

Congress of the United States
House of Representatives
Washington, DC 20515

December 15, 2019

The Honorable Adam B. Schiff
Chairman
Permanent Select Committee on Intelligence
United States House of Representatives
HVC-304, Capitol Visitor Center
Washington, D.C. 20515

Dear Chairman Schiff:

As you are aware, on December 9, 2019, U.S. Department of Justice Inspector General (IG) Michael Horowitz published the results of his investigation of the FISA warrant and renewals obtained by the Federal Bureau of Investigations (FBI) and the Department of Justice (DOJ) to spy on Trump campaign associate Carter Page. The IG's findings of pervasive, major abuses by the FBI dramatically contradict the assertions of your memo released on February 24, 2018, in which you claimed, "FBI and DOJ officials did not 'abuse' the Foreign Intelligence Surveillance Act (FISA) process, omit material information, or subvert this vital tool to spy on the Trump Campaign."

After publishing false conclusions of such enormity on a topic directly within this committee's oversight responsibilities, it is clear you are in need of rehabilitation, and I hope this letter will serve as the first step in that vital process.

Outlining every false claim from your memo would require an extremely long letter, so I will limit my summary to a few highlights. In your memo you made the following assertions:

- FBI and DOJ officials did not omit material information from the FISA warrant.
- The DOJ "made only narrow use of information from [Christopher] Steele's sources about Page's specific activities in 2016."
- In subsequent FISA renewals, DOJ provided additional information that corroborated Steele's reporting.
- The Page FISA warrant allowed the FBI to collect "valuable intelligence."
- "Far from 'omitting' material facts about Steele, as the Majority claims, DOJ repeatedly informed the Court about Steele's background, credibility, and potential bias."
- The FBI conducted a "rigorous process" to vet Steele's allegations, and the Page FISA application explained the FBI's reasonable basis for finding Steele credible.
- Steele's prior reporting was used in criminal proceedings.

The IG report has exposed all these declarations as false. Despite your denial of any problems with the FISA warrant, the IG found:

- Information provided by Christopher Steele played a "central and essential role" in the decision to seek a FISA warrant on Carter Page.
- There were seventeen "significant errors or omissions" in the FISA application and renewals, and the IG did not get satisfactory explanations for them.

- The Crossfire Hurricane team failed to inform the DOJ of “significant information”, and “much of that information was inconsistent with, or undercut” assertions in the FISA applications.
- The FBI relied solely on Steele information for its assertions about Page’s alleged coordination with Russians to hack the 2016 elections.
- The applications omitted information provided to the FBI about Page’s operational contact with another U.S. government agency and the agency’s positive assessment of him. In fact, an FBI official altered an email stating that Page was a source for another government agency in order to have it read the opposite—that he was “not a source.”
- FBI Director James Comey and Deputy Director Andy McCabe sought to include Steele’s reporting in the Intelligence Community Assessment even though the CIA dismissed the Steele information as “internet rumor.”
- In FBI interviews, Steele’s own sources contradicted information from Steele that was used in the FISA applications.
- The significance of Steele’s prior reporting was “overstated.”
- None of the Steele reporting on Carter Page used in the FISA applications could be corroborated, and some of it contradicted other information in the FBI’s possession.
- The FBI omitted information about Steele’s bias provided by DOJ official Bruce Ohr.
- The applications omitted exculpatory statements by Page and others.
- The FBI failed to reveal in the applications that the Democratic National Committee and the Hillary Clinton campaign were receiving and/or funding Steele’s work through Fusion GPS.

Overall, the Inspector General found, “That so many basic and fundamental errors were made by three separate, hand-picked teams on one of the most sensitive FBI investigations that was briefed to the highest levels within the FBI, and that FBI officials expected would eventually be subjected to close scrutiny, raised significant questions regarding the FBI chain of command’s management and supervision of the FISA process. . . . In our view, this was a failure of not only the operational team, but also of the managers and supervisors, including senior officials, in the chain of command.” Indeed, the problems are so severe that the Inspector General has initiated an audit to further investigate FBI’s compliance with Woods Procedures in FISA applications.

As you know, your misguided validation of the FISA warrant was part of a years-long pattern in which you touted Christopher Steele’s credentials and reliability. For example, during this committee’s March 20, 2017 open hearing, you claimed Steele “is reportedly held in high regard by U.S. Intelligence,” and proceeded to read into the congressional record numerous conspiracy theories proffered by Steele, all of which are false. These included:

- Carter Page had a secret meeting with Rosneft CEO Igor Sechin.
- Sechin offered Page a brokerage fee involving the sale of 19 percent of Rosneft.
- Russians offered the Trump campaign dirt on Hillary Clinton in exchange for the Trump administration adopting policies favorable to Russia.
- Paul Manafort chose Page to act as a go-between for the Trump campaign and Russia.

As is clear from the IG report, Carter Page was the victim of a smear campaign that was funded by the Democratic National Committee and the Hillary Clinton campaign and was implemented by Christopher Steele and Fusion GPS. The FBI used these false allegations to obtain a

warrant to spy on Page, a gross violation of an American citizen's civil liberties. Your direct participation in the smear campaign against Page is extremely concerning, considering you are chairman of the committee responsible for uncovering precisely these sorts of abuses by the Intelligence Community. Instead of joining committee Republicans in exposing these abuses, however, you excused them. And by supporting the agencies' stonewalling of our attempts to gather information on this affair, you helped cover up this misconduct.

I am particularly concerned by the press release you issued after the release of the IG report. I applaud you for acknowledging that the report identified "issues and errors" and "potential misconduct" connected to the FISA warrant. This acknowledgement, though dramatically downplaying the scale of the abuse the IG uncovered, could be a valuable first step—a baby step, but a step nonetheless—in your rehabilitation. Nevertheless, in your statement you expressed full faith in FBI Director Christopher Wray's promise to address the problem; demanded that the implementation of reforms be confined to "career officials, away from the political arena;" and denounced Attorney General Bill Barr and U.S. Attorney John Durham for expressing concerns about these matters.

This makes it clear your rehabilitation will be a long, arduous process. As previously noted, this committee is responsible for overseeing the Intelligence Community and exposing abuses. Yet when the IG identified gross abuses in our jurisdiction, you expressed full faith in the agencies we're supposed to be vigilantly monitoring, and you rejected any oversight whatsoever of their supposed clean-up efforts. If agencies with a documented, severe abuse problem should be trusted to police themselves, then it's fair to ask why this committee even exists and what we're supposed to be doing, if anything, aside from being exploited by you as a launching pad to impeach the president for issues that have no intelligence component at all.

As part of your rehabilitation, it's crucial that you admit you have a problem—you are hijacking the Intelligence Committee for political purposes while excusing and covering up intelligence agency abuses. The next step will be to convene a hearing with IG Horowitz, as the Senate Judiciary Committee has done and the Senate Homeland Security Committee will do next week.

I understand taking action on this issue will be difficult for you, as it will be an implicit acknowledgment that you were wrong to deny these abuses and that you were complicit in the violation of an American's civil liberties. I also understand such an acknowledgement is made even more difficult by the fact that you've already been discredited by your years-long false claim that the Trump campaign colluded with Russia to hack the 2016 presidential election.

Nevertheless, I refuse to believe you are beyond redemption. I invite you to work closely with me on your rehabilitation program, and look forward to your scheduling a committee hearing with IG Horowitz at the nearest opportunity.

Sincerely,

A handwritten signature in blue ink that reads "Devin Nunes". The signature is fluid and cursive, with the first name being particularly prominent.

Devin Nunes
Ranking Member