



The FBI Botched the Russia Investigation in 2016

By Max Bergmann and Jeremy Venook April 23, 2020

Just more than one year after special counsel Robert Mueller released his report on Russian interference in the 2016 election, the country remains confused about what happened.

Mueller's report is arguably the most damning document ever written about a sitting president, identifying numerous instances of obstruction of justice and clear collusion between President Donald Trump's campaign and Russia.¹ Yet deliberate efforts by the president and U.S. Attorney General William Barr to mislead the public, House Democrats' reticence to impeach Trump, and Mueller's decision not to render a "traditional prosecutorial judgment" left the public unsure of what Mueller actually uncovered.² Mueller's report also left people who were closely following the investigation underwhelmed by the lack of new information as well as by the many questions and topics the report failed to answer or address.

Many were expecting more. The Mueller report failed to meet these expectations not because there was no more information to find, but because the FBI botched the Russia investigation in 2016.

In the year since the report's release, it has become clear that the Mueller investigation was hamstrung from the start. Far from revealing a "witch hunt" against Trump, reviews of the investigation reveal that there was barely a hunt at all. Simply put, the FBI failed in its core mission to protect and defend the United States.

Trump's attacks on the intelligence community have in some ways immunized the FBI from public scrutiny of its actual failings. Trump's critics have rallied behind officials such as Andrew McCabe, Peter Strzok, and Lisa Page—hardworking career officials whom the president has viciously attacked merely for trying to do their jobs.³ Yet in doing so, the president's critics helped give credence to the myth that the FBI was vigorously pursuing him in 2016.

U.S. Department of Justice (DOJ) Inspector General Michael Horowitz's report on the Russia investigation, released in December 2019, demonstrates that this was not the case.⁴ Discussion of the Horowitz report has largely centered on his conclusion that the FBI did not illegally spy on Trump's campaign⁵ but did cut corners in

obtaining warrants on Trump-associated individuals under the Foreign Intelligence Surveillance Act (FISA).⁶ However, this limited focus obscures the Horowitz report's major finding that the FBI was so intent on keeping its investigation secret that it failed to do very much at all.

The FBI was guilty of the same sin as the Obama administration: Both assumed that Democratic candidate Hillary Clinton would win the 2016 election and thus failed to respond to Russian aggression with appropriate urgency.⁷ The bureau largely failed to investigate Trump despite believing it had evidence that merited a vigorous investigation into him and his campaign.

As a result, when Mueller took over the investigation in May 2017, he had to uncover a conspiracy almost exclusively after the fact.⁸ He was forced to rely on trying to turn key witnesses such as Trump's campaign chairman Paul Manafort and Manafort's deputy Rick Gates to break the case rather than using contemporary testimony and documents.

Understanding how the FBI botched the investigation in 2016 is key to assessing the outcome of the Mueller investigation, the scope of Russia's election interference, and the potential dangers facing America in 2020 and beyond. It also highlights the need for a 9/11-style commission, not to relitigate the 2016 election or Trump's actions but rather to assess the federal government's actions and ensure a stronger national security response in the future.

The Horowitz report

The Horowitz report is a confounding document. It does not assess the Russia investigation, the results of which speak for themselves: 37 indictments, including convictions of Trump's national security adviser, campaign chairman, deputy campaign chairman, personal lawyer, and close political adviser.⁹ Instead, Horowitz primarily assesses Trump's outlandish conspiracy theories, relitigating long-answered questions of how and why the Russia investigation began.

Yet examining Horowitz's report alongside that of special counsel Mueller, as well as past DOJ inspector general reports, paints a damning picture of the FBI's counterintelligence efforts in 2016. The reports reveal how the FBI botched its opportunity to uncover coordination between the Trump campaign and Russia in real time. Even with American democracy under attack, the FBI kept such a close hold on its investigation, code-named Crossfire Hurricane,¹⁰ that the agency hindered its own investigative efforts. Meanwhile, the same FBI counterintelligence division was aggressively and publicly investigating allegations about Trump's opponent, former Secretary of State Clinton, that ultimately resulted in no criminal charges.

Reassessing the FBI's actions in 2016, it is clear that the bureau's hypersensitivity to Washington politics—specifically bad-faith attacks from congressional Republicans—resulted in a greater focus on appearing impartial than defending American democracy.

The FBI's failure to investigate Trump in 2016

In what was seen as an exonerating finding, the Horowitz report showed that the FBI deliberately did not target Trump.¹¹ Instead, after receiving information that Trump campaign adviser George Papadopoulos had advance knowledge of Russian hack-and-release efforts, the agency formally opened Crossfire Hurricane and began investigating Papadopoulos, Manafort, and Trump adviser Michael Flynn.¹² The bureau also folded an older open case against another Trump associate, Carter Page, into the Crossfire Hurricane investigation.

While the FBI's caution in investigating a presidential candidate is understandable, they ignored the elephant in the room: Donald Trump himself. Despite evidence that members of Trump's campaign were aiding and abetting Russia's attack on the United States, the FBI treated them as victims of infiltration by Russian-aligned actors.¹³ It was only months after the election—following Trump's dismissal of then-FBI Director James Comey,¹⁴ that the agency opened up a counterintelligence investigation¹⁵ into the president, the results of which remain unknown.

Crossfire Hurricane's 'light footprint'

The Horowitz report documents how the FBI intentionally kept an extremely close hold on the Crossfire Hurricane investigation, employing a slow, timid, and ultimately limited counterintelligence approach.¹⁶ Such caution and sensitivity is standard practice, especially given that the investigation involved a presidential candidate's campaign during an election season.

FBI officials Page and Strzok discussed this concern over text message in August 2016. When they cited an "insurance policy,"¹⁷ they were discussing whether the agency should act with greater urgency to lay the groundwork for continued investigation in the event that Trump won and was, in fact, beholden to Russia. In her first public television interview, Page explained, "The 'insurance policy' was an analogy. It's like an insurance policy when you are 40. You don't expect to die when you are 40. But you still have an insurance policy."¹⁸ In other words, the point of ramping up the investigation was not to weaponize it against Trump but to lay a foundation for mitigating the threat to national security if he won the presidency.

However, the FBI ultimately chose not to intensify the investigation. Then-Deputy Director of the FBI Andrew McCabe told the DOJ's Office of Inspector General (OIG) that the FBI wanted "to keep our inquiry as quiet as we could."¹⁹ McCabe gave the team contradictory instructions: "Get to the bottom of this as quickly as possible, but with a light footprint." The FBI ended up erring strongly on the side of caution.

Crossfire Hurricane investigation mismanaged and devoid of resources

The desire to keep the investigation close left it bureaucratically isolated and devoid of resources. The investigation's staffing and command structure was so inadequate that it had to be reorganized three times in 10 months. The Horowitz report found:

[T]he FBI had to detail agents to FBI Headquarters from field offices for 90-day temporary duty assignments (TDYs). Then, when these 90-day TDY assignments expired, new agents were detailed to FBI Headquarters, resulting in three iterations of Crossfire Hurricane teams and supervisors from July 31, 2016, to the transfer of the case to the Special Counsel's Office in May 2017. We found that this ad hoc staffing presented challenges compared to the established chain of command structure that exists in FBI field offices. The turnover of agents and supervisors resulted in a loss of institutional knowledge and a lack of communication among agents, analysts, and supervisors.²⁰

The Crossfire Hurricane team “worked out of FBI Headquarters [in Washington, D.C.] from the opening of the case through December 2016,” even though Trump’s campaign and transition teams were headquartered in New York City. But the Crossfire Hurricane team reorganized in January 2017 “because of the need to conduct investigative activities in cities where the subjects of the investigations were located and to do so efficiently.” According to the report, “[T]he shifting makeup of the teams and the changing leadership created a divide between the analysts and the agents, which resulted in less interaction between the two groups.”²¹ The report went on to say that “investigating Crossfire Hurricane from FBI Headquarters created significant challenges,” leading Horowitz to “recommend that the FBI develop specific protocols and guidelines for staffing and running any future sensitive investigations from FBI Headquarters.”

In mid-February 2017, newly installed Deputy Attorney General Dana Boente told the OIG that he was concerned the investigation lacked cohesion because individual Crossfire Hurricane cases had been assigned to multiple field offices.²² In addition, Boente said he believed the investigation had not been moving with a sense of urgency—an impression based in part on “not a lot” of criminal legal process being used.²³

The investigation was also hampered by lack of resources. The report found:

Agents and analysts on the Crossfire Hurricane team told the OIG that the decision to conduct the investigation out of FBI Headquarters instead of a field office presented multiple challenges, such as difficulties in obtaining needed investigative resources, including surveillance teams, electronic evidence storage, technically trained agents, and other investigative assets standard in field offices to support investigations.²⁴

In short, Crossfire Hurricane lacked the resources and tools needed to credibly investigate an ongoing conspiracy against American democracy.

The FBI's missteps in 2016–2017

Both the Horowitz and Mueller reports point to other key missteps by the FBI, including:

- **Failure to interview key witnesses at the inauguration.** The FBI missed key opportunities during the transition. Key foreign figures in the Russia investigation, including Konstantin Kilimnik, Natalia Veselnitskaya, Rinat Akhmetshin, and Aleksandr Torshin, all attended Trump's inauguration in January 2017, right as the Crossfire Hurricane team restructured and left Washington, D.C., for its field offices.²⁵ However, the FBI appears not to have interviewed many of these figures while they were in the United States and let them all leave the country, apparently never to return.
- **Failure to track key Russian figures.** A brief section in the Mueller report about the World Chess Federation's tournament held in New York City in late 2016 shows how the Crossfire Hurricane investigation's lack of resources may have negatively affected the probe,²⁶ which raises questions about U.S. counterintelligence efforts. According to the report, Dmitry Dmitry Peskov, a top aide to Russian President Vladimir Putin, and Kirill Dmitriev, the head of the Russian Direct Investment Fund who has also met with Trump adviser Erik Prince in the Seychelles, both traveled from Russia to New York City the day after the election.²⁷

When the result of the 2016 election became clear, a person whose name is redacted in the Mueller report texted Dmitriev the following message: "Putin has won."²⁸ Dmitriev then contacted George Nader, a convicted sex offender and close adviser to the United Arab Emirates with connections to Trump's team, to invite Trump transition officials to the opening gala of the World Chess Federation tournament in Manhattan. On November 9, Dmitriev reportedly asked Putin for permission to travel to the United States and flew to New York City later that day. At the time, the World Chess Federation was headed by a Kremlin-connected oligarch, Kirsan Ilyumzhinov. According to a FiveThirtyEight-ABC investigation, Ilyumzhinov, who has been sanctioned by the U.S. government since 2015, "has repeatedly been alleged to act as an informal envoy for the Russian government."²⁹

Peskov's proximity to Putin and his prominent role in intelligence officer Christopher Steele's dossier, which the FBI had already obtained and considered valid human intelligence,³⁰ meant that Peskov should have been on the FBI's radar. And yet, based on the Mueller report, the FBI does not appear to know details of Peskov and Dmitriev's visit to New York immediately after the election.³¹

Nor is Mueller able to account for Trump's whereabouts during the time frame of the chess tournament,³² despite the fact that he was almost certainly accompanied by Secret Service. Mueller writes in his report that "one World Chess Federation official recalled hearing from an attendee that president-elect Trump had stopped by the tournament."³³ Mueller concludes that he could not conclusively establish whether Trump had attended—only that he had denied doing so in his written answers.³⁴

This information gap exemplifies the problems with the FBI's investigation. Had the New York field office been involved, the bureau could have had more resources and personnel available in the city where Trump's campaign and transition team were headquartered. If that had been the case, the FBI would have been better positioned to investigate events such as Peskov and Dmitriev's visit to the World Chess Federation championship.

Carter Page's July 2016 trip to Russia

In early April 2016, shortly after Trump identified Carter Page as one of his five foreign policy advisers,³⁵ the FBI opened a counterintelligence case against Page "based on his continued contacts with Russian intelligence officers,"³⁶ which predated his involvement with Trump by at least three years.³⁷ However, contrary to the Trump team's accusations of politicized surveillance, Horowitz concluded that "there was limited investigative activity in the NYFO [New York field office] investigation between April 6 and the Crossfire Hurricane team's opening of its investigation of Page on August 10."³⁸ Mueller's conclusion that "Page's activities in Russia—as described in his emails with the Campaign—were not fully explained,"³⁹ likewise suggests that the FBI was not tracking Page in July 2016, when he traveled to Russia and met with multiple high-ranking Kremlin officials.⁴⁰ The FBI did not pursue a FISA warrant until October 2016, by which point Page had left the Trump campaign.⁴¹

Steele's reporting caught in bureaucratic limbo

Because of disorganization within the investigation, roughly two months passed between when Steele first met with the FBI in July and when the Crossfire Hurricane team first received his reports on September 19, 2016, which FBI officials described as an "excessive" delay.⁴² Although some details in Steele's dossier remain unverified, its larger conclusions about the breadth of Russia's attack on American democracy and much of the Trump campaign's involvement proved founded.⁴³ Moreover, Horowitz found that the FBI broadly trusted Steele in 2016, which further underscores the lack of energy in the investigation.⁴⁴

The FBI's disparate approaches to the Trump and Clinton investigations

The FBI took a light footprint in investigating Trump, opting for a slower, more methodical approach to the investigation—one that made little sense given the significant threat to national security and the time-limited nature of the election. The greatest threat from a counterintelligence perspective was that Trump would win and bring himself, along with other figures compromised by Russia, into the federal government. Concerns that a more aggressive investigation might alert investigative targets and make it more difficult to prosecute them if Trump lost pale in comparison to the possibility of a presidential administration compromised by a hostile foreign power.

The goal of keeping a light footprint was to keep the investigation secret. Yet despite the FBI's efforts, word of the investigation leaked one week before the election, when *The New York Times* reported that the FBI was investigating Trump's ties to Russia.⁴⁵ Both the January 2017 intelligence committee report on Russian interference and the Steele dossier likely alerted anyone who had not yet covered their tracks to begin doing so.⁴⁶

In her first public interview in December 2019, Lisa Page said that the FBI chose not to discuss the Trump-Russia investigation because they "didn't know what the answer was, and it would have been deeply prejudicial and incredibly unfair to candidate Trump for us to have said anything before we knew what had happened."⁴⁷ However, the FBI all but exonerated Trump days before the election.

On October 31, 2016, *The New York Times* ran an article under the now-infamous headline, "Investigating Donald Trump, F.B.I. Sees No Clear Link to Russia."⁴⁸ The article shows that, despite concerns about leaving a light footprint, the FBI spoke to the press specifically to diminish public perceptions of Trump's ties to Russia. According to *The New York Times*, "Intelligence officials have said in interviews over the last six weeks that ... no evidence has emerged that would link him or anyone else in his business or political circle directly to Russia's election operations." The article does exactly what Page said the FBI was trying not to do: It announces an apparent conclusion before the FBI knew the results of its own investigation while failing to note that the FBI needed evidence of Trump's ties to Russia to open an investigation in the first place.

The light-footprint treatment of the Russia investigation diverges sharply from the aggressive and public investigations into Clinton. The FBI devoted major resources to investigations into Clinton's email server and the Clinton Foundation, which, unlike the Russia investigation, concluded with no charges filed. Comey himself publicized the Clinton investigations multiple times, first in a press conference and later in a letter to Congress sent just 11 days before the election, saying that the FBI was reopening its email probe.⁴⁹ Meanwhile, the NYFO repeatedly leaked information about the Clinton investigations, allegedly including to Trump adviser and now-personal attorney Rudy Giuliani, to the extent that one official anonymously described the FBI as "Trumpland."⁵⁰

Ultimately, the FBI's decisions to assiduously conceal the Russia investigation while repeatedly discussing the Clinton investigations likely influenced the 2016 election more than Russian interference.

Comey and his critics alike have wrestled with the reasons for the agency's actions. What seems most likely is that the FBI's hypocrisy resulted not from conservative bias but from bureaucratic politics. Congressional Republicans' hyperaggressive, politically motivated oversight of the Obama administration and constant leaks from pro-Trump agents appear to have made the FBI fearful of politically motivated attacks if the FBI appeared to be hard on Trump and soft on Clinton.⁵¹ FBI leaders may have believed

that they would be held to account for their handling of the Clinton investigation but not face the same scrutiny about their Trump investigation after he inevitably lost the election. Therefore, rather than focusing on the threat to the country, the bureau's decision-makers acted like self-interested bureaucrats, prioritizing the political threat to themselves and their agency.

Turning witnesses to break the case

The fourth restructuring of Crossfire Hurricane came with Mueller's appointment as special counsel and the reported opening of a counterintelligence investigation into the president, the results of which remain unknown.⁵² As a result of the FBI's failings in 2016, Mueller had to conduct an investigation after the fact, which meant turning witnesses.

Remarkably little in the Mueller report appears to draw from the FBI's efforts in 2016. For example, most of the Mueller investigation's revelations about Manafort appear to have come from his deputy Rick Gates, who pleaded guilty to charges related to his and Manafort's money laundering while working for corrupt Ukrainian politicians.⁵³ In fact, on August 2, 2016—days after the FBI opened a case against Manafort—the bureau apparently missed that Manafort met with suspected Russian intelligence operative Kilimnik and provided him with internal campaign polling data and strategy.⁵⁴ Manafort initially denied to Mueller's team that the meeting had taken place, but a judge later ruled that he had lied to the investigators.⁵⁵ The FBI also only appears to have learned after the fact, again from Gates, that Roger Stone served as a back channel between the Trump campaign and WikiLeaks, which Stone publicly bragged about during the campaign.⁵⁶ The most significant piece of information the FBI appears to have learned from its investigation during the campaign was that Papadopoulos had advance knowledge that Russia would release stolen emails through WikiLeaks. However, the FBI learned this not from its own investigation but from Australian government officials.⁵⁷

Despite the bureau's investigative mismanagement and timidity during the election, Mueller found evidence of clear "collusion." There were at least 272 contacts between Kremlin-linked figures and the Trump campaign and transition teams:⁵⁸ Trump's campaign chairman and his deputy shared confidential polling data and campaign strategy with a suspected Russian intelligence officer; according to Gates, this was done with the explicit understanding that the information would reach Russian oligarchs in Putin's inner circle.⁵⁹ In addition, according to then-campaign CEO Steve Bannon, the campaign directed Stone to open a back channel to WikiLeaks with the understanding that he was receiving and providing "non-public information about upcoming WikiLeaks' plans."⁶⁰ Trump also repeatedly tried to obstruct the Mueller investigation.⁶¹ In short, Trump and his campaign were guilty.

However, because Mueller could only piece together what happened after the fact, the public may never know the depth and scope of collusion that occurred in 2016. How much did the Trump campaign and Russia coordinate? Did they coordinate messaging and polling? Did Russian officials find ways to finance the Trump campaign as they have done for their preferred candidates throughout Eastern and central Europe?⁶²

Conclusion

These gaps in the story call for the establishment of a 9/11-style independent commission to reach the truth. This certainly will not happen while Trump remains in office, but in the event of a new administration, it is essential for U.S. national security to ensure a reckoning of what happened and a full assessment of the federal government's response. The focus of this commission would not be to target Trump but rather to gain more complete understanding of what happened, what worked, what failed, and what reforms are needed in order to better counter foreign interference in America's political process.

Filling in the gaps about the Russia investigation matters both because the public needs to learn more about Trump and his campaign and because the country must know how to defend against Russian meddling in the 2020 election and beyond. The Mueller report, damning as it was, left significant gaps in the country's understanding of the Trump campaign's collusion with Russia, many of which stem from failures in the FBI's initial investigation during the election. And while Horowitz's report was independent, it unfortunately focused on Trump's priorities rather than on the need to assess and identify deficiencies in the 2016 response.

Understandably, Trump's critics have rallied around the embattled former FBI officials who have been unfairly targeted and attacked by the president and his allies. At the same time, however, it is necessary to recognize the mistakes the FBI made by failing to investigate collusion and the Trump campaign in 2016 because fears about attacks on their bureaucracy outweighed their fear for the country.

Max Bergmann is a senior fellow at the Center for American Progress Action Fund and director of the Moscow Project. Jeremy Venook is a research associate at the Action Fund.

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