

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

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

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 He said that Alice Fisher had withdrawn herself from consideration.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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lisa Page

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