

Opening Statement for House Judiciary Committee
John H. Durham, Special Counsel
(June 21, 2023 open session)

Good morning, Chairman Jordan, Ranking Member Nadler, and members of the Committee.

As the Committee knows, on May 13, 2019, Attorney General Barr directed me to conduct a preliminary review into certain matters related to federal investigations concerning the 2016 presidential election campaigns.

That review subsequently developed into several criminal investigations and gave rise to my appointment as Special Counsel.

Many of the most significant issues documented in the report, including those relating to lack of investigative discipline, failure to take logical investigative steps, and bias, are relevant to important national security interests. If repeated or left unaddressed, these issues could result in significant national security risks and further erode public faith in our justice system.

As we said in the report, our findings were sobering. While I am encouraged by some of the reforms that have been implemented by the FBI, the problems identified in the report are not susceptible to overnight fixes. As we said in the report, they cannot be addressed solely with enhanced training or additional policy requirements. Rather, what is required is accountability—both in terms of the standards to which our law enforcement personnel hold themselves, and in the consequences they face for violations of law or policy.

I am here to answer your questions to the best of my ability, and I hope to be of service to your oversight function. As I'm sure you know, the Department of Justice has advised me of what I am authorized to discuss here. In this regard, I will rely mostly on the report itself.

I do want to emphasize a few points at the outset:

First, I want to emphasize in the strongest terms that my colleagues and I carried out our work in good faith, with integrity, in the spirit of following the facts wherever they lead, without fear or favor. At no time, and in no sense, did we act with a purpose to further partisan or political ends.

Second, the findings set forth in this report are serious and deserve attention from the American public and its representatives. Let me just briefly highlight a few.

For one, we found troubling violations of law and policy in the conduct of highly consequential investigations directed at members of a presidential campaign and, ultimately, a presidential administration.

Our team comprised dedicated and experienced prosecutors and law enforcement agents who worked day in and day out on DOJ and FBI investigations—including national security matters. That such a group made these findings should be of concern to any American who cares about civil liberties, the rule of law, and the just and proportionate application of the law.

- During our investigation, we charged a former FBI lawyer who pleaded guilty to the felony offense of altering and fabricating a portion of a document used to obtain court renewal of FISA surveillance of Carter Page.
- Several of the relevant FISA applications omitted reference to relevant exculpatory information that should have been disclosed to the FISC.
- Multiple FBI personnel who signed or assisted in preparing renewal applications for that same FISA warrant acknowledged that they did not believe that the target was a threat to national security, much less a *knowing* agent of a foreign power. It appears that FBI leadership dismissed those concerns.

Another aspect of our findings concerned the FBI's failure to sufficiently scrutinize information it received or to apply the same standards to allegations it received about the Clinton and Trump campaigns.

- As our report details, the FBI was too willing to accept and use politically funded and uncorroborated opposition research like the Steele Dossier.
- The FBI relied on the dossier in FISA warrant applications knowing that it likely originated from the Clinton campaign. It did so even after the President of the United States, the FBI and CIA Directors, and others received briefings about intelligence suggesting that there was a Clinton campaign plan under way to stir up a scandal tying Trump to Russia. The accuracy of the intelligence was uncertain, but the FBI failed to analyze or assess the implications of this intelligence in any meaningful way.
- When the FBI learned that the primary source of information for the Steele dossier, Igor Danchenko, whom the FBI previously suspected of being a Russian spy, it nevertheless signed him up as a paid FBI informant without further investigating, to say nothing of resolving these espionage concerns.
- And when the FBI and Special Counsel Mueller's Office learned that Steele's primary source likely had gathered important portions of the dossier information during travel to Russia with Charles Dolan, it inexplicably decided not to interview Mr. Dolan or investigate his activities.

Finally, I would like to add that although our work exposed deeply concerning facts about the conduct of these investigations, our report should not be read to suggest that Russian election interference was not a significant threat. It was. Nor should it be read to suggest that the investigative authorities at issue no longer serve important law enforcement and national security interests. They do.

Rather, responsibility for the failures and transgressions that occurred here rest with the people who committed them or allowed them to occur. Again, to my mind, the issues raised in the report deserve close attention from the American people and their elected representatives here in Washington.

Thank you, Mr. Chairman