



AMERICAN
CONSTITUTION
SOCIETY

CREW

citizens for responsibility
and ethics in washington

Myths and Facts on Russia Inquiry Origins

One of the President's main strategies in avoiding accountability in the investigation by Special Counsel Robert Mueller, has been to question its origins with tales of so-called "deep state" operatives engaged in an international campaign to block his nomination and undermine his presidency. The President continues to promote this conspiracy theory despite the fact that Mueller's investigation resulted in 34 indictments of individuals and companies; 7 guilty pleas; the conviction of former Trump campaign manager Paul Manafort on federal criminal counts including conspiracy to defraud the United States, tax fraud, bank fraud, lying to federal agents, and other serious charges; and the conviction of Trump associate Roger Stone on federal criminal counts including obstruction of a proceeding, false statements, and witness tampering.

Nothing in the findings of the Office of Inspector General for the Department of Justice's report titled "[Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation](#)" (the "OIG review")¹ calls into question that the Office of the Special Counsel (OSC), Department of Justice (DOJ), and the FBI uncovered crimes when they investigated Russian attacks on our election system, nor do these findings mitigate any of these criminal acts. The findings also do not alter the conclusions of the bipartisan Senate Intelligence Committee and the OSC that Russia conducted a far-reaching attack on our election system to favor candidate Donald Trump.

Indeed, the OIG review found that the Russia inquiry was initiated with appropriate predication and authorization, and the decision to open this inquiry was not based on political bias. This fact sheet addresses major unsubstantiated allegations and misstatements about the origins of the FBI/DOJ Russia inquiry.

¹ Office of the Inspector General, U.S. Department of Justice, [Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation](https://www.justice.gov/storage/120919-examination.pdf), December 2019, available at <https://www.justice.gov/storage/120919-examination.pdf>.

Myth #1: “Nobody really knows for sure”² if Russia attacked the United States election system during the 2016 presidential election.

Facts: Bipartisan Senate Intelligence Committee reports, the Office of the Special Counsel, and U.S. intelligence agencies all concluded that Russia conducted a sweeping attack on the U.S. election system in 2016.

In October 2016, 17 U.S. intelligence agencies including the CIA, FBI, and NSA stated that they were “confident” that the Russian government directed the hacks of Democratic Party databases,³ a finding that they have since confirmed “resolutely.”⁴ Following extensive review, the Senate Committee on Intelligence in 2019 issued a two-volume bipartisan report stating that the Russian government carried out an attack on the 2016 election that included “dissemination of hacked materials”⁵ and that Russia further “directed extensive activity, beginning in at least 2014 and carrying into at least 2017, against U.S. election infrastructure at the state and local level.”⁶ The Committee also found that Russian operatives associated with the St. Petersburg-based Internet Research Agency in 2016 “used social media to conduct an information warfare campaign designed to spread disinformation and societal division in the United States” in a campaign that “sought to polarize Americans” and that was “part of a foreign government’s covert support of Russia’s favored candidate in the U.S. presidential election.”⁷

The OSC in its March 2019 report and previous court filings reached conclusions consistent with the bipartisan Senate report and U.S. intelligence agencies. The OSC indicted 12 Russian military intelligence officials for conspiring to “gain unauthorized access ... to computers of U.S. individuals and entities associated with the 2016 presidential election, steal documents from those computers, and stage releases of stolen

² Michal Broniatowski, *Trump: ‘Nobody Knows’ if Russia Interfered in 2016 US Election*, *Politico*, July 6, 2017, available at <https://www.politico.eu/article/president-donald-trump-nobody-knows-if-russia-interfered-in-us-election/>.

³ Joint Statement from the Department of Homeland Security and Office of the Director of National Intelligence, Oct. 7, 2016, available at <https://www.dhs.gov/news/2016/10/07/joint-statement-department-homeland-security-and-office-director-national>.

⁴ See, e.g., Brian Naylor, *Intelligence Chiefs ‘Stand More Resolutely’ behind Finding of Russia Election Hacking*, *National Public Radio*, Jan. 5, 2017, available at <https://www.npr.org/2017/01/05/508355408/intelligence-chiefs-stand-more-resolutely-behind-finding-of-russia-election-hack>.

⁵ Senate Committee on Intelligence, *Report on Russia Active Measures Campaign and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Infrastructure*, July 2019, available at https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf.

⁶ Senate Committee on Intelligence, *Report on Russia Active Measures Campaign and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Infrastructure*, p. 7, July 2019, available at https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf.

⁷ Senate Committee on Intelligence, *Report on Russia Active Measures Campaign and Interference in the 2016 U.S. Election: Russia’s Use of Social Media, Volume 2*, p. 3 (October 2019), at https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume2.pdf.

documents to interfere with the U.S. presidential election,”⁸ and indicted 13 other Russian individuals and 3 Russian entities for engaging in a social media disinformation campaign to disrupt the U.S. presidential election.⁹ The OSC’s March 2019 report stated that Russia interfered in the 2016 election principally through “a social media campaign that favored presidential candidate Donald J. Trump and disparaged presidential candidate Hillary Clinton,” and through “computer-intrusion operations” conducted by the Russian intelligence service against individuals and entities associated with the Clinton campaign and subsequent release of stolen documents.¹⁰ In October 2019 testimony before the House Committee on the Judiciary, the deputy assistant attorney general for the DOJ’s security division stood by the DOJ’s findings that Russia hacked computers of Clinton campaign staff and associated entities.¹¹ Nothing in the OIG review contradicted any of these findings.

Myth #2: CrowdStrike, the cybersecurity company that DNC engaged to investigate and remediate the 2016 hack on DNC’s computers, is a Ukrainian-based company¹² that falsely framed Russia for the 2016 cyberattacks relating to the United States election.¹³

Facts: Non-partisan and bipartisan investigations into the 2016 cyberattacks on the DNC system confirmed that Russia conducted the attacks, and the Department of Justice itself in June 2019 court filings affirmed that DOJ had independently confirmed CrowdStrike’s findings.

CrowdStrike is a California-based company co-founded by George Kurtz, who grew up in New Jersey, and Dmitri Alperovitch, a Russian-born U.S. citizen.¹⁴ CrowdStrike’s 2016 findings that Russia hacked computers of Clinton campaign staff and related entities were

⁸ Indictment, United States v. Viktor Borisovich Netyksho, et al., Case 1:18-cr-215 (D.D.C. July 13, 2018), available at <https://www.justice.gov/opa/pr/grand-jury-indicts-12-russian-intelligence-officers-hacking-offenses-related-2016-election>.

⁹ Indictment, United States v. Internet Research Agency, et al., Case 1:18-cr-00032-DLF (D.D.C. Feb. 16, 2018), available at <https://www.justice.gov/opa/pr/grand-jury-indicts-thirteen-russian-individuals-and-three-russian-companies-scheme-interfere>.

¹⁰ Special Counsel Robert S. Mueller, III, Report on the Investigation into Russian Interference in the 2016 Presidential Election, v. 1, 1-3, 14-50, 173-79, March 2019, available at <https://www.justsecurity.org/wp-content/uploads/2019/04/Mueller-Report-Redacted-Vol-I-Released-04.18.2019-Word-Searchable.-Reduced-Size.pdf>.

¹¹ AJ Vicens, GOP Representatives Push Conspiracy Theories Defending Trump, *Mother Jones*, Oct. 23, 2019, available at <https://www.motherjones.com/politics/2019/10/gop-representatives-crowdstrike/>.

¹² Associated Press, Transcript of AP Interview with Trump, Apr. 23, 2017, available at <https://apnews.com/c810d7de280a47e88848b0ac74690c83>.

¹³ Ben Collins, Trump Seized on a Conspiracy Theory Called the ‘Insurance Policy;’ Now It’s at the Center of an Impeachment Investigation, *NBC News*, Oct. 3, 2019, available at <https://www.nbcnews.com/tech/internet/trump-seized-conspiracy-theory-called-insurance-policy-now-it-s-n1062096>.

¹⁴ Craig Timberg, Drew Harwell and Ellen Nakashima, In a Call with Ukraine’s President, Trump Revived a Favorite Conspiracy Theory about the DNC Hack, *Washington Post*, Sept. 25, 2019, available at <https://www.washingtonpost.com/technology/2019/09/25/trumps-mention-crowdstrike-call-with-ukraines-president-recalls-russian-hack-dnc/>; Ravi Velloor, In Good Company: CrowdStrike’s George Kurtz Is in a Race against Hackers, *Straits Times*, Sept. 10, 2017, available at <https://www.straitstimes.com/opinion/crowdstrikes-kurtz-is-in-a-race-against-hackers>.

consistent with findings of U.S. intelligence agencies, the bipartisan report of the Senate Select Committee on Intelligence, and the Office of Special Counsel.¹⁵ DOJ further reinforced these conclusions in a June 2019 filing in federal court, calling “incorrect” the allegation by Roger Stone that DOJ did not independently verify CrowdStrike’s findings or collect evidence of the breach.¹⁶ Nothing in the OIG review changes this analysis.

Myth #3: DNC withheld evidence from the FBI in the investigation of the hack of DNC computer systems and is hiding its server in Ukraine.

Facts: A top former Trump national security advisor has labeled allegations regarding a hidden DNC server a “white whale” that has been debunked, and the FBI affirmed that the DNC provided them appropriate forensic data for their review of the hack.

According to DNC federal court filings, the attacks on the DNC computer system did not concern just one server. Rather, remediation involved decommissioning over 140 servers, removing and reinstalling software for more than 180 computers, and rebuilding at least 11 servers.¹⁷ For the FBI’s investigation of the hack on the DNC servers, the DNC, through CrowdStrike, provided the FBI forensic images of the server information. The FBI director testified before the House Select Committee on Intelligence that server images were “an appropriate substitute” for direct access to the servers,¹⁸ an approach multiple forensics experts have affirmed is standard in cyber-attack investigations.¹⁹ In a recent appearance on ABC’s *This Week*, Tom Bossert, former senior homeland security advisor to President Trump, called allegations about the DNC server a “white whale,” asserting that “the DNC server and that conspiracy theory has got to go” and noting that “[t]he United States government reached its conclusion on attributing to Russia the DNC hack in 2016 ... long before the FBI ever knocked on the door at the DNC. So a server inside the DNC was not relevant to our determination to the attribution.”²⁰ Nothing in the OIG review contradicts Bossert’s characterization of this issue.

¹⁵ See *infra*, text accompanying notes 1-9.

¹⁶ Government’s Sur-Reply to Defendant’s Motion to Suppress, *United States v. Stone*, Case 1:19-cr-00018-ABJ (D.D.C. June 20, 2019), available at https://static.politico.com/1a/e6/6b3417cc4140bafb89e303995281/d.D.C.%2019-cr-00018%20dckt%20000135_002%20filed%202019-06-20.pdf.

¹⁷ Second Amended Complaint, *Democratic National Committee v. The Russian Federation et al.*, Case 1:18-cv-03501-JGK (S.D.N.Y. Jan. 17, 2019), available at <https://www.politico.com/f/?id=00000168-6161-de11-af7d-ef7327ea0000#page=37>.

¹⁸ Full Transcript: FBI Director James Comey Testifies on Russian Interference in the 2016 Election, *Washington Post*, March 30, 2017, available at <https://www.washingtonpost.com/news/post-politics/wp/2017/03/20/full-transcript-fbi-director-james-comey-testifies-on-russian-interference-in-2016-election/>.

¹⁹ Sonam ShethTrump Mentioned a Wild Conspiracy Theory about the DNC and the Russia Probe in His Phone Call with Ukraine’s President, *Business Insider*, Sept. 25, 2019, available at <https://www.businessinsider.com/trump-crowdstrike-dnc-server-ukraine-phone-call-whistleblower-2019-9>.

²⁰ ABC News, Sunday on ‘This Week’: Rudy Giuliani, Rep. Adam Schiff, *This Week with George Stephanopoulos*, Sept. 29, 2019, available at <https://abcnews.go.com/Politics/sunday-week-rudy-giuliani-rep-adam-schiff/story?id=65936716>.

Myth #4: FBI FISA applications on former Trump campaign advisor Carter Page are evidence of a political conspiracy against the Trump campaign.

Facts: The FBI's surveillance was conducted after Page stopped working for the campaign. The OIG review found that certain factual assertions relied upon in the FISA applications were inaccurate, incomplete, or unsupported by appropriate documentation, based upon information the FBI had in its possession at the time the application was filed, and the review uncovered unprofessional conduct by a low-level FBI lawyer. However, the DOJ did not determine that leadership or the FISA court would have reached a different decision had they known all relevant information, and did not find that the conduct affected the overall validity of the applications.

Carter Page was a known quantity to the FBI before he joined the Trump campaign (and indeed, long before Trump declared his candidacy for president). In 2013, Page's communications were the subject of an unrelated FISA warrant stemming from the investigation of three Russian operatives the FBI was investigating—Evgeny Buryakov, Igor Sporyshev, and Victor Podobnyy. In January 2015, DOJ announced charges against Buryakov, Sporyshev, and Podobnyy for acting as unregistered agents of a foreign government and conspiracy.²¹ DOJ alleged that the Russians' efforts included recruiting Page and other Americans as intelligence sources for the Russian government.²²

The FBI opened its counterintelligence operation against Russia (and potential links to the Trump campaign) on July 31, 2016 after Wikileaks began releasing hacked emails during the Democratic National Convention; however, DOJ did not seek FISA warrants for Page's communications until October—at which point Page was no longer working for the campaign.²³

In July 2018, DOJ disclosed redacted versions of Foreign Intelligence Surveillance Act (FISA) warrant applications for the surveillance of Page.²⁴ In the redacted FISA applications, DOJ asserted that there was reason to believe that:

- Russia was attempting to influence the 2016 U.S. presidential election;²⁵
- Page was the agent of a foreign power (Russia);²⁶
- Page had established relationship with Russian intelligence officers;²⁷
- Page knowingly engaged in clandestine intelligence activities on behalf of Russia that involved a violation of U.S. criminal laws;²⁸ and that

²¹ Attorney General Holder Announces Charges Against Russian Spy Ring in New York, *Dep't of Justice*, Jan. 26, 2015, available at <https://www.justice.gov/opa/pr/attorney-general-holder-announces-charges-against-russian-spy-ring-new-york-city>.

²² Sealed Complaint, *United States v. Buryakov et al.*, 15-cr-73 (S.D.N.Y. Jan. 23, 2015), available at <https://www.justsecurity.org/wp-content/uploads/2017/11/PodobnyyComplaint-2.pdf>.

²³ Artin Afkhami, Timeline of Carter Page's Contacts with Russia [Updated], *Just Security*, Feb. 5, 2018, available at <https://www.justsecurity.org/46786/timeline-carter-pages-contacts-russia/>.

²⁴ Carter Page FISA Applications and Orders (redacted), available at <https://assets.documentcloud.org/documents/4614708/Carter-Page-FISA-Application.pdf>.

²⁵ Carter Page FISA Applications and Orders at 8.

²⁶ *Id.* at 2.

²⁷ *Id.* at 10.

- According to a confidential source, Page had met with a Russian official who raised “‘kompromat’ that the Kremlin possessed on Candidate #2 and the possibility of it being released to Candidate #1’s campaign.”²⁹

The FISA warrant application disclosed to the Court the fact that the FBI was relying in part on information obtained from a source that had been hired to conduct research about Candidate #1’s (Trump’s) ties to Russia.³⁰ This information was provided by Christopher Steele, a former British intelligence operative who was doing work on behalf of the Clinton campaign.

On the basis of these facts, the FBI assessed that there was probable cause to believe that Page was knowingly engaging in clandestine intelligence activities on behalf of a foreign power. U.S. Foreign Intelligence Surveillance Court Judge Rosemary Collyer, a federal judge appointed to the federal bench by President George W. Bush and appointed to the FISC by Supreme Court Justice John Roberts, agreed and issued the FISA warrant.³¹ Dana Boente and Rod Rosenstein, both Deputy Attorneys General in the Trump administration, certified renewal applications for the surveillance.³²

The FISA warrant to conduct surveillance of Page was reauthorized three times. In its reauthorization applications, the FBI would have been expected to disclose its previous applications, the action taken on each previous application, and the fruits of previous surveillance.³³ The FBI also made additional factual disclosures including up-to-date information about the status of its sources and its assessment of the credibility of the evidence it relied on. According to a report prepared by the House Intelligence Minority Members in 2018, the Court-approved surveillance program “allowed the FBI to collect valuable intelligence.”³⁴

The OIG review found evidence that factual assertions relied upon in the FISA applications were “inaccurate, incomplete, or unsupported by appropriate documentation, based upon information the FBI had in its possession at the time the application was filed.”³⁵ This includes information that Carter Page was working with a separate U.S. agency at the time of some of his contacts with Russia, additional information about Christopher Steele’s employment, and specific denials that Page and Trump campaign advisor George Papadopoulos made to confidential human sources in September and October, 2016. The report does “not speculate whether or how having accurate and complete information might have influenced the decisions of senior Department leaders

²⁸ *Id.* at 4.

²⁹ *Id.* at 18.

³⁰ *Id.* at 15 n.8.

³¹ Carter Page FISA Applications and Orders at 63.

³² *Id.* at 90, 391.

³³ Julian Sanchez, *Revisiting Carter Page*, *Just Security*, Apr. 3, 2019, available at <https://www.justsecurity.org/63398/revisiting-carter-page/>.

³⁴ Memorandum re: Correcting the Record – the Russia Investigations, *House Permanent Select Committee Minority*, Jan. 29, 2018, available at https://intelligence.house.gov/uploadedfiles/redacted_minority_memo_2.24.18.pdf, at 5.

³⁵ OIG Report at viii.

who supported the four FISA applications, or the court, if they had known all of the relevant information.”³⁶

Myth #5: Career employees and holdover Obama Administration appointees in the Department of Justice and Central Intelligence Agency abused their authority to investigate Donald Trump as part of an effort to sway the election to Clinton or discredit the Trump administration.

Facts: President Trump and his allies have engaged in a concerted effort to discredit and smear individuals who have played a role in holding the Trump campaign or administration accountable. Despite multiple investigations of the origins of the FBI and Mueller investigations, there is no evidence of a coordinated effort to undermine Trump’s candidacy or presidency. The OIG review made no findings of politically biased conduct by the FBI and DOJ officials who were directing the investigation.

The list of current and former law enforcement and national security officials who President Trump has smeared is long: at various points, the President has attacked FBI Director James Comey, former Deputy FBI Director Andrew McCabe, Lisa Page, Peter Strzok, Stefan Halper, and Special Counsel Robert Mueller. Despite the President’s claims, there is no evidence that these individuals participated in an effort to damage President Trump’s candidacy or presidency. Instead, what these individuals have in common is that they participated in legitimate law enforcement inquiries into potential criminal conduct involving the Trump campaign and by President Trump. Nothing in the OIG review suggested any of these individuals took politically motivated actions in the investigation of President Trump.

President Trump has engaged in an unprecedented volume of personal attacks on current and former officials who he perceives to be disloyal. At various times, President Trump has accused Comey of lying,³⁷ spying on the Trump campaign,³⁸ and leaking classified information.³⁹ When Andrew McCabe was briefly overseeing the Russia investigation as acting FBI director following Trump’s firing of Comey, Trump asked McCabe who he voted for in the 2016 election and expressed anger that McCabe’s wife had received when she ran for a seat on the Virginia state senate in 2015.⁴⁰ After Special Counsel Mueller was appointed, President Trump and his legal team raised spurious “conflict of interest” claims about Mueller. Around the same time, President Trump asked White House Counsel Don McGahn to fire Mueller and also asked former campaign manager

³⁶ *Id.* at v, xiii, 357, 368, 373, 376, 413.

³⁷ <https://twitter.com/realdonaldtrump/status/1085144283437506560>.

³⁸ <https://twitter.com/realdonaldtrump/status/1085144283437506560>.

³⁹ <https://twitter.com/realdonaldtrump/status/984763579210633216>.

⁴⁰ Ellen Nakashima, Josh Dawsey, and Devlin Barrett, Trump asked the acting FBI director how he voted during Oval Office meeting, *Washington Post*, Jan. 23, 2018, available at https://www.washingtonpost.com/world/national-security/trump-asked-the-acting-fbi-director-whom-he-voted-for-during-oval-office-meeting/2018/01/23/2cb50818-0073-11e8-8acf-ad2991367d9d_story.html.

Corey Lewandowski to deliver a message to Attorney General Sessions to curtail Mueller's authority.⁴¹

The claim that McCabe or Comey participated in an effort to prevent President Trump from being elected is particularly absurd because the FBI took great pains not to disclose its investigation of Russian interference in the 2016 election and potential Trump campaign links with Russia during the same period that Comey made several high-profile disclosures about an investigation of Trump's rival, Hillary Clinton. McCabe separately disclosed details about an FBI probe of the Clinton Foundation.⁴² At least two of those disclosures came in the closing weeks of the election and there is strong evidence to suggest that they caused a drop in Clinton's support that was large enough to cost her the election.⁴³

Similar claims that other law enforcement individuals or sources were part of a conspiracy to undermine the Trump administration are also unsupported by the record. For example, during its 2018 review of DOJ conduct in the investigation of Hillary Clinton's emails, the DOJ released voluminous texts exchanged between two senior DOJ employees, Peter Strzok and Lisa Page, who both participated in the investigation of Russia and Trump. The two were having an extramarital affair and wrote to each other about their distaste for Trump, but the voluminous texts that the DOJ released provided no evidence of a conspiracy to undermine Trump.⁴⁴ In one text, Page and Strzok discussed an "insurance policy" in the event that Trump won the election; however, Page testified to House lawmakers that this was a reference to the fact that the FBI's investigation of possible collusion between the Trump campaign and Russia would take on new importance if members of Trump's team entered the White House and gained access to the country's most sensitive secrets.⁴⁵ Notably, the OIG review also reported several other FBI employees working on the Russia interference inquiry exchanged text messaging reflecting that they were Trump supporters.⁴⁶

The OIG report released December 2019 also disclosed that an FBI line attorney (identified in separate reports as Kevin Clinesmith) was the individual described as "FBI

⁴¹ Special Counsel Robert S. Mueller, III, Report on the Investigation Into Russian Interference In the 2016 Presidential Election, *Dep't of Justice*, March 2019, available at <https://www.justice.gov/storage/report.pdf>.

⁴² See Adam Goldman and Katie Benner, Justice Dept. Rejects Andrew McCabe's Bid to Avoid Charges, *New York Times*, Sept. 12, 2019, available at <https://www.nytimes.com/2019/09/12/us/politics/andrew-mccabe-fbi.html>; Devlin Barrett, FBI in Internal Feud Over Hillary Clinton Probe, *Wall Street Journal*, Oct. 30, 2016, available at <https://www.wsj.com/articles/laptop-may-include-thousands-of-emails-linked-to-hillary-clintons-private-server-1477854957>.

⁴³ Nate Silver, The Comey Letter Probably Cost Clinton the Election, *FiveThirtyEight*, May 3, 2017, available at <https://fivethirtyeight.com/features/the-comey-letter-probably-cost-clinton-the-election/>.

⁴⁴ Del Quentin Wilber, Inside the FBI Life of Peter Strzok and Lisa Page, as Told in Their Text Messages, *Wall Street Journal*, Feb. 2, 2018, available at <https://www.wsj.com/articles/inside-the-fbi-life-of-peter-strzok-and-lisa-page-as-told-in-their-text-messages-1517589380>.

⁴⁵ Jeremy Herb, Lisa Page explains why she and Strzok talked 'insurance policy' about Trump, *CNN*, Mar. 12, 2019, available at <https://www.cnn.com/2019/03/12/politics/lisa-page-peter-strzok-insurance-policy/index.html>.

⁴⁶ OIG Review, p. 339.

attorney 2” in the earlier 2018 DOJ review that had found he wrote derogatory texts about Trump. Special Counsel Mueller removed Clinesmith from the Russia investigation immediately upon learning of these texts and Clinesmith himself in the 2018 report maintains that these texts reflected personal views that did not affect his professional conduct.⁴⁷ The OIG review found no evidence that political bias impacted the decision to seek a FISA warrant to conduct surveillance of Carter Page.

Regardless of any personal views that any individual law enforcement officials may have had about presidential candidates in the 2016 election, it is striking that in the months running up to the 2016 presidential election, neither Strzok, Page, nor any of the investigators working on the counterintelligence investigation of Russian interference in the 2016 election disclosed the fact that there was evidence of links between Russia and Trump campaign. In fact, a *New York Times* article about Trump-Russia ties in late October 2016 minimized links between Trump and Russia, citing unnamed law enforcement sources and noting that the FBI was not commenting on the record.⁴⁸

Myth #6: U.S. law enforcement used “spies” to infiltrate the Trump campaign.

Facts: The OIG review found no evidence that the FBI tried to infiltrate the Trump campaign with agents. Rather, the review found that the FBI took appropriate steps reflecting typical law enforcement activities to evaluate evidence that individuals within the campaign had ties to Russia.

President Trump and his allies have asserted that the FBI’s use of Stefan Halper, a fellow at the University of Cambridge, to explore whether Russia was interfering with the 2016 election constituted “spying” on the Trump campaign. This claim is unsubstantiated. Halper was a seasoned and trusted FBI resource who had previously served in the administrations of Presidents Richard Nixon and Ronald Reagan.⁴⁹ Nor is there any evidence that the FBI or Halper used unlawful or irregular means to approach members of Trump’s foreign policy team—including Page and Papadopoulos. To the contrary, Halper and a government investigator posing as a research assistant asked Page and Papadopoulos whether the Trump campaign was working with Russia.⁵⁰ After he was briefed about the FBI’s information-gathering steps in 2018, Republican member of Congress Trey Gowdy said that the FBI’s efforts to gather information from Trump’s advisors was appropriate: “I am even more convinced that the FBI did exactly what my

⁴⁷ Adam Goldman and Charlie Savage, Russia Inquiry Review Is Said To Criticize FBI but Rebuff Claims of Biased Acts, *New York Times*, Nov. 22, 2019, available at <https://www.nytimes.com/2019/11/22/us/politics/russia-investigation-inspector-general-report.html>.

⁴⁸ Eric Lichtblau and Steben Lee Myers, Investigating Donald Trump, F.B.I. Sees No Clear Link to Russia, *New York Times*, Oct. 31, 2016, available at <https://www.nytimes.com/2016/11/01/us/politics/fbi-russia-election-donald-trump.html>.

⁴⁹ Robert Costa, Carol D. Leonig, and Shane Harris, Who is Stefan A. Halper, the FBI source who assisted the Russia investigation?, *Washington Post*, May 21, 2018, available at https://www.washingtonpost.com/politics/who-is-stefan-a-halper-the-fbi-source-who-assisted-the-russia-investigation/2018/05/21/22c46caa-5d42-11e8-9ee3-49d6d4814c4c_story.html.

⁵⁰ Adam Goldman, Michael S. Schmidt, and Mark Mazzetti, F.B.I. Sent Investigator Posing as Assistant to Meet With Trump Aide in 2016, *New York Times*, May 2, 2019, available at <https://www.nytimes.com/2019/05/02/us/politics/fbi-government-investigator-trump.html>.

fellow citizens would want them to do when they got the information they got,” Gowdy said.⁵¹

Trump associates including Rudy Giuliani have made a second claim of “spying” concerning an individual known as Joseph Mifsud. According to the report by Special Counsel Robert Mueller, Mifsud was a Maltese professor with connections to Russia who told Trump campaign foreign policy advisor George Papadopoulos in the spring of 2016 that Russia had information on Hillary Clinton in the form of emails.⁵² Giuliani, Papadopoulos, and other Trump associates have challenged this account, suggesting that Mifsud was an undercover U.S. agent setting up Papadopoulos to believe false information about Russian interference.⁵³ This second “spying” claim is also unsubstantiated.

The OIG review “found no evidence that the FBI used [confidential human sources (“CHSs”)] or [undercover employees (“UCEs”)] to interact with members of the Trump campaign prior to the opening of the Crossfire Hurricane investigation.”⁵⁴ In addition, the OIG concluded that “[a]fter the opening of the investigation, we found no evidence that the FBI placed any CHSs or UCEs within the Trump campaign or tasked any CHSs or UCEs to report on the Trump campaign.”⁵⁵ Finally, the OIG also “found no documentary or testimonial evidence that political bias or improper motivations influenced the FBI’s decision to use CHSs or UCEs to interact with Trump campaign officials in the Crossfire Hurricane investigation.”⁵⁶ The OIG also concluded that the participation of the supervisor of the Crossfire Hurricane investigation in a briefing given to candidate Trump and his national security advisers did not violate any applicable FBI or Department policies, even if the use of the briefing for investigative reasons potentially interfered “with the expectation of trust and good faith among participants in strategic intelligence briefings.”⁵⁷

The FBI’s investigation of Russia and possible coordination with the Trump campaign has been the subject of extraordinary scrutiny, including in-depth investigations by the House Intelligence Committee and the Inspector General of the DOJ.⁵⁸ Neither of these

⁵¹ Kyle Cheney, FBI was right to deploy informant, senior GOP lawmaker says, *Politico*, May 29, 2018, available at <https://www.politico.com/story/2018/05/29/gowdy-fbi-informant-spygate-trump-611600>.

⁵² Mueller report, volume 1, at 5-6.

⁵³ Rosalind S. Helderman, Shane Harris, and Ellen Nakashima, ‘The Enigma of the Entire Mueller Probe’: Focus on Origins of Russia Investigation Puts Spotlight on Maltese Professor, *Washington Post*, June 30, 2019, available at https://www.washingtonpost.com/politics/the-enigma-of-the-entire-mueller-probe-focus-on-origins-of-russian-investigation-puts-spotlight-on-maltese-professor/2019/06/30/b374fe8c-8185-11e9-bce7-40b4105f7ca0_story.html.

⁵⁴ OIG Report at xvi.

⁵⁵ *Id.* at xvi-xvii.

⁵⁶ *Id.* at xvii-xviii.

⁵⁷ *Id.* at xviii.

⁵⁸ DOJ Inspector General Michael E. Horowitz, Letter to the Chairs and Ranking Members of the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on the Judiciary, the House Committee on Oversight and Reform, and the House Committee on the Judiciary, Oct. 24, 2019, available at <https://drive.google.com/file/d/1XC9dN46K9YJrUMLpaxjRozSc40yDcb82/view>.

investigations have found that American law enforcement or national security officials abused their powers to infiltrate or undermine the Trump campaign organization.

Instead, as Special Counsel Mueller's Report on Russian Interference in the 2016 Election concluded, there were in fact "numerous links between the Russian government and the Trump campaign."⁵⁹ While those links did not ultimately substantiate a criminal charge of conspiracy between the Trump campaign and Russia, the investigation yielded two lengthy indictments of Russian nationals and officials for their interference in the 2016 election as well as six Trump associates: Roger Stone, Michael Flynn, Michael Cohen, Paul Manafort, Rick Gates, and George Papadopoulos.⁶⁰ The FBI's counterintelligence investigation was not merely a well-founded probe that went nowhere. It produced indictments of the foreign elements who interfered in the election as well as criminal conduct by Trump campaign and administration officials.

⁵⁹ Report on the Investigation Into Russian Interference in the 2016 Presidential Election, Vol. I, at 1.

⁶⁰ Bart Jansen, Tom Vanden Brook, Kevin Johnson and William Cummings, Mueller's investigation is done. Here are the 34 people he indicted along the way, *USA Today*, Mar. 25, 2019, available at <https://www.usatoday.com/story/news/politics/2019/03/25/muellers-russia-report-special-counsel-indictments-charges/3266050002/>.