

TAB 9

[REDACTED]

January 24, 2017

What follows are notes I typed shortly after my conversation with LTG Michael Flynn. While I have quoted directly in a few places, this represents the substance of our conversation.

On Tuesday, 01/24/2017, at 1235, LTG Michael Flynn called via secure phone from [REDACTED] to my office number [REDACTED]. After talking briefly about the security briefing Mike Steinbach and Bill Priestap provided to White House staff on Sunday, I told LTG Flynn that I had a sensitive matter to discuss. I explained that in light of the significant media coverage and public discussion about his recent contacts with Russian representatives, that Director Comey and I felt that we needed to have two of our agents sit down with the General and hear from him the details of those conversations. LTG Flynn asked if I was referring to his contacts with the Russian Ambassador to the United States, and I indicated that I was.

LTG Flynn then explained that he had been trying to "build relationships" with the Russians, and that he had calls in which he "exchanged condolences." He then stated that I probably knew what was said in these calls because, "you listen to everything they say." I reiterated that in light of everything that has been said about these contacts, the important thing now was for us to hear directly from him what he said and how he felt about the conversations.

LTG Flynn questioned how so much information had been made public and asked if we thought it had been leaked. I replied that we were quite concerned about what we perceived as significant leaks and that we were in the process of completing a referral to the Department of Justice requesting authority to initiate a leak investigation. I further indicated that these cases were hard to prove but that we thought the significance of this situation demanded a thorough review.

I explained to LTG Flynn that my desire was to have two of my agents interview him as quickly, quietly and discretely as possible. He agreed and offered to meet with the agents today. We had some discussion about timing and ultimately agreed to conduct the interview at his office in the White House at 1430 this afternoon. I explained that I thought the quickest way to get this done was to have a conversation between him and the agents only. I further stated that if LTG Flynn wished to include anyone else in the meeting, like the White House Counsel for instance, that I would need to involve the Department of Justice. He stated that this would not be necessary and agreed to meet with the agents without any additional participants.

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January 31, 2017

At approximately 6:50 pm I arrived at the White House with AD Bill Priestap for a meeting with Advisor to the President, Steven Bannon. The purpose of the meeting was to discuss a piece of intelligence regarding Eugene Chin Yu, who claimed to be under consideration by Mr. Bannon for a position as Special Envoy to North Korea or the United States Ambassador to South Korea.

We met at Mr. Bannon's office in the West Wing, and he thereafter escorted us to a conference room for our discussion. After introductions, I explained to Mr. Bannon that I mentioned the matter to National Security Advisor to the President, General Michael Flynn last Friday evening and that General Flynn requested I bring it to Mr. Bannon's attention. I made it clear that we wanted Mr. Bannon to have the benefit of reviewing our information before he made any hiring decisions. I then reviewed the intelligence we had about Mr. Yu, and allowed Mr. Bannon to review four talking points I brought to the meeting that more specifically described the intelligence we collected about Mr. Yu. After reviewing the points, Mr. Bannon remarked that Mr. Yu had proposed to Mr. Bannon on several occasions that Mr. Yu should be given a position like Ambassador or Special Envoy.

Mr. Bannon indicated that he had spoken to General Flynn about the matter, and he proceeded to explain his knowledge of Mr. Yu. Mr. Bannon stated that Mr. Yu contacted him at some point during the campaign and claimed to be a "big Trump supporter." Yu provided to Mr. Bannon photographs of Trump campaign booths that he operated at political events, and Mr. Yu claimed to have many connections in the Georgia Republican Party community. Mr. Bannon further stated that after making his own inquiries about Mr. Yu, Mr. Bannon determined that Mr. Yu was a person who "talked a lot but, never wrote a check." Mr. Bannon believes that after the election Mr. Yu travelled to New York to meet people at the Trump campaign offices, but Mr. Bannon did not meet with him at that time. Mr. Bannon's conclusion was that Yu was a self-promoter and that he was not actively considering Yu for any positions with the Trump administration.

Mr. Bannon returned to the topic of Mr. Yu's interest in an envoy or ambassador position. Mr. Bannon explained that many people wanted ambassador positions but that in fact very few were actually given serious consideration by the administration. Mr. Bannon stated that some supporters wanted to be able to say they were considered for the role, so therefore many people were told that they were. Mr. Bannon indicated that there were many of these "big talkers" associated with the campaign when he arrived and that he got rid of most of them. He further stated that many were associated with the campaign when Paul Manafort was working with the campaign, but that he removed them. Mr. Banon did not further identify the people he was referring to.

Mr. Bannon requested that he be given an opportunity to speak to me privately, and Mr. Priestap left the room. Mr. Bannon then mentioned that President Trump told him that he had a positive experience dining with Director Comey last Friday night, and he inquired about whether the Director mentioned it to me. I replied that Director Comey was also very positive about their engagement. Mr. Bannon stated that he thought it was important to put the two men together to find out if Director Comey wished to stay in his position and whether President Trump wanted to retain him.

[REDACTED]

[REDACTED]

[REDACTED]

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Mr. Bannon explained that President Trump wished to be very supportive of law enforcement and to the FBI specifically. Mr. Bannon was eager to identify opportunities for President Trump to visit the FBI, or to participate in FBI events, in an effort to publicly support the organization. Mr. Bannon pointed to the President's recent speech at CIA headquarters as an example. He said President Trump would probably be quite interested in seeing the FBI Training Academy at Quantico, Virginia, and possibly could participate in a New Agent's graduation. I told Mr. Bannon that I appreciated his and the President's interest and indicated that I would discuss the matter with Director Comey.

Mr. Bannon and I spoke briefly about the preparations for the President's announcement of the next Supreme Court nominee, which would be taking place at the White House later in the evening. Mr. Bannon did not indicate the identity of the nominee.

[REDACTED]

February 10, 2017

On Friday at 4:30 pm, I went to the White House to provide a basic CI defensive brief to the staff members of the Office of the Vice President. AD Bill Priestap accompanied me.

After the briefing, Bill and I returned to my car, in which SA [REDACTED] was waiting to return us to FBI Headquarters. SA [REDACTED] informed me that the White House Counsel's office had been trying to reach me. Before leaving the White House grounds, I contacted the Sit Room. They informed me that White House Counsel Donald McGahn requested that I meet him in the West Wing to discuss an urgent matter in person.

After being escorted first to McGahn's office, I was redirected to the Vice President's office on the second floor of the West Wing. Present in the office were Vice President Michael Pence, Chief of Staff to the President Reince Priebus, White House Counsel Donald McGahn, and James Burnham, also of the White House Counsel's office. Later we were joined by Chief of Staff to the Vice President Josh Pitcock.

After entering the office, Mr. Priebus informed me that he wanted to review "the transcripts." I understood he was referring to the transcripts of the telephone conversations between National Security Advisor Michael Flynn and Russian Ambassador to the United States Sergei Kislyak that were recently revealed in an article in the Washington Post. He mentioned that he knew the FBI previously allowed John Eisenberg, Legal Advisor to the National Security Staff, to review the transcripts. I indicated to Mr. Priebus and the others that I could have Bill Priestap retrieve the transcripts from FBI HQ so that they could review them. The Vice President asked me to dispatch Bill Priestap so that they could review the materials as soon as possible.

I left the room to call Bill. While outside the office, I also spoke to FBI General Counsel James Baker. I told Mr. Baker with whom I was meeting, the request I had received, and the fact that I was going to facilitate their review. Mr. Baker agreed that the review was permissible and suggested that I remind the reviewers that the materials were classified.

When I returned to the room I received several questions from Mr. Priebus about how the transcripts could have leaked to the media, and whether or not the FBI was investigating the leak. I replied that we did not know how information about the transcripts had been leaked but that we had submitted a referral to the Department of Justice requesting authorization to begin a media leak investigation. I explained that the investigations would include recent and previous revelations in the Washington Post and other news outlets.

Vice President Pence asked if I had read the transcripts and I indicated that I had. He then asked if the articles were correct. I first stated that I could not confirm whether the reporter had access to the transcripts or if they had merely spoken to someone who had such access. I then stated that I thought the article in the Post accurately reflected the substance of the transcripts. The Vice President asked, "Did they talk about the sanctions?" I understood him to be asking whether Mr. Flynn and Mr. Kislyak

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

discussed the US sanctions imposed on Russia at the end of December 2016. I indicated that they did discuss the sanctions in those conversations.

(I was surprised by the Vice President's question, particularly in light of the fact that I knew the former Acting Attorney General Sally Yates informed Mr. McGahn and Mr. Burnham about the content of Mr. Flynn's conversations in two meetings on or about 01/26/2017 and 01/27/2017. In addition, and at the direction of the Department of Justice, we had provided the transcripts for review by Mr. Eisenberg on or about Thursday, 02/02/2017. Finally, I called Mr. Eisenberg on 02/08/2017 to alert him to the fact that I had learned earlier that day that the Washington Post was planning to release an article with specific information about the content of Mr. Flynn's conversations with the Mr. Kislyak.)

The Vice President indicated that he needed to discuss the matter with his staff, so I left the room to wait for Mr. Priestap to return with the transcripts.

At approximately 5:30 pm, Mr. Priestap arrived at the West Wing with the transcripts. We waited in the Situation Room for the others to join us. Shortly thereafter, the same group from the Vice President's office arrived and we convened in a conference room.

I provided the Vice President with transcripts of telephone calls captured on 12/23/2016, 12/29/2016 and 12/31/2016. All three calls were between Mr. Flynn and Mr. Kislyak. I brought the Vice President's attention to the call on 12/29/2016. While reading the first two pages he commented that several items were consistent with what Mr. Flynn previously informed him had been discussed on the call. He requested that Mr. Pitcock get him a transcript of his comments to CBS news and one was produced. He also asked when the Obama administration announced the sanctions against Russia and someone confirmed that the sanctions were made public on 12/29/2016. Upon reading the portion of the transcript that detailed Mr. Flynn's comments about the sanctions, the Vice President appeared frustrated and noted that Mr. Flynn initiated the discussion on that topic. The Vice President and the others compared Mr. Flynn's statements in the transcripts with the Vice President's comments to CBS News, and discussed what Mr. Flynn had told the Vice President about his conversations.

During this time, Mr. Priebus reviewed copies of the same three calls. Mr. McGahn, Mr. Burnham and Mr. Pitcock also reviewed some of the transcripts. Mr. Priebus asked me questions about whether or not the discussions related in the transcripts could constitute a violation of the Logan Act. I replied that he would need to ask the Department of Justice whether or not the calls constituted a violation of the act. I further stated that I was not aware of any prior prosecutions of Logan Act violations. Mr. Priebus asked if previous administrations had similar contacts with foreign representatives prior to taking office officially. I indicated that although I could not speak authoritatively about the actions of previous administrations, I thought it was possible that considerations like that could have been why the act had not been charged in the past. Mr. Priebus indicated that he thought the call dated 12/31/2016 was the "worst call." He said he was not so concerned with Mr. Flynn's comments about the sanctions, but was more concerned about "the other thing." It was not clear to me whether the "other thing" referred to a specific aspect of the 12/31/2016 call or the apparent discrepancy between the transcripts, what Mr. Flynn told the Vice president about the calls, and how the Vice President described the calls publicly.

The Vice president finished reading the transcripts and thanked us for providing them. The entire group left the conference room. Mr. Priestap and I collected all of the copies of the transcripts and returned to FBI HQ.

[REDACTED]

[REDACTED]

February 15, 2017

At 7:30 am I went to the White House for a meeting with Chief of Staff to the President Reince Priebus. FBI Assistant Director for Counterintelligence Bill Priestap accompanied me. We were met by William Evanina, who is an FBI agent currently on detail to the Office of the Director of National Intelligence as the Director of the National Counterintelligence Security Center. The purpose of the meeting was to provide a counterintelligence defensive briefing to Mr. Priebus.

We convened in Mr. Priebus' office on the second floor of the West Wing. Joining us were White House Deputy Chief of Staff for Operations Joe Hagin, Special Assistant to the President and Senior Director for Intelligence Programs Ezra Cohen, and one of Mr. Priebus' briefers from the President's Daily Briefing Staff. Over the course of about 25 minutes, Mr. Priestap provided the briefing and Mr. Evanina contributed details about cyber espionage and other counterintelligence topics. Mr. Priebus related a story about an unidentified Asian woman he was introduced to at an event who recommended he establish an "unconventional line of communication" with the Chinese government. He rebuffed her by stating that he preferred "conventional communications." He asked if we thought this was an approach by someone affiliated with an intelligence agency and we indicated that it might have been.

At about 8:00, the briefing concluded when Mr. Priebus indicated he had another meeting to attend. I asked Mr. Priebus if he had a moment to discuss a sensitive matter privately. He said he did and the other individuals left the room. I informed Mr. Priebus that the article that appeared in the New York Times this morning which purported to detail FBI efforts to investigate contacts between Russian intelligence officers and several individuals associated with the Trump campaign was largely inaccurate. (I was referring to the article authored by Michael S. Schmidt, Mark Mazzetti and Matt Apuzzo.) I further stated that I was aware of only two White House employees who were in contact with the Russian government: Michael Flynn and Hope Hicks. I reminded him that we discussed the substance of Mr. Flynn's contacts on Friday, 02/10/2017. I further stated that the FBI's assessment was that Hope Hicks' contacts were innocuous, within the scope of her duties, and that we had already provided her with a defensive briefing.

Mr. Priebus seemed surprised by my comments and indicated that he also thought the article was false. He indicated that the administration was frustrated by having to spend so much time and effort refuting press stories that the White House perceived to be false. Mr. Priebus asked if the FBI would publicly state that the article was false. I told him that we did not do that sort of thing because when we corrected inaccurate news accounts we might inadvertently telegraph to our adversaries our capabilities and our operational activity. He asked if he could share what I told him with others in the White House, including the President. I told him he could share it with whoever he felt he needed to, as long as they did not share it publicly. He asked "what if I told the President and he inadvertently tweeted it?" I told him that would not be a good thing. He continued to press me to consider how the FBI could issue some sort of statement to address this issue. I told him that I would discuss the matter with Director Comey and then get back to him.

[REDACTED]

[REDACTED]

[REDACTED]

I departed the White House and returned directly to FBI Headquarters.

[REDACTED]

May 10, 2017

On May 9, 2017, at approximately 5:20 pm, I was pulled out of a meeting and informed that Attorney General Sessions wanted to speak to me in his office at Department of Justice (DOJ) headquarters.

I arrived at DOJ at approximately 5:30. I was accompanied only by my security agent, FBI SA [REDACTED], who did not attend the meeting. I waited about 10 minutes and was then brought back into the AG's private office. Present in the office were the Deputy Attorney General (DAG) Rod Rosenstein and the DAG's Chief of Staff, Jim Crowell. The AG immediately informed me that the President had fired FBI Director James Comey and that I was now the Acting Director of the FBI.

The AG did not specifically explain the reasons for Director Comey's termination. He did explain that the FBI was an outstanding institution and that his desire was to ensure that it continued to perform in an exemplary manner. I assured him that I would do everything necessary to make sure that we continued to pursue our mission. The AG further stated that they might designate an interim director to serve until a permanent director was selected and confirmed. I again assured the AG that I would make sure the FBI continued on its current course and that I would assist the new director, interim or permanent, in any way necessary to help them get off to a good start.

After asking if I had any questions, I said that I should probably send a message to our workforce. The DAG requested that I not do so until we heard, "what the White House has to say." The DAG further requested that I not say anything about the matter, "not even to your wife."

On my return to FBI HQ, I learned that an envelope addressed to the Director had been delivered to SIOC. I asked the Director's secretary to retrieve it. The envelope contained a memo from the DAG, a letter from the AG to the president and a letter from the president to the Director explaining that he had been fired.

At approximately 6:00 pm on Tuesday, May 9, 2017, I returned to my office after meeting with the Attorney General at the Department of Justice. My staff informed me the White House called to request that I come over to meet President Trump. I have never met, or interacted with, the President in any way before this.

At 6:30 pm I arrived at the West Wing and was escorted to the Oval Office. After waiting briefly, I entered the Oval Office and introduced myself to the President, who was sitting behind his desk. Also present was Vice President Michael Pence, Chief of Staff Reince Priebus, White House Counsel Donald McGahn, and one additional male individual who I presumed was also with the White House Counsel's office. We all sat in chairs arranged facing the president's desk.

President Trump informed me that the Director Comey had been fired and he asked me to serve as Acting Director. The President stated that the Director "had to go" because of the decisions he made last summer and for many other reasons. The President asked if I knew that the Director told him three times that he was not under investigation. I told him that I was aware of that, but at the forefront of my mind was the termination letter the President had just sent Director Comey. (At that moment I knew that Director Comey had told the President that he was not under investigation, but I could not remember exactly how many times that had occurred.) He then asked if I was a part of "the resistance" that disagreed with Director Comey's decisions last summer on the Hillary Clinton email investigation. I explained that I worked very closely with Director Comey and that I was a part of all those decisions.

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The President then made several comments about a rebellion inside the FBI, and asked if many people disliked Director Comey. I replied that some people were frustrated with the outcome of the Clinton investigation last summer, but that most people felt positively about the Director. The President asked me about my background in the FBI and I related a brief summary of my assignments.

The President said that he had great hopes for me, thought I would do a good job, and said I would be considered for the permanent position. He said my only negative issue was the "mistake" about my wife's run for office. I understood he was referring to my wife Dr. Jill McCabe's run for a Virginia State Senate seat in 2015. He told me that he said many tough things about my wife in his campaign speeches, and I replied that we heard what he said. I told him that my wife was a wonderful person who spent her life treating children as an ER pediatrician and that she was intelligent and very independent. I told him that when she decided to take a chance to enter public life to serve her community I supported her decision entirely. The president stated that "everyone" told him she was a terrific person and that I was right to support her.

The President wished me well and I assured him I would continue to lead the FBI in the best way possible.

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May 10, 2017

At approximately 10:00 am on May 10, 2017, I received a call from the President on my unclassified office line ([REDACTED]).

The purpose of the call (which we got to about half way through the call) was to ask if I thought the President should come to FBI headquarters to make a speech to our employees. I told him he was welcome to visit FBI headquarters any time he wanted. He asked me to come to the White House later in the day to discuss the possibility of his visit. We agreed to meet at 2:00pm.

The President stated that he thought many FBI employees were happy about Director Comey's termination. He told me that he had received "hundreds" of messages from FBI employees indicating their support for his decision to fire the director. He asked several times if I thought people were happy and what was the general state of mind. I said that many people were surprised but that we were trying to get back to work, and that we had several meetings already this morning. The President opined that most of the FBI likely voted for him, and estimated that at least 80% of the workforce supported him.

The President again asked if I knew that Director Comey told him three times that he was not under investigation. I told him I was aware of that.

The President stated that he did not believe that Director Comey should have taken the FBI plane to return to Virginia from Los Angeles last night. I said that we had checked with our attorneys and were told that there was no problem with the Director returning to Virginia on the plane. I also said that in light of our obligation to continue providing a protection detail, and the fact that the detail was travelling back on the plane, it made sense to have the Director travel with them. The President repeated that he should not have used the plane and he asked me to look into it.

The President asked if Director Comey would be allowed into FBI headquarters to retrieve his personal belongings, and then stated that he did not believe that should be allowed. I told him that we would have the Director's Chief of Staff collect his personal property and we would see that it was returned. The President repeated that he did not want Director Comey in the building.

The President asked how my wife handled losing her campaign for Virginia State Senate in 2015, and stated that the loss must have been tough. I said losing anything is tough, but that she simply returned to her very active schedule of responsibilities as a pediatric emergency room physician and hospital administrator.

The President closed the call by saying that he thought I would do a good job and that he had a lot of faith in me.

On May 10, at 2:00 pm, I arrived at the White House to meet with President Trump in the oval office. Also present for the meeting were Chief of Staff Reince Priebus and White House Counsel Donald McGahn.

The President began by commenting that it had been a great decision to fire Director Comey because so many people hated him. He told me that many people were saying how much they did not like Director Comey, and that that they were saying this to the White House and to the media. He asked if I had seen that and I indicated that I had not. He stated, almost in the form of a leading question, that there was

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great dislike for Director Comey in the FBI, and asked if I thought people were glad he was gone. I said that we there were some folks who were frustrated last summer with the outcome of the Clinton email investigation, and I offered that it was possible that some of them might now be glad the Director had been fired. I suggested this as a possible explanation for what the President claimed to have perceived, but I had no personal evidence of people being happy about the Director's departure.

The President stated that he wanted to come to the FBI to see people and excite them and show them how much he loves the FBI. He asked if I thought he should come over for a visit and I told him that he should come to the FBI whenever he wanted, and that he was always welcome. He pressed me to answer whether I thought it was a good idea for him to come and I said it was always a good idea to visit his people at the FBI. He pressed further by asking specifically if I thought he should come over now, which I understood to mean in the near future. I said, "Sure." He then asked Don McGahn if he thought the President should come to the FBI and McGahn said, "If the Acting Director of the FBI is telling you he thinks it is a good idea for you to visit the FBI, then you should do it." The President looked at me and asked if that was what I was saying, did I think it was a good idea? I said yes. At the time I felt that the President and his staff wanted to schedule a visit, but that they wanted it to be at my invitation. I had great concerns about how the President would be received by the people at FBI Headquarters in light of the still raw emotions surrounding the Director's firing the day before. But in light of the insistence of his questions, and the President's prerogative to visit any Executive Branch entity, I thought it would not be appropriate to tell him not to come.

The President stated that people in the FBI loved him and that they all supported him. He stated that most of the FBI probably voted for him, and then estimated that at least 80% of the FBI voted for him. The President then asked me who I voted for. Not sure how to answer, I stated that I, "always played it right down the middle." I did not share with him that I did not vote in the 2016 presidential election, due to the investigations I was involved in at the time.

The conversation then turned to logistics around the President's visit. We discussed selecting a day for the President's visit, which we agreed would be Friday, May 12. The President asked to me to have my staff work with his to coordinate a joint message. He said that he wanted me to promote the visit internally as much as I could. I offered that a speech in the courtyard would hold the largest crowd, and he asked that we make sure it was filled. We shook hands and I was dismissed.

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[REDACTED]

Tuesday, May 16, 2017

At 12:30 pm on 05/16/2017, I met with Deputy Attorney General (DAG) Rod Rosenstein in his office at the Department of Justice. Also present were Tashina Gauhar and Jim Crowell. The following is a contemporaneous recollection of the main topics we discussed.

I began by telling him that today I approved the opening of an investigation of President Donald Trump. I explained that the purpose of the investigation was to investigate allegations of possible collusion between the president and the Russian Government, possible obstruction of justice related to the firing of FBI Director James Comey, and possible conspiracy to obstruct justice. The DAG questioned what I meant by collusion and I explained that I was referring to the investigation of any potential links between the Trump campaign and the Russian government. I explained that counterintelligence investigations of this sort were meant to uncover any the existence of any threat to national security as well as whether or not criminal conduct had occurred. Regarding the obstruction issues, I made clear that our predication was based not only on the president's comments last week to reporter Lester Holt (that he connected the firing of the director to the FBI's Russia investigation), but also on the several concerning comments the president made to Director Comey over the last few months. These comments included the President's requests for assurances of loyalty, statements about the Russia investigation and the investigation of General Michael Flynn. I also informed the DAG that Director Comey preserved his recollection of these interactions in a series of contemporaneously drafted memos. Finally, I informed the DAG that as a result of his role in the matter, I thought he would be a witness in the case.

The DAG then related his experiences at the White House on Monday, 05/08/2017. He began by stating that he had the feeling that the decision to fire the Director had been made before he arrived. At the White House, he first met with White House Counsel Donald McGahn, who told him that the President had drafted a letter to Director Comey that McGahn did not want the President to send. Shortly thereafter they met with the President and Attorney General Jeff Sessions, and possibly others, in the Oval Office. President Trump told the DAG he had written a letter to Director Comey, asked the DAG if he had seen the letter, and instructed McGahn to provide the DAG with a copy. The DAG described the letter to me as being a long list, possibly several pages, of the President's complaints with Director Comey. Among those complaints was a discussion about the FBI's Russia investigation, as well as a paragraph about the FBI Deputy Director. The DAG indicated to me that he retained a copy of the President's letter. The DAG said he told the President that he did not think the President should send the letter he had written. The President then directed the DAG to write a memo explaining the reasoning for Director Comey's termination and that the DAG should include Russia. The DAG said to the President he did not think this was a good idea and that his memo did not need to include Russia. The President replied that he understood, but that he was asking the DAG to include Russia anyway. As our conversation continued the DAG proposed that he could potentially wear a recording device into the Oval Office to collect additional evidence on the President's true intentions. He said he thought this

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[REDACTED]

might be possible because he was not searched when he entered the White House. I told him that I would discuss the opportunity with my investigative team and get back to him.

We discussed the issue of appointing a Special Counsel to oversee the FBI's Russia investigation. The DAG said he has two candidates ready, one of whom could start immediately. The DAG and Mr. Crowell indicated that they had made the decision to appoint a Counsel last week, but were thrown off their intended execution by the firing of Director Comey. The DAG said that he left a copy of the delegation with Acting Assistant Attorney General for National Security Dana Boente to execute in the DAG's absence if the DAG were suddenly removed from his position. However, the DAG indicated he now intended to wait a few days before selecting a Special Counsel so he could remain actively involved in providing input regarding the selection of the new Director of the FBI. He anticipated that he may be terminated when he puts the Special Counsel in place, in light of the president's anger with AG Sessions when the AG recused himself from the Russia investigation. The DAG further stated that he was told that others heard the President tell the AG "you were supposed to protect me."

We discussed the President's capacity and the possibility that he could be removed from office under the 25th Amendment. The DAG indicated that he looked into the issue and determined he would need a majority, or eight of 15 cabinet officials and that he might already have two supporters in the AG and Secretary of Homeland Security General John Kelly.

The DAG related to me that on Sunday, 05/14/2017, the AG asked him to participate in the interview of Sec. Kelly for the position of FBI Director. The President had requested that they interview Sec. Kelly. The DAG informed the AG that he did not believe Sec. Kelly would be a good candidate for many reasons and stated that making him FBI Director would be a "strategy of disruption." The DAG told me that if Sec. Kelly were placed in the job, the DAG would request Sec. Kelly's resignation.

The DAG told me that he informed the AG that I should remain in my role as Acting Director until the permanent Director was chosen. The DAG opined that my only "problem" was that some people believe that I was involved in my wife's 2015 campaign for State Senate in Virginia. The DAG said it was a "credibility problem" because after having told him during my May 13 interview that I played no role in her campaign and attended no campaign events, the DAG said a staffer had provided him with a photograph found on the internet of me and my wife wearing Dr. Jill McCabe campaign t-shirts. The DAG suggested that this photograph contradicted my statement that I had not campaigned for my wife. I pointed out to the DAG that the photograph he saw was taken not at a campaign event, but rather at [REDACTED]. I further informed the DAG that I confirmed with my ethics counsel at FBI that the Hatch Act does not prohibit wearing a campaign button or shirt away from the office, and that attending [REDACTED] wearing such a shirt does not constitute proscribed political activity.

[REDACTED]

May 21, 2017

On Friday, May 12, 2017, at 9:30 am, I went to the Department of Justice Command Center to brief the Attorney General (AG) and the Deputy Attorney General (DAG) and others on the President's Daily Briefing materials. We do this every Monday, Wednesday, and Friday morning.

After the briefing, I asked the DAG to remain for a private discussion regarding some issues we were having with Congress on the Russia investigation. Specifically, the Intelligence Committees were requesting access to personnel and materials that might have an impact on our investigation and future prospects for prosecution. As the Acting AG for this investigation (due to AG Sessions' recusal on the issue), I wanted the DAG and DOJ to take responsibility for negotiating a deconfliction agreement with the Senate Intelligence Committee and others on the Hill.

Once the other personnel left the room the DAG and I began talking. I explained my issue and he told me to direct all such requests from the Committees to DOJ. The DAG began discussing recent developments related to the firing of Director Comey, and became visibly emotional and upset. He indicated that he had been ordered by the President to write the memo justifying the firing. However, he stated that he did not know his memo would be publicly released and used to justify the Director's termination. He said he was shocked when he learned that the White House was making it seem as if the DAG had initiated the firing on his own. The DAG made it clear that he had been instructed to write the memo. I asked if he was ok and how his family was doing. He said that he was not sleeping and that he did not feel that he could talk to anyone.

The DAG stated that he had been thinking about appointing a Special Counsel to oversee the investigation but that he was concerned that such a designation would lead to his termination. The DAG feared what would happen to the Department and the investigation if he were also fired. The DAG asked for my thoughts on whether or not we needed a Special Counsel and I indicated that I thought it would help to preserve the credibility of the investigation. He remarked that he wished he could talk to Director Comey about the situation.

I returned to my office and spent the next few hours thinking about the appointment of a Special Counsel and how that could best be done. I had my staff request a follow up meeting with the DAG.

At approximately 4:30 pm, I returned to DOJ to meet with the DAG in his office. No other people were present. I told the DAG that I recognized the decision to designate a Special Counsel was entirely his, but that I thought he deserved to hear my best formed thoughts on the issue, which I had not had the chance to do earlier in the morning. I explained that I felt strongly that the investigation would be best served by having a Special Counsel. I indicated that had DOJ taken the same step in the early stages of the Clinton email case, it was likely that the FBI would not have felt compelled to announce the results of the investigation the way we did in July 2016. I told him that the possibility that we might someday close the investigation without charging anyone only heightened the need to have a completely impartial, highly credible, independent Special Counsel announcing that result. Finally, I pointed out that DOJ and the FBI were likely to take withering criticism from the Hill and others until the decision was made, and that we stood to lose credibility as those attacks wore on.

The DAG indicated that he had not yet made the decision to appoint a Special Counsel. He believed doing so might cause him to get fired and he was worried about what the Department would do without

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a confirmed DAG, especially in light of the AG's recusal on the Russia issue. In addition, he wanted to remain actively involved in the selection of the next Director of the FBI. We had a brief discussion about the candidates and whether or not the President and the AG would decide to appoint an interim director to serve until the new permanent director was selected and confirmed.

We returned to our discussion from the morning meeting about the DAG's memo and the firing of Director Comey. The DAG stated that based on conversations he had with the AG as early as January 2017, he knew Director Comey was going to get fired. He repeated that although he was asked to write the memo, he did not anticipate that the White House would release it publicly to justify Comey's termination. He stated that someone in the White House requested that he do a press conference to explain his memo and the firing, but he refused to do it.

At the conclusion of our meeting the DAG indicated that he would continue to consider the appointment of a Special Counsel, but he did not believe that he needed to do it quickly.

After returning to my office I received a call from the AG inviting me to meet with him and the DAG on Saturday, May 13, 2017, at 2:00 pm to interview for the FBI Director position. I accepted the invitation and met them for the interview at that time.

On Sunday, May 14, 2017 at approximately 10:00 am, the DAG called me on my cellphone. Using coded language, he asked me that if I had the opportunity to speak to Director Comey, he would be very interested to hear what the Director thought about the Special Counsel issue. I told him I would consider it.

At 3:00 pm later that day, I convened a conference call with James Baker, James Rybicki, and Lisa Page to discuss whether or not I should seek Director Comey's opinion on the special counsel issue. We all concluded that I should not, and that in light of the fact that he was no longer an FBI employee, it would be inappropriate to continue discussing investigative issues with him.

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May 22, 2017

On Saturday, May 20, 2017, Deputy Attorney General (DAG) Rod Rosenstein called my cell phone [REDACTED] at approximately 10:15 am. He asked if I was working and, if so, if I could meet him and Special Counsel (SC) Robert Mueller at 1:00 pm. I indicated that I was not working and that I was busy. I asked if we could meet on Sunday morning. He offered to check SC Mueller's availability for Sunday. While still on the phone with me, he called "Bob" on another phone and asked if Bob could meet Sunday. I assumed he was speaking to the SC. We agreed to meet at DOJ at 11:00 am on Sunday. The DAG informed me that the purpose of the meeting was to discuss "coordination and logistics issues."

On Sunday, May 21, 2017, I met with the DAG, the SC, Aaron Zebley and FBI EAD Carl Ghattas (who attended at my request). We convened in the DAG's conference room. The DAG opened the meeting by thanking me for the work I was doing, and stating that he continued to support my staying in the position of Acting FBI Director. I assumed he meant until the permanent Director is selected. He then stated that he had the highest regard for my integrity, and that he had read and agreed with the memorandum written by FBI Assistant Director Patrick Kelley addressing the issue of whether or not there were any conflict issues with my involvement in the Russia investigation. He stated that he did not believe I had a conflicts with the Russia investigation. Despite this, he then stated that he thought I should consider recusing myself from the investigation. He said he was not ordering me to recuse, but merely suggesting that I consider it in order to ensure the credibility of the investigation. He then stated that in the past I have maintained that I did not play a role in my wife Dr. Jill McCabe's 2015 run for Virginia State senate, but noted that there was a photograph on the internet of us wearing campaign t-shirts. He stated that this potential "credibility issue" could cause some people to complain about my involvement in the investigation.

I reminded him that the photograph he referenced did not in any way contradict my statement of not having played a role in my wife's campaign and not attending any campaign events. The photograph was not evidence of proscribed political activity, but rather a photograph taken at [REDACTED]. I offered to explain the entire matter to the SC and to provide him with a copy of AD Kelley's memo, which concludes that there is no basis in law or in fact that would establish a conflict, the appearance of a conflict, or call for my recusal from the Russia matter.

SC Mueller said he did not want to be briefed on the matter or review the memo. He thought the issue might be beyond the scope of his authority as SC. He asked EAD Ghattas and me to leave the room briefly so he could talk to the DAG privately. We left.

A few minutes later we reentered the room. SC Mueller stated that he would not weigh in on the recusal issue, but he wanted to let me know that he thought I would likely be a witness in the investigation. I told the DAG that I did not believe he was in a position to order me, or anyone, to recuse from the Russia investigation, in light of his appointment of the Special Counsel. He repeated that he was not ordering me to recuse, but was rather suggesting that I consider it. I told him I would discuss it with FBI counsel and get back to him at a later date.

We ended the meeting at approximately 1130. There was no discussion of any "coordination and logistics issues". I left DOJ with EAD Ghattas and returned to FBI HQ.

[REDACTED]

(U/[REDACTED]) On May 16, 2017, Acting Director McCabe and I met with the Deputy Attorney General (DAG) Rod Rosenstein in his office at the Department of Justice. Also present were Jim Crowell, Scott Schools, Tashina Gauhar, and Stuart Goldberg. We did not know the topic of the meeting in advance of our arrival, only that he had called earlier in the afternoon and asked if the Acting Director could meet at 7:30 that evening.

(U/[REDACTED]) When we entered his office the DAG was in the middle of recounting for Scott Schools and Stuart Goldberg the events leading up to Director Comey's firing. The DAG interrupted his story, told them that he would return to it, then turned to the Acting Director and told him that he already knew all of this, that he was just bringing Scott and Stuart up to speed. About his meeting at the White House before the Director's firing (which may have been what he had just been describing), he stated that "a lot of this feels stage-managed." He didn't explain further what he meant.

(U/[REDACTED]) The DAG then shifted into a chaotic discussion about his view that getting a good FBI Director nominated was his most important priority. It was chaotic because he frequently shifted between recounting conversations he had had with possible nominees, while at the same time referring to some of the same individuals as the possible Special Counsel over the Russia investigation. Among those individuals he listed as being under consideration for permanent Director of the FBI were Mark Philip, Robert Mueller, Paul Abbate, and Adam Lee. He said that Alice Fisher had withdrawn herself from consideration. The DAG said he began making calls to Mueller and Philip on Wednesday, after figuring out on Tuesday night that "something was dramatically wrong." He explained that Mueller had called and said he would do it (it appeared that this was a reference to the Special Counsel job, but the conversation was so disjointed that Mr. McCabe and I did not truly learn that Mr. Mueller would be so appointed until the DAG informed us on the day of the "Gang of 8" briefing on May 17, 2016).

(U/[REDACTED]) During the course of this conversation the DAG also mentioned former DAG Jim Cole as an individual who would be willing to serve as Special Counsel, and stated that Cole could start within 24 hour notice. (The DAG returned to this topic repeatedly; for ease of reading, I have included all information related to the appointment of a Special Counsel in this paragraph, even if it came later in the conversation). The DAG further explained that while he was committed to appointing a Special Counsel, it was an issue of timing, because he believed he would be fired as soon as one was appointed. He stressed that didn't think it would be in the best interest of the Department of Justice or the AG to not have a DAG or Acting AG.

(U/[REDACTED]) The DAG then interrupted himself to talk about the Acting Director's "political problem," referring to the claim that the Acting Director should have recused himself from the Hillary Clinton email investigation as a result of his wife having run for a Virginia State Senate seat in 2015. The DAG mentioned as an aside that Senator Grassley was "all over" Mr. McCabe and that the President's draft letter (described in more detail later in this memo) stated that allowing Mr. McCabe to remain on as Deputy was one of the reasons that Director Comey was being fired. The DAG raised with the Acting Director a photograph that had been taken off the Internet that showed the Acting Director and his wife

[REDACTED]

wearing "Jill McCabe for State Senate" t-shirts, and stated this was evidence that the Acting Director had engaged in prohibited political activity. (The DAG had raised this issue with Mr. McCabe on several prior occasions). The Acting Director explained again that he wore that t-shirt [REDACTED], and that regardless, wearing a t-shirt or political button does not constitute proscribed political activity.

(U/[REDACTED] The DAG then returned to the topic of the appointment of a permanent FBI Director, and stated that the President had suggested that current DHS Secretary John Kelly serve as FBI Director, which the DAG viewed as a "disruption strategy." (It was not clear whether the DAG was referring to the permanent Director position, or someone to hold the position as interim Director; the DAG's conversational style was quite frenetic and jumped a great deal from topic to topic without warning). The DAG expressed that he thought this plan didn't make any sense, that Secretary Kelly wasn't going to leave a Cabinet-level position to become Director of the FBI, and that additionally, Secretary Kelly didn't have the experience to be the Director. He said that either the President or Secretary Kelly (it wasn't clear to whom he was referring) seemed to think that perhaps Secretary Kelly could do both jobs at once, to which the DAG responded again that this was all a "disruption strategy."

(U/[REDACTED] The DAG said he had concern about what was going on at the White House, unrelated to the nomination of FBI Director, but didn't expand further.

(U/[REDACTED] With respect to current contenders for permanent Director, the DAG indicated that there were two problems with selecting Bob Mueller: that his firm represents Manafort, and that the law would need to be changed as he had already served a term as FBI Director. The DAG stated they were scrambling to find a new Director, but that he didn't believe that Paul Abbate or Adam Lee (both current agents, serving in positions of executive management at the FBI) were qualified. He said they were great agents and supervisors, but were not right for Director. He again mentioned reaching out for Mark Philip, and said that former Attorney General Michael Mukasey planned to call him.

(U/[REDACTED] The DAG then described some of the actual interviews that the President had conducted for FBI Director. The DAG said that the individuals present for them were the President, Vice President, Attorney General Sessions, Jody Hunt (Chief of Staff to the AG), and himself. (Additional personnel may have been present as well). The DAG said that Mueller had been interviewed recently, but that his interview had been relatively brief. The DAG described the Lee and Abbate interviews in much the same way, saying that the President asked very superficial questions, ("So, would you like the job?" and "It's really good for you that you're here, right?" which the DAG described as a reference to it being "good press" for them) and appeared ready to end the interviews. The DAG said he took over both interviews, because he was concerned that both candidates would leave the interview thinking, "This is it? This is the interview for Director of the FBI?" (The DAG then interjected that the Acting Director should have Abbate and Lee write up 302s of their interviews so that there was a record of them). The DAG believed that there would be a negative impact on the FBI for the President to nominate an SAC to head the organization, and further said that the Vice President and Attorney General "get it." The DAG reiterated that Mueller was the only individual who was qualified, and that he told the President that nominating a current agent wasn't only "rare" (as had been characterized by the President), but was unprecedented. The DAG mentioned that the President tried to get Mr. Abbate to say that the Bureau had been in chaos last year, and ended this topic by saying that he had recruited Rick McFeely (a former FBI agent) who was scheduled to be interviewed the following day, and that the President was very interested in Joe Lieberman for the position. (In the middle of this conversation the

[REDACTED]

DAG interrupted himself to describe an odd series of events in which he was helping Bob Mueller locate his phone, which he had misplaced somewhere at the White House, and that Dina Powell offered to help him with "this FBI thing." No additional relevant information was conveyed, though the story went on for some time). At the end of our meeting (but still related to this topic), the DAG called McGahn while in our presence, who confirmed that the President planned to interview McCabe, Philip, and McFeely, but that he was currently fascinated by Lieberman.

(U/[REDACTED] The DAG then turned to Jim Crowell and asked, "Should I tell the phone call story?" He described the events of "Tuesday afternoon [the day Director Comey was fired], when I start[ed] to get the clue that they are firing by email." He said the Department's public affairs office reached out to him and told him that the White House wanted to say that the firing was the DAG's idea. The DAG said he responded, "Sarah, this is the U.S. Department of Justice, they can do whatever they want, but we're not going to put out a false statement." After the firing, the DAG said that the President had called his cell phone and told the DAG that he was watching Fox News and that the reporting was saying that it was great, that Rupert Murdoch was saying it was great, amazing. The DAG says he reiterated that if they asked him who came up with the idea, I'm going to tell them. The DAG said that his press person, Sarah, received several screaming phone calls from Reince Priebus, Chief of Staff to the President, and there were several back and forth conversations about the "tick tock," in essence, the timeline of events leading up to Director Comey's firing. (Author's note: The DAG then mentioned "Pence was there, he knew to come" which I believe refers to at the original meeting when they discussed firing Director Comey, and not during the timeline discussions). The DAG explained he knew he was getting "blasted" but that he was unwilling to say that it was his idea to fire the Director, which was what the White House wanted.

The DAG then turned to the events surrounding the Director's firing. He said that he had been called to the White House in the evening on Monday, May 8th, by the President. Once there, the DAG stated that Don McGahn, the White House Counsel, informed him that the President had written a letter enumerating the bases for the Director's firing, but that McGahn was trying to convince the President not to send it. The DAG said he was led to the Oval Office by McGahn, and present there was the President, the Vice President, AG Sessions, Jody Hunt, McGahn, and possibly others. The DAG said it was hard to reduce what happened to a couple of sentences, but said that they had decided to fire Jim Comey before they told me, but that they were "acting like they cared about my opinion." (Author's note: This was a strange comment because it was my understanding that the DAG had previously indicated that he and AG Sessions had been discussing firing Director Comey since January, but given the nature of the conversation there was no room for follow-up). The DAG was provided a copy of the President's letter, and publicly agreed with McGahn that the President should not send it. (Around this time the DAG also informed us that he had the President's letter, and told us that he would provide it to us upon our departure, which he did). Upon our return to HQ, I made one copy of the letter, Mr. McCabe put it in an envelope, sealed and signed it, and placed it in his safe).

(U/[REDACTED] The DAG then indicated that the President asked him to write a memo explaining the loss of confidence he had in Director Comey's continued ability to lead the FBI. The DAG stated that the White House didn't tell him what to put in the memo, but then later stated that the President had specifically requested that he mention "Russia" as a reason that the DAG had lost confidence. The DAG said that he had concerns about Comey, but that Russia was not a part of those concerns and so he

[REDACTED]

refused. He said the President he would "appreciate it if you put Russia in." The DAG also said that the President asked him to include the fact that Comey had told him three times that he wasn't under investigation, but the DAG said to us that he refused to put that in the memo because he wasn't sure if it was a true statement. Finally, the DAG also indicated that it hadn't occurred to him that the letter would be released. The DAG explained that once written his memo and AG Sessions' recommendation were delivered to the White House on Tuesday by Jody Hunt, the AG's Chief of Staff, and that he spent two hours in the Oval Office with the President planning how to coordinate the firing.

(U// [REDACTED])¹ At some point during the DAG's description of the Director's firing, the Acting Director informed the room that the FBI had decided to open an investigation against the President, as well as AG Sessions. The Acting Director also informed the group that the FBI had made arrangements to brief the Gang of 8 the following evening. The DAG indicated that he wanted to attend, which launched a conversation in which several of us implored the DAG that he should make the announcement of his intention to appoint a Special Counsel *before* he attended the Gang of 8 briefing, or the All-Member briefs scheduled for that Thursday and Friday. The DAG initially resisted, saying that he only wanted to tell the Gang of 8 that he was taking appropriate steps, and that he had reason to believe that Senator Schumer would trust him. Stuart Goldberg then asked a number of probing questions about why the FBI had decided to open the investigation, and said that we would have to explain what had changed between the last time Director Comey had stated that he wasn't under investigation and the decision to open. (We had already explained in depth what we thought had changed, and the various facts we relied on as predication to open the investigation).

(U// [REDACTED]) Near the end of the meeting, the DAG returned to several topics which had been previously discussed, including the controversy surrounding Mr. McCabe (this time raising the "Circa News" story, which reported that Mr. McCabe had high-fived when Lt. Gen. Flynn was fired and said pejorative things about President Trump. Mr. McCabe and I tried to explain how resoundingly this had been discounted, given the number of people who were purportedly in the room when it occurred, but the DAG explained he just wanted us to know what people told him about Mr. McCabe. He also mentioned that the President had asked Adam Lee whether or not he was a Republican, and in reference to Mr. McCabe's upcoming interview with President Trump (which had not been scheduled and for which Mr. McCabe had no awareness) inexplicably yelled, "Do you think this is a real interview?!" and suggested that he and Mr. McCabe should wear a wire to record the conversation.

(U// [REDACTED]) We left the meeting at 9:10 pm, everyone else remained in the room with the DAG.

Lisa Page

¹ Author's note: I am marking this paragraph [REDACTED] because at the time of this writing, the existence of the case against the President and AG Sessions is still classified. During the course of the conversation with the DAG, however, he paused at one point and turned to Tashina Gauhar to ask about the classification level of the meeting, which he assumed would be "TS." She offhandedly said, "yes" which caused me to raise the concern that while the discussion we were having was sensitive, that I didn't believe that disclosure of this meeting could be fairly characterized to cause exceptionally grave damage to national security, and something being sensitive or potentially embarrassing was not a basis to classify the contents of a meeting. As such, I believe the appropriate classification of most of this memo is U// [REDACTED]