U.S. Dept. of Justice, to Ron Johnson, Chairman, S. Comm, on Homeland Security and Governmental Affairs, (Jul. 21, 2020).

¹³ *Id.*

Third, the FBI recently made available in a reading room a larger production of unclassified text or Lync messages belonging to Mr. McCabe. On August 20, 2020, our respective staff requested that this collection of McCabe text/Lync messages be produced directly to the Committees, as required by the subpoena, rather than merely being made available in a reading room. We ask that this request receive expedited consideration.

The public interest in these records is significant, and they have remained hidden for too long. Accordingly, we ask that you provide all of this information directly to the Committees as soon as possible, but no later than October 6, 2020. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Chairman
Senate Committee on Homeland Security
and Governmental Affairs



Charles E. Grassley
Chairman
Senate Finance Committee

cc: The Honorable Gary C. Peters
Ranking Member

The Honorable Ron Wyden
Ranking Member