

# The Nunes Memo and the Horowitz Report: Popcorn Edition<sup>1</sup>

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## Opening Scene: McCabe Suddenly Departs

Last night, Sunday January 28, 2018, FBI Director Christopher Wray went into a secure information facility at the US House of Representatives to read a classified 4-page memo written by staff of the Intelligence Committee under the leadership of California Republican Devin Nunes. This morning, the Deputy Director of the FBI, Andrew McCabe, abruptly resigned, with rumours swirling that he was actually forced out and even escorted from the building. The internet is ablaze with conflicting claims about what this means: either proof that the lid is about to blow off of FBI corruption, or further evidence Trump is hijacking the FBI to block investigation into his nefarious activities.

I find the backstory to be as gripping as any paperback spy thriller. But the plot is complicated and there are many moving parts. Herein, based on my readings, is my surmise about what the 4 page Nunes memo contains, and also what a forthcoming report by Department of Justice Inspector General Michael Horowitz will conclude. I have included some source citations but left many out since there are too many to list.

I begin with some key background circa 2012: the Benghazi attack.

## Chapter 1: Benghazi and Hillary's Emails

On the night of September 11, 2012, an armed attack took place on the US diplomatic compound in Benghazi, Libya. Several US soldiers and an Ambassador were killed. Hillary Clinton was Secretary of State at the time. The US House of Representatives created a Select Committee to investigate why it happened and whether the Administration's response that night and in the aftermath was adequate.

A short time later, in 2013, a Romanian hacker named Marcel Lehel, nicknamed "Guccifer", gained access to Clinton associate Sidney Blumenthal's emails and released them to the media. They revealed that Clinton did her work-related communication using a non-

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<sup>1</sup> I've done my best to be accurate in this essay, but it is offered as *opinion* based on my readings, with no guarantee that it is complete or error-free in all respects.

standard email arrangement on a private domain (clintonemail.com) rather than on the secure state.gov email domain required of all high-level State employees. The House Select Committee discovered that Clinton was using a computer located in the basement of her home in Chappaqua NY that had been set up for Bill Clinton's post-presidential activities. On July 10 2015, acting on notification from the US Intelligence Community Inspector General about the presence of classified information on Clinton's unsecured server, the FBI began an investigation into whether Clinton had broken the law by mishandling classified government information.

<https://assets.documentcloud.org/documents/3039030/Hillary-Clinton-FBI-Investigation.pdf>

The lead investigator on the Clinton case was FBI Deputy Director of Counterintelligence Peter Strzok, assisted by FBI Attorney Lisa Page, both of whom reported to FBI Deputy Director Andrew McCabe and to FBI Counterintelligence Director Bill Priestap. Their counterpart in the Department of Justice was Attorney Bruce Ohr. All these names will come up many times.

### **Stonetear deletes the emails**

Emails of a Secretary of State on government business are the property of the State Department and must be retained under the statutes governing document retention. The House Select Committee issued a subpoena for Clinton's emails and after some negotiations, on July 23 2014 the State Department agreed to turn them over. The following day, July 24 2014, a user with the alias "stonetear" posted a note on a Reddit forum requesting information on how to strip out a VIP's email address from an email archive:

Hello all- I may be facing a very interesting situation where I need to strip out a VIP's (VERY VIP) email address from a bunch of archived email that I have both in a live Exchange mailbox, as well as a PST file. Basically, they don't want the VIP's email address exposed to anyone, and want to be able to either strip out or replace the email address in the to/from fields in all of the emails we want to send out.

The user was later identified as Paul Combetta, Clinton's IT assistant.

<https://www.usnews.com/news/articles/2016-09-19/paul-combetta-computer-specialist-who-deleted-hillary-clinton-emails-may-have-asked-reddit-for-tips>

Combetta also solicited advice on how permanently to delete older emails in an archive, and he selected Bleachbit software for the task. Combetta would later be granted immunity by the FBI as part of their investigation and never faced charges for deleting government records even though they were under federal subpoena at the time he deleted them. In testimony before the House Oversight Committee in September 2016 he invoked the 5<sup>th</sup> Amendment and refused to answer questions.

In December 2014 the State Department finally turned over 30,000 pages of Clinton emails to the Select Committee, informing them that Clinton herself had arranged for the deletion of 33,000 other emails, claiming they were personal and only related to things like Yoga and Chelsea's wedding. Her staff had smashed the phones with hammers to prevent any examination of them. The deleted emails have never been recovered.

On October 11, 2015, with the FBI Investigation then underway, President Obama went on 60 minutes and absolved Hillary of any wrongdoing. No one has suggested that this was tantamount to obstruction of justice, in part because the President has the authority to clear anyone and exempt them from investigation should he so choose.

<https://www.youtube.com/watch?v=6XmmZjFCo4k>

### **The DNC Hack**

Later, during the 2016 election campaign, many emails that had been purloined from Democratic National Committee (DNC) senior staff were released by Wikileaks. Many sources have said that Russian government actors were behind the hack, though Wikileaks denies this. In July 2016, during the election campaign, then-candidate Trump tweeted sarcastically that perhaps the Russians could help find Hillary's deleted emails and give them to the FBI. He repeated the joke at a news conference. This would later be cited as evidence that he was in potential collusion with the Russians, with some alleging that his sarcasm was covering up actual inside knowledge of Russian hacking.

A lingering allegation by Republicans is that Hillary deleted emails that showed she arranged preferential US government access to foreign officials in exchange for large donations to the Clinton Foundation. The allegations are spelled out in Peter Schweizer's book *Clinton Cash*. Trump referred to this during the campaign as a "Pay to Play" scheme. Circumstantial evidence for it is that in the immediate aftermath of Clinton losing the election, foreign donations to the Foundation all but vanished and they laid off much of their staff.

<https://www.washingtontimes.com/news/2017/jan/16/clinton-global-initiative-lays-off-22-as-donations/>

## **Chapter 2: The Clinton Email Investigation**

The FBI investigation into Clinton's emails began in July 2015. They were interested in her potential mishandling of classified information and possible influence peddling via the Clinton Foundation. In January 2016 FBI Director James Comey appointed Andrew McCabe to the position of FBI Deputy Director, with oversight over the ongoing Hillary email investigation. This gave rise to controversy within and outside the FBI. The previous spring, McCabe's wife had announced her candidacy as a Democrat in the Virginia State Senate race, forming an alliance with long-time Clinton campaign associate (and former Virginia governor) Terry McCauliffe. McCauliffe arranged for McCabe's wife to receive about \$700,000 in campaign contributions from Democratic party sources. In April 2015 the FBI had warned McCabe that his wife's political activities (which he participated in as a volunteer) created a potential conflict of interest for him. She lost the Senate race in November 2015, but the appointment of McCabe to oversee the Clinton investigation two months later nonetheless led to enduring criticism that he was too close to the Clinton machine to be perceived as unbiased in such a politically-charged case. McCabe stayed in his role overseeing the Clinton investigation until November 2016, recusing himself just days before the election.

<http://www.newsweek.com/andrew-mccabe-hillary-clinton-emails-conflict-interest-fbi-772331>

### **The Strzok-Page Affair**

In February 2016 the State Department issued a finding that over 2,000 of the emails recovered from Clinton's private server contained classified material. At the same time or prior to that point, FBI agents Peter Strzok and Lisa Page began an extramarital affair and started exchanging numerous personal texts. These were later discovered and released by the Department of Justice Inspector General Michael Horowitz. As the Republican primary proceeded many of the texts became intensely anti-Trump and pro-Hillary. Examples include a March 4 2016 text from Strzok stating "God Hillary should win. 100 million-0" Later ones referred to Trump as an idiot (and a "fucking idiot") and his family as douches. In another one he wrote "Just went to a southern Virginia Walmart. I could SMELL the Trump support...".

Meanwhile Strzok continued as the lead FBI agent investigating Hillary. In early April he conducted the interviews of key Clinton aides Huma Abedin and Cheryl Mills; in May he interviewed Clinton aide Heather Samuelson.

### **Exoneration**

Though Clinton wouldn't be interviewed until July 2016, back in May Director Comey began circulating a draft of a memo exonerating her. Strzok changed a line stating that she had acted with "gross negligence" to say she was "extremely careless." The wording change was important because gross negligence is a statutory requirement for criminal wrongdoing.

Even more importantly, Comey's Chief of Staff Jim Rybicki changed a line referring to Clinton's email correspondence with then-President Obama during a 2012 visit to Russia. This was initially changed to refer only to a "senior government official" and then later all mention of the exchange was removed. The email exchanges between Clinton and Obama created two problems. First, they establish that Obama knew about Clinton's email arrangement, and second, they raise the likelihood that Obama himself sent classified information to an unsecure system, a violation of statutes. The first item is a problem because on March 4, 2016 Obama had told CBS news that he only learned about Clinton's private email server when it had been reported in the news, i.e. at the same time as everyone else. Yet the email records in the possession of the FBI showed that Obama corresponded with her on her private server, so he was lying in his CBS interview.

The second item created the even larger problem that if the evidence showed Hillary should be charged with a crime, so therefore should President Obama. Some of the Wikileaks DNC emails show that in the immediate aftermath of the interview, Obama's staff realized he was lying to the public and they declared his email correspondence with Clinton to be under Executive Privilege so it could be sealed from public view.

<http://www.nationalreview.com/article/455696/hillary-clinton-barack-obama-emails-key-decision-not-indict-hillary>

Strzok went on to conduct the remaining interviews in the Clinton investigation, but long before Clinton herself would be interviewed the decision not to charge her was finalized. On June 27 2016 then-Attorney General Loretta Lynch held a secret meeting on an Arizona airport tarmac with Bill Clinton at which she reportedly gave him assurances Hillary would not be charged. The meeting was inadvertently discovered by an alert reporter and hit the press. Lynch was embarrassed to have been caught conferring privately with the husband of the woman under criminal investigation. She attempted to downplay the meeting and said they only discussed golf and grandchildren, but to create an impression of recusal she said

she would not make the call on the Clinton case and would accept whatever recommendation came from the FBI. Lisa Page texted Strzok on July 1 2016 sarcastically calling this a “profile in courage” since, as Page noted, “she knows no charges will be brought.”

The next day Strzok conducted the interview with Clinton. She was not placed under oath nor was the interview recorded. Even more unusually, two other suspects (Heather Samuelson and Cheryl Mills) were allowed to be present and to act as her attorneys, meaning the three could coordinate their responses under the protection of attorney-client privilege. Three days later Director Comey announced no charges would be brought against Clinton.

<https://www.scribd.com/document/369669775/Senator-Ron-Johnson-Letter-to-FBI-Director-Christopher-Wray>

### **Chapter 3: Steele Visits the FBI**

At the same time that Comey announced Clinton would not be charged, four other important events took place. First, the Foreign Intelligence Surveillance Court rejected a Foreign Intelligence Surveillance Act (FISA) warrant application from the FBI against Trump tower. Second, the FBI received a document from a former British MI-5 agent named Christopher Steele, then working for a DNC-contracted research firm called Fusion GPS, which has come to be called the “Russian Dossier.” Third, an individual going by the name “Guccifer 2.0” claimed to have hacked the DNC and announced he would begin releasing their emails. Fourth, the FBI opened a counterintelligence investigation into whether Trump and/or his campaign workers were colluding with Russia.

Taking these in turn. The FISA warrant may have been connected to the new counterintelligence probe of the Trump campaign or it might have been part of an ongoing investigation of Paul Manafort, a Washington lobbyist who served temporarily as Trump’s campaign director in the lead-up to the Republican convention. Manafort had previously been suspected of tax evasion in connection with his lucrative work for the Ukrainian government. Either way, in order to obtain a FISA warrant against a domestic target, intelligence agencies must demonstrate that the US person is acting as an agent of a foreign government. The FBI would later make another, successful application to the FISA court to surveil Trump tower, and it has been alleged by Congressional investigators that they relied on the Russian dossier to do so.

That links to the second item, the dossier. Late in the election campaign there were rumours of a dossier circulating around Washington containing compromising and salacious information about Donald Trump. Over the past year it has gradually been discovered that the dossier was produced by Steele working under contract for Fusion GPS, an opposition research firm hired by the DNC. The Clinton campaign had paid nearly a million dollars for the dossier to be produced, hiding their connection to the payments by funneling them through the law firm Perkins Coie. The connection between Fusion GPS and the FBI may have been made via Fusion staffmember Nellie Ohr, who is the wife of Associate Deputy Attorney General Bruce Ohr. Ohr and Steele had secret meetings with Fusion GPS during the compilation of the dossier, and when these were discovered he was demoted.

<http://www.foxnews.com/politics/2018/01/08/doj-official-who-concealed-meetings-with-trump-dossier-figures-loses-another-job-title.html>

In the fall of 2016 the FBI reportedly assisted in the funding of ongoing Fusion GPS research against Trump, and FBI lead counsel James Baker is alleged to have leaked the dossier to Mother Jones magazine.

<https://www.politico.com/story/2017/12/22/trump-dossier-fbi-james-baker-david-corn-mother-jones-316157>

The third item refers to the release in 2016 of DNC staff emails by Wikileaks. Julian Assange has denied that the emails came from a state (i.e. Russia) and has hinted strongly that they came from a leaker inside the DNC. The FBI conducted an investigation into the leak but its work was thwarted by the DNC itself which refused to allow them to examine their server. Instead they turned over system files to the FBI, which the FBI used in lieu of the server. The FBI and other agencies concluded that the email release was the result of a hack by Russians, although some computer analysts argue that Guccifer 2.0 is an imposter, perhaps even invented by the DNC to cover up the possibility that one of their own staff leaked the emails. (see Steve McIntyre's observations on this here: <https://climateaudit.org/2017/09/23/guccifer-2-and-russian-metadata/>.)

After the first discovery of a hack, in April 2016, the DNC hired a firm called CrowdStrike to secure its systems. It was CrowdStrike's technical information that the FBI relied on to form the Russian attribution. CrowdStrike installed security software on May 5, 2016, yet the exfiltration of emails continued throughout May. CrowdStrike took further security actions in June, though the last DNC stolen email was dated May 25.

<https://climateaudit.org/2017/09/02/email-dates-in-the-wikileaks-dnc-archive/>

### **Trump Under Investigation**

The fourth item refers to an investigation of the Trump campaign under the leadership of FBI Counterintelligence Director Bill Priestap, who was the supervisor of Deputy CounterIntel Director Peter Strzok, the agent who led the Hillary investigation and who would now begin working on the Trump probe. The existence of this investigation was concealed for nine months. Although FBI procedures require that eight top Congressional leaders be notified if any counterintelligence operation is mounted against a US citizen, this particular investigation was kept secret. In March 2017 the FBI finally notified Congress that a probe of the Trump campaign was underway and had been for 9 months. During his March 2017 Congressional testimony, Comey was grilled about why he had failed to disclose the existence of the investigation and he said that it was Bill Priestap's decision.

[https://www.youtube.com/watch?time\\_continue=112&v=HlXXZQgh72Y](https://www.youtube.com/watch?time_continue=112&v=HlXXZQgh72Y)

### **Russian Collusion(s)**

The hacked emails proved deeply embarrassing to the Democrats during the 2016 campaign, and helped fuel the narrative that the Russians had intervened in the election to help Trump. Meanwhile another form of Russian collusion was underway in the form of the Russian dossier, which Steele claimed was based on Russian intelligence source, and which he had taken to the FBI in July of 2016.

In a number of public utterances through 2015 and 2016 Steele asserted a high level of confidence in his allegations, which he said demonstrated that Trump was part of a wide-ranging conspiracy with Russians to undermine the US election. But his story changed in 2017, when one of the Russians named in the dossier, Aleksey Gubarev, sued him for slander in a UK court. In his defence pleadings, Steele backpedalled considerably from his earlier confidence, downgrading the contents of his dossier to mere possibilities. Key parts, he said, “did not represent (and did not purport to represent) verified facts, but were raw intelligence which had identified a range of allegations that warranted investigation given their potential national security implications.”

<https://www.washingtontimes.com/news/2017/dec/20/christopher-steele-hedges-russia-dossier-claims-ag/>

In January 2018, Senate Judiciary Committee members Chuck Grassley and Lindsey Graham sent a letter to the Justice Department asking that they investigate Steele for criminally misleading the FBI, based on the discrepancies between his public utterances about the dossier and statements relied on by the FBI (possibly as part of court applications), that apparently claimed Steele had verified the contents of the dossier. The anonymous journalist “[sundance](#)” argues that this referral does not mean Grassley and Graham think Steele should be indicted, they are instead calling the FBI’s bluff by forcing them to acknowledge relying on the Steele dossier and potentially misrepresenting their level of confidence in it.

<https://www.nytimes.com/2018/01/05/us/politics/christopher-steele-dossier-judiciary-committee.html>

### **The Dossier and the FISA Memo**

In his March 2017 Congressional testimony, former FBI Director James Comey likewise denigrated the dossier, referring to it as “salacious and unverified.” He emphasized that the FBI had been unable to verify the contents. If the dossier was known to be unverified in 2017, it had also to have been in 2016. This explains why it has become so important. Republicans allege, and I believe the Nunes Memo will assert, that the FBI used the Steele dossier in October 2016 to obtain surveillance warrants against Trump and his campaign. If they knew that it was a partisan smear of dubious provenance, but they nonetheless presented it to the FISA court while concealing its origins in order to get the wiretap authorization, they were mispeading the court. If this was done to authorize wiretap surveillance of a candidate for the presidency, the political implications are explosive.

In December 2017, Republican Senator Jim Jordan pressed Deputy Attorney General Rod Rosenstein to turn over the FISA application so they could see if the Russian dossier was used. Rosenstein refused, claiming it was confidential, a position the Department of Justice had maintained since July 2017. Eventually the House Judiciary committee threatened to hold Rosenstein and FBI Director Christopher Wray in contempt if they did not turn over the application. That document and many others were finally turned over to the House Intelligence Committee headed by Devin Nunes in December 2017. Nunes and his staff then began putting together their memo.



## **Chapter 4: The DOJ Inspector General Investigation**

After the end of the Clinton investigation, Peter Strzok and Lisa Page were reassigned to senior roles on the Trump counterintelligence probe and on the Mueller Special Counsel investigation into possible collusion between Russia and Trump. Meanwhile in response to complaints from Congressional Democrats about the way the Clinton email case had been handled by the FBI, the Department of Justice Inspector General Michael Horowitz opened a review. It was during the course of his investigation that the Page-Strzok texts were discovered. Horowitz notified Mueller about the two agents' affair and their correspondence, and Mueller quietly removed Strzok from the team without notifying Congress. The House Judiciary Committee eventually learned about the firing as part of its oversight of Justice Department activities and obtained copies of some of the texts.

Among the ones that have received extensive discussion is the "insurance policy" text of August 15, 2016, written by Strzok to Page:

"I want to believe the path you threw out for consideration in Andy's office — that there's no way [Trump] gets elected — but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40"

In this case "Andy" refers to Andrew McCabe. The House Judiciary Committee has demanded Strzok and other Senior FBI personnel come before Congress for questioning under oath.

More of the Page-Strzok texts continue to be released and show a profound political bias on the part of Strzok. The Inspector General's report is due out in early March.

<https://www.nytimes.com/2017/12/02/us/politics/mueller-removed-top-fbi-agent-over-possible-anti-trump-texts.html>

<https://www.washingtonpost.com/news/the-fix/wp/2017/12/18/peter-strzoks-insurance-policy-text-message-and-the-search-for-an-anti-trump-deep-state-smoking-gun/>

## **Chapter 5: The Trump Tower Wiretap**

On March 4 2017 President Trump created a firestorm of controversy by claiming that he had been wiretapped by his predecessor President Obama. This attracted considerable derision and scorn at the time. But in the aftermath it has emerged that Trump's campaign had been under a clandestine counterintelligence probe since the previous July, and that FISA surveillance had been occurring. The ostensible focus of the surveillance was campaign aide Carter Page, who had made a trip to Russia during the campaign.

<https://www.nytimes.com/2018/01/28/us/politics/rod-rosenstein-carter-page-secret-memo.html?smid=tw-share>

Nine days after the election, National Security Agency Director Admiral Mike Rogers went to Trump Tower for a private meeting. Apparently he did not inform his colleagues he was going to do this. The next day, the Washington Post reported that Director of National Intelligence James Clapper was demanding Rogers be fired. Also the next day, Trump abruptly moved his entire transition team operation out of Trump Tower to his golf course in Bedminster New Jersey. It has been alleged that Rogers went behind the backs of other



intelligence chiefs to inform Trump that his office was being surveilled by people in the outgoing Obama Administration.

There appear to have been two forms of surveillance directed at Trump. One was the FISA operation allegedly based on the Russian dossier, and the second was the use of so-called “702-About” queries. These refer to queries permitted without search warrants of NSA intercepts under FISA Section 702. Constitutional guarantees prohibit government agencies from monitoring emails and phone calls of US citizens without a judicial warrant. Selected government officials are permitted to access NSA-collected email and cell phone intercepts of non-US citizens in national security-related investigations, for the purpose of querying if any such intercepts were “about” a specific US citizen. If the query comes back positive, and the contents are then requisitioned, the names of any US individuals incidentally caught in the surveillance must be “masked”. In certain limited circumstances the names can be “unmasked.” In the last year of the Obama Presidency, unmasking requests had become extremely common, with hundreds being made by a wide variety of Administration personnel, including (somewhat oddly) UN Ambassador Samantha Powers, who reportedly made 260 unmasking requests over a short period of time.

In late 2016, an NSA compliance officer noticed the rapid growth of About query activity and investigated it, concluding that the program was being extensively abused, with many prohibited queries being routinely undertaken. Also, the review found that the FBI was allowing two outside contractors access to their database for the purpose of conducting unauthorized About queries on US citizens. The government notified the FISA court of this activity in October 2016 and NSA Director Mike Rogers moved quickly to terminate the program. The FISA court rebuked the NSA and ordered it to undertake more stringent measures to control access to query systems in the future. The court order redacts the names of the contractors, but it has been surmised that they were CrowdStrike and Fusion GPS.

<https://www.scribd.com/document/349542716/Top-Secret-FISA-Court-Order-President-Obama-Spying-on-Political-Enemies>

During a May 2017 Congressional hearing, House Intel Committee member Trey Gowdy tried to pin down former CIA Director John Brennan about whether he knew these requests were being made. Brennan denied being aware of them.

<https://www.youtube.com/watch?v=yC1oxYGsk7o>

In a TV interview in March 2017, former Assistant Deputy Secretary of Defence Evelyn Farkas apparently admitted that the Obama administration was spying on Trump staff and that they were concerned both to preserve the information after the transition by handing it over to sympathetic members of Congress, and to prevent the incoming Trump administration from learning how it was that they had obtained the information.

<https://www.youtube.com/watch?v=uiiIQvQvx6U>

## **Chapter 6: Mueller Appointed Special Counsel**

In May 2017 Trump fired FBI head James Comey. Various aspects of the firing have been subjects of focus depending on political perspectives. The firing came in the aftermath of Trump apparently asking Comey to go easy on his former National Security Advisor Mike

Flynn who had been fired only days into his tenure for failing to disclose contacts he had made with Russian government officials. On January 24, 2017, some FBI staff asked for a meeting with Flynn without explaining the reason for the meeting request. One of the agents was Peter Strzok. Flynn agreed to the meeting and, unaware he was being investigated, did not have an attorney present. They asked him about any conversations he had had with the Russian Ambassador Sergei Kislyak, and he allegedly did not give a truthful answer. He later pled guilty to lying to the FBI. Prior to Flynn being charged, Trump had said to Comey that he thought Flynn is a good guy and he hoped the firing was the end of the matter, a conversation Comey later described as a form of obstruction of justice.

<http://dailycaller.com/2017/12/04/report-anti-trump-fbi-agent-conducted-michael-flynn-interview/>

Upon being notified of his firing, Comey leaked some memos he had written at the FBI to his friend Daniel Richman, a New York University law professor, who then read parts of the memos to a New York Times reporter. They contained Comey's report of conversations he had had with the President that in his view raised concerns about Trump trying to derail Russia-related investigations. In his June 2017 Congressional testimony, Comey said he leaked the memos specifically to spark the appointment of a special prosecutor, which happened. Since Attorney-General Jeff Sessions had recused himself from handling Russia-related matters at the Department of Justice the question of appointing a special counsel fell to Deputy Attorney General Rod Rosenstein. He proceeded to do so, appointing Robert Mueller to look into all aspects of potential collusion between Russia and the Trump campaign during the 2016 election.

Mueller was hardly independent, as he was head of the FBI during the Clinton email investigation and a close colleague of James Comey back to the 1990s. As a result many Republicans have maintained that he is not sufficiently independent.

The Comey memos have never been released. The FBI was asked by the Senate Judiciary committee to turn them over, but they refused saying that they contain classified information. By implication this means that Comey leaked classified information, a federal offense. This is one of the loose threads remaining to be sorted out.

## **Final Chapter: The Two Reports**

Tying all these things together I offer a few surmises about the contents of the Nunes FISA memo and the forthcoming IG Horowitz report.

### **Inspector General Report**

It is inconceivable that the Inspector General will give a clean bill of health to the Hillary email investigation. There were so many procedural irregularities that even if the lead investigators had been rabid pro-Trump activists the IG would nevertheless be all but forced to declare it a botched investigation. The fact that Strzok and Page (and potentially others including McCabe) were discovered to hold strongly pro-Hillary views makes it even more likely Horowitz will declare the investigation seriously flawed. His choice of language will probably be sufficiently damning to force the reopening of the case, thus reopening also the investigation into the Clinton Foundation. There is new information from the Wikileaks emails showing that Clinton aides like Cheryl Mill and Huma Abedin knew about the Clinton

server but lied about their knowledge to the FBI. There is also information showing that Obama knew about the non-secure server and corresponded with Clinton on it, despite his public denial on the matter, thus exposing him to criminal investigation if the emails contained classified information. The declaration of Presidential privilege will not prevent the Justice Department from reviewing those emails.

### **Nunes Memo**

The House Intel Committee voted today to declassify the memo, so we will likely know soon what it contains. In the meantime I surmise that it outlines a case that senior FBI personnel collaborated with the DNC to produce a phony dossier describing a conspiracy between Trump and the Russian government, that the parties covered up the origins of the dossier by channeling the payments through a law firm, that the FBI misled the FISA court by offering the dossier as a verified product of British intelligence operations so as to obtain approval to undertake wiretap surveillance of the Trump campaign, and that a senior group within the FBI and the Department of Justice used the FISA wiretap, along with hundreds of unmasked Section 702-About queries, to spy on the Trump presidential campaign and the transition team. I surmise that the Nunes memo will conclude that there was politically-motivated and criminal misconduct by senior staff at the FBI and Department of Justice, by which the Democrats abused the government's intelligence-gathering apparatus to spy on a rival candidate for the presidency in the hopes of obtaining compromising information that would derail his campaign. The parallels to Watergate will be immediately obvious.

### **The Mueller Report**

Meanwhile, after a year of investigation, the Mueller inquiry has not produced any evidence of Russian collusion with the Trump campaign. Mike Flynn pled guilty to lying to the FBI but not to any illegal collusion, nor was he charged with any underlying crime. Paul Manafort and Rick Gates were charged with tax evasion and money laundering unrelated to the election campaign. Another Trump campaign staffer, George Papadopoulos, was charged with lying to the FBI about his contacts with Russians. Again, no underlying crime was alleged. Given how many leaks have happened since the start of Mueller's probe, the discrediting of the Steele dossier by the FBI and the failure of Comey to point to any evidence of Russian collusion after he was fired, I think it doubtful the Mueller probe will yield any evidence of collusion or illegal campaign activity by the Trump campaign.

<https://www.cnn.com/2017/12/04/politics/whos-charged-russia-investigation/index.html>