

**Opening Statement of Chairman Ron Johnson**  
**“DOJ OIG FISA Report: Methodology, Scope, and Findings”**  
**December 18, 2019**

I want to thank Inspector General Horowitz and his team for being here, and for all your hard work and efforts preparing the report that is the main subject of our hearing today. The bipartisan praise you have already received for your efforts is well deserved, and I share those sentiments. The release of this report is an important step in providing the public answers to many of the questions that have festered for far too long. But as thorough as this report is, its scope is also narrow, and many important questions remain unanswered.

Much attention has been paid to the report’s conclusion that the Crossfire Hurricane investigation did have adequate predicate, but that inaccuracies and omissions in the FISA application and renewals call into question the integrity of that process. Yesterday’s order by the presiding judge of the Foreign Intelligence Surveillance Court is a dramatic rebuke, and underscores how serious the FISA warrant abuses are. But I would argue that, based on what the report reveals about early knowledge within the FBI, we should be asking a more fundamental question: At what point should the investigation into possible collusion between Russia and the Trump campaign have been shut down?

Although the IG concluded the investigation was properly initiated, the consensual monitoring of Trump campaign officials conducted in the first six weeks did not result in “the collection of any inculpatory information.” But rather than shut it down or use the “least intrusive” methods, the FBI ramped it up. Confidential human sources became FISA wiretaps, top FBI officials argued — disagreeing with the CIA — for inclusion of the unverified and salacious Steele dossier into the body of the Obama administration’s Intelligence Community Assessment, and, finally, the FBI investigation ballooned into a Special Counsel investigation. As a result, the Trump administration was tormented for over two years by an aggressive investigation and media speculation — all based on a false narrative — and our nation has become even more divided.

For anyone who is willing to take the time, the report is a devastating account of investigative and prosecutorial negligence, misconduct, and abuse of the FISA Court process by FBI and Department of Justice officials. The most disturbing revelations of the IG investigation include reports of doctoring and using an email to mislead the FISA court, ignoring the fact that exculpatory evidence was obtained during surreptitious recording of investigation targets, deciding not to provide a defensive briefing to the Trump campaign, planting an FBI investigator in an intelligence briefing for candidate Trump under false pretenses, and withholding known and significant credibility problems related to the Steele dossier.

With these abuses in mind, and in light of what became known early in the investigation, I strongly believe Crossfire Hurricane should have been shut down within the first few months of 2017. Had the public known what the FBI knew at that time, it’s hard to imagine public support for continuing the investigation, much less the appointment of a special counsel four months later. Investigations into

Russian hacking, Paul Manafort, and Michael Cohen should have continued using normal FBI and DoJ procedures. But with a sufficiently informed public, and an FBI and DoJ that rigorously followed their own procedures, this national political nightmare could have been avoided.

Which raises the question: Why wasn't the public properly informed? Some of the reasons are now obvious; some are speculative. What is obvious is that certain FBI and Department of Justice officials were not truthful or "scrupulously accurate" in their filings. Also, as this committee's majority staff report on leaks in the first four months of the Trump administration shows, an unprecedented number of leaks — 125 in the first 126 days — helped fuel the false narrative of Trump campaign collusion with Russia. The media was either duped by, or complicit in, using those leaks to perpetuate that false narrative.

The role of other Obama administration officials and members of the intelligence community is murky and unknown — but legitimate suspicions and questions remain and must be answered. For example, who initiated the contacts between Joseph Mifsud, Alexander Downer, Stefan Halper and Azra Turk with George Papadopolous? Was the January 6th intelligence briefing given to President-elect Trump by James Comey, John Brennan and James Clapper orchestrated to provide a justification for the news publication of the Steele dossier? The fact that the involvement of others outside the FBI and Justice Department remains murky and unknown after an 18-month inspector general investigation is not criticism of his work but speaks to the statutory limitations of inspectors general that should be evaluated and reassessed for reform.

Another question that needs to be asked is: Who will be held accountable? During his investigation of the FBI's handling of the Clinton email scandal, the inspector general uncovered a treasure trove of unvarnished evidence of bias in the form of texts between FBI officials Peter Strzok, Lisa Page and others. Were it not for the discovery of those texts, would we even be here today reviewing an IG investigation of these stunning abuses of prosecutorial power? I doubt it. The officials involved in this scandal had plenty of time to rehearse their carefully crafted answers to the IG's questions, or to use time as an excuse for their lack of recall. For example, on significant issues described in the report, Andrew McCabe told IG investigators 26 times that he did not recall.

Some of those involved are even claiming vindication as a result of the IG report. I appreciate Mr. Horowitz's testimony last week in which he stated about his report, "It doesn't vindicate anybody at the FBI who touched this — including the leadership."

Finally, I would argue that the process for investigating and adjudicating alleged crimes within the political realm is completely backward. Congressional oversight and therefore public awareness end up being the last step in the process instead of the first. Once a criminal or special counsel investigation begins, those investigations become the primary excuse for withholding information and documents from congressional oversight and public disclosure.

In order to avoid a repeat of unnecessary special counsels or improper investigations of political scandals, I would suggest that Congress should increase its demands for obtaining documentary evidence — concurrently with criminal investigations, if necessary — and hold hearings early in the process. This would result in more timely transparency while preserving an adversarial process to provide political balance and fairness. If possible criminal acts are found during congressional oversight, they can be referred to the Justice Department for further investigation. If conflicts of interest exist that prevent a fair adjudication by the Justice Department, then a special counsel can be appointed, but only as a last resort, not the first.

I'm sure we will spend most of today's hearing discussing the Crossfire Hurricane investigation and the inspector general's report on it. But I do hope we can spend some time discussing some of the other the issues I have just raised. Regardless, our oversight on the events involved with and surrounding the FBI Midyear Exam and Crossfire Hurricane investigations will continue until I am satisfied all the important and relevant questions have been answered.