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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 11 2019

The Honorable Richard Burr
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

The Honorable Mark Warner
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Chairman Burr and Vice Chairman Warner:

This letter concerns a request for information to the Senate Select Committee on Intelligence (Committee) from United States Attorney John Durham related to his ongoing review into certain activities involving the campaigns in the 2016 U.S. presidential election and certain related matters (Review). The Review is broad in scope and multifaceted, and is intended to answer open questions regarding the activities of U.S. and foreign intelligence services as well as non-governmental organizations and individuals. As you know, in 2016, the U.S. government and others undertook certain intelligence-gathering and investigative steps directed at persons associated with the Trump Campaign. Mr. Durham's Review addresses questions relating to the origins of this counter-intelligence investigation and the U.S. and foreign intelligence activities that took place prior to and during that investigation. The Review endeavors to determine whether the investigation complied with applicable policies and federal criminal statutes.

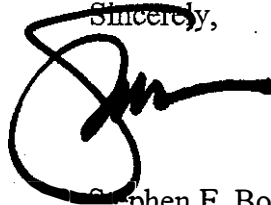
On May 24, 2019, the President issued a memorandum concerning the Review, which directed that "[t]he heads of elements of the intelligence community . . . and the heads of each department or agency that includes an element of the intelligence community shall promptly provide such assistance and information as the Attorney General may request in connection with that review." Since that time, the Review team has sought and is reviewing information relevant to its mandate. Moreover, as the Attorney General has stated publicly, he has consulted and is working in close coordination with the U.S. intelligence community in conducting the Review. The Review is a collaborative, whole-of-government approach to collecting and analyzing relevant information to ensure the integrity and efficacy of our collective mission of protecting the nation.

United States Attorney Durham has learned that the Committee has documents in its possession that are material to the Review. Several individuals have declined a request for a voluntary interview. Certain of those individuals asked that the Review team first obtain a copy of their testimony or interview before the Committee and then decide whether an additional interview is needed. Others have simply cited to their testimony as a reason for declining the interview request. Thus, access to the interview transcripts in your possession would significantly advance the Review. We appreciate that this request relates to sensitive information that may touch on equities in the intelligence community. Mr. Durham, therefore, would initially like to understand who has provided testimony or been interviewed in order to then make a focused request for information. In addition, the Review team will agree to review the material under a process that addresses our mutual goal of protecting classified information by preventing the unwarranted disclosure of sensitive sources, methods, techniques and materials where such disclosure would endanger the personal safety of U.S. government employees or friendly foreign partners, harm U.S. national security interests, or compromise the ability of U.S. government agencies to conduct their extremely important efforts to protect the American people.

We appreciate your support and would be most grateful for any potentially responsive information you can share with Mr. Durham pursuant to his request.

Please do not hesitate to contact me if you have any additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Boyd', written over the word 'Sincerely,'.

Stephen E. Boyd
Assistant Attorney General

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United States Senate

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WASHINGTON, DC 20510-6476

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September 13, 2019

VIA ELECTRONIC MAIL

Mr. John H. Durham
U.S. Attorney for the District of Connecticut
Connecticut Financial Center
157 Church Street
Floor 25
New Haven, CT 06510

Re: Request for Committee Materials

Dear Mr. Durham:

We write in response to a letter the Committee received from the Department of Justice (DOJ) dated September 11, 2019, which the Committee received today.¹

The letter states, in pertinent part, that you are requesting information from the Committee related to your “ongoing review into certain activities involving the campaigns in the 2016 U.S. presidential election and certain related matters....”² Your Review is described as “broad in scope” and “multifaceted” which makes it difficult to ascertain the focus of your efforts, or to evaluate the claim that the Committee’s materials may be relevant.³ As we have communicated to Main Justice, and as we are now communicating directly to you, a process exists by which you or your team may request access to Committee information.⁴

Below is the process the Committee used when fielding requests for information from the Office of Special Counsel, which we will also adhere to when fielding your request. In order to obtain access to any Committee information, the Committee requires that:

- 1) You appear before Chair, Vice Chair, Staff Directors, and Committee counsel to brief the Committee on the scope and authorities of any valid criminal investigation related to your request for Committee materials;
- 2) Your team submits to Committee staff a list of materials you would like to access; and,

¹ September 11, 2019, Letter from Stephen Boyd to the Committee.

² Ibid.

³ Ibid.

⁴ Senate rules constrain both how the Committee can release “Senate papers” and how the Committee must behave in relation to requests for cooperation in a federal criminal investigation.

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- 3) To the extent that any of the materials in item 2 above are Committee interview transcripts, the Committee must be able to obtain written consent from the pertinent witnesses prior to your review. If the Committee is unable to obtain prior written consent from the witness, the transcript will not be provided.

If you or your staff have any questions related to this letter, please contact Chris Joyner or Mike Casey of the Committee staff at 202-224-1700.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

cc: Stephen Boyd, AAG, Office of Legislative Affairs

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