

United States Senate

WASHINGTON, DC 20510

May 23, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable John H. Durham
Special Counsel
Department of Justice

Dear Mr. Durham:

Thank you for your report related to the Crossfire Hurricane investigation.¹ As we continue to review the report, we noticed that several high-level former government officials directly involved in Crossfire Hurricane either declined or partially declined to cooperate with your investigation. In addition, in Footnote 13, your report noted that “some personnel” in the FBI’s Counterintelligence Division “refused to cooperate” with your review and that FBI leadership intervened to “urge those individuals to agree to be interviewed.”² Congress requires additional information with respect to this refusal to cooperate and how it ultimately concluded.

During former Special Counsel Robert Mueller’s investigation, his office “issued more than 2,800 subpoenas and executed nearly 500 search warrants[.]”³ In contrast, we understand your office “served more than 190 subpoenas under the auspices of grand juries” and “executed seven search warrants.”⁴ It seems odd that individuals would be allowed to avoid fully cooperating with your office, particularly given your authority to compel testimony and records.

In order to better understand what, if any, actions your office took to obtain information from relevant individuals, we request that you provide detailed information related to the following individuals who apparently declined to fully cooperate with your investigation:

- **James Comey**, declined to be interviewed.⁵
- **Andrew McCabe**, through his counsel, did not agree to be interviewed by your office even after your office “offered to narrow the scope of subjects to be asked about.”⁶

¹ Report on Matters Related to Intelligence Activities and Investigations Arising Out of the 2016 Presidential Campaigns, Special Counsel John H. Durham, May 12, 2023, <https://www.justice.gov/storage/durhamreport.pdf> [Hereinafter John Durham report].

² *Id.* at 4, footnote 13.

³ Mueller team issued 2,800 subpoenas in probe, Associated Press, Mar. 24, 2019, [⁴ John Durham report at 4.](https://www.10news.com/news/politics/mueller-team-issued-2-800-subpoenas-in-probe#:~:text=Mueller%20team%20issued%20%2C800%20subpoenas%20in%20probe; Report on the Investigation into Russian Interference in the 2016 Presidential Election, Special Counsel Robert S. Mueller III, Mar. 2019, https://www.justice.gov/archives/sco/file/1373816/download at 13.</p></div><div data-bbox=)

⁵ *Id.* at 80.

⁶ *Id.* at 102.

- **Peter Strzok**, agreed to provide information to your office “concerning matters related to the FBI’s Alfa Bank investigation, but otherwise declined to be interviewed by [your office] on matters related to his role in the Crossfire Hurricane investigation.”⁷
- **Bill Priestap**, agreed to provide information to your office “concerning matters related to the FBI’s Alfa Bank investigation, but otherwise declined to be interviewed by [your office] on matters related to his role in the Crossfire Hurricane investigation.”⁸
- **Kevin Clinesmith**, declined to be interviewed by [your office] or cooperate with [your office’s] investigation.⁹
- **Glenn Simpson**, of Fusion GPS declined to be interviewed.¹⁰

1. Did you subpoena any of the individuals listed above?
 - a. If yes, please provide the date of the subpoena and the information sought.
 - b. If not, why not?
2. For each subpoena issued to a federal agency, name the agency, date of the subpoena and the information sought.
3. Did the Justice Department, or any of its components, impede any of your office’s investigative activities?
 - a. If yes, please provide a detailed description of those instances.
4. Which FBI Counterintelligence personnel “refused to cooperate”? Of those, which personnel eventually cooperated?
5. Please describe how each individual “refused to cooperate.”

Please provide the information no later than May 30, 2023. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Charles E. Grassley
Ranking Member
Committee on the Budget

⁷ *Id.* at 48.

⁸ *Id.* at 50.

⁹ *Id.* at 186.

¹⁰ *Id.* at 275.

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cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget