

Responses to Questions for the Record
June 21, 2023 Hearing on the Report of Special Counsel John Durham

Questions for the Record from Rep. Gaetz to Special Counsel Durham for the Hearing on the
Report of Special Counsel John Durham on June 21, 2023

1. The Appointment Order of October 19, 2020, authorizing the Special Counsel, is included in the record. That Order notes in subparagraph (b) that the Special Counsel “is authorized to investigate whether any federal official...violated the law...including... the investigation of Special Counsel Robert S. Mueller, III. During his June 20, 2023 testimony, Special Counsel Durham suggested that investigating alleged violations of IT policy and federal law, relating to the known destruction of Mueller team cell phone, was outside the scope of his work. Was such an investigation outside the scope of the October 19, 2020 Appointment Order?

I respectfully refer the Committee to my testimony at the June 21 Hearing for information relevant to this question. We did not view the IT policies of the Department of Justice to be within the scope of our mandate.

2. If such an investigation was within the scope of the Appointment Order, what did Special Counsel Durham mean when he stated that “That was not something that we were not asked to look at,” referring to investigating the Mueller team’s compliance with federal law?

I respectfully refer the Committee to my answer to Question 1.

3. Did the Office of the Special Counsel consider, but decline to bring criminal charges, against any member of the Mueller team? If so, who, and on what basis were charges considered and declined to be brought?

I respectfully refer the Committee to my testimony at the June 21 Hearing for information relevant to this question. In accordance with longstanding DOJ policy, I am not in a position to disclose details regarding deliberative processes related to charging decisions.

4. Were there any individuals or subjects that were within the scope of the October 19, 2020 Appointment Order but which were beyond the scope of the final report? Please list these. Were any such individuals or subjects determined to be outside the scope of the investigation prior to January 1, 2021? If so, on what basis were these individuals or subjects determined to be beyond the scope of the investigation?

I respectfully refer the Committee to the Report on Matters Related to Intelligence Activities and Investigations Arising Out of the 2016 Presidential Campaigns (the “Report”) and to my testimony at the June 21 Hearing, both of which contain information relevant to this question. The Report contains information on relevant individuals within the

scope of our investigation.

5. What actions were taken by the Office of the Special Counsel to locate Joseph Mifsud?

I respectfully refer the Committee to my testimony at the June 21 Hearing on this subject. As stated at the Hearing, among other actions, the Office of the Special Counsel spoke with an attorney who represented Joseph Mifsud.

6. Did the Office of the Special Counsel have communication with any other governmental components in order to locate, extradite, or domesticate legal service upon Joseph Mifsud?

I respectfully refer the Committee to my testimony at the June 21 Hearing.

7. Did the Office of the Special Counsel discuss subpoenaing Joseph Mifsud with his attorney? Did the Office of the Special Counsel ever request that his attorney accept service of process?

I respectfully refer the Committee to my testimony at the June 21 Hearing. The Office of the Special Counsel cannot issue grand jury subpoenas to foreign individuals located in a foreign country.

8. Special Counsel Durham confirmed in his oral testimony that Azra Turk was an FBI informant. When asked who directed her to spy on the Trump campaign, he responded: "I think that's beyond the scope of what's in the Report." Was investigating Azra Turk's chain-of-command outside the scope of the October 19, 2020 Appointment Order? If not, was this investigated by the Special Counsel? If so, why was this not included within the Report?

I did not state, or otherwise confirm, in my testimony that Azra Turk was an FBI informant. As to the substance of this question, I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing, both of which contain information relevant to this question.

9. Please provide a copy of your written response to the May 23, 2023 letter of Senators Chuck Grassley and Ron Johnson. The deadline on that letter was May 30, 2023.

[A copy of the letter is attached hereto as Exhibit A]

10. For the following individuals, please provide (a) whether and on what date you subpoenaed them and what information was sought; and (b) if an individual was not subpoenaed, why not? James Comey; Andrew McCabe; Peter Strzok; Bill Priestap; Kevin Clinesmith; and Glenn Simpson.

This question calls for information that implicates Rule 6(e) and grand jury secrecy requirements. In addition, in accordance with

longstanding DOJ policy, I am not in a position to disclose details regarding deliberative processes related to investigative methods. Accordingly, I am not in a position to provide additional information on this subject beyond what is contained in the Report and my testimony at the June 21 Hearing.

11. Did the Office of the Special Counsel have any communication with any bar association, including the D.C. Bar Association? Did the Office of the Special Counsel provide any information to the D.C. Bar Association related to Kevin Clinesmith? If so, what was the scope of that information provided?

The Office of the Special Counsel did not have any communication with any bar association, including the D.C. Bar Association.

Questions for the Record from Rep. Massie to Special Counsel Durham for the Hearing on the Report of Special Counsel John Durham on June 21, 2023

1. Mr. Durham, do you have reason to believe that Joseph Mifsud is dead?

Although I am aware of public reporting related to this question, I do not have enough information to make a determination as to whether Joseph Mifsud is dead or alive.

2. Mr. Durham, does Joseph Mifsud have any known aliases?

I do not recall any known aliases of Joseph Mifsud.

3. On page 6 of Special Counsel's Mueller's Report on the Investigation into Russian Interference in the 2016 Presidential Election, Mueller wrote "Papadopoulos worked with Mifsud and two Russian nationals to arrange a meeting between the Campaign and the Russian government. No meeting took place." Will you identify those "two Russian nationals" referenced?

I respectfully refer the Committee to the FBI to the extent it seeks access to FBI holdings regarding information contained in the Mueller Report.

4. Public reports indicate that you obtained copies of two phones of Mr. Mifsud. What information was recovered from those devices?

In accordance with longstanding DOJ policy, I am not in a position to provide additional information on this subject beyond what is contained in the Report and my testimony at the June 21 Hearing.

5. Is Mifsud's attorney still reachable? If so, what is their name and how can we contact them?

At the time of our investigation, Joseph Mifsud's attorney was Stephan Roh, who, I believe, previously practiced in London and Switzerland. His name had been publicly reported prior to the June 21 Hearing.

Questions for the Record from Rep. Bishop to Special Counsel Durham for the Hearing on the Report of Special Counsel John Durham on June 21, 2023

1. After the Sussmann trial, you made all exhibits available to press when requested, but refused to do so with Danchenko exhibits. Will you please provide the Committee with the Danchenko exhibits? If not, please explain the basis under which you released the Sussmann exhibits but are unwilling to release the Danchenko exhibits.

Our Office made no effort to prevent the release of the Danchenko exhibits. To my understanding, the release of the Danchenko exhibits is managed by the Clerk of Court in the Eastern District of Virginia. The exhibits may also be accessible through the Office of the Deputy Attorney General (ODAG).

2. What is the exact date when you learned that Steele's Primary Sub-Source was not "Russian- based", but a northern Virginia resident?

I cannot recall the exact date on which I learned this information.

3. In your oral testimony, you stated that you learned that Steele's Primary Sub-Source was granted CHS status about "halfway" between the May 2019 start of your investigation and the October 2020 rescission of Danchenko's CHS status. Please provide the exact date.

I cannot provide the exact date on which I learned this information. I respectfully refer the committee to my testimony at the June 21 Hearing for relevant information on this question.

4. Did you know that Danchenko was granted CHS status prior to your July 14, 2020, interview with SA Helson (Danchenko's handling agent)? If so, please explain how and when you learned this information.

There were several relevant sources on this issue. I cannot recall the exact date we learned this information, but it was before the July 14, 2020 interview with Special Agent Helson.

5. In your oral testimony, you stated that Danchenko retained counsel by the time that you contemplated interviewing him. Under his CHS agreement, would Danchenko have been able to retain counsel while continuing to serve as a CHS? Did the FBI consult you to determine whether you sought to interview Danchenko prior to terminating Danchenko's CHS status?

Mr. Danchenko retained counsel as early as January 2017, prior to my appointment as Special Counsel. I am not aware of anything in Mr. Danchenko's CHS agreement that would prohibit him from retaining counsel. The Office of the Special Counsel consulted with the FBI regarding our interest in interviewing Mr. Danchenko. The FBI did not consult us to determine whether we sought to interview

Mr. Danchenko prior to terminating his CHS status.

6. Please provide the name of the individual who made the decision to terminate Danchenko's CHS status.

I respectfully refer the Committee to the FBI to the extent it seeks access to FBI holdings.

7. Was Danchenko involved in any other aspects of the Mueller investigation other than the Steele dossier, either as a CHS for the FBI or otherwise? If so, please describe.

I respectfully refer the Committee to the FBI to the extent it seeks access to FBI holdings regarding information concerning the Mueller Report. Outside of that, I respectfully refer the Committee to Mr. Danchenko's trial, specifically Special Agent Helson's testimony. Special Agent Helson described how the Mueller investigative team provided Mr. Helson with questions to ask Mr. Danchenko regarding the Steele dossier, Mr. Danchenko's relevant contacts with Charles Dolan, and other related matters.

8. Was Danchenko ever formally or informally questioned as part the Mueller investigation - either directly or indirectly through his handler? If so, please provide the dates and any documents pertaining to such questioning.

I respectfully refer the Committee to the FBI to the extent it seeks access to FBI holdings regarding information concerning the Mueller Report. I also respectfully refer the Committee to my answer to question 7.

9. Did Igor Danchenko have any involvement in research for the Concord Management et al indictment by Mueller investigation, either as a CHS for the FBI or otherwise? If so, could you please provide copies of any documents relating to such involvement by Danchenko?

I respectfully refer the Committee to the FBI to the extent it seeks access to FBI holdings regarding information concerning the Mueller Report.

10. Crossfire Hurricane was opened as a full investigation without interviewing a single witness, and, in particular, without interviewing the Australian diplomats Alexander Downer and Erika Thompson. However, by August 2, 2016, the FBI had interviewed Downer and Thompson. Thus, considerable importance attaches to the contents of the interview conducted on August 2, 2016, the questions asked, and whether the August 2, 2016, interview vindicated the characterization of the Papadopoulos information contained in the Crossfire Opening EC. Your report was the first to document that an FBI 302 existed memorializing the Australian diplomats' interview on August 2, 2016. Notably, Mueller and Horowitz both failed to mention this 302. Please provide the Committee with an unredacted copy of the 302 dated August 2, 2016.

I respectfully refer the Committee to the FBI to the extent it seeks access to FBI holdings.

11. You note inconsistencies between the dates attributed to the "Papadopoulos information" by the Australian diplomats in their October 2019 interview (May 10 when both Downer and Thompson were present) as compared to the dates attributed in both the Mueller Report and Durham Report (May 6 when Thompson and Israeli diplomat Christian Cantor were present, but not Downer). Please provide the exact quotations from the 302 dated August 2, 2016, pertaining to exactly when the Papadopoulos information was stated and who was present.

To the extent that the information relevant to the question is not contained in the Report, I respectfully refer the Committee to the FBI to the extent it seeks access to FBI holdings.

12. In your report, you stated that in his October 2019 interview, Downer stated that Papadopoulos "made no mention" of a Russian "offer or suggestion of providing assistance" and refuted Thompson's Paragraph Five characterization of Papadopoulos' remarks as follows:

In addition, when interviewed by the Office, Downer stated that he would have characterized the statements made by Papadopoulos differently than Australian Diplomat-I did in Paragraph 5. According to Downer, Papadopoulos made no mention of Clinton emails, dirt, or any specific approach by the Russian government to the Trump campaign team with an offer or suggestion of providing assistance. Rather, Downer's recollection was that Papadopoulos simply stated, "the Russians have information" and that was all.

Is this consistent with Downer's evidence as reported in the 302 dated August 2, 2016? Please provide the exact language detailed in the 302.

I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing, both of which contain information relevant to this question.

13. Mueller provided an extensive record of 302s that, for Trump associates, were very lightly redacted. Please provide the Committee with the unredacted transcripts of your interviews with Alexander Downer and Erika Thompson?

I respectfully refer the Committee to ODAG to the extent it seeks access to Special Counsel records or confirmation of the identities of interview subjects.

14. Was Erika Thompson specifically asked about whether her introductory meeting with Papadopoulos took place on Friday, May 6, 2016, or is that date a deduction based on a Thompson email mentioned a “Friday” meeting with Papadopoulos?

I cannot confirm the names of interview subjects or others whose identities are masked in the Report, but the date referenced in this question reflects a deduction based on the answers provided in an interview, as well as the relevant related documents.

15. Did you make any attempt to interview Christian Cantor about the meeting with Papadopoulos? If yes, please provide the Committee with the unredacted transcript. If not, why not?

I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing. In accordance with longstanding DOJ policy, I am not in a position to disclose deliberative processes related to investigative methods.

16. In December 2019, after IG Horowitz released his report, Attorney General Barr stated that:

Crossfire predicate “collapsed” after Danchenko’s revelations to FBI in January 2017 on non-existence of Steele’s supposed high-level network.

the subsequent FBI investigation was marred by "irregularities, misstatements and omissions”.

and that you (Durham) were investigating possible "bad faith" in connection with these FBI irregularities.

However, the Durham report did not discuss FBI “irregularities, misstatements and omissions” subsequent to the Danchenko interview in late January 2017, as promised by Barr. Why did your report not discuss irregularities, misstatements, and omissions?



in January, after the election, the entire case collapsed when the principal source says, I never told -- I never told Steele this stuff. And -- and -- and -- and this was all speculation. And I have zero information to support this stuff. At that point, when their entire case collapsed, what do they do? They kept on investigating the president -- well into his administration, after the case collapsed...

So that's hard to explain. And the core statement, in my opinion, by the IG, is that **these irregularities, these misstatements, these omissions** were not satisfactorily explained. And I think that leaves open the possibility to infer bad faith. I think it's premature now to reach a judgment on that, but I think that further work has to be done, and **that's what Durham is doing.**

I respectfully refer the Committee to the Report, its sobering findings regarding investigative irregularities, and my testimony at the June 21 Hearing.

17. If FBI officials “knowingly and willingly” made false statements and/or material omissions to DOJ officials, Congressional leadership, or the President and/or senior White House officials, would that form the basis for a prosecutable offense?

Admissible evidence demonstrating that someone knowingly and willingly made false statements and/or material omissions to a government agent involving a federal matter could form the basis for a prosecutable offense under 18 U.S.C. § 1001.

18. On March 2, 2017, Attorney General Sessions recused himself from any Russia-related investigation, thus placing Acting Deputy Attorney General Dana Boente as senior authority over Crossfire Hurricane. In the March 8 FBI Talking Points Memorandum, the FBI stated that “discussion related to the FBI’s input into the AG’s recusal decision” was a “redline” that would not be discussed in congressional briefing. What was the FBI’s input and involvement in the AG’s recusal decision? Did you interview any DOJ officials regarding the FBI’s role in this recusal decision? Did any senior FBI officials participate in these discussions? Did you request any documents? If yes, please provide the Committee with a copy of the documents you received and a copy of the request. If no, why not?

This matter was not a subject of the Office of the Special Counsel’s investigation. To the extent your questions relate to the involvement, if any, of the FBI in the AG’s recusal decision, I respectfully refer you to the FBI.

**Redlines re Crossfire Hurricane Cases
March 7, 2017**

- Discussion of the identity of the foreign nation providing the predicated information.
- [REDACTED]
- Discussion related to the FBI's input into the AG's recusal decision, on deliberative process grounds.
- Discussion of whether any US Attorney's office has been assigned to any case, as well as detail regarding future investigative strategy or prosecutive discussion.

19. Within 24 hours of recusal by Attorney General Sessions, James Comey convened a meeting with senior FBI officials (Carl Ghattas, Andy McCabe, James Comey, Bill Priestap, Jim Rybicki, James Baker and perhaps Dave Bowdich and Peter Strzok) to discuss whether FBI “want[ed] to confirm investigation of coordination” by Trump campaign. According to handwritten notes from one of the participants, they were tired of “getting hammered” and didn’t want to “get beat up” further, and now that Sessions was eliminated, decided to seek DOJ permission to expose the investigation to Congress and then to the public. Did you obtain and examine any documents pertaining to this meeting? If yes, please provide the committee with a copy of the documents you received. If no, why not? Did you consider whether the FBI’s reasons were valid? Did you learn any information corroborating the FBI’s claims? Were there any other reasons the FBI provided to support its desire to make the investigation public?

This matter was not a subject of the Office of the Special Counsel’s investigation. In accordance with longstanding DOJ policy, I am not in a position to provide additional information on this subject beyond what is contained in the Report and my testimony at the June 21 Hearing.

-----Original Message-----
From: Baker, James A. (OGC) (FBI)
Sent: Friday, March 03, 2017 9:18 AM
To: James B. Comey [REDACTED] McCabe, Andrew G. (DO) (FBI) [REDACTED]
Bowdich, David L. (DO) (FBI) [REDACTED] Rybicki, James E. (DO) (FBI) [REDACTED]
Page, Lisa C. (OGC) (FBI) [REDACTED] (DO)
(FBI) [REDACTED] Priestap, E. W. (CD) (FBI) [REDACTED] Strzok, Peter P.
(CD) (FBI) [REDACTED]
Subject: Urgent matter

b6
b7C
b7E

PRIVILEGED AND CONFIDENTIAL
ATTORNEY CLIENT PRIVILEGE
PRE-DECISIONAL

I just talked to [REDACTED] He asked [REDACTED]
[REDACTED]

b5
b6
b7C

Can we discuss when everyone gets back from the morning briefing?

Jim

FBI re: Russia. 3/3/17
 Covi, Andy, D, Bill, Jim F. - Jim B.
 ① Do we want to confirm investigation of coordination?
 ② Getting hammered, need guidance on what we need to do
 → Leg. should + Done should do it?
 → Why not break up for weeks if you want to do.

③ Whether to brief that on hill? If so to whom?
 ④ Reasons - public needs to be assured? - looks stupid.
 - We brief cases to Comey if very sensitive, will brief leadership only.

20. The following day, McCabe sent a text in which he said that he had “talked to the boss” who “want[ed] us to push the congressional side as much as possible.” Did you ask McCabe, Comey, or other FBI officials or senior DOJ officials about the decision to “push the congressional side”? If yes, how did they respond. If no, why not?

I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing, both of which reference the fact that certain members of FBI leadership, including Comey and McCabe, declined to be interviewed in connection with our investigation. Beyond that, in accordance with longstanding DOJ policy, I am not in a position to disclose deliberative processes related to investigative methods.

303	2017-03-05 01:34:18, Sun	[REDACTED]	INBOX	[REDACTED]	[REDACTED]	All good. Talked to the boss and he is good. Wants us to push the congressional side as much as possible.
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White House

21. In a Strzok-Page text on Sunday, March 5, Page and Strzok were concerned that they “probably need to tell the WH all this before we tell Congress”. However, that didn’t happen. Who made the decision to not inform the White House before Congress? Did your investigative team investigate or determine whether the FBI should have informed the White House before informing Congress? If so, what did your team determine? If not, why not?

2017-03-05 14:04:09, Sun	INBOX	[REDACTED]	I agree. I think we need to be a little thoughtful about this, including looping in DoJ. And we probably need to tell the WH all this before we tell Co
2017-03-05 14:04:09, Sun	INBOX	[REDACTED]	gress, no?
2017-03-05 14:04:50, Sun	OUTBOX	[REDACTED]	I don't know.

This matter was not a subject of the Office of the Special Counsel’s investigation. In accordance with longstanding DOJ policy, I am not in a position to provide additional information on this subject beyond what is contained in the Report and my testimony at the June 21 Hearing.

22. Immediately following the March 3 FBI planning meeting, McCabe commissioned Lisa Page, together with Bill Priestap, to prepare talking points for briefing DOJ and Congress pursuant to the operational plan approved by Comey.

Page distributed draft talking points within FBI on Sunday, March 5 (Strzok, Rybicki, Ghattas, Priestap, Baker, Brower, Kortan, possibly

Anderson and Moffa).

DOJ was briefed on talking points by FBI on March 6 (FBI: Rybicki, Ghattas, McCabe, Strzok, Priestap; DOJ: Boente, Schools, Toscas, McCord, Gauhar, Crowell, Evans, Richard Scott)

Draft talking points were disseminated for comment by FBI and DOJ officials on March 6 and 7 including the following from FBI: Rybicki, Ghattas, McCabe, Strzok, Priestap, Moffa, Anderson; and DOJ: Schools, Toscas, McCord, Gauhar, Evans)

On March 8, Comey presented the approved Talking Points to (A) DAG Boente for authorization to brief congressional leadership.

On March 13, Comey briefed Senators Grassley and Feinstein of the Senate Judiciary Committee.

On March 20, Comey announced the Russia investigation in his appearance at the House Intelligence Committee.

Its lead author was Lisa Page, assigned by McCabe. The Horowitz Report stated that the messages between Strzok and Page “raised serious questions about the propriety of any investigative decisions in which Strzok and Page played a role” and purported to provide a comprehensive review of Page’s (and Strzok’s) involvement in Crossfire Hurricane, from which Horowitz assessed that their partisanship had not impacted the propriety of investigative decisions. However, Horowitz did not consider, or mention, the momentous decisions arising from the March 8, 2017, Memorandum in which Page and Strzok played important roles. Can you assess why Horowitz failed to examine the “propriety of investigative decisions” arising from the March 8, 2017 Memorandum? Did you question the “propriety of investigative decisions” in which the March 8, 2017 Memorandum played a role? If yes, what were your findings? If no, why not?


Evaluating Inspector General Horowitz’s investigative methods was beyond the scope of the Report. To the extent you seek additional information regarding the IG’s investigative decisions, we respectfully refer you to the IG’s office.

23. The March 8, 2017, Memorandum contained material misrepresentations and omissions. If an FBI official “knowingly and willingly” approved such material misrepresentations and/or omissions, would that be the basis of a prosecutable offense?

Admissible evidence demonstrating that an FBI official knowingly and willingly made false statements and/or material omissions to a government agent involving a federal matter could form the basis for a prosecutable offense under 18 U.S.C. § 1001.

24. The March 8, 2017, Memorandum falsely stated that Steele’s Primary Sub-Source was “Russian-based”, that he “used a network of sub-sources,” and that the “FBI has no control over the Russian-based sub-source.” It failed to disclose that Steele’s “Russian-

based sub- source” was actually a resident of northern Virginia who was a former Brookings Institute employee, or that the FBI had recently completed a lengthy three-day interview with Steele’s Primary Sub-Source after providing him with an immunity agreement. Indeed, rather than having “no control” over the sub-source, the FBI had just granted him CHS status.

 CROWN maintains a network of sub-sources, who, in many cases, utilize their own sub-sources. CROWN’s reporting in this matter is derived primarily from a Russian-based source, who uses a network of sub-sources. The FBI has no control over the Russian-based sub-source or any of the sub-sources used by the Russian-based sub-source.

The FBI also failed to disclose that the supposed “network of sub-sources” were not high-level officials, as had been stated or implied in prior FBI documents, but gossip with acquaintances (e.g. a Cyprus-based public relations manager for a web-hosting company) and even an anonymous phone call.

Do you agree that these statements in the March 8, 2017, Memorandum contain material misrepresentations and/or omissions? Did you investigate how these misrepresentations and/or omissions occurred? If yes, please provide the results of this investigation. If no, why not?

I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing, both of which contain information relevant to this question.

25. Did you determine whether any or all of Strzok, Priestap, Moffa or McCabe were “knowing” that Steele’s Primary Sub-Source (a) was **not** “Russian-based”; (b) did not have a network of high-level sources? If yes, please provide the results of your investigation.

I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing, both of which contain information relevant to this question.

26. Was SIA Brian Auten consulted in the approval process for these Talking Points?

I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing, both of which contain information relevant to this question.

27. In addition to the Talking Points, the Carter Page FISA renewals in April and June 2017 contained false statements about Steele’s primary sub source being “Russian-based.” The Horowitz Report stated that, in March 2017, SIA Auten had informed Kevin Clinesmith that Danchenko was not Russian based, but the false statement was nonetheless perpetuated in the applications. Did you obtain information from Clinesmith about why this false information was included in the FISA applications? If so, what information did you learn about why this false information was included in the FISA applications? If no, why not?

³⁸⁹ Email communications reflect that in March 2017—after the first FISA application and first renewal were filed and before the last two renewals—the Supervisory Intel Analyst reviewed the first FISA application and the first renewal at OGC’s request to assist with potential redactions before the Department responded to Congressional information requests. The Supervisory Intel Analyst provided comments to the OGC Attorney, including advising him that the Primary Sub-source was not ██████████ as stated in the FISA applications, and asking whether a correction should be made. The Supervisory Intel Analyst did not provide any other comments relating to the Primary Sub-source, and he told us that he did not notice anything else potentially inaccurate or incomplete in the applications at that time.

I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing, both of which contain information relevant to this question.

28. The March 8 Talking Points (citing Steele dossier “CROWN”) stated that “Manafort was reported to have initially ‘managed’ the relationship between Russian government officials and the Trump campaign, using Carter Page as an intermediary”.

██████████ In reports prepared by CROWN, a former FBI CHS, Manafort was reported to have initially “managed” the relationship between Russian government officials and the Trump campaign, using Carter Page as an intermediary. (This statement has not yet been corroborated). In the wake of

This allegation was based on Steele Report 95, which was attributed to “Source E”, supposed a high-level source within Trump campaign identified by FBI as Sergei Millian. However, according to Danchenko, he (Danchenko) had never met Millian, and his information provided to Steele for Report 95 was entirely based on a single 10-15 minute anonymous telephone call, which, according to Danchenko, did not include the allegations claimed in Steele Report 95.

Did you determine whether it was a material omission for the FBI to not disclose the dependence of this allegation on a single anonymous telephone call? If yes, please provide the committee with the results of your investigation.

I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing, both of which contain information relevant to this question.

29. DOJ officials David Laufman and Richard Scott, both from DOJ Counterintelligence and Export Control Section (CES), attended parts of Danchenko’s interview and knew that Danchenko was not “Russian-based,” did not operate a high-level network, and that collusion allegations relating to Manafort using Carter Page rested only, and at best, on an anonymous phone call. Richard Scott is also attested as an attendee at the March 6, 2017, FBI briefing to DOJ on the Talking Points memorandum. Did you investigate whether any DOJ officials had knowledge of the Danchenko interview? If so, what did you learn? If not, why not?

I respectfully refer the Committee to the Report and to my testimony at the June 21 Hearing, both of which contain information relevant to this question.

30. The Talking Points memorandum stated that Flynn’s calls with Kislyak included “discussions regarding the U.S. expulsion of Russian diplomats and facility closures”. This is consistent with Flynn’s contemporary interview in which he said that he discussed expulsions, but not **sanctions**, which were a distinct class of active measure in the December 2016 announcements. Ultimately, Flynn pled guilty to lying about discussion of “U.S. Sanctions,” a defined term referring to specific sanctions on GRU, FSB and several of their officers, but no such discussion is evidenced in either the underlying transcript or the 302s. However, in February 2017, in the period leading up to Flynn’s resignation, there were many leaks falsely saying that Flynn had discussed “sanctions”. Did you investigate those leaks? Did you investigate why Flynn was charged with discussion of “sanctions”? If yes, please provide the full, unredacted results. If no, why not?

██████████ Flynn engaged in a series of telephone calls with Russian Ambassador Kislyak in late December 2016, including discussions about a UN vote on Israeli settlements and discussions regarding the U.S. expulsion of Russian diplomats and facility closures.

The question calls for information beyond the scope of our investigation and Report.

31. After the FBI obtained DOJ approval for the Talking Points, the FBI proceeded to brief Congressional leadership in the lead-up to Comey’s March 20, 2017, House testimony. Did you examine notes and minutes of the FBI briefings to determine whether the FBI’s briefings to congressional leadership contained the same misrepresentations and material omissions as their briefings to DOJ? Please provide all documents you reviewed regarding these briefings. Did you interview any congressional leaders or congressional staff about the information provided to them by FBI in these briefings? What information did you learn from these interviews?

As part of our investigation, we examined FBI documents related the briefings in question. I respectfully refer the Committee to the FBI to the extent it seeks FBI holdings. We did not interview any congressional leaders or staff about these briefings.

32. The Nunes Report stated that Crossfire Hurricane was opened as an "enterprise investigation into the Trump campaign". Can you confirm that Crossfire Hurricane was opened as an "enterprise counterintelligence investigation into the Trump campaign".

(U) Finding #17: The Federal Bureau of Investigation opened an enterprise counterintelligence investigation into the Trump campaign after receiving information related to Trump campaign foreign policy advisor George Papadopoulos.

(U) Finding #18: As part of the enterprise counterintelligence investigation into the Trump campaign, the Federal Bureau of Investigation opened an individual counterintelligence investigation into Carter Page.

I cannot confirm the characterization that Crossfire Hurricane was

opened as an “enterprise counterintelligence investigation into the Trump campaign,” and, based on our findings, that characterization is inaccurate. I respectfully refer the Committee to the FBI to the extent it seeks FBI holdings on this matter.

33. According to The Attorney General's Guidelines for Domestic FBI Operations (AGG-Dom), enterprise investigations are a subset of full investigations that concern "groups or organizations that may be involved in the most serious criminal or national security threats to the public - generally, patterns of racketeering activity, terrorism or other threats to the national security, or the commission of offenses characteristically involved in terrorism". Your report considered the appropriateness of opening Crossfire as a "full" investigation, but did you consider the appropriateness of opening Crossfire as an "enterprise" investigation? In what respect did the Trump campaign meet the criteria of AGG-Dom for an enterprise investigation?

The final investigative category under this Part of the Guidelines is enterprise investigations, authorized by Subpart C, which permit a general examination of the structure, scope, and nature of certain groups and organizations. Enterprise investigations are a type of full investigations. Hence, they are subject to the purpose, approval, and predication requirements that apply to full investigations, and all lawful methods may be used in carrying them out. The distinctive characteristic of enterprise investigations is that they concern groups or organizations that may be involved in the most serious criminal or national security threats to the public – generally, patterns of racketeering activity, terrorism or other threats to the national security, or the commission of offenses characteristically involved in terrorism as described in 18 U.S.C. 2332b(g)(5)(B). A broad examination of the characteristics of groups satisfying these criteria is authorized in enterprise investigations, including any relationship of the group to a foreign power, its size and composition, its geographic dimensions and finances, its past acts and goals, and its capacity for harm.

The Office of the Special Counsel did not consider the appropriateness of opening Crossfire Hurricane as an “enterprise” investigation because, based on our findings, Crossfire Hurricane was not opened as an “enterprise” investigation.

34. The AGG-Dom list five criteria under which an **enterprise** investigation of a group or organization may be opened. None of these criteria appear to apply to 2016 Trump campaign. Why wasn't this discussed in Durham Report?

C. ENTERPRISE INVESTIGATIONS

1. Definition

A full investigation of a group or organization may be initiated as an enterprise investigation if there is an articulable factual basis for the investigation that reasonably indicates that the group or organization may have engaged or may be engaged in, or may have or may be engaged in planning or preparation or provision of support for:

- a. a pattern of racketeering activity as defined in 18 U.S.C. 1961(5);
- b. international terrorism or other threat to the national security;
- c. domestic terrorism as defined in 18 U.S.C. 2331(5) involving a violation of federal criminal law;
- d. furthering political or social goals wholly or in part through activities that involve force or violence and a violation of federal criminal law; or
- e. an offense described in 18 U.S.C. 2332b(g)(5)(B) or 18 U.S.C. 43.

This was not discussed in the Report because our findings did not indicate that Crossfire Hurricane was opened as an “enterprise” investigation.

Questions for the Record from Ranking Member Jerrold Nadler for the Honorable John Durham
Hearing on the Report of Special Counsel John Durham
June 21, 2023

1. What tips or evidence did Italian officials share with you or Attorney General Barr implicating former President Trump in alleged financial crimes?

Details regarding the receipt of the information in question are outside the scope of the Report. I respectfully refer the Committee to my testimony at the June 21 Hearing, which includes some information relevant to this question.

2. When was this evidence received?

Details regarding the receipt of the information in question are outside the scope of the Report.

3. Why was this evidence not passed through typical channels to the FBI and/or the DOJ for investigation in the regular course?

Without endorsing the premise of the question, I respectfully refer the Committee to my testimony at the June 21 Hearing, which has some information relevant to this matter. We did not view details regarding the handling of this information to be within the scope of the Report.

4. Why were you tasked with investigating these allegations as part of your Special Counsel investigation?

The investigation of these allegations occurred before my appointment as Special Counsel. In any event, this question is better addressed to former Attorney General Barr, to whom I respectfully refer the Committee.

5. Was there a grand jury investigation convened in the matter of alleged financial crimes involving former President Trump in the District of Columbia, or elsewhere?

This question calls for information that implicates Rule 6(e) and grand jury secrecy requirements. I respectfully refer the Committee to my testimony at the June 21 Hearing, which has some information relevant to this matter.

6. How many grand jury subpoenas were issued in this investigation?

This question calls for information that implicates Rule 6(e) and grand jury secrecy requirements. I respectfully refer the Committee to my testimony at the June 21 Hearing, which has some information

relevant to this matter

7. What individuals or organizations were the subjects or targets of this grand jury investigation?

This question calls for information that implicates Rule 6(e) and grand jury secrecy requirements. I respectfully refer the Committee to my testimony at the June 21 Hearing, which has some information relevant to this matter.

8. What, if any, criminal charges were the grand jury asked to consider?

This question calls for information that implicates Rule 6(e) and grand jury secrecy requirements. I respectfully refer the Committee to my testimony at the June 21 Hearing, which has some information relevant to this matter.

9. Why did you decide not to bring any criminal charges in this investigation?

In accordance with longstanding DOJ policy, I am not in a position to disclose deliberative processes related to charging decisions.

10. Why did you not write a declination memo explaining your decision not to charge former President Trump?

In accordance with longstanding DOJ policy, I am not in a position to disclose deliberative processes related to charging decisions.

11. Why were the matter of alleged financial crimes involving former President Trump and your investigative trips to Italy excluded from your Special Counsel report?

We did not view the results of this investigation to be within the scope of the Report. I respectfully refer the Committee to my testimony at the June 21 Hearing, which has information relevant to this question.

EXHIBIT A

The Honorable John H. Durham
Office of the Special Counsel, Department of Justice

November 11, 2024

Via E-Mail

The Honorable Ron Johnson
United States Senate
Ranking Member, Permanent Subcommittee on Investigations

The Honorable Charles E. Grassley
United States Senate
Ranking Member, Committee on the Budget

Dear Senators Johnson and Grassley,

In response to your May 23, 2023 letter requesting information regarding certain individuals referenced in or potentially relevant to my Report on Matters Related to Intelligence Activities and Investigations Arising Out of the 2016 Presidential Campaigns (the “Report”), I respectfully submit the following responses to questions 1-5:

1. This question calls for information that implicates Rule 6(e) and grand jury secrecy requirements. In addition, in accordance with longstanding DOJ policy, I am not in a position to disclose details regarding deliberative processes related to investigative methods. Accordingly, I am not in a position to provide additional information on this subject beyond what is contained in the Report and my testimony at the June 21, 2023 Hearing on the Report of Special Counsel John Durham before the House Judiciary Committee (the “June 21 Hearing”).
2. This question calls for information that implicates Rule 6(e) and grand jury secrecy requirements. In accordance with longstanding DOJ policy, I am not in a position to disclose details regarding deliberative processes related to investigative methods. I cannot provide additional information on this subject beyond what is contained in the Report and my testimony at the June 21 Hearing.
3. The Department of Justice did not impede any of my office’s investigative activities. This question calls for information that implicates Rule 6(e) and grand jury secrecy requirements. In accordance with longstanding DOJ policy, I am not in a position to disclose details regarding deliberative processes related to investigative methods. I cannot provide additional information on this subject beyond what is contained in the Report and my testimony at the June 21 Hearing.
4. In accordance with longstanding DOJ policy, I am not in a position to disclose details regarding deliberative processes related to investigative methods. I cannot

provide additional information on this subject beyond what is contained in the Report and my testimony at the June 21 Hearing.

5. In accordance with longstanding DOJ policy, I am not in a position to disclose details regarding deliberative processes related to investigative methods. I cannot provide additional information on this subject beyond what is contained in the Report and my testimony at the June 21 Hearing.

Sincerely,

/s/ John H. Durham

John H. Durham