



CHUCK GRASSLEY

UNITED STATES SENATOR FOR IOWA

FACT SHEET: What Does the Smirnov Indictment Actually Mean?

The Department of Justice (DOJ) recently [unsealed](#) an [indictment](#) against Alexander Smirnov, a former confidential human source (CHS) for the FBI for over 10 years. Smirnov is charged with making false statements memorialized in an official FBI record known as an FD-1023.

Last July, Senator Chuck Grassley (R-Iowa) and House Oversight Committee Chairman James Comer (R-Ky.) publicly [released](#) the FD-1023 containing information supplied by Smirnov. It described an alleged criminal scheme involving then-Vice President Joe Biden, Hunter Biden and a Ukrainian business executive.

Many have used Smirnov's indictment to mischaracterize Grassley's oversight. Here's some information to set the record straight:

MYTH: Smirnov was not a trusted FBI source.

FACT: Smirnov was a long-serving, highly-paid, trusted FBI source.

1. The FBI confirmed to [Comer's Oversight Committee](#) that the CHS who supplied the FD-1023 was credible and trusted, had worked for the FBI for over a decade and was paid six figures. The CHS was paid hundreds of thousands of dollars over several years.
2. The indictment states Smirnov provided information to the FBI on "multiple occasions," dating as far back as the Obama administration in 2010.
3. Smirnov was so trusted by the FBI that he even received authorization "to engage in illegal activity for investigative purposes" and was told by the FBI he may need to testify in criminal prosecutions on behalf of the government.

MYTH: Grassley's public release of the FD-1023 put the CHS at risk.

FACT: Grassley released the FD-1023 without any source identifying information, in order to appropriately maintain the CHS's confidentiality. It was DOJ who blew Smirnov's confidentiality and made his information public.

1. At a June 13, 2023 [hearing](#) before the Senate Judiciary Committee, FBI Deputy Director Paul Abbate [said](#) redactions on the FD-1023 were necessary to "protect sources and methods." Abbate went on to say protecting the source was "a question of life and death, potentially."
2. The FBI [claimed](#) Grassley's release of the FD-1023 "unnecessarily risk[ed] the safety of the confidential source," and emphasized "how critical it is to keep this source information confidential."

3. Yet, after all the FBI's lectures, it was the DOJ who ultimately unmasked Smirnov for the world to see.

MYTH: The FBI followed investigative procedure and acted in a timely manner.

FACT: The FBI took steps to investigate only after Grassley publicly released the FD-1023 – more than three years after initially receiving the information.

1. Per the indictment, the FBI waited until September 2023 to interview Smirnov, the source of the FD-1023, to question him about the allegations it contained. The FBI's interview of Smirnov occurred:
 1. Months after Grassley publicly released the FD-1023 in July 2023, and
 2. Three years after Scott Brady, U.S. Attorney for the Western District of Pennsylvania – where the FD-1023 was initially vetted – [issued a recommendation](#) to the DOJ in September 2020 that additional investigative activity be taken to further verify the FD-1023. According to Brady's [October 23, 2023](#) testimony to the House Oversight Committee, some aspects of the FD-1023, to include some travel, were corroborated, which supported his recommendation for additional investigation.
2. Plain evidence in the indictment disproves recently-surfaced [anonymous claims](#) that Smirnov's allegations were "looked into and dropped" in 2020.
 1. In a May 2023 phone call with Grassley and Comer, FBI Director Christopher Wray [confirmed](#) that the information in the FD-1023 was "relevant to an ongoing investigative matter" – meaning the allegations were being reviewed and had not yet been dropped.
 2. FBI Director Wray wasn't even aware of the FD-1023 until after 2020. In a December 5, 2023 hearing before the Senate Judiciary Committee, Wray [testified](#) that he didn't even learn of the FD-1023 until "much, much, much more recently than anything around 2020, that's for sure."
 3. Former Attorney General Bill Barr also [publicly said](#) the FD-1023 was not closed, but was instead passed on for additional investigation – just as Scott Brady testified.

MYTH: The FBI did not pursue an investigation of the FD-1023 because the CHS's travel records had already been proven to be inconsistent with the meetings described in the document.

FACT: At the time of the Pittsburgh FBI Field Office's initial assessment and prior to Grassley's release of the FD-1023, the CHS's travel was determined to be consistent and the information deemed worthy of further investigation.

1. In an [interview](#) before the House Judiciary Committee, U.S. Attorney Scott Brady testified that efforts were made during the Pittsburgh FBI Field Office's initial assessment of the FD-1023 to investigate the CHS's "travel and meetings" to "see if they were consistent."

1. Per Brady, “What we were able to identify, we found that it was consistent. And so we felt that there was sufficient indicia of credibility in this 1023 to pass it on to an office that had a predicated grand jury investigation.”
2. [Publicly available information](#) in July 2023 also noted that the Pittsburgh FBI Field Office had determined in 2020 that the CHS’s travel was consistent with the 1023: “Following the late June 2020 interview with the CHS, the Pittsburgh FBI office obtained travel records for the CHS, and those records confirmed the CHS had traveled to the locales detailed in the FD-1023 during the relevant time period.”

MYTH: Grassley promoted the allegations in the FD-1023.

FACT: Grassley only ever asked what the FBI did to investigate and verify the allegations in the FD-1023. His sole focus has remained on holding the FBI and DOJ accountable.

1. Since [October 2022](#), Grassley has asked one question: “What have the FBI and Justice Department, to include U.S. Attorney Weiss, done to investigate [the 1023]?”
2. Grassley [repeated](#) this question in an interview with Jesse Watters on *Fox News* in May 2023, stating, “My focus right now is on the FBI and the Department of Justice. What have they done with this document?”
3. Grassley in a June 1, 2023 interview with America’s Newsroom on *Fox News* [said about the FD-1023](#): “There’s accusations in it, but **it’s not for me to make a judgement about whether these accusations are accurate or not. It’s up to my job to make sure the FBI is doing their job. And that’s what this is all about as far as I’m concerned.** The public’s business ought to be public.”
4. Grassley on the Senate floor in June 2023 [said](#), “Here, with this 1023 document...the Biden Justice Department and FBI must explain to Congress and the American people what, if anything, they’ve done with this information. And they need to show their work.”
5. After releasing the FD-1023 in July 2023, Grassley [explicitly stated](#): “**I want to make clear what my oversight focus is and will be: holding the Biden Justice Department and FBI accountable to explain to the American people what they did to investigate and what they found.**”
6. Days later, Grassley on *Fox News*’ America’s Newsroom again [clarified](#), “My job is not to determine whether Hunter Biden or President Biden is guilty of anything, or whether they’ve done anything wrong. That’s up to the executive branch and the judicial branch. My job is to make sure the FBI is doing their job.”

MYTH: The Biden family investigation is entirely reliant on the FD-1023.

FACT: Grassley since August 2019 has investigated and released hundreds of pages of records, including authentic bank records, documenting potential Biden family foreign entanglements – none of which rely on the FD-1023.

1. Grassley and Senator Ron Johnson (R-Wis.) have exposed the Biden family’s engagements and financial transactions with individuals linked to the Chinese Communist Party and Chinese intelligence services. In October 2022, the senators

[shared](#) all of their findings, to include hundreds of pages of bank records connecting the Biden family to communist China, with Delaware U.S. Attorney David Weiss to assist in the criminal investigation of Hunter Biden. Those findings included:

1. Grassley and Johnson's [September 2020 report](#),
 2. Grassley and Johnson's [November 2020 supplemental report](#), and
 3. Records containing previously undisclosed transactions, copies of executed contracts and credit card agreements.
2. Grassley has also [written to the DOJ](#) about the Biden family's potential requirement to register as foreign agents under the *Foreign Agents Registration Act*.

Conclusions

- Despite receiving a recommendation to further investigate, the FBI and DOJ swept the FD-1023 under the rug in 2020 and sat on the information for over three years.
- The FBI and DOJ only began investigating the FD-1023 after Sen. Grassley publicly held them accountable.
- The FBI used Smirnov as a source for over ten years, dating to the Obama administration, and considered him so credible that they relied on some of his information in criminal investigations.
- Without Sen. Grassley's and other Republican oversight in the House and Senate, Smirnov would not have been interviewed by the FBI. The FBI would likely have continued to use Smirnov as a source for investigations, while taxpayers foot the bill for Smirnov's work.
 - Failure for over a decade to catch any inconsistencies or false information in Smirnov's reporting – now found worthy of a federal indictment – falls squarely on the shoulders of the FBI.
- Smirnov isn't the first to provide the FBI with falsified information implicating a leading political figure. Recall that Christopher Steele's phony 2016 dossier was touted by Democrats and the media as evidence of collusion between then-presidential candidate Donald Trump and Russian officials (some reporters who cited the Steele dossier as credible even won a [Pulitzer Prize](#) for their work). Yet, Steele has never been charged for his false allegations, exposing a double standard of justice at the DOJ.