

Congress of the United States
Washington, DC 20515

February 6, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and
Government Reform
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Devin Nunes
Chairman
Permanent Select Committee
on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairmen:

We are writing to request that you hold a transcribed interview with the “confidential informant” you have been withholding from us for more than three months—and who formed the basis for your joint decision to resuscitate an old investigation into debunked claims relating to Uranium One and former Secretary of State Hillary Clinton.

Over the past several months, Republicans have been talking directly to this individual while refusing to grant Democratic Members access, despite multiple requests. During this same time period, Republicans have been making wild and unsubstantiated allegations against Secretary Clinton on national television based on this individual’s information.

In contrast, the Department of Justice has now provided us with a detailed briefing that directly contradicts these Republican allegations. This information is described below.

Last week, your staff notified us that you finally plan to bring in your confidential informant for an interview this week. However, they also informed us that you have decided not to have a transcript of the interview that would provide a full and complete record of his statements and his answers to the questions posed. Given the ferocity of public accusations Republicans have made based on this individual’s information, combined with the new information we have obtained from the Justice Department contradicting those allegations, we respectfully request that this interview be transcribed.

Partisan Investigation Launched Directly After President’s Tweets

On October 22, 2017—more than three months ago—Republican Oversight Committee Member Ron DeSantis appeared on *Fox News* to publicly announce that we were launching a new investigation based on “explosive” new evidence from the confidential informant. Specifically, this informant would demonstrate how Secretary Clinton masterminded a plan to orchestrate the unanimous decision in 2010 by all nine member agencies of the Committee on Foreign Investment in the United States (CFIUS) regarding Uranium One.

Rep. DeSantis claimed:

We have the money that went to Bill Clinton for the speech, the half a million dollars. Millions of dollars to the Foundation from sources connected with Uranium One. And then you have the approval of the deal on the CFIUS board, which Hillary Clinton was a member of, in 2010. So you do have the quid, you have the quo. This informant, I believe, would be able to link those two together.¹

During his interview, Chairman DeSantis stated: "I've been able to speak with the confidential informant that helped the FBI uncover this bribery scheme. I've spoken with his attorney, and this informant wants to tell his story."²

On October 26, 2017, Chairman Nunes also went on *Fox News* and claimed that the Uranium One issue was "just another black eye, I think, for our intelligence agencies that, quite frankly, look like they had been weaponized at this point by the Democratic Party."³

Rep. DeSantis' and Rep. Nunes' statements came less than a week after a series of tweets from President Trump on these same allegations. On October 19, 2017, President Trump tweeted: "Uranium deal to Russia, with Clinton help and Obama Administration knowledge, is the biggest story that Fake Media doesn't want to follow!"⁴ He also tweeted: ".@foxandfriends 'Russia sent millions to Clinton Foundation.'"⁵

These claims have been debunked repeatedly by numerous organizations, including the *Washington Post* Fact Checker,⁶ PolitiFact,⁷ and *Fox News* anchor Shepard Smith.⁸

¹ *America's News HQ*, Fox News (Oct. 22, 2017) (online at <http://video.foxnews.com/v/5621831993001>).

² *Id.*

³ *Your World*, Fox News (Oct. 26, 2017) (online www.foxnews.com/transcript/2017/10/26/nunes-dems-made-russia-successful-at-election-interference.html).

⁴ Donald J. Trump@realDonaldTrump, Twitter (Oct. 19, 2017) (online at <https://twitter.com/realDonaldTrump/status/920972261032648705>).

⁵ Donald J. Trump@realDonaldTrump, Twitter (Oct. 19, 2017) (online at <https://twitter.com/realDonaldTrump/status/920988223362469891>).

⁶ *The Facts Behind Trump's Repeated Claim About Hillary Clinton's Role in the Uranium One Deal*, Washington Post (Oct. 26, 2016) (online at www.washingtonpost.com/news/fact-checker/wp/2016/10/26/the-facts-behind-trumps-repeated-claim-about-hillary-clintons-role-in-the-russian-uranium-deal/) (awarding the claim "Four Pinocchios").

⁷ *Donald Trump Inaccurately Suggests Clinton Got Paid to Approve Russia Uranium Deal*, PolitiFact (June 30, 2016) (online at www.politifact.com/truth-o-meter/statements/2016/jun/30/donald-trump/donald-trump-inaccurately-suggests-clinton-got-pai/#atthead) (rating the claim as "mostly false").

⁸ *Shepard Smith Reporting*, Fox News (Nov. 14, 2017) (online at <http://video.foxnews.com/v/5646426075001>).

Refusal to Provide Access to Your Informant

Over the past three months, we have asked repeatedly for access to your informant, but you have refused all of our requests without any legitimate explanation.

On October 26, 2017, Chairman Nunes claimed on *Fox News* that he had been receiving information from the informant “for several months”:

We have been working with this informant for several months who has been in contact with us. He wanted the ability to come forward. He had very interesting information, most importantly, that there was an open FBI investigation dating back to as early as 2010.⁹

On November 3, 2017, Chairman Nunes appeared again on *Fox News* and insisted that we would interview the informant as part of this investigation: “So we now have permission to interview this witness who has come forward and brought us information.”¹⁰

Based on this record, on November 7, 2017, Ranking Member Cummings wrote to Chairman Gowdy to request access to his confidential informant.¹¹ Chairman Gowdy ignored the letter and did not provide any Democratic Members with access to the individual.

On November 15, 2017, Ranking Member Cummings sent another letter to Chairman Gowdy, writing:

This is not a responsible way to conduct an investigation. I do not know why you are hiding this former informant, despite the fact that the FBI has authorized the individual to speak to both Republicans and Democrats. However, your refusal to allow Members of our Committee to speak with this individual and to evaluate this individual’s claims raises serious questions about the credibility of the Committee’s investigation.¹²

Again, Chairman Gowdy ignored this request and refused to make his informant available to Democratic Members. Shortly thereafter, Chairman Nunes again touted his own interactions with the informant, stating publicly that “this informant now is beginning to provide

⁹ *Your World*, Fox News (Oct. 26, 2017) (online www.foxnews.com/transcript/2017/10/26/nunes-dems-made-russia-successful-at-election-interference.html).

¹⁰ *Fox and Friends*, Fox News (Nov. 3, 2017) (online at <http://video.foxnews.com/v/5634199948001/?#sp=show-clips>).

¹¹ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Nov. 7, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2017-11-7.%20EEC%20to%20TG%20re.Uranium%20one.pdf>).

¹² Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Nov. 15, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2017-11-15.EEC%20to%20Gowdy%20re.%20Uranium%20One.pdf>).

us information.”¹³

In the meantime, multiple press reports began to raise serious concerns about the credibility of your informant, who has since publicly identified himself in the press as Douglas Campbell.¹⁴ For example:

- *Reuters* reported: “Federal prosecutors were ready to use Campbell as a star witness against Mikerin, but they backed away after defense attorneys raised questions about Campbell’s credibility.”¹⁵
- *Yahoo News* reported that federal officials “have serious questions about the credibility” of the informant, who “was considered so unreliable that prosecutors dropped him as a witness in an unrelated case involving Russian uranium sales.”¹⁶

Briefings from the Justice Department

On December 15, 2017, senior officials from the Department of Justice conducted an unclassified briefing for both Democratic and Republican staff on the Oversight Committee and the Intelligence Committee on the activities of your confidential informant during the investigation and prosecution of Vadim Mikerin, a former Russian official with a subsidiary of Russia’s State Atomic Energy Corporation known as Tenex.

During our briefing with the Justice Department, agency officials confirmed that career attorneys initially planned to build their case against Mr. Mikerin based on evidence provided by this individual. However, they told us that they began to have “serious credibility concerns” because of “inconsistencies” between the individual’s statements and documents they obtained as part of the investigation.

After interviewing the individual and reviewing the documents they had obtained, prosecutors determined that there was a “high chance” that he had begun engaging in illegal activity earlier than he initially disclosed—and that he had concealed those actions from the FBI.

As a result, Justice Department officials working the case began to have “serious concerns” with using the individual as a witness. They “assessed” that the individual “would not

¹³ *Remarks of Congressman Devin Nunes*, David Horowitz Freedom Center’s 2017 Restoration Weekend (Nov. 16-19, 2017) (online at www.frontpagemag.com/fpm/268524/rep-devin-nunes-demolishes-russian-collusion-frontpagemag.com).

¹⁴ *Informant in GOP Uranium Probe Identified as Ex-Lobbyist*, The Hill (Nov. 16, 2017) (online at <http://thehill.com/homenews/news/360648-secret-witness-in-gop-probe-of-obama-era-uranium-deal-revealed-as-ex-lobbyist>).

¹⁵ *Exclusive: Secret Witness in Senate Clinton Probe is Ex-Lobbyist for Russian Firm*, Reuters (Nov. 16, 2017) (online at www.reuters.com/article/us-usa-clinton-informant-exclusive/exclusive-secret-witness-in-senate-clinton-probe-is-ex-lobbyist-for-russian-firm-idUSKBN1DG1SB).

¹⁶ *Doubts Surface About Key Witness in Uranium One Probe of Clinton*, Yahoo News (Nov. 17, 2017) (online at www.yahoo.com/news/doubts-surface-key-witness-uranium-one-probe-clinton-203614558.html).

present as a good witness” and “did not want to rely on him at trial.”

Because Justice Department officials could not trust this individual, they decided instead to pursue alternate charges against Mr. Mikerin that would not rely on his testimony.

During our briefing, Justice Department officials told us that it was a “godsend” that they had another avenue to charge Mr. Mikerin that relied on evidence other than this individual’s testimony. Mr. Mikerin ultimately was sentenced to 48 months in prison in 2015 for money laundering and violating the Foreign Corrupt Practices Act.¹⁷ Justice Department officials confirmed that they do not plan to use the testimony of this individual in any future prosecution.

Most importantly, Justice Department officials explained that this individual never provided any evidence or made any allegations regarding Secretary Clinton or the Clinton Foundation in any of their interactions with him.

They stated unequivocally: “at no point did [the individual] provide any allegation of corruption, illegality, or impropriety on Clinton, the Clinton Foundation, President Clinton, the Uranium One deal, or CFIUS.” They also confirmed that there were “no allegations of impropriety or illegality” regarding Secretary Clinton in any of the documents they reviewed.

Finally, on December 11, 2017, senior officials from the FBI also conducted a joint briefing in a classified setting for both Democratic and Republican staff on the Oversight Committee and the Intelligence Committee. Under separate cover, we have requested that the FBI conduct a classification review of our summary of that meeting, and we await the FBI’s response.

Conclusion

This key information from the Justice Department is directly at odds with the wild claims made by Republicans alleging that your informant would directly implicate Secretary Clinton by proving a Russian “quid pro quo” for orchestrating the unanimous decision in 2010 by all nine member agencies of CFIUS regarding Uranium One.

For the reasons set forth above, we believe it is critical to have a transcript made of our interview with your confidential informant later this week.

¹⁷ Department of Justice, *Former Russian Nuclear Energy Official Sentenced to 48 Months in Prison for Money Laundering Conspiracy Involving Foreign Corrupt Practices Act Violations* (Dec. 15, 2015) (online at www.justice.gov/opa/pr/former-russian-nuclear-energy-official-sentenced-48-months-prison-money-laundering-conspiracy).

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform



Adam Schiff
Ranking Member
Permanent Select Committee on
Intelligence