

United States Senate

WASHINGTON, DC 20510

May 8, 2018

The Honorable Rod Rosenstein
Deputy Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Deputy Attorney General Rosenstein and Director Wray:

We write to determine what steps the FBI has taken to prevent and deter unauthorized disclosures to former Mayor Rudy Giuliani about ongoing investigations.

Near the end of the 2016 presidential election, Mr. Giuliani not only admitted but boasted about receiving unauthorized disclosures regarding an ongoing FBI investigation,¹ possibly through connections he made while serving as U.S. Attorney for the Southern District of New York.² When he made these remarks, he was acting as a close advocate and surrogate for the Trump campaign.³ On October 26, 2016, Mr. Giuliani indicated that he expected a surprise revelation “in the next few days.”⁴ Two days later, then-FBI Director James Comey announced

¹ Matt Zapotosky, *Rudy Giuliani is claiming to have insider FBI knowledge. Does he really?*, THE WASHINGTON POST (Nov. 4, 2016), https://www.washingtonpost.com/news/post-nation/wp/2016/11/04/rudy-giuliani-is-claiming-to-have-insider-fbi-knowledge-does-he-really/?utm_term=.0643fbb26ce7; Michael D. Shear and Jennifer Steinhauer, *Giuliani's Bark May Come Back to Bite Trump*, N.Y. TIMES (May 3, 2018) (“Mr. Giuliani also said during the campaign that the F.B.I. gave him the inside track into investigations into Mrs. Clinton’s emails.”), <https://www.nytimes.com/2018/05/03/us/politics/trump-giuliani.html?smprod=nytcore-ipad&smid=nytcore-ipad-share>.

² *Smelling a Rat: What Did Trump Campaign & Giuliani Know & When Did They Know It*, DAILY KOS (Oct. 31, 2016), <https://www.dailykos.com/stories/2016/10/31/1588467/-Smelling-A-Rat-What-Did-Trump-Campaign-Giuliani-Know-When-Did-They-Know-It>.

³ David K. Li, *Giuliani is Trump's campaign consigliere*, N.Y. POST (Feb. 22, 2016), <https://nypost.com/2016/02/22/giuliani-is-trumps-campaign-consigliere/>.

⁴ *Giuliani decries polls, teases “big” campaign surprises*, FOX NEWS (Oct. 26, 2016), <http://video.foxnews.com/v/5185914034001/?#sp=show-clips>.

he was reopening the FBI's investigation of Secretary Clinton's emails.⁵ After that announcement, Mr. Giuliani confirmed he had known the announcement was coming – though that fact was known only to FBI personnel.⁶ When asked whether he had heard about the substance of Mr. Comey's announcement before the announcement was made, Mr. Giuliani replied, "You're darn right I heard about it."⁷

These reports were sufficient to cause Mr. Comey to open an investigation into unauthorized disclosures from the FBI New York field office and elsewhere.⁸ Mr. Comey was fired shortly after initiating the investigation, and he does not know what it discovered or how any problems identified in the investigation were addressed.⁹

Mr. Giuliani was recently hired to represent President Trump in matters relating to Special Counsel Robert Mueller's investigation.¹⁰ Once again, he has an incentive to solicit and secure unauthorized disclosures from the FBI, with the goal of benefitting Donald Trump. The question arises whether the FBI has made any necessary changes in its New York field office or elsewhere to safeguard against similar disclosures. The stakes are high. Unauthorized disclosures to Mr. Giuliani at this time would undermine an ongoing criminal and counterintelligence investigation and risk compromising the Special Counsel's efforts to protect American democracy.

We would appreciate your informing us as to any changes in procedure or personnel made by the FBI as a consequence of reported unauthorized disclosures to Mr. Giuliani, and additional steps that may be planned to protect the integrity of the Special Counsel investigation going forward. Obviously, we will fully understand that your response must be limited to information that avoids compromising ongoing investigations.

We look forward to your prompt response.

Sincerely,

⁵ Adam Goldman and Alan Rappoport, *Emails in Anthony Weiner Inquiry Jolt Clinton's Campaign*, N.Y. TIMES (Oct. 28, 2016), <https://www.nytimes.com/2016/10/29/us/politics/fbi-hillary-clinton-email.html>.

⁶ Matt Zapposky, *Rudy Giuliani is claiming to have insider FBI knowledge. Does he really?*, THE WASHINGTON POST (Nov. 4, 2016), https://www.washingtonpost.com/news/post-nation/wp/2016/11/04/rudy-giuliani-is-claiming-to-have-insider-fbi-knowledge-does-he-really/?utm_term=.0643fbb26ce7.

⁷ Seema Mehta, *Giuliani on new Clinton emails review: "You're darn right I heard about it"*, L.A. TIMES (Nov. 4, 2016), <http://www.latimes.com/nation/politics/trailguide/la-na-trailguide-updates-giuliani-on-new-clinton-e-mail-probe-1478308935-htmlstory.html>.

⁸ Hearing on "Oversight of the Federal Bureau of Investigation," before the Senate Committee on the Judiciary, 115th Cong. (May 3, 2017) (then-FBI Director Comey disclosed the investigation in response to a question from Senator Patrick Leahy). *Comey: Giuliani boasts prompted investigation into FBI leaks*, MSNBC (April 19, 2018), <https://www.msnbc.com/rachel-maddow/watch/comey-giuliani-boasts-prompted-investigation-into-fbi-leaks-1215262275724?playlist=associated>.

⁹ *Id.*

¹⁰ Tessa Berenson, *Rudy Giuliani Wants to End Robert Mueller's Investigation Soon. Trump's Allies Think He Can Do It*, TIME (April 20, 2018), <http://time.com/5248465/donald-trump-lawyers-rudy-giuliani-special-counsel/>.



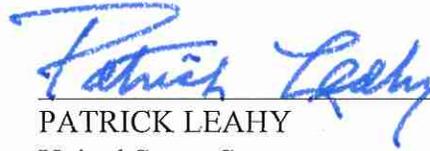
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