

## FACT SHEET

### **HPSCI MINORITY MEMORANDUM ON FISA AND THE RUSSIA INVESTIGATION**

Today, the House Permanent Select Committee on Intelligence released to the public a redacted, previously classified memorandum prepared by the Democratic Minority that corrects the record about the Department of Justice and the Federal Bureau of Investigation's counterintelligence investigation into Russia's interference in the 2016 U.S. elections and links between the Russian government and individuals associated with the campaign of President Trump.

The document released today is the result of good faith negotiations between the Committee Minority and FBI and DOJ experts. In the end, the FBI and DOJ undertook a *classification* review of the Minority's memo, as opposed to a *declassification* review, meaning that FBI and DOJ, as well as the White House, have not declassified new information. Rather, FBI and DOJ redacted information that remains classified, following the President's earlier decision to declassify all sensitive information contained in the Majority's memorandum.

The Committee's Minority wrote this memorandum reluctantly and only after the Majority moved to selectively disclose classified information to the House of Representatives and the public in order to promote a profoundly misleading set of allegations against the FBI and DOJ to cast doubt on the FBI – and now Special Counsel Mueller's – Russia investigation.

As the public can now see for themselves, in seeking Court-approved temporary surveillance of Carter Page, 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.

The Minority's memorandum sets out important facts:

- **The FBI's Investigation:** Christopher Steele's reporting played no role in launching the FBI's counterintelligence investigation. The FBI received independent information in July 2016 that the Russians courted another Trump campaign foreign policy advisor, George Papadopoulos. Moreover, as the Committee learned in testimony and the Special Counsel's investigative progress bears out, the FBI would have continued its investigation even if it had never received information from Steele, never applied for a FISA warrant against Page, or if the Foreign Intelligence Surveillance Court (FISC) had rejected the application.
- **Collusion with Russia:** The FBI presented important facts to the FISC that the Russians may be cooperating with members of the Trump campaign. As part of his plea agreement, unsealed on October 30, 2017, George Papadopoulos revealed that Russian assistance would include the leak of thousands of Hillary Clinton emails. At the time this evidence was first being presented to the Court in October 2016, the Russians were in fact assisting by dumping stolen emails through WikiLeaks and other cutouts.

- **Multi-Pronged Surveillance Rationale:** DOJ’s Court-approved temporary surveillance of Page – which began in late October 2016, less than three weeks before election day and after Page left the Trump campaign – was based on compelling evidence from multiple sources, including: contemporaneous evidence of Russia’s election interference and outreach to Papadopoulos; Page’s longstanding connections to Russian government and intelligence actors; and reports about Page’s suspicious activities in 2016, particularly in Moscow during the height of then-candidate Trump’s campaign. **In each renewal, moreover, consistent with FISA, DOJ explained to the Court that surveillance of Page yielded valuable information.**
- **Page’s Connections to Russian Government and Intelligence Officials:** DOJ’s FISA application makes clear that the FBI had an independent basis for investigating Page. In particular, concern about and knowledge of Page’s activities as a subject of Russian intelligence recruitment, which long predate the FBI’s receipt of Steele’s information. In 2013, for instance, prosecutors indicted three Russian spies, two of whom targeted Page for recruitment. The FBI also interviewed Page multiple times about his Russian intelligence contacts, including in March 2016 – the very month candidate Donald Trump named him a foreign policy advisor.
- **Tailored Use of Steele’s Reporting:** Contrary to the Republican document’s assertion, DOJ made only narrow use of Steele’s reporting about Page’s specific activities in 2016, chiefly his suspected July 2016 meetings in Moscow with Russian officials, and did not otherwise rely on Steele’s reporting, including any “salacious” allegations about President Trump. **As DOJ informed the Court in subsequent renewals, the FBI independently corroborated much of Steele’s reporting about Page’s Moscow meetings.**
- **Transparency with Court about Steele:** While explaining why the FBI viewed Steele’s reporting and sources as reliable and credible, DOJ appropriately disclosed Steele’s prior relationship with the FBI and the fact of and reason for his termination as a source. Moreover, the FBI had authorized, but never paid Steele for the “dossier,” including his reporting about Page.
- **Political Motivation of Steele’s Employer:** Contrary to the Majority’s assertion that DOJ fails to mention that Steele’s research was commissioned by “political actors” to “obtain derogatory information on Donald Trump’s ties to Russia,” DOJ informed the Court accurately that Steele was hired by politically-motivated U.S. persons and entities and that his research appeared intended for use “to discredit” Trump’s campaign. In doing so, DOJ appropriately upheld its longstanding practice of protecting U.S. citizen information by purposefully not “unmasking” U.S. person and entity names, unless they were themselves the subject of a counterintelligence investigation.

- **Yahoo News Article Not Cited to Corroborate Steele:** DOJ referenced a *Yahoo* news article, alongside another article the Majority fails to mention in their document, not to provide separate corroboration for Steele’s reporting, but instead to inform the Court of Page’s public denial of his suspected meetings in Moscow, which Page also echoed in a September 25, 2016 letter to then-FBI Director Comey.
- **Other Distortions:** The Minority’s memorandum also explains why other claims in the Majority’s document – for instance, about DOJ official Bruce Ohr and FBI officials Peter Strzok and Lisa Page – are unfounded, misleading, and irrelevant. In testimony before the Committee, former FBI Deputy Director Andrew McCabe did not, as the Majority claims, “testif[y]” that “no surveillance warrant would have been sought from the FISC without the Steele Dossier information” and did not accept the Majority’s premise that the application relied on Steele’s entire “dossier.” Instead, he defended the FBI and DOJ’s assessment that every component of the application – to include the specific reporting about Page – was necessary and appropriate to present to the Court.

With this deeply regrettable episode behind us, it is time the Committee refocuses its efforts on the investigation that the American people deserve and expect: Russia’s 2016 election interference and how we can prevent Russia’s meddling in our democracy moving forward.

## Notes on the Minority Memo

To ensure accuracy and transparency, the Minority notes the following:

### **Body of Text:**

- At page 3, the Minority memorandum explains that, of the four judges who reviewed and approved FISA surveillance on Page, three “were appointed by President George W. Bush and one by President Ronald Reagan.” In fact, two were appointed by President George W. Bush, one was appointed by President George H.W. Bush, and one was appointed by President Reagan. Pursuant to FISA, the Chief Justice of the United States designated all four judges to the FISC. (Handwritten notes in the redacted memorandum were not made by the Committee.)
- At page 7, the Minority memorandum quotes the Majority memorandum as stating that the FISA applications “**relied heavily**” on a September 23, 2016 *Yahoo* News article. The Minority quoted this language because the Majority memorandum released to all House Members on January 18, 2018 included this formulation. Without informing the Minority, the Majority changed this formulation to “**cited extensively**” in the version sent to the White House on January 29, 2018. The Majority’s modification, however, did not correct the overall misrepresentation of why DOJ referenced the article.

### **Endnotes:**

- During drafting, four endnotes were removed—but endnote numbers did not automatically renumber. As a consequence, endnote 13 is followed immediately by endnote 15; that, in turn, is followed by endnote 17. Endnote 28 is likewise followed by endnote 31. Draft endnotes 14, 16, 29 and 30 were removed before the document’s presentation to any Member of Congress.
- The first citation in endnote 25 was **to pp. 46, 100**. The citations to the relevant transcript should be to pp. **45-46, 100**.