



# THE DURHAM REPORT

*Top 10 Key Takeaways*



On May 12, 2023, U.S. Department of Justice Special Counsel John Durham released a report on matters related to intelligence activities and investigations arising out of the 2016 presidential election. The report was a scathing review of the FBI's lack of fidelity and merit in pursuit of politics, and the findings and conclusions are sobering, as is the lack of coverage they have received. Here at the America First Policy Institute, we believe in transparency in the government of the people, by the people, and for the people, and stand against the unequal application of the law in the two-tiered justice system. We have thoroughly reviewed the 306-page report and provided the **key takeaways all Americans should know.**



# 01

## **The FBI lacked viable evidence or intelligence to support the opening of the 2016 Crossfire Hurricane investigation into the Trump campaign.**

The FBI opened Crossfire Hurricane in 2016 at the direction of Deputy Director Andrew McCabe and Deputy Assistant Director for Counterintelligence Peter Strzok, who had previously expressed hostile feelings towards Donald Trump. The Durham Report found that the FBI opened this investigation *“without (i) any significant review of its own intelligence databases, (ii) collection and examination of any relevant intelligence from other U.S. intelligence entities, (iii) interviews of witnesses essential to understand the raw information it had received or (iv) using any of the standard analytical tools typically employed by the FBI in evaluating raw intelligence. Had it done so,...the FBI would have learned that their own experienced Russia analysts had no information about Trump being involved with Russian leadership officials, nor were others in sensitive positions at the CIA, the NSA, and the Department of State aware of such evidence concerning the subject.”*

# 02

**The Clinton campaign contracted Christopher Steele to conduct opposition research on Trump, and the Steele reports formed the crux of Crossfire Hurricane.**

Crossfire Hurricane was opened due to “Company Intelligence Reports” generated by Christopher Steele, an FBI Confidential Human Source and former intelligence official for the British government. Before the reports were provided to the FBI, *“Perkins Coie, a U.S.-based international law firm, acting as counsel to the Clinton campaign, retained Fusion GPS, a U.S.-based investigative firm, to conduct opposition research on Trump and his associates. In mid-May 2016, Glenn Simpson of Fusion GPS met with Steele in the United Kingdom and subsequently retained Steele and his firm, Orbis Business Intelligence (“Orbis”), to investigate Trump’s ties to Russia.”*



# 03

**With no evidence on which to base their inquiries, FBI senior officials expeditiously and selectively chose to investigate the Trump campaign while ignoring Clinton-related controversies.**

*“The speed and manner in which the FBI opened and investigated Crossfire Hurricane during the presidential election season based on raw, unanalyzed, and uncorroborated intelligence also reflected a noticeable departure from how it approached prior matters involving possible attempted foreign election interference plans aimed at the Clinton campaign.”*

# 04

**FBI officials who were directly involved with Crossfire Hurricane had political biases against Trump and ultimately failed to fulfill their promise to uphold the rule of law.**

*“From even before the opening of Crossfire Hurricane, some of those most directly involved in the subsequent investigation had (i) expressed their open disdain for Trump, (ii) asked about when they would open an investigation on Trump, and (iii) asserted that they would prevent Trump from becoming President. As discussed throughout this report, our investigation revealed that the stated basis for opening a full investigation “to determine whether individual(s) associated with the Trump campaign [were] witting of and/or coordinating activities with the Government of Russia” was seriously flawed. These biases appear to have extended far beyond typical personal biases and likely factored into how the investigation was conducted.”*

# 05

**In 2016, then-Vice President Biden received a White House briefing on the Clinton campaign plan to vilify Trump by connecting Trump to Putin in order to distract voters from Clinton's private email servers.**

*“On August 3, 2016, within days of receiving the Clinton Plan intelligence, (CIA) Director Brennan met with the President (Obama), Vice President (Biden) and other senior Administration officials, including but not limited to the Attorney General (Loretta Lynch, who participated remotely) and the FBI Director (James Comey), in the White House Situation Room to discuss Russian election interference efforts. According to Brennan’s handwritten notes and his recollections from the meeting, he briefed on relevant intelligence known to date on Russian election interference, including the Clinton Plan intelligence. Specifically, Director Brennan’s declassified handwritten notes reflect that he briefed the meeting’s participants regarding the “alleged approval by Hillary Clinton on 26 July of a proposal from one of her [campaign] advisors to vilify Donald Trump by stirring up a scandal claiming interference by the Russian security services.”*



# 06

**No Crossfire Hurricane investigators took action to vet the Clinton intelligence plan, which stands in sharp contrast to how they relied on the uncorroborated Steele reports to open the investigation.**

*“The Office located no evidence that in conducting the Crossfire Hurricane investigation the FBI considered whether and how the Clinton Plan intelligence might impact the investigation. No FBI personnel who were interviewed by the Office recalled Crossfire Hurricane personnel taking any action to vet the Clinton Plan intelligence.*

*This stands in sharp contrast to its substantial reliance on the uncorroborated Steele Reports, which at least some FBI personnel appeared to know was likely being funded or promoted by the Clinton campaign... Nor did the Office identify any evidence that the FBI disclosed the contents of the Clinton Plan intelligence to the OI attorneys working on FISA matters related to Crossfire Hurricane.”*



# 07

**Crossfire Hurricane investigators claimed to have never seen the Clinton intelligence or the CIA referral memo. If they had been aware of this information, they likely would have been much more skeptical.**

*“The Office showed portions of the Clinton Plan intelligence to a number of individuals who were actively involved in the Crossfire Hurricane investigation. Most advised they had never seen the intelligence before, and some expressed surprise and dismay upon learning of it.”*

# 08

**FBI personnel forged pertinent information on its application for a FISA warrant, and then intentionally and egregiously lied, sidestepping critical requirements for renewing the warrant for a wiretap.**

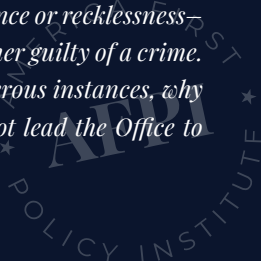
*“According to the reports, important connections between Trump and Russia ran through campaign manager Paul Manafort and foreign policy advisor Carter Page...The reports played an important role in applications submitted to the FISC targeting Page, a U.S. person. The FBI relied substantially on the reports to assert probable cause that Page was knowingly engaged in clandestine intelligence activities on behalf of Russia, or knowingly helping another person in such activities. The FBI was not able to corroborate a single substantive allegation contained in the Steele Reports, despite protracted efforts to do so. The Steele Reports themselves, however, were not the only issue that we considered in connection with the Page FISA applications. The Durham Report further recommends the FBI should apply more scrutiny for FISAs warrant application and access to Foreign Intelligence Surveillance Courts to safeguard politically sensitive investigations.”*



# 09

## **FBI senior officials were not and seemingly cannot be held legally accountable for using political biases.**

*“Conducting this investigation required us to consider U.S. criminal laws, the Constitutional protections our system provides to individuals, and the high burden placed on the government to prove every element of a crime “beyond a reasonable doubt.” Moreover, the law does not always make a person’s bad judgment, even horribly bad judgment, standing alone, a crime. Nor does the law criminalize all unseemly or unethical conduct that political campaigns might undertake for tactical advantage, absent a violation of a particular federal criminal statute. Finally, in almost all cases, the government is required to prove a person’s actual criminal intent—not mere negligence or recklessness—before that person’s fellow citizens can lawfully find him or her guilty of a crime. The Office’s adherence to these principles explains, in numerous instances, why conduct deserving of censure or disciplinary action did not lead the Office to seek criminal charges.”*



# 10

## **Individuals with information critical to Durham's investigation tried to avoid interviews and subpoenas or provided information under a grant of immunity.**

The Durham Report acknowledged, that despite extensive interviews, research, and analysis, legal immunity and a lack of cooperation by some sources prevented the Special Counsel from providing answers to all key questions. *"...some only provided information under a subpoena or grant of immunity" and "some individuals who, in our view, had important and relevant information about the topics under investigation refused to be interviewed or otherwise cooperate with the Office."*

**The U.S. Congress should consider using a full range of oversight authorities, including subpoenas for Congressional testimony, to continue uncovering the remaining findings, because all Americans deserve to know the truth.**



*Justice is Supposed to be Blind*



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