

OPINION

‘Multiple Levels of Hearsay Upon Hearsay’

By David J. Garrow

Most news coverage of the Horowitz report has minimized or ignored its most devastating aspects. Granted, the inspector general’s account doesn’t make for easy reading. It’s repetitive to a fault, and its insistent use of vague identifiers—“Case Agent 1,” “Supervisory Intel Analyst,” “Primary Sub-source”—rather than names makes its narrative insistently soporific.

Then again, many journalists seem determined not to explain how the report vitiates the “Steele dossier” and discredits its author, Christopher Steele, a former British spy who peddled third-hand hearsay to gullible

What the media doesn’t want you to know about the Horowitz report.

paymasters at both the opposition-research firm Fusion GPS and the Federal Bureau of Investigation. With a few exceptions, journalists have eagerly embraced former FBI Director James Comey and former Deputy Director Andrew McCabe as guardians of democracy rather than culpable apologists for dire threats to Americans’ civil liberties.

Every American who cares about civil liberties should peruse at least pages 186-93, wherein the inspector general’s staff shreds the Steele dossier piece by piece and indicts the bureau’s reliance on visibly shoddy work that any unbiased intelligence professional would have quickly discarded.

Mr. Steele confessed in a 2016 FBI interview that one of his top two

sources was a “boaster” and “egotist” who “may engage in some embellishment” (page 110). Mr. Steele had asserted to interviewing agents that this person—whom he variously called “Source D,” “Source E,” a Trump “associate” and “Person I”; we’ll go with P1 for short—was the source for both the dossier’s most salacious claims about Donald Trump and the information on which the FBI relied to obtain a warrant to spy on former campaign aide Carter Page.

Yet Mr. Steele’s “Primary Sub-source”—we’ll abbreviate that to PSS—contradicted those claims, telling the FBI that P1 didn’t furnish any salacious information. Mr. Steele claimed that PSS and P1 had met two or three times, but PSS said their only contact was a single 10- to 15-minute phone conversation.

Three FBI interviews of PSS in the first half of 2017 impeached Mr. Steele’s reporting—even as the bureau was petitioning the Foreign Intelligence Surveillance Court to keep extending its pointless electronic surveillance of poor Mr. Page. “Steele himself was not the originating source of any of the factual information in his reporting,” the inspector general notes (page 186). The FBI’s conversations with PSS “raised significant questions” and “doubts about the reliability of Steele’s descriptions of information” that formed the basis for the ongoing surveillance of Mr. Page (186-87). PSS asserted, in the inspector general’s words, “that Steele misstated or exaggerated [PSS’s] statements in multiple sections of the reporting” (187). The salacious claims about Mr. Trump were “rumor and speculation,” offered in “jest.” What PSS had passed along to Steele “was just talk,” “word of mouth and hearsay” that PSS had acquired from “friends over beers” and which should be



taken with “a grain of salt” (187-88).

Further, PSS’s statements to the FBI “revealed that Steele did not have good insight into how many degrees of separation existed between [PSS’s] sub-sources and the persons quoted in the reporting, and that it could have been multiple levels of hearsay upon hearsay,” given that the “sub-sources did not have direct access to the persons they were reporting on” (188). In late 2016, when Mr. Steele pressed PSS to corroborate the reports Mr. Steele already had distributed, PSS found “zero,” PSS told the FBI (188). By February 2017 the FBI was tardily realizing that Mr. Steele “may not be in a position to judge the reliability of his sub-source network” (188). Yet the falsely predicated surveillance of Mr. Page continued.

As agents kept probing, the truth got worse and worse. “In Steele’s September 2017 interview with the FBI, Steele also made statements that conflicted with explanations

from two of his sub-sources about their access to Russian officials. For example, Steele explained that the Primary Sub-source had direct access to a particular former senior Russian government official and that they had been ‘speaking for a while.’ [PSS] told the FBI, however, that he/she had never met or spoken with the official” (192). Ouch.

Prior to the 2016 campaign, Mr. Steele had already received \$95,000 from the FBI as a paid human informant reporting on Russian oligarchs. A comprehensive early 2017 review of Mr. Steele’s prior work found that it was only “minimally corroborated,” contrary to how the FBI had repeatedly vouched for their well-paid source to the FISA court (184).

The inspector general also impeaches Fusion GPS co-founder Glenn Simpson. On Nov. 14, 2017, he testified to the House Intelligence Committee that he had not met with top Justice Department attorney Bruce Ohr before the 2016 election.

But the Horowitz report documents how Mr. Simpson had met with Mr. Ohr on Aug. 22, 2016, to give him the names of three supposed Russia-Trump intermediaries, one of whom was Mr. Steele’s P1.

The inspector general forcefully concludes that Mr. Steele’s shoddy reporting “played a central and essential role in the decision” by FBI and Justice Department lawyers to approve headquarters’ officials request to surveil Mr. Page (359). The report also extensively details how “Source 2”—about whom enough clues are given to identify him as longtime paid FBI informant Stefan Halper—repeatedly wore a wire while pretending to befriend Mr. Page, fellow Trump volunteer George Papadopoulos, and Trump campaign official Sam Clovis—all at the FBI’s express behest.

Mr. Horowitz seems nonplussed that such intrusive electronic surveillance of American citizens required no approval from a judge or even Justice Department headquarters. But his report is oddly and totally silent about how the FBI also deployed “UCEs”—undercover government employees—against both Messrs. Papadopoulos and Page. Mr. Papadopoulos has publicly detailed how one UCE, a flirtatious woman posing as Mr. Halper’s assistant and using the pseudonym “Azra Turk,” sought to befriend him. But for undisclosed reasons the inspector general has nothing to say about this further abuse of unchecked FBI targeting of American citizens.

The Horowitz report is a document of landmark historical importance, but more questions remain.

Mr. Garrow’s books include “The FBI and Martin Luther King, Jr.,” “Bearing the Cross” and “Rising Star: The Making of Barack Obama.”