

Andrew G. McCabe in December in Washington. Mr. McCabe, the former deputy F.B.I. director, was cited by internal investigators for dishonesty, giving ammunition for Mr. Trump's claims that the F.B.I. cannot be trusted.
Chip Somodevilla/Getty Images

Abounding Criticism

Looking back, some inside the F.B.I. and the Justice Department say that Mr. Comey should have seen the political storm coming and better sheltered the bureau. They question why he consolidated the Clinton and Trump investigations at headquarters, rather than in a field office. And they say he should not have relied on the same team for both cases. That put a bull's-eye on the heart of the F.B.I. Any misstep in either investigation made both cases, and the entire bureau, vulnerable to criticism.

And there were missteps. Andrew G. McCabe, the former deputy F.B.I. director, was cited by internal investigators for dishonesty about his conversations with reporters about Mrs. Clinton. That gave ammunition for Mr. Trump's claims that the F.B.I. cannot be trusted. And Mr. Strzok and Lisa Page, an F.B.I. lawyer, exchanged texts criticizing Mr. Trump, allowing the president to point to evidence of bias when they became public.

The messages were unsparing. They questioned Mr. Trump's intelligence, believed he promoted intolerance and feared he would damage the bureau.

The inspector general's upcoming report is expected to criticize those messages for giving the appearance of bias. It is not clear, however, whether inspectors found evidence supporting Mr. Trump's assertion that agents tried to protect Mrs. Clinton, a claim the F.B.I. has adamantly denied.

Mr. Rubio, who has reviewed many of the texts and case files, said he saw no signs that the F.B.I. wanted to undermine Mr. Trump. "There might have been individual agents that had views that, in hindsight, have been problematic for those agents," Mr. Rubio said. "But whether that was a systemic effort, I've seen no evidence of it."

Mr. Trump's daily Twitter posts, though, offer sound-bite-sized accusations — witch hunt, hoax, deep state, rigged system — that fan the flames of conspiracy. Capitol Hill allies reliably echo those comments.

"It's like the deep state all got together to try to orchestrate a palace coup," Representative Matt Gaetz, Republican of Florida, said in January on Fox Business Network.

The Kremlin in Moscow. Two weeks before Mr. Trump's inauguration, senior American intelligence officials told him that Russia had tried to sow chaos in the election, undermine Mrs. Clinton and ultimately help Mr. Trump win. Mladen Antonov/Agence France-Presse — Getty Images

Cautious Intelligence Gathering

Counterintelligence investigations can take years, but if the Russian government had influence over the Trump campaign, the F.B.I. wanted to know quickly. One option was the most direct: interview the campaign officials about their Russian contacts.

That was discussed but not acted on, two former officials said, because interviewing witnesses or subpoenaing documents might thrust the investigation into public view, exactly what F.B.I. officials were trying to avoid during the heat of the presidential race.

“You do not take actions that will unnecessarily impact an election,” Sally Q. Yates, the former deputy attorney general, said in an interview. She would not discuss details, but added, “Folks were very careful to make sure that actions that were being taken in connection with that investigation did not become public.”

Mr. Comey was briefed regularly on the Russia investigation, but one official said those briefings focused mostly on hacking and election interference. The Crossfire Hurricane team did not present many crucial decisions for Mr. Comey to make.

Top officials became convinced that there was almost no chance they would answer the question of collusion before Election Day. And that made agents even more cautious.

The F.B.I. obtained phone records and other documents using national security letters — a secret type of subpoena — officials said. And at least one government informant met several times with Mr. Page and Mr. Papadopoulos, current and former officials said. That has become a politically contentious point, with Mr. Trump’s allies questioning whether the F.B.I. was spying on the Trump campaign or trying to entrap campaign officials.

Looking back, some at the Justice Department and the F.B.I. now believe that agents could have been more aggressive. They ultimately interviewed Mr. Papadopoulos in January 2017 and managed to keep it a secret, suggesting they could have done so much earlier.

“There is always a high degree of caution before taking overt steps in a counterintelligence investigation,” said Ms. McCord, who would not discuss details of the case. “And that could have worked to the president’s benefit here.”

Such tactical discussions are reflected in one of Mr. Strzok’s most controversial texts, sent on Aug. 15, 2016, after a meeting in Mr. McCabe’s office.

“I want to believe the path you threw out for consideration in Andy’s office — that there’s no way he gets elected,” Mr. Strzok wrote, “but I’m afraid we can’t take that risk. It’s like an insurance policy in the unlikely event you die before you’re 40.”

Mr. Trump says that message revealed a secret F.B.I. plan to respond to his election. “We’ll go to Phase 2 and we’ll get this guy out of office,” he told The Wall Street Journal. “This is the F.B.I. we’re talking about — that is treason.”

But officials have told the inspector general something quite different. They said Ms. Page and others advocated a slower, circumspect pace, especially because polls predicted Mr. Trump’s defeat. They said that anything the F.B.I. did publicly would only give fodder to Mr. Trump’s claims on the campaign trail that the election was rigged.

Mr. Strzok countered that even if Mr. Trump’s chances of victory were low — like dying before 40 — the stakes were too high to justify inaction.

Mr. Strzok had similarly argued for a more aggressive path during the Clinton investigation, according to four current and former officials. He opposed the Justice Department’s decision to offer Mrs. Clinton’s lawyers immunity and negotiate access to her hard drives, the officials said. Mr. Strzok favored using search warrants or subpoenas instead.

In both cases, his argument lost.

As agents tried to corroborate information from the retired British spy Christopher Steele, reporters began calling the F.B.I., asking whether the accusations in his reports were accurate. Al Drago for The New York Times

Policy and Tradition

The F.B.I. bureaucracy did agents no favors. In July, a retired British spy named Christopher Steele approached a friend in the F.B.I. overseas and provided reports linking Trump campaign officials to Russia. But the documents meandered around the F.B.I. organizational chart, former officials said. Only in mid-September, congressional investigators say, did the records reach the Crossfire Hurricane team.

Mr. Steele was gathering information about Mr. Trump as a private investigator for Fusion GPS, a firm paid by Democrats. But he was also considered highly credible, having helped agents unravel complicated cases.

In October, agents flew to Europe to interview him. But Mr. Steele had become frustrated by the F.B.I.'s slow response. He began sharing his findings in September and October with journalists at The New York Times, The Washington Post, The New Yorker and elsewhere, according to congressional testimony.

So as agents tried to corroborate Mr. Steele's information, reporters began calling the bureau, asking about his findings. If the F.B.I. was working against Mr. Trump, as he asserts, this was an opportunity to push embarrassing information into the news media shortly before the election.

That did not happen. Most news organizations did not publish Mr. Steele's reports or reveal the F.B.I.'s interest in them until after Election Day.

Congress was also increasingly asking questions. Mr. Brennan, the C.I.A. director, had briefed top lawmakers that summer about Russian election interference and intelligence that Moscow supported the Trump campaign — a finding that would not become public for months. Lawmakers clamored for information from Mr. Comey, who refused to answer public questions.

Many Democrats see rueful irony in this moment. Mr. Comey, after all, broke with policy and twice publicly discussed the Clinton investigation. Yet he refused repeated requests to discuss the Trump investigation.

Mr. Comey has said he regrets his decision to chastise Mrs. Clinton as “extremely careless,” even as he announced that she should not be charged. But he stands by his decision to alert Congress, days before the election, that the F.B.I. was reopening the Clinton inquiry.

The result, though, is that Mr. Comey broke with both policy and tradition in Mrs. Clinton's case, but hewed closely to the rules for Mr. Trump. Representative Adam B. Schiff of California, the top Democrat on the House Intelligence Committee, said that

alone proves Mr. Trump's claims of unfairness to be "both deeply at odds with the facts, and damaging to our democracy."

Carter Page in December 2016. He had previously been recruited by Russian spies and was suspected of meeting one in Moscow during the 2016 presidential campaign. Pavel Golovkin/Associated Press

Spying in Question

Crossfire Hurricane began with a focus on four campaign officials. But by mid-fall 2016, Mr. Page's inquiry had progressed the furthest. Agents had known Mr. Page for years. Russian spies tried to recruit him in 2013, and he was dismissive when agents warned him about it, a half-dozen current and former officials said. That warning even made its way back to Russian intelligence, leaving agents suspecting that Mr. Page had reported their efforts to Moscow.

Relying on F.B.I. information and Mr. Steele's, prosecutors obtained court approval to eavesdrop on Mr. Page, who was no longer with the Trump campaign.

That warrant has become deeply contentious and is crucial to Republican arguments that intelligence agencies improperly used Democratic research to help justify spying on the Trump campaign. The inspector general is reviewing that claim.

Ms. Yates, the deputy attorney general under President Barack Obama, signed the first warrant application. But subsequent filings were approved by members of Mr. Trump's own administration: the acting attorney general, Dana J. Boente, and then Rod J. Rosenstein, the deputy attorney general.

"Folks are very, very careful and serious about that process," Ms. Yates said. "I don't know of anything that gives me any concerns."

After months of investigation, Mr. Papadopoulos remained largely a puzzle. And agents were nearly ready to close their investigation of Mr. Flynn, according to three current and former officials. (Mr. Flynn rekindled the F.B.I.'s interest in November 2016 by signing an op-ed article that appeared to be written on behalf of the Turkish government, and then making phone calls to the Russian ambassador that December.)

In late October, in response to questions from The Times, law enforcement officials acknowledged the investigation but urged restraint. They said they had scrutinized some of Mr. Trump's advisers but had found no proof of any involvement with Russian hacking.

The resulting article, on Oct. 31, reflected that caution and said that agents had uncovered no “conclusive or direct link between Mr. Trump and the Russian government.”

The key fact of the article — that the F.B.I. had opened a broad investigation into possible links between the Russian government and the Trump campaign — was published in the 10th paragraph.

A year and a half later, no public evidence has surfaced connecting Mr. Trump’s advisers to the hacking or linking Mr. Trump himself to the Russian government’s disruptive efforts. But the article’s tone and headline — “Investigating Donald Trump, F.B.I. Sees No Clear Link to Russia” — gave an air of finality to an investigation that was just beginning.

Democrats say that article pre-emptively exonerated Mr. Trump, dousing chances to raise questions about the campaign’s Russian ties before Election Day.

Just as the F.B.I. has been criticized for its handling of the Trump investigation, so too has The Times.

For Mr. Steele, it dashed his confidence in American law enforcement. “He didn’t know what was happening inside the F.B.I.,” Glenn R. Simpson, the founder of Fusion GPS, testified this year. “And there was a concern that the F.B.I. was being manipulated for political ends by the Trump people.”

James B. Comey, the former F.B.I. director, in January 2017. He assured Mr. Trump, who at the time was the president-elect, that the bureau intended to protect him as Mr. Steele's reports were about to be published by news outlets. Al Drago/The New York Times

Assurances Amid Doubt

Two weeks before Mr. Trump's inauguration, senior American intelligence officials briefed him at Trump Tower in Manhattan on Russian hacking and deception. They reported that Mr. Putin had tried to sow chaos in the election, undermine Mrs. Clinton and ultimately help Mr. Trump win.

Then Mr. Comey met with Mr. Trump privately, revealing the Steele reports and warning that journalists had obtained them. Mr. Comey has said he feared making this conversation a "J. Edgar Hoover-type situation," with the F.B.I. presenting embarrassing information to lord over a president-elect.

In a contemporaneous memo, Mr. Comey wrote that he assured Mr. Trump that the F.B.I. intended to protect him on this point. “I said media like CNN had them and were looking for a news hook,” Mr. Comey wrote of Mr. Steele’s documents. “I said it was important that we not give them the excuse to write that the F.B.I. had the material.”

Mr. Trump was not convinced — either by the Russia briefing or by Mr. Comey’s assurances. He made up his mind before Mr. Comey even walked in the door. Hours earlier, Mr. Trump told *The Times* that stories about Russian election interference were being pushed by his adversaries to distract from his victory.

And he debuted what would quickly become a favorite phrase: “This is a political witch hunt.”

Correction: May 16, 2018

An earlier version of this article misstated that news organizations did not report on the findings of the retired British spy Christopher Steele about links between Trump campaign officials and Russia. While most news organizations whose reporters met with Mr. Steele did not publish such reports before the 2016 election, Mother Jones magazine did.

Reporting was contributed by Michael S. Schmidt, Sharon LaFraniere, Mark Mazzetti and Matthew Rosenberg.

Follow Adam Goldman and Nicholas Fandos on Twitter: @adamgoldmanNYT and @npfandos.

A version of this article appears in print on May 17, 2018, on Page A1 of the New York edition with the headline: How F.B.I. Embarked, With Strictest Secrecy, On Trump Team’s Trail

Exhibit 3

NEWS | NATIONAL SECURITY | POLITICS

Mueller's "Pit Bull" Andrew Weissmann under scrutiny as Rosenstein agrees to turn over documents to Nunes



Sara Carter   · January 5, 2018  3,359

The Department of Justice has agreed to turn over all documents related to the controversial dossier to the House Intelligence Committee after four months of wrangling and legal threats ended in a Wednesday night phone call and agreement.

House Intelligence Committee Chairman Devin Nunes, R-CA, and Deputy Attorney General Rod Rosenstein spoke at length Wednesday night, just hours before Nunes' imposed midnight deadline on the Justice Department passed.

Rosenstein not only agreed to provide all the documents requested, which include unredacted FBI interviews with witnesses, as well as access to eight key FBI and DOJ witnesses but information on Andrew Weissmann, who's now a senior member of the special counsel.

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Moreover, the committee notes that the Justice Department is "researching records related to the details of an April 2017

meeting between DOJ Attorney Andrew Weissmann (now the senior attorney for Special Counsel Robert Mueller) and the media, which will also be provided to this Committee by close of business on Thursday, January 11, 2018." Weissmann, who is considered a top criminal prosecutor, was described in a New York Times report as Mueller's "legal Pit Bull."

Justice Department officials could not be immediately reached for comment.

Judicial Watch, a government watchdog group, released multiple internal Justice Department emails in early December, showing senior employees of the Justice Department lavishing praise on then-former acting Attorney General Sally Yates after she defied President Donald Trump's January, 2017, travel ban executive order.

"I am so proud," Weissmann told Yates in an email.

Weissmann, who joined Mueller's team in June, was then a top prosecutor in the Justice Department's criminal division.

"And in awe. Thank you so much. All my deepest respects."

Yates was fired by Trump for her insubordination.

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Weissmann's role in the Special Counsel is significant. He is described as Mueller's right hand man the investigation, which appears to be expanding from its original edict to investigate alleged collusion between members of the Trump campaign with Russia, to a broader financial investigation of Trump, members of his family and campaign officials.

"It is my hope that this agreement will provide the Committee with all outstanding documents and witnesses necessary to complete its investigations into matters involving DOJ and FBI," stated Nunes in the letter. "As agreed, designated Committee investigators and staff will be provided access to all remaining investigative documents, in un-redacted review at DOJ on Friday, January 5, 2018."

The committee will review all documents to include "FBI Form FD- 1023s and all remaining FBI Form FD- 302s responsive to the Committee's August 24, 2017 subpoenas," the letter states. The FD-302 forms are the reported summaries of interviews conducted by the FBI.

Nunes states there is only one "agreed-upon exception pertains to a single FD-302, which, due to national security interests, will be shown separately by (FBI) Director (Christopher) Wray to myself and my senior investigators during the week of January 8, 2018."

He added that the committee "is extremely concerned by indications that top U.S. Government officials who were investigating a presidential campaign relied on unverified information that was funded by the opposing political campaign and was based on Russian sources."

The salacious and unsubstantiated dossier was compiled by former British MI-6 spy Christopher Steele, who was paid by the security firm Fusion GPS. The Washington Post revealed in October, the Democratic National Committee and Clinton campaign paid Fusion GPS for the opposition research conducted by Steele.

Nunes had originally issued subpoenas for the documents and records on Aug. 24, but committee staff told this reporter

they had been "stonewalled" by both the FBI and Justice Department for months.

"Going forward, it's crucial that we memorialize our conversations on this issue, and that we're as transparent as possible with the American people, who deserve answers to the questions the Committee is investigating," Nunes states.

Exhibit 4

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

January 4, 2018

The Honorable Rod Rosenstein
Deputy Attorney General
U.S. Department of Justice
1201 Pennsylvania Ave, NW
Washington, D.C. 20004

Dear Mr. Rosenstein:

Pursuant to our phone call yesterday evening, I write to memorialize the agreement we reached regarding compliance with the subpoenas issued by the House Permanent Select Committee on Intelligence (the Committee) on August 24, 2017, to the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI), as well as several other outstanding requests by the Committee for information and interviews. It is my hope that this agreement will provide the Committee with all outstanding documents and witnesses necessary to complete its investigations into matters involving DOJ and FBI.

As agreed, designated Committee investigators and staff will be provided access to all remaining investigative documents, in unredacted form, for review at DOJ on Friday, January 5, 2018. The documents to be reviewed will include all FBI Form FD-1023s and all remaining FBI Form FD-302s responsive to the Committee's August 24, 2017 subpoenas. The only agreed-upon exception pertains to a single FD-302, which, due to national security interests, will be shown separately by Director Wray to myself and my senior investigators during the week of January 8, 2018.

You further confirmed that there are no other extant investigative documents that relate to the Committee's investigations into (a) Russian involvement in the 2016 Presidential election or (b) DOJ/FBI's related actions during this time period. This includes FD-302s, FD-1023s, and any other investigatory documents germane to the Committee's investigations, regardless of form and/or title. If, somehow, "new" or "other" responsive documents are discovered, as discussed, you will notify me immediately and allow my senior investigators to review them shortly thereafter.

With respect to the witness interviews requested by the Committee, you have agreed that all such witnesses – namely, former DOJ Associate Deputy Attorney General Bruce Ohr; FBI Supervisory Special Agent Peter Strzok; former FBI General Counsel James Baker; FBI Attorney Lisa Page; FBI Attorney Sally Moyer; FBI Assistant Director Greg Brower; FBI Assistant Director Bill Priestap; and FBI Special Agent James Rybicki – will be made available for interviews to be conducted in January.

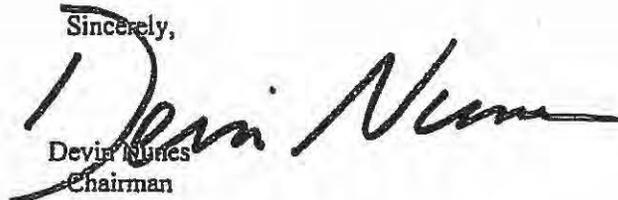
Lastly, as to the remaining approximately 9,500 text messages between FBI Supervisory Special Agent Peter Strzok and his mistress, FBI Attorney Lisa Page, it is my understanding based on your representations that another search is being conducted and all relevant messages will be provided. Accordingly, the Committee requests production of these messages by no later than close of business, Thursday, January 11, 2018. Similarly, I understand that your office is researching records related to the details of an April 2017 meeting between DOJ Attorney Andrew Weissman (now the senior attorney for Special Counsel Robert Mueller) and the media, which will also be provided to this Committee by close of business on Thursday, January 11, 2018.

It was further agreed that all documents made available to the Committee will also be available for review by the minority Ranking Member and designated staff.

The materials we are requesting are vital to the Committee's investigation of potential abuses into intelligence and law enforcement agencies' handling of the Christopher Steele dossier. The Committee is extremely concerned by indications that top U.S. Government officials who were investigating a presidential campaign relied on unverified information that was funded by the opposing political campaign and was based on Russian sources. Going forward, it's crucial that we memorialize our conversations on this issue, and that we're as transparent as possible with the American people, who deserve answers to the questions the Committee is investigating.

The subpoenas issued August 24, 2017, remain in effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Devin Nunes", written over a printed name and title.

Devin Nunes
Chairman

Copies to:

The Honorable Jeff Sessions, Attorney General
The Honorable Christopher Wray, Director, Federal Bureau of Investigation

Exhibit 5

NEWS SOURCES

Weissmann met with AP to discuss Manafort case before joining special counsel



Sara Carter · January 21, 2018 687

A senior Justice Department prosecutor in Robert Mueller's Special Counsel office held a meeting with Associated Press journalists last spring to discuss an investigation into Paul Manafort's financial record, a day before the wire service published a major expose disclosing alleged money laundering made by the former and now embattled Trump campaign chairman.

Federal prosecutor Andrew Weissmann, now a senior attorney in the special counsel's office, met with AP journalists on April 11 after reporters informed him of their own investigation into Manafort's dealings with Ukrainian officials. The reporters had reached out to Weissman on a different story earlier in the year and it was during that conversation, that the AP team told Weissmann of their investigation into Manafort, stated the sources. The AP published the explosive expose on April 12, a day after their meeting with Weissmann.

According to sources familiar with the meeting, the reporters had promised to share documents and other information gleaned from their own investigation with the Justice Department.

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AP spokeswoman Lauren Easton said Thursday, "we refrain from discussing our sources."

"Associated Press journalists meet with a range of people in the course of reporting stories, and we refrain from discussing relationships with sources. However, the suggestion that AP would voluntarily serve as the source of information for a government agency is categorically untrue," added Easton.

At the time of the meeting, Weissmann was head of the Justice Department's fraud division. He was the most senior member of the Justice Department to join the special counsel in May.

Sources said Weissmann, had notified his superiors about the arranged meeting with the AP and at the time of the meeting he was not assigned to the Manafort probe and had no knowledge of the state of the investigation. Weissmann didn't have access to grand jury materials, didn't have access to reports and his role was solely to facilitate the meeting because the AP reached out to him, the officials added.

The officials noted that no commitment was made to assist the reporters with their investigation into Manafort's life or activity.

The AP meeting arranged by Weissmann came to light in a letter sent to Justice Department Deputy Attorney General Rod Rosenstein from House Intelligence Committee Chairman Devin Nunes, R-CA, late last year, requesting specific FBI and DOJ documentation related to the controversial Fusion GPS dossier that alleged collusion between the Trump campaign and Russia.

Rosenstein not only agreed to provide all the documents requested, which include unredacted FBI interviews with witnesses, as well as access to eight key FBI and DOJ witnesses but said they would provide the committee with information on Weissmann, as reported last week.

The committee letter noted that the Justice Department is "researching records related to the details of an April 2017 meeting

between DOJ Attorney Andrew Weissmann (now the senior attorney for Special Counsel Robert Mueller) and the media, which will also be provided to this Committee by close of business on Thursday, January 11, 2018.”

That meeting with the AP was attended by three different litigating offices. Two employees from the U.S. Justice Department and the other representative was from the U.S. Attorney’s office, according to the sources. FBI agents also attended the meeting, law enforcement sources confirmed.

Peter Carr, a spokesman for Mueller, declined to comment. Chief Justice Department spokeswoman Sarah Isgur Flores also declined to comment.

However, the Justice Department and FBI have specific guidelines that must be followed when obtaining documents or information from the media, according to the DOJ website.

“Members of the Department may not employ the use of the investigative tool at issue until the Criminal Division has responded in writing,” the guideline states. “Accordingly, to ensure appropriate consideration, members of the Department should submit requests for authorization or consultation pursuant to this policy at least 30 days before the anticipated use of the covered law enforcement tool.”

3 Carr declined to comment on whether the AP shared documentation or information with Weissmann. He also declined to comment on whether Weissmann followed appropriate DOJ procedures for the meeting to obtain documentation.

And Weissmann’s role in arranging the meeting did not go over well with FBI officials, who issued a complaint to the Justice Department suggesting Weissmann didn’t follow normal procedures for dealing with journalists. The FBI was concerned the meeting with the journalists could harm the ongoing probe into Russia’s involvement

in the 2016 presidential election, according to sources with knowledge of the information.

The news organization published the Manafort story a day after the meeting on April 12. The story revealed that roughly \$1.2 million in payments listed for Manafort in a handwritten ledger in Ukraine had been deposited into his U.S. bank accounts.

After the AP published a series of investigative stories, Manafort was forced to file numerous late lobbying reports. Those reports showed he was paid millions by pro-Russian interests in Ukraine. Manafort has pleaded innocent to the felony charges and last week filed a lawsuit trying to remove Mueller as the special prosecutor in the case.

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Exhibit 6

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SHOP ALL THE CARS

Mueller moves to muscle out Manafort's lawyers from grilling prosecutors



FILE - In this June 21, 2017, file photo, special counsel Robert Mueller departs after a meeting on Capitol Hill in Washington. Mueller's team considers President Donald Trump a subject, not a criminal target, in the wide-ranging Russia investigation. The ... more >

By Rowan Scarborough - The Washington Times - Wednesday, May 16, 2018

Special counsel Robert Mueller is trying to head off the Paul Manafort defense team from questioning his prosecutors over press leaks.

Mr. Mueller filed papers in U.S. District Court in Virginia opposing a request from Manafort attorney Kevin Downing to hold an investigative hearing into the rash of press reports on Mr. Manafort, President Trump's former campaign manager.

Mr. Downing cited 10 stories, sourced to unnamed people who implicated Mr. Manafort in possible criminal activity. He contends the information came from grand jury testimony, which would be illegal for a prosecutor to leak.

In a footnote to his filing, Mr. Mueller's lead prosecutor, Andrew Weissmann, makes a preemptive argument before District Court Judge T. S. Ellis III. If the judge does allow a hearing, Mr. Downing should not be allowed to question special counsel prosecutors or other Justice Department lawyers.

"To the extent Manafort contemplates testimony by Department of Justice attorneys, he would have to overcome the rule that testimony from prosecutors trying criminal cases is 'disfavored,'" Mr. Weissmann's brief says, citing previous court rulings.

Mr. Weissmann was in the Justice Department as chief of its fraud division before Mr. Mueller recruited him in May 2017.

Judge Ellis has set a May 25 hearing date.

Mr. Mueller may have reason to worry: Judge Ellis rebuked his prosecution strategy versus Mr. Manafort.

From the bench May 4, he said Mr. Mueller brought charges in financial transactions that happened years ago, before Mr. Manafort joined the Trump campaign. Since they have nothing to do with Russian election interference, Mr. Mueller's real intent is to convince Mr. Manafort to nail President Trump, the judge said.

Mr. Manafort was indicted on charges of money laundering and failing to report on tax returns the millions he earned from advising pro-Moscow politicians in Ukraine. The indictment does not mention Russian meddling in the 2016 election which is Mr. Mueller's principal scope.

There is an interesting briefing footnote.

Mr. Weissmann says he made a separate private filing with the judge which "provides the court additional information concerning one article."

Mr. Weissmann does not identify "the one article" out of the 10 stories cited by Mr. Downing.

Rep. Devin Nunes, California Republican, and chairman of the House Permanent Select Committee on Intelligence, has asked the Justice Department to provide information on a meeting Mr. Weissmann conducted with news reporters last year when he headed the fraud division.

As one of 10 stories, Mr. Downing cites a February 2017 article by the New York Times which said the U.S. owned a year's worth of intercepts and phone records between the Trump campaign and Russian intelligence.

On its face, the article is evidence of collusion. But former FBI Director James Comey testified to Congress that the story was wrong and that he warned senior leaders not to believe it.

The New York Times article said, "The officials said that one of the advisers picked up on the calls was Paul Manafort, who was Mr. Trump's campaign chairman for several months last year and had worked as a political consultant in Ukraine. The officials declined to identify the other Trump associates on the calls."

The story said Mr. Manafort communicated with Russian and Ukrainian intelligence.

But Mr. Downing's brief says he has asked Mr. Mueller for any evidence that Mr. Manafort communicated with Russian officials. Mr. Mueller reported back that he had none, Mr. Downing said.

"Despite multiple discoveries ... requests in this regard, the special counsel has not produced any materials to the defense--no tapes, notes, transcripts or any other material evidencing surveillance or intercepts of communications between Mr. Manafort and Russian intelligence officials, Russian government officials (or any other foreign officials). The office of special counsel has advised that there are no materials responsive to Mr. Manafort's requests."

Of the 10 stories cited, Mr. Downing said, "This is but a small sampling of the improper disclosures made by government officials regarding the defendant," Mr. Downing said.

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Exhibit 7



McCabe just made life tough for Comey and the special counsel

BY JONATHAN TURLEY, OPINION CONTRIBUTOR — 03/17/18 10:00 AM EDT
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Trump praises Nunes as 'courageous' during CIA

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Following his termination late Friday night, former FBI deputy director Andrew McCabe declared that he was "singled out" after "unrelenting" attacks by President Trump and critics. McCabe's objections are less than credible, given the virtually unprecedented recommendation of career officials to fire the one-time acting FBI director.

However, McCabe may have rectified his "singled out" status with his long statement criticizing his termination: In the middle of it is a line that could be viewed as incriminating fired FBI director James Comey, not just in leaking sensitive information but also in lying to Congress.

McCabe is accused of misleading investigators about allegedly giving information to a former Wall Street Journal reporter about the investigation of Hillary Clinton and the Clinton family's charitable foundation. McCabe asserts in his post-firing statement that he not only had authority to "share" that information to the media but did so with the knowledge of "the director." The FBI director at the time was Comey.

"I chose to share with a reporter through my public affairs officer and a legal counselor," McCabe stated. "As deputy director, I was one of only a few people who had the authority to do that. It was not a secret, it took place over several days, and others, including the director, were aware of

ceremony

— 1H 1M AGO

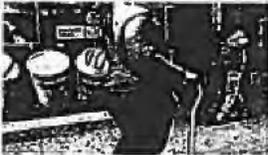
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the interaction with the reporter."

If the "interaction" means leaking the information, then McCabe's statement would seem to directly contradict statements Comey made in a May 2017 congressional hearing. Asked if he had "ever been an anonymous source in news reports about matters relating to the Trump investigation or the Clinton investigation" or whether he had "ever authorized someone else at the FBI to be an anonymous source in news reports about the Trump investigation or the Clinton investigation," Comey replied "never" and "no."

The Justice Department's Inspector general clearly saw this "interaction" as problematic in seeking answers from McCabe. If the Inspector general considered this to be a leak to the media, any approval by Comey would be highly significant. Comey already faces serious questions over his use of a Columbia University Law School professor to leak information to the media following his own termination as director.

In leaving the FBI last year, Comey improperly removed memos about the Russian investigation that he wrote concerning meetings with Trump. Since these memos discussed an ongoing FBI investigation and were written on an FBI computer, the bureau reportedly confirmed they were viewed as official documents subject to review and approval prior to any removal or disclosure.

Comey could have given the memos to the congressional oversight committees. Instead, he removed at least seven memos and gave at least four to his professor-friend to leak to the media. Four of the seven memos that Comey removed are now believed to be classified. Since he reportedly gave four memos to his friend to leak to the media, at least one of the leaked memos was likely classified.

Now, McCabe appears to be suggesting that Comey was consulted before the alleged leak to the media on the Clinton investigation. Many of us had speculated that it seemed unlikely McCabe would take such a step without consulting with Comey. Yet, Comey repeatedly stated that he had never leaked nor caused anyone to leak information to the media.

The timing for Comey could not be worse. He already has started selling tickets, for roughly \$100 each, to attend the tour for his forthcoming book, "A Higher Loyalty: Truth, Lies, and Leadership." If he gave McCabe the green light for his "interaction," the title could prove embarrassingly ironic.

If this was determined to be a leak with his approval, Comey likely would be labeled not just a leaker but a liar. Worse, his second-in-command just lost his pension after more than 20 years with the bureau, while Comey is about to cash in on a book and publicity tour potentially worth millions.

Comey also will be releasing his book around the same time as the inspector general's report is expected to be made public. The inspector general reportedly will detail a number of irregularities under Comey's watch. So the book could look more like a work of fiction if the inspector general finds that the FBI was a mess under Comey's "leadership."

McCabe's termination is likely to only add to Comey's problems. Four U.S.

senators are calling for appointment of a second special counsel to investigate the Justice Department during the Clinton investigation. Moreover, there could be serious questions raised over the indictment of former Trump national security adviser Michael Flynn for misleading investigators, which is the same allegation that McCabe faced before his termination. McCabe's case could still be referred to prosecutors for possible indictment under the same provision used against Flynn.

The McCabe controversy could also make life tougher for special counsel Robert Mueller. While McCabe lashed out at Trump in his statement, he may have just given Trump the long-sought cover to use his pardon power. If McCabe is not charged, Trump could cite that decision as the basis for pardoning Flynn, as a matter of equity and fairness.

More generally, the apparent conduct of both McCabe and Comey have fulfilled the narrative long advanced by Trump of a biased and unprincipled FBI investigation. Given Trump's ill-advised inclination to fire Mueller in the past, these allegations of leaks and misrepresentations inside the FBI could rekindle Trump's interest in forcing an end to the investigation that has dogged his administration for a year.

Trump would be unwise to take such action. Instead, McCabe's firing should reinforce calls for an independent investigation with the maximum level of transparency. The same is true for the Russia investigation of the Trump campaign. This country is deeply divided over the allegations against Trump and his opponents. We will not overcome this chasm until we are satisfied that we have the full factual record from the Clinton and Russia investigations.

This is particularly true for the FBI, which will not be able to regain the trust of many Americans without making a clean break from scandal. That means total transparency, which runs against the bureau's culture. Yet, without greater disclosure, the public will be left wondering if a sense of Comey's "Higher Loyalty" dangerously blurred the lines between "Truth, Lies, and Leadership."

Jonathan Turley is the Shapiro Professor of Public Interest Law at [George Washington University](#). You can follow him on Twitter [@JonathanTurley](#).

TAGS HILLARY CLINTON ROBERT MUELLER ANDREW MCCABE DONALD TRUMP JAMES COMEY JUSTICE DEPARTMENT SPECIAL COUNSEL WHITE HOUSE INVESTIGATION CONGRESS RUSSIA



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Exhibit 8

Declassified Congressional Report: James Clapper Lied About Dossier Leaks To CNN

A newly declassified report on Russian interference in the 2016 U.S. elections reveals that former intelligence chief James Clapper lied to Congress about information he shared with CNN on the infamous Steele dossier.

Buried within a newly declassified congressional report on Russian meddling in the 2016 U.S. elections is a shocking revelation: former Director of National Intelligence (DNI) James Clapper not only leaked information about the infamous Steele dossier and high-level government briefings about it to CNN, he also may have lied to Congress about the matter.

In one of the findings within the 253-page report, the House intelligence committee wrote that Clapper leaked details of a dossier briefing given to then-President-elect Donald Trump to CNN's Jake Tapper, lied to Congress about the leak, and was rewarded with a CNN contract a few months later.

“Clapper flatly denied ‘discussing[ing] the dossier [compiled by Steele] or any other intelligence related to Russia hacking of the 2016 election with journalists,’” the committee found.

When asked directly whether he had ever discussed the dossier with any journalists, Clapper replied that he had not, according to a transcript of the proceedings:

MR. ROONEY: Did you discuss the dossier or any other intelligence related to Russia hacking of the 2016 election with journalists?

MR. CLAPPER: No.

The former DNI later changed his story after he was confronted specifically about his communications with Jake Tapper of CNN.

“Clapper subsequently acknowledged discussing the ‘dossier with CNN journalist Jake Tapper,’ and admitted that he might have spoken with other journalists about the same topic,” the report continued. “Clapper’s discussion with Tapper took place in early January 2017, around the time IC leaders briefed President Obama and President-elect Trump, on ‘the Christopher Steele information,’ a two-page summary of which was ‘enclosed in’ the highly-classified version of the ICA,” or intelligence community assessment.

The briefing of Trump by U.S. intelligence chiefs was held on January 6. CNN published its story on the briefing, based on anonymous leaks from “two national security officials,” on January 10. BuzzFeed published the full dossier, which was jointly funded by the Hillary Clinton campaign and the Democratic National Committee, minutes after the CNN story was published.

The revelation that Clapper was responsible for leaking details of both the dossier and briefings to two presidents on the matter is significant, because former Federal Bureau of Investigation (FBI) director James Comey wrote in one of four memos that he leaked that the briefing of Trump on salacious and unverified allegations from the dossier was necessary because “CNN had them and were looking for a news hook.”

The congressional report on Russian interference noted that it was this very briefing of Trump that multiple media organizations used as an excuse to publish the unverified dossier.

“The Committee assesses that leaks to CNN about the dossier were especially significant, since CNN’s report ‘that a two-page synopsis of the report was given to President Obama and Trump’ was the proximate cause of BuzzFeed News’ decision to publish the dossier for the first time just a few hours later,” the report stated. “Until that point, the dossier had been ‘circulating among elected official, intelligence agents, and journalists,’ but remained unpublished. As the accompanying article explained, ‘[n]ow BuzzFeed News is publishing the full document so that Americans can make up their own minds about allegations about the president-elect that have circulated at the highest levels of government.”

As *The Federalist*’s Mollie Hemingway noted after Comey’s memos were finally made available to the public, the fired FBI director’s account of the briefing of Trump suggested that the entire briefing was a setup from the beginning, and that it was scheduled and held just so it could be leaked to journalists who wanted an excuse to publish a dossier nobody had verified.

In their coordinated response to the full intelligence committee’s findings, committee Democrats defended Clapper, claiming that he broke no laws while acknowledging that he did leak information about the dossier to CNN’s Jake Tapper.

“Evaluated in context, Clapper denied leaking classified information, while acknowledging that, as DNI, he engaged in legitimate discussion of unclassified, non-intelligence information with Tapper,” they concluded.

Clapper, who previously lied to Congress about whether the U.S. government was electronically spying on millions of Americans, was subsequently hired by CNN just months after his leak. Although he eventually apologized to Sen. Dianne Feinstein (D-Calif.) for lying to Congress about government mass surveillance of American citizens, he subsequently told MSNBC that the question to which he responded—"Does the NSA collect any type of data at all on millions or hundreds of millions of Americans?"—was a gotcha question similar to, "When did you stop beating your wife?"

Sean Davis is the co-founder of The Federalist.

KTLA.com

Exhibit 9

Spiro Agnew's Lawyer: How the Russia Leaks Could Backfire in Court



Donald Trump (L) stands with Trump National Security Adviser Lt. General Michael Flynn (R) at Mar-a-Lago in Palm Beach, Florida, on Dec. 21, 2016. JIM WATSON—AFP/Getty Images

By MARTIN LONDON June 7, 2017

IDEAS

*London is a retired partner for the law firm Paul, Weiss, Rifkind, Wharton & Garrison and the author of *The Client Decides*; he was a principal lawyer for Vice President Spiro Agnew.*

Our press is proud of its open hunt for government secrets. Reporting them is highly rewarding. Images of Woodward and Bernstein dance in the heads of journalists for publications large

and small. The audience loves it and applauds the winners. The subjects (as in, the losers) whine about “leaks” and watch the simultaneous emergence of the truth and the decline of their power.

But amidst the celebration, there are important questions being forgotten today with regards to the investigation into whether the Russian state colluded with the Donald Trump campaign. They go beyond the charging of an NSA contractor for allegedly sharing classified intelligence.

For one, what happens when agents or agencies of the government leak information, be it true or false, that may affect the result of a criminal inquiry into the subjects? How can a grand jury make a reasoned decision when it is deluged with government-sourced leaks, even before that jury is selected and sworn?

Some of Trump’s former colleagues — Paul Manafort, Michael Flynn, Carter Page, et al — come to mind. All are certainly going to be at the center of Special Counsel Robert Mueller’s focus. All face the risk of grand jury indictment.

And yet, if Mueller impanels a grand jury, can that body distinguish what it has read and seen from government sourced leaks, from what is later presented to them in licit proceedings? Have the leaks already seriously handicapped Mueller if he chooses to go the grand jury route?

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History teaches the answer may be yes.

In 1973, Vice President Spiro Agnew was the target of a massive barrage of leaks asserting he had taken pay-for-play bribes when he was Governor of Maryland. Dozens of newspaper articles reported alleged details of the Maryland U.S. Attorney's investigation. The press reports sourced the information to "Justice Department officials" and "senior government officers."

I co-represented Agnew in the case, and when discussions between our team and the Department of Justice broke down, Attorney General Elliot Richardson announced he was about to submit evidence to a grand jury. We moved to stop him from doing so. We argued the plethora of government leaks had fatally compromised the criminal inquiry.

The District Judge appointed to handle the matter, Walter E. Hoffman, of Virginia, was clearly upset by the leaks. He crafted a special grand jury charge in which he said:

We are rapidly approaching the day when the perpetual conflict between the news media, operating as they do under freedom of speech and freedom of the press, and the judicial system, charged with protecting the rights of persons under investigation for criminal acts, must be resolved.

But how? The judge said that in the face of the government's denials of the leaks, he was not prepared simply to accept the reporters' government-source attributions.

We made a proposal. We would put both sides under oath, the government and the press. We had prepared a written order giving us the right to depose specific Department of Justice officials as well as a group of reporters who had written stories saying the source of their information was "Department of Justice officials." The U.S. Attorney's team was apoplectic at the notion of these unprecedented depositions. While they howled, the judge signed.

This put the government in a pressure cooker. The Justice Department tasked the FBI with investigating more than one hundred Department of Justice personnel, all of whom signed affidavits they had not leaked. But either one or more of them were lying, or the score of reporters covering the story were. I believed the reporters, and so did the judge.

The press, of course, went berserk at the prospect of being obliged to answer our questions under oath, and reporters and their prominent publishers threatened to accept jail sentences before they revealed sources. But as far as we were concerned, they already *had* revealed their sources. It was all right there in the first paragraph of their

published pieces — their source was Department of Justice officialdom! We would have made our case by just asking whether, when they wrote that their source was the Department of Justice, they were telling the truth. There is no way they could have legally avoided answering that question. Jail was in the foreseeable future.

In the end, the safety device on the pressure cooker blew. Every person in the Justice Department with knowledge of the investigation had sworn to the FBI they had not leaked. Obviously, one or more had lied, and the government recognized it. Their people faced perjury charges, reporters faced contempt sanctions and the government faced the risk its leaks had fatally infected the case against the Vice President. The result was the government yielded to the pressure and agreed to permit Vice President Agnew to take a nolo plea — to accept a conviction without admitting guilt and to resign with light fine. That was it.

The press, of course, was outraged. What great irony. They had taken the government's handouts, which provided the factual basis for our move to achieve the exact result they denounced.

Leaks are a double-edged sword. They inform the public, but prejudice the fair-trial rights of those under investigation. We never have resolved the conflict between the First Amendment rights of the press and the Sixth Amendment rights of those who are the subject of press scrutiny. While the press may have “convicted” Manafort, Flynn, Page, et al on the front pages, they may have, at the same time, effectively immunized them from prosecution.

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To: Blier, William M. (OIG) Per OIG (b)(6) [USDOJ.GOV]
From: AMZ
Sent: Thur 6/28/2018 7:00:23 PM
Importance: Normal
Subject: RE: follow-up
Received: Thur 6/28/2018 7:00:24 PM

Bill, Your formulation will work for us. Thank you. Aaron

Aaron Zebley
Special Counsel's Office
(b) (6)

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From: Blier, William M. (OIG)
Sent: Thursday, June 28, 2018 1:33 PM
To: AMZ (b) (6), (b) (7)(C)
Subject: RE: follow-up

Aaron,
From our perspective Per OIG (b)(5). I would prefer that Per OIG (b)(5)

I suggest the following formulation:

Per OIG (b)(5)

Let me know if this addresses your concerns about possible follow up questions from the court.

Thanks. Bill

From: AMZ
Sent: Thursday, June 28, 2018 12:26 PM
To: Blier, William M. (OIG) Per OIG (b)(6) [USDOJ.GOV]
Subject: follow-up

DELIBERATIVE

Bill,

In preparing for tomorrow's hearing Per OIG (b)(5)

Per OIG (b)(5)

If that does not work, are there alternatives that could work for you?

Thank you.
Aaron

Aaron Zebley
Special Counsel's Office

(b) (6)

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To: Blier, William M.(OIG) Per OIG (b)(6).USDOJ.GOV]
From: AMZ
Sent: Wed 6/27/2018 9:48:40 PM
Importance: Normal
Subject: RE: RE:
Received: Wed 6/27/2018 9:48:41 PM

Thanks Bill.

Aaron Zebley
Special Counsel's Office
(b) (6)

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From: Blier, William M.(OIG)
Sent: Wednesday, June 27, 2018 5:48 PM
To: AMZ (b) (6), (b) (7)(C)
Subject: Re: RE:

Aaron,
Making the representation at the hearing is fine as well. Per OIG (b)(5)

Thanks. Bill

Sent from my iPhone
On Jun 27, 2018, at 5:36 PM, AMZ (b) (6), (b) (7)(C) wrote:

Thank you, Bill. Rather than putting that statement in a pleading, provided you are ok with this, we would like to be able to say it on the record in Friday's hearing. Are you ok with that, with the understanding that Per OIG (b)(5)
Thanks.

Aaron Zebley
Special Counsel's Office
(b) (6)

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From: Blier, William M.(OIG)
Sent: Wednesday, June 27, 2018 5:28 PM
To: AMZ (b) (6), (b) (7)(C)
Subject: RE:

Aaron,
Per OIG (b)(5)

Thanks. Bill

William Blier
Deputy Inspector General/General Counsel
Office of the Inspector General
U.S. Department of Justice

Per OIG (b)(6)

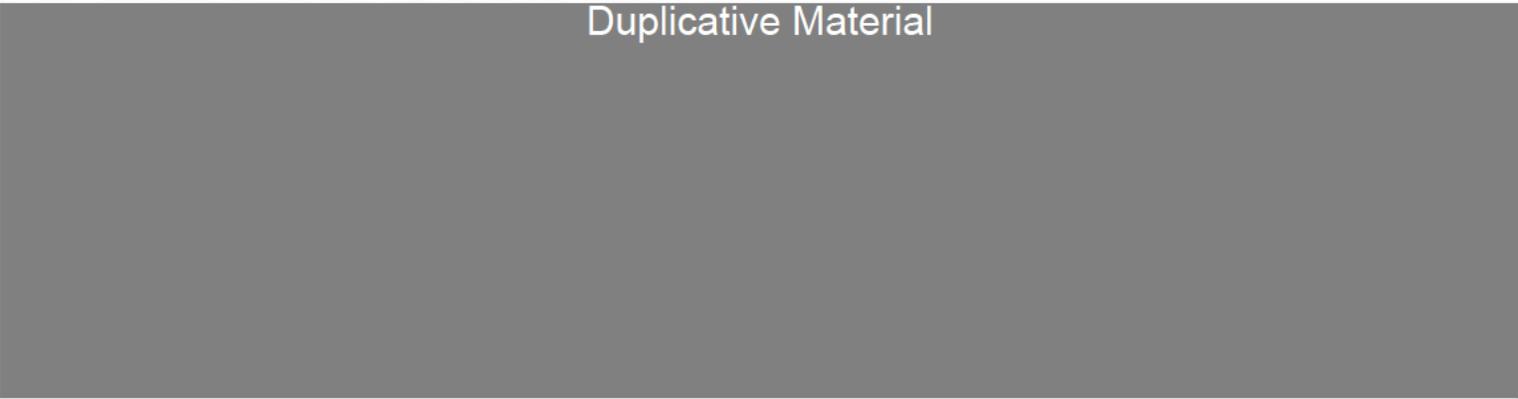
From: AMZ
Sent: Wednesday, June 27, 2018 3:24 PM
To: Blier, William M. (OIG) Per OIG (b)(6) [.USDOJ.GOV](mailto:Per OIG (b)(6).USDOJ.GOV)>
Subject: FW:

Aaron Zebley
Special Counsel's Office
(b) (6)

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From: AMZ
Sent: Tuesday, June 26, 2018 12:23 PM
To: William M. Blier (OIG) Per OIG (b)(6) [.USDOJ.GOV](mailto:Per OIG (b)(6).USDOJ.GOV)) Per OIG (b)(6) [.USDOJ.GOV](mailto:Per OIG (b)(6).USDOJ.GOV)>
Subject: FW:

Duplicative Material



Schools, Scott (ODAG)

Subject: Request for Document Review
Location: Room 4113

Start: Wednesday, May 31, 2017 10:30 AM
End: Wednesday, May 31, 2017 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Schools, Scott (ODAG)
Required Attendees: Colborn, Paul P (OLC)

From: Colborn, Paul P (OLC)
Sent: Wednesday, May 31, 2017 9:59 AM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: RE: Request for Document Review

Duplicative Material (Document ID: 0.7.23922.145884)