



Federal Bureau of Investigation
Washington, D.C. 20535

July 23, 2019

MR. MICHAEL BEKESHA
JUDICIAL WATCH, INC.
SUITE 800
425 THIRD STREET, SW
WASHINGTON, DC 20024

Civil Action No.: 18-CV-00932
FOIPA Request No.: 1385447-000
Subject: Communications between former FBI
Director James Comey and Special Counsel Robert
Mueller

Dear Mr. Bekesha:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552

☐ (b)(1)

☐ (b)(2)

☒ (b)(3)

National Security Act of 1947,
50 U.S.C., Section 3024 (i)(1)

☐ (b)(4)

☒ (b)(5)

☒ (b)(6)

☐ (b)(7)(A)

☐ (b)(7)(B)

☒ (b)(7)(C)

☐ (b)(7)(D)

☒ (b)(7)(E)

☐ (b)(7)(F)

☐ (b)(8)

☐ (b)(9)

Section 552a

☐ (d)(5)

☐ (j)(2)

☐ (k)(1)

☐ (k)(2)

☐ (k)(3)

☐ (k)(4)

☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

6 page(s) were reviewed and 6 page(s) are being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- ☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- ☐ This information has been referred to the OGA(s) for review and direct response to you.
- ☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

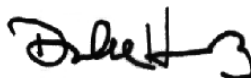
Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records on individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.



See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

The enclosed documents represent the final release of information responsive to your Freedom of Information/Privacy Acts request.

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum includes information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes additional standard responses that apply to all requests for records on individuals. Part 3 includes general information about FBI records. For questions regarding Parts 1, 2, or 3, visit the www.fbi.gov/foia website under "Contact Us." Previously mentioned appeal and dispute resolution services are also available at the web address.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIA [5 U.S.C. § 552(c) (2006 & Supp. IV (2010))]. FBI responses are limited to those records subject to the requirements of the FOIA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **National Security/Intelligence Records.** The FBI can neither confirm nor deny the existence of national security and foreign intelligence records pursuant to FOIA exemptions (b)(1), (b)(3), and PA exemption (j)(2) as applicable to requests for records about individuals [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2); 50 U.S.C § 3024(i)(1)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that national security or foreign intelligence records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching those systems or locations where responsive records would reasonably be found. A reasonable search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled and maintained by the FBI in the course of fulfilling law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization and encompasses the records of FBI Headquarters (FBIHQ), FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide and includes Electronic Surveillance (ELSUR) records. For additional information about our record searches visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheets. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **The National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private citizens cannot request a name check.

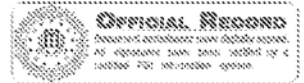
EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

~~SECRET//NOFORN~~**FEDERAL BUREAU OF INVESTIGATION****Collected Item Log**

Event Title: (U//~~FOUO~~) Evidence Collected, June 7, 2017

Date: 06/09/2017

DECLASSIFIED BY: NSICG [REDACTED]
ON 06-13-2019

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: [REDACTED] (U) ~~(S//NF)~~ [REDACTED]b3 1
b6 1
b7C 1
b7E 1,2

Reason: 1.4(b)
Derived From: FBI NSISC-
20090615
Declassify On: 20421231

(U)

Collected From: James Comey

b6 2
b7C 2

Receipt Given?: Yes

Holding Office: WASHINGTON FIELD

Details:

(U//~~FOUO~~) On June 7, 2017, at approximately 10:15 a.m., Federal Bureau of Investigation (FBI) Special Agents (SA) [REDACTED] and [REDACTED] collected four memorandums (memos) as evidence from James Comey at his residence at [REDACTED]. The memos collected are described as follows:

b6 1,2
b7C 1,2

- One memo dated February 14, 2017, two pages;
- One memo dated March 30, 2017, two pages;
- One memo dated April 11, 2017, one page;
- One memo "last night at 6:30 pm," four pages.

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

b3 1
b7E 1

Title: (U//~~FOUO~~) Evidence Collected, June 7, 2017

Re: [REDACTED] 06/09/2017

Item Type

1B General

Description

(U//~~FOUO~~) Four memorandums (memos) described as follows: One memo dated February 14, 2017, two pages; One memo dated March 30, 2017, two pages; One memo dated April 11, 2017, one page; One memo "last night at 6:30 pm," four pages.

Collected On: 06/07/2017 10:15 AM EDT

Seizing Individual: [REDACTED]

Collected By: [REDACTED]

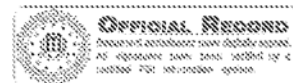
Location Area: Residence

Specific Location: [REDACTED]

b6 1,2
b7C 1,2

◆◆

~~SECRET//NOFORN~~



~~SECRET//NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Date of entry 06/16/2017

Former FBI Director James Comey was interviewed at his residence at [redacted]
[redacted] This interview was scheduled in advance, for the purpose of providing certain classified memoranda (memos) to Comey for review. After being advised of the identity of the interviewing Agents and the nature of the interview, Comey provided the following information:

b6 2
b7C 2

After reviewing the memos, Comey spontaneously stated, to the best of his recollection, two were missing.

In the first occurrence, Comey said at an unknown date and time, between January 7, 2017, which Comey believed was the date of his briefing at Trump Tower, and Trump's inauguration on January 20th, 2017, Comey received a phone call from President Elect Donald J. Trump. The originating telephone number may have had a New York area code. Following the telephone conversation, Comey drafted and e-mailed a memo to James Rybicki and FBI Deputy Director Andrew McCabe.

In the second instance, Comey was on his way to a FBI leadership conference in Leesburg, Virginia (March 9, 2017) when he was diverted to Liberty Crossing to respond to a request from Trump to contact him. Comey contacted Trump from Liberty Crossing on a Top Secret telephone line. The conversation was "all business" and related to [redacted]
[redacted] Comey is less sure he drafted a memo for this conversation but if he did, he may have sent it on the FBI's Top Secret network.

b5 per DOJ-OIP

Comey observed that the second page of the memo dated March 30, 2017, had the incorrect banner line classification of SECRET//NOFORN rather than UNCLASSIFIED//FOUO at the top and bottom of the second page.

~~Reason: 1.4(b)~~

~~Derived From: FBI NSISC-20090615~~

~~Declassify On: 20421231~~

~~SECRET//NOFORN~~

Investigation on 06/07/2017 at [redacted] United States (In Person)

b3 1
b6 1,2
b7C 1,2
b7E 1

File # [redacted] Date drafted 06/07/2017

by [redacted]

~~SECRET//NOFORN~~b3 1
b7E 1

[REDACTED]

(U//~~FOUO~~) Interview of James Comey;
Continuation of FD-302 of Collection of Four Memos, On 06/07/2017, Page 2 of 2

During the interview, at approximately 10:15 a.m., Comey voluntarily provided the interviewing Agents four memos. Comey had these memos in his possession when he met interviewing Agents. The memos collected are described as follows and will be maintained as evidence:

- One memo dated February 14, 2017, two pages;
- One memo dated March 30, 2017, two pages;
- One memo dated April 11, 2017, one page;
- One memo "last night at 6:30 pm," four pages.

Administrative

Comey signed an FD-597, Receipt for Property. A copy of the FD-597 was left with Comey. The original, signed FD-597, the memos reviewed by Comey, and interview notes will be maintained in the 1A section of this case file.

The memos provided to Comey for his review had previously been modified to include portion markings, banner lines, and classification authority blocks.

After being collected from Comey, the memos were locked securely in a General Services Administration approved safe located at the FBI Headquarters building, located at 935 Pennsylvania Ave, NW, Washington, DC, at approximately 2:00 p.m. the same day.

On Friday, June 9, 2017, the memos were transported and entered into evidence at the FBI Washington Field Office evidence control center.

~~SECRET//NOFORN~~

FBI 18-CV-00932-4

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property

Case ID: _____

On (date) 6/7/2017

item(s) listed below were:

- ☐ Collected/Seized
☒ Received From
☐ Returned To
☐ Released To

(Name) James Comey

(Street Address) [redacted]

(City) [redacted]

b6 2
b7C 2

Description of Item(s): ON 6/7/2017, the following items were received from Mr. Comey at the above address:

- one memo dated 2/14/2017, two pages
- one memo dated 3/30/2017, two pages
- one memo dated 4/11/2017, one page
- one memo "last night at 6:30 pm," four pages

Received By [redacted]

Printed Name/Title: SA [redacted]

Received From: [Signature]

(Signature)

Printed Name/Title: James B. Comey

b6 1
b7C 1

6/7/17

1/1

Commy, Jace

[redacted]

(1)

called me evening on my cell at my office
night think my cell phone

blw the 7th briefing at Trump tower and in justice
2-12

email to Byhiki and McCabe

(2)

clan directed to LX

Leadership and @ Leeburg
called him on my JS
all hush,

Apr. 1 some time

[redacted]

b5 per DOJ-OIP

len sure about on omol
in yellow