

United States Senate

WASHINGTON, DC 20510

October 12, 2020

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

Dear Director Wray:

On October 9, 2020, the Federal Bureau of Investigation (FBI) produced 24 pages of text messages from former-Deputy Director Andrew McCabe, some of which had already been produced to us years ago.¹ This stands in stark contrast to the more than 300 pages of McCabe text messages that the FBI made available for review in a reading room at the Department of Justice. As you know, on August 6, 2020, the Senate Homeland Security and Governmental Affairs Committee (HSGAC) subpoenaed the FBI for *all* records related to the Crossfire Hurricane investigation, which requires that records actually be produced to the Committee, not merely made available for review in a reading room. We have waited nearly 70 days to receive these text messages, and when records were actually produced, we received only eight percent of what we know exists. Moreover, on September 24, 2020, we requested the production of text and Lync messages for several other individuals involved in the Crossfire Hurricane investigation but, to date, we have not received a single message. It is simply unacceptable that we have waited so long to receive so little.

The 24 pages of McCabe text messages that the FBI did produce include notable information that is highly relevant to several aspects of the Committees' oversight efforts. For example on July 28, 2016, a few days before Crossfire Hurricane was officially opened, Lisa Page texted McCabe about an article in *Lawfare*:²

Lisa Page: You should read this – the D surely has by now. Some of the internal links are well worth your time as well. Is Trump a Russian Agent? A legal Analysis – Lawfare. [Page includes a link to the article]

Andrew McCabe: Thanks much[.]

¹ Letter from Jill C. Tyson, Assistant Director, Federal Bureau of Investigation, to Chairman Ron Johnson, Chairman, S. Comm, on Homeland Security and Governmental Affairs, (Oct. 9, 2020).

² *Id.* at Senate HSGAC_TransitionReq FBI003908.

The CIA received intelligence reporting that indicated on July 26, 2016, two days before the above texts, Hillary Clinton had approved “a plan concerning U.S. Presidential candidate Donald Trump and Russian hackers hampering U.S. elections as a means of distracting the public from her use of a private email server.”³ Then-Director Brennan eventually briefed President Obama on that intelligence reporting, which also included a referral to then-FBI Director Comey. According to Comey’s recent testimony before the Senate Judiciary Committee, he has no recollection of receiving that referral.⁴

On October 27, 2016, McCabe and Page exchanged a number of texts regarding whether McCabe would recuse himself from an investigative matter—likely the reopening of the Clinton case—because of then-recent news reporting of his wife accepting campaign contributions from Clinton ally, Terry McAuliffe.⁵

Lisa Page: Letter is not going to mention your recusal. Still waiting on Jim Baker.

Page: But it still doesn’t change that if you are recused, it will undermine the workforce.

Andrew McCabe: Agree.

Page: Still waiting. He should be out at noon. I won’t let him leave [sic] I have spoken to him.

McCabe: Strongly urge him to get me on the phone.

Page: I will. I’m going in with CF matter as cover for action, assume he will tell me re MYE. If not I will go back to Pete and [Redacted].⁶

³ Letter from the Honorable John Ratcliffe, Director, ODNI, to Senator Graham, Chairman, Senate Judiciary Committee (September 29, 2020).

⁴ Testimony of the Honorable James Comey, former Director, Federal Bureau of Investigation, to the Senate Judiciary Committee (September 30, 2020). <https://www.judiciary.senate.gov/meetings/oversight-of-the-crossfire-hurricane-investigation-day-3>

⁵ *Id.* at Senate HSGAC_TransitionReq FBI003918; Devlin Barrett, *Clinton Ally Aided Campaign of FBI Official’s Wife*, Wall St. Journal, Oct. 24, 2016, <https://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>. See also, Letter from Senator Grassley, Chairman, Senate Judiciary Committee, to the Honorable James Comey, Director, FBI (October 28, 2016), Letter from Senator Grassley, Chairman, Senate Judiciary Committee, to the Honorable Michael Horowitz, Inspector General, Justice Department (November 2, 2016), letter from Senator Grassley, Chairman, Senate Judiciary Committee, to the Honorable Rod Rosenstein, Deputy Attorney General, Justice Department (May 2, 2017), letter from Senator Grassley, Chairman, Senate Judiciary Committee, to the Honorable Rod Rosenstein, Deputy Attorney General, Justice Department, (June 28, 2017), letter from Senator Grassley, Chairman, Senate Judiciary Committee, to the Honorable Michael Horowitz, Inspector General, Justice Department (June 29, 2017).

⁶ “MYE,” or Midyear Exam, was the phrase the FBI used to refer to the Clinton investigation.

On October 29, 2016, the day after then-FBI Director James Comey announced that the FBI was reopening its investigation into Hillary Clinton's use of a private email server, McCabe received a message from a *New York Times* reporter:⁷

Matt Apuzzo (NY Times reporter): Hey I know you don't want to field calls. But Goldman and I are together and really need to talk. This thing is spiraling out of control.

The next day, October 30, 2016, a colleague of Apuzzo's reached out to McCabe:⁸

Adam Goldman (NY Times reporter): Andy, matt and I are together. Can we chat briefly. I apologize. I know it is Sunday.

McCabe: Can't do it. I have no comments on anything.

Goldman: Understand. Thanks.

Goldman once again texted McCabe on November 1, 2016:⁹

Goldman: Hi. Matt and I have new information that puts a lot of stuff specifically in your world into context. Can you spare 10 minutes or a coffee. We think it is important.

Also on November 1, 2016, McCabe and Page exchanged messages about press stories on a number of topics:¹⁰

Lisa Page: Christ. A LOT of articles tonight. MJ published, lots about MYE, and an allegation about a PI on Manafort.

McCabe: MJ? Kelly File was really rough on me.

Page: Mother Jones. Re western intel source reporting on trump.¹¹

Page: I didn't watch.

⁷ *Id.* at Senate HSGAC_TransitionReq FBI003922.

⁸ *Id.* at Senate HSGAC_TransitionReq FBI003923.

⁹ *Id.* at Senate HSGAC_TransitionReq FBI003924.

¹⁰ *Id.* at Senate HSGAC_TransitionReq FBI003923-3924.

¹¹ The Mother Jones story that Lisa Page most likely was "A Veteran Spy Has Given the FBI Information Alleging a Russian Operation to Cultivate Donald Trump," which relied on information provided by Christopher Steele and was the impetus for the FBI to formally end its relationship with Steele. See U.S. Dep't of Justice, Office of the Inspector General, *Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation* 172-75 (Dec. 2019); see also <https://www.motherjones.com/politics/2016/10/veteran-spy-gave-fbi-info-alleging-russian-operation-cultivate-donald-trump/>.

Page: It's the first time you've really come up since last Sunday. Thought Devlin's¹² piece was pretty benign.

Page: And the alphabank(sic) story is in slate.¹³

McCabe: Awesome.

Recently, the *New Yorker* reported that U.S. Attorney John Durham is allegedly examining the fake origins of the Alfa Bank theory.¹⁴ Indeed, the theory that the Trump campaign had a secret communication channel with the Russian government via Alfa Bank was also debunked by the Special Counsel's investigation.¹⁵

We have made a public commitment to determine and reveal the full extent of official investigative and intelligence action taken by federal officials against the Trump campaign, its presidential transition, and into the administration. As we have noted before, the information that has already been made public reveals what might be the most outrageous abuse of power in U.S. history against a presidential candidate and sitting president. In pursuit of the facts, we have requested extensive information relating to Crossfire Hurricane and the Clinton investigation, in one form or another, over the past several years, and well before HSGAC's August 6, 2020 subpoena. The American people deserve full transparency, and they have waited entirely too long—almost four years in some instances—for answers. In light of that history, it is astounding that the FBI can claim to need *more* time to identify and produce responsive records.

For these reasons, we ask that the FBI produce, in compliance with its subpoena obligations and our previous oversight requests, the remaining McCabe messages and all messages that the FBI identified last week for other custodians by October 16, 2020. Thank you for your attention to this matter.

¹² "Devlin's piece" was most likely a reference to an article by Devlin Barrett, who was at that time a reporter for the *Wall Street Journal* and published the following article: <https://www.wsj.com/articles/laptop-may-include-thousands-of-emails-linked-to-hillary-clintons-private-server-1477854957>.

¹³ The Slate story that Lisa Page was most likely referencing was: http://www.slate.com/articles/news_and_politics/cover_story/2016/10/was_a_server_registered_to_the_trump_organization_communicating_with_russia.html.

¹⁴ Dexter Filkins, *The Contested Afterlife of the Trump-Alfa Bank Story*, *New Yorker*, Oct. 7, 2020. <https://www.newyorker.com/news/news-desk/the-contested-afterlife-of-the-trump-alfa-bank-story>.

¹⁵ Testimony of Robert S. Mueller, III, Special Counsel, before the House Permanent Select Committee on Intelligence (July 24, 2019).

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