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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
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September 20, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Wray:

I write to inquire about whether the FBI ever provided the Trump campaign with a defensive briefing or other warning regarding attempts to infiltrate the campaign by people connected with, or compromised by, Russian intelligence. In public testimony before the House Intelligence Committee in March of 2017, then-Director Comey acknowledged that the FBI began its investigation in late July of 2016 into “the nature of any links between individuals associated with the Trump campaign and the Russian government.”

After he was fired, Mr. Comey acknowledged in public testimony before the Senate Intelligence Committee that President Trump had never been one of the individuals under investigation. Recent news articles have claimed that Paul Manafort was one of the campaign associates under FBI investigation.¹ This raises the question of whether the FBI ever alerted Mr. Trump to the FBI’s counter-intelligence concerns regarding his campaign manager and others associated with the campaign—so that he could take defensive action to prevent the campaign from being infiltrated.² Such briefings are one of the tools that the FBI often uses to thwart attempts by foreign intelligence services to infiltrate organizations or compromise U.S. citizens. Such a briefing allows innocent, unwitting organizations and individuals to take defensive action to protect themselves.

¹ Evan Perez, Shimon Prokupez & Pamela Brown, *US Government Wiretapped Former Trump Campaign Chairman*, CNN (Sept. 18, 2017), <http://www.cnn.com/2017/09/18/politics/paul-manafort-government-wiretapped-fisa-russians/index.html>.

² Mr. Comey did seem to indicate that after the election, the transition team was given some sort of defensive briefings, stating: “there were a variety of defensive briefings given to the incoming administration about the counterintelligence risk.” However the nature of those briefings and whether they related to counterintelligence concerns the FBI had regarding any campaign associates is unclear. Mr. Comey also stated that after a briefing on January 6, 2017, with the then-President Elect, Mr. Comey remained alone with him to inform him about the dossier, which Mr. Comey stated was intended to be a defensive briefing, though apparently to alert Mr. Trump about the dossier’s existence, not about counterintelligence concerns the FBI had with any campaign associates.

According to press reports, it appears that during at least one previous presidential election, U.S. intelligence has raised these types of concerns to campaign staff, including concerns about Mr. Manafort's ties.³ The concerns allegedly involved work performed by Mr. Manafort and his business partner at the time, Rick Davis, on behalf of Ukrainian Prime Minister Viktor Yanukovich, who was backed by Putin.⁴ Mr. Davis became Senator McCain's campaign manager. Moreover, Mr. Manafort and Mr. Davis reportedly had previously arranged for Russian oligarch Oleg Deripaska to meet Senator McCain twice.⁵ According to John Weaver, a former top campaign advisor to Senator McCain: "My sense is that Davis and Manafort, who were already doing pro-Putin work against American national interests, were using potential meetings with McCain—who didn't know this and neither did we until after the fact—as bait to secure more rubles from the oligarchs."⁶

Mr. Weaver further stated that "U.S. intelligence raised concerns to McCain's staff about the Davis Manafort work."⁷ A recent report quoted an anonymous U.S. counterintelligence official who had been involved as saying: "Before there was Trump, there were concerns about some of the same people being around McCain about 10 years ago, and we alerted his team to those concerns and they appeared to take some defensive action."⁸ Indeed, earlier, Senator McCain's inner circle was reportedly cautioned by U.S. intelligence to distance itself from a Russian advisor who U.S. intelligence believed might have ties to the Russian military, and the McCain team subsequently asked the advisor to leave.⁹

In short, if these accounts are accurate it appears that in at least one prior presidential campaign, U.S. intelligence alerted a candidate's team about counterintelligence concerns it had regarding campaign associates' connections with Russia. This makes sense, given that sophisticated foreign intelligence services likely seek to exploit presidential campaigns through various means. The circumstances leading to those prior alerts to a campaign by U.S. intelligence seem substantially similar to the circumstances surrounding President Trump's campaign.

If the FBI did provide a defensive briefing or similar warning to the campaign, then that would raise important questions about how the Trump campaign responded. On the other hand, if the FBI did not alert the campaign, then that would raise serious questions about what factors contributed to its decision and why it appears to have been handled differently in a very similar circumstance involving a previous campaign.

³ Sara A. Carter, *Here's the Russia Influence Controversy That John McCain Doesn't Want You To Know About*, CIRCA (June 21, 2017), <https://www.circa.com/story/2017/06/21/heres-the-russia-influence-controversy-that-john-mccain-doesnt-want-you-to-know-about>; Jeffrey H. Birnbaum & John Solomon, *Aide Helped Controversial Russian Meet McCain*, WASHINGTON POST (Jan. 25, 2008), <http://www.washingtonpost.com/wp-dyn/content/article/2008/01/24/AR2008012403383.html?sid=ST2008012500226>; see also Barry Meier, *In McCain Campaign, A Lobbying Labyrinth*, NEW YORK TIMES (May 25, 2008), <http://www.nytimes.com/2008/05/25/us/politics/25davis.html?mcubz=0>.

⁴ Carter.

⁵ Birnbaum & Solomon.

⁶ Carter.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

Please provide the following information to the Committee no later than October 4, 2017:

1. Prior to the election, did the FBI provide any defensive briefings or otherwise alert Donald J. Trump, or any Trump campaign official, to warn them of potential connections between campaign officials and the Russian government?
2. If yes, please describe each instance, including:
 - a. The date, time, and place of the communication;
 - b. The names of the campaign officials who received the information;
 - c. A detailed summary of the communication; and
 - d. Any action taken by the campaign as a result.
3. If not, please explain why the FBI did not provide a briefing or other warning, including by answering the following questions:
 - a. Did the FBI contemplate providing a briefing or other warning? If so, please list all FBI personnel involved in those discussions and provide all related documents.
 - b. If a defensive briefing or other warning was contemplated, what factors informed the FBI's decision not to provide a briefing? Did the allegations against Mr. Trump contained in the unverified political opposition research dossier compiled by Christopher Steele factor into the decision?
 - c. Did the FBI share concerns with anyone else, inside or outside of the government, relating to potential connections between Trump campaign officials and the Russian government?
4. Please explain the FBI's policies and practices relating to defensive briefings to political campaigns.

Please contact Samantha Brennan of my Committee staff at (202) 224-5225 with any questions. Thank you for your cooperation on this matter.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary