

United States Senate
WASHINGTON, DC 20510

September 21, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
Department of Justice

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dear Attorney General Garland and Director Wray:

On September 2, 2022, Special Counsel John Durham filed a motion in limine with respect to the Department of Justice's (DOJ) case against Igor Danchenko, Christopher Steele's primary sub-source, for lying to federal investigators.¹ In that motion, Special Counsel Durham noted that, "[i]n March 2017, the [Federal Bureau of Investigation (FBI)] signed [Danchenko] up as a paid confidential human source of the FBI. The FBI terminated its source relationship with the defendant in October 2020."²

As you are aware, in May 2009, the FBI opened a preliminary investigation into Danchenko based on his reported attempts to facilitate payment for classified information. Specifically, a declassified summary of the investigation noted that Danchenko approached several individuals at a work-related event in 2008 and "indicated that if the two individuals at the table 'did get a job in the government and had access to classified information' and 'wanted to make a little extra money,'" Danchenko knew individuals who they could speak to.³ The summary further stated that an individual interviewed by the FBI expressed the possibility that Danchenko could be "a Russian spy."⁴

The preliminary investigation then proceeded to a full investigation because Danchenko was identified as an associate of two FBI counterintelligence subjects.⁵ The FBI also determined that Danchenko had contact in 2006 with the Russian Embassy and known Russian intelligence

¹ Gov't's Motion *In Limine* at 3, *United States v. Danchenko*, No. 21-CR-245 (AJT) (E.D. Va. 2022), <https://storage.courtlistener.com/recap/gov.uscourts.vaed.515692/gov.uscourts.vaed.515692.78.0.pdf>. Notably, on page 18, the motion confirms Danchenko was Steele's primary subsource, "Specifically, Steele informed the FBI that his primary subsource for the Steele Reports (the defendant) had met with Sergei Millian on two or three occasions – at least once in New York and once in Charleston, South Carolina."

²*Id.*

³ FBI, Overview of the Counterintelligence Investigation of Christopher Steele's Primary Sub-source, Sept. 23, 2020 at 1. [Attached.] The document, on page 1, confirms that the investigation involved "Christopher Steele's Primary Sub-Source" who Durham identified as Danchenko.

⁴ *Id.*

⁵ *Id.*

officers.⁶ The FBI also learned that during the course of Danchenko's contacts with Russian intelligence officers, he appeared to be involved in the transmission of Russian documents at the request of a Russian Intelligence Officer.⁷

In December 2016, the FBI's Crossfire Hurricane team identified Danchenko as Steele's primary sub-source and, according to the FBI, "became familiar with the 2009 investigation."⁸ The FBI, even in light of the extensive derogatory information attached to Danchenko, proceeded to pay him as a confidential human source three months later from March 2017 to October 2020 as part of Crossfire Hurricane. Therefore, while we were investigating the Justice Department's and FBI's misconduct with respect to Crossfire Hurricane, you maintained him on the government's payroll.

This extraordinary fact pattern requires additional information from the Justice Department and FBI relating to why Danchenko was placed on the payroll and paid by the taxpayer to assist in the federal government's flawed investigation into President Trump.

Accordingly, no later than October 22, 2022, please provide all records relating to government payments made to Danchenko, the counterintelligence investigation into him and his later hiring.⁹

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Ron Johnson
Ranking Member
Permanent Subcommittee
on Investigations

⁶ *Id.*

⁷ *Id.* at 2.

⁸ *Id.*

⁹ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents). This definition applies to all requests for records in the questions for the record.

cc: The Honorable Richard Durbin
Chairman
Committee on the Judiciary

The Honorable Jon Ossoff
Chairman
Permanent Subcommittee on Investigations

The Honorable Michael Horowitz
Inspector General
Department of Justice

Overview of the Counterintelligence Investigation of Christopher Steele's Primary Sub-source

SUMMARY

This document is an unclassified summary of classified investigative case file reports pertaining to the counterintelligence investigation referenced in footnote 334 of the Department of Justice Inspector General Report, *Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation*. The FBI is providing this information to the Office of the Attorney General pursuant to the DOJ's request, which the FBI understands is based on DOJ receiving an inquiry from the Chairman of the Senate Judiciary Committee on September 18, 2020.

Between May 2009 and March 2011, the FBI maintained an investigation into the individual who later would be identified as Christopher Steele's Primary Sub-source ("the 2009 investigation"). As explained below, the FBI commenced this investigation based on information by the FBI indicating that the Primary Sub-source may be a threat to national security. The following describes the investigation and subsequent knowledge of the investigation by the CROSSFIRE HURRICANE team.

PRELIMINARY INVESTIGATION

In May 2009, the FBI opened a preliminary investigation predicated on a specific interaction between three individuals who were then employed by a prominent U.S. think tank. Specifically, the FBI received reporting indicating a research fellow for an influential foreign policy advisor in the Obama Administration was at a work-related event in late 2008 with a coworker when they were approached by another employee of the think tank ("the employee"). The employee reportedly indicated that if the two individuals at the table "did get a job in the government and had access to classified information" and wanted "to make a little extra money," the employee knew some people to whom they could speak. According to the research fellow, there was no pretext to the conversation; the employee had not been invited to the table; and the employee began the exchange by asking if the research fellow "would follow [his/her principal] anywhere." When later interviewed by the FBI, the research fellow confirmed the report and stated that while he/she could not be certain, he/she did not believe the employee was attempting to gain access to the foreign policy advisor through the research fellow's access. When interviewed by the FBI, the coworker seated with the research fellow did not recall a specific pitch for classified information, however, the coworker did express suspicion of the employee and had questioned the possibility that the employee might actually be a Russian spy. In December 2016, the FBI's Crossfire Hurricane investigation identified the employee as Christopher Steele's Primary Sub-source.

CONVERSION TO FULL INVESTIGATION

After initiating the investigation, the FBI converted it from a preliminary to a full investigation based on the following open source and FBI information:

- The Primary Sub-source was identified as an associate of two FBI counterintelligence subjects. The FBI assessed that the Primary Sub-source formed the associations with these individuals through a university student organization of which he/she was a member. The FBI identified no additional derogatory information pertaining to these associations.
- A review of FBI databases revealed that the Primary Sub-source had contact in 2006 with the Russian Embassy and known Russian intelligence officers.

- [REDACTED] In September 2006, the Primary Sub-source was in contact with a known Russian intelligence officer. During these conversations, the Russian Intelligence Officer invited the Primary Sub-source to the Russian Embassy to see his office. The Primary Sub-source told the Russian Intelligence Officer that he/she was interested in entering the Russian diplomatic service one day. The two discussed a time when the Primary Sub-source was to visit. Four days later, the Russian Intelligence Officer contacted the Primary Sub-source and informed him/her they could meet that day to work "on the documents and then think about future plans." Later in October 2006, the Primary Sub-source contacted the Russian Intelligence Officer seeking a reply "so the documents can be placed in tomorrow's diplomatic mail pouch."
- [REDACTED] FBI information further identified, in 2005, the Primary Sub-source making contact with a Washington, D.C.-based Russian officer. It was noted that the Russian officer and the Primary Sub-source seemed very familiar with each other.

[REDACTED] INTERVIEWS TO SUPPORT THE INVESTIGATION

[REDACTED] As part of its investigation, the FBI conducted interviews with the Primary Sub-source's associates. One individual indicated that the Primary Sub-source was not anti-American but wanted to return to Russia one day. Another described the Primary Sub-source as pro-Russia and indicated that he/she always interjected Russian opinions during policy discussions. While both stated that they did not recall the Primary Sub-source asking directly about their access to classified information, one interviewee did note that the Primary Sub-source persistently asked about the interviewee's knowledge of a particular military vessel.

[REDACTED] CLOSURE OF THE INVESTIGATION

[REDACTED] In July 2010, the field office initiated a request for Foreign Intelligence Surveillance Act (FISA)-authorized coverage, and the request was routed to the U.S. Department of Justice Office of Intelligence Policy and Review in August 2010. Investigators subsequently learned that the Primary Sub-source departed the United States in September 2010. Further investigation determined that his/her visa was not renewed. Because the Primary Sub-source had apparently left the United States, the FBI withdrew the FISA application request and closed the investigation. The record documenting the closing of the investigation stated that consideration would be given to re-opening the investigation in the event that the Primary Sub-source returned to the United States.

[REDACTED] IDENTIFICATION BY CROSSFIRE HURRICANE TEAM

[REDACTED] In December 2016, the CROSSFIRE HURRICANE team identified the Primary Sub-source used by Christopher Steele and, at that time, became familiar with the 2009 investigation. The CROSSFIRE HURRICANE team interviewed the Primary Sub-source over the course of three sequential days in January 2017. At that time, the 2009 investigation remained closed. The 2009 investigation remains closed to this day.