

May 22, 2017

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

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

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

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

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

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

(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