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Chairman Schiff Opening Statement at Hearing on the Counterintelligence Implications of the Mueller Report

Washington, DC – Today, Rep. Adam Schiff (D-CA), the Chairman of the House Permanent Select Committee on Intelligence, delivered an opening statement at the Committee’s hearing – “Lessons from the Mueller Report: Counterintelligence Implications of Volume I.” This hearing is being conducted as part of a series of open hearings on the Mueller Report.

The statement, as prepared, is below:

“In April of 2016, as the U.S. Presidential race was getting underway, an individual with links to the Russian government reached out to the Trump campaign to telegraph the Kremlin’s preference for Mr. Trump. Joseph Mifsud, a London-based Maltese professor, told George Papadopoulos, a member of Trump’s foreign policy team, that he recently met with high-level Russian officials who told him the Russians had “dirt” on Hillary Clinton, including “thousands of emails.” Papadopoulos was also informed that the Russian government could assist the Trump campaign through the anonymous release of this stolen material. At the time Mr. Papadopolous was given this extraordinary information, the American public was unaware that the DNC and Clinton campaign had even been hacked, let alone that Russia was behind the attack and planned to weaponize the data it stole.

“In July 2016, the Russian government began dumping the stolen emails in precisely the same fashion it had previewed for Mr. Papadopolous. It was at this point, informed of the Russian outreach to Papadopolous and aware that the Russians were actively meddling in our election through the anonymous release of the information, that the FBI opened up its investigation. But as James Comey would explain in his first public testimony on the matter in March 2017, and before this committee, the investigation began not as a criminal probe, but as a counterintelligence investigation.

“What does that mean? How does a counterintelligence investigation differ from a criminal investigation? What does it mean that a U.S. person may be acting as a witting or unwitting agent of a foreign power? And how could the Russians use the compromise

of U.S. persons to influence U.S. policy in a manner that jeopardizes our national security?

“These are the questions we hope to answer today, during the second of a series of hearings the committee will be conducting to explore the Special Counsel’s disturbing findings in Volume I of the Report, and to examine what steps are necessary to protect the public, our democracy and our national security. We will hear from two former senior FBI executives who oversaw the counterintelligence division of the Bureau who will help us to better understand the counterintelligence implications of the range of contacts between the Trump campaign and Russians directly or indirectly tied to Kremlin intelligence services.

“Volume I of the Report outlines a “sweeping and systematic” effort by Russia to interfere in the 2016 election for the benefit of Donald Trump. It establishes that the Trump campaign welcomed the Russian interference because it “expected it would benefit electorally from information stolen and released through Russian effort.” It shows how the Trump campaign built the theft and dumping of the Russian stolen documents into its campaign messaging and strategy. And as the Special Counsel made clear, it sets out in great detail why the conduct in his report should concern every American.

“The report details well over a hundred contacts between the Trump Campaign and agents and officials of Russia. Some of this outreach was conducted in public, as when the President called on Russia to hack his opponent’s emails and only hours later, a unit of Russian military intelligence, the GRU, attempted to do exactly that.

“Other contacts took place outside of the public view, as in the case of the June 9, 2016 meeting at Trump Tower in New York between a Russian delegation and the President's eldest son, Donald Trump, Jr., his son-in-law, Jared Kushner, and Paul Manafort, Trump's campaign chairman. That meeting was part of a plan to secretly receive help in the form of dirt on Hillary Clinton from the Russian government.

“Still other contacts, because of encrypted apps, destroyed communications and deception remain shrouded in secrecy, such as Manafort’s meetings with Konstantin Kilimnik, someone the FBI assesses to have ties to Russian intelligence, Manafort’s provision of internal polling data to Kilimnik, and their discussion of the campaign’s strategy for winning Democratic votes in Midwestern states.

“Most Americans consider the solicitation of foreign help during a presidential campaign, the offer of foreign assistance and the campaign’s eagerness to accept that offer — “if it is what you say it is I love it” — to constitute plain evidence of collusion. Not to mention the sharing of polling data and campaign strategy by the chairman of a campaign with a foreign nation, which, at the very same time is intervening to help their campaign win.

“Nevertheless, and contrary to the President’s oft-repeated mantra and the many misrepresentations of the Attorney General, the Special Counsel reached no conclusion as to whether the Trump campaign’s many Russian contacts constituted collusion, since that

term is not defined in criminal law. For those who have not yet read the Mueller report, and most have not, they might be astonished to learn that a finding of no collusion, much less a finding of no obstruction, is nowhere to be seen on any page, or in any passage, of the Mueller report.

“Instead, in making its charging decisions, the Special Counsel examined only whether it could meet the Justice Department’s high bar of being able to prove beyond a reasonable doubt at trial each element of the crime of conspiracy, and found that it could not, even as it emphasized that the failure to establish a conspiracy did not mean the absence of evidence of conspiracy.

“Volume 1 of the Mueller Report is therefore, by its very nature and the Special Counsel’s mandate, a report about the exercise of prosecutorial judgment — who should be charged and who should not. It does not contain the FBI’s counterintelligence findings, that is, were Trump campaign, transition or Administration figures including the President, acting as agents of a foreign power, wittingly or unwittingly? Were they advancing Russian or other foreign interests by virtue of financial incentives or other compromise, whether or not such actions were a crime?

“These are the types of concerns that the FBI’s Counterintelligence Division works to expose, prevent, and investigate using an array of investigative and intelligence capabilities. As we will hear from our witnesses today, the primary objective of a counterintelligence investigation is not to target an individual for prosecution, but to protect the nation by developing information about the actions and intentions of foreign powers and to thwart them before they can act against us.

“The President’s efforts to make money from a real estate project in Moscow and to conceal the transaction from the public are a quintessential example of a counterintelligence nightmare, that may or may not include criminal activity.

“It may not be a crime to build a Trump Tower in Moscow. Or for Michael Cohen to seek the Kremlin’s help to do so. It may not be a crime to try to enrich yourself with a foreign business deal even while running for President, or to lie about it to the American people. But it is deeply compromising. And not only because of the inducement of hundreds of millions of dollars. No, that is only part of it.

“It is also deeply compromising because the Russians were on the other end of the transaction and could expose the president’s duplicity at any time. In fact, when the Trump organization’s efforts to enlist the Kremlin’s help in the deal were finally exposed, Dmitry Peskov, Putin’s spokesman, told the international media that the Kremlin never responded to Michael Cohen’s outreach. Thanks to the Mueller Report and our own investigation, we now know that Mr. Peskov’s statement was a lie. The Kremlin did follow up. So here we have the prospect of the Kremlin participating in a cover-up by the President of the United States.

“Here is what we know: The President sought to make money from a foreign power during his campaign. So did some of his children. So did his campaign manager and his deputy campaign manager. So did his personal lawyer. And his national security advisor. Some of these actors have been prosecuted. But all of their actions are deeply compromising of our national security.

“And yet, Mueller’s Report provides no evaluation of the counterintelligence concerns raised by these facts and others. Of all the questions that Mueller helped resolve, he left many critical questions unanswered – what happened to the counterintelligence investigation? Were there other forms of compromise, like money laundering, left out, uninvestigated or referred to other offices? Were individuals granted security clearances that shouldn’t have them? And are there individuals still operating in the Administration that leave America vulnerable?

“We are determined to find out.”

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