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I handled high-level informants, and here's what I make of the Smirnov case about Biden and Ukraine

I managed informants during my 27-year career as a federal agent, and it's probably the riskiest task law enforcement officers take on.



Alexander Smirnov, center, a confidential human source with the FBI, leaves the courthouse on Feb. 20 in Las Vegas. Smirnov is accused of falsely stating that executives with the Ukrainian energy company Burisma paid Hunter and Joe Biden \$5 million each in 2015 or 2016. (Bizuayehu Tesfaye Las Vegas Review-Journal @bizutesfaye [TNS]

Republican members of Congress touted that a “highly reliable informant,” Alexander Smirnov, had solid proof President Joe Biden received \$5 million in payoffs from officials of Burisma, a company in Ukraine. That same informant has now been charged in federal court with making false statements to FBI agents because those allegations are not true, according to the Department of Justice.

Pleadings in Smirnov’s case that outline parts of his decade-plus fling as a secret source offer a story worthy of being a sequel to the 2009 movie “The Informant,” starring Matt Damon. “The Informant” is about a double-crossing FBI source who committed crimes under the noses of his FBI handlers, who believed his every word. In the film, the agents

commit the cardinal sin of source management, commonly referred to as “falling in love with your informant.” When a handler is in that trance, they fail to remember that anything said by an informant needs to be corroborated, that agents should have no tolerance for an informant’s deception or dishonesty, that an informant is not your friend, that handlers must always follow agency policies and procedures when managing an informant, and dozens of other best practices of informant management.



Robert Mazur stands in front of the private jet he used during the operation when he worked undercover inside the Medellin Cartel. [Courtesy of Robert Mazur]

I managed high-level informants during my 27-year career as a federal agent. During the past decade, as a subject matter expert, I have trained thousands of local, state and federal law enforcement officers about the best practices of properly managing informants. As I read the pleadings in the Smirnov case, there are many red flags that concern me.

Managing informants is probably the riskiest task that law enforcement officers take on during their careers. Mismanaging confidential sources has led to thousands of officers losing their reputations, their careers or, unfortunately in hundreds of instances, their freedom. Yes, many officers have gone to prison because of the stupid things they’ve done while not following the best practices of managing informants.

Most agencies require two agents to be present when communications occur with an informant. Contrary to that mainstream thought, the FBI has a policy of assigning one

agent to function as a handler of very high-level informants. That's a formula for disaster. The single handler often has no witness to corroborate what was said, or the nature of the relationship. That one-on-one relationship enhances the possibility that a handler will lose objectivity when dealing with a very manipulative informant.

A single handler gone wrong

There are file cabinets full of cases brought against law enforcement officers in numerous agencies who fell victim to the one-on-one risks. Former FBI Special Agent John Connolly Jr. knows that risk well. He was the handler of James "Whitey" Bulger, the former head of the Irish Mafia in Boston. Whitey was on the winning side of his informant-handler relationship. He gave the FBI secrets about the crimes of Italian mobsters, some true and some not, which eliminated his competition. Bulger also convinced Connolly to provide information about snitches who were sharing information about Whitey's crimes. That led to the death of those informants, and Connolly receiving a 40-year prison sentence for conspiracy to commit murder.

The pleadings in the Smirnov case reveal that he was managed by a single handler, an FBI agent assigned to their Seattle office. For 14 years, Smirnov provided highly sensitive information, including details about Russian intelligence maneuvers and criminal activities. One piece of somewhat innocuous information he shared with his handler during a phone call in March 2017 involved his reporting that he was beginning to interact with officials of Burisma, a holding company for a group of energy exploration and production companies in Kyiv, Ukraine.

At the time, Burisma had already been the subject of investigations in the U.K. and Ukraine for alleged money laundering and other offenses. The gist of his then-emerging contacts with Burisma officials stemmed from a legitimate business deal he was proposing with them. During this March 2017 phone call, as noted by the handler in a report about the conversation, Smirnov also provided some "non-relevant" information about Hunter Biden. According to the handler, this "non-relevant" information had nothing to do with any alleged criminal conduct by Biden or any member of his family.

In February 2020, Smirnov opened a U.S. bank account in the name of a company he formed, Avalon Group Inc. This account received substantial payments from what outwardly appear to be venture capital companies and individuals. Millions of dollars flowed into the account.

In May 2020, four months after Smirnov opened his account, he exchanged text messages with his FBI handler commenting about public reports concerning alleged corruption of the Bidens by Burisma officials. Smirnov told his FBI handler he thought he could obtain details about the alleged Biden corruption through his contacts at Burisma. He also made it known that he had no love for Joe Biden, something any experienced handler should realize is an indicator of an ulterior motive that could skew the truth.

A “personal relationship”

The nature of the text messages between Smirnov and his FBI handler suggests they maintained a friendship. Smirnov commonly referred to the handler as “Bro.” This handler-informant relationship was further described at Smirnov’s Feb. 20 bond hearing when Smirnov’s attorney advised the court that Smirnov considered the handler to be a member of his family. The lawyer went on to say that Smirnov and his handler shared a “personal relationship,” so much so that Smirnov often placed calls to the handler by dialing the handler’s personal phone, rather than his FBI-issued phone. If true, that’s a practice that could have compromised Smirnov’s cover.

It turns out that Smirnov and the handler spoke on a daily basis for more than 10 years. At Smirnov’s bond hearing, his counsel snidely commented that he intends to dig deeply into this “personal relationship” to uncover “who knew what when.”

The “who knew what when” issue comes into play because, in June 2020, the U.S. deputy attorney general tasked the Pittsburgh FBI office to conduct “an assessment,” a preliminary inquiry, into the Burisma-Biden connection. This inquiry, which was triggered during the Trump presidency, was initiated as a result of publicly provided information, including Burisma-Biden allegations publicly aired by Rudy Giuliani.

When the Pittsburgh agents conducted a search of agency reports that mentioned Biden and Burisma, they identified the report prepared by Smirnov’s handler, noting that Smirnov shared some brief “non-relevant” information about Hunter Biden during a specific March 2017 phone call. They asked the handler to call Smirnov to get more insight about the Biden-related information referenced by the informant during this 2017 phone call.

The handler contacted Smirnov. During the phone call, for the very first time, Smirnov claimed that he had conversations in 2015 and 2016 with Burisma officials who informed Smirnov that they had paid the Bidens, including Joe Biden, \$5 million for protection. These officials allegedly told Smirnov that the payments were made in such a sophisticated manner that it would take investigators 10 years to connect the payment to the Bidens.

Smirnov didn’t just make general statements about these conversations. He provided dates, places, names of individuals present and much more. His comments were so detailed that it wouldn’t have been difficult for the handler and other FBI agents to verify or refute the veracity of Smirnov’s new claims by analyzing travel, lodging, credit card, phone and other data.

When the handler informed the Pittsburgh FBI agents about Smirnov’s new claims, they too decided to interview him. When they did, Smirnov repeated these allegations about meetings he attended with Burisma officials in 2015 and 2016.

Since Smirnov’s arrest, the assistant U.S. attorney handling Smirnov’s prosecution has revealed that the handler recorded the March 2017 phone call in question with Smirnov.

If that's true, why did the FBI agents stationed in Pittsburgh have any confusion in June 2020 about the nature of the "non-relevant" Hunter Biden comments made by Smirnov during that call? The recording of the call captured Smirnov's comments verbatim. Furthermore, the FBI routinely polygraphs their confidential high-level sources. At this very first sign of possible dishonesty by Smirnov, why wasn't the veracity of these extremely belated revelations vetted through a polygraph examination? Given the gravity of the allegations, why weren't documents obtained and witnesses interviewed to either corroborate or refute these potentially earth-shattering allegations?

For reasons publicly unstated, the Pittsburgh FBI agents' 2020 assessment inquiry about possible payoffs by Burisma officials to the Bidens was closed. The FBI deputy director and principal associate deputy attorney general endorsed the finding of the Pittsburgh FBI agents that the assessment should be closed. The reports generated by these high-level officials, which are not public, should reveal why the assessment was closed. The logical conclusion one can make from this closure is that the allegations were deemed to have no merit. If that is the case, why wasn't Smirnov blackballed, a term used in law enforcement when an informant is deemed untrustworthy and forbidden to be used by anyone in the agency as a confidential source?

In open court a few days ago, Smirnov's attorney emphatically claimed that, in 2020, when Smirnov offered belated revelations about conversations he had with Burisma officials in 2015 and 2016 about payoffs they made to the Bidens, the FBI knew those statements were false. He went on to say that, despite knowing his client had lied, the FBI continued for years to use him as a source, did nothing to terminate his status as a high-level source and did nothing to prosecute him. This accusation by Smirnov's lawyer, if true, could result in Smirnov being acquitted, because in order to be guilty of the criminal offense of making a false statement, the statement has to be material. If the FBI knew the statement was false at the time it was made by Smirnov, it wouldn't be considered material because they already knew it was false.

In July 2023, the FBI requested that the U.S. attorney's office in Delaware assist in a full investigation concerning the alleged false statements Smirnov made in 2020 to both his handler and FBI agents assigned to the Pittsburgh office. Given that U.S. Attorney David Weiss in Delaware, a Trump appointee, was designated as a special counsel to investigate Hunter Biden and any related matters, Weiss took control of the Smirnov-related matter. Weiss was certainly the right prosecutor to take this matter on, since he had already led investigations that resulted in criminal tax and gun charges being brought against Hunter Biden.

In September 2023, FBI agents and prosecutors working with Weiss' office initiated their investigation concerning Smirnov. When the agents assigned to this grand jury investigation interviewed Smirnov, he not only repeated the false statements he made about attending meetings with Burisma officials in 2015 and 2016, he provided additional false statements about telephone calls allegedly made by Hunter Biden from a hotel in Ukraine that were thought to have been recorded by Russian intelligence officers. Smirnov claimed to have seen video recordings of Hunter Biden entering the hotel. According to the prosecutor handling the Smirnov prosecution, Hunter Biden never lodged at the hotel in question, or even traveled to Ukraine.

Documents submitted in court by the government reveal that, aside from the controversial information he provided about the Bidens and Burisma, Smirnov has been providing what is reported by FBI agents as reliable information about Russian operatives, Russian intelligence officials and their activities in various countries, including Ukraine. Smirnov's counterintelligence information has included details concerning Russia's invasion of Ukraine and efforts to reach a peace treaty between the two countries.

Smirnov's financial statement

After his arrest this month, Smirnov filed a financial statement with the court, claiming that he was nearly indigent. As a result, a court-appointed attorney was designated to represent him. During his detention hearing, the government established that Smirnov had lied to the court about his assets, that he had ready access to more than \$6 million in two bank accounts, and that he paid roughly \$1.5 million for a condominium in Las Vegas titled in his girlfriend's name, where he and she lived. When he was first arrested, he told the court a different story about that condominium. He failed to disclose he had any interest in the property and falsely claimed the condo was leased by his girlfriend. On Monday, the judge at his hearing in Los Angeles ordered Smirnov to be detained until trial for fear he would try to flee the country.

The spy game played by Smirnov and others like him can be very muddled. Why would the FBI continue to allow someone to function as a confidential high source if, as claimed by Smirnov's lawyer, they knew he caused false information to be inserted within FBI reports? Could he be a double agent, one who feeds the U.S. apparently valuable Russian counterintelligence information so he can gain enough credibility to facilitate his planting politically motivated disinformation in official U.S. agency files that could change the course of a U.S. presidential election? Could he have attempted to achieve that on behalf of a different paying handler in the Kremlin?

My guess is that, if he is a double agent, the most likely candidate to have rewarded Smirnov to lie about Joe Biden are the same enemies of our country who fostered the interference in our 2016 election — see The Muller Report. Given the boatload of Russian intelligence officials and operatives with whom Smirnov has mingled with for the FBI during the past 14 years, it wouldn't surprise me if they rewarded him for attempting to achieve that goal.

Robert Mazur, a federal agent for 27 years, is a court-certified expert in money laundering-related matters in both the U.S. and Canada. He is the New York Times bestselling author of "The Infiltrator," a memoir about the first half of his life undercover as a money launderer within Pablo Escobar's Medellin Cartel, and was an executive producer of the film by the same name. His new book, "The Betrayal," is a memoir about his final undercover assignment, a deep dive into Colombia's Cali Cartel and Panama's underworld that nearly cost him his life. He is president of KYC Solutions, a company that provides speaking, training, consulting and expert witness services globally.