

**U.S. Senate Committee on Homeland Security and Governmental Affairs Hearing
“Congressional Oversight in the Face of Executive Branch and Media Suppression: The
Case Study of Crossfire Hurricane.”**

**Prepared Statement for the record by Kevin R. Brock, retired FBI Agent, Assistant
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During my nearly 24 year career in the FBI, I investigated and managed numerous significant counterintelligence (CI) cases. At one point, I supervised a CI squad in a city that had a Russian Consulate. As a senior FBI executive, I led a restructuring of the FBI’s various informant programs and completely rewrote all policy manuals. I coined the phrase Confidential Human Source (CHS) now in use today. I also initiated and named the FBI’s “Delta” program for managing CHS’s.

Accordingly, I worked closely with the Department of Justice (DOJ) to align new FBI policy changes with the Attorney General Guidelines (AGG.) As a result, I had a deep knowledge and understanding of the AGG throughout my career and, while certain changes may have occurred to the AGG since my retirement, I retain a solid understanding of the AGG’s core protections of Americans from inappropriate overreach by the FBI.

As a former FBI executive and now private citizen, I have authored several op-ed articles critical of the actions of fired FBI Director James Comey, fired FBI Deputy Director, Andrew McCabe, and fired FBI Deputy Assistant Director Peter Strzok and their initiation and handling of the Crossfire Hurricane investigation and the harm their actions did to U.S citizens aligned with the Trump campaign.

In addition, I have been similarly critical of the stunningly inappropriate actions of former Director Comey that objectively impacted the Hillary Clinton campaign leading up to the presidential election in 2016.

In short, I have been speaking up, at some personal risk, not for political reasons but rather out of my concern that the integrity of the FBI and the trust that the American people have traditionally placed in the FBI have been imperiled by the faulty and reckless actions of those former FBI leaders. I do not speak on behalf of the FBI nor any current or former FBI employee, only myself. I have, however, received abundant and overwhelmingly positive feedback from current and former FBI personnel concerned for the future of the FBI.

Let me be as clear as possible: these disgraced former FBI executives never should have opened the Crossfire Hurricane investigation. They did not, despite the DOJ Inspector General’s subsequent comments to the contrary, have adequate predication (articulable reasons) for starting an intrusive investigation into U.S. citizens. Their own documentation demonstrates this.

The document that opened Crossfire Hurricane is oddly constructed compared to other counterintelligence investigations. It is authored and approved by Peter Strzok who was a Section Chief in the CI Division at that time.¹ It is worth noting that the Crossfire Hurricane case was opened and largely run by a tight-knit team operating out of FBI headquarters. It is

¹ Strzok told the IG that he authored and approved the Crossfire Hurricane opening communication because he believed there was a time urgency (IG Report “Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation” - hereafter “IG Report,” pg 58) This explanation makes no sense in an agency that handles thousands of time sensitive investigations using routine protocols.

difficult to overstate how unusual this was compared to all other FBI investigations which are conducted by an FBI field office. The subsequent explanations by Crossfire Hurricane principals that attempted to justify this highly anomalous arrangement were unconvincing and only stoked suspicions that ulterior motives were a factor.

Strzok opened Crossfire Hurricane as a Foreign Agent Registration Act (FARA) violation under the Counterintelligence Program. The vast majority of CI cases against U.S. citizens are opened as a Preliminary Investigation where investigative techniques are limited — this reflects a primary AGG principle that the least intrusive investigative steps should be utilized initially. The opening document arguably contains no information justifying even a Preliminary Investigation, and yet the Crossfire Hurricane team opened the case as a Full Investigation where the entire spectrum of intrusive investigative tools may be deployed immediately.

To open a Full Investigation under the AGG an even higher bar of articulable indications of damage to national security and cooperation with a foreign power must be cited and, in this case, some type of indication that members of the Trump campaign were acting as agents of Russia and that they failed to register as such. The opening document lists no facts supporting a FARA case and names no one as a suspect.

The subsequent IG investigation of the Crossfire Hurricane case stated that it was not the IG's role to second guess whether the case should have been opened.² Yet, the IG went on to conclude that there was sufficient basis to do so.³ The IG apparently reached this conclusion after interviewing only the Crossfire Hurricane team members who all said that they had sufficient reasons.⁴ It would be startling if they claimed otherwise.

In fairness to the IG, his ambit is limited and a more fulsome investigation is not within his authorized capabilities. I respectfully disagree with the IG's conclusion regarding the sufficiency of predication for Crossfire Hurricane and its four spinoff investigations. I am confident that a roomful of experienced FBI counterintelligence agents and supervisors, solidly familiar with the AGG, would struggle to approve that opening document, as written, even as a preliminary let alone full investigation.⁵

The Crossfire Hurricane team members told the IG that they believed they had no choice but to investigate whether a potential president was cooperating with the Russians to damage a political opponent, therefore presenting a grievous threat to national security and a foreign attempt to interfere with an election.⁶ They based this on nothing more than a fourth-hand hearsay "suggestion" by the Russians that the Russians could provide information to the

² IG Report; Executive Summary pg i

³ IG Report, Executive Summary, pg iii

⁴ IG Report; pg 54

⁵ It could be argued that a preliminary investigation be allowed for the express and sole purpose of interviewing George Papadopoulos to gain clarification on the hearsay information. That would be a more normal FBI course of action which the Crossfire Hurricane team decided against, citing overwrought and unreasonable fears of tipping off imagined conspiring actors. See IG Report, pg 55

⁶ IG Report, pg 53, 54

Trump campaign that would be harmful to the Clinton campaign.⁷ The IG verified that the team possessed no other information that contributed to the opening of the case.⁸

It is vitally important to note that the FBI's Crossfire Hurricane opening document also included statements that it was not clear that the Trump campaign ever acted on the Russian "suggestion" and that the Russians would release the harmful information "with or without Mr. Trump's cooperation."⁹ So, in addition to the lack of any compelling articulable facts upon which a case could be legitimately opened, there were also present in the document two powerfully exculpatory statements that should have immediately ended any effort to justify an intrusive investigation of Americans.

The Crossfire Hurricane team explained to the IG that they nonetheless felt compelled to determine if anyone in the Trump campaign "may have...received" the Russian information.¹⁰ Lacking any evidence — and admitting such in their own opening document — the team, nevertheless, proceeded to simply speculate who "may have" accepted the Russian offer and subsequently opened up full investigations on four Americans. This is unconscionable and a direct abuse of FBI authorities.

Ironically, less than two months after opening the Crossfire Hurricane case, the Crossfire Hurricane team received a dossier of information that was damaging to the Trump campaign. The dossier was sourced to Russian sub-sources, who the FBI later determined to be part of a Russian disinformation effort that was provided to the Clinton campaign.¹¹ The Clinton campaign not only accepted the Russian disinformation designed to interfere with the election, they actually paid for it.

Using the same logic and standards they applied to the Trump campaign, the Crossfire Hurricane team logically should have been expected to open a similar CI case into the Clinton campaign. After all, there was a far more robust fact pattern of U.S. citizen cooperation with Russian intelligence exhibited by the Clinton campaign.¹² The team's failure to do so is a startling double standard that the Crossfire Hurricane team has not addressed, or been adequately asked to address, and it remains a major contributing factor to the perception of political bias that has so damaged the FBI's reputation.

The Crossfire Hurricane team not only did not investigate the Clinton campaign, they instead used the Russian disinformation in the dossier to extend the baseless Crossfire Hurricane investigation and, incredulously, justify an abusive and fraudulent FISA surveillance of one of the Trump campaign members who the team speculated might have accepted the Russian's "suggestion." The malfeasance of this FISA surveillance pursuit by the Crossfire Hurricane team has been well-established by the IG.

⁷ To wit: the FBI received information from a friendly foreign government who received information from George Papadopoulos who claimed the Trump campaign had received "some kind of a suggestion" from the Russians that they possessed damaging information

⁸ IG Report, pg 57

⁹ IG Report, pg 52

¹⁰ IG Report, pg 59

¹¹ IG Report, footnote #350

¹² In my opinion, even the more substantial fact pattern of cooperation between Russian intelligence and the Clinton campaign would not merit a full FBI CI investigation. It resolves more as political chicanery rather than a legitimate threat to national security. Common sense that should have been similarly applied to Crossfire Hurricane.

In perhaps the most startling and shameful action linked to the Crossfire Hurricane investigation, James Comey, as Director of the FBI, characterized the dossier to the president and, later, congress, as a “salacious and unverified” report while at the same time approving its largely exclusive use as justification for the FISA surveillance of Carter Page. In effect, Comey, McCabe, and Strzok’s cynical use of a clear Russian disinformation campaign became its own threat to national security and civil liberties.

James Comey, in a final exhibition of a series of poor judgments, intentionally, admittedly, and perhaps criminally leaked FBI documentation to the press in order to ensure that a Special Counsel was appointed to continue the unfounded Crossfire Hurricane investigation which, after nearly a year, remained a speculative theory unsupported by any developed facts.

In a weak and sad capitulation to Comey’s cynical efforts, DOJ authorized a Special Counsel to “examine any links or coordination” between the Trump campaign and the Russian government. This was a second abuse of the AGG since the authorizing memo contained no articulable facts justifying the counsel’s examination other than a continuation of the empty and illegitimate Crossfire Hurricane case. The Special Counsel’s ultimate conclusion that there was no evidence of inappropriate links or coordination was only logical for an investigation that had no reasonable basis for initiation in the first place.

In criminal case law there is a well established principle that evidence gathered as a result of an illicit law enforcement action is inadmissible. This is a painful legal penalty designed to reinforce the sanctity of our constitutional right to be free from speculative government curiosity and overreach. Crossfire Hurricane was an expensive and life-ruinous governmental excursion that was started without legitimate reason. Its subsequent indictments may be cheered by some but they remain fruits of a poisonous tree and contrary to the higher and nobler goals of our constitution.

The Crossfire Hurricane investigation was not an abuse by the FBI, it was an abuse of the FBI by a rogue band of reckless executives. Because of the duplicity of these disgraced former FBI leaders, many Americans have lost trust and faith in the FBI. Perhaps that is the greatest wreckage of this entire debacle. Our democracy depends heavily on objective, dispassionate and unbiased enforcement of our laws by the FBI. That trust has been eroded.

These shameless former FBI executives continue to collect significant sums of money from book royalties, media appearances, movie rights, teaching gigs, and Go Fund Me scams. Americans would like to see accountability, but hope wanes. The efforts of this committee to shed light is welcome and commendable. Perhaps it will at least help prevent something like Crossfire Hurricane from ever happening again to any American or future presidential nominee.