



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

December 31, 2019

Austin R. Evers
1030 15th Street, NW, Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: DOJ-2019-005155
19-cv-2563 (D.D.C.)
VRB:JMB:SJD

Dear Austin R. Evers:

This responds to your Freedom of Information Act request, dated and received in this Office on June 7, 2019, seeking records reflecting communications between the Offices of the Attorney General or the Deputy Attorney General and the U.S. Attorney for the District of Connecticut, John Durham. This response is made on behalf of the Offices of the Attorney General and Deputy Attorney General.

Please be advised that initial searches have been conducted and records responsive to your request have been located. At this time, I have determined that six pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemptions 6 and 7(A) of the FOIA, 5 U.S.C. § 552(b)(6) and (b)(7)(A). Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(A) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Kuntal Cholera of the Department's Civil Division, Federal Programs Branch at 202-305-8645.

Sincerely,

Vanessa R. Brinkmann
Senior Counsel

Enclosures

Subject: Meeting: USA John Durham, Connecticut
Location: AG's Office

Start: Mon 3/25/2019 1:30 PM
End: Mon 3/25/2019 2:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT); Levi, William (OAG); Nichols, Matthew (JMD); Gerritzen, David E. (JMD); Louton-Brown, Arlene (JMD)

POC: Seth DuCharme
Attendees: Brian Rabbit and Will Levi
Outside Attendees: USA John Durham – Email (b) (6) cell: (b) (6)

Subject: Meeting
Location: AG's Office

Start: Thu 4/25/2019 9:00 AM
End: Thu 4/25/2019 10:00 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT); Moran, John (OAG); DuCharme, Seth (OAG)

POC: Seth DuCharme
Attendees: Seth DuCharme and USA John Durham

Subject: Prep: (b) (7)(A)
Location: AG's Conference Room

Start: Tue 4/30/2019 1:30 PM
End: Tue 4/30/2019 2:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT); (b) (6) (USACT)

POC: Seth DuCharme
Attendees: Brian Rabbitt, Seth DuCharme, USA John Durham, AUSA (b) (6)

Subject: Meeting with (b) (6) and John Durham
Location: AG's Office

Start: Tue 5/14/2019 5:00 PM
End: Tue 5/14/2019 7:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); (b) (6) (USACT); Durham, John (USACT)

POC: Seth DuCharme
Attendees: Brian Rabbitt, Seth DuCharme, (b) (6) and John Durham

Subject: Meeting
Location: AG's Office

Start: Wed 5/22/2019 1:30 PM
End: Wed 5/22/2019 2:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT)

Importance: High

POC: Brian Rabbitt
Attendees: Brian Rabbitt and John Durham

Subject: Meeting
Location: AG's Office

Start: Tue 6/4/2019 4:00 PM
End: Tue 6/4/2019 5:15 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT); (b) (6) (USACT)

POC: Seth DuCharme
Attendees: Seth DuCharme, John Durham and (b) (6)



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

March 31, 2020

Austin R. Evers
1030 15th Street, NW, Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: DOJ-2019-005155
19-cv-2563 (D.D.C.)
VRB:JMB:SJD

Dear Austin R. Evers:

This responds to your Freedom of Information Act (FOIA) request dated June 7, 2019 submitted to this Office as well as the Executive Office for United States Attorneys (EOUSA), seeking records reflecting communications between the Offices of the Attorney General or the Deputy Attorney General and the U.S. Attorney for the District of Connecticut, John Durham. While processing your FOIA request, EOUSA referred nineteen pages to this Office for processing and direct response to you.¹ In addition, this Office has conducted a search for records responsive to your request on behalf of the Offices of the Attorney General and Deputy Attorney General.

With respect to the nineteen pages referred by EOUSA, I have determined that two pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemptions 6 and 7(C) of the FOIA, 5 U.S.C. § 552(b)(6) and (b)(7)(C). Additionally, eleven pages containing records responsive to your request are being withheld in full pursuant to Exemption 7(A) of the FOIA, 5 U.S.C. § 552(b)(7)(A). Exemption 7(A) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. Additional exemptions, including Exemptions 5, 6, and 7(C), 5 U.S.C. § 552(b)(5), (b)(6) and (b)(7)(C), apply to the pages being withheld in full. Exemption 5 pertains to certain inter- and intra-agency communications protected by civil discovery privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy. Lastly, six pages referred by EOUSA were determined to be completely duplicative and have not been processed.

Moreover, we have completed processing of an additional thirteen pages located pursuant to OIP's records searches. I have determined that twelve of these pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemptions 6 and 7(C) of the FOIA, 5 U.S.C. § 552(b)(6) and (b)(7)(C). Additionally, one page is being withheld in full pursuant to Exemption 7(A) of the FOIA, 5 U.S.C.

¹ For your reference, the EOUSA tracking number assigned to this request is EOUSA-2019-003243.

§ 552(b)(7)(A). Additional exemptions, including Exemptions 6, 7(C), and 7(E), 5 U.S.C. § 552(b)(6), (b)(7)(C), and (b)(7)(E), apply to portions of the page being withheld in full. Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques or procedures for law enforcement investigations or prosecutions.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Kuntal Cholera of the Department's Civil Division, Federal Programs Branch at 202-305-8645.

Sincerely,



Vanessa R. Brinkmann
Senior Counsel

Enclosures

Durham, John (USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Friday, April 12, 2019 5:34 PM
To: Horowitz, Michael E.(OIG); DuCharme, Seth (OAG)
Cc: Durham, John (USACT); Blier, William M.(OIG)
Subject: RE: Logistics

Hi Michael: Thanks very much for making time to meet with us. Unfortunately, we have a conflict for late Monday afternoon. Would it work with schedules to meet early Monday afternoon or some time on Tuesday, except 1:30-2:30? (b) (6), (b) (7)(C)

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

From: Horowitz, Michael E.(OIG) <mhorowitz@OIG.USDOJ.GOV>
Sent: Friday, April 12, 2019 5:02 PM
To: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>
Cc: Durham, John (USACT) (b) (6) >; (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) ; Blier, William M.(OIG) <wblier@OIG.USDOJ.GOV>
Subject: RE: Logistics

Seth,

Adding Bill Blier to the email chain. How does late afternoon on Monday look for the 3 of you?

Michael

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

From: DuCharme, Seth (OAG)
Sent: Friday, April 12, 2019 4:53 PM
To: Horowitz, Michael E.(OIG) <mhorowitz@OIG.USDOJ.GOV>

Cc: Durham, John (USACT) (b) (6) >; (b) (6), (b) (7)(C)
(USACT) <(b) (6), (b) (7)(C)

Subject: Logistics

Michael, thank you for your time this afternoon and the opportunity for me to explain what John and (b) (6), (b) (7)(C) and I are working on.

I understand that Monday or perhaps Tuesday would be the most convenient days for you to meet with us.

If you would like to suggest some times, or permit us to, we will make every effort to adjust to your schedule.

Best,
Seth

Sent from my iPhone

Subject: Meeting: John Durham, USACT
Location: AG's Office

Start: Wed 6/26/2019 10:30 AM
End: Wed 6/26/2019 11:00 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT)

POC: Seth DuCharme
Attendees: Brian Rabbitt, Seth DuCharme and Tim Shea
Outside Attendee: John Durham, USA CT ([Green Badge](#))

Subject: Meeting
Location: AG's Office

Start: Thu 7/11/2019 11:30 AM
End: Thu 7/11/2019 12:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT)

POC: Seth DuCharme
Attendees: Brian Rabbitt, Seth DuCharme and John Durham

Subject: Phone Call
Location: AG's Office

Start: Fri 7/12/2019 10:30 AM
End: Fri 7/12/2019 11:00 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT)

Categories: Yellow Category

POC: Seth DuCharme
Attendees: Brian Rabbitt and Seth DuCharme
***AG will call USA John Durham; (b) (6)**

Subject: Meeting
Location: AG's Office

Start: Tue 7/16/2019 4:30 PM
End: Tue 7/16/2019 5:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT)

POC: Seth DuCharme
Attendees: Seth DuCharme and USA John Durham

Subject: Meeting
Location: AG's Office

Start: Thu 8/1/2019 5:30 PM
End: Thu 8/1/2019 6:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT)

POC: Seth DuCharme
Attendees: Seth DuCharme and John Durham

Subject: Meeting
Location: AG's office

Start: Tue 8/6/2019 11:30 AM
End: Tue 8/6/2019 11:45 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT)

POC: Seth DuCharme
Attendees: Seth DuCharme

Subject: Phone Call with John Durham
Location: AG's Office

Start: Fri 8/16/2019 4:30 PM
End: Fri 8/16/2019 5:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Levi, William (OAG); DuCharme, Seth (OAG); Durham, John (USACT)

Categories: Yellow Category

NEW TIME: 4:30 pm

POC: Seth DuCharme

Attendee: Will Levi

***Mr. Durham will call Theresa at (202) 514-9755 to be connected.**

Subject: Meeting w/USA John Durham, CT
Location: AG's Office

Start: Tue 8/20/2019 11:00 AM
End: Tue 8/20/2019 12:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT); DuCharme, Seth (OAG)

POC: Seth DuCharme
Attendees: Seth DuCharme
Outside Attendee: John Durham, USA CT

Subject: Meeting
Location: AG's Office

Start: Tue 9/3/2019 5:30 PM
End: Tue 9/3/2019 6:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT); (b) (6), (b) (7)(C) JMD)

POC: Seth DuCharme
Attendees: Seth DuCharme, USA John Durham, (b) (6), (b) (7)(C)

Subject: Phone Call with USA John Durham (CT)
Location: AG's Office

Start: Fri 9/6/2019 4:45 PM
End: Fri 9/6/2019 5:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT)

Categories: Yellow Category

Importance: High

POC: Seth DuCharme
Attendee: USA John Durham (**call Theresa's line at 202-514-9755**)

Subject: Meeting
Location: AG's Office

Start: Thu 9/12/2019 9:30 AM
End: Thu 9/12/2019 10:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT)

POC: Seth DuCharme
Attendees: Seth DuCharme
Outside Attendee: USA John Durham (CT) **Green Badge**

Subject: Meeting
Location: AG's Office

Start: Thu 10/17/2019 11:00 AM
End: Thu 10/17/2019 12:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT); (b) (6), (b) (7)(C) (JMD)

POC: Seth DuCharme
Attendees: Seth DuCharme, USA Durham, (b) (6), (b) (7)(C)



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530-0001

Telephone: (202) 514-3642

June 19, 2020

Austin R. Evers
1030 15th Street, NW, Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: DOJ-2019-005155
19-cv-2563 (D.D.C.)
VRB:JMB:SJD

Dear Austin R. Evers:

This is our third interim response to your Freedom of Information Act (FOIA) request submitted to this Office, dated June 7, 2019, seeking records reflecting communications between the Offices of the Attorney General or the Deputy Attorney General and the U.S. Attorney for the District of Connecticut John Durham.

Previously, on December 31, 2019 and March 31, 2020, we provided you with two interim responses. At this time, I have determined that 106 pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemptions 5, 6, 7(A), and 7(C) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6), (b)(7)(A), and (b)(7)(C). Exemption 5 pertains to certain inter- and intra-agency communications protected by civil discovery privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(A) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Kuntal Cholera of the Department's Civil Division, Federal Programs Branch at 202-305-8645.

Sincerely,

Vanessa R. Brinkmann
Senior Counsel

Enclosures

(b) (6), (b) (7)(C), (JMD)

Subject: David Metcalf meeting

Start: Wednesday, October 30, 2019 10:00 AM

End: Wednesday, October 30, 2019 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: (b) (6), (b) (7)(C), (JMD)

Required Attendees: Durham, John H. (JMD); (b) (6), (b) (7)(C), (JMD); (b) (6), (b) (7)(C), (JMD); (b) (6), (b) (7)(C), (JMD); (b) (6), (b) (7)(C), (JMD); (b) (6), (b) (7)(C), (USACT); (b) (6), (b) (7)(C), (JMD); (b) (6), (b) (7)(C), (JMD); (b) (6), (b) (7)(C), (JMD)

David Metcalf
(202)-305-0620

Durham, John H. (JMD)

Subject: David Metcalf
Location: (b) (5)
Start: Wednesday, October 30, 2019 10:00 AM
End: Wednesday, October 30, 2019 11:00 AM
Recurrence: (none)
Meeting Status: No response required
Organizer: Durham, John H. (JMD)

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Sunday, October 6, 2019 2:32 PM
To: (b) (6), (b) (7)(C) (USACT)
Subject: (b) (6), (b) (7)(C), (b) (7)(A)
Attachments: [REDACTED]

Metcalf, David (ODAG)

From: Metcalf, David (ODAG)
Sent: Thursday, October 3, 2019 11:35 AM
To: Durham, John (USACT)
Subject: FW: Meeting

John,

Just following up here. Let me know if you have some free time to talk today or tomorrow. I'm pretty free both days.

David Metcalf

(b) (6)

From: Metcalf, David (ODAG)
Sent: Monday, September 30, 2019 11:45 AM
To: Durham, John (USACT) (b) (6), (b) (7)(C)
Subject: Meeting

John,

Let me know if you have some time this afternoon or tomorrow to talk.

Thanks

David Metcalf
Counsel to the Deputy Attorney General
Office of the Deputy Attorney General
950 Pennsylvania Avenue, NW, Room 4226
Washington, D.C. 20530
Office: (202) 305-0620
Cell: (b) (6)
David.Metcalf2@usdoj.gov

Metcalfe, David (ODAG)

From: Metcalfe, David (ODAG)
Sent: Wednesday, September 25, 2019 11:54 AM
To: Durham, John (USACT)
Subject: Meeting this week

John,

(b) (5) . Do you have time for a brief phone call this afternoon?

David Metcalfe
Counsel to the Deputy Attorney General
Office of the Deputy Attorney General
950 Pennsylvania Avenue, NW, Room 4226
Washington, D.C. 20530
Office: (202) 305-0620
Cell: (b) (6)
David.Metcalfe2@usdoj.gov

DuCharme, Seth (OAG)

Subject: Meeting with (b) (6), (b) (7)(C)

Start: Tuesday, September 24, 2019 2:00 PM

End: Tuesday, September 24, 2019 2:30 PM

Recurrence: (none)

Meeting Status: No response required

Organizer: DuCharme, Seth (OAG)

Durham, John H. (JMD)

From: Durham, John H. (JMD)
Sent: Thursday, September 19, 2019 2:17 PM
To: DuCharme, Seth (OAG)
Subject: As discussed
Attachments: [Untitled].pdf

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Monday, September 16, 2019 10:23 PM
To: DuCharme, Seth (OAG)
Cc: (b) (6), (b) (7)(C) (USACT)
Subject: Re: Sorry I missed your call

Roger. I'll be in Command Center starting at 9:30. (b) (6), (b) (7)(C) will be at (b) (5), (b) (7)(A) starting at 9:00. A call before 8:30 or after 10:30 would work.

Sent from my iPhone

> On Sep 16, 2019, at 10:07 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:
>
>
> My ringer was off - talk in the morning?
>
> Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, September 10, 2019 4:48 PM
To: Durham, John (USACT)
Subject: Tomorrow

His schedule keeps changing - let me know when you can talk and we can game it out

Sent from my iPhone

Otus85, AG (OAG)

Subject: HOLD: Meeting
Location: AG's Office

Start: Thursday, September 12, 2019 9:00 AM
End: Thursday, September 12, 2019 10:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT)

POC: Seth DuCharme
Attendees: Seth DuCharme and USA John Durham (CT)

Otus85, AG (OAG)

Subject: HOLD: Meeting
Location: AG's Office

Start: Thursday, September 12, 2019 9:00 AM
End: Thursday, September 12, 2019 10:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Durham, John (USACT)

POC: Seth DuCharme
Attendees: Seth DuCharme and USA John Durham (CT)

Metcalf, David (ODAG)

From: Metcalf, David (ODAG)
Sent: Thursday, September 5, 2019 7:19 PM
To: Durham, John (USACT)
Subject: RE: Test

Nice to meet you. Would next Tuesday work for me to come by?

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

From: Durham, John (USACT) (b) (6), (b) (7)(C)
Sent: Thursday, September 5, 2019 4:42 PM
To: Metcalf, David (ODAG) <dmetcalf@jmd.usdoj.gov>
Subject: Test

Test

Sent from my iPhone

(b) (6), (b) (7)(C) (USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Friday, August 30, 2019 4:38 PM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: Re: (b) (7)(A) are happy to switch to Thursday

Yes, that should work well.

Sent from my iPhone

> On Aug 30, 2019, at 4:03 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

>
> I think we shoot for early afternoon again - does 2pm work for you?

>
> Sent from my iPhone

>
>> On Aug 30, 2019, at 1:42 PM (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

>>
>> Thanks very much. What time works best for them?

>>
>> Sent from my iPhone

>>
>>> On Aug 30, 2019, at 1:38 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

>>>
>>>
>>>
>>> Sent from my iPhone

(b) (6), (b) (7)(C) (JMD)

From: (b) (6), (b) (7)(C) (JMD)
Sent: Thursday, August 29, 2019 4:10 PM
To: DuCharme, Seth (OAG)
Subject: RE: reschedule Tuesday's meeting

Yes, that would work. thanks

From: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>
Sent: Thursday, August 29, 2019 4:09 PM
To: (b) (6), (b) (7)(C) (JMD) (b) (6), (b) (7)(C)
Subject: Re: reschedule Tuesday's meeting

I'll talk to (b) (7)(A). If it's a problem for (b) (7)(A): are there any free investigators on your team who could meet with them?

Sent from my iPhone

On Aug 29, 2019, at 12:58 PM, (b) (6), (b) (7)(C) (JMD) (b) (6), (b) (7)(C) > wrote:

Seth: Can we move our meeting scheduled for Tuesday at 2pm to Thursday? We have a conflict with interviews. Thanks

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, August 27, 2019 5:53 PM
To: Durham, John (USACT)
Subject: Re: Automatic reply: Other matter

This week?

Sent from my iPhone

On Aug 27, 2019, at 2:27 PM, Durham, John (USACT) <(b) (6), (b) (7)(C)> wrote:

Just FYI, we had already called over to the FBI to set something up.

Sent from my iPhone

On Aug 27, 2019, at 5:25 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

I am currently out of the office, checking email periodically.

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, August 21, 2019 8:52 AM
To: Durham, John (USACT)
Subject: Sent bios on high side

Sent from my iPhone

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Tuesday, August 20, 2019 10:43 AM
To: Durham, John (USACT)
Cc: DuCharme, Seth (OAG)
Subject: RE:
Importance: High

Your meeting is at 11

From: Bryant, Errical (OAG)
Sent: Tuesday, August 20, 2019 9:21 AM
To: Durham, John (USACT) (b) (6), (b) (7)(C) >
Cc: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>
Subject:
Importance: High

John,
Can you make a 11:00am meeting today? Thanks E

Errical A. Bryant
Director of Scheduling
United States Attorney General

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, August 20, 2019 9:39 AM
To: Bryant, Errical (OAG)
Cc: Durham, John (USACT)
Subject: Re:

I spoke to his team we're good for 11

Sent from my iPhone

On Aug 20, 2019, at 9:21 AM, Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov> wrote:

Duplicative Records

Watson, Theresa (OAG)

From: Watson, Theresa (OAG)
Sent: Friday, August 16, 2019 1:41 PM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: RE: Call

Call time moved to 4:30 pm.

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

From: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>
Sent: Friday, August 16, 2019 1:15 PM
To: Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>
Cc: Durham, John (USACT) (b) (6), (b) (7)(C)
Subject: Call

Theresa did we schedule a call with John? He's good to go, just needs a time frame, thanks.

Sent from my iPhone

Watson, Theresa (OAG)

From: Watson, Theresa (OAG)
Sent: Friday, August 16, 2019 1:22 PM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: RE: Call
Importance: High

The AG is available at 5:00 pm (EST). Please call (b) (6).
Thanks,
Theresa

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

From: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>
Sent: Friday, August 16, 2019 1:15 PM
To: Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>
Cc: Durham, John (USACT) <JDurham@usa.doj.gov>
Subject: Call

Duplicative Records

Otus85, AG (OAG)

Subject: Meeting
Location: AG's Office

Start: Tuesday, August 13, 2019 3:00 PM
End: Tuesday, August 13, 2019 3:15 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG);
Rabbitt, Brian (OAG); DuCharme, Seth (OAG) (b) (6), (b) (7)(C)
██████ (JMD)

POC: Seth DuCharme
Attendees: Seth DuCharme an (b) (6), (b) (7)(C)

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, August 13, 2019 2:13 PM
To: (b) (6), (b) (7)(C) (USACT)
Subject: Meeting this afternoon

I hope you don't have an early train

Sent from my iPhone

(b) (6), (b) (7)(C) (USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Friday, August 9, 2019 6:44 AM
To: DuCharme, Seth (OAG)
Subject: Re: Got your message thanks

Ok, nothing urgent or new to report. Have a good day.

Sent from my iPhone

> On Aug 8, 2019, at 11:02 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:
>
> Happy to talk in the morning nothing urgent on my end
>
> Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, August 8, 2019 1:39 PM
To: (b) (6), (b) (7)(C) (USACT)
Subject: Re: Whereabouts

Please give me a call when you get out thanks.

Sent from my iPhone

> On Aug 8, 2019, at 9:05 AM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:
>
> I am at (b) (7)(A). If you need to reach me, please call (b) (6), (b) (7)(C). Thanks
>
> Sent from my iPhone

Otus85, AG (OAG)

From: Otus85, AG (OAG)
Sent: Tuesday, August 6, 2019 11:35 AM
To: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT)
Subject: Meeting

POC: Seth DuCharme
Attendees: Seth DuCharme

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, August 6, 2019 10:50 AM
To: Durham, John (USACT)
Subject: Confirmed for 11:30 and primed

I'm in another meeting with him that supposed to go until 11:30 so I will look for you by Rabbitt's office in the main waiting area

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, August 6, 2019 9:37 AM
To: Durham, John (USACT)
Subject: He has 15 minutes at 11:30 does that work? Please let me know ASAP

Sent from my iPhone

Levi, William (OAG)

From: Levi, William (OAG)
Sent: Tuesday, July 30, 2019 4:09 PM
To: Durham, John (USACT)
Subject: FW: IMG_0017.jpg

John,

Bill asked me to send this along. He was pleasantly surprised to see your formal portrait hanging in the Carlton House Council Room. This reassured him that he had picked the right man for the job. He therefore asked me to send this along. I'm sure you already have this in your family collection.

Best,
Will

William R. Levi
Counselor to the Attorney General
Office of the Attorney General
U.S. Department of Justice
T: (202) 616-7740
M: (b) (6)
William.Levi@usdoj.gov



Philip James de Loutherbourg
Edward VII

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, July 16, 2019 3:37 PM
To: Durham, John (USACT)
Subject: Just confirming you notice you're on the calendar today

Sent from my iPhone

Watson, Theresa (OAG)

From: Watson, Theresa (OAG)
Sent: Friday, July 12, 2019 10:19 AM
To: Durham, John (USACT)
Subject: AG Phone Call
Importance: High

Good morning,

The AG would like to schedule a phone call today at 10:30 am, please let me know if you are available. I have your cell number as (b) (6), (b) (7)(C)

Thanks,

Theresa J. Watson
Confidential Assistant to the Attorney General
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-9755

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, July 2, 2019 10:01 AM
To: Durham, John (USACT)
Cc: (b) (6), (b) (7)(C) (USACT)
Subject: 2019-06-24 JDJ MM to Barr - DOJ re Durham Probe.pdf
Attachments: 2019-06-24 JDJ MM to Barr - DOJ re Durham Probe.pdf; ATT00001.txt

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<http://oversight.house.gov>

June 24, 2019

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Mr. Attorney General:

We understand that you have appointed John H. Durham, the United States Attorney for the District of Connecticut, to conduct a comprehensive investigation of counterintelligence decisions made by the Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ) in the context of the 2016 presidential election.¹ As members of the House Committee on Oversight and Government Reform in the 115th Congress, our oversight uncovered information about political biases and, according to FBI and DOJ witnesses we interviewed, self-described “unusual” conduct surrounding the FBI’s investigation of campaign associates of then-candidate Donald J. Trump (Russia investigation).² We write to bring to your attention several areas of inquiry that we respectfully suggest are worthy of further examination as part of Mr. Durham’s investigation.

1. The evidence used and gathered in the FBI’s investigation of four Americans as part the FBI’s Russia investigation

During the Committee’s transcribed interview of former FBI Director James Comey, he testified that the FBI “opened investigations on four Americans to see if there was any connection between those four Americans and the Russian interference effort. And those four

¹ Adam Goldman, et al., *Barr Assigns U.S. Attorney in Connecticut to Review Origins of Russia Inquiry*, N.Y. TIMES (May 13, 2019).

² See James Baker Transcribed Interview 53, Oct. 18, 2018 (“It was unusual for me to be the recipient of information directly from the public or a lawyer or anyone else about an allegation of a crime.”); Bruce Ohr Transcribed Interview 43, Aug. 28, 2018; *see also* Bruce Ohr Transcribed Interview 43, Aug. 28, 2018; *id.* at 42 (Mr. Gowdy. Can you think of other instances in your career since 1991 where you made yourself part of a chain of custody? Mr. Ohr. Not -- I don’t remember getting any other sticks or anything like that, so --”); *id.* at 31; INSPECTOR GEN., DEP’T OF JUSTICE, *A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election*, 329 (2018) (“we did not have confidence that [Peter] Strzok’s decision to prioritize the Russia investigation over following up on [the Clinton email investigation] was free from bias.”).

Americans did not include the candidate.”³ Neither the FBI nor the DOJ has confirmed the identities of these four Americans. Mr. Durham’s investigation provides an opportunity for much-needed transparency and accountability around the FBI’s investigations of these four Americans. We hope that Mr. Durham will examine all relevant details about the FBI’s investigations of these four Americans, including the investigations’ predication, initiation dates, evidence compiled, and sources used to investigate each of them.

2. *The timing of Christopher Steele’s initial FBI contacts and the initiation of the Russia investigation*

You have expressed skepticism about the stated timeframe for the FBI’s initiation of its Russian investigation.⁴ Former FBI attorney Lisa Page testified to the Committee that the FBI learned the basis for the Russia investigation on July 28 and formally opened it on July 31, 2016.⁵ However, Fusion GPS president Glenn Simpson provided a different timeframe to the House Permanent Select Committee on Intelligence (HPSCI). He testified that Christopher Steele—who was retained by Fusion GPS, on behalf of Perkins Coie LLP and the Democrat National Committee (DNC), to obtain opposition research about Donald Trump—contacted the FBI in early July 2016.⁶ We hope that Mr. Durham will examine the timing of Steele’s initial communications with the FBI about Donald Trump and all actions taken by the FBI before July 31, 2016, related to its Russia investigation.

3. *How the FBI verified information in the Steele dossier before presenting it to the Foreign Intelligence Surveillance Court (FISC)*

Christopher Steele was the author of the collection of unverified and salacious reports (Steele dossier) used by the FBI to surveil at least one Trump campaign associate, Carter Page. According to one FBI employee, the FBI relied on Steele’s reporting so much that without it, it was only “50-50” that a court would approve the FBI’s Carter Page Foreign Intelligence Surveillance Act (FISA) warrant.⁷ However, Director Comey testified that the FBI had not completed verifying Steele’s reporting by the time it applied to surveil Carter Page in October 2016—in fact, Director Comey testified the FBI could not verify all of Steele’s information even by May 2017.⁸ If Director Comey knew that Steele’s information was unverified, it is unclear

³ James Comey Transcribed Interview 24, Dec. 7, 2018; *see id.* at 58 (“And he also was one of the handful of people in the entire world who knew we were investigating four Americans who had some connection to Mr. Trump during the summer of 2016.”).

⁴ *The Department of Justice’s Investigation of Russian Interference with the 2016 Presidential Election: Hearing Before the S. Comm. on Judiciary*, 116th Cong. 167 (May 1, 2019) (“The position is the Trump-Russia investigation began in July [2016], but I do not know the answer.”) (statement of William Barr, Att’y Gen., Dep’t of Justice).

⁵ Lisa Page Transcribed Interview 41-42, 48 July 13, 2018 (Page: “... I think we learned about it on a Friday or Thursday.... Gowdy: You learned about it on the 28th? Page: Right. Thank you.”).

⁶ Interview of Glenn Simpson 76-77, H. Perm. Select Committee on Intel. (Nov. 14, 2017).

⁷ Sally Moyer Transcribed Interview 162, Oct. 23, 2018 (“Q. If it did not have the Christopher Steele information in it, would it still have been sufficient from a probable cause standard? Moyer. So I think it’s a close call, like 50/50, 51/49. I really think it’s a close call. There were others that I believed felt more strongly about it.”).

⁸ James Comey Transcribed Interview 127-128, Dec. 7, 2018 (“Mr. Ratcliffe. Okay. Well, do you recall that, on numerous occasions subsequent to October 21st of 2016, you, in your capacity as the FBI Director, referred to the Steele dossier as salacious and unverified? Mr. Comey. Yes. I don’t know that I was referring to all of it. Maybe I

why he signed a FISA application that incorporated it. In addition, it is unclear why, after acknowledging the Steele dossier information was unverified, Director Comey did not demand the information's removal from Carter Page's FISA application, or at least require the FBI to completely verify Steele's information before submitting it to the FISC.

The FBI claimed to have a verification process in 2016 to check Steele's assertions.⁹ Former Deputy Director Andy McCabe and former Deputy Attorney General Sally Yates apparently reviewed the Carter Page FISA application line-by-line before it was submitted to the FISC.¹⁰ However, a State Department official who independently met with Steele in October 2016 recounted how she immediately doubted the veracity of some of his assertions.¹¹ We hope that Mr. Durham's investigation will determine what the FBI's verification process of the pivotal Steele dossier entailed and how much of the information in the dossier was verified by the time the FBI applied to surveil Carter Page in October 2016. If the FBI was not able to verify all aspects of the dossier, Mr. Durham's investigation should find all relevant facts about why an incompletely verified dossier was incorporated into the FISA application.

4. Whether the FBI conveyed Steele's bias against Donald Trump to the FISC

Multiple witnesses testified to the Committee that the FBI was aware that Steele was "desperate" that Donald Trump not be elected president.¹² However, FBI assistant general counsel Sally Moyer testified that the FBI viewed this Steele sentiment as merely an "additional fact point of information" already known about Steele and not necessarily indicative of his bias.¹³ The FBI has not disclosed whether it informed the FISC that Steele—the author of the dossier—was "desperate" that Donald Trump not become president. We respectfully suggest that

was, but I had in mind some particular portions of it that were salacious and unverified. Mr. Ratcliffe. But, again, your characterization of it was that it was unverified, even though you had verified it to the court? Mr. Comey. Well, it was coming to us from a reliable source with a track record, and it's an important thing when you're seeking a PC warrant. But what I understand by verified is we then try to replicate the source information so that it becomes FBI investigation and our conclusions rather than a reliable source's. That's what I understand it, the difference to be. And that work wasn't completed by the time I left in May of 2017, to my knowledge.")

⁹ See Lisa Page Transcribed Interview 167, July 16, 2018 ("One of the other things you said sort of unverified, salacious. And so that's true, and I can't get into sort of the substance of what we did, but immediately, I mean as soon as we received the reporting from Steele in mid-September, we set about trying to prove or disprove every single factual statement in the dossier. And so, and we had line level analysts who are super experts on Russia, try to pick apart each statement and either try to prove its veracity or prove its inaccuracy. And to the best of my knowledge, we were never able to disprove any statement in it. So we were never able to say: There's a claim about X, and that is untrue."); *id.* at 168 ("I'm talking about a separate effort that was undertaken in order to try to verify for investigative purposes, not for purposes of the FISA, but a separate effort undertaken to try to validate the allegations contained within the Steele reporting.")

¹⁰ Trisha Anderson Transcribed Interview 217, Aug. 31, 2018 ("The Deputy Director was involved in reviewing the FISA line by line. The Deputy Attorney General over on the DOJ side of the street was similarly involved, as I understood, reviewing the FISA application line by line.")

¹¹ According to the official, Kathleen Kavalec, Steele conveyed to her a network of Russian assets were paid through the Russian consulate in Miami. Kavalec immediately commented in her notes afterwards, "It is important to note there is no Russian Consulate in Miami." Deputy Assistant Secretary of State Kathleen Kavalec's Notes from Meeting with Chris Steel and Tatyana Duran of Orbis Security, 2 (October 11, 2016).

¹² Bruce Ohr Transcribed Interview 124, Aug. 28, 2018; Sally Moyer Transcribed Interview 156-57, Oct. 23, 2018.

¹³ Sally Moyer Transcribed Interview 156-57, Oct. 23, 2018.

Mr. Durham's investigation should determine whether the FBI conveyed Steele's manifest bias against Donald Trump to the FISC when it applied for FISA warrants to spy on associates of the Trump campaign.

5. *Whether the FBI compensated Steele for his work as a human source*

There are open questions about whether and when the FBI compensated Steele. Both former Director Comey and former FBI attorney Lisa Page denied that the FBI compensated Steele for his work as an FBI human source, testifying that he was only reimbursed for expenses.¹⁴ However, the FBI redacted the payment descriptions from the invoices he submitted for payment.¹⁵ We hope that Mr. Durham's investigation will examine how the FBI compensated Steele and if the FBI compensated Steele for anything other than operational expenses.

6. *The timing and circumstances of Steele's termination as an FBI source*

According to internal FBI documents released pursuant to the Freedom of Information Act, the FBI terminated Steele as a source in early November 2016.¹⁶ However, former Director Comey testified that he did not know "for a fact" that Steele had ever been terminated as a source.¹⁷ We hope that Mr. Durham's investigation will examine the timing and circumstances of Steele's termination as an FBI source.

7. *The FBI's awareness that the DNC indirectly financed the Steele dossier*

Witness testimony and reports suggest that Marc Elias and Michael Sussmann of Perkins Coie LLP, representing the DNC and the Clinton campaign, urged the FBI to target their political opponent, then-candidate Donald Trump. As reported publicly, the DNC financed the political opposition research that Steele presented to the FBI to predicate its surveillance of individuals associated with the Trump campaign.¹⁸ The DNC did so through its attorney, Marc Elias, who hired Fusion GPS, which retained Steele to perform the research.¹⁹ Former DOJ attorney Bruce Ohr testified to the Committee that he informed the FBI that Fusion GPS had been performing

¹⁴ James Comey Transcribed Interview 114, Dec. 7, 2018; Lisa Page Transcribed Interview 166-167, July 16, 2018.

¹⁵ FD-1040a (June 14, 2018), <https://vault.fbi.gov/records-between-fbi-and-christopher-steele/records-between-fbi-and-christopher-steele-part-01-of-01/view>.

¹⁶ FD-1040a, 2, (June 14, 2018), <https://vault.fbi.gov/records-between-fbi-and-christopher-steele/records-between-fbi-and-christopher-steele-part-01-of-01/view> ("CHS [Steele] was used as a source for an online article. In the article, CHS revealed CHS' relationship with the FBI as well as information that CHS obtained and provided to FBI. On November 1, 2016, CHS confirmed all of this to the handling agent. At that time, handling agent advised CHS that the nature of the relationship between the FBI and CHS would change completely and that it was unlikely that the FBI would continue a relationship with the CHS. Additionally, handling agent advised that CHS was not to operate to obtain any intelligence whatsoever on behalf of the FBI.").

¹⁷ James Comey Transcribed Interview 126, Dec. 7, 2018.

¹⁸ Adam Entous, et al., *Clinton campaign, DNC paid for research that led to Russia dossier*, WASH. POST (Oct. 24, 2017); see *In re Carter W. Page, A U.S. Person*, FISA Ct., 1, 15 n.8 (Oct. 2016).

¹⁹ Adam Entous, et al., *Clinton campaign, DNC paid for research that led to Russia dossier*, WASH. POST (Oct. 24, 2017); Michael Kranish, *Clinton lawyer kept Russian dossier project closely held*, WASH. POST (Oct. 27, 2017); Bruce Ohr Transcribed Interview 124-125, Aug. 28, 2018.

opposition political research.²⁰ However, former FBI Director Comey denied knowing that Fusion GPS and Perkins Coie were working on behalf of the DNC, adding: “I don’t remember ever hearing the name ‘Fusion GPS’ or the names ‘Perkins Coie’ or ‘Coie.’ I don’t even know how to say that word. I don’t remember that.”²¹

We hope that Mr. Durham’s investigation will examine the FBI’s awareness of the financial relationships between the DNC, Perkins Coie, Fusion GPS, and Steele. In addition, we hope the investigation will examine how the FBI evaluated Steele’s information in light of these political relationships and whether these matters were disclosed to senior FBI leadership.

8. *The FBI’s receipt and use of information provided by Perkins Coie attorney Michael Sussmann*

Former FBI General Counsel James Baker testified that he received information from Sussmann concerning alleged communications obtained by “cyber experts” between a Trump-associated business entity and a Russian bank.²² Baker testified that he understood it was unusual for the FBI’s top lawyer to be a part of an evidentiary chain and sought to provide the information to the appropriate FBI agents.²³ However, Baker was uncertain whether the FBI followed standard procedures in documenting how it received the information.²⁴

We hope that Mr. Durham will examine the information that Sussmann provided to Baker and determine how Sussmann obtained the information. We hope Mr. Durham’s investigation will also evaluate whether the FBI followed evidentiary protocols in handling and processing this information.

9. *The FBI’s reliance on information from Christopher Steele—via Bruce Ohr—following Steele’s termination as a human source*

The FBI used Christopher Steele as a confidential human source before terminating its relationship with him on or around November 1, 2016, after Steele leaked investigative details to the media.²⁵ Following Steele’s termination, DOJ attorney Bruce Ohr became the conduit

²⁰ Bruce Ohr Transcribed Interview 124-125, Aug. 28, 2018.

²¹ James Comey Transcribed Interview 115-116, Dec. 17, 2018.

²² James Baker Transcribed Interview 123, Day 2, Oct. 18, 2018 (“To the best of my recollection, he told me that it had been obtained by some type of cyber experts, and I don’t know who -- how they started their inquiry into this. But that is what he told me, that some certain cyber experts had obtained information about some anomalous looking thing having, to my knowledge, nothing to do with the dossier.”).

²³ James Baker Transcribed Interview 54, Day 2, Oct. 18, 2018 (“I was aware of the fact that I was taking in evidence and wanted to quickly get it to agents as fast as I could.”).

²⁴ James Baker Transcribed Interview 52, Day 1, Oct. 3, 2018 (“I can’t remember if they did a 302 on the Sussman thing because they may have just recorded it, put the material into evidence, and have records with respect to that. He gave me material and that was put into evidence.”).

²⁵ FD-1040a, 2, (June 14, 2018), <https://vault.fbi.gov/records-between-fbi-and-christopher-steele/records-between-fbi-and-christopher-steele-part-01-of-01/view> (“CHS [Steele] was used as a source for an online article. In the article, CHS revealed CHS’ relationship with the FBI as well as information that CHS obtained and provided to FBI. On November 1, 2016, CHS confirmed all of this to the handling agent. At that time, handling agent advised CHS that the nature of the relationship between the FBI and CHS would change completely and that it was unlikely that

through which Steele continued to provide information about President Trump to the FBI until November 2017.²⁶ Ohr testified that this arrangement was something he had never been a part of in his 27-year career with DOJ.²⁷ According to Ohr, Steele was communicating with him about the Russia investigation despite Steele's termination from the case. However, the FBI still arranged to receive Steele's information, through Ohr.²⁸ The FBI even sought to meet directly with Steele after his termination as a human source.²⁹ From our transcribed interviews, we know that several FBI officials—including Peter Strzok, Lisa Page, and Bill Priestap—traveled to London, where Steele was located, in December 2016.³⁰ In addition, Bruce Ohr's wife, Nellie Ohr, a Fusion GPS contractor, gave Bruce a flash drive of research she had gathered related to then-candidate Trump in the hopes it would aid the Russia investigation.³¹

We hope that Mr. Durham's investigation will examine the FBI's reliance on and use of information presented by Steele through Ohr and whether that arrangement adhered to appropriate FBI policies and procedures. We also hope Mr. Durham will determine the extent to which the FBI relied upon the flash drive from Nellie Ohr. The investigation should also review the itineraries of the FBI officials who traveled to London during this period, including who they met with and what they discussed. Without a complete accounting of this travel, questions remain about whether FBI officials obtained information about American citizens from allied intelligence services. We hope that Mr. Durham will also verify that the FBI was not utilizing our allied intelligence services to circumvent DOJ or intelligence community rules against surveilling American citizens.

10. The roles played by Joseph Mifsud, Alexander Downer, Stefan Halper, and Azra Turk

George Papadopoulos, a low-level Trump campaign volunteer, had a series of unexplained meetings with foreign individuals soon after joining the Trump campaign in March 2016. Papadopoulos stated that he received interest from three foreigners with connections to western intelligence services, Joseph Mifsud, Alexander Downer, Stefan Halper, and a reported covert intelligence officer, Azra Turk.³² Papadopoulos's interactions with these individuals allegedly served as the basis for the FBI initiation of the Russia investigation.³³ According to the Special Counsel's report, Mifsud, a Maltese college professor, offered Papadopoulos political

the FBI would continue a relationship with the CHS. Additionally, handling agent advised that CHS was not to operate to obtain any intelligence whatsoever on behalf of the FBI.").

²⁶ Bruce Ohr Transcribed Interview 233, Aug. 28, 2018.

²⁷ Bruce Ohr Transcribed Interview 43, Aug. 28, 2018 ("Mr. Gowdy. And you can't think of a single case where you inserted yourself into a chain of custody other than this one? Mr. Ohr. That's right."); *see id.* at 41 (Gowdy. "You've been with the Department since 1991? Ohr. Yes.").

²⁸ *See* Bruce Ohr Transcribed Interview, Aug. 28, 2018.

²⁹ Bruce Ohr Transcribed Interview 101-102, Aug. 28, 2018.

³⁰ Lisa Page Transcribed Interview 130-131, July 13, 2018; *see* Bill Priestap Transcribed Interview 45, June 5, 2018.

³¹ Bruce Ohr Transcribed Interview 101-102, Aug. 28, 2018.

³² George Papadopoulos, *The Russia probe started with the spies who marked me*, WALL. ST. J. (Apr. 17, 2019); Jerry Dunleavy, *Stefan Halper: The Cambridge don the FBI sent to spy on Trump*, WASH. EXAMINER (April 10, 2019).

³³ *See* SPECIAL COUNSEL ROBERT S. MUELLER, III, *Report On The Investigation Into Russian Interference In The 2016 Presidential Election*, 89 n. 465, Vol. 1 (2019); *see generally* George Papadopoulos Transcribed Interview, Oct. 25, 2018.

“dirt” on former Secretary Hillary Clinton in the form of hacked emails from the Clinton campaign.³⁴ Mifsud is reported to have affiliations with several western foreign and intelligence officials.³⁵ Papadopoulos also met with Downer, an Australian diplomat, in London—a meeting that was arranged by Christian Cantor and Erika Thompson.³⁶ Papadopoulos also had meetings with Halper and Turk, reportedly an intelligence officer who posed as Halper’s assistant.³⁷

In light of this information, we hope that Mr. Durham will examine these meetings, including the true identities about these foreign individuals and a complete accounting of the U.S. officials with whom they communicated. We hope that Mr. Durham’s investigation will examine the roles, if any, these foreign nationals played in the FBI’s Russia investigation and determine if the FBI was also utilizing them to circumvent any Justice Department rules surrounding surveilling Americans. We trust that Mr. Durham will also examine the investigative methods used by the numerous FBI lawyers and agents who investigated Papadopoulos.³⁸

11. Whether other federal agencies were involved in or aware of the FBI’s Russia investigation

You have testified that there are strict rules to ensure that the intelligence community and law-enforcement agencies adhere to the law in counterintelligence investigations.³⁹ There is evidence that at least one State Department official, Kathleen Kavalec, met with Christopher Steele in October 2016.⁴⁰ In addition, text messages exchanged between then-FBI Deputy Director Andy McCabe and then-FBI attorney Lisa Page allude to coordinating efforts between then-Deputy Attorney General Sally Yates and then-Deputy Central Intelligence Agency (CIA) Director David Cohen to prepare for a White House meeting at around the time the FBI applied to surveil Carter Page.⁴¹ Reportedly, emails reveal that former CIA director John Brennan

³⁴ SPECIAL COUNSEL ROBERT S. MUELLER, III, *Report On The Investigation Into Russian Interference In The 2016 Presidential Election*, 83, Vol. 1 (2019).

³⁵ See Letter from Devin Nunes, Ranking Member, H. Perm. Select Comm. on Intel., to Michael Pompeo, Sec’y of State, Gina Haspel, Dir., Central Intel. Agency, Paul Nakasone, Dir., Nat’l Sec. Agency, Christopher Wray, Dir., Fed. Bureau Inv. (May 3, 2019); Larry Luxner, *Maltese Official Raises Profile of U.K. Diplomacy Academy*, WASH. DIPLOMAT (Dec. 18, 2014); Stephanie Kirchgaessner et al., *Joseph Mifsud: more questions than answers about mystery professor linked to Russia*, THE GUARDIAN (Oct. 31, 2017).

³⁶ George Papadopoulos Transcribed Interview 31-32, 36-39, 96, Oct. 25, 2018. Papadopoulos alleged that Downer may have recording their conversation; *Id.* at 53.

³⁷ Adam Goldman, *F.B.I. Sent Investigator Posting as Assistant to Meet with Trump Aide in 2016*, N.Y. TIMES (May 2, 2019).

³⁸ George Papadopoulos Transcribed Interview 31-33, 46-47, 113-117, 158-159, 201, 205-210, 214, Oct. 25, 2018.

³⁹ *Department of Justice Budget Request for Fiscal Year 2020: Hearing before the S. Comm. on Approp.*, 116th Cong. (April 10, 2019).

⁴⁰ Deputy Assistant Secretary of State Kathleen Kavalec’s Notes from Meeting with Chris Steel and Tatyana Duran of Orbis Security, 2 (October 11, 2016).

⁴¹ Gregg Re, et al., *FBI clashed with DOJ over potential ‘bias’ of source for surveillance warrant: McCabe-Page texts*, FOX NEWS, March 22, 2019 (Oct. 14, Lisa Page: “Apparently the DAG [Deputy Attorney General Sally Yates] now wants to be there, and WH wants DOJ to host. So we are setting that up.... We will very much need to get [David] Cohen’s view before we meet with her. Better, have him weigh in with her before the meeting. We need to speak with one voice, if that is in fact the case.” Oct. 14, McCabe: “Thanks. I will reach out to David.”); see also text message from Peter Strzok to Lisa Page (Aug. 5, 2016, 16:37:25) (“Went well, best we could have expected.

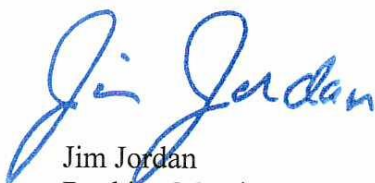
insisted that Steele's unverified and biased reporting be included in the Intelligence Community Assessment (ICA), a document that synchronized data from U.S. intelligence agencies about Russia's election interference.⁴² Mr. Durham should establish the extent of Brennan's reliance on Steele and determine whether other intelligence officials endorsed the information in the Steele dossier. We hope that Mr. Durham's investigation will also examine the involvement in and awareness of other federal agencies, including but not limited to the State Department, the CIA, and the White House or its National Security Council, in the FBI's Russia investigation.

* * *

You testified to believing that "there is a basis" for a concern that "unauthorized surveillance" or "spying" of Americans associated with President Trump's campaign occurred.⁴³ We agree. Although the vast majority of FBI and DOJ personnel are of the highest integrity, we too believe there "was probably a failure among a group of leaders there at the upper echelon [in the FBI]."⁴⁴ We have a responsibility to examine DOJ's and FBI's investigative actions in the 2016 presidential election to provide necessary transparency and accountability to re-instill confidence in our law-enforcement agencies. Your appointment of U.S. Attorney John Durham will assist us in this effort, and we hope that Mr. Durham's investigation will examine the issue areas we have highlighted.

Thank you for your continued leadership on this important topic.

Sincerely,



Jim Jordan
Ranking Member



Mark Meadows
Ranking Member
Subcommittee on Government Operations

cc: The Honorable John H. Durham, U.S. Attorney, Department of Justice
The Honorable Michael E. Horowitz, Inspector General, Department of Justice
The Honorable Elijah E. Cummings, Chairman, Committee on Oversight and Reform

Other than Liz's quote, "the White House is running this."); text message from Peter Strzok to Lisa Page (Oct. 9, 2016, 13:38:11) ("Im just worried dcia gets it and goes direct with D and/or WH.").

⁴² Gregg Re, et al., *Dispute erupts over whether Brennan, Comey pushed Steele dossier, as DOJ probe into misconduct begins*, FOX NEWS (May 15, 2019).

⁴³ *Department of Justice Budget Request for Fiscal Year 2020: Hearing before the S. Comm. on Approp.*, 116th Cong. (April 10, 2019) ("Well, I guess—I think spying did occur. Yes, I think spying did occur.") (statement of William Barr, Att'y Gen., Dep't of Justice).

⁴⁴ *Department of Justice Budget Request for Fiscal Year 2020: Hearing before the S. Comm. on Approp.*, 116th Cong. (April 10, 2019) (statement of William Barr, Att'y Gen., Dep't of Justice).

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, June 27, 2019 1:27 PM
To: (b) (6), (b) (7)(C) (USACT); (b) (6), (b) (7)(C) (USACT)
Cc: Durham, John (USACT)
Subject: (b) (5)

(b) (5)

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, June 27, 2019 12:54 PM
To: (b) (6), (b) (7)(C) (USACT); (b) (6), (b) (7)(C) (USACT)
Subject: Check text thanks

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, June 25, 2019 9:18 AM
To: Durham, John (USACT)
Subject: Bill

all set

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, June 25, 2019 8:50 AM
To: Durham, John (USACT)
Subject: You called it

They cancelled my flight. Thank goodness for Amtrak.

Sent from my iPhone

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Tuesday, June 25, 2019 7:07 AM
To: Bryant, Errical (OAG)
Cc: DuCharme, Seth (OAG)
Subject: Re: Meeting with JD Wednesday

Yes, certainly.

Sent from my iPhone

On Jun 25, 2019, at 6:11 AM, Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov<mailto:ebryant@jmd.usdoj.gov>> wrote:

John,
Would it be possible for you to meet with the AG on Wednesday at 10:30am?
Thanks Errical

From: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov<mailto:sducharme@jmd.usdoj.gov>>
Sent: Monday, June 24, 2019 6:02 PM
To: Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov<mailto:ebryant@jmd.usdoj.gov>>
Cc: Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov<mailto:brrabbitt@jmd.usdoj.gov>>; Durham, John (USACT) (b) (6), (b) (7)(C) <[REDACTED]>>; Williams, Toni (OAG) <towilliams@jmd.usdoj.gov<mailto:towilliams@jmd.usdoj.gov>>
Subject: Meeting with JD Wednesday

Errical, I know the AG wants to meet briefly with John before we go on travel, please let us know what might work, thanks.

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

Otus85, AG (OAG)

Subject: HOLD Meeting: John Durham, USACT

Location: AG's Office

Start: Wednesday, June 26, 2019 10:30 AM

End: Wednesday, June 26, 2019 11:00 AM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Otus85, AG (OAG)

Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT)

POC: Seth DuCharme

Attendees: Brian Rabbitt, Seth DuCharme and Tim Shea

Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation without prior permission of the OAG scheduling office. If you believe that the invitation was received in error or that other individuals should be included, please contact the OAG scheduling office.

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Monday, June 24, 2019 6:38 PM
To: DuCharme, Seth (OAG)
Cc: Rabbitt, Brian (OAG); Durham, John (USACT); Williams, Toni (OAG)
Subject: Re: Meeting with JD Wednesday

Seth
I think we can make 4 o'clock tomorrow work

Errical A Bryant
Director of Scheduling

On Jun 24, 2019, at 6:01 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

Duplicative Records

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Saturday, June 22, 2019 11:24 AM
To: DuCharme, Seth (OAG)
Subject: Re: Contact

Thanks again Seth.

Sent from my iPhone

> On Jun 22, 2019, at 11:12 AM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

>

>

>

> (b) (6) >

>

>

> Sent from my iPhone

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Saturday, June 22, 2019 10:19 AM
To: sducharme@jmd.usdoj.gov
Subject: Fwd: Mr. Nardini

Sent from my iPhone

Begin forwarded message:

From: <(b)(6), (b)(7)(C) John Durham DOJ Email>
Date: June 22, 2019 at 10:17:32 AM EDT
To: <SDuCharme@usa.doj.gov<mailto:SDuCharme@usa.doj.gov>>
Subject: Mr. Nardini

Seth-

Do you think there is a possibility the boss might have 5 minutes to talk with me over the weekend about the 2d Circuit vacancy? I understand things are starting to move at a decidedly faster pace. Thanks.

Sent from my iPhone

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Thursday, June 20, 2019 11:14 PM
To: DuCharme, Seth (OAG)
Subject: Re: Iris

Roger.

Sent from my iPhone

> On Jun 20, 2019, at 11:00 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

>

> Yes

>

> Sent from my iPhone

>

>> On Jun 20, 2019, at 11:00 PM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:

>>

>> Iris Lan?

>>

>> Sent from my iPhone

>>

>>> On Jun 20, 2019, at 10:53 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

>>>

>>> I encouraged her to reach out you for some advice about an area within your expertise. Hope that's ok. She may call you tomorrow.

>>>

>>> Sent from my iPhone

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Monday, June 17, 2019 8:38 PM
To: sducharme@jmd.usdoj.gov
Subject: Are you around for a quick call (unrelated to (b) (5), (b) (7)(A))?

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, June 13, 2019 12:36 PM
To: (b) (6), (b) (7)(C) (USACT); Durham, John (USACT); (b) (6), (b) (7)(C))
Subject: Catching up today

Is there a convenient time for me to call on (b) (6), (b) (7)(C) perhaps better yet, stop by your place?

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Monday, June 10, 2019 2:03 PM
To: Durham, John (USACT) (b) (6), (b) (7)(C) (USACT)
Subject: 2019-6-10 DOJ Review of Intelligence Activities - Nadler.pdf
Attachments: 2019-6-10 DOJ Review of Intelligence Activities - Nadler.pdf; ATT00001.txt

FYSA



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 10, 2019

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Re: DOJ Review of Intelligence Activities

Dear Chairman Nadler:

This letter responds to your request for information relating to a review currently being conducted by the U.S. Department of Justice (Department) into certain activities involving the campaigns in the 2016 U.S. presidential election and certain related matters (Review). The Review is broad in scope and multifaceted, and is intended to illuminate open questions regarding the activities of U.S. and foreign intelligence services as well as non-governmental organizations and individuals.

It is now well established that, in 2016, the U.S. government and others undertook certain intelligence-gathering and investigative steps directed at persons associated with the Trump Campaign. As the Attorney General has stated publicly at congressional hearings and elsewhere, there remain open questions relating to the origins of this counter-intelligence investigation and the U.S. and foreign intelligence activities that took place prior to and during that investigation. The purpose of the Review is to more fully understand the efficacy and propriety of those steps and to answer, to the satisfaction of the Attorney General, those open questions. Among other things, the Review will seek to determine whether the investigation complied with applicable policies and laws. Accordingly, the Attorney General has directed that a team (Review Team) led by John Durham, the United States Attorney for the District of Connecticut, conduct the Review in order to better understand the activities leading up to and relating to the counter-intelligence investigation.

On May 24, 2019, the President issued a memorandum concerning the Review, which directed that “[t]he heads of elements of the intelligence community . . . and the heads of each department or agency that includes an element of the intelligence community shall promptly provide such assistance and information as the Attorney General may request in connection with

that review.” As the Attorney General has stated publicly, he has consulted and is working in close coordination with other members of the U.S. intelligence community in conducting the Review. The Review is thus a collaborative, ongoing effort between the Department’s Review Team and the intelligence community as well as certain foreign actors.

In furtherance of the Review, and to ensure that it proceeds in an efficient and effective manner, the Review Team has requested that certain intelligence community agencies: (1) preserve all relevant records, (2) ensure the availability of witnesses that may be pertinent to the Review, and (3) begin identifying and assembling materials that may be relevant to the Review, consistent with the President’s memorandum and federal law. These requests inevitably relate to sensitive information in the possession of the intelligence community. While the Attorney General has been granted the authority to declassify information in connection with the Review, it is of great importance to the Department to protect classified information by preventing the unwarranted disclosure of sensitive sources, methods, techniques and materials where such disclosure would endanger the personal safety of U.S. government employees or friendly foreign partners, harm U.S. national security interests, or compromise the ability of U.S. government agencies to conduct their important work to protect the American people. The Attorney General greatly appreciates the work of the women and men serving in the U.S. intelligence community in carrying out their mission, as well as the assistance that our foreign intelligence partners often provide, and has therefore directed the Review Team to work closely with the intelligence community to ensure that national security equities of the U.S. and its foreign intelligence partners are adequately protected in the course of the Review.

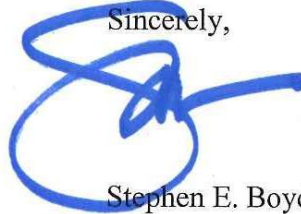
During the Review, Mr. Durham will continue to serve as U.S. Attorney for the District of Connecticut. The Review is being conducted primarily in the Washington, D.C. area by Mr. Durham and a number of U.S. Attorney’s Office personnel and other Department employees. The Department has made existing office space in Washington available for this work. Mr. Durham’s Review will be funded out of the U.S. Attorneys Salaries and Expenses appropriation.

The Attorney General looks forward to obtaining a better understanding of the critical period leading up to the 2016 presidential election, which to date has not fully been examined. As the U.S. approaches another election season, it would be most prudent to timely draw upon the lessons learned from our recent history, and to apply them responsibly and effectively to protect the interests of the American people, within the bounds of sound judgment and the rule of law. We appreciate your support to that end.

The Honorable Jerrold Nadler
Page Three

Please do not hesitate to contact this office if you have any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a horizontal line that loops back to the top of the 'S'.

Stephen E. Boyd
Assistant Attorney General

cc: The Honorable Doug Collins
Ranking Member

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, June 5, 2019 6:06 PM
To: (b) (6), (b) (7)(C) (JMD)
Cc: Durham, John (USACT)
Subject: Re: call

10-4 standing by

Sent from my iPhone

On Jun 5, 2019, at 6:04 PM, (b) (6), (b) (7)(C) (JMD) (b) (6), (b) (7)(C) wrote:

We will call your desk number.

John, I will call you and then conference in Seth.

From: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>
Sent: Wednesday, June 5, 2019 6:03 PM
To: (b) (6), (b) (7)(C) (JMD) (b) (6), (b) (7)(C)
Subject: Re: call

5 mins

Sent from my iPhone

On Jun 5, 2019, at 6:01 (b) (6), (b) (7)(C) (JMD) (b) (6), (b) (7)(C) wrote:

Are you available for a call? Thanks

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, June 5, 2019 2:53 PM
To: Durham, John (USACT)
Subject: Letter

Please let me know when you're next free to talk.

I'll be in a scif from 3:30 - 4:00

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Monday, June 3, 2019 5:21 PM
To: (b) (6), (b) (7)(C) (USACT)
Cc: Durham, John (USACT)
Subject: 20190531 CMN Letter to Haspel.pdf
Attachments: 20190531 CMN Letter to Haspel.pdf



Permanent Select Committee
on Intelligence
U.S. House of Representatives

May 31, 2019

The Honorable Gina Haspel
Director
Central Intelligence Agency
Washington, DC 20505

Dear Director Haspel:

President Trump's May 23, 2019 directive to you and other heads of agencies to assist and produce information to Attorney General William P. Barr in support of his "review of intelligence activities relating to the campaigns in the 2016 Presidential election and certain related matters"¹ represents a disturbing effort by the President and the Attorney General to politicize the Intelligence Community ("IC") and law enforcement, and raises grave concerns about inappropriate and misleading disclosures of classified information and IC sources and methods for political ends. This action necessitates vigorous oversight by the House Permanent Select Committee on Intelligence ("Committee").

In parallel with their effort to misrepresent the contents of Special Counsel Robert S. Mueller III's report, the President and Attorney General recently have engaged in a public campaign to further a conspiracy theory about the investigation of Russia's interference in the 2016 election. The Special Counsel's report definitively establishes that the counterintelligence investigation was properly initiated based on credible information from an intelligence partner.² Yet the Attorney General has called into question, without evidence, the validity of the predication of what became the Special Counsel's investigation.³ President Trump has denounced as a "coup" the Special Counsel's investigation, which conclusively documented Russia's "systematic attack on our political system" during the 2016 presidential election, the

¹ President Donald J. Trump, *Memorandum on Agency Cooperation with Attorney General's Review of Intelligence Activities Relating to the 2016 Presidential Campaigns*, May 23, 2019, available at <https://www.whitehouse.gov/presidential-actions/memorandum-agency-cooperation-attorney-generals-review-intelligence-activities-relating-2016-presidential-campaigns/>.

² Special Counsel Robert S. Mueller III, *Report on the Investigation Into Russian Interference in the 2016 Presidential Election, Volume I*, Washington D.C., March 2019, p. 6.

³ Caitlin Oprysko, "Barr forcefully defends DOJ probe into origin of the Russia investigation," Politico, May 17, 2019, available at <https://politi.co/2MeJEot>.

Trump campaign's eagerness to accept foreign help and make use of it, and the President's multiple attempts to obstruct the investigation.⁴

With the May 23 directive, the President has concentrated in Barr's hands sweeping authority to declassify or downgrade information or intelligence from the IC. Before exercising that authority, Barr is authorized—though not required—to consult with the head of the originating IC element or other agency, and then only to the extent Barr deems such consultation to be “practicable.”⁵ This approach threatens national security by subverting longstanding rules and practices that obligate you and other heads of IC agencies to safeguard sources and methods and prevent the politicization of intelligence and law enforcement.⁶ It is also unnecessary. A review of this nature by the Attorney General, or a U.S. Attorney, does not require such an unprecedented grant of authority over classified information and the potential disclosure of sources and methods at the expense of the protection of our country's most sensitive information.

Most perniciously, the directive seeks to enlist your agency in an effort by the President and the Attorney General to politicize the IC and law enforcement, to delegitimize a well-founded investigation into the President, and to attack the President's political enemies. Moreover, the Attorney General apparently requested—and the President issued—this directive while the White House and the Department of Justice continue to stonewall congressional oversight and investigations, including some undertaken by this Committee, demonstrating a desire not only to shift the public narrative away from the President's misconduct, but also to undermine Congress's constitutional authority as a separate and co-equal branch of government.

In the wake of the directive, the Committee will conduct rigorous, ongoing oversight of your agency and others in the IC to ensure that the Attorney General does not abuse his new and sweeping authority. Congress, and this Committee, must serve as a check on this abuse of power to ensure that the IC can fulfill its lawful mission and law enforcement can conduct appropriately predicated investigations of powerful government officials without fear of retribution.

The Committee therefore requests, pursuant to your statutory obligation⁷ to keep the Committee fully and currently informed of the IC's activities:

⁴ Remarks by Special Counsel Robert S. Mueller III, May 29, 2019, *available at* <https://www.cnn.com/2019/05/29/politics/mueller-full-remarks/index.html>; Cheyenne Haslett, “Trump repeats unsubstantiated claims of 'coup' attempt after former FBI lawyer knocks them down,” ABC News, May 13, 2019, *available at* <https://abcn.ws/2WcR1RT>.

⁵ *Memorandum on Agency Cooperation*, § 2.

⁶ *See, e.g.* ICD 700 § E(2)(a) (obligating heads of IC agencies to protect sources and methods); ICD 203 §§ D(6)(b), E(3)(a) (obligating heads of IC agencies to implement IC Analytic Standards, including that analysis be “independent of political consideration”).

⁷ 50 U.S.C. § 3092.

1. An in-person briefing from you to explain what President Trump, Attorney General Barr, or their associates have requested and conveyed thus far to the Central Intelligence Agency (CIA) and the heads of IC elements or other departments or agencies subject to the May 23 directive, regarding the Attorney General's "review of intelligence activities relating to the campaigns in the 2016 Presidential election and certain related matters" and/or implementation of the May 23 directive;⁸
2. That CIA and the heads of IC elements and other departments or agencies subject to the directive furnish to the Committee any and all documents, material, or information—regardless of form or classification—that are provided or made available to the Department of Justice for the purposes of the Attorney General's review;
3. That CIA and the heads of IC elements or other departments and agencies subject to the May 23 directive shall inform the Committee prior to any declassification at the Department of Justice's request or pursuant to the Attorney General's authority under the May 23 directive; and
4. That CIA and the heads of IC elements or other departments and agencies subject to the May 23 directive immediately notify the Committee—and provide an assessment of the harms to national security—of any declassification that has been or will be made over IC objection.⁹

I ask that you reply in writing to this letter and make arrangements for fulfillment of the requests set forth above by no later than 5 p.m. on **June 6, 2019**. Should you have any questions, please contact Committee staff at (202) 225-7690.

Sincerely,



Adam B. Schiff
Chairman

⁸ This request includes, but is not limited to, a discussion regarding the process for declassification pursuant to the May 23 directive.

⁹ By "over IC objection", we mean: (1) without formal approval of the IC, including where the IC provides input to a decision ultimately made by the Attorney General or (2) under circumstances where the IC would not declassify the information but-for the Department of Justice's interest or request. We expect to alter this definition upon receiving the briefing regarding, among other things, the process for declassification.

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Monday, June 3, 2019 2:08 PM
To: DuCharme, Seth (OAG); Durham, John (USACT); (b) (6), (b) (7)(C) USACT
Subject: RE: OLA Review Letter bcr 6.3.docx

Seth –

The letter looks good, although you need an extra space on page two, at the top, before the first full paragraph.

John

From: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>
Sent: Monday, June 03, 2019 1:25 PM
To: Durham, John (USACT) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) >
Subject: OLA Review Letter bcr 6.3.docx

Current draft, still working on it

(b) (6), (b) (7)(C) (JMD)

From: (b) (6), (b) (7)(C) (JMD)
Sent: Friday, May 31, 2019 5:25 PM
To: DuCharme, Seth (OAG)
Subject: Re: contact information

Thanks.

Sent from my iPhone

On May 31, 2019, at 5:14 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

No but I can probably get it by Monday

Sent from my iPhone

On May 31, 2019, at 3:40 PM, (b) (6), (b) (7)(C) (JMD) (b) (6), (b) (7)(C) > wrote:

Hi Seth: Do you have contact information for (b) (7)(A) [REDACTED]? Thank you.

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Thursday, May 30, 2019 6:01 PM
To: DuCharme, Seth (OAG)
Cc: (b) (6), (b) (7)(C) (USACT)
Subject: Re: (b) (6), (b) (7)(C)

Excellent.

Sent from my iPhone

On May 30, 2019, at 5:58 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov<mailto:sducharme@jmd.usdoj.gov>> wrote:

I just spoke to Monty Wilkinson and just got an update - looks like (b) (6), (b) (7)(C) should be all set in the next couple of days. Not much left on the to do list.

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, May 29, 2019 4:15 PM
To: Durham, John (USACT); (b) (6), (b) (7)(C) (USACT)
Subject: I tried your cells

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, May 29, 2019 11:24 AM
To: Durham, John (USACT)
Subject: Check text

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, May 28, 2019 4:07 PM
To: Durham, John (USACT); (b) (6), (b) (7)(C) (USACT); (b) (6), (b) (7)(C)
Subject: Available

My 4pm got cancelled so I'm around if/when you need me. If I'm not at my desk I'm in the little SCIF down the hall.

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, May 28, 2019 2:12 PM
To: Durham, John (USACT)
Subject: VC to DNI DCIA DIRNSA DIRFBI 24May19 (002).pdf
Attachments: VC to DNI DCIA DIRNSA DIRFBI 24May19 (002).pdf

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
MARK R. WARNER, VIRGINIA, VICE CHAIRMAN

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MARCO RUBIO, FLORIDA
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BEN SASSE, NEBRASKA

DIANNE FEINSTEIN, CALIFORNIA
RON WYDEN, OREGON
MARTIN HEINRICH, NEW MEXICO
ANGUS S. KING, JR., MAINE
KAMALA HARRIS, CALIFORNIA
MICHAEL F. BENNET, COLORADO

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

MITCH MCCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JAMES M. INHOFE, OKLAHOMA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY S. BAILEY, CHIEF CLERK

May 24, 2019

The Honorable Daniel Coats
Director of National Intelligence
Washington, DC 20511

The Honorable Gina Haspel
Director
Central Intelligence Agency
Washington DC 20505

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Washington, DC 20535

Admiral Paul Nakasone
Director
National Security Agency
Ft. Meade, MD 20755

Dear Directors Coats, Haspel, Wray and Nakasone:

I am deeply concerned that the investigation President Trump has directed Attorney General William Barr to undertake into the origins of the FBI's investigation into Russia's meddling in the 2016 Presidential election will erode the Intelligence Community's morale, threaten its independence, and weaken its capabilities. I ask that if you see signs that the investigation is having any of these impacts, you immediately communicate that to the Congressional intelligence committees.

As you know, the Senate Select Committee on Intelligence has gone to great lengths during its Russia investigation to ensure bipartisan cooperation to protect the Intelligence Community's personnel, information, and relationships. The political and partisan nature of the Barr investigation leads me to fear such protections will not be afforded.

My concerns fall generally into the following four categories:

- **Impact to the workforce:** Politically driven investigations such as Barr's can have a significant and negative impact on the morale of the workforce and the willingness of career professionals to undertake politically sensitive investigations or assignments. We

have seen in the past how such politically motivated investigations can drive career professionals to leave government service.

- ***Impact to sources and methods:*** Investigations like Barr's can also chill the willingness of sources to work with the United States. The high visibility and potential political impact of the investigation may increase the chances that a source is revealed or that information provided by the source is declassified, thereby endangering the source. Press reporting last year on an alleged FBI source underscores how source identities can be intentionally or unintentionally inappropriately revealed under the strains of domestic U.S. politics.
- ***Relationships with foreign liaison:*** Such an investigation could chill relationships with liaison partners because they will fear their cooperation with the United States will be exposed. This will likely undermine their willingness to work with the United States in the future.
- ***Selective declassification:*** Finally, I am concerned that the President has given the Mr. Barr the right to declassify information himself. The President appears to want to give Mr. Barr the right to selectively declassify certain information for purposes of political gain. Such manipulation of the classification regime could misrepresent the faithful work of the IC and further impact all of the areas set forth above. It would also dangerously politicize how this country safeguards its secrets.

Again, should you see any such impacts of the investigation, I request you immediately alert the Congressional intelligence committees.

Thank you for your attention to this matter.

Sincerely,



Mark R. Warner
Vice Chairman

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, May 28, 2019 2:04 PM
To: Durham, John (USACT); (b) (6), (b) (7)(C) (USACT); (b) (6), (b) (7)(C))
Subject: POTUS Declassification Memo_Signed.pdf
Attachments: POTUS Declassification Memo_Signed.pdf

For your files.

THE WHITE HOUSE

WASHINGTON

May 23, 2019

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF ENERGY
THE SECRETARY OF HOMELAND SECURITY
THE DIRECTOR OF NATIONAL INTELLIGENCE
THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

SUBJECT: Agency Cooperation with Attorney General's Review
of Intelligence Activities Relating to the 2016
Presidential Campaigns

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Agency Cooperation. The Attorney General is currently conducting a review of intelligence activities relating to the campaigns in the 2016 Presidential election and certain related matters. The heads of elements of the intelligence community, as defined in 50 U.S.C. 3003(4), and the heads of each department or agency that includes an element of the intelligence community shall promptly provide such assistance and information as the Attorney General may request in connection with that review.

Sec. 2. Declassification and Downgrading. With respect to any matter classified under Executive Order 13526 of December 29, 2009 (Classified National Security Information), the Attorney General may, by applying the standard set forth in either section 3.1(a) or section 3.1(d) of Executive Order 13526, declassify, downgrade, or direct the declassification or downgrading of information or intelligence that relates to the Attorney General's review referred to in section 1 of this memorandum. Before exercising this authority, the Attorney General should, to the extent he deems it practicable, consult with the head of the originating intelligence community element or department. This authority is not delegable and applies notwithstanding any other authorization or limitation set forth in Executive Order 13526.

Sec. 3. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) The authority in this memorandum shall terminate upon a vacancy in the office of Attorney General, unless expressly extended by the President.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) The Attorney General is authorized and directed to publish this memorandum in the *Federal Register*.

A large, dark, handwritten signature in cursive script, likely belonging to the Attorney General mentioned in the text.

Watson, Theresa (OAG)

From: Watson, Theresa (OAG)
Sent: Wednesday, May 22, 2019 12:02 PM
To: Durham, John (USACT)
Subject: Meeting with the AG TODAY
Importance: High

Good morning Mr. Durham,
The AG would like to meet with you today at 1:30 pm, here in Room 5111, are you available?

Theresa J. Watson
Confidential Assistant to the Attorney General
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-9755

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Wednesday, May 22, 2019 10:14 AM
To: DuCharme, Seth (OAG)
Cc: (b) (6), (b) (7)(C), (USACT)
Subject: Re: this afternoon

We're meeting (b) (5), (b) (7)(A) and then (b) (6), (b) (7)(C) has a 5:30 flight. We can check about changing her flight if need be. What's up?

Sent from my iPhone

On May 22, 2019, at 10:08 AM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov<mailto:sducharme@jmd.usdoj.gov>> wrote:

Are you able to be over here later this afternoon?

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, May 14, 2019 8:35 AM
To: Durham, John (USACT)
Cc: (b) (6), (b) (7)(C) (USACT)
Subject: Today

I'm heading to meeting with Lasseter at 9:45, please let me know if you want to talk before that, otherwise I'll give you a download afterwards. Hopefully back to my office from that meeting by a little after 11.

Sent from my iPhone

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Monday, May 13, 2019 9:48 PM
To: Durham, John (USACT)
Subject: Tomorrow

Sorry it was hard for me to talk, John. I have a friend in from out of town.

Look forward to talking to you in the morning.

Sent from my iPhone

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Friday, May 10, 2019 4:41 PM
To: DuCharme, Seth (OAG)
Cc: (b) (6), (b) (7)(C) (USACT); Durham, John (USACT)
Subject: Re: Tuesday the 14th

Good afternoon,

We will plan on having the meeting on Tuesday from 4:30 to 5:00 PM. Should that change will reach out to you on Monday.

Sent from my iPhone

> On May 10, 2019, at 3:06 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

>

> Errical, the AG wants to meet with John and (b) (6), (b) (7)(C) next week. I was thinking Tuesday afternoon would be ideal if we can fit it in somewhere.

>

> Sent from my iPhone

(b) (6), (b) (7)(C) (USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Tuesday, May 7, 2019 2:07 PM
To: DuCharme, Seth (OAG)
Subject: Re: time to talk today

Calling you now.

Sent from my iPhone

> On May 7, 2019, at 1:05 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

>

> Just tried you. What's a good number?

>

> Sent from my iPhone

>

>> On May 7, 2019, at 1:39 PM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

>>

>> I am in (b) (7)(A) and can speak at your convenience. Just let me know. Thanks

>>

>> Sent from my iPhone

>>

>> On May 7, 2019, at 9:13 AM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov<mailto:sducharme@jmd.usdoj.gov>> wrote:

>>

>> Please let me know when's a good time to catch up, thanks

>>

>> Seth D. DuCharme

>> Counselor to the Attorney General

>> U.S. Department of Justice

>>

(b) (6), (b) (7)(C) USACT

From: (b) (6), (b) (7)(C) (USACT)
Sent: Friday, May 3, 2019 11:01 AM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: Re: catching up

Ok. (b) (6), (b) (7)(C). Thanks

Sent from my iPhone

> On May 3, 2019, at 10:57 AM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov> wrote:

>
> (b) (6), (b) (7)(C) I will call your cell and then try to conference in John

> Sent from my iPhone

>> On May 3, 2019, at 10:14 AM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:

>> 11:00 works for me. Just landing at Bradley. Can you conference me in or send a call-in number?

Thanks

>> Sent from my iPhone

>> On May 3, 2019, at 9:56 AM, Durham, John (USACT) (b) (6), (b) (7)(C)

>> > wrote:

>> Seth-
>> Just finishing up w/ EARS Exit Review. How about 11:00?

>> From: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov<mailto:sducharme@jmd.usdoj.gov>>

>> Sent: Friday, May 03, 2019 8:57 AM

>> To: Durham, John (USACT) (b) (6), (b) (7)(C) >; (b) (6), (b) (7)(C)

>> (USACT) (b) (6), (b) (7)(C) >

>> Subject: catching up

>> Any time to talk briefly today?

>> Also:

>>

>> (b) (7)(A)

>>

>>

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Friday, May 3, 2019 10:25 AM
To: (b) (6), (b) (7)(C) (USACT)
Cc: Durham, John (USACT)
Subject: Re: catching up

Yes will do

Sent from my iPhone

> On May 3, 2019, at 10:14 AM (b) (6), (b) (7)(C) (USACT) <(b) (6), (b) (7)(C)> wrote:

Duplicative Records

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, May 2, 2019 9:27 AM
To: Durham, John (USACT)
Subject: Request from the Senate
Attachments: StreamDownloader.pdf

FYSA

United States Senate

WASHINGTON, DC 20510

April 25, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Barr,

During your April 10, 2019, testimony before a Senate Appropriations Subcommittee, you stated that you are looking into the “genesis and conduct of intelligence activities directed at the Trump campaign during 2016.”¹ You further stated that “spying did occur,” and that you believe it is your obligation to look into the question of whether surveillance activities by the Federal Bureau of Investigation (FBI) or other intelligence agencies were adequately predicated.²

We share your concerns about these activities, and are troubled by the apparent unauthorized disclosures of surveillance efforts and other classified information during the same time period. We bring to your attention information that may assist your review.

First, in the course of our oversight work we have reviewed certain text messages that may show potential attempts by the FBI to conduct surveillance of President-elect Trump’s transition team. In text messages exchanged between former FBI Special Agent Peter Strzok and former FBI Attorney Lisa Page, the two discussed the possibility of developing “potential relationships” at a November 2016 FBI briefing for presidential transition team staff. Specifically, it appears they discussed sending “the CI guy” to assess an unnamed person(s) “demeanor” but were concerned because it might be unusual for him to attend. A few weeks after the presidential election, Mr. Strzok and Ms. Page discussed the logistics for the briefing. Mr. Strzok and Ms. Page said the following:

Strzok: Talking with Bill³. Do we want Joe⁴ to go with Evanina⁵ instead of Charlie⁶ for a variety of reasons?

Page: Hmm. Not sure. Would it be unusual to have [sic] show up again?
Maybe another agent from the team?

¹ Gregg Re and Brooke Singman, *Dems rage against Barr for backing claims of Trump campaign ‘spying’ by FBI*, FoxNews (April 10, 2019). Available at <https://www.foxnews.com/politics/dems-rage-against-barr-for-backing-claims-of-trump-campaign-spying-by-fbi>; Nicholas Fandos and Adam Goldman, *Barr Asserts Intelligence Agencies Spied on the Trump Campaign*, The New York Times (April 10, 2019). Available at <https://www.nytimes.com/2019/04/10/us/politics/barr-trump-campaign-spying.html>; Philip Ewing, *Citing ‘Spying’ On Trump, Barr Says He Is Looking Into Origins Of Russia Inquiry*, NPR (April 10, 2019). Available at <https://www.npr.org/2019/04/10/711852861/citing-spying-on-trump-barr-says-he-s-looking-into-origins-of-russia-inquiry>.

² *Id.*

³ “Bill” most likely refers to E.W. Priestap, former Assistant Director of the FBI’s counterintelligence division.

⁴ “Joe” most likely refers to Joe Pientka III, FBI Special Agent.

⁵ “Evanina” most likely refers to William R. Evanina, Director of the National Counterintelligence and Security Center.

⁶ At this time it is unknown who “Charlie” is.

Strzok: Or, he's "the CI guy." Same.might [sic] make sense. He can assess if thete [sic] are **any news [sic] Qs**, or **different demeanor**. If Katie's husband is there, he can see if there are people we can **develop for potential relationships**

Page: Should I ask Andy⁷ about it? Or Bill⁸ want to reach out for andy⁹?

Strzok: I told him I'm sure we could ask you to make the swap if we thought it was smart. It's not until Mon so Bill can always discuss with him tomorrow.¹⁰

The nature of these communications, and the precise purpose of any attempts to "develop relationships" with Trump or Pence transition team staff are not immediately clear. Were these efforts done to gain better communication between the respective parties, or were the briefings used as intelligence gathering operations? Further, did any such surveillance activities continue beyond the inauguration, and in the event they did, were those activities subject to proper predication? Any improper FBI surveillance activities that were conducted before or after the 2016 election must be brought to light and properly addressed.

Additionally, we note that a number of news outlets have reported sensitive information related to the investigation into alleged Russian collusion with the Trump campaign. Those reports have revealed sensitive information focusing on the FBI sending informants to meet with Trump advisors; a warrant to surveil Carter Page; and the United Kingdom signal intelligence agency briefing former CIA Director John Brennan on alleged communications between Trump's campaign and Russian officials, among other things.¹¹ Notably, the Justice Department Inspector General's review of the Clinton investigation found "profound concerns about the volume and extent of unauthorized media contacts by FBI personnel..."¹² It appears the same happened during the Russia investigation. Leaks to the media about ongoing investigations undermine the ability of investigators to properly investigate. Moreover, sensitive leaks to the media while members of congress performing constitutionally mandated oversight are kept in the dark is unacceptable.¹³

Accordingly, please contact our staff to schedule a briefing and answer the following no later than May 9, 2019:

⁷ "Andy" most likely refers to Andrew McCabe, former Deputy Director of the FBI.

⁸ "Bill" most likely refers to E.W. Priestap, former Assistant Director of the FBI's counterintelligence division.

⁹ "Andy" most likely refers to Andrew McCabe, former Deputy Director of the FBI.

¹⁰ November 17, 2016, Strzok-Page Texts Part 2, p. 159, DOJ-PROD-0000325. Emphasis added.

¹¹ Eli Lake, *Focus on the Leaking, Not Just the Spying*, Bloomberg Opinion (April 11, 2019). Available at <https://www.bloomberg.com/opinion/articles/2019-04-11/spying-did-occur-but-barr-should-also-focus-on-the-leaking>.

¹² A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election at 429 (June 14, 2018). Available at <https://www.justice.gov/file/1071991/download>.

¹³ For example, former Deputy Director McCabe was fired for making unauthorized disclosures to the media regarding the FBI's investigation into the Clinton Foundation and then lying about it. In addition, transcripts of former National Security Advisor Michael Flynn's phone calls with Russian Ambassador to the U.S., Sergey Kislyak, were leaked. On February 15, 2017, the Judiciary Committee requested information from the Justice Department and FBI relating to that leaked information. On March 15, 2017, the FBI provided a briefing about the FBI's Russia investigation which answered a few of the questions posed by the Committee, but most were not.

1. Please describe the nature and extent of your review of FBI surveillance of the Trump Campaign, President-elect Trump's transition staff, Vice President-elect Pence's transition staff, President Trump's staff, and Vice President Pence's staff, including your efforts to determine whether that surveillance was adequately predicated.
2. How many counter-intelligence briefings were provided to the Trump and Pence transition staffs prior to Inauguration Day? Please list the dates, all agencies involved, and each official that represented those agencies at the briefings.
3. Many of the FBI employees involved in these activities are no longer employed by the federal government. How will your review obtain information needed from these individuals?
4. Will you commit to providing the results of your review once completed?
5. What steps have you taken to investigate whether DOJ or FBI officials had unauthorized contacts with the media during the Russia investigation?

We anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to each Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to each Committee, and provide a classified addendum to the Office of Senate Security. Although our Committees comply with all laws and regulations governing the handling of classified information, they are not bound, absent prior agreement, by any handling restrictions.

Should you have any questions, please contact Joshua Flynn-Brown of Chairman Grassley's Finance Committee staff at (202) 224-4515 or Brian Downey of Chairman Johnson's Homeland Security and Governmental Affairs Committee staff at (202) 224-4751.

Sincerely,



Charles E. Grassley
Chairman
Senate Finance Committee



Ron Johnson
Chairman
Senate Committee on Homeland
Security and Governmental Affairs

Durham, John (USACT)

From: Durham, John (USACT)
Sent: Tuesday, April 30, 2019 7:27 PM
To: DuCharme, Seth (OAG)
Subject: Re: contact info

Seth-
(b) (6), (b) (7)(C) and I will check our (b) (6), (b) (7)(C), (b) (7)(A) in the morning.
JHD

Sent from my iPhone

On Apr 30, 2019, at 12:40 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov<mailto:sducharme@jmd.usdoj.gov>> wrote:

I sent you both emails from my OAG (b) (6), (b) (7)(C), (b) (7)(A)

I also have (b) (6), (b) (7)(C), (b) (7)(A)

When you get a chance, please let me know if they came through ok, and please send a PDF of the (b) (7)(A) (or I can find a way to get a hard copy).

Thanks. See you soon.

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, April 30, 2019 9:08 AM
To: Durham, John (USACT); (b) (6), (b) (7)(C) (USACT)
Subject: Call this morning

Are you free for a call this morning?

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

John Durham

From: John Durham
Sent: Wednesday, April 24, 2019 10:27 AM
To: (b) (6)
Subject: Message from John Durham (b) (6)
Attachments: VoiceMessage.wav

John Durham

From: John Durham
Sent: Tuesday, April 23, 2019 12:40 PM
To: (b) (6)
Subject: Message from John Durham (b) (6)
Attachments: VoiceMessage.wav

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Monday, April 22, 2019 3:34 PM
To: (b) (6), (b) (7)(C) (USACT)
Subject: Re: you free for a call today?

Thanks! I am just starting a meeting but hopefully won't go long

Sent from my iPhone

> On Apr 22, 2019, at 3:32 PM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:

>

> Yes. I am (b) (6), (b) (7)(C) Call at your convenience. Desk no. Is (b) (6), (b) (7)(C) or cell (b) (6), (b) (7)(C).

>

> Sent from my iPhone

>

> On Apr 22, 2019, at 3:27 PM, DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov<mailto:sducharme@jmd.usdoj.gov>> wrote:

>

>

>

> Seth D. DuCharme
> Counselor to the Attorney General
> U.S. Department of Justice

>

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, April 11, 2019 3:40 PM
To: Durham, John (USACT)
Subject: Re: Sample (b) (5)

Thanks very much I'll talk to you soon.

Sent from my iPhone

On Apr 11, 2019, at 3:28 PM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:

Seth –

Attached are (b) (5), (b) (7)(A)

[REDACTED]

JHD

(b) (5)

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Wednesday, April 10, 2019 12:43 PM
To: Durham, John (USACT)
Subject: Meeting time/Place

John, we can start in my office in 5127 at 1pm, and then I reserved a room for us in the Justice Command Center, which we can use. See you soon.

Best,
Seth

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, April 9, 2019 8:05 PM
To: Durham, John (USACT)
Subject: Re: Support on (b) (5), (b) (7)(A)

It all depends on when his hearing concludes. Hopefully he's back from the hearing around the same time we're wrapping up, and then we can just walk down the hall and present him with our plan around 3. Maybe earlier if we're ready.

Thanks for you flexibility.

Sent from my iPhone

On Apr 9, 2019, at 6:11 PM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:

Absolutely. Do you have an idea as to what time would be convenient for him?

From: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>
Sent: Tuesday, April 09, 2019 5:48 PM
To: Durham, John (USACT) (b) (6), (b) (7)(C)
Subject: Re: Support on (b) (5), (b) (7)(A)

John, can you plan to stick around for awhile after our meeting tomorrow afternoon so we can talk to the AG?

Sent from my iPhone

On Apr 3, 2019, at 6:13 PM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:

Seth-

Might you have time in the next couple of days to chat on the phone for a few minutes? If so, let me know what might be convenient times for you.

(Oh, and thanks for reaching out!)

JHD

From: DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>
Sent: Wednesday, April 03, 2019 6:04 PM
To: Durham, John (USACT) (b) (6), (b) (7)(C)
Subject: Support on (b) (5), (b) (7)(A)

John, the AG has made me aware of the (b) (5), (b) (7)(A) that you are working on with him, and he asked me to provide you with my support and assistance. (b) (7)(A)

[REDACTED]

[REDACTED] I feel very lucky to be working with you. (b) (7)(A)

[REDACTED]

[REDACTED].

Best,
Seth

Seth D. DuCharme
Counselor to the Attorney General
U.S. Department of Justice
202 514 9665

DuCharme, Seth (OAG)

Subject: Meeting with JD, USA D CT
Location: 5127

Start: Wednesday, April 10, 2019 1:00 PM
End: Wednesday, April 10, 2019 3:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: DuCharme, Seth (OAG)
Required Attendees: Durham, John (USACT); (b) (6), (b) (7)(C) USACT)

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, April 4, 2019 9:20 AM
To: Durham, John (USACT)
Subject: RE: Support on (b) (5), (b) (7)(A)

John, this was meant to go out last night but my email was down.

I am free to talk this morning up until about noon, then flexible much later in the day.

Seth

From: DuCharme, Seth (OAG)
Sent: Thursday, April 4, 2019 6:47 AM
To: Durham, John (USACT) (b) (6), (b) (7)(C) v>
Subject: Re: Support on (b) (5), (b) (7)(A)

Yes - tomorrow is pretty open for me as of now up to noon, so if tomorrow morning works for you, I will try to keep it clear

Otherwise Friday afternoon

Sent from my iPhone

On Apr 3, 2019, at 6:13 PM, Durham, John (USACT) (b) (6), (b) (7)(C) wrote:

Duplicative Records

Watson, Theresa (OAG)

Subject: Canceled: Meeting:
Location: AG's Office

Start: Tuesday, April 2, 2019 2:30 PM
End: Tuesday, April 2, 2019 3:30 PM

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Watson, Theresa (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG);
Rabbitt, Brian (OAG); Durham, John (USACT)

Importance: High

POC: Brian Rabbitt
Attendees: Brian Rabbitt
USA Attendees: John Durham, USA CT

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Saturday, March 30, 2019 8:50 AM
To: Watson, Theresa (OAG); Durham, John (USACT)
Cc: (b) (6), (b) (7)(C) (USACT)
Subject: RE: Scheduling Time with Attorney General Barr

Good morning John,
Your meeting with the AG has been scheduled for Tuesday, April 2 at 2:30pm.
Thanks for your flexibility and have a great weekend.

Errical A. Bryant
Director of Scheduling
United States Attorney General

From: Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>
Sent: Friday, March 29, 2019 6:53 PM
To: Durham, John (USACT) (b) (6), (b) (7)(C) >
Cc: (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) >; Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>
Subject: Re: Scheduling Time with Attorney General Barr

Hello. Our Scheduler will respond ASAP.

On Mar 29, 2019, at 6:17 PM, Durham, John (USACT) (b) (6), (b) (7)(C) wrote:

Ms. Watson-

A short while ago Attorney General Barr asked me to schedule a visit with him for some time next week. Would it be possible to set up a meeting for next Tuesday, April 2nd? I could be there any time in the morning, afternoon or evening that would be convenient to the Attorney General. Thank you for your help in this matter.

John H. Durham
U.S. Attorney
District of Connecticut

(b) (6), (b) (7)(C) (Office)

(b) (6), (b) (7)(C) (Mobile)

Otus85, AG (OAG)

Subject: Canceled: Meeting:
Location: AG's Office

Start: Tuesday, April 2, 2019 2:30 PM
End: Tuesday, April 2, 2019 3:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG);
Rabbitt, Brian (OAG); Durham, John (USACT)

Importance: High

POC: Brian Rabbitt
Attendees: Brian Rabbitt
USA Attendees: John Durham, USA CT

Otus85, AG (OAG)

Subject: Meeting:
Location: AG's Office

Start: Tuesday, April 2, 2019 2:30 PM
End: Tuesday, April 2, 2019 3:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Otus85, AG (OAG)
Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG);
Rabbitt, Brian (OAG); Durham, John (USACT)

POC: Brian Rabbitt
Attendees: Brian Rabbitt
USA Attendees: John Durham, USA CT

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Saturday, March 30, 2019 7:13 AM
To: Watson, Theresa (OAG)
Cc: Durham, John (USACT); (b) (6), (b) (7)(C) (USACT)
Subject: Re: Scheduling Time with Attorney General Barr

Hello John
I will take a look today and send you an invite.

Errical A Bryant
Director of Scheduling

On Mar 29, 2019, at 6:53 PM, Watson, Theresa (OAG) <twatson@jmd.usdoj.gov> wrote:

Hello. Our Scheduler will respond ASAP.

On Mar 29, 2019, at 6:17 PM, Durham, John (USACT) (b) (6), (b) (7)(C) wrote:

Duplicative Records

Bryant, Errical (OAG)

Subject: HOLD: Meeting w/ USA John Durham, Connecticut

Location: AG's Office

Start: Monday, March 25, 2019 2:00 PM

End: Monday, March 25, 2019 2:30 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Bryant, Errical (OAG)

Required Attendees: AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Durham, John (USACT)

POC: Will Levi

Attendees: Will Levi

Outside Attendees: John Durham, USA ; (b) (6), (b) (7)(C) ; (b) (6), (b) (7)(C) (cell)

Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation without prior permission of the OAG scheduling office. If you believe that the invitation was received in error or that other individuals should be included, please contact the OAG scheduling office.

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Tuesday, August 20, 2019 10:35 PM
To: Durham, John (USACT) (b) (6), (b) (7)(C) (USACT)
Subject: Fwd: The surreal life of George Papadopoulos - The Washington Post

Interesting read

Sent from my iPhone

Begin forwarded message:

From: (b)(6) Seth DuCharme personal email
Date: August 20, 2019 at 10:04:06 PM EDT
To: <seth.ducharme2@usdoj.gov>
Subject: The surreal life of George Papadopoulos - The Washington Post

<https://www.washingtonpost.com/news/magazine/wp/2019/05/20/feature/the-surreal-life-of-george-papadopoulos/>

Sent from my iPhone