

## DAVID KRIS

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**From:** DAVID KRIS  
**Sent:** Friday, February 2, 2018 1:09 PM  
**To:** (b)(3), (b)(6)  
**Cc:** Tiernan, Kevin (NSD); Gauhar, Tashina (ODAG); prb; Evans, Stuart (NSD); Weinsheimer, Bradley (NSD)  
**Subject:** Re: (b)(3) Approval of Rewritten Manuscript - David S. Kris

?Marc and Dean, FYI I am going on the record with various members of the news media more or less as follows:

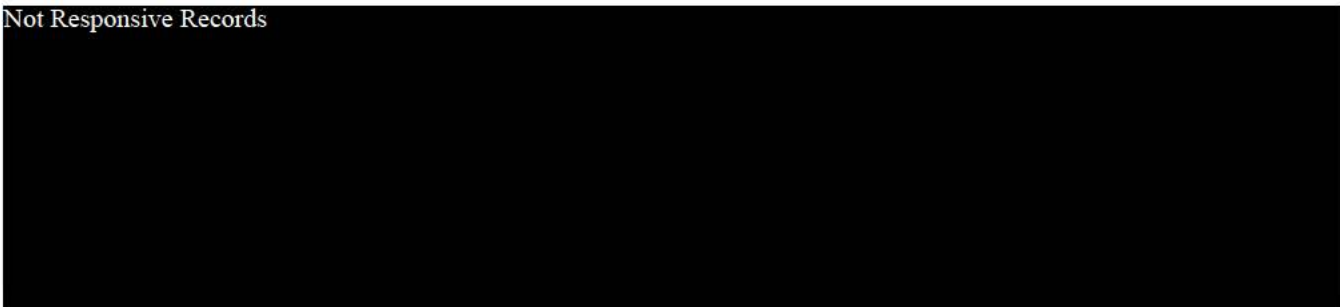
Here is the money quote in the Nunes memo: "Neither the initial application in October 2016, nor any of the renewals, disclose or reference the role of the DNC, Clinton campaign, or any party/campaign in funding Steele's efforts, even though the political origins of the Steele dossier were then known to senior DOJ and FBI officials."

On the natural reading of that sentence, assuming honesty, decency and integrity in the memo's author and in those who decided to release it, and assuming also that Steele was an important source of information underlying the probable cause, the situation would be potentially problematic, and worthy of further review.

On the other hand, if the FISA applications referred to funding of Steele or Fusion GPS by political opponents of the President, or included similar references that revealed a motivation against then-candidate Trump, or a possible desire to undermine or adversely affect his political campaign -- even if they did not name the DNC, Clinton campaign, or other specific person or entity -- then the FISA applications would be fine, and the author of the memo, and those who knowingly released it, would themselves properly be called to answer for attempting to mislead the American people as they claim the government tried to mislead the FISA Court.

To me, that appears to be the lens through which we should evaluate the honesty, decency, and integrity of the two sides here. Not having seen the FISA applications, my money is on DOJ and the FBI, but presumably time will tell.

Not Responsive Records



## DAVID KRIS

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**From:** DAVID KRIS  
**Sent:** Thursday, February 1, 2018 3:34 PM  
**To:** Gauhar, Tashina (ODAG); Tiernan, Kevin (NSD); (b)(3); Evans, Stuart (NSD)  
**Subject:** Re: Draft Op-Ed Coming Soon for Very Rapid Prepublication Review  
**Attachments:** Nunes Op Ed (Draft of 2-1-18).docx

Attached and pasted below is the draft op-ed for your review, thank you.

### Op-Ed on the Forthcoming Nunes FISA Memo

by David Kris

[For publication in the Washington Post on 2 February 2018]

In anticipation of the [Nunes FISA memo](#), apparently set for release later today, it's worth considering three points as context for what is to come. As someone who has reviewed and approved many FISA applications, briefed and [testified](#) repeatedly before the House and Senate Intelligence Committees, and written a [book](#) and [many papers](#) on [FISA](#) and [related issues](#), I worry that the Nunes memo will benefit from a combination of legal ignorance, the FBI's reluctance to compromise intelligence sources as necessary to correct the memo's "[material omissions](#)," and – most significantly – a continued presumption of integrity and good faith, rooted in the paradigm of intelligence under law that has prevailed for 40 years, in an Intelligence Committee chairman who appears to have "[gone rogue](#)."

1. The legal ignorance is easiest to address. Traditional FISA requires "[probable cause](#)" that the surveillance target is an "[agent of a foreign power](#)." Probable cause, the [Supreme Court has explained](#), requires only a "fair probability" that the asserted facts are true: it's not a trivial standard, but it's nothing like "proof beyond a reasonable doubt or by a preponderance of the evidence." (Not so long ago, Congress was berating the FBI for being [too cautious](#) in its application of this standard.) A U.S. citizen working with the Russians can't be an agent of a foreign power unless he "knowingly" engages in "clandestine intelligence activities" that involve, may involve, or are about to involve "a violation of the criminal statutes of the United States." Put differently, if the government can get a FISA wiretap on a U.S. citizen, it almost surely has enough information to indict or arrest him (though not necessarily to convict him) for a crime.

The government establishes probable cause in an affidavit, signed under oath by an FBI agent, and submitted to the [FISA Court](#) in Washington, DC. The court is staffed by [ordinary federal judges](#) from around the country, who come to town for a [week-long tour of duty](#) on a rotating basis. (Every FISA application also contains a "[certification](#)" from a politically accountable official, such as the Deputy Director of the FBI, and the personal [approval](#) of a high-ranking Justice Department official, such as the Deputy Attorney General.) The affidavit in a FISA case plays the same role as it does in ordinary criminal cases, but there is one important distinction: because the FISA Court sits only in



primary criminal cases, but there is one important distinction because the FBI court sits only in Washington, DC, the FISA affidavit is typically signed by an FBI agent at headquarters, but the underlying facts may be best known by a different agent, or agents, in one of the Bureau's many field offices. To combat the risk of garble between the field and headquarters, the FBI in April 2001 established special [procedures](#) requiring coordination and other measures to ensure the accuracy of affidavits, including discussion with agents conducting related criminal investigations. The upshot is that the facts asserted in a FISA application are reviewed and approved by a large number of people.

As in ordinary criminal cases, the affidavit may assert facts from the affiant's [direct observations](#) – e.g., I watched the suspect place an envelope in the [dead drop](#) – as well as information obtained from a third party, such as a [foreign government](#) or a confidential source. The Supreme Court has [recognized](#) that “[i]nformants’ tips doubtless come in many shapes and sizes from many different types of persons,” and may “vary greatly in their value and reliability,” but are more valuable to the extent they are corroborated by other evidence.

As it happens, affidavits in support of search warrants often contain errors, in part because (as the Supreme Court [recognized](#)) they are “normally drafted by nonlawyers in the midst and haste of a criminal investigation.” Today, many affidavits are drafted or reviewed by lawyers, but they are often created under pressure, and at relatively early stages of an investigation, before all of the facts are known. Where an affidavit contains a misstatement or omission, the essential question, the Supreme Court has [explained](#), is whether there would have been probable cause without the error. There are many, many decisions of the federal courts addressing that question, and their answer is almost always “[yes](#).” Judges know that sources often come with bias or baggage of one sort or another, and so they routinely accept and uphold affidavits that generally describe a source’s shortcomings without including every detail.

2. The Nunes memo presents a familiar challenge for the government, albeit from an unfamiliar direction. Imagine for a moment (as news reports suggest) that Christopher Steele, the former British secret agent, was a source for a FISA application on a member of the Trump campaign suspected of working for the Russians. Steele was being paid through [Fusion GPS](#) by political opponents of President Trump, and I would bet the farm that any FISA application relying on him would include that fact, even if it didn’t include every other aspect or detail of Steele’s potential biases. (I would also expect the government to [update the FISA Court](#) with whatever it knows or learns about the claims in the Nunes memo.)

To be sure, there are some anomalies in the air, including the anti-Trump text messages between [two FBI officials](#), and the relationship between one [DOJ official](#) and Fusion – although it’s not clear that any of them had any direct involvement with a FISA application. In any event, my familiarity with the FISA process and the people who run it give me very high confidence that they would have provided the court with enough information meaningfully to assess Steele’s credibility and the provenance of the other information on which they relied. (If I’m wrong, then Nunes may have a point, and our country has problems at least as serious as a politicized intelligence oversight process.)

One of the main ways to validate a source is to corroborate his reporting. At least some parts of the Steele dossier – not a single document, but a series of reports – apparently remain both [salacious and unverified](#). But other parts, salacious or not, may well have been verified by independent investigation. And if they were, that verification would strengthen the credibility of the remainder. To take a completely fanciful example, solely for purposes of illustration, if the government had a microphone implanted in Vladimir Putin’s tea kettle, and if it overheard him complaining about how he expected President Trump to do his bidding in return for money Putin previously provided, it would certainly support Steele’s reporting. But if it were revealed, it might cause Putin to discard his kettle,



and so deprive us of a valuable intelligence source. In short, the price of refuting Nunes may be very high, and so far, at least, the government has limited itself to complaining about unspecified "[material omissions](#)" and making general assertions that it is "[unaware of any wrongdoing relating to the FISA process](#)."

3. The challenge posed by secret intelligence in a democracy is part of why the Congressional Intelligence Committees were established: they serve as an informed proxy for the direct oversight of the American People. In response to the Snowden disclosures of 2013, the Intelligence Committees provided [helpful context](#), alerting their constituents that the collection programs in question had been fully briefed to Congress and approved. With Chairman Nunes now cast in the role of Edward Snowden, his democratic counterpart Adam Schiff has made a number of [informative statements](#), as has [Senator Warner](#) of the Senate Intelligence Committee, and others.

Overall, however, it is reasonably clear that our system of government has not yet adapted to the change that President Trump and Chairman Nunes seem to be spearheading. Intelligence oversight often has, or is believed to have, political undertones. But the current Nunes gambit may go further, as he is seemingly content to abandon basic [procedural](#) norms of consultation – including as to the release of classified information – as well as any effort to remain bi-partisan, that have been more or less part of the process since the 1970s. He has, in effect, both assumed bad faith on the part of the Intelligence Community, and arguably practiced it himself.

That spearhead, and the adaptations it will provoke, are the most worrisome for the long run. This is an unsettled time for national security, and so many other things, and the national fabric is being stretched. Will it bounce back or tear? The answer to that question depends, I think, on what happens next. If a reasonably complete set of facts eventually emerges – possible, but not certain – and if it shows that Nunes et al. have indeed acted in bad faith, will they be held accountable? If not, the incentives will be clear to continue down the path we are on. That path, I worry, will bring us to a place we may not like or recognize.

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**From:** David Kris (b)(6)

**Date:** Thursday, February 1, 2018 at 11:43 AM

**To:** Tashina Gauhar <tashina.gauhar2@usdoj.gov>, Kevin Tiernan <Kevin.Tiernan@usdoj.gov>, (b)(3), (b)(6)

(b)(3), (b)(6) "Evans, Stuart (NSD)"

<Stuart.Evans@usdoj.gov>

**Subject:** Draft Op-Ed Coming Soon for Very Rapid Prepublication Review

Hello, DOJ (b)(3). I have been asked by Washington Post to write an op-ed on the forthcoming FISA memo from Chairman Nunes. I am working on it now. The Post says it would like to run it tomorrow if possible. I am planning to send it to you in about an hour, and I am going to ask that you clear it today. I know that is a very, very fast turnaround. I hope you will find it very easy to review and clear, however, because it is quite short and has links to public source material. If you get stuck on anything particular in the draft, I will be happy to cut or modify to make the process faster and easier for you, as I am sure Wash Post will do its own editing in any event (I am not planning to send it to the Post until you clear). Thank you in advance for whatever you can do to help me with this.

-- David

## The Irony of the Nunes Memo

By David Kris

*David Kris, a founder of the [Culper Partners](#) consulting firm, was assistant attorney general for national security from 2009 to 2011. He served as a national security adviser to the Clinton campaign in 2016.*

The central irony of the [Nunes memo](#), we now [know](#), is that it tried to deceive the American People in precisely the same way that it falsely accused the FBI of deceiving the FISA Court. The key question now is whether its authors and sponsors will face any consequences for their dishonesty. If not, we can expect to see more of the same, with potentially dire consequences.

The Nunes memo claimed that the FBI misled the court about Christopher Steele, the former British agent who was a source of information in the FISA applications on Carter Page. It accused the Bureau of failing to “disclose or reference the role of the DNC, Clinton campaign, or any party/campaign in funding” Steele’s research. The government, it argued, portrayed Steele as unbiased, when in fact “the political origins of the Steele dossier were then known to senior DOJ and FBI officials.” This was strong stuff, certainly troubling if true.

Today we know that it was not true. Three weeks ago, based on my experience with the FISA program and those who administer it, I expressed confidence that the government “[provided the court with enough information to meaningfully assess Steele’s credibility](#).” It took a [while](#), but with the benefit of the HPSCI Minority [memo](#) even in redacted form that is now confirmed. In other words, Nunes’ claim that the FBI misled the court was itself misleading.

The FISA applications did not mention the “DNC” or the “Clinton campaign” by name, but according to the Minority memo, they did “repeatedly disclose[] Steele’s background, credibility, and potential bias,” including “the likely political motivations of those who hired” him. The Minority memo quotes the FISA applications explaining how Steele was approached and then hired by “an identified U.S. Person,” Glen Simpson, who explained to Steele that he in turn had been hired by a “U.S.-based law firm,” Perkins Coie, “to conduct research regarding Candidate #1,” Donald Trump, and Trump’s “ties to Russia.” (The use of generic identifiers in the FISA applications is consistent with standard masking protocols, as Chairman Nunes is [well aware](#); the Minority memo provides the names for each identifier.) Although Simpson himself apparently “never advised” Steele as to the “motivation behind the research” he was being asked to do, the FISA applications advised the court: “The FBI speculates that [Simpson] was likely looking for information that could be used to discredit [Trump’s] campaign.”

That is enough to meet the governing [requirements](#). (As someone who has read and approved many FISA applications, and dealt extensively with the FISA Court, I will anticipate and reject a claim that the disclosure was somehow insufficient because it appeared in a footnote to the applications; in my experience, the court reads the footnotes.) The government’s disclosures enabled the court to take Steele’s information with a grain of salt. They allowed the court to decide, based on all of the information presented, whether there was “[probable cause](#)” that Carter Page “[knowingly](#)” engaged in “[clandestine intelligence activities](#)” for Russia that involve, may involve, or are about to involve “[a violation of the criminal statutes of the United States](#).” It’s disturbing that Mr. Page met that legal standard and was a Russian agent.

It's even more disturbing that a purported oversight memo would withhold key facts from the American people in accusing the government of withholding key facts from the court. Had the FBI done in its FISA applications what Nunes did in his memo, heads would have rolled on Pennsylvania Avenue. The court itself, as well as both intelligence committees, several inspectors general, and DOJ's Office of Professional Responsibility all could have brought their shillelaghs to bear. The court, in particular, has done it [once before](#), when it was dissatisfied with the candor of an FBI agent.

Congressional oversight is a critically important function, but who watches the watchers? There are only two meaningful overseers for Chairman Nunes himself: House Speaker Paul Ryan and the voters of California's 22<sup>nd</sup> district. [Nancy Pelosi](#) and [Chuck Schumer](#) have urged Ryan to remove Nunes from his role on the House Intelligence Committee. Don't hold your breath. As for the voters, time will tell, but Chairman Nunes won his last election by a [wide margin](#).

Harvard Law Professor Laurence Tribe and others believe that Nunes might be prosecuted for [obstruction of justice](#), despite the Constitution's [Speech or Debate Clause](#). If so, a third overseer, [Special Counsel Robert Mueller](#), might also get involved. For now, that seems unlikely. But affecting Mueller, directly or via his supervisor, Deputy Attorney General Rod Rosenstein, is pretty clearly at least part of what is really going on here. As another Harvard Law Professor, Philip Heymann, has [explained](#), the appointment of a Special Counsel "is an invitation to dramatic and public political battle" that takes many forms.

The question now is whether intelligence oversight, and the broader paradigm of intelligence under law, will become collateral damage in that battle. American institutions are resilient, but they should not be tested this way. If there is no consequence for the Nunes memo, then we will see its like again and again. Our democracy is under strain, but there is still room for the voters to express their will. That is the best way to reduce this sort of disgraceful and dangerous nonsense.



## Op-Ed on the Forthcoming Nunes FISA Memo

by David Kris

[For publication in the Washington Post on 2 February 2018]

In anticipation of the [Nunes FISA memo](#), apparently set for release later today, it's worth considering three points as context for what is to come. As someone who has reviewed and approved many FISA applications, briefed and [testified](#) repeatedly before the House and Senate Intelligence Committees, and written a [book](#) and [many papers](#) on [FISA](#) and [related issues](#), I worry that the Nunes memo will benefit from a combination of legal ignorance, the FBI's reluctance to compromise intelligence sources as necessary to correct the memo's "[material omissions](#)," and – most significantly – a continued presumption of integrity and good faith, rooted in the paradigm of intelligence under law that has prevailed for 40 years, in an Intelligence Committee chairman who appears to have "[gone rogue](#)."

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As in ordinary criminal cases, the affidavit may assert facts from the affiant's [direct observations](#) – e.g., I watched the suspect place an envelope in the [dead drop](#) – as well as information obtained from a third party, such as a [foreign government](#) or a confidential source.

The Supreme Court has [recognized](#) that “[i]nformants’ tips doubtless come in many shapes and sizes from many different types of persons,” and may “vary greatly in their value and reliability,” but are more valuable to the extent they are corroborated by other evidence.

As it happens, affidavits in support of search warrants often contain errors, in part because (as the Supreme Court [recognized](#)) they are “normally drafted by nonlawyers in the midst and haste of a criminal investigation.” Today, many affidavits are drafted or reviewed by lawyers, but they are often created under pressure, and at relatively early stages of an investigation, before all of the facts are known. Where an affidavit contains a misstatement or omission, the essential question, the Supreme Court has [explained](#), is whether there would have been probable cause without the error. There are many, many decisions of the federal courts addressing that question, and their answer is almost always “[yes](#).” Judges know that sources often come with bias or baggage of one sort or another, and so they routinely accept and uphold affidavits that generally describe a source’s shortcomings without including every detail.

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To be sure, there are some anomalies in the air, including the anti-Trump text messages between [two FBI officials](#), and the relationship between one [DOJ official](#) and Fusion – although it’s not clear that any of them had any direct involvement with a FISA application. In any event, my familiarity with the FISA process and the people who run it give me very high confidence that they would have provided the court with enough information meaningfully to assess Steele’s credibility and the provenance of the other information on which they relied. (If I’m wrong, then Nunes may have a point, and our country has problems at least as serious as a politicized intelligence oversight process.)

One of the main ways to validate a source is to corroborate his reporting. At least some parts of the Steele dossier – not a single document, but a series of reports – apparently remain both [salacious and unverified](#). But other parts, salacious or not, may well have been verified by independent investigation. And if they were, that verification would strengthen the credibility of the remainder. To take a completely fanciful example, solely for purposes of illustration, if the government had a microphone implanted in Vladimir Putin’s tea kettle, and if it overheard him complaining about how he expected President Trump to do his bidding in return for money Putin previously provided, it would certainly support Steele’s reporting. But if it were revealed, it might cause Putin to discard his kettle, and so deprive us of a valuable intelligence source. In short, the price of refuting Nunes may be very high, and so far, at least, the government has



limited itself to complaining about unspecified “[material omissions](#)” and making general assertions that it is “[unaware of any wrongdoing relating to the FISA process.](#)”

3. The challenge posed by secret intelligence in a democracy is part of why the Congressional Intelligence Committees were established: they serve as an informed proxy for the direct oversight of the American People. In response to the Snowden disclosures of 2013, the Intelligence Committees provided [helpful context](#), alerting their constituents that the collection programs in question had been fully briefed to Congress and approved. With Chairman Nunes now cast in the role of Edward Snowden, his democratic counterpart Adam Schiff has made a number of [informative statements](#), as has [Senator Warner](#) of the Senate Intelligence Committee, and others.

Overall, however, it is reasonably clear that our system of government has not yet adapted to the change that President Trump and Chairman Nunes seem to be spearheading. Intelligence oversight often has, or is believed to have, political undertones. But the current Nunes gambit may go further, as he is seemingly content to abandon basic [procedural](#) norms of consultation – including as to the release of classified information – as well as any effort to remain bi-partisan, that have been more or less part of the process since the 1970s. He has, in effect, both assumed bad faith on the part of the Intelligence Community, and arguably practiced it himself.

That spearhead, and the adaptations it will provoke, are the most worrisome for the long run. This is an unsettled time for national security, and so many other things, and the national fabric is being stretched. Will it bounce back or tear? The answer to that question depends, I think, on what happens next. If a reasonably complete set of facts eventually emerges – possible, but not certain – and if it shows that Nunes et al. have indeed acted in bad faith, will they be held accountable? If not, the incentives will be clear to continue down the path we are on. That path, I worry, will bring us to a place we may not like or recognize.



U.S. Department of Justice

Office of the Deputy Attorney General

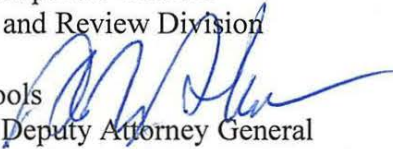
Associate Deputy Attorney General

Washington, D.C. 20530

July 3, 2018

MEMORANDUM

TO: Daniel C. Beckhard  
Assistant Inspector General  
Oversight and Review Division

FROM: Scott Schools   
Associate Deputy Attorney General  
Office of the Deputy Attorney General

SUBJECT: Request for Information to April 25, 2018 Memorandum

1. All documents, including drafts, memorializing, relating or referring to:
  - a. Any surveillance of Carter Page, except that you may exclude producing the Department's final applications to the FISC to conduct electronic or physical surveillance of him;
  - b. Christopher Steele;
  - c. The use or dissemination of information that Steele provided to the FBI;
  - d. Glenn Simpson;
  - e. Orbis Business Intelligence Ltd;
  - f. Fusion GPS;
  - g. Sub-sources used by Steele;
  - h. The relationship or communications between Department attorney Bruce Ohr and Steele, and Ohr and Simpson;
  - i. Nellie Ohr; and
  - j. The FBI's use or dissemination of information concerning the relationship or communications between Ohr and Steele, Ohr and Simpson, and Ohr and Nellie Ohr.

**Response:** On today's date, we provided your office a disc containing responsive unclassified documents from the following custodians: Deputy Attorney General (DAG) Rod Rosenstein, Associate Deputy Attorney General (ADAG) Tashina Gauhar, ADAG Scott Schools, former Principal Associate Deputy Attorney General (PADAG) Robert Hur, former DAG Sally Yates, former PADAG Matthew Axelrod, former ADAG Alexandra Dumas, and former Acting Attorney General and Acting DAG Dana Boente. Unfortunately, we neglected to run searches against former Chief of Staff (COS) and



Acting PADAG James Crowell's data, but I have requested those searches. We will update the response when we have received and reviewed that data.

We will also provide access to two classified folders that contain responsive documents, and have provided hard copy files from Ms. Gauhar and me today as well.

2. All documents responsive to request 1 above that were provided or made available to Members of Congress. Please separately identify or segregate these materials in your production.

**Response:** On today's date, we provided to your office a binder of classified documents that were made available for read-only access to the some Members of Congress and some Congressional staff. If OIG needs to know precisely which Members and staff had access to the documents, please contact the Office of Legislative Affairs.

3. All documents responsive to request 1, and responsive to a congressional subpoena or request for information, that were not provided or made available to Members of Congress. Please separately identify or segregate these materials in your production.

**Response:** Per agreement with OIG, this request has been withdrawn until further notice.

4. The names and positions of ODAG personnel who worked on, supervised, or otherwise participated in and/or approved the preparation of the Page FISA applications.

**Response:** There were four applications for FISA warrants targeting Page. DAG Yates signed the first two applications, Acting DAG and then-United States Attorney for the Eastern District of Virginia Dana Boente signed the third application, and DAG Rosenstein signed the fourth application. ODAG personnel otherwise involved were then-Acting PADAG and COS James Crowell, ADAG Tashina Gauhar and, prior to January 20, 2017, then-PADAG Matthew Axelrod and then-ADAG Alexandra Doumas.

5. The names and positions of ODAG officials who handled, participated in, or have personal knowledge of the FBI's relationship and communications with Steele as they relate to the Page FISA applications.

**Response:** ADAGs Tashina Gauhar and Scott Schools have some knowledge regarding the FBI's interactions with Steele. Although former ADAG Bruce Ohr had communications directly with Steele, it is unclear the extent to which he was aware of the FBI's interaction with Steele. James Crowell, who was previously A/PADAG and COS, may have been briefed on the communications. Former PADAG Robert K. Hur (now the United States Attorney in Maryland) likely had some familiarity with those communications as well. Current A/PADAG Ed O'Callaghan has some knowledge of the communications also. Mr. O'Callaghan did not begin working in ODAG until April 2018. The Deputy Attorneys General would also have some familiarity with those communications.

6. The names and positions of ODAG officials who handled, participated in, or had personal knowledge of the relationship or communications between Bruce Ohr and Steele, Ohr and Glenn Simpson or Fusion GPS, and/or Ohr and Nellie Ohr as they relate to Steele or Fusion GPS.

**Response:** Mr. Crowell and Mr. Schools had conversations with Mr. Ohr about his communications with Steele in November 2017. Mr. Schools and Ms. Gauhar (and perhaps DAG Rosenstein) reviewed FBI 302s describing those communications in or after November 2017. Ms. Gauhar has provided notes from a February 16, 2017 meeting attended by among others Mr. Crowell, Mr. Schools, and Ms. Gauhar. The notes reflect that during the meeting the FBI alluded to Ms. Nellie Ohr's employment with Fusion GPS and made a reference in that context to Mr. Ohr having contact with Mr. Simpson. The notes do not reflect any additional information about the relationships.



**Devitt, Dawn (JMD)**

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**From:** Devitt, Dawn (JMD)  
**Sent:** Wednesday, June 6, 2018 8:54 AM  
**To:** Schools, Scott (ODAG)  
**Cc:** Plante, Jeanette (JMD); Schreiner, James W (JMD)  
**Subject:** RE: IG Investigation 1149 ODAG OIG/Page

Will do.

We will reach out to you once the search has been run.

Thanks.

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**From:** Schools, Scott (ODAG)  
**Sent:** Wednesday, June 06, 2018 8:27 AM  
**To:** Devitt, Dawn (JMD) <ddevitt@jmd.usdoj.gov>  
**Cc:** Plante, Jeanette (JMD) <jplante@jmd.usdoj.gov>; Schreiner, James W (JMD) <jschreiner@jmd.usdoj.gov>  
**Subject:** RE: IG Investigation 1149 ODAG OIG/Page

(b)(5)

Thanks.

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**From:** Schools, Scott (ODAG)  
**Sent:** Wednesday, May 23, 2018 1:32 PM  
**To:** Devitt, Dawn (JMD) <ddevitt@jmd.usdoj.gov>  
**Cc:** Plante, Jeanette (JMD) <jplante@jmd.usdoj.gov>; Schreiner, James W (JMD) <jschreiner@jmd.usdoj.gov>  
**Subject:** Re: IG Investigation 1149 ODAG OIG/Page

Please do. Thanks.

On May 23, 2018, at 1:15 PM, Devitt, Dawn (JMD) <ddevitt@jmd.usdoj.gov> wrote:

(b)(5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Please let me know when you would like to schedule Clearwell training or if you would like us to coordinate the scheduling with someone else.

We will reach out to Chris Catizone to schedule Clearwell training.

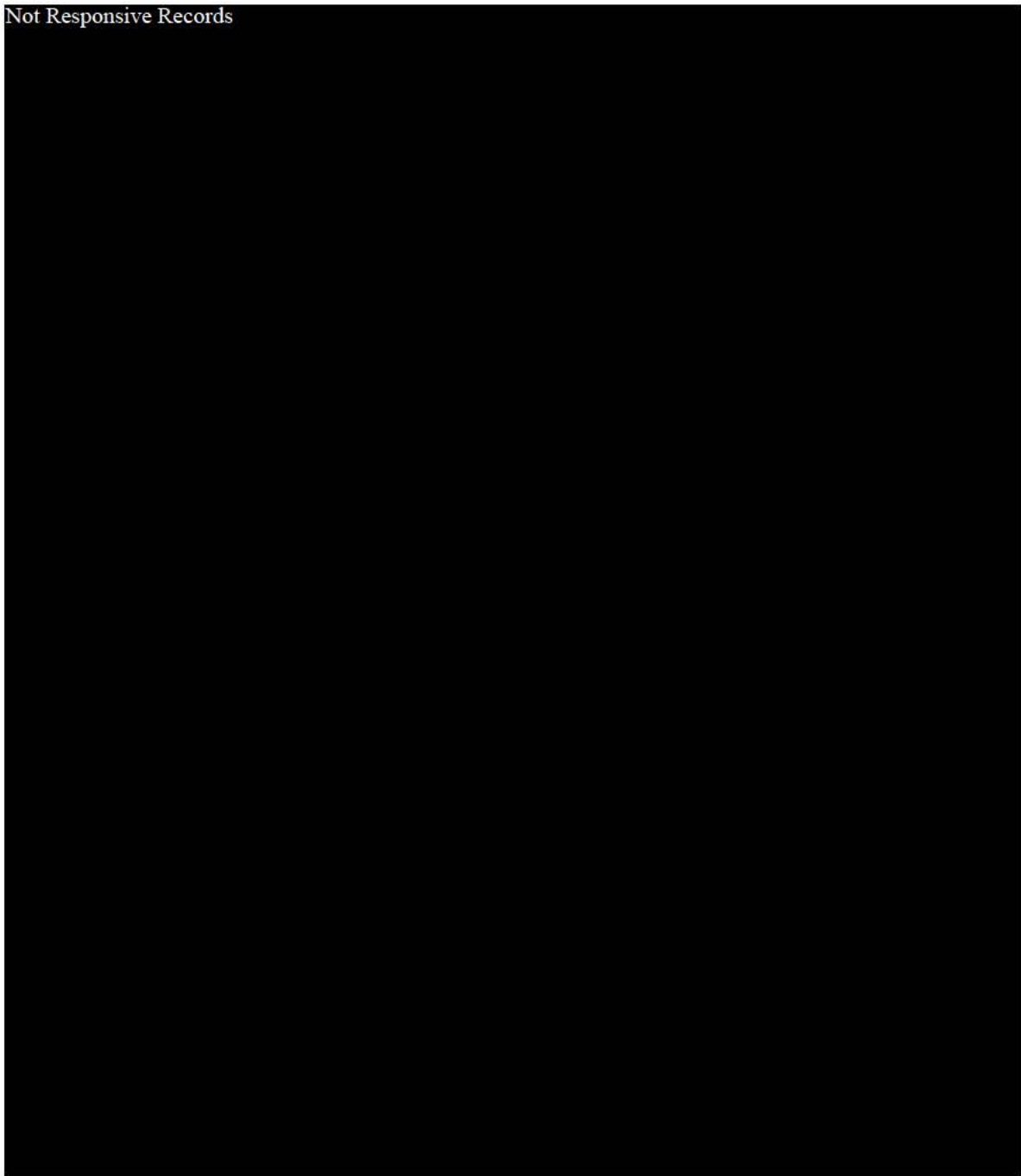
Thank you.

Dawn Devitt  
eDiscovery Program Manager  
USDOJ JMD/OCIO

[Dawn.Devitt@usdoj.gov](mailto:Dawn.Devitt@usdoj.gov)  
202-305-3993

If you require immediate assistance, please contact Jim Schreiner at  
[James.W.Schreiner@usdoj.gov](mailto:James.W.Schreiner@usdoj.gov).

Not Responsive Records





(b)(6) (OIG)

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**From:** (b)(6) (OIG)  
**Sent:** Wednesday, April 25, 2018 3:43 PM  
**To:** Schools, Scott (ODAG)  
**Cc:** Gauhar, Tashina (ODAG)  
**Subject:** E2018002 OIG Request for Information  
**Attachments:** E2018002 ODAG Request for Information 4-25-18.pdf

The attached document is being sent to you on behalf of Daniel C. Beckhard, Assistant Inspector General.



U.S. Department of Justice

Office of the Inspector General

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E2018002

April 25, 2018

MEMORANDUM FOR SCOTT SCHOOLS

ASSOCIATE DEPUTY ATTORNEY GENERAL  
OFFICE OF THE DEPUTY ATTORNEY GENERAL

FROM:

DANIEL C. BECKHARDT  
ASSISTANT INSPECTOR GENERAL  
OVERSIGHT AND REVIEW DIVISION

SUBJECT:

Request for Information

On March 28, 2018, the Office of the Inspector General (OIG) initiated a review to examine the Department's and FBI's compliance with legal requirements, policies, and procedures in obtaining authority under the Foreign Intelligence Surveillance Act (FISA) to conduct surveillance of Carter Page. As part of this review, the OIG is also examining information that was known to the Department and FBI at the time the FISA applications were filed with the U.S. Foreign Intelligence Surveillance Court (FISC) from or about Christopher Steele. In addition, we are examining the Department's and FBI's relationship and communications with Steele as they relate to the FISA applications.

In furtherance of this review, we request that the Office of the Deputy Attorney General (ODAG) provide the following:

1. All documents, including drafts, memorializing, relating or referring to:
  - (a) Any surveillance of Carter Page, except that you may exclude producing the Department's final applications to the FISC to conduct electronic or physical surveillance of him;
  - (b) Christopher Steele;
  - (c) The use or dissemination of information that Steele provided to the FBI;

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- (d) Glenn Simpson;
  - (e) Orbis Business Intelligence Ltd;
  - (f) Fusion GPS;
  - (g) Sub-sources used by Steele;
  - (h) The relationship or communications between Department attorney Bruce Ohr and Steele, and Ohr and Simpson;
  - (i) Nellie Ohr; and
  - (j) The FBI's use or dissemination of information concerning the relationship or communications between Ohr and Steele, Ohr and Simpson, and Ohr and Nellie Ohr.
2. All documents responsive to request 1 above that were provided or made available to Members of Congress. Please separately identify or segregate these materials in your production.
  3. All documents responsive to request 1, and responsive to a congressional subpoena or request for information, that were not provided or made available to Members of Congress. Please separately identify or segregate these materials in your production.
  4. The names and positions of ODAG personnel who worked on, supervised, or otherwise participated in and/ or approved the preparation of the Page FISA applications.
  5. The names and positions of ODAG officials who handled, participated in, or have personal knowledge of the FBI's relationship and communications with Steele as they relate to the Page FISA applications.
  6. The names and positions of ODAG officials who handled, participated in, or had personal knowledge of the relationship or communications between Bruce Ohr and Steele, Ohr and Glenn Simpson or Fusion GPS, and/or Ohr and Nellie Ohr as they relate to Steele or Fusion GPS.

Documents and records responsive to this request should be provided to the OIG on or before May 8, 2018. To the extent practicable, please segregate unclassified from classified responsive materials and produce the unclassified materials through an unclassified medium.

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We also request that ODAG instruct all relevant personnel to preserve all emails, SMS and MMS text messages, instant messages, and other materials from June 1, 2016, to the present relating or referring to: (a) the Department's applications to the FISC to conduct surveillance on Carter Page; (b) Christopher Steele; and (c) the relationship or communications between Ohr and Steele.

Thank you for your cooperation. If you have any questions, please contact Deputy Assistant Inspector General Sean O'Neill at (202) 514-9539 or Investigative Counsel Ann Marie Terzaken at (202) 616-4254.

cc: Tashina Gauhar  
Associate Deputy Attorney General

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United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

January 5, 2018

**VIA ELECTRONIC TRANSMISSION**

The Honorable Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Dear Deputy Attorney General Rosenstein and Inspector General Horowitz:

Yesterday, Senator Graham and I sent to Deputy Attorney General Rosenstein a referral of Christopher Steele for further investigation of evidence suggesting he may have committed a violation of 18 U.S.C. §1001. A small portion of that referral relies on information shared with the Senate Judiciary Committee and marked (S/NOFORN/ORCON).

In light of the Inspector General Empowerment Act and the Inspector General's important statutory role in providing independent oversight of the Department, I assume that there is no reason that a courtesy copy of the full, unredacted referral cannot be shared with the Inspector General, notwithstanding that ORCON designation. Therefore, I intend to provide him with an unredacted courtesy copy via classified courier.

Should either of you or your staff like to discuss further before the copy is transmitted, please contact Jason Foster or Patrick Davis of my Committee staff at (202) 224-5225 before close of business today. Thank you.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary

cc: Senator Diane Feinstein  
Ranking Member  
Senate Committee on the Judiciary

Senator Lindsey Graham  
Chairman  
Subcommittee on Crime and Terrorism  
Committee on the Judiciary