

U.S. Sens. Johnson, Grassley: To Durham: Why did former FBI officials not cooperate with your investigation?

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WASHINGTON – On Tuesday, U.S. Sens. Ron Johnson (R-Wis.), ranking member of the Permanent Subcommittee on Investigations, and Chuck Grassley (R-Iowa), ranking member of the Committee on the Budget, sent a letter to Special Counsel John Durham raising questions about why former high-level government officials refused to cooperate with his investigation.

The senators listed the following individuals that, according to Special Counsel Durham's May 12, 2023 report, declined to fully cooperate over the course of his review relating to the FBI's Crossfire Hurricane investigation:

- **James Comey**, former FBI Director.
- **Andrew McCabe**, former FBI Deputy Director.
- **Peter Strzok**, former FBI Deputy Assistant Director for Counterintelligence.
- **Bill Priestap**, former FBI Assistant Director of the Counterintelligence Division.
- **Kevin Clinesmith**, former FBI attorney.
- **Glenn Simpson**, of Fusion GPS.

"It seems odd that individuals would be allowed to avoid fully cooperating with your

office, particularly given your authority to compel testimony and records,” **the senators wrote.**

The senators requested information about the steps the Special Counsel’s office took to obtain information from these individuals. They also asked whether the Special Counsel’s office faced any impediments from the Justice Department, or any of its components, over the course of Durham’s investigation.

The full letter can be found [here](#) and below:

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. 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.” 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[.]” In contrast, we understand your office “served more than 190 subpoenas under the auspices of grand juries” and “executed seven search warrants.” 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.
- **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.”
- **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.”
- **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.”
- **Kevin Clinesmith**, declined to be interviewed by [your office] or cooperate with [your office’s] investigation.
- **Glenn Simpson**, of Fusion GPS declined to be interviewed.

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

Charles E. Grassley

Ranking Member

Ranking Member

Permanent Subcommittee on Investigations

Committee on the Budget

cc: The Honorable Richard Blumenthal

Chairman

Permanent Subcommittee on Investigations

The Honorable Sheldon Whitehouse

Chairman

Committee on the Budget