

May 21, 2017

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

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

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

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

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

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

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

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

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

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

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

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

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