

Crowell, James (ODAG)

From: Crowell, James (ODAG)
Sent: Saturday, May 20, 2017 7:49 PM
To: Rosenstein, Rod (ODAG)
Cc: Aaron.Zebley@wilmerhale.com
Subject: Re: Sunday Visit

Sir:

Mr. Mueller and his team and Director MCCabe and Karl Gattis of FBI are cleared for your mtg.

Please let me know if you need anything else.

Jim

Sent from my iPhone

On May 20, 2017, at 7:13 PM, Rosenstein, Rod (ODAG) <rosenstein@jmd.usdoj.gov> wrote:

Confirmed for 11?

On May 20, 2017, at 7:02 PM, Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Dunlap, James L (JMD)" <jdunlap@jmd.usdoj.gov>
Date: May 20, 2017 at 6:26:06 PM EDT
To: "Crowell, James (ODAG)" <jcrowell@jmd.usdoj.gov>
Cc: "Lofthus, Lee J (JMD)" <llofthus@jmd.usdoj.gov>, "Santangelo, Mari (JMD)" <msantangelo@jmd.usdoj.gov>, "Harrison, Anna M (JMD)" <aharrison@jmd.usdoj.gov>
Subject: Sunday Visit

All:

I've arranged for this visit. Visitor's should arrive at the 10th Street Gate.

James L. Dunlap
Department Security Officer
Director - Security & Emergency Planning Staff
Desk - (b) (6)
Cell - (b) (6)

OIP-0001

Cell: 724/300-0427

"When the time to perform has arrived, the time to prepare has passed"

On May 20, 2017, at 5:43 PM, Crowell, James (ODAG)
<jcrowell@jmd.usdoj.gov> wrote:

James/Lee:

I apologize contacting you on wknd but can you help get the following folks cleared to come into doj Tom morning to meet with DAG?

Thanks in advance.

Jim

Sent from my iPhone

Begin forwarded message:

From: "Zebley, Aaron"
<Aaron.Zebley@wilmerhale.com>
Date: May 20, 2017 at 5:10:45 PM EDT
To: "Crowell, James (ODAG)"
<James.Crowell@usdoj.gov>

Jim,
The following folks will be at DOJ around 1045 for an 1100 meeting in ODAG:
Robert S. Mueller
Aaron Zebley
Andrew McCabe (FBI)

I think that's it. I'm checking with Andy.

Thanks.
Aaron

Rosenstein, Rod (ODAG)

From: Rosenstein, Rod (ODAG)
Sent: Thursday, May 18, 2017 7:29 AM
To: Laura Duffy
Subject: Re: FBI Associate Deputy Director David Bowdich

Thank you.

On May 17, 2017, at 11:05 PM, Laura Duffy (b)(6) wrote:

Rod - Greetings friend. I hope this email finds you well. You have had quite the last few weeks. I know that I speak for dozens other members of the former US Attorney community who backed your confirmation in telling you that we have every confidence in the Department with you on the J-O-B. The country is lucky to have you as our Deputy Attorney General at this point in history.

I know you are extremely busy, so I will get right to the reason I am writing. If you are not yet familiar with David Bowdich, the current FBI Associate Deputy Director, I recommend him to you as a highly qualified candidate with an impeccable reputation who is deserving of an interview for the Director position. David has been Associate Director since April 2016. I met David in the 1990's, while an AUSA in the Southern District of California. David spent nearly a decade with the FBI in the SDCA as special agent, supervising special agent, and Assistant Special Agent in Charge before he was plucked to go to DC to act as the Chief of Staff to the then Associate Deputy Director under Robert Mueller. The work David did in San Diego was exemplary and he made an indelible impression on many of USAO's brightest attorneys and leadership figures, including folks you may have personally worked with like Deborah Rhoades (b)(6) and Karen Hewitt (b)(6). While I haven't personally spoken to Karen yet, I have spoken to Deb and she also highly recommends David as an excellent candidate who has the qualities it takes to lead an organization like the FBI.

After returning to California from D.C., David was stationed in Los Angeles – first as the Special Agent in Charge of Counterterrorism from 2012-2015, and then as the Los Angeles Assistant Director in Charge. In his role as Assistant Director in Charge, David oversaw approximately 1,500 persons charged with protecting an area of responsibility in which over 18 million people reside. Moreover, during

OIP-0003

that time, he lead some extremely high profile investigations of national import, including the San Bernardino terrorist attack response and investigation and the Los Angeles Sheriff Department corruption investigation. I know that while in Los Angeles, David worked closely with former U.S. Attorneys Andre Birotte (b)(6), Stephanie Yonakura (b)(6), and Eileen Decker (b)(6), all of whom I am sure would be happy to speak with you about his work and stellar reputation.

I wish you the very best in the days and months to come. I have every confidence that your leadership will leave the Department a better place. In the event that you wish to reach out to Associate Deputy Director David Bowdich – he can be reached at the contacts below.

Email: (b) (6), (b)(7)(C)

Desk: 202-324-0307

Cellular: (b)(6)

If you would like to speak with me about David, please feel free to call me at any time as I would be happy to do so. I can be reached in my chambers at 619-456-4003 or on my cellular at (b)(6).

Laura E. Duffy

Crowell, James (ODAG)

From: Crowell, James (ODAG)
Sent: Monday, May 15, 2017 8:18 PM
To: Rosenstein, Rod (ODAG)
Subject: Fwd: 2017-05-02 CEG to DOJ (McCabe Continuing Conflicts)
Attachments: 2017-05-02 CEG to DOJ (McCabe Continuing Conflicts).pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Gauhar, Tashina (ODAG)" <tagauhar@jmd.usdoj.gov>
Date: May 15, 2017 at 8:16:57 PM EDT
To: "Crowell, James (ODAG)" <jcrowell@jmd.usdoj.gov>, "Schools, Scott (ODAG)" <sschools@jmd.usdoj.gov>, "Terwilliger, Zachary (ODAG)" <zterwilliger@jmd.usdoj.gov>
Subject: FW: 2017-05-02 CEG to DOJ (McCabe Continuing Conflicts)

FYI -- A letter from Sen. Grassley to the DAG re Acting Director McCabe.

From: Lan, Iris (ODAG)
Sent: Monday, May 15, 2017 8:03 PM
To: Gauhar, Tashina (ODAG) <tagauhar@jmd.usdoj.gov>
Subject: FW: 2017-05-02 CEG to DOJ (McCabe Continuing Conflicts)

FYSA.

From: Burton, Faith (OLA)
Sent: Tuesday, May 02, 2017 11:36 AM
To: McKay, Shirley A (OLA) <smckay@jmd.usdoj.gov>
Cc: Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>; Barnett, Gary (ODAG) <gbarnett@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Beers, Elizabeth R. (DO) (FBI) <Elizabeth.Beers@ic.fbi.gov>; Kellner, Kenneth E. (OLA) <kkellner@jmd.usdoj.gov>; Tyson, Jill C. (OLA) <jctyson@jmd.usdoj.gov>
Subject: FW: 2017-05-02 CEG to DOJ (McCabe Continuing Conflicts)

Shirley, please log this in and assign it to FBI to prepare a response for OLA sig. Beth, just tried to reach you on the phone; we can adjust this assignment if necessary, but think that the FBI should have the pen for now.

I will confirm receipt. Thanks. FB

From: Flynn-Brown, Josh (Judiciary-Rep) (b)(6)
Sent: Tuesday, May 02, 2017 11:09 AM
To: 'Burton, Faith (OLA)' <Faith.Burton@usdoj.gov>
Cc: CEG (Judiciary-Rep) <CEG@judiciary-rep.senate.gov>; Foster, Jason (Judiciary-Rep)

OIP-0005

<Jason_Foster@judiciary-rep.senate.gov>; Davis, Patrick (Judiciary-Rep)
<Patrick_Davis@judiciary-rep.senate.gov>; Brower, Gregory (OGC) (FBI)
(b) (6), (b)(7)(C) >; Mcdonough, J. C. (DO) (FBI) <(b) (6), (b)(7)(C) Sawyer,
Heather (Judiciary-Dem) (b)(6)
Subject: 2017-05-02 CEG to DOJ (McCabe Continuing Conflicts)

Faith,

Attached is a letter to Deputy Attorney General Rosenstein from Chairman Grassley. Please confirm receipt, and please send all formal follow-up correspondence electronically in PDF format to CEG@judiciary-rep.senate.gov, Jason_Foster@judiciary-rep.senate.gov, Patrick_Davis@judiciary-rep.senate.gov, and me.

Very Respectfully,

Josh Flynn-Brown
Investigative Counsel
Chairman Charles E. Grassley
U.S. Senate Committee on the Judiciary
(202) 224-5225

OIP-0006

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

May 2, 2017

VIA ELECTRONIC TRANSMISSION

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

Dear Mr. Rosenstein,

Now that you have been confirmed as Deputy Attorney General, it is vital that you begin to closely supervise and oversee the FBI's handling of politically charged, high-profile and controversial investigations. In the past several months, the Committee has sought greater transparency regarding Deputy Director Andrew McCabe's role in those investigations and the appearance of political bias that his involvement creates. Public reports of his meeting with a longtime Clinton and Democrat party fundraiser, Governor Terry McAuliffe, and his wife's subsequent campaign for public office being substantially funded by McAuliffe's organization raise serious questions about his ability to appear impartial. The FBI provided unsatisfactory answers to those questions.

On October 28, 2016, I wrote to the FBI about Deputy Director McCabe's conflicts in the Clinton investigation and the reported FBI investigation into Gov. Terry McAuliffe's potential violation of federal campaign laws. On December 14, 2016, the FBI responded but failed to provide the requested records of communications among FBI officials or answer important questions relating to the Clinton and McAuliffe investigations. Further, on March 28, 2017, I wrote to the FBI inquiring about Mr. McCabe's level of involvement in the investigation into alleged collusion between Mr. Trump's associates and Russia prior to the election. Recently, reports have indicated that the FBI may be setting up a special unit, overseen by Mr. McCabe, to investigate these allegations.¹

Mr. McCabe is already under investigation by the Department of Justice Office of Inspector General for failing to recuse himself from the Clinton investigation due to his meeting with McAuliffe. After that meeting, McAuliffe-aligned political groups donated about \$700,000 to Mr. McCabe's wife, Dr. McCabe, for her campaign to become a Democrat state Senator in Virginia. The Wall Street Journal has reported that 98% of the Gov. McAuliffe related donations to Dr. McCabe came after the FBI launched the investigation into Secretary Clinton.² As you are aware, Gov. McAuliffe has been a close associate of Secretary Clinton and former President Bill

¹ David J. Lynch, "FBI plans to create special unit to coordinate Russia probe," Financial Times (April 2, 2017). Available at <https://www.ft.com/content/40498d94-155b-11e7-80f4-13e067d5072c>

² Wall Street Journal Editorial, "The FBI's Clinton Probe Gets Curiouser," (October 24, 2016). Available at <http://www.wsj.com/articles/the-fbi-clinton-probe-gets-curiouser-1477352522>

OIP-0007

Clinton for many decades. Naturally, the financial and political links between Mr. McCabe and Gov. McAuliffe raise concerns about the appearance of impartiality in the course of not only the Clinton investigation, but the reported McAuliffe investigation, and the ongoing investigation of alleged ties between associates of Mr. Trump and Russia.

In February 2016, three months after Dr. McCabe lost her election bid, Mr. McCabe became the FBI's second in command and, according to the FBI, "assumed responsibility for the Clinton email investigation." The FBI merely asserted that with respect to the Clinton investigation, "[b]ased on these facts, it did not appear that there was a conflict of interest actual or apparent that required recusal or waiver."

However, according to the FBI ethics memorandum applicable to Mr. McCabe and provided in its December 14 response, there were other matters the FBI identified where Mr. McCabe's "disassociation would be appropriate." Notably, Mr. McCabe was the approval authority for his own memorandum, so it is unclear who provided oversight of the recusal process outside the FBI itself, if anyone. The memo says:

"[s]pecifically, all public corruption investigations arising out of or otherwise connected to the Commonwealth of Virginia present potential conflicts, as Dr. McCabe is running for state office and is supported by the Governor of Virginia. Therefore, out of an abundance of caution, the ADIC will be excluded from any involvement in all such cases."

The scope of that recusal would include the reported investigation into Gov. McAuliffe. The memo also says, "[t]his protocol will be reassessed and adjusted as necessary and at the conclusion of Dr. McCabe's campaign in November 2015."

The FBI did not explain whether the protocol was reassessed when Dr. McCabe lost her election bid in November 2015 or what the scope of any remaining recusal was, if any, after the end of her campaign. Thus, it is unclear whether Mr. McCabe is still recused from the reported McAuliffe investigation. However, the FBI's December 14 response made clear that Mr. McCabe's "disassociation" from Virginia-related cases would merely be followed "for the remainder of [Dr. McCabe's] campaign." This implies that once the campaign ended, Mr. McCabe was free again to oversee any investigation related to the man who recruited his wife to run for office and the organizations that provided her approximately \$700,000 to do so.

With respect to the Russia investigation, during the week of March 20, 2017, Director Comey publicly testified that in late July of 2016, the FBI began investigating the Russian government's attempts to interfere in the 2016 presidential election, including alleged collusion between individuals associated with the Trump campaign and the Russian government. The inquiry appears to have arisen during the same time that there was intense public controversy over the FBI's handling of the Clinton email investigation. On April 17, 2017, the FBI responded to my March 28, 2017, letter regarding Mr. McCabe's involvement in the investigation into the Russian Government's efforts to interfere in the 2016 election. In that response, the FBI said, "the FBI has assessed that there is no basis in law or in fact for such a recusal," without providing any reasoning, rationale, or documentation to support this conclusory statement.

Further, according to public reports, the FBI agreed to pay Christopher Steele, the author of the unsubstantiated dossier alleging a conspiracy between Trump associates and the Russians. Clinton associates also reportedly paid Mr. Steele to create the dossier against Mr. Trump. The FBI has failed to publicly reply to my March 6, 2017, letter asking about those reports. That leaves serious questions about the FBI's independence from politics unanswered.

Mr. McCabe's appearance of a partisan conflict of interest relating to Clinton associates only magnifies the importance of the Committee's unanswered questions. This is particularly true if Mr. McCabe was involved in approving or establishing the FBI's reported arrangement with Mr. Steele, or if Mr. McCabe vouched for or otherwise relied on the politically-funded dossier in the course of the investigation. Simply put, the American people should know if the FBI's second-in-command relied on Democrat-funded opposition research to justify an investigation of the Republican presidential campaign. Full disclosure is especially important since he is already under investigation by the Department of Justice Office of Inspector General for failing to recuse himself from the Clinton matter due to his partisan Democrat ties.

These same conflict of interest concerns exist with Mr. McCabe's involvement in any potential investigation into what appear to be multiple politically motivated leaks of classified information related to the Russia controversy.

As a general matter, all government employees must avoid situations that create even the appearance of impropriety and impartiality so as to not affect the public perception of the integrity of an investigation.³ Importantly, the FBI Ethics and Integrity Program Guide cites 28 C.F.R. § 45.2 which states that,

no employee shall participate in a criminal investigation if he has a personal or *political* relationship with [...] [a]ny person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or [a]ny person or organization which he knows has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.⁴

As applied to Mr. McCabe's role in the Clinton, McAuliffe, Trump associates investigation, and leak investigation, these rules demand that he and the FBI take steps to ensure that no appearance of a loss of impartiality undermines public confidence in the work of the Bureau. The FBI has failed to show the Committee that it has taken those necessary steps.

³ Specifically, 5 C.F.R. § 2635.502, advises that a government employee should seek clearance before participating in any matter that could cause his or her impartiality to be questioned. Executive Order 12674, "Principles of Ethical Conduct for Government Officers and Employees," makes clear that "[e]mployees shall not hold financial interests that conflict with the conscientious performance of duty," "[e]mployees shall act impartially and not give preferential treatment to any private organization or individual," and "[e]mployees shall endeavor to avoid any actions creating the *appearance* that they are violating the law or the ethical standards promulgated pursuant to this order." FBI Ethics and Integrity Program Policy Guide, p. 29 and 30, citing Executive Order 12674. Emphasis added. If the employee's supervisor determines that a personal or political relationship exists the employee shall be relieved unless the supervisor determines, in writing, the relationship "*would not* create an appearance of a conflict of interest likely to affect the *public perception* of the integrity of the investigation or prosecution." FBI Ethics and Integrity Program Policy Guide, p. 30. Emphasis added.

⁴ *Id.* at 30. Emphasis added.

Accordingly, a significant cloud of doubt has been cast over the FBI's work. Due to the FBI's continued failure to adequately respond to the Committee, please answer the following questions:

1. What steps do you plan to take to ensure that the publicly acknowledged investigation into alleged collusion with Russian efforts to influence the elections is not tainted with the appearance of political bias due to the information outlined above?
2. What steps do you plan to take to ensure that the apparent leaks of classified information related to contacts between Trump associates and Russians are fully and impartially investigated, given that several senior FBI officials, including Mr. McCabe, are potential suspects with access to the leaked information?
3. What steps do you plan to take to ensure that the reported investigation related to Gov. McAuliffe was or is being fully and impartially investigated given that Deputy Director McCabe's recusal appears to have ended at the time that his wife was no longer a candidate for elected office?

In addition, due to the FBI's failure to answer any McAuliffe related questions, I am attaching the Committee's October 28, 2016, letter for your reference with a request that the Justice Department answer questions 11 and 12(a)-(g). In addition, I am attaching the March 6, 2017, and March 28, 2017, letters to the FBI for your review.

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you in advance for your cooperation with this request. Please respond no later than May 16, 2017 and number your answers according to their corresponding questions. If you have questions, contact Josh Flynn-Brown or Patrick Davis of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

OIP-0010

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

October 28, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Comey,

On October 23, 2016, the Wall Street Journal reported a set of troubling facts about potential conflicts of interest in the criminal investigation into Secretary of State Hillary Clinton. That news article noted that Virginia Governor Terry McAuliffe's political action committee donated \$467,500 to Dr. Jill McCabe's state Senate campaign in 2015.¹ In addition, the Wall Street Journal reported that the Virginia Democrat Party, "over which Mr. McAuliffe exerts considerable control," also donated \$207,788 to her campaign.² Dr. McCabe is married to Andrew McCabe who is currently deputy director of the FBI, and became part of the leadership that oversaw the Clinton email investigation in 2016. Gov. McAuliffe is long-time confidant of Bill and Hillary Clinton and served as President Clinton's chief fundraiser in the 1990s. It is well reported and known that Gov. McAuliffe and the Clintons have been close associates for decades and it begs the question why Mr. McCabe was allowed to be in a position to exert oversight upon the Clinton investigation knowing that his wife was provided over half a million dollars by entities tied so closely to Gov. McAuliffe and the Clintons.

The Wall Street Journal has reported that the FBI did not see Mr. McCabe's position as a conflict of interest concerning the Clinton email investigation because his wife's campaign had ended by the time he stepped into a supervisory position in the investigation, which seems to concede any involvement during her campaign could have been a conflict.³ Notably, even before his supervisory position as deputy director, Mr. McCabe was in charge of the FBI's Washington, D.C. field office which, according to the Wall Street Journal, "provided personnel and resources

¹ Devlin Barret, "Clinton Ally Aided Campaign of FBI Official's Wife," Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>

² *Id.*

³ *Id.*

to the Clinton email probe.”⁴ In July 2015, around the time the FBI’s Clinton investigation began, Mr. McCabe was promoted to associate deputy director at FBI headquarters – the number three in the chain of command.⁵ The FBI asserts that Mr. McCabe did not have an “oversight role” in the Clinton investigation until he became the number two in command in 2016.⁶ However, the FBI’s statement does not foreclose the possibility that Mr. McCabe had a non-oversight role while associate deputy director. Thus, even during the time period in which his wife’s political campaign received approximately half a million dollars from Gov. McAuliffe’s political action committee, and over \$200,000 from the Virginia Democrat Party, he may have had a role in the investigation and did not recuse himself.

In October 2015, several months after his promotion, Gov. McAuliffe’s political action committee made three donations of more than \$100,000 to his wife’s campaign.⁷ Prior to October, and prior to his promotion, the largest donation was \$7,500.⁸ The Wall Street Journal has reported that 98% of the Gov. McAuliffe related donations to his wife came after the FBI launched the investigation into Secretary Clinton.⁹ Given these facts, the FBI must provide a more detailed explanation as to why it determined that it was appropriate for Mr. McCabe to participate in that investigation in any way.

Also, separate and distinct from the Clinton investigation, it has been reported that the FBI’s Washington field office, the same one which Mr. McCabe led, started an investigation into Gov. McAuliffe for allegedly receiving over \$100,000 in campaign contributions from foreign entities.¹⁰ The FBI has stated that Mr. McCabe was recused from the McAuliffe investigation when his wife chose to run for office.¹¹ It is unclear as to whether Mr. McCabe returned to the investigation when the campaign ended.¹²

As a general matter, all government employees must avoid situations that create even the appearance of impropriety. Specifically, 5 C.F.R. § 2635.502, advises that a government employee should seek clearance before participating in any matter that could cause his or her

⁴ Devlin Barret, “Clinton Ally Aided Campaign of FBI Official’s Wife,” Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>.

⁵ *Id.*

⁶ *Id.* The FBI released a statement saying, “[m]onths after the completion of her campaign, then Associate Deputy Director McCabe was promoted to Deputy, where, in that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton’s emails.” See Devlin Barret, “Clinton Ally Aided Campaign of FBI Official’s Wife,” Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>

⁷ October 1, 2015 \$150,000; October 27, 2015 \$125,000; October 29, 2015 \$175,000. See VPAP.org, http://www.vpap.org/donors/248345/recipient/257117/?start_year=2015&end_year=2015&recip_type=all

⁸ *Id.*

⁹ Wall Street Journal Editorial, “The FBI’s Clinton Probe Gets Curiouser,” (October 24, 2016). Available at <http://www.wsj.com/articles/the-fbi-clinton-probe-gets-curiouser-1477352522>

¹⁰ Devlin Barret, “FBI Investigating Donations to Virginia Gov. Terry McAuliffe,” Wall Street Journal (May 23, 2016). Available at <http://www.wsj.com/articles/fbi-investigating-donations-to-virginia-gov-terry-mcauliffe-1464046899>

¹¹ Gregory S. Schneider, “Why the latest Hillary Clinton conspiracy might not be what it seems,” The Washington Post (October 24, 2016.) Available at <https://www.washingtonpost.com/news/post-politics/wp/2016/10/24/why-the-latest-clinton-conspiracy-might-not-be-what-it-seems/>

¹² *Id.* The article notes the FBI said, “[w]hen she chose to run . . . McCabe and FBI lawyers implemented a system of recusal from all FBI investigative matters involving Virginia politics, a process followed for the remainder of her campaign.” The implication is that he returned to the investigation when the campaign ended.

impartiality to be questioned. In addition, when impartiality is at issue, the employee should obtain a formal determination from the component superior that participation outweighs the concern that the FBI's integrity would be questioned.¹³ The Wall Street Journal reports that Mr. McCabe did seek ethics advice in March 2015 after he and his wife met with Gov. McAuliffe. However, it is not clear from which officials he sought advice, what guidance he received from the FBI, and whether he sought additional guidance after he was twice promoted to a position that had an apparent increased role in the Clinton investigation.¹⁴ In addition, with respect to the McAuliffe investigation, it is unclear whether he returned to the investigation after recusal and, if so, what ethics guidance he received.

Executive Order 12674, "Principles of Ethical Conduct for Government Officers and Employees," makes clear that "[e]mployees shall not hold financial interests that conflict with the conscientious performance of duty," "[e]mployees shall act impartially and not give preferential treatment to any private organization or individual," and "[e]mployees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order."¹⁵ Importantly, the FBI Ethics and Integrity Program Guide cites 28 C.F.R. § 45.2 which states that,

no employee shall participate in a criminal investigation if he has a personal or political relationship with [...] [a]ny person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or [a]ny person or organization which he knows has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.¹⁶

In complying with this rule, the employee must report the matter to his supervisor. If the supervisor determines that a personal or political relationship exists the employee shall be relieved unless the supervisor determines, in writing, the relationship will not "render the employee's service less than fully impartial and professional" and the employee's participation "would not create an appearance of a conflict of interest likely to affect the public perception of the integrity of the investigation or prosecution."¹⁷ As applied to Mr. McCabe's role in the Clinton email investigation and McAuliffe investigation, these rules demand that he and the FBI take steps to ensure that not even the appearance of a loss of impartiality is present. Further, given Mr. McCabe's potential role in both investigations, which has not been fully explained by the FBI, his wife's substantial campaign donations from Gov. McAuliffe's political action

¹³ 5 C.F.R. § 2635.502(d).

¹⁴ For example, it is not clear whether or not Mr. McCabe sought guidance from you or the Designated Agency Ethics Official regarding his potential conflict of interest or whether he sought a waiver to continue in his role in the Clinton investigation. The FBI Ethics and Integrity Policy Guide Section 4.6.1.2 notes that an employee who is concerned that circumstances would cause questions as to his impartiality should speak with ethics officials.

¹⁵ FBI Ethics and Integrity Program Policy Guide, p. 29 and 30, citing Executive Order 12674. Emphasis added.

¹⁶ *Id.* at 30. Emphasis added.

¹⁷ *Id.* Emphasis added.

committee and the Democrat party potentially create the appearance of a conflict of interest that has affected the public perception of the integrity of both investigations. This is problematic and the rules are designed to prevent these types of issues from occurring.

The FBI has repeatedly stated that the Clinton investigation was apolitical and you have said that FBI personnel “don’t give a rip about politics.”¹⁸ Further, you have stated, “I want the American people to know we really did this the right way. You can disagree with us, but you cannot fairly say we did it in any kind of political way.”¹⁹ The FBI’s Ethics and Integrity Policy Guide specifically notes that “[w]hether particular circumstances created an appearance that the law or [FBI ethical standards] have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.”²⁰

Since the Clinton investigation ended, the public’s knowledge of the relevant facts has rightfully increased substantially. The public now knows that the investigation’s scope was arbitrarily limited to classifications issues, with little or no effort to make a case against anyone for intentionally alienating federal records and subverting the Freedom of Information Act process. Moreover, the Justice Department apparently failed to authorize any compulsory process through search warrants or grand jury subpoenas.²¹ This resulted in generous grants of immunity to Secretary Clinton’s associates because of their refusal to cooperate voluntarily except under the terms and limitations most favorable to them – including an inexplicable agreement for the FBI to destroy laptops that contained records subject to congressional subpoenas and preservation letters. On top of these circumstances, now the public learns that the wife of the FBI’s second in command accepted more than half a million dollars from a close associate of Secretary Clinton, with 98% of the donations received after the FBI began its investigation. And, separate from the Clinton investigation, it is not clear whether Mr. McCabe has rejoined the investigation into Mr. McAuliffe after his wife’s campaign received substantial donations. Accordingly, it is reasonable for the public to question the impartiality of the process.

In order to better understand the context of the facts reported in the press about Mr. McCabe, please answer and provide the following:

1. Please describe Mr. McCabe’s role in the Clinton investigation as assistant director in charge of the FBI’s Washington, D.C. field office, associate deputy director, and as deputy director of the FBI.

¹⁸ Evan Perez, “FBI chief on Clinton investigation: My people ‘don’t give a rip about politics,’” CNN (October 1, 2015). Available at http://www.cnn.com/2015/10/01/politics/james_comey_fbi_hillary_clinton/

¹⁹ Everett Rosenfeld, “FBI Director Comey says ‘nobody would’ bring a case against Clinton,” CNBC (July 7, 2016). Available at http://www.cnbc.com/2016/07/07/fbi_director_comey_our_recommendation_was_apolitical.html

²⁰ FBI Ethics and Integrity Program Policy Guide, p. 35.

²¹ Malia Zimmerman and Adam Housley, “FBI, DOJ roiled by Comey, Lynch decision to let Clinton slide by on emails, says insider,” FoxNews (October 13, 2016). Available at http://www.foxnews.com/politics/2016/10/13/fbi_doj_roiled_by_comey_lynch_decision_to_let_clinton_slide_by_on_emails_says_insider.html

2. Please provide all records relating to communications between and among FBI officials relating to the conflict of interest issues pertaining to the candidacy of Mr. McCabe's wife for public office or his involvement in the Clinton email investigation.
3. The Wall Street Journal reported that Mr. McCabe met with Gov. McAuliffe and then sought ethics advice from the FBI. When did he meet with Gov. McAuliffe, where, and under what circumstances? What ethics components did he contact? What was the FBI's advice to Mr. McCabe? Did he follow that advice? Please explain.
4. After Mr. McCabe was promoted twice, did he seek further ethics advice after each promotion? If so, please detail each instance in which he sought advice from the FBI and which FBI component and employees provided the ethics guidance.
5. Were you aware of Mr. McCabe's potential conflicts? If so, when and how did you become aware? If not, why not?
6. Did the FBI perform a conflicts analysis under 28 C.F.R. § 45.2? If so, when and what was the conclusion? If not, why not?
7. Was a waiver analysis under 5 C.F.R. § 2635.502(d) performed? If so, when? In addition, please provide all records relating to the analysis and issuance of the waiver(s), including copies of the written waivers. If no analysis was performed, why not?
8. Did Mr. McCabe have a political or personal relationship with Gov. McAuliffe or his political action committee as defined in 28 C.F.R. § 45.2? If not, why not?
9. Did Mr. McCabe's involvement in the Clinton investigation as the assistant director in charge of the Washington, D.C. field office, as associate deputy director, and as the deputy director of the FBI create the appearance of a loss of impartiality? Please explain.
10. Did Mr. McCabe's involvement in the Clinton investigation as the assistant director in charge of the Washington, D.C. field office, as associate deputy director, and as the deputy director of the FBI affect the public perception of the investigation? Please explain.
11. What steps are you taking to mitigate the appearance of a conflict of interest in the Clinton email investigation and to reassure Congress and the American people that the investigation was not subject to political bias?
12. It is not clear when the investigation into Gov. McAuliffe's foreign campaign donations started, and which FBI officials have been involved. However, given Mr. McCabe's position at the FBI in the last two years, it is imperative that the FBI inform Congress about his potential role in this investigation. Please answer the following:

- a. Please describe Mr. McCabe's role in the Gov. McAuliffe investigation.
- b. When was Mr. McCabe recused from the McAuliffe investigation? Please provide exact dates and provide all records relating to the recusal.
- c. When Mr. McCabe and his wife met with Mr. McAuliffe in March 2015, did Mr. McCabe have a role in the McAuliffe investigation at that time? If so, what was his role and at what point thereafter did Mr. McCabe recuse himself?
- d. Did Mr. McCabe return to the McAuliffe investigation after his wife's campaign ended? If so, please explain why his participation does not cause the appearance of a loss of impartiality or a conflict of interest. In addition, please note exactly when Mr. McCabe returned to the investigation.
- e. Did Mr. McCabe report any ethical issues to FBI officials relating to the McAuliffe investigation? If so, provide all records relating to his reports and the FBI's final determination, to include all waivers.
- f. Was a waiver analysis under 5 C.F.R. § 2635.502(d) performed? If so, when? In addition, please provide all records relating to the analysis and issuance of the waiver(s), including copies of the written waivers. If no analysis was performed, why not?
- g. Did the FBI perform a conflicts analysis under 28 C.F.R. § 45.2? If so, when and what was the conclusion? If not, why not?

Please answer the questions according to their corresponding questions. I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you in advance for your cooperation with this request. Please respond no later than November 14, 2016. If you have questions, contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
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KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUICK, Democratic Staff Director

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

March 6, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Comey:

On February 28, 2017, the *Washington Post* reported that the FBI reached an agreement a few weeks before the Presidential election to pay the author of the unsubstantiated dossier alleging a conspiracy between President Trump and the Russians, Christopher Steele, to continue investigating Mr. Trump.¹ The article claimed that the FBI was aware Mr. Steele was creating these memos as part of work for an opposition research firm connected to Hillary Clinton. The idea that the FBI and associates of the Clinton campaign would pay Mr. Steele to investigate the Republican nominee for President in the run-up to the election raises further questions about the FBI's independence from politics, as well as the Obama administration's use of law enforcement and intelligence agencies for political ends. It is additionally troubling that the FBI reportedly agreed to such an arrangement given that, in January of 2017, then-Director Clapper issued a statement stating that "the IC has not made any judgment that the information in this document is reliable, and we did not rely upon it in any way for our conclusions." According to the *Washington Post*, the FBI's arrangement with Mr. Steele fell through when the media published his dossier and revealed his identity.

The Committee requires additional information to evaluate this situation. Please provide the following information and respond to these questions by March 20, 2017. Please also schedule a briefing by that date by FBI personnel with knowledge of these issues.

1. All FBI records relating to the agreement with Mr. Steele regarding his investigation of President Trump and his associates, including the agreement itself, all drafts, all internal FBI

¹ Tom Hamburger and Rosalind Helderman, *FBI Once Planned to Pay Former British Spy Who Authored Controversial Trump Dossier*, THE WASHINGTON POST (Feb. 28, 2017).

communications about the agreement, all FBI communications with Mr. Steele about the agreement, all FBI requests for authorization for the agreement, and all records documenting the approval of the agreement.

2. All records, including 302s, of any FBI meetings or interviews with Mr. Steele.
3. All FBI policies, procedures, and guidelines applicable when the FBI seeks to fund an investigator associated with a political opposition research firm connected to a political candidate, or with any outside entity.
4. All FBI records relating to agreements and payments made to Mr. Steele in connection with any other investigations, including the reported agreements relating to his investigation of FIFA.
5. Were any other government officials outside of the FBI involved in discussing or authorizing the agreement with Mr. Steele, including anyone from the Department of Justice or the Obama White House? If so, please explain who was involved and provide all related records.
6. How did the FBI first obtain Mr. Steele's Trump investigation memos? Has the FBI obtained additional memos from this same source that were not published by *Buzzfeed*? If so, please provide copies.
7. Has the FBI created, or contributed to the creation of, any documents based on or otherwise referencing these memos or the information in the memos? If so, please provide copies of all such documents and, where necessary, clarify which portions are based on or related to the memos.
8. Has the FBI verified or corroborated any of the allegations made in the memos? Were any allegations or other information from the memo included in any documents created by the FBI, or which the FBI helped to create, without having been independently verified or corroborated by the FBI beforehand? If so, why?
9. Has the FBI relied on or otherwise referenced the memos or any information in the memos in seeking a FISA warrant, other search warrant, or any other judicial process? Did the FBI rely on or otherwise reference the memos in relation to any National Security Letters? If so, please include copies of all relevant applications and other documents.
10. Who decided to include the memos in the briefings received by Presidents Obama and Trump? What was the basis for that decision?
11. Did the agreement with Mr. Steele ever enter into force? If so, for how long? If it did not, why not?
12. You have previously stated that you will not comment on pending investigations, including confirming or denying whether they exist. You have also acknowledged that statements about closed investigations are a separate matter, sometimes warranting disclosures or public

comment. Given the inflammatory nature of the allegations in Mr. Steele's dossier, if the FBI is undertaking or has undertaken any investigation of the claims, will you please inform the Committee at the conclusion of any such investigations as to what information the investigations discovered and what conclusions the FBI reached? Simply put, when allegations like these are put into the public domain prior to any FBI assessment of their reliability, then if subsequent FBI investigation of the allegations finds them false, unsupported, or unreliable, the FBI should make those rebuttals public.

I anticipate that your responses to these questions may contain both classified and unclassified information. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Diane Feinstein
Ranking Member
Senate Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
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KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUICK, Democratic Staff Director

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

March 28, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Comey:

At your speech last Thursday at the University of Texas, you referenced former FBI Director J. Edgar Hoover's short letter to Attorney General Robert Kennedy, which sought authorization for FBI surveillance of Dr. Martin Luther King Jr. without any proper basis for doing so. You mentioned that you keep this letter on your desk, and place FISA applications awaiting your review on top of it, as a reminder. You cited this to emphasize the importance of oversight over the FBI, even over well-meaning FBI officials, to ensure the propriety of the FBI's actions. You are right to call attention to the importance of such oversight. As Chairman of the Senate Judiciary Committee, it is my constitutional duty to conduct that oversight over the FBI and the Department of Justice.

Pursuant to its authority under the Constitution and the Rules of the Senate, the Committee requires information to determine: (1) the extent to which FBI Deputy Director Andrew McCabe has been involved in the FBI's investigation of President Trump's associates and Russia; (2) whether that involvement raises the appearance a conflict of interest in light of his wife's ties with Clinton associates; and (3) whether Mr. McCabe has been or should be recused from the investigation.

As you know, Mr. McCabe is under investigation by the Department of Justice Office of the Inspector General. That investigation is examining whether the political and financial connections between his wife's Democratic political campaign and Clinton associates warranted his recusal in the FBI's Clinton email investigation. On March 7, 2015, just five days after the *New York Times* broke the story about Secretary Clinton's use of private email for official business, Mr. McCabe met with Virginia Governor Terry McAuliffe, a longtime, close associate of the Clintons along with his wife, Dr. McCabe. Mr. McAuliffe recruited Dr. McCabe, who had not previously run for any political office, to be the Democratic candidate for a Virginia state senate seat. Dr. McCabe agreed, and

OIP-0020

Governor McAuliffe's political action committee subsequently gave nearly \$500,000 to her campaign while the FBI's investigation of Secretary Clinton was ongoing. The Virginia Democratic Party, over which Mr. McAuliffe exerts considerable control, also donated over \$200,000 to Dr. McCabe's campaign. While Mr. McCabe recused himself from public corruption cases in Virginia—presumably including the reportedly ongoing investigation of Mr. McAuliffe regarding illegal campaign contributions—he failed to recuse himself from the Clinton email investigation, despite the appearance of a conflict created by his wife's campaign accepting \$700,000 from a close Clinton associate during the investigation.

You have publicly stated that the people at the FBI “don't give a rip about politics.”¹ However, the fact is that the Deputy Director met with Mr. McAuliffe about his wife's run for elected office and she subsequently accepted campaign funding from him. The fact is that the Deputy Director participated in the controversial, high-profile Clinton email investigation even though his wife took money from Mr. McAuliffe. These circumstances undermine public confidence in the FBI's impartiality, and this is one of the reasons that many believe the FBI pulled its punches in the Clinton matter. FBI's senior leadership should never have allowed that appearance of a conflict to undermine the Bureau's important work. The Department of Justice Office of the Inspector General is now investigating that matter, as part of the work it announced on January 12, 2017.

Last week, you publicly testified that in late July of 2016, the FBI began investigating the Russian government's attempts to interfere in the 2016 presidential election, including investigating whether there was any collusion between individuals associated with the Trump campaign and the Russian government. Given the timing of the investigation and his position, it is likely that Mr. McCabe has been involved in that high-profile, politically charged inquiry as well. If Mr. McCabe failed to avoid the appearance of a partisan conflict of interest in favor of Mrs. Clinton during the presidential election, then any participation in this inquiry creates the exact same appearance of a partisan conflict of interest against Mr. Trump. As you testified last week, you believe that if someone had a bias for or against one of them, he would have the opposite bias toward the other: “they're inseparable, right; it's a two person event.”

According to public reports, the FBI agreed to pay the author of the unsubstantiated dossier alleging a conspiracy between Trump associates and the Russians. It reportedly agreed to pay the author, Christopher Steele, to continue investigating Mr. Trump. Clinton associates reportedly paid Mr. Steele to create this political opposition research dossier against Mr. Trump. The FBI has failed to publicly reply to my March 6 letter asking about those reports. That leaves serious questions about the FBI's independence from politics unanswered.

Mr. McCabe's appearance of a partisan conflict of interest relating to Clinton associates only magnifies the importance of those questions. That is particularly true if Mr. McCabe was involved in approving or establishing the FBI's reported arrangement with Mr. Steele, or if Mr. McCabe vouched for or otherwise relied on the politically-funded dossier in the course of the investigation. Simply put, the American people should know if the FBI's second-in-command relied on Democrat-funded opposition research to justify an investigation of the Republican presidential campaign. Full disclosure is especially important since he is already under investigation for failing to recuse himself from the Clinton matter due to his partisan Democrat ties.

¹ Evan Perez, *FBI Chief on Clinton Investigation: My People 'Don't Give a Rip About Politics'* CNN (Oct. 1, 2015).

The Committee requires additional information to fully understand this situation. Please provide the following information and respond to these questions by April 11, 2017:

1. Has Mr. McCabe been involved in any capacity in the investigation of alleged collusion between Mr. Trump's associates and Russia? If so, in what capacity has he been involved? When did this involvement begin?
2. Has Mr. McCabe been involved in any requests or approvals for physical surveillance, consensual monitoring, searches, or national security letters relating to the investigation? If so, please provide all related documents.
3. In the course of the investigation, has Mr. McCabe been involved in any requests or approvals relating to the acquisition of the contents of stored communications from electronic communication service providers pursuant to the Electronic Communications Privacy Act? If so, please provide all related documents.
4. Has Mr. McCabe been involved in any FISA warrant applications relating to the investigation? If so, in what capacity? Please provide all related documents.
5. In the course of the investigation, has Mr. McCabe, or anyone under his supervision, made any representations to prosecutors or judges regarding the reliability of information in the FBI's possession as part of seeking judicial authorization for investigative tools? Has he or anyone under his supervision made any such representations about the political opposition research dossier compiled by Mr. Steele and Fusion GPS? If so, please explain and provide copies of all relevant documents.
6. Was Mr. McCabe involved in any FBI interactions with Mr. Steele? If so, please explain.
7. Did Mr. McCabe brief or otherwise communicate with anyone in the Obama administration regarding the investigation? If so, who did he brief, and when? Please provide all related documents.
8. Has Mr. McCabe been authorized by the FBI to speak to the media, whether as an anonymous source or otherwise, regarding the investigation? If so, please provide copies of such authorizations. If he was so authorized, to whom did he speak, and when? If he was not authorized to do so, does the FBI have any indication that he nonetheless spoke to the media?
9. To the best of your knowledge, has anyone within the FBI raised concerns within the Bureau that Mr. McCabe appears to have a conflict of interest in the investigation of Trump associates? If so, who raised such concerns, when did they do so, and how did FBI respond?

10. To the best of your knowledge, has anyone within the FBI filed a complaint with the Department of Justice Office of the Inspector General regarding Mr. McCabe's involvement in the investigation?
11. Have personnel from the Department of Justice Office of the Inspector General spoken with you yet as part of that Office's investigation into Mr. McCabe's alleged conflict of interest in the Clinton investigation? If so, did they also raise concerns as to whether Mr. McCabe's alleged partisan conflict would also apply to the investigation of Mr. Trump's associates?
12. Has anyone at FBI, the Department of Justice, or the Department of Justice Office of the Inspector General recommended or requested that Mr. McCabe recuse himself from the investigation of Mr. Trump's associates or from any ongoing investigations of the Clinton Foundation? If so, what action was taken in response?

I anticipate that your responses to these questions may contain both classified and unclassified information. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

The Honorable Dana Boente
Acting Deputy Attorney General
United States Department of Justice

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice

GLOBAL ENERGY CAPITAL LLC

May 14, 2017

BY ELECTRONIC MAIL AND REGISTERED MAIL

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

SUBJECT: RESTORING PUBLIC CONFIDENCE IN THE FBI, PART 2 - REQUEST FOR
FISA WARRANT APPLICATIONS AND RELATED DOCUMENTS

Dear Deputy Attorney General Rosenstein:

I have been working to help the U.S. Senate Select Committee on Intelligence get to the bottom of potential government meddling in the 2016 election. I am thus writing to request the assistance of the U.S. Department of Justice with the immediate release of all documents held by DoJ and other U.S. agencies associated with the Obama Administration's interference in the 2016 election. Specifically, any documents related to their alleged wiretapping of me.

If FISA warrants indeed exist as has been extensively reported, wide-ranging false evidence will be inevitably revealed in light of the fact that I have never done anything remotely unlawful in Russia or with any Russian person at any point in my life. In helping to expose the continued divergence between fact and fiction, the documents that the U.S. Department of Justice must now provide are crucial to repairing the integrity of your organization following last year's events. Your unbiased leadership in authorizing the release of this information can manifestly help prove how completely unjustified this entire witch hunt organized by the Clinton campaign and the Obama Administration has been all along.

Your letter of May 9, 2017 focused on the indefensible conduct of James Comey in the earlier case of Mrs. Clinton's emails.¹ This marked Part 1 of the necessary process of restoring public confidence in the F.B.I. Given the alleged involvement of the former F.B.I. Director in compounding the civil rights abuses of the Clinton campaign and their associate Christopher Steele against me and other Trump campaign supporters², it is now also essential to get to the

¹ Rod J. Rosenstein, "RESTORING PUBLIC CONFIDENCE IN THE FBI," Memorandum for the Attorney General, May 9, 2017.

² As per the relevant leak regarding the 2016 Dodgy Dossier author: "Mr. Steele met his F.B.I. contact in Rome in early October, bringing a stack of new intelligence reports... The agent said that if Mr. Steele could get solid corroboration of his reports, the F.B.I. would pay him \$50,000 for his efforts, according to two people familiar with the offer." Matt Apuzzo, Michael S. Schmidt, Adam Goldman and Eric Lichtblau, "Comey Tried to Shield the F.B.I. From Politics.

bottom of these later offenses as well. By simply revealing these illegitimate court documents, your help with Part 2 of this closely interrelated process surrounding government influence in the 2016 election should now achieve precisely that end.

In your May 9, 2017 memorandum, you also astutely noted: “When federal agents and prosecutors quietly open a criminal investigation, we are not concealing anything; we are simply following the longstanding policy that we refrain from publicizing non-public information.” Based both on James Comey’s testimony on March 20, 2017 and multiple leaks in the weeks since regarding my unjustified FISA warrant, this represents the polar opposite of how my so-called “case” has been handled. These recent events have remained particularly outrageous given their basis on false evidence from Clinton campaign associates, as well as longstanding political biases of Comey.

Senate Select Committee on Intelligence (SSCI) Chairman Richard Burr has proactively and equitably pledged to, “Follow the evidence where it leads, and we will continue to be guided by the intelligence and facts as we compile our findings.”³ As part of my vigorous quest to help the SSCI and in the interest of belatedly setting the record straight regarding the completely fact-free allegations that have been lawlessly hurled since the final months of the Clinton/Obama regime’s term in office, this letter thus constitutes a request under the Privacy Act of 1974, 5 U.S.C. § 552a to obtain that indispensable information. Of particular importance, I seek an immediate release of any § 1804 FISA applications for wiretapping of myself in the possession of the Department of Justice. The American people were severely misled with falsehoods throughout the past year, so the information that the Department of Justice can now make public should play a critical role in ending this facade and the disgrace to our democracy it represents.

In the event that this request is not granted, and the requested information not released, the nation would undoubtedly be subjected to many more hours of misleading Congressional testimony where honest answers are avoided. Per Comey on March 20, 2017, repeating a standard refrain which protected him as well as other Obama Administration appointees from effective oversight on countless other occasions while permitting the perpetuation of complete misperceptions prior to subsequent felonious leaks: “Because it is an open ongoing investigation and is classified, I cannot say more about what we are doing and whose conduct we are examining.”⁴ Prolonging today’s unjustified status quo is completely unacceptable given the breadth of lies, leaks and resultant civil rights abuses this whole travesty has created since its inception.

Then He Shaped an Election.” *New York Times*, April 22, 2017.

[<https://www.nytimes.com/2017/04/22/us/politics/james-comey-election.html>]

³ “Senate Intel Chairman Burr Statement on Committee’s Ongoing Investigation into Russian Intelligence Activities,” Senator Richard Burr website, March 4, 2017.

⁴ “Full transcript: FBI Director James Comey testifies on Russian interference in 2016 election,” *Washington Post*, March 20, 2017. [<https://www.washingtonpost.com/news/post-politics/wp/2017/03/20/full-transcript-fbi-director-james-comey-testifies-on-russian-interference-in-2016-election/>]

A song from popular culture accurately describes many of the matters usurping a vast proportion of your time and America's attention given the primary focus of the mainstream media today: "Like a little girl who cries in the face of a monster that lives in her dreams".⁵

Accordingly, Mrs. Clinton made remarks on May 2, 2017 which dodged responsibility for her campaign by instead pointing fingers at two illusory monsters: Comey and Russia.⁶ While you set the record straight regarding the first monster in your letter of last Thursday given Comey's misconduct, the disclosure requested here in this letter will help get to the bottom of the second set of hallucinations.

As reported in an unfortunate front-page *Washington Post* article about the civil rights abuses committed against me: "Applications for FISA warrants, Comey said, are often thicker than his wrists, and that thickness represents all the work Justice Department attorneys and FBI agents have to do to convince a judge that such surveillance is appropriate in an investigation."⁷ If this thickness is indeed the case for my FISA warrant, it will inevitably be filled with a potpourri of falsehoods from the Clinton/Obama regime which fabricated this travesty from the outset. For the United States to end the continued delusional charade regarding Russia, it is essential to gain public access to these related documents as a matter of the highest urgency.

In President Trump's commencement speech at Liberty University yesterday, he correctly noted:

"Following your convictions means you must be willing to face criticism from those who lack the same courage to do what is right and they know what is right, but they don't have the courage or the guts or the stamina to take it and to do it. It's called the road less traveled. I know that each of you will be a warrior for the truth, will be a warrior for our country, and for your family. I know that each of you will do what is right, not what is the easy way, and that you will be true to yourself, and your country, and your beliefs. In my short time in Washington I've seen firsthand how the system is broken."⁸

In stark contrast, the severely broken Obama Administration allowed one of the most cowardly and deceptive civil rights abuses in recent U.S. election history under a protective cloak of secrecy. After presiding over some of the worst setbacks in the history of America's bilateral relationship with Moscow, the former Administration's desperate attempt to make an illegitimate story out of Russia occurred after I took the road less travelled on a personal trip there in July

⁵ Maroon 5, "Harder To Breathe," YouTube, June 16, 2009.

[https://www.youtube.com/watch?v_rV8NHsmVMPE]

⁶ "Full transcript of Hillary Clinton interview with Christiane Amanpour," May 2, 2017.

[<http://transcripts.cnn.com/TRANSCRIPTS/1705/02/cnnt.02.html>]

⁷ Ellen Nakashima, Devlin Barrett and Adam Entous, "FBI obtained FISA warrant to monitor Trump adviser Carter Page" *Washington Post*, April 12, 2017.

[https://www.washingtonpost.com/world/national-security/fbi-obtained-fisa-warrant-to-monitor-former-trump-adviser-carter-page/2017/04/11/620192ea-1e0e-11e7-ad74-3a742a6e93a7_story.html]

⁸ "Read President Trump's Liberty University Commencement Speech," Time, May 13, 2017.

[<http://time.com/4778240/donald-trump-liberty-university-speech-transcript/>]

2016 that had absolutely nothing to do with the Trump campaign. Your future steps in providing the documents requested herein can play an essential role in resolving these complete falsehoods.

Under such a legacy of mismanagement and in the wake of unprecedented crimes surrounding an illegal email server in 2016, the Comey “monster” spectacle lingered for the better part of a year until decisive action was finally taken which marked Part 1 in this process. Your potential forthcoming disclosure of the FISA warrants and associated materials to the American public this week could mark a proactive and conclusive end to this continued, seemingly incessant Russia madness which some still have in their heads.

In addition to the collusion between Clinton campaign associates and the Dodgy Dossier author Christopher Steele, another factor seems to have been in play based under Comey’s earlier mismanagement of the F.B.I. Illegal leaks to news organizations have hinted that the help I provided to federal agents in U.S.A. v. Evgeny Buryakov, Igor Sporyshev, and Victor Podobnyy might have potentially played a role in last year’s unjustified, politically-motivated FISA warrant(s). On April 3, 2017, reporters at ABC News⁹ and BuzzFeed News¹⁰ requested to meet in order to inform me that some U.S. government operatives had unlawfully disclosed my identity as the “Male-1” witness in this 2015 case. It all relates to my brief interactions in 2013 with Victor Podobnyy, a junior attaché assigned to the Permanent Mission of the Russian Federation to the United Nations. This particular incident follows an increasing series of similar revelations about other political unmaskings in 2016.¹¹

During my prior meeting with F.B.I. agents at New York’s Plaza Hotel in June 2013 in support of their ongoing investigation, I spoke with them at length about my research on international political economy which I had been completing as a Fellow at the Center for National Policy in Washington. I brought this up because it seemed to me that the resources of the U.S. Department of Justice and the F.B.I. might be better allocated towards addressing real national security threats, particularly given the recent Boston Marathon bombing of April 15, 2013. Without question, the harsh retribution subsequently taken against me suggests a possible direct retaliation against my dissenting positions, some of which I shared with the agents that day.

Per an article I had recently written and discussed with the U.S. agents at the time, the Clinton/Obama regime had been, “Reflecting the highest principles of cronyism rather than democracy,” in many of their policy decisions. In my writings, I had also cited a recent quote from Maya Angelou which seemed of particular relevance given a range of ineffective policy approaches by Washington at the time: “The philosophers tell us that power corrupts and

⁹ Brian Ross and Matthew Mosk, “Trump campaign adviser Carter Page targeted for recruitment by Russian spies,” ABC News, Apr 4, 2017. [<http://abcnews.go.com/Politics/trump-campaign-advisor-carter-page-targeted-russian-spies/story?id=46557506>]

¹⁰ Ali Watkins, “A Former Trump Adviser Met With A Russian Spy,” BuzzFeed News, April 3, 2017. [<https://www.buzzfeed.com/alimwatkins/a-former-trump-adviser-met-with-a-russian-spy>]

¹¹ Kristina Wong, “Lindsey Graham: 'We Will Continue' to Look into Susan Rice's Unmasking,” Breitbart News, May 4, 2017. [<http://www.breitbart.com/big-government/2017/05/04/lindsey-graham-we-will-continue-to-look-into-susan-rices-unmasking/>]

absolute power corrupts absolutely.”¹² This corruption, as I noted in my writings at the time, had marked an earlier instance of an influence campaign and related domestic political intelligence operations in support of failed policies abroad, which would eventually be repeated with the civil rights violations based on complete fabrications spread by many of the same people during the 2016 election.

In the wake of the civil rights abuses and outright lies promulgated by the Clinton/Obama regime last year, we must get to the bottom of these questions that have ridiculously remained at the top of the national attention and which your leadership in disclosure can facilitate. Based in large part on the widely promulgated misinformation from the Clinton campaign and their other associates, Clinton campaign surrogate¹³ and Ranking Member of the Permanent Select Committee on Intelligence Adam B. Schiff suggested in an article on the front page of yesterday’s *New York Times*: “For a president who baselessly accused his predecessor of illegally wiretapping him, that Mr. Trump would suggest that he, himself, may have engaged in such conduct is staggering.”¹⁴

Based on revelations thus far, I was the primary known person allegedly put under the most intensive surveillance by the Obama Administration as part of their 2016 domestic political intelligence operation. Assuming the FISA reports in the *Washington Post*, *New York Times* and other publications about me are correct, the facts should help dispel the misinformation that Congressman Schiff and others have been given and continue to repeat. To the contrary, each of the President’s tweets of March 4, 2017 were entirely correct as described in the analysis of his four related statements that day, below:

"TERRIBLE! JUST FOUND OUT THAT OBAMA HAD MY 'WIRES TAPPED' IN TRUMP TOWER JUST BEFORE THE VICTORY. NOTHING FOUND. THIS IS MCCARTHYISM!"

Although I stepped away from my role as an informal, unpaid campaign volunteer in the wake of the Clinton campaign’s lies based on the 2016 “Dodgy Dossier”, like many millions of Americans I continued my support as a member of the Trump movement which I had maintained since June 2015.

The key defense that former Obama Administration appointees including James Comey have made apparently centers on the word “my”.

¹² Maya Angelou, “The 2013 Time 100: Icons,” *Time*, April 18, 2013.

[<http://time100.time.com/2013/04/18/time-100/slide/michelle-obama/>]

¹³ “It is both painful and disturbing to see her surrogates peddle half-truths and insult our intelligence. On ‘Fox News Sunday,’ Rep. Adam Schiff (D-Calif.) fared poorly against an experienced interviewer like Chris Wallace...” Jennifer Rubin, “Clinton surrogates serve up thin gruel,” *Washington Post*, May 30, 2016. [<https://www.washingtonpost.com/blogs/right-turn/wp/2016/05/30/clinton-surrogates-serve-up-thin-gruel/>]

¹⁴ Peter Baker and Michael D. Shear, “Trump Stirs a New Question: Are There Tapes?” *New York Times*, May 13, 2017, Page A1. [<https://www.nytimes.com/2017/05/12/us/politics/trump-threatens-retaliation-against-comey-warns-he-may-cancel-press-briefings.html>]

In the English language, the word “my” is defined as: “belonging to or **ASSOCIATED WITH** the speaker” (emphasis added).¹⁵ Although I previously served as a very junior member of the Trump movement who didn’t actually have any direct one-on-one discussions or meetings with our candidate, I have been labelled as a “Trump associate” in literally thousands of media articles and television programs. This labeling largely stemmed from consistent mischaracterizations by the Clinton campaign which tried to smear the Trump campaign with false allegations of improper relationships with Russian officials which never actually occurred.

Furthermore, in order to properly understand his personal lexicon which stems from the altruistic management philosophy of President Trump, it is useful bearing in mind his core campaign philosophy. Per his Election Day victory speech:

"As I've said from the beginning, ours was not a campaign but rather an incredible and great movement, made up of millions of hard-working men and women who love their country and want a better, brighter future for themselves and for their family..... This was tough. This political stuff is nasty, and it is tough.... **You've all given me such incredible support, and I will tell you that we have a large group of people. You know, they kept saying we have a small staff. Not so small.** Look at all of the people that we have. Look at all of these people."¹⁶

Additionally, then-candidate Donald J. Trump also previously explained how his movement was not about him but about us on countless other occasions last year. Again, in his final speech at the end of the campaign after victory had been declared, President-elect Trump noted: “I’ve just received a call from Secretary Clinton. She congratulated us it’s about us on our victory.”¹⁷

"IS IT LEGAL FOR A SITTING PRESIDENT TO BE ‘WIRE TAPPING’ A RACE FOR PRESIDENT PRIOR TO AN ELECTION? TURNED DOWN BY COURT EARLIER. A NEW LOW!"

Based on the actual facts in my case rather than the false information provided by the Clinton campaign and their surrogates in the U.S. Government last year, members of my legal team have informed me that the alleged actions by the Obama Administration are certainly not legal. In order to prove this and rather than continuing the current cover-up, access to the information that I am requesting here is essential.

¹⁵ “My,” Oxford Dictionaries, Oxford University Press, 2017.

[<https://en.oxforddictionaries.com/definition/my>]

¹⁶ “Transcript: Donald Trump’s Victory Speech,” *New York Times*, November 9, 2016.

[<https://www.nytimes.com/2016/11/10/us/politics/trump-speech-transcript.html>]

¹⁷ “Transcript: Donald Trump’s Victory Speech,” *New York Times*, November 9, 2016.

[<https://www.nytimes.com/2016/11/10/us/politics/trump-speech-transcript.html>]

"I'D BET A GOOD LAWYER COULD MAKE A GREAT CASE OUT OF THE FACT THAT PRESIDENT OBAMA WAS TAPPING MY PHONES IN OCTOBER, JUST PRIOR TO ELECTION!"

My legal team has confirmed that great cases can be made. However, in order to do so, the information requested here would be very helpful.

"HOW LOW HAS PRESIDENT OBAMA GONE TO TAPP MY PHONES DURING THE VERY SACRED ELECTION PROCESS. THIS IS NIXON/WATERGATE. BAD (OR SICK) GUY!"

Having previously spoken in favor of some of Mr. Trump's policies on other Fox News Group programs during the 2016 campaign¹⁸ and given the peaceful relationship I have had with Russian citizens since my years in the U.S. Navy, it may be understandable why I would be the primary associated political target if such sick activities had indeed been committed as alleged in the previously cited media reports. Although I have never had any direct relationship or meetings with President Trump despite previously serving as an informal, unpaid member of one of his campaign committees, I had frequently dined in Trump Grill, had lunch in Trump Café, had coffee meetings in the Starbucks at Trump Tower, attended events among other visits in 2016. As a sister skyscraper in Manhattan, my office at the IBM Building (590 Madison Avenue) is literally linked to the Trump Tower building by an atrium. So if prior media reports are proved to be correct that surveillance was indeed undertaken against me and other Trump supporters according to the FISA documentation you can provide, it will essentially be deemed as a proven fact that the American people's concerns that Trump Tower was under surveillance last year is entirely accurate. Please note that my mobile phone is always turned on and with me 24-hours a day, except when I am in airplane-mode during flights. As an early Trump campaign supporter since June 2015 and a proud member of the historic Make America Great Again movement, yet another attack against me of this sort may well have been a de facto attack against the citizen who would eventually become our current President of the United States. Clearly, such potential abuses will be proven or disproven based on the information regarding the alleged illegal wiretapping of me and any associated FISA warrants that you can help provide.

While a September 23, 2016 news article stated that, "U.S. intelligence agencies have also received reports that Page met with another top Putin aide while in Moscow,"¹⁹ it wasn't until several months later in January 2017 that the source of this false evidence became fully known: the Dodgy Dossier prepared on behalf of the "Hillary for America" campaign. As a potential severe case of election fraud, any FISA warrant would help ascertain whether criminal obstruction of justice in the form of false evidence may be the case. After the report by Yahoo

¹⁸ For example: Fox Business, August 16, 2016 [<http://finance.yahoo.com/video/jan-brewer-obama-not-concerned-224534142.html>]; Fox Business, "Varney & Co.," September 8, 2016.

¹⁹ Michael Isikoff, "[U.S. intel officials probe ties between Trump adviser and Kremlin](#)," Yahoo News, September 23, 2016.

News, the Clinton campaign put out an equally false press release just minutes after the article was released that afternoon.²⁰

Compounding this disinformation initiative, even the U.S. Government-funded propaganda outlets echoed the lies advanced by the Clinton campaign's Dodgy Dossier (again, in contrast to what Steele himself said was "never supposed to be made public"²¹). As dutifully recited by the Obama Administration-sponsored Radio Free Europe / Radio Liberty news network in September 2016: "Yahoo News cited the same Western intelligence source as saying that U.S. intelligence officials have received reports that Page has also met with Igor Diveikin, a right-hand man of Vyacheslav Volodin, Putin's first deputy chief of staff and a key architect of Russia's political landscape during Putin's third term."²²

Just days before the election, the same U.S. Government-funded sources repeated these fabrications: "Another adviser, Carter Page, reportedly met with top Kremlin officials including those under U.S. sanctions."²³

The propagation of these falsehoods was indeed truly state-sponsored by our taxpayer dollars with Radio Free Europe/Radio Liberty's FY 2016 budget of \$108.4 million in direct federal subsidies.

My request for disclosure here echoes recent loud cries from across America's political spectrum including the American Civil Liberties Union ("With just the stroke of a pen, President Trump could provide the public with the information necessary to assess his claims that the Obama administration improperly surveilled him and his associates.")²⁴ and Judicial Watch ("Hillary Clinton's national security crimes included running the most highly classified material the U.S. possesses across her outlaw server without legal consequence. If Communications Intelligence is used as a partisan political weapon without people going to jail, we will have crossed the point

²⁰ Hillary for America, "Hillary for America Statement on Bombshell Report About Trump Aide's Chilling Ties To Kremlin," September 23, 2016. [<https://www.hillaryclinton.com/briefing/statements/2016/09/23/hillary-for-america-statement-on-bombshell-report-about-trump-aides-chilling-ties-to-kremlin/>]

²¹ Rowan Scarborough, "Ex-spy admits anti-Trump dossier unverified, blames BuzzFeed for publishing," *Washington Times*, April 25, 2017. [<http://www.washingtontimes.com/news/2017/apr/25/christopher-steele-admits-dossier-charge-unverifie/>]

²² "Report: U.S. Intelligence Officials Examining Trump Adviser's Russia Ties," Radio Free Europe / Radio Liberty, September 24, 2016. [<http://www.rferl.org/a/report-us-intelligence-probes-trump-advisers-russia-ties-kremlin/28010062.html>]

²³ Mike Eckel, "Reset To Overload: Russia-U.S. Ties Have Changed, No Matter Who Wins The Election," Radio Free Europe / Radio Liberty, November 6, 2016. [<http://www.rferl.org/a/u-s-election-trump-clinton-relations-russia/28100058.html>]

²⁴ Neema Singh Guliani, "How Trump Can Show Us Whether He Was Spied On," ACLU Washington Markup Blog, April 13, 2017.

of no return for institutional corruption in our government, our intelligence services and law enforcement.”).²⁵

The final report of my 1993 Trident Scholar research at the U.S. Naval Academy concluded: “When information is leaked by other than official sources, the act may undermine the overall integrity of an administration's policy.”²⁶ The veil of secrecy heretofore concealing these potential criminal actions by the Clinton/Obama regime in 2016 has in turn undermined the Trump Administration and our country. Your leadership in expeditiously authorizing this release of the information requested herein will help resolve this detrimental and unjustified problem for our nation.

Overstepping his realm of responsibility once again, Comey pontificated on Russia, “Certainly in my view, the greatest threat of any nation on earth, given their intention and their capability.”²⁷ This displayed a completely unfounded statement and reflected a bias from the former F.B.I. Director which may have contributed to or at least exacerbated the aforementioned misdeeds of the Obama Administration and the Clinton campaign.

The documents I am requesting include all applications made pursuant to 50 U.S.C. § 1804 directed against me, and all related materials.

I am entitled to expedited processing of this request. 5 U.S.C. § 552(a)(6)(E)(v)(II); 28 C.F.R. § 16.5(e)(1)(ii). There is an “urgency to inform the public about an actual or alleged federal government activity,” and the request is made by myself as a person who currently “is primarily engaged in disseminating information” in fulfillment of my ongoing voluntary support of the Senate Select Committee on Intelligence’s investigation. § 16.5(e)(1)(ii).

While lawyers working on my behalf as well as civil rights organizations are currently pursuing this information through the appropriate channels via the federal bureaucracy as well, the typically slow administrative timelines for such release would only prolong the continued state of affairs. I am therefore contacting you directly given the realization that an immediate resolution of this injustice through these disclosures of the actual facts surrounding last year’s misdeeds would facilitate your efforts to restore confidence in the F.B.I. and DoJ which have been badly damaged by Obama Administration appointees.

²⁵ Chris Farrell, “On Watch: Episode 11 ‘Corrupt Weaponizing of Intelligence Collection’,” Judicial Watch, March 28, 2017. [<http://www.judicialwatch.org/press-room/press-releases/watch-episode-11-corrupt-weaponizing-intelligence-collection/>]

²⁶ Carter W. Page, “Balancing Congressional Needs for Classified Information: A Case Study of the Strategic Defense Initiative,” Defense Technical Information Center, U.S.N.A. Trident Scholar project report, no. 206, 1993, p. 11. [<http://www.dtic.mil/dtic/tr/fulltext/u2/a271110.pdf>]

²⁷ “Read the full testimony of FBI Director James Comey in which he discusses Clinton email investigation,” *Washington Post*, May 3, 2017. [<https://www.washingtonpost.com/news/post-politics/wp/2017/05/03/read-the-full-testimony-of-fbi-director-james-comey-in-which-he-discusses-clinton-email-investigation/>]

The story of the 2016 election was to a large extent a battle between powerful political and business interests on an epic scale vs. average citizens who simply want to see improvements in our country. It is unfortunate that a small fish like me has been severely damaged based primarily on completely false allegations in a dossier commissioned and used by killer whales that is 100% inaccurate in every way as it relates to me. Your assistance with this requested disclosure can resolve these stark injustices while assisting your Department return attention to more important matters.

By all indications, your letter from Tuesday which began the first step in the process of restoring public confidence in the FBI and rehabilitating justice in America seems to be the most consequential correspondence of your life. My letter to you today continues the second giant leap in the process of restoring public confidence in the FBI and rehabilitating justice in America and might similarly be the most consequential communication of my life. Let us please build upon your new momentum by moving forward together in helping to restore America's justice system. Thank you in advance for your help with this vital national security matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Carter Page". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Carter Page, Ph.D.

Hunt, Jody (OAG)

From: Hunt, Jody (OAG)
Sent: Friday, May 12, 2017 9:46 PM
To: Rosenstein, Rod (ODAG)
Subject: Re: Lineup

Okay. Thank you.

On May 12, 2017, at 8:54 PM, Rosenstein, Rod (ODAG) <rosenstein@imd.usdoj.gov> wrote:

(b)(6) is available Monday but not prepared to commit to take the job.

(b)(6) will get back to me tomorrow re his interest. I told him we will schedule to avoid media. (b)(5)

On May 12, 2017, at 7:55 PM, Hunt, Jody (OAG) <johunt@imd.usdoj.gov> wrote:

FYI – This is the current lineup:

8:00 a.m. (b)(6)

8:40 a.m. -- 12:40 p.m. USA Interviews

1:00 p.m. Bob Mueller

2:00 p.m. (b) (6)

3:00 p.m. (b) (6)

4:00 p.m. (b) (6)

5:00 p.m. (b) (6)

6:00 p.m. [Not yet scheduled, but possibly (b) (6)]

Rosenstein, Rod (ODAG)

From: Rosenstein, Rod (ODAG)
Sent: Friday, May 12, 2017 7:58 PM
To: Hunt, Jody (OAG)
Subject: Re: Lineup

Thanks!

**Please delete my old .gov email address if it is in your contacts list.*

On May 12, 2017, at 7:55 PM, Hunt, Jody (OAG) <johunt@jmd.usdoj.gov> wrote:

FYI – This is the current lineup:

8:00 a.m. (b)(6)

8:40 a.m. -- 12:40 p.m. USA Interviews

1:00 p.m. Bob Mueller

2:00 p.m. (b) (6)

3:00 p.m. (b) (6)

4:00 p.m. (b) (6)

5:00 p.m. (b) (6)

6:00 p.m. [Not yet scheduled, but possibly (b) (6)]

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Tuesday, May 16, 2017 8:22 AM
To: Rosenstein, Rod (ODAG)
Subject: Fwd: Voice Recorder...
Attachments: pugh.m4a; ATT00001.htm

Sir,
File name says Pugh instead of RR. I will fix this am.

Zach

Begin forwarded message:

From: "Zach Terwilliger" (b)(6)
To: "Terwilliger, Zachary (ODAG)" <zterwilliger@jmd.usdoj.gov>
Subject: Voice Recorder...

Hi, Just Listen This Audio!

On May 12, 2017, at 12:58 PM, Hunt, Jody (OAG) <johunt@jmu.usdoj.gov>

wrote:

(b)(5)

The text "(b)(5)" is followed by three thick black horizontal bars that redact the content of the email. The bars are stacked vertically and cover the entire width of the text area.

Ramer, Sam (OLA)

From: Ramer, Sam (OLA)
Sent: Friday, May 19, 2017 8:23 PM
To: Rosenstein, Rod (ODAG)
Cc: Crowell, James (ODAG)
Subject: FW: Senator Moran briefing request
Importance: High

Sir-

Senator Moran missed your briefing, and would like a briefing from DOJ officials. I suggest we discuss how to respond.

Sam

From: Sterneck, Trent (Moran) (b)(6) Congressional email
Sent: Thursday, May 18, 2017 6:17 PM
To: DOJ Correspondence (SMO) <Ex DOJCorrespondence@jmd.usdoj.gov>
Cc: Whitfield, Emily (Moran) (b)(6) Congressional email Ross, Caroline (Moran)
(b)(6) Congressional email
Subject: Senator Moran briefing request

Good afternoon,

Senator Moran was unable to attend today's Senate Member briefing with Deputy Attorney General Rod Rosenstein regarding the removal of former FBI Director James Comey. Senator Moran remains very interested in this topic and would like to visit with DOJ officials sometime soon to discuss this matter in a classified setting.

Please let us know what information our office can provide to facilitate such a briefing in the near future. The best dates next week would be 5/23, 5/24, 5/25.

Thank you very much for your assistance.

Sincerely,

Trent Sterneck
Legislative Assistant
U.S. Senator Jerry Moran, Kansas
521 Dirksen Senate Office Building
(202) 224-6521

OIP-0039

Tanfani, Joseph

From: Tanfani, Joseph
Sent: Tuesday, May 16, 2017 6:14 PM
To: Rosenstein, Rod (ODAG)
Subject: RE: Meeting detail

As you said, you can't make this stuff up.

I know there's no official comment, and I've already asked public affairs, but OFF the record, has anyone at Justice seen these purported memos from Comey?

From: Rosenstein, Rod (ODAG) [<mailto:Rod.Rosenstein5@usdoj.gov>]
Sent: Tuesday, May 16, 2017 9:32 AM
To: Tanfani, Joseph
Subject: Re: Meeting detail

Earn it.

On May 16, 2017, at 9:28 AM, Tanfani, Joseph <Joseph.Tanfani@latimes.com> wrote:

Thank you. Your voice dropped off and I didn't get the last line, "but I will try to...."?

From: Rosenstein, Rod (ODAG) [<mailto:Rod.Rosenstein5@usdoj.gov>]
Sent: Tuesday, May 16, 2017 9:15 AM
To: Tanfani, Joseph
Subject: RE: Meeting detail

On background:

The last line is my favorite.

Opening remarks before the recording starts were:

It is great to be in Baltimore. It is really nice not to be in Washington, DC, for a few hours.

From: Tanfani, Joseph [<mailto:Joseph.Tanfani@latimes.com>]
Sent: Tuesday, May 16, 2017 7:51 AM
To: Rosenstein, Rod (ODAG) <rosenstein@jmd.usdoj.gov>
Subject: RE: Meeting detail

Not and have anyone believe you, no. Anyway, offer still stands for dinner on the LAT – tux not required.

From: Rosenstein, Rod (ODAG) [<mailto:Rod.Rosenstein5@usdoj.gov>]
Sent: Tuesday, May 16, 2017 7:49 AM
To: Tanfani, Joseph
Subject: Re: Meeting detail

Off the record: you can't make this stuff up.

OIP-0040

On May 16, 2017, at 7:48 AM, Tanfani, Joseph <Joseph.Tanfani@latimes.com> wrote:

I realize the timing is not exactly great, but would still love to have that meeting for coffee. I know you're booked for Thursday!

From: Rosenstein, Rod (ODAG) [<mailto:Rod.Rosenstein5@usdoj.gov>]

Sent: Tuesday, May 16, 2017 7:35 AM

To: Tanfani, Joseph

Subject: Re: Meeting detail

She cut my remarks about Baltimore. Just another minute or two. I think she posted that part on twitter.

On May 16, 2017, at 7:32 AM, Tanfani, Joseph <Joseph.Tanfani@latimes.com> wrote:

Rod, was the video your full remarks?

Sent from my iPhone

On May 16, 2017, at 12:02 AM, Rosenstein, Rod (ODAG) <Rod.Rosenstein5@usdoj.gov> wrote:

<http://www.baltimoresun.com/news/maryland/politics/bs-md-rod-rosenstein-20170516-story.html>

On May 10, 2017, at 6:34 PM, Tanfani, Joseph <Joseph.Tanfani@latimes.com> wrote:

Hi guys,

One of my White House colleagues said the Attorney Genl had been at the WH Monday for a routine meeting with Don McGahn, and that the president heard he was there and called him in to the Oval Office.

What's not clear, was Rod there already, or was he brought there at the president's request? Could you clear that up?

Thanks...

Joe Tanfani
Los Angeles Times/Chicago Tribune
1100 Vermont Ave., NW
Washington, DC 20005
202-824-8318
joseph.tanfani@latimes.com
Twitter: @JTanfani

OIP-0041

Ramer, Sam (OLA)

From: Ramer, Sam (OLA)
Sent: Monday, May 15, 2017 7:49 PM
To: Rosenstein, Rod (USAMD)
Cc: Crowell, James (ODAG) (JMD)
Subject: FW: Briefing

Sir-

Please see below. I'm available to discuss at your convenience.

Sam

From: Higgins, Casey (b)(6)-Congressional email
Sent: Monday, May 15, 2017 7:19 PM
To: Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>
Cc: Dressler, Jeff (b)(6)-Congressional email
Subject: Briefing

Sam,

The Speaker would like to request a briefing for members of the House with Deputy Attorney General Rod Rosenstein regarding the removal of former FBI Director James Comey. To accommodate the floor schedule, the best times are Wednesday between 2-5pm, or Thursday between 2-4pm. Please let me know what time would work. Please call if you have additional questions. Thanks in advance!

Casey Christine Higgins

Assistant to the Speaker for Policy & Trade Counsel
Office of the Speaker | The Honorable Paul D. Ryan
H-232, The Capitol, Washington, DC 20515
Direct: (202) 226-(b)(6) | Cell: (b)(6)

OIP-0042

Benjamin Wittes

From: Benjamin Wittes
Sent: Saturday, May 13, 2017 7:45 AM
To: Rosenstein, Rod (USAMD)
Subject: Re: Hard-hitting post

I assure you I have never written a piece with a heavier heart.

Sincere advice: Get the hell out of there. These people are not honorable. They will destroy you. I'll help you write a letter that will begin to redeem the situation if that would be helpful. But there is no place for honorable service under a man who would use you the way the President did this week--and then announce it and practically laugh about it in public. Get out now. The longer you stay, the worse it will get.

Regards,
/b

On Fri, May 12, 2017 at 11:40 PM Rosenstein, Rod (USAMD) <Rod.Rosenstein@usdoj.gov> wrote:
Thank you for the notice. I always admire your thorough reasoning. Sometimes it is best to fail while daring greatly. Please stay in touch.

<https://m.youtube.com/watch?v=awzNHuGqoMc>

On May 11, 2017, at 5:02 PM, Benjamin Wittes

(b) (6) > wrote:

Dear Rod--

I am currently drafting a hard-hitting post about your handling of the Comey matter, among other things calling for your resignation. If you want to see a copy of the draft, I would be happy to send it to you and discuss any matters you think I might be misinterpreting, getting wrong, or omitting.

I'm reachable at the numbers below if you would like to discuss this.

Regards,
/b

Benjamin Wittes
Senior Fellow and Research Director in Public Law
The Brookings Institution
1775 Massachusetts Avenue, NW
Washington DC 20036
Office: 202-797-4386
Mobile: (b) (6)

OIP-0043

mobile: (b) (6)

If you want to send me encrypted communications, here is my PGP Public Key<https://drive.google.com/file/d/0B_PclSuEzVCVUEMxRDN1ajd5MkU/edit?usp=sharing>

Benjamin Wittes
Senior Fellow and Research Director in Public Law
The Brookings Institution
1775 Massachusetts Avenue, NW
Washington DC 20036
Office: 202-797-4386
Mobile: (b) (6)

If you want to send me encrypted communications, here is my [PGP Public Key](#)

Rosenstein, Rod (ODAG)

From: Rosenstein, Rod (ODAG)
Sent: Friday, May 12, 2017 7:23 PM
To: Lan, Iris (ODAG)
Subject: FBI Memorial Service - National Police Week
Attachments: scanned-image_4_17_2017_18_54_28.pdf

Attendees: DAG Rosenstein, Iris Lan



U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535-0001

April 12, 2017

Mr. Dana J. Boente
Acting Deputy Attorney General
Room 4111
U.S. Department of Justice
Washington, D.C.

Dear Mr. Boente:

In conjunction with National Police Week, I cordially invite you to attend a Memorial Service honoring those FBI Special Agents who have been killed in the line of duty. This service will be held on Wednesday, May 17, 2017, at 10 a.m. in the Bonaparte Auditorium at FBI Headquarters.

Your attendance would be greatly appreciated. Please R.S.V.P. by contacting Machel A. Reid or Leonard "Jeff" Kroeger of our Office of Partner Engagement. Ms. Reid can be reached at (b) (6) or at (b) (6) and Mr. Kroeger can be reached at (b) (6) or at (b) (6). I hope you can join us.

Sincerely yours,



James B. Comey
Director

OIP-0046

Rosenstein, Rod (ODAG)

From: Rosenstein, Rod (ODAG)
Sent: Friday, May 12, 2017 7:23 PM
To: Brinkley, Winnie (ODAG)
Subject: FBI Memorial Service - National Police Week
Attachments: scanned-image_4_17_2017_18_54_28.pdf

Attendees: DAG Rosenstein, Iris Lan



U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535-0001

April 12, 2017

Mr. Dana J. Boente
Acting Deputy Attorney General
Room 4111
U.S. Department of Justice
Washington, D.C.

Dear Mr. Boente:

In conjunction with National Police Week, I cordially invite you to attend a Memorial Service honoring those FBI Special Agents who have been killed in the line of duty. This service will be held on Wednesday, May 17, 2017, at 10 a.m. in the Bonaparte Auditorium at FBI Headquarters.

Your attendance would be greatly appreciated. Please R.S.V.P. by contacting Machel A. Reid or Leonard "Jeff" Kroeger of our Office of Partner Engagement. Ms. Reid can be reached at (b) (6) or at (b) (6) and Mr. Kroeger can be reached at (b) (6) or at (b) (6). I hope you can join us.

Sincerely yours,


James B. Comey
Director

OIP-0048

Rosenstein, Rod (ODAG)

From: Rosenstein, Rod (ODAG)
Sent: Friday, May 12, 2017 6:37 PM
To: (b) (6)
Subject: Re: From Bob Panoff - Continuing Applause

Thank you.

On May 12, 2017, at 6:06 PM, (b) (6) wrote:

Hi Rod. You are welcome. I was serious about helping you/Justice/the Gov. I have attached my CV for your convenience if you get the time to take a look to see if I could help out with the tax compliance side of Justice or in some other function. We are in difficult times and people like me who have been blessed with success over the years need to step up to the plate.

Best,

Bob

In a message dated 5/9/2017 8:23:50 P.M. Eastern Daylight Time, Rod.Rosenstein@usdoj.gov writes:

Thank you.

*Please delete Rod.Rosenstein@usdoj.gov from your contacts and use my new DOJ email address instead:
Rod.Rosenstein5@usdoj.gov.

On May 9, 2017, at 7:59 PM, (b) (6) wrote:

Hi Rod. Congratulations on your new post. You were a straight up, unimpeachable, no bs person when you were on our panel discussion in 2003 regarding the OVCI and you clearly still are. Despite the DC politically based hysterics, those of us who have been in the trenches know that what former Director Comey did by coming forward and unilaterally usurping the AG's authority was unprecedented and wrong. If you need any help related to my skill set, let me know. I'd serve for a dollar a year under your leadership - even though it would mean moving to the government side.

Best,

Bob Panoff

<Bobs Curriculum Vitae.doc>

(b) (6) (b) (6)

From: (b) (6)
Sent: Friday, May 12, 2017 6:04 PM
To: Rosenstein, Rod (ODAG)
Subject: Re: From Bob Panoff - Continuing Applause
Attachments: Bobs Curriculum Vitae.doc

Duplicate

OIP-0050

Benjamin Wittes

From: Benjamin Wittes
Sent: Thursday, May 11, 2017 7:03 PM
To: Rosenstein, Rod (ODAG)
Subject: Re: Hard-hitting post

When is good by you?

On Thu, May 11, 2017 at 6:54 PM Rosenstein, Rod (ODAG) <Rod.Rosenstein5@usdoj.gov> wrote:
Sorry. I am not talking to reporters. But I will make an exception and call you if it is off the record.

On May 11, 2017, at 6:52 PM, Benjamin Wittes (b) (6) wrote:

Does "thanks" mean you (a) want to see the draft? (b) want do talk? or (c) are acknowledging my note and do not wish to engage?

/b

Benjamin Wittes
Senior Fellow and Research Director in Public Law
The Brookings Institution
1775 Massachusetts Avenue, NW
Washington DC 20036
Office: 202-797-4386
Mobile: (b) (6)

If you want to send me encrypted communications, here is my [PGP Public Key](#)

On Thu, May 11, 2017 at 6:31 PM, Rosenstein, Rod (USAMD)
<Rod.Rosenstein@usdoj.gov> wrote:

Thanks.

*Please delete Rod.Rosenstein@usdoj.gov from your contacts and use my new DOJ email address instead:
Rod.Rosenstein5@usdoj.gov.

On May 11, 2017, at 5:02 PM, Benjamin Wittes

(b) (6) wrote:

Dear Rod--

I am currently drafting a hard-hitting post about your handling of the Comey matter, among other things calling for your resignation. If you want to see a copy of the draft, I would be happy to send it to you and discuss any matters you think I might be

OIP-0053

I would be happy to send it to you and discuss any matters you think I might be misinterpreting, getting wrong, or omitting.

I'm reachable at the numbers below if you would like to discuss this.

Regards,
/b

Benjamin Wittes
Senior Fellow and Research Director in Public Law
The Brookings Institution
1775 Massachusetts Avenue, NW
Washington DC 20036
Office: [202-797-4386](tel:202-797-4386)
Mobile: (b) (6)

If you want to send me encrypted communications, here is my PGP Public Key<https://drive.google.com/file/d/0B_PclSuEzVCVUEMxRDN1ajd5MkU/edit?usp=sharing>

Benjamin Wittes
Senior Fellow and Research Director in Public Law
The Brookings Institution
1775 Massachusetts Avenue, NW
Washington DC 20036
Office: 202-797-4386
Mobile: (b) (6)

If you want to send me encrypted communications, here is my [PGP Public Key](#)

Horwitz, Sari

From: Horwitz, Sari
Sent: Thursday, May 11, 2017 11:43 AM
To: Rosenstein, Rod (ODAG)
Subject: CNN reporting

Rod, I know that you replied off the record that you could not respond to my email last night, but can you please tell me on background if this CNN report with Sarah Flores comment is accurate?

CNN: Justice Department spokesperson Sarah Flores, however, said Rosenstein did not threaten to resign over Comey's ouster, contrary to [The Washington Post](#) and other press reports. Flores said she spoke with Rosenstein.

Sari Horwitz
Washington Post Staff Writer
(202) 334-7284
Cell: (b) (6)
@sarihorwitz
Bio and stories: wapo.st/sarihorwitz

From: Horwitz, Sari
Sent: Wednesday, May 10, 2017 8:55 PM
To: Rosenstein, Rod (ODAG) <Rod.Rosenstein5@usdoj.gov>
Subject: Re: Guidance please

Thank you, Rod, and thank you for getting back to me. If there is a point where you feel like you can talk on background about any of this, please let me know.
Sari

Sent from my iPhone

On May 10, 2017, at 8:47 PM, Rosenstein, Rod (ODAG) <Rod.Rosenstein5@usdoj.gov> wrote:

Off the record: Sorry I can't talk. (Off the record because one reporter quoted me saying "Sorry I can't talk.")

(b) (6)

On May 10, 2017, at 5:07 PM, Horwitz, Sari <Sari.Horwitz@washpost.com> wrote:

Rod,

I am on a plane returning from LA (b) (6) when the Comey news broke. I know you are extremely busy, but I am trying to help my Post colleagues. Seeing this long email and I would rather have this

OIP-0055

help my post colleagues. Forgive this long email and I would rather have this conversation on the phone, but I'm stuck on a five-hour plane ride. If you can offer any background guidance with no attribution for these questions, I would be most appreciative. My goal is for our reporting to be as accurate as possible on an important, fast-breaking story where mistakes can be made.

1. What was the Monday meeting at the White House with Sessions and Trump called to discuss if the Comey issue came up spontaneously, as the WH spokeswoman said?
2. How did the subject of Comey first come up in the Oval office? Who raised it and how?
3. Did you immediately start to work on your memo or did you do it the day Comey was fired? Did Trump or Sessions tell you to do it?
4. Was the Huma Abedin forwarding email mistake a catalyst for the firing, even if the dissatisfaction with Comey had been building? If not, why was the decision made to fire Comey now?
5. Did Comey ask you for more resources in any form, as the NYT first reported?
6. Were you aware that the president had called Comey to ask him to investigate leaks?
7. Did you know that Comey had requested more resources for the Russia investigation?
8. Is it accurate, as the White House, is saying that this was all your idea? Is that accurate?

Thank you very much for any background guidance you can give me. My emails are sari.horwitz@washpost.com and (b) (6)

My cell is (b) (6) but I cannot answer for the next five hours.

Best,

Sari

Steve Beaver

From: Steve Beaver
Sent: Wednesday, May 10, 2017 11:07 AM
To: Rosenstein, Rod (USAMD)
Subject: Good Morning

For those of us that have watched Comey, we were all appalled that Comey did not recommend prosecution of Clinton, and a whole host of other things.

The best thing your office could do is right all the questionable decisions Comey made, and pull the FBI to the center where they should be.

Thank you for your kind attention

Steve Beaver

(b) (6)

Office : 806-368-3859

Cell : (b) (6)

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Paul Coletti

From: Paul Coletti
Sent: Wednesday, May 10, 2017 4:52 AM
To: Rosenstein, Rod (USAMD)
Subject: BBC Radio

Dear Mr Rosenstein,

Would you have time to do an interview with BBC World service Radio about your memorandum recommending the sacking of FBI director Mr Comey?

If there is interest from your side then I'm on (b) (6)

The World Service has a large audience – 180m weekly listeners.

Yours sincerely,

Paul Coletti
Newshour
<http://www.bbc.co.uk/programmes/p002vsnk>
Office: +442036143800

<http://www.bbc.co.uk>

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OIP-0060

Rosenstein, Rod (USAMD)

From: Rosenstein, Rod (USAMD)
Sent: Tuesday, May 09, 2017 9:58 PM
To: John Leonardo
Subject: Re: Comey Memo

Thank you.

**Please delete Rod.Rosenstein@usdoj.gov from your contacts and use my new DOJ email address instead: Rod.Rosenstein5@usdoj.gov.*

On May 9, 2017, at 8:45 PM, John Leonardo (b) (6) wrote:

Mr. Deputy Attorney General,
I have just read your memorandum to the Attorney General recommending the removal of the Director of the FBI. I can't tell you how relieved I was to read your reaffirmation of the basic principles of proper prosecutorial conduct traditionally observed within the Department of Justice, and that you and I both observed during our service as U.S. Attorneys. It was essential to continued public trust in the FBI and the Department of Justice that the Director be dismissed as a result of his identified improprieties. I congratulate you on having done the nation a valuable service. I have renewed confidence that the Department will continue to maintain its traditional professionalism, dignity and integrity with the leadership of dedicated career prosecutors such as yourself.

Sincerely,
John Leonardo

Rosenstein, Rod (USAMD)

From: Rosenstein, Rod (USAMD)
Sent: Tuesday, May 09, 2017 8:24 PM
To: (b) (6)
Subject: Re: From Bob Panoff - Bravo and Applause!

Thank you.

**Please delete Rod.Rosenstein@usdoj.gov from your contacts and use my new DOJ email address instead: Rod.Rosenstein5@usdoj.gov.*

On May 9, 2017, at 7:59 PM, (b) (6) > wrote:

Hi Rod. Congratulations on your new post. You were a straight up, unimpeachable, no bs person when you were on our panel discussion in 2003 regarding the OVCI and you clearly still are. Despite the DC politically based hysterics, those of us who have been in the trenches know that what former Director Comey did by coming forward and unilaterally usurping the AG's authority was unprecedented and wrong. If you need any help related to my skill set, let me know. I'd serve for a dollar a year under your leadership - even though it would mean moving to the government side.

Best,

Bob Panoff

Dave

--

David J. Lynch
Washington correspondent
The Financial Times
1023 15th Street NW
Washington, D.C. 20005
Office: 202-434-0986<tel:(202)%20434-0986>
Cell: (b) (6)
follow me on Twitter: @davidjlynch

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David J. Lynch
Washington correspondent
The Financial Times
1023 15th Street NW
Washington, D.C. 20005
Office: 202-434-0986
Cell: (b) (6)
follow me on Twitter: @davidjlynch

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--

David J. Lynch
Washington correspondent
The Financial Times
1023 15th Street NW

OIP-0064

Washington, D.C. 20005

Office: 202-434-0986

Cell: (b) (6)

follow me on Twitter: @davidjlynch

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-----Original Message-----

From: Rosenstein, Rod (USAMD) [<mailto:Rod.Rosenstein@usdoj.gov>]

Sent: Sunday, April 23, 2017 9:40 AM

To: Tanfani, Joseph

Cc: Murphy, Marcia (USAMD)

Subject: Re: Rod and Sarah, meet Joe and David

Off the record:

Two quibbles about your story today:

1. Did Steve Levin really say that my predecessor developed the Baltimore Exile program? That is bizarre. Levin assisted Jason Weinstein and me in developing the program in late 2005 and early 2006, after I became U.S. Attorney. Many of the ideas were not original, but I personally worked with Weinstein to negotiate the agreement, write the MOU and publicly announced the start of the program. I even chose the name. I could not possibly have blamed anyone else if it failed.

http://articles.baltimoresun.com/2006-01-03/news/0601030024_1_gun-cases-federal-officials-gun-crimes

http://articles.baltimoresun.com/2006-01-06/news/0601060113_1_gun-cases-sentences-gun-crimes

http://articles.baltimoresun.com/2006-06-01/news/0606010056_1_gun-cases-exile-program-in-baltimore

<http://m.washingtontimes.com/news/2006/jan/2/20060102-111505-7978r/>

2. Kevin Davis thinks I will get 8 hours of sleep every night? That would be great!

I hope to see you soon in DC.

OIP-0067

RODNEY P. FRELINGHUYSEN, NEW JERSEY, CHAIRMAN

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Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515-6015

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PETE AGUILAR, CALIFORNIA

May 11, 2017

NANCY FOX
CLERK AND STAFF DIRECTOR
TELEPHONE:
(202) 225-2771

The Honorable Jefferson Sessions
Attorney General
U.S. Department of Justice
Washington, DC 20530

Dear Attorney General Sessions:

We are writing to you regarding this week's announcement of the firing of James Comey, the Director of the Federal Bureau of Investigation (FBI). The timing of this announcement raises a number of important questions to which we, as the Ranking Members of the House Appropriations Committee and its subcommittee on Commerce, Justice, Science, and Related Agencies, need answers. Even though you have publicly stated your recusal from the investigation into the Trump presidential campaign's relationship with the Russian Government, we are concerned that this firing, which you recommended, will inevitably interfere with the FBI's ability to conduct a thorough and impartial investigation into this important matter.

We are deeply disturbed by a report that appeared in yesterday's New York Times, in which four congressional officials told the paper's reporters that "days before he was fired, [Comey] asked the Justice Department for a significant increase in resources for the bureau's investigation into Russia's interference in the presidential election". We conclude that because you have recused yourself from this matter, you should not be participating in any budgetary decisions regarding the resources needed for this investigation, and the FBI should have the ability to communicate directly to Congress regarding the funding needed for this investigation.

We take very seriously our responsibility to provide the Department of Justice with the resources it needs to effectively carry out its mission. We are also committed to exercising strong congressional oversight of the Department to ensure it is dedicated to the fair and impartial administration of justice for all Americans. Toward these ends, we request that you immediately provide us full and candid answers to the following questions:

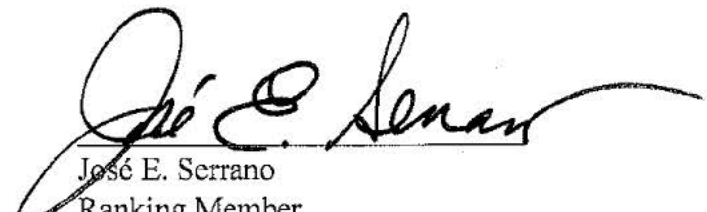
1. When did Director Comey make a request for additional resources related to the investigation into Russia's interference in the 2016 presidential election? Was this request made to you, or to Deputy Attorney General Rod Rosenstein?

2. Did this request entail shifting funds from outside the FBI into the FBI, or did it entail shifting resources from within the FBI budget?
3. To what extent and in what amounts did this request involve resources from fiscal year 2017 appropriations? Prior-year appropriations? The Administration's fiscal year 2018 request?
4. Did you at any point participate in discussions regarding Director Comey's request for additional resources related to the investigation into Russia's interference in the 2016 presidential election? Have you participated in any discussions regarding the resources needed to fully and effectively investigate these matters?
5. At what point did you begin participating in deliberations on whether to recommend Director Comey's dismissal?
6. At what point did other Department of Justice officials or employees begin participating in deliberations on whether to recommend Director Comey's dismissal?
7. Since you have recused yourself from the investigation of former Secretary of State Hillary Clinton relating to her handling of sensitive e-mails, why is it appropriate for you to cite that investigation as a reason for recommending Director Comey's dismissal?
8. Since you have also recused yourself from the investigation into Russia's interference in the 2016 presidential election—an investigation in which Director Comey was involved—why is it appropriate for you to write a memo to the President recommending Director Comey's dismissal, especially before this investigation has been concluded?

We would appreciate your written responses to these questions by no later than May 15, 2017. Thank you for your prompt attention to this important matter.

Sincerely,


Nita M. Lowey
Ranking Member
House Appropriations Committee


José E. Serrano
Ranking Member
Subcommittee on Commerce, Justice,
Science, and Related Agencies

Cc: The Honorable Rod J. Rosenstein, Deputy Attorney General
The Honorable Rodney Frelinghuysen
The Honorable John Culberson

PB
①



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

May 12, 2017

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

RECEIVED
DEPT OF JUSTICE
EXECUTIVE SECRETARIAT
2017 MAY 24 PM 2:41P

Dear Deputy Attorney General Rosenstein:

One of the most rewarding aspects of serving Pennsylvania's 13th District in Congress is representing a community that has given the country so many bright and accomplished citizens. I am proud that our congressional district is home to the Deputy Attorney General of the United States, the second highest ranking law enforcement official in the land. I am also proud that you are a product Lower Moreland public schools, where my wife taught for a decade.

It is my understanding through conversations with colleagues that throughout your career you have earned a reputation as a fair and independent jurist. For this I commend you. I know former Senator Mikulski regarded you as "a man of great integrity." Your recent actions, however, related to the firing of FBI Director Comey have me gravely alarmed.

This is a serious moment in our country's history. How you respond will have long lasting ramifications for your reputation and, most importantly, the rule of law in our country and dignity of your office. As such, I believe you must either appoint a special, independent prosecutor to act on behalf of the American people, or recognize that you can no longer uphold your oath of office and resign.

I hope that you receive this letter not as a snide political attack, but instead for what it is: a sincere effort to urge you to do the right thing. When this issue is handled properly with respect for the our democracy and the Constitution and we can all put this behind us, and I do hope this occurs very soon, I would be happy to welcome you back to Lower Moreland to celebrate your great professional achievement.

Sincerely,

Brendan F. Boyle
Member of Congress

FBI- INTELLIGENCE ANALYSTS ASSOCIATION

FACSIMILE TRANSMITTAL SHEET

TO:

The Honorable Jeff Sessions

FROM:

Patrick R. Carberry

COMPANY:

United States Department of Justice

DATE:

May 19, 2017

FAX NUMBER:

202-307-6777

TOTAL NO. OF PAGES, INCLUDING COVER:

5

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

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2017 MAY 24 PM 4:03

FBI  **FBI Intelligence Analysts Association**

19 May 2017

The Honorable Jeff Sessions
 United States Attorney General
 United States Department of Justice
 Washington, DC 20510

The Honorable Rod Rosenstein
 Deputy United States Attorney General
 United States Department of Justice
 Washington, DC 20510

The Honorable Charles Grassley
 Chairman
 Committee on the Judiciary
 United States Senate
 Washington, DC 20510

The Honorable Dianne Feinstein
 Ranking Member
 Committee on the Judiciary
 United States Senate
 Washington, DC 20510

The Honorable Richard Burr
 Chairman
 Select Committee on Intelligence
 United States Senate
 Washington, DC 20510

The Honorable Mark Warner
 Vice Chairman

1319 F Street NW, Suite 200, Washington, DC 20004
 Phone (855) 4-FBI-IAA • Fax (855) 432-4422 • www.fbiiaa.org

Select Committee on Intelligence
United States Senate
Washington, DC 20510

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, DC 20510

The Honorable Adam Schiff
Ranking Member
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, DC 20510

On behalf of the FBI Intelligence Analysts Association (FBI IAA), I am writing to provide our views regarding the selection of the next FBI Director. As you know, the FBI's intelligence analysts (IAs) are integral to the Bureau's dual intelligence and law enforcement mission. Totalling more than 3,100 intelligence professionals, IAs are the FBI's second-largest employee group. We share your commitment to the security of our nation and welcome the opportunity to provide input into this important selection which will shape the future of the FBI.

The FBI is at critical juncture in its history. The next Director will greatly impact public perceptions of the FBI's neutrality, which ensures the public's trust in our ability to carry out our mission. We believe it is essential that the next Director be nonpartisan and maintain the FBI's traditional independence. Therefore, it is vital that the next Director come without attachment to, or a record of service, as a partisan elected official in either political party. As intelligence professionals we analyze information to inform decision making for leaders. We count on our leaders to consider our information objectively without the distortion that often comes from a political prism. We need no less from our next FBI Director.

The next Director will also determine whether the bureau is able to complete its transformation into a threat-based, intelligence-driven national security organization. The FBI IAA believes there are three essential traits — enumerated below — that the next Director must possess to successfully lead the FBI in the post-9/11 environment. We respectfully ask that these qualities be carefully considered in the selection of the next FBI Director.

1319 F Street NW, Suite 200, Washington, DC 20004
Phone (855) 4-FBI-IAA • Fax (855) 432-4422 • www.fbiiaa.org

Trait One: The Next Director Must Have a Deep Understanding of and Commitment to the FBI's Dual Intelligence and Law Enforcement Mission

To secure America's future, the next FBI Director must possess a deep understanding of and commitment to the Bureau's dual intelligence and law enforcement mission. It is vital that the next Director view intelligence as a core mission of the FBI, on par with law enforcement, and continue former Director Comey's priority initiative of integrating intelligence with operations. To achieve this goal, the FBI IAA strongly emphasizes the importance of a leader who is neutral in regard to internal cultural bias and to opinions and influence that may be exerted by external stakeholders.

While significant progress has been made in improving the FBI's intelligence capabilities since 9/11, the Bureau has not yet fully established intelligence analysis as a core mission of the organization. Rather than being a driver of operational activity, intelligence is still typically seen as an enabler to the law enforcement mission. However, to be "intelligence-driven" in the FBI cannot mean intelligence should be a surrogate or a component of the law enforcement mission. The new Director must demonstrate his or her understanding that commitment to intelligence advancements are paramount by both words and actions. He or she must transcend any cultural pressures that might impede this nascent cultural shift.

To unify and strengthen the FBI's intelligence workforce, the next Director must fully implement the 9/11 Commission's recommendation and establish a dedicated FBI Intelligence Career Service (ICS), under the leadership of an intelligence professional. The FBI IAA believes that a more mature and independent ICS is necessary to elevate the importance of the intelligence mission and to secure excellence in intelligence into the core ethos of the FBI. The next Director must nurture and develop the ICS into a cohesive FBI intelligence service with an identity, unified mission, and commitment to intelligence on par with other US Intelligence Community member agencies. A strong, independent ICS would allow the FBI to more clearly assess the national security and criminal threats to the nation and to better integrate strategic intelligence to drive operations. In addition, developing an outstanding cadre of intelligence program leaders and giving them requisite authorities would forge the world-class intelligence program the American people expect of the FBI.

Trait Two: The Next Director Must Strengthen a Culture of Collaboration within the FBI and Across the Law Enforcement and Intelligence Communities

To successfully lead the FBI, the next Director must be committed to strengthening a culture of collaboration that engages the talents of the entire 36,500 member FBI workforce. He or she must change human capital practices to better utilize, recognize, and reward the talents of all employees, and improve collaboration between them. Due to the increasing complexity of the FBI's global mission, the Bureau is increasingly reliant on its non-agent employees, especially those with technical and professional backgrounds. Non-agent personnel now comprise more than 22,000 employees and make up more than 60 percent of the FBI workforce. This diverse non-agent workforce includes not only intelligence analysts, but staff operations specialists, language analysts, investigative specialists, computer scientists, information technology experts, attorneys, accountants, and a range of other professionals, all of whom make important contributions to the FBI.

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The Director must also collaborate and build strong partnerships with domestic and foreign law enforcement and intelligence agencies. He or she must be committed to improving intelligence collection and information-sharing across the entire FBI and with domestic and foreign partners. As part of this effort, the Director should strongly advocate for more FBI personnel to engage in joint duty assignments and training with other agencies and to pursue assignments overseas.

Trait Three: The Next Director Must Be Innovative, Adaptable, and Forward-Leaning to Effectively Target the Nation's Criminal and National Security Threats

The next Director must be innovative, adaptable, and forward-leaning to effectively lead a global organization facing an ever-changing set of diverse and sophisticated threats. The FBI's jurisdiction is broad, spanning counterterrorism, counterintelligence, criminal, cyber, and weapons of mass destruction programs, all of which are missions of national importance. In today's rapidly changing information environment—in part caused by the globalization of encrypted technology—the Director must quickly adapt the FBI's priorities and develop new ways of doing business.

The Director must recognize the need for independent, unbiased, and objective intelligence analysis that drives decision making at all levels of the FBI. America's security requires that FBI operations be guided by the best possible assessment of the threat. Intelligence must drive operations by identifying and anticipating threats and vulnerabilities based on our nation's criminal and national security concerns. As part of this effort, the new Director must continue former Director Comey's initiative of ensuring a 21st century information technology system worthy of the United States' premier domestic intelligence agency.

Thank you for considering the FBI IAA's views on this important matter. If you have any questions, please contact the FBI IAA at (855) 432-4422.

Sincerely,

Patrick R. Carberry
Board of Directors
FBI Intelligence Analysts Association

CC: The Honorable Dan Coats
Director of National Intelligence
Office of the Director of National Intelligence
Washington, DC 20511

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COMMITTEE ON APPROPRIATIONS
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May 11, 2017

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

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Dear Deputy Attorney General Rosenstein:

The American people have a right to know, for the sake of our national security and sovereignty, whether and to what extent Russia interfered in the 2016 Presidential election. The Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ) should dedicate the needed personnel and resources to the investigation without hesitation. As you know, the recently-passed FY 2017 Consolidated Appropriations Act provided the FBI \$8.767 billion for salaries and expenses which is \$277 million more than the FY 2016 enacted level. In our roles as Vice Chair of Appropriations and Ranking Member of the Senate Subcommittee on Commerce, Justice and Science Appropriations, we stand ready to assist should the FBI require additional funding to comprehensively conduct this crucial investigation or to meet any of its core missions.

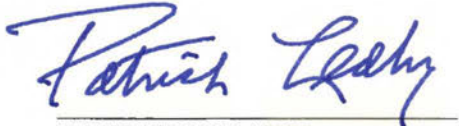
To that end, we were surprised by recent press reports indicating that now former FBI Director James Comey asked DOJ just last week for a significant increase in resources for the bureau's investigation into Russia's interference in the 2016 presidential election. Given the importance of this investigation, the FBI and the DOJ should spare no expense in getting to the truth. In order to facilitate the consideration of the Justice Department's FY 2018 budget request, and to ensure that the investigation has adequate resources, at least 72 hours prior to the Committee's hearing on the Justice Department's FY 2018 request, please provide us with:

- The details of any request for increased resources made by the FBI to DOJ in order to complete its ongoing investigation into Russian interference in our election process, and whether that funding is needed now, in FY 2017, or in FY 2018.
- Information about how this request was communicated from the FBI to DOJ, and whether similar requests were made to the White House (including the Office of Management and Budget) or any member of Congress, and what the response was to these requests.

The Honorable Rod Rosenstein
Deputy Attorney General
May 10, 2017
Page 2 of 2

- Any other constraints that might limit the FBI in conducting a thorough investigation.

Thank you in advance for your timely response to these questions. Should you have any questions, your staff may be in contact with Jean Toal Eisen at 202-224-5202.



PATRICK LEAHY
Vice Chairman



JEANNE SHAHEEN
Ranking Member
Subcommittee on Commerce, Justice,
Science, and Related Agencies

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May 16, 2017

VIA HAND DELIVERY

The Honorable Rod Rosenstein
Deputy Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Deputy Attorney General Rosenstein:

I would like to offer my personal congratulations on your recent appointment as the Deputy Attorney General of the United States. I, along with the citizens of Baltimore, am grateful for your many years of dedicated service to our city and our state. It is good to know that the same integrity and personal commitment to justice that you fostered while serving as the United States Attorney for the District of Maryland will continue in your newly appointed position as Deputy Attorney General, and I wish the best for you as you embark on this new assignment.

I am writing you to make you aware of a federal criminal case in which not only “a miscarriage of justice” has occurred, involving Mr. Charles Bolton and his wife, Mrs. Linda

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2017 MAY 17 AM 9 3

Bolton, of Hattiesburg, Mississippi in the District Court for the Southern District of Mississippi (Eastern Division), but that has also affected Mr. and Mrs. Bolton's "substantial rights," guaranteed under the Constitution of the United States, and seriously affected the fairness, integrity or public reputation of judicial proceedings. Although I am not the attorney of record in the District Court in Mississippi, I was retained by the family of Mr. Charles and Mrs. Linda Bolton, in November 2016, to help with preparation of documents and motions in this case, to obtain documents on file with the Department of Justice (DOJ) that were central to their prosecution for alleged tax crimes, and to obtain the requisite DOJ approval documents (if any) that would have been associated with the authorization for their prosecution, to aid in their defense of these alleged charges.

I have received a letter from the DOJ in April 2017, in response to one of the two Freedom of Information Act (FOIA) requests I sent to the Department in November 2016, on behalf of Charles and Linda Bolton. This letter is to formally notify you of the evidence obtained from the DOJ that documents the willful and egregious unlawful criminal prosecution of two American Citizens, Mr. Charles and Mrs. Linda Bolton, by the United States of America for alleged tax crimes that resulted in their unlawful indictment, and wrongful convictions and sentences of incarceration. The evidence, based on the letter I received from DOJ, in response to the FOIA request I submitted to the Department in November 2016, is undisputed and these documents not only point to the innocence of Charles and Linda Bolton, but it documents prosecutorial misconduct related to Charles and Linda Bolton and that they were "selectively targeted" for prosecution.

Specifically, recently obtained evidence from this Department documents that the DOJ previously investigated a complaint regarding the unlawful selective targeting of Charles Bolton

for investigation and prosecution, and based on the evidence discovered as a result of that investigation, the former Attorney General of the United States ordered the recusal of the entire Office of the United States Attorney for the Southern District of Mississippi, and all investigators from the “investigation and possible prosecution” of Charles Bolton. *A Copy of the Correspondence verifying the results of this Department’s investigation, and that documents conflicts of interests with investigators and the Office of the United States Attorney for the Southern District of Mississippi that ordered the recusal of this entire office from the investigation of Charles Bolton, and removal of the case to the Office of the Assistant Attorney General of the Eastern District of Louisiana is provided at **Exhibit 1**.*

Based on the recently discovered evidence obtained from DOJ through the FOIA requests filed on behalf of representatives for Charles and Linda Bolton, it has been formally documented that the Office of the United States Attorney for the Eastern District of Louisiana and investigators from the Southern District of Mississippi did not follow the mandate issued by the DOJ on July 29, 2015 provided at **Exhibit 1**. Instead, this evidence documents the investigation and referral of charges against Charles Bolton and his wife, Linda Bolton, was performed by the same investigators who were the subject of this department’s prior investigation that led to the DOJ’s order and mandate recusing the entire Office of the United States Attorney Southern District of Mississippi and investigators from the investigation and possible prosecution of Charles Bolton.

The Assistant United States Attorney from the Eastern District of Louisiana, Fred Harper, failed to conduct an independent investigation of Charles Bolton and he has “confessed” by providing testimony on the Court’s record in the District Court of the Southern District of Mississippi to simply taking the investigation results provided to him by investigators from the

Southern District of Mississippi who conducted an unlawful investigation of Charles Bolton after they were previously “barred from the investigation of Charles Bolton” in defiance of the July 29, 2015 DOJ order and mandate, and AUSA Fred Harper proceeded with the unlawful indictment, prosecutions and, convictions and sentences of incarceration for the Boltons based on information provided by the “same government investigators”, including Bradley Luker, from the Southern District of Mississippi previously found by the DOJ to have conflicts of interest or potential conflicts of interest (or loss of impartiality) that lead to “selectively targeting” of Charles Bolton for investigation and prosecution.

The required procedures to investigate, indict, and prosecute alleged tax charges against Charles and Linda Bolton, under the relevant tax codes, require a joint investigation and prosecution between the United States Attorney and the IRS. These procedures were not followed, and are grounded in the following statutes which state, in pertinent part:

6-4.123 - Joint United States Attorney—IRS Request to Expand Tax Grand Jury Investigation

The United States Attorney may not, without Tax Division approval, expand grand jury investigations into matters arising under the internal revenue laws to include targets that the Tax Division did not previously authorize. The United States Attorney, together with the IRS, must submit a written request to obtain Tax Division approval. The request must establish the basis for the Tax Division to authorize expansion of the investigation. *See* USAM 6-4.211(B).

6-4.122 - United States Attorney's Grand Jury Investigations and Prosecutions

A. Tax Division Referrals for Prosecution. The Tax Division authorizes the United States Attorney to conduct grand jury investigations into matters arising under the internal revenue laws to the extent necessary to perfect those tax charges that the Tax Division refers for prosecution.

B. Tax Division Referrals for Grand Jury Investigation. The Tax Division authorizes the United States Attorney to conduct grand jury investigations into matters arising under the internal revenue laws to the extent necessary to 1) perfect the tax charges for which the Tax Division authorizes an investigation or 2) determine whether the Tax Division should authorize prosecution. *See* USAM 6-4.242.

C. Expansion of Non-tax Grand Jury Investigation to Possible Federal Criminal Tax

Violations. The Assistant Attorney General, Tax Division, has delegated limited authority to the United States Attorney to expand non-tax investigations in order to inquire into possible federal criminal tax violations, designate targets (subjects), determine the scope of the expanded investigation, and terminate such proceedings.

The United States Attorney may not, without Tax Division approval, expand grand jury investigations into matters arising under the internal revenue laws to include targets that the **Tax Division did not previously authorize**. The United States Attorney, together with the IRS, must submit a written request to obtain Tax Division approval. The request must establish the basis for the Tax Division to authorize expansion of the investigation. *See* USAM 6-4.211(B). The Tax Division must first authorize the specific tax charges. *See* Tax Division Directive No. 86-59 (October 1, 1986), Tax Resource Manual 10.

In the case at bar, evidence supports that the investigation and prosecution of Charles and Linda Bolton were not consistent with the legal procedural requirements as outlined in the above or legal statutes governing tax prosecutions.

The unraveling of the questionable process of the investigation began following a Department of Justice investigation by the Attorney General of the United States in early 2015 which allegedly links this case to “selective targeting of Charles Bolton” for prosecution by the AUSA and investigators for the Southern District of Mississippi. Evidence show that this selective targeting was later extended to Mrs. Linda Bolton, the wife of Mr. Charles Bolton.

The Assistant General Counsel for Executive Office for the Assistant United States Attorney General issued a written memorandum on July 29, 2015, that involuntarily recused the entire Office of the United States Attorney and all investigators (federal and state) from the Southern District of Mississippi from the investigation and possible prosecution of Mr. Charles Bolton. Ms. Linda Bolton was not included in the recusal that moved the investigation of her husband, Charles Bolton, from the United States Southern District of Mississippi to the Eastern District of Louisiana for investigation and “possible prosecution” due to conflicts of interest and

possible conflicts of interests. As a result, the United States Eastern District of Louisiana did not have jurisdiction or authority to investigate, indict or prosecute Ms. Linda Bolton. Further, the proper statutory requirements that it be a joint investigation and prosecution by the IRS and U.S. Attorney was not met in either case. This written information was not provided to the Defense by the Government at all during the entire discovery, trial and sentencing phases in Charles and Linda Bolton's case. Failure to provide this evidence to the defense by the government constitutes a major discovery violation under *Brady v. Maryland*, 373 U.S. 83 (1963), but more importantly, resulted in the unlawful prosecution and false imprisonment of Charles and Linda Bolton.

Significantly, misconduct by the Southern District of Mississippi investigators which was in violation of the relevant statutes and the DOJ Memorandum of July 29, 2015, persisted throughout the investigation, and eventually led to AUSA Fred Harper filing unlawful charges against Mr. Charles and Mrs. Linda Bolton, who were never targets of a Title 26 Investigation for tax fraud. Based on the trial testimony of IRS Agent Bradley Luker (*Exhibit 2*), they became secondary targets to a Title 26 Investigation of a wealthy attorney, John Lee, who was under a Title 26 investigation for an approximately \$1million tax fraud. However, Attorney John Lee has never been indicted or prosecuted for documented tax crimes he committed, although he was the primary target of the Title 26 investigation, Southern District of Mississippi investigators abandoned the investigation of Attorney John Lee, but selectively singled out the Boltons for prosecution instead, and the evidence presented at their trial documented only tax fraud that pertained to Attorney John Lee. Specifically, an FBI Agent from the Southern District of Mississippi is alleged to have provided checks to Bradley Luker, one of the Southern District of Mississippi government investigators (per his testimony as a Government summary witness

during Charles and Linda Bolton's trial) *Exhibit 3*.

Agent Bradley Luker was assigned to the Southern District of Mississippi, and had previously participated in an investigation of Charles Bolton and Linda Bolton as a member of a task force under the direction of Stacey Pickering, the State Auditor for Mississippi, and a former Assistant United States Attorney of the Office of the United States Attorney for the Southern District of Mississippi, Mike Hurst, which did not result in any evidence of criminal wrongdoing by Linda and Charles Bolton. Therefore, based on the DOJ's previous order and mandate, Agent Bradley Luker was disqualified from investigating the Boltons, and from providing alleged evidence obtained as a result of that investigation, to charge, indict, prosecute and convict Charles Bolton and Linda Bolton. Additionally, he failed to obtain the Department of Justice, Tax Division's prior approval, as required by law, to conduct a Title 26 tax investigation of Charles and Linda Bolton. Prior to their indictment, Charles and Linda Bolton were never notified by the Internal Revenue Service that they allegedly owed taxes nor were they billed or contacted by a revenue agent to inform them of any alleged taxes owing to the Government. Further, they were never contacted or interviewed by the IRS or any government investigator prior to their indictment. They first learned of an alleged tax deficient only after they were indicted. There is evidence that there was no legitimate tax case against the Boltons who did not violate tax laws as alleged, and as shown by the statements of AUSA Fred Harper submitted in the Court's record:

"And it was late 2015, early 2016, when I got the -- when the recusal occurred, and our office got the case, and then it was assigned to me, and I had a meeting with all of the investigators involved in this matter, and I won't go into who they all were, but all of them, and one of them happened to be Bradley Luker. And that's when I first heard anything about there being a tax case. So -- and then I think it was March or April when we returned the indictment in the case." In-Chambers Presentence Proceedings of 3.17.17, P.24, Lns 9-18. (Exhibit 4).

AUSA Harper further testified at the In-Chambers Pre-Sentencing Proceedings on March 17, 2017, that he was among other things, shocked to learn that there was a tax investigation as follows:

“And I was shocked that I had not been contacted by anyone in connection with that matter.”

THE COURT: *The food theft case?*

“MR. HARPER: No, about the tax case. I hadn't -- Judge, I had done nothing on the food theft case. I bored in on the tax case, and the information that Mr. Luker gave me about the tax case, and pressed the tax division, “which can be difficult to deal with in Washington, about approving the tax case, and I obtained that approval, mainly because Bradley Luker had already been -- advanced the ball way down the field on that matter, and, and still heard from no one on -- about the tax case.”

“And there were subpoenas and things like that that had been issued, and, well, you know, I can't talk about that, the recipient of a federal subpoena can talk about it all day. And I was just surprised. So we went in, indicted the case. And that was when they came and made their first appearance is the first time I had any contact with any lawyer.” In-Chambers Presentence Proceedings of 3.17.17, P.24, Lns 19-25, and P.25, Lns 1-11 (Exhibit 5).

The process described by AUSA Fred Harper does not conform to the statutory requirements for investigation and prosecution of a Title 26 Tax Case. Before any tax case can commence, the Tax Division within the Department of Justice must first authorize investigation and prosecution of violations of the tax code in accordance with 28 C.F.R.70 (**Exhibit 6**).

A grand jury convened under Title 26 is the only grand jury that can investigate and return an indictment for charges involving alleged tax crimes. However, there is no evidence that the DOJ tax division granted authorization for a Title 26 Grand Jury in the Boltons' case.

When a lawfully authorized and constituted grand jury investigation is complete, and the **United States Attorney** concludes that the Government has gathered sufficient evidence to proceed with prosecution, the **United States Attorney should request that the special agent assigned to the matter prepare a SAR (Special Agent Report)**. This process was not followed

by the Office of the United States Attorney for the Eastern District for Louisiana. Instead, it appears that the grand jury was formed and Agent Luker issued subpoenas without proper authorization or authority in contravention of the tax laws, the DOJ and Internal Revenue Service Policies and Procedures. Further, AUSA Fred Harper and AUSA Sharan E. Lieberman appeared in the District Court for the Southern District of Mississippi, it appears, without official appointment orders to serve as representatives of the government in this investigation and prosecution. In addition, there was no entry of required documents regarding their appointment as Special United States Attorneys on the record as is mandatory in this case, as was ordered by the July 29, 2015, DOJ Recusal Memorandum.

The actions of AUSA Fred Harper in the Boltons' case have not only resulted in violations of the statutes governing the prosecution of tax cases, but constituted a blatant disregard of this Department's order that has resulted in the unlawful prosecution, conviction, and incarceration of Charles Bolton and his wife, Linda Bolton, and that in our view, raises to the level of "prosecutorial misconduct". Therefore, it is requested that the Department of Justice remove AUSA Fred Harper immediately from this case, and bar his participation in any further judicial actions in this matter. Further substantiating that prosecutorial misconduct by AUSA Fred Harper likely occurred in this case is the fact that allegations of this nature concerning prosecutorial misconduct has been lodged against him in the immediate past, and has resulted in both investigations by the DOJ, and a Senate Judiciary Committee investigation. The Senate Judiciary Committee investigation of AUSA Fred Harper appears to be still open and appears to have stemmed, in part, from prosecutorial misconduct claims against AUSA Harper. See Senate Judiciary Committee Chairman, Charles E. Grassley, November 15, 2016 Letter to the then United States Attorney General Loretta Lynch, regarding the committee's investigation, at

Exhibit 7.

Although this Department exercised its due diligence by its investigation and issuance of its mandate to avoid the selective targeted investigation and prosecution of Charles Bolton, the United States Attorneys for the Eastern District of Louisiana (especially AUSA Fred Harper), and the Southern District of Mississippi and associated Southern District of Mississippi investigators, failed to follow the order of this Department in this matter. Instead, they blatantly ignored the DOJ order and mandate, and continued to unlawfully investigate and prosecute Mr. Charles Bolton and his wife, Linda Bolton. In order to assist you in facilitating actions by the DOJ to appropriately order the dismissal of the unlawful convictions and sentences in this case of Mr. Charles and Mrs. Linda Bolton, provided for your information are copies of recent Motions to Vacate the Convictions and Sentences of Charles and Linda Bolton that were filed in the District Court for the Southern District of Mississippi, Eastern Division on May 3, 2017, and May 6, 2017, respectively, and that provides further details of the “miscarriage of justice” that has occurred in this case based on clear violations of the laws governing tax prosecutions, and based on tainted evidence submitted by government investigators from the Southern District of Mississippi who disobeyed this Department’s order and mandate barring them from the investigation and prosecution of Charles and Linda Bolton (***See Exhibit 8 for Copies of the Motions to Vacate Convictions and Sentences of Charles and Linda Bolton***). AUSA Fred Harper from the Office of the Assistant United States Attorney for the Eastern District of Louisiana then presented this tainted evidence in Court to unlawfully prosecute Charles and Linda Bolton.

While it is not possible to undo the damage this unlawful prosecution has caused to Charles and Linda Bolton, including the damage to their reputation, economic losses associated

with the loss of employment, losses to their businesses, and defense of the false criminal tax charges brought against them, the **most severe damage**, which has been their loss of their liberties due to false imprisonment, **can be minimized with their immediate release**. Mrs. Linda Bolton was ordered to and did report to begin serving a term of imprisonment of 30 months on May 2, 2017, to the Aliceville, Alabama Federal Correctional Institute (*See Exhibit 9*), based on her illegal prosecution and illegal sentence of incarceration, which is even more egregious since she was found innocent by the jury or charges resulted in a hung jury. Charles Bolton was ordered to and did report to begin serving a term of imprisonment of 45 months on May 3, 2017, at the Edgefield Federal Correctional Institute, South Carolina based on his unlawful prosecution and conviction (*See Exhibit 10*). A timely motion for Bond pending Appeal of this case was filed in the District Court for Mr. Charles and Ms. Linda Bolton; however, the Judge Keith Starrett, refused to rule on motions before the ordered self-reporting dates of May 2, 2017 and May 3, 2017 respectively, for Charles and Linda Bolton. These motions are still sitting on the docket in the District Court of the Southern District of Mississippi, Eastern Division without judicial action. They were more than qualified to be granted their motions for bail pending appeal because they were not flight risks, they did not present a danger to their community, and they were likely to prevail on the merits to have their convictions vacated. Further, the government did not provide a response to these motions by the deadline established by the Court and there is no reason why the motions should not have been granted.

Charles Bolton is a 61 year old former law enforcement officer with over 40 years of distinguished public service to law enforcement and his community. He has never committed or been convicted of a crime in his entire life. Ms. Linda Bolton is 62 years old and has been a law abiding citizen, and she has never committed or been convicted of crime in her entire life. Both

Charles and Linda Bolton are in ill health from serious and chronic medical conditions that includes a heart condition, diabetes, stage 3 kidney disease and Cardio Obstructive Pulmonary Disease, among others, of which were well documented prior to their incarceration with the Federal Bureau of Prisons Medical Designation Representatives. Since his incarceration, Charles Bolton's health has rapidly deteriorated due to complications associated with his diabetes and his release is **more urgent** as a result.

Charles and Linda Bolton were unlawfully investigated, prosecuted, convicted, and sentenced to incarceration. As a result, it is requested that the Department of Justice order their immediate release and direct Federal Bureau of Prisons to contact the respective institutions where they are incarcerated to take the actions necessary to affect their immediate release. We will not need the assistance of the United States Marshall Service to transport them back to their home. Instead, Mr. and Mrs. Bolton's family will make the arrangement for their travel home to Hattiesburg, Mississippi from Aliceville, Alabama and Edgefield, South Carolina, respectively in order to help expedite this process, and since they were permitted to self report to the facilities.

Several attempts to resolve the dismissal of the unlawful charges, conviction and sentences in this matter for Charles and Linda Bolton through the District Court of the Southern District of Mississippi, Eastern Division, based on the presentation of indisputable evidence demonstrating Charles and Linda Bolton's innocence have been unsuccessful. The District Court Judge, Judge Keith Starrett, in this case appears to be incapable or unwilling to administer justice commensurate with established case law and statutes governing tax prosecutions, even after information was presented to the court that proved Charles and Linda Bolton were unlawfully prosecuted, convicted, and false imprisoned based on prosecutorial misconduct, tainted evidence, Brady violations, violations of their constitutional rights to due process, and

other evidence documenting proof of their innocence. This, coupled with other judicial errors and violations of the Federal Rules of Criminal Procedures committed by the district court judge in this case, demonstrate that their convictions cannot be trusted to have produced a just result. Consequently, the convictions of Charles and Linda Bolton have not only resulted in “a miscarriage of justice” in this case, but has also affected Mr. Bolton’s “substantial rights,” guaranteed under the Constitution of the United States and seriously affected “the fairness, integrity or public reputation of judicial proceedings.

Therefore, based on the tainted evidence, prosecutorial misconduct and misconduct of investigators in the Southern District of Mississippi, including Fred Harper and Bradley Luker and their failure to adhere to the DOJ’s mandate, we are requesting in the interest of justice, and to prevent any further violations of Charles and Linda Bolton’s constitutional rights, that the Department of Justice order the dismissal of charges filed in the March 22, 2016, indictment. In addition, we are requesting that the Department of Justice order the vacation of the false convictions and sentences for Charles and Linda Bolton in this case for filing in the District Court of the Southern District of Mississippi, Eastern Division. In order to facilitate the dismissal of the indictment, a draft order is provided for your review and consideration at *Exhibit 11*.

Please do not hesitate to contact me should you have any questions at the following **telephone numbers: (410) 814-4600 or (410) 627-1357.**

Your prompt attention in this matter is greatly appreciated. As such, we would appreciate that the Department please take the following actions;

- (1) Intervene in this matter to Order the Expeditious Dismissal of these Aforementioned Charges that violated this Department’s prior order that prohibited the ‘Selective

Targeting and Prosecution' of Charles Bolton, and by extension, his wife Linda, and that violated established statutes and the Department of Justice Procedural Requirements governing tax prosecutions;


(2) Issue an Order to Vacate the Resultant Unlawful Convictions and Sentences of Charles and Linda Bolton in this matter on or before May 19, 2017, for the reasons and evidence detailed in the Motions to Vacate Convictions and Sentences *at Exhibit 8*;

(3) Order the immediate release of Charles and Linda Bolton due to their unlawful convictions and sentences, and direct Federal Bureau of Prisons to affect their releases on or before May 19, 2017; and,

(4) Investigate the documented misconduct of AUSA Fred Harper, AUSA Sharan Lieberman, and IRS Agent Bradley Luker, in this case, and address as deemed appropriate for purposefully and willfully defying the Department's Prior Order and Mandate to cease from selectively targeting Charles Bolton for investigation and prosecution, and for failing to follow statutes and procedural requirements of this Department and the Internal Revenue Service in this matter.

We would also welcome an opportunity to meet with you and your designated representatives to discuss this matter, should you deem it appropriate.

Respectfully Submitted,


Ivan J. Bates, Esquire
Bates & Garcia, LLC
201 North Charles Street
Suite 1900
Baltimore, Maryland 21201

5/16/17
Date

Enclosed: Exhibits 1-11

**EXHIBIT LIST
FOR LETTER TO THE HONORABLE JEFF SESSIONS
ATTORNEY GENERAL FOR THE UNITED STATES
REGARDING THE CASE OF CHARLES AND LINDA BOLTON**

<u>EXHIBIT</u>	<u>DOCUMENT DESCRIPTION</u>
#1	The Department of Justice Order Mandating the Recusal of the Entire Office of the Assistant United States Attorney for the Southern District of Mississippi From the Investigation and Prosecution of Charles Bolton
#2	Excerpt, Trial Testimony of IRS Agent Bradley Luker of September 14, 2017, P. 311, Lns 6-17
#3	Excerpt, Trial Testimony of IRS Agent Bradley Luker of September 14, 2017, P. 261, Lns 1-25
#4	Testimony of AUSA Fred Harper, In-Chambers Presentence Proceedings of Charles and Linda Bolton March 17, 2017, P.24, Lns 9-18
#5	Testimony of AUSA Fred Harper, In-Chambers Presentence Proceedings of Charles and Linda Bolton March 17, 2017, P.24, Lns 19-25, and P.25, Lns 1-11
#6	Excerpt of 28 C.F.R.70, Tax Prosecutions
#7	Senate Judiciary Chairman, Charles Grassley, Letter of November 15, 2016 to Attorney General Loretta Lynch
#8	Motions to Vacate Conviction and Sentences, Charles Bolton and Linda Bolton, filed in the District Court of the Southern District of Mississippi Eastern Division on May 3, 2017 and May 7, 2017, respectively.
#9	Institutional Designation Letter Pertaining to Linda Bolton of Aliceville, Alabama Correctional Institute
#10	Institutional Designation Letter Pertaining to Charles Bolton of Edgefield Federal Correctional Institute, South, Carolina
#11	Order Dismissing Indictment and Vacation of Illegal Convictions and Sentences for Charles Bolton and Linda Bolton

EXHIBIT 1

Formal Notice: Office-wide Recusal - Southern District of Mississippi

From: Wild, Sarah (USAE0)

To: Davis, Gregory (USAMSS); Polite, Kenneth A. (USALAE); Brittain, Harold (USAMSS); Westling, Richard (USALAE)

Cc: Smith, Sharon D. (USALAE); Morgan, Ruth (USAMSS); Harper, Fred (USALAE); Nguyen, Mimi (USALAE); Clark, Carla (USAMSS) 3; Golden, Jay (USAMSS); Anderson, Thomas (USAE0); Macklin, Jay (USAE0); Margolis, David (ODAG) (JMD) [David.Margolis@usdoj.gov]; Shea, Carol (USAE0)

Date: Wed, Jul 29, 2015 9:17 AM ET

MEMORANDUM FOR:

Gregory Davis
United States Attorney
Southern District of Mississippi

Harold Brittain
First Assistant United States Attorney
Southern District of Mississippi

Kenneth Polite
United States Attorney
Eastern District of Louisiana

Richard Westling
First Assistant United States Attorney
Eastern District of Louisiana

THROUGH: David Margolis
Associate Deputy Attorney General
Office of the Deputy Attorney General

Jay Macklin
General Counsel
Executive Office for United States Attorneys

FROM: Sarah J. Wild
Assistant General Counsel
General Counsel's Office
Executive Office for United States Attorneys

RE: Office-wide Recusal of the Southern District of Mississippi from the investigation and potential prosecution of Charles Bolton (GCID File No. REC-15-3414)

THIS IS FORMAL NOTICE that David Margolis, Associate Deputy Attorney General (ADAG), has approved the recusal of the entire United States Attorney's Office for the Southern District of Mississippi from the investigation and potential prosecution of Charles Bolton. The ADAG authorized this recusal in accordance with United States Attorneys' Manual (USAM), 3-2.170 and United States Attorney' Procedures (USAP), 3-2.170.001 based upon existing conflicts of interest or the appearance of conflicts of interest pertaining to the matter.

ADAG Margolis has assigned this matter to the United States Attorney's Office for the Eastern District of Louisiana and, pursuant to 28 U.S.C. § 515(a), has directed and authorized United States Attorney Kenneth Polite, or his successor, to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrate judges, which the United States Attorney for the Southern District of Mississippi is authorized by law to conduct regarding this matter. See USAP 3-2.170.001(6)(C)(2)(b).

Each office should communicate directly with the other concerning transfer of information related to this matter in accordance with USAP 3-2.170.001(6)(C)(2)(b)(3). The point of contact for the Southern District of Mississippi is Assistant United States Attorney Ruth Morgan, who can be reached at (228) 563-7236, and the contact person in the Eastern District of Louisiana is Assistant United States Attorney Fred Harper, who can be reached at (504) 680-3000.

All Assistant United States Attorneys subsequently assigned to this matter must be appointed as Special Attorneys in order to appear on behalf of the government in the Southern District of Mississippi. See USAM, 3-2.300 and USAP 3-2.170.001(6)(C)(2)(b). Please contact Nicole West, EOUSA Personnel Staff, Policy and Special Programs Division, at (202) 252-5325, to obtain the appointment. In accordance with USAP 3-2.170.001(6)(C)(2)(b)(3), any Special Attorney assigned the matter or one should sign any pleadings or documents using the signature block of the Eastern District of Louisiana, with the addition of the Attorney General's name preceding that of the United States Attorney.

If you have any questions relating to this recusal matter, or if the recused office requires information related to the matter above for security reasons or for handling a different investigation or prosecution, please contact Assistant General Counsel Sarah J. Wild, General Counsel's Office, EOUSA.



U.S. Department of Justice

Executive Office for United States Attorneys

APR 06 2017

Freedom of Information and Privacy Staff

Suite 7300, Bicentennial Building
600 E Street, NW
Washington, DC 20530

(202) 252-6020
FAX (202) 252-6047

April 4, 2017

Ivan Bates

n/a

n/a,

Re: Request Number: FOIA-2017-00440 Date of Receipt: November 10, 2016

Subject of Request: US Attorney Recusals - USAO Southern Mississippi

Dear Mr. Bates:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys.

To provide you with the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 CFR § 16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a [x] partial [] full denial.

Enclosed please find:

113 page(s) are being released in full (RIF);

 page(s) are being released in part (RIP);

 13 page(s) are withheld in full (WIF). **The redacted/withheld documents were reviewed to determine if any information could be segregated for release.**

The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

(B)(5)

(B)(6)/(B)(7)(c)

[] In addition, this office is withholding grand jury material which is retained in the District.

[] A review of the material revealed:

Our office located records that originated with another government component. **These records were found in the U.S. Attorney's Office files.** These records will be referred to the following component(s) listed for review and direct response to you:

There are public records which may be obtained from the clerk of the court or this office, upon specific request. If you wish to obtain a copy of these records, you must submit a new request. These records will be provided to you subject to copying fees.

Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

See additional information attached.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Kevin Krebs
Assistant Director

Enclosure(s)

EXPLANATION OF EXEMPTIONS**FOIA: TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

EXHIBIT 2

1 investigation; correct?

2 A. That's correct.

3 Q. And as the jury's been instructed, he's invoked his Fifth
4 Amendment right against self-incrimination.

5 A. Correct.

6 Q. Now, this investigation is ongoing with John Lee; correct?

7 A. That's correct.

8 Q. It is a Title 26 investigation?

9 A. Correct.

10 Q. When we say Title 26, that's the same title that relates to
11 the two statutes that Linda and Charles have been indicted
12 under?

13 A. That's correct.

14 Q. And you will agree with me that a significant part of
15 investigation relates to John Lee's tax return?

16 A. That's the investigation, related to his tax returns, yes.

17 Q. Okay. And --

18 (Juror, coughing, leaves courtroom.)

19 MR. OWEN: Judge, can we wait one second?

20 THE CLERK: Judge, you want to hold just a minute?

21 THE COURT: Why don't we take a brief recess?

22 Go with your marshal to the jury room, please.

23 Mr. Luker, do not discuss your testimony with anyone during
24 the break. If you would, ladies and gentlemen, remain seated
25 while the jury is escorted out.

EXHIBIT 3

1 Q. And for how long have you been in Hattiesburg?

2 A. I have been in Hattiesburg approximately 10 years.

3 Q. And do you live here?

4 A. I live in the area, yes.

5 Q. Okay. All right. Now, turning to this case. What was
6 your role in the investigation involving Charles and Linda
7 Bolton?

8 A. It was to investigate whether or not there was a criminal
9 tax violation.

10 Q. Okay. And when did your investigation begin?

11 A. It began in -- around March of 2015.

12 Q. Okay. And how did you come to get this investigation?

13 A. The FBI was conducting an investigation, and they came
14 across some checks that they felt needed to be addressed with
15 the IRS. So they brought me the checks and asked me to look
16 further into those checks.

17 Q. Okay. And those checks were Lee, PA checks?

18 A. That's correct.

19 Q. Payable to?

20 A. Payable to Sports 22 and Hall Avenue.

21 Q. Now, what type of work did you do in connection with the
22 investigation that you conducted on those checks?

23 A. Well, I analyzed the bank records, analyzed the accountant
24 records, compared those, those records to each other and also
25 compared those to the tax return.

EXHIBIT 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CRIMINAL ACTION NO: 2:16cr7

CHARLES AND LINDA BOLTON

DEFENDANTS

TRANSCRIPT OF IN-CHAMBERS PROCEEDINGS

FRIDAY MARCH 17, 2017

BEFORE THE HONORABLE KEITH STARRETT
UNITED STATES DISTRICT JUDGE

COURT REPORTER:

FRED W. JESKE, RMR, CRR
701 NORTH MAIN STREET, SUITE 228
HATTIESBURG, MISSISSIPPI 39401
(601) 255-6432
fred_jeske@mssd.uscourts.gov

1 retained constituted a conflict, and that invited them to
2 please advise me if they found any case law or ethics opinions
3 from Mississippi or anywhere else, for that matter, that would
4 reflect or indicate that there was a conflict as a result of
5 the way Mr. Owen had been initially retained.

6 And I do know something about it. If I'm not mistaken,
7 Mr. Owen was retained sometime in 2014, way before me, to
8 represent Mr. Bolton in connection with a food theft case at
9 the prison, at the Forrest County Jail. And it was late 2015,
10 early 2016, when I got the -- when the recusal occurred, and
11 our office got the case, and then it was assigned to me, and I
12 had a meeting with all of the investigators involved in this
13 matter, and I won't go into who they all were, but all of them,
14 and one of them happened to be Bradley Luker.

15 And that's when I first heard anything about there being a
16 tax case.

17 So -- and then I think it was March or April when we
18 returned the indictment in the case.

19 And I was shocked that I had not been contacted by anyone
20 in connection with that matter.

21 THE COURT: The food theft case?

22 MR. HARPER: No, about the tax case. I hadn't --
23 Judge, I had done nothing on the food theft case. I bored in
24 on the tax case, and the information that Mr. Luker gave me
25 about the tax case, and pressed the tax division, which can be

EXHIBIT 5