

Exhibit A

From: "Cooney, Joseph (USADC)" [REDACTED]
To: "Gaston, Molly (USADC)" [REDACTED], "Cooney, Joseph (USADC)" [REDACTED]
Subject: Conversation with Gaston, Molly (USADC)
Date: Wed, 13 Jan 2021 13:50:43 -0500
Importance: Normal

Cooney, Joseph (USADC) 1:00 AM:

shoot

Gaston, Molly (USADC) 1:00 AM:

is our grand jury doing remote testimony?
i don't think it is but i could be wrong

Cooney, Joseph (USADC) 1:00 AM:

it's not
it is a huge frustration for me
totally agree
so antiqued even without a pandemic
antiquated

Gaston, Molly (USADC) 1:02 AM:

yeah, that's unfortunately what i thought.
thanks.

Cooney, Joseph (USADC) 1:02 AM:

should we go to CJ on this now though?
"whatever you need"

Gaston, Molly (USADC) 1:03 AM:

crabb should try.
it would make everything easier and safer
including for gj
jurors
one thing i was just thinking about.
say for the sake of argument that we did want to look at lauren boebers (i don't think we do).
in the modern era, is tweeting from the house floor protected by speech or debate?

Cooney, Joseph (USADC) 1:06 AM:

it's all about content not location

Cooney, Joseph (USADC) 1:09 AM:

marc elias: "do you understand that Sen. Reid's office is as close to the senate floor as we are to that fireplace?"

Gaston, Molly (USADC) 1:09 AM:

hahaha.

Cooney, Joseph (USADC) 1:10 AM:

the fireplace: in the AAG's conference room (he was addressing lesley)
the substance: RM asking HR to get him a meeting with Sebelius to advocate to erase the CMS penalty

Gaston, Molly (USADC) 1:11 AM:

yeah. i'm thinking less about the actual floor and more that twitter has taken the place of floor speeches in a lot of ways

Cooney, Joseph (USADC) 1:11 AM:

if anyone argues that her tweets are legislative acts, THEY should be charged with sedition!

Gaston, Molly (USADC) 1:11 AM:

when i worked on the hill, members would run over to the floor to make stupid little speeches on cspan that no one
watched

Cooney, Joseph (USADC) 1:11 AM:

that's tough i think

Gaston, Molly (USADC) 1:11 AM:

now they just tweet.

Cooney, Joseph (USADC) 1:11 AM:

right i get your point

Gaston, Molly (USADC) 1:11 AM:

that's the argument. i don't think it'll work.

Cooney, Joseph (USADC) 1:12 AM:

but a tweet is not a floor speech
a floor speech addresses the speaker or the president pro-tempore
a tweet addresses the public

Gaston, Molly (USADC) 1:12 AM:

yep.

From: "Cooney, Joseph (USADC)" [REDACTED]

To: "Gaston, Molly (USADC)" [REDACTED], "Cooney, Joseph (USADC)" [REDACTED]

Subject: Conversation with Gaston, Molly (USADC)

Date: Wed, 13 Jan 2021 19:37:33 -0500

Importance: Normal

Gaston, Molly (USADC) 2:32 PM:

and a way to store voluminous amounts of video, preferably in a cloud such that we could just give access to defense attorneys, etc.

ok, i'm done now.

and, a staff to administer it all.

Cooney, Joseph (USADC) 3:27 PM:

who is your person at TSA?

actually never mind

Gaston, Molly (USADC) 3:27 PM:

Jamie Mazzone

Cooney, Joseph (USADC) 3:28 PM:

why do i keep forgetting jamie's name?

Gaston, Molly (USADC) 3:28 PM:

you can't forget jamie after hearing her accent.

super thick northeast.

Cooney, Joseph (USADC) 3:50 PM:

i'll never forget it!

that's why i can't believe i always forget her name!

rich sutton -- great pull

he is assembling his counterparts in other divisions to collect ideas

we're going to reconvene tomorrow

Gaston, Molly (USADC) 3:52 PM:

he's awesome. glad he was helpful (and that he's still there! it makes me feel old to realize that was...10 years ago)

Cooney, Joseph (USADC) 4:58 PM:

don't talk to me about feeling old

your red light says you are in a meeting

want to catch you on a convo i had with alessio when you have a chance

Gaston, Molly (USADC) 4:58 PM:

so mickie sherrill has such important groundbreaking information that she has agreed to talk to amanda...friday.

Cooney, Joseph (USADC) 4:58 PM:

i know

that is embarrassing

appalling

Gaston, Molly (USADC) 4:59 PM:

i hate politicians.

Cooney, Joseph (USADC) 4:59 PM:

me too

makes her allegations completely incredible

Gaston, Molly (USADC) 4:59 PM:

hate is the wrong word. i'm disillusioned by them.

Cooney, Joseph (USADC) 4:59 PM:

and we spent capital for no reason

Gaston, Molly (USADC) 4:59 PM:

totally.

yep.

did you see the letter to sgt at arms?

Cooney, Joseph (USADC) 4:59 PM:

no!

Gaston, Molly (USADC) 5:00 PM:

<https://www.politico.com/news/2021/01/12/mikie-sherrill-capitol-hill-attack-458655>

Cooney, Joseph (USADC) 5:00 PM:

i now see for the first time today, that the president was impeached

holy crap i am in a complete hole

Gaston, Molly (USADC) 5:00 PM:

ha, i just got an alert. i had no idea

Cooney, Joseph (USADC) 5:01 PM:

what do you think of me calling Sherrill's chief of staff?

not that i'm some baller

but to try and amp up the pressure by another level

i find this despicable

Gaston, Molly (USADC) 5:02 PM:

me too. i kind of like that idea. you can make the point, "your boss made incredibly serious claims. it's our obligation to investigate them immediately"

Cooney, Joseph (USADC) 5:03 PM:

that's what i mean

talk with amanda; think about it

i'm just incensed with this

Gaston, Molly (USADC) 5:03 PM:

on the other hand, that might make it likely that she publicizes it

but i think she will no matter what.

politicians. the worst.

ok, i have to call jenn and will call you right after?

Cooney, Joseph (USADC) 5:05 PM:

great

publicity is my concern but to your point, that's happening

Gaston, Molly (USADC) 7:25 PM:

i don't know how to articulate how crazy it is that the PAUSA is going to be emailed about each case.

From: "Cooney, Joseph (USADC)" [REDACTED]
To: "Gaston, Molly (USADC)" [REDACTED], "Cooney, Joseph (USADC)" [REDACTED]
Subject: Conversation with Gaston, Molly (USADC)
Date: Sat, 16 Jan 2021 23:42:47 -0500
Importance: Normal

Cooney, Joseph (USADC) 10:47 PM:

ooh -- leanna just called
standby

Gaston, Molly (USADC) 10:47 PM:

fingers crossed.

Cooney, Joseph (USADC) 10:52 PM:

complicated
they have boebers on camera

Gaston, Molly (USADC) 10:53 PM:

?

Cooney, Joseph (USADC) 10:53 PM:

and near sherrill

Gaston, Molly (USADC) 10:53 PM:

but boebers not with others?

Cooney, Joseph (USADC) 10:53 PM:

right
but
there is a maga hat group about a minute behind her
but it's a family -- with kids

Gaston, Molly (USADC) 10:54 PM:

i wonder if it's hers.

Cooney, Joseph (USADC) 10:54 PM:

and ...
there is someone that allison has identified someone taking pics

Gaston, Molly (USADC) 10:55 PM:

ooh
that sounds promising
or it's a tourist.

Cooney, Joseph (USADC) 10:57 PM:

that's actually what it looks like, according to allison

Gaston, Molly (USADC) 10:57 PM:

sigh.

Cooney, Joseph (USADC) 10:57 PM:

it's weird but does not look suspicious

Gaston, Molly (USADC) 10:58 PM:

ok.
well, that's too bad.
we also have to figure out what time the goasar thing happened
goasar

Cooney, Joseph (USADC) 10:59 PM:

yeah

Gaston, Molly (USADC) 10:59 PM:

and get that video

Cooney, Joseph (USADC) 10:59 PM:

i'm telling you though -- this tour/map thing has legs
this makes perfect sense to me
proving the member's intent might be impossible
but i am fairly confident that we are going to put a map or some other information relevant to coordinated activity in the
hands of an extremist group, and trace it back to a congressional office

Gaston, Molly (USADC) 11:01 PM:

yep.

Cooney, Joseph (USADC) 11:01 PM:

and one reason, is that it is obviously readily available
what tej called me about yesterday
a uscp officer who disclosed the location to which they evacuated the speaker
but the disclosure was on january 7
he was big timing it
the point is the information is out there

Gaston, Molly (USADC) 11:02 PM:

it's really not that big. there are not that many places to go.

Cooney, Joseph (USADC) 11:03 PM:

yes it's tiny
but it's confusing as shit

Gaston, Molly (USADC) 11:03 PM:

it doesn't take a rocket scientist to realize that it's an historic building, but teh visitors center is new, so there must be bunkers there

Cooney, Joseph (USADC) 11:03 PM:

you really have to know you're way around that place to get anywhere

Gaston, Molly (USADC) 11:03 PM:

oh, it is. i used to get lost all the time.

From: "Gaston, Molly (USADC)" [REDACTED]
To: "Gaston, Molly (USADC)" [REDACTED], "Cooney, Joseph (USADC)" [REDACTED]

Subject: Conversation with Gaston, Molly (USADC)

Date: Fri, 29 Jan 2021 22:06:23 -0500

Importance: Normal

Gaston, Molly (USADC) 9:36 PM:

i didn't ask. he just wanted to know if we use the duty or amanda.
i think it should be amanda.

Cooney, Joseph (USADC) 9:36 PM:

i can contact amanda in the morning

Gaston, Molly (USADC) 9:36 PM:

great.

Cooney, Joseph (USADC) 9:37 PM:

let him know i'll reach out to her in AM and get back to you
one thing i want to know tomorrow is whether we need additional paralegals on the ISF

Gaston, Molly (USADC) 9:37 PM:

great, thanks.

yes.

Cooney, Joseph (USADC) 9:37 PM:

i think we do -- but want to hear from you guys

Gaston, Molly (USADC) 9:37 PM:

yes.

amanda can be on team a and then i would like one for team b

Cooney, Joseph (USADC) 9:39 PM:

that was my thought
one hiccup this weekend ...
amanda is in a transition between contractor and fte
i wonder if she loses OT this weekend
but i'll sort that out in the am

Gaston, Molly (USADC) 9:39 PM:

you are much nicer than i am to be worried about that.
also heads up, the NSD trial attorney on my gieswein case has just started a little storm with the agents because she only picked up tonight on the boebert gossip and started emailing it about it. i emailed and tried to put the kibosh on it, and also emailed her separately and told her i would call her tomorrow, but it clearly upset the agents.

Cooney, Joseph (USADC) 9:43 PM:

in what cave has teh nsd attorney been living?
and why are your agents so upset?
you don't need to entertain these questions -- i get it

Gaston, Molly (USADC) 9:44 PM:

because the NSD attorney is in lala land, and is emailing around specious allegations about the colorado agents' elected representative
tomorrow i will very nicely inform her that the allegations are being capably handled by other people.

Cooney, Joseph (USADC) 9:48 PM:

that's a funny chain, actually
i actually find the agent's response kind of humorous. i am very disturbed. we need to talk....*Monday*.
but yes -- good way to handle

Gaston, Molly (USADC) 9:49 PM:

hahaha. yes, i know. and it's only 7 there--they could call me RIGHT NOW.
this is why i half understood my agent's frustration during our call. but i don't want him to be frustrated at the things that I want him to do! i'm asking reasonable things! like we have phone calls of his to a parking garage. i want him to go get video to see if gieswein was with anyone
but those requests get lost in the larger requests that are less useful.
anyway. he could definitely be rolled in with the proud boys. he went around with them enough to have joined their conspiracy.

Cooney, Joseph (USADC) 9:51 PM:

right
on all your points, including the PB part

Gaston, Molly (USADC) 9:52 PM:

if that means including the cts attorney, we should think carefully.

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Author  Saler, Leanna L. (WF) (FBI)

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Last Modified By  Thibault, Timothy R. (WF) (FBI)

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Details

Pursuant to DIOG Section 6.5, this Preliminary Investigation is being opened based upon information and allegations that individuals, to include public officials and other influential public figures, may have assisted or conspired with persons, groups, or organizations who planned or organized the unlawful entry on January 6, 2021 of the United States Capitol building for the purpose of stopping the Congressional counting of the electoral college votes for the Office of the President of the United States, in potential violation of Obstruction of Congress statutes.

Summary of Predication

On January 6, 2021, a joint session of Congress convened for the purpose of counting the electoral college votes for the Office of the President of the United States. During the joint session, persons unlawfully entered the U.S. Capitol building by, among other things, breaching exterior security barriers, clashing with police, and breaking windows, both exterior and interior, and entering the U.S. Capitol and rooms within the U.S. Capitol. As a result, the joint session was suspended and the chambers evacuated. In light of the dangerous situation, the proceedings could not resume until the building had been deemed secure.

Washington Field Office opened an investigation that same day based upon civil disorder [18 U.S.C. 231(a)(3)] and riot [18 U.S.C. 2101] statutes, and began the process of identifying individuals who unlawfully entered the U.S. Capitol. Among evidentiary items collected, there was physical collection of items on the Capitol grounds; video with identified and unidentified persons around and within the Capitol building; and information provided by the public to an established FBI tip line providing possible identities of subjects, captures of postings from social media sites discussing the events of January 6 on the Capitol, and allegations concerning preplanning and ongoing planning of future criminal conduct.

In reviewing the foregoing evidence, WFO uncovered indicia that the breach of the U.S. Capitol during the joint session was planned and organized, such as: video and photos both inside and outside the Capitol showed individuals wearing two-way radios, body armor, protective helmets, zip-tie restraints, and canisters of bear spray. Accordingly, a number of subjects have been charged by the D.C. United States Attorney's Office with conspiracy to obstruct an official proceeding under 18 U.S.C. 1512(c)(2), in which it is alleged they specifically intended to stop the joint session counting of electoral college votes. Some of these subjects have been identified as members of, or suspected members of, organizations and groups in which the group appears to have planned for the breach of the Capitol. For example, three members suspected of being affiliated with an organization called "Oath Keepers," were charged with conspiracy to obstruct an official proceeding under 18 U.S.C. 1512(c)(2), among other charges, in part due to evidence collected from a Zello channel called "Stop the Steal J6." As documented in the complaint affidavit, on the recording it is heard, "We have a good group. We have about 30-40 of us. We are sticking together and sticking to the plan" ... "Get it, Jess. Do your fucking thing. This is what we fucking [unintelligible] up for. Everything we fucking trained for." The same affidavit describes coordination efforts through Facebook messaging while in the Capitol.

In the ensuing days, WFO received information and allegations that public officials and other influential public figures may also have been involved in the planning and organizing of efforts to stop the joint session counting of the electoral college votes on January 6, 2021. For example, on January 13, 2021, the Washington Post published an article in which Representative Mikie Sherrill stated she saw a group

being led through the Capitol on a "reconnaissance" tour on January 5, 2021. She claimed that this group was with Representative Lauren Boebert. Similarly, on January 19, 2021, the Washington Post published an article in which Representative Steve Cohen said that he and Representative John Yarmuth had both seen Boebert in the tunnel outside the Cannon House Office Building with a group sometime in the three days before the riots. What is unclear is whether these tours occurred in the days leading up and whether any of those individuals on the tour were part of the breach on January 6, 2021. Follow-up interviews of the complainant, Representative Sherrill are occurring and investigators are reviewing video obtained from inside the Capitol. Representative Boebert has publicly denied having anyone in the Capitol but family.

On January 14, 2021, Congressional staffer Heather Zenone (protect identity) from the office of Representative Karen Bass, advised the FBI that she was exiting a ride share vehicle and overheard two men walking away from the Congressional office buildings say, "This door is normally locked, however I think Gosar will let us in." Zenone believed the reference to be to Representative Paul Gosar.

In video posted by Ali Alexander, also known as Ali Akbar, a purported organizer of the "Stop the Steal" movement, claims that he devised a plan with Representatives Andy Biggs, Mo Brooks, and Gosar, to put "maximum pressure on Congress while they were voting." In a December rally in Phoenix, Arizona, he was quoted as saying "We're going to convince them to not certify the vote on January 6 by marching hundreds of thousands, if not millions of patriots, to sit down, right?... And if we have to explore options after that... 'yet.' Yet!", an alleged code word for violence. Alexander also purportedly tweeted in December 2020, "Everyone can guess what me and 500,000 others will do to that building...1776 is *always* an option."

Violations

If true, the information and allegations detailed above could be in violation of 18 U.S.C. 371 (Conspiracy), 18 U.S.C. 1505 (Obstruction of Congressional and Administrative Proceedings), and 18 U.S.C. 1512 (Obstruction of Federal Proceedings).

Sensitive Investigative Matter (SIM)

This preliminary investigation is a SIM because it involves allegations that public officials engaged in criminal conduct. Accordingly, this EC is seeking appropriate CDC, ASAC, SAC, and Headquarters authority.

Prosecutive Opinion

WFO and FBI Headquarters/Criminal Investigative Division consulted with D.C. USAO and Department of Justice-Public Integrity Section and both concur that there is predication to open a preliminary investigation to determine whether public officials and other influential public figures conspired to obstruct Congress by stopping the counting of the electoral college vote on January 6, 2020.

Investigative Plan

It is anticipated the following investigative steps would occur during the Preliminary Investigation in order to determine whether there is predication for a Full Investigation or the matter be closed:

- Coordinate with the related investigation at WFO, 176-WF-3366759, to determine whether there is evidence of coordination and planning with individuals, to include public officials and other influential public figures, to stop the electoral college vote counting of January 6, 2021.
- Investigate the allegation that Rep. Boebert's gave "reconnaissance" tours prior to January 6, 2021, to include conduct interviews with witnesses and obtain video from inside the U.S. Capitol of tour groups, as detailed by the complainant.
- Investigate the allegation that two males believed Rep. Gosar would open a Capitol door for them, to include obtain video from the U.S. Capitol for the date and time identified by the complainant, identify the individuals, and conduct logical interviews.
- Review additional information provided by the public, to include the FBI tip line, or other publicly available information, to identify public officials or other influential public figures alleged to have engaged in the planning or organizing of the effort to stop the counting of the electoral college votes on January 6, 2021.

From: Thibault, Timothy R. (WF) (FBI)
Sent: Friday, August 13, 2021 2:28 PM
To: Pattillo, Katherine E. (WF) (FBI); Gounaud, Kevin E. (WF) (FBI)
Subject: FW: Preliminary Investigation-2/5/2020 AG Memorandum

Here is an email where HQ was suggesting one of our cases fell under the AG memo----under the "declared candidate" prong. So, this was a different argument, but suggest saving it and sharing with others as the need arises.

t

Timothy R. Thibault
Assistant Special Agent in Charge
Criminal Division - Branch II
Northern Virginia RA
Washington Field Office
Desk: [REDACTED]
Cell: [REDACTED]

From: Cooney, Joseph (USADC) <[REDACTED]>
Sent: Wednesday, February 3, 2021 9:13 AM
To: Thibault, Timothy R. (WF) (FBI) <[REDACTED]>
Cc: Saler, Leanna L. (CID) (FBI) <[REDACTED]>
Subject: [EXTERNAL EMAIL] - Preliminary Investigation-2/5/2020 AG Memorandum

Tim:

I write to confirm that the Attorney General's February 5, 2020, Memorandum, "Additional Requirements for the Opening of Sensitive Investigations," does not apply to the preliminary investigation WFO opened on January 22, 2021, to investigate allegations by Reps. Steve Cohen, Mikie Sherril, John Yarmuth, and a congressional staffer, regarding Reps. Lauren Boebert and Paul Gosar.

The Attorney General's Memorandum requires prior written notification and consultation with the Assistant Attorney General and U.S. Attorney with jurisdiction over the matter before opening any investigation, including a preliminary investigation, of any "declared candidate" for the U.S. House of Representatives. As elaborated below, the policy does not apply to WFO's preliminary investigation, because in January 2021 none of the above Members were "declared candidates" for Congress and there was no risk that public exposure of the preliminary investigation could influence an impending federal election.

At the time that WFO opened its preliminary investigation—in which I concurred—none of the above-listed Members of Congress were "declared candidates" for a federal election. They are still not "declared candidates." Each of the above Members was sworn into the 117th Congress on January 3, 2021, and have been on the job barely one month. The next federal election is in 2022; the state-established deadlines for registering and confirming a 2022 candidacy are still more than 12 months out; and none of the candidates have yet reported contributions or expenditures that could arguably be applied to a 2022 candidacy. (In fact, it is not clear from publicly available FEC reports whether they have even registered their campaign committees to continue into the 2022 election cycle.)

Although the Attorney General's Memorandum does not define what it means to be a "declared candidate," the Attorney General could not have been more clear that the additional requirements for certain sensitive investigations

apply only during the time period that the Department's overarching election sensitivities policy is in effect—that is, the time period immediately preceding a federal election during which voters' minds about which candidate to support could arguably be influenced by Department action. The Attorney General wrote:

In certain cases, the existence of a federal criminal or counter-intelligence investigation, if it becomes known to the public, may have unintended effects on our elections. For this reason, the Department has long recognized that it must exercise particular care regarding sensitive investigations and prosecutions that relate to political *candidates, campaigns*, and other politically sensitive individuals and organizations—especially in an *election year*.

As we enter the 2020 election year, the Department remains committed to ensuring that *this fall's elections* are conducted in a fair manner that is free from inappropriate influences. *Accordingly*, I am establishing the following requirements

(Emphasis added.) In January 2021, when WFO opened the preliminary investigation—two months after the 2020 election, which prompted the Attorney General's Memorandum; 22 months before the next federal election in November 2022; and more than a year ahead of state candidacy registration deadlines for the next federal election—no Member of Congress could reasonably be interpreted as a "candidate" or as engaged in a "campaign." Moreover, 2021 is not even a federal "election year." When WFO opened its preliminary investigation, there was no risk (and there remains no risk) that doing so "may have unintended effects on our elections." As a result, the notification and consultation requirements in the Attorney General's Memorandum did not apply when the preliminary investigation was opened and still do not apply.

The suggestion that the policy applied to any of the above listed Members in January 2021 requires adopting the position that Members of Congress are engaged in a permanent federal campaign. If that were the case, the Memorandum would apply to virtually every Member of Congress all the time. The Attorney General did not intend to impose such a broad notice and consultation requirement; had that been the Attorney General's intent, he would have been explicit about it. Instead, the Attorney General explicitly limited the policy to the period immediately preceding an election, when the public exposure of an investigation "may have unintended effects on our elections."

Finally, WFO's preliminary investigation was predicated, appropriate, and necessary. On January 6, the U.S. Capitol was attacked while all Members and the Vice President were in session to certify the Electoral College results. In the days that followed, with the January 20 Inauguration still pending, the FBI uncovered astonishing allegations—by three Members and a staffer—that two other Members may have (wittingly or not) aided the attack by providing Capitol access to unknown individuals before January 6. Under the circumstances, the only responsible course was to open a preliminary investigation—both to swiftly determine the legitimacy of the allegations and to ensure a full written record of the FBI's steps. The public would expect nothing less of the FBI and Department of Justice. That is the course that the U.S. Attorney's Office recommended and encouraged and in which we concurred.

If you have any questions or concerns, please feel free to contact me.

J.P.

J.P. Cooney
Assistant United States Attorney
Chief, Public Corruption and Civil Rights Section
U.S. Attorney's Office for the District of Columbia
Office: [REDACTED]
Cell: [REDACTED]

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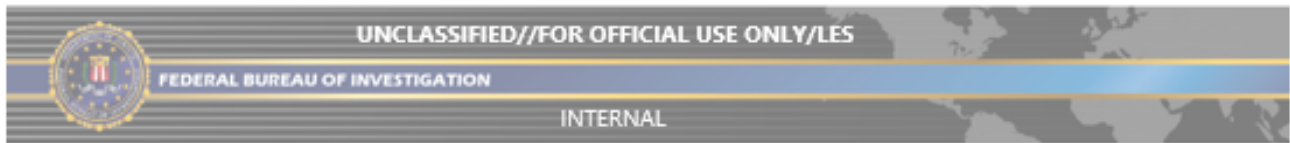
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Author  WATSON, MIA (CTD) (FBI)
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Last Modified By  Thibault, Timothy R. (CTD) (FBI)

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Washington Field Office – Rampart Twelve (SIM) SITREP

Obstruction of Congress; 72-WF-3377507

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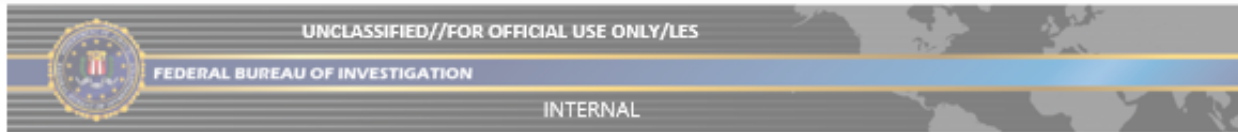
(U) Executive Summary

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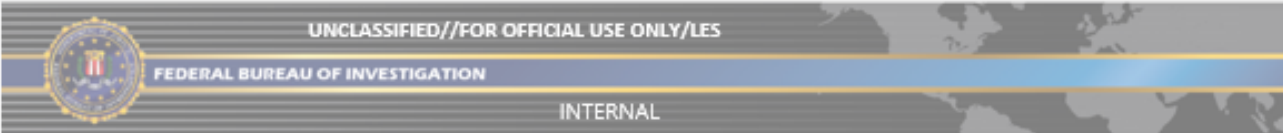
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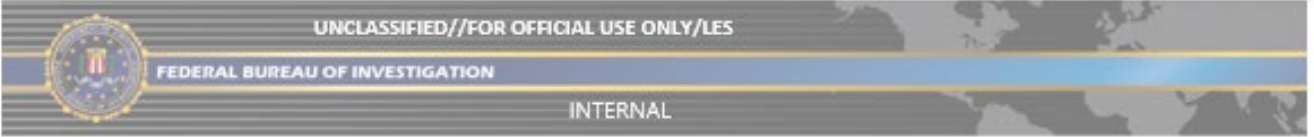
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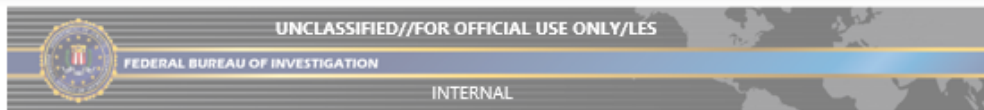
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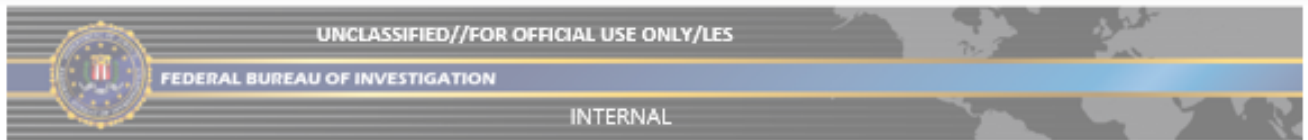
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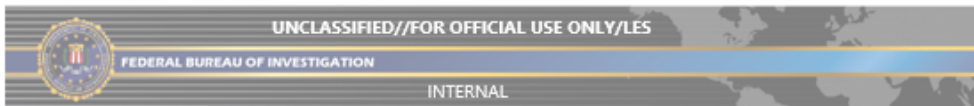
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 - b. Rep. Cohen- he made a public statement that he and Rep. Yarmouth (who ~~purportedly "refreshed"~~ Rep. Cohen's recollection) saw Rep. Boebert before Jan. 6 with a tour. [Of note, the video review failed to identify either Rep. Cohen or Rep. Yarmouth in the areas reviewed.]
 - c. Rep. Yarmouth- he and Rep. Cohen purportedly saw a tour being given by Rep. Boebert on 1/5/2021.
 - d. Rep. Gosar- it is not believed he is aware of the complaint and investigation as it relates to the unidentified males outside of the Rayburn building on 1/5/2021. The line of questioning would relate to addressing the allegation and identifying the three males seen in the video review.
 - i. There is a separate investigation of Rep. Gosar's contacts with Ali Alexander in the Dallas FO. There has been public reporting of Rep. Gosar's relationship with Alexander; accordingly, any interview of Rep. Gosar would have to either be separate or in conjunction with Dallas.



Should it be determined WFO should close the preliminary investigation, they could continue to coordinate with the Denver and Dallas case agents and seek to include questioning about the 1/5/2021 complaints in interviews conducted by those FOs at the time they are prepared to conduct them.

From: Thibault, Timothy R. (WF) (FBI)
Sent: Friday, July 16, 2021 9:23 AM
To: Saler, Leanna L. (WF) (FBI)
Subject: Re: Rampart Twelve

Extend and cite we are awaiting HQ guidance

Tim Thibault

Asst. Special Agent in Charge

Washington Field Office

Federal Bureau of Investigation

From: Saler, Leanna L. (WF) (FBI) <[REDACTED]>
Sent: Friday, July 16, 2021 8:24:35 AM
To: Thibault, Timothy R. (WF) (FBI) <[REDACTED]>
Subject: Rampart Twelve

Just a reminder that the PI expires 7/22. I am out of the office 7/20-7/28. I pinged Swanson last week.

SSA Leanna Saler
WFO CR10
Public Corruption/Civil Rights

From: Thibault, Timothy R. (WF) (FBI)
Sent: Friday, December 17, 2021 4:14 PM
To: Saler, Leanna L. (WF) (FBI)
Subject: Re: Rampart Twelve

Hold for confirmation from his EM and get in writing. Then we will seek approval from DOJ and EM.

T

Tim Thibault
Asst. Special Agent in Charge
Washington Field Office
Federal Bureau of Investigation

From: Saler, Leanna L. (WF) (FBI) <[REDACTED]>
Sent: Friday, December 17, 2021 3:38:04 PM
To: Thibault, Timothy R. (WF) (FBI) <[REDACTED]>
Subject: Rampart Twelve

This PI expires on Jan. 22. As you recall, we were told to stand by for Denver's case. I spoke with SSA Tom Shea of DN and they are closing their matter. He is confirming with his EM, but feels they would not want to interview Boebert as a result.

Presuming we are clear to move then, we seek approval to move through with our proposed course of action (see June memo) and interview Boebert and Gosar, with appropriate coordination with DC USAO.

SSA Leanna Saler
WFO- Public Corruption/Civil Rights

From: Thibault, Timothy R. (WF) (FBI)
Sent: Tuesday, December 21, 2021 11:48 AM
To: Jacobs, Wayne A. (WF) (FBI)
Subject: FW: Preliminary Investigation-2/5/2020 AG Memorandum

Sir,

For your reading pleasure as discussed earlier.

t

Timothy R. Thibault
Assistant Special Agent in Charge
Criminal Division - Branch II
Northern Virginia RA
Washington Field Office
Desk: [REDACTED]
Cell: [REDACTED]

From: Cooney, Joseph (USADC) <[REDACTED]>
Sent: Wednesday, February 3, 2021 9:13 AM
To: Thibault, Timothy R. (WF) (FBI) <[REDACTED]>
Cc: Saler, Leanna L. (CID) (FBI) <[REDACTED]>
Subject: [EXTERNAL EMAIL] - Preliminary Investigation-2/5/2020 AG Memorandum

Tim:

I write to confirm that the Attorney General's February 5, 2020, Memorandum, "Additional Requirements for the Opening of Sensitive Investigations," does not apply to the preliminary investigation WFO opened on January 22, 2021, to investigate allegations by Reps. Steve Cohen, Mikie Sherril, John Yarmuth, and a congressional staffer, regarding Reps. Lauren Boebert and Paul Gosar.

The Attorney General's Memorandum requires prior written notification and consultation with the Assistant Attorney General and U.S. Attorney with jurisdiction over the matter before opening any investigation, including a preliminary investigation, of any "declared candidate" for the U.S. House of Representatives. As elaborated below, the policy does not apply to WFO's preliminary investigation, because in January 2021 none of the above Members were "declared candidates" for Congress and there was no risk that public exposure of the preliminary investigation could influence an impending federal election.

At the time that WFO opened its preliminary investigation—in which I concurred—none of the above-listed Members of Congress were "declared candidates" for a federal election. They are still not "declared candidates." Each of the above Members was sworn into the 117th Congress on January 3, 2021, and have been on the job barely one month. The next federal election is in 2022; the state-established deadlines for registering and confirming a 2022 candidacy are still more than 12 months out; and none of the candidates have yet reported contributions or expenditures that could arguably be applied to a 2022 candidacy. (In fact, it is not clear from publicly available FEC reports whether they have even registered their campaign committees to continue into the 2022 election cycle.)

Although the Attorney General's Memorandum does not define what it means to be a "declared candidate," the Attorney General could not have been more clear that the additional requirements for certain sensitive investigations apply only during the time period that the Department's overarching election sensitivities policy is in effect—that is, the time period immediately preceding a federal election during which voters' minds about which candidate to support could arguably be influenced by Department action. The Attorney General wrote:

In certain cases, the existence of a federal criminal or counter-intelligence investigation, if it becomes known to the public, may have unintended effects on our elections. For this reason, the Department has long recognized that it must exercise particular care regarding sensitive investigations and prosecutions that relate to political *candidates, campaigns*, and other politically sensitive individuals and organizations—especially in an *election year*.

As we enter the 2020 election year, the Department remains committed to ensuring that *this fall's elections* are conducted in a fair manner that is free from inappropriate influences. *Accordingly*, I am establishing the following requirements

(Emphasis added.) In January 2021, when WFO opened the preliminary investigation—two months after the 2020 election, which prompted the Attorney General's Memorandum; 22 months before the next federal election in November 2022; and more than a year ahead of state candidacy registration deadlines for the next federal election—no Member of Congress could reasonably be interpreted as a "candidate" or as engaged in a "campaign." Moreover, 2021 is not even a federal "election year." When WFO opened its preliminary investigation, there was no risk (and there remains no risk) that doing so "may have unintended effects on our elections." As a result, the notification and consultation requirements in the Attorney General's Memorandum did not apply when the preliminary investigation was opened and still do not apply.

The suggestion that the policy applied to any of the above listed Members in January 2021 requires adopting the position that Members of Congress are engaged in a permanent federal campaign. If that were the case, the Memorandum would apply to virtually every Member of Congress all the time. The Attorney General did not intend to impose such a broad notice and consultation requirement; had that been the Attorney General's intent, he would have been explicit about it. Instead, the Attorney General explicitly limited the policy to the period immediately preceding an election, when the public exposure of an investigation "may have unintended effects on our elections."

Finally, WFO's preliminary investigation was predicated, appropriate, and necessary. On January 6, the U.S. Capitol was attacked while all Members and the Vice President were in session to certify the Electoral College results. In the days that followed, with the January 20 Inauguration still pending, the FBI uncovered astonishing allegations—by three Members and a staffer—that two other Members may have (wittingly or not) aided the attack by providing Capitol access to unknown individuals before January 6. Under the circumstances, the only responsible course was to open a preliminary investigation—both to swiftly determine the legitimacy of the allegations and to ensure a full written record of the FBI's steps. The public would expect nothing less of the FBI and Department of Justice. That is the course that the U.S. Attorney's Office recommended and encouraged and in which we concurred.

If you have any questions or concerns, please feel free to contact me.

J.P.

J.P. Cooney
Assistant United States Attorney
Chief, Public Corruption and Civil Rights Section
U.S. Attorney's Office for the District of Columbia
Office: [REDACTED]
Cell: [REDACTED]

From: Thibault, Timothy R. (WF) (FBI)
Sent: Friday, January 21, 2022 6:19 PM
To: Greenberg, Jay (CID) (FBI)
Subject: Re: Rampart

Approved AD level, but not DD level however I think so we appreciate your efforts and will execute as directed.

Tim Thibault
Asst. Special Agent in Charge
Washington Field Office
Federal Bureau of Investigation

From: Greenberg, Jay (CID) (FBI) <[REDACTED]>
Sent: Friday, January 21, 2022 6:15:40 PM
To: Thibault, Timothy R. (WF) (FBI) <[REDACTED]>
Subject: Re: Rampart

Copy, Tim. Thank you. Really appreciate the sound reasoning and perspective shared in the discussion. Have a good weekend.

Jay

From: Thibault, Timothy R. (WF) (FBI) <[REDACTED]>
Sent: Friday, January 21, 2022 6:11:01 PM
To: Greenberg, Jay (CID) (FBI) <[REDACTED]>
Subject: Rampart

Jay,

One alibi, my recollection is the previous approach of Boebert was approved by FBI EM. It was shutdown after approval as recall to allow Denver time.

Perhaps this fact will be of assistance.

Have a good weekend.

T

Tim Thibault
Asst. Special Agent in Charge
Washington Field Office
Federal Bureau of Investigation

From: Thibault, Timothy R. (WF) (FBI)
Sent: Friday, January 21, 2022 6:12 PM
To: Jacobs, Wayne A. (WF) (FBI); Saler, Leanna L. (WF) (FBI)
Subject: Fwd: Rampart

Fysa

Tim Thibault
Asst. Special Agent in Charge
Washington Field Office
Federal Bureau of Investigation

From: Thibault, Timothy R. (WF) (FBI)
Sent: Friday, January 21, 2022 6:11:01 PM
To: Greenberg, Jay (CID) (FBI) <jsgreenberg@fbi.gov>
Subject: Rampart

Jay,

One alibi, my recollection is the previous approach of Boebert was approved by FBI EM. It was shutdown after approval as recall to allow Denver time.

Perhaps this fact will be of assistance.

Have a good weekend.

T

Tim Thibault
Asst. Special Agent in Charge
Washington Field Office
Federal Bureau of Investigation

From: Saler, Leanna L. (WF) (FBI)
Sent: Thursday, January 27, 2022 4:24 PM
To: Thibault, Timothy R. (WF) (FBI)
Subject: Re: Rampart 12

Copy.

SSA Leanna Saler
WFO- Public Corruption/Civil Rights

From: Thibault, Timothy R. (WF) (FBI) <[REDACTED]>
Sent: Thursday, January 27, 2022 4:14:12 PM
To: Saler, Leanna L. (WF) (FBI) <[REDACTED]>
Subject: Rampart 12

Leanna,

Direction from FBIHQ is to close the case.

Will provide details. In SAC meeting now.

t

From: Thibault, Timothy R. (WF) (FBI)
Sent: Thursday, February 10, 2022 8:18 AM
To: Saler, Leanna L. (WF) (FBI)
Cc: Gallagher, Kevin M. (WF) (FBI)
Subject: Favor

Great job on arrests!

Also, would to ping PCU. I was told they would send a response on Rampart 12. Give the a couple days. If nothing note in closing and complete closing paperwork.

Thx

T

Tim Thibault
Asst. Special Agent in Charge
Washington Field Office
Federal Bureau of Investigation