

FEDERAL BUREAU OF INVESTIGATION
FOI/PA DELETED PAGE INFORMATION SHEET
FOIPA Request No.: 1399934-000
CivilAction No.: 18-cv-1766

Total Withheld Page(s) = 438

Bates Page Reference	Reason for Withholding (i.e., exemptions with coded rationale, duplicate, sealed by order of court, etc.)
18-cv-01766-2063 – 18-cv-01766-2066	(b)(2)-1, (b)(5)-3, (b)(6)-1, (b)(7)(C)-1
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18-cv-01766-2069 – 18-cv-01766-2070	Duplicate to 18-cv-01766-2056 – 18-cv-01766-2057
18-cv-01766-2071 – 18-cv-01766-2074	Duplicate to 18-cv-01766-2052 – 18-cv-01766-2055
18-cv-01766-2075 – 18-cv-01766-2076	Duplicate to 18-cv-01766-2049 – 18-cv-01766-2050
18-cv-01766-2083 – 18-cv-01766-2085	Duplicate to 18-cv-01766-2080 – 18-cv-01766-2082
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18-cv-01766-2093 – 18-cv-01766-2095	Duplicate to 18-cv-01766-2090 – 18-cv-01766-2092
18-cv-01766-2097	Duplicate to 18-cv-01766-2096
18-cv-01766-2100 – 18-cv-01766-2104	Duplicate to 18-cv-01766-2062 – 18-cv-01766-2066
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18-cv-01766-2168	Duplicate to 18-cv-01766-733
18-cv-01766-2289 – 18-cv-01766-2291	Duplicate to 18-cv-01766-2170 – 18-cv-01766-2172
18-cv-01766-2331 – 18-cv-01766-2332	Duplicate to 18-cv-01766-1228 – 18-cv-01766-1229
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18-cv-01766-2393 – 18-cv-01766-2400	Duplicate to 18-cv-01766-2080 – 18-cv-01766-2087
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18-cv-01766-2421	Duplicate to 18-cv-01766-2123
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18-cv-01766-2423 – 18-cv-01766-2428	Duplicate to 18-cv-01766-2124 – 18-cv-01766-2129
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18-cv-01766-2451	Duplicate to 18-cv-01766-2145
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18-cv-01766-2465 – 18-cv-01766-2466	Duplicate to 18-cv-01766-2457 – 18-cv-01766-2458
18-cv-01766-2467	Duplicate to 18-cv-01766-2456
18-cv-01766-2471	Duplicate to 18-cv-01766-2123
18-cv-01766-2472	Duplicate to 18-cv-01766-2122
18-cv-01766-2473 – 18-cv-01766-2494	Duplicate to 18-cv-01766-2124 – 18-cv-01766-2145
18-cv-01766-2524 – 18-cv-01766-2539	Duplicate to 18-cv-01766-1243 – 18-cv-01766-1258
18-cv-01766-2540 – 18-cv-01766-2556	Duplicate to 18-cv-01766-1274 – 18-cv-01766-1290

18-cv-01766-2560 – 18-cv-01766-2578	Duplicate to 18-cv-01766-1181 – 18-cv-01766-1199
18-cv-01766-2579 – 18-cv-01766-2728	Duplicate to 18-cv-01766-864 – 18-cv-01766-1013
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Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Monday, March 12, 2018 3:01 PM
To: Blier, William M.(OIG)
Subject: FW: Emails

b6 -1
b7C -1

Thanks. ODAG is fine with it.

From: Blier, William M.(OIG) [mailto:William.Blier@usdoj.gov]
Sent: Monday, March 12, 2018 2:51 PM
To: Will, Candice M. (DO) (FBI) [REDACTED]
Subject: RE: Emails

b6 -1
b7C -1
b7E -4

The OIG has no objection to the FBI/ODAG proceeding in the manner it deems appropriate to the circumstances.

From: Will, Candice M. (DO) (FBI) [mailto:[REDACTED]]
Sent: Monday, March 12, 2018 2:49 PM
To: Blier, William M.(OIG) <wblier@OIG.USDOJ.GOV>
Subject: RE: Emails

b6 -1
b7C -1
b7E -4

Bill,

Given that the matter is moving forward (and on a very tight schedule), do you have an objection to me giving counsel a copy of your final report?

From: Blier, William M.(OIG) [mailto:William.Blier@usdoj.gov]
Sent: Monday, March 12, 2018 2:45 PM
To: Will, Candice M. (DO) (FBI) [REDACTED]
Subject: RE: Emails

b6 -1
b7C -1
b7E -4

Candice,

I received your phone message. We are working on gathering whatever we have that would be responsive. I'll let you know as soon as we have something for you.

Thanks. Bill

From: Will, Candice M. (DO) (FBI) [mailto:[REDACTED]]
Sent: Monday, March 12, 2018 1:41 PM
To: Blier, William M.(OIG) <wblier@OIG.USDOJ.GOV>
Subject: Emails

b6 -1
b7C -1
b7E -4

To be clear, I mean all emails in the OIG's possession pertaining to this matter (e.g., 10/21 McCabe to Comey "in the more bad news category" email).

From: Will, Candice M. (DO) (FBI)
Sent: Monday, March 12, 2018 1:28 PM
To: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Subject: Emails

b6 -1
b7C -1

FBI 18-cv-01766-2040

Bill,

I just left you a v-m msg. McCabe's attorneys have requested, and ODGA has approved, all of the emails between Comey and McCabe from 10/21-31, 2016. The emails will have to be run through the FBI's redaction unit for proper scrubbing (e.g., CHS, classified) so the sooner I can get my hands on them, the better. We will come over to pick them up and deliver them to the redaction unit when you give the word. Thank you.

Candice



b6 -1
b7C -1
b7E -4

Will, Candice M. (DO) (FBI)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-06-2018 BY [REDACTED] NSICG

From: Will, Candice M. (DO) (FBI)
Sent: Monday, March 12, 2018 2:47 PM
To: 'Blier, William M.(OIG)'
Subject: RE: Emails

b6 -1
b7C -1

Thanks, Bill.

From: Blier, William M.(OIG) [mailto:William.Blier@usdoj.gov]
Sent: Monday, March 12, 2018 2:45 PM
To: Will, Candice M. (DO) (FBI) [REDACTED]
Subject: RE: Emails

b6 -1
b7C -1
b7E -4

Candice,

I received your phone message. We are working on gathering whatever we have that would be responsive. I'll let you know as soon as we have something for you.

Thanks. Bill

From: Will, Candice M. (DO) (FBI) [mailto:[REDACTED]]
Sent: Monday, March 12, 2018 1:41 PM
To: Blier, William M.(OIG) <wblier@OIG.USDOJ.GOV>
Subject: Emails

b6 -1
b7C -1
b7E -4

To be clear, I mean all emails in the OIG's possession pertaining to this matter (e.g., 10/21 McCabe to Comey "in the more bad news category" email).

From: Will, Candice M. (DO) (FBI)
Sent: Monday, March 12, 2018 1:28 PM
To: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Subject: Emails

Bill,

I just left you a v-m msg. McCabe's attorneys have requested, and ODGA has approved, all of the emails between Comey and McCabe from 10/21-31, 2016. The emails will have to be run through the FBI's redaction unit for proper scrubbing (e.g., CHS, classified) so the sooner I can get my hands on them, the better. We will come over to pick them up and deliver them to the redaction unit when you give the word. Thank you.

Candice

[REDACTED]
b6 -1
b7C -1
b7E -4

Will, Candice M. (DO) (FBI)

b6 -1
b7C -1

From: Will, Candice M. (DO) (FBI)
Sent: Monday, March 12, 2018 1:16 PM
To: 'Hur, Robert (ODAG)'; Schools, Scott (ODAG) (JMD)
Subject: RE: Pending FBI OPR Matter

With that understanding, I will contact Bill Blier to request the material and provide it to our redaction unit for immediate turnaround. Thank you.

From: Hur, Robert (ODAG) [mailto:Robert.Hur@usdoj.gov]
Sent: Monday, March 12, 2018 1:14 PM
To: Schools, Scott (ODAG) (JMD) <Scott.Schools@usdoj.gov>; Will, Candice M. (DO) (FBI) [redacted]
Subject: RE: Pending FBI OPR Matter

b6 -1
b7C -1
b7E -4

Agreed – thanks, Scott.

From: Schools, Scott (ODAG) [redacted]
Sent: Monday, March 12, 2018 1:12 PM
To: Will, Candice M. (DO) (FBI) [redacted] Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>
Subject: RE: Pending FBI OPR Matter

b6 -1
b7C -1
b7E -4

Candace:

b5 Per DOJ/OIP

Andy would have access to those emails if he were here, and he could appropriately view them. However, they might contain information that should not be disclosed to outside counsel. [redacted]
[redacted]

Scott

From: Will, Candice M. (DO) (FBI) [mailto:[redacted]]
Sent: Monday, March 12, 2018 12:18 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>; Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>
Subject: Pending FBI OPR Matter

b6 -1
b7C -1
b7E -4

Good afternoon, Scott and Rob,

Counsel spent most of Friday reviewing the file and returned this morning at 9am to continue the review, so that is proceeding nicely.

b5 Per DOJ/OIP

Candice

Will, Candice M. (DO) (FBI)

b6 -1
b7C -1

From: Will, Candice M. (DO) (FBI)
Sent: Monday, March 12, 2018 12:18 PM
To: Schools, Scott (ODAG) (JMD); 'Hur, Robert (ODAG)'
Subject: Pending FBI OPR Matter

Good afternoon, Scott and Rob,

Counsel spent most of Friday reviewing the file and returned this morning at 9am to continue the review, so that is proceeding nicely.

b5 Per DOJ/OIP

Candice

Will, Candice M. (DO) (FBI)

ALL INFORMATION CONTAINED
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DATE 08-06-2018 BY [REDACTED] NSICG

From: Will, Candice M. (DO) (FBI)
Sent: Tuesday, March 13, 2018 8:34 AM
To: [REDACTED] Bromwich, Michael R.
Cc: Michael R. Bromwich
Subject: RE: Andrew McCabe: Request for Documents

b6 -1
b7C -1

b6 -3
b7C -3

Eric and Michael,

We have the four emails back from the redaction unit. We will be delivering to your offices shortly. We have nothing else at this time.

Candice

From: [REDACTED]
Sent: Monday, March 12, 2018 6:10 PM
To: Will, Candice M. (DO) (FBI) [REDACTED] Bromwich, Michael R. [REDACTED]
Cc: Michael R. Bromwich [REDACTED]
Subject: RE: Andrew McCabe: Request for Documents

b6 -3
b7C -3

b6 -1,3
b7C -1,3
b7E -4

Very much appreciated. Thank you.

Eric B. Bruce

[REDACTED] (Washington DC) b6 -3
(New York) b7C -3

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From: Will, Candice M. (DO) (FBI) [mailto:[REDACTED]]
Sent: Monday, March 12, 2018 6:03 PM
To: Eric Bruce [REDACTED] Bromwich, Michael R. [REDACTED]
Cc: Michael R. Bromwich [REDACTED]
Subject: RE: Andrew McCabe: Request for Documents

b6 -1
b7C -1
b7E -4

b6 -3
b7C -3

Hey Eric,

Thanks for the email. We are pushing to get you what you need. As I advised Michael, we have four emails thus far from the OIG responsive to your request and we have already provided those to the redaction unit here at HQ to move them along as quickly as possible. We are awaiting word from the OIG, tomorrow morning I hope, as to whether there are other emails. I'll be in touch.

Candice

263D-142-

[REDACTED]

44

b6 -1
b7C -1

FBI 18-cv-01766-2045

From: [REDACTED]
Sent: Monday, March 12, 2018 3:51 PM
To: Will, Candice M. (DO) (FBI) [REDACTED] Bromwich, Michael R. [REDACTED]
Cc: Michael R. Bromwich [REDACTED]
Subject: Andrew McCabe: Request for Documents

b6 -3
b7C -3

b6 -1,3
b7C -1,3
b7E -4

Hi Candice,

I know Michael already orally requested these documents from you, but I also wanted to put our request in writing. As Michael indicated, we are requesting copies of all emails between Andrew McCabe and Jim Comey beginning on October 21, 2016 through and including October 31, 2016. Please let us know if you need any additional information from us relating to this request.

Many thanks for your assistance.

Eric

Eric B. Bruce

[REDACTED] (Washington DC) b6 -3
[REDACTED] (New York) b7C -3

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DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

OFFICE OF PROFESSIONAL RESPONSIBILITY



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-06-2018 BY

NSICG b6 -1
b7C -1

EXCISED COPY

DELETION CODES

- S. PERSONAL IDENTIFYING INFORMATION RELATED TO LAW ENFORCEMENT PERSONNEL AND THEIR FAMILY MEMBERS, THE DISCLOSURE OF WHICH IS ROUTINELY GUARDED FOR SECURITY REASONS.

Message

From: McCabe, Andrew G. (DO) (FBI) [/O=FBI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AGAGMCCA]
Sent: 10/28/2016 2:34:46 PM
To: James B. Comey [/o=FBI/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=jbcomey2]
Subject: RE:

unbelievable

----- Original message -----

From: "James B. Comey" <jcb.dir@ic.fbi.gov>
Date: 10/28/16 10:26 AM (GMT-05:00)
To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Subject: RE:
Also that's the first email I've received containing both the words bilingual and friars.

And please don't stress over it. Best for you and the institution that I sort this out without dragging you in by phone. There are plenty of really awful meetings in your future (and past)

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/28/16 10:23 AM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>
Subject: RE:

Thanks for the note. I feel terrible for not bilingual there to help, but I understand how it may have been better to let you plow through this without me being involved.

Look friars to talking later.

as a side note, my samsung has misteriously lost the ability, or inclination, to put periods and capitalization at the end and beginning of sentences awesome

----- Original message -----

From: "James B. Comey" <jcb.dir@ic.fbi.gov>

Date: 10/28/16 10:20 AM (GMT-05:00)

To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>

Subject:

Hey man. I made the decision I was dealing with late yesterday. [REDACTED]

b6 -1

[REDACTED] I will call you later today to lay out my thinking and the way forward, which I think will make sense to you. Hope the day is good for you [REDACTED]

b7C -1

From: James B. Comey
Sent: Friday, October 21, 2016 6:13 PM
To: McCabe, Andrew G. (DO) (FBI)
Cc: Rybicki, James E. (DO) (FBI); Bowdich, David L. (DO) (FBI)
Subject: RE: Updates

Outstanding. Don't sweat it.

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/21/16 5:59 PM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>
Cc: "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>, "Bowdich, David L. (DO) (FBI)"
Subject: Updates

b6 -1
b7C -1
b7E -4

Boss:

Cyber is closely tracking the DDOS issues we discussed. Boston division is on site with the victim. As of mid-day, they were still attempting to mitigate the second attack. Will provide additional as we get it.

In the more bad news category, Mike K informed me that Devlin Barrett at WSJ is putting together an article claiming I had a conflict of interest on MYR as a result of Jill's campaign connections to Gov. McCauliffe. I will work with mike to provide some basic facts to push back. And, as always, will keep you advised.

I am incredibly sorry for adding to the drama on this.

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation
W [REDACTED]
M [REDACTED] (S)

b6 -1
b7C -1
b7E -4

From: James B. Comey
Sent: Monday, October 24, 2016 1:20 PM
To: McCabe, Andrew G. (DO) (FBI)
Cc: Rybicki, James E. (DO) (FBI)
Subject: RE: FBI Director Lobbied Against Criminal Charges For Hillary After Clinton Insider Paid His Wife \$700,000 | True Pundit

This still reads to me like someone not involved in the investigation at all, maybe somebody who heard rumors (inaccurate) about why John left. There is no way John would say he left because of the investigation, both because he agreed with the way we were handling it and because so many of us know he was

[REDACTED] This strikes me as lower level folks who admire John (which is fine, because I do) telling yarns.

b6 -1
b7C -1

From: McCabe, Andrew G. (DO) (FBI)
Sent: Monday, October 24, 2016 2:37 PM
To: James B. Comey <jcb.dlr@ic.fbi.gov>; Rybicki, James E. (DO) (FBI) <James.Rybicki@ic.fbi.gov>
Subject: FW: FBI Director Lobbied Against Criminal Charges For Hillary After Clinton Insider Paid His Wife \$700,000 | True Pundit

FBI. Heavyweight source.

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation
W [REDACTED]
M [REDACTED]

b6 -1
b7C -1
b7E -4

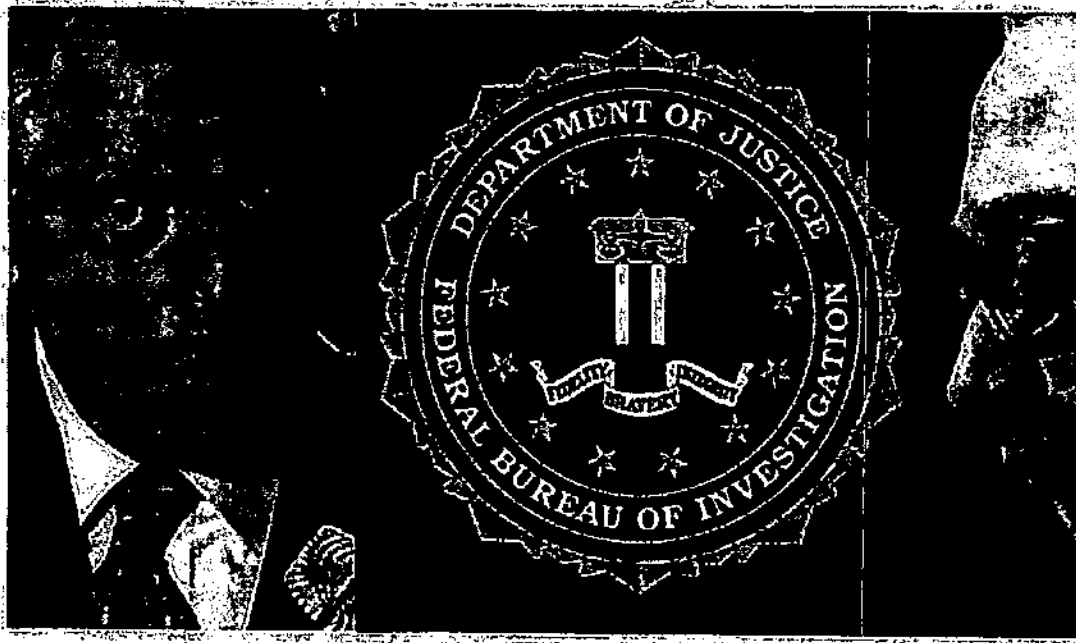
From: Barbra Jill McCabe [REDACTED]
Sent: Monday, October 24, 2016 2:32 PM
To: McCabe, Andrew G. (DO) (FBI) <Andrew.McCabe@ic.fbi.gov>
Subject: FBI Director Lobbied Against Criminal Charges For Hillary After Clinton Insider Paid His Wife \$700,000 | True Pundit

b6 -3
b7C -3

<http://truepundit.com/fbi-director-lobbied-against-criminal-charges-for-hillary-after-clinton-insider-paid-his-wife-700k/>

FBI Director Lobbied Against Criminal Charges For Hillary After Clinton Insider Paid His Wife \$700,000

Featured Political Security



Democratic factions controlled by a Hillary Clinton insider paid the Deputy Director of the FBI's wife almost \$700,000 in campaign funds before the senior FBI official, who was supervising Clinton's investigation, lobbied against charging her criminally, according to records and interviews obtained by True Pundit.

Dr. Jill McCabe was a Virginia state senate candidate in 2015. Longtime Clinton family consigliere and Virginia Gov. Terry McAuliffe, sent her approximately \$675,000 to fund the Democrat hopeful's campaign coffers. Dr. McCabe, a physician, is married to Andrew McCabe, the second in charge of the FBI. Only FBI Director James Comey outranks McCabe.

According to one FBI insider, the McAuliffe-generated campaign funds may have ultimately bought Clinton some strategic breathing room.

"McCabe was one of the few people who backed Comey's decision not to refer Hillary Clinton to the Justice Department for indictment," a FBI source said of the July decision not to refer Clinton for criminal charges for violating email and document safeguards for classified and Top Secret national security intelligence. "McCabe and Comey are both lawyers. They aren't street agents. They're more political. We wanted her (Clinton) indicted. They did not."

The political action group Common Good VA, established by McAuliffe in 2014 to raise political donations, was Dr. McCabe's single largest campaign contributor. According to records obtained by True Pundit, Common Good VA made six different contributions to the spouse of the FBI Deputy Director, including:

- June 9, 2015: \$7,500
- June 19, 2015: \$7,500
- August 31, 2015: \$2,500
- Oct. 1, 2015: \$150,000

- Oct. 27, 2015: \$125,000
- Oct. 29, 2015: \$175,000

Additionally, the Democratic Party of Virginia, controlled by McAuliffe, made the following contributions to Dr. McCabe's campaign:

- Sept. 30, 2015: \$147,961
- Oct. 22, 2015: \$59,827

Gov. McAuliffe has been an important Clinton family insider for decades. During Bill Clinton's presidential candidacy and subsequent reelection, McAuliffe often spearheaded investigations into Clinton critics and helped silence women who alleged Bill Clinton harassed or sexually assaulted them, sources said.

Ironically, McAuliffe is currently under investigation by the FBI for alleged campaign-related finance infractions.

McAuliffe's contributions to Dr. McCabe's campaign match the exact time frame of the FBI's parallel Clinton investigation. No contributions were made prior to the FBI's probe of Clinton. McCabe was overseeing personnel decisions, including assigning agents to the Clinton investigation team, at the FBI's Washington D.C.'s field office when his wife began her 2015 campaign. His wife lost the election after spending an estimated \$1.8 million on the senate run. Three months later, Comey promoted McCabe to FBI Deputy Director in February 2016. The promotion helped fill a very large void created by the retirement of John Giacalone, who was the supervisor of the bureau's National Security Branch and also the FBI brains and genesis behind the Clinton email and private server investigation. Since the inception of the case, Giacalone had spearheaded the Clinton investigation, and helped hand select top agents who were highly skilled but also discreet. Many of those agents were concerned when Giacalone abruptly resigned in the middle of the investigation.

FBI insiders said Giacalone used the term "sideways" to describe the direction the Clinton probe had taken in the bureau. Giacalone lamented privately he no longer had confidence in the direction the investigation was headed. He felt it was simpler to quietly step aside, walk away instead of fight to keep the investigation on its proper track. Giacalone was a true heavyweight agent at FBI. In fact, he likely should have been running the entire show. His pedigree included running and creating FBI divisions in New York, Philadelphia, Washington D.C. and even serving as deputy commander in the Iraqi theater of operations. But in the midst of the Clinton investigation, Giacalone handed the bureau his retirement papers in Feb.

The day after Giacalone's departure in February, Comey tapped McCabe to help oversee the ongoing Clinton case and personally serve "as the eyes and ears" for Comey, sources confirmed. Since early July, Comey has come under intense fire from critics and the majority of Americans who believe he granted Clinton a get-out-of-jail-free card by refusing to refer the case to the Justice Department for a probable slam-dunk indictment on at least one of potential dozens of criminal charges.

Again, McAuliffe is currently under investigation by the FBI for alleged campaign-related finance infractions. However, given what we now know about McAuliffe's infiltration into the finances of state politics linked to the FBI and Clinton, it is likely the FBI's probe is little more than intelligence theater in action, absent any genuine plans to refer the governor's alleged misdeeds for an indictment.

See Also: EXCLUSIVE: FBI Used Agents As Pawns To Insulate Hillary, Aides & Clinton Foundation From Prosecutions

Message

From: McCabe, Andrew G. (DO) (FBI) [/O=FBI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AGAGMCCA]
Sent: 10/23/2016 9:00:45 PM
To: James B. Comey [/o=FBI/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=jbcomey2]; Rybicki, James E. (DO) (FBI) [/o=FBI/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=JERybicki]; Bowdich, David L. (DO) (FBI) [/o=FBI/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=] b6 -1
Subject: Fwd: DIRECTOR'S WEEKEND REPORT 10/23/2016 b7C -1

Boss:

Not too much in the update. The only additional notable news is that Mike K and I spent a good part of the day trying to shape the WSI story on my alleged conflict. Looks like they may try to release it on line tonight. The reporter also called Jill for a comment, so we are working that as well.

I am trying to reach out to Mark G but don't seem to have his cell. If you have it please shoot it my way.

Thanks and see you tomorrow.

----- Original message -----

From: SIOC [REDACTED] b7E -4
Date: 10/23/16 4:40 PM (GMT-05:00)
To: "Bowdich, David L. (DO) (FBI)" [REDACTED] (DO) (FBI)" [REDACTED]
"Castor, Andrew J. (DO) (FBI)" [REDACTED] "Coleman, Randall C. (DO) (FBI)"
<Randall.Coleman@ic.fbi.gov>, [REDACTED] (DO) (FBI)" [REDACTED] "Davis, Paul R. (DO) (FBI)"
[REDACTED] (DO) (FBI)" [REDACTED] "Drolshagen, Rainer S. (DO) (FBI)"
[REDACTED] (DO) (FBI)" [REDACTED] "Hacker, J. C. (CID) (FBI)"
[REDACTED] "Hess, Amy S. (DO) (FBI)" [REDACTED] (CYD) (FBI)"
[REDACTED] "Johnson, David J. (DO) (FBI)" [REDACTED] "Maguire, Jacqueline (BH) (FBI)"
<Jacqueline.Maguire@ic.fbi.gov>, "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>, "Mcdermott, Renae M. (DO) (FBI)" [REDACTED] "Parlave, Valerie (DO) (FBI)" [REDACTED] "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov> [REDACTED]
[REDACTED] (DO) (FBI)" [REDACTED] (IR) (FBI)" [REDACTED] "Steinbach, Michael B. (DO) (FBI)" [REDACTED] "Turgal, James L. (DO) (FBI)" [REDACTED] (IR) (FBI)" [REDACTED]
Subject: DIRECTOR'S WEEKEND REPORT 10/23/2016

b6 -1
b7C -1
b7E -4

ALCON,

**THIS DOCUMENT IS INTERNAL AND MAY NOT BE RELEASED OUTSIDE THE FBI WITHOUT
PRIOR AUTHORIZATION**

Director's Weekend Report:

Criminal, Cyber, Response and Services Branch

CYBER DIVISION

- **Cyber Operations Section III (CyOS III):**
 - o (U) On October 23, 2016, Wikileaks released 708 emails hacked from the personal Gmail account of Clinton Campaign Chair John Podesta. Wikileaks promises to release the remainder of over 50,000 emails taken from Chairman Podesta's account.

Emergency Action Specialist [REDACTED]

Supervisory Special Agent [REDACTED]

Strategic Information & Operations Center (SIOC)

FBI Headquarters, Room 5712

b6 -1
b7C -1
b7E -4

**THIS DOCUMENT IS INTERNAL AND MAY NOT BE RELEASED OUTSIDE THE FBI WITHOUT
PRIOR AUTHORIZATION**

Will, Candice M. (DO) (FBI)

From: [REDACTED] b6 -3
Sent: Monday, March 12, 2018 6:10 PM b7C -3
To: Will, Candice M. (DO) (FBI); Bromwich, Michael R.
Cc: Michael R. Bromwich
Subject: RE: Andrew McCabe: Request for Documents

Very much appreciated. Thank you.

Eric B. Bruce

[REDACTED] (Washington DC) b6 -3
(New York) b7C -3

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From: Will, Candice M. (DO) (FBI) {mailto:[REDACTED]} b6 -1
Sent: Monday, March 12, 2018 6:03 PM b7C -1
To: Eric Bruce [REDACTED] Bromwich, Michael R. [REDACTED] b7E -4
Cc: Michael R. Bromwich [REDACTED]
Subject: RE: Andrew McCabe: Request for Documents

b6 -3
b7C -3

Hey Eric,

Thanks for the email. We are pushing to get you what you need. As I advised Michael, we have four emails thus far from the OIG responsive to your request and we have already provided those to the redaction unit here at HQ to move them along as quickly as possible. We are awaiting word from the OIG, tomorrow morning I hope, as to whether there are other emails. I'll be in touch.

Candice

From: [REDACTED] b6 -3
Sent: Monday, March 12, 2018 3:51 PM b7C -3
To: Will, Candice M. (DO) (FBI) [REDACTED] Bromwich, Michael R. [REDACTED] b6 -1,3
Cc: Michael R. Bromwich [REDACTED] b7C -1,3
Subject: Andrew McCabe: Request for Documents b7E -4

Hi Candice,

I know Michael already orally requested these documents from you, but I also wanted to put our request in writing. As Michael indicated, we are requesting copies of all emails between Andrew McCabe and Jim Comey beginning on October 21, 2016 through and including October 31, 2016. Please let us know if you need any additional information from us relating to this request.

Many thanks for your assistance.

Eric

Eric B. Bruce



Washington DC)
New York)

b6 -3
b7C -3

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Islands | BVI

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Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Monday, March 12, 2018 4:31 PM
To: [REDACTED] b6 -1
Cc: [REDACTED] b7C -1
Subject: FW: Emails
Attachments: McCabe and Comey email chain Oct. 28 2016.pdf; McCabe and Comey email Oct 24 2016.pdf; McCabe email to Comey Oct. 23 2016.pdf; McCabe and Comey email Oct 21 2016.pdf

~~**SENSITIVE INFORMATION**~~

[REDACTED] b6 -1
b7C -1

Here the first 4 emails we need you to review/redact (as appropriate). Thank you.

Candice

Will, Candice M. (DO) (FBI)

From: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Sent: Monday, March 12, 2018 4:30 PM
To: Will, Candice M. (DO) (FBI)
Subject: FW: McCabe email
Attachments: FBI Net Comey McCabe Oct 21 to 31 2016.pdf

Candice,
The additional email received. Working on getting you a POC at ESOC.

Bill

NON RESPONSIVE

DO NOT TURN OVER

Unknown

From: COMEY, JAMES B. (DO) (FBI)
Sent: Monday, October 24, 2016 9:10 AM
To: WILL, CANDICE M. (OPR) (FBI); MCCABE, ANDREW G. (DO) (FBI); BOWDICH, DAVID L. (DO) (FBI); PARLAVE, VALERIE (DO) (FBI); RYBICKI, JAMES E. (DO) (FBI)
Subject: RE: OPR's Bi-Weekly Report for the Director: October 8-21, 2016 --- UNCLASSIFIED//~~FOUO~~

SentinelCaseId: TRANSITORY RECORD

Classification: UNCLASSIFIED//~~FOUO~~

Thanks. Busy time. Unrelated: Chuck Rosenberg tells me he has begun a practice of not closing matters when an employee resigns or retires to avoid an employee who has engaged in misconduct returning to government service without record of a completed investigation. At some point, I would like your thoughts on this.

From: WILL, CANDICE M. (OPR) (FBI)
Sent: Friday, October 21, 2016 4:25 PM
To: COMEY, JAMES B. (DO) (FBI) <JBCOMEY@fbi.sgov.gov>; MCCABE, ANDREW G. (DO) (FBI) <AGMCCABE@fbi.sgov.gov>; BOWDICH, DAVID L. (DO) (FBI) [REDACTED] PARLAVE, VALERIE (DO) (FBI) [REDACTED]; RYBICKI, JAMES E. (DO) (FBI) <JERYBICKI@fbi.sgov.gov>
Subject: OPR's Bi-Weekly Report for the Director: October 8-21, 2016 -- UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1
b7E -4

Classification: UNCLASSIFIED//~~FOUO~~

TRANSITORY RECORD

~~SENSITIVE PERSONNEL INFORMATION - DO NOT FORWARD~~

OPR'S BI-WEEKLY REPORT FOR THE DIRECTOR
October 8-21, 2016

A. New Investigations Involving SES Members or Other Supervisory Personnel (Not Yet Forwarded to OPR):

b2 -1
b5 -3
b6 -1
b7C -1

Will, Candice M. (DO) (FBI)

From: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Sent: Monday, March 12, 2018 3:29 PM
To: Will, Candice M. (DO) (FBI)
Subject: FW: Emails
Attachments: McCabe and Comey email chain Oct. 28 2016.pdf; McCabe and Comey email Oct 24 2016.pdf; McCabe email to Comey Oct. 23 2016.pdf; McCabe and Comey email Oct 21 2016.pdf

Candice,

Attached are 4 email chains that are responsive to your request. Although they are not referenced in our report, they were reviewed by our investigative team in connection with preparing our report.

As you recognize, the OIG does not necessarily have in its possession all emails between McCabe and Comey during the period 10/21-31/2006. In the course of our conducting our ongoing pre-election review, we made several requests for emails of FBI personnel based on search terms, many of which requests had no relation to the investigation that resulted in the McCabe report. The collections that were provided to us by FBI were reviewed and our investigative team identified the attached email chains as warranting their further attention. We are uncertain to what extent we may have other emails between them during the period of your request. The several collections of emails are not readily searchable for emails between McCabe and Comey, or for emails during the period 10/21-31.

We can continue our efforts to review our collections, but it may be that FBI can more readily and exhaustively identify the universe of such emails. Let me know whether you would like us to continue our search of all our collections.

Thanks. Bill

From: Will, Candice M. (DO) (FBI) [mailto:] b6 -1
Sent: Monday, March 12, 2018 1:41 PM b7C -1
To: Blier, William M.(OIG) <wblier@OIG.USDOJ.GOV> b7E -4
Subject: Emails

To be clear, I mean all emails in the OIG's possession pertaining to this matter (e.g., 10/21 McCabe to Comey "in the more bad news category" email).

From: Will, Candice M. (DO) (FBI)
Sent: Monday, March 12, 2018 1:28 PM
To: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Subject: Emails

Bill,

I just left you a v-m msg. McCabe's attorneys have requested, and ODGA has approved, all of the emails between Comey and McCabe from 10/21-31, 2016. The emails will have to be run through the FBI's redaction unit for proper scrubbing (e.g., CHS, classified) so the sooner I can get my hands on them, the better. We will come over to pick them up and deliver them to the redaction unit when you give the word. Thank you.

Candice

b6 -1
b7C -1
b7E -4

Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Tuesday, March 13, 2018 3:49 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Emails

b6 -1
b7C -1

[REDACTED] b6 -1
b7C -1

Round two of the emails from the OIG were just received (30 pp.) and they are completely non-responsive to counsel's request so I will not be producing them to counsel and therefor do not need DPU to review/redact. I will advise as soon as I have received the final round of emails from the OIG. The OIG indicated the final round would be smaller than the last round (so < 30 pp) and they may be equally non-responsive. I'll be in touch. Thank you.

Candice

263D-HQ-



45

b6 -1
b7C -1

Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Tuesday, March 13, 2018 3:37 PM
To: 'Blier, William M.(OIG)'
Subject: RE: emails

Actually, Bill, I just reviewed these 30 pages of emails, many of which are repeated (presumably because they went to both Comey and McCabe), and they have absolutely nothing to do with the pending. Zero. So, I will advise counsel that the 2nd tranche is non-responsive and to standby for the 3rd and final round of emails. Thanks.

From: Will, Candice M. (DO) (FBI)
Sent: Tuesday, March 13, 2018 3:27 PM
To: 'Blier, William M.(OIG)' <William.Blier@usdoj.gov>
Subject: RE: emails

Thanks, Bill. I'll ensure these get over to the redaction unit and I'll stand by for the final small batch of emails as well as your/ODAG's final decision on the Kortan stuff. Candice

From: Blier, William M.(OIG) [mailto:William.Blier@usdoj.gov]
Sent: Tuesday, March 13, 2018 2:36 PM
To: Will, Candice M. (DO) (FBI) [REDACTED]
Subject: emails

b6 -1
b7C -1
b7E -4

Candice,
More unclassified emails resulting from our review of the ESOC materials. I believe we have one more small batch to review to complete this process.

Thanks. Bill

Will, Candice M. (DO) (FBI)

From: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Sent: Tuesday, March 13, 2018 2:36 PM
To: Will, Candice M. (DO) (FBI)
Subject: emails
Attachments: Scanned from a Xerox Multifunction Device.pdf

Candice,

More unclassified emails resulting from our review of the ESOC materials. I believe we have one more small batch to review to complete this process.

Thanks. Bill

Unknown

From: COMEY, JAMES B. (DO) (FBI)
Sent: Thursday, October 27, 2016 8:18 AM
To: MCCABE, ANDREW G. (DO) (FBI)
Subject: RE: PAR Scores --- UNCLASSIFIED

SentinelCaseId: TRANSITORY RECORD

Classification: UNCLASSIFIED

=====

TRANSITORY RECORD

Well done.

From: MCCABE, ANDREW G. (DO) (FBI)
Sent: Wednesday, October 26, 2016 8:37 PM
To: FBI_SAC's <FBI_SAC's@fbinet.fbi>; COMEY, JAMES B. (DO) (FBI) <JBCOMEY@fbi.sgov.gov>
Cc: STEINBACH, MICHAEL B. (DO) (FBI) <MBSTEINBACH@fbi.sgov.gov>; COLEMAN, RANDALL C. (DO) (FBI) <RCCOLEMAN@FBI.SGOV.GOV>; TURGAL, JAMES L. (DO) (FBI) <JLTURGAL@fbi.sgov.gov>; HESS, AMY S. (DO) (FBI) <[REDACTED]>; PIEHOTA, CHRISTOPHER M. (TSC) (FBI) <[REDACTED]>; SKULE, JOSHUA (DO) (FBI) <[REDACTED]>; PARLAVE, VALERIE (DO) (FBI) <[REDACTED]>
Subject: PAR Scores --- UNCLASSIFIED

b6 -1
b7C -1
b7E -4

Classification: UNCLASSIFIED

=====

TRANSITORY RECORD

Folks:

As promised in today's SVTC, I want to give some context to the PAR scores you received last week. [REDACTED]

[REDACTED]

[REDACTED]

b2 -1
b6 -1
b7C -1

b2 -1
b6 -1
b7C -1

b2 -1
b6 -1
b7C -1

b2 -1
b6 -1
b7C -1

Sorry for the long email, but I want you all to understand the way that I think about these issues, as well as the facts and circumstances that have impacted this year's scores and bonuses. I am happy to discuss in greater detail with anyone who wishes to chat.

Most importantly, thanks for the incredible job this year.

Best,

AM

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation

b6 -1
b7C -1
b7E -4

=====

Classification: UNCLASSIFIED

=====

Classification: UNCLASSIFIED

Unknown

From: MCCABE, ANDREW G. (DO) (FBI)
Sent: Wednesday, October 26, 2016 8:37 PM
To: FBI_SAC's; COMEY, JAMES B. (DO) (FBI)
Cc: STEINBACH, MICHAEL B. (DO) (FBI); COLEMAN, RANDALL C. (DO) (FBI); TURGAL, JAMES L. (DO) (FBI); HESS, AMY S. (DO) (FBI); PIEHOTA, CHRISTOPHER M. (TSC) (FBI); SKULE, JOSHUA (DO) (FBI); PARLAVE, VALERIE (DO) (FBI)
Subject: PAR Scores --- UNCLASSIFIED
SentinelCaseId: TRANSITORY RECORD

Classification: UNCLASSIFIED
=====

TRANSITORY RECORD

Folks:

As promised in today's SVTC, I want to give some context to the PAR scores you received last week [REDACTED]

b2 -1
b6 -1
b7C -1

b2 -1
b6 -1
b7C -1

b2 -1
b6 -1
b7C -1

b2 -1
b6 -1
b7C -1

Sorry for the long email, but I want you all to understand the way that I think about these issues, as well as the facts and circumstances that have impacted this year's scores and bonuses. I am happy to discuss in greater detail with anyone who wishes to chat.

Most importantly, thanks for the incredible job this year.

Best,

AM

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation

b6 -1
b7C -1
b7E -4

=====
Classification: UNCLASSIFIED

Unknown

From: COMEY, JAMES B. (DO) (FBI)
Sent: Wednesday, October 26, 2016 4:30 PM
To: WILL, CANDICE M. (OPR) (FBI); MCCABE, ANDREW G. (DO) (FBI); BOWDICH, DAVID L. (DO) (FBI); PARLAVE, VALERIE (DO) (FBI); RYBICKI, JAMES E. (DO) (FBI)
Subject: RE: OPR Adjudications of Retired/Resigned Employees --- UNCLASSIFIED//~~FOUO~~
SentinelCaseId: TRANSITORY RECORD

Classification: UNCLASSIFIED//~~FOUO~~
=====

Thanks. Val [REDACTED]

b2 -1
b5 -3

[REDACTED]
[REDACTED] Thanks.

From: WILL, CANDICE M. (OPR) (FBI)
Sent: Tuesday, October 25, 2016 4:08 PM
To: COMEY, JAMES B. (DO) (FBI) <JBCOMEY@fbi.sgov.gov>; MCCABE, ANDREW G. (DO) (FBI) <AGMCCABE@fbi.sgov.gov>; BOWDICH, DAVID L. (DO) (FBI) [REDACTED]; PARLAVE, VALERIE (DO) (FBI) [REDACTED]; RYBICKI, JAMES E. (DO) (FBI) <JERYBICKI@fbi.sgov.gov>
Subject: OPR Adjudications of Retired/Resigned Employees --- UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1
b7E -4

Classification: UNCLASSIFIED//~~FOUO~~
=====

TRANSITORY RECORD

Director Comey:

You requested my thoughts on whether, when an employee resigns or retires during the pendency of an OPR proceeding, we should nevertheless complete the adjudication. [REDACTED]

b2 -1
b5 -3

[REDACTED]

b2 -1
b5 -3

[Redacted]

b2 -1
b5 -3

[Redacted]

b2 -1
b5 -3

[Redacted]

b2 -1
b5 -3

[Redacted]

b2 -1
b5 -3

Bottom line is we will do whatever you think is best.

[Redacted]

b2 -1
b5 -3

[Redacted]

Candice

=====
Classification: UNCLASSIFIED//~~FOUO~~

=====
Classification: UNCLASSIFIED//~~FOUO~~

Unknown

From: COMEY, JAMES B. (DO) (FBI)
Sent: Wednesday, October 26, 2016 12:56 PM
To: BITKO, GORDON D. (DO) (FBI); HESS, AMY S. (DO) (FBI); BOWDICH, DAVID L. (DO) (FBI); MCCABE, ANDREW G. (DO) (FBI); RYBICKI, JAMES E. (DO) (FBI); [REDACTED] (IP) (FBI); TEMIN, HAYDEN S. (RPO) (FBI); SKULE, JOSHUA (DO) (FBI); PARLAVE, VALERIE (DO) (FBI); BEAN, W. L. (ITD) (FBI); STEINBACH, MICHAEL B. (DO) (FBI); SWEENEY, WILLIAM F. (NY) (FBI); ABBATE, PAUL (WF) (FBI)
Cc: TURGAL, JAMES L. (DO) (FBI); PIEHOTA, CHRISTOPHER M. (TSC) (FBI)
Subject: Thoughts on Stewardship self-eval --- UNCLASSIFIED

SentinelCaseId: TRANSITORY RECORD

b6 -1
b7C -1

Classification: UNCLASSIFIED
=====

TRANSITORY RECORD

Team:

I was reflecting on our conversation yesterday about the Stewardship strategic objective. I couldn't quite put into coherent words my sense that the consensus grade was too low, but I think I can now.

I worry that the current grade is over-weighting the non-personnel side of our budget. That is, I share the concern that we are not being sufficiently strategic on our tech spend, etc., but I think we are very thoughtful and strategic about how we spend the more than 60% of our budget that is personnel. For example, the TRP process drives what our people work on, and our risk tools and models drive the allocation of people across our offices. This has always struck me as a model of thoughtful and strategic stewardship of personnel resources, one that places like DEA are trying to emulate.

If I am right that the concerns about strategic allocations are primarily focused on the minority of our budget, are we really a 2/10 in the current state? My reaction is that we are better than that. I would guesstimate that we are an 8 when it comes to strategic personnel deployment and a 2 when it comes to strategic non-personnel spend, which nets to something like 5.5 given their weights. Our goal is to be great across the entire budget, which would get us to a 10, but that's why I was a little stuck on the current rating.

No need to reply here, but maybe we can chew on it a bit next time we are together.

JBC

=====
Classification: UNCLASSIFIED

Unknown

From: MCCABE, ANDREW G. (DO) (FBI)
Sent: Monday, October 24, 2016 5:29 PM
To: FBI ADs and EADs
Subject: Office of National Policy (ONP) Update --- UNCLASSIFIED
Attachments: IPC Reporting Template.docx

SentinelCaseId: TRANSITORY RECORD

Classification: UNCLASSIFIED
=====

TRANSITORY RECORD

EADs and ADs,

I want to make you aware of how we recently updated the mission of the Office of National Policy (ONP), and what this means for you. We are making changes to this office in order to better identify and address important policy issues that are brewing at the White House.

In the past, the ONP focused its energy on a handful of the FBI's priority issues, e.g. Going Dark. In the future, the ONP will more comprehensively track all meetings that the FBI attends at the White House. In particular, the ONP will prioritize tracking all Interagency Policy Committee (IPC) meetings and other IPC-level meetings.

In order to meet this objective, the ONP will reassign its staff by branch and division in order to work closely with the folks who already handle White House policy in each branch and division. ONP's staff will be reaching out to your folks soon to introduce themselves.

To be clear, although the ONP will play an important tracking role for all meetings and may provide valuable advice on policy matters, they will not take over a division's responsibility to cover their own respective policy issues. Bottom line: you will still own your policy issues, and the ONP will help you address, coordinate and communicate them back to senior leadership.

To accomplish this efficiently and consistently, I have asked the ONP to collect from each branch or division a one-page written summary each time you cover an IPC or IPC level meeting. The ONP has created a helpful template to facilitate this process and to ensure a level of consistency. The template is designed to be informative, but brief and easy to complete. Please have the summaries submitted by the end of the next business day following the IPC. You can submit them to

b7E -4

<<IPC Reporting Template.docx>>

Please let me know if there are any questions or concerns.

Thanks,

Andy

=====
Classification: UNCLASSIFIED

Will, Candice M. (DO) (FBI)

From: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Sent: Wednesday, March 14, 2018 8:35 AM
To: Will, Candice M. (DO) (FBI)
Subject: Kortan materials
Attachments: 1b AD Kortan (2) SSS.pdf; [redacted] Notes (Kortan Aug 17 2017).pdf; [redacted] Notes (Kortan Aug 18 2017).pdf; [redacted] Notes (Kortan Aug 16 2017).pdf; [redacted] Notes (Kortan Aug 18 2017).pdf; [redacted] Notes (Kortan Aug 16 2017).pdf; Kortan, Michael (12-22-17).pdf; 1b AD Kortan DRAFT (2) SSS unsigned.pdf; Kortan, Michael (12-22-17) EXHIBITS.PDF

b6 -1
b7C -1

Candice,
We received the green light from ODAG this morning to forward these materials to you.

Thanks. Bill

263D-HQ



416

b6 -1
b7C -1

Will, Candice M. (DO) (FBI)

From: Schools, Scott (ODAG) <Scott.Schools@usdoj.gov>
Sent: Wednesday, March 14, 2018 8:09 AM
To: Will, Candice M. (DO) (FBI)
Subject: Kortan

Candace:

I have asked Bill to forward the materials re Kortan to you for distribution to Andy and his counsel. Thanks.

SS

Will, Candice M. (DO) (FBI)

From: Michael Bromwich [redacted]
Sent: Tuesday, March 13, 2018 3:50 PM
To: Schools, Scott (ODAG) (JMD)
Cc: Will, Candice M. (DO) (FBI); Bromwich, Michael R.; [redacted] b6 -3
Subject: Re: RE: Re: b7C -3

Scott,

Kortan was one of the three people involved in the key events that are at the core of the allegations against McCabe. He is referred to extensively in McCabe's testimony and in Lisa Page's testimony. In addition, the transcript of [redacted] testimony refers to Kortan's apparent failure, some months later, to recall the events surrounding the contacts with the Wall Street Journal reporter in October 2016, which is directly relevant to McCabe's defense against the alleged violations of FBI rules. b6 -2 b7C -2

The transcripts would also likely bear out our argument that McCabe never made any contact with Kortan in order to "get their stories straight," which supports the arguments that McCabe's statements were the product of confusion and honest failures to recall the facts rather than any attempt to deceive.

Please let us know if you need anything further.

MRB

On Tue, Mar 13, 2018 at 3:32 PM, Schools, Scott (ODAG) <Scott.Schools@usdoj.gov> wrote:

Michael and Eric:

I understand you have requested the Kortan transcripts that were not part of the documents Ms. Will reviewed prior to her proposal. Typically, in the disciplinary process, the employee is entitled to only what the proposing official (Ms. Will) reviewed. However, in considering your request for the Kortan transcript or transcripts, it would be helpful to know on what issues that are in dispute you think the transcript would shed light. I am at my desk for a call or you can send me an email. Thanks.

Scott

From: Michael Bromwich [mailto:[redacted]] b6 -3
Sent: Friday, March 9, 2018 10:49 AM b7C -3
To: Will, Candice M. (DO) (FBI); [redacted] b6 -1
Cc: Bromwich, Michael R.; [redacted] Schools, Scott (ODAG) b7C -1
<sschools@jmd.usdoj.gov> b7E -4
Subject: Re: RE: Re: b6 -3 b7C -3

Understood. Eric and I are tied up on calls longer than we anticipated. We will likely be there closer to 11:30 than 11.

MRB

On Thu, Mar 8, 2018 at 6:27 PM, Will, Candice M. (DO) (FBI) [REDACTED] wrote:

b6 -1
b7C -1
b7E -4

Michael and Eric,

Please be advised that FBI policy prohibits you from bringing a laptop into our space and also does not permit photocopying or photographing of FBI files, including 263 (disciplinary) files. I mention it to avoid any bumps in the road tomorrow morning. See you then.

Candice

----- Original message -----

From: "Bromwich, Michael R." [REDACTED]

b6 -3
b7C -3

Date: 3/8/18 5:36 PM (GMT-05:00)

To: "Will, Candice M. (DO) (FBI)" [REDACTED]

b6 -1
b7C -1
b7E -4

Cc: [REDACTED] "Schools, Scott (ODAG) (JMD)" <Scott.Schools@usdoj.gov>, "Michael R. Bromwich" [REDACTED]

b6 -3
b7C -3

Subject: Re: RE: Re:

Candice, both Eric and I have pre-existing commitments in the early morning. We will be there around 11 am. Ask for you?

Scott, I will call you shortly.

MRB

On Mar 8, 2018, at 10:41 AM, Will, Candice M. (DO) (FBI) [REDACTED] wrote:

b6 -1
b7C -1
b7E -4

6am - 7pm tomorrow and Mon. If you need other hours, Michael, let me know and I'll see what I can do.

----- Original message -----

From: "Bromwich, Michael R." [REDACTED]
Date: 3/8/18 10:29 AM (GMT-05:00)
To: "Will, Candice M. (DO) (FBI)" [REDACTED]
Cc: [REDACTED], "Schools, Scott (ODAG) (JMD)"
<Scott.Schools@usdoj.govmailto:Scott.Schools@usdoj.gov>, "Michael R. Bromwich"
[REDACTED]
Subject: Re: RE: Re:

b6 -3
b7C -3

b6 -1
b7C -1
b7E -4
b6 -3
b7C -3

Candice, until what time will the materials be available tomorrow? And then resuming Monday morning? I have other commitments and I'm sure Eric does too, and as you know we didn't know the timing of this until last night.

MRB

On Mar 8, 2018, at 10:16 AM, Will, Candice M. (DO) (FBI)

[REDACTED] > wrote:

b6 -1
b7C -1
b7E -4

File review can begin anytime you like tomorrow. I am in early on Fridays.

----- Original message -----

From: "Will, Candice M. (DO) (FBI)" [REDACTED]
Date: 3/8/18 10:14 AM (GMT-05:00)
To: [REDACTED] "Bromwich, Michael R."
[REDACTED]
>>
Cc: "Schools, Scott (ODAG) (JMD)"
<Scott.Schools@usdoj.govmailto:Scott.Schools@usdoj.gov><mailto:Scott.Schools@usdoj.gov>, "Michael R. Bromwich"
[REDACTED]
[REDACTED]
Subject: Re: RE: Re:

b6 -1
b7C -1
b7E -4

b6 -3
b7C -3

b6 -3
b7C -3

b6 -3
b7C -3

Michael:

As noted in a prior email, the package was not delivered. We're good there.

We are delivering our packages to you now at the addresses you both have approved. At your request, your package, Michael, will include a separate envelope marked for your client. (With rare exception, we do not transmit our materials electronically.)

The file will be available at our offices: The Woodies Bldg, 1025 F Street NW, Suite 410, Wash DC 20004.

Candice

----- Original message -----

From: [REDACTED]
Date: 3/8/18 10:02 AM (GMT-05:00)
To: "Bromwich, Michael R."

b6 -3
b7C -3

>>
Cc: "Will, Candice M. (DO) (FBI)" [REDACTED], "Schools, Scott (ODAG) (JMD)"
<Scott.Schools@usdoj.gov> <mailto:Scott.Schools@usdoj.gov> <mailto:Scott.Schools@usdoj.gov>>, "Michael R. Bromwich"

b6 -1
b7C -1
b7E -4

[REDACTED]
[REDACTED]
Subject: Re: RE: Re:

b6 -3
b7C -3

My address is correct, thank you.

Eric

Eric B. Bruce

[REDACTED] (Washington DC)
(New York)

b6 -3
b7C -3

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On Mar 8, 2018, at 9:58 AM, Bromwich, Michael R.

b6 -3
b7C -3

[REDACTED] wrote:

Candice:

As to #2, yes, that's our preference for retrieving the package so it doesn't fall into the wrong hands.

As to #3, if it's this morning before noon, the Bromwich Group address. I'll leave word at the reception desk at 1776 K Street. If it's not until this afternoon, the Robbins Russell address. Eric can confirm whether the address you have for him is correct. Please either include a copy of our client's letter in the package you deliver to us, or send it to us electronically.

As to #4, when and where will the materials be made available?

Thank you.

MRB

From: Will, Candice M. (DO) (FBI) [mailto:[REDACTED]]
Sent: Thursday, March 08, 2018 9:13 AM
To: Bromwich, Michael R.
Cc:

b6 -1
b7C -1
b7E -4

[redacted]; Schools, Scott (ODAG) (JMD); Michael R. Bromwich

Subject: Re:

Michael:

1. Thank you.

2. The contents of his package are the same as the contents of your package. The letter is inside an envelope inside a FedEx mailer sent to your client's home address. We will contact FedEx to request that the envelope not be delivered. If it already has been delivered, I will send one of my Agents to retrieve it. Is that your preference?

3. This morning, I am having the package hand-delivered to Eric at Kobre & Kim, 1919 M Street NW, Wash DC 20036, [redacted] and to you at The Bromwich Group, 1776 K Street, Wash DC 20006, (202) 682-4267, unless you would prefer Robbins Russell, 1801 K Street NW #411L, Wash DC 20006, (202) 775-4500.

b6 -3
b7C -3

4. The package contains a single letter. FBI OPR's file is, rough estimate, 1000 pages, which includes approx'ly 200 pages of FBI OPR precedent case descriptions (how we decided prior cases under the same FBI Offense Codes), as well as Comey's congressional testimony (cited by the OIG), CFRs, the FBI's Media Policy, our proposed action (the single letter you will be receiving today), our Report of Investigation, the OIG's final report, your proposed response to the OIG's draft report.

5. Yes.

6. It is a DAG Memorandum dated May 27, 2008. It is contained in FBI OPR's file being made available to you tomorrow morning.

7. Thank you.

Thank you.

Candice

----- Original message -----

From: "Bromwich, Michael R."

[redacted]

b6 -3
b7C -3

Date: 3/8/18 8:31 AM (GMT-05:00)

To: "Will, Candice M. (DO) (FBI)"

[redacted]

b6 -1
b7C -1
b7E -4

Cc:

[redacted] "Schools, Scott (ODAG) (JMD)"

b6 -3
b7C -3

<Scott.Schools@usdoj.gov><mailto:Scott.Schools@usdoj.gov><mailto:Scott.Schools@usdoj.gov>>, "Michael R. Bromwich"

[redacted]

b6 -3
b7C -3

Subject: Re:

Candice:

1. Attached is my executed NDA.

2. Our client is out of town, so he will not promptly receive the package you delivered to his home. If the contents of

his package are the same as ours, please advise us and we will make a copy and transmit it to him. In any event, because I assume the contents of the package are sensitive, I suggest you direct that the package be retrieved.

3. Please confirm the addresses to which you plan to deliver the packages to Eric Bruce and me.
4. Please advise in general terms the contents of the package and the volume and type of materials that will be available for our review starting tomorrow morning, and where they will be made available. Our client is out of town and will not be able to review the materials starting tomorrow.
5. Please advise whether the OIG provided you with the written submission Mr. Bruce submitted in response to the draft OIG report.
6. Please provide the DOJ/FBI protocol that assigns this matter to the DAG rather than the FBI.
7. We will be in touch with Scott Schools later today.

Thank you.

MRB

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Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Tuesday, March 13, 2018 7:47 AM
To: Blier, William M.(OIG)
Subject: Request for Additional Materials

Bill,

This morning counsel requested "any and all documents relating to Michael Kortan that are relevant to this matter, including but not limited to signed sworn statements, notes of interviews with him by the Inspections Division, and transcripts of OIG interviews." Please advise. Thank you.

Candice

Will, Candice M. (DO) (FBI)

From: Michael Bromwich [redacted] b6 -3
Sent: Tuesday, March 13, 2018 7:44 AM b7C -3
To: Will, Candice M. (DO) (FBI)
Cc: [redacted] Bromwich, Michael R. b6 -3
Subject: Re: Andrew McCabe: Request for Documents b7C -3

Thank you.

MRB

On Tue, Mar 13, 2018 at 7:42 AM, Will, Candice M. (DO) (FBI) <[redacted]> wrote: b6 -1
b7C -1
b7E -4

Let me see what I can do, Michael.

From: Michael Bromwich [mailto:[redacted]] b6 -3
Sent: Tuesday, March 13, 2018 7:40 AM b7C -3
To: Will, Candice M. (DO) (FBI) [redacted] b6 -1
Cc: [redacted] Bromwich, Michael R. [redacted] b7C -1
Subject: Re: Andrew McCabe: Request for Documents b7E -4
b6 -3
b7C -3

Candice,

I did not see any materials reflecting interviews of Michael Kortan, the former head of the FBI's Office of Public Affairs, even though he was directly involved in the events at the core of the charges against Mr. McCabe. We request any and all documents relating to Mr. Kortan that are relevant to this matter, including but not limited to signed sworn statements, notes of interviews with him by the Inspections Division, and transcripts of OIG interviews.

Thanks very much.

MRB

On Mon, Mar 12, 2018 at 6:03 PM, Will, Candice M. (DO) (FBI) <[redacted]> wrote: b6 -1
b7C -1
b7E -4

Hey Eric,

Thanks for the email. We are pushing to get you what you need. As I advised Michael, we have four emails thus far from the OIG responsive to your request and we have already provided those to the redaction unit here at HQ to move them along as quickly as possible. We are awaiting word from the OIG, tomorrow morning I hope, as to whether there are other emails. I'll be in touch.

Candice

From: [REDACTED]

b6 -3
b7C -3

Sent: Monday, March 12, 2018 3:51 PM

To: Will, Candice M. (DO) (FBI) [REDACTED] Bromwich, Michael R [REDACTED]

b6 -1,3
b7C -1,3
b7E -4

Cc: Michael R. Bromwich [REDACTED]

Subject: Andrew McCabe: Request for Documents

Hi Candice,

I know Michael already orally requested these documents from you, but I also wanted to put our request in writing. As Michael indicated, we are requesting copies of all emails between Andrew McCabe and Jim Comey beginning on October 21, 2016 through and including October 31, 2016. Please let us know if you need any additional information from us relating to this request.

Many thanks for your assistance.

Eric

Eric B. Bruce

 (Washington DC)

b6 -3
b7C -3

(New York)

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From: James B. Comey
Sent: Monday, October 31, 2016 9:46 PM
To: Rybicki, James E. (DO) (FBI); Kortan, Michael P. (DO) (FBI); McCabe, Andrew G. (DO) (FBI)
Subject: RE: Press

Meant to copy you guys.

----- Original message -----

From: "James B. Comey" <jcb.dir@ic.fbi.gov>
Date: 10/31/16 9:36 PM (GMT-05:00)
To: "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>
Subject: RE: Press

What? Do they think we are idiots?

----- Original message -----

From: "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>
Date: 10/31/16 9:33 PM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>, "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Cc: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: Press

FYI - DOJ called to say that they were asked to comment on the AG's "pull-aside" with the Director this morning. They apparently had some precise level of detail. They insist that this did not come from DOJ.

From: McCabe, Andrew G. (DO) (FBI)
Sent: Monday, October 31, 2016 9:57 PM
To: Rybicki, James E. (DO) (FBI); James B. Comey
Cc: Kortan, Michael P. (DO) (FBI)
Subject: RE: Press

Who called on this? The more I think about this the more angry I get. By my count it was you, me, the D, Carl and Mike. Really? Are you kidding me?

----- Original message -----

From: "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>
Date: 10/31/16 9:33 PM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>, "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Cc: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: Press

FYI - DOJ called to say that they were asked to comment on the AG's "pull-aside" with the Director this morning. They apparently had some precise level of detail. They insist that this did not come from DOJ.

From: James B. Comey
Sent: Sunday, October 30, 2016 10:31 PM
To: Rybicki, James E. (DO) (FBI); McCabe, Andrew G. (DO) (FBI); Bowdich, David L. (DO) (FBI)
Subject: Fwd: Monday schedule

----- Original message -----

From: "James B. Comey" <jcb.dir@ic.fbi.gov>
Date: 10/30/16 10:30 PM (GMT-05:00)
To: "Carlisle, Elizabeth (JMD)" <Elizabeth.Carlisle@usdoj.gov>
Subject: RE: Monday schedule

Sounds good. I'll be at SIOC.

----- Original message -----

From: "Carlisle, Elizabeth" <Elizabeth.Carlisle@usdoj.gov>
Date: 10/30/16 9:17 PM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>
Subject: Monday schedule

Good evening Jim,
I'd like to meet with you tomorrow morning after SIOC.
If your schedule has you elsewhere, then let's find a time to sit down together tomorrow.
Thanks.
AG

Sent from my iPhone

From: James B. Comey
Sent: Sunday, October 30, 2016 7:37 PM
To: McCabe, Andrew G. (DO) (FBI)

Will call you about 9. Sorry for delay but don't want to to chat while I'm in car.

From: James B. Comey
Sent: Saturday, October 29, 2016 6:49 PM
To: McCabe, Andrew G. (DO) (FBI)
Subject: RE: DIRECTOR'S WEEKEND REPORT 10/29/2016

Thanks man. I suck [REDACTED] Safe travels and will talk when you are back.

b6 -1
b7C -1

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/29/16 6:44 PM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>
Subject: Fwd: DIRECTOR'S WEEKEND REPORT 10/29/2016

Boss:

Update below.

I am waiting on a flight back to VA. Available and local tomorrow if you need anything or wish to speak

I hope your day wasn't too destroyed by current events.

AM

----- Original message -----

From: SIOC [REDACTED] b7E -4
Date: 10/29/16 5:01 PM (GMT-05:00)
To: "Bowdich, David L. (DO) (FBI)" [REDACTED] (DO) (FBI)"
[REDACTED] "Castor, Andrew J. (DO) (FBI)" [REDACTED] "Coleman,
Randall C. (CD) (FBI)" <Randall.Coleman@ic.fbi.gov> [REDACTED] (DO) (FBI)"
[REDACTED] "Davis, Paul R. (DO) (FBI)" [REDACTED] (DO)
(FBI)" [REDACTED] "Drolshagen, Rainer S. (DO) (FBI)" [REDACTED]
[REDACTED] (DO) (FBI)" [REDACTED] "Hacker, J. C. (CID) (FBI)"
[REDACTED] "Hess, Amy S. (DO) (FBI)" [REDACTED] (CYD) (FBI)"
[REDACTED] "Johnson, David J. (DO) (FBI)" [REDACTED] "Maguire,
Jacqueline (BH) (FBI)" [REDACTED] "McCabe, Andrew G. (DO) (FBI)"
<Andrew.McCabe@ic.fbi.gov>, "Mcdermott, Renae M. (DO) (FBI)" [REDACTED]
"Parlave, Valerie (DO) (FBI)" [REDACTED] "Rybicki, James E. (DO) (FBI)"

b6 -1
b7C -1
b7E -4

<James.Rybicki@ic.fbi.gov>

(DO) (FBI)"

(IR) (FBI)"

"Steinbach,

Michael B. (DO) (FBI)"

"Turgal, James L. (DO) (FBI)"

(IR) (FBI)"

b6 -1
b7C -1
b7E -4

Subject: DIRECTOR'S WEEKEND REPORT 10/29/2016

ALCON,

THIS DOCUMENT IS INTERNAL AND MAY NOT BE RELEASED OUTSIDE THE FBI WITHOUT PRIOR AUTHORIZATION

Director's Weekend Report:

Criminal, Cyber, Response and Services Branch

CYBER DIVISION

(U) Cyber Operations Section III (CyOS III):

(U) On 10/29/2016, WikiLeaks released 596 emails in Part 22 of its Podesta release, bringing the total emails released so far to 36,190.

National Security Branch

COUNTERTERRORISM DIVISION

Adrian Apodaca:

On 28 October 2016, at approximately 4:40 pm, Apodaca was arrested without incident in Valdosta, Georgia by FBI AT SWAT.

Following the arrest, Apodaca was transported to FBI AT, Valdosta RA to be processed. Apodaca requested legal representation and no interview was conducted. Apodaca's initial appearance is scheduled for Monday, 31 October 2016, in Valdosta, GA, in the Middle District of Georgia.

During the trip from Davie, Florida to Valdosta, Georgia, Apodaca did not confess to his alleged involvement in the Albuquerque, New Mexico murders. He spoke only generically about a crossbow as a way to kill someone and did not make a specific admission. After review by FBI MM, all relevant audio and video recordings from the operation will be provided to Bernalillo Police Department (New Mexico), pursuant to the state murder investigation.

Information and Technology Branch

b7E -4

Emergency Action Specialist

Unit Chief

b6 -1
b7C -1

Strategic Information & Operations Center (SIOC)
FBIHQ, Room 5712

b6 -1
b7C -1
b7E -4

**THIS DOCUMENT IS INTERNAL AND MAY NOT BE RELEASED OUTSIDE THE FBI WITHOUT
PRIOR AUTHORIZATION**

From: James B. Comey
Sent: Friday, October 28, 2016 7:13 PM
To: Baker, James A. (OGC) (FBI); Strzok, Peter P. (CD) (FBI); Moffa, Jonathan C. (CD) (FBI); Priestap, E. W. (CD) (FBI); [REDACTED] (OGC) (FBI); Anderson, Trisha B. (OGC) (FBI); Bowdich, David L. (DO) (FBI); McCabe, Andrew G. (DO) (FBI); Page, Lisa C. (OGC) (FBI); Rybicki, James E. (DO) (FBI); Steinbach, Michael B. (DO) (FBI)
Subject: Thanks

b6 -1
b7C -1

Team:

Thank you for your professionalism, intelligence, candor, decency, and incredible hard work. I don't love being in this spot but there is no group I would rather be in it with (if I may end that in a preposition -- I did go to a state school after all).

JBC

From: James B. Comey
Sent: Thursday, October 27, 2016 7:13 AM
To: McCabe, Andrew G. (DO) (FBI); Rybicki, James E. (DO) (FBI); Bowdich, David L. (DO) (FBI);
Page, Lisa C. (OGC) (FBI)
Subject: RE: MYR

Copy.

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/27/16 5:20 AM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>, "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>, "Bowdich, David L. (DO) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED]

b6 -1
b7C -1
b7E -4

Subject: MYR

Boss

The MYR team has come across some additional actions they believe they need to take. I think we should probably gather today to discuss implications if you have any space on your calendar. I am happy to join by phone.

Will push to Lisa and Jim to coordinate if you are good

From: James B. Comey
Sent: Monday, October 24, 2016 9:36 PM
To: Rybicki, James E. (DO) (FBI); McCabe, Andrew G. (DO) (FBI)
Subject: RE: NYT: Justice Dept. Replaces Investigators on Eric Garner Case

Thanks.

----- Original message -----

From: "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>
Date: 10/24/16 9:10 PM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>, "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Subject: Fwd: NYT: Justice Dept. Replaces Investigators on Eric Garner Case

Justice Dept. Replaces Investigators on Eric Garner Case
October 24, 2016

By MATT APUZZO, ADAM GOLDMAN and WILLIAM K. RASHBAUM

The Justice Department has replaced the New York team of agents and lawyers investigating the death of Eric Garner <<http://nyti.ms/1GEerSm>>, officials said, a highly unusual shake-up that could jump-start the long-stalled case and put the government back on track to seek criminal charges.

Mr. Garner, 43, died in 2014 on a Staten Island street corner, where two police officers confronted him and accused him of selling untaxed cigarettes. One of the officers, Daniel Pantaleo, was seen on a video using a chokehold, prohibited by the New York Police Department <http://topics.nytimes.com/top/reference/timestopics/organizations/n/new_york_city_police_department/index.html?inline=nyt-org>, to subdue him. Mr. Garner's last words, "I can't breathe," became a rallying cry for protesters around the country.

Federal authorities have been investigating whether officers violated Mr. Garner's civil rights in his fatal encounter with the police. But the case had been slowed <<http://www.nytimes.com/2016/07/12/nyregion/with-prosecutors-at-odds-us-inquiry-into-eric-garners-death-draws-on.html>> by a dispute because federal prosecutors and Federal Bureau of Investigation <http://topics.nytimes.com/top/reference/timestopics/organizations/f/federal_bureau_of_investigation/index.html?inline=nyt-org> officials in New York opposed bringing charges, while prosecutors with the Civil Rights Division at the Justice Department in Washington argued there was clear evidence to do so.

Attorney General Loretta E. Lynch, who as the United States attorney for the Eastern District of New York oversaw the beginning of the federal inquiry before her appointment to Washington, has been considering for months how to proceed.

In recent weeks, the F.B.I. agents who have been investigating the case were replaced with agents from outside New York, according to five federal officials in New York and Washington. Federal prosecutors in Brooklyn are no longer assigned to the case. It is not clear whether civil rights prosecutors from Washington will work alone in presenting evidence to a grand jury in Brooklyn and in trying the case if charges are eventually brought.

The officials who described the reorganization did so on the condition of anonymity because they were not authorized to discuss it publicly.

Mr. Garner's death, followed by the fatal police shooting of Michael Brown in Ferguson, Mo., and several other high-profile deadly police encounters across the country, prompted nationwide protests over how and when officers use force, particularly against black men. Though the Justice Department has required police departments to stop unconstitutional practices and retrain officers, it has rarely brought charges against individual officers.

To do so in the Garner case, prosecutors must persuade a grand jury that a crime occurred. Normally, that is all but guaranteed and an indictment follows. But Officer Pantaleo's testimony helped persuade a state grand jury on Staten Island not to bring charges in December 2014. Any decision on charges in the federal case is quite likely months away, officials said.

The Justice Department and the F.B.I. did not comment.

Stuart London, a lawyer for Officer Pantaleo, said that he had maintained he never violated anyone's civil rights. "This was always a simple street encounter where Officer Pantaleo utilized his N.Y.P.D. training to subdue an individual," Mr. London said.

He added: "If it is true that the Justice Department is rejecting the recommendations of seasoned F.B.I. agents and assistant United States attorneys<http://topics.nytimes.com/top/reference/timestopics/subjects/u/united_states_attorneys/index.html?inline=nyt-classifier>, this is a gross miscarriage of justice. In our system of justice, politics should never take the place of the rule of law."

Officer Pantaleo was stripped of his badge and gun two days after Mr. Garner's death, and he has remained on desk duty. But as is typical in such cases, departmental hearings that could lead to his dismissal have been delayed during the criminal investigations.

For Mayor Bill de Blasio, the slow pace of the investigation has allowed the Garner case to linger, a reminder of a flash point during his tenure and a sign of his struggle to balance his pledge to champion criminal justice reform with the practical realities of overseeing the country's largest local police force.

The changes by federal officials, while reigniting the investigation, also signal a difficult road ahead. Prosecuting police officers is difficult even when investigators agree about the strength of the case. In the Garner case, the Justice Department is moving forward knowing that a team of agents and prosecutors believes the case should not be brought. If it goes to trial, defense lawyers would probably try to exploit that division and use it to sow doubt. They could even try to call F.B.I. agents who were taken off the case as defense witnesses, officials said.

Another complicating factor, according to three federal officials, is that the disagreement between Washington and New York is reflected in the F.B.I. reports, which often become evidence at trial.

These disputes have significantly slowed the investigation. Since Mr. Garner's death, the Justice Department has opened and completed investigations into fatal police encounters in Ferguson; Falcon Heights, Minn.; North Charleston, S.C.; and Cleveland. Each was closed except the North Charleston case, which led to federal charges against the officer<<http://www.nytimes.com/2016/05/12/us/south-carolina-officer-faces-federal-charges-in-fatal-shooting.html>> for shooting an unarmed man in the back as he fled.

The Garner case, though, has dragged on. Two years ago, when Eric H. Holder Jr. was attorney general, he told colleagues that the evidence made clear that the Justice Department should bring charges, according to a former department official who was in attendance. Prosecutors might lose, he said, but the government had to bring the case. Career civil rights prosecutors agreed.

Prosecutors in New York, though, strongly disagreed with that analysis. The dispute hinged on whether Officer Pantaleo intended to violate Mr. Garner's civil rights. Officer Pantaleo has said he did not mean to put Mr. Garner in a chokehold<http://www.nytimes.com/2014/12/04/nyregion/officer-told-grand-jury-he-meant-no-harm-to-eric-garner.html?_r=0>. The officer said he tried to use a maneuver that involved hooking an arm underneath one of Mr. Garner's arms while wrapping the other around his torso. During the struggle, Officer Pantaleo said he feared he would be pushed through a storefront window behind him.

Prosecutors and F.B.I. agents in New York argued that video captured by a bystander supported Officer Pantaleo's account. Civil rights prosecutors in Washington disagreed, saying it showed evidence of willful wrongdoing.

Attorney General Lynch came into office last year in the middle of that dispute. She has a reputation for being deferential to prosecutors in the field rather than dictating from Washington. But she has also heavily relied on the advice of her civil rights prosecutors, who are more removed from the local police departments that they investigate.

<http://mobile.nytimes.com/2016/10/25/nyregion/justice-dept-replaces-investigators-on-eric-garner-case.html>

From: McCabe, Andrew G. (DO) (FBI)
Sent: Sunday, October 23, 2016 8:15 PM
To: James B. Comey
Subject: Fwd: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

Fyi

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 10/23/16 8:07 PM (GMT-05:00)
To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>, "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: RE: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

b6 -1
b7C -1
b7E -4

Here you go.

Clinton Ally Aided Campaign of FBI Official's Wife

Group linked to Virginia Gov. Terry McAuliffe donated nearly half a million dollars to 2015 state Senate candidate

Campaign finance records show Virginia Gov. Terry McAuliffe's political-action committee donated \$467,500 to the 2015 state Senate campaign of Dr. Jill McCabe, who is married to Andrew McCabe, now the deputy director of the FBI. Photo: paul j. richards/Agence France-Presse/Getty Images

By

Devlin Barrett

Oct. 23, 2016 7:41 p.m. ET

1 COMMENTS

The political organization of Virginia Gov. Terry McAuliffe, an influential Democrat with longstanding ties to Bill and Hillary Clinton, gave nearly \$500,000 to the election campaign of the wife

of an official at the Federal Bureau of Investigation who later helped oversee the investigation into Mrs. Clinton's email use.

Campaign finance records show Mr. McAuliffe's political-action committee donated \$467,500 to the 2015 state Senate campaign of Dr. Jill McCabe, who is married to Andrew McCabe, now the deputy director of the FBI.

The Virginia Democratic Party, over which Mr. McAuliffe exerts considerable control, donated an additional \$207,788 worth of support to Dr. McCabe's campaign in the form of mailers, according to the records. That adds up to slightly more than \$675,000 to her candidacy from entities either directly under Mr. McAuliffe's control or strongly influenced by him. The figure represents more than a third of all the campaign funds Dr. McCabe raised in the effort.

Mr. McAuliffe and other state party leaders recruited Dr. McCabe to run, according to party officials. She lost the election to incumbent Republican Dick Black.

A spokesman for the governor said he "supported Jill McCabe because he believed she would be a good state senator. This is a customary practice for Virginia governors... Any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Among political candidates that year, Dr. McCabe was the third-largest recipient of funds from Common Good VA, the governor's PAC, according to campaign finance records. Dan Gecker received \$781,500 from the PAC and \$214,456 from the state party for a campaign that raised \$2.9 million, according to records; and Jeremy McPike received \$803,500 from the PAC and \$535,162 from the state party, raising more \$3.8 million that year for his candidacy.

The governor could recall only one meeting with Mr. McCabe—when he and other state Democrats met with the couple on March 7, 2015, to urge Dr. McCabe to run, according to the spokesman.

The FBI said in a statement that during his wife's campaign Mr. McCabe "played no role, attended no events, and did not participate in fundraising or support of any kind. Months after the completion of her campaign, then-Associate Deputy Director McCabe was promoted to Deputy, where, in that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton's emails."

FBI officials said that after that meeting with the governor in Richmond on March 7, Mr. McCabe sought ethics advice from the bureau and followed it, avoiding involvement with public corruption cases in Virginia, and avoiding any campaign activity or events.

Mr. McCabe's supervision of the Clinton email case in 2016 wasn't seen as a conflict or an ethics issue because his wife's campaign was over by then and Mr. McAuliffe wasn't part of the email probe, officials said.

"Once I decided to run," Dr. McCabe said, "my husband had no formal role in my campaign other than to be a supportive husband to me and our children. As a federal official...everyone who participated in our campaign understood and respected that he could not participate."

Mr. McCabe is a longtime FBI official who focused much of his career on terrorism. His wife is a hospital physician who campaigned in northern Virginia, where the couple live with their children.

The 2015 Virginia State senate race was Dr. McCabe's first run for office and her campaign spent \$1.8 million. The race was part of Mr. McAuliffe's failed effort to win a Democratic majority in the Virginia legislature, which would have given him significantly more sway in Richmond, the state capital.

Mr. McAuliffe has been a central figure in the Clintons' political careers for decades. In the 1990s, he was Bill Clinton's chief fundraiser and he remains one of the couple's closest allies and public boosters. Mrs. Clinton appeared with him in northern Virginia in 2015 as he sought to increase the number of Democrats in the state legislature.

Dr. McCabe announced her candidacy in March 2015, the same month it was revealed that Mrs. Clinton had used a private server as secretary of state to send and receive government emails, a disclosure that prompted the FBI investigation.

At the time the investigation was launched in July 2015, Mr. McCabe was running the FBI's Washington, D.C., field office, which provided personnel and resources to the Clinton email probe.

That investigation examined whether Mrs. Clinton's use of private email may have compromised national security by transmitting classified information in an insecure system. A review of Mrs. Clinton's emails concluded that 110 messages contained classified information. Mrs. Clinton has said she made a mistake but that she never sent or received messages that were marked classified.

At the end of July 2015, Mr. McCabe was promoted to FBI headquarters and assumed the No. 3 position at the agency. In February 2016, he became FBI Director James Comey's second-in-command.

As deputy director, Mr. McCabe was part of the executive leadership team overseeing the Clinton email investigation, though FBI officials say any final decisions on that probe were made by Mr. Comey, who served as a high-ranking Justice Department official in the administration of George W. Bush.

Mr. McAuliffe has been under investigation for months by the FBI's Washington field office, a probe that includes an examination of donations made on behalf of a Chinese businessman, according to people familiar with the matter. His lawyers have denied any wrongdoing and said the investigation is seeking to determine if Mr. McAuliffe may have violated a law requiring people to register as agents of a foreign entity.

It was unclear the extent to which Mr. McCabe may have recused himself from discussions involving Mr. McAuliffe. When Mr. McCabe's wife began her campaign, he shied away from involvement in Virginia public corruption cases, according to officials.

Once the campaign was over, officials said, Mr. McCabe and FBI officials felt the potential conflict-of-interest issues ended.

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>

Date: 10/23/2016 7:56 PM (GMT-05:00)

To: "Page, Lisa C. (OGC) (FBI)"

Subject: Fwd: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

I can't see it. Not a subscriber.

----- Original message -----

b6 -3
b7C -3

From: [REDACTED]

Date: 10/23/16 7:53 PM (GMT-05:00)

To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>

Subject: Fwd: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

Sent from my iPhone

Begin forwarded message:

From: "Barrett, Devlin" <devlin.barrett@wsj.com>

Date: October 23, 2016 at 7:48:55 PM EDT

b6 -3
b7C -3

To: "Kortan, Michael P. (DO) (FBI)" <Michael.kortan@ic.fbi.gov>, "B. Jill McCabe"

Subject: Fwd: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

----- Forwarded message -----

From: **WSJ.com Editors** <alerts@wsj.com>

Date: Sunday, October 23, 2016

Subject: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

To: [REDACTED]

b6 -3
b7C -3

ALERT: "DEVLIN BARRETT"
from The Wall Street Journal.

7:41 PM 10/23/16

The Wall Street Journal Interactive Edition

<http://online.wsj.com/article/SB12695204739890133902004582391001720690874.html?mod=djkeyword>

The political organization of Virginia Gov. Terry McAuliffe, a Democrat with longstanding ties to Bill and Hillary Clinton, gave nearly \$500,000 to the election campaign of the wife of an official at the Federal Bureau of Investigation.

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--
Devlin Barrett
Wall Street Journal
o 
c
t: @devlinbarrett

b6 -3
b7C -3

From: McCabe, Andrew G. (DO) (FBI)
Sent: Sunday, October 23, 2016 5:31 PM
To: James B. Comey
Subject: RE: DIRECTOR'S WEEKEND REPORT 10/23/2016

Agree. Thanks.

----- Original message -----

From: "James B. Comey" <jcb.dir@ic.fbi.gov>
Date: 10/23/16 5:15 PM (GMT-05:00)
To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>, "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>, "Bowdich, David L. (DO) (FBI)" [REDACTED]
Subject: RE: DIRECTOR'S WEEKEND REPORT 10/23/2016

b6 -1
b7C -1
b7E -4

Marks cell is [REDACTED]

Let me know if I can help. Unrelated, I thought the times story on women in leadership was fair.

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/23/16 5:00 PM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>, "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>, "Bowdich, David L. (DO) (FBI)" [REDACTED]
Subject: Fwd: DIRECTOR'S WEEKEND REPORT 10/23/2016

b6 -1
b7C -1
b7E -4

Boss

Not too much in the update. The only additional notable news is that Mike K and I spent a good part of the day trying to shape the WSJ story on my alleged conflict. Looks like they may try to release it on line tonight. The reporter also called Jill for a comment, so we are working that as well.

I am trying to reach out to Mark G but don't seem to have his cell. If you have it please shoot it my way.

Thanks and see you tomorrow.

----- Original message -----

From: SIOC [REDACTED]

b7E -4

Date: 10/23/16 4:40 PM (GMT-05:00)

To: "Bowdich, David L. (DO) (FBI)" [REDACTED] (DO) (FBI)"

[REDACTED] "Castor, Andrew J. (DO) (FBI)" [REDACTED] "Coleman,

Randall C. (CD) (FBI)" <Randall.Coleman@ic.fbi.gov> [REDACTED] (DO) (FBI)"

[REDACTED] "Davis, Paul R. (DO) (FBI)" [REDACTED] (DO)

(FBI)" [REDACTED] "Drolshagen, Rainer S. (DO) (FBI)" [REDACTED]

[REDACTED] (DO) (FBI)" [REDACTED] "Hacker, J. C. (CID) (FBI)"

[REDACTED] "Hess, Amy S. (DO) (FBI)" [REDACTED] (CYD) (FBI)"

[REDACTED] "Johnson, David J. (DO) (FBI)" [REDACTED] "Maguire,

Jacqueline (BH) (FBI)" [REDACTED] "McCabe, Andrew G. (DO) (FBI)"

<Andrew.McCabe@ic.fbi.gov>, "Mcdermott, Renae M. (DO) (FBI)" [REDACTED]

"Parlave, Valerie (DO) (FBI)" [REDACTED] "Rybicki, James E. (DO) (FBI)"

<James.Rybicki@ic.fbi.gov>, [REDACTED]

(DO) (FBI)" [REDACTED] (IR) (FBI)" [REDACTED] "Steinbach,

Michael B. (DO) (FBI)" [REDACTED] "Turgal, James L. (DO) (FBI)"

[REDACTED] (IR) (FBI)" [REDACTED]

Subject: DIRECTOR'S WEEKEND REPORT 10/23/2016

ALCON,

THIS DOCUMENT IS INTERNAL AND MAY NOT BE RELEASED OUTSIDE THE FBI WITHOUT PRIOR AUTHORIZATION

Director's Weekend Report:

Criminal, Cyber, Response and Services Branch

CYBER DIVISION

- Cyber Operations Section III (CyOS III):
 - o (U) On October 23, 2016, Wikileaks released 708 emails hacked from the personal Gmail account of Clinton Campaign Chair John Podesta. Wikileaks promises to release the remainder of over 50,000 emails taken from Chairman Podesta's account.

Emergency Action Specialist [REDACTED]
Supervisory Special Agent [REDACTED]
Strategic Information & Operations Center (SIOC)
FBI Headquarters, Room 5712
[REDACTED]

b6 -1
b7C -1
b7E -4

THIS DOCUMENT IS INTERNAL AND MAY NOT BE RELEASED OUTSIDE THE FBI WITHOUT PRIOR AUTHORIZATION

From: Mccabe, Andrew G. (DO) (FBI)
Sent: Saturday, October 22, 2016 5:29 PM
To: James B. Comey
Subject: RE: DIRECTOR'S WEEKEND REPORT 10/22/2016

Ideal.

--

----- Original message -----

From: "James B. Comey" <jcb.dir@ic.fbi.gov>
Date: 10/22/16 5:25 PM (GMT-05:00)
To: "Mccabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>, "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>, "Bowdich, David L. (DO) (FBI)" [REDACTED]
Subject: RE: DIRECTOR'S WEEKEND REPORT 10/22/2016

b6 -1
b7C -1
b7E -4

Copy. Nice quiet day [REDACTED]

----- Original message -----

From: "Mccabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/22/16 5:20 PM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>, "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>, "Bowdich, David L. (DO) (FBI)" [REDACTED]
Subject: Fwd: DIRECTOR'S WEEKEND REPORT 10/22/2016

b6 -1,3
b7C -1,3
b7E -4

Boss:

Only one thing to add to the MM threat issue below [REDACTED] He will be contacted by JTTF and interviewed in person today.

Hope your day went well.

--

----- Original message -----

From: SIOC [REDACTED] b7E -4
Date: 10/22/16 4:56 PM (GMT-05:00)

To: "Bowdich, David L. (DO) (FBI)" [redacted] (DO) (FBI)"
[redacted] "Castor, Andrew J. (DO) (FBI)" [redacted] "Coleman,
Randall C. (CD) (FBI)" <Randall.Coleman@ic.fbi.gov>, [redacted] (DO) (FBI)"
[redacted] "Davis, Paul R. (DO) (FBI)" [redacted] (DO)
(FBI)" [redacted] "Drolsbagen, Rainer S. (DO) (FBI)" [redacted]
[redacted] (DO) (FBI)" [redacted] "Hacker, J. C. (CID) (FBI)"
[redacted] "Hess, Amy S. (DO) (FBI)" [redacted] (CYD) (FBI)"
[redacted] "Johnson, David J. (DO) (FBI)" [redacted] "Maguire,
Jacqueline (BH) (FBI)" [redacted] "McCabe, Andrew G. (DO) (FBI)"
<Andrew.McCabe@ic.fbi.gov>, "Mcdermott, Renae M. (DO) (FBI)" [redacted]
"Parlave, Valerie (DO) (FBI)" [redacted] "Rybicki, James E. (DO) (FBI)"
<James.Rybicki@ic.fbi.gov>, [redacted]
(DO) (FBI)" [redacted] (IR) (FBI)" [redacted] "Steinbach,
Michael B. (DO) (FBI)" [redacted] "Turgal, James L. (DO) (FBI)"
[redacted] (IR) (FBI)" [redacted]
Subject: DIRECTOR'S WEEKEND REPORT 10/22/2016

b6 -1
b7C -1
b7E -4

ALCON,

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Director's Weekend Report:

Criminal, Cyber, Response and Services Branch

CYBER DIVISION

(U//~~FOUO~~) SITUATION:

[Redacted Content]

b7A -1
b7E -1

b7A -1
b7E -1

(U//~~FOUO~~) ACTION:

b7A -1
b7E -1

- (U//~~FOUO~~) FBI Boston will coordinate with DHS.
- MCCU will continue to coordinate with FBI Boston and FBI Anchorage.

BACKGROUND:

b7A -1
b7E -1

National Security Branch

COUNTERTERRORISM DIVISION

- FBI Miami received a PAL report of a threat to shoot people at the Republican Party Headquarters in Vero Beach, FL. FBI Miami was able to confirm the threat originated in [REDACTED]. The subject, [REDACTED] was already being contacted by locals in reference to another threat. During a TFO telephone interview, [REDACTED] admitted to calling the Republican Party HQ. [REDACTED] stated he would not ever harm anyone unless he was defending himself or his family. [REDACTED] was admonished for making the calls. He was cooperative and open to further contact. The U.S. Secret Service was notified and FBI Tampa will consult with the USAO on the possibility of charges.
- Bomb threat to the Hendersonville Republican Party Headquarters

b6 -3
b7C -3

- o On 20 October 2016, [REDACTED] called and left messages on the voicemail of the Hendersonville Republican Party claiming to have planted bombs in the office. Bomb squads were called and searched the building. No bombs were found. FBI Charlotte, Asheville RA, reached out to the Hendersonville PD and the Henderson County SO to offer assistance but the help was declined.
- o Local police traced the calls to [REDACTED] and made contact with him later that day. During an interview with police, [REDACTED] said he made the threats after reading a Republican pamphlet left at his door. He said he wanted to make sure they didn't come back. He was arrested and charged on state charges of terroristic threats and making a false report concerning a destructive device. FBI Charlotte has found no connection between the threats and the arson of the Republican Headquarters in Hillsborough, NC.

b6 -3
b7C -3

b6 -3
b7C -3

- WOODKE [REDACTED]
[REDACTED] Efforts continue to identify the captors and locate WOODKE.

b7A -1

b3 -1
b6 -3
b7C -3
b7E -1

Information and Technology Branch

The Enterprise Operations Center is actively coordinating to resolve the following priority matter:

LEGAT MH, Manila, Philippines

Emergency Action Specialist [REDACTED]
Unit Chief [REDACTED]
Strategic Information & Operations Center (SIOC)
FBI Headquarters, Room 5712
[REDACTED]

b6 -1
b7C -1
b7E -4

b7E -4

THIS DOCUMENT IS INTERNAL AND MAY NOT BE RELEASED OUTSIDE THE FBI WITHOUT PRIOR AUTHORIZATION

From: McCabe, Andrew G. (DO) (FBI)
Sent: Saturday, October 22, 2016 2:52 PM
To: James B. Comey; Bowdich, David L. (DO) (FBI); Rybicki, James E. (DO) (FBI)
Subject: RE: Great pic from PR

Who is the guy on Daves right with the big suit?

----- Original message -----

From: "James B. Comey" <jcb.dir@ic.fbi.gov>
Date: 10/22/16 2:32 PM (GMT-05:00)
To: "Bowdich, David L. (DO) (FBI)" <[REDACTED]> "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>, "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ic.fbi.gov>
Subject: Great pic from PR

b6 -1
b7C -1
b7E -4

Although we seem one shovel short.

From: McCabe, Andrew G. (DO) (FBI)
Sent: Friday, October 21, 2016 2:21 PM
To: James B. Comey
Subject: RE: Call

Sounds good.

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation

W [REDACTED] b6 -1
M [REDACTED] b7C -1
b7E -4

From: James B. Comey
Sent: Friday, October 21, 2016 1:54 PM
To: McCabe, Andrew G. (DO) (FBI) <Andrew.McCabe@ic.fbi.gov>
Subject: RE: Call

Let's do it at 4:35. I will call you and if you get stuck and want to push off just let me know.

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/21/16 1:15 PM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>
Subject: Call

Boss:

Was wondering if you are available for a secure call sometime this afternoon so I can bring you up to speed on a few things. I have an SAC PAR meeting from 4 - 4:30 but open before and after that.

Thanks

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation

W [REDACTED] b6 -1
M [REDACTED] b7C -1
b7E -4

Michael Kortan

Signed Sworn Statements, OIG Interview and Exhibits, and INSD Notes

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 08-14-2018 BY NSICG b6 -1
b7C -1

08/16/2017
Washington, District Of Columbia

 I, Michael P. Kortan, having been duly sworn by Supervisory Special Agent (SSA) [redacted] hereby make the following supplemental statement to my original statement, dated 05/17/2017, to SSA [redacted] and SSA [redacted] whom I know to be SSAs of the Federal Bureau of Investigation (FBI), assigned to the Inspection Division (INSD), Internal Investigations Section (IIS):

b6 -1
b7C -1

I entered on duty on [redacted] as [redacted] and I am currently serving as the Assistant Director (AD) of the Office of Public Affairs (OPA).

b6 -2
b7C -2

I understand that this is an internal investigation regarding an allegation that Subject(s) Unknown may have provided information to the media concerning a statement made by FBI Executive Management in violation of 4.10 - Unauthorized Disclosure - Sensitive Information. I have been further advised of my rights and responsibilities in connection with this inquiry as set forth on a "Warning and Assurance to Employee Required to Provide Information" form FD-645 which I have read and signed. I understand from my review of the FD-645 that should I **refuse to answer or fail to reply fully and truthfully during this interview, I can expect to be dismissed from the rolls of the FBI.**

During my interview, I was provided with a copy of another internet article entitled, "FBI in Internal Feud Over Hillary Clinton Probe," by Devlin Barrett, The Wall Street Journal (WSJ), dated October 30, 2016, to review. I read and initialed the copy of the article, which is attached to my statement as 

WKC Exhibit #1. I further initiated near the highlighted paragraphs on the last page of the exhibit, upon which I was asked to focus when reading the article.

I was not present for an August 12, 2016 telephone call between Deputy Director (DD) Andrew G. McCabe and a senior Justice Department official regarding the Clinton Foundation investigation. I do not recall being involved in a discussion regarding such a telephone call, or even being told that such a telephone call occurred. I do not know who would have been in the room when that call occurred. It is not something I would have been involved in or briefed on.

I know the reporter, Devlin Barrett, who is now affiliated with the Washington Post, because he has covered both the FBI and the Justice Department for a long time. I generally consider Mr. Barrett to be a fair reporter. I also recognize Mr. Barrett as the reporter who broke the story about campaign contributions received by Dr. Jill McCabe, the DD's wife, when she ran for a Virginia State Senate seat in 2016.

Regarding the three highlighted paragraphs on the last page of Exhibit #1 about the DD's August 12 call from a senior DOJ official about the Clinton Foundation investigation, I do not have any recollection of anyone, including myself, discussing this topic with Mr. Barrett in an "on background" basis.

The term "on background" generally means that, after first reaching a verbal agreement about how information is attributed to a source in a news story -- for example, no one is referred to by name, but the agency could be identified. "Background" is a *WKC*

W/C common way of explaining process or providing context and/or handle questions, in an effort to provide accurate information to the reporter to protect organizational equities while adhering to rules and policies, as appropriate. At the same time, on-the-record discussion can be reported in a background style, or simply as a factual narrative, as reporters are not obligated to quote or otherwise attribute by name. Other employees of OPA hold "on background" discussions with reporters, but I am usually informed by OPA employees about all "on background" discussions, as we meet formally once-a-day, and often throughout the day to discuss on-going matters. OPA does not authorize "on background" interviews with reporters that are not attended by an OPA representative. Mr. Barrett has called me, or another OPA employee, in the past to tell us what he intended to write prior to the article being published—as is common practice among the mainstream press corps covering the FBI—and there is some indication some of the subject matter ultimately published was fronted by the reporter prior to publication. This was either to DOJ, which passed it on to OPA, or directly to FBI OPA. But nothing specific as was ultimately published in the highlighted paragraphs in Exhibit #1.

It is common for reporters to call OPA and tell us that they have information from an unidentified/unnamed source(s) about the FBI. Generally, we will take what the reporter tells us and then contact the affected individual or stakeholder Division and advise that entity what we have learned to discuss possible responses. Responses can range from no response to a varying W/C

mk
degree of graduated responses depending on the particulars of the matter, as appropriate. However, if the information the reporter has is totally and completely false, we likely will tell the reporter that, to protect against the adverse effects of inaccurate reporting. If the information is partially correct, we generally do not tell the reporter which parts are correct and which are incorrect, so as not to, in effect, confirm information we are not in a position to confirm. Further, if the affected individual or stakeholder Division wants OPA to respond in a certain fashion, we will consider doing so within authorized parameters. Overall, each case is different and any media response is considered in the context of the particular facts and circumstances.

Regarding the phrase, "person familiar with the probes," used by Mr. Barrett in Exhibit #1, if this did come from an "on background" conversation, it may suggest someone with direct knowledge of the investigations, but Mr. Barrett could obviously characterize the source of the information however he chose and it may simply reflect the writing style of Mr. Barrett.

When I look at the highlighted paragraphs in Exhibit #1, particularly the direct quote attributed to the Mr. McCabe in an alleged telephone call with the senior DOJ official, it seems unusual. I do not recall any "on background" conversation that included a direct quote, especially regarding what was at the time an on-going investigation. It is simply not something that OPA would have provided officially, as it is not our practice or protocol. The term "validly predicated investigation" suggests *mk*

mk
that the information came from someone who heard the conversation directly, or who talked to someone who had overheard it. It suggests to me that someone wanted to prove to or convince someone else they had direct or confident knowledge of the alleged conversation.

I would have been the person at OPA to authorize an "on background" conversation on this topic, and I believe I would have remembered this conversation if it had been the topic of an "on background" discussion, as it is quite unusual. I have no recollection of anyone from Executive Management asking me to contact Mr. Barrett regarding the Clinton Foundation. I also have no recollection of being informed after-the-fact that someone, without my prior knowledge or authorization, engaged in an "on background" conversation regarding this topic with any member of the media. It appears to me that someone unilaterally took it upon themselves to provide information to Mr. Barrett. I do not know who that could possibly be. While executives and other operational managers occasionally raise concerns about inaccurate information in the press regarding FBI matters, I do not recall DD McCabe asking me to clear up something regarding the Clinton Foundation investigation.

I did respond to Mr. Barrett's telephone call regarding information he was planning to publish regarding Dr. McCabe's campaign and contributions she received because Mr. Barrett did not have all the facts and was seeking an accurate account.

At the request of the DD, I coordinated a response through a written statement based on agreed upon information provided by *mk*

the DD, after he and his wife assembled the facts, which was provided to Mr. Barrett before the article was published. This was considered an official, "on-the-record", FBI response. It was not information provided "on background."

At the request of the interviewing agents, I provided a copy of an internet article entitled, "Clinton Ally Aided Campaign of FBI Official's Wife," by Mr. Barrett, WSJ, dated October 24, 2016. I initialed the copy of the article, which is attached to my statement as Exhibit #2.

I do not recall "on background" conversations with Mr. Barrett between the 10/24/2016 and the 10/30/2016 articles, although email traffic suggests Mr. Barrett contacted me during that time possibly regarding this or other issues. During this period -- on 10/28/16 -- the FBI Director letter advising of additional emails found in the Clinton server matter was sent to Congress, resulting in one of the largest news media reactions in memory -- inundating OPA. Mr. Barrett was among those covering that issue as well. Although I now make a practice of keeping daily notes about all substantive interaction with reporters, I did not maintain notes of everything at that time. I believe that the 10/24/2016 article was fairly accurate and balanced due largely to the information we provided him "on-the-record." I did not feel that there was any need to contact Mr. Barrett to further correct any information he may have gotten wrong.

I would point out that certain high level executive employees are authorized to speak with the media directly, and it is possible that such an employee contacted Mr. Barrett.

W/K However, employees authorized to contact reporters never do so "on background" and then advise OPA after the fact. To my knowledge, neither the DD nor anyone from his office spoke directly to Mr. Barrett on an "on background" basis about either the 10/24/2016 or the 10/30/2016 article.

It is also possible that a Justice Department employee provided the information to Mr. Barrett.

On August 17, 2017, I was interviewed again, under oath and pursuant to the terms of the previously signed FD-645, by SSA

[redacted] and INSD/IIS Section Chief (SC) Voviette Morgan. SSA [redacted]

b6 -1
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asked me to locate and provide the on-the-record statement provided to Mr. Barrett in advance of the October 24, 2016 article, as well as any email messages I might have related to both the October 24, 2016 and the October 30, 2016 WSJ articles. I provided the interviewing agents with the relevant email messages, which included the official statement given to Mr. Barrett in advance of the October 24, 2016 article.

The email communications which took place before the October 24, 2016 WSJ article were all on Sunday, October 23, 2106. The communications included messages from two personal accounts belonging to Dr. McCabe: [redacted] and [redacted]

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General Attorney (GA) Lisa Page, special counsel to DD, is included on some of the messages. Until the interviewing agents pointed it out to me, I had not noticed that GA Page used a personal email account, [redacted] to communicate. I W/K

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b7E -4

WKC
do not know how regularly GA Page uses a personal account to conduct business, but I do not use a personal email account.

Based on the email messages, it appears that Mr. Barrett contacted Dr. McCabe and the FBI simultaneously for his story. Dr. McCabe chose to coordinate her response with the FBI's response, and the agreed upon statement was created.

I would also clarify that my interaction with Mr. Barrett in advance of the October 24, 2016 would likely have included some background element to it. That is, to the extent that the statement that was given to Mr. Barrett raised additional questions, I provided answers to those follow-up questions as appropriate, without being identified by name in the story.

I also provided the interviewing agents with email messages that occurred after the October 24, 2016 WSJ article was published and before the October 30, 2016 WSJ article was published. OPA was contacted by both on-board employees and retired executive employees regarding the October 24, 2016 story. We provided retired executive employees who requested it the same official statement we provided to Mr. Barrett. We also created a document, which included the official statement and Q&A, which was provided to all FBI Special Agents in Charge.

Mr. Barrett sent me an email message on October 24, 2016 at 11:58 a.m. with a follow-up inquiry regarding DD McCabe's involvement in the Clinton Foundation investigation and an investigation into Virginia Governor Terry McAuliffe. My email exchange with Mr. Barrett on October 24, 2016 is attached hereto as Exhibit #3, as are others during that period. WKC

WKC
Upon receiving Mr. Barrett's message, my normal course of action would have been to provide it to DD McCabe, either directly or through a member of his staff. If I did not provide it directly to DD McCabe, I most likely would have provided it to GA Page, or Special Assistant (SA) [REDACTED], or possibly through the Chief of Staff or the Associate Deputy Director. I do not often work with DD McCabe's Chief of Staff, [REDACTED] on particular news media issues. I estimate that, when dealing with matters involving DD McCabe, my initial contact is likely with DD McCabe, GA Page and/or [REDACTED]. Generally, I am trying to provide the information as soon as possible and I usually work with whomever I am able to reach first. However, ultimately I receive a response, if there is one, either from or authorized by DD McCabe.

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Peter Carr, an employee with the Department of Justice (DOJ) Office of Public Affairs, sent me an email message on October 26, 2016, advising me that Mr. Barrett had also contacted him regarding DD McCabe's involvement in the above-referenced investigations. Mr. Carr also forwarded me a message from Mr. Barrett to him on October 27, 2016 regarding FBI reporting to DOJ of a campaign contribution received by Dr. McCabe. The email messages from Mr. Carr on October 26, 2016 and October 27, 2016 are attached hereto as Exhibit #4. I do not know if the DOJ responded to Mr. Barrett's inquiry.

Based on an email exchanges, it appears that I may have had telephone calls with Mr. Barrett on October 27, 2016 at approximately 4:43 p.m., and on the following day. My email WKC

MK
exchange with Mr. Barrett on October 27, 2016 is attached hereto as Exhibit #5. I do not have other records of responding to Mr. Barrett's inquiry and these email messages do not refresh my recollection about having a substantive "on background" conversation with Mr. Barrett prior or relative to the October 30, 2016 article. I would expect that I would have some documentation of our telephone call being an "on background" conversation, if it had occurred.

As pointed out to me by the interviewing agents, none of the email communications between October 24, 2016 and October 30, 2016 reference DD McCabe's August 12, 2016 telephone call with the senior DOJ official. I reiterated that nothing in the October 30, 2016 WSJ article resonates with me that OPA had any involvement in it.

I am willing to voluntarily [REDACTED]

b7E -3

[REDACTED]
[REDACTED] I have no other pertinent information regarding the aforementioned allegations. I have been advised that I should submit any additional information of which I may become aware, regarding this inquiry, to the Internal Investigations Section (IIS)/Inspection Division (INSD) or to the Office of Professional Responsibility (OPR).

I have been given the opportunity to review this statement and make any changes prior to signing it.

I was instructed on 08/16/2017 not to discuss this matter with anyone other than the person(s) conducting this interview. *WLC*

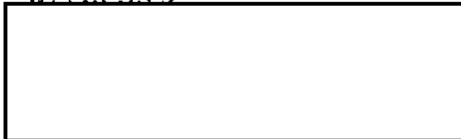
W representatives from IIS/INSD, OPR, the FBI Ombudsman, and/or an FBI Employee Assistance Program (EAP) Counselor. I have been told that should I decide to discuss this matter with anyone else, I must first obtain authorization from the interviewer(s). I have read this statement, consisting of this and ten other pages and it is true and correct. *mk*

Michael Kortan

Michael Kortan

Sworn to and subscribed before me on the 24th day of August, 2017, in Washington, District Of Columbia.

Witness:



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b6 -1
b7C -1

FBI in Internal Feud Over Hillary Clinton Probe

Laptop may contain thousands of messages sent to or from Mrs. Clinton's private server

EXHIBIT #1

The FBI Email Probe and Clinton's October Surprise

As Hillary Clinton reaches the home stretch of the election well ahead in polling over Donald Trump, new revelations from the FBI's reopening of the investigation into the Democratic candidate's emails has shifted the race. WSJ's Gerald F. Seib discusses how the information could impact both candidates.

Photo: AP

By
Devlin Barrett

Devlin Barrett
The Wall Street Journal

- Biography
- @DevlinBarrett
- Google+
- devlin.barrett@wsj.com

Updated Oct. 30, 2016 7:59 p.m. ET

4456 COMMENTS

The surprise disclosure that agents from the Federal Bureau of Investigation are taking a new look at Hillary Clinton's email use lays bare, just days before the election, tensions inside the bureau and the Justice Department over how to investigate the Democratic presidential nominee.

Investigators found 650,000 emails on a laptop that they believe was used by former Rep. Anthony Weiner and his estranged wife Huma Abedin, a close Clinton aide, and underlying metadata suggests thousands of those messages could have been sent to or from the private server that Mrs. Clinton used while she was secretary of state, according to people familiar with the matter.

It will take weeks, at a minimum, to determine whether those messages are work-related from the time Ms. Abedin served with Mrs. Clinton at the State Department; how many are duplicates of emails already reviewed by the FBI; and whether they include either classified information or important new evidence in the Clinton email probe.

READ MORE ON CAPITAL JOURNAL

Capital Journal is WSJ.com's home for Election 2016 news.

- Hacked Email Appears to Show Brazile Shared Primary Debate Question With Clinton Campaign
- Investor Thiel Says Trump Gets 'Big Things' Right

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 08-14-2018 BY [REDACTED]

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b7C -1

FBI 18-cv-01766-2158

- Capital Journal: FBI Email Bombshell Will Be Felt After, Not Just Before, Election
- Q&A: What We Know About the Latest Clinton Email Developments
- Reid: Comey's 'Partisan Actions' May Violate Federal Law
- SIGN UP: Capital Journal Daybreak, straight to your inbox
- Read the Letter to Congress

Officials had to await a court order to begin reviewing the emails—which they received over the weekend, according to a person familiar with the matter—because they were uncovered in an unrelated probe of Mr. Weiner.

The new investigative effort, disclosed by FBI Director James Comey on Friday, shows a bureau at times in sharp internal disagreement over matters related to the Clintons, and how to handle those matters fairly and carefully in the middle of a national election campaign. Even as the probe of Mrs. Clinton's email use wound down in July, internal disagreements within the bureau and the Justice Department surrounding the Clintons' family philanthropy heated up, according to people familiar with the matter.

The latest development began in early October when New York-based FBI officials notified Andrew McCabe, the bureau's second-in-command, that while investigating Mr. Weiner for possibly sending sexually charged messages to a teenage minor, they had recovered a laptop. Many of the 650,000 emails on the computer, they said, were from the accounts of Ms. Abedin, according to people familiar with the matter.



Democratic presidential nominee Hillary Clinton greets a crowd in Pompano Beach, Fla., on Sunday.
PHOTO: JEWEL SAMAD/AGENCE FRANCE-PRESSE/GETTY IMAGES

Those emails stretched back years, these people said, and were on a laptop that hadn't previously come up in the Clinton email probe. Ms. Abedin said in late August that the couple were separating.

The FBI had searched the computer while looking for child pornography, people familiar with the matter said, but the warrant they used didn't give them authority to search for matters related to Mrs. Clinton's email arrangement at the State Department. Mr. Weiner has denied sending explicit or indecent messages to the minor.

In their initial review of the laptop, the metadata showed many messages, apparently in the thousands, that were either sent to or from the private email server at Mrs. Clinton's home that had been the focus of so much investigative effort for the FBI. Senior FBI officials decided to let the Weiner investigators proceed with a closer examination of the metadata on the computer, and report back to them.

At a meeting early last week of senior Justice Department and FBI officials, a member of the department's senior national-security staff asked for an update on the Weiner laptop, the people familiar with the matter said. At that point, officials realized that no one had acted to obtain a warrant, these people said.

Clinton, Trump Address FBI Email Inquiry

Presidential nominees Hillary Clinton and Donald Trump addressed the FBI's new email inquiry on Monday.

Mr. McCabe then instructed the email investigators to talk to the Weiner investigators and see whether the laptop's contents could be relevant to the Clinton email probe, these people said. After the investigators spoke, the agents agreed it was potentially relevant.

Mr. Comey was given an update, decided to go forward with the case and notified Congress on Friday, with explosive results. Senior Justice Department officials had warned the FBI that telling Congress would violate policies against overt actions that could affect an election, and some within the FBI have been unhappy at Mr. Comey's repeated public statements on the probe, going back to his press conference on the subject in July.

The back-and-forth reflects how the bureau is probing several matters related, directly or indirectly, to Mrs. Clinton and her inner circle.

New details show that senior law-enforcement officials repeatedly voiced skepticism of the strength of the evidence in a bureau investigation of the Clinton Foundation, sought to condense what was at times a sprawling cross-country effort, and, according to some people familiar with the matter, told agents to limit their pursuit of the case. The probe of the foundation began more than a year ago to determine whether financial crimes or influence peddling occurred related to the charity.



New York mayoral candidate Anthony Weiner and his wife, Huma Abedin, attended a news conference in New York in 2013. Mr. Weiner had attempted to revive his career with a bid for New York City mayor, but that effort was doomed after a website published lewd photos that he had evidently sent to another woman. PHOTO: ERIC THAYER/REUTERS

Some investigators grew frustrated, viewing FBI leadership as uninterested in probing the charity, these people said. Others involved disagreed sharply, defending FBI bosses and saying Mr. McCabe in particular was caught between an increasingly acrimonious fight for control between the Justice Department and FBI agents pursuing the Clinton Foundation case.

It isn't unusual for field agents to favor a more aggressive approach than supervisors and prosecutors think is merited. But the internal debates about the Clinton Foundation show the high stakes when such disagreements occur surrounding someone who is running for president.

The Wall Street Journal reported last week that Mr. McCabe's wife, Jill McCabe, received \$467,500 in campaign funds in late 2015 from the political-action committee of Virginia Gov. Terry McAuliffe, a longtime ally of the Clintons and, until he was elected governor in November 2013, a Clinton Foundation board member.

Mr. McAuliffe had supported Dr. McCabe in the hopes she and a handful of other Democrats might help win a majority in the state Senate. Dr. McCabe lost her race last November, and Democrats failed to win their majority.

A spokesman for the governor has said that "any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Dr. McCabe told the Journal, "Once I decided to run, my husband had no formal role in my campaign other than to be" supportive.

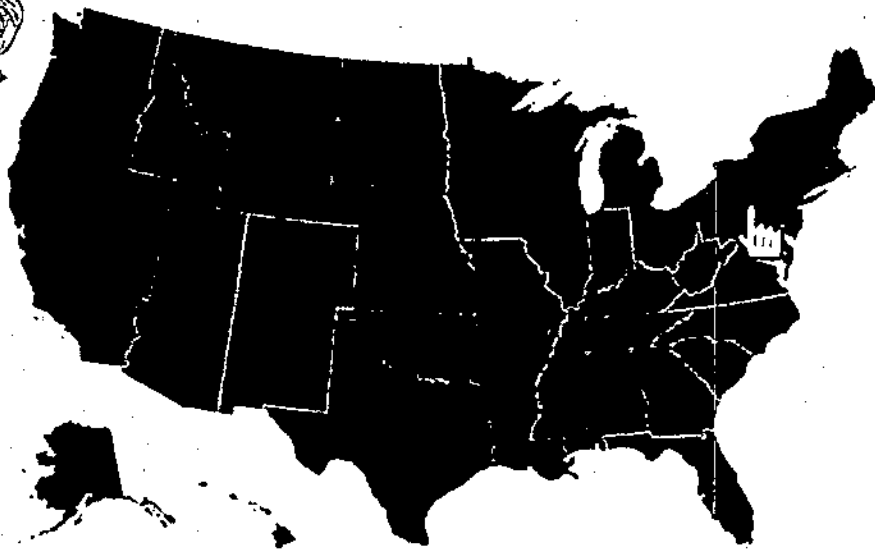
In February of this year, Mr. McCabe ascended from the No. 3 position at the FBI to the deputy director post. When he assumed that role, officials say, he started overseeing the probe into Mrs. Clinton's use of a private email server for government work when she was secretary of state.

FBI officials have said Mr. McCabe had no role in the Clinton email probe until he became deputy director, and by then his wife's campaign was over.

Guess the 2016 Electoral College Map



270 Needed to win



But other Clinton-related investigations were under way within the FBI, and they have been the subject of internal debate for months, according to people familiar with the matter.

Early this year, four FBI field offices—New York, Los Angeles, Washington and Little Rock, Ark.—were collecting information about the Clinton Foundation to see if there was evidence of financial crimes or influence-peddling, according to people familiar with the matter.

Los Angeles agents had picked up information about the Clinton Foundation from an unrelated public-corruption case and had issued some subpoenas for bank records related to the foundation, these people said.

The Washington field office was probing financial relationships involving Mr. McAuliffe before he became a Clinton Foundation board member, these people said. Mr. McAuliffe has denied any wrongdoing, and his lawyer has said the probe is focused on whether he failed to register as an agent of a foreign entity.

Clinton Foundation officials have long denied any wrongdoing, saying it is a well-run charity that has done immense good.

The FBI field office in New York had done the most work on the Clinton Foundation case and received help from the FBI field office in Little Rock, the people familiar with the matter said.

In February, FBI officials made a presentation to the Justice Department, according to these people. By all accounts, the meeting didn't go well.

Some said that is because the FBI didn't present compelling evidence to justify more aggressive pursuit of the Clinton Foundation, and that the career anticorruption prosecutors in the room simply believed it wasn't a very strong case. Others said that from the start, the Justice Department officials were stern, icy and dismissive of the case.

"That was one of the weirdest meetings I've ever been to," one participant told others afterward, according to people familiar with the matter.

Anticorruption prosecutors at the Justice Department told the FBI at the meeting they wouldn't authorize more aggressive investigative techniques, such as subpoenas, formal witness interviews, or grand-jury activity. But the FBI officials believed they were well within their authority to pursue the leads and methods already under way, these people said.

About a week after Mr. Comey's July announcement that he was recommending against any prosecution in the Clinton email case, the FBI sought to refocus the Clinton Foundation probe, with Mr. McCabe deciding the FBI's New York office would take the lead, with assistance from Little Rock.



Director James Comey testified before the House Judiciary Committee in September on a variety of subjects including the investigation into former U.S. Secretary of State Hillary Clinton's email server.

PHOTO: WIN MCNAMEE/GETTY IMAGES

The Washington field office, FBI officials decided, would focus on a separate matter involving Mr. McAuliffe. Mr. McCabe had decided earlier in the spring that he would continue to recuse himself from that probe, given the governor's contributions to his wife's former political campaign.

Within the FBI, the decision was viewed with skepticism by some, who felt the probe would be stronger if the foundation and McAuliffe matters were combined. Others, particularly Justice Department anticorruption prosecutors, felt that both probes were weak, based largely on publicly available information, and had found little that would merit expanded investigative authority.

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According to a person familiar with the probes, on Aug. 12, a senior Justice Department official called Mr. McCabe to voice his displeasure at finding that New York FBI agents were still openly pursuing the Clinton Foundation probe during the election season. Mr. McCabe said agents still had the authority to pursue the issue as long as they didn't use overt methods requiring Justice Department approvals.

The Justice Department official was "very pissed off," according to one person close to Mr. McCabe, and pressed him to explain why the FBI was still chasing a matter the department considered dormant. Others said the Justice Department was simply trying to make sure FBI agents were following longstanding policy not to make overt investigative moves that could be seen as trying to influence an election. Those rules discourage investigators from making any such moves before a primary or general election, and, at a minimum, checking with anticorruption prosecutors before doing so.

"Are you telling me that I need to shut down a validly predicated investigation?" Mr. McCabe asked, according to people familiar with the conversation. After a pause, the official replied, "Of course not," these people said.

For Mr. McCabe's defenders, the exchange showed how he was stuck between an FBI office eager to pour more resources into a case and Justice Department prosecutors who didn't think much of the case, one person said. Those people said that following the call, Mr. McCabe reiterated past instructions to FBI agents that they were to keep pursuing the work within the authority they had.

Others further down the FBI chain of command, however, said agents were given a much starker instruction on the case: "Stand down." When agents questioned why they weren't allowed to take more aggressive steps, they said they were told the order had come from the deputy director—Mr. McCabe.

Others familiar with the matter deny Mr. McCabe or any other senior FBI official gave such a stand-down instruction.

For agents who already felt uneasy about FBI leadership's handling of the Clinton Foundation case, the moment only deepened their concerns, these people said. For those who felt the probe hadn't yet found significant evidence of criminal conduct, the leadership's approach was the right response.

In September, agents on the foundation case asked to see the emails contained on nongovernment laptops that had been searched as part of the Clinton email case, but that request was rejected by prosecutors at the Eastern District of New York, in Brooklyn. Those emails were given to the FBI based on grants of partial immunity and limited-use agreements, meaning agents could only use them for the purpose of investigating possible mishandling of classified information.

Some FBI agents were dissatisfied with that answer, and asked for permission to make a similar request to federal prosecutors in Manhattan, according to people familiar with the matter. Mr. McCabe, these people said, told them no and added that they couldn't "go prosecutor-shopping."

Not long after that discussion, FBI agents informed the bureau's leaders about the Weiner laptop, prompting Mr. Comey's disclosure to Congress and setting off the furor that promises to consume the final days of a tumultuous campaign.

Write to Devlin Barrett at devlin.barrett@wsj.com

Clinton Ally Aided Campaign of FBI Official's Wife

EXHIBIT #2

Group linked to Virginia Gov. Terry McAuliffe donated nearly half a million dollars to 2015 state Senate candidate

By
Devlin Barrett
The Wall Street Journal
Updated Oct. 24, 2016 4:41 p.m. ET

The political organization of Virginia Gov. Terry McAuliffe, an influential Democrat with longstanding ties to Bill and Hillary Clinton, gave nearly \$500,000 to the election campaign of the wife of an official at the Federal Bureau of Investigation who later helped oversee the investigation into Mrs. Clinton's email use.

Campaign finance records show Mr. McAuliffe's political-action committee donated \$467,500 to the 2015 state Senate campaign of Dr. Jill McCabe, who is married to Andrew McCabe, now the deputy director of the FBI.

The Virginia Democratic Party, over which Mr. McAuliffe exerts considerable control, donated an additional \$207,788 worth of support to Dr. McCabe's campaign in the form of mailers, according to the records. That adds up to slightly more than \$675,000 to her candidacy from entities either directly under Mr. McAuliffe's control or strongly influenced by him. The figure represents more than a third of all the campaign funds Dr. McCabe raised in the effort.

Mr. McAuliffe and other state party leaders recruited Dr. McCabe to run, according to party officials. She lost the election to incumbent Republican Dick Black.

A spokesman for the governor said he "supported Jill McCabe because he believed she would be a good state senator. This is a customary practice for Virginia governors... Any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Among political candidates that year, Dr. McCabe was the third-largest recipient of funds from Common Good VA, the governor's PAC, according to campaign finance records. Dan Gecker received \$781,500 from the PAC and \$214,456 from the state party for a campaign that raised \$2.9 million, according to records; and Jeremy McPike received \$803,500 from the PAC and \$535,162 from the state party, raising more \$3.8 million that year for his candidacy.

The governor could recall only one meeting with Mr. McCabe—when he and other state Democrats met with the couple on March 7, 2015, to urge Dr. McCabe to run, according to the spokesman.

The FBI said in a statement that during his wife's campaign Mr. McCabe "played no role, attended no events, and did not participate in fundraising or support of any kind. Months after the completion of her campaign, then-Associate Deputy Director McCabe was promoted to

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Deputy, where, in that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton's emails."

FBI officials said that after that meeting with the governor in Richmond on March 7, Mr. McCabe sought ethics advice from the bureau and followed it, avoiding involvement with public corruption cases in Virginia, and avoiding any campaign activity or events.

Mr. McCabe's supervision of the Clinton email case in 2016 wasn't seen as a conflict or an ethics issue because his wife's campaign was over by then and Mr. McAuliffe wasn't part of the email probe, officials said.

"Once I decided to run," Dr. McCabe said, "my husband had no formal role in my campaign other than to be a supportive husband to me and our children. As a federal official...everyone who participated in our campaign understood and respected that he could not participate."

Mr. McCabe is a longtime FBI official who focused much of his career on terrorism. His wife is a hospital physician who campaigned in northern Virginia, where the couple live with their children.

The 2015 Virginia State senate race was Dr. McCabe's first run for office and her campaign spent \$1.8 million. The race was part of Mr. McAuliffe's failed effort to win a Democratic majority in the Virginia legislature, which would have given him significantly more sway in Richmond, the state capital.

Mr. McAuliffe has been a central figure in the Clintons' political careers for decades. In the 1990s, he was Bill Clinton's chief fundraiser and he remains one of the couple's closest allies and public boosters. Mrs. Clinton appeared with him in northern Virginia in 2015 as he sought to increase the number of Democrats in the state legislature.

Dr. McCabe announced her candidacy in March 2015, the same month it was revealed that Mrs. Clinton had used a private server as secretary of state to send and receive government emails, a disclosure that prompted the FBI investigation.

At the time the investigation was launched in July 2015, Mr. McCabe was running the FBI's Washington, D.C., field office, which provided personnel and resources to the Clinton email probe.

That investigation examined whether Mrs. Clinton's use of private email may have compromised national security by transmitting classified information in an insecure system. A review of Mrs. Clinton's emails concluded that 110 messages contained classified information. Mrs. Clinton has said she made a mistake but that she never sent or received messages that were marked classified.

At the end of July 2015, Mr. McCabe was promoted to FBI headquarters and assumed the No. 3 position at the agency. In February 2016, he became FBI Director James Comey's second-in-command.

As deputy director, Mr. McCabe was part of the executive leadership team overseeing the Clinton email investigation, though FBI officials say any final decisions on that probe were made by Mr. Comey, who served as a high-ranking Justice Department official in the administration of George W. Bush.

Mr. McAuliffe has been under investigation for months by the FBI's Washington field office, a probe that includes an examination of donations made on behalf of a Chinese businessman, according to people familiar with the matter. His lawyers have denied any wrongdoing and said the investigation is seeking to determine if Mr. McAuliffe may have violated a law requiring people to register as agents of a foreign entity.

It was unclear the extent to which Mr. McCabe may have recused himself from discussions involving Mr. McAuliffe. When Mr. McCabe's wife began her campaign, he shied away from involvement in Virginia public corruption cases, according to officials.

Once the campaign was over, officials said, Mr. McCabe and FBI officials felt the potential conflict-of-interest issues ended.

Write to Devlin Barrett at devlin.barrett@wsj.com

MR

Kortan, Michael P. (DO) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Wednesday, October 26, 2016 2:47 PM
To: Carr, Peter (OPA) **DOJ**
Subject: RE: WSJ story re FBI Deputy Director Andrew McCabe - for TODAY

EXHIBIT #4

Thanks Peter

From: Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]
Sent: Wednesday, October 26, 2016 12:02 PM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>; Quinn, Richard P. (DO) (FBI) [REDACTED]
Subject: WSJ story re FBI Deputy Director Andrew McCabe - for TODAY

b7E -4

Hi guys,

I just spoke with Devlin Barrett at the WSJ, and he is writing a story that is expected to go online around 3pm today expanding on the story he filed earlier in the week regarding political campaign contributions from a political organization of Gov. Terry McAuliffe to the wife of FBI Deputy Director Andrew McCabe (see below.)

This story will look at recent investigations that McCabe has allegedly played a role – investigations into the Clinton Foundation and allegations of corruption by Gov. McAuliffe – and whether it was appropriate for him to participate given the contributions. The question to DOJ is whether he or the FBI informed anyone at DOJ about the campaign contributions, and if so, what guidance we provided as to whether his role was appropriate.

Note that Devlin is going to say McCabe participated in making the decision to table investigations into the Clinton Foundation back in August because of election-year sensitivities. He will walk through DOJ's policy and highlight the Arpaio criminal contempt case that is going forward despite an upcoming election as an example of how some cases are brought and considered in line with the AG's memo on how to handle election-related matters prior to an election.

My folks asked me to check with FBI on what information you are providing regarding McCabe's situation – what he said and when, what guidance was given to him, etc. I'm at [REDACTED]

b6 Per DOJ/OIP

Thx,
Peter

Clinton Ally Aided Campaign of FBI Official's Wife

By
DEVLIN BARRETT
Updated Oct. 24, 2016 4:41 p.m. ET

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DATE 08-14-2018 BY [REDACTED] NSICG

b6 -1
b7C -1

The political organization of Virginia Gov. Terry McAuliffe, an influential Democrat with longstanding ties to Bill and Hillary Clinton, gave nearly \$500,000 to the election campaign of the wife of an official at the Federal Bureau of Investigation who later helped oversee the investigation into Mrs. Clinton's email use.

Campaign finance records show Mr. McAuliffe's political-action committee donated \$467,500 to the 2015 state Senate campaign of Dr. Jill McCabe, who is married to Andrew McCabe, now the deputy director of the FBI.

The Virginia Democratic Party, over which Mr. McAuliffe exerts considerable control, donated an additional \$207,788 worth of support to Dr. McCabe's campaign in the form of mailers, according to the records. That adds up to slightly more than \$675,000 to her candidacy from entities either directly under Mr. McAuliffe's control or strongly influenced by him. The figure represents more than a third of all the campaign funds Dr. McCabe raised in the effort.

Mr. McAuliffe and other state party leaders recruited Dr. McCabe to run, according to party officials. She lost the election to incumbent Republican Dick Black.

A spokesman for the governor said he "supported Jill McCabe because he believed she would be a good state senator. This is a customary practice for Virginia governors... Any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Among political candidates that year, Dr. McCabe was the third-largest recipient of funds from Common Good VA, the governor's PAC, according to campaign finance records. Dan Gecker received \$781,500 from the PAC and \$214,456 from the state party for a campaign that raised \$2.9 million, according to records; and Jeremy McPike received \$803,500 from the PAC and \$535,162 from the state party, raising more \$3.8 million that year for his candidacy.

The governor could recall only one meeting with Mr. McCabe—when he and other state Democrats met with the couple on March 7, 2015, to urge Dr. McCabe to run, according to the spokesman.

The FBI said in a statement that during his wife's campaign Mr. McCabe "played no role, attended no events, and did not participate in fundraising or support of any kind. Months after the completion of her campaign, then-Associate Deputy Director McCabe was promoted to Deputy, where, in that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton's emails."

FBI officials said that after that meeting with the governor in Richmond on March 7, Mr. McCabe sought ethics advice from the bureau and followed it, avoiding involvement with public corruption cases in Virginia, and avoiding any campaign activity or events.

Mr. McCabe's supervision of the Clinton email case in 2016 wasn't seen as a conflict or an ethics issue because his wife's campaign was over by then and Mr. McAuliffe wasn't part of the email probe, officials said.

"Once I decided to run," Dr. McCabe said, "my husband had no formal role in my campaign other than to be a supportive husband to me and our children. As a federal official...everyone who participated in our campaign understood and respected that he could not participate."

Mr. McCabe is a longtime FBI official who focused much of his career on terrorism. His wife is a hospital physician who campaigned in northern Virginia, where the couple live with their children.

The 2015 Virginia State senate race was Dr. McCabe's first run for office and her campaign spent \$1.8 million. The race was part of Mr. McAuliffe's failed effort to win a Democratic majority in the Virginia legislature, which would have given him significantly more sway in Richmond, the state capital.

Mr. McAuliffe has been a central figure in the Clintons' political careers for decades. In the 1990s, he was Bill Clinton's chief fundraiser and he remains one of the couple's closest allies and public boosters. Mrs. Clinton appeared with him in northern Virginia in 2015 as he sought to increase the number of Democrats in the state legislature.

Dr. McCabe announced her candidacy in March 2015, the same month it was revealed that Mrs. Clinton had used a private server as secretary of state to send and receive government emails, a disclosure that prompted the FBI investigation.

At the time the investigation was launched in July 2015, Mr. McCabe was running the FBI's Washington, D.C., field office, which provided personnel and resources to the Clinton email probe.

That investigation examined whether Mrs. Clinton's use of private email may have compromised national security by transmitting classified information in an insecure system. A review of Mrs. Clinton's emails concluded that 110 messages contained classified information. Mrs. Clinton has said she made a mistake but that she never sent or received messages that were marked classified.

At the end of July 2015, Mr. McCabe was promoted to FBI headquarters and assumed the No. 3 position at the agency. In February 2016, he became FBI Director James Comey's second-in-command.

As deputy director, Mr. McCabe was part of the executive leadership team overseeing the Clinton email investigation, though FBI officials say any final decisions on that probe were made by Mr. Comey, who served as a high-ranking Justice Department official in the administration of George W. Bush.

Mr. McAuliffe has been under investigation for months by the FBI's Washington field office, a probe that includes an examination of donations made on behalf of a Chinese businessman, according to people familiar with the matter. His lawyers have denied any wrongdoing and said the investigation is seeking to determine if Mr. McAuliffe may have violated a law requiring people to register as agents of a foreign entity.

It was unclear the extent to which Mr. McCabe may have recused himself from discussions involving Mr. McAuliffe. When Mr. McCabe's wife began her campaign, he shied away from involvement in Virginia public corruption cases, according to officials.

Once the campaign was over, officials said, Mr. McCabe and FBI officials felt the potential conflict-of-interest issues ended.

Kortan, Michael P. (DO) (FBI)

From: Carr, Peter (OPA) <Peter.Carr@usdoj.gov> on behalf of Carr, Peter (OPA)
Sent: Thursday, October 27, 2016 9:36 AM
To: Kortan, Michael P. (DO) (FBI)
Subject: FW: morning

FYI

From: Barrett, Devlin [<mailto:devlin.barrett@wsj.com>]
Sent: Thursday, October 27, 2016 9:10 AM
To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>
Subject: morning

Hi,

I know you've got a lot going on this morning but wanted to flag something.

I'm not sure who from our shop will be covering the 11 o'clock but it won't be me, I have to be somewhere else.

Second, I'm doing a follow up story about the Clinton/McCabe/FBI issue, and I want to flag that I was specifically told the FBI did not tell DOJ about the potential ethics issue involving McCabe's wife getting \$467,500 from McAuliffe's PAC.

If you think I'm misinformed, or if there's anything I should know about it, please holler.

Thanks

--
Devlin Barrett
Wall Street Journal



b6 -3
b7C -3

t: @devlinbarrett

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b6 -1
b7C -1

Kortan, Michael P. (DO) (FBI)

EXHIBIT #5

From: Barrett, Devlin <devlin.barrett@wsj.com> on behalf of Barrett, Devlin
Sent: Thursday, October 27, 2016 4:41 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: Re: hiya, any word?

Sure

On Thursday, October 27, 2016, Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov> wrote:
10 minutes ok?

----- Original message -----

From: "Barrett, Devlin" <devlin.barrett@wsj.com>
Date: 10/27/16 3:59 PM (GMT-05:00)
To: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: hiya, any word?

Devlin Barrett
Wall Street Journal
o [REDACTED]
c [REDACTED]
t: @devlinbarrett

b6 -3
b7C -3

Devlin Barrett
Wall Street Journal
o [REDACTED]
c [REDACTED]
t: @devlinbarrett

b6 -3
b7C -3

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DATE 08-14-2018 BY [REDACTED]

NSICC b6 -1
b7C -1

Kortan, Michael P. (DO) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Thursday, October 27, 2016 4:43 PM
To: Barrett, Devlin
Subject: RE: hiya, any word?

Ok momentarily

From: Barrett, Devlin [mailto:devlin.barrett@wsj.com]
Sent: Thursday, October 27, 2016 4:43 PM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>
Subject: Re: hiya, any word?

Either # is fine it's forwarded

On Thursday, October 27, 2016, Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov> wrote:
At desk?

--

----- Original message -----

From: "Barrett, Devlin" <devlin.barrett@wsj.com>
Date: 10/27/16 4:39 PM (GMT-05:00)
To: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: Re: hiya, any word?

Sure

On Thursday, October 27, 2016, Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov> wrote:
10 minutes ok?

--

----- Original message -----

From: "Barrett, Devlin" <devlin.barrett@wsj.com>
Date: 10/27/16 3:59 PM (GMT-05:00)
To: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: hiya, any word?

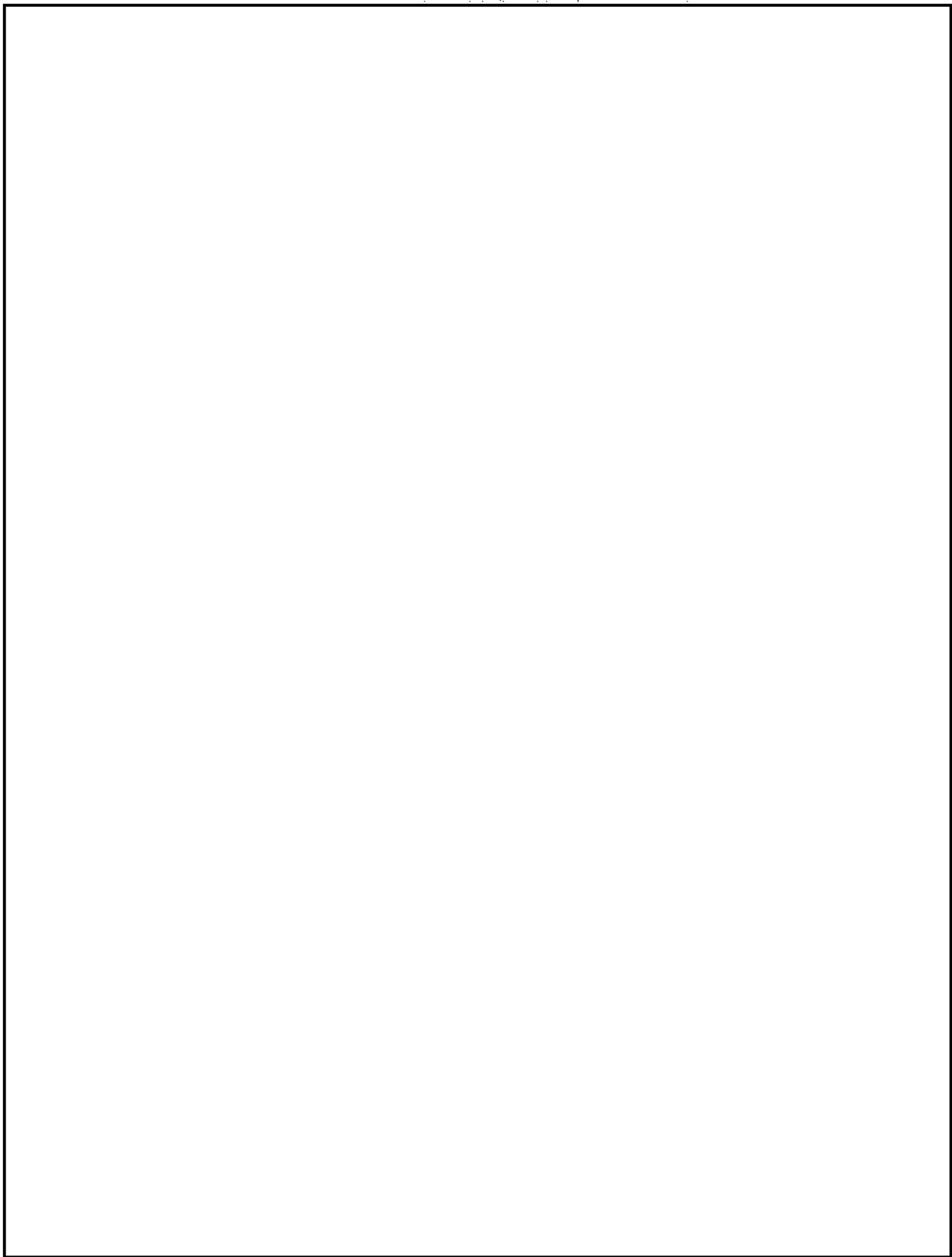
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DATE 08-14-2018 BY NSICG b6 -1
b7C -1

08/16/2017
Washington, District Of Columbia

b5 -3
b6 -1,2
b7C -1,2

08/16/2017
Washington, District Of Columbia

b5 -3



08/16/2017
Washington, District Of Columbia

b5 -3



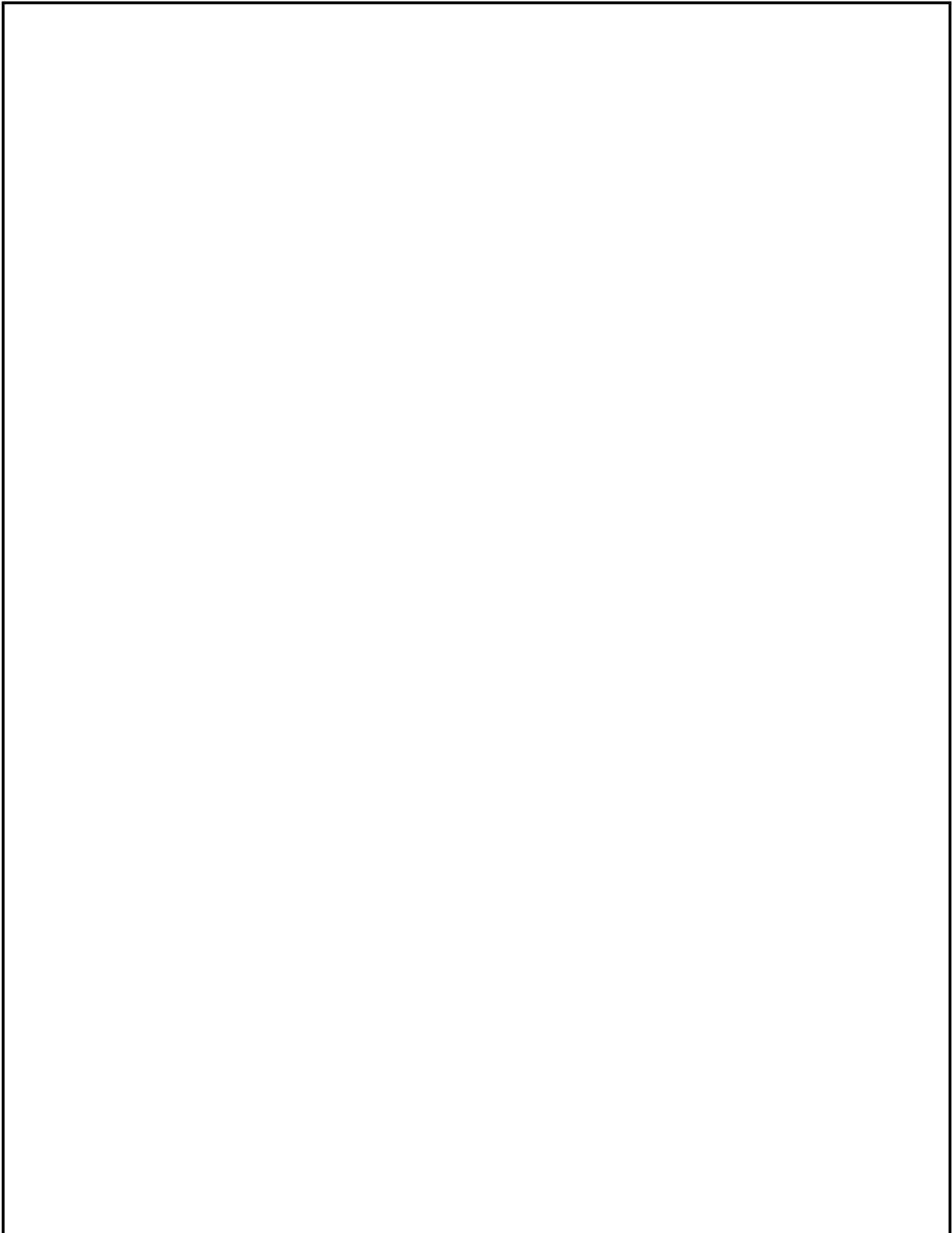
08/16/2017
Washington, District Of Columbia

b5 -3



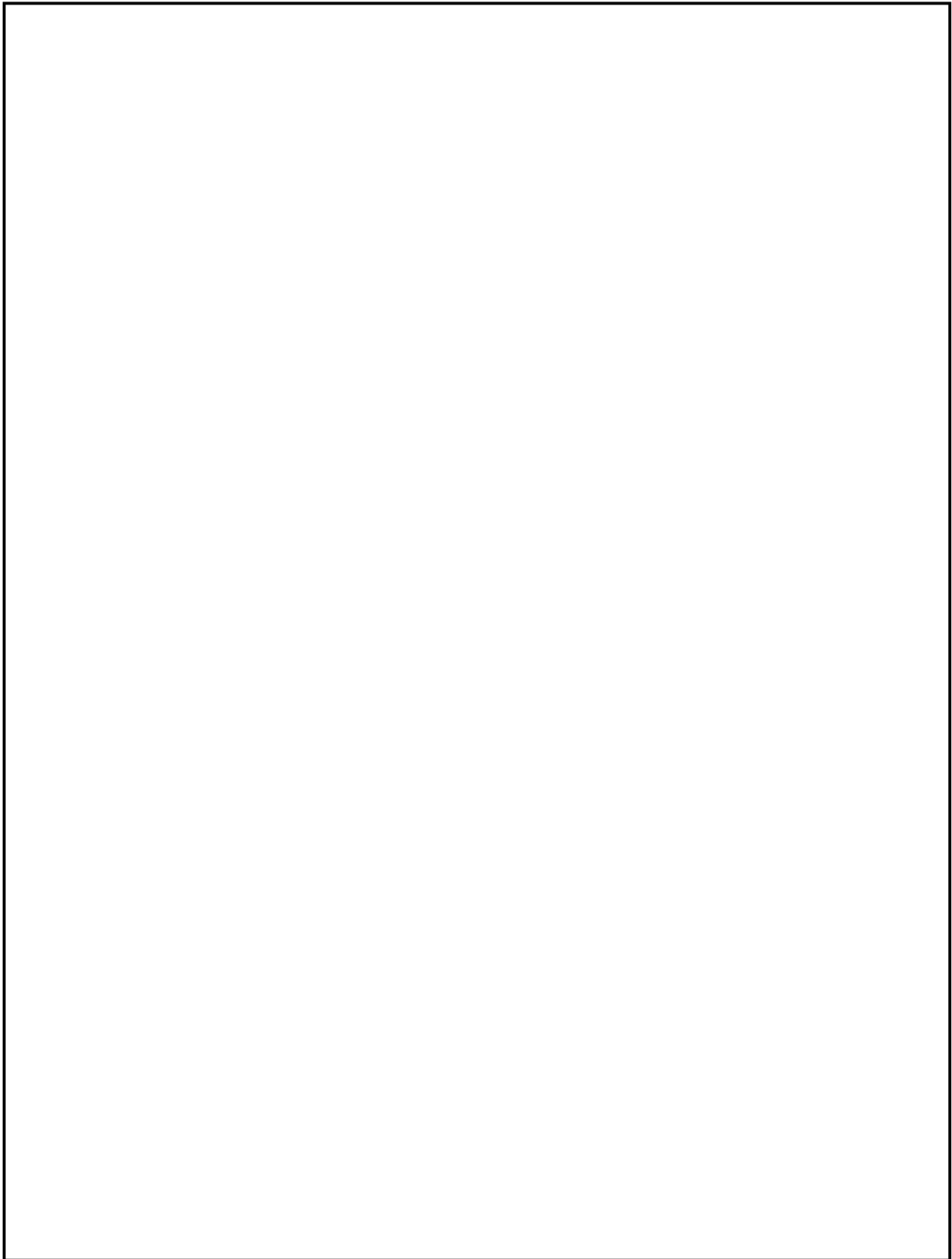
08/16/2017
Washington, District Of Columbia

b5 -3



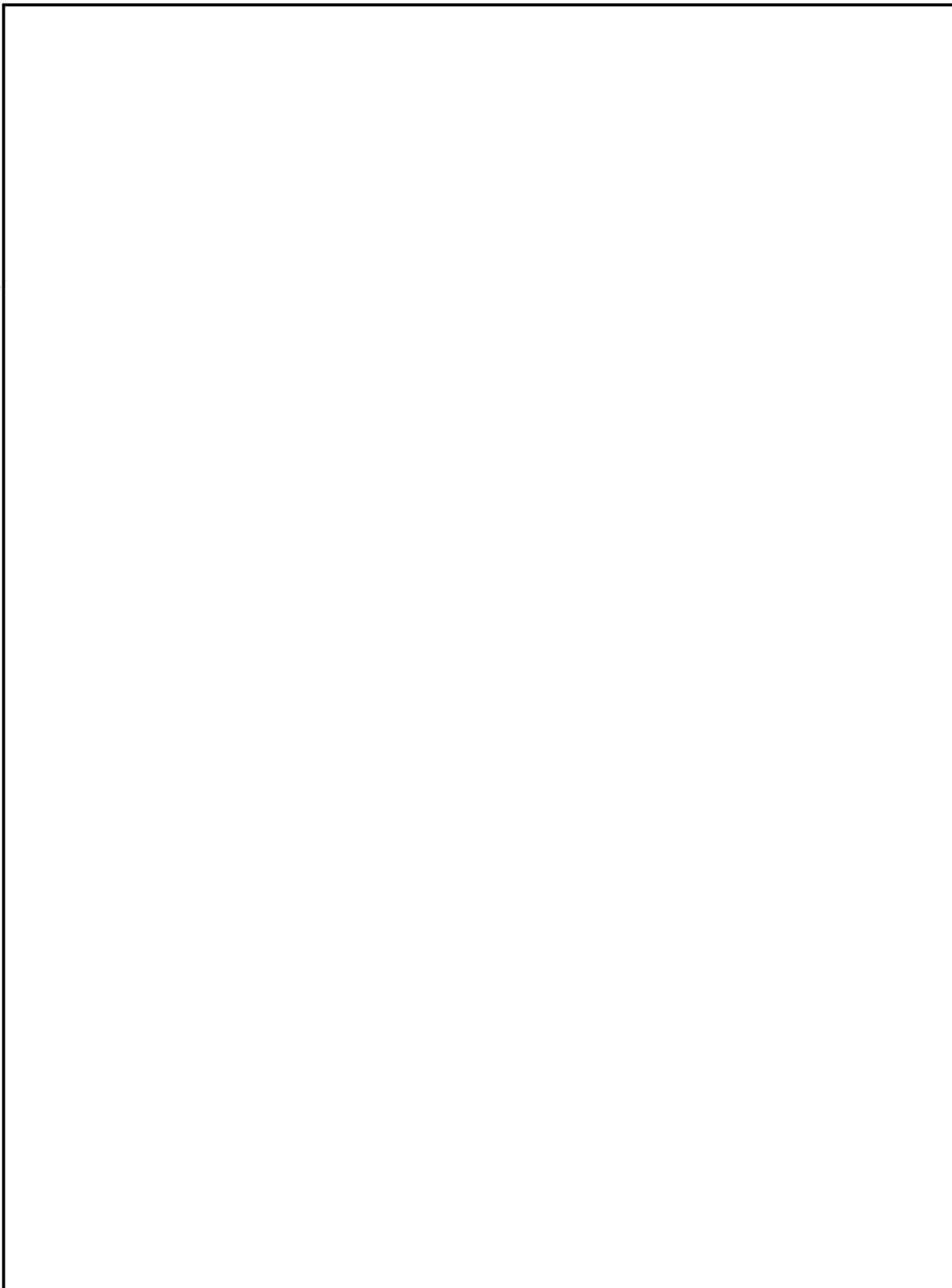
08/16/2017
Washington, District Of Columbia

b5 -3



08/16/2017
Washington, District Of Columbia

b5 -3

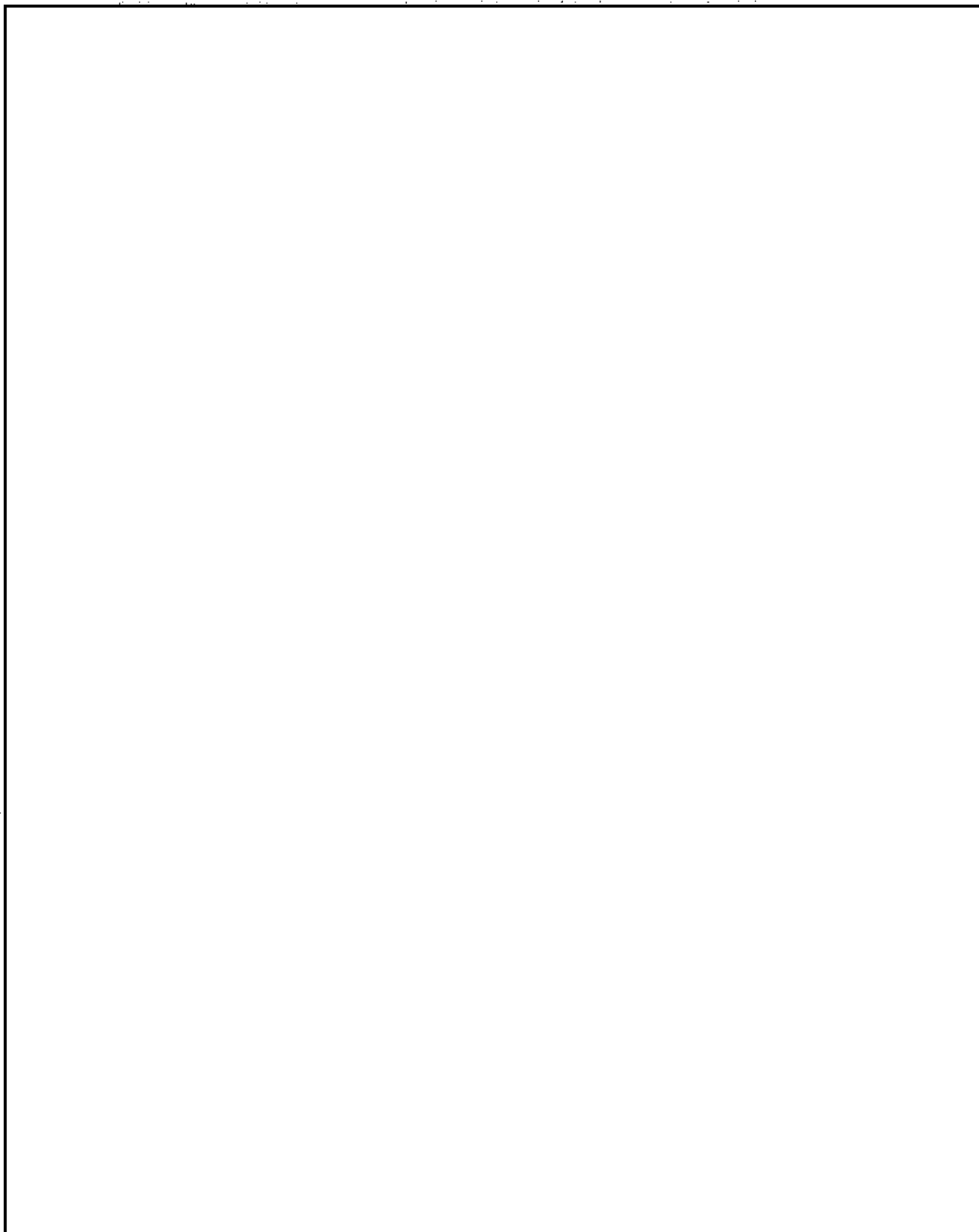


08/16/2017
Washington, District Of Columbia

b5 -3
b6 -1,3
b7C -1,3

08/16/2017
Washington, District Of Columbia

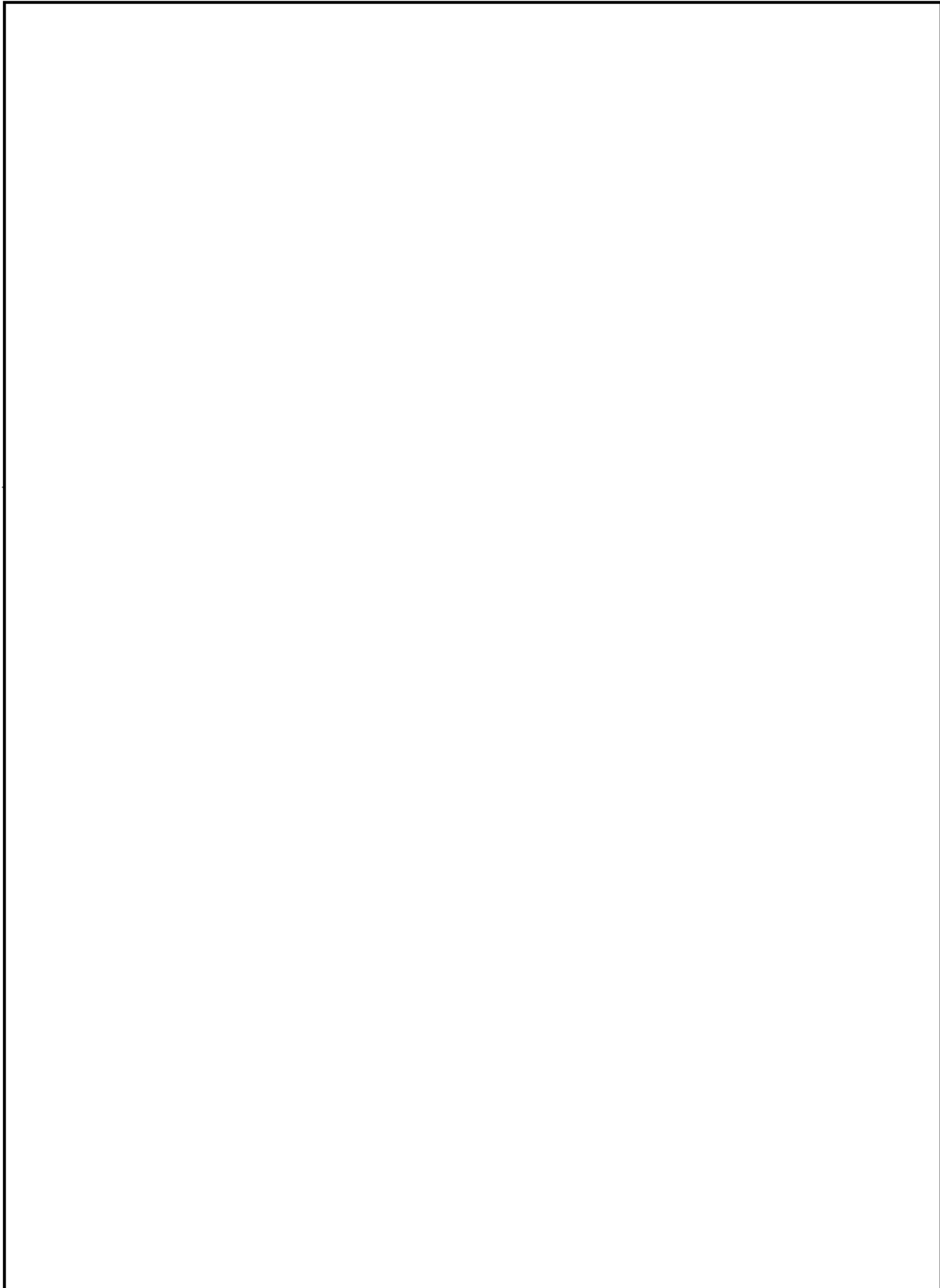
b5 -3



b5 -3
b6 -1
b7C -1

08/16/2017
Washington, District Of Columbia

b5 -3
b7E -3



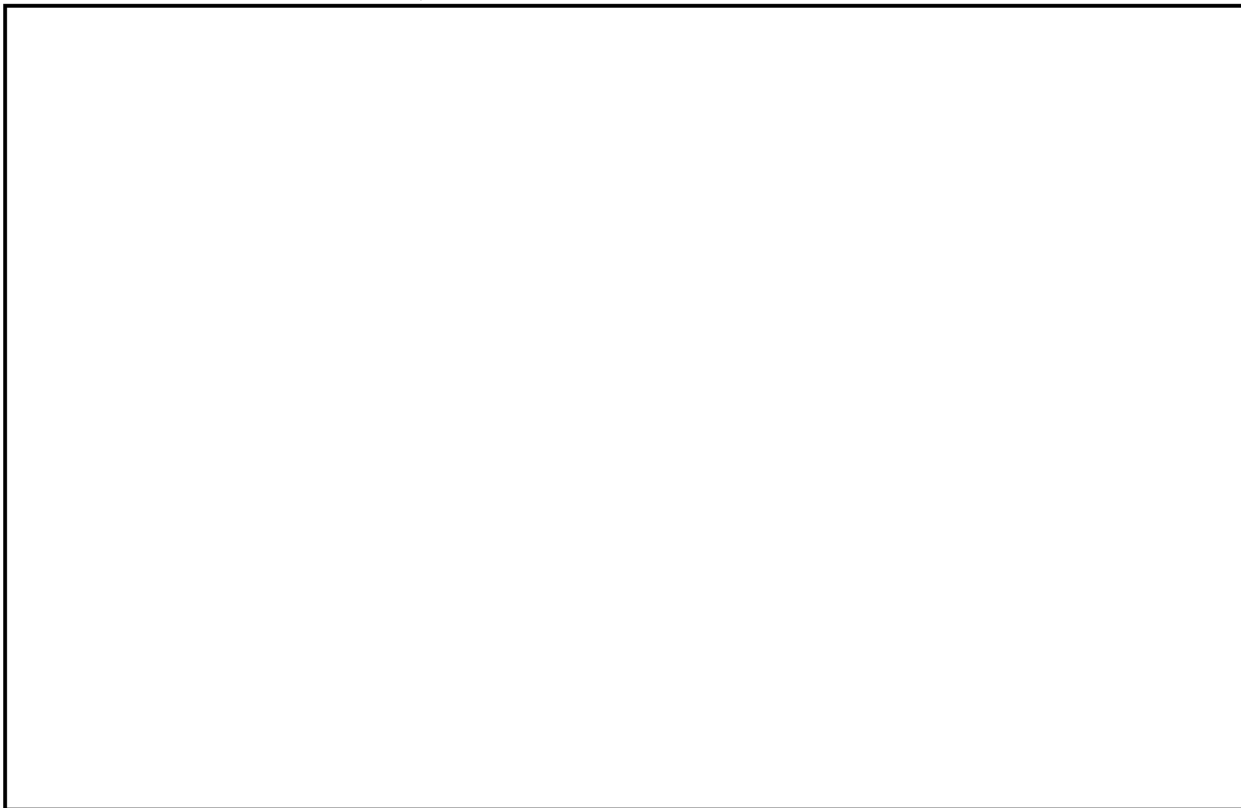
08/16/2017
Washington, District Of Columbia

b5 -3



08/16/2017
Washington, District Of Columbia

b5 -3
b6 -1
b7C -1



①

8/16/17

b6 -1
b7C -1

start
12:19 pm

P.
MICHAEL KORTAN, AD. O.P.A.

C 7230

- Continuation of Nov 30, 2017 interview
 - not the body of the investigation
 - supplemental
 - FD-645 signed @ 12:20 pm
 - Oath administered @ 12:20 pm

10/30/2016

show WST article - Dorian Barnett

- read & pay attention to last page
- highlight paragraphs on last page
- "A lot of people talk"

- Scenario discards DP Mc Cabe on telephone call w/DPJ

→ he w/out share

→ d/n recall discussion about that

- Know Barnett, knew w/WP - been crit'ing the FBI for a long time & Justice Dept "fair" - he broke the story about the campaign contributions

- Attribution in the article - was this done on background - no, I d/n have any recollection of anyone discussing this w/Barnett.

- If Barnett called here he might have told us, but d/n hear him tell us about it & what he intended to write -

(2)

If a reporter tells us they have info from a source, we will listen & inform the affected individual in Division.

we say w/ "no comment" we don't or differently if

- (1) dead wrong - it's wrong
- (2) if person affected, words to respond

I don't recognize this

"Persons familiar w/ the probes"

→ I don't think we used this language but the reporter can characterize it however they want to

- Contrast w/ [redacted] email (content to Horn) w/ D. Barnett article - more at McCabe. go to but to not shut down Clinton Foundation invest.

b6 -3
b7C -3

- "valid press inquiry" - this was someone who heard the conversation is my take on this.

- I call this a leak. I don't recall a verbatim quote w/ DOJ. on backgr. we w/ do this officially. Not our protocol.

→ we would have pushed back on done secretly is not doubt.

(3)

As far as I recall there was not a back
channel. AD Korte would make this
call.

Don't DD Mc Cabe call to him
I ask him to clear the record.

Did anyone from 7th floor come to
you about Berlin Brinett? etc.

It reads to me that someone took it
upon themselves to do something about it

Would you have remembered?

I sure hope so. It would be unusual

Who do you think could have done this?

I don't know

I'm not briefed on the CF invest
(usually the reporter brings it
to our attention - but then it's
already out there)

This is done behind closed doors;
not gen'lly discussed in mtegs.

Since I learn from reporter → I get line
in my mind & then tell the person

10/24/74 Does anyone else in OPB auth a "locker"?
The person would have to be possible
come to us. (but unlikely)
More info with line of work to me - not in line to

(4)

I've never heard the DD say forward
& big directed to clear some of up
esp about a party inv.

Contribution story - we did resp. to
that help the article came

he went to Mo Case; series of discussions
about the facts. (MoC + his wife)

I gave a "on the record" stmt; agreed upon
stmt. → he has a copy of article
[He to provide to us.]

No "background" w/ D. Barnett then
10/24 & 10/30 stories.

(D3)

He d/m/k all the facts. + we agreed what
the facts were + provided @ all
like someone took it
forward, he upon themselves to do their own
"background."

→ just b/c it's a positive msg
d/m men it sh/b labeled

info? → I d/m/k who was in the room when
the call occurred.

"positive & the corr."

→ how would you ~~identify~~ identify? d/m/k
"person close to"

(5)

Dirty?
Notes

only should
rec'd
d/n/h
d/n/h

Maybe if DD called ppl. inv'd in
investig. to be in room + then
stayd.

D/n recall McC self me about the
call or anyone else self me.

18/20/4

- "fair common" to have "on background"
w/ reporters

open their
to the unauth

discussion of
what that
term means

Anyone can do a "background"
if high level employee, reporter with
believe

Never heard anyone come + say "I did a
on-background call."

- Someone from OPA is always inv'd
w/ a "on backg."

- I w/n/h auth'd on "on backg" for
an investigation; senior leadership
all auth'd to talk to media.

- You d/n see a direct quote very often
"over the top" - not necessary to get
sent records; more to prove presence
was actually there.

- Maybe a disgruntled DOJ, but makes DOJ look bad

(6)

10/24/16 Article

He will also get us "the statement" they provided to WST

- Mr. McCabe refers his inquiries to us
- Mr. McCabe, now anyone from his office, directly spoke to Barnett
- They may be some back & forth email w/ D. Barnett

10/24/16 - came out okay - fairly accurate & balanced. Don't feel there was a need to go out and do more about it. (Hope it would go away)

(possibly email follow-up - he will look)

Recall 10/30/16 article - not nice but my sources say that time (NY)

The train then field & report - was no secret

Unit - 10/24 & 10/30 articles

10/26 - Comey notes 2nd email

11/4 - Resolved; Comey addressed GJ again

b6 -1
b7A -1
b7C -1

7

08/16/2017

MICHAEL D KOLTAN

11:30A

AD - OPA

Rm 7230

OPA

b6 -1
b7C -1

CONTINUATION FROM 3/30/2017

W/ SJA

WEST ADVICE 10/30/2016

DEVLIN BARETT (WSJ)

ADVICE REVIEWED

RES Q MTR? (NOTIN MEMO)

NO DISCUSS TO MATEZ

KNOW BARETT?

REG MEDIA WS → MPOST

KEY REG REPORT EARL

DON/1931

-NOT OF BACKGROUND-

→

DON REMEMBER DETAILS

OF HIS INTENT TO WRITE

1

DON RECOGNIZE THIS?

"FAMICAL W/PROBES?"

COURT ALICE → -

WOULD NOT DO THAT

(RAC & PROSECUTOR)

b6 -1
b7C -1

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NSICC

FBI 18-cv-01766-2195

MET W/ DO RE DEVILUS STORY
ABOUT CAMPAIGN CONTRIBUTIONS -

SPOKE TO DO RE FACTS
SET RECORD STRAIGHT W/ MR. MCCLAB
BUT WIFE UNKNOWN -

BACKGROUND - W/ DEVILUS NO - ON THE
RECORD

ASSED UPON RESPONSE -

CAMPAIGN STORY - ARTICLE

EMAIL SENT UP.

DON BRACE SEEMS ARTICLE

- SPUNDED BACK TOGETH W/ FLEUS HED.

(1)

8/17/17

F/U w/ AD M. KORTAN

b6 -1

b7C -1

9:30 am

VM

- GIVES emails from 10/23/17

"touch of background" w/ 10/24/17

b6 -3

b7C -3

10/24/2017

Reporter reaches out to Dr. McCabe

(used their email)

& DD McCabe @ same time

AD M. Kortan

L & Page used 1 personal email MK d/ta notices this. He d/ta use a personal email

→ agree to start, & send doc to the extent that the start raised questions
"a process"

10/30/2017

- Kathy in the article re-asserts w/ me that we had something to do w/ it.

- AD M. Kortan looks for emails from 10/24-10/30 (busy time...)

Emails start on 10/24/17 → 10/

- We prepared for backlash from 10/24/17
→ Who? "The Bureau"

- Up interest - from articles (reg' w/ as of whether involved in media) & reputation

→ we prepared for some start
to them.

EADs/
APD

(2)

@ same time

gave guidance to SARA (all SA email
w/ attachment, "tally prints" / FAX)

- Monday 10/24/17 DB (WSJ) writes to MK
"ally comments"
+ Gwen f/UP (highly)

writes Peter Carru (OPA - DOJ)

@ same time (highlight)

→ he sends to Karter + Quinn

No record of response (there sh/b ^{be} trace
+ it d/n refresh my recall. ~~it~~

We also d/n/k what DB did w/ DOJ

unless
we talk
on
phone

but I
d/n/k
recall

No one from McCabe's team (except
his wife) was involved w/ 10/24/16 article

Lisa Page tends to edit.

10/26/17 - would have asked it to
email L. Page [redacted] + then
discuss.

b6 -1
b7C -1

KORZAN (1)

10/27/16 - Email

8/18/17

10/28/16 - midday Comy sends ltr to Congress
Chairman

o's Story on 10/30/16 leads w/it

3-45m

10/27/16 10AM - Can you talk

10/27/16 10:52 - LP "sounds good"

12:04 - MK → LP "still wait"

No recollection
of what
happened
here4:43 p - DB → MK "momentary"
(still d/m recall conv.)

THURS

FRIDAY

10/28/16

DB → MK

10:12 AM Can you talk

No recollection
here

12:10 PM MK → LP He's ready

DB → MK

1:32 PM Clinton emails email

"She ltr"

2:49 PM Call about (Comy) ltr?

3:01 LP → MK CFR link

3:15 MK → DB CFR link

(Hatch Act?) (Conflicts of Int)

Sundg 10/30/16

10:55 AM DB → MK "got new info"

11:46

"hang on"

12:49 → DB → MK - Person w/a got off phone

1:54 8/12 Call identif (hygiene)

3:16 p LP → MK right as well name Axel

3:06 p Story will publish

3:37 Story out

3:58 He sends the story

(2)

Back to the 10/30/16 article

- looks @ attribution

- "quote"

- dependus

- others further down the chain of command.

- I still d/n/k any more about the quote.

- I d/n even know if its covered.

SSS

- "on background" - both the reporter and CPT know its "on background"

→ 'background' could identify FBI.

(this w/pts would still be agreed to); just d/n identify the individual.

→ a lot of back & forth; a process (then)

→ do you want to make a statement on the record?

(maybe or may not)

- a convention to make sure they understand the issue.

sometimes you might comment on an on-fg interview (but is not the case w/ 10/30/16)

3

Every situation is different

2

1

MICHAEL KORDAN

(FOLLOW-UP)

08/18/2017

3:30pm

W/SSA

b6 -1

b7C -1

FRI MORN - DAY 10/28/17

D. CONEY LETTER TO CONGRESS

(ALL NEW BROKE HOUSE W/ MEDIA)

LP 10:52 10/27/17 EMAIL

DEVLIN WANTED TO TALK

DB 10:12 10/28/17 CAN YOU TALK

DB 12:00PM READY

STACK OF EMAILS - DIDN'T HELP RECOGNITION

LETTER FROM CONEY GOES OUT

DB QUICKLY FOCUSES ON HC (LETTER)

10/30/17 DB - "GOT NEW INFO"

CAN YOU CALL ME...?

*X

INTERVIEW INTERRUPTED BY REQ TO GO TO

DO MCABE'S OFFICE

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UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL

-----X
IN RE: :
INTERVIEW OF MICHAEL KORTAN :
-----X

December 22, 2017
Washington, D.C.

Interview of
Michael Kortan

By the U.S. Department of Justice, Office of the Inspector
General, at the Department of Justice Building, beginning
at 10:03 a.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[Redacted] Oversight and Review Division
[Redacted] Oversight and Review Division
[Redacted] Oversight and Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

[Redacted] Esquire

b6 -3
b7C -3

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NSICC

b6 -1
b7C -1

DEPOSITION SERVICES, INC.
12321 Middlebrook Road, Suite 210
Germantown, Maryland 20874
Phone: (301) 881-3344

Page 2

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2		I N D E X	
3		EXHIBITS	
4	EXHIBIT NUMBER		PAGE NUMBER
5	None.		
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Page 3

1 PROCEEDINGS

2 [REDACTED] Good morning. We are on the record

3 and today is December 22, 2017 at three or four minutes

4 past 10:00 a.m. This is the OIG interview of Michael

5 Kortan who is the assistant director of the FBI's Office

6 of Public Affairs. I'm [REDACTED] investigative

7 counsel in the Oversight and Review Division. And with me

8 here is [REDACTED] who is an investigative counsel, and

9 [REDACTED] who is an investigative counsel. Also here is

10 a [REDACTED] who is the attorney for Mr. Kortan.

11 And he is appearing with a subject to a non-disclosure

12 agreement. This interview is being conducted in

13 Washington, D.C. at the Oversight and Review Division

14 offices at 1425 New York Avenue, Northwest. And we will

15 be conducting this interview in a manner that does not

16 delve into classified information. These are unclassified

17 recorders. And I'm not expecting to ask you any questions

18 that would elicit a classified response but if for some

19 reason I do please stop me and make me aware that we're

20 about to delve into that territory so that we can do it a

21 different way. Okay? All right? Before going on the

22 record we discussed the scope of this review [REDACTED]

23 [REDACTED]

24 [REDACTED] is appearing voluntarily to

25 answer our questions. We also asked Mr. Kortan not to

Page 4

1 discuss the substance of our investigation with anyone

2 other than his attorney and he has agreed to that.

3 Is that correct? b6 Per OIG
b7C Per OIG

4 MR. KORTAN: Correct.

5 [REDACTED] Great. All right. Then if there's

6 nothing further if you'll raise your right hand I can

7 place you under oath and we can get started.

8 MR. KORTAN: Okay.

9 Whereupon,

10 MICHAEL KORTAN

11 was called upon by the United States Department of

12 Justice, Office of the Inspector General, to provide a

13 voluntary sworn statement and was duly sworn. b6 Per OIG
b7C Per OIG

14 [REDACTED] Great. I'd first like to start by

15 asking you what you did to prepare for this interview.

16 Did you do anything to prepare for this interview?

17 MR. KORTAN: I reviewed the materials that I've

18 had prior to --

19 [REDACTED] Okay. Would that be -- b6 Per OIG
b7C Per OIG

20 MR. KORTAN: -- your request.

21 [REDACTED] -- the signed sworn statement that

22 we --

23 MR. KORTAN: Signed sworn statement, some of the b6 Per OIG
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24 news stories.

25 [REDACTED] And I saw that you gave some emails

Page 5

1 as well --

2 MR. KORTAN: The emails.

3 [REDACTED] -- to INSD when they were b6 Per OIG
b7C Per OIG

4 checking --

5 MR. KORTAN: That packet that was provided to

6 Inspection, yes.

7 [REDACTED] Sure. Other than your attorney did

8 you talk to anybody in preparation for this interview?

9 MR. KORTAN: No. b6 Per OIG
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10 [REDACTED] Okay. And when you say you reviewed

11 the articles are you talking about having referred the

12 October, reviewed the October 30th Wall Street Journal

13 article?

14 MR. KORTAN: The October 30 and the prior one,

15 October 23rd I think it was.

16 [REDACTED] Okay. And we'll take a look at b6 Per OIG
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17 those in a moment.

18 MR. KORTAN: Okay.

19 [REDACTED] Before we get to that I am wanting

20 to start by having you briefly describe your background at

21 the FBI starting with your entry on duty date. And I'm

22 most interested in when you came to work for the Office of

23 Public Affairs and the jobs that you held there. But if

24 you could just give us your basic background that would

25 bring us up to the present date.

1 MR. KORTAN: Sure. So I entered on duty in [redacted]
 2 [redacted]
 3 [redacted]
 4 [redacted]
 5 [redacted]
 6 [redacted]
 7 [redacted]
 8 [redacted]
 9 [redacted] Okay.
 10 MR. KORTAN: At that time I held that position
 11 for maybe [redacted] and was [redacted]
 12 [redacted]
 13 [redacted]
 14 [redacted]
 15 [redacted]
 16 [redacted]
 17 [redacted] Okay.
 18 MR. KORTAN: So I was, spent approximately [redacted]
 19 [redacted] At the
 20 end of that period I was promoted to chief of the public
 21 affairs section, came back to public affairs as chief of
 22 the public affairs section in what was then the Office of
 23 Congressional Public Affairs. And held that position for
 24 approximately four years. I was promoted to position of
 25 deputy assistant director of the Office of Public Affairs.

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b6 -2
 b7C -2

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 b7C -2

1 And I think two or three years later I was promoted to
 2 position of assistant director of the Office of Public
 3 Affairs where I remain.
 4 [redacted] And as best you can approximate for
 5 us what year was that that you were promoted to assistant
 6 director?
 7 MR. KORTAN: It was late 2009.
 8 [redacted] And were you [redacted]
 9 before you came to work for the FBI?
 10 MR. KORTAN: I mean, [redacted] yes.
 11 [redacted] Oh, okay.
 12 MR. KORTAN: Yeah.
 13 [redacted] No, I'm just wondering because it
 14 seems to me like public affairs is the kind of thing that
 15 would be attractive to someone [redacted]
 16 MR. KORTAN: I'm not sure. I mean, maybe. No,
 17 I mean, I hear what you're saying. Sure.
 18 [redacted] Right. I just, I mean --
 19 MR. KORTAN: It was opportunities and, you know,
 20 as events occur.
 21 [redacted] Sure. I am not as familiar with the
 22 work of your office as obviously you are.
 23 MR. KORTAN: Okay.
 24 [redacted] And so I wanted to ask you some
 25 general questions about how your office works. If you

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 b7C Per OIG

1 could just start by describing to us, and I know this
 2 question might sound a little nuts but describing for us a
 3 typical day. So what do you spend your time doing as the
 4 assistant director of public affairs?
 5 MR. KORTAN: Okay. So a typical day would
 6 involve arriving at work and we, the first events on the
 7 schedule generally, I mean, more often than not, are a
 8 couple of sort of back to back morning briefings. The
 9 first one led by the deputy director who hosts a daily
 10 briefing with a number of people. Probably as many as 15
 11 to 20 folks that represent various entities from the FBI.
 12 The operational divisions, the, some of the support
 13 divisions, some others. A couple of outside agencies are
 14 represented there. And it's a, you know, I would say is a
 15 typical morning brief. Everything is teed up that is on
 16 different people's plates and schedules that, events or
 17 issues that are anticipated that day or going forward. So
 18 everyone has a chance to provide that information in this
 19 meeting led by the deputy. That generally lasts about 30
 20 minutes and then we sort of reconvene again to a similar
 21 meeting led by the director. And it's a similar format.
 22 Some of the, a bunch of the information is repeated for
 23 the director's benefit and that generally lasts about a
 24 half hour. So, I mean, I generally represent my office
 25 but in my absence one of, somebody else would represent

1 the office in those meetings.
 2 [redacted] Okay.
 3 MR. KORTAN: On completion of those I come back
 4 to the office and start the process of sort of interacting
 5 with the various elements of the Office of Public Affairs
 6 with people to see what, you know, in essence, what's
 7 going on, what's, what they know with respect to that day.
 8 And you know, conversations in different ways, informal
 9 conversations. You know, I'll spend time in my office at
 10 that point returning calls or dealing with matters that
 11 need to be dealt with, whatever that may be in that
 12 interim period. Around 10:00 a.m. we convene a daily
 13 meeting within the Office of Public Affairs. It's, you
 14 know, I mean, largely a press meeting but it involves a
 15 representative from every part of public affairs. Which
 16 would include, you know, every office within the division
 17 so it's the web team and someone from the web team, some
 18 internal employee communications, USB Tryder (phonetic
 19 sp.) or crime publicity and fusion publicity unit. So
 20 everyone is represented. And again, we go through the
 21 day, over the day and then going forward. What, all the
 22 incoming calls, all the requests, all the current
 23 projects, the status of everything. What's new from the
 24 day before, it's discussed so that, you know, everything
 25 that we know of is sort of put on the table, if you will.

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1 And there's an exchange about how we might handle those
2 matters and how to go forward. And that generally lasts
3 from 30 to 60 minutes depending on the amount of business.
4 When that's conflated it's back to, you know, a daily, the
5 daily routine which may include any number of things. You
6 know, groups that come, meetings, you know. We have some
7 things, some external, have external responsibilities so a
8 lot of groups and people come to the building. And we
9 often have a role in speaking to them, whoever they may
10 be. So that's a part of it. Others are just, you know,
11 meetings regarding issues and matters throughout the
12 Bureau --

13 [REDACTED] And --
14 MR. KORTAN: -- that are on my schedule.
15 [REDACTED] And then are there closeout
16 activities as we go home for the night? Is there some --

17 MR. KORTAN: So that day goes on and then, you
18 know, however that reveals itself in the course of the
19 day. The closeout, I'm constantly interacting with my
20 units throughout the day. Just, it's just routine. You
21 know, it's constantly passing through and talking to
22 people, making sure I'm kind of not missing anything.
23 Particularly the press office because that's sort of the
24 busiest, most urgent flow of information. And they're
25 coming to see me or my deputy. You know, we're constantly

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1 interacting, the group of us, you know --
2 [REDACTED] Are you in the same physical
3 space, the press office and your personal office?

4 MR. KORTAN: I mean, not literally the same
5 office but across the hall.

6 [REDACTED] Okay.

7 MR. KORTAN: So pretty close --

8 [REDACTED] So same building?

9 MR. KORTAN: Oh, definitely. Yeah, yeah. Yeah,
10 we're all close. So that goes on all day in between and
11 as an overlay with whatever else is on the schedule. As
12 far as the end of the day, I would have informal, you
13 know, outbriefs with certainly my people. And then I
14 would, and throughout the day either me and/or my folks
15 are constantly kind of making their rounds down the hall,
16 if you will, to, you know, to the deputy space, ASOC
17 deputy space. The executive assistant directors for the
18 operational, to make sure they're aware of what, anything
19 we're, we know about or that's coming in case we need to
20 confer with them for something. So that goes on all day.
21 We don't have a formal outbrief anymore with leadership.
22 That's been done in the past on an on and off basis. The
23 phase we've been in now or the structure that we're in now
24 is that if you have something to report to make sure you
25 come down and to make sure to report it or pass it on.

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1 And so it's done on a as needed basis as opposed to a
2 structured meeting at the end of the day.

3 [REDACTED] Okay. And was that true also when
4 Director Comey was the director?

5 MR. KORTAN: I'm trying to think when it
6 changed. He did have an occasional outbrief. I mean, it
7 wasn't every day by any means. It was sort of scheduled
8 as his staff deemed necessary based on his schedule and
9 many other considerations.

10 [REDACTED] Okay. And I thought I understood
11 you to say that, you know, going to see the deputy
12 director or the director was just a walk down the hall for
13 you. Is your office located on the seventh floor of the
14 Hoover Building?

15 MR. KORTAN: It's on the seventh floor of the
16 Hoover Building, yes.

17 [REDACTED] Okay. So all of those offices of
18 the executive management of the FBI are accessible to you?

19 MR. KORTAN: They're accessible to me, yes.

20 [REDACTED] Okay. And would you, when you need
21 to speak with the deputy director or the director about
22 issues do you need to make an appointment or can you just
23 walk in and tell them this is what's going on?

24 MR. KORTAN: It varies. Doesn't require an
25 appointment. It would depend on their schedule and

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1 availability, what they're doing, where they are. There's
2 various ways to approach it. I mean, they have staff that
3 surround them so you can either go to staff and make known
4 that we need to talk or provide some information or
5 something. So it's just done most efficiently either
6 through staff or directly, depending on what time of day
7 it is. And again, where everybody is at any given time.

8 [REDACTED] Okay. And what part of your day is
9 spent actually speaking with reporters?

10 MR. KORTAN: Well, it can be all of the day, and
11 evening. I mean, all the time, it can be.

12 [REDACTED] Okay.

13 MR. KORTAN: I mean, I don't know if I can
14 actually estimate what percentage of that is. I mean,
15 it's going to depend, it's driven by issues, driven by
16 events. Certainly in the aftermath or the, in the
17 duration of an event it's going to be quite busy and
18 heavy. There are times when that slows and there's much
19 less, so.

20 [REDACTED] When you are communicating with
21 reporters do you do that one on one or do you have other
22 members of your staff there or is it a mixture of those
23 two scenarios?

24 MR. KORTAN: It's a mixture of those scenarios.
25 Everybody in the press office and then the chain from me

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1 to the deputies to the unit chief of the press office to
2 the public affairs officers, they're all, it's their job
3 to talk to reporters. I'll, you know, every day take
4 calls from reporters. And I mean, that's, so it's not
5 usually done in groups unless it's a follow up or a
6 specific, you know, interaction that would require that.
7 [redacted] Okay. And do you keep notes of the
8 conversations that you have with reporters?

9 MR. KORTAN: I mean, I, maybe. Depending on
10 circumstances.

11 [redacted] Okay.

12 MR. KORTAN: I mean, I generally, if a reporter
13 calls me and provides me with information, you know, I'll
14 write it down of course. I mean, I say of course but most
15 often, sure.

16 [redacted] Oh, okay. And where do you keep
17 those notes? Are they organized in some fashion?

18 MR. KORTAN: I mean, generally my practice has
19 been to take notes and keep them in a, segregated from
20 other notes on an ongoing matter maybe in a folder --
21 [redacted] Okay.

22 MR. KORTAN: -- you know.

23 [redacted] Some of the folks that we've talked
24 to in the course of our investigation have indicated to us
25 that because you've been in the Office of Public Affairs

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1 exclusively --

2 [redacted] Okay.

3 MR. KORTAN: -- you know, on any kind of regular
4 basis. It's going to be situational. They may try me at
5 first and then go to, you know, others depending on the
6 issue or area. The press office is divided up in issue
7 areas and the reporters know kind of who handles national
8 security or criminal or administrative matters or, you
9 know, CJIS matters, you know, whatever. I mean, we divide
10 it up into any number of areas so reporters know that.

11 [redacted] Okay.

12 MR. KORTAN: So it's just going to depend. I
13 mean, our regular press core, if you will, that handles
14 the same, generally the same press core that handles the
15 Department of Justice and the FBI are probably total about
16 20 news organizations. So --

17 [redacted] Okay.

18 MR. KORTAN: -- it's going to be the, you know,
19 the network TV news. It's going to be cable news. It's
20 going to be the major newspapers. It's going to be the
21 wire services. And it's going to be increasingly, you
22 know, digital platforms. The politicians and the, and that
23 kind of thing. So it totals about 20 I would say that
24 would generally cover us on a regular basis.

25 [redacted] Okay. And the stories that we're

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1 for so long and are so well known to especially the
2 national media --

3 MR. KORTAN: Uh-huh.

4 [redacted] -- that there are reporters and
5 stories where people want to talk to you directly and need
6 to talk to you directly. Do you think that's a fair
7 characterization in sort of where you are in, relative to
8 the national press?

9 MR. KORTAN: I mean, probably. I mean,
10 certainly I'm known and there are a number of reporters
11 that have been around, you know, as long. And so that can
12 happen. It's not, there's nothing structured about that.
13 Any reporter, I think any of those, any of our regular
14 press core --

15 [redacted] Uh-huh.

16 MR. KORTAN: -- can talk to any number of people
17 in our operation. Are there going to be times where they
18 want to talk to me or tell me something or deal with me
19 directly? Sure.

20 [redacted] Could you give me some examples of
21 who the established people are that cover the FBI on a
22 regular basis that seek you out in that way? You know,
23 the reporters that you deal with regularly.

24 MR. KORTAN: Sure. I mean, I can identify those
25 reporters. I don't know that anyone seeks me out

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1 interested in were written by Devlin Barrett --

2 MR. KORTAN: Uh-huh.

3 [redacted] -- who used to work at the Wall
4 Street Journal and now I understand works at the
5 Washington Post. Is he one of those reporters that you
6 consider to be a long time established member of the press
7 core who's been routinely covering the FBI?

8 MR. KORTAN: I would, yeah.

9 [redacted] Okay.

10 MR. KORTAN: Yes.

11 [redacted] And is that somebody that you deal
12 with personally when there are questions that he has about
13 the FBI investigations and matters?

14 MR. KORTAN: I mean, I have dealt with him and I
15 do deal with him but certainly not exclusively. He calls
16 any number of people. I mean, he's known to everybody in
17 the press office. And it would, again, it would depend on
18 the nature of the, what his interest is at that given time
19 and, you know, any number of other, it's certainly not
20 exclusive to me, no.

21 [redacted] Is it fair to say that there are
22 certain sort of high level matters that, I'm sorry,
23 sensitive high level matters that, as the assistant
24 director of public affairs, you want to deal with
25 personally? You know, like I imagine that there's all

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1 kinds of routine business and contacts --
2 MR. KORTAN: Uh-huh.
3 [REDACTED] -- with the press core.
4 MR. KORTAN: Yes.
5 [REDACTED] And that anybody in your office can
6 handle. I'm wondering if there's sort of a select set of
7 matters that are sensitive or high profile that you've
8 made it known that you need to deal with directly?
9 MR. KORTAN: I mean, there can be at times. But
10 I don't want to suggest that there's some structure to
11 that or that there's some, you know, rule. I mean,
12 really, you know, every issue is different and every issue
13 that comes along is, you know, is something, is different
14 from something that preceded it. So we're going to
15 evaluate that every time and determine the best way to
16 handle that. It's going to depend on my availability,
17 what assistance I may need from others. But I don't, you
18 know, there's no structure that surrounds that I don't
19 think. Common sense perhaps --
20 [REDACTED] Okay.
21 MR. KORTAN: -- because of, you know, the
22 position and --
23 [REDACTED] Well --
24 MR. KORTAN: -- maybe leadership, you know,
25 asked me to, you know, make sure I'm on top of something

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1 or I'm keeping an eye on it or something like that. So it
2 could vary so I would just apply kind of a common sense
3 standard to that.
4 [REDACTED] Okay. Taking us back to the days
5 before the 2016 presidential election.
6 MR. KORTAN: Uh-huh.
7 [REDACTED] I'm wondering if the investigation
8 into the Hillary Clinton emails is the kind of thing that
9 you wanted to be directly involved with because of its
10 sensitivity?
11 MR. KORTAN: I would certainly be involved in it
12 but not exclusively.
13 [REDACTED] Okay.
14 MR. KORTAN: I mean, it was an extraordinarily
15 busy time. Probably required the assistance and resources
16 of the entire press operation in order to kind of manage
17 the flow of incoming.
18 [REDACTED] Okay. And one of the stories that
19 you indicated that you read in preparation today was the
20 October 23rd Wall Street Journal article that has to do
21 with [REDACTED] un for --
22 MR. KORTAN: Uh-huh.
23 [REDACTED] -- State Senate. Am I
24 characterizing --
25 MR. KORTAN: Yes.

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1 [REDACTED] -- it correctly?
2 MR. KORTAN: Yes.
3 [REDACTED] And that article sort of suggested
4 that there might be a concern about whether the deputy
5 director had a conflict of interest. Am I characterizing
6 that correctly?
7 MR. KORTAN: I think so, sure.
8 [REDACTED] Oh, okay. Is that the kind of
9 matter that you were personally involved in given the high
10 level of department personnel involved and the sensitivity
11 of that matter?
12 MR. KORTAN: I was involved on that. I'm not
13 sure it was exclusive to those, you know, reasons. I
14 mean, it could have been somebody else had there been
15 different, you know, had I not been there or something.
16 But I was there at the time and as I recall it kind of
17 revealed itself over a weekend. So I just, I got involved
18 in it and led that.
19 [REDACTED] Okay. And we're going to talk about
20 that in a moment. I'm wondering about the investigation
21 into the Clinton Foundation. As you know there was a
22 separate investigation separate from the emails having to
23 do with money that flowed into and through the Clinton
24 Foundation. Is that the kind of sensitive high level
25 matter that you were personally involved in because it

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1 also indicated these potential concerns about conflict of
2 interest?
3 MR. KORTAN: I don't recall being particularly
4 involved in that, nor would I be. I mean, what you
5 referred to before was something that he asked me when I,
6 when we provided the deputy with the information about a,
7 you know, a pending story and what it likely was going to
8 report. You know, he made a decision to get involved and
9 to provide information to contribute to that story.
10 [REDACTED] And as you --
11 MR. KORTAN: I mean, so I don't -- go ahead.
12 [REDACTED] Okay. As you sit here today do you
13 have a memory of whether or not the deputy director
14 decided to get involved and provide information with
15 respect to the follow up story on October 3rd, October
16 30th concerning the Clinton Foundation?
17 [REDACTED] I'm sorry, could you ask that again?
18 [REDACTED] Oh, I'm wondering, you know, as
19 we're sitting here today --
20 MR. KORTAN: Yep.
21 [REDACTED] Well, you know what? I'll, I'm
22 going to show you some documents --
23 MR. KORTAN: Okay.
24 [REDACTED] -- and then we can talk about that.
25 MR. KORTAN: Sure.

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1 [] Okay? Before we get there though
2 I'm wondering in terms of the way that the Office of
3 Public Affairs works are there any guidelines or policies
4 that deal with whether or not the FBI should confirm the
5 existence of ongoing investigations?

6 MR. KORTAN: There are guidelines --

7 [] Okay.

8 MR. KORTAN: -- that provide guidance in that
9 area.

10 [] And when there is a question about
11 an ongoing investigation that comes in from members of the
12 media --

13 MR. KORTAN: Uh-huh.

14 [] -- how does the FBI go about
15 determining whether or not to publicly confirm whether an
16 investigation has actually been opened? And just walk us
17 through that process.

18 MR. KORTAN: Sure. I mean, generally when we
19 receive information from the outside inquiring about an
20 investigation that is or isn't, you know, sometimes you
21 get a lot about investigations that aren't. But if it is
22 something that is, I mean, I go, you know, as quickly as
23 reasonably possible to those responsible for that matter,
24 that investigation. You know, whatever operational
25 division it is. And probably at the same time I get a

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1 higher level that, what they call the executive assistant
2 directors that oversee the operational divisions, to make
3 sure that the appropriate people are aware of this
4 inquiry. One of the reasons for that is we don't often
5 know the implication associated with revealing that or
6 that a reporter knows something about an investigation.
7 So, I mean, we want to make sure that those who do know.
8 And then that begins a process of how to, in essence, deal
9 with that, you know, that incoming information.

10 [] And is it fair to say that the
11 operational people who are involved in the investigation,
12 that their executives are the ones that make the decision
13 about whether or not to publicly confirm the existence of
14 an ongoing investigation?

15 MR. KORTAN: They certainly play a large role,
16 yes.

17 [] Okay. You don't independently --

18 MR. KORTAN: No.

19 [] -- decide that on your own?

20 MR. KORTAN: No, no.

21 [] Okay.

22 MR. KORTAN: No, we wouldn't. As I said, we
23 typically or generally wouldn't understand the, what
24 surrounds that information. I mean, often times we'll get
25 calls and inquires about something we're not even aware

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1 of. Other times we may be aware of it but know it to be,
2 you know, something that's important or sensitive so we're
3 going to make sure that the operational division know that
4 somebody on the outside is asking about that or knows
5 about it.

6 [] Okay.

7 MR. KORTAN: So it's going to vary. Again, I
8 would say it's a, kind of a common sense standard to make
9 sure that those who need to know know so that they can
10 assess and evaluate and make some kind of analysis on
11 what, what's the best way to go forward with it.

12 [] Oh, okay. So it's a collaborative
13 process?

14 MR. KORTAN: Sure.

15 [] And nothing that OPA would do on its
16 own without seeking some guidance?

17 MR. KORTAN: No. I mean, we may decline, you
18 know, if we know something about it and we're expecting
19 people to ask about it, which often times can happen. You
20 know, say operational legal. My people go to kind of
21 regular briefs in the operational divisions to make sure
22 they're kind of aware of what's in the air. And so they
23 may have some sensitivity to something that may be asked
24 about. And if that's the case we'll know at that point
25 that we, you know, decline any comment and then we'll

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1 report that back to the operational divisions that that
2 was incoming. But no, we're not going to affirmatively
3 discuss or confirm something unilaterally.

4 [] Okay. And when the decision is made
5 to publicly confirm the existence of an ongoing
6 investigation how is that documented? You know, do you,
7 is there a process through which OPA documents that it has
8 authorization to do that?

9 MR. KORTAN: I don't know that there's a formal,
10 you know, document that does simply that. But --

11 [] Uh-huh.

12 MR. KORTAN: -- you know, all the folks in OPA
13 are taking their notes and they're recording it or making
14 kind of a record of who they spoke to and what the person
15 told us. You know, again, that process can take many
16 different forms and may require maybe a meeting with the
17 operational people to kind of go over the, you know, all
18 the elements of that decision making process. You know,
19 maybe less formal depending on the seriousness of it or if
20 it's, you know, how easy a decision it is. The more
21 complex the decision is it may require more of it. So
22 there's, I think there's processes in place that capture
23 that. But it's not an FBI requirement that says any time
24 a pending matter is confirmed that it's made a matter of
25 record in a certain specific way. It may be done in any

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1 number of ways but it, I mean, it's going to be captured,
 2 likely captured in some way.
 3 [REDACTED] Okay. To your knowledge, has the
 4 FBI publicly confirmed the existence of the Clinton
 5 Foundation investigation as we sit here today?
 6 MR. KORTAN: Not in a formal sense, no. That I
 7 know of.
 8 [REDACTED] Oh, okay. So if a reporter were to
 9 call your office and have questions about the Clinton
 10 Foundation investigation what would be the response from
 11 OPA?
 12 MR. KORTAN: That I don't think there would be.
 13 It would be a no comment.
 14 [REDACTED] Okay. Another question policy --
 15 [REDACTED]: Just a minute.
 16 If they called you and asked about the Clinton
 17 Foundation would you contact the operational people --
 18 MR. KORTAN: Yeah, consistent with what I just
 19 explained.
 20 [REDACTED] Okay.
 21 MR. KORTAN: I think generally we're going to
 22 pass on, I mean, unless it's just repeated questions about
 23 the same thing. We may not pass on each and every inquiry
 24 but we're going to certainly establish that news
 25 organizations or an organization, organizations are

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b6 Per OIG
 b7C Per OIG
 b6 -3
 b7C -3

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 b7C -3

1 MR. KORTAN: Well, we'd probably refer them to
 2 the statement, yeah.
 3 [REDACTED] Okay. Let me talk to you about
 4 internal --
 5 MR. KORTAN: I might just add something.
 6 [REDACTED] Sure.
 7 MR. KORTAN: There's a range. I mean, when you
 8 say a pending investigation that is a wide range of
 9 matters. Often times investigations are purposely
 10 confirmed to give the public confidence that it's being
 11 investigated properly, whatever the nature of that is.
 12 Any number of areas where that's done on a more routine
 13 basis. Civil rights matters and, you know, those kinds of
 14 matters where you want to assure the public of something
 15 that's in the public domain that we are actually paying
 16 attention to it and addressing it. So, I'm not sure
 17 there's a blanket confirmation of anything that we're
 18 doing that's ongoing. That, you know, there can be a
 19 variance of, you know, the nature of those matters.
 20 [REDACTED] Okay.
 21 MR. KORTAN: Yeah.
 22 [REDACTED] Let me ask you about another topic.
 23 And that is I'm wondering what the policies and what the
 24 guidelines are with respect to disclosing internal
 25 discussions between DOJ executives and FBI executives.

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 b7C Per OIG

1 inquiring of us. I mean, so that they know.
 2 [REDACTED] And after an investigation has been
 3 publicly acknowledged by the FBI, you know, for example,
 4 we all remember when Director Comey testified and he said,
 5 I've been authorized by the FBI to tell you that we are
 6 investigating Russia's interference with, potential
 7 interference with the election.
 8 MR. KORTAN: Uh-huh.
 9 [REDACTED] After that kind of a public
 10 announcement made by the FBI does that give the Office of
 11 Public Affairs a lot more discretion in terms of being
 12 able to discuss that and not have to worry about whether
 13 they're confirming or not confirming an ongoing
 14 investigation?
 15 MR. KORTAN: I would say not, no. Because what
 16 you allude to, my recollection was he simply acknowledged
 17 the existence of it. And that's, I mean, that is not
 18 providing detail. So, no, I don't think that anybody with
 19 authority who confirms the existence of an investigation
 20 necessarily leads to authority to provide more information
 21 about that.
 22 [REDACTED] Oh, okay. But if a reporter called
 23 and was seeking that same information. You know, we heard
 24 that Director Comey acknowledged this. OPA would say yes.
 25 Yes, he did. You can see the official statement.

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 b7C Per OIG

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 b7C Per OIG

1 How and under what conditions are those internal
 2 discussions disclosed to the press?
 3 MR. KORTAN: Again, I'm not aware of any policy
 4 that governs that, what you described --
 5 [REDACTED] Uh-huh.
 6 MR. KORTAN: -- you know, in particular. It
 7 would fall into, I would assume that, what I guess I would
 8 call discretionary area that would be determined by
 9 leadership or those responsible for those discussions.
 10 [REDACTED] And in your experience how often
 11 does the FBI leadership authorize those types of private
 12 discussions between DOJ executives and FBI executives to
 13 be discussed with the media? Is that a rare occurrence?
 14 Is that a frequent occurrence?
 15 MR. KORTAN: I wouldn't say it was frequent, no.
 16 I mean, I'd have to think about over time. I mean, it's
 17 not frequent.
 18 [REDACTED] Okay. Because it just seems to me
 19 as an outside, and I don't work in the press world, but it
 20 does seem to me like those kind of internal discussions
 21 between high level executives at DOJ and high level
 22 executives at the FBI, that there'd be institutional
 23 reasons for protecting those and for not disclosing those.
 24 Is that fair? Is that an accurate sort of
 25 characterization of the concerns that those things might

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1 raise?

2 MR. KORTAN: I mean, I think I would leave it to
3 the responsible parties, those that engaged in the
4 conversations. And I don't know that, I mean, it would be
5 their discretion based on, again, the particular
6 circumstances, the particular information, the particular
7 impact of doing it or not doing it. I mean, those are all
8 evaluated in context. And I think they'd consider that
9 very carefully I would think and make a decision whether
10 it's, you know, in public interest or other interest to
11 provide information or not.

12 [REDACTED] Uh-huh.

13 MR. KORTAN: You know, again, it would depend on
14 what the information is probably as much as it is
15 evaluated in private conversation is my sense. And you
16 know, again, those are matters that are considered by
17 those responsible, in my sense, for those conversations.
18 And have the authority to make those decisions about what
19 can, should or could be done with that information.

20 [REDACTED] When you're talking about guidelines
21 for disclosure are you talking about sort of FBI-wide
22 guidelines or are you talking about guidelines that apply
23 to the Office of Public Affairs?

24 [REDACTED] mean just in more in sort of how
25 it happens in practice. I mean, as you sit here today how

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b6 -3
b7C -3

b6 Per OIG
b7C Per OIG

1 many times would you estimate during your entire tenure in
2 the Office of Public Affairs has the FBI said to you, you
3 know, Mike, we're going to provide information about this
4 private discussion that happened between, you know, the
5 deputy and the DAG's office? How often --

6 [REDACTED] And that would be --

7 [REDACTED] -- does that occur?

8 MR. KORTAN: That would be asking his office to
9 provide the information or the deputy is going to say
10 something? What --

11 [REDACTED] I'm asking how many times have you
12 personally been involved in that since you've been at OPA?

13 MR. KORTAN: I don't know if I could sit here
14 and tell you. I really don't. I'd have to, because I
15 don't necessarily look at it, I don't know if I look at it
16 in the context in which you're presenting it. I would,
17 again, we would provide information that's coming from the
18 outside, questions or inquiries or interest in something,
19 and take that information to the responsible parties.
20 Whether it's, whoever it is in the FBI who owns that
21 information. From that consideration will be given as to
22 how to respond to that. As far as, you know, conversation
23 or something like that, you know, that's structure I
24 suppose. I've never quite thought of it that way.

25 [REDACTED] Okay.

b6 -3
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b7C Per OIG

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: I think of it more as, you know,
2 the information itself and how that, how we should handle
3 that inquiry.

4 [REDACTED] I mean, you agree with me that the
5 disclosure of private discussions between high level
6 executives at the FBI and at DOJ could cause problems in
7 that relationship?

8 MR. KORTAN: I'm not disagreeing with you.
9 [REDACTED] Yeah.

10 MR. KORTAN: But again, I mean, it's kind of a
11 question that --

12 [REDACTED] I mean, that would seem to me to be
13 kind of obvious.

14 MR. KORTAN: Well, I don't know, I mean, it
15 depends on a number of things. I mean, if those two
16 persons discussed it prior. If one of the parties felt
17 they had the authority and that it was in the public
18 interest or in some other prevailing interest to reveal
19 some of that to --

20 [REDACTED] You're not talking about leaks.
21 You're talking about releases, right?

22 [REDACTED] Oh, yeah. I'm talking about, you
23 know --

24 [REDACTED] But if an SAC --
25 [REDACTED] -- how many times --

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b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 -3, Per OIG
b7C -3, Per OIG

b6 -3, Per OIG
b7C -3, Per OIG

1 [REDACTED] But if an SAC in Arizona says, you
2 know, I want to announce now that we're, you know, got a
3 Grand Jury investigation going on that needs, you know,
4 gun running people --

5 [REDACTED] Right, and I didn't want to do it
6 but DOJ told me I had to. You know, what --

7 [REDACTED] I don't know if I've ever heard
8 anything like that.

9 MR. KORTAN: I've never heard anything.

10 [REDACTED] Okay. I don't hear those things in
11 the media either.

12 MR. KORTAN: Yeah, no.

13 [REDACTED] Which makes me think that those are
14 not the kinds of conversations that regularly end up in
15 the press.

16 [REDACTED] The thing that I think I'm having a
17 problem with is you're talking about the FBI and, you
18 know, that can mean a lot of people. That can mean any
19 FBI employee. That can mean any SAC. That can mean his
20 office making an announcement. It can mean the director,
21 you know, give, you know, giving a statement to the press.

22 I mean --

23 [REDACTED] Mike, tell me this. How, if an
24 executive at the FBI is going to talk to a member of the
25 media --

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b6 -3
b7C -3

b6 Per OIG
b7C Per OIG

b6 -3
b7C -3

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: Uh-huh.
 2 [REDACTED] -- do they want you there?
 3 MR. KORTAN: They want somebody there, sure.
 4 [REDACTED] Somebody from --
 5 MR. KORTAN: Somebody, yeah. I mean, that's --
 6 [REDACTED] Those kind of discussions typically
 7 involve someone from your office?
 8 MR. KORTAN: Typically involve someone from our
 9 office, yes.
 10 [REDACTED] Okay.
 11 [REDACTED] You're talking about an on the
 12 record discussion, right?
 13 MR. KORTAN: Any kind of discussion.
 14 [REDACTED] Yeah, that's what I would think.
 15 MR. KORTAN: I mean, if you --
 16 [REDACTED] Only because if it's not on the
 17 record then it's leaking, right?
 18 [REDACTED] Okay --
 19 MR. KORTAN: No. Well, on the record, no, not
 20 necessarily.
 21 [REDACTED] Let's let me ask the questions,
 22 okay?
 23 [REDACTED] Well --
 24 [REDACTED] Thank you.
 25 [REDACTED] -- I want to understand the

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 b6 -3
 b7C -3

b6 Per OIG
 b7C Per OIG

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 b7C -3

b6 Per OIG
 b7C Per OIG

b6 -3, Per OIG
 b7C -3, Per OIG

1 kind of informational?
 2 [REDACTED] Uh-huh.
 3 MR. KORTAN: Does the reporter not understand
 4 structure or in practice and the kinds of things that you
 5 would need to know in order to process the information or
 6 handle the information? So it may, I would make sure that
 7 person knew as much as possible about sort of what the
 8 reporter wants, what's likely going to ask, what you ought
 9 to know, what you can expect, and that --
 10 [REDACTED] Okay. And --
 11 MR. KORTAN: -- those kinds of things.
 12 [REDACTED] -- then once the reporter is either
 13 on the phone or in the room --
 14 MR. KORTAN: Uh-huh.
 15 [REDACTED] -- does the FBI employee get to talk
 16 to that reporter alone?
 17 MR. KORTAN: No, I mean, I generally wouldn't
 18 leave them alone, no.
 19 [REDACTED] And why not?
 20 MR. KORTAN: So that you have a, I mean, the
 21 whole point of public affairs being there is to listen and
 22 to make sure that, you know, they're, it's not going in
 23 some other direction. It's just for general guidance. I
 24 mean, we're not necessarily the subject matter expert by
 25 any means. So we're not going to be able to recognize

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 b7C Per OIG

1 questions.
 2 [REDACTED] Okay.
 3 If an FBI employee is authorized to speak to the
 4 media --
 5 MR. KORTAN: Uh-huh.
 6 [REDACTED] -- does that kind of media
 7 engagement happen with someone from OPA?
 8 MR. KORTAN: Generally by design, yes.
 9 [REDACTED] Okay. And if it's an FBI employee
 10 who hasn't previously talked to the media very much are
 11 there rules of engagement that you explain to that person
 12 before you get on the phone with a reporter?
 13 MR. KORTAN: Yes.
 14 [REDACTED] Okay.
 15 MR. KORTAN: In general, sure.
 16 [REDACTED] Walk me through what you would say.
 17 If I were authorized to give out information to the press
 18 and I'm doing this for the first time what would you tell
 19 me about what the ground rules are for talking to a
 20 reporter?
 21 MR. KORTAN: I mean, we would discuss the ground
 22 rules that are possible, you know, for that interview.
 23 And make sure that that person, the FBI person, you know,
 24 understood that. And it depends on the nature of the
 25 interview and how it's, how it sort of comes to us. Is it

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 b7C Per OIG

1 every subtlety in terms of what's being exchanged. But I
 2 mean, we're going to have a sense if it's going as agreed
 3 upon.
 4 [REDACTED] And some ability to course correct
 5 if it turns out the reporter is going in the direction
 6 that was not agreed upon?
 7 MR. KORTAN: Yeah. I mean, if they sort of go
 8 in some other direction, sure.
 9 [REDACTED] So that you can make sure that the
 10 rules of engagement are observed by that reporter?
 11 MR. KORTAN: Yes.
 12 [REDACTED] Or get the FBI employee out of there
 13 if that's happening?
 14 MR. KORTAN: Yeah.
 15 [REDACTED] Okay. I want to talk to you about
 16 an FBI employee named Lisa Page. Is that someone you
 17 know?
 18 MR. KORTAN: Yes.
 19 [REDACTED] And to your knowledge, has Ms. Page
 20 ever been authorized to speak to the media while she's
 21 been at the FBI?
 22 MR. KORTAN: She can be, I mean, I believe she
 23 has.
 24 [REDACTED] Okay. Have you ever personally
 25 worked with her on stories that were going to appear in

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 b7C Per OIG

1 the press?

2 MR. KORTAN: Well, in her position as a special

3 counsel or counsel to the deputy she was involved in

4 essentially everything or, you know, anything, potentially

5 anything that would involve the Office of Public Affairs

6 vis-a-vie the deputy.

7 [REDACTED] Okay. Are there any examples you

8 can give me of stories that Lisa Page worked on with your

9 office?

10 MR. KORTAN: Probably any number of stories over

11 the, you know, with the time that she's been assigned to

12 the deputy. I mean, again, anything that was, that you've

13 probably seen in the news she had some involvement in and

14 would have some interaction.

15 [REDACTED] Is she sort of considered a

16 surrogate for the deputy when people can't get in touch

17 with him directly?

18 MR. KORTAN: I don't know if I'd use that word.

19 [REDACTED] Okay.

20 MR. KORTAN: She works for him and represents

21 his interest in different ways.

22 [REDACTED] And is able to convey information

23 that he wants conveyed?

24 MR. KORTAN: Well, with his authorization and

25 direction.

1 MR. KORTAN: I mean, involving the deputy

2 director.

3 [REDACTED] Okay. Well, let me ask you the

4 question more generally.

5 MR. KORTAN: Yeah.

6 [REDACTED] As you sit here today do you

7 remember there being any other time prior to that October

8 23rd story where Lisa Page was involved with the Office of

9 Public Affairs?

10 MR. KORTAN: Well, I mean, she's involved in the

11 sense she represents the deputy at times and the deputy is

12 in the, oversees the Office of Public Affairs. And he's

13 generally, by virtue of his position, going to be involved

14 in every conceivable issue involving the FBI and of

15 interest to the public. So, certainly, you know, she

16 would be in that mix somewhere at times. I can't sit here

17 and tell you today I can recall specifically what she did

18 at any given time. I don't remember it. I don't think I

19 particularly remember as I sit here now any issues

20 involving him prior to that, that issue emerging with his

21 wife.

22 [REDACTED] Okay.

23 MR. KORTAN: But I don't.

24 [REDACTED] Okay. All right.

25 [REDACTED] Actually, can I do some?

1 [REDACTED] Okay. Do you remember her being

2 involved in the October 23rd story that involved [REDACTED]

3 [REDACTED] and the campaign contributions?

4 MR. KORTAN: I recall that she had some

5 involvement in reading or editing or looking at the

6 proposed response during that period that that was being

7 produced.

8 [REDACTED] Okay. Do you remember talking to

9 her directly or were most of your conversations for that

10 story with the deputy director?

11 MR. KORTAN: I think most were with the deputy

12 director for sure.

13 [REDACTED] Okay.

14 MR. KORTAN: Whether I spoke to her or not I

15 don't remember now. I mean, she could have been on some

16 copy, I mean, she probably was on copy counts and maybe

17 had some input or something. I don't remember

18 specifically what interaction I had.

19 [REDACTED] Do you remember if there were any

20 stories before that story where you had interaction with

21 Lisa Page on a media story having to do with the deputy

22 director?

23 MR. KORTAN: Having to do with the deputy

24 director? I don't know that I do.

25 [REDACTED] Okay.

1 [REDACTED] Yes, you can ask some questions.

2 And then I think I might take a break before we start with

3 his documents.

4 [REDACTED] Okay.

5 [REDACTED] Okay.

6 [REDACTED] So Mike, I just want to follow up

7 on a couple things to make sure I understand correctly.

8 When you said when you were going about the typical day

9 and you were talking about you no longer do outbriefs,

10 that term, what does an outbrief, is that just an OPA

11 briefing?

12 MR. KORTAN: Outbrief I refer to as a end of day

13 sort of, we call it a wrap-up. We call it an outbrief

14 and, you know, different stuff. There's no formal term.

15 It was, been done in, on and off over time to sort of give

16 maybe a smaller group at the end of the day kind of a

17 sense of what the day, what happened during the day, what

18 we might expect the next day.

19 [REDACTED] And what I meant was this specific

20 OPA focused briefing --

21 MR. KORTAN: No. No.

22 [REDACTED] Okay. So do you on a typical day

23 today attend evening wraps that either the deputy or the

24 director of the FBI hold?

25 MR. KORTAN: No, we don't have them anymore.

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b6 -3
b7C -3

1 [REDACTED] Okay.
2 MR. KORTAN: Yeah.
3 [REDACTED] Do you --
4 MR. KORTAN: We haven't had them for a while.
5 [REDACTED] Did you attend those in October
6 2016 as a matter of routine?
7 MR. KORTAN: I would have attended them when
8 they occurred.
9 [REDACTED] Okay.
10 [REDACTED] Do you remember --
11 MR. KORTAN: Or somebody would have.
12 [REDACTED] Do you remember whether there were
13 any in October 2016?
14 MR. KORTAN: No, I think back then they were
15 still, like I said, they weren't necessarily every day but
16 they would, they did occur on some basis, sure. Depending
17 on the schedules of the principals and whether they
18 were --
19 [REDACTED] Right.
20 MR. KORTAN: -- there and that kind of thing.
21 [REDACTED] And you're aware that both the
22 director held evening wraps and the deputy held evening
23 wraps --
24 MR. KORTAN: Yeah.
25 [REDACTED] -- as I understand it, almost

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1 adhered to [REDACTED]
2 [REDACTED] Assuming others in the chain have
3 been notified about the issue and you still have to get,
4 or notify the director would you then notify the chief of
5 staff in his, first?
6 MR. KORTAN: Well, the director of staff, chief
7 of staff, deputy chief of staff, special counsels are the
8 folks that surround him that are his staff. So yes, I
9 mean, I would certainly make sure somebody there knew of a
10 need or an interest in --
11 [REDACTED] Right.
12 MR. KORTAN: -- briefing or telling the director
13 something prior to, you know, telling the director.
14 [REDACTED] Right. So, just so I understand,
15 if you had an issue that you have to get before the
16 director you're going to go through the chain of command,
17 chief of staff first before the director?
18 MR. KORTAN: Yeah. I mean, and I'm going to go
19 to the deputy director first probably because he's in my
20 chain of command.
21 [REDACTED] Right.
22 MR. KORTAN: And he may choose to participate in
23 that, as they often do.
24 [REDACTED] And going to the deputy, same
25 question.

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1 every day.
2 MR. KORTAN: I mean, their respective offices,
3 yeah.
4 [REDACTED] Yeah. When you wanted to speak
5 with Director Comey about a significant press story who
6 would you typically contact, the director or his chief of
7 staff, Jim Rybicki?
8 MR. KORTAN: Well, it may go beyond them.
9 Again, it would depend on the nature of the issue and the
10 matter. I would give, I mean, I wouldn't walk in
11 typically or, you know, if I ever get to the director
12 directly and advise him of a press matter without others
13 who are responsible for those areas knowing about it it
14 means I, and I go through the deputy, I mean, that's my
15 chain of command to the director.
16 [REDACTED] Right.
17 MR. KORTAN: So, I'm not saying I couldn't speak
18 to the director if I, that said, I've never spoken to the
19 director directly but, I mean, just given it's an
20 organization and it's structured.
21 [REDACTED] Right.
22 MR. KORTAN: And you know, I think you'd
23 understand what that means, that people want to know what
24 the director is being briefed on. And so as a courtesy
25 and as common sense I would make sure that those are

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1 MR. KORTAN: Uh-huh.
2 [REDACTED] As a matter of course would, if
3 there was a significant press issue that you had to
4 discuss with the deputy would you go first to Lisa Page?
5 MR. KORTAN: Again, as I described earlier,
6 there are many paths to that --
7 [REDACTED] Right.
8 MR. KORTAN: -- end. And it would depend on
9 who's around, what the circumstances are at that time. I
10 mean, maybe if he had other people that, other staff. So
11 it could be any combination of those things.
12 [REDACTED] Who else, another deputy staff
13 would you contact?
14 MR. KORTAN: Well, he has a chief of staff --
15 [REDACTED] I see.
16 MR. KORTAN: -- who kind of controls or manages
17 everything that comes and goes in his, you know, his world
18 there. So generally as a courtesy I'm not going to do
19 much without that person at least being aware of, or that
20 we, public affairs, that person being aware of it. He had
21 a couple other special assistants at the time or from time
22 to time.
23 [REDACTED] Uh-huh.
24 MR. KORTAN: So there's, you know, three or four
25 people possibly that --

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1 [redacted] Okay.
 2 MR. KORTAN: -- surround him that --
 3 [redacted] Did you have any understanding
 4 when Director Comey was the director of the FBI that he
 5 wanted to be involved in significant disclosures made by
 6 the press office?
 7 MR. KORTAN: Do I feel Comey wanted to be
 8 involved? I don't know there's a simple answer to that.
 9 I mean, you know, if it was something involving him or a
 10 director level matter I would say he'd want to know about
 11 it. You know, the authorization to disclose information
 12 lies with a number of people at that level.
 13 [redacted] Right. And I understand that --
 14 MR. KORTAN: I would leave it to, you know,
 15 maybe perhaps someone under him to help make that
 16 determination whether he needs to be involved or not.
 17 [redacted] Right.
 18 MR. KORTAN: I don't unilaterally, you know, if
 19 the deputy says, gives some authorization to do something,
 20 whatever it may be, I'll leave it to him to decide whether
 21 the director needs to know about that at the same time or
 22 prior.
 23 [redacted] And more I'm talking not policy,
 24 because I understand, and I'm sure we'll get into this
 25 later, that there is policies that talk about who has the

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1 authority to have someone at the FBI talk to the press
 2 about FBI matters.
 3 MR. KORTAN: Uh-huh.
 4 [redacted] What I'm talking about as a matter
 5 of practice when Comey was there that he had a process or
 6 an informal preference that if it was a significant
 7 disclosure whatever that, in his mind he may have conveyed
 8 to folks that he wanted to be involved. Does that ring a
 9 bell?
 10 MR. KORTAN: Doesn't ring a bell with me,
 11 frankly.
 12 [redacted] Okay.
 13 MR. KORTAN: I mean I'm not saying he did or
 14 didn't but it doesn't, the way you describe it, you know,
 15 nobody told me that, you know, make sure the director, I
 16 mean, again, I would leave that generally to others
 17 beneath him.
 18 [redacted] Uh-huh.
 19 MR. KORTAN: That I would discuss things with
 20 and it's their discretion whether to elevate it to his
 21 attention or not. So, I'll just leave it at that.
 22 [redacted] If senior executive leadership at
 23 the FBI were a subject, meaning they were going to be
 24 covered in a press story, is that something that you would
 25 be personally involved with?

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 MR. KORTAN: I mean, not necessarily by virtue
 2 of just that.
 3 [redacted] Okay.
 4 MR. KORTAN: Again, it would depend on my, it
 5 could depend on any number of things. I mean, it
 6 certainly could be --
 7 [redacted] Okay.
 8 MR. KORTAN: -- and may well be but I don't know
 9 that there's, you know, again, it's not a hard and
 10 structure or a requirement.
 11 [redacted] And when you were talking about
 12 conferring with the operational divisions in assessing
 13 whether or not an investigation would be disclosed would
 14 you bring OGC into that discussion at all as a matter of
 15 routine practice?
 16 MR. KORTAN: I don't know if it's routine in the
 17 sense it was every single matter. But likely if there was
 18 any OGC interest.
 19 [redacted] Would you seek OGC input as a
 20 matter of practice?
 21 MR. KORTAN: I mean, we may if we thought there
 22 was an OGC interest.
 23 [redacted] How would you know if you didn't
 24 ask?
 25 MR. KORTAN: Well, I might not. I mean, that's

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b6 Per OIG
 b7C Per OIG

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 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 the thing. So we would --
 2 [redacted] Right.
 3 MR. KORTAN: We'd go immediately to the, or you
 4 know, first to the responsible entity.
 5 [redacted] Okay, operational --
 6 MR. KORTAN: Operational division and, you know,
 7 get, tell them everything we know and let them assess, you
 8 know, what the, you know, the possibilities are as far as
 9 responding to that, you know, to that in some way. And if
 10 they felt there was an OGC, I would certainly want to
 11 include anybody who needs, you know, has an interest.
 12 [redacted] So --
 13 MR. KORTAN: And then --
 14 [redacted] -- are you saying that you'd let
 15 the operational division express to you that OGC should be
 16 involved? I'm just wondering if you ever make that call
 17 how that happens.
 18 MR. KORTAN: No, I mean, I wouldn't leave it
 19 exclusively to the operational division. I mean, we can
 20 at times recognize OGC interest. I mean, they're, OGC is
 21 involved in a wide range of, you know, issues and matters
 22 across the FBI. And we may well notify them as a courtesy
 23 or for other reasons of something that's --
 24 [redacted] Yeah.
 25 MR. KORTAN: -- in play.

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 [] And not to belabor the point, but
2 I'm, it's unclear to me whether you do it as a matter of
3 practice or you wait to hear from the operational
4 component or you yourself decide it. Or is it a
5 combination of all three? It's just --

6 MR. KORTAN: It could be a combination of all
7 three. I don't, the main thing is to let people know who
8 need to know about something. And how that happens, you
9 know, can take different courses at different times
10 depending, again, on efficiency and, you know, timing and
11 other considerations I guess.

12 [] Okay.
13 [] Okay. Why don't we take a brief
14 break. We've been going for about an hour.

15 MR. KORTAN: Okay.

16 [] And we can come back and take a look
17 at some of these documents.

18 [] Can I just get an idea of the
19 schedule for today? Like are we going to be done before
20 the --

21 [] Do you want to do this on the
22 record or off the record?

23 [] I don't need to be on the record to
24 do this.

25 [] Oh, okay.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 -3
b7C -3

b6 Per OIG
b7C Per OIG

b6 -3
b7C -3

b6 Per OIG
b7C Per OIG

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1 [] s that the article that you were
2 talking about that came out on October 23rd that had to do
3 with [] and campaign contributions?

4 MR. KORTAN: Yes.

5 [] Okay. Is this the one that you
6 reviewed before coming here today?

7 MR. KORTAN: I reviewed it recently.

8 [] Okay. And I think you told us that
9 you remembered as part of that article being in touch with
10 Mr. Barrett to respond to questions that he had as he was
11 putting this together. Is that right?

12 MR. KORTAN: Yes.

13 [] Okay. I'm going to show you what
14 I've marked as exhibit number two. Here you go. And ask
15 you to take a look at that. And for the record, exhibit
16 number two is an email from you to Devlin Barrett dated
17 Sunday, October 23rd. And it's actually part of an email
18 chain and part of what you are sending to him is a
19 paragraph that's in quotes that is preceded by the words,
20 FBI statement. Do you see that?

21 MR. KORTAN: Yes.

22 [] Okay. Let me know when you are done
23 reviewing the document.

24 MR. KORTAN: Okay.

25 [] Okay. And so in this article is it

b6 Per OIG
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b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 [] Okay.

2 [] So off the record at five minutes to
3 11:00.

4 (Whereupon, a brief recess was taken.)

5 [] The time now is 11:15 on December
6 22nd and it is the continued interview of Mike Kortan of
7 the FBI.

8 All right. I would like to show you some of the
9 documents --

10 MR. KORTAN: Okay.

11 [] -- that we have to refresh your
12 recollection. And the first thing that I'm going to show
13 you as been marked exhibit one.

14 MR. KORTAN: Thanks.

15 [] You're welcome. And if you'll just
16 take a look at this. I'm providing you with this
17 document. This I think is the story that we had discussed
18 earlier that comes in October 23rd, 2016. And I just
19 wanted to give you a copy of that and an opportunity to
20 read that so that we can be aware of where our discussion
21 is going to start. Okay?

22 MR. KORTAN: Uh-huh.

23 [] So go ahead. Okay. So I see you
24 finished reviewing exhibit number one.

25 MR. KORTAN: Uh-huh.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 fair to say that you're conveying to Devlin Barrett the
2 official FBI statement with respect to []?

3 MR. KORTAN: For the McCabe's, yes.

4 [] Yes. That's the --

5 MR. KORTAN: Yes.

6 [] -- quoted information that appears
7 at the top of exhibit two?

8 MR. KORTAN: Yes.

9 [] And you had indicated earlier that
10 you remembered this evolving over the course of a weekend.

11 And this says that this was communications that you are
12 having on a Sunday afternoon, right?

13 MR. KORTAN: Yes.

14 [] And does that match your
15 recollection --

16 MR. KORTAN: Yes.

17 [] -- about how all this came together?

18 MR. KORTAN: Yes.

19 [] Okay. And would this be an example
20 of the sort of authorized press contact that you and the
21 Office of OPA has with respect to stories about the FBI
22 and (*indiscernible 0:59:03)?

23 MR. KORTAN: Yes.

24 [] Okay. And in fact, I think I recall
25 from other people talking to me about this that []

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b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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b7C Per OIG

b6 Per OIG
b7C Per OIG

1 and Deputy Director McCabe were actively involved in
2 providing you with the information necessary to put this
3 information together.

4 MR. KORTAN: Yes.

5 [REDACTED] Is that a fair assessment?

6 MR. KORTAN: Yes.

7 [REDACTED] Okay. It seems to me like the
8 allegations that Mr. Barrett is making in his October 23rd
9 article are pretty dramatic allegations of conflict of
10 interest. Would you agree with that assessment?

11 MR. KORTAN: Perhaps.

12 [REDACTED] I'm --

13 MR. KORTAN: I'm not being --

14 [REDACTED] Right.

15 MR. KORTAN: I guess, you know, we could read
16 every line and --

17 [REDACTED] Sure. But he --

18 MR. KORTAN: -- kind of assess what he intends
19 or means. I, I mean --

20 [REDACTED] It's not, it's certainly not
21 everyday information that would be coming out and
22 published about a deputy director of the FBI.

23 MR. KORTAN: Oh, I see what you mean. The fact
24 that he acquired this information.

25 [REDACTED] Well, the fact that his wife got

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b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: -- on that day.

2 [REDACTED] And when you say you're not
3 disputing that it happened but you don't remember it on
4 that day, I mean, do you remember any of the conversations
5 that were generated by this article appearing in the Wall
6 Street Journal?

7 MR. KORTAN: I do not remember them, no.

8 [REDACTED] All right. I'm going to show you
9 another exhibit that I've marked exhibit three.

10 MR. KORTAN: Uh-huh.

11 [REDACTED] Take a look at that. And for the
12 record, this is an email from you, Mike Kortan, to Devlin
13 Barrett dated October 24th. And the subject line is,
14 happy Monday. And you're saying, call me, thanks, in
15 response to an email that you receive from Mr. Barrett
16 also on October 24th. Is that right?

17 MR. KORTAN: Yes.

18 [REDACTED] Okay. Let me know when you've had a
19 chance to take a look at it.

20 MR. KORTAN: Okay. Okay.

21 [REDACTED] Okay. So, I've highlighted several
22 portions of what Mr. Barrett is saying to you in this
23 email exchange on October 24th.

24 MR. KORTAN: Uh-huh.

25 [REDACTED] Do you agree with me he's asking you

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 almost \$500,000 worth of campaign contributions from a
2 close associate of Hillary Clinton. That was a fairly
3 dramatic information to be releasing in these days shortly
4 before the election, wouldn't you say?

5 MR. KORTAN: I mean, he's a reporter and he
6 acquired this information I assume publicly and so, is it
7 dramatic? I mean --

8 [REDACTED] Well, tell me this. What was the
9 reaction within the FBI when this story got published?

10 MR. KORTAN: I don't know if I have an
11 assessment of the reaction sitting here today.

12 [REDACTED] Do you remember having conversations
13 during the morning meetings that you have with the deputy
14 director and the director about this article?

15 MR. KORTAN: I do not.

16 [REDACTED] You don't remember the meetings at
17 all?

18 MR. KORTAN: No, I don't know if there was a
19 meeting following this article.

20 [REDACTED] Okay.

21 MR. KORTAN: I don't remember if there was
22 conversation about this article. Possibly. I mean, it
23 was in the paper so I'm not disputing it. I just don't
24 remember it, in fact, if that happened --

25 [REDACTED] Okay.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 for comments, complaints, or denunciations on this story?

2 MR. KORTAN: Yes.

3 [REDACTED] And he includes a second paragraph
4 here where he says, also as a follow up, is that right?

5 MR. KORTAN: Also as a follow up, yes.

6 [REDACTED] Okay. And as part of that follow up
7 he's inquiring about whether McCabe has at times
8 supervised the McAuliffe and Clinton Foundation probes.
9 Do you see that?

10 MR. KORTAN: I see that.

11 [REDACTED] He also tells you that over the
12 summer McCabe gave, McCabe, that he's told that over the
13 summer McCabe himself gave some instruction as to how to
14 proceed with the Clinton Foundation probe given that it
15 was the height of the election season and the FBI did not
16 want to make a lot of overt moves that could be seen as
17 going after her or drawing public attention to the probes.
18 Is that correct?

19 MR. KORTAN: That's correct what you're reading
20 yeah.

21 [REDACTED] Okay. So let's take a look at what
22 I've got as exhibit number four here. Okay? And for the
23 record, this is an email exchange between you and Deputy
24 Director McCabe that starts on the night of October 25th
25 and continues on to October 26th it looks like.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: Okay.
 2 [REDACTED] Okay. And the subject line of this
 3 email exchange is WSJ, is that correct?
 4 MR. KORTAN: Yes.
 5 [REDACTED] And is that a abbreviation that
 6 people use for Wall Street Journal?
 7 MR. KORTAN: Yes.
 8 [REDACTED] Okay. And Director McCabe asks you
 9 relative to the Wall Street Journal, any news on the next
 10 article? Do we think anything else will break tomorrow?
 11 Is that correct?
 12 MR. KORTAN: Yes.
 13 [REDACTED] And you write back, not tonight or
 14 tomorrow's paper. Will have a better idea tomorrow. Do
 15 you see that?
 16 MR. KORTAN: Yes.
 17 [REDACTED] And he says, thanks. Is that
 18 correct?
 19 MR. KORTAN: Yes.
 20 [REDACTED] Okay. So let's take a look at
 21 exhibit number five. And for the record, this is an email
 22 exchange between you and Peter Carr dated October 26th,
 23 2016.
 24 MR. KORTAN: Uh-huh.
 25 [REDACTED] And I will represent for you so that

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 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 [REDACTED] Okay.
 2 MR. KORTAN: Or was.
 3 [REDACTED] At this time he was?
 4 MR. KORTAN: At this time he was.
 5 [REDACTED] Okay. And his email to you says, I
 6 just spoke with Devlin Barrett at the WSJ. And he is
 7 writing a story and from the way that he's describing it
 8 it looks like it's relevant to the campaign contributions
 9 from Governor Terry McAuliffe to Deputy Director, the wife
 10 of Deputy Director Andrew McCabe. Is that right?
 11 MR. KORTAN: That's correct.
 12 [REDACTED] Okay. And in the second paragraph
 13 he writes to you that this story will look at recent
 14 investigations that McCabe has allegedly played a role in,
 15 including investigations into the Clinton Foundation. Is
 16 that correct?
 17 MR. KORTAN: Correct.
 18 [REDACTED] Okay. And in the third paragraph he
 19 writes, note that Devlin is going to say McCabe
 20 participated in making the decision to table the
 21 investigations into the Clinton Foundation back in August
 22 because of election year sensitivities. Do you see that?
 23 MR. KORTAN: Yes.
 24 [REDACTED] And so Peter is writing to you and
 25 in the fourth paragraph he says, my folks asked me to

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 you don't have to read it, although you're welcome to, the
 2 at the article that Peter is attaching to his email to
 3 you, which is titled, Clinton ally aided campaign of FBI
 4 official's wife, by Devlin Barrett, is a version of that
 5 same story that was exhibit one that appeared first on
 6 October 23rd. And so he's sending that to you and then
 7 discussing that via email. So go ahead and take a look at
 8 that.
 9 MR. KORTAN: Okay.
 10 [REDACTED] Okay. So do you agree with me that
 11 the subject line of that email exchange is Wall Street
 12 Journal story re FBI Deputy Director Andrew McCabe for
 13 today?
 14 MR. KORTAN: Yes.
 15 [REDACTED] Okay. And in Mr. Carr's email to
 16 you he also copies Richard Quinn. Who's Richard Quinn?
 17 MR. KORTAN: He was the deputy assistant, deputy
 18 at the time in public affairs.
 19 [REDACTED] In public affairs for the FBI?
 20 MR. KORTAN: Of the public affairs for the FBI,
 21 yes.
 22 [REDACTED] Okay. And Peter Carr, I see that
 23 his email address is usdoj.gov. Is he in the Department
 24 of Justice Office of Public Affairs?
 25 MR. KORTAN: He is.

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 check with FBI on what information you are providing
 2 regarding McCabe's situation. Is that right?
 3 MR. KORTAN: Right.
 4 [REDACTED] And you respond to him, thanks,
 5 Peter.
 6 MR. KORTAN: Yep. Yes.
 7 [REDACTED] Is that right?
 8 MR. KORTAN: That's right.
 9 [REDACTED] Okay. So let's take a look now at
 10 exhibit number six. And for the record, this is an email
 11 exchange between Devlin Barrett and Peter Carr that Peter
 12 Carr forwards to you on October 27th. Let me know when
 13 you're done taking a look at it.
 14 MR. KORTAN: Okay.
 15 [REDACTED] Okay. So in this email Devlin
 16 Barrett says to Peter Carr that he wants to flag something
 17 this morning. Do you see that on the first --
 18 MR. KORTAN: Yes.
 19 [REDACTED] -- sentence? Okay. And in the
 20 second paragraph of Mr. Barrett's message he says he was
 21 specifically told the FBI did not tell DOJ about the
 22 potential ethics issue involving McCabe's wife getting
 23 \$467,500 from McAuliffe's PAC. If you think I'm
 24 misinformed or there's anything I should know about it
 25 please holler. Do you see that?

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 MR. KORTAN: Yes.
2 [REDACTED] And Peter forwards that to you with
3 the message, FYI. Is that correct?
4 MR. KORTAN: Correct.
5 [REDACTED] All right. Let's take a look at
6 exhibit seven. And for the record, exhibit seven is also
7 an email exchange from October 27th. And the subject of
8 that is, irresponsible journalism. And the portion of
9 this exchange I'm concerned about and want to direct your
10 attention to is the email from you to Deputy Director
11 McCabe that appears at the top.
12 MR. KORTAN: Uh-huh.
13 [REDACTED] Do you see that?
14 MR. KORTAN: Yes.
15 [REDACTED] And have you had a chance to take a
16 look at that?
17 MR. KORTAN: Okay.
18 [REDACTED] Okay. And in this email do you
19 agree with me that you advise the deputy director that you
20 will be talking to the Wall Street Journal reporter again
21 later this morning?
22 MR. KORTAN: Yes.
23 [REDACTED] And that you sign off like that's
24 from --
25 MR. KORTAN: Yes.

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1 [REDACTED] -- Mike, right?
2 MR. KORTAN: Yes, yes.
3 [REDACTED] Okay. Great. All right. Let's
4 take a look at exhibit eight here. And for the record,
5 this is a series of email exchanges that occurs on
6 Thursday, October 27th between yourself and Lisa Page.
7 MR. KORTAN: Okay.
8 [REDACTED] Okay? And on the first page of
9 these email exchanges Lisa Page is advising you that she
10 has a meeting with the director at 10:00. Is that what
11 that D means?
12 MR. KORTAN: Yes.
13 [REDACTED] Okay.
14 MR. KORTAN: Yes.
15 [REDACTED] And then with someone named Jason
16 Herring at 10:30 in --
17 MR. KORTAN: Uh-huh.
18 [REDACTED] -- case you're looking for me. Is
19 that correct?
20 MR. KORTAN: Correct.
21 [REDACTED] And you say okay, we'll get a better
22 sense in a while. Probably later morning, midday. And if
23 you turn to the second page there's an email from you that
24 I assume is a follow up to this that says, he's good
25 around 11:45 or so if that works. We can do it here.

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1 Thanks, M.
2 MR. KORTAN: Yep.
3 [REDACTED] Is that correct?
4 MR. KORTAN: Correct.
5 [REDACTED] Okay. And then on the third page
6 there's an email exchange from October 28th where Lisa
7 Page says to you hey, I went out to lunch. I can be back
8 in 15 minutes if you need me. Is that right?
9 MR. KORTAN: That's right.
10 [REDACTED] And you tell her okay, he just
11 checked in. Let me see where he is on everything. Is
12 that right?
13 MR. KORTAN: Yes.
14 [REDACTED] And she says okay, I can head back
15 if need be. Just let me know. Is that right?
16 MR. KORTAN: Yes.
17 [REDACTED] And then you let her know, he's
18 ready when we are.
19 MR. KORTAN: Okay.
20 [REDACTED] Okay? We'll look at exhibit number
21 nine. Here you go. All right. And all email for the
22 record --
23 [REDACTED] Do you have one for me?
24 [REDACTED] Oh, did I give you one? Oh, I'm so
25 sorry.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 -3, Per OIG
b7C -3, Per OIG

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1 [REDACTED] Here.
2 [REDACTED] Thanks.
3 [REDACTED] You're welcome.
4 Okay. And for the record, this is an
5 appointment that's created by Lisa Page. And it looks
6 like the appointment time is for 3:45 p.m. on October
7 27th. Does it look like that to you?
8 MR. KORTAN: Looks like that, yes.
9 [REDACTED] Okay. And the subject of the
10 appointment is, call with Devlin Barrett. Do you see
11 that?
12 MR. KORTAN: Yes.
13 [REDACTED] And the location is Kortan's office.
14 Do you see that?
15 MR. KORTAN: Yes.
16 [REDACTED] That's your office, right?
17 MR. KORTAN: My office.
18 [REDACTED] Your office. All right. Let's take
19 a look at what I've marked as exhibit number 10. Okay?
20 And for the record, this is a series of email exchanges
21 that happen on Thursday, October 27th between yourself and
22 Devlin E. Barrett. Go ahead and take a look at that.
23 [REDACTED] Between 3:59 and 4:43 p.m.
24 MR. KORTAN: Okay.
25 [REDACTED] Okay. And in his original message

b6 -3, Per OIG
b7C -3, Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 down at the bottom of this page Devlin Barrett writes to
2 you at 3:59, hiya (phonetic sp.), any word? Is that
3 right?

4 MR. KORTAN: Yes.

5 [REDACTED] Okay. And on Thursday, October 27th
6 you respond to him, 10 minutes okay? Is that right?

7 MR. KORTAN: Yes.

8 [REDACTED] And he says, sure. Is that right?

9 MR. KORTAN: Yes.

10 [REDACTED] And then you respond, at desk,
11 question mark.

12 MR. KORTAN: Yes.

13 [REDACTED] Are you asking him if he's at his
14 desk?

15 MR. KORTAN: Presumably, yeah.

16 [REDACTED] Okay. And he writes back, either
17 number is fine. It's forwarded.

18 MR. KORTAN: Okay.

19 [REDACTED] Okay. And you write back, okay,
20 momentarily.

21 MR. KORTAN: Okay.

22 [REDACTED] Is that right?

23 MR. KORTAN: Yes.

24 [REDACTED] Okay. All right. Now I'm going to
25 show you what's been marked as exhibit number 11. And I

1 Peter Strzok texts to Lisa Page with the question, are you
2 in with WSJ now? Do you see that?

3 MR. KORTAN: Yes.

4 [REDACTED] Okay. And if you turn the page in
5 block number 156 she texts him back, going there now. IWI
6 call you immediately after re call with Devlin. And then
7 the last sentence of her text is, will call you as soon as
8 Devlin's done.

9 MR. KORTAN: Uh-huh.

10 [REDACTED] Did I read that correctly?

11 MR. KORTAN: Yes.

12 [REDACTED] Okay. And then in line item 158 she
13 texts Mr. Strzok, in with Kortan now. Do you see that?

14 MR. KORTAN: Yes.

15 [REDACTED] And that's you.

16 MR. KORTAN: That's me.

17 [REDACTED] Okay. And then on the next page on
18 block number 166 Mr. Strzok texts to Ms. Page, call cell
19 when you can. Do you see that?

20 MR. KORTAN: Yes.

21 [REDACTED] And she texts him back, nope, just
22 went to Kortan. Do you see that?

23 MR. KORTAN: Yes.

24 [REDACTED] And then in block number 170 she
25 texts Mr. Strzok again to say, on with Devlin still. Do

1 will let you know that the highlighting that affects
2 exhibit number 11 is highlighting that I have personally
3 done so that we can read through these together.

4 MR. KORTAN: Okay.

5 [REDACTED] Okay? And what you are looking at
6 is a spreadsheet that's been made of text messages between
7 Lisa Page and Peter Strzok of the FBI.

8 MR. KORTAN: Okay.

9 [REDACTED] Okay. Do you know who Pete Strzok
10 is?

11 MR. KORTAN: I do.

12 [REDACTED] Okay. And he's an FBI employee,
13 right?

14 MR. KORTAN: He is.

15 [REDACTED] Okay. And Lisa Page, also an FBI
16 employee, yes?

17 MR. KORTAN: Yes.

18 [REDACTED] Okay. And on October 10th, I mean,
19 I'm sorry, October 27th, 2016 there on the block number
20 154, we're going to go through them using the block
21 numbers --

22 MR. KORTAN: Okay.

23 [REDACTED] -- that are on the left hand side.

24 MR. KORTAN: Okay.

25 [REDACTED] Okay? So in block number 54 (sic)

1 you see that?

2 MR. KORTAN: Yes.

3 [REDACTED] And in block number 171 he texts her
4 back to say, hope it's going well, dot, dot, dot. Do you
5 see that?

6 MR. KORTAN: Yes.

7 [REDACTED] Okay. And then if you turn the page
8 to block number 173 Ms. Page writes to Mr. Strzok, I'm
9 done. And then in block number 174 she writes, we're
10 done. He's going to look at his story again and we'll
11 circle back with him in the morning. Is that correct?

12 MR. KORTAN: Correct.

13 [REDACTED] And that's a text that she sends on
14 October 27th, 2016. Do you see that?

15 MR. KORTAN: Yes.

16 [REDACTED] Okay. So at the bottom of this page
17 are some of the texts from October 28th, 2016. Okay?

18 MR. KORTAN: Okay.

19 [REDACTED] And Mr. Strzok in block number 181
20 texts Ms. Page to say, just stopped by. Let me know when
21 you're back. Do you see that?

22 MR. KORTAN: Yes.

23 [REDACTED] All right. And she texts him back
24 in block number 182 and says, still on with Devlin.
25 Mike's phone is on fire, in all caps.

1 MR. KORTAN: Uh-huh.
 2 [REDACTED] Is that right?
 3 MR. KORTAN: Yes.
 4 [REDACTED] And he texts her back in block 183
 5 to say, it's on the news. And she texts him back to say,
 6 great. And then one more time to say, great.
 7 MR. KORTAN: Uh-huh.
 8 [REDACTED] Do you see that?
 9 MR. KORTAN: Yes.
 10 [REDACTED] Okay. And he says to her in block
 11 number 186, you need to finish up and come watch the TV's
 12 with me. Is that right?
 13 MR. KORTAN: Yes.
 14 [REDACTED] And in block number 187 she texts
 15 him and says, I know. I will. Do you see that?
 16 MR. KORTAN: Yes.
 17 [REDACTED] Okay. Do you remember that on
 18 October 28th in the afternoon is when Director Comey sent
 19 a letter to Congress saying that the FBI was reopening the
 20 Clinton email investigation?
 21 MR. KORTAN: I mean, I certainly remember it.
 22 [REDACTED] Uh-huh.
 23 MR. KORTAN: I have no reason to think that that
 24 isn't the reference.
 25 [REDACTED] And that's what she's talking

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b7C Per OIG

b6 Per OIG
b7C Per OIG

1 mark. Do you see that?
 2 MR. KORTAN: Yes.
 3 [REDACTED] And I understand that question to be
 4 him asking, Mr. Strzok asking Ms. Page about her comment
 5 that Mr. Barrett just got handed a note about the
 6 developing news.
 7 MR. KORTAN: Yes.
 8 [REDACTED] Do you think that's a fair reading
 9 of what's going on here?
 10 MR. KORTAN: Seems to be.
 11 [REDACTED] Yes, okay. And then she responds
 12 back yeah, it was pretty funny. Coming now. Do you see
 13 that?
 14 MR. KORTAN: I do.
 15 [REDACTED] Okay. And then if you turn the page
 16 to what's marked as page 28 of Kortan number 11 these are
 17 texts that are from October 30th, 2016, which is a Sunday.
 18 MR. KORTAN: Uh-huh.
 19 [REDACTED] Okay? And on Sunday, October 30th
 20 Mr. Strzok writes to Ms. Page about an article that
 21 appears in the Washington Post. And you'll see there in
 22 the highlighted section of block 209 that the headline of
 23 the article in the Washington Post is, Justice officials
 24 warned FBI that Comey's decision to update Congress was
 25 not consistent with department policy. Do you see that?

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1 about --
 2 MR. KORTAN: I --
 3 [REDACTED] -- being on the news?
 4 MR. KORTAN: I have no reason to think
 5 otherwise.
 6 [REDACTED] Okay. In block number 188 Mr.
 7 Strzok says to Ms. Page, you may want to tell Devlin he
 8 should turn on CNN. There's news going on. Do you see
 9 that?
 10 MR. KORTAN: I do.
 11 [REDACTED] And then in block number 189 he
 12 says, sorry and he winks at her. Do you see that?
 13 MR. KORTAN: Yes.
 14 [REDACTED] Okay. And in block number 190 she
 15 texts him back to say, he knows. He just got handed a
 16 note. Do you see that?
 17 MR. KORTAN: Yes.
 18 [REDACTED] Okay. And if you turn the page to
 19 block number 191 in block number 191 Ms. Page texts Mr.
 20 McCabe to say, just got off with Barrett. Give me a call
 21 here. Do you see that?
 22 MR. KORTAN: Yes.
 23 [REDACTED] Okay. And then she texts Mr.
 24 Strzok, oh, I'm sorry, Mr. Strzok texts Ms. Page in block
 25 number 192 to say hah, he asking about it now, question

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b6 Per OIG
b7C Per OIG

1 MR. KORTAN: I do.
 2 [REDACTED] And Mr. Strzok makes the comment,
 3 this is all Matt and Justice officials warned FBI that
 4 Comey. Do you see that?
 5 MR. KORTAN: Yes.
 6 [REDACTED] He's naming a person named Matt.
 7 MR. KORTAN: Uh-huh.
 8 [REDACTED] And saying that what's in the
 9 article is all Matt. Is that a fair reading of this?
 10 MR. KORTAN: It's a fair reading.
 11 [REDACTED] Okay. Do you know who Matt is?
 12 MR. KORTAN: I don't.
 13 [REDACTED] Okay. If you look at the bottom of
 14 that page in block number 211 Ms. Page responds back yeah,
 15 I saw it. Are you with me?
 16 MR. KORTAN: I am.
 17 [REDACTED] Okay. She responds back to Mr.
 18 Strzok yeah, I saw it. Makes me feel way less bad about
 19 throwing him under the bus in the forthcoming CF article.
 20 Do you see that?
 21 MR. KORTAN: Yes.
 22 [REDACTED] And she says that on Sunday, October
 23 30th?
 24 MR. KORTAN: Yes.
 25 [REDACTED] And CF, when I read that I think of

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b7C Per OIG

1 that as an abbreviation for Clinton Foundation. Does that
 2 seem like a fair reading of this to you?
 3 MR. KORTAN: I don't know.
 4 [REDACTED] You don't know?
 5 MR. KORTAN: No.
 6 [REDACTED] Okay. In block number 213 Mr.
 7 Strzok responds back yep, the whole tone is anti-BU. Is
 8 BU an abbreviation that people at the FBI use to reference
 9 the Bureau?
 10 MR. KORTAN: Yes.
 11 [REDACTED] So is it a fair reading of this that
 12 Mr. Strzok is saying that the whole article that they're
 13 discussing is anti-FBI?
 14 MR. KORTAN: I mean, that's what we can
 15 interpret from those words, yes.
 16 [REDACTED] Okay. And then he says, just a tiny
 17 bit from us and serves him right. He's going to be
 18 pissed. Do you see that?
 19 MR. KORTAN: Yes.
 20 [REDACTED] Okay. And I understand that as them
 21 still talking about this individual that's identified as
 22 Matt. Is that the way you understand this?
 23 MR. KORTAN: Presumably, yes.
 24 [REDACTED] Okay. That's who they're referring
 25 to when they say he and him, right?

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 b7C Per OIG

1 text she says in the highlighted portion, thought Devlin's
 2 piece was pretty benign. Do you see that?
 3 MR. KORTAN: I do.
 4 [REDACTED] Okay. All right. Now I'd like for
 5 us to take a look at exhibit number 12. And for the
 6 record, this appears to be an email from you to Andrew
 7 McCabe on Sunday, October 10th of 2016. Is that right?
 8 MR. KORTAN: Yes.
 9 [REDACTED] And the subject of this email is
 10 WSJ, right?
 11 MR. KORTAN: Uh-huh, yes.
 12 [REDACTED] And we've previously said that's the
 13 abbreviation for Wall Street Journal.
 14 MR. KORTAN: Yes.
 15 [REDACTED] Okay. And in this email Director
 16 McCabe asks for you to call him, right? Do you see that
 17 it says, call me?
 18 MR. KORTAN: Or tells me to call him.
 19 [REDACTED] Oh, tells you. I'm sorry. It says,
 20 call me.
 21 MR. KORTAN: Yes.
 22 [REDACTED] But --
 23 [REDACTED] Well, you said earlier you report
 24 to him, right?
 25 MR. KORTAN: Yes.

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 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 MR. KORTAN: I mean, they didn't introduce
 2 anybody else so, presumably, yes.
 3 [REDACTED] Okay. And in the next block, 2014,
 4 there's a one word text that says, super, right?
 5 MR. KORTAN: Yes.
 6 [REDACTED] Okay. And then I'd like you to --
 7 MR. KORTAN: Who's that from? That next one
 8 says --
 9 [REDACTED] I see that as --
 10 MR. KORTAN: His exchange with her.
 11 [REDACTED] Right.
 12 MR. KORTAN: Okay.
 13 [REDACTED] As part of this same exchange.
 14 MR. KORTAN: Okay.
 15 [REDACTED] Right? Because you can see that the
 16 incoming texts are coming from [REDACTED]
 17 MR. KORTAN: Yes.
 18 [REDACTED] --
 19 MR. KORTAN: I got it.
 20 [REDACTED] -- back and forth.
 21 MR. KORTAN: I got it.
 22 [REDACTED] Yes, okay. And then when you turn
 23 to the next page, which is page number 221. I mean, I'm
 24 sorry, block number 221 on page 30. That's an email, I
 25 mean, sorry, that's a text from Lisa Page. And in that

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b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 -1, Per OIG
 b7C -1, Per OIG
 b7E -2

b6 Per OIG
 b7C Per OIG

1 [REDACTED] So that would, there's the
 2 interpretation --
 3 [REDACTED] It wasn't an invitation. I mean, is
 4 that right?
 5 MR. KORTAN: That is fair.
 6 [REDACTED] Okay. All right.
 7 MR. KORTAN: Shorthand if it is.
 8 [REDACTED] Right. Now I want to show you
 9 what's been marked as exhibit 13. And for the record,
 10 this is an email exchange from Devlin Barrett to you and
 11 then from you to Lisa Page on Sunday, October 30th. Is
 12 that right?
 13 MR. KORTAN: Yes.
 14 [REDACTED] Okay. Go ahead and take a look at
 15 that and then I'll ask you some questions about that.
 16 MR. KORTAN: Okay.
 17 [REDACTED] Okay. So this October 30th email
 18 that you received from Devlin Barrett, the subject is,
 19 story is filed to my New York editors. Is that right?
 20 MR. KORTAN: Yes.
 21 [REDACTED] Okay. And he begins his email to
 22 you by saying, a couple of things in it I want to flag,
 23 colon: Do you see that?
 24 MR. KORTAN: Uh-huh, yes.
 25 [REDACTED] And then if you go down to the

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b6 Per OIG
 b7C Per OIG

1 portion that I have highlighted on this document it
2 contains the sentence, the story will then go into a long
3 discussion of the internal conversations that have been
4 going on around. Have more color from the August 12th
5 McCabe Axelrod call, though at present I'm disinclined to
6 name Axelrod. Do you see that?

7 MR. KORTAN: Yes.

8 [REDACTED] Okay. And after you receive this
9 about 20 minutes later you forward it to Lisa Page. Is
10 that right?

11 MR. KORTAN: Yes.

12 [REDACTED] And when you forward it to Lisa Page
13 you change the subject line so that it says, WSJ update.
14 Is that right?

15 MR. KORTAN: Apparently, yes.

16 [REDACTED] Okay. And she responds back to you,
17 could you include me on whatever you come up with,
18 question mark. Is that right?

19 MR. KORTAN: Yes.

20 [REDACTED] Okay. Take a look at, take a look
21 at what we have marked as exhibit number 14. And this is
22 also an email exchange that you had with Lisa Page on
23 October 30th, 2016 concerning this same piece of
24 information that was provided to you by Devlin Barrett.
25 Do you see that?

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b7C Per OIG

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b7C Per OIG

b6 Per OIG
b7C Per OIG

1 [REDACTED] -- exhibit number 15?

2 MR. KORTAN: I did.

3 [REDACTED] And am I correct that this is an
4 email that you sent to Lisa Page on October 30th, 2016
5 with the subject line, WSJ?

6 MR. KORTAN: Yes.

7 [REDACTED] And is it correct that what you are
8 sending to her is a Wall Street Journal article that has
9 as its headline, FBI in internal feud over Hillary Clinton
10 probe laptop may contain thousands of messages sent to or
11 from private server?

12 MR. KORTAN: Yes.

13 [REDACTED] Okay. And is this the October 30th
14 article that you were saying that you reviewed in
15 preparation for our meeting here today?

16 MR. KORTAN: I've looked at this article in the
17 past, yes.

18 [REDACTED] Okay. I'd like to direct your
19 attention to the paragraphs that are highlighted on the
20 bottom of page four. And let's just take a look at those
21 together.

22 MR. KORTAN: Okay.

23 [REDACTED] Okay. The first paragraph that I've
24 highlighted says, according to a person familiar with the
25 probes, on August 12th a senior Justice Department

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b7C Per OIG

1 MR. KORTAN: Yes.

2 [REDACTED] And the difference between this
3 email and the one that I showed you that's marked exhibit
4 13 is that in this email Ms. Page says to you, and hell,
5 he might as well name Axelrod. He's been completely
6 screwing us lately. Is that right?

7 MR. KORTAN: That's right.

8 [REDACTED] That's what she said?

9 MR. KORTAN: That's what she said.

10 [REDACTED] Okay. What is Mr. Axelrod's first
11 name?

12 MR. KORTAN: Matt.

13 [REDACTED] Okay. Let me show you what I've
14 marked as exhibit 14. And for the record, I'm going to
15 identify this as an email from you to Lisa Page dated
16 October 30th, 2016 with a subject line, WSJ. Is that
17 correct?

18 MR. KORTAN: Yes.

19 [REDACTED] And it bears the numbers down at the
20 bottom of the page 49878-1. Is that right?

21 MR. KORTAN: Yes.

22 [REDACTED] Okay. Take a look at this email and
23 let me know when you're done reviewing it. Okay. Have
24 you had a chance to review --

25 MR. KORTAN: I did.

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b7C Per OIG

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b7C Per OIG

1 official called Mr. McCabe to voice his displeasure at
2 finding that New York FBI agents were still openly
3 pursuing the Clinton Foundation probe despite the
4 Department's refusal to allow more aggressive
5 investigative methods in the case. Mr. McCabe said agents
6 still had the authority to pursue the issue as long as
7 they didn't use those methods. Is that right?

8 MR. KORTAN: That's, yes.

9 [REDACTED] Yeah. And the next paragraph reads,
10 the Justice Department official was very pissed off,
11 according to one person close to McCabe. And pressed him
12 to explain why the FBI was still chasing a matter the
13 Department considered dead. Did I read that correctly?

14 MR. KORTAN: Yes.

15 [REDACTED] Okay. And then I want to skip to
16 this next paragraph which starts with a quotation. And it
17 says, are you telling me I need to shut down a validly
18 predicated investigation, quote, Mr. McCabe asked
19 according to people familiar with the conversation. After
20 a pause the official replied, of course not, these people
21 said. Do you see that?

22 MR. KORTAN: I do.

23 [REDACTED] Okay. And previously we had
24 mentioned in connection with the texts back and forth
25 between Ms. Page and Mr. Strzok --

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b7C Per OIG

1 MR. KORTAN: Uh-huh.
2 [REDACTED] -- that they referenced a person
3 named Matt. Do you remember that?
4 MR. KORTAN: Yes.
5 [REDACTED] And Ms. Page referred to throwing
6 him under the bus in the forthcoming CF article. Do you
7 remember that?
8 MR. KORTAN: Yes.
9 [REDACTED] And we also looked at an email that
10 Mr. Barrett sent to you that referenced an August 12th
11 call between McCabe and Axelrod. Is that right?
12 MR. KORTAN: Yes.
13 [REDACTED] Okay. And we said that Mr.
14 Axelrod's first name is Matt. Is that right?
15 MR. KORTAN: I mean, I know of a Matt Axelrod,
16 yes.
17 [REDACTED] Okay. Would it be fair to
18 characterize the Matt Axelrod that you know as a senior
19 Justice Department official?
20 MR. KORTAN: Yes.
21 [REDACTED] Okay. I'm wanting to show you now
22 what I've got marked as exhibit 16. And I'll tell you
23 that these are portions of a transcript from an interview
24 with Lisa Page that [REDACTED] and I did on October 26th,
25 2017. And this is part of the transcript. And for the

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b7C Per OIG

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b7C Per OIG

1 record, [REDACTED] was with us too when we asked these
2 questions. And I'd like for us to just look at them
3 together the way that we did with the text messages.
4 Okay?
5 MR. KORTAN: Okay.
6 [REDACTED] All right. So I've highlighted
7 portions of this so that we can kind of read along. And
8 it starts on page nine. And Ms. Page tells us so, I knew
9 that the 10/23 article had come out. And I think there
10 that she's referring to, well, I know there because I was
11 part of the conversation. She's referring to the October
12 23rd Wall Street Journal article that has to do with the
13 campaign contributions to Deputy Director McCabe's wife.
14 MR. KORTAN: Sure.
15 [REDACTED] Okay?
16 MR. KORTAN: Okay.
17 [REDACTED] All right. And this is what she
18 said. I actually think that it's probably following that
19 article Barrett, who I understand her to mean Devlin
20 Barrett. Is that --
21 MR. KORTAN: Yeah.
22 [REDACTED] -- correct?
23 MR. KORTAN: Sure.
24 [REDACTED] Okay. Starts to get information
25 with respect to maybe Clinton Foundation or, which I think

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b7C Per OIG

b6 Per OIG
b7C Per OIG

1 it's after that happens that Kortan must approach, I
2 suspect Kortan approaches Andy. Mike Kortan approaches
3 Andy McCabe to say that they're making, that the reporter
4 is making this connection between McAuliffe and the
5 Clinton Foundation and had, you know. And so Andy
6 authorizes me to sort of help clarify those facts. Did I
7 read that correctly?
8 MR. KORTAN: Yes.
9 [REDACTED] Okay. And if you look at the next
10 page [REDACTED] asks Ms. Page at the bottom of page 25, when
11 you're in this first call with the reporter, Devlin
12 Barrett, you're with Ms., Mr. Kortan? And she says,
13 correct. And [REDACTED] asks, was there anyone else in the
14 room? And she says, no. Then if you turn to the next
15 page on page 29 [REDACTED] asks, can you put us in the
16 room in terms of how the conversation went when you're
17 providing the details regarding the August 12th call
18 between Mr. McCabe and Mr. Axelrod? How does that
19 conversation go? And Ms. Page says, wait, wait, I'm
20 sorry. You're talking about my recounting back to Devlin
21 Barrett? And [REDACTED] says, yes. And she says oh,
22 okay. Sort of as I just described it to you which is
23 it's, it's entirely provided as rebuttal to the claim that
24 Andy is trying to kill the Clinton Foundation case.
25 Because Barrett keeps coming to us with this my, you know,

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1 my guys are, my sources are certain that they got the
2 instruction to stand down. And I kept responding, I
3 believe in their certainty. What I'm telling you is not
4 only did that not happen, it's inconsistent with the fight
5 that he has with Matt Axelrod about the fact that New York
6 agents are continuing to investigate the Clinton
7 Foundation matter in August. And so, you know, I recount
8 the substance of the conversation as I recall it with, I'm
9 sorry, to Devlin Barrett in an attempt to demonstrate that
10 he cannot simultaneously be trying to kill the
11 investigation while he is fighting with Axelrod about
12 allowing New York agents to take the investigative steps
13 that they deem necessary without engaging in, without
14 engaging prosecutorial resources. And [REDACTED] says,
15 and are you the only one that is sharing these details
16 regarding the conversation, the August 12th call? Or is
17 Mr. Kortan also participating? And Ms. Page says no, I
18 mean, he, Mr. Kortan doesn't have any substantive
19 knowledge to my knowledge, so. And [REDACTED] asks, so
20 the quotes attributed to Mr. McCabe that actually appear
21 in the article in the last page? And Ms. Page says, the
22 highlighted stuff, uh-huh. And [REDACTED] says, the
23 highlighted on exhibit four. Those would have come
24 directly from you? And she says, I believe so. I don't
25 know anybody else it could be, so. And then on the final

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1 page of this, which is page 43, oh, I'm sorry. We've got
2 two more pages left. On page 43 I ask, and was Mr. Kortan
3 present for the entirety of both of those calls? And Ms.
4 Page says, yes. And I ask, and can you tell us how long
5 each of those calls lasted, do you remember? And Ms. Page
6 tells us, I'm guessing maybe 30 to 60 minutes. I'm sort
7 of speculating but an hour at the most. Do you see that?

8 MR. KORTAN: I do.

9 [REDACTED] Okay. And then on page 50 [REDACTED]
10 [REDACTED] asks, did you schedule the call with Devlin
11 Barrett? And Ms. Page says, no. And he says, that would
12 be Mike Kortan's role, question. And Ms. Page says, I
13 have no idea how to get in touch with Devlin Barrett. And
14 [REDACTED] says, would, were you, were you and Mr. Kortan
15 equally engaged during the calls? How did that flow work?
16 And Ms. Page says no, I was mostly engaged because it was
17 a communication of substantive information back and forth.
18 So Mike might interject at moments but I would, I would
19 say that I was most engaged of the two of us. Do you see
20 that?

21 MR. KORTAN: I do.

22 [REDACTED] Okay. There's one more exhibit that
23 I wanted to take a look at. And I've marked it as exhibit
24 17. And this is testimony that comes from the OIG
25 interview with Deputy Director McCabe on November 29th,

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1 wife's campaign. And make all these, kind of put out
2 there these inaccurate and I would say unfair allegations
3 about political influence that stem from your wife's
4 political involvement. And in this article he is going to
5 add kind of a storyline that FBI leadership and you were,
6 you know, had made decisions in kind of stopping or
7 turning off FBI investigative activity in the Clinton
8 Foundation case. And kind of tying the whole thing
9 together is a story about political influence and the
10 FBI's lack of independence and how FBI leadership is
11 making decisions based on, you know, political
12 interference. Either from the political activity or from
13 the Justice Department. And that there had been an email
14 that the Justice Department wanted the case to go away and
15 that, you know, that essentially I think I had issued an
16 order to stop working on the case. So that was the story
17 that we understood he was going to write. Do you see
18 that?

19 MR. KORTAN: Yes.

20 [REDACTED] Okay. And Mr. Barrett is the person
21 who wrote the first article about Mr. McCabe's wife's
22 campaign, right?

23 MR. KORTAN: Yes.

24 [REDACTED] Okay. And so when he's referring to
25 a second article that's coming out I'm inferring, in fact,

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1 2017. Do you see that?

2 MR. KORTAN: Uh-huh.

3 [REDACTED] And again you can see from the
4 transcript on the first page that the people present in
5 the room included [REDACTED] myself, and [REDACTED]
6 Do you see that?

7 MR. KORTAN: Yes.

8 [REDACTED] And like the page transcript, I have
9 highlighted the portions of this that I want us to go
10 through. Okay? So if you turn to page 17 of this
11 transcript. Mr. McCabe says, because at some point, I
12 don't remember exactly when, Mike came to me and said
13 there's a second article coming out. And I understood him
14 by saying Mike to be referring to me.

15 MR. KORTAN: Sure.

16 [REDACTED] Does that seem fair?

17 MR. KORTAN: Sure, it seems fair.

18 [REDACTED] Okay. And that's the type of
19 conversations that you have with him about articles coming
20 out, right?

21 MR. KORTAN: I have, yes.

22 [REDACTED] Yeah.

23 MR. KORTAN: Yeah.

24 [REDACTED] Okay. And Mr. McCabe says, and it's
25 going to, you know, cover the same ground as, as your

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1 I know from that discussion that he's talking about a
2 second article by Devlin Barrett. Do you agree with me
3 there?

4 MR. KORTAN: Yes.

5 [REDACTED] Okay. So we turn to page 20. Mr.
6 McCabe says, so Mike and I talk that day. And Lisa Page
7 and I talk that day. And I authorize Mike to talk to
8 Devlin Barrett to try to correct some of the, some of what
9 I perceived to be incredibly damaging inaccuracies in that
10 story because of this stuff. I was not able, I wasn't
11 able to be there and kind of interacting with Mike real
12 time because I was out of town. I asked Lisa Page to help
13 him with that process. Lisa had a lot of background
14 knowledge about my wife's campaign, how I handled kind of
15 FBI, you know, business during the campaign. And so
16 anyway, I ask her to assist with Mike in the process as
17 kind of like trying to help him out with some of the
18 facts. So they, they had a series of phone calls with
19 Devlin Barrett over the course of that day. And [REDACTED]

20 [REDACTED] says, so were you authorizing both Mike Kortan and
21 Lisa Page to talk to Devlin Barrett for article number
22 two, the October 30th article? And Deputy Director McCabe
23 says, I am authorizing Mike Kortan and Lisa Page, yes, to
24 talk about it with Devlin Barrett. Do you see that?

25 MR. KORTAN: Yes.

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1 [redacted] Okay. And if you turn to page 33
2 [redacted] says, you were recounting for us when you were
3 going through the process that you remembered authorizing,
4 that you ended before we circled back on some points. But
5 you told them they could recount the August 12th call.
6 And Mr. McCabe says, yes. And [redacted] said, that
7 appears in the article. And if you see the article I
8 highlighted those portions. And Mr. McCabe says, okay.
9 So that's pages eight to nine, just so we're speaking from
10 the same thing. Why don't you take a moment to look at
11 that? Mr. McCabe says, okay. So, is that what you had in
12 mind when you said that you authorized them to recount the
13 August 12th call? And Mr. McCabe says, it is. Do you see
14 that?

15 MR. KORTAN: I do. Yeah.
16 [redacted] Okay. All right. Deputy Director
17 McCabe and Lisa Page have both told us under oath that
18 Lisa Page was the source of the quoted material in that
19 October 3rd, 30th Wall Street Journal call having to do
20 with the August 12th conversation between Matt Axelrod and
21 Deputy McCabe.

22 MR. KORTAN: Yes.
23 [redacted] Okay? Now that we've been through
24 all of these exhibits I'm wondering if that's something
25 that you can confirm for us?

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1 MR. KORTAN: Well, I don't remember it. But I
2 don't, I mean, based on everything I've seen today, which
3 I hadn't seen in the past, I mean, it, I have no reason to
4 dispute it.

5 [redacted] Okay. Can you remember, aside from
6 what you've looked at, the details of any conversations
7 with Deputy Director McCabe or with Lisa Page about the
8 authorization to provide that information to the Wall
9 Street Journal?

10 MR. KORTAN: I do not recall or remember how
11 that came to be.

12 [redacted] Okay.

13 MR. KORTAN: Whether there was, I, you know,
14 I --

15 [redacted] So I think one of the exhibits that
16 we looked at --

17 MR. KORTAN: Yeah.

18 [redacted] - exhibit four was an interaction
19 between you and Deputy Director McCabe where he asks you,
20 is the story coming out tonight?

21 MR. KORTAN: Right.

22 [redacted] And you tell him no, not tonight.
23 I'll know more in the morning. Right?

24 MR. KORTAN: Right.

25 [redacted] Okay. Is there anything that you

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1 can tell us above and beyond what's in that document about
2 those interactions with the deputy director?

3 MR. KORTAN: I just don't remember exactly what
4 happened. I mean, I would presume from looking at this
5 now that I provided him with the information that Barrett
6 provided to me in terms of the content, or his intended
7 content of the story. And let him consider that.

8 [redacted] Okay.

9 MR. KORTAN: And --

10 [redacted] And I'm not looking for you to
11 relate to me any verbatim --

12 MR. KORTAN: No, no. No.

13 [redacted] -- what happened in any particular
14 interaction. I'm just wondering if you can provide me
15 more information about what happened during this, during
16 these discussions with Deputy Director McCabe?

17 MR. KORTAN: Well, first off, I don't remember
18 how that came about. Again, I presume that I provided him
19 with the intended content of the story. Let him consider
20 it with his people. I didn't have any, I wouldn't have
21 had any direct knowledge of the, you know, the substance
22 or the content of it. So I leave it to them to determine
23 that. My, this reflects often what we do, what I do in
24 other public affairs. You know, last, you know, check in
25 with the reporter. Make sure he's not going quickly or

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1 going without us until I get an answer from, you know,
2 whoever that may be. In this case the deputy director.
3 So this reflects that, you know, I may call him and say
4 hey, is that, you know, where is that story? Because you
5 know, let you know at some point whether we intend to, you
6 know, to respond. So that --

7 [redacted] Okay.

8 MR. KORTAN: -- is consistent with everything.

9 I just don't remember specifically, you know, how that was
10 done with the deputy.

11 [redacted] Okay.

12 MR. KORTAN: But I accept that it was done to
13 the, you know, degree that they described it.

14 [redacted] Okay. And looking at exhibit --
15 [redacted] When you say accept it, that you
16 accept that it was done to the degree they described it
17 what were you referring to?

18 MR. KORTAN: I mean, I accept that it occurred
19 consistent with what they describe.

20 [redacted] In the testimony excerpt?

21 MR. KORTAN: Yeah, in the testimony. Yeah. I
22 mean, I'm not disputing that.

23 [redacted] And so --

24 MR. KORTAN: Not every word but, I mean, that
25 generally that's the process that --

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1 [REDACTED] In sum and substance?
 2 MR. KORTAN: Yeah.
 3 [REDACTED] And so let's --
 4 MR. KORTAN: Yes.
 5 [REDACTED] -- go through that. You're not
 6 disputing that calls with Devlin Barrett between you and
 7 Ms. Page took place in your office?
 8 MR. KORTAN: I don't remember them, to be clear.
 9 [REDACTED] Okay.
 10 MR. KORTAN: I just don't. You know, I mean, I
 11 first became aware of this, you know, maybe many months
 12 ago, that there was interest in it. I hadn't thought
 13 about it. I had no reason. It never came to my attention
 14 prior to that so I didn't remember it then. I don't
 15 necessarily remember it anymore now because, I mean,
 16 confronted with this.
 17 [REDACTED] Uh-huh.
 18 MR. KORTAN: But I, you know, I'm not disputing
 19 it. Let's put it that way.
 20 [REDACTED] Okay. Okay.
 21 MR. KORTAN: I've got no reason for me to
 22 dispute it.
 23 [REDACTED] Because one of the things that we
 24 would like to know and have an understanding of, if you
 25 remember and can help us out, is what those conversations

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1 involving that authorization, what the substance of those
 2 were. Do you remember --
 3 MR. KORTAN: I don't.
 4 [REDACTED] -- having any of those
 5 conversations?
 6 MR. KORTAN: No, I don't remember specifically
 7 those conversations.
 8 [REDACTED] Oh, okay.
 9 MR. KORTAN: I just don't.
 10 [REDACTED] Okay. Do you remember generally
 11 being authorized to provide this information to the Wall
 12 Street Journal about that call between Matt Axelrod and
 13 Deputy Director McCabe?
 14 MR. KORTAN: I don't but, I mean, based on
 15 everything you've shown me I accept that that likely took
 16 place, you know, to some degree or another the way it's
 17 been described here in various documents. So I would, you
 18 know, my sense would be that the deputy authorized it
 19 through Lisa or otherwise to engage and to dispute, you
 20 know, what he was threatening to publish.
 21 [REDACTED] Okay. Sitting here today can you
 22 independently confirm for us that this was an authorized
 23 release of information?
 24 MR. KORTAN: I cannot, I don't remember the
 25 release of information so I cannot do that. But I would,

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1 I don't disclose or make decisions unilaterally on such,
 2 you know, anything like this, if there is anything like
 3 that. So it would have only been with authorization.
 4 [REDACTED] What do you mean when you say like
 5 this?
 6 MR. KORTAN: Well, something, it's information
 7 that somebody else knew that I wouldn't have known.
 8 [REDACTED] Okay.
 9 MR. KORTAN: And so, and that authorizing
 10 official made a determination that information should be
 11 provided and ordered or asked me to facilitate that in
 12 some way. So I don't dispute that. But I don't, you
 13 know, I can't tell you, I just can't describe today how
 14 that happened. It's a long time ago.
 15 [REDACTED] Okay. Because this is the thing
 16 that we're trying to work out. The information that we
 17 have now and what we've been told now is that this was an
 18 authorized disclosure. And we're wondering, we know that
 19 you were interviewed about this previously.
 20 MR. KORTAN: Uh-huh.
 21 [REDACTED] And that previously when you were
 22 interviewed about this that you didn't remember this
 23 happening. And that your initial reaction was that that
 24 quoted information about that August 12th call was a leak.
 25 Am I summarizing that correctly?

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1 MR. KORTAN: Because I didn't know. I mean, I
 2 didn't remember the information. I didn't, it was
 3 provided to me in the course of some other, you know,
 4 discussion with something else. Kind of way, I read it
 5 and I simply, I mean simply, I did not remember really
 6 anything about that story. And I read, you know, similar
 7 parts of the story as you've shown me.
 8 [REDACTED] Right.
 9 MR. KORTAN: And it just did not click with me.
 10 [REDACTED] Right. And I think when you were
 11 talking to the Inspection Division you said that a quote
 12 appearing like that was unusual, right? A quote that has
 13 to do with the deputy director and a senior DOJ official
 14 having conflict over an ongoing investigation, that's kind
 15 of unusual.
 16 MR. KORTAN: I think I said that. I think the
 17 context in which I said it was, you know, whoever provided
 18 the, you know, the words in that sequence and quote it's
 19 obvious, you know, it appeared to me somebody who knew,
 20 had firsthand knowledge of the conversation.
 21 [REDACTED] Right.
 22 MR. KORTAN: It's pretty precise. That was my
 23 point.
 24 [REDACTED] Right. And I think one of the
 25 things you told them was that it kind of went too far in

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1 the sense that it was trying to persuade Mr. Barrett that
2 that person really did have knowledge. You know, that it
3 was a little over the top I think is how --

4 MR. KORTAN: Yeah. I mean, that was my read at
5 that moment.

6 [REDACTED] Right.

7 MR. KORTAN: Without knowing, without
8 remembering it --

9 [REDACTED] Uh-huh.

10 MR. KORTAN: -- it was sort of a, in a sense in
11 my mind a fresh look at something that, you know,
12 occurred, you know, a year ago or so.

13 [REDACTED] Okay.

14 MR. KORTAN: And that was just my take. I mean,
15 it was just an attempt to react to what they were asking
16 me.

17 [REDACTED] No, we're not --

18 MR. KORTAN: It wasn't a, you know, I didn't
19 have the benefit of any of this. So, I mean, it was sort
20 of in context of the moment.

21 [REDACTED] Right.

22 MR. KORTAN: Yeah.

23 [REDACTED] So my question is now that you have
24 the benefit of all of this --

25 MR. KORTAN: Uh-huh.

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1 [REDACTED] Do you remember whether Deputy
2 Director McCabe ever told you that he had discussed it
3 with Director Comey?

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4 MR. KORTAN: I don't know who, no. I don't
5 have, I, given no knowledge or no recollection of that. I
6 don't know he, who he would have discussed it with.

7 [REDACTED] Okay. When you're being authorized
8 by the deputy director to put information out to the
9 press --

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10 MR. KORTAN: Uh-huh.

11 [REDACTED] -- is that something that you then
12 clear with the director of the FBI before you put it out
13 there as part of your regular practice?

14 MR. KORTAN: I mean, that would depend much on
15 the circumstances and the information and any number of
16 other factors. If the deputy director is authorized to
17 authorize it, you know, then I don't, I mean, I would
18 accept his authorization.

19 [REDACTED] And as we said before, he's in your
20 chain of command.

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21 MR. KORTAN: Yes.

22 [REDACTED] And that in order to get to the
23 director you go through the deputy director?

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24 MR. KORTAN: Yeah. Generally, yes.

25 [REDACTED] Okay. And previously when you were

1 [REDACTED] -- all of this information as you're
2 sitting here today do you remember one way or the other
3 about whether that was an authorized release of
4 information?

5 MR. KORTAN: Again, I don't remember how it came
6 to me. I really don't. So I don't think I can answer
7 that question confidently. However, I mean, based on
8 everything you've shown me, it would have been an
9 authorized release because I can't imagine it any other
10 way.

11 [REDACTED] And why do you say that? Because
12 the call was made from your office?

13 MR. KORTAN: No, based on what everybody has
14 said. I mean, I don't dispute what they said, that he
15 authorized that to take place, that he wanted it to take
16 place.

17 [REDACTED] Okay.

18 MR. KORTAN: And he authorized people to
19 facilitate that. I don't dispute that, I mean.

20 [REDACTED] When this story was in
21 development --

22 MR. KORTAN: Uh-huh.

23 [REDACTED] -- do you remember whether you ever
24 discussed the story with Director Comey?

25 MR. KORTAN: I do not.

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1 talking to us about the deputy director and his authority
2 you said, and I think this is a direct quote of what you
3 said, that you leave it to him to determine whether or not
4 to brief the director. Is that --

5 MR. KORTAN: Generally, yeah.

6 [REDACTED] -- accurate?

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7 MR. KORTAN: Yeah, generally.

8 [REDACTED] Generally?

9 MR. KORTAN: I mean, there could be any number
10 of circumstances. Maybe he discusses something with the
11 director. Perhaps in another context later on the
12 director alludes to it to me --

13 [REDACTED] Uh-huh.

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14 MR. KORTAN: -- directly. You know --

15 [REDACTED] Do you ever --

16 MR. KORTAN: -- but I don't, I mean, I don't
17 remember any of that in this case. But I mean, I'm not, I
18 don't want to rule out any combination of possibilities
19 that somehow the director might know about something or
20 even ask me about it or something.

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21 [REDACTED] Okay. As you sit here today can you
22 have, do you have any recollection of having any
23 conversations with the director about the fact that the
24 August 12th call between Matt Axelrod and Deputy Director
25 McCabe was going to be appearing in the Wall Street

1 Journal?
 2 MR. KORTAN: I do not.
 3 [REDACTED] Okay. Let me show you what's been
 4 marked as exhibit 18. And for the record, this is an
 5 October 30th, 2016 email from you to James Rybicki. Do
 6 you see that?
 7 MR. KORTAN: Yes.
 8 [REDACTED] And in this email you are forwarding
 9 the email that you got from Devlin Barrett that's titled,
 10 story is filed to my New York editors. You're forwarding
 11 that on to Mr. Rybicki. Do you see that?
 12 MR. KORTAN: Yes.
 13 [REDACTED] Okay. And Mr. Rybicki is the chief
 14 of staff, well, at the time was the chief of staff for
 15 Director Comey, right?
 16 MR. KORTAN: Correct.
 17 [REDACTED] Okay. And when you forward it to
 18 him you change the subject to Wall Street Journal. Do you
 19 see that?
 20 MR. KORTAN: Yes.
 21 [REDACTED] Okay. And in this email that you
 22 had received from Mr. Barrett Mr. Barrett says that there
 23 are a couple of things he wants to flag. Do you see that?
 24 MR. KORTAN: Uh-huh.
 25 [REDACTED] And he also says, the story will

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1 then go into a long discussion of the internal
 2 conversations that have been going on around. Have more
 3 color from the August 12th McCabe Axelrod call, though at
 4 present I'm disinclined to name Axelrod. Do you see that?
 5 MR. KORTAN: Yes.
 6 [REDACTED] Do you remember getting any response
 7 from Mr. Rybicki about being provided with this
 8 information?
 9 MR. KORTAN: I don't remember as I sit here now,
 10 no.
 11 [REDACTED] Okay. Do you remember him asking
 12 you any questions about what does this mean, the August
 13 12th McCabe Axelrod call?
 14 MR. KORTAN: No. I mean, I have no recollection
 15 of any response from him.
 16 [REDACTED] Okay.
 17 MR. KORTAN: I mean, I'm forwarding the same
 18 thing I forwarded to others for information purposes.
 19 It's largely about this massive event that occurred a
 20 couple of days earlier about the revelation of the emails.
 21 So I mean, likely, not likely, it's a good possibility I'm
 22 forwarding it to people like Rybicki for that information.
 23 [REDACTED] Okay. I see as you're describing
 24 that to me that you're pointing with your fingers and
 25 bracketing --

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1 MR. KORTAN: Well, I'm --
 2 [REDACTED] -- the top two paragraphs --
 3 MR. KORTAN: Yeah, I, the lead --
 4 [REDACTED] -- of what is in there.
 5 MR. KORTAN: Yeah, I mean, this, after the
 6 public disclosure by Congress of the initial --
 7 [REDACTED] You mean by the FBI?
 8 MR. KORTAN: By the FBI --
 9 [REDACTED] In the letter to Congress.
 10 MR. KORTAN: In the letter to Congress. And
 11 when that was disclosed publicly shortly thereafter there
 12 was a massive, you know, press interest across the board
 13 in that pattern. So, I mean, it's possible I'm simply,
 14 not simply, but primarily forwarding this to Rybicki to
 15 inform him of that stuff and not necessarily the rest of
 16 it. But nonetheless, it's all here and I accept that.
 17 Yes.
 18 [REDACTED] Okay. And as you're sitting here do
 19 you remember having any other conversations with him about
 20 the August 12th McCabe Axelrod call and that information
 21 being in a Wall Street Journal story?
 22 MR. KORTAN: No.
 23 [REDACTED] Okay. Do you remember when the
 24 October 30th Wall Street Journal story came out do you
 25 remember there being discussion within your office of the

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1 fact that a direct quote from a telephone call between the
 2 deputy director and a senior FB, a senior DOJ official had
 3 been put into the story? Do you remember that being a
 4 topic of conversation?
 5 MR. KORTAN: I do not.
 6 [REDACTED] Do you remember any reaction to
 7 seeing that information in the Wall Street Journal by any
 8 of the executive managers in the FBI?
 9 MR. KORTAN: No.
 10 [REDACTED] Okay. Here is what I'm trying to
 11 figure out. I'm trying to figure out if when this
 12 information appeared in the Wall Street Journal the
 13 executive managers at the FBI knew where that information
 14 came from. And knew, had --
 15 MR. KORTAN: Are these executive managers like
 16 anybody in particular?
 17 [REDACTED] I'm talking about anyone other than
 18 McCabe.
 19 MR. KORTAN: Okay.
 20 [REDACTED] Okay? Do you remember Mr. McCabe
 21 being questioned by anybody in his management about how
 22 that story got out into the press?
 23 MR. KORTAN: I do not.
 24 [REDACTED] Do you ever remember hearing Mr.
 25 McCabe deny that he had authorized that information to be

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1 released to the press?
 2 MR. KORTAN: No, because I don't remember, no.
 3 No. The answer is no.
 4 [REDACTED] Okay. Do you remember any of the
 5 other individuals on the seventh floor that you have
 6 contact with like Mr. Rybicki or Mr. Baker talking to you
 7 about this August 12th call being in the Wall Street
 8 Journal and where did that come from?
 9 MR. KORTAN: No, I did not.
 10 [REDACTED] Okay. Do you remember whether or
 11 not at the time your office was treating this information
 12 about the August 12th call as a leak?
 13 MR. KORTAN: Treating it?
 14 [REDACTED] As a leak. If it was, I mean, I
 15 know that if information about the private calls of my
 16 management were in the Wall Street Journal --
 17 MR. KORTAN: Uh-huh.
 18 [REDACTED] -- the people that I work with would
 19 be talking the next day about where did that information
 20 come from. I'm wondering if you remember any of those
 21 types of discussions with respect to this August 12th
 22 call?
 23 MR. KORTAN: I don't. And frankly I don't
 24 remember or recall any discussion about it following the,
 25 in any of those areas.

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1 [REDACTED] Okay.
 2 MR. KORTAN: I mean, did it take place among
 3 some other people? I don't know. I just, I don't
 4 remember it. Nothing that I remember as anything I was
 5 aware of or that anybody came to me about.
 6 [REDACTED] Because when INSD interviews you and
 7 asks you for your information --
 8 MR. KORTAN: Uh-huh.
 9 [REDACTED] -- about the October 30th call
 10 they're treating it as a leak investigation, right?
 11 MR. KORTAN: I don't know how they considered
 12 that.
 13 [REDACTED] What is --
 14 MR. KORTAN: I mean, a leak to me is, you know,
 15 generally a, you know, accepts classified information or
 16 something but --
 17 [REDACTED] Oh, okay. Well then maybe I --
 18 MR. KORTAN: But it --
 19 [REDACTED] -- misspoke.
 20 MR. KORTAN: So I mean, I, no, I'm not mincing
 21 words.
 22 [REDACTED] Right. Is it fair to characterize
 23 what INSD told you they were looking into was the release
 24 of the, unauthorized release of FBI information?
 25 MR. KORTAN: I think so, yes.

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1 [REDACTED] Okay. So that's how they were
 2 treating it at the time?
 3 MR. KORTAN: Well, I mean, they didn't explain
 4 their so much treatment of it as to, you know, showed it
 5 to me and said, does this mean anything to you? Do you
 6 remember? Do you have any, you know, information --
 7 [REDACTED] Right.
 8 MR. KORTAN: -- about this?
 9 [REDACTED] I'm wondering --
 10 MR. KORTAN: About what was in their --
 11 [REDACTED] Sure. I'm wondering if you can shed
 12 any light on why those questions were being asked if this
 13 information was an authorized disclosure by the deputy?
 14 MR. KORTAN: I mean, I could speculate but I,
 15 you know, I mean, I don't know if that's helpful.
 16 [REDACTED] What I'm looking for is any memory
 17 that you have about these events. I mean, I've tried to
 18 lay out for you --
 19 MR. KORTAN: Yeah.
 20 [REDACTED] -- as much as we've been able to
 21 gather about how that private conversation ended up in the
 22 Wall Street Journal.
 23 MR. KORTAN: Sure. No, I don't know if
 24 Inspection came to me first. Because again, it was in the
 25 course of another --

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1 [REDACTED] Uh-huh.
 2 MR. KORTAN: -- some other matters that we were
 3 discussing, and showed me this. I don't know if I was the
 4 first that they asked about it thinking maybe because of
 5 my position or because I was, I may know something and
 6 hadn't gone to anybody else. So whether they ultimately
 7 found out, you know, after me. I mean, that's possible.
 8 So I just don't know the sequence.
 9 [REDACTED] Okay.
 10 MR. KORTAN: So I don't find it unusual in and
 11 of itself that they didn't know anything about it when
 12 they came to me. I just don't know what all they did.
 13 They never, I mean, I wouldn't know what sequence they
 14 spoke to people or what investigative steps they took and
 15 what order that took them to wherever they ended up. I
 16 just don't know.
 17 [REDACTED] Did the deputy director ever come to
 18 you with anger or concern about seeing his words about his
 19 conversation with Matt Axelrod in the Wall Street Journal?
 20 Do you remember him raising that with you?
 21 MR. KORTAN: No, as I have said, I don't
 22 remember anybody coming to me or conversing with me or
 23 communicating with me with, in any way after the story
 24 ran. Or, I just don't recall any follow up or commentary
 25 or complaints or anything.

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b6 Per OIG
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 b7C Per OIG

b6 Per OIG
b7C Per OIG

1 [REDACTED] Okay. Well, let me show you what
2 I've marked as exhibit 19. It's come to my attention I
3 did not mark this.

b6 Per OIG
b7C Per OIG

4 [REDACTED] You want me to jump in while
5 you're doing that? I don't want to --

b6 Per OIG
b7C Per OIG

6 [REDACTED] Sure, go ahead. Go ahead.

7 [REDACTED] So, help us understand something.
8 You're the head of OPA, right?

b6 Per OIG
b7C Per OIG

9 MR. KORTAN: Yes.

10 [REDACTED] And you're presented this issue
11 with the Inspection, by the FBI Inspection Division a
12 couple months ago when they were looking into a similar
13 issue on --

14 MR. KORTAN: Some other issue.

15 [REDACTED] Right. We know there was the [REDACTED]

16 [REDACTED] --

17 MR. KORTAN: Yeah, [REDACTED]

18 [REDACTED] -- issue. We're not --

19 MR. KORTAN: Right.

20 [REDACTED] -- looking in that. But --

21 MR. KORTAN: Okay.

22 [REDACTED] -- a second piece of that that
23 they came back to you with was a separate statement, was
24 related to the Wall Street Journal article October 30th,
25 right?

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: Right.

2 [REDACTED] When you see this you don't, your,
3 I think you said your reaction was that, initially that it
4 was a leak. Is that fair?

5 MR. KORTAN: I didn't say it was. I said I had
6 no recollection of it so in reading it and reading it they
7 asked me to offer an opinion --

b6 Per OIG
b7C Per OIG

8 [REDACTED] Uh-huh.

9 MR. KORTAN: -- on how that appeared to me.

10 [REDACTED] Uh-huh.

11 MR. KORTAN: You know, having looked at it and
12 not, you know, having any, recalling any knowledge of it.
13 So I probably offered, but I didn't know.

14 [REDACTED] Right.

15 MR. KORTAN: I mean, I just, I didn't know.

16 [REDACTED] Well, what was your reaction then?
17 So this is, we're talking August, this past August, August
18 2017.

19 MR. KORTAN: Uh-huh.

20 [REDACTED] Did you do any follow up? Did you
21 have any concern, the fact that you're seeing the deputy's
22 private conversations in an article and you don't know how
23 it happened or you don't recall how it happened? Did you
24 do any follow up or talk to anyone after that to figure
25 out what happened?

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: I did not conduct my own, no. b6 Per OIG

2 [REDACTED] Why not? b7C Per OIG

3 MR. KORTAN: Well, Inspection was doing just
4 that. I assumed they were going to talk to everybody they
5 can identify that may potentially provide information to
6 help them.

7 [REDACTED] It's been described to us that this b6 Per OIG

8 time back in October of 2016 was a time period where the
9 FBI management was very concerned about leaks coming out
10 of the FBI. Do you remember that? b7C Per OIG

11 MR. KORTAN: Generally, yes.

12 [REDACTED] From the impression we gotten from
13 the people that we've spoken to it sounds like there had
14 been an uptick in the amount of information, the amount of
15 FBI information that was somehow getting to the press and
16 that it was something that people were concerned about.
17 Do you remember that?

18 MR. KORTAN: I mean, I remember those, you know,
19 that generally being in the air, yes. b6 Per OIG

20 [REDACTED] Okay. Do you remember being asked
21 to do anything with respect to that situation? Any
22 efforts that were asked of you to try to get control of
23 the FBI's information? b7C Per OIG

24 MR. KORTAN: No. But I mean, I doubt, I don't
25 know that they would come to me and say hey, you know, do

1 something about this. I mean, we, that's all we do every
2 day, every day, is protect FBI interest and Department and
3 Government interest with respect to investigations and
4 information. So we are on the frontlines. I have, you
5 know, I don't know anymore generally than anybody else
6 does about who might be talking or conversing with
7 reporters. I mean, they don't, I know who comes to me --

8 [REDACTED] Uh-huh. b6 Per OIG

9 MR. KORTAN: -- and says a reporter tried to
10 call them, would you guys call him back. I mean, I know
11 what I know but I have, I certainly wouldn't suggest I
12 know what I don't know. b7C Per OIG

13 [REDACTED] Oh, okay.

14 MR. KORTAN: And nobody's come to me to ask in
15 some sort of enforcement role because I think they accept
16 that we, that's what we do is protect the flow of
17 information. b6 Per OIG

18 [REDACTED] I would just think that you would be
19 a person who would be uniquely situated to have insight
20 into whether reporters are calling saying, here is the FBI
21 information that I have. Can you confirm it? What can
22 you tell me about this? I mean, that once somebody has a
23 source within the FBI you're probably the second stop to
24 see if what they're saying has any validity. Or OPA is.

25 MR. KORTAN: OPA, yeah. No, certainly reporters

b6 Per OIG
b7C Per OIG

1 come to OPA with information. I mean, they're not going
2 to come to us, if they acquire information in the course
3 of their business --

4 [REDACTED] Uh-huh.

5 MR. KORTAN: -- before they publish it or deal
6 with them they're going to come to OPA. I mean, we have
7 them, the kind of relationship with the national media
8 that that is, that's the way you would do it. And they do
9 do that yes.

10 [REDACTED] Okay.

11 MR. KORTAN: So yes, we would be sort of the
12 second, as we've seen evidence in these documents and as
13 is typical any day in and day out.

14 [REDACTED] Okay. One of the questions that I
15 asked you was whether or not Deputy Director McCabe was
16 ever angry or concerned about seeing his private
17 conversation in the media. And I'd like you to take a
18 look at what I'm showing you that's exhibit 19. And I'll
19 tell you that this is another article by Devlin Barrett, a
20 third article that is published on November 3rd. So this
21 is just a couple of days after that October 30th story.

22 MR. KORTAN: Uh-huh.

23 [REDACTED] And what I want to do is direct your
24 attention to the paragraph at the end, which I've
25 highlighted. And this paragraph says, as a result of

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b7C Per OIG

1 those complaints these people said a senior Justice
2 Department official called the FBI deputy director, Mr.
3 McCabe, on August 12th to say agents in New York seemed to
4 be disregarding or disobeying their instructions these
5 people said. The conversation was a tense one they said.
6 And at one point Mr. McCabe asks, are you telling me I
7 need to shut down a validly predicated investigation? The
8 senior Justice Department official replied, of course not.
9 Do you see that?

10 MR. KORTAN: I do.

11 [REDACTED] And did I read it correctly?

12 MR. KORTAN: Yes.

13 [REDACTED] And do you agree with me that that's
14 the same quote that appeared in the October 30th Wall
15 Street Journal about, are you telling me I need to shut
16 down a validly predicated investigation?

17 MR. KORTAN: It certainly seems to be, yes.

18 [REDACTED] And that's the quote from the August
19 12th --

20 MR. KORTAN: From the --

21 [REDACTED] -- conversation. Is that right?

22 MR. KORTAN: Well, purportedly, yeah.

23 [REDACTED] Yeah. So, let me show you what I've
24 got as exhibit 20. And if you look at exhibit 20, oops,
25 if you look at exhibit 20 this is an email exchange

b6 Per OIG
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b6 Per OIG
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1 between you and Andrew McCabe on November 30, on November
2 3rd, 2016. Is that right?

3 MR. KORTAN: Yes.

4 [REDACTED] Okay. And if you look at what Mr.
5 McCabe is sending to you he says, his email says, secret
6 reporting's fueled FBI feud in Clinton probe. Do you see
7 that?

8 MR. KORTAN: Yes.

9 [REDACTED] And that's the headline of the
10 article that I handed you that's exhibit 19. Is that
11 correct?

12 MR. KORTAN: Yes.

13 [REDACTED] And he has written down here, oh,
14 and this is being forwarded to him from Bill Sweeney.

15 MR. KORTAN: Yes.

16 [REDACTED] It says, this is the latest WSJ
17 article. Call me tomorrow. Do you see that?

18 MR. KORTAN: Yes.

19 [REDACTED] And Mr. McCabe forwards this to you.
20 And this is what he says, I am curious as to why I keep
21 stumbling across these things with no notice whatsoever
22 from my OPA machine. Is it too much to ask to get even
23 the slightest heads up from your shop? Rich attended my
24 wrap and said nothing of this. I would like to discuss
25 solutions tomorrow. Do you see that?

b6 Per OIG
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b7C Per OIG

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b7C Per OIG

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: I do.

2 [REDACTED] I understand him in this email to be
3 referring to the November 3rd article that I handed you.

4 MR. KORTAN: Sure.

5 [REDACTED] Is that a fair reading of this?

6 MR. KORTAN: That is fair, sure.

7 [REDACTED] Okay. And he's wanting to know how
8 he keeps stumbling across these things with no notice
9 whatsoever from his OPA machine. Do you see that?

10 MR. KORTAN: I do.

11 [REDACTED] What can you tell me about the
12 interchange that you had with Mr. McCabe about this email,
13 following this email?

14 MR. KORTAN: Well, first of all, I don't
15 remember it. I mean, I see it now and I accept it for
16 what it is. You want me to interpret it to the best of
17 my, you know, what I take from it?

18 [REDACTED] What I'm wondering is whether or not
19 he's angry or concerned about seeing the information from
20 the August 12th call in another Wall Street Journal
21 article?

22 MR. KORTAN: I don't read that at all.

23 [REDACTED] Okay. What do you read this as?

24 MR. KORTAN: I read that it's a lengthy story
25 about, that involves the FBI and he apparently felt that

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b7C Per OIG

1 he did not have a heads up it was coming. Which bothers
 2 senior executives sometimes and that's why we work hard to
 3 make sure they at least know and they have a heads up
 4 that, you know, regardless of what we do about it or not
 5 do about it or what, any role or no role in it, at least
 6 let them know things are in the air and they could be
 7 coming. So I read from this that he's simply upset that
 8 he didn't know about it and he had to hear from Bill
 9 Sweeney. And that he has a wrap up or a morning meeting
 10 which were in the ND and that Rich didn't tell him. And
 11 I'm not defending anybody. I don't know what we knew or
 12 didn't know at the time or even if we even knew about
 13 this. Maybe not, because it's our job to tell him what
 14 stories are coming. So, the fact that Rich didn't in his
 15 mind in a timely way and he had to hear from Bill Sweeney
 16 tells me that, you know, the process is, that it sounds
 17 like he's a little --
 18 [REDACTED] He seems steamed, right?
 19 MR. KORTAN: -- steamed about that one. I mean,
 20 I would like to say our process is designed, you know, a
 21 couple times a day or and in addition as necessary to
 22 inform him and others of anything we know that they should
 23 know. You know, during this case he felt that it, that
 24 didn't occur in the way that it should have.
 25 [REDACTED] Okay.

b6 Per OIG
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b6 Per OIG
 b7C Per OIG

1 MR. KORTAN: That's what I read. I have no, you
 2 know, no idea what part of this story, if any particular
 3 part he's concerned of. Just the story.
 4 [REDACTED] You don't remember those discussions
 5 with him?
 6 MR. KORTAN: No.
 7 [REDACTED] Okay.
 8 MR. KORTAN: I don't know if we ever talked
 9 about it. I mean, I probably stopped by and said hey, I'm
 10 sorry. You know, we work hard to make sure you're aware
 11 of anything that's coming. Maybe we didn't know about
 12 this.
 13 [REDACTED] Okay.
 14 MR. KORTAN: I mean, I like to think that we
 15 don't know about a major story or something and wouldn't
 16 tell him.
 17 [REDACTED] Do you have any recollection of
 18 whether portions of what you were telling him we're sorry
 19 we didn't know about are his August 12th quotes appearing
 20 in the Wall Street Journal?
 21 MR. KORTAN: I don't take that from this at all,
 22 no.
 23 [REDACTED] Okay. But you don't have one, a
 24 memory --
 25 MR. KORTAN: I don't remember either way but I

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1 don't read that what's, at all.
 2 [REDACTED] Yeah, go ahead.
 3 [REDACTED] What, so here this email talks
 4 about Mr. McCabe saying Rich. And did you say that's Rich
 5 Quinn?
 6 MR. KORTAN: That Rich Quinn would be, you know.
 7 [REDACTED] Attended my wrap and said nothing
 8 of this.
 9 MR. KORTAN: Yeah.
 10 [REDACTED] And we talked earlier about
 11 executive management meetings that you attended as a
 12 regular course of your job to let management know of press
 13 issues. Is that fair?
 14 MR. KORTAN: That's fair.
 15 [REDACTED] So, if there, when significant
 16 stories were coming out that you knew about would you
 17 typically notify them at these evening wraps, morning
 18 wraps? When would you typically notify them or how?
 19 MR. KORTAN: Just as most efficiently as
 20 possible. If we learned in the middle of the day or after
 21 the morning we may send a note to him, stop by, hand him
 22 something. In any way. I mean, it's really designed to
 23 be best practices, best, you know, most efficient.
 24 [REDACTED] Okay.
 25 MR. KORTAN: We're not going to wait, you know,

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1 six hours later if there's some chance --
 2 [REDACTED] Sure.
 3 MR. KORTAN: -- it's developing and it's
 4 something they need to know about. There's no rule or
 5 practice that requires anybody around there to wait until
 6 the two --
 7 [REDACTED] Got it.
 8 MR. KORTAN: -- book ended, you know, meeting
 9 to provide information.
 10 [REDACTED] So in October 2016 let's say there
 11 was a significant story, like the October 30th one that
 12 was coming out that was going to air a lot of internal
 13 details about the Clinton Foundation investigation,
 14 including private discussions between the deputy and,
 15 deputy to the FBI and a senior DOJ official.
 16 MR. KORTAN: Uh-huh.
 17 [REDACTED] What would you, who would you have
 18 notified and how?
 19 MR. KORTAN: I mean, as I sit here today I can't
 20 tell you. I will say that during this time period it was
 21 a extremely voluminous news period. And these stories
 22 about the emails, about everything related to these and
 23 other matters were all day every day. So --
 24 [REDACTED] Well, let's talk about --
 25 MR. KORTAN: -- the fact that we missed, you

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1 know, one or didn't know about one --
2 [REDACTED] Well, let's just stick though with
3 the --
4 MR. KORTAN: Yep.
5 [REDACTED] -- the October 30th article. Let
6 me just understand this. At a minimum would you have told
7 the deputy director, I know this story is coming out?
8 MR. KORTAN: That's our practice, yeah.
9 [REDACTED] Yeah.
10 MR. KORTAN: But apparently according to him
11 that didn't occur.
12 [REDACTED] Oh, no, no. That's the November
13 3rd one. I'm specifically talking about the October 30th.
14 MR. KORTAN: October 30th.
15 [REDACTED] Yeah. You, I'm just trying to get
16 a sense as what your regular practice was. Would you have
17 notified the deputy director that this story, if you had
18 noticed this story is coming out?
19 MR. KORTAN: And if we accept everything we've
20 been discussing --
21 [REDACTED] Sure, right.
22 MR. KORTAN: -- he would, I mean, even himself I
23 think told you what I wrote, that he was fully aware of
24 the story.
25 [REDACTED] Right.

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1 MR. KORTAN: So I don't know if I'd put that in
2 the same category as something that we may or may not have
3 known anything about.
4 [REDACTED] Okay, fair enough. I'm just
5 trying to get a sense of beyond the deputy director --
6 MR. KORTAN: Yeah.
7 [REDACTED] -- would you have notified the
8 director? You personally?
9 MR. KORTAN: As I said many times here this
10 morning, I, you know, I don't, not by a matter of protocol
11 or --
12 [REDACTED] Okay.
13 MR. KORTAN: -- or requirement.
14 [REDACTED] Uh-huh.
15 MR. KORTAN: You know, I mean, I report to the
16 deputy director. You know, he's with the director all
17 day. I mean, not literally but figuratively. I'm not
18 privy to all their conversations and what he briefs him on
19 so I don't take it upon myself separately to go around
20 that.
21 [REDACTED] Got it.
22 MR. KORTAN: Is that to say that, as I said
23 again, that if the director, the deputy had told the
24 director, that, you know, that Comey wouldn't have
25 mentioned it to me or something? I don't know. I mean,

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1 there's a lot of, you know, conversations that take place.
2 But no, I mean, to get back to your, sorry, to answer the
3 question, it's not a particular practice nor certainly a
4 requirement for me or anybody on my staff to go beyond,
5 you know, in this case the deputy director to tell others.
6 [REDACTED] Can you --
7 MR. KORTAN: I might provide courtesy, you know,
8 notifications like I did with Rybicki about whatever that
9 the point of that was.
10 [REDACTED] Right. And that's what I wanted
11 to ask you about. Because there was, you did forward the
12 email that Barrett said stories about the Post to Rybicki.
13 When you have gone beyond the deputy to let's say Rybicki
14 or even the director can you think of another example
15 beyond this one where you specifically notified the
16 director directly about an upcoming story?
17 MR. KORTAN: I can't, I don't remember
18 specifically. I generally would rely on the chief of
19 staff or his staff to determine what he needed to know or
20 when. So I, you know, by and large, you know, 99 percent
21 of the time I wouldn't take it upon myself to say, I'm
22 going to send this directly. Maybe there was some
23 emergency or something maybe that was happening or, you
24 know, and I, or Rybicki was gone. I mean, perhaps but
25 not, by any stretch of the imagination, a matter of

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1 protocol or practice. And again, with, just to be clear,
2 with Rybicki, you know, this was in the midst of the
3 biggest onslaught of press interest that I can remember in
4 my, maybe since 9/11 or something. And I'm probably just
5 passing on what we're picking up so they know. You know,
6 after the email notification was made to Congress just a
7 courtesy, just pushing stuff to somebody and say, you
8 know, I know we're not discussing this or commenting on
9 it. But just so you know, this is where the story is
10 going. This is what information is coming out to the
11 press. You know, people want to know. I'm not making a
12 judgment about it. I'm not arguing for involvement or not
13 involvement. I'm just, my job is to make sure people
14 know. And you know, sometimes we fall short but by and
15 large we don't. And so I'm, you know, I'm generous in
16 letting people know things. You know, it's my job.
17 [REDACTED] And let me ask you something about
18 the development of the October 30th article.
19 MR. KORTAN: Uh-huh.
20 [REDACTED] And that is we know from talking to
21 the deputy director that he was out of town the couple of
22 days before that story hit. He was in [REDACTED] for a
23 couple of days [REDACTED]
24 MR. KORTAN: Uh-huh.
25 [REDACTED] As you sit here today can you

1 remember whether or not, as a result of him being out of
2 town, he tasked you with the responsibility of letting the
3 director know about that October 30th article?

4 MR. KORTAN: You know, I can't, I do not
5 remember that. You know, I'm not saying that couldn't
6 have happened --

7 [REDACTED] Uh-huh.

8 MR. KORTAN: -- given those circumstances. I
9 just I do not remember.

10 [REDACTED] Okay.

11 MR. KORTAN: I mean, if he told me to do
12 something, you know, got to do it.

13 [REDACTED] Yeah. Is it --

14 MR. KORTAN: Yeah. I mean, you know, it's
15 possible was he out of town and wasn't able to do it? And
16 he said, make sure Rybicki or somebody knows this? I
17 mean, possibly, yeah.

18 [REDACTED] But I just want to be clear that
19 sitting here today you don't have any present memory of
20 having --

21 MR. KORTAN: I don't.

22 [REDACTED] -- actually done that?

23 MR. KORTAN: I do not.

24 [REDACTED] Okay. Or even of being asked to do
25 that?

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1 MR. KORTAN: Or even being asked to do that.

2 [REDACTED] Okay. I want to show you what I've
3 marked as exhibit number 21. And then after that we'll
4 break for lunch, okay?

5 Oh, are those my stickers?

6 Take a look at that and let me know when you're
7 done looking at that.

8 MR. KORTAN: (*Indiscernible 2:29:55), no.

9 [REDACTED] No, I was just putting the sticker
10 on --

11 MR. KORTAN: Oh.

12 [REDACTED] -- exhibit 20.

13 MR. KORTAN: Okay.

14 [REDACTED] Okay. This is an email exchange
15 between Pete Strzok and Andrew McCabe that's copied to
16 Bill Priestap. And it occurs December 22nd and December
17 23rd of 2016. And I know you've never, I'm assuming
18 you've never seen this before. You're not copied on this.

19 MR. KORTAN: Okay.

20 [REDACTED] Okay? But here's my question. What
21 Mr. Strzok is asking Mr. McCabe is, he says, I received
22 word via Jen that tomorrow morning Mike S wants to talk
23 about whether we had opened a leak investigation into the
24 publicity surrounding the C Foundation. Do you see that?

25 MR. KORTAN: Yes.

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1 [REDACTED] Okay. And then the next sentence
2 says, he said he'd like to discuss as the D would like to
3 do something. Do you see that?

4 MR. KORTAN: Yes.

5 [REDACTED] I'm wondering if you knew that there
6 was talk of opening a leak investigation into the
7 publicity surrounding the C Foundation?

8 MR. KORTAN: I mean, not to me.

9 [REDACTED] No one discussed that with you?

10 MR. KORTAN: No. I mean, I don't remember or
11 recall that. Nor --

12 [REDACTED] Okay.

13 MR. KORTAN: -- would they.

14 [REDACTED] Because one of the things we were
15 hoping you could help us to sort out is what is the
16 meaning of the phrase, publicity surrounding the C
17 Foundation. One reading of that would be the media
18 articles that have to do with the Clinton Foundation,
19 right?

20 MR. KORTAN: Media articles or cable news
21 discussions or what, possibly.

22 [REDACTED] Right.

23 MR. KORTAN: I don't know what else publicity
24 would be.

25 [REDACTED] Okay. But seeing this doesn't jog

b6 Per OIG
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b7C Per OIG

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b7C Per OIG

1 any memories for you about --

2 MR. KORTAN: No. I mean, it's not, you know,
3 leak investigations or however you want to describe them
4 are not, they don't come to us to, they come to us later
5 when they are trying to sort it out. They don't come to
6 us for advice or consultation prior.

7 [REDACTED] So that would be a very rare
8 circumstance?

9 MR. KORTAN: I don't ever remember it.

10 [REDACTED] Okay. Well, let me ask you about
11 this. The next sentence in this exhibit says, I need
12 guidance as to how, if you'd like me to detail the media
13 poll, we conduct it. Do you see that?

14 MR. KORTAN: Yes.

15 [REDACTED] And I understand that media poll to
16 be an effort that the FBI undertook to cross reference all
17 FBI phones with the phone numbers of nationally known
18 media reporters --

19 MR. KORTAN: Uh-huh.

20 [REDACTED] -- in order to determine who in the
21 FBI had been talking to the press.

22 MR. KORTAN: Okay.

23 [REDACTED] Okay? We were told that they got
24 the numbers for the reporters from you.

25 MR. KORTAN: From my office. I mean, we

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b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 maintain a standard list of all regular reporters, sure.
2 [REDACTED] Do you --
3 MR. KORTAN: Because we communicate with them
4 all the time.
5 [REDACTED] Do you remember being involved in
6 this media poll and effort to determine whether there were
7 leaks concerning the publicity around the C Foundation?
8 MR. KORTAN: I mean, I vaguely remember on a
9 couple occasions over the past year when press office told
10 me that Inspection or somebody came by and asked for a
11 list of our press regulars. Which we happily handed them.
12 I mean, we keep a list all the, you know, since everybody
13 has it. It tells you every reporter, their news
14 organization and their contact information. I mean, it's
15 very routine. It's loaded into our system so when we put
16 out press releases and we, and then press advisories or we
17 communicate we plug in. So if they came by and said, you
18 know, please give us a list for whatever we're doing, we'd
19 hand it to them. That'd be the end of it. I mean, we
20 wouldn't have any further involvement in whatever it is
21 they're doing.
22 [REDACTED] Okay. All right. And aside from
23 this email, just thinking about the circumstances around
24 October 30th and around the publicity concerning the
25 Clinton Foundation --

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1 MR. KORTAN: Uh-huh.
2 [REDACTED] -- I mean, do you remember any
3 efforts by the FBI management to try to figure out if
4 there were leakers that were providing information
5 concerning the Clinton Foundation investigation?
6 MR. KORTAN: Well, a couple things. Like I
7 said, I generally remember being told that Inspection or
8 counterintelligence or somebody that's not under our roof
9 came by and asked for contact information. Again, I
10 wouldn't necessarily know anything beyond that nor do we
11 pursue what it is they're interested in or what issue it
12 is. They don't come to us and say, give us office numbers
13 because we're looking into this, this, and that. They
14 simply don't do that. They say, you know, please give us
15 your contact information, and we give it to them. And
16 that's the end of it. I mean, they just don't involve
17 public affairs in investigations or reviews or whatever it
18 was.
19 [REDACTED] One of the things that's been
20 pointed out that is irregular about the appearance of the
21 conversation between Matt Axelrod and Andy McCabe in the
22 Wall Street Journal, and I'm showing you now the
23 November --
24 MR. KORTAN: Uh-huh.
25 [REDACTED] -- 3rd article because I can get to

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1 it very easily.
2 MR. KORTAN: Sure.
3 [REDACTED] But one of the things that's been
4 pointed out to us that is somewhat irregular about this
5 quotation --
6 MR. KORTAN: Uh-huh.
7 [REDACTED] -- is that it is such a specific
8 window into the private deliberations between the FBI and
9 the DOJ. Would you agree with that?
10 MR. KORTAN: I mean, it, I agree that it's a
11 specific quote or comment from somebody who knew that,
12 what was said, yes.
13 [REDACTED] Okay. Another thing that's been
14 pointed out to us is that this is, in effect, the first
15 and only time that the existence of the Clinton Foundation
16 probe was ever publicly acknowledged by the FBI. Is this
17 a strange way to have done that?
18 MR. KORTAN: I --
19 [REDACTED] I see you grimacing.
20 MR. KORTAN: No. I mean, I don't know if I have
21 an opinion on that. I don't know that, we know we, well,
22 we never acknowledged that investigation, you know,
23 formally. So, if what you're suggesting, this was that, I
24 guess I don't know.
25 [REDACTED] What I'm asking you, and I don't

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b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 think it's a hard question, is this the way that's
2 standardly done?
3 MR. KORTAN: What, to be clear?
4 [REDACTED] To disclose the existence of an FBI
5 investigation by revealing the internal deliberations
6 about it. Is that the standard protocol?
7 MR. KORTAN: No, it's not a standard protocol.
8 No.
9 [REDACTED] Have you ever seen that done any
10 other time during the time you've been at the Office of
11 Public Affairs?
12 MR. KORTAN: Look, without, I mean, let me take
13 a step if I can. I think there have been occasions where,
14 and again, separate from this. I'm not speaking about
15 this matter right here. But generally, you know, if the
16 existence of an investigation is widely known for any
17 number of reasons to the public and to the media, there
18 probably have been occasions where that was alluded to in
19 some form. I don't, you know, without saying that's a
20 just first disclosure of it or first announcement of it.
21 But rather maybe acknowledging something that was apparent
22 or obvious after probably some discussion among those
23 responsible for it. So that isn't, I don't want to say
24 commonplace but I'm certain that's happened.
25 [REDACTED] Okay.

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b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: Now --
 2 [REDACTED] We have congressional testimony of
 3 Directory Comey, I believe it's from August or
 4 September --
 5 [REDACTED] July.
 6 [REDACTED] July.
 7 [REDACTED] During the Clinton email testimony
 8 in the opening of the, or the explanation about why that
 9 investigation was not happening.
 10 [REDACTED] Where he's asked --
 11 MR. KORTAN: I'm sorry, the --
 12 [REDACTED] The July --
 13 MR. KORTAN: Oh, about the July 5th
 14 announcement?
 15 [REDACTED] Yes. The testimony to the --
 16 MR. KORTAN: So he had been questioned about
 17 the --
 18 [REDACTED] Yes. Correct.
 19 MR. KORTAN: -- the conclusion that was made and
 20 what he announced that day?
 21 [REDACTED] Yes.
 22 MR. KORTAN: Okay.
 23 [REDACTED] And he's asked by Congress, is there
 24 a probe into the Clinton Foundation? And he says, I'm not
 25 authorized to confirm or deny that, right?

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 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 [REDACTED] Yeah. He said, I'm not, he's
 2 authorized to do it. He said, I'm not going to confirm or
 3 deny the existence of any Clinton Foundation --
 4 MR. KORTAN: And he said that on July, on the
 5 5th but --
 6 [REDACTED] 2017.
 7 MR. KORTAN: 2017.
 8 [REDACTED] Yeah.
 9 MR. KORTAN: Oh, this past year. Okay.
 10 [REDACTED] Excuse me, 2016.
 11 MR. KORTAN: 2016?
 12 [REDACTED] Yeah.
 13 [REDACTED] I'm sorry, 2016. I actually have
 14 the video here if you want to see it.
 15 MR. KORTAN: No, I trust you. I trust you. So,
 16 I'm sorry. 2016 but what, yeah, July?
 17 [REDACTED] July 5th.
 18 MR. KORTAN: I'm just trying to keep this --
 19 [REDACTED] Yeah.
 20 MR. KORTAN: -- clear in my mind.
 21 [REDACTED] Right. Right.
 22 MR. KORTAN: Okay, he said that on that date. I
 23 don't know what conversations took place between him and
 24 others, including the deputy director, between that date
 25 in July and later on. Whether that, you know, changed

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b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 -3, Per OIG
 b7C -3, Per OIG

b6 Per OIG
 b7C Per OIG

1 his, maybe, like I said, I'm just speculating so don't,
 2 please do not --
 3 [REDACTED] Sure.
 4 MR. KORTAN: You know, I'm not suggesting this
 5 is firsthand knowledge. Is it perhaps it was, you know,
 6 treated differently in October when it, if they considered
 7 it so widely known. I don't know.
 8 [REDACTED] But you have no information
 9 sitting here today that Director Comey changed his view
 10 about what he had told Congress in July?
 11 MR. KORTAN: I, I mean, I have no direct
 12 information or knowledge, anything about that, no.
 13 [REDACTED] I think this is a good time --
 14 [REDACTED] I actually have two questions.
 15 [REDACTED] Oh, go ahead. Go ahead.
 16 [REDACTED] If you don't mind.
 17 [REDACTED] Oh, yeah.
 18 [REDACTED] So, and I'll make it brief. Would
 19 you agree that the discussion on October 12th, excuse me,
 20 August 12th that's disclosed in the Wall Street Journal
 21 effectively acknowledges that there's a Clinton Foundation
 22 investigation being discussed amongst senior officials at
 23 FBI and DOJ?
 24 MR. KORTAN: From reading the stories?
 25 [REDACTED] Yes.

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b6 Per OIG
 b7C Per OIG

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 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 MR. KORTAN: I think that's a fair read from
 2 that. Yeah.
 3 [REDACTED] Okay. And if you do not tell
 4 executive managers that this August 12th call has been
 5 authorized and disclosed to the Wall Street Journal and
 6 Mr. McCabe doesn't say anything either is there any way
 7 that executive managers would ever learn about that? If
 8 you two don't speak about it?
 9 MR. KORTAN: Prior to publication?
 10 [REDACTED] After publication.
 11 MR. KORTAN: After publication --
 12 [REDACTED] Right.
 13 MR. KORTAN: -- would any other senior managers
 14 know that that was authorized?
 15 [REDACTED] Right.
 16 MR. KORTAN: Yeah, assuming all this is the
 17 case. I mean, I'm a little tangled on that question.
 18 [REDACTED] Well --
 19 MR. KORTAN: I guess they could learn it. I
 20 mean --
 21 [REDACTED] What he's asking you is --
 22 MR. KORTAN: If --
 23 [REDACTED] -- if you don't tell them --
 24 MR. KORTAN: Yeah.
 25 [REDACTED] -- and Andy doesn't tell them --

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b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

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 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 MR. KORTAN: Yeah.
 2 [REDACTED] -- is there another way for them to
 3 find out that this was an authorized release of
 4 information?
 5 MR. KORTAN: Well, I'd have to think about that.
 6 I mean, somebody else can tell them I guess.
 7 [REDACTED] It seems like there's very few
 8 people that knew.
 9 MR. KORTAN: Well, apparently Lisa Page. And I
 10 don't know who tells who what around there.
 11 [REDACTED] Is there a --
 12 MR. KORTAN: I mean, it could have been, you
 13 know, once removed from somebody. So I, I mean, I
 14 don't --
 15 [REDACTED] Can you think of a way sitting
 16 here that executive managers, let's start with Jim Comey,
 17 would know if you don't say anything about this issue or
 18 Mr. McCabe doesn't say anything about this issue?
 19 MR. KORTAN: Would there be any way he would
 20 learn of it?
 21 [REDACTED] Yes.
 22 MR. KORTAN: Well, just in the same way I just
 23 suggested it. In some other way.
 24 [REDACTED] Right. We're trying to figure out
 25 what that is.

b6 Per OIG
 b7C Per OIG

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b6 Per OIG
 b7C Per OIG

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 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 MR. KORTAN: Well, I mean, it could be any
 2 number of, again, speculating this --
 3 [REDACTED] Well, tell us. We're here.
 4 MR. KORTAN: I mean, the deputy could have told
 5 Rybicki. Lisa could have told Rybicki.
 6 [REDACTED] No, no, no. But the --
 7 MR. KORTAN: To pass on to the director, you
 8 know.
 9 [REDACTED] The question is if Mr. McCabe
 10 doesn't say anything to anybody and you don't say anything
 11 to anybody is there a process by which the director or
 12 other executives would know that this disclosure in the
 13 Wall Street Journal regarding the August 12th call had
 14 been authorized?
 15 MR. KORTAN: Well, I don't know if there's a
 16 process but I can think of any number of ways where it
 17 could happen.
 18 [REDACTED] And that's, please tell us.
 19 MR. KORTAN: Well, that's what I've been trying
 20 to explain. It could have been from McCabe's staff to --
 21 [REDACTED] Who?
 22 MR. KORTAN: -- the director --
 23 [REDACTED] Who though?
 24 MR. KORTAN: I mean, it could be Lisa Page.
 25 She's obviously in the middle of it.

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 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 [REDACTED]: Okay. That's one person.
 2 MR. KORTAN: That's one person.
 3 [REDACTED] Is there any other way?
 4 MR. KORTAN: I mean, it could be anybody else
 5 who came into that knowledge. I mean, you know --
 6 [REDACTED] Do you know anyone else who came
 7 into that knowledge, sitting here today --
 8 MR. KORTAN: I mean, not as I sit here today but
 9 he's --
 10 [REDACTED] Other than --
 11 MR. KORTAN: -- surrounded by staff who meet,
 12 you know, they met every day several times.
 13 [REDACTED] Right.
 14 MR. KORTAN: I don't know what they discussed
 15 and if all this was the topic of conversation. It could
 16 have been a third party, [REDACTED] any of these
 17 other --
 18 [REDACTED] Right.
 19 MR. KORTAN: -- people who deal with Rybicki and
 20 the director's office. Everybody's kind of got their, you
 21 know, sort of lines and, not exclusive but I mean their
 22 primary lines of contact. So I mean, I can imagine it in
 23 different ways. But I guess to get your point, I don't
 24 know.
 25 [REDACTED] Right. Because that's another

b6 Per OIG
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b6 Per OIG
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 b7C Per OIG

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 b7C -1

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 thing we're trying to figure out is how information flows
 2 MR. KORTAN: Uh-huh.
 3 [REDACTED] And we know from what we showed
 4 you today you were involved. Lisa Page was involved. And
 5 Mr. McCabe was involved. But if Mr. McCabe doesn't say
 6 anything to anyone and you have no recollection sitting
 7 here today that you stood up at an executive meeting or
 8 you walked by to Jim Rybicki's office and expressly said
 9 hey, this August 12th call, that's going to appear in the
 10 paper. You should know about that, right?
 11 MR. KORTAN: Not necessarily.
 12 [REDACTED] Okay.
 13 MR. KORTAN: I mean, again, I can imagine staffs
 14 that surround both offices and all their interaction, none
 15 of which I'm really a part of. I can imagine that
 16 happening somehow between members of the respective staffs
 17 when they share information between the deputy's office
 18 and the director's office. And that can be, you know,
 19 any, perhaps, you know, any number of a few people to any
 20 number of other few people on the other end --
 21 [REDACTED] Well, you're assuming Lisa Page is
 22 sharing information, right? Because how else are the
 23 staff's going to get information? Who else knows of this
 24 at, who else knows of this? Well, do you know of any
 25 other person who, I think we've established sitting here

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

b6 Per OIG
 b7C Per OIG

1 today you don't know of any other person who knows of this
2 other than Page, McCabe, and yourself based on these
3 documents we're showing you?

b6 Per OIG
b7C Per OIG

4 MR. KORTAN: Well, based on these documents.
5 [REDACTED]: Right.

6 MR. KORTAN: But again, these respective staffs
7 meet --

b6 Per OIG
b7C Per OIG

8 [REDACTED]: Okay.

9 MR. KORTAN: -- daily --

10 [REDACTED]: Okay.

11 MR. KORTAN: -- and discuss all their issues and
12 all their matters. I'm not privy to that.

b6 Per OIG
b7C Per OIG

13 [REDACTED]: Okay.

14 MR. KORTAN: So is it, I mean, I simply can't
15 rule out that this was discussed somehow in that way. I
16 mean --

b6 Per OIG
b7C Per OIG

17 [REDACTED]: Is what you're suggesting is that if
18 it were authorized and Deputy Director McCabe were being
19 open about that we'd be able to find people that knew?

20 MR. KORTAN: I'm suggesting that's a
21 possibility. I can't say it happened but, I mean, you
22 know, again, that's what the director's office and the
23 deputy's office are constantly interaction on, you know,
24 every conceivable issue through their people. And exactly
25 what transpired or, you know, what was passed on from one

1 response to what the Department was telling reporters and
2 telling people.

b6 Per OIG
b7C Per OIG

3 [REDACTED]: Right.

4 MR. KORTAN: So is it --

5 [REDACTED]: Because one of the things I remember
6 you telling me is that there are times where the FBI
7 discloses information about ongoing investigations if it
8 serves the public interest.

9 MR. KORTAN: Or, but, and meets other criteria
10 yeah. b6 Per OIG
b7C Per OIG

11 [REDACTED]: Right. Is there anything about this
12 quote that you can identify for me as being in the public
13 interest?

14 MR. KORTAN: Well, I mean, I could speculate
15 based, again, on everything I've seen today. That some
16 people may have felt that what, the narrative that was out
17 there first in The Reporter was inaccurate and probably
18 did not serve the public interest.

b6 Per OIG
b7C Per OIG

19 [REDACTED]: Uh-huh. And as a person who's
20 worked in media as long as you have, do you think that
21 those concerns justify the disclosure of this information?

22 MR. KORTAN: Look, it's not for me to say. b6 Per OIG
b7C Per OIG

23 [REDACTED]: All right. I think that might be
24 all that we have. Let's go off the record for lunch and
25 then we will see you when we return from the place.

1 to the other with this, I mean, I, it just seems, I don't
2 say it's logical. I'm not going to assess some
3 probability to it but I can certainly imagine it. But I
4 don't know. So I mean, at the end of all this I don't
5 know.

b6 Per OIG
b7C Per OIG

6 [REDACTED]: Okay.

7 MR. KORTAN: So --

8 [REDACTED]: Let me ask you one more thing.

9 MR. KORTAN: Yeah.

10 [REDACTED]: And that is in the quote about the
11 August 12th conversation between McCabe and the senior
12 Department of Justice official --

13 MR. KORTAN: Uh-huh.

14 [REDACTED]: -- yeah, am I correct that that
15 makes Mr. McCabe look great and it makes the DOJ look
16 terrible?

17 MR. KORTAN: I don't want to get involved in a
18 characterization like that. We can all read from it what
19 we take from it I think.

b6 Per OIG
b7C Per OIG

20 [REDACTED]: Right. Is it fair to say it doesn't
21 make the Department of Justice look good?

22 MR. KORTAN: Look, I mean, based on everything
23 you've shown me today --

b6 Per OIG
b7C Per OIG

24 [REDACTED]: Uh-huh.

25 MR. KORTAN: -- it's, you know, apparently in

1 MR. KORTAN: Okay.

2 [REDACTED]: Off the record.

b6 Per OIG
b7C Per OIG

3 (Whereupon, a brief recess was taken.)

4 [REDACTED]: All right. We are on the record.

5 It's approximately 10 of 2:00 and this is the continued
6 interview of Mike Kortan of the FBI.

7 All right. [REDACTED] is going to ask you a few b6 Per OIG
8 questions. b7C Per OIG

9 [REDACTED]: Yeah. I wanted to ask you some
10 questions about some FBI policies that were, and DOJ
11 policies that were in existence during the time of the
12 October 30th, 2016 article. So what we're showing you now
13 is a copy of the FBI media policy guide that was in
14 existence in October 2016. But it has a date of October
15 2015. And before jumping into that document though,
16 besides classified information are there any limitations
17 on a deputy director of the FBI's ability to disclose
18 information to the press?

19 MR. KORTAN: Well, I mean, he's, he, any
20 position in the FBI is accountable to the policy.

21 [REDACTED]: So I, is he subject to the policy
22 that I've just identified?

b6 Per OIG
b7C Per OIG

23 MR. KORTAN: Uh-huh.

24 [REDACTED]: Can he --

25 MR. KORTAN: Yes. Yes. I'm sorry.

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b6 Per OIG
b7C Per OIG

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1 [REDACTED] Can he waive the applicability of
2 this policy, the one, October 2015, on a case by case
3 basis? Can he say, I'm just, it's just not going to apply
4 in this particular case?

5 MR. KORTAN: I don't know the answer to that. I
6 mean, he can presumably, he can interpret it, you know, to
7 the circumstances.

8 [REDACTED] If the deputy director were to
9 interpret the policy, exhibit 22, as not applying to a
10 particular disclosure to the media that he intends to make
11 does anyone review that decision or is that his alone to
12 do?

13 MR. KORTAN: Again, you know, I think my best
14 answer is he can interpret the policy to see if it's
15 applicable to circumstances.

16 [REDACTED] As you're sitting here today are
17 you aware of any specific situation where a deputy
18 director made a disclosure to the media and determined
19 that the October 2015 FBI media policy did not apply?

20 MR. KORTAN: Did not apply or you mean like
21 prohibited it or allowed it?

22 [REDACTED] Well --

23 MR. KORTAN: Or did not apply?

24 [REDACTED] Did not apply. Just simply didn't
25 apply.

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1 MR. KORTAN: I mean, the guide, it's a guide so
2 they're guidelines.

3 [REDACTED] Uh-huh.

4 MR. KORTAN: I mean, I think the purpose of it
5 is that they, there's some applicability to, some
6 applicability to almost all circumstances.

7 [REDACTED] Okay.

8 MR. KORTAN: Yeah. I don't, I'm not being, I'm
9 just trying to --

10 [REDACTED] No, no.

11 MR. KORTAN: I'm not sure some doesn't apply.

12 [REDACTED] And --

13 MR. KORTAN: I mean, I guess it could. I mean,
14 now that I think about it I think perhaps way outside of
15 it. But generally this is a guide. It provides guidance
16 to dealing with the public, you know, and the media.

17 [REDACTED] Sure.

18 MR. KORTAN: Yeah.

19 [REDACTED] And I understand it's a little
20 hard --

21 MR. KORTAN: I mean, it's guidance.

22 [REDACTED] It would --

23 MR. KORTAN: It's designed to sort of give you,
24 you know, tools to work with to make interpretations and,
25 because every situation is going to be different --

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1 [REDACTED] Right.

2 MR. KORTAN: -- to some degree.

3 [REDACTED] And so why don't we jump into it
4 because it might help with --

5 MR. KORTAN: Yeah.

6 [REDACTED] -- some specificity of the policy
7 and actual examples. So, if you could turn to page nine.

8 And at the top, section 3.4 --

9 MR. KORTAN: Yes.

10 [REDACTED] Actually before I get to that, as
11 I understand it, if you turn to A1 of this, it's the
12 appendix A, final approvals. I don't have the, it'd be
13 after page 24.

14 MR. KORTAN: Okay.

15 [REDACTED] I'll wait for you. I'm not going
16 to rush.

17 MR. KORTAN: Okay.

18 [REDACTED] If you see approvals, the box down
19 at the bottom it says, sponsoring executive approval and
20 it lists your name.

21 MR. KORTAN: Uh-huh.

22 [REDACTED] Do you see that?

23 MR. KORTAN: Uh-huh.

24 [REDACTED] So you had a hand in this
25 document, is that right?

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1 MR. KORTAN: I, yeah, I did.

2 [REDACTED] Okay.

3 MR. KORTAN: I mean, I, it was prepared by many
4 people, you know, in many offices in the Bureau but
5 ultimately, yes.

6 [REDACTED] You signed off on it as one of --

7 MR. KORTAN: Yeah.

8 [REDACTED] -- the officials?

9 MR. KORTAN: Yes.

10 [REDACTED] You've seen it before? You're
11 familiar with it?

12 MR. KORTAN: Yeah. Yes.

13 [REDACTED] It's --

14 MR. KORTAN: I mean, it's a longstanding
15 document that's updated --

16 [REDACTED] Yes.

17 MR. KORTAN: -- from time to time to reflect
18 changes in the environment and stuff.

19 MR. KORTAN: And you worked with this document
20 on, in your day to day activities where it applies from
21 2015 up until very recently until the new policy came into
22 being?

23 MR. KORTAN: Yeah. I mean, these, the policies
24 contained in this document guide us on a regular basis,
25 yes.

b6 Per OIG
b7C Per OIG

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1 [REDACTED] Okay.
2 MR. KORTAN: Yeah.
3 [REDACTED] So, page nine, 3.4 is headed,
4 content of disclosures. And I'll wait for you to get
5 there.
6 MR. KORTAN: Okay.
7 [REDACTED] You're there?
8 MR. KORTAN: Yes.
9 [REDACTED] Okay. It looks like some portions
10 have been highlighted for you. So, I'll read the first
11 sentence there that starts --
12 MR. KORTAN: These are your highlights.
13 [REDACTED] Oh, these, right. These are --
14 MR. KORTAN: Okay.
15 [REDACTED] -- not my specific highlights but
16 they've been highlighted, not by the FBI, but by us.
17 MR. KORTAN: Okay.
18 [REDACTED] Maybe [REDACTED]
19 [REDACTED] Yes.
20 MR. KORTAN: Okay.
21 [REDACTED] Maybe for ease of reference --
22 MR. KORTAN: I just wanted to make sure they
23 weren't our --
24 [REDACTED] Yeah.
25 MR. KORTAN: Okay.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 MR. KORTAN: No, I think what I emphasized
2 earlier is that anytime we need to disclose an
3 investigation or to release any information, whether it's
4 disclosing an investigation or not, we'd consult with the
5 appropriate divisions to, well, we'd first go to those
6 divisions to see what they felt. I mean, they, you know,
7 they have sort of the initial take on anything. We don't
8 go to people and say, we should do this or do that. We
9 would go to them and say, this is the information we've
10 received. What do you and whoever else has an interest in
11 this want to do about it?
12 [REDACTED] Right.
13 MR. KORTAN: So.
14 [REDACTED] Before we go any --
15 MR. KORTAN: Yeah.
16 [REDACTED] -- further I wanted you to have
17 handy the October 30th article. I'm not sure what exhibit
18 number that was. And if you can turn to the portion that
19 was highlighted regarding the August 12th account.
20 MR. KORTAN: Okay.
21 [REDACTED] Is there a page?
22 [REDACTED] Yeah, if it's 15, it's 15. Yep.
23 MR. KORTAN: Sorry, I don't know --
24 [REDACTED] Here it is, I believe.
25 [REDACTED] Five.

b6 Per OIG
b7C Per OIG

b6 -3, Per OIG
b7C -3, Per OIG

b6 -3, Per OIG
b7C -3, Per OIG

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1 [REDACTED] No, they're not.
2 MR. KORTAN: Okay.
3 [REDACTED] There's nothing secretive there.
4 It's probably going to help direct you where I'm going to
5 go.
6 MR. KORTAN: Okay.
7 [REDACTED] So it states, disclosures must not
8 prejudice an adjudicated proceeding and, except as
9 indicated below, must not address an ongoing
10 investigation. Do you see that?
11 MR. KORTAN: Uh-huh, yes.
12 [REDACTED] And then if you skip down, this
13 would be three paragraphs below it says, in some instances
14 it is permissible to selectively release information, but
15 only with the prior approval of FBI HQ entities. Do you
16 see that?
17 MR. KORTAN: Yes.
18 [REDACTED] And there's, in the parenthetical it
19 identifies OGC and operational FBI HQ divisions as
20 appropriate coordinated by OPA.
21 MR. KORTAN: Uh-huh, yes.
22 [REDACTED] So, is this what you were talking
23 about earlier that when you're going to disclose an
24 investigation you want to coordinate with the operational
25 component and OGC as needed?

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1 MR. KORTAN: All right.
2 [REDACTED] Here, I'll give you my copy.
3 [REDACTED] Okay.
4 MR. KORTAN: Hang on, I mean, it couldn't have
5 gone that far. Here's 15, okay.
6 [REDACTED] You got it?
7 MR. KORTAN: Yeah.
8 [REDACTED] So yeah, turn, no, no, for your
9 purposes.
10 MR. KORTAN: Okay.
11 [REDACTED] I've got --
12 MR. KORTAN: Okay.
13 [REDACTED] I've got my stuff all here.
14 [REDACTED] It's on page four.
15 [REDACTED] Yeah, page four. So, because I
16 wanted you to have that handy when we walk through the
17 policy. I'm going to ask you some questions, so you can
18 reference that. You know, as I read it, and I feel like
19 we talked about this earlier, that the disclosure
20 regarding the contents of the private conversation between
21 Mr. McCabe and the unnamed DOJ official effectively
22 acknowledges that there's a Clinton Foundation
23 investigation. And in particular the quote, are you
24 telling me that I need to shut down a validly predicated
25 investigation. Is that --

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 -3, Per OIG
b7C -3, Per OIG

b6 Per OIG
b7C Per OIG

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1 MR. KORTAN: Uh-huh.
2 [REDACTED] Is that a fair reading of that?
3 MR. KORTAN: Again, to repeat what we discussed
4 earlier, does that effectively acknowledge it?
5 [REDACTED] Yeah.
6 MR. KORTAN: I mean, it acknowledges, sure.
7 [REDACTED] Okay. So assuming that, I'm just
8 trying to get a sense of applying the policy here to
9 effectively disclosing that investigation and whether it
10 would be consistent with when it may be permissible to do
11 that from your experience in using this policy.
12 MR. KORTAN: When would it be permissible?
13 [REDACTED] Is that disclosure that occurs --
14 MR. KORTAN: Uh-huh.
15 [REDACTED] -- in the October 30th Wall Street
16 Journal article consistent with the provision 3.4 about
17 when it's permissible to disclose an ongoing
18 investigation?
19 MR. KORTAN: I mean, I would say that the, you
20 know, I could presume the deputy determined it was.
21 [REDACTED] Okay. But I'm asking you in your
22 position as the head of OPA whether your view is that it's
23 consistent or not.
24 MR. KORTAN: I mean, I would look at the example
25 that protects the public interest. I mean, I think, you

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 know, reading everything today that in his view it was, it
2 misled the public. And --
3 [REDACTED] But what's your view? What's your
4 view? That's what I want to know.
5 MR. KORTAN: I mean, I accept what his, what I
6 believe to be his interpretation was.
7 [REDACTED] Okay. But I understand, so you're
8 saying you adopt his interpretation? You don't have a
9 different interpretation?
10 MR. KORTAN: You know, look, at the time he made
11 that determination --
12 [REDACTED] Uh-huh.
13 MR. KORTAN: -- I accept that he made that
14 determination in that timeframe.
15 [REDACTED] Right. If someone had come to you
16 and said, would you disclose this consistent with the
17 policy, what would your view have been?
18 MR. KORTAN: To simply disclose it as a, as an
19 action in itself?
20 [REDACTED] As it appears in the paper. If
21 Lisa Page said, I haven't talked to Andy, Deputy Director
22 McCabe yet about whether this is consistent with the
23 policy. We're going to have a call with him to talk about
24 that in an hour. What's your opinion, Mike? Can we do
25 this? Is it consistent with the policy?

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 MR. KORTAN: Yeah. I mean, I don't know for
2 intent, whether his intent was to disclose the
3 investigation but to address other information and perhaps
4 that was unintended or not planned. So, I don't --
5 [REDACTED] Right. I, let's not focus on what
6 his intent was.
7 MR. KORTAN: Okay.
8 [REDACTED] Let's focus on what your view
9 would be. If someone had come to you at that time and
10 said, is it consistent with the policy, what would your
11 view be?
12 MR. KORTAN: Well, as I said earlier, we weren't
13 acknowledging or discussing that investigation --
14 [REDACTED] Uh-huh.
15 MR. KORTAN: -- at the time.
16 [REDACTED] Okay.
17 Actually I do you have his statement handy?
18 [REDACTED] Sure.
19 [REDACTED] So we haven't gotten, we've
20 referenced this --
21 MR. KORTAN: Yeah.
22 [REDACTED] -- today but we haven't got into
23 it. So this is --
24 Thank you.
25 [REDACTED] Twenty two.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 [REDACTED] Twenty three I think.
2 [REDACTED] Twenty three.
3 [REDACTED] So we're showing you what's being
4 labeled as exhibit 23.
5 MR. KORTAN: Okay.
6 [REDACTED] And this is a copy of your sworn
7 statement that you signed with the Inspection Division on
8 I believe October, August 24th. And portion, actually
9 this one exclusively deals with the Wall Street Journal
10 article on October 30th, 2016 that we've been talking
11 about today.
12 MR. KORTAN: Uh-huh.
13 [REDACTED] If you could turn to page four and
14 let me know when you're there.
15 MR. KORTAN: Okay.
16 [REDACTED] I'll wait for you.
17 MR. KORTAN: Okay.
18 [REDACTED] So this is the last paragraph that
19 I'm, I want to focus on. And take a moment to read that
20 paragraph but stop at the word protocol, which is on the
21 last line of the page.
22 [REDACTED] Page four?
23 [REDACTED] Four, four. Starting with, when I
24 look at.
25 MR. KORTAN: Okay.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 -3, Per OIG
b7C -3, Per OIG

b6 Per OIG
b7C Per OIG

1 [] So the sentence that reads, it is
2 simply not something that OPA would have provided
3 officially, as it is not our practice or protocol. What
4 did you mean by that sentence?

5 MR. KORTAN: That I think unilaterally, you
6 know, we wouldn't, I didn't recognize it as anything that
7 we would do in OPA unilaterally or on our own.

8 [] What did you mean by protocol? Is
9 it this policy we're talking about or is it something
10 different?

11 MR. KORTAN: Probably practice. That's probably
12 meant at the time. I mean, just that alternative to
13 practice. I'm sorry.

14 [] Yeah, I'm --

15 [] Well --

16 [] Oh, go ahead.

17 [] But if you want to jump in --

18 [] Oh, no, go ahead. No, go ahead.

19 [] Do you have anything else on the
20 policy?

21 [] Oh, I do.

22 We've been asking you about this policy.

23 MR. KORTAN: Yep.

24 [] And you've indicated to us that the
25 deputy director has the ability to interpret. As you sit

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 United States Attorney's Manual Title 1-7.000 media
2 relations?

3 MR. KORTAN: Yes.

4 [] And I'm sure you're probably aware
5 if you turn back to page eight of the FBI media policy
6 it's, dates up at the top section 3.3, constraints on
7 sharing information with media outlets.

8 MR. KORTAN: Yes.

9 [] That all releases of information
10 must conform with applicable laws and regulations as well
11 as policies issued by DOJ as itemized in section five,
12 what we were just looking at.

13 MR. KORTAN: Okay.

14 [] So that's why I wanted you to be
15 clear on the context of the U.S. attorney's manual section
16 1.7.00. So, do you use this document in your daily
17 practice at OPA? The U.S. attorney's manual policy.

18 MR. KORTAN: Well, I mean, our guiding document
19 is our own as it's derived from this and other sources.

20 [] Have you seen this document
21 before? Have you ever used it?

22 MR. KORTAN: I'm familiar with it, yeah. Yes.

23 [] And you'll see that the purpose,
24 if you turn to page two the purpose there, 1-7.001 states
25 that this policy, the purpose of this policy statement is

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 here today do you recall having any conversations with him
2 between October 23rd and October 30th about the policy?

3 MR. KORTAN: No.

4 [] Do you recall yourself consulting
5 the FBI media policy in conjunction with any contacts that
6 you were having with Devlin Barrett?

7 MR. KORTAN: I don't recall that I consulted
8 directly the policy during that time period. I am
9 familiar with the policy and our practices.

10 [] Okay. But you don't remember
11 looking at it in connection with the matters that we're
12 discussing with you today?

13 MR. KORTAN: No.

14 [] Okay.

15 [] So let me show you another
16 document. This is the media relations portion of the U.S.
17 attorney's manual, which is being labeled exhibit 24, for
18 the record. Is this a document you've seen before?

19 MR. KORTAN: I mean, I have, yes.

20 [] And just for identification
21 purposes, if you look at the FBI media guide on page 23
22 it's, and I'll, let me know when you're there.

23 MR. KORTAN: Okay.

24 [] Do you see there's a summary of
25 legal authorities listed? And you see the third bullet is

1 to establish specific guidelines consistent with
2 provisions of 28 CFR 50.2 governing the release of
3 information relating to criminal and civil cases and
4 matters by all components, including the FBI. You see
5 that there?

6 MR. KORTAN: Yes.

7 [] There's a provision there on the
8 next page, 1-7.330, procedures to coordinate with OPA.

9 [] What page?

10 [] Three.

11 [] Okay.

12 [] Do you see that?

13 MR. KORTAN: Yes.

14 [] When you are releasing information
15 to the media about investigations as, from, by the FBI is
16 it your practice to coordinate that with the Department of
17 Justice OPA?

18 MR. KORTAN: Generally, yes.

19 [] And who would that be? Who would
20 be your counterpart that you'd be coordinating with?

21 MR. KORTAN: Well, there's counterparts at
22 various levels in our office and their office so it's a
23 constant back and forth --

24 [] Oh, I'm sorry. You personally,
25 who would you personally be --

b6 Per OIG
b7C Per OIG

b6 -3, Per OIG
b7C -3, Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: I mean, I can deal with anyone over
2 there but --

b6 Per OIG
b7C Per OIG

3 [REDACTED] I see.
4 MR. KORTAN: -- my counterpart, if that's what
5 you're asking --

b6 Per OIG
b7C Per OIG

6 [REDACTED] Yes.
7 MR. KORTAN: -- is the; their director of public
8 affairs.
9 [REDACTED] Who would it, who would that have
10 been do you recall in October 2016?

b6 Per OIG
b7C Per OIG

11 MR. KORTAN: It was a woman --

12 [REDACTED] Melanie Newman?

13 MR. KORTAN: Melanie Newman, yeah.

14 [REDACTED] And then did Kevin Lewis
15 substitute for her do you know during her absence at all?
16 Does that name sound familiar?

b6 Per OIG
b7C Per OIG

17 MR. KORTAN: No, it's familiar, yeah. I mean,
18 he was her, he was the deputy, yes.

19 [REDACTED] Okay. I want to direct your
20 attention to page seven. And there's a provision there,
21 1-7.530, disclosure of information concerning ongoing
22 investigations. Do you see that?

b6 Per OIG
b7C Per OIG

23 MR. KORTAN: Yes.

24 [REDACTED] And so I have a similar question
25 as I had for the one I asked you a couple minutes ago on

1 notwithstanding that that may not have been the purpose,
2 that the effective consequence of that though was to
3 acknowledge an investigation?

b6 Per OIG
b7C Per OIG

4 MR. KORTAN: I mean, that is contained in the
5 story that alludes to an investigation, yes.

6 [REDACTED] Okay. In your, when Director
7 Comey -- let me start over. Did Director Comey expect to
8 be involved in disclosures of high profile investigations
9 to the media during his time as director of the FBI?

b6 Per OIG
b7C Per OIG

10 MR. KORTAN: Did he expect to be --

11 [REDACTED] Involved in --

12 MR. KORTAN: -- involved? I mean, again, I
13 don't remember that, you know, that made anything, you
14 know, that kind of communication indicating it or not or
15 him indicating that. I don't recall that ever. You know,
16 again, there's a chain of command that, you know, accounts
17 for the sequence of communications and it's not anything I
18 recall he ever told me directly.

b6 Per OIG
b7C Per OIG

19 [REDACTED] Uh-huh.

20 MR. KORTAN: Now whether he told the deputy and
21 others on the leadership team, maybe. But I mean, I
22 don't, I have no knowledge of that.

23 [REDACTED] Would you have any reason to doubt
24 that? Does that sound something inconsistent with what he
25 might have expressed as director?

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 the FBI policy.

2 MR. KORTAN: Uh-huh.

3 [REDACTED] That being whether or not the
4 information that appears in the Wall Street Journal, which
5 is effectively disclosing the Clinton Foundation
6 investigation, would be consistent with this section (1-
7 7.530)?

b6 Per OIG
b7C Per OIG

8 MR. KORTAN: Maybe the intent of what was in the
9 journal was to disclose the investigation, perhaps not,
10 whether it was inadvertent or, you know, that may be
11 looked at differently.

12 [REDACTED] If the intent wasn't to disclose
13 the investigation then would it be consistent?

b6 Per OIG
b7C Per OIG

14 MR. KORTAN: If the intent was not to disclose
15 it --

16 [REDACTED] Yeah. Well, because you had
17 raised the intent issue.

18 MR. KORTAN: Yeah. I don't, I mean, I, there's
19 nothing I read here today that would appear that the
20 purpose of countering the, of what was expected in the
21 story was to announce or reveal the existence of the
22 investigation.

b6 Per OIG
b7C Per OIG

23 [REDACTED] Uh-huh. And --

24 MR. KORTAN: I mean, I thought it was --

25 [REDACTED] -- would you agree that,

1 MR. KORTAN: He could, you know, perhaps on a
2 case by case basis or something he'd be interested.
3 Again, others on his staff and elsewhere on other staffs
4 may make those determinations as to what he needs to be
5 involved in or have, I mean, having knowledge is something
6 that's not, that's a difficult thing. But what he would
7 need to be involved in with respect to the decision
8 making.

b6 Per OIG
b7C Per OIG

9 [REDACTED] From your time in OPA would you
10 agree that in October 2016 the Clinton Foundation
11 investigation involved a high profile investigation?

12 MR. KORTAN: I don't remember exactly the, you
13 know, I don't know if I can sit here today and give you a
14 gauge of where it fit maybe in the big scheme of things.
15 I mean, it was out there. There were certainly other
16 issues that, you know, obviously the emails --

b6 Per OIG
b7C Per OIG

17 [REDACTED] Uh-huh.

18 MR. KORTAN: -- was much, would seemingly,
19 looking back, be a much bigger issue.

20 [REDACTED] Would it be a --

b6 Per OIG
b7C Per OIG

21 MR. KORTAN: So --

22 [REDACTED] I'm sorry, I cut you off.

23 MR. KORTAN: So, you know, where it fits, I'm
24 not trying to be --

25 [REDACTED] Right. I mean, you wouldn't view

b6 Per OIG
b7C Per OIG

1 it as a run of the mill Joe Smith FBI investigation of, I
2 don't know, fraud or something, would you?

3 MR. KORTAN: No, I'm not suggesting that. I
4 just don't know, you know, retrospect we're looking at
5 something that, you know, we're examining, you know, very
6 closely and elevating. But --

7 [REDACTED] mean, it did involve a Clinton,
8 who, right, one, was running for president. One had been
9 president.

10 MR. KORTAN: Look, I mean, there was a certain
11 amount of publicity.

12 [REDACTED] Right.

13 MR. KORTAN: Obviously. You know, a book was
14 written about it and, you know, I mean, it was just
15 publicity that surrounded it all the time. You know, what
16 that meant substantively I, it's hard for me to look back

17 now and put it in context. But it was in the air, yeah.

18 [REDACTED] In the air meaning?

19 MR. KORTAN: I mean, it was out there publicly,
20 you know, as an issue.

21 [REDACTED] Okay. Something the media was
22 interested in?

23 MR. KORTAN: Something the media was interested
24 in, yeah.

25 [REDACTED] Because they're high profile

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 the time of his intent with respect to allowing this
2 private conversation of his to appear in the media?

3 MR. KORTAN: I don't. So I would derive
4 whatever, I would think he, you know, from the documents.

5 [REDACTED] Okay. And you're not in a position
6 to either confirm that or to contradict that?

7 MR. KORTAN: Regarding his intent?

8 [REDACTED] Yeah, using your own memory.

9 MR. KORTAN: No.

10 [REDACTED] Yeah.

11 MR. KORTAN: Yeah, no.

12 [REDACTED] No. Have you had any other
13 occasions where the deputy director has said to you, I
14 want to put out a private conversation in the media and
15 here's the reason why? Can you think of that ever
16 happening in the rest of your career?

17 MR. KORTAN: No.

18 [REDACTED] Okay.

19 MR. KORTAN: Not to, I just don't --

20 [REDACTED] Okay.

21 MR. KORTAN: The way you specifically described
22 it, somebody coming to me and saying, I want to put out a
23 conversation, I don't remember anything like that.

24 [REDACTED] Okay.

25 MR. KORTAN: I mean, could private conversations

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 people. But in any event --

2 [REDACTED] And one of the things that you were
3 mentioning in looking at these --

4 [REDACTED] Can I just take like a three minute
5 break here?

6 [REDACTED] Sure. Sure.

7 [REDACTED] Sorry, but I just have to deal with
8 this.

9 [REDACTED] Off the record --

10 [REDACTED] It's okay. Off the record --

11 [REDACTED] -- at 2:15.

12 (Whereupon, a brief recess was taken.)

13 [REDACTED] The time is now 20 minutes past 2:00
14 on December 22nd and this is the continued interview of
15 Mike Kortan of the FBI.

16 All right. Mr. Kortan, before we took our break
17 one of the things that we were talking about were these
18 policies and about the level to which intent matters in
19 considering these policies. Do you remember you were
20 saying the intent was one thing. Well, that might be one
21 way and the intent was another. And you were specifically
22 sort of referencing what you have been presented with
23 today as what Director McCabe says he thought he was
24 intending to do. Here's my question for you. Do you
25 remember having any conversations with Director McCabe at

b6 Per OIG
b7C Per OIG

b6 -3
b7C -3

b6 -3, Per OIG
b7C -3, Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 could be revealed or some other, perhaps, sure.

2 [REDACTED] Okay. Given the singularity with
3 which that happens, the rarity with which that happens,
4 I'm wondering why you don't remember it as you sit here
5 today. And help us to understand why, after presenting
6 you with all of these materials --

7 MR. KORTAN: Uh-huh.

8 [REDACTED] -- you don't have a memory of this.

9 MR. KORTAN: I don't remember it first, you
10 know, firsthand as, I just simply don't. I've been
11 presented with a number of materials today that certainly
12 paint a picture of, you know, that probably indisputably
13 happened, you know, at least somewhat consistent with all
14 the materials. I don't dispute that.

15 [REDACTED] Well --

16 MR. KORTAN: Does that make me remember it? I
17 don't know.

18 [REDACTED] Because here's what I'm struggling
19 with --

20 MR. KORTAN: Yeah.

21 [REDACTED] -- okay? We have those texts from
22 Lisa Page --

23 MR. KORTAN: Uh-huh.

24 [REDACTED] -- where she says, I'm talking to
25 Devin Barrett. I'm in Mike Kortan's --

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1 MR. KORTAN: Yeah.
2 [REDACTED] office.
3 MR. KORTAN: Yeah.
4 [REDACTED] And Mike Kortan's phone is on fire.
5 MR. KORTAN: Yeah.
6 [REDACTED] Yeah? Devlin Barrett just gets
7 slipped a note --
8 MR. KORTAN: Uh-huh.
9 [REDACTED] about the Clinton emails and the
10 reopening of that investigation. I would think that this
11 would be so singular of an event in the Office of Public
12 Affairs that you would remember personally being there.
13 MR. KORTAN: I guess I would look at it the
14 other way. That it was, the incoming was, you know,
15 again, so large and I would say overwhelming, but that it
16 was voluminous during that time period that week because
17 of what had occurred just before that with the emails. I
18 certainly remember the time period as being, do I remember
19 the specific interaction with him and saying they slipped
20 him a note? I don't. I mean, I see the texts that were
21 done, you know, centrally and contemporaneous with that so
22 it was for interpretation. I don't dispute it. I mean,
23 there's certainly nothing about my phone on fire that is
24 inconsistent with what was going on at that time.
25 Absolutely.

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1 [REDACTED] Right.
2 MR. KORTAN: But you know, do I specifically
3 remember that interaction? I don't.
4 [REDACTED] I mean, it seems to me that human
5 nature is when there are periods of dramatic stress --
6 MR. KORTAN: Uh-huh.
7 [REDACTED] - that it gets fixed in our minds
8 what we did on our unusual days. And it sounds to me like
9 what's being described in the texts was a very unusual
10 day. It was a singular day in terms of having to respond
11 to this onslaught. And I'm just struggling with figuring
12 out why you have no memory of that.
13 MR. KORTAN: Well, I mean, the onslaught went on
14 for day after day after day. It began before that and it
15 went on well after that. I certainly remember the
16 onslaught. I mean, nobody's going to forget that. So I
17 remember that.
18 [REDACTED] Uh-huh.
19 MR. KORTAN: I think what you're asking me is do
20 I remember that moment where, that she describes in that
21 text. I don't remember that moment or that. I mean, that
22 is not significant in and of itself because we were in an
23 environment of the time of an onslaught.
24 [REDACTED] Okay. Do you remember other
25 conversations that you had with Devlin Barrett during this

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1 onslaught?
2 MR. KORTAN: Describe the onslaught again?
3 [REDACTED] I'm using your word.
4 MR. KORTAN: I mean, what period of time I mean.
5 [REDACTED] October 30th, October 28th through
6 October 30th.
7 MR. KORTAN: I don't specifically remember. I
8 mean; the, again, every reporter was calling into public
9 affairs. I'm talking to some of them. The team is
10 talking to others. It's being handled as best we can
11 given the volume that was going on at that time. So I
12 can't sit here today and tell you I remember a specific
13 conversation with somebody in particular, you know, on
14 whatever day that is. I just don't.
15 [REDACTED] Can you remember a specific
16 conversation you had on October 28th with anyone from the
17 national press?
18 MR. KORTAN: No. I mean, October, I don't
19 remember October 28th. I don't understand the. I don't
20 remember the significance of that day so I don't.
21 [REDACTED] Okay. Can you remember any
22 conversation you had with a member of the national press
23 core concerning Director Comey's decision to reopen the
24 Clinton email investigation on October 28th?
25 MR. KORTAN: I mean, I remember that most of the

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1 incoming was on that issue.
2 [REDACTED] Incoming from who? Can you --
3 MR. KORTAN: The reporters.
4 [REDACTED] -- name a --
5 MR. KORTAN: Reporters.
6 [REDACTED] Who?
7 MR. KORTAN: I can give you a sampling of the
8 likely reporters that were calling. I can't tell you
9 right here a particular person on a particular day.
10 [REDACTED] I'm asking you to relate to me any
11 person from the national media that you have a clear
12 recollection of talking to about that issue. Can you do
13 that?
14 MR. KORTAN: I don't think I can. Again, I
15 would submit that it could have been any number of people
16 who call in on a regular basis and would have called in on
17 that day. I just don't remember who I spoke to that day,
18 who other people spoke with. And I mean, I can't pinpoint
19 it to that day as I sit here right now. I just can't.
20 [REDACTED] Okay. Let me ask you a couple of
21 questions about your signed sworn statement, which is
22 exhibit 23. Here it is in front of you. And looking at
23 page four --
24 MR. KORTAN: Okay.
25 [REDACTED] - in the bottom paragraph, and this

1 is the signed sworn statement that you signed.
 2 MR. KORTAN: Yes.
 3 [REDACTED] Your signature appears --
 4 MR. KORTAN: Yes.
 5 [REDACTED] -- on the back page. And the first
 6 sentence of this last paragraph says, when I look at the
 7 highlighted paragraphs in exhibit one, particularly the
 8 direct quote attributed to Mr. McCabe in an alleged
 9 telephone call with the senior DOJ official it seems
 10 unusual.

11 MR. KORTAN: Uh-huh.
 12 [REDACTED] Do you stand by that statement
 13 today?

14 MR. KORTAN: Well, in today you provided me with
 15 a lot of information that suggests to me what happened.
 16 [REDACTED] Right. And now that I've done that
 17 I'm wondering if you stand by this statement that it seems
 18 unusual?

19 MR. KORTAN: I, well, I don't know that it does
 20 now that I know. I think I know what happened.

21 [REDACTED] Uh-huh. So is that a yes or a no?

22 MR. KORTAN: I mean, I go back to, let's, I
 23 mean, let's be careful about this. I don't want to --

24 [REDACTED] Okay.

25 MR. KORTAN: -- wander. I'm actually trying to.

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b7C Per OIG

1 honestly interpret how, what I meant by it seems unusual.
 2 [REDACTED] Well, if you look on the next page
 3 you --

4 MR. KORTAN: Yeah.

5 [REDACTED] -- use that word again.

6 MR. KORTAN: Okay.

7 [REDACTED] On the first sentence of the first
 8 full paragraph on page five you describe the non-
 9 background discussion as quite unusual.

10 MR. KORTAN: Unusual.

11 [REDACTED] And I'm wondering if that
 12 characterization still holds today.

13 MR. KORTAN: Yeah. I mean, I get, I think what
 14 I meant here is that the direct quote, you know, sort of
 15 the precise quote seemed unusual to me when I reviewed it
 16 on this date on August 16th.

17 [REDACTED] And does it still seem unusual to
 18 you today?

19 MR. KORTAN: I mean, it's less unusual now that
 20 I've seen all this. But is it, it's still unusual, yeah.
 21 Because I, in a sense I wouldn't see it that often.

22 [REDACTED] Okay.

23 MR. KORTAN: I mean, I think that's what I meant
 24 at the time --

25 [REDACTED] And --

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1 MR. KORTAN: -- I don't see that --

2 [REDACTED] And the quote that we're talking
 3 about is not just FBI agent quoting an investigation,
 4 right? We're talking about the second highest ranking
 5 person at the FBI, a quote with an unnamed high ranking
 6 DOJ official. I mean, that's pretty significant, no? You
 7 don't see that every day.

8 MR. KORTAN: You don't see that every day.

9 [REDACTED] The next sentence in your signed
 10 sworn statement on the bottom of page four says, I do not
 11 recall any on-background conversation that included a
 12 direct quote, especially regarding what was at the time an
 13 ongoing investigation. Is that statement still true as
 14 you sit here today?

15 MR. KORTAN: That is still true, yes.

16 [REDACTED] Okay. It is simply not something
 17 that OPA would have provided officially as it is not our
 18 practice or protocol. Is that statement still true as you
 19 sit here today?

20 MR. KORTAN: And again, I think the only thing I
 21 would add to that is, you know, unilaterally or on our own
 22 that, you know, if somebody called into OPA we wouldn't
 23 necessarily provide that on our own.

24 [REDACTED] So you would say, based on what you
 25 just said, that that statement is still mostly true with

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1 that --

2 MR. KORTAN: Mostly true, yeah.

3 [REDACTED] Okay. The term validly predicated
 4 investigation suggests that the information came from
 5 someone who heard the conversation directly or who talked
 6 to someone who had overheard it. I'm assuming you feel
 7 that that's still true?

8 MR. KORTAN: Yes.

9 [REDACTED] Okay. It suggests to me that
 10 someone wanted to prove or convince someone else that they
 11 had direct or confident knowledge of the alleged
 12 conversation. Is that still true?

13 MR. KORTAN: It's still true.

14 [REDACTED] Okay. I would have been the person
 15 at OPA to authorize an on-background conversation on this
 16 topic and I believe I would have remembered this
 17 conversation if it had been a topic of an on-background
 18 conversation as it is quite unusual. Is that still true?

19 MR. KORTAN: I think it is. Although I suppose
 20 others could authorize it given, but, yes. I mean, at the
 21 time that this, I reviewed this on not having any
 22 recollection of it and just looking at it with a context
 23 without the benefit or the effect of all this, this is b6 Per OIG
 24 accurate b7C Per OIG

25 [REDACTED] Right. I thought you were telling

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b7C Per OIG

1 me that the benefit or effect of everything that we've
2 shown you today is to not improve your memory at all.
3 MR. KORTAN: Well, I can't say what effect it
4 has but, I don't know that it affects my memory or not but
5 it certainly provides, you know, a lot of information that
6 I can imagine and fill in as probably being logical.
7 Yeah.

8 [REDACTED] But I think what you told me is that
9 it doesn't assist you in remembering this independently?

10 MR. KORTAN: It does not assist me in
11 remembering independently, yes.

12 [REDACTED] Okay. The next sentence is, I have
13 no recollection of anyone from executive management asking
14 me to contact Mr. Barrett regarding the Clinton
15 Foundation. Is that still true as you sit here today?

16 MR. KORTAN: Correct, yes.

17 [REDACTED] I also have no recollection of being
18 informed after the fact that someone, without my prior
19 knowledge or authorization, engaged in an on-background
20 conversation regarding this topic with any member of the
21 media. Is that still true, with the caveat that I don't
22 want you to take what I presented to you as true? What
23 I'm asking you is --

24 MR. KORTAN: Is that true?

25 [REDACTED] -- as you sit here today is this

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b7C Per OIG

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b7C -3

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: It's hard to separate with
2 everything you've shown me today.

3 [REDACTED] Uh-huh.

4 MR. KORTAN: But I don't feel I remember it any
5 better.

6 [REDACTED] Okay.

7 MR. KORTAN: The picture has been painted that
8 provides a lot of information that describes that, so.

9 [REDACTED] When you walked through this door
10 today before you saw a single piece of paper --

11 MR. KORTAN: Uh-huh.

12 [REDACTED] -- did you know who the source was
13 of the August 12th call that appeared in the October 30th
14 Wall Street Journal article?

15 MR. KORTAN: The source of the call was, did I
16 know?

17 [REDACTED] Right.

18 MR. KORTAN: I mean, I reviewed --

19 [REDACTED] No, no. Before you walked through
20 the door. A second before you stepped through the door
21 and saw a single piece of paper did you know who the
22 source was who disclosed the August 12th call that
23 appeared in the October 30th Wall Street Journal article?

24 MR. KORTAN: Well, I mean, I've seen some of the
25 material before so I think since August I've come to

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1 sentence still true, that you have no recollection of
2 being informed after the fact?

3 MR. KORTAN: Correct, yes.

4 [REDACTED] Okay. It appears to me that someone
5 unilaterally took it upon themselves to provide
6 information to Mr. Barrett. Is that still correct? Or is
7 it fair to say that you have no idea because you cannot
8 remember one way or the other?

9 MR. KORTAN: Yeah, I mean, I don't, I still
10 don't remember that --

11 [REDACTED] But this is asking him to draw an
12 inference.

13 MR. KORTAN: Yeah. I mean, I, yes. I don't
14 remember, I still don't remember it. So that was my
15 reaction on August 16th upon reading the story because I
16 didn't, had no recollection of how that came to be. I
17 didn't recognize it --

18 [REDACTED] Uh-huh.

19 MR. KORTAN: -- or what I may recognize it to be
20 now. So, yes, that's --

21 [REDACTED] And your next sentence is, I do not
22 know who that could possibly be. Based on your own memory
23 and recollection is that still true today? That aside
24 from what I've shown you you have no knowledge of who the
25 source of this information was?

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b7C -3

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1 accept what may have happened. You know, as in, again,
2 based on evidence and a few communications. So did I have
3 some idea? Probably, yeah.

4 [REDACTED] So what was your idea before you
5 walked in here and we presented you with this information?
6 How did you think this had happened before we showed this
7 to you?

8 MR. KORTAN: Well, I saw evidence of my own
9 emails. I mean, not everything you have and certainly not
10 people's emails and texts and things but I --
11 [REDACTED] And some of them are exhibits in
12 your statement.

13 MR. KORTAN: Yeah. I mean, so I had, you know,
14 that over time. Yes.

15 [REDACTED] And so what were your thoughts?

16 MR. KORTAN: That it probably occurred something
17 along the lines of what we're talking about. I just
18 didn't have all the information. So I began to wonder.
19 That didn't cause me to remember, per se. It just, it I
20 think pushed me to imagine or --

21 [REDACTED] What do you mean by that, along
22 the lines? Fill in what specifics, what that means. Who,
23 who and how?

24 MR. KORTAN: I don't know exactly other than it,
25 you know, thinking about it over a period of time I took

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1 what indications there were that a phone call took place
2 and that it, you know, it all pointed to that. So I
3 imagined that it, you know, I mean, it probably did. But
4 I, it didn't, I mean, I didn't remember the details and,
5 you know. And I don't know where memory and --
6 [REDACTED] Well, who did you suspect? What
7 person at the FBI, if it wasn't you, uttered the words
8 that appeared in the paper?

9 MR. KORTAN: Oh, well, I mean, looking at emails
10 and things since then it looks like there was only a
11 conversation with one other person that would point to
12 that.

13 [REDACTED] And that person is?

14 MR. KORTAN: Lisa.

15 [REDACTED] Okay.

16 MR. KORTAN: Yeah. No, I'm sorry. I thought
17 that was obvious. I mean, that's the only person that is
18 indicated in the communication so --

19 [REDACTED] Okay.

20 MR. KORTAN: -- I mean, I came to accept that as
21 what happened.

22 [REDACTED] And when you walked through this
23 door today did you think she had done that in an
24 authorized manner? Or did you think that she had done
25 that unilaterally as described in your signed sworn

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1 tell you about stories and stuff. There we, I think I was
2 trying to say that look, I, people are always commenting
3 on stories and that they don't like a story or the
4 accuracy of it or some element of it. You know, they
5 share it with you.

6 [REDACTED] Uh-huh. What I want to know about
7 this October 30th article is if it indeed was authorized.
8 Was there any agreement between you and Lisa and Deputy
9 Director McCabe to not talk about the fact that he had
10 authorized that?

11 MR. KORTAN: Well, I would say no because I've
12 never engaged ever in anything resembling that.

13 [REDACTED] Do you remember any instructions
14 from him about not sharing the fact that he authorized
15 this information?

16 MR. KORTAN: No.

17 [REDACTED] He's never given you direction not
18 to do that?

19 MR. KORTAN: No.

20 [REDACTED] Do you remember being asked by
21 anybody else at the FBI who was the source of the
22 information for the August 12th conversation and having to
23 respond to that question at the time?

24 MR. KORTAN: No.

25 [REDACTED] Do you remember there being

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1 statement?

2 MR. KORTAN: Well, I would have never, I don't
3 think I'd ever think that she would do anything
4 unilaterally like that. I just wouldn't.

5 [REDACTED] And why is that?

6 MR. KORTAN: I've just never seen that happen in
7 our building. You know, a special assistant or somebody
8 like that in that position would represent her boss in a
9 unilateral way. I mean, it'd just be hard for me to
10 imagine.

11 [REDACTED] Okay. Here's what I'm having
12 trouble with.

13 MR. KORTAN: Uh-huh.

14 [REDACTED] Well, first let me finish asking you
15 about the last part of this paragraph, right? The last
16 sentence is, while executives and other operational
17 managers occasionally raise concerns about inaccurate
18 information in the press regarding FBI matters, I do not
19 recall Deputy Director McCabe asking me to clear up
20 something regarding the Clinton Foundation investigation.
21 Is that still true as you sit here today?

22 MR. KORTAN: Yes.

23 [REDACTED] Okay.

24 MR. KORTAN: I think that was in response to a
25 question do people ask you to, you know, what do people

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1 conversations of that type that you overheard where people
2 were wondering who the source of this was?.

3 MR. KORTAN: No.

4 [REDACTED] Do you have any idea why Deputy
5 Director McCabe would have denied authorizing this to us
6 when we first ask him about that?

7 MR. KORTAN: No, I don't.

8 [REDACTED] Is there anything that has happened
9 in the course of these events that could give you insight
10 into why it would be that under oath he would tell us that
11 this was not something that he remembered authorizing?

12 MR. KORTAN: No.

13 [REDACTED] Is his relationship with Ms. Page
14 close enough that he would be willing to recant his
15 testimony in order to preserve her and her interests once
16 he found out she was the source?

17 MR. KORTAN: I don't know. I don't.

18 [REDACTED] Here's another question that I have
19 for you and I think it's very important. Based on what
20 you've told us today we are going to have to generate a
21 report that says the assistant director, the head of OPA
22 can't remember one way or another if he was authorized to
23 put this information out there. And we don't, as we're
24 sitting here, have all of the information to know whether
25 it was or not. What are we supposed to tell the FBI about

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1 your inability to remember these events and whether there
2 was, indeed, an authorization?

3 MR. KORTAN: Well, I would say, I guess I would
4 say that I wouldn't go forward without authorization,
5 period. I wouldn't engage in that kind of interaction
6 with the press without authorization. The fact that I
7 don't remember exactly how this happened I think is
8 separate. And I don't. But I would not have gone forward
9 without it.

10 [REDACTED] If you can't remember what assurance
11 does anybody have that that's true?

12 MR. KORTAN: It's the best of my knowledge. I
13 mean, that's all I can tell you. I mean, we've had
14 longstanding practices and ways of doing things. We do
15 conduct our business day in and day out and we simply
16 don't go forward without authorization. Particularly with
17 regard to the principal being the subject of the
18 information. Never, I've never observed anybody do it. I
19 certainly have never practiced it, to my knowledge.

20 [REDACTED] Then why didn't you tell that to
21 INSD when they ask you about this?

22 MR. KORTAN: Tell them what?

23 [REDACTED] Tell them that this information
24 would not have been put forward unless there were
25 appropriate authorization?

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1 MR. KORTAN: Maybe it wasn't asked.

2 [REDACTED] They ask you who the source of the
3 information was, right? And you said, I cannot remember.

4 MR. KORTAN: If they had asked me the question
5 that you just asked me I would have answered it the exact
6 same way. That I wouldn't have, nobody would have gone
7 forward without that authorization.

8 [REDACTED] That seems to be in conflict with
9 what you told them, which is that this is simply not
10 something OPA would have provided officially, as it is not
11 our practice or protocol.

12 MR. KORTAN: Unilaterally I think is the tone of
13 that.

14 [REDACTED] But it doesn't say here, unless we
15 were authorized.

16 MR. KORTAN: But I'm interpreting it now based
17 on what isn't there what I believe I meant or what I, what
18 I'm telling you now is accurate. Whether they asked that
19 question specifically or not and tried to work it in
20 there, apparently not. And I can't sit here today saying
21 they should have thought of that or they should have
22 thought of it or something. I don't know. But again,
23 going back to this, that we don't provide that on our own.
24 It would have to be authorized or someone would tell us to
25 do it.

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1 [REDACTED] So the response that we're supposed
2 to give to the FBI about the memory problem of the person
3 who's supposed to be keeping track of whether disclosures
4 are authorized or not is that he doesn't, that he would
5 without authorization?

6 [REDACTED] It's stronger than that I believe.

7 MR. KORTAN: I said it stronger than that. That
8 we don't disclose information without authorization, and
9 in particular something about somebody where you refer to,
10 where information is attributed to somebody. First of
11 all, you'd have to have firsthand knowledge of the
12 information. Secondly, you know, you don't know what you
13 don't know so you'd want to discuss it with the person and
14 seek that authorization if that's what the person wants.

15 [REDACTED] Did you do that in this situation?

16 MR. KORTAN: I'm saying I would have or it was
17 done through Lisa.

18 [REDACTED] But those are all assumptions that
19 you're making based on what I presented to you today.

20 MR. KORTAN: No, based on what our policies and
21 practices are and taking the way we, you know, the way we
22 conduct our business with the press. I mean, it's, yeah.

23 [REDACTED] If that's true why would there be
24 the need for the deputy director to deny this?

25 MR. KORTAN: I don't, I have no answer to that.

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1 [REDACTED] think that might be all of my
2 questions.

3 [REDACTED] I just have a couple follow up.

4 So, I think you, we talked about this a moment ago.

5 MR. KORTAN: Sure.

6 [REDACTED] Did you hear any complaints raised
7 directly to you? Well, did anyone raise any complaints
8 directly to you or did you hear any complaints after this
9 article was published, the October 30th article, about who
10 disclosed this call? How did this happen?

11 MR. KORTAN: No, I don't remember any
12 conversation, any, I don't remember this article being
13 brought to my attention, the content of this article
14 brought to my attention after it ran. Since then.

15 [REDACTED] And --

16 MR. KORTAN: Until it was shown to me --

17 [REDACTED] Yes.

18 MR. KORTAN: -- by Inspection in August.

19 [REDACTED] Okay. So no conversations stick
20 out in your mind between October 30th, 2016 and the date
21 you signed your sworn, or the date of your first interview
22 on Wall Street Journal article at INSD on August 16th,
23 2017. Is that right?

24 MR. KORTAN: No. I mean, to my knowledge and my
25 recollection nobody has raised any aspect of that with me

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 during that time period.
2 [REDACTED] What about after your first
3 interview with Inspections Division --
4 MR. KORTAN: Uh-huh.
5 [REDACTED] -- August 16, 2017 until today,
6 have you had any conversations, other than the Inspections
7 Division and your attorney, with anyone about the October
8 30th, 2016 article?

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

9 MR. KORTAN: No. I mean, I think the deputy
10 mentioned to me that there was a review of something but
11 it wasn't any substantive conversation.

12 [REDACTED] Tell us about when that was
13 approximately and what the conversation was.

14 MR. KORTAN: It wasn't a conversation. [REDACTED]

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 MR. KORTAN: [REDACTED]

b6 Per OIG
b7C Per OIG

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 MR. KORTAN: [REDACTED]

b6 Per OIG
b7C Per OIG

24 [REDACTED]
25 [REDACTED]

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b6 Per OIG
b7C Per OIG

1 [REDACTED]
2 MR. KORTAN: [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

b6 -3
b7C -3

7 [REDACTED] Can I just take this?
8 [REDACTED] Yeah. Off the record at 2:50.
9 (Whereupon, a brief recess was taken.)

b6 Per OIG
b7C Per OIG

10 [REDACTED] All right. We are back on the
11 record at 10 of 3:00.

12 Mr. Kortan, when you were talking a minute ago
13 about having a conversation about the October 30th article
14 was that a conversation with Deputy Director McCabe that
15 you were describing to us?

16 MR. KORTAN: We didn't have a conversation about
17 the article. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

b6 Per OIG
b7C Per OIG

21 MR. KORTAN: [REDACTED]

b6 Per OIG
b7C Per OIG

22 [REDACTED]

23 MR. KORTAN: [REDACTED]

b6 Per OIG
b7C Per OIG

24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

b6 Per OIG
b7C Per OIG

7 MR. KORTAN: [REDACTED]

8 [REDACTED]

9 MR. KORTAN: [REDACTED]

b6 Per OIG
b7C Per OIG

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

b6 Per OIG
b7C Per OIG

MR. KORTAN: No.

[REDACTED] Were you aware that -- well,

actually let me start over. Were you aware, and [REDACTED] will

get into this in more detail soon, very soon, of any

recusal issues in connection with Mr. McCabe following the

October 23rd Wall Street Journal article?

MR. KORTAN: What I know about recusal is what

was provided to me from him in preparation of the response

b6 Per OIG
b7C Per OIG

1 to the October 23rd.
2 [REDACTED] Okay.
3 MR. KORTAN: So when that emerged in, you know,
4 we were dealing with that and how he wanted to respond.
5 What I know about recusal is what he provided to me, which
6 ultimately ended up, you know, became the FBI response.
7 [REDACTED] Oh. Were you aware that -- let me
8 start over. Were you aware that after the October 23rd
9 article appeared that, were you aware of any FBI executive
10 managers had concerns with Mr. McCabe participating in any
11 Clinton related investigations?
12 MR. KORTAN: No. I mean, it's not something
13 they would discuss with me.
14 [REDACTED] Okay. I want to go back to
15 something [REDACTED] was asking. And in the best words that
16 you can, we get that a lot was going on during the week of
17 October 23rd through the beginning of November. I think
18 whatever adjectives you used to describe it, we recognize
19 that that was a busy time. But how would you explain to
20 someone in the public about it, by your own
21 characterizations in the sworn statement, this
22 conversation that got disclosed to the press, this private
23 conversation between Mr. McCabe and the unnamed DOJ
24 official, who I think we've established is Matt Axelrod,
25 was quite unusual. It's not something you see on a

1 everyday basis. In fact, I should ask you in your tenure
2 have you ever seen a high level conversation like that
3 disclosed to the media in any investigation?
4 MR. KORTAN: As I sit here today I don't know if
5 I can tell you I have or haven't.
6 [REDACTED] Uh-huh.
7 MR. KORTAN:
8 [REDACTED] I mean, it's a long time and, like I
9 said, conversations may well have been, could have been
10 revealed in the course of --
11 [REDACTED] Right.
12 MR. KORTAN: -- wider, broader discussions. I
13 just don't know.
14 [REDACTED] So, but as you sit here today none
15 jump into your mind?
16 MR. KORTAN: Well, I mean, nothing specifically
17 I can cite, no.
18 [REDACTED] Right.
19 MR. KORTAN: But I'm not, I'm certainly not
20 ruling it out.
21 [REDACTED] Right. But you cannot identify
22 one as you sit here?
23 MR. KORTAN: I cannot identify one as we sit
24 here.
25 [REDACTED] Okay. So it's fair to say it

1 doesn't happen a lot?
2 MR. KORTAN: That would be fair to say, yeah.
3 [REDACTED] So help us understand if this is
4 not a common occurrence and this is my characterization, a
5 pretty high profile investigation, and you've got a
6 private level, a private conversation out there in the
7 media --
8 [REDACTED] We keep saying it's private. We,
9 you know, we weren't there.
10 [REDACTED] Okay.
11 [REDACTED] You probably do know but I don't
12 know necessarily it was private.
13 [REDACTED] Okay. Well, what --
14 [REDACTED] Well look, I mean, could people in
15 the offices be on speakerphones listening, other people
16 present? We don't know that.
17 [REDACTED] Okay.
18 [REDACTED] I'm just wondering when you say
19 private --
20 [REDACTED] Okay.
21 [REDACTED] -- if it really was.
22 [REDACTED] Okay. Well, the article does not
23 describe anyone else in the room. It describes a
24 conversation happening between two high ranking officials
25 involving a Clinton related investigation right before the

1 election, basically days before the election.
2 [REDACTED] You can call it sensitive or
3 internal or anything like that. It may be private too. I
4 think you guys probably know.
5 [REDACTED] We've gotten away from private.
6 [REDACTED] Yeah.
7 [REDACTED] It's, well, I'm just asking the
8 questions so let me start over. Help us understand how
9 you would not recall an event like this, understanding
10 it's a busy time, where you got high ranking officials'
11 private, high ranking officials' conversations regarding
12 an investigation involving the name of someone who's
13 running for the presidency days before the election. How
14 is that not something that you do not remember?
15 [REDACTED] This is like the third time you guys
16 have asked him.
17 MR. KORTAN: Yeah. The conversation with the
18 reporter --
19 [REDACTED] Well, it's to your client's
20 benefit.
21 [REDACTED] Well, but the answer isn't going to
22 change. The thing about it is that he's got 100 balls
23 in the air. This is one of them.
24 [REDACTED] Well, let's let him answer.
25 [REDACTED] Well, that's what he's told you.

b6 Per OIG
b7C Per OIG

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1 [REDACTED] Well, I haven't heard that.
2 Unless you're testifying for him right now.
3 MR. KORTAN: No. I only say that given
4 everything I believe now and I have no reason to dispute.
5 The purpose of that call was to thwart or to counter a,
6 you know, pending report that, in the eyes of those who
7 knew the facts firsthand, was wrong. And that, and it
8 would mislead the public. It would mislead readers about
9 what the FBI did, what their intentions were. And that
10 decision was made to attempt to prevent that from going
11 public in the way that it was presented. Now, whether a
12 private conversation or any part of that was part of the
13 design or the emphasis I don't know. So, I don't --
14 [REDACTED] Well, that's --
15 MR. KORTAN: -- want to lead you to believe that
16 somehow there was this, I believe there was some sort of,
17 you know, agreement that lets, you know, somebody reveal a
18 private conversation. I don't think that was the intent
19 at all. I think it was to sort of convince the reporter
20 that the information he had was not accurate.
21 [REDACTED] Right. But what, again, what
22 we're struggling with is, I think I heard you say earlier
23 when you set up these calls you stay engaged. You make
24 sure the ground rules occur, right?
25 MR. KORTAN: I do. But the, what I don't know

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 sometimes that is the, in the substance.
2 [REDACTED] Right.
3 MR. KORTAN: So I have to trust the subject
4 matter expert, whoever that is, in any circumstance to
5 know the substance.
6 [REDACTED] Right. And so what we're trying
7 to grapple with is understand how you would not remember
8 the call being discussed, that being this August 12th call
9 being provided to a reporter involving the Clinton
10 Foundation investigation that purportedly happened between
11 Mr. McCabe and Matt Axelrod. You, even assuming emails on
12 it that we showed you today where it referenced this call
13 came up. And so we're struggling to understand how such
14 a, how that type of call would not stick out in your mind
15 being disclosed to a reporter.
16 MR. KORTAN: Again, I think the purpose of the
17 call was to thwart --
18 [REDACTED] No, I understand what the
19 purpose --
20 MR. KORTAN: -- a lot of information and maybe
21 that part of it --
22 [REDACTED] Uh-huh.
23 MR. KORTAN: -- didn't stand out in my mind at
24 the time.
25 [REDACTED] Okay.

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1 MR. KORTAN: And I didn't, and again, as I
2 emphasized, nobody ever raised any issue with me
3 subsequent to that --
4 [REDACTED] Uh-huh.
5 MR. KORTAN: -- until August. And so, I mean,
6 it's not something I ever probably gave a thought to.
7 Again, I mean, there was plenty of other things going on.
8 There was an abundance of information and stories at that
9 time that were consuming my time and our time. And just
10 it didn't stay with me as --
11 [REDACTED] Do you ever recall in
12 conversations with Devlin Barrett and Lisa Page regarding
13 this October 30th article before it was published, we're
14 going to tell you this but we don't want it published,
15 that there was any limitation on what he could publish
16 regarding what was said?
17 MR. KORTAN: No.
18 [REDACTED] Do you remember any blowback from
19 the DOJ OPA having to do with seeing one of their senior
20 officials portrayed in a negative light in the October
21 30th Wall Street Journal article?
22 MR. KORTAN: No. Again, I don't recall any
23 blowback from anybody following the article. To me. I'm
24 not saying it couldn't have gone to others in leadership
25 or in the line. I don't know, but not to me.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 [REDACTED] Is that because this appears to be
2 designed in a way that gives the appearance of it being a
3 leak rather than something authorized by the FBI?
4 MR. KORTAN: I'm sorry?
5 [REDACTED] I said do you believe that that is
6 because the way the information was portrayed in the
7 article makes it appear as if it's a leak rather than an
8 authorized disclosure of information?
9 MR. KORTAN: I don't know how it comes across in
10 the, I don't know if you can read that from the article
11 what, how it's portrayed.
12 [REDACTED] Well, initially when you talked to
13 INSD you told them it appears to be a leak. That was your
14 initial reaction.
15 MR. KORTAN: Yeah.
16 [REDACTED] Yeah. Do you remember saying that?
17 MR. KORTAN: I remember saying that.
18 [REDACTED] Yeah.
19 MR. KORTAN: I, again, that was a reaction to
20 something that was presented to me nine months after the
21 fact. I had not given it a thought, to my recollection,
22 since then. If I, you know, whatever was known then. And
23 it was my, since I didn't recognize it I simply reacted to
24 what they were showing me. And I gave some reactive
25 thoughts based on that at that time. Almost as if, I

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 mean, coming, since I didn't remember it and didn't
2 remember who, you know, didn't know who it was it just
3 looked that way to me as somebody looking at it for the
4 first time almost.

5 [REDACTED] How does someone, how does the FBI
6 typically give attribution with respect to on-background
7 conversations? Does it typically do it with the phrase,
8 according to people or people familiar with?

9 MR. KORTAN: I don't know that the FBI or
10 anybody, you know, sort of defines, you know, I mean,
11 those are reporters' --

12 [REDACTED] Uh-huh.

13 MR. KORTAN: -- style, you know. They mix it up
14 different, I think mix it up in different ways in a story
15 not to be repetitive or whatever it may be.

16 [REDACTED] Do you ever tell reporters what
17 your preferred practice is in terms of how to reference
18 FBI statements on-background?

19 MR. KORTAN: I mean, we probably have but I
20 don't, you know, if there's an authorized background I,
21 you can say it's from the FBI but, you know, not --

22 [REDACTED] Right.

23 MR. KORTAN: -- somebody particular or that it's
24 from, you know, maybe a law enforcement official or
25 something but that's --

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 MR. KORTAN: Yeah.

2 [REDACTED] I, you've been asked, as we said a
3 number of times, you don't have a memory of being,
4 actually providing the quote that was then used. And I
5 think you've said that you have some recollection, and
6 we're going to go into this when we get into the recusal
7 issues --

b6 Per OIG
b7C Per OIG

8 MR. KORTAN: Uh-huh.

9 [REDACTED] -- of the October 23rd article of
10 Deputy Director McCabe providing you the information that
11 led to the October 23rd article. And working with, do you
12 have memories of working with Devlin Barrett for that
13 article of October 23rd?

b6 Per OIG
b7C Per OIG

14 MR. KORTAN: Yes.

15 [REDACTED] But [REDACTED] provided you a number
16 of documents that posted that article where Deputy
17 Director McCabe is asking you about a forthcoming article.
18 You have no recollection after October 23rd?

19 MR. KORTAN: I don't know if I have
20 recollection --

21 [REDACTED] You have --

b6 Per OIG
b7C Per OIG

22 MR. KORTAN: Yeah, I mean, I'm reading
23 everything that's there so I'm seeing it and I believe it.

b6 Per OIG
b7C Per OIG

24 [REDACTED] Right.

25 MR. KORTAN: Does that make me --

1 [REDACTED] Right.

2 MR. KORTAN: -- agreed upon. So, perhaps.

3 [REDACTED] Are those typical ground rules
4 that you tell reporters when you're having on-background
5 conversations, that you can refer to this as an FBI
6 official or a law enforcement official?

7 MR. KORTAN: That's happened, yes.

8 [REDACTED] It, is it a matter of routine
9 practice that you do that?

10 MR. KORTAN: I mean, that's considered in
11 background, yeah. How it's going to be depicted or
12 attributed.

13 [REDACTED] Can you explain why, if this was
14 an authorized background conversation, it didn't happen
15 that way?

16 MR. KORTAN: How did it happen? I mean, how --
17 [REDACTED] Can you explain if, in fact, the
18 disclosure of the August 12th call was an authorized on-
19 background conversation why it didn't happen with the
20 attribution that you just described?

21 MR. KORTAN: It doesn't require, it ultimately
22 has the, you know, you can attribute it I suppose in
23 different ways depending on the style of the, you know, if
24 they're trying to write it (*indiscernible 3:56:49).

25 [REDACTED] Can I ask --

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b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 [REDACTED] Right.

2 MR. KORTAN: -- remember it? I don't know.

3 [REDACTED] Right. And so we're going to, and
4 I'm going to talk to you a little bit more --

5 MR. KORTAN: I'm not trying to be --

6 [REDACTED] No, I --

b6 Per OIG
b7C Per OIG

7 MR. KORTAN: I'm just not a memory expert.

8 [REDACTED] No, I understand. But I'm trying to
9 reconcile that. Because I, it, and we'll get into a
10 little bit more detail about your memories with regard to
11 talking to Devlin Barrett with regard to the October 23rd
12 article.

b6 Per OIG
b7C Per OIG

13 MR. KORTAN: Uh-huh.

14 [REDACTED] But what [REDACTED] presented to you was
15 a number of documents that pertained to the October 30th
16 article. You're saying not only do you not remember the
17 substance of the conversation in which Lisa Page provided
18 the substance, you actually don't remember any of the
19 stuff that happened afterwards?

20 MR. KORTAN: I don't think I said I don't
21 remember anything.

b6 Per OIG
b7C Per OIG

22 [REDACTED] Then what do you remember?

23 MR. KORTAN: Well, we probably have to go over
24 that again to see what I remember. But the difference, I
25 have state, the difference in the October 23rd was --

b6 Per OIG
b7C Per OIG

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1 [REDACTED] Uh-huh.
2 MR. KORTAN: -- that I, we worked on it over the
3 course of a weekend. I think it was probably presented to
4 us on a Thursday or Friday and it went over the course of
5 several days. And it was a lot of back and forth and, you
6 know. I mean, that, it was a weekend so, I mean, it was
7 the only thing that was going on that weekend. But I
8 mean, so, it stands out. Because the other one was
9 probably in the context of that following week where
10 everything was going on. And it was probably a, you know,
11 a snapshot in time in the context of a lot of other things
12 going on. And for whatever reason it didn't, you know,
13 when it was presented to me in August I didn't recognize
14 it for what it was. I simply didn't.
15 [REDACTED] And you didn't relate it back to the
16 October 23rd article in any way?
17 MR. KORTAN: Well, if you read the story, I
18 mean, it takes you back to October 23rd so certainly I
19 figured that out. But I, you know, it didn't in and of
20 itself cause me to remember that.
21 [REDACTED] Well, that might be logical follow
22 up for the --
23 MR. KORTAN: I don't think it's logical follow
24 up. Again, the only point I make, and have tried to make
25 all day, is that I simply don't remember that interaction.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

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1 And you know, at some point Lisa came to me and said, you
2 know, the deputy saw what you, you know, what he's up,
3 what he's writing about and he's, you know, made a
4 decision that he wants to counter it in some way. And
5 that was, I accepted it on that basis. I'm speculating a
6 little bit, accepted it on that basis and facilitated the
7 call. And it was done and it was over. And I don't
8 recall anybody ever challenging that afterwards or
9 complaining directly to me or anything. I don't know what
10 conversation took place among others. But, so that's what
11 that is. I mean, again, October 23rd was a, several days
12 and with a lot of back and forth and editing and getting
13 agreement from, you know, all these consulting with on the
14 accuracy of that response.
15 [REDACTED] Okay.
16 MR. KORTAN: So it's in agreement with both.
17 [REDACTED] Do you have additional questions?
18 [REDACTED] No.
19 [REDACTED] Okay.
20 [REDACTED]
21 [REDACTED] Thank you very
22 much for coming to meet with us voluntarily. And again,
23 I'm going to remind you not to share with anybody other
24 than your attorney the information that you've seen here
25 today or questions that we've asked. Is that all right?

b6 Per OIG
b7C Per OIG

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1 MR. KORTAN: Sure.
2 [REDACTED] Okay. And with that --
3 [REDACTED] Yes, thank you for your time.
4 [REDACTED] I guess we can go off the record.
5 (Whereupon, the interview was concluded.)
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b6 Per OIG
b7C Per OIG

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1 CERTIFICATE
2 DEPOSITION SERVICES, INC. hereby certifies that
3 the foregoing pages represent an accurate transcript of
4 the electronic sound recording of the proceedings before
5 the Department of Justice, Office of Inspector General in
6 the matter of:

7 Interview of Michael Kortan
8
9

10
11
12
13 [REDACTED] Transcriber
14

15 January 10, 2018
16

17 Date
18
19
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23
24
25

b6 Per OIG
b7C Per OIG

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From: McCabe, Andrew G. (DO) (FBI)
Sent: Sunday, October 23, 2016 5:33 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

Awesome. Sucks pretty much. Buckle in. It's going to get rough.

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 10/23/16 8:07 PM (GMT-05:00)
To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>, "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: RE: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

b6 -1
b7C -1
b7E -4

Here you go.

Clinton Ally Aided Campaign of FBI Official's Wife

Group linked to Virginia Gov. Terry McAuliffe donated nearly half a million dollars to 2015 state Senate candidate

Campaign finance records show Virginia Gov. Terry McAuliffe's political-action committee donated \$467,500 to the 2015 state Senate campaign of Dr. Jill McCabe, who is married to Andrew McCabe, now the deputy director of the FBI. Photo: paul j. richards/Agence France-Presse/Getty Images

By

Devlin Barrett

Oct. 23, 2016 7:41 p.m. ET

1 COMMENTS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-14-2018 BY [REDACTED] NSICG

b6 -1
b7C -1



0.7.453.400587

FBI-DOJ-OIG-UNET-ELEC-
0000049670

FBI-DOJ-OIG-UNET-ELEC-0000049670-1

The political organization of Virginia Gov. Terry McAuliffe, an influential Democrat with longstanding ties to Bill and Hillary Clinton, gave nearly \$500,000 to the election campaign of the wife of an official at the Federal Bureau of Investigation who later helped oversee the investigation into Mrs. Clinton's email use.

Campaign finance records show Mr. McAuliffe's political-action committee donated \$467,500 to the 2015 state Senate campaign of Dr. Jill McCabe, who is married to Andrew McCabe, now the deputy director of the FBI.

The Virginia Democratic Party, over which Mr. McAuliffe exerts considerable control, donated an additional \$207,788 worth of support to Dr. McCabe's campaign in the form of mailers, according to the records. That adds up to slightly more than \$675,000 to her candidacy from entities either directly under Mr. McAuliffe's control or strongly influenced by him. The figure represents more than a third of all the campaign funds Dr. McCabe raised in the effort.

Mr. McAuliffe and other state party leaders recruited Dr. McCabe to run, according to party officials. She lost the election to incumbent Republican Dick Black.

A spokesman for the governor said he "supported Jill McCabe because he believed she would be a good state senator. This is a customary practice for Virginia governors... Any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Among political candidates that year, Dr. McCabe was the third-largest recipient of funds from Common Good VA, the governor's PAC, according to campaign finance records. Dan Gecker received \$781,500 from the PAC and \$214,456 from the state party for a campaign that raised \$2.9 million, according to records; and Jeremy McPike received \$803,500 from the PAC and \$535,162 from the state party, raising more \$3.8 million that year for his candidacy.

The governor could recall only one meeting with Mr. McCabe—when he and other state Democrats met with the couple on March 7, 2015, to urge Dr. McCabe to run, according to the spokesman.

The FBI said in a statement that during his wife's campaign Mr. McCabe "played no role, attended no events, and did not participate in fundraising or support of any kind. Months after the completion of her campaign, then-Associate Deputy Director McCabe was promoted to Deputy, where, in that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton's emails."

FBI officials said that after that meeting with the governor in Richmond on March 7, Mr. McCabe sought ethics advice from the bureau and followed it, avoiding involvement with public corruption cases in Virginia, and avoiding any campaign activity or events.

Mr. McCabe's supervision of the Clinton email case in 2016 wasn't seen as a conflict or an ethics issue because his wife's campaign was over by then and Mr. McAuliffe wasn't part of the email probe, officials said.

"Once I decided to run," Dr. McCabe said, "my husband had no formal role in my campaign other than to be a supportive husband to me and our children. As a federal official... everyone who participated in our campaign understood and respected that he could not participate."

Mr. McCabe is a longtime FBI official who focused much of his career on terrorism. His wife is a hospital physician who campaigned in northern Virginia, where the couple live with their children.

The 2015 Virginia State senate race was Dr. McCabe's first run for office and her campaign spent \$1.8 million. The race was part of Mr. McAuliffe's failed effort to win a Democratic majority in the Virginia legislature, which would have given him significantly more sway in Richmond, the state capital.

Mr. McAuliffe has been a central figure in the Clintons' political careers for decades. In the 1990s, he was Bill Clinton's chief fundraiser and he remains one of the couple's closest allies and public boosters. Mrs. Clinton appeared with him in northern Virginia in 2015 as he sought to increase the number of Democrats in the state legislature.

Dr. McCabe announced her candidacy in March 2015, the same month it was revealed that Mrs. Clinton had used a private server as secretary of state to send and receive government emails, a disclosure that prompted the FBI investigation.

At the time the investigation was launched in July 2015, Mr. McCabe was running the FBI's Washington, D.C., field office, which provided personnel and resources to the Clinton email probe.

That investigation examined whether Mrs. Clinton's use of private email may have compromised national security by transmitting classified information in an insecure system. A review of Mrs. Clinton's emails concluded that 110 messages contained classified information. Mrs. Clinton has said she made a mistake but that she never sent or received messages that were marked classified.

At the end of July 2015, Mr. McCabe was promoted to FBI headquarters and assumed the No. 3 position at the agency. In February 2016, he became FBI Director James Comey's second-in-command.

As deputy director, Mr. McCabe was part of the executive leadership team overseeing the Clinton email investigation, though FBI officials say any final decisions on that probe were made by Mr. Comey, who served as a high-ranking Justice Department official in the administration of George W. Bush.

Mr. McAuliffe has been under investigation for months by the FBI's Washington field office, a probe that includes an examination of donations made on behalf of a Chinese businessman, according to people familiar with the matter. His lawyers have denied any wrongdoing and said the investigation is seeking to determine if Mr. McAuliffe may have violated a law requiring people to register as agents of a foreign entity.

It was unclear the extent to which Mr. McCabe may have recused himself from discussions involving Mr. McAuliffe. When Mr. McCabe's wife began her campaign, he shied away from involvement in Virginia public corruption cases, according to officials.

Once the campaign was over, officials said, Mr. McCabe and FBI officials felt the potential conflict-of-interest issues ended.

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>

Date: 10/23/2016 7:56 PM (GMT-05:00)

To: "Page, Lisa C. (OGC) (FBI)"

Subject: Fwd: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

b6 -1
b7C -1
b7E -4

I can't see it. Not a subscriber.

3

0.7.453.400587

FBI-DOJ-OIG-UNET-ELEC-
0000049672

FBI-DOJ-OIG-UNET-ELEC-0000049670-3

FBI 18-cv-01766-2282

Original message
From: [REDACTED] b6 -3
b7C -3
Date: 10/23/16 7:53 PM (GMT-05:00)
To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Subject: Fwd: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

Sent from my iPhone

Begin forwarded message:

From: "Barrett, Devlin" <devlin.barrett@wsj.com>
Date: October 23, 2016 at 7:48:55 PM EDT
To: "Kortan, Michael P. (DO) (FBI)" <Michael.kortan@ic.fbi.gov> "B. Jill McCabe" b6 -3
b7C -3
Subject: Fwd: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife

----- Forwarded message -----
From: WSJ.com Editors <alerts@wsj.com>
Date: Sunday, October 23, 2016
Subject: Keyword Alert: "DEVLIN BARRETT": Clinton Ally Aids Campaign of FBI Official's Wife
To: [REDACTED] b6 -3
b7C -3

ALERT: "DEVLIN BARRETT"
from The Wall Street Journal.

7:41 PM 10/23/16
The Wall Street Journal Interactive Edition
<http://online.wsj.com/article/SB12695204739890133902004582391001720690874.html?mod=djkeyword>

The political organization of Virginia Gov. Terry McAuliffe, a Democrat with longstanding ties to Bill and Hillary Clinton, gave nearly \$500,000 to the election campaign of the wife of an official at the Federal Bureau of Investigation.

Manage My Alerts
<http://setup.wsj.com/pznsetup/sub/ksemail/setup.html?tab=manage>

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Devlin Barrett

Wall Street Journal

O [REDACTED]
C [REDACTED]
t: @devlinbarrett

b6 -3
b7C -3

Kortan, Michael P. (DO) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Sunday, October 23, 2016 4:09 PM
To: Barrett, Devlin
Subject: RE: Was just told by my bosses

FBI Statement:

"When Jill McCabe first considered running for the state Senate seat, ADIC McCabe consulted with top FBI headquarters and field office ethics officers for guidance, including briefings on the Hatch Act, to prevent against any actual or potential conflict-of-interest, in the event she decided to go forward. When she chose to run, ADIC McCabe and FBI lawyers implemented a system of recusal from all FBI investigative matters involving Virginia politics, a process followed for the remainder of her campaign. During the campaign, he played no role, attended no events, and did not participate in fundraising or support of any kind. Months after the completion of her campaign, then-Associate Deputy Director McCabe was promoted to Deputy, where, in that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton's emails."

EMAIL MESSAGES
IN ADVANCE
OF 10/24/2016
ARTICLE

From: Barrett, Devlin [devlin.barrett@wsj.com]
Sent: Sunday, October 23, 2016 3:35 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: Re: Was just told by my bosses

Thanks

On Sunday, October 23, 2016, Kortan, Michael P. (DO) (FBI)
<Michael.Kortan@ic.fbi.gov<mailto:Michael.Kortan@ic.fbi.gov>> wrote:
It was decided there was no conflict, presumably for those— and other reasons

From: Barrett, Devlin [devlin.barrett@wsj.com]
Sent: Sunday, October 23, 2016 3:31 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: Re: Was just told by my bosses

Am I right in thinking that because Andy took the dd job after the election and because the donations were from McAuliffe not Clinton that the FBI's view is there was no conflict or ethics issue?

On Sunday, October 23, 2016, Kortan, Michael P. (DO) (FBI)
<Michael.Kortan@ic.fbi.gov<mailto:Michael.Kortan@ic.fbi.gov>> wrote:
call me when you're ready

From: Barrett, Devlin [devlin.barrett@wsj.com]
Sent: Sunday, October 23, 2016 1:02 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: Was just told by my bosses

They plan to post the story "later this afternoon" so is there anything you can tell me?

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NSICG

b6 -1
b7C -1



Kortan, Michael P. (DO) (FBI)

EXHIBIT

KORTAN

3

From: Kortan, Michael P. (DO) (FBI)
Sent: Monday, October 24, 2016 12:26 PM
To: Barrett, Devlin
Subject: RE: Happy Monday

Call me...thanks.

From: Barrett, Devlin [mailto:devlin.barrett@wsj.com]
Sent: Monday, October 24, 2016 11:58 AM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>
Subject: Happy Monday

Hi Mike,

So any comments/complaints/denunciations on the story? You're always welcome to tell me where I'm off-base or terrible. I don't really mind. Reporters are thin-skinned generally but frankly nothing you say could be as bad as being embraced on twitter by anti-semites.

Also, a followup:

I'm told that McCabe has, at times, supervised the McAuliffe and Clinton Foundation probes. Specifically, I'm told that in January FBI leadership decided that the McAuliffe probe would be handled distinctly from the Foundation probe, with NY doing the Foundation and WFO doing McAuliffe - this despite there being some overlap in what is being looked at in terms of interactions with and contributions to the Foundation.

I'm also told that in the summer, McCabe himself gave some instruction as to how to proceed with the Clinton Foundation probe, given that it was the height of election season and the FBI did not want to make a lot of overt moves that could be seen as going after her or drawing public attention to the probe.

How accurate are those descriptions?

anything else I should know?

And I'm hanging at DoJ if you want to grab a bite or anything.

--
Devlin Barrett
Wall Street Journal

O [REDACTED]
C [REDACTED]
I: @devlinbarrett

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b7C -1

Message

From: McCabe, Andrew G. (DO) (FBI) [/O=FBI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AGAGMCCA]
Sent: 10/26/2016 12:45:57 AM
To: Kortan, Michael P. (DO) (FBI) [/o=FBI/ou=First Administrative Group/cn=Recipients/cn=AGMPKORT]
Subject: RE: Wsj

Thanks

----- Original message -----

From: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Date: 10/25/16 7:48 PM (GMT-05:00)
To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Subject: RE: Wsj
Not tonight or tomorrow's paper. Will have better idea tomorrow.

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/25/16 7:42 PM (GMT-05:00)
To: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: Wsj
Any news on the next article? Do we think anything else will break tomorrow?

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b7C -1



E2017001-0000466451-1

Kortan, Michael P. (DO) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Wednesday, October 26, 2016 2:47 PM
To: Carr, Peter (OPA) **DOJ**
Subject: RE: WSJ story re FBI Deputy Director Andrew McCabe - for TODAY

EXHIBIT
KORTAN
5

Thanks Peter:

From: Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]
Sent: Wednesday, October 26, 2016 12:02 PM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>; Quinn, Richard P. (DO) (FBI) [REDACTED]
Subject: WSJ story re FBI Deputy Director Andrew McCabe - for TODAY

b7E -4

Hi guys,

I just spoke with Devlin Barrett at the WSJ, and he is writing a story that is expected to go online around 3pm today expanding on the story he filed earlier in the week regarding political campaign contributions from a political organization of Gov. Terry McAuliffe to the wife of FBI Deputy Director Andrew McCabe (see below.)

This story will look at recent investigations that McCabe has allegedly played a role - investigations into the Clinton Foundation and allegations of corruption by Gov. McAuliffe - and whether it was appropriate for him to participate given the contributions. The question to DOJ is whether he or the FBI informed anyone at DOJ about the campaign contributions, and if so, what guidance we provided as to whether his role was appropriate.

[Note that Devlin is going to say McCabe participated in making the decision to table investigations into the Clinton Foundation back in August because of election-year sensitivities. He will walk through DOJ's policy and highlight the Arpaio criminal contempt case that is going forward despite an upcoming election as an example of how some cases are brought and considered in line with the AG's memo on how to handle election-related matters prior to an election.

[My folks asked me to check with FBI on what information you are providing regarding McCabe's situation - what he said and when, what guidance was given to him, etc. I'm at [REDACTED]

b6 Per OIP

Thx,
Peter

Clinton Ally Aided Campaign of FBI Official's Wife

By
DEVLIN BARRETT
Updated Oct. 24, 2016 4:41 p.m. ET

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b6 -1
b7C -1

Kortan, Michael P. (DO) (FBI)

From: Carr, Peter (OPA) <Peter.Carr@usdoj.gov> on behalf of Carr, Peter (OPA)
Sent: Thursday, October 27, 2016 9:36 AM
To: Kortan, Michael P. (DO) (FBI)
Subject: FW: morning

FYI

From: Barrett, Devlin [mailto:devlin.barrett@wsj.com]
Sent: Thursday, October 27, 2016 9:10 AM
To: Carr, Peter (OPA) <pcarr@md.usdoj.gov>
Subject: morning

Hi,

I know you've got a lot going on this morning but wanted to flag something.

I'm not sure who from our shop will be covering the 11 o'clock but it won't be me, I have to be somewhere else.

Second, I'm doing a follow up story about the Clinton/McCabe/FBI issue, and I want to flag that I was specifically told the FBI did not tell DOJ about the potential ethics issue involving McCabe's wife getting \$467,500 from McAuliffe's pac.

if you think I'm misinformed, or if there's anything I should know about it, please holler.

Thanks

--
Devlin Barrett
Wall Street Journal
o [REDACTED]
c [REDACTED]
t: @devlinbarrett

b6 -3
b7C -3

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DATE 08-14-2018 BY [REDACTED]

NSICG b6 -1
b7C -1



Message

From: Kortan, Michael P. (DO) (FBI) [/O=FBI/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=AGMPKORT]
Sent: 10/27/2016 3:05:04 PM
To: McCabe, Andrew G. (DO) (FBI) [/o=FBI/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=AGAGMCCA]
Subject: FW: Irresponsible Journalism

FYI below. And, I'll be talking to WSJ reporter again later this am. M.

From: John Giacalone [mailto: [REDACTED]]
Sent: Thursday, October 27, 2016 7:41 AM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>
Subject: Irresponsible Journalism

b6 -3
b7C -3

Mike – This keeps getting cut and pasted from that BS Pundit article. I don't know the "Judge" and I have never spoken with this guy. Feel free to tell whoever asks, "I love the FBI as much today as I did in my 25 years with the organization. I'm proud of the work the investigative work the Email team conducted under my leadership. They were truly the best of the best!" Hope you are hanging in there. If I can help with anything do not hesitate to ask - John

Opinion: Judge Napolitano: What happened to the FBI? It's been corrupted by Obama and his team
Fox News

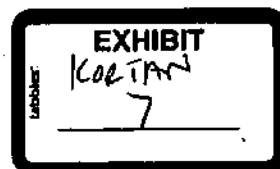
When FBI Director James Comey announced on July 5 that the Department of Justice would not seek the indictment of Hillary Clinton for failure to safeguard state secrets related to her email use while she was secretary of state, he both jumped the gun and set in motion a series of events that surely he did not intend. [Read the full story](#)

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NSICG b6 -1
b7C -1

John Giacalone

Vice President of Global Safety and Security



E2017001-0000449798-1

Page, Lisa C. (OGC) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Thursday, October 27, 2016 9:21 AM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE: My whereabouts

OK thanks. Will get a better sense in a while. Prob later morning, midday.

From: Page, Lisa C. (OGC) (FBI)
Sent: Thursday, October 27, 2016 9:20 AM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>
Subject: My whereabouts

I have a mtg with the D at 10 and with Jason Herring at 10:30, in case you're looking for me. Thanks.

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DATE 08-14-2018 BY [REDACTED] NSIOG b6 -1
b7C -1



Page, Lisa C. (OGC) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Thursday, October 27, 2016 10:50 AM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE: My whereabouts

He's good around 11:45 or so, if that works. We can do it here. Thanks. M

From: Page, Lisa C. (OGC) (FBI)
Sent: Thursday, October 27, 2016 9:20 AM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>
Subject: My whereabouts

I have a mtg with the D at 10 and with Jason Herring at 10:30, in case you're looking for me. Thanks.

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DATE 08-14-2018 BY [REDACTED]

NSICG b6 -1
b7C -1

Page, Lisa C. (OGC) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Friday, October 28, 2016 12:10 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE: Lunch

He's ready when we are.

From: Page, Lisa C. (OGC) (FBI)
Sent: Friday, October 28, 2016 11:53 AM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>
Subject: RE: Lunch

Okay, I can head back if need be. Just let me know.

----- Original message -----

From: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Date: 10/28/2016 11:51 AM (GMT-05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED] b6 -1
Subject: RE: Lunch b7C -1
b7E -4

OK. He just checked in. Let me see where he is on everything.

From: Page, Lisa C. (OGC) (FBI)
Sent: Friday, October 28, 2016 11:41 AM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>
Subject: Lunch

Hey I went to out to lunch. I can be back in about 15 if you need me.

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NSICG b6 -1
b7C -1

Appointment

From: Page, Lisa C. (OGC) (FBI) [/O=FBI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AGLCPAGE]
Sent: 10/27/2016 2:52:03 PM
To: Page, Lisa C. (OGC) (FBI) [/o=FBI/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aglcpage]
Subject: Call with Devin Barrett
Location: Kortan's office
Start: 10/27/2016 3:45:00 PM
End: 10/27/2016 4:15:00 PM
Show Time As: Busy

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DATE 08-14-2018 BY [REDACTED] NSICC b6 -1
b7C -1



E2017001-0000538478-1

Kortan, Michael P. (DO) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Thursday, October 27, 2016 4:43 PM
To: Barrett, Devlin
Subject: RE: hiya, any word?

Ok momentarily

From: Barrett, Devlin [mailto:devlin.barrett@wsj.com]
Sent: Thursday, October 27, 2016 4:43 PM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>
Subject: Re: hiya, any word?

Either # is fine it's forwarded

On Thursday, October 27, 2016, Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov> wrote:
At desk?

----- Original message -----

From: "Barrett, Devlin" <devlin.barrett@wsj.com>
Date: 10/27/16 4:39 PM (GMT-05:00)
To: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: Re: hiya, any word?

Sure

On Thursday, October 27, 2016, Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov> wrote:
10 minutes ok?

----- Original message -----

From: "Barrett, Devlin" <devlin.barrett@wsj.com>
Date: 10/27/16 3:59 PM (GMT-05:00)
To: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: hiya, any word?

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DATE 08-14-2018 BY [REDACTED] NSICG

b6 -1
b7C -1



b6 -1
b7C -1
b7E -4

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
146	2016-10-27 21:30:44, Thu		INBOX		b6 -1 b7C -1 b7E -4	I'm 20 feet from you and this feels unnatural.
147	2016-10-27 21:31:09, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		I just walked in on Jim to force the issue. Me: "I'm not recused, but I'm not sitting in on this meeting."
148	2016-10-27 21:31:17, Thu		OUTBOX	b6 -1		I find that hard to believe. You don't go chill.
149	2016-10-27 21:31:19, Thu		OUTBOX	b7C -1 b7E -4		He told me to just go chill out for a while, so that's what I'm doing.
150	2016-10-27 21:31:23, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		He told me to just go chill out for a while, so that's what I'm doing.
151	2016-10-27 21:32:06, Thu		INBOX		b6 -1	Ha. This is true.
152	2016-10-27 21:33:01, Thu		INBOX		b7C -1 b7E -4	That's good advice. I'll buy you a drink later...
153	2016-10-27 21:59:28, Thu		INBOX		b6 -1 b7C -1 b7E -4	I'm not welcome at that meeting, while they discuss whether or not I should be recused. Even though technically only I have the power to recuse myself.
154	2016-10-27 16:06:39, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		Are you in with wsj now?

21 of 31

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-14-2018 BY [REDACTED]

NSICG b6 -1
b7C -1

EXHIBIT
KOLTAN
11

FBI 18-cv-01766-2299

b6 -1
b7C -1
b7E -4

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
155	2016-10-27 16:16:26, Thu		INBOX		b6 -1 b7C -1 b7E -4	I'm gonna eat in your office if that's ok...
156	2016-10-27 16:19:42, Thu		INBOX		b6 -1 b7C -1 b7E -4	Going there now. I will call you immediately after re-call with devlin. Think I have Jim back in the box. Will call you as soon as devlin is done.
157	2016-10-27 16:21:37, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		fine.
158	2016-10-27 16:21:41, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		In with Kortan now.
159	2016-10-27 16:24:56, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		Spoke to D
160	2016-10-27 16:25:15, Thu		INBOX		b6 -1 b7C -1 b7E -4	Just spoke with JB...he relayed your convo...
161	2016-10-27 16:27:12, Thu		INBOX		b6 -1 b7C -1 b7E -4	K. Will call when I am done.
162	2016-10-27 16:33:42, Thu		INBOX		b6 -1 b7C -1 b7E -4	D is going to call Andy, we should talk before then. Have you talked with Andy, particularly w/r/t what JB subsequently told me?
163	2016-10-27 16:36:11, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		He already did.

b6 -1
b7C -1
b7E -4

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
164	2016-10-27 16:38:06, Thu		INBOX		b6 -1 b7C -1 b7E -4	JB told me there was no requirement to recuse you, that is was optics, we went round and round playing that out.
165	2016-10-27 20:32:12, Thu		INBOX		b6 -1 b7C -1 b7E -4	Of course wanted to stay but couldn't, obviously. Let me know if you want me to come back
166	2016-10-27 20:36:55, Thu		INBOX		b6 -1 b7C -1 b7E -4	Call cell when you can.
167	2016-10-27 20:37:02, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		Nope, just went to kortan.
168	2016-10-27 20:38:14, Thu		INBOX		b6 -1 b7C -1 b7E -4	K. There's stuff from discussion today we haven't covered but you have the big stuff. Will think and write down anything else
169	2016-10-27 21:08:18, Thu		INBOX		b6 -1 b7C -1 b7E -4	God I am aggravated. Call me...now have a 530 re-group.
170	2016-10-27 21:08:58, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		On with Devlin still.
171	2016-10-27 21:09:48, Thu		INBOX		b6 -1 b7C -1 b7E -4	Hope it's going well... b6 -1 b7C -1
172	2016-10-27 21:15:34, Thu		INBOX		b6 -1 b7C -1 b7E -4	Look you told me, and I told [redacted] but he's an idiot. Btw, way to leave work at 4:59.

b6 -1
b7C -1
b7E -4

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
173	2016-10-27 21:21:08, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		I'm done:
174	2016-10-27 21:23:02, Thu		INBOX		b6 -1 b7C -1 b7E -4	We're done. He's going to look at his story again and we'll circle back with him in the morning.
175	2016-10-27 21:23:04, Thu		OUTBOX			An expletive comes to mind. We are moving to [redacted] so it is chaos here. I don't need to explain myself. Lol.
176	2016-10-27 21:23:21, Thu		OUTBOX	b6 -1 b7C -1 b7E -4		I'm sure you are on your way home!
177	2016-10-27 21:29:16, Thu		INBOX		b6 -1 b7C -1 b7E -4	I just walked in on Jim to force the issue. Me: "I'm not recused, but I'm not sitting in on this meeting."
178	2016-10-27 21:29:40, Thu		INBOX		b6 -1	He told me to just go chill out for a while, so that's what I'm doing.
179	2016-10-27 21:30:44, Thu		INBOX		b7C -1 b7E -4	I'm 20 feet from you and this feels unnatural.
180	2016-10-28 16:27:12, Fri		INBOX		b6 -1 b7C -1 b7E -4	Drunk crazy Uncle Ed lives to see a other day... ;)
181	2016-10-28 17:18:08, Fri		INBOX		b6 -1 b7C -1 b7E -4	Just stopped by. Lemme know when you're back. Have a 2...

b6 -1
b7C -1

b6 -1
b7C -1
b7E -4

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
182	2016-10-28 17:19:06, Fri		OUTBOX	b6 -1 b7C -1 b7E -4		Still on with devlin. Mike's phone is ON FIRE.
183	2016-10-28 17:19:38, Fri		INBOX		b6 -1 b7C -1 b7E -4	It's on news
184	2016-10-28 17:20:00, Fri		OUTBOX	b6 -1 b7C -1 b7E -4		Great.
185	2016-10-28 17:26:32, Fri		OUTBOX	b6 -1 b7C -1 b7E -4		Great.
186	2016-10-28 17:26:34, Fri		INBOX		b6 -1 b7C -1 b7E -4	You need to finish up and come watch the teevees with me.
187	2016-10-28 17:27:18, Fri		OUTBOX	b6 -1 b7C -1 b7E -4		I know. I will.
188	2016-10-28 17:29:58, Fri		INBOX		b6 -1 b7C -1 b7E -4	You may wanna tell Devlin he should turn on CNN, there's news going on.
189	2016-10-28 17:30:13, Fri		INBOX		b6 -1 b7C -1 b7E -4	Sorry ;)
190	2016-10-28 17:30:17, Fri		OUTBOX	b6 -1 b7C -1 b7E -4		He knows. He just got handed a note.

b6 -1
b7C -1
b7E -4

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
191	2016-10-28 17:33:46, Fri		INBOX		b6 -1	Just got off with barrett. Give me a call here.
192	2016-10-28 17:33:54, Fri		INBOX		b7C -1 b7E -4	Ha. He asking about it now?
193	2016-10-28 17:34:44, Fri		OUTBOX	b6 -1 b7C -1 b7E -4		Yeah. It was pretty funny. Coming now.
194	2016-10-28 17:35:11, Fri		INBOX		b6 -1 b7C -1 b7E -4	K. Door is closed, just walk in
195	2016-10-28 19:14:40, Fri		INBOX		b6 -1 b7C -1 b7E -4	Hi
196	2016-10-28 19:24:48, Fri		INBOX		b6 -1 b7C -1 b7E -4	News picked up Weiner source
197	2016-10-28 19:39:34, Fri		INBOX		b6 -1 b7C -1 b7E -4	Hi
198	2016-10-28 19:39:49, Fri		INBOX		b6 -1 b7C -1 b7E -4	Where'd you go?
199	2016-10-28 19:53:24, Fri		OUTBOX	b6 -1 b7C -1 b7E -4		Will be in my ofc in 2.

b6 -1
b7C -1
b7E -4

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body	
201	2016-10-28 19:57:21, Fri		INBOX		b6 -1 b7C -1 b7E -4	K. Have to see Kortan, will stop by on the way	X
202	2016-10-28 20:24:35, Fri		OUTBOX			On my way.	
203	2016-10-28 20:25:24, Fri		INBOX		b6 -1 b7C -1 b7E -4	I'm in the courtyard	
204	2016-10-28 20:59:38, Fri		INBOX			Out with [redacted] Trisha Baker Pete. Do wish you were here. It's going to be a loooooooooong road.	b6 -1 b7C -1
205	2016-10-30 13:45:23, Sun		INBOX		b6 -1 b7C -1 b7E -4	Fine, warrant is to SDNY, waiting to hear on signing time and if it will need to be in person.	
206	2016-10-30 13:47:05, Sun		OUTBOX	b6 -1 b7C -1 b7E -4		Roger. If it's in person, does someone from NYO appear or does Rick go up?	
207	2016-10-30 13:48:50, Sun		INBOX		b6 -1 b7C -1 b7E -4	Rick goes up. Guys going up anyway to get a copy of the media (at least that was last plan I discussed)	
208	2016-10-30 13:50:05, Sun		OUTBOX	b6 -1 b7C -1 b7E -4		That probably makes sense. We still going to try to look at the stuff here in DC today though? I'm good to go this afternoon once the marathon is over	

b6 -1
b7C -1
b7E -4

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
209	2016-10-30 13:50:53, Sun		INBOX		b6 -1 b7C -1 b7E -4	This is all Matt in Justice officials warned FBI that Comey 2019s decision to update Congress was not consistent with department policy The Washington Post\https://www.washingtonpost.co m/world/national-security/justice- officials-warned-fbi-that-comeys- decision-to-update-congress-was-not- consistent-with-department- policy/2016/10/29/cb179254-9de7- 11e6-b3c9- f662adaa0048_story.html?hpid=hp_h p-top-table-main_campaignprint- 810pm%3Ahomepage%2Fstory
210	2016-10-30 13:55:28, Sun		INBOX		b6 -1 b7C -1 b7E -4	Yep. I want to go as soon as we can so as to have some info before the conference call. Obviously not before it's signed, though.
211	2016-10-30 13:56:06, Sun		OUTBOX	b6 -1 b7C -1 b7E -4		Yeah, I saw it. Makes me feel WAY less bad about throwing him under the bus in the forthcoming CE article.

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
						During a \u201cvigorous discussion\u201d at the FBI among about 10 officials, lawyers and staffers, different options were discussed, said one official with knowledge of the discussion. In the end, Comey felt that the Justice Department guidance about elections did not pertain to this \u201cextraordinary situation,\u201d the official said. \n\nJustice officials warned FBI that Comey\u2019s decision to update Congress was not consistent with department policy - The Washington Post\nhttps://www.washingtonpost.com/world/national-security/justice-officials-warned-fbi-that-comeys-decision-to-update-congress-was-not-consistent-with-department-policy/2016/10/29/cb179254-9de7-11e6-b3c9-f662adaa0048_story.html
212	2016-10-30 13:56:17, Sun	b6 -1 b7C -1 b7E -4	INBOX		b6 -1	
213	2016-10-30 13:57:24, Sun		INBOX		b7C -1 b7E -4	Yep the whole tone is anti Bu. Just a tiny bit from us. And serves him right. He's gonna be pissed...
214	2016-10-30 13:58:35, Sun		OUTBOX	b6 -1		Super
215	2016-10-30 13:59:08, Sun		OUTBOX	b7C -1 b7E -4		I think the marathon ends around noon. There is literally no way in from VA right now.

b6 -1
b7C -1
b7E -4

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
216	2016-10-30 15:09:34, Sun		OUTBOX	b6 -1 b7C -1 b7E -4		I'm so tired. And we left so late. We're going to be here all day...
217	2016-11-01 01:40:53, Tue		INBOX		b6 -1 b7C -1 b7E -4	Christ. A LOT of articles tonight. MJ published, lots about MYE, and an allegation about a PI on Manafort.
218	2016-11-01 01:46:00, Tue		OUTBOX	b6 -1 b7C -1 b7E -4		MJ? Kelly File was really rough on me.
219	2016-11-01 01:46:51, Tue		INBOX			Mother Jones. Re western intel source reporting on trump.
220	2016-11-01 01:46:55, Tue		INBOX		b6 -1 b7C -1 b7E -4	I didn't watch.
221	2016-11-01 01:47:49, Tue		INBOX			It's the first you've really come up since last sunday. I thought Devlin's piece was pretty benign.

Text Messages- Page Interview

	Date UTC	Internal Phone Number	Type of Message	From	To	Body
		b6 -1 b7C -1 b7E -4			b6 -1 b7C -1 b7E -4	
222	2016-11-01 01:59:31, Tue		INBOX			And the alphabank story is in slate.
223	2016-11-01 02:06:43, Tue		OUTBOX	b6 -1 b7C -1 b7E -4		Awesome.

To: Kortan, Michael P. (DO) (FBI) [Michael.Kortan@ic.fbi.gov]
From: McCabe, Andrew G. (DO) (FBI)
Sent: Sun 10/30/2016 10:11:29 PM
Importance: Normal
Subject: Wsj
Received: Sun 10/30/2016 10:11:29 PM

Call me

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HEREIN IS UNCLASSIFIED

DATE 08-14-2018 BY [REDACTED] NSICG

b6 -1

b7C -1



From: Page, Lisa C. (OGC) (FBI)
Sent: Sunday, October 30, 2016 3:05 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: RE: WSJ update

Could you include me on whatever you come up with?

----- Original message -----

From: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Date: 10/30/2016 2:19 PM (GMT-05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED] b6 -1
Subject: WSJ update b7C -1
b7E -4

From: Barrett, Devlin [devlin.barrett@wsj.com]
Sent: Sunday, October 30, 2016 1:54 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: story is filed to my NY editors

a couple things in it I want to flag:

I'm doing a story which should post this afternoon that will say the agents found 650,000 emails on the laptop, and of those, according to the metadata, there are thousands of "potential hits" suggesting emails going to or from the Clinton email server (doesn't mean to her specifically necessarily, but to email addresses on that server). Investigators are starting to scour through the messages now to figure out what they are and how relevant they may be to the email probe.

part of the reason this came up now is because headquarters was notified in early October that there was an issue of Luna work emails on the laptop. then earlier this week at a meeting Toscas asked what was happening with that laptop, and that's when officials realized they did not need to wait for DoJ approval to go get that warrant, so McCabe had the email investigators and the Weiner investigators talk to each other to see what they had.

after that discussion the email guys felt there was definitely something to pursue there, and the director was briefed, setting in motion what we saw on Friday.

The story will then go into a long discussion of the internal conversations that have been going on around have more color from the Aug 12 McCabe-Axelrod call, tho at present I'm disinclined to name Axelrod.

The top end of the story will focus on the Weiner laptop and developments there, then it will get into the various issues surrounding the Foundation probe, including the request that McCabe rejected in February for Foundation investigators to get access to the devices searched as part of the email case. McCabe, I'm told, told them they could not try to do an end run around EDNY by taking the request to SDNY.

I think those are the main things I wanted to flag. I'm on my cell.

Dev

Devlin Barrett
Wall Street Journal
[REDACTED]
[REDACTED]
[REDACTED]

b6 -3
b7C -3

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NSICG b6 -1
b7C -1



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0000049874

FBI-DOJ-OIG-UNET-ELEC-0000049874-1

FBI 18-cv-01766-2311

From: Page, Lisa C. (OGC) (FBI)
Sent: Sunday, October 30, 2016 12:16 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: RE: WSJ update

And hell, he might as well name Axelrod, he's been completely screwing us lately.

----- Original message -----

From: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Date: 10/30/2016 2:19 PM (GMT-05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED] b6 -1
Subject: WSJ update b7C -

b6 -1
b7C -1
b7E -4

From: Barrett, Devlin [devlin.barrett@wsj.com]
Sent: Sunday, October 30, 2016 1:54 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: story is filed to my NY editors

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I think those are the main things I wanted to flag. I'm on my cell.

Dev

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DATE 08-14-2018 BY

NSICG b6 -1
b7C -1

Devlin Barrett
Wall Street Journal

1: @devlinbarrett

b6 -3
b7C -3

EXHIBIT
KORTAN
14

0:7.453.316369

FBI-DOJ-OIG-UNET-ELEC-
0000049876

FBI-DOJ-OIG-UNET-ELEC-0000049876-1

~~FBI 18-cv-01766-2312~~

From: Kortan, Michael P. (DO) (FBI)
Sent: Sunday, October 30, 2016 12:53 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: WSJ

FBI in Internal Feud Over Hillary Clinton Probe Laptop may contain thousands of messages sent to or from private server [Democratic presidential nominee Hillary Clinton greets a crowd in Pompano Beach, Fla., on Sunday.]ENLARGE Democratic presidential nominee Hillary Clinton greets a crowd in Pompano Beach, Fla., on Sunday. PHOTO: JEWEL SAMAD/AGENCE FRANCE-PRESSE/GETTY IMAGES By DEVLIN BARRETT Updated Oct. 30, 2016 3:34 p.m. ET 103 COMMENTS<<http://www.wsj.com/articles/laptop-may-include-thousands-of-emails-linked-to-hillary-clintons-private-server-1477854957#livefyre-comment>>

Federal agents are preparing to scour roughly 650,000 emails contained on the laptop of former Rep. Anthony Weiner<<http://www.wsj.com/articles/fbi-is-reviewing-new-evidence-in-hillary-clinton-s-email-server-case-1477675549>> to see how many relate to a prior probe of Hillary Clinton<<http://www.wsj.com/news/author/6344>>'s email use, as metadata on the device suggests there may be thousands sent to or from the private server that the Democratic nominee used while she was secretary of state, according to people familiar with the matter.

The review will take weeks at a minimum to determine whether those messages are work-related emails between Huma Abedin, a close Clinton aide and the estranged wife of Mr. Weiner, and State Department officials; how many are duplicates of emails already reviewed by the Federal Bureau of Investigation; and whether they include either classified information or important new evidence in the Clinton email probe, which FBI officials call "Mldyear."

The FBI has had to await a court order to begin reviewing the emails, because they were uncovered in an unrelated probe of Mr. Weiner<<http://www.wsj.com/articles/anthony-weiner-investigated-after-reports-of-texts-with-teenager-1474594415>>, and that order was delayed for reasons that remain unclear.

READ MORE

- Campaigns Scramble to Shape Race's Final Days Amid Surprise FBI Email Probe<<http://www.wsj.com/articles/clinton-trump-campaigns-turn-up-heat-to-shape-final-days-1477841003>>
- Hillary Clinton's Campaign Hits Back at FBI Chief James Comey<<http://www.wsj.com/articles/hillary-clinton-campaign-criticizes-fbi-chief-james-comey-1477760553>>
- FBI Is Reviewing Newly Discovered Emails<<http://www.wsj.com/articles/fbi-is-reviewing-new-evidence-in-hillary-clinton-s-email-server-case-1477675549>>
- Email News Energizes Donald Trump and His Supporters<<http://blogs.wsj.com/washwire/2016/10/28/fbis-email-news-energizes-donald-trump-and-his-supporters/>>
- Trump Stands to Benefit From High Number of Republican-Leaning Undecided Voters<<http://www.wsj.com/articles/trump-stands-to-benefit-from-high-number-of-republican-leaning-undecided-voters-1477832402>>
- Anthony Weiner's Problems Threaten to Disrupt Clinton Campaign<<http://www.wsj.com/articles/anthony-weiners-problems-threaten-to-disrupt-clinton-campaign-1477701938?tesla=y>>
- Read the Letter to Congress<<http://online.wsj.com/public/resources/documents/Blinder2.pdf>>

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FBI-DOJ-OIG-UNET-ELEC-
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FBI-18-cv-01766-2313

Meanwhile, FBI Director James Comey's surprise disclosure Friday, less than two weeks before the election, that investigators were pursuing the potential new evidence lays bare tensions that have built for months inside the bureau and the Justice Department over how to investigate someone who could soon be elected president.

The continuing work means that if Mrs. Clinton wins the White House, she will likely do so amid at least one ongoing investigation into her inner circle being handled by law-enforcement officials who are deeply divided over how to manage such cases.

The latest development began in early October when New York-based FBI officials notified Andrew McCabe, the bureau's second-in-command, that while investigating Mr. Weiner for possibly sending sexually charged messages to a minor, they had recovered a laptop with 650,000 emails. Many, they said, were from the accounts of Ms. Abedin, according to people familiar with the matter.

Those emails stretched back years, these people said, and were on a laptop that both Mr. Weiner and Ms. Abedin used and that hadn't previously come up in the Clinton email probe. Ms. Abedin said in late August that the couple were separating.

The FBI had searched the computer while looking for child pornography, people familiar with the matter said, but the warrant they used didn't give them authority to search for matters related to Mrs. Clinton's email arrangement at the State Department. Mr. Weiner has denied sending explicit or indecent messages to the teenager.

In their initial review of the laptop, the metadata showed many messages, apparently in the thousands, that were either sent to or from the private email server at Mrs. Clinton's home that had been the focus of so much investigative effort for the FBI. Senior FBI officials decided to let the Weiner investigators proceed with a closer examination of the metadata on the computer, and report back to them.

At a meeting early last week of senior Justice Department and FBI officials, a member of the department's senior national-security staff asked for an update on the Weiner laptop, the people familiar with the matter said. At that point, officials realized that no one had acted to obtain a warrant, these people said.

[New York mayoral candidate Anthony Weiner and his wife Huma Abedin attended a news conference in New York in 2013. Mr. Weiner had attempted to revive his career with a bid for New York City mayor, but that effort was doomed after a website published photos that he had evidently sent to another woman.]ENLARGE New York mayoral candidate Anthony Weiner and his wife Huma Abedin attended a news conference in New York in 2013. Mr. Weiner had attempted to revive his career with a bid for New York City mayor, but that effort was doomed after a website published photos that he had evidently sent to another woman. PHOTO: ERIC THAYER/REUTERS

Mr. McCabe then instructed the email investigators to talk to the Weiner investigators and see whether the laptop's contents could be relevant to the Clinton email probe, these people said. After the investigators spoke, the agents agreed it was potentially relevant.

Mr. Comey was given an update, decided to go forward with the case and notified Congress <http://online.wsj.com/public/resources/documents/Binder2.pdf> on Friday, with explosive results. Senior Justice Department officials had warned Mr. Comey that telling Congress would violate well-established policies against overt actions that could affect an election, and some within the FBI have been unhappy at Mr. Comey's repeated public statements on the probe, going back to his first press conference on the subject in July.

The back-and-forth reflects how the bureau is probing several matters related, directly or indirectly, to Mrs. Clinton and her inner circle.

The split within the Justice Department and FBI over Clinton-related matters has been particularly apparent in the bureau's investigation of the Clinton Foundation, the Clintons' family philanthropy. As the email investigation wound

down in July, the internal disagreements surrounding the foundation probe heated up, according to people familiar with the matter.

New details show that senior law-enforcement officials repeatedly voiced skepticism of the strength of the evidence in that probe, sought to condense what was at times a sprawling cross-country effort, and, according to some people familiar with the matter, told agents to limit their pursuit of the case.

That led to frustrations among some investigators, who viewed FBI leadership as uninterested in probing the charity, these people said. Others involved disagreed sharply, defending FBI bosses and saying Mr. McCabe in particular was caught between an increasingly acrimonious fight for control between the Justice Department and FBI agents pursuing the Clinton Foundation case.

Such internal tensions are common, and it isn't unusual for field agents to favor a more aggressive approach than supervisors and prosecutors think is merited. But the internal debates about the Clinton Foundation show the high stakes when such disagreements occur surrounding someone who is running for president.

[Director James Comey testified before the House Judiciary Committee in September on a variety of subjects including the investigation into former U.S. Secretary of State Hillary Clinton's email server. JENLARGE Director James Comey testified before the House Judiciary Committee in September on a variety of subjects including the investigation into former U.S. Secretary of State Hillary Clinton's email server. PHOTO: WIN MCNAMEE/GETTY IMAGES]

The Wall Street Journal reported last week <<http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>> that Mr. McCabe's wife, Jill McCabe, received \$467,500 in campaign funds in late 2015 from the political action committee of Virginia Gov. Terry McAuliffe, a longtime ally of the Clintons and, until he was elected governor in November 2013, a Clinton Foundation board member.

Mr. McAuliffe had supported Dr. McCabe in the hopes she and a handful of other Democrats might help win a majority in the state Senate, giving Mr. McAuliffe more sway in the state capitol. Dr. McCabe lost her race last November, and Democrats failed to win their majority.

A spokesman for the governor has said that "any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Dr. McCabe told the Journal, "Once I decided to run, my husband had no formal role in my campaign other than to be a supportive husband to me and our children."

In February of this year, Mr. McCabe ascended from the No. 3 position at the FBI to the deputy director post, making him second only to Mr. Comey. When he assumed that role, officials say, he started overseeing the probe into Mrs. Clinton's use of a private email server for government work when she was secretary of state.

FBI officials have said Mr. McCabe had no role in the Clinton email probe until he became deputy director, and there was no conflict of interest because by then his wife's campaign was over.

But other Clinton-related investigations were under way within the FBI, and they have been the subject of internal debate for months, according to people familiar with the matter.

Early this year, four FBI field offices—New York, Los Angeles, Washington and Little Rock, Ark.—were collecting information about the Clinton Foundation to see if there was evidence of financial crimes or influence-peddling, according to people familiar with the matter.

Los Angeles agents had picked up information about the Clinton Foundation from an unrelated public corruption case and had issued some subpoenas for bank records related to the foundation, these people said.

The Washington field office was probing financial relationships involving Mr. McAuliffe before he became a Clinton Foundation board member, these people said. Mr. McAuliffe has denied any wrongdoing, and his lawyer has said the probe is focused on whether he failed to register as an agent of a foreign entity.

Clinton Foundation officials have long denied any wrongdoing, saying it is a well-run charity that has done immense good around the world.

The FBI field office in New York had done the most work on the Clinton Foundation case and received help from the FBI field office in Little Rock, the people familiar with the matter said.

In February, FBI officials made a presentation to the Justice Department, according to these people. By all accounts, the meeting didn't go well.

Some said that is because the FBI didn't present compelling evidence to justify more aggressive pursuit of the Clinton Foundation, and that the career public integrity prosecutors in the room simply believed it wasn't a very strong case. Others said that from the start, the Justice Department officials were stern, icy and dismissive of the case.

"That was one of the weirdest meetings I've ever been to," one participant told others afterward, according to people familiar with the matter.

Justice Department officials told the FBI at the meeting they wouldn't authorize more aggressive investigative techniques, such as subpoenas, formal witness interviews, or grand-jury activity. But the FBI officials believed they were still well within their authority to pursue the leads and methods already under way, these people said.

In July, Mr. Comey announced he was recommending against any prosecution in the Clinton email case. About a week later, the FBI sought to refocus the Clinton Foundation probe, with Mr. McCabe deciding the FBI's New York office would take the lead with assistance from Little Rock.

The Washington field office, FBI officials decided, would focus on a separate matter involving Mr. McAuliffe. Mr. McCabe had decided earlier in the spring that he would continue to recuse himself from that probe, given the governor's contributions to his wife's former political campaign.

Within the FBI, the decision was viewed with skepticism by some, who felt the probe would be stronger if the foundation and McAuliffe matters were combined. Others, particularly senior officials at the Justice Department, felt that both probes were weak, based largely on publicly available information, and had found little that would merit expanded investigative authority.

According to a person familiar with the probes, on Aug. 12, a senior Justice Department official called Mr. McCabe to voice his displeasure at finding that New York FBI agents were still openly pursuing the Clinton Foundation probe, despite the department's refusal to allow more aggressive investigative methods in the case. Mr. McCabe said agents still had the authority to pursue the issue as long as they didn't use those methods.

The Justice Department official was "very pissed off," according to one person close to Mr. McCabe, and pressed him to explain why the FBI was still chasing a matter the department considered dead. Others said the point of the call was simply the Justice Department trying to make sure that FBI agents were following longstanding policy not to make overt investigative moves that could be seen as trying to influence the outcome of an election. Those rules discourage investigators from making any such moves before a primary or general election, and, at a minimum, checking with public integrity prosecutors before doing so.

"Are you telling me that I need to shut down a validly predicated investigation?" Mr. McCabe asked, according to people familiar with the conversation. After a pause, the official replied, "Of course not," these people said.

For Mr. McCabe's defenders, the exchange showed how he was stuck between an FBI office eager to pour more resources into a case and Justice Department leaders who didn't think much of the case, one person said. Those people said that following the call, Mr. McCabe reiterated past instructions to FBI agents that they were to keep pursuing the work within the authority they had.

Mr. McCabe's defenders in the agency said that following the call, he repeated the instruction that he had given earlier in the Clinton Foundation investigation: Agents were to keep pursuing the work within the authority they had.

Others further down the FBI chain of command, however, said agents were given a much starker instruction on the case: "Stand down." When agents questioned why they weren't allowed to take more aggressive steps, they said they were told the order had come from the deputy director—Mr. McCabe.

Others familiar with the matter deny Mr. McCabe or any other senior FBI official gave such a stand-down instruction.

For agents who already felt uneasy about FBI leadership's handling of the Clinton Foundation case, the moment only deepened their concerns, these people said. For those who felt the probe hadn't yet found significant evidence of criminal conduct, the leadership's approach was the right response to the facts on the ground.

In September, agents on the foundation case asked to see the emails contained on nongovernment laptops that had been searched as part of the Clinton email case, but that request was rejected by prosecutors at the Eastern District of New York, in Brooklyn. Those emails were given to the FBI based on grants of partial immunity and limited-use agreements, meaning agents could only use them for the purpose of investigating possible mishandling of classified information.

Some FBI agents were dissatisfied with that answer, and asked for permission to make a similar request to federal prosecutors in Manhattan, according to people familiar with the matter. Mr. McCabe, these people said, told them no and added that they could not "go prosecutor-shopping."

Not long after that discussion, FBI agents informed the bureau's leaders about the Weiner laptop, prompting Mr. Comey's disclosure to Congress and setting off the furor that promises to consume the final days of a tumultuous campaign.

Write to Devlin Barrett at devlin.barrett@wsj.com <<mailto:devlin.barrett@wsj.com>>

Devlin Barrett

Wall Street Journal

o

c

t: @devlinbarrett

b6 -3

b7C -3

1 UNITED STATES DEPARTMENT OF JUSTICE

2 OFFICE OF THE INSPECTOR GENERAL

3
4 -----X
5 IN RE:

6 INTERVIEW OF LISA PAGE
7 -----X

8 October 26, 2017

9 Washington, D.C.

10 Interview of

11 Lisa Page

12
13 By the U.S. Department of Justice, Office of the Inspector
14 General, at the Department of Justice Building, beginning
15 at 12:20 p.m. before:

16
17 FOR THE OFFICE OF THE INSPECTOR GENERAL:

18 [REDACTED] Oversight and Review Division

19 [REDACTED] Oversight and Review Division

20 [REDACTED] Oversight & Review Division

21 [REDACTED] Oversight & Review Division

22
23 FOR THE WITNESS:

24 AMY JEFRESS, Esquire
25



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b6 Per OIG
b7C Per OIG

b6 -1
b7C -1

FBI 18-cv-01766-2318

1 MS. PAGE: Yes. That's correct.

2 [REDACTED] How did he convey the scope of
3 your authorization?

b6 Per OIG
b7C Per OIG

4 MS. PAGE: That's a good question. Maybe, can
5 you clarify what you mean?

6 [REDACTED] Well, specifically, to start with,
7 I'm wondering was it written, was it oral?

b6 Per OIG
b7C Per OIG

8 MS. PAGE: Oh, oh. No, I think we would have
9 had a conversation. So I, I, I knew that the 10/23
10 article had come out. My recollection is that it was not,
11 it didn't tell us what, a complete picture of sort of --
12 or, no. I guess maybe, actually, that's probably not
13 right.

14 I actually think it's that probably following
15 that article, Barrett starts to get information with
16 respect to maybe Clinton Foundation or, which I think it's
17 after that happens that Kortan must approach, I suspect
18 Kortan approaches Andy. Mike Kortan approaches Andy
19 McCabe to say that they're making, that the reporter is
20 making this connection between McAuliffe and the Clinton
21 Foundation and had, you know. And so Andy authorizes me
22 to sort of help clarify those facts.

23 [REDACTED] Okay. So, let me just unpack a
24 couple of things. As I understood what you said, the same
25 reporter who had done the initial story on October 23rd,

b6 Per OIG
b7C Per OIG

1 of the red represents my thinking on the matter.

2 [REDACTED] And are you doing any of this
3 thinking with Mr. Kortan?

b6 Per OIG
b7C Per OIG

4 MS. PAGE: Kortan wouldn't know the substance of
5 it, so it's totally possible that I am talking him through
6 my suggested response, which would have, the salient facts
7 which rebut some of what Mr. Barrett had just said.

8 [REDACTED] Um-hmm.

b6 Per OIG
b7C Per OIG

9 MS. PAGE: Totally, I surely would have talked
10 to him in advance of our next call for Barrett. So
11 whatever happened at the time that I'm writing these
12 notes, or whatever happened later, I, I surely would have
13 talked to Kortan, so he sort of knew, hey, this is
14 generally like this is why this isn't true. This is why
15 that isn't true. And sort of got a, gave him a feel for
16 it. But I don't recall whether I'm doing it with him in
17 that moment. You know, because again, he's, these are
18 substantive responses, and, and like, it doesn't
19 substantively, you know, wouldn't substantively know any
20 of this.

21 [REDACTED] When you're in this first call
22 with the reporter, Devlin Barrett, you're with Mr. Kortan.

b6 Per OIG
b7C Per OIG

23 MS. PAGE: Correct.

24 [REDACTED] Was there anyone else in the room?

b6 Per OIG
b7C Per OIG

25 MS. PAGE: No.

1 what the purpose of it was. But since it was there, sort
2 of to be as transparent as possible, I made a copy of it.
3 So it's clearly related, but I don't remember what these
4 random dates and notations are, are referencing back to.

5 [REDACTED] Okay. Can you, and if you want to
6 look to, I'm going to segue to it soon, but if it helps
7 you to look at the second page of your notes as well. Can
8 you put us in the room in terms of how the conversation
9 went when you're providing the details regarding the
10 August 12th call between Mr. McCabe and Mr. Axelrod? How
11 does that conversation go?

12 MS. PAGE: Wait, wait. I'm sorry. You're
13 talking about my recounting back to Devlin Barrett?

14 [REDACTED]: Yes.

15 MS. PAGE: Oh, okay. Sort of as I just
16 described it to you, which is it's, it's entirely provided
17 as a rebuttal to the claim that Andy is trying to kill the
18 Clinton Foundation case because Barrett keeps coming to us
19 with this, my, you know, my guys are, my sources are
20 certain that they got the instruction to stand down. And
21 I kept responding, I, I believe in their certainty.

22 [REDACTED] Um-hmm.

23 MS. PAGE: What I'm telling you is that not only
24 did it not happen, it's inconsistent with the fight that
25 he has with Matt Axelrod about the fact that New York

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

1 agents are continuing to investigate the Clinton
2 Foundation matter in August. And so, you know, I recount
3 the, the substance of the conversation as I recall it
4 with, I'm sorry, to Devlin Barrett in an attempt to
5 demonstrate that he cannot simultaneously be trying to
6 kill the investigation while he is fighting with Axelrod
7 about allowing the New York agents to take the
8 investigative steps that they deem necessary without
9 engaging prosecutorial resources.

10 [REDACTED] And are you the only one who is
11 sharing these details regarding the conversation, the
12 August 12th call, or is Mr. Kortan also participating?

b6 Per OIG
b7C Per OIG

13 MS. PAGE: No. I mean, he, Mr. Kortan doesn't
14 have any substantive knowledge to my knowledge, so.

15 [REDACTED] So, so the quotes attributed to
16 Mr. McCabe that actually appear in the article on the last
17 page.

b6 Per OIG
b7C Per OIG

18 MS. PAGE: The highlighted stuff? Uh-huh.

19 [REDACTED] The highlighted on the Exhibit 4,
20 those would have come directly from you?

b6 Per OIG
b7C Per OIG

21 MS. PAGE: I believe so. I don't know anybody
22 else it could be, so.

23 [REDACTED] Okay.

b6 Per OIG
b7C Per OIG

24 MS. PAGE: To the best of my, I mean, I'm not
25 Devlin Barrett, but --

1 [REDACTED] And was Mr. Kortan present for the
2 entirety of both of those calls?

b6 Per OIG
b7C Per OIG

3 MS. PAGE: Yes.

4 [REDACTED] And can you tell us how long each of
5 those calls lasted? Do you remember?

b6 Per OIG
b7C Per OIG

6 MS. PAGE: I'm guessing maybe 30 minutes to 60
7 minutes. I'm sort of speculating, but an hour at the
8 most.

9 [REDACTED] Okay.

b6 Per OIG
b7C Per OIG

10 [REDACTED] So just one, two questions on the
11 notes in format, again. On --

12 MS. PAGE: God. I'm sorry.

13 [REDACTED] So, in the beginning of the
14 Exhibit 6.

b6 Per OIG
b7C Per OIG

15 MS. PAGE: Um-hmm.

16 [REDACTED] Page 1 of your notes, there's a
17 big, blank space.

b6 Per OIG
b7C Per OIG

18 MS. PAGE: Yes.

19 [REDACTED] Why is that?

b6 Per OIG
b7C Per OIG

20 MS. PAGE: That's because I have notes there
21 that are not at all relevant to the inquiry from which
22 Inspection Division asked me to produce notes.

23 [REDACTED] Okay.

b6 Per OIG
b7C Per OIG

24 MS. PAGE: So I redacted them. The way I take
25 notes is a single day has a running set of everything that

1 MS. PAGE: That's correct. But it was totally
2 common, if I was in Andy's office, and Kortan was coming
3 in to convey such-and-such is in the news. Here's an
4 article I want you to read. This news outlet just called
5 me about X topic. I would, I would be present for lots of
6 conversations like that. I had never personally engaged
7 with a reporter on background before this engagement.
8 But, simply being present in a meeting with Andy and Mike
9 Kortan was, is totally commonplace.

10 [REDACTED] Okay.

b6 Per OIG
b7C Per OIG

11 [REDACTED] Did you schedule the call with
12 Devlin Barrett?

13 MS. PAGE: No.

14 [REDACTED] That would be Mike Kortan's role?

b6 Per OIG
b7C Per OIG

15 MS. PAGE: I have no idea how to get in touch
16 with Devlin Barrett.

17 [REDACTED] Would, were you, were you and Mr.
18 Kortan equally engaged during the calls? How did that
19 flow work?

b6 Per OIG
b7C Per OIG

20 MS. PAGE: No. I was mostly engaged because it
21 was a communication of substantive information back and
22 forth. So, Mike, might interject at moments, but I would,
23 I would say that I was most engaged of the two of us.

24 [REDACTED] And going back to the article,
25 October 30th article, Exhibit 4 in your statement, the

b6 Per OIG
b7C Per OIG

1 UNITED STATES DEPARTMENT OF JUSTICE
2 OFFICE OF THE INSPECTOR GENERAL
3

4 -----X
5 IN RE:
6 INTERVIEW OF ANDREW MCCABE :
7 -----X

8 November 29, 2017

9 Washington, D.C.

10 Interview of

11 Andrew McCabe
12

13 By the U.S. Department of Justice, Office of the Inspector
14 General, at the Department of Justice Building, beginning
15 at 9:30 a.m. before:
16

17 FOR THE OFFICE OF THE INSPECTOR GENERAL:

18 [Redacted] Oversight and Review Division

19 [Redacted] Oversight & Review Division

20 [Redacted] Oversight and Review Division

21 [Redacted] Oversight & Review Division

22 ROBERT STORCH, Oversight & Review Division

23 FOR THE WITNESS:

24 ERIC BRUCE, Esquire
25

b6 Per OIG
b7C Per OIG



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12321 Middlebrook Road, Suite 210
Germantown, Maryland 20874
Phone: (301) 881-3344

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b6 -1
b7C -1

NSICG

1 Barrett, as far as I know.

2 [REDACTED] Okay.

b6 Per OIG
b7C Per OIG

3 MR. MCCABE: (Because at some point, I don't
4 remember exactly when, Mike came to me and said there's a
5 second article coming out. And it's going to, you know,
6 cover the same ground as the, as, as your wife's campaign,
7 and make all these, kind of put out there all these
8 inaccurate and I would say unfair allegations about
9 political influence that stem from your wife's political
10 involvement. And in this article, he is now going to add
11 a kind of the storyline that FBI leadership and you were,
12 you know, had made decisions in, in kind of stopping or
13 turning off FBI investigative activity in the Clinton
14 Foundation case. And kind of tying the whole thing
15 together as a story about political influence and the
16 FBI's lack of independence and how FBI leadership is
17 making decisions based on, you know, political
18 interference either from political activity or from the
19 Justice Department. And that there had been an email that
20 Justice Department wanted the case to go away, and that,
21 you know, that essentially I think I had issued the order
22 to stop working on the case.

23 So that was the story that we understood he was
24 going to write.

25 [REDACTED] Can I ask you a question before you

b6 Per OIG
b7C Per OIG

1 these two issues actually. So, in any case, it was a
2 very, very busy day. And many phone calls as sorting out
3 exactly the location of which phone calls is a little bit
4 challenging.

5 But nevertheless, so Mike and I talk that day.
6 And Lisa Page and I talk that day. And I authorize Mike
7 to talk to Devlin Barrett to try to correct some of the,
8 some of what I perceive to be incredibly damaging
9 inaccuracies in that story because some of this stuff, I
10 was not able, I wasn't able to be there and kind of
11 interacting with Mike real time because I was out of town.
12 I asked Lisa Page to help him with that process.

13 Lisa had a lot of background knowledge about my
14 wife's campaign, how I handled kind of FBI, you know,
15 business during the campaign. And so anyway, I asked her
16 to assist with Mike in the process as kind of like to help
17 him out with some of the facts. So they, they had a
18 series of phone calls with, with Devlin Barrett over the
19 course of that day.

20 So are you authorizing both Mike
21 Kortan and Lisa Page to talk to Devlin Barrett for article
22 number 2, the October 30th article?

23 MR. MCCABE: I am authorizing Mike Kortan and
24 Lisa Page, yes, to, to talk about it with Devlin Barrett.
25 I can't tell you whether it was Mike on the phone and Lisa

b6 Per OIG
b7C Per OIG

1 Page to speak with Devlin Barrett or the Wall Street
2 Journal?

3 MR. MCCABE: No.

4 [REDACTED] I want to circle back to, you had
5 mentioned in your, you were recounting for us when you
6 were going through this process that you remembered
7 authorizing that you ended before we circle back on some
8 points that you told them they could recount the August
9 12th call?

b6 Per OIG
b7C Per OIG

10 MR. MCCABE: Yes.

11 [REDACTED] -- that appears in the article.
12 And if you see the article, I highlighted those portions.

b6 Per OIG
b7C Per OIG

13 MR. MCCABE: Okay.

14 [REDACTED] So that's on Pages 8 to 9, just so
15 we're speaking from the same thing. So why don't you take
16 a moment to, to look at that?

b6 Per OIG
b7C Per OIG

17 MR. MCCABE: Okay.

18 [REDACTED] So was that what you had in mind
19 when you said that you authorized them to recount the
20 August 12th call?

b6 Per OIG
b7C Per OIG

21 MR. MCCABE: It is.

22 [REDACTED] I just want to spend a couple
23 minutes on the background of this call. Who, who are you
24 having this conversation with on August 12th? Because it
25 doesn't identify in the article.

b6 Per OIG
b7C Per OIG

From: Kortan, Michael P. (DO) (FBI)
Sent: Sunday, October 30, 2016 11:05 AM
To: Rybicki, James E. (DO) (FBI)
Subject: Wall Street Journal

From: Barrett, Devlin [devlin.barrett@wsj.com]
Sent: Sunday, October 30, 2016 1:54 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: story is filed to my NY editors

a couple things in it I want to flag:

I'm doing a story which should post this afternoon that will say the agents found 650,000 emails on the laptop, and of those, according to the metadata, there are thousands of "potential hits" suggesting emails going to or from the Clinton email server (doesn't mean to her specifically necessarily, but to email addresses on that server). investigators are starting to scour through the messages now to figure out what they are and how relevant they may be to the email probe.

part of the reason this came up now is because headquarters was notified in early October that there was an issue of human work emails on the laptop. then earlier this week at a meeting Toscas asked what was happening with that laptop, and that's when officials realized they did not need to wait for DOJ approval to go get that warrant, so McCabe had the email investigators and the Weiner investigators talk to each other to see what they had.

after that discussion the email guys felt there was definitely something to pursue there, and the director was briefed, setting in motion what we saw on Friday.

The story will then go into a long discussion of the internal conversations that have been going on around have more color from the Aug 12 McCabe-Axelrod call, tho at present I'm disinclined to name Axelrod.

The top end of the story will focus on the Weiner laptop and developments there, then it will get into the various issues surrounding the Foundation probe, including the request that McCabe rejected in February for Foundation investigators to get access to the devices searched as part of the email case. McCabe, I'm told, told them they could not try to do an end run around EDNY by taking the request to SDNY.

I think those are the main things I wanted to flag, I'm on my cell.

Dev

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b6 -1
b7C -1

Devlin Barrett
Wall Street Journal

[REDACTED]
t: @devlinbarrett

b6 -3
b7C -3

1



0.7.453.500296

FBI-DOJ-OIG-UNET-ELEC-
0000034866

FBI-DOJ-OIG-UNET-ELEC-0000034866-1

FBI 18-cv-01766-2329

EXHIBIT

19

Secret Recordings Fueled FBI Feud in Clinton Probe

Agents thought they had enough material to merit aggressively pursuing investigation into Clinton Foundation

Secret recordings helped fuel a dispute among FBI agents and prosecutors as to whether to pursue an investigation into the Clinton Foundation. WSJ's Christopher Matthews has exclusive details on Lunch Break With Tanya Rivero. Photo: Associated Press

By
Devlin Barrett and

Secret recordings of a suspect talking about the Clinton Foundation fueled an internal battle between FBI agents who wanted to pursue the case and corruption prosecutors who viewed the statements as worthless hearsay, people familiar with the matter said.

Agents, using informants and recordings from unrelated corruption investigations, thought they had found enough material to merit aggressively pursuing the investigation into the foundation that started in summer 2015 based on claims made in a book by a conservative author called "Clinton Cash: The Untold Story of How and Why Foreign Governments and Businesses Helped Make Bill and Hillary Rich," these people said.

Starting in February and continuing today, investigators from the Federal Bureau of Investigation and public-corruption prosecutors became increasingly frustrated with each other, as often happens within and between departments. At the center of the tension stood the U.S. attorney for Brooklyn, Robert Capers, who some at the FBI came to view as exacerbating the problems by telling each side what it wanted to hear, these people said. Through a spokeswoman, Mr. Capers declined to comment.

The roots of the dispute lie in a disagreement over the strength of the case, these people said, which broadly centered on whether Clinton Foundation contributors received favorable treatment from the State Department under Hillary Clinton.

Senior officials in the Justice Department and the FBI didn't think much of the evidence, while investigators believed they had promising leads their bosses wouldn't let them pursue, they said.

These details on the probe are emerging amid the continuing furor surrounding FBI Director James Comey's disclosure to Congress that new emails had emerged that could be relevant to a separate, previously closed FBI investigation of Mrs. Clinton's email arrangement while she was secretary of state.

On Wednesday, President Barack Obama took the unusual step of criticizing the FBI when asked about Mr. Comey's disclosure of the emails.

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b7C -1

FBI 18-cv-01766-2330

From: Kortan, Michael P. (DO) (FBI)
Sent: Thursday, November 3, 2016 8:06 PM
To: McCabe, Andrew G. (DO) (FBI)
Subject: RE: Wsj

Happy to talk.. We're all trying to keep up. M.

From: McCabe, Andrew G. (DO) (FBI)
Sent: Thursday, November 3, 2016 9:43 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: Fwd: Wsj

I am curious as to why I keep stumbling across these things with no notice whatsoever from my OPA machine?

Is it too much to ask to get even the slightest heads up from your shop? Rich attended my wrap and said nothing of this.

I would like to discuss solutions tomorrow.

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 11/3/16 9:36 PM (GMT-05:00)
To: "Sweeney, William F. (NY) (FBI)" [REDACTED]
Subject: Wsj

b7E -4

Secret Recordings Fueled FBI Feud in Clinton Probe

This is the latest WSI article.

Call me tomorrow.

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b7C -1



0.7.453.76960

FBI-DOJ-OIG-UNET-ELEC-
0000051638

FBI-DOJ-OIG-UNET-ELEC-0000051638-1

FBI 18-cv-01766-2333

EXHIBIT

21

Message

From: McCabe, Andrew G. (DO) (FBI) [/O=FBI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E6941B36E6EC42579B00FEBD03FACC4C-AMG.DD]
Sent: 12/23/2016 12:27:42 AM
To: Strzok, Peter P. (CD) (FBI) [/o=FBI/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aggpstrz]
Subject: RE: Media data pull

[REDACTED] b7E -4

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation

[REDACTED] b7E -4

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" <Peter.Strzok@ic.fbi.gov>
Date: 12/22/16 7:25 PM (GMT-05:00)
To: "McCabe, Andrew G. (DO) (FBI)" <amg.dd@ic.fbi.gov>
Cc: "Priestap, E. W. (CD) (FBI)" [REDACTED]
Subject: Media data pull

b7E -4

Andy,

I received word via Jen that tomorrow morning Mike S wants to talk about whether we have opened a leak investigation into the publicity surrounding the C Foundation. He said he'd like to discuss, as the D "would like to do something."

I need guidance as to how/if you'd like me to detail the media pull we conducted. As you may recall, we have not detailed that activity other than to you and Bill.

Thanks,
Pete

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EXHIBIT #9

Media Relations at FBIHQ and in Field Offices Policy Guide

Media Relations at FBIHQ and in Field Offices Policy Guide



Federal Bureau of Investigation

Office of Public Affairs

0809PG

October 13, 2015

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Media Relations at FBIHQ and in Field Offices Policy Guide

General Information

Questions or comments pertaining to this policy guide (PG) can be directed to:

Federal Bureau of Investigation Headquarters (FBIHQ), Office of Public Affairs (OPA)

Division point of contact: Division policy officer (DPO), OPA

Supersession Information

This document supersedes Policy Directive (PD) 0509D, *Media Relations at FBIHQ and in Field Offices* [FO] and *Manual of Investigative Operations and Guidelines* [MIOG] Part II Section 12-11.6

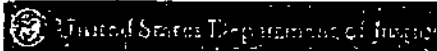
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Media Relations at FBIHQ and in Field Offices Policy Guide

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NSICC

b6 -1
b7C -1

Will, Candice M. (DO) (FBI)

From: [redacted] (OGC) (FBI) b6 -1
Sent: Wednesday, March 14, 2018 5:21 PM b7C -1
To: Will, Candice M. (DO) (FBI); [redacted] (OGC) (FBI)
Subject: Re:

Candace,
I am not in the office. I reviewed the document and no redactions are warranted. This document can be shown to the subject. Thanks.

[redacted] b6 -1
b7C -1

----- Original message -----

From: "Will, Candice M. (DO) (FBI)" [redacted]
Date: 3/14/18 5:09 PM (GMT-05:00)
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)" b6 -1
[redacted] b7C -1
b7E -4
Subject:

[redacted] b6 -1
b7C -1

Attached is one additional email from the ODAG. I am hopeful this is the last one. Thank you.

Candice

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b7C -1

2635-HQ-

[redacted]

-47

b6 -1
b7C -1

FBI 18-cv-01766-2387

Will, Candice M. (DO) (FBI)

From: Schools, Scott (ODAG) <Scott.Schools@usdoj.gov>
Sent: Wednesday, March 14, 2018 4:39 PM
To: Will, Candice M. (DO) (FBI)
Subject: FW: One more document request
Attachments: Kortan email to Rybicki Oct 30 2016.pdf; ATT00001.htm

Can you get this to Andy's lawyers? Not sure if OGC needs to see first or I would forward directly. Thanks.

From: Blier, William M.(OIG)
Sent: Wednesday, March 14, 2018 4:37 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: Fwd: One more document request

Attached. Please forward to Candice. Her address is not populating on my iPhone.

Thanks: Bill

Sent from my iPhone

On Mar 14, 2018, at 3:51 PM, Schools, Scott (ODAG) <sschools@jmd.usdoj.gov> wrote:

Bill:

Mr. McCabe's attorneys have requested a document referenced in Jim Rybicki's interview. It is an October 30, 2016 email from Kortan to Rybicki, forwarding an email from Devlin Barrett and Bates-labeled 34866. I think it would be helpful to me as well. Can you send it our (Candace and me) way? Thanks.

Scott

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b7C -1

Will, Candice M. (DO) (FBI)

From: [redacted] (DO) (FBI)
Sent: Wednesday, March 14, 2018 2:43 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: Will, Candice M. (DO) (FBI)
Subject: FW:
Attachments: [Untitled].pdf

b6 -1

b7C -1

[redacted] b6 -1

b7C -1

We have one more batch of documents that need to be redacted as soon as possible. It is only 24 pages. Please email us the redacted copy when it is completed.

Thank you.

[redacted] b6 -1

b7C -1

[redacted]
Unit Chief
Office of Professional Responsibility
Federal Bureau of Investigation

[redacted] b6 -1

b7C -1

b7E -4

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

From: [redacted] b7E -4
Sent: Wednesday, March 14, 2018 2:31 PM
To: [redacted] (DO) (FBI); [redacted]
Subject:

b6 -1

b7C -1

b7E -4

Please open the attached document. This document was digitally sent to you using an HP Digital Sending device.

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DATE 08-22-2018 BY [redacted] NSICG

b6 -1

b7C -1

Will, Candice M. (DO) (FBI)

From: [redacted] (DO) (FBI) b6 -1
Sent: Wednesday, March 14, 2018 2:38 PM b7C -1
To: Will, Candice M. (DO) (FBI); [redacted] (DO) (FBI)
Subject: RE: emails

Candice,

We reviewed Batch 2. Some docs are dupes. We will scan and email the new material to [redacted] for redaction. b6 -1
b7C -1

[redacted] b6 -1
b7C -1

From: Will, Candice M. (DO) (FBI)
Sent: Wednesday, March 14, 2018 2:15 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] b6 -1
Subject: Re: emails b7C -1
b7E -4

When I say batch 2, I think it was marked "press". It's the batch that isn't the PAR stuff.

----- Original message -----

From: "Will, Candice M. (DO) (FBI)" [redacted] b6 -1
Date: 3/14/18 2:13 PM (GMT-05:00) b7C -1
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] b7E -4
Subject: Fwd: emails

Guys,
Please read the attached. From what I can read on my phone, batch 1 is the same batch I got yesterday (or nearly the same batch) and unresponsive. Batch 2, however, probably needs to go to DPU. Your thoughts?

----- Original message -----

From: "Blier, William M.(OIG)" <William.Blier@usdoj.gov>
Date: 3/14/18 1:54 PM (GMT-05:00) b6 -1
To: "Will, Candice M. (DO) (FBI)" [redacted] b7C -1
Subject: FW: emails b7E -4

Candice,

This is the last of the emails. Based on a quick review, there does not appear to be anything new; all duplicates of what was previously provided.

1 ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED b6 -1
DATE 08-22-2018 BY [redacted] NSICG b7C -1

FBI 18-cv-01766-2391

Thanks. Bill

From: McCabe, Andrew G. (DO) (FBI)
Sent: Friday, October 28, 2016 10:35 AM
To: James B. Comey
Subject: RE:

unbelievable

----- Original message -----

From: "James B. Comey" <jcb.dir@ic.fbi.gov>
Date: 10/28/16 10:26 AM (GMT-05:00)
To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Subject: RE:

Also that's the first email I've received containing both the words bilingual and friars.

And please don't stress over it. Best for you and the institution that I sort this out without dragging you in by phone. There are plenty of really awful meetings in your future (and past)

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/28/16 10:23 AM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>
Subject: RE:

Thanks for the note. I feel terrible for not bilingual there to help, but I understand how it may have been better to let you plow through this without me being involved.

Look friars to talking later.

as a side note, my samsung has mysteriously lost the ability, or inclination, to put periods and capitalization at the end and beginning of sentences awesome

----- Original message -----

From: "James B. Comey" <jcb.dir@ic.fbi.gov>

Date: 10/28/16 10:20 AM (GMT-05:00)

To: "McCabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>

Subject:

Hey man. I made the decision I was dealing with late yesterday. [REDACTED]

[REDACTED] I will call you later today to lay out my thinking and the way forward, which I think will make sense to you. Hope the day is good for you [REDACTED]

b6 -1
b7C -1

From: McCabe, Andrew G. (DO) (FBI)
Sent: Friday, October 21, 2016 6:00 PM
To: James B. Comey
Cc: Rybicki, James E. (DO) (FBI); Bowdich, David L. (DO) (FBI)
Subject: Updates

Boss:

Cyber is closely tracking the DDOS issues we discussed. Boston division is on site with the victim. As of mid-day, they were still attempting to mitigate the second attack. Will provide additional as we get it.

In the more bad news category, Mike K informed me that Devlin Barrett at WSJ is putting together an article claiming I had a conflict of interest on MYR as a result of Jill's campaign connections to Gov. McCaulife. I will work with mike to provide some basic facts to push back. And, as always, will keep you advised.

I am incredibly sorry for adding to the drama on this.

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation
W [REDACTED] b6 -1
M [REDACTED] b7C -1
b7E -4

Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Wednesday, March 14, 2018 12:14 PM
To: 'Bromwich, Michael R.'; 'Bromwich, Michael R.' [REDACTED]
Cc: Schools, Scott (ODAG) (JMD)
Subject: RE: Kortan Materials

b6 -3
b7C -3

Gentlemen,

The redaction unit completed all the Kortan interviews (INSD and OIG) and that is what we are currently delivering. They are still working on the exhibits to Kortan's OIG interview and that we will email to you upon their completion.

Candice

From: Will, Candice M. (DO) (FBI)
Sent: Wednesday, March 14, 2018 11:54 AM
To: Bromwich, Michael R. [REDACTED] Bromwich, Michael R.
[REDACTED]
Cc: Schools, Scott (ODAG) (JMD) <Scott.Schools@usdoj.gov>
Subject: Kortan Materials

b6 -3
b7C -3

Good morning, Michael and Eric,

We have the Kortan materials ready to deliver to you (received from the OIG this morning; our redaction unit just completed its review). We will be delivering them to your respective offices within the next half hour, give or take. 1776, Michael?

I have nothing further from the OIG in the way of Comey/McCabe emails from 10/21-31/2016. I will circle back around with the OIG on that.

Candice

[REDACTED]
b6 -1
b7C -1
b7E -4

Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Wednesday, March 14, 2018 11:54 AM
To: Bromwich, Michael R.; Bromwich, Michael R. [REDACTED]
Cc: Schools, Scott (ODAG) (JMD)
Subject: Kortan Materials

b6 -3

b7C -3

Good morning, Michael and Eric,

We have the Kortan materials ready to deliver to you (received from the OIG this morning; our redaction unit just completed its review). We will be delivering them to your respective offices within the next half hour, give or take. 1776, Michael?

I have nothing further from the OIG in the way of Comey/McCabe emails from 10/21-31/2016. I will circle back around with the OIG on that.

Candice

[REDACTED]

b6 -1

b7C -1

b7E -4

Will, Candice M. (DO) (FBI)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 08-31-2018 BY [REDACTED]

NSICG

b6 -1

b7C -1

From: Will, Candice M. (DO) (FBI) b6 -3
Sent: Friday, March 16, 2018 8:02 AM b7C -3
To: [REDACTED]
Cc: Michael Bromwich; Bromwich, Michael R.
Subject: RE: Emails
Attachments: Rybicki email to Comey Oct 30 2016 (conf call).pdf; Rybicki email to Comey Oct 30 2016 (Dir Weekend Rpt).pdf; Comey_Rybicki 2018_03_15_14_25_06.pdf

The OIG completed its review. It located one additional email (that was previously disclosed to you). Attached are a total of three emails that we received from the OIG in response to your request for "any emails between James Rybicki and Director Comey on Sunday, October 30."

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

From: [REDACTED] b6 -3
b7C -3
Sent: Friday, March 16, 2018 7:32 AM b6 -1
To: Will, Candice M. (DO) (FBI) [REDACTED] b7C -1
Cc: Michael Bromwich [REDACTED] Bromwich, Michael R. b6 -3
[REDACTED] b7C -3
Subject: Re: Emails

Yes please! Thank you.

Eric B. Bruce

[REDACTED] (Washington DC) b6 -3
(New York) b7C -3

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On Mar 16, 2018, at 7:30 AM, Will, Candice M. (DO) (FBI) [REDACTED] > wrote: b6 -1
b7C -1
b7E -4

Good morning, Michael and Eric,

Are you still interested in documents responsive to this request? I received copies of two emails from the OIG yesterday afternoon that have been approved for release by our redaction unit. Also, the OIG indicated midday yesterday that it was continuing its search and I will follow-up with them if you have a continuing interest.

Candice

From: Michael Bromwich [mailto:[REDACTED]] b6 -3
b7C -3
Sent: Thursday, March 15, 2018 9:54 AM b6 -1
To: Will, Candice M. (DO) (FBI) [REDACTED] b7C -1
b7E -4
Cc: Bromwich, Michael R. [REDACTED] b6 -3
[REDACTED]; Schools, Scott (ODAG) (JMD) b7C -3
<Scott.Schools@usdoj.gov<<mailto:Scott.Schools@usdoj.gov>>>

2630-HQ-

-48

b6 -1
b7C -1

FBI 18-cv-01766-2454

Subject: Re: Emails

Thanks, Candice. Some of the emails are relevant, and one of them causes us to make a narrow supplemental request. Please provide us with any emails between James Rybicki and Director Comey on Sunday, October 30.

Thanks very much.

MRB

On Thu, Mar 15, 2018 at 7:24 AM, Will, Candice M. (DO) (FBI)

wrote: b6 -1
b7C -1
b7E -4

Good morning, Michael and Eric,

I have one final delivery pertaining to your requests for additional documents. It is the third and final batch of emails between Comey and McCabe from 10/21-31/2016, which we received from the OIG yesterday afternoon and have been processed by the Bu's redaction unit. The only part of batch 3 that you are not receiving are duplicates of emails contained in OIG's batch 2, which we also did not give you because they have nothing to do with the present matter, only with personnel matters, SAC performance ratings, etc. In fact, the emails you are receiving this morning may be a bit wide of the mark, but we are erring on the side of expansive disclosure given the time constraints. This third and final batch is being delivered to your respective offices first thing this morning. Thank you.

Candice

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To: Rybicki, James E. (DO) (FBI) [REDACTED]
From: James B. Comey
Sent: Sun 10/30/2016 2:17:31 PM
Importance: Normal
Subject: RE: Conference call
Received: Sun 10/30/2016 2:17:32 PM

b6 -1
b7C -1
b7E -4

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HEREIN IS UNCLASSIFIED
DATE 08-31-2018 BY [REDACTED]

NSICC b6 -1
b7C -1

Copy.

----- Original message -----

From: "Rybicki, James E. (DO) (FBI)" [REDACTED]
Date: 10/30/16 8:46 AM (GMT-05:00)
To: "James B. Comey" <jcb.dir@ic.fbi.gov>
Subject: Fwd: Conference call

b6 -1
b7C -1
b7E -4

----- Original message -----

From: "Herring, Jason V. (CD) (FBI)" <Jason.Herring@ic.fbi.gov>
Date: 10/30/16 8:28 AM (GMT-05:00)
To: "Rybicki, James E. (DO) (FBI)" [REDACTED]
Subject: Conference call

b6 -1
b7C -1
b7E -4

Just want to update you for your planning purposes...

I have heard nothing from Leahy and Grassley's folks after telling them early yesterday afternoon that we are not briefing outside the 4 corners of the letter.

[REDACTED]

b5 -3

E2017001-0000411133-1

FBI 18-cv-01766-2456

From: Rybicki, James E. (DO) (FBI)
Sent: Sunday, October 30, 2016 4:41 PM
To: James B. Comey
Subject: Fwd: DIRECTOR'S WEEKEND REPORT 10/30/2016

----- Original message -----

From: SIOC [REDACTED] b7E -4
Date: 10/30/16 4:19 PM (GMT-05:00)
To: "Bowdich, David L. (DO) (FBI)" [REDACTED] (DO) (FBI)"
[REDACTED] "Castor, Andrew J. (DO) (FBI)" [REDACTED] "Coleman,
Randall C. (CID) (FBI)" <Randall.Coleman@ic.fbi.gov> [REDACTED] (DO) (FBI)"
[REDACTED] "Davis, Paul R. (DO) (FBI)" [REDACTED] (DO)
(FBI) [REDACTED] "Drolshagen, Rainer S. (DO) (FBI)" <Rainer.Drolshagen@ic.fbi.gov>,
[REDACTED] (DO) (FBI)" [REDACTED] "Hacker, J. C. (CID) (FBI)"
[REDACTED] "Hess, Amy S. (DO) (FBI)" [REDACTED] (CYD) (FBI)"
[REDACTED] "Johnson, David J. (DO) (FBI)" [REDACTED] "Maguire,
Jacqueline (BH) (FBI)" [REDACTED] "McCabe, Andrew G. (DO) (FBI)"
<Andrew.McCabe@ic.fbi.gov> "McDermott, Renee M. (DO) (FBI)" [REDACTED]
"Parlave, Valerie (DO) (FBI)" [REDACTED] "Rybicki, James E. (DO) (FBI)"
<James.Rybicki@ic.fbi.gov> [REDACTED]
(DO) (FBI) [REDACTED] (IR) (FBI)" [REDACTED] Steinbach,
Michael B. (DO) (FBI)" [REDACTED] "Turgal, James L. (DO) (FBI)"
[REDACTED] (IR) (FBI)" [REDACTED]
Subject: DIRECTOR'S WEEKEND REPORT 10/30/2016

b6 -1
b7C -1
b7E -4

ALCON,

THIS DOCUMENT IS INTERNAL AND MAY NOT BE RELEASED OUTSIDE THE FBI WITHOUT
PRIOR AUTHORIZATION

Director's Weekend Report:

Criminal, Cyber, Response and Services Branch

CYBER DIVISION

(U) Cyber Operations Section III (CyOS III):

(U) On 10/30/2016, WikiLeaks released 701 emails in Part 23 of its Podesta release, bringing the total emails released so far to 36,891.

Emergency Action Specialist [REDACTED]
Supervisory Special Agent [REDACTED]
Strategic Information & Operations Center (SIOC)
FBIHQ, Room 5712
[REDACTED]

b6 -1
b7C -1
b7E -4

**THIS DOCUMENT IS INTERNAL AND MAY NOT BE RELEASED OUTSIDE THE FBI WITHOUT
PRIOR AUTHORIZATION**

Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Friday, March 16, 2018 7:34 AM
To: 'Blier, William M.(OIG)'
Subject: RE: Emails

Weirdest thing. There it is, correct address, I never got it. It is not in my IN box, it is not in my (accidentally) deleted box. Anyway, thank you. I'm not sure that it matters to them anymore but I did want to get back.

From: Blier, William M.(OIG) [mailto:William.Blier@usdoj.gov]
Sent: Friday, March 16, 2018 7:29 AM
To: Will, Candice M. (DO) (FBI) [REDACTED] b6 -1
b7C -1
Subject: Fwd: Emails b7E -4

Here it is.

Sent from my iPhone

Begin forwarded message:

From: "Blier, William M.(OIG)" <wblier@OIG.USDOJ.GOV>
Date: March 15, 2018 at 3:17:33 PM EDT b6 -1
To: "Will, Candice M. (DO) (FBI)" [REDACTED] b7C -1
Cc: "Schools, Scott (ODAG)" <sschools@jmd.usdoj.gov> b7E -4
Subject: Emails

Candice,
The attached is the only additional Comey-Rybicki email we found for 10/30/2016. Our review is completed.

Thanks. Bill

Will, Candice M. (DO) (FBI)

From: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Sent: Friday, March 16, 2018 7:29 AM
To: Will, Candice M. (DO) (FBI)
Subject: Fwd: Emails
Attachments: 2018_03_15_14_25_06.pdf; ATT00001.htm

Here it is.

Sent from my iPhone

Begin forwarded message:

From: "Blier, William M.(OIG)" <wblier@OIG.USDOJ.GOV>
Date: March 15, 2018 at 3:17:33 PM EDT b6 -1
To: "Will, Candice M. (DO) (FBI)" [REDACTED] b7C -1
Cc: "Schools, Scott (ODAG)" <sschools@jmd.usdoj.gov> b7E -4
Subject: Emails

Candice,

The attached is the only additional Comey-Rybicki email we found for 10/30/2016. Our review is completed.

Thanks. Bill

Will, Candice M. (DO) (FBI)

b6 -1
b7C -1

From: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Sent: Thursday, March 15, 2018 12:30 PM
To: Will, Candice M. (DO) (FBI)
Cc: Schools, Scott (ODAG) (JMD)
Subject: FW: Emails
Attachments: Rybicki email to Comey Oct 30 2016 (Dir Weekend Rpt).pdf; Rybicki email to Comey Oct 30 2016 (conf call).pdf

Candice,

The two attached emails are from Comey emails we received much earlier in our review that were provided in response to search terms. That collection was readily searchable. The Comey emails we received earlier this week, which is a broader collection because that request was not limited by search terms, are not as readily searchable, but we are currently reviewing them to determine if there are any other emails responsive to this request. We expect to have that search completed this afternoon.

Thanks. Bill

From: Will, Candice M. (DO) (FBI) [mailto:[REDACTED]]
Sent: Thursday, March 15, 2018 9:58 AM
To: Blier, William M.(OIG) <wblier@OIG.USDOJ.GOV>
Cc: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: FW: Emails

b6 -1
b7C -1
b7E -4

Bill,

Can you assist w/ bolded below? Thanks.

Candice

b6 -3
b7C -3

From: Michael Bromwich [mailto:[REDACTED]]
Sent: Thursday, March 15, 2018 9:54 AM
To: Will, Candice M. (DO) (FBI) [REDACTED]
Cc: Bromwich, Michael R. [REDACTED] Schools, Scott (ODAG) (JMD)
<Scott.Schools@usdoj.gov>
Subject: Re: Emails

b6 -1
b7C -1
b7E -4

b6 -3
b7C -3

Thanks, Candice. Some of the emails are relevant, and one of them causes us to make a narrow supplemental request. Please provide us with **any emails between James Rybicki and Director Comey on Sunday, October 30.**

Thanks very much.

MRB

On Thu, Mar 15, 2018 at 7:24 AM, Will, Candice M. (DO) (FBI) [REDACTED] wrote:

b6 -1
b7C -1
b7E -4

Good morning, Michael and Eric,

I have one final delivery pertaining to your requests for additional documents. It is the third and final batch of emails between Comey and McCabe from 10/21-31/2016, which we received from the OIG yesterday afternoon and have been processed by the Bu's redaction unit. The only part of batch 3 that you are not receiving are duplicates of emails contained in OIG's batch 2, which we also did not give you because they have nothing to do with the present matter, only with personnel matters, SAC performance ratings, etc. In fact, the emails you are receiving this morning may be a bit wide of the mark, but we are erring on the side of expansive disclosure given the time constraints. This third and final batch is being delivered to your respective offices first thing this morning. Thank you.

Candice

Will, Candice M. (DO) (FBI)

From: [REDACTED] b6 -3
Sent: Thursday, March 15, 2018 7:26 AM b7C -3
To: Will, Candice M. (DO) (FBI); Bromwich, Michael R.; Michael R. Bromwich
Cc: Schools, Scott (ODAG) (JMD)
Subject: RE: Emails

Thank you, Candice.

Eric B. Bruce

[REDACTED] (Washington DC) b6 -3
 [REDACTED] (New York) b7C -3

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From: Will, Candice M. (DO) (FBI) [mailto:[REDACTED]] b6 -1
Sent: Thursday, March 15, 2018 7:24 AM b7C -1
To: Bromwich, Michael R. [REDACTED] b7E -4
 [REDACTED] Michael R. Bromwich b6 -3
 [REDACTED] Eric Bruce [REDACTED] b7C -3
Cc: Schools, Scott (ODAG) (JMD) <Scott.Schools@usdoj.gov>
Subject: Emails

Good morning, Michael and Eric,

I have one final delivery pertaining to your requests for additional documents. It is the third and final batch of emails between Comey and McCabe from 10/21-31/2016, which we received from the OIG yesterday afternoon and have been processed by the Bu's redaction unit. The only part of batch 3 that you are not receiving are duplicates of emails contained in OIG's batch 2, which we also did not give you because they have nothing to do with the present matter, only with personnel matters, SAC performance ratings, etc. In fact, the emails you are receiving this morning may be a bit wide of the mark, but we are erring on the side of expansive disclosure given the time constraints. This third and final batch is being delivered to your respective offices first thing this morning. Thank you.

Candice

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Will, Candice M. (DO) (FBI)

From: Michael Bromwich [REDACTED] b6 -3
Sent: Thursday, March 15, 2018 7:29 AM b7C -3
To: Will, Candice M. (DO) (FBI)
Cc: Bromwich, Michael R. [REDACTED] Schools, Scott (ODAG) (JMD) b6 -3
Subject: Re: Emails b7C -3

Thank you.

MRB

On Thu, Mar 15, 2018 at 7:24 AM, Will, Candice M. (DO) (FBI) [REDACTED] wrote: b6 -1
b7C -1
b7E -4

Good morning, Michael and Eric,

I have one final delivery pertaining to your requests for additional documents. It is the third and final batch of emails between Comey and McCabe from 10/21-31/2016, which we received from the OIG yesterday afternoon and have been processed by the Bu's redaction unit. The only part of batch 3 that you are not receiving are duplicates of emails contained in OIG's batch 2, which we also did not give you because they have nothing to do with the present matter, only with personnel matters, SAC performance ratings, etc. In fact, the emails you are receiving this morning may be a bit wide of the mark, but we are erring on the side of expansive disclosure given the time constraints. This third and final batch is being delivered to your respective offices first thing this morning. Thank you.

Candice

Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Thursday, March 15, 2018 7:24 AM
To: 'Bromwich, Michael R.'; Michael R. Bromwich; [REDACTED]
Cc: Schools, Scott (ODAG) (JMD)
Subject: Emails

b6 -3

b7C -3

Good morning, Michael and Eric,

I have one final delivery pertaining to your requests for additional documents. It is the third and final batch of emails between Comey and McCabe from 10/21-31/2016, which we received from the OIG yesterday afternoon and have been processed by the Bu's redaction unit. The only part of batch 3 that you are not receiving are duplicates of emails contained in OIG's batch 2, which we also did not give you because they have nothing to do with the present matter, only with personnel matters, SAC performance ratings, etc. In fact, the emails you are receiving this morning may be a bit wide of the mark, but we are erring on the side of expansive disclosure given the time constraints. This third and final batch is being delivered to your respective offices first thing this morning. Thank you.

Candice

OPINION

REVIEW & OUTLOOK

LETTERS TO THE EDITOR

Andrew McCabe and Consequences

Attorney General Jeff Sessions faces a decision that will be controversial no matter what he does: Fire former Deputy FBI Director Andrew McCabe, or overrule the recommendation of the FBI's own internal investigators.

The recommendation to fire Mr. McCabe isn't coming from Donald Trump or Russian bots. It comes from the FBI's Office of Professional Responsibility. News reports say it is based on a finding from the Justice Department's Inspector General that Mr. McCabe authorized the disclosure of sensitive information to a Wall Street Journal reporter about the investigation into the Clinton Foundation—and then lied about it to IG investigators.

The IG report remains secret, but it's hard to believe the FBI would recommend such punishment if it did not believe Mr. McCabe's actions were a serious breach of duty. The bureau's recommendation is in marked contrast to the endorsement from his old boss, former

FBI Director James Comey, who tweeted in January that Mr. McCabe "stood tall" as "small people were trying to tear down an institution we all depend on." Did St. Jim know about his comrade's alleged deception?

Mr. McCabe is connected to controversial FBI investigations into both presidential candidates in 2016, and in January he said he would formally retire on March 18 when he would have enough seniority to qualify for his pension. Firing him early could cost him that lifetime payout.

The American people still don't know what went on at the FBI during those 2016 investigations. Several FBI and Justice officials will soon testify to the House Intelligence Committee. Perhaps Mr. McCabe's firing would persuade them that there are consequences for untruthfulness. Time and again we have been assured of the FBI's high standards. Imagine how Mr. McCabe would treat an American citizen who lied to the FBI.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-31-2018 BY [REDACTED]

NSICC b6 -1
b7C -1

b6 -1
b7C -1

Will, Candice M. (DO) (FBI)

From: Michael Bromwich [REDACTED]
Sent: Friday, March 16, 2018 2:40 PM
To: Will, Candice M. (DO) (FBI)
Subject: Fwd: Andrew McCabe
Attachments: 2018 03 16 Letter to S. Schools re OPR Proposal.pdf

b6 -3
b7C -3

Candice, below is the cover note I sent to Scott Schools about at noon today as a follow-up to the meeting we had with him yesterday. As you can see, it includes recognition of how helpful you have been over the past 10 days. I want to extend my thanks to you for your professionalism and your assistance over the past 10 days.

Warm regards.

MRB

----- Forwarded message -----

From: Michael Bromwich [REDACTED]
Date: Fri, Mar 16, 2018 at 12:10 PM
Subject: Andrew McCabe
To: "Schools, Scott (ODAG) (JMD)" <Scott.Schools@usdoj.gov>
Cc: Eric Bruce [REDACTED] Andrew McCabe [REDACTED]

b6 -3
b7C -3

b6 -1,3
b7C -1,3

Dear Scott:

I wanted to thank you again for making the time to meet with Mr. McCabe, Eric Bruce, and me yesterday afternoon to hear from Mr. McCabe and from us about the allegations in the OIG Report and the FBI Proposal. Attached is our written submission on this matter.

Although I know you have dealt with Mr. McCabe on business matters in the past, you had the extraordinary opportunity yesterday to hear him squarely address the specific allegations in the OIG report and the FBI OPR proposal and give you his best recollection of the events that form the basis for the charges against him. He answered every question, from you and from me, and his answers were responsive, complete, and entirely credible.

I am extremely troubled about the rush to judgment -- and the rush to finality -- that has characterized this process. As we outlined for you yesterday towards the end of the meeting, we were only given access to a draft OIG report on February 21, were required to make an oral presentation and defense to the OIG on February 23, and were required to submit written comments by February 26. By any measure, this was a rushed process that precluded us from being able to speak to witnesses and develop evidence that countered the allegations against Mr. McCabe.

We were first given access to the FBI-OPR administrative file on Friday, March 6. Although Candice Will has shown us every courtesy and been diligent, professional, and prompt in responding to our numerous requests for additional relevant evidence, it has been virtually impossible for us to review the extensive administrative record, prepare for yesterday's meeting, and develop the attached written submission. Moreover, as we have advised you, Mr. McCabe did not return to town until Tuesday

263D-11Q- [REDACTED] -50

b6 -1
b7C -1

FBI 18-cv-01766-2496

evening, cutting short a long-planned family vacation. This rush to the finish line is extremely unfortunate and quite unfair. You put your finger on one aspect of the unfairness at the end of yesterday's session -- we have not had the time to contact and speak with witnesses whom we believe would support Mr. McCabe's defense against the charges. We would need far more time to do so.

Separate and apart from our profound concerns about the process, which by themselves should prevent this train from racing ahead, we believe that on these facts, on this record, and for the substantive reasons provided at length in the written submission, it would be deeply unfair to uphold FBI OPR's proposal to terminate Mr. McCabe. It would be deeply unfair to him and to his family, but it would also send a profoundly troubling message to the DOJ and FBI workforce. Mr. McCabe's career is long, distinguished, and unblemished. He embraced the most daunting, difficult, and important challenges that the FBI and this country could throw his way over the past 21 years. He served this country with courage and distinction in the days following the President's summary dismissal of Director Comey, in one of the most turbulent periods in the Bureau's history.

We think we have made a powerful case that the charges are unsupported by the evidence and that the OIG's conclusions and the FBI-OPR proposal to terminate Mr. McCabe lack any understandable motive for his alleged wrongdoing. Mr. McCabe fully explained yesterday that the allegations of lack of candor are more properly understood as the result of misunderstanding, miscommunication, and honest failures of recollection based on the swirl of events around him. Again, Mr. McCabe had no motive to lie or mislead about media contacts he had the authority to direct, he made no effort to coordinate accounts of the events in question with Ms. Page, or Mr. Kortan, and several of the charges rest on the flawed and equivocal testimony of former Director Comey.

Even if you were to find that one or more of the charges are supported, the sanction of termination in this case would be deeply unfair. As we mentioned yesterday, and as set forth in the written submission, we are aware of numerous cases in which substantiated lack of candor cases resulted in sanctions far less than termination. In the full context of this case, where FBI OPR has acknowledged that Mr. McCabe provided "21 years of remarkable FBI service and...[demonstrated a] truly outstanding performance," and that he was "facing unprecedented and unimaginable pressures and challenges," we believe mitigation of the sanction would be the fair, just, and entirely appropriate result.

As I mentioned yesterday, if you decide to accept FBI OPR's proposal, we request an in-person meeting with the Attorney General.

Please let me know if you have any questions.

Thank you.

MRB

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CONFIDENTIAL FOIA TREATMENT REQUESTED

BY ELECTRONIC MAIL

Scott N. Schools, Esq.
Associate Deputy Attorney General
U.S. Department of Justice
RFK Main Building, Room 4111
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Re: **FBI Deputy Director Andrew G. McCabe**

Dear Mr. Schools:

We respectfully submit this response to your letter, dated March 8, 2018, concerning the March 7, 2018 proposal (the "Proposal") by the Federal Bureau of Investigation's Office of Professional Responsibility ("OPR") to remove FBI Deputy Director Andrew G. McCabe.

Mr. McCabe vigorously rejects the findings that form the basis for the Proposal. For the reasons set forth below, and in the oral presentation we provided to you on March 15, 2018, we respectfully submit that those findings are unsupported by the evidence and ask you to reject them in making your final determination in this matter.

Further, based on the weakness of the evidence supporting the alleged violations of FBI Offense Codes 2.6 and 2.5, the substantial doubt surrounding the conclusions reached by the Office of the Inspector General ("OIG"), and the very real possibility that misunderstandings, miscommunication, and honest failures of recollection occurred during a period of time when Mr. McCabe was, by OPR's admission, "facing unprecedented and unimaginable pressure and challenges," we respectfully request that you find that termination is entirely inappropriate under the circumstances, especially given Mr. McCabe's long and distinguished career in the FBI.

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A. OPR's Finding of Lack of Candor – Under Oath

To establish a violation of FBI Offense Code 2.6, there must be sufficient evidence of an employee “[k]nowingly providing false information in a verbal or written statement made under oath” (emphasis added). In the Proposal, OPR found that Mr. McCabe violated FBI Offense Code 2.6 in his interviews with OIG on November 29, 2017 and July 28, 2017. Those findings are unwarranted for the reasons set forth below.

1. Interview with OIG on November 29, 2017

With respect to the November 29, 2017 OIG interview, there is no basis for a finding of intentional misconduct regarding (a) Mr. McCabe’s statements to OIG about his interaction with former Director Comey regarding the disclosure that Mr. McCabe authorized in connection with the article that was initially published online in the *Wall Street Journal* (“WSJ”) on October 30, 2016 and in the print edition on October 31; or (b) Mr. McCabe’s statements regarding his recollection of what he said in his May 9 INSD interview about authorizing the disclosures to the WSJ.

i. Mr. McCabe’s Statements Regarding the October 31, 2016 Conversation with Director Comey

A lack of candor finding based on Mr. McCabe’s recollection of the conversation with Director Comey is unwarranted for a number of reasons.

First, as a threshold matter, a lack of candor finding is inappropriate where, as here, there was an informal conversation between only two parties and the other party repeatedly admits that he does not recall the conversation. See *Weiler v. United States*, 323 U.S. 606, 607 (1945) (“The general rule in prosecutions for perjury is that the uncorroborated oath of one witness is not enough to establish the falsity of the testimony of the accused . . .” (quoting *Hammer v. United States*, 271 U.S. 620, 626 (1926))). Further, Director Comey’s testimony to the OIG in his transcribed November 16, 2017, interview is the opposite of clear and unequivocal. In fact, he repeatedly emphasized that he did not have specific recollections of the conversation with Mr. McCabe. For example, Director Comey testified as follows:

a. Regarding Director Comey’s Recollection of Conversations with Mr. McCabe

- “I’m really worried Lisa Page went off the reservation or something here and *I’m making this up because I don’t have a clear recollection*, but *I must have had some conversation with Andy about it where I took from it that he didn’t do and didn’t authorize it.*” (Comey Tr. 304:22-305:1, Nov. 16, 2017)
- “I think that’s what . . . *So I think* it was me saying . . .” (Comey Tr. 297:19-20, Nov. 16, 2017)
- “Sorry, *that’s what I think this is.*” (Comey Tr. 297:22, Nov. 16, 2017)

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- *"I think I asked if something could be done to find out who did this."* (Comey Tr. 303:16-17, Nov. 16, 2017)
- *"No, no. Nope. In fact, likely told me the opposite. Definitely didn't tell me he authorized it and I think gave me the impression he didn't know what was going on."* (Comey Tr. 305:4-6, Nov. 16, 2017)
- b. **Regarding Whether Director Comey Was Informed that the Description of the PADAG Call in the October 30, 2016 WSJ Article was Accurate**
 - *"I don't remember. I don't remember. I don't think so, but I don't remember being told that."* (Comey Tr. 315:23-25, Nov. 16, 2017)
- c. **Regarding Any Public FBI Disclosure of the Clinton Foundation Investigation**
 - *"Did we ever, did we confirm it while I was Director?"* (Comey Tr. 296:3-4, Nov. 16, 2017)
 - *"Oh, that's a question, sorry. Look at me following a thread."* (Comey Tr. 296:6-7, Nov. 16, 2017)
- d. **Regarding the Timeline of Events Surrounding the Weiner Laptop Search Warrant and Mr. McCabe's Recusal**
 - *"I think, I may be, you'll help me I'm sure, I may be mixing this up."* (Comey Tr. 205:11-12, Nov. 16, 2017)
 - *"And then, so I, I think I got this right, so I..."* (Comey Tr. 206:14, Nov. 16, 2017)
 - *"I think I got that right, but you'll press on me if I screwed it up"* (Comey Tr. 206:18-20, Nov. 16, 2017)
 - *"[U]nless I am losing my mind I did not feel a Clinton email thing coming until we're sitting there on a Thursday talking about what to do and, I don't remember it, look it's entirely possible there were all kinds of things going on, I just don't remember anything between the article hitting the world and the all of a sudden the Clinton email investigation is real and alive again..."* (Comey Tr. 255:2-8, Nov. 16, 2017)
- e. **Regarding Director Comey's Reaction to the October 30, 2016 WSJ Article**
 - *"I don't remember for sure."* (Comey Tr. 301:21, Nov. 16, 2017)
 - *"I can't remember. It seems likely I would have, it's possible that when he, if he raised it with me, I don't remember him telling me in response to either my question or his affirmative statement that he authorized this. In fact my impression was the opposite and you'll have to go interview Rybicki if you haven't already, but I think I*

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said something to him about like you've got to find, you've got to find out what's going on here." (Comey Tr. 304:8-15, Nov. 16, 2017)

(emphasis added). It is clear that Director Comey's testimony was repeatedly and consistently qualified and equivocal regarding his conversation with Mr. McCabe. For this reason alone, the lack of candor finding is unwarranted.

Second, the evidence (and particularly the evidence that we received within the last two days), strongly corroborates Mr. McCabe's testimony that he made Director Comey aware of the disclosure. The evidence demonstrates the following:

- On October 21, 2016, Mr. McCabe informed Director Comey, as well as Director Comey's Chief of Staff, James Rybicki, and David Bowdich, that an article by Devlin Barrett about Mr. McCabe's involvement in "Midyear" (the Clinton email investigation) and Dr. McCabe's campaign was forthcoming in the *WSJ*. He further stated, "I will work with [FBI Assistant Director for Public Affairs Michael Kortan] to *provide some basic facts to push back*. And, as always, will keep you advised" (emphasis added). Director Comey responded, "Outstanding."
- On October 23, 2016, Mr. McCabe updated Director Comey, Mr. Rybicki and Mr. Bowdich on the status of his interactions with Barrett, stating "Mike K and I spent a good part of the day *trying to shape the WSJ story* on my alleged conflict. . . . The reporter also called Jill for a comment, so we are working that as well" (emphasis added).
- On October 30, 2016, Mr. Kortan emailed Mr. Rybicki, forwarding a detailed summary by Barrett of the contents of the forthcoming article. The summary included all of the main points that would appear in the final article, including the McCabe/Matthew Axelrod interaction. The underlying email from Devlin Barrett reflects that he had previously discussed the McCabe/Axelrod call with Mr. Kortan. The subject line of the email is "story is filed to my NY editors," reflecting that they had previously discussed at least some part of the story. Further, in notable contrast to the rest of the email in which Mr. Barrett appears to provide new information about the story to Mr. Kortan, he does not provide any background about the McCabe/Axelrod call, and instead provides a brief update that the story will "have more color from the Aug 12 McCabe-Axelrod call," and notes that "at present I'm disinclined to name Axelrod." Mr. Kortan made no attempt to hide from Rybicki the fact that he had discussed the McCabe-Axelrod call with the media. To the contrary, he promptly provided this information to the Director's Chief of Staff before the article was posted.

In addition to the email correspondence, Mr. McCabe's call records (as discussed in Mr. Rybicki's testimony) corroborate that Mr. McCabe informed the Director and his Chief of Staff of the disclosure. See Rybicki Tr. 130:21-145:21.

- On Saturday, October 29, 2016 at 9:00 p.m., the night before the *WSJ* article was posted online, Mr. McCabe spoke to Mr. Rybicki.

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- On Sunday, October 30, 2016:
 - At 4:02 p.m., approximately thirty minutes after the article was posted, Mr. McCabe spoke to Ms. Page.
 - At 4:13 p.m., immediately after his call with Ms. Page, Mr. McCabe called (and shortly thereafter spoke to) Mr. Rybicki. Although Mr. Rybicki did not recall the conversation, he confirmed that the *WSJ* article was likely the subject of the call. See Rybicki Tr. 135:6-9.
 - At 4:41 p.m., shortly after his call with Mr. Rybicki, Mr. McCabe called and spoke to Director Comey directly.

Taken together, this evidence corroborates Mr. McCabe's account that he kept Director Comey updated regarding his communications with the *WSJ*, that the Director knew that he and Mr. Kortan were providing information to the *WSJ* in order to shape those stories, and that Mr. McCabe had no reason to hide this fact from Director Comey based on their prior interactions.

Finally, Director Comey's inability to recall a very brief conversation with Mr. McCabe, possibly lasting no more than a minute or two, is understandable given the context and time period in which it occurred. This conversation took place in the chaotic period immediately following Director Comey's October 28, 2016 letter to Congress and the expedited investigation of the Weiner laptop, so it is likely that Director Comey simply did not recall Mr. McCabe's comments to him because he was focused on other pressing, and far more important, matters. As Mr. McCabe made clear during yesterday's presentation, there were many more pressing issues on Director Comey's mind that day. In short, Mr. Comey's testimony, contradicted by Mr. McCabe's, cannot be relied on to support a finding of lack of candor.

ii. Mr. McCabe's Statements Regarding the May 9, 2017 INSD Interview

A lack of candor finding based on Mr. McCabe's recollection in his OIG interview of the INSD interview is also unwarranted.

First, OPR overlooked substantial evidence that Mr. McCabe's statements reflected an understandably imprecise, but genuinely held, recollection by Mr. McCabe of the underlying events. As OPR acknowledged, Mr. McCabe was questioned about a time period when he was "facing unprecedented and unimaginable pressure and challenges." Proposal at 15. Just hours after what the INSD investigators testified was a brief discussion with Mr. McCabe regarding the *WSJ* article, Mr. McCabe was informed that Director Comey had been fired and that he was the new Acting Director the FBI. In the days and weeks that followed, he had to abruptly assume responsibility for leadership of the entire Bureau in a tumultuous period of uncertainty and political turmoil.

Notably, OIG described the statements that Mr. McCabe made in the November 29, 2017 interview describing the INSD interaction as a brief discussion that took place at the end of a meeting on a different topic, made findings that the description was inaccurate, and concluded

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that Mr. McCabe was intentionally deceitful about the meeting. In fact, the evidence corroborates Mr. McCabe's description of the event. The witness testimony and documents reflect that the purpose of the May 9 INSD meeting was to review proposed changes to an already drafted signed sworn statement ("SSS") regarding an unrelated [REDACTED] and that the discussion of the *WSJ* article was tacked on to the main purpose of the meeting. See Proposal at 6. The facts that Mr. McCabe and the INSD investigators agree that the bulk of the interview focused on the [REDACTED] and that the draft SSS devoted a single paragraph to the brief discussion about the *WSJ* article, undermine the OIG's conclusions that Mr. McCabe's statements were designed to be intentionally deceitful.

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Second, OPR overlooked substantial evidence that Mr. McCabe's statements reflected a simple misunderstanding and/or miscommunication with the INSD agents. For example, the evidence demonstrates that the INSD agents themselves debated whether it was appropriate to combine the [REDACTED] investigation with unrelated questions about the *WSJ* article. In her interview with OIG, [REDACTED] a Supervisory Special Agent with the Inspection Division, explained the controversy by offering "background information" about INSD and OIG's investigations of multiple media leaks. [REDACTED] testified that "there were coordination meetings to determine which entity [OIG or INSD] was going to investigate which article and alleged leak . . ." [REDACTED] Tr. 34:9-11, Oct. 5, 2017). Her "recollection from those early coordination meetings was that this particular case . . . was not going to include the Wall Street Journal article. It was going to focus instead on an email that was sent by [REDACTED] to Mr. Kortan referencing alleged comments that Mr. McCabe was supposed to have made during a small, intimate meeting with FBI executives." [REDACTED] Tr. 34:13-19, Oct. 5, 2017. [REDACTED] described Voviette Morgan's questions regarding the October 30, 2016 *WSJ* article to Mr. McCabe as a "departure" from what [REDACTED] and she "had understood that this investigation was going to be about." [REDACTED] Tr. 35:4-6, Oct. 5, 2017. This testimony puts in context and makes fully understandable the circumstances underlying Mr. McCabe's disorientation when asked about the October 30, 2016 *WSJ* article in his May 9 interview with the INSD, which he thought related solely to the [REDACTED] leak that he had actually referred to the INSD. The INSD agents' decision to nevertheless question Mr. McCabe regarding the *WSJ* article, notwithstanding that was not the point of this particular meeting, created the confusion and miscommunications that occurred during the meeting.

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Additionally, the *WSJ* article that INSD asked Mr. McCabe to review contained not one but 24 separate facts and quotes from anonymous FBI sources, including references to sources who incorrectly stated that Mr. McCabe gave a "stand down" instruction on the Clinton Foundation investigation. Even if the INSD agents walked away from that discussion with an understanding that Mr. McCabe was specifically and exclusively referring to the Axelrod call while they were discussing the source of the "leaks" in the article, there is no evidence that Mr. McCabe had the same understanding. The most reasonable inference is that, in a short conversation at the end of a meeting set to discuss a different topic, where Mr. McCabe was nevertheless asked to review an article with 24 leaks, there was a simple miscommunication.

The fact that there was a miscommunication is further supported by the fact that Mr. McCabe later told the INSD agents that the summary they prepared of the conversation was inaccurate. The draft SSS did not implicate him in the disclosure, so if he had wanted to

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disclaim responsibility, he could have simply signed the SSS. The fact that he refused to sign an inaccurate summary of his May 9 INSD interview belies OPR's finding that he was engaged in a cover up.

Finally, there is absolutely no evidence of any collusion or a conspiracy to hide the fact that Mr. McCabe authorized the disclosure of the Axelrod call. The purpose of the disclosure was to correct the reporter's misimpression that McCabe had directed that the FBI stand down from the Clinton Foundation investigation. Mr. McCabe had the authority to direct that the disclosure be made, he directed Mr. Kortan and Ms. Page to make it, and he never sought to keep secret the fact that he had done so. Indeed, if Mr. McCabe had any intention of covering up the disclosure or obstructing the investigation, he would have needed to communicate with the people whom he had authorized to make the disclosure (Ms. Page and Mr. Kortan) to tell them not to say anything about it. The consistent testimony from all three individuals is that none of them had any such communications, and indeed you have advised us that this is uncontested. Put simply, it would have made no sense for Mr. McCabe to knowingly lie to the INSD agents without also asking Ms. Page and Mr. Kortan to lie about these events—which he did not do. And in the absence of any evidence that he discouraged others from sharing information about the disclosure, Mr. McCabe had absolutely no motive to lie to the INSD about his authorization of the disclosure, and no motive to lie to OIG about it. He did not do so.

Accordingly, there is no basis for a finding of intentional misconduct based on the November 29, 2017 OIG interview.

2. Interview with OIG on July 28, 2017

The finding that Mr. McCabe deliberately tried to mislead OIG investigators in his July 28, 2017 interview is similarly unsupported by the facts.

First, the highly unusual circumstances surrounding the July 28 interview (which are not recounted anywhere in the OPR Proposal) undermine the conclusion that Mr. McCabe engaged in any type of intentional misconduct. Even though Mr. McCabe was the Acting Director of the FBI at the time, OIG insisted that he attend the July 28 interview with virtually no notice and with only minimal explanation regarding the reason for the interview. Mr. McCabe expressed to OIG that he wanted to be represented by counsel when questioned about matters in which he was involved, and explicitly requested that his counsel be permitted to attend the interview. Because Mr. McCabe's counsel was not available on that day, he nevertheless agreed to the interview with the understanding that he would not be questioned about matters for which he was under investigation.

At the outset of the interview, which would be reflected in a portion of the transcript not shared with counsel, the OIG investigators shared with Mr. McCabe information that he found truly startling about the existence of a large volume of highly inflammatory and sensitive text messages between two of his colleagues, Ms. Page and Peter Strzok. He immediately began to process this information and start to think about what steps he needed to take immediately as Acting Director to protect ongoing, highly-sensitive FBI investigations. As the interview progressed, the OIG attorneys began to question Mr. McCabe regarding matters involving his

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own conduct, which was contrary to his understanding of what would occur during the interview. Mr. McCabe was confused as to why the OIG attorneys were asking him about matters involving his own conduct, contrary to his understanding of his prior agreement with them, and while trying to object to the line of questioning, made statements regarding Ms. Page's authorization to speak to the *WSJ* reporter. Under these highly unusual circumstances, an inference that Mr. McCabe was attempting to be intentionally deceptive is unwarranted. *United States v. Dunnigan*, 507 U.S. 87, 94 (1993) (holding that a perjury prosecution requires proof of specific intent, that is, that the defendant made the false statement with knowledge of its falsity, rather than as a result of confusion, mistake or faulty memory).

As Mr. McCabe explained during his testimony yesterday, the OIG attorneys repeatedly showed him text messages, which he had not sent or received, and asked him to explain what the participants intended or were referring to in those texts. As countless lawyers have counseled countless witnesses in these types of situations, Mr. McCabe (without his own counsel present to advise him) was trying not to speculate about what others intended or were doing. Mr. McCabe again objected that he "[didn't] feel comfortable getting into this with you guys," and then again tried to deflect what he perceived as improper questioning by stating that he was not in town during those days, and therefore couldn't say where Lisa Page was or what she was doing. Although Mr. McCabe was out of town during this time period and could not possibly have known everything that Lisa Page was doing during this weekend, Mr. McCabe became concerned he had left the misimpression with the OIG attorneys and promptly acted to clarify any misimpression.

Second, to the extent that he had misspoken during the July 28 interview, Mr. McCabe affirmatively took steps to clarify his responses promptly after the interview, which is completely inconsistent with any deliberate effort to mislead. As OIG correspondence confirms, as soon as Mr. McCabe had a chance to reflect on the interview, after he had put in motion the personnel changes he believed were necessary because of the highly inflammatory text messages between Page and Stzrok, he voluntarily contacted OIG to clarify any potential miscommunication or misunderstanding about the *WSJ* article, confirmed that he was traveling at the time of the *WSJ* article, and informed OIG that they could speak to Mr. Kortan if they needed additional information. See August 1, 2017 Email from [REDACTED] Mr. McCabe also provided information that he had subsequently recalled about [REDACTED]

[REDACTED] and updated OIG on the personnel decisions he had directed related to Page and Stzrok. *Id.* Contrary to the conclusions in the Proposal, these facts demonstrate that Mr. McCabe made every effort to ensure that his testimony was accurate and that he clarified the record.

As courts have stated in the context of perjury cases, evidence of voluntary steps to clarify the record negates an inference of intentional deceit. See *United States v. Norris*, 300 U.S. 564, 576 (1937) ("the correction of an innocent mistake, or the elaboration of an incomplete answer," may "demonstrate that there was no willful intent to swear falsely"); *Beckanstin v. United States*, 232 F.2d 1, 4 (5th Cir. 1956) (reversing perjury conviction and holding that "[w]illingness to correct the misstatement . . . is potent to negative [sic] a willful intent to swear

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falsely”); *United States v. Lococo*, 450 F.2d 1196, 1198 n.2 (9th Cir. 1971) (“willingness to correct a misstatement is relevant to the issue of intent”).

Third, as noted above, there is no other evidence of any collusion or conspiracy to hide the fact that Mr. McCabe authorized the disclosure. If Mr. McCabe truly had intended to deceive the OIG investigators, not only would he not have clarified his testimony a few days later, he would have needed to ask Ms. Page and Mr. Kortan not to be truthful with the OIG investigators when they later testified. The evidence is clear that he did not do so because he had no intent whatsoever to deceive anyone about this matter.

Accordingly, there is no basis for a finding of intentional misconduct based on the July 28, 2017 OIG interview.

B. OPR's Finding of Lack of Candor – No Oath

To establish a violation of FBI Offense Code 2.5, there must be sufficient evidence of an employee:

Knowingly providing false information when making a verbal or written statement, not under oath, to a supervisor, another Bureau employee in an authoritative position, or another governmental agency, when the employee is questioned about his conduct or the conduct of another person.

(emphasis added). In the Proposal, OPR found that Mr. McCabe violated FBI Offense Code 2.5 during his October 31, 2016 conversation with Director Comey and the May 9, 2017 interview with INSD. Those findings are unwarranted for the reasons set forth at length above.

C. OPR's Finding of Unauthorized Disclosure

To establish a violation of FBI Offense Code 4.10, there must be sufficient evidence of an employee “*without authorization*, disclosing or attempting to disclose the FBI’s, or another agency’s, sensitive material” (emphasis added). In the Proposal, OPR found that Mr. McCabe violated FBI Offense Code 4.10 based on an unspecified “general prohibition” on disclosing information about an ongoing criminal investigation and certain statements made by Director Comey. Proposal at 14. That finding is unsupported by the evidence for the reasons set forth below.

First, a violation of FBI Offense Code 4.10 is inappropriate as a legal matter because there is no evidence that Mr. McCabe made any disclosure “without authorization.” As Deputy Director, Mr. McCabe was authorized to make and coordinate disclosures of information to the media. See Media Relations at FBIHQ and in Field Offices Policy Guide, § 3.1: Authorization of Federal Bureau of Investigation Personnel to Make and Coordinate Disclosures and Information Releases to the Media.

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In his testimony, Director Comey confirmed the fact that Mr. McCabe was independently authorized to make the *WSJ* disclosure. See Comey Tr. 299:6-9, Nov. 16, 2017. ("I think [the authority to disclose the existence of a pending investigation is] confined to the Director and the Deputy Director. We're the two, when I was there, we were the two authorized to make public statements." Director Comey even qualified that "unless [he] authorized it or Deputy Director McCabe authorized it, [he] considered it an unauthorized disclosure." Comey Tr. 302:13-15, Nov. 16, 2017. The fact that Mr. McCabe's judgment on the *WSJ* disclosure may have differed from Director Comey's does not make Mr. McCabe's decision unauthorized.

Second, the Clinton Foundation investigation had been publicly reported for months before the disclosure in the October 30, 2016 *WSJ* article,¹ and the *WSJ* article itself contained numerous acknowledgements from other FBI sources that the FBI had opened a criminal investigation into the Clinton Foundation. In fact, the only reason Mr. McCabe felt the need to make a disclosure, in order to protect the reputation and integrity of the FBI, was to rebut the false narrative coming from anonymous FBI sources regarding the status of the investigation. Mr. McCabe's authorization to provide information that was designed to combat the destructive and false narrative of FBI political bias was motivated solely by a desire to protect the institution that he loves and to which he has dedicated his entire professional life. Faced with the decision whether to leave the false narrative uncorrected, or provide information that tended to counter the suggestion that the FBI was buckling to political pressure, Mr. McCabe made a judgment call, which he had the clear authority to make, that the disclosure of the limited amount of information to the *WSJ* was in the best interests of the FBI.

D. Prior OPR Precedent

As part of the due process accorded FBI personnel facing potential discipline, OPR shared with us limited information on cases it has previously handled involving similar allegations against FBI personnel. Despite the assertion in the March 7, 2018 letter that, "all FBI employees know that lacking candor under oath results in dismissal," the cases show that is not consistently the case. Illustrative examples include the following:

- In OPR Case No. [REDACTED]

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¹ See, e.g., Catherine Herridge & Pamela K. Brown, FBI's Clinton probe expands to public corruption track, FOX NEWS (Jan. 11, 2016), <http://www.foxnews.com/politics/2016/01/11/fbis-clinton-probe-expands-to-public-corruption-track.html>; S.A. Miller, Obama admin blocked FBI probe of Clinton Foundation corruption: Report, THE WASHINGTON TIMES (Aug. 11, 2016), <https://www.washingtontimes.com/news/2016/aug/11/obama-admin-blocked-fbi-probe-clinton-foundation/>; Drew Griffin, Pamela Brown & Shimon Prokupecz, First on CNN: Inside the debate over probing the Clinton Foundation, CNN (Aug. 11, 2016, 4:23 PM), <https://www.cnn.com/2016/08/11/politics/hillary-clinton-state-department-clinton-foundation/index.html>; Richard Pollock, Exclusive: Joint FBI-US Attorney Probe of Clinton Foundation is Underway, THE DAILY CALLER (Aug. 11, 2016, 10:36 PM), <http://dailycaller.com/2016/08/11/exclusive-joint-fbi-us-attorney-probe-of-clinton-foundation-is-underway/>.

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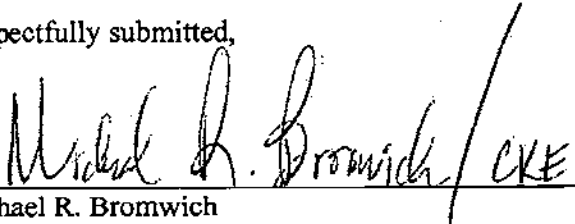
These three cases are merely illustrative. We found a number of additional cases in which OPR found an employee to have lied under oath, OPR proposed dismissal, and a lesser sanction was imposed. These cases demonstrate that the FBI has on a number of occasions exercised its discretion to take mitigating factors into account and substitute a lesser sanction than dismissal.

Thus, even if you were to find, contrary to the evidence, that Mr. McCabe knowingly lied under oath, the Department has the discretion to impose a lesser sanction. In light of OPR's acknowledgement that Mr. McCabe has "21 years of remarkable FBI service and [has shown] truly outstanding performance," and at the time of the events in question was "facing unprecedented and unimaginable pressures and challenges," (March 7, 2018 letter at 15), you should exercise that discretion in Mr. McCabe's favor and impose a sanction other than dismissal. That is the fair, just, and humane result.

E. Conclusion

For the reasons stated above, we respectfully submit that any findings of intentional misconduct are inappropriate here.

Respectfully submitted,


Michael R. Bromwich

cc: Eric B. Bruce, Kobre & Kim

Will, Candice M. (DO) (FBI)

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From: Michael Bromwich [redacted]
Sent: Tuesday, March 20, 2018 1:21 PM
To: Will, Candice M. (DO) (FBI)
Cc: [redacted] Bromwich, Michael R.; [redacted]
Subject: Re: McCabe Matter

b6 -3
b7C -3

Yes, Thursday should work. Let's say tentatively 11:00 am. If that changes, I'll let you know.

MRB

On Tue, Mar 20, 2018 at 1:16 PM, Will, Candice M. (DO) (FBI) [redacted] wrote: b6 -1
b7C -1
b7E -4

Michael, sorry, saw this after I sent my prior email. Not crucial at all to reassemble the materials. We can pick-up the files at your office at your convenience. Eric is probably right that tomorrow is not looking great. Shall we consider Thursday then for the files at your office, and, if yes, which office -- 1776?

From: Michael Bromwich [mailto:[redacted]] b6 -1,3
Sent: Tuesday, March 20, 2018 1:11 PM b7C -1,3
To: [redacted] b7E -4
Cc: Will, Candice M. (DO) (FBI); [redacted] Bromwich, Michael R.; [redacted]
Subject: Re: McCabe Matter

Candice, my situation is a bit more complicated. The materials I have, which is the bulk of the file, is locked up in an office I won't return to until tomorrow. How crucial is that I try to reassemble it in the precise order we got it?

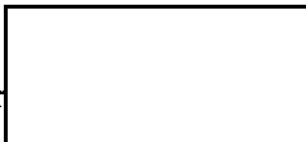
Thanks.

MRB

On Tue, Mar 20, 2018 at 1:08 PM [redacted] wrote: b6 -3
b7C -3

Hi Candice,

263D-40



-51

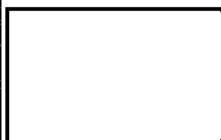
b6 -1
b7C -1

We can package up the original items we received from you and make them available to one of your team to pick up this afternoon. Please just let us know what time they will be here and the items will be waiting. If they are unable to come today, suggest we shoot for Thursday or Friday given the impending snowstorm.

Many thanks,

Eric

Eric B. Bruce



(Washington DC) b6 -3
b7C -3
(New York)

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From: Will, Candice M. (DO) (FBI) [mailto: [redacted]] b6 -1
b7C -1
Sent: Tuesday, March 20, 2018 1:02 PM b7E -4
To: Bromwich, Michael R. [redacted] Michael Bromwich b6 -3
[redacted]; Eric Bruce [redacted] b7C -3
Subject: McCabe Matter

Good afternoon, Michael and Eric,

We are in the process of ensuring the file is complete and ready to be placed in storage. As part of that, I must retrieve all copies. I can send someone to your office (just let me know which office) to pick up the redacted file you were permitted to use during the course of the official proceedings. Thank you.

Candice

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Will, Candice M. (DO) (FBI)

b6 -1
b7C -1

From: Will, Candice M. (DO) (FBI)
Sent: Tuesday, March 20, 2018 1:22 PM
To: [REDACTED] Bromwich, Michael R.; 'Michael Bromwich'
Cc: [REDACTED] (DO) (FBI)
Subject: RE: McCabe Matter

b6 -1,3
b7C -1,3

[REDACTED] b6 -3
b7C -3

Special Agent [REDACTED] is on his way. Thank you. b6 -1
b7C -1

Candice

From: Will, Candice M. (DO) (FBI)
Sent: Tuesday, March 20, 2018 1:18 PM
To: [REDACTED] Bromwich, Michael R.
[REDACTED] Michael Bromwich [REDACTED]
Cc: [REDACTED]
Subject: RE: McCabe Matter

b6 -3
b7C -3

We are on our way. My representative will ask for [REDACTED] Thank you. b6 -3
b7C -3

From: [REDACTED] b6 -1,3
Sent: Tuesday, March 20, 2018 1:14 PM b7C -1,3
To: Will, Candice M. (DO) (FBI) [REDACTED] Bromwich, Michael R. [REDACTED] Michael b7E -4
Bromwich [REDACTED]
Cc: [REDACTED]
Subject: RE: McCabe Matter

Yes, correct on both points. I've assembled everything that I received. Thanks

Eric B. Bruce
[REDACTED] (Washington DC) b6 -3
(New York) b7C -3

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Islands | BV

From: Will, Candice M. (DO) (FBI) [mailto:[REDACTED]] b6 -1
Sent: Tuesday, March 20, 2018 1:13 PM b7C -1
To: Eric Bruce [REDACTED] Bromwich, Michael R. [REDACTED] Michael b6 -3
Bromwich [REDACTED] b7E -4
Cc: [REDACTED]
Subject: RE: McCabe Matter

b6 -3
b7C -3

Thank you, Eric. Today is great. Your office then - 1919 M Street NW? You have all of the materials/files?

From: [REDACTED]
Sent: Tuesday, March 20, 2018 1:09 PM
To: Will, Candice M. (DO) (FBI) [REDACTED] Bromwich, Michael R. [REDACTED] Michael [REDACTED]
Bromwich [REDACTED]
Cc: [REDACTED]
Subject: RE: McCabe Matter

b6 -1,3
b7C -1,3
b7E -4

Hi Candice,

We can package up the original items we received from you and make them available to one of your team to pick up this afternoon. Please just let us know what time they will be here and the items will be waiting. If they are unable to come today, suggest we shoot for Thursday or Friday given the impending snowstorm.

Many thanks,

Eric

Eric B. Bruce

[REDACTED] (Washington DC) b6 -3
(New York) b7C -3

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From: Will, Candice M. (DO) (FBI) [REDACTED] b6 -1
b7C -1
Sent: Tuesday, March 20, 2018 1:02 PM b7E -4
To: Bromwich [REDACTED] Michael Bromwich
[REDACTED] Eric Bruce [REDACTED] b6 -3
b7C -3
Subject: McCabe Matter

Good afternoon, Michael and Eric,

We are in the process of ensuring the file is complete and ready to be placed in storage. As part of that, I must retrieve all copies. I can send someone to your office (just let me know which office) to pick up the redacted file you were permitted to use during the course of the official proceedings. Thank you.

Candice

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Will, Candice M. (DO) (FBI)

From: Will, Candice M. (DO) (FBI)
Sent: Tuesday, March 20, 2018 1:02 PM
To: Bromwich, Michael R.; 'Michael Bromwich'; [REDACTED]
Subject: McCabe Matter

b6 -3

b7C -3

Good afternoon, Michael and Eric,

We are in the process of ensuring the file is complete and ready to be placed in storage. As part of that, I must retrieve all copies. I can send someone to your office (just let me know which office) to pick up the redacted file you were permitted to use during the course of the official proceedings. Thank you.

Candice

Will, Candice M. (DO) (FBI)

From: Schools, Scott (ODAG) <Scott.Schools@usdoj.gov>
Sent: Tuesday, March 20, 2018 1:02 PM
To: Will, Candice M. (DO) (FBI)
Subject: RE: McCabe Matter
Attachments: Final Decision.pdf

I agree. Here you go.

Scott

From: Will, Candice M. (DO) (FBI) [mailto:[REDACTED]]
Sent: Tuesday, March 20, 2018 12:58 PM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: McCabe Matter

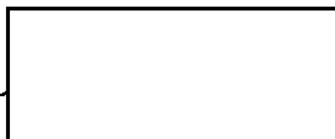
b6 -1
b7C -1
b7E -4

Good afternoon, Scott,

We are ensuring that our file is complete and ready for retirement to the closed files room. I have Mr. Bromwich's 3/16 response to DOJ. I do not, however, have any DOJ documents. Is there anything you would want to add to the official file in this matter? It would certainly seem the AG's final decision should be part of the official record. Thank you for your consideration.

Candice

263D-HQ-



-52

b6 -1
b7C -1

Will, Candice M. (DO) (FBI)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-04-2018 BY [REDACTED] NSICG

b6 -1
b7C -1

From: Will, Candice M. (DO) (FBI)
Sent: Tuesday, March 20, 2018 12:58 PM
To: Schools, Scott (ODAG) (JMD)
Subject: McCabe Matter

Good afternoon, Scott,

We are ensuring that our file is complete and ready for retirement to the closed files room. I have Mr. Bromwich's 3/16 response to DOJ. I do not, however, have any DOJ documents. Is there anything you would want to add to the official file in this matter? It would certainly seem the AG's final decision should be part of the official record. Thank you for your consideration.

Candice



U.S. Department of Justice

Office of the Deputy Attorney General

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-04-2018 BY [redacted]

b6 -1
b7C -1

Washington, DC 20530

March 16, 2018

By e-mail amg.dd@fbi.gov

Andrew G. McCabe



b6 -1
b7C -1

Mr. McCabe,

Enclosed please find the Attorney General's written decision on the Federal Bureau of Investigation's proposal for your removal.

Sincerely yours,

Scott N. Schools
Associate Deputy Attorney General

Enclosure

cc:

By e-mail [redacted]

Michael R. Bromwich, Esq.
Senior Counsel
Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP
1801 K Street, NW, Suite 411L
Washington, D.C. 20006

b6 -3
b7C -3

By e-mail [redacted]

Eric B. Bruce, Esq.
Kobre & Kim LLP
1919 M Street, NW
Washington, D.C. 20036

b6 -3
b7C -3



U.S. Department of Justice

Office of the Deputy Attorney General

ALL INFORMATION CONTAINED

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DATE 09-04-2018 BY [REDACTED]

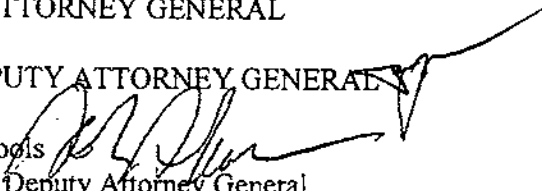
NSICb6 -1
b7C -1

Associate Deputy Attorney General

Washington, D.C. 20530

March 16, 2018

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL 

FROM: Scott Schools
Associate Deputy Attorney General

SUBJECT: Proposed Removal of Andrew G. McCabe from the FBI

PURPOSE: To provide a recommendation regarding the proposed removal of FBI Deputy Director Andrew G. McCabe

TIMETABLE: As soon as possible.

DISCUSSION:

On March 7, 2018, Candice M. Will, Assistant Director of the Office of Professional Responsibility of the Federal Bureau of Investigation (FBI), proposed that Andrew G. McCabe be dismissed from the FBI. Ms. Will's proposal resulted from her determination that Mr. McCabe (A) lacked candor under oath on two occasions in violation of FBI Offense Code 2.6; (B) lacked candor not under oath on two different occasions in violation of FBI Offense Code 2.5; and (C) made an unauthorized disclosure in violation of FBI Offense Code 4.10.

Mr. McCabe was notified of the proposal on or about March 7, 2018, and on March 8, 2018, Mr. McCabe and his counsel were advised of their right to provide to me an oral and/or written response to the proposal by March 15, 2018. On March 14, 2018, I extended the time for filing the written response to March 16, 2018 at noon. On March 15, 2018, Mr. McCabe and his counsel presented an oral response to the proposal, and I timely received the written response.

Mr. McCabe and his counsel were provided documents on which Ms. Will relied in making her proposal. Those documents included a report from the Office of Inspector General (OIG) pertaining to the conduct in question and documents underlying that report, including witness transcripts or relevant portions thereof, and other relevant documents. Ms. Will's charges were consistent with the conclusions of the Inspector General. Mr. McCabe's counsel made requests for additional documents during the course of their preparation of the responses. The Department accommodated each of those requests. On March 15, 2018, Mr. McCabe and his counsel presented their oral response to the proposal for approximately four hours. On March 16, 2018, Mr. McCabe through counsel submitted a written response to the proposal.

I have reviewed the entire record and carefully considered Mr. McCabe's oral and written responses. I incorporate Ms. Will's proposal by reference except to the extent specifically noted below. I recommend the following:

A. Lack of Candor Under Oath

1. Interview with the OIG on July 28, 2017

During an OIG interview on July 28, 2017, Mr. McCabe was questioned about an October 30, 2016 Wall Street Journal (WSJ) article that reported a conversation that Mr. McCabe had with a Senior Department Official (SDO), in which Mr. McCabe reportedly asked the SDO whether the SDO was directing the FBI to shut down a validly predicated investigation. The OIG showed Mr. McCabe the article and asked about text messages between Employee A and a third employee, the content of which indicated that Employee A was on the phone with the WSJ reporter on October 27 and 28, two days before the WSJ article. In response to being confronted with the article and text messages, Mr. McCabe stated, "I'm not even—I don't feel comfortable getting into this with you guys but . . . I was not even in town during those days, so I can't tell you where [Employee A] was or what [Employee A] was doing." Mr. McCabe subsequently acknowledged that he authorized two of his subordinates (Employees A and B) to disclose the substance of the communication to the WSJ "on background."

In a November 29, 2017 interview with the OIG, Mr. McCabe recounted in significant detail the events leading up to the WSJ article, including his specific authorization of Employees A and B to contact the WSJ, and disclose the details of the conversation with the SDO. He also acknowledged that he received updates from Employee A regarding the contacts with the WSJ reporter.

In light of the level of involvement Mr. McCabe had with Employees A and B regarding the article, the extensive phone calls he had with Employee A during the relevant time period, and the details regarding these events that he provided during his subsequent OIG interview, I find that a preponderance of the evidence supports the conclusion that his statement in the July 28, 2017 OIG interview that he did not know what Employee A was doing on the days in question was knowingly false.

Mr. McCabe advised that on July 28, 2017, the OIG requested that he be interviewed that day, that his counsel was not present, and that he attempted to avoid the discussion of matters pertaining to allegations against him. Indeed, the transcript reflects, as noted above, that Mr. McCabe stated he was uncomfortable answering the questions. However, the transcript also reflects that the OIG advised Mr. McCabe that the interview was voluntary. Therefore, Mr. McCabe could decline to answer the questions or answer them honestly. His statement denying knowledge of Employee A's activities in connection with the discussion of the October 30, 2016 article was false.

On August 1, 2017, Mr. McCabe advised the OIG that he had authorized Employees A and B to provide information that formed the basis of the October 30, 2016 article. The lack of significant notice that Mr. McCabe had in advance of the interview, his inability to contact his counsel prior to the interview, and his contacting the OIG four days after he provided false

information under oath to correct the record mitigate the seriousness of the offense. Nonetheless, I recommend that you sustain the charge that Mr. McCabe lacked candor under oath in the July 28, 2017 OIG interview.

2. Interview with the OIG on November 29, 2017

The proposing official found that Mr. McCabe lacked candor in two respects in connection with his OIG interview on November 29, 2017. First, Ms. Will found that Mr. McCabe lacked candor when he told the OIG that he told then-FBI Director James B. Comey on October 31, 2016, that he authorized the disclosure of that portion of the WSJ article that revealed the details of the conversation between Mr. McCabe and the SDO. Mr. McCabe indicated in his testimony before the OIG that he advised Mr. Comey on the morning of October 31, 2016 about the authorization. Mr. Comey denied that Mr. McCabe told him that he had authorized the disclosure to the WSJ. Mr. McCabe points out that Mr. Comey's testimony is uncertain and speculative in many respects. However, Mr. Comey testified:

[OIG]: He did not tell you that he authorized it.

MR. COMEY: No, no. Nope. In fact, likely told me the opposite. Definitely didn't tell me he authorized it and I think gave me the impression he didn't know what was going on.

Mr. Comey's testimony is in some respects vague and speculative. However, his assertion that Mr. McCabe did not affirmatively inform him that he (Mr. McCabe) authorized the disclosure in the October 30, 2016 WSJ article is unequivocal. Mr. Comey's recollection is consistent with other testimony and contemporaneous events. First, the other witnesses from the FBI's front office (except Employee A) testified that they were unaware that Mr. McCabe had authorized the disclosure, despite Mr. McCabe's claim that his authorization of the disclosure was well known. Second, as a result of the October 23, 2016 WSJ article that first reported contributions to Mr. McCabe's wife's political campaign, Director Comey had declined to receive input from Mr. McCabe regarding a particular investigation (Investigation 1) that was related to a second investigation (Investigation 2) that was the subject of the WSJ articles. It seems unlikely that in light of Mr. Comey's assessment about potential recusal issues arising from Mr. McCabe's wife's campaign, he would have been "okay with" Mr. McCabe's having made the decision to authorize the disclosure in the October 30, 2016 WSJ article. Third, that same day, October 31, 2016, Mr. Comey had a meeting with the Attorney General that included a small group. Later that day, a Department of Justice (DOJ) official e-mailed an FBI official to advise that DOJ had received a media inquiry about that very small meeting and that the inquirer had significant detail about the meeting. The DOJ employee denied having disclosed the details of the meeting, implying that the FBI was the source. When advised of the e-mail, Mr. Comey replied, "What? Do they think we're idiots?" This e-mail is inconsistent with Mr. Comey's being "okay with" Mr. McCabe's authorization of the disclosure of a one-on-one conversation between Mr. McCabe and the SDO. Fourth, the FBI's Inspection Division (INSD) opened an unauthorized disclosure investigation regarding the October 30, 2016 article, which seems unlikely to have happened if Mr. Comey and others were aware that Mr. McCabe had authorized the release of the information. Fifth, after publication of the October 30, 2016 the article, the SDO spoke with Mr. McCabe and expressed his view that the release of details regarding his one-on-one

conversation with Mr. McCabe was not conducive to a good working relationship. Although Mr. McCabe apologized, he did not (by his own admission) tell the SDO that he (Mr. McCabe) had authorized the disclosure. Sixth, even if Mr. McCabe was not expecting INSD to ask him about the October 30, 2016 article during INSD's May 9, 2017 interview, if it were well known that he had authorized the disclosure, it seems unlikely that he would have denied it to INSD. Seventh, the disclosure identified a previously undisclosed FBI investigation as "validly predicated," thereby confirming its existence at a time when the FBI had not previously confirmed the existence of the investigation, and the confirmation occurred just 9 days before a Presidential election that could have been impacted by the disclosure. Finally, after the publication of the article, Mr. McCabe contacted two supervisory FBI agents who were overseeing Investigation 2 to chastise them based on Mr. McCabe's assessment that their subordinates were improperly speaking to the media about the Investigation 2. During these calls, Mr. McCabe did not acknowledge authorizing the disclosure of his conversation with the SDO.

In sum, nothing about Mr. McCabe's immediate or subsequent actions pertaining to the WSJ article suggests that he would have revealed to Mr. Comey that he authorized the release of the information. For all of these reasons, the preponderance of the evidence supports that Mr. McCabe lacked candor when he testified that he told Mr. Comey on October 31, 2016 that he had authorized the release of the information in the October 30, 2016 WSJ article.

Ms. Will also concluded that Mr. McCabe lacked candor in his November 29, 2017 OIG interview when he denied that in his May 9, 2017 INSD interview he told INSD that he did not know who authorized the disclosure in the October 30, 2016 article. By this time, Mr. McCabe had again met with INSD, and in the second meeting he admitted that he authorized the disclosure. Mr. McCabe's description of the May 9, 2017 meeting contradicts the contemporaneous notes of the INSD agent and the recollections of both agents. Mr. McCabe described the May 9, 2017 encounter with INSD as his having been pulled aside by one of the agents outside of the presence of the others and asked about the article. In fact, one of the agents whom Mr. McCabe described as not present took the notes of the conversation, and his notes reflect not only that Mr. McCabe discussed the article and the conversation with the SDO, but also that he denied knowing its source. Mr. McCabe notes that just hours after INSD interviewed him, he learned that Mr. Comey had been removed as Director of the FBI. He has stated that the events that followed likely impaired his ability to recall the INSD interview in detail. In fact, in his discussion of the May 9, 2017 interview, Mr. McCabe frequently caveats his assertions by noting his lack of perfect recollection. However, because he had met with INSD a second time by that point, he must have known that the interviewing agents understood him to have denied that he authorized the disclosures in the October 30, 2016 article. His effort to minimize the significance of that portion of the meeting, which the agents described as lasting five to seven minutes, seems designed to persuade the OIG that the denial did not happen. Although a closer question, the preponderance of the evidence supports a finding that Mr. McCabe's testimony failing to acknowledge that he denied to INSD that he authorized the disclosure in the October 30, 2017 article was false, and that he lacked candor.

B. Lack of Candor—Not Under Oath

1. Meeting with the Director on October 31, 2016

Ms. Will concluded that Mr. McCabe lacked candor when he told Mr. Comey on October 31, 2016, that he did not know how the information got into the October 30, 2016 WSJ article. As noted above, however, Mr. Comey's testimony regarding Mr. McCabe's affirmative denial of authorizing the disclosure in the article is equivocal and speculative. Although the preponderant evidence supports a finding that Mr. McCabe did not tell Mr. Comey that he authorized the disclosure, the testimony is insufficient to support a finding that Mr. McCabe denied being the source. Therefore, the first charge of lack of candor under oath is not supported by preponderant evidence.

2. May 9, 2017 INSD interview

Ms. Will found that Mr. McCabe denied authorizing the disclosure of the information in the WSJ article when INSD interviewed him on May 9, 2017. Mr. McCabe in his oral response stated, "I guess I did tell them I don't know." The contemporaneous notes of the interviewing agent along with INSD's contemporaneous preparation of a draft signed sworn statement reflecting Mr. McCabe's denial are strong evidence of the denial. INSD agents describe being surprised when Employee A admitted being the source of the article in an August 7, 2017 interview, and also when she stated that Mr. McCabe had authorized the release. Finally, the notes from Mr. McCabe's August 18, 2017 interview with INSD reflect that when asked again whether he authorized the disclosure, he replied, "Yes, recall that now." At the August 18, 2017 interview, the interviewing agents told Mr. McCabe that they had spent considerable resources and time trying to find out the source of the information as a result of his earlier denial, and he did not suggest that their time had been wasted because he had previously told them he was the source. In other words, during the second interview, he did not claim to have earlier reported that he was the source.

Mr. McCabe points out that INSD's questioning of him about the WSJ article during the May 9, 2017 interview was unexpected and that may have been why he failed to acknowledge that he authorized the disclosure. However, the events surrounding the October 30, 2016 WSJ article were fresher in his mind at that point than they would have been in the November 29, 2017 OIG interview, yet he recounted the events during the November interview in considerable detail. The preponderance of the evidence supports a finding that Mr. McCabe lacked candor in his May 9, 2017 interview with INSD.

C. Unauthorized Disclosure

Ms. Will next concluded that Mr. McCabe's authorization to disclose the conversation with the SDO that also confirmed the existence of a previously unconfirmed investigation violated FBI Offense Code 4.10. Mr. McCabe contends that the FBI's Media Policy authorized him to make disclosure determinations. However, that policy also restricted the circumstances under which the FBI would disclose information about ongoing investigations. Although Mr. McCabe contends that the October 23, 2016 article suggesting that the FBI was acting politically deserved a response, and that it was in the public interest to refute that allegation, he chose to

disclose a private conversation that involved a DOJ official not in the FBI, and in so doing confirmed the existence of an investigation. He acknowledged in his oral response that his "defense" of the FBI was at the expense of DOJ. The FBI is within the Department of Justice, and no rational analysis could conclude that it was in the public interest to defend the FBI at the expense of larger DOJ. At the very least, Mr. McCabe should have consulted with DOJ before unilaterally making the decision to disclose confidential information in the form of what appeared to be a leak. His failure to admit to the SDO that he (Mr. McCabe) had authorized the disclosure demonstrates his recognition that the disclosure was not in the overall best interest of the Department of Justice. Whether the disclosure was accurate or not, he should not have authorized the disclosure, and the preponderance of the evidence supports a finding that the disclosure was not authorized by FBI policy.

Penalty Determination

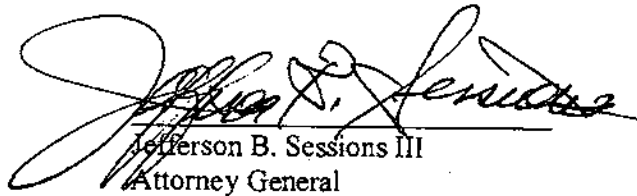
I have attached and incorporate Ms. Will's proposal and the Office of Professional Responsibility report that summarizes her Douglas factor analysis. I have also considered the FBI's disciplinary history. As Ms. Will notes, the standard penalty for lack of candor under oath is dismissal. The substantiated findings of lack of candor under oath are compounded by the finding of lack of candor not under oath, and the unauthorized disclosure finding. Although Mr. McCabe has had a distinguished career in the FBI, as Ms. Will observed, he was the second highest-ranking official in the FBI, and he is expected to handle himself with utmost integrity. For these reasons and having considered the Douglas factors, I recommend that you concur in her proposal that Mr. McCabe be dismissed from the FBI.

RECOMMENDATION: I recommend that you accept the proposal of Candice Will, Assistant Director, Office of Professional Responsibility, that Andrew G. McCabe be dismissed from the rolls of the FBI.

Decision

For the reasons stated in the foregoing recommendation, I have decided that Andrew G. McCabe should be removed from the Federal Bureau of Investigation and from the civil service.

March 16, 2018
Date


Jefferson B. Sessions III
Attorney General

○ #53

FD-340 (Rev. 4-11-03)

File Number

263D-HQ-

b6 -1
b7C -1

Field Office Acquiring Evidence

FBIHQ / OPR

Serial # of Originating Document

Date Received

February 23, 2018

From

DOJ-OIG

(Name of Contributor/Interviewee)

(Address)

(City and State)

By

DOJ-OIG

To Be Returned ☐ Yes

☒ No

Receipt Given ☐ Yes

☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes

☒ No

Federal Taxpayer Information (FTI)

☐ Yes

☒ No

Title:

Reference:

(Communication Enclosing Material)

Description:

☐ Original notes re interview of

2 disks and e-mail re: DOJ-OIG exhibits

[REDACTED] (DO) (FBI)

b6 -1
b7C -1

From: Blier, William M.(OIG) <William.Blier@usdoj.gov>
Sent: Friday, February 23, 2018 11:14 AM
To: [REDACTED] (DO) (FBI); Will, Candice M. (DO) (FBI); [REDACTED] (DO) (FBI)
Subject: RE: File Review
Attachments: Report Exhibit List - Disk 2.docx

b6 -1
b7C -1

Candice [REDACTED]
b6 -1
b7C -1

To ensure that you have all materials that support our report when it is issued, in addition to the disk (and hard copies) we provided yesterday, we have produced a second disk containing the documents listed in the attached. I expect to have the disk shortly and can provide it to you immediately upon your being available to receive it. Let me know how you would like to proceed.

Thanks. Bill

From: Blier, William M.(OIG)
Sent: Thursday, February 22, 2018 3:07 PM
To: [REDACTED] (DO) (FBI); [REDACTED] Will, Candice M. (DO) (FBI); [REDACTED]
Cc: [REDACTED] (DO) (FBI); [REDACTED]
Subject: RE: File Review

b6 -1
b7C -1
b7E -4

The password for the disk I provide is: [REDACTED] b7E -3

From: [REDACTED] (DO) (FBI) [mailto:[REDACTED]]
Sent: Thursday, February 22, 2018 1:26 PM
To: Blier, William M.(OIG) <wblier@OIG.USDOJ.GOV>; Will, Candice M. (DO) (FBI); [REDACTED]
Cc: [REDACTED] (DO) (FBI); [REDACTED]
Subject: RE: File Review

b6 -1
b7C -1
b7E -4

Bill,

Thank you very much. We should be able to get in with our credentials. We will see you shortly.

[REDACTED] b6 -1
b7C -1

[REDACTED]
Unit Chief
Office of Professional Responsibility
Federal Bureau of Investigation
[REDACTED]
b6 -1
b7C -1
b7E -4

From: Blier, William M.(OIG) [mailto:William.Blier@usdoj.gov]
Sent: Thursday, February 22, 2018 1:21 PM
To: Will, Candice M. (DO) (FBI); [REDACTED]
b6 -1
b7C -1
b7E -4

FD-340 (Rev. 4-11-03)

File Number

263D-HQ - [redacted]

b6 -1
b7C -1

Field Office Acquiring Evidence

FBIHQ / OPR

Serial # of Originating Document

Date Received

From

FBIHQ / DPU

(Name of Contributor/Interviewee)

(Address)

(City and State)

By

To Be Returned ☐ Yes

☒ No

Receipt Given ☐ Yes

☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes

☒ No

Federal Taxpayer Information (FTI)

☐ Yes

☒ No

Title:

Reference:

(Communication Enclosing Material)

Description: ☐ Original notes re interview of

Redacted 263 case file