

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FREEDOM WATCH, INC.

Plaintiff,

v.

THE HONORABLE JEFF B. SESSIONS, in his official
capacity as Attorney General of the United States of America
on behalf of the UNITED STATES DEPARTMENT OF
JUSTICE
Washington, DC

And

THE HONORABLE ROBIN C. ASHTON, in her official
capacity as Director of the Office of Professional
Responsibility on behalf of the OFFICE OF PROFESSIONAL
RESPONSIBILITY of the United States Department of Justice
Washington, DC

And

THE HONORABLE MICHAEL E. HOROWITZ, in his
official capacity as the Inspector General of the Department of
Justice on behalf of the OFFICE OF THE INSPECTOR
GENERAL of the United States Department of Justice
Washington, DC

And

THE HONORABLE CHRISTOPHER A. WRAY, in his
official capacity as Director of the Federal Bureau of
Investigation on behalf of the FEDERAL BUREAU OF
INVESTIGATION
Washington, DC

Defendants.

**COMPLAINT FOR WRIT OF
MANDAMUS**

I. INTRODUCTION

Plaintiff Freedom Watch, Inc. (“Freedom Watch”) brings this action against Defendants United States the Honorable Jeff B. Sessions (“Mr. Sessions”) in his official capacity as Attorney General of the United States of America on behalf of the United States Department of Justice (“USDOJ”), the Honorable Robin C. Ashton (“Ms. Ashton”) in her official capacity as Director of the Office of Professional Responsibility on behalf of the Office of Professional Responsibility of the United States Department of Justice (“OPR”), the Honorable Michael E. Horowitz (“Mr. Horowitz”) in his official capacity as the Inspector General of the Department of Justice on behalf of the Office of the Inspector General of the United States Department of Justice (“IG”), and the Honorable Christopher A. Wray (“Mr. Wray”) in his official capacity as Director of the Federal Bureau of Investigation on behalf of the Federal Bureau of Investigation (“FBI”) (collectively “Defendants”) seeking a writ of mandamus pursuant to 28 U.S.C. § 1361 compelling Defendants to conduct an expedited investigation into the the torrent of leaks surrounding the Special Prosecutor Robert Mueller’s (“Mr. Mueller”) investigation into Russian interference in the 2016 presidential election (“the Mueller Investigation”).

II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction)

2. Venue is proper pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391(b)(2), (3) in that Defendants reside here and are subject to personal jurisdiction in this District.

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III. PARTIES

Plaintiff

3. Freedom Watch is a 501(c)(3) corporation, incorporated under the laws of the District of Columbia.

Defendants

4. Defendant Mr. Sessions is being sued in his official capacity as Attorney General of the United States of America on behalf of the United States Department of Justice.

5. Defendant Ms. Ashton is being sued in her official capacity as Director of the Office of Professional Responsibility on behalf of the United States Department of Justice.

6. Defendant Mr. Horowitz is being sued in his official capacity as Inspector General on behalf of the United States Department of Justice.

7. Defendant Mr. Wray is being sued in his official capacity as Director of the Federal Bureau of Investigation on behalf of the Federal Bureau of Investigation.

IV. STANDING

8. Plaintiff has standing to bring this action because it has been directly affected and victimized by the unlawful conduct complained herein. Its injuries are proximately related to the conduct of Defendants, each and every one of them, as it is a public interest watchdog which investigates and prosecutes government corruption on behalf of the American people and disseminates information to them.

V. FACTS

BACKGROUND FACTS

9. In May 2017, Mr. Mueller was appointed by the USDOJ as Special Counsel to conduct along with the FBI a criminal investigation into alleged Russian interference in the 2016 presidential election.

10. Mr. Mueller has been tasked with investigating whether or not Russia interfered in the U.S. presidential election in the 2015-2016 election cycle, and if so to what extent and in what ways and whether in collusion with any U.S. campaigns or institutions.

11. Mr. Mueller was appointed because the Attorney General, Mr. Sessions, needlessly recused himself from overseeing an investigation into a fanciful theory that we now know was invented by the Hillary Clinton presidential campaign in their deliberations within 24 hours of suffering an unexpected loss in the November 8, 2016 presidential campaign. Out of an abundance of caution, Mr. Sessions bent over backwards to avoid even the slightest appearance of bias or conflict of interest and recused himself.

12. On September 11, 2017, Freedom Watch made a Complaint Against Special Counsel Robert Mueller and Staff and Request for Expedited Investigation Into Gross Prosecutorial Misconduct of Prosecuting Attorneys to Mr. Horowitz and Ms. Ashton and their respective offices, the IG and OPR. Exhibit 1.

13. Since the Complaint was made, neither OPR nor the IG has been willing to confirm that an investigation is underway and thus one can only conclude that no such investigation exists or is underway. Thus, it is clear that Defendants will not take action without the requested judicial intervention.

FACTS PERTAINING TO THE LEAKS FROM MR. MUELLER AND HIS STAFF

14. Since the inception of the Mueller Investigation, a pattern of a persistent torrent of leaks has emerged, and considering their nature, it is clear that the majority of these leaks are coming from Special Counsel Robert Mueller and his staff, most of whom are suffering from serious conflicts of interest.

15. The nature as well as the quantity of these leaks makes it clear that they are coming from the USDOJ and/or FBI, and Mr. Mueller's legal staff, which are technically under the direction and control and authority of USDOJ as well.

16. What Mr. Mueller's staff is focused on, their progress, activities, and even what they are thinking are being regularly reported in the news media on an almost daily basis.

17. For instance, a NBC News article stated:

Federal investigators working for Special Counsel Robert Mueller are keenly focused on President Donald Trump's role in crafting a response to a published article about a meeting between Russians and his son Donald Jr., three sources familiar with the matter told NBC News. The sources told NBC News that prosecutors want to know what Trump knew about the meeting and whether he sought to conceal its purpose.¹

18. The Wall Street Journal was also privy to the investigative goals and activities of Mr. Mueller's office:

Special counsel Robert Mueller is examining what role, if any, former national security adviser Mike Flynn may have played in a private effort to obtain Hillary Clinton's emails from Russian hackers, according to people familiar with the matter.

The effort to seek out hackers who were believed to have stolen Mrs. Clinton's emails, first reported by The Wall Street Journal, was led by a longtime Republican activist, Peter W. Smith.²

19. In fact, just about every news media outlet has known exactly what Special Counsel Mueller and his compromised staff is doing on a daily basis:

The letter Mueller is reviewing was drafted by Trump along with policy adviser Stephen Miller, and legal experts say it is possibly

¹ Julia Ainsley and Tom Winter, *Mueller Team Asking if Trump Tried to Hide Purpose of Trump Tower Meeting*, NBC News, August 28, 2017, available at: <https://www.nbcnews.com/news/us-news/mueller-team-asking-if-trump-tried-hide-purpose-trump-tower-n796746>

² Shane Harris, *Special Counsel Examines Possible Role Flynn Played in Seeking Clinton Emails From Hackers*, The Wall Street Journal, August 25, 2017, available at: <https://www.wsj.com/articles/special-counsel-examines-possible-role-flynn-played-in-seeking-clinton-emails-from-hackers-1503694304>

the most critical piece of evidence in Mueller's obstruction-of-justice case since Comey's testimony before the Senate Intelligence Committee in June, because it can give prosecutors a direct window into Trump's thinking shortly before he fired Comey.³

20. The above are just a few examples out of the countless news reports providing detailed specifics of the Mueller Investigation nearly every day. Given the supposedly confidential nature of the Mueller Investigation, the only possible conclusion is that the information contained in the leaks is being deliberately disseminated to the media by the only persons with knowledge of such – Mr. Mueller and his staff.

21. Mr. Mueller and his staff have appeared to zero-in and deliberately targeted former National Security Advisor Michael Flynn (“Mr. Flynn”) and his family. As reported by Politico, Mr. Mueller’s “most experienced attorneys have discrete targets, such as...former national security advisor Michael Flynn...”⁴

22. Mr. Mueller and his staff leaked to CNN that:

Russian officials bragged in conversations during the presidential campaign that they had cultivated a strong relationship with former Trump adviser retired Gen. Michael Flynn and believed they could use him to influence Donald Trump and his team, sources told CNN.⁵

23. As a result of Mr. Mueller’s leaks, Mr. Flynn was forced to resign from his position as National Security Advisor.

³ Sonam Sheth, *Mueller's investigation just got a boost — and another Trump associate may be in its crosshairs*, Business Insider, September 2, 2017, available at: <http://www.businessinsider.com/stephen-miller-trump-letter-comey-firing-obstruction-of-justice-mueller-russia-investigation-2017-9>

⁴ Darren Samuelsohn, *What Mueller's org chart reveals about his Russia Probe*, Politico, Nov. 13, 2017, available at: <https://www.politico.com/story/2017/11/13/robert-mueller-russia-probe-organization-244789>.

⁵ *Sources: Russians bragged about using Flynn*, CNN, undated video of news broadcast, available at: <http://www.cnn.com/videos/politics/2017/05/20/russia-michael-flynn-donald-trump-influence-brown-borger-ac.cnn/video/playlists/michael-flynn/>

24. Mr. Mueller has now also leaked to media outlets, as recently as November 13, 2017, that he and his team are apparently investigating “an alleged plot involving Mr. Flynn, his son and potentially others to forcibly and extra-legally effect the return of Fethullah Gulen to Turkey in exchange for millions of dollars.”⁶

25. Mr. Flynn faces “potential criminal liability for being both late in disclosing his foreign relationships, as well as being less than forthcoming in his disclosures.... Even if Mueller’s team finds Flynn’s disclosure to be accurate... he could potentially be on the hook for a far different – and less technical - offense than Manafort and Gates.”⁷

26. It is also clear that the leaks are not coming from those being investigated:

In response to this CNN story, the President's attorney, Jay Sekulow, said, "President's outside counsel has not received any requests for documentation or information about this. Any inquiry from the special counsel that goes beyond the mandate specified in the appointment we would object to."⁸

27. Details about Mr. Mueller's sharing investigative information and procedures, as well as collaborating with the Attorney General's office of the State of New York (itself subject to confidentiality of criminal investigations as well) were also promptly leaked to the news media.

28. Details of Mr. Mueller's investigation including focusing on possible obstruction of justice by President Donald Trump and his campaign were promptly dumped into the public realm in the news media.

⁶ Steve Vladeck, *Michael Flynn’s Legal Problems are as Dire as they Sound*, NBC News, Nov. 13, 2017, available at: <https://www.nbcnews.com/think/opinion/michael-flynn-s-legal-problems-are-dire-they-sound-ncna820276>.

⁷ *Id.*

⁸ Evan Perez, Pamela Brown and Shimon Prokupecz, *One year into the FBI's Russia investigation, Mueller is on the Trump money trail*, CNN, August 4, 2017, available at: <http://www.cnn.com/2017/08/03/politics/mueller-investigation-russia-trump-one-year-financial-ties/index.html>

29. Mr. Mueller and his team are clearly leaking confidential information regarding their criminal investigation to media outlets and the public, as there is no other possible source of the information that has been revealed to the public, through friendly media outlets.

FACTS PERTAINING TO MR. MUELLER'S GRAND JURIES

30. Mr. Mueller has since convened two grand juries which have been functioning for many months as the "legal heart" and base of operations of the Mueller Investigation.

31. Mr. Mueller convened a second grand jury in the District of Columbia after already convening a grand jury in the Eastern District of Virginia at Alexandria, Virginia. Because jurors are drawn from voter rolls, and Donald Trump received only 4.1% of the vote in the District of Columbia for president on November 8, 2016, Mr. Mueller's efforts at juror shopping are not only unethical but fail to provide the public an assurance of the appearance of integrity in these proceedings. The grand jury in Virginia would have had all the authority necessary to consider evidence across the river in Washington, D.C.

32. Given that President Donald Trump's campaign was headquartered in Manhattan, there is no valid reason for an investigation of the 2016 presidential campaign to be sited in Washington, D.C. The appearance is that the grand jury convened in Virginia was skeptical of Mr. Mueller's presentations and Mr. Mueller sought a different group of grand jurors.

MR. MUELLER AND HIS STAFF'S CONFLICTS OF INTEREST

33. 28 CFR 45.2 mandates that no USDOJ employee may participate in a criminal investigation or prosecution if he has a personal or political relationship with any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution, or who would be directly affected by the outcome.

34. Mr. Mueller and his team suffer from numerous conflicts of interest that not only mandate their removal, but also explain why the leaks are being disseminated to the media on a daily basis. The damage of continuing leaks to the reputation of innocent persons is especially harmful. The more the myth of collusion between Russia and the Trump presidential campaign unravels, the more the flow of leaks accelerates each day.

35. Furthermore, Mr. Mueller's investigation turns on the credibility and personal interests of Mueller's long-term colleague and close friend, former FBI Director James Comey. ("Mr. Comey")

36. Not only will the investigation impact Mr. Comey, but Mueller must judge his own friend's credibility as a witness.

37. As recently as 2009, then Director of the FBI, Mr. Mueller personally carried samples of highly-enriched uranium to Moscow, as shown in official diplomatic cables that have been publicly released. While Mr. Mueller's involvement in transporting uranium samples to the Russian Federation may have been proper⁹ the task of the Special Counsel is to give public confidence and the appearance of enhanced integrity in the Russian collusion investigation. Compared with the professional permanent staff of the FBI and USDOJ, Mr. Mueller cannot offer public confidence in the investigation having personally worked with Russia on such high level issues.

38. If the evidence shows that Russia intervened in the election in relation to Hillary Clinton's support for the sale of twenty percent (20%) of the uranium mining reserves of the

⁹ "(S/NF) Background: Over two years ago Russia requested a ten-gram sample of highly enriched uranium (HEU) seized in early 2006 in Georgia during a nuclear smuggling sting operation involving one Russian national and several Georgian accomplices. The seized HEU was transferred to U.S. custody and is being held at a secure DOE facility. In response to the Russian request, the Georgian Government authorized the United States to share a sample of the material with the Russians for forensic analysis."

United States to the Russian Federation as the leading member of the inter-governmental decision-making body the Committee on Foreign Investment in the United States (CFIUS), Mr. Mueller and his team would be ethically prohibited from honestly investigating and exploring the truth.

39. Mr. Mueller knowingly hired an attorney who had previously -- within the last year -- represented the Clinton Foundation of whom Hillary Clinton and Bill Clinton are principals. Attorney Jeannie S. Rhee ("Ms. Rhee"), D.C. Bar No. 464127 was ethically required to decline a position that places her in a conflict of interest as a staff attorney for Mr. Mueller.

40. Having previously represented the Clinton Foundation as an attorney, including its Board of Directors and principals Hillary Clinton, Bill Clinton, Chelsea Clinton, and Former Counselor of the U.S. Department of State Cheryl Mills, Ms. Rhee ethically cannot investigate, work on, or prosecute the topics related to the investigation of collusion by the Russian Federation with the presidential campaign of Donald Trump running against Hillary Clinton.

41. Ms. Rhee's involvement contaminates the entire investigation by Mr. Mueller's office.

42. Furthermore, as Ms. Rhee's supervisor and a supervising attorney, Mr. Mueller is committing ethical violations by directing an attorney to violate the ethical requirements of the Department of Justice and of the District of Columbia Bar.

43. Mr. Mueller's hiring of Ms. Rhee - and others - is in itself an ethical violation of USDOJ standards and professional rules. However, Mr. Mueller's refusal to correct this unethical conduct speaks volumes and loudly proclaims the true nature of Mr. Mueller's intentions and undertakings.

44. Now, Ms. Rhee is investigating Donald Trump's alleged Russian collusion with Russia during the 2016 presidential campaign as one of Mr. Mueller's top lawyers. With Mr. Mueller's experience, he obviously knows that the lawyers he is hiring will be legally prevented from following the evidence wherever it leads. One must infer that Mr. Mueller intends a hatchet job on President Trump in retaliation for his friend, Mr. Comey's, firing from head of the FBI.

45. Legally Ms. Rhee can only investigate President Trump, even if the evidence might show that Hillary Clinton -- through Ms. Rhee's former (recent) client the Clinton Foundation -- actually colluded with Russia instead or that leaked emails from Hillary Clinton's campaign were leaked by DNC employee Seth Rich. Ms. Rhee is not ethically or legally allowed to look into alternative theories or any of the outrageous leaks from the deep state defending Hillary Clinton's loss, the disclosure of Clinton campaign emails to Wikileaks, etc.

46. Two other lawyers on Mr. Mueller's team gave the maximum \$2,700 donation to Hillary Clinton in last year's election.

47. Three attorneys on Mr. Mueller's team - Andrew Weissmann, Jeannie Rhee, and James Quarles - alone donated more than \$50,000 to Democrats,¹⁰ and almost exclusively to Democrats, according to Federal Election Commission campaign finance reports.

48. All told, more than half of Mr. Mueller's massive team of lawyers are influential donors to the Democrat party investigating the presidential campaign of a Republican Donald Trump.

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¹⁰ Marshall Cohen, *Special counsel team members donated to Dems, FEC records show*, CNN, June 13, 2017, available at: <http://www.cnn.com/2017/06/12/politics/robert-mueller-donations-democrats-fec/index.html>.

FIRST CAUSE OF ACTION
Writ of Mandamus

49. Freedom Watch repeats and re-alleges all of the previous allegations of the entirety of this Complaint for Writ of Mandamus with the same force and effect, as if fully set forth herein again at length.

50. Under 28 U.S.C. § 1361, “[t]he district court shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”

51. Freedom Watch has requested that the IG and the OPR conduct an investigation into the torrent of leaks coming from Mr. Mueller and his staff pertaining to the Mueller Investigation, as well as the unethical conflicts of interest. The IG and OPR have refused to confirm whether any investigation is underway, leading to the only possible conclusion that they will not act without the judicial intervention requested in this Complaint for Writ of Mandamus

52. This Court must, pursuant to 28 U.S.C. § 1361, in the nature of mandamus, compel Defendants to conduct an immediate, thorough investigation into the torrent of leaks coming from Mr. Mueller and his staff pertaining to the Mueller Investigation set forth in this Complaint for Writ of Mandamus

53. When Defendants’ investigation confirms that leaks did occur and that the conflicts of interest actionable as ethical violations, Mr. Klayman respectfully requests an order compelling Mr. Sessions and the USDOJ to order the removal of Mr. Mueller and his staff from the investigation.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment against Defendant as follows:

(a) A writ of mandamus compelling Defendants to conduct an immediate, thorough investigation into torrent of leaks coming from Mr. Mueller and his staff, as well as unethical conflicts of interest, pertaining to the Mueller Investigation and an order compelling Mr. Sessions and the USDOJ to order the removal of Mr. Mueller and his staff from the investigation when the investigation reveals that the leaks did originate from Mr. Mueller and his staff.

(b) Mr. Klayman reserves the right to supplement and/or amend this Complaint for Emergency Writ of Mandamus and Injunctive Relief.

Dated: November 15, 2017

Respectfully submitted,

/s/ Larry Klayman

Larry Klayman, Esq.

FREEDOM WATCH, INC,

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Attorney for Plaintiff



FREEDOM WATCH

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VIA FEDERAL EXPRESS

**EXPEDITED PROCESSING AND
TREATMENT REQUESTED**

September 11, 2017

Hon. Robin C. Ashton
Chief
Office of Professional Responsibility
950 Pennsylvania Avenue, NW #3266
Washington, DC 20530

Hon. Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Ave, NW, #4706
Washington, DC 20530

**RE: COMPLAINT AGAINST SPECIAL COUNSEL ROBERT MUELLER AND
STAFF AND REQUEST FOR EXPEDITED INVESTIGATION INTO
GROSS PROSECUTORIAL MISCONDUCT OF PROSECUTING
ATTORNEYS**

Dear Ms. Ashton and Mr. Horowitz:

The Office of Professional Responsibility and Inspector General must thoroughly investigate the torrent of leaks, and to the extent Department of Justice ("DoJ") or Federal Bureau of Investigation ("FBI") personnel are leaking investigative and/or grand jury evidence, presentations, witness testimony, or proceedings, discipline, terminate, and/or prosecute those responsible.

The undersigned General Counsel of Freedom Watch writes as a former prosecutor in the DoJ's Antitrust Division and the founder and former chairman of Judicial Watch, as well as the founder, chairman, and general counsel of Freedom Watch.

Mr. Klayman was also formerly a U.S. Senate candidate in the State of Florida in 2004. There is reason to believe that this Complaint is necessary because Mr. Robert Mueller has failed to carry out his oath of office and fulfill his duties as Special Counsel.

Just as I, Larry Klayman did when I served in the Department, Mr. Mueller took an oath to administer to and mete out justice within the bounds of the ethics and the law as a member of the DoJ. Having lived by these rules himself while a DoJ employee, the upholding of these rules holds a special significance to the undersigned.

Rarely in our memory has such a shocking river of leaks been so great in quantity, so flagrant and brazen, and so extensive and continuous. The purpose of the rules against leaks of information obtained during criminal investigations includes the fear of deterring cooperation of witnesses with investigators upon seeing that their "confidential" discussions with DoJ personnel are splashed upon the pages of The Washington Post or The New York Times and other anti-Trump "friendly media." The damage done to DoJ for years to come involving all legal matters, not just this one, in convincing complaining witnesses and factual witnesses that they cannot trust DoJ personnel to adhere to the Department's own rules and safeguard their confidences is incalculable. And of course these leaks pollute the jury pool directly compromising the integrity of the legal process and depriving potential defendants of due process and unfairly smears those who may be found in the end to be blameless, yet smeared by the leaks.

Mr. Mueller was appointed a Special Counsel on or about May 17, 2017, by Deputy Attorney General Rod Rosenstein precisely for the purpose of upholding the appearance of integrity in the public view. While prosecutors, investigators, and staff of DoJ are fully competent and capable of carrying out the duties delegated to Mr. Mueller,

assuring the American people that the process is above reproach and not subject to reasonable question was the reason for taking those tasks away from DoJ personnel actually experienced in carrying them out and transferring those duties instead to Mr. Mueller.

Unfortunately, Mr. Mueller and those he has hired have failed not only in presenting a public appearance above reproach but in adhering to the legal, regulatory, and ethical requirements of their appointment and employment with DoJ.

Special Counsel Mueller has convened not one, but two, grand juries which have been functioning for many months as the “legal heart” and base of operations of the Special Counsel's investigation.

Federal Rules of Criminal Procedure Rule 6(e)(2) "The Grand Jury" requires that:

(2) * * *

(B) Unless these rules provide otherwise, the following persons must not disclose a matter occurring before the grand jury:

- (i) a grand juror;
- (ii) an interpreter;
- (iii) a court reporter;
- (iv) an operator of a recording device;
- (v) a person who transcribes recorded testimony;
- (vi) an attorney for the government; or
- (vii) a person to whom disclosure is made under Rule 6(e)(3)(A)(ii) or (iii).

(3) *Exceptions.*

(A) Disclosure of a grand-jury matter—other than the grand jury's deliberations or any grand juror's vote—may be made to:

- (i) an attorney for the government for use in performing that attorney's duty;
- (ii) any government personnel—including those of a state, state subdivision, Indian tribe, or foreign government—that an attorney for the government considers necessary to assist in performing that attorney's duty to enforce federal criminal law; or
- (iii) a person authorized by 18 U.S.C. §3322.

(B) A person to whom information is disclosed under Rule 6(e)(3)(A)(ii) may use that information only to assist an attorney for the government in performing that attorney's duty to enforce federal criminal law. An attorney for the government must promptly provide the court that impaneled the grand jury with the names of all persons to whom a disclosure has been made, and must certify that the attorney has advised those persons of their obligation of secrecy under this rule.

(C) An attorney for the government may disclose any grand-jury matter to another federal grand jury.

* * *

Furthermore, Rule 6(e)(7) provides that:

(7) *Contempt.* A knowing violation of Rule 6, or of any guidelines jointly issued by the Attorney General and the Director of National Intelligence under Rule 6, may be punished as a contempt of court.

While it is often difficult by nature to know prior to an investigation who is responsible for leaks, a pattern of a persistent torrent of leaks, considering their nature, makes it clear that the majority of these leaks are coming from Special Counsel Robert Mueller and his staff, most of whom are suffering from serious conflicts of interest. The nature as well as the quantity of these leaks makes it clear that they are coming from the DoJ and/or FBI, and his legal staff, which are technically under the direction and control and authority of DoJ as well, egregiously under Special Counsel Mueller's direction.

Thus, Mr. Mueller as Special Counsel and his staff are subject to the requirements incumbent upon all DoJ personnel. DoJ regulations are extended to a Special Counsel under **28 C.F.R. § 600.7**.

28 C.F.R. § 600.7 Conduct and accountability.

(a) A Special Counsel shall comply with the rules, regulations, procedures, practices and policies of the Department of Justice. He or she shall consult with appropriate offices within the Department for guidance with respect to established practices, policies and procedures of the Department, including ethics and security regulations and procedures. Should the Special Counsel conclude that the extraordinary circumstances

of any particular decision would render compliance with required review and approval procedures by the designated Departmental component inappropriate, he or she may consult directly with the Attorney General.

(b) The Special Counsel shall not be subject to the day-to-day supervision of any official of the Department. However, the Attorney General may request that the Special Counsel provide an explanation for any investigative or prosecutorial step, and may after review conclude that the action is so inappropriate or unwarranted under established Departmental practices that it should not be pursued. In conducting that review, the Attorney General will give great weight to the views of the Special Counsel. If the Attorney General concludes that a proposed action by a Special Counsel should not be pursued, the Attorney General shall notify Congress as specified in § 600.9(a)(3).

(c) The Special Counsel and staff shall be subject to disciplinary action for misconduct and breach of ethical duties under the same standards and to the same extent as are other employees of the Department of Justice. Inquiries into such matters shall be handled through the appropriate office of the Department upon the approval of the Attorney General.

(d) The Special Counsel may be disciplined or removed from office only by the personal action of the Attorney General. The Attorney General may remove a Special Counsel for misconduct, dereliction of duty, incapacity, conflict of interest, or for other good cause, including violation of Departmental policies. The Attorney General shall inform the Special Counsel in writing of the specific reason for his or her removal.

These requirements include:

28 U.S. Code § 530B - Ethical standards for attorneys for the Government

(a) An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.

(b) The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.

(c) As used in this section, the term "attorney for the Government" includes any attorney described in section 77.2(a) of part 77 of title 28 of the Code of Federal Regulations and also includes any independent counsel, or employee of such a counsel, appointed under chapter 40.

§ 3801.101 General

In accordance with § 2635.105 of this title, the regulations in this part apply to employees of the Department of Justice and supplement the Standards of Ethical Conduct for Employees of the Executive Branch in part 2635 of this title. In addition to the regulations contained in part 2635 of this title and in this part, employees are subject to the conduct regulations contained in part 735 of this title and 28 CFR part 45.

28 CFR § 45.12 Reporting to the Department of Justice Office of Professional Responsibility.

Department employees have a duty to, and shall, report to the Department of Justice Office of Professional Responsibility (DOJ-OPR), or to their supervisor, or their component's internal affairs office for referral to DOJ-OPR, any allegations of misconduct by a Department attorney that relate to the exercise of the attorney's authority to investigate, litigate or provide legal advice, as well as allegations of misconduct by law enforcement personnel when such allegations are related to allegations of attorney misconduct within the jurisdiction of DOJ-OPR.

No DoJ employee may participate in a criminal investigation or prosecution if he has a personal or political relationship with any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution, or who would be directly affected by the outcome. **28 CFR 45.2**

What Mueller's staff is focused on and even what they are thinking are being regularly reported in the news media. Note that the following news report governs not merely that questions have been asked but what topics dominate the Special Counsel's investigation and why.

Federal investigators working for Special Counsel Robert Mueller are keenly focused on President Donald Trump's role in crafting a response to a published article about a meeting between Russians and his son Donald Jr., three sources familiar with the matter told NBC News.

The sources told NBC News that prosecutors want to know what Trump knew about the meeting and whether he sought to conceal its purpose.

Julia Ainsley and Tom Winter, "Mueller Team Asking if Trump Tried to Hide Purpose of Trump Tower Meeting," NBC News, August 28, 2017, accessible at: <https://www.nbcnews.com/news/us-news/mueller-team-asking-if-trump-tried-hide-purpose-trump-tower-n796746>

The activities and progress of Special Counsel Robert Mueller's staff of Democrat party donors have been reported in the news media on an almost daily basis.

One year after the FBI opened an investigation, the probe is now managed by special counsel Robert Mueller. Sources described an investigation that has widened to focus on possible financial crimes, some unconnected to the 2016 elections, alongside the ongoing scrutiny of possible illegal coordination with Russian spy agencies and alleged attempts by President Donald Trump and others to obstruct the FBI investigation. Even investigative leads that have nothing to do with Russia but involve Trump associates are being referred to the special counsel to encourage subjects of the investigation to cooperate, according to two law enforcement sources.

* * *

In recent weeks, investigators have also started looking into the June 2016 meeting in Trump Tower and how the White House responded to news of that meeting. The session included Trump Jr., Manafort, Trump's senior adviser and son-in-law Jared Kushner, and a Russian attorney.

Evan Perez, Pamela Brown and Shimon Prokupez, "One year into the FBI's Russia investigation, Mueller is on the Trump money trail," CNN, August 4, 2017, accessible at: <http://www.cnn.com/2017/08/03/politics/mueller-investigation-russia-trump-one-year-financial-ties/index.html>

It is also clear that the leaks are not coming from those being investigated:

In response to this CNN story, the President's attorney, Jay Sekulow, said, "President's outside counsel has not received any requests for documentation or information about this. Any inquiry from the special counsel that goes beyond the mandate specified in the appointment we would object to."

Id.

The daily activities of the Special Counsel's office are routinely disclosed to journalists. As a result, The New York Times learned through a leak what evidence the Special Counsel is obtaining and presenting to the grand jury.

The special counsel, Robert S. Mueller III, has obtained a letter drafted by President Trump and a top political aide that offered an unvarnished view of Mr. Trump's thinking in the days before the president fired the F.B.I. director, James B. Comey.

The circumstances and reasons for the firing are believed to be a significant element of Mr. Mueller's investigation, which includes whether Mr. Trump obstructed justice by firing Mr. Comey.

Michael S. Schmidt and Maggie Haberman, "Mueller Has Early Draft of Trump Letter Giving Reasons for Firing Comey," The New York Times, September 1, 2017, accessible at: <https://mobile.nytimes.com/2017/09/01/us/politics/trump-comey-firing-letter.html>

Similarly:

Trump ended up shelving that letter in favor of a far shorter one, but the draft has taken on new significance in the probe by special counsel Robert S. Mueller III, who is examining it as he determines whether Trump's firing of Comey was part of an effort to obstruct justice, according to people with knowledge of the investigation.

* * *

Mueller will weigh the narrative with other events that led up to Comey's firing, including Comey's account of Trump's efforts to intercede by requesting that the FBI director drop an investigation of former national security adviser Michael Flynn.

Rosalind S. Helderman, Carol D. Leonnig and Ashley Parker, "Mueller examining Trump's draft letter firing FBI Director Comey," The Washington Post, Sept. 1, 2017

Furthermore, the leaks are not coming from the Trump team:

“I can’t comment on anything the special counsel might be interested in,” White House attorney Ty Cobb said. “But this White House is committed to being open and transparent with the special counsel’s investigation.”

Id.

The news media knows exactly what Special Counsel Mueller and his compromised staff is doing on a daily basis:

The letter Mueller is reviewing was drafted by Trump along with policy adviser Stephen Miller, and legal experts say it is possibly the most critical piece of evidence in Mueller's obstruction-of-justice case since Comey's testimony before the Senate Intelligence Committee in June, because it can give prosecutors a direct window into Trump's thinking shortly before he fired Comey.

Sonam Sheth, "Mueller's investigation just got a boost — and another Trump associate may be in its crosshairs," [Business Insider](http://www.businessinsider.com/stephen-miller-trump-letter-comey-firing-obstruction-of-justice-mueller-russia-investigation-2017-9), September 2, 2017, accessible at: <http://www.businessinsider.com/stephen-miller-trump-letter-comey-firing-obstruction-of-justice-mueller-russia-investigation-2017-9>

Special counsel Robert Mueller increasingly views President Donald Trump’s trip back from the G-20 summit in Europe this July as a critical moment in his investigation. And as part of an attempt to uncover just what happened on that fateful flight, his team is expected to question several White House officials. Among them will be the president’s close adviser Hope Hicks.

People familiar with the probe tell The Daily Beast that Hicks—the longtime Trump aide who is currently interim White House communications director—likely has information that will interest Mueller regarding Donald Trump Jr.’s initial claim that his meeting with the Kremlin-linked lawyer Natalia Veselnitskaya was just about adoption.

“No doubt in my mind she is going to be a witness,” a source familiar with the Mueller probe told The Daily Beast.

On Friday, The Washington Post reported that Hicks wasn’t alone on Mueller’s radar. Former White House chief

of staff Reince Priebus, former press secretary Sean Spicer, White House counsel Don McGahn, McGahn aide James Burnham, and Kushner aide and White House spokesman Josh Raffel are also expected to be questioned.

Betsy Woodruff, Lachlan Markay, and Asawin Suebsaeng, "Mueller Wants to Talk to Hope Hicks Over Misleading Russia Statement," The Daily Beast, September 8, 2017, accessible at: <http://www.thedailybeast.com/mueller-wants-to-talk-to-hope-hicks-over-misleading-russia-statement>

The investigative goals and activities of Mr. Mueller's office regularly appear in the news media:

Special counsel Robert Mueller is examining what role, if any, former national security adviser Mike Flynn may have played in a private effort to obtain Hillary Clinton's emails from Russian hackers, according to people familiar with the matter.

The effort to seek out hackers who were believed to have stolen Mrs. Clinton's emails, first reported by The Wall Street Journal, was led by a longtime Republican activist, Peter W. Smith.

Shane Harris, "Special Counsel Examines Possible Role Flynn Played in Seeking Clinton Emails From Hackers," The Wall Street Journal, August 25, 2017, accessible at: <https://www.wsj.com/articles/special-counsel-examines-possible-role-flynn-played-in-seeking-clinton-emails-from-hackers-1503694304>

Russian officials bragged in conversations during the presidential campaign that they had cultivated a strong relationship with former Trump adviser retired Gen. Michael Flynn and believed they could use him to influence Donald Trump and his team, sources told CNN.

CNN," Sources: Russians bragged about using Flynn," CNN, undated video of news broadcast, accessible at: <http://www.cnn.com/videos/politics/2017/05/20/russia-michael-flynn-donald-trump-influence-brown-borger-ac.cnn/video/playlists/michael-flynn/>

Details of Mr. Mueller's investigation were leaked to the news media concerning the focus of the investigation:

Federal investigators working for Special Counsel Robert Mueller are keenly focused on President Donald Trump's role in crafting a response to a published article about a meeting between Russians and his son Donald Jr., three sources familiar with the matter told NBC News. The sources told NBC News that prosecutors want to know what Trump knew about the meeting and whether he sought to conceal its purpose.

Julia Ainsley And Tom Winter, "Mueller Team Asking if Trump Tried to Hide Purpose of Trump Tower Meeting," NBC News, August 28, 2017, accessible at <https://www.nbcnews.com/news/us-news/mueller-team-asking-if-trump-tried-hide-purpose-trump-tower-n796746>

The U.S. special counsel investigating possible ties between the Donald Trump campaign and Russia in last year's election is examining a broad range of transactions involving Trump's businesses as well as those of his associates, according to a person familiar with the probe.

FBI investigators and others are looking at Russian purchases of apartments in Trump buildings, Trump's involvement in a controversial SoHo development in New York with Russian associates, the 2013 Miss Universe pageant in Moscow and Trump's sale of a Florida mansion to a Russian oligarch in 2008, the person said.

The investigation also has absorbed a money-laundering probe begun by federal prosecutors in New York into Trump's former campaign chairman Paul Manafort.

Greg Farrell and Christian Berthelsen, "Mueller Expands Probe to Trump Business Transactions," Bloomberg news, July 20, 2017, accessible at: <https://www.bloomberg.com/news/articles/2017-07-20/mueller-is-said-to-expand-probe-to-trump-business-transactions>

Mr. Mueller's investigative contacts and collaboration with the Internal Revenue Service were promptly leaked to the news media:

Special counsel Bob Mueller has teamed up with the IRS. According to sources familiar with his investigation into alleged Russian election interference, his probe has enlisted the help of agents from the IRS' Criminal Investigations unit.

Betsy Woodruff, "Mueller Enlists the IRS for His Trump-Russia Investigation," The Daily Beast, August 31, 2017, accessible at: <http://www.thedailybeast.com/exclusive-mueller-enlists-the-irs-for-his-trump-russia-investigation>

Details from the investigation are being regularly reported to the news media:

As the Robert Mueller investigation intensifies, new details are being leaked about the direction the probe is going. Buried in a story about the intensifying relationship between Mueller and Congress, CNN revealed some very interesting information. According to the report, Mueller's team may have obtained evidence in the raid of Paul Manafort's home that was not covered by the search warrant.

* * *

During that raid, Mueller's investigators took documents considered to be covered by attorney-client privilege, sources told CNN. Lawyers from the WilmerHale law firm, representing Manafort at the time, warned Mueller's office that their search warrant didn't allow access to attorney materials. The documents in question have now been returned, the sources say

Rachel Stockman, "Mueller Team's Apparent 'Mistake' Could Screw Their Case Against Manafort," LAW NEWZ, September 5th, 2017, accessible at: <https://lawnewz.com/opinion/mueller-teams-apparent-mistake-could-screw-their-case-against-manafort/>

Mr. Mueller's core investigative and prosecution strategies have been leaked to the news media and publicly revealed:

U.S. investigators examining money laundering accusations against President Donald Trump's former campaign manager Paul Manafort hope to push him to cooperate with their probe into possible collusion between Trump's campaign and Russia, two sources with direct knowledge of the investigation said.

Special Counsel Robert Mueller's team is examining Manafort's financial and real estate records in New York as well as his involvement in Ukrainian politics, the officials said.

Between 2006 and 2013, Manafort bought three New York properties, including one in Trump Tower in Manhattan. He paid for them in full and later took out

mortgages against them. A former senior U.S. law enforcement official said that tactic is often used as a means to hide the origin of funds gained illegally. Reuters has no independent evidence that Manafort did this.

The sources also did not say whether Mueller has uncovered any evidence to charge Manafort with money laundering, but they said doing so is seen by investigators as critical in getting his full cooperation in their investigation.

“If Mueller’s team can threaten criminal charges against Manafort, they could use that as leverage to convince him to cooperate,” said one of the sources.

Julia Edwards Ainsley and John Walcott, "U.S. investigators seek to turn Manafort in Russia probe: sources," Reuters, July 22, 2017

However, this is not coming from Manafort or his legal team, who deny the information being leaked and say it is false. The information is being leaked by Special Counsel Mueller's office:

Manafort’s spokesman, Jason Maloni, said, “Paul Manafort is not a cooperating witness. Once again there is no truth to the disinformation put forth by anonymous sources and leakers.”

Id.

Details about Mr. Mueller's sharing investigative information and procedures, as well as collaborating with the Attorney General's office of the State of New York -- also itself subject to confidentiality of criminal investigations as well -- were promptly leaked to the news media. It should be emphasized that Attorney General Schneiderman's office is restricted from sharing these details as much as Mr. Mueller's office is restricted.

Special counsel Robert Mueller’s team is working with New York Attorney General Eric Schneiderman on its investigation into Paul Manafort and his financial transactions, according to several people familiar with the matter.

The cooperation is the latest indication that the federal probe into President Donald Trump's former campaign chairman is intensifying. It also could potentially provide Mueller with additional leverage to get Manafort to cooperate in the larger investigation into Trump's campaign, as Trump does not have pardon power over state crimes.

The two teams have shared evidence and talked frequently in recent weeks about a potential case, these people said. One of the people familiar with progress on the case said both Mueller's and Schneiderman's teams have collected evidence on financial crimes, including potential money laundering.

Josh Dawsey, "Mueller teams up with New York attorney general in Manafort probe," Politico, August 30, 2017, <http://www.politico.com/story/2017/08/30/manafort-mueller-probe-attorney-general-242191>

Details of Mr. Mueller's investigation including focusing on possible obstruction of justice by President Donald Trump and his campaign were promptly dumped into the public realm in the news media. It should be noted that government officials interviewed would not themselves be free to disclose information about their interviews:

The move by special counsel Robert S. Mueller III to investigate Trump's conduct marks a major turning point in the nearly year-old FBI investigation, which until recently focused on Russian meddling during the presidential campaign and on whether there was any coordination between the Trump campaign and the Kremlin. Investigators have also been looking for any evidence of possible financial crimes among Trump associates, officials said.

Devlin Barrett, Adam Entous, Ellen Nakashima and Sari Horwitz, "Special counsel Mueller is investigating Trump for possible obstruction of justice," The Washington Post, June 14, 2017

The Washington Post has published an extraordinary continuing flow of details of the grand jury proceedings and investigative activities of Mr. Mueller's office. The Washington Post

... reported that Mueller was examining whether Trump has tried to obstruct justice and was seeking interviews with three administration officials: Dan Coats, the director of national intelligence; Michael Rogers, the head of the National Security Agency; and Richard Ledgett, the former NSA deputy director.

Mark Corallo, a spokesman for Trump's personal lawyer, responded Wednesday evening to the Post report by saying: "The FBI leak of information regarding the president is outrageous, inexcusable and illegal."

"Trump administration rips leaks surrounding Mueller probe," Fox News, June 16, 2017, accessible at: <http://www.foxnews.com/politics/2017/06/16/trump-administration-rips-leaks-surrounding-mueller-probe.html>

Leaks of confidential information from the criminal prosecution hit The Wall Street Journal on August 31, 2017, Peter Nicholas, Erica Orden and Paul Sonne, "Trump Attorneys Lay Out Arguments Against Obstruction-of-Justice Probe to Mueller" The Wall Street Journal. An extraordinary array of documents obtained from Mr. Mueller's office are summarized and discussed in this article, including identifying specific meetings with Mr. Mueller in the Special Counsel's office:

Lawyers for Donald Trump have met several times with special counsel Robert Mueller in recent months and submitted memos arguing that the president didn't obstruct justice by firing former FBI chief James Comey and calling into question Mr. Comey's reliability as a potential witness, people familiar with the matter said.

In the article, the reporters chronicle that the Trump administration and Trump's private lawyers would not comment on the memos or the story at all, indicating that they were not the source of the leaks. Mr. Mueller's office leaked the memos and information.

Special counsel Robert S. Mueller III has alerted the White House that his team will probably seek to interview six top current and former advisers to President Trump who were witnesses to several episodes relevant to the investigation of Russia's meddling in the 2016 election, according to

people familiar with the request.

Mueller's interest in the aides, including trusted adviser Hope Hicks, former press secretary Sean Spicer and former chief of staff Reince Priebus, reflects how the probe that has dogged Trump's presidency is starting to penetrate a closer circle of aides around the president.

Carol D. Leonnig, Rosalind S. Helderman and Ashley Parker, "Mueller gives White House names of 6 aides he expects to question in Russia probe," The Washington Post, September 8, 2017, accessible at: [https://www.washingtonpost.com/politics/spicer-priebus-hicks-among-six-current-and-former-trump-aides-mueller-has-expressed-interest-in-interviewing-for-russia-probe/2017/09/08/3b32779e-949a-11e7-aace-04b862b2b3f3_story.html?](https://www.washingtonpost.com/politics/spicer-priebus-hicks-among-six-current-and-former-trump-aides-mueller-has-expressed-interest-in-interviewing-for-russia-probe/2017/09/08/3b32779e-949a-11e7-aace-04b862b2b3f3_story.html?hpid=hp_hp-top-table-main-mueller-russia%3Ahomepage%2Fstory&hpid=hp_hp-top-table-main-mueller-russia%3Ahomepage%2Fstory)

Furthermore, Mr. Mueller convened a second grand jury in the District of Columbia after already convening a grand jury in the Eastern District of Virginia at Alexandria, Virginia. Because jurors are drawn from voter rolls, and Donald Trump received only 4.1% of the vote in the District of Columbia for president on November 8, 2016, Mr. Mueller's efforts at juror shopping are not only unethical but fail to provide the public an assurance of the appearance of integrity in these proceedings. The grand jury in Virginia would have had all the authority necessary to consider evidence across the river in Washington, D.C. Furthermore, Donald Trump's campaign was headquartered in Manhattan in New York City, New York. Therefore, there is no valid reason for an investigation of the 2016 presidential campaign to be sited in Washington, D.C. The appearance is that the grand jury convened in Virginia was skeptical of Mr. Mueller's presentations and Mr. Mueller sought a different group of grand jurors.

Mr. Mueller was appointed because Attorney General Jeff Sessions needlessly recused himself from overseeing an investigation into a fanciful theory that we now know was invented by the Hillary Clinton presidential campaign in their deliberations within 24

hours of suffering an unexpected loss in the November 8, 2016 presidential campaign.¹ Out of an abundance of caution, Sessions bent over backwards to avoid even the slightest appearance of bias or conflict of interest and recused himself.

Thus, Mr. Mueller was appointed as Special Counsel to uphold the highest standards of integrity and avoid even a hint of any impropriety in an investigation of a theory that there might have been some collusion between the presidential campaign of Donald Trump and the Russian Federation.

Because the theory has been discredited, the damage of continuing leaks to the reputation of innocent persons is especially harmful. The more the myth of collusion between Russia and the Trump presidential campaign unravels, the more the flow of leaks accelerates each day.

Meanwhile, Rule 1:7 of D.C.'s Rules of Professional Conduct -- Mr. Mueller's office and operations being in the District of Columbia and Ms. Rhee licensed by the District of Columbia Bar -- require:

A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's

¹ All nations spy on each other, such as the United States hacking Angela Merkel, German Chancellor. Of course Russia and China persistently try to hack government and private computer networks in the U.S.A. However, forensic investigation now reveals that Clinton campaign emails from the Democrat National Committee were copied at extraordinarily high speed (impossible over an internet connection) on to a thumb drive physically plugged into the DNC's computer system. "On the evening of July 5, 2016, 1,976 megabytes of data were downloaded from the DNC's server. The operation took 87 seconds. This yields a transfer rate of 22.7 megabytes per second. These statistics are matters of record and essential to disproving the hack theory. No Internet service provider, such as a hacker would have had to use in mid-2016, was capable of downloading data at this speed." Patrick Lawrence, "A New Report Raises Big Questions About Last Year's DNC Hack," The Nation, August 9, 2017; <https://www.thenation.com/article/a-new-report-raises-big-questions-about-last-years-dnc-hack/>

interests are materially adverse to the interests of the former client unless the former client gives informed consent.

28 CFR § 45.2 Disqualification arising from personal or political relationship.

(a) Unless authorized under paragraph (b) of this section, no employee shall participate in a criminal investigation or prosecution if he has a personal or political relationship with:

(1) Any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or

(2) Any person or organization which he knows has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.

(b) An employee assigned to or otherwise participating in a criminal investigation or prosecution who believes that his participation may be prohibited by paragraph (a) of this section shall report the matter and all attendant facts and circumstances to his supervisor at the level of section chief or the equivalent or higher. If the supervisor determines that a personal or political relationship exists between the employee and a person or organization described in paragraph (a) of this section, he shall relieve the employee from participation unless he determines further, in writing, after full consideration of all the facts and circumstances, that:

(1) The relationship will not have the effect of rendering the employee's service less than fully impartial and professional; and

(2) The employee's participation would not create an appearance of a conflict of interest likely to affect the public perception of the integrity of the investigation or prosecution.

(c) For the purposes of this section:

(1) **Political relationship** means a close identification with an elected official, a candidate (whether or not successful) for elective, public office, a political party, or a campaign organization, arising from service as a principal adviser thereto or a principal official thereof; and

(2) **Personal relationship** means a close and substantial connection of the type normally viewed as likely to induce partiality. An employee is presumed to have a personal relationship with his father, mother, brother, sister, child and spouse. Whether relationships (including friendships)

of an employee to other persons or organizations are “personal” must be judged on an individual basis with due regard given to the subjective opinion of the employee.

(d) This section pertains to agency management and is not intended to create rights enforceable by private individuals or organizations. [Order No. 993-83, 48 FR 2319, Jan. 19, 1983. Redesignated at 61 FR 59815, Nov. 25, 1996]

Special Counsel Mueller has been charged with investigating whether or not Russia interfered in the U.S. presidential election in the 2015-2016 election cycle, and if so to what extent and in what ways and whether in collusion with any U.S. campaigns or institutions.

But Mueller's office has a conflict of interest in exploring all of the alternatives and following the evidence where it leads. If the evidence shows that Russia intervened in the election in relation to Hillary Clinton's support for the sale of twenty percent (20%) of the uranium mining reserves of the United States to the Russian Federation as the leading member of the inter-governmental decision-making body the Committee on Foreign Investment in the United States (CFIUS), Mueller and his team would be ethically prohibited from honestly investigating and exploring the truth.

Special Counsel Mueller's investigation turns on the credibility and personal interests of Mueller's long-term colleague and close friend former FBI Director James Comey. Not only will the investigation impact Comey, but Mueller must judge his own friend's credibility as a witness.

A Republican congressman is calling on Special Counsel Robert Mueller to resign from his role leading the Russia investigation, citing the investigator's friendship with former FBI Director James B. Comey.

Rep. Trent Franks said Mr. Mueller's relationship with Mr. Comey should make him ineligible to lead a probe of Russian interference in the presidential election and any possible coordination with the Trump campaign — the investigation includes whether the president fired the FBI director in an effort to undermine the investigation.

“Those who worked under them have attested he and Jim Comey possess a close friendship, and they have delivered on-the-record statements effusing praise of one another,” Mr. Franks, Arizona Republican, said in a statement issued Tuesday. “No one knows Mr. Mueller's true intentions, but neither can anyone dispute that he now clearly appears to be a partisan arbiter of justice.”

Mr. Franks, a member of the House Judiciary Committee, cited federal law that prevents the special counsel from serving in the role if the person has a conflict of interest. In Mr. Mueller's case, the lawmaker said that conflict is “a personal relationship with any person substantially involved in the conduct that is the subject of the investigation.”

Andrea Noble, “[Congressman] Trent Franks: Mueller must resign from Russia probe because of long friendship with Comey,” [The Washington Times](#), August 1, 2017

Just over a week after President Donald Trump fired James Comey as FBI director, the Department of Justice appointed Comey's predecessor, former FBI Director Robert Mueller, as special counsel for the investigation into Russian attempts to influence the 2016 election.

The two former FBI chiefs have a unique relationship, stemming in large part from working side by side during a major confrontation with the Bush administration.

By sheer coincidence, this week marked 10 years since Comey gave his bombshell testimony before the Senate Judiciary Committee about the showdown with President George W. Bush's White House. It began in 2004, when Comey refused to reauthorize an NSA spying program.

Comey was deputy attorney general at the time, and was serving as the acting head of the Justice Department while Attorney General John Ashcroft was in the hospital.

Eli Watkins, "Mueller and Comey have a history," CNN Politics, May 17, 2017, accessible at: <http://www.cnn.com/2017/05/17/politics/james-comey-robert-mueller/index.html>

As recently as 2009, then Director of the FBI Robert Mueller personally carried samples of highly-enriched uranium to Moscow, as shown in official diplomatic cables that have been publicly released. While Mueller's involvement in transporting uranium samples to the Russian Federation may have been proper² the task of the Special Counsel is to give public confidence and the appearance of enhanced integrity in the Russian collusion investigation. Compared with the professional permanent staff of the FBI and DoJ, Mueller cannot offer public confidence in the investigation having personally worked with Russia on such high level issues.

6. (S/Rel Russia) Action request: Embassy Moscow is requested to alert at the highest appropriate level the Russian Federation that FBI Director Mueller plans to deliver the HEU [Highly-Enriched Uranium] sample once he arrives to Moscow on September 21.

"Robert Mueller delivering highly enriched stolen Uranium to Russia — WikiLeaks cable," Voice of the People Today, May 18, 2017, accessible at: <https://voiceofpeopletoday.com/robert-mueller-delivering-highly-enriched-stolen-uranium-russia-wikileaks-cable/>

Mr. Mueller knowingly hired an attorney who had previously -- within the last year -- represented the Clinton Foundation of whom Hillary Clinton and Bill Clinton are principals. Attorney Jeannie S. Rhee, D.C. Bar No. 464127 was ethically required to

² "(S/NF) Background: Over two years ago Russia requested a ten-gram sample of highly enriched uranium (HEU) seized in early 2006 in Georgia during a nuclear smuggling sting operation involving one Russian national and several Georgian accomplices. The seized HEU was transferred to U.S. custody and is being held at a secure DOE facility. In response to the Russian request, the Georgian Government authorized the United States to share a sample of the material with the Russians for forensic analysis."

decline a position that places her in a conflict of interest as a staff attorney for Mr. Mueller. Having previously represented the Clinton Foundation as an attorney, including its Board of Directors and principals Hillary Clinton, Bill Clinton, Chelsea Clinton, and Former Counselor of the U.S. Department of State Cheryl Mills, Rhee cannot investigate, work on, or prosecute the topics related to the investigation of collusion by the Russian Federation with the presidential campaign of Donald Trump running against Hillary Clinton. Rhee's involvement contaminates the entire investigation by Mueller's office.

Furthermore, as her supervisor and a supervising attorney, Robert Mueller is committing ethical violations by directing an attorney to violate the ethical requirements of the Department of Justice and of the District of Columbia Bar. Mueller's hiring of Rhee -- and others -- is in itself an ethical violation of DoJ standards and professional rules. However, Mr. Mueller's refusal to correct this unethical conduct speaks volumes and loudly proclaims the true nature of Mueller's intentions and undertakings.

As recently as 2016, Rhee represented the Clinton Foundation against my lawsuit's allegations, "Larry Klayman: RICO Lawsuit Against Clintons Is Set," Newsmax, May 29, 2015, <http://www.newsmax.com/Newsmax-Tv/larry-klayman-racketeering-lawsuit-bill-clinton/2015/05/29/id/647620/> that Hillary Clinton sold government favors in return for bribes, including by approving the sale of 20% of America's uranium mine reserves to Russia, and concealed the racketeering enterprise with her private email server. Josh Gerstein, "Clinton Foundation: Toss 'fatuous' racketeering lawsuit," Politico, June 10, 2015, accessible at: <http://www.politico.com/blogs/under-the-radar/2015/06/clinton-foundation-toss-fatuous-racketeering-lawsuit-208595>.

Now, Jeannie Rhee is investigating Donald Trump's alleged Russian collusion with Russia during the 2016 presidential campaign as one of Mueller's top lawyers. With Mueller's experience, he knows that the lawyers he is hiring will be legally prevented from following the evidence wherever it leads. One must infer that Mueller intends a hatchet job on President Trump in retaliation for James Comey's firing from head of the FBI.

Legally Rhee can only investigate Trump, even if the evidence might show that Hillary Clinton -- through Rhee's former (recent) client the Clinton Foundation -- actually colluded with Russia instead or that leaked emails from Hillary Clinton's campaign were leaked by DNC employee Seth Rich. Rhee is not ethically or legally allowed to look into alternative theories or any of the outrageous leaks from the deep state defending Hillary Clinton's loss, the disclosure of Clinton campaign emails to Wikileaks, etc.

Two other lawyers on Mueller's team gave the maximum \$2,700 donation to Hillary Clinton in last year's election. Three of Mueller's team Weissmann, Rhee, and Quarles alone donated more than \$50,000 to Democrats, Marshall Cohen, "Special counsel team members donated to Dems, FEC records show," CNN, June 13, 2017, accessible at: <http://www.cnn.com/2017/06/12/politics/robert-mueller-donations-democrats-fec/index.html>, and almost exclusively to Democrats, according to Federal Election Commission campaign finance reports.

All told, more than half of Mueller's massive team of lawyers are donors to the Democrat party investigating the presidential campaign of a Republican Donald Trump. Alexi McCammond, "Meet Bob Mueller's team tackling the Russia probe," AXIOS, June 18, 2017, accessible at: <https://www.axios.com/meet-bob-muellers-dream-team-tackling->

[the-russia-investigation-2443472267.html](https://www.dcd.uscourts.gov/the-russia-investigation-2443472267.html)

This behavior is the most egregious example of ethically-questionable behavior that I can recall in the DoJ's history, at least since the tongue-lashing from Judge Emmet G. Sullivan of the United States District Court for the District of Columbia on April 7, 2009, in the bungled prosecution of former Senator Ted Stevens, not to mention other egregious violations of ethics in other cases of late. Anna Stolley Persky, "A Cautionary Tale: The Ted Stevens Prosecution," republished *Washington Lawyer* (publication of the District of Columbia Bar), October 2009

Simply put, after a swift and thorough bona fide investigation – one that is not whitewashed by the establishment if not so called “Deep State” within the DoJ -- Special Counsel Mueller must be removed as Special Counsel, as well as his conflicted staff, and this matter referred back to DoJ for the appointment of a new and ethical Special Counsel who will uphold his or her oath of office, rather than playing sleazy partisan politics with secret grand jury proceedings and this serious and important matter in general. In addition, other appropriate remedies must be considered and then implemented and imposed, such as prosecution of those directly and indirectly responsible for the grand jury leaks, including but not limited to Special Counsel Mueller and his equally conflicted staff.

An investigation into this extraordinary flow of leaks from criminal prosecutors, almost unprecedented in the history of the U.S. government is of paramount importance. The public already cynical and distrusting of the government, with a society appearing to be on the verge of civil unrest or even civil war, needs to know that their government can be trusted to follow its own rules and live by integrity and ethics in carrying out these

important duties. No matter what the outcome Special Counsel Mueller's investigation, no one will trust anything Mr. Mueller's office says or does under these unethical and illegal circumstances.

The Office of Professional Responsibility and Inspector General must thoroughly investigate these leaks and patent conflicts of interest and political bias, and discipline, terminate, and/or prosecute those responsible.

Mr. Klayman, personally and as the General Counsel and Chairman of Freedom Watch, will fully cooperate with the requested investigation and respectfully requests a meeting expeditiously with both the OPR and the IG to further this Complaint and the ensuing investigation.

Sincerely,



Larry Klayman, Esq.

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Ethics Investigation Request: Robert Mueller

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VIA FEDERAL EXPRESS

**EXPEDITED PROCESSING AND
TREATMENT REQUESTED**

September 13, 2017

Hon. Robin C. Ashton
Chief
Office of Professional Responsibility
950 Pennsylvania Avenue, NW #3266
Washington, DC 20530

Hon. Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Ave, NW, #4706
Washington, DC 20530

**RE: SUPPLEMENT TO COMPLAINT AGAINST SPECIAL COUNSEL
ROBERT MUELLER AND STAFF AND REQUEST FOR EXPEDITED
INVESTIGATION INTO GROSS PROSECUTORIAL MISCONDUCT OF
PROSECUTING ATTORNEYS**

Dear Ms. Ashton and Mr. Horowitz:

Freedom Watch, Inc. and I hereby submit the following supplement to its Complaint and Request for The Office of Professional Responsibility and Inspector General must thoroughly investigate the torrent of leaks, and to the extent Department of Justice ("DoJ") or Federal Bureau of Investigation ("FBI") personnel are leaking investigative and/or grand jury evidence, presentations, witness testimony, or proceedings, discipline, terminate, and/or prosecute those responsible, which was recently filed with your offices.

The enclosed disclosure from NBC News shows that the leaks set forth in detail in

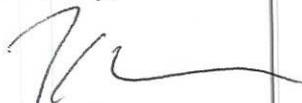
Ethics Investigation Request: Robert Mueller

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the Complaint are still ongoing, as the perpetrators are targeting anyone in or around President Donald J. Trump. Now, it has been revealed that even the son of Michael G. Flynn, President Trump's former national security advisor, is under "federal investigation federal investigation into Russian meddling in the presidential election and possible collusion between Moscow and the Trump campaign, according to four current and former government officials." It is obvious that these illegal grand jury leaks are coming from the office of Special Counsel Mueller, who act and think that they are above the law. This comes just a few days after we filed our complaint and underscores the brazen illegal conduct of Mueller and his staff, who are a disgrace if not affront to the U.S. Department of Justice and its traditions, practices and ethical and legal policies policies.

It is indisputable that these harmful leaks are occurring nearly every single day and are carefully calculated to target victims and to serve the perpetrators' political agendas. This illegal conduct cannot be allowed to continue, and as such, a full and thorough investigation must be immediately performed and the perpetrators must be punished to the fullest extent of the law, including but not limited to the removal of Special Counsel Mueller and his conflicted staff, as well as referral of this matter to the U.S. Attorney for the District of Columbia for criminal prosecution.

Sincerely,



Larry Klayman, Esq.

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Cc:

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EXCLUSIVE NEWS SEP 13 2017, 5:00 PM ET

Mike Flynn's Son Is Subject of Federal Russia Probe

by CAROL E. LEE, JULIA AINSLEY and KEN DILANIAN

WASHINGTON — Michael G. Flynn, the son of President Donald Trump's former national security adviser, is a subject of the federal investigation into Russian meddling in the presidential election and possible collusion between Moscow and the Trump campaign, according to four current and former government officials.

The inquiry into Flynn is focused at least in part on his work with his father's lobbying firm, Flynn Intel Group, three of the officials said. It's unclear when the focus on Flynn began.

Barry Coburn, who said he is serving as the younger Flynn's legal counsel, said he couldn't comment on the matter.

Flynn's status as a subject of the Russia investigation widens the publicly known scope of the probe. NBC News has reported that those under investigation have included the elder Flynn and former Trump campaign manager Paul Manafort. Others under scrutiny by special counsel Robert Mueller include Carter Page, a Trump campaign ally; Jared Kushner, the president's son-in-law and senior White House adviser; and the president's son, Donald Trump Jr.

Trump Jr. may be called to appear before the Senate Judiciary committee sometime this fall. He, Kushner, Manafort and Page have all denied any collusion with Russia during the campaign.

Ty Cobb, an attorney for President Trump, said that the younger Flynn's status as a subject of the probe "does not impact the White House to any extent with regard to its continuing cooperation with the special counsel."

The elder Flynn's lawyer, Robert Kelner, declined to comment Tuesday when asked how his client responds to allegations of collusion with Russia. On Twitter, Michael G. Flynn appeared to call the report that he is a subject of the Russia probe a "#Nothingburger": "#FakeNews Media: 'We're done covering those 'pesky hurricanes' right????...Back to Russia!' #Nothingburger."

The president also has come under scrutiny for possible obstruction of justice and has denied colluding with Russia.

The younger Flynn worked closely with his father, whose connections to foreign governments, including Russia and Turkey, have been a subject of federal and congressional investigations.

Michael G. Flynn accompanied his father, for instance, on a trip to Moscow in December 2015 for the elder Flynn to deliver a paid speech at a 10th anniversary celebration for the state-sponsored Russian television network RT. The younger Flynn can be seen in video from an associated event.

The elder Flynn, a retired Army lieutenant general and a former director of the Defense Intelligence Agency, was seated at the same table as Russian President Vladimir Putin during the dinner. Records released by the House Oversight Committee show he was paid nearly \$34,000 for his speech; RT also paid for Flynn and his son's airfare to Moscow and lodging at a luxury hotel from Dec. 9 to Dec. 12.

Flynn Intel Group also was paid \$530,000 in 2016 for work the Justice Department has said benefited the government of Turkey. The elder Flynn did not register as a foreign lobbyist at the time, but did so retroactively this year. According to his filing with the Justice Department, he was hired by a Turkish businessman to gather information about Fethullah Gülen, a Turkish cleric residing in Pennsylvania whom the Turkish government accuses of orchestrating an attempted coup there in July 2016.

Related: Obama Warned Trump Against Hiring Mike Flynn

The elder Flynn was fired as Trump's national security adviser in February after it became public that he had misled Vice President Mike Pence about his conversations with the Russian ambassador to the U.S.

A former business associate of Michael Flynn's said the younger Flynn had a heavy hand in the day-to-day operations of Flynn Intel Group and served as his father's chief of staff. Those responsibilities included attending meetings with his father and communicating with prospective clients, the former business associate said.

Several legal experts with knowledge of the investigation have told NBC News they believe Mueller, following a classic prosecutorial playbook, is seeking to compel key players, including Flynn and Manafort, to tell what they know about any possible Trump campaign collusion with Russia. Mueller has brought onto his team a federal prosecutor known for convincing subjects to turn on associates. Any potential criminal liability for Michael G. Flynn could put added pressure on his father, these legal experts said.

"Any time a family member is identified as a subject that does increase pressure," said Peter White, a former federal prosecutor. "In the typical parent-child relationship the last thing any parent would want is for their child to get in trouble for something they initiated."

That pressure appeared to mount Wednesday, when House Democrats released information they said confirmed that the elder Flynn omitted from his security clearance renewal application in 2016 that he had traveled to the Middle East in 2015 to meet with foreign leaders about a proposal to partner with Russia in a plan to build nuclear reactors in Saudi Arabia.

In a letter to Flynn's former business partners who had turned over documents to Congress, Democratic Reps. Elijah Cummings of Maryland and Eliot Engel of New York also accuse Flynn of concealing the trip from background check investigators who interviewed him during that 2016

process. The congressmen, ranking members on the House Oversight and House Foreign Affairs committees respectively, told the former business partners that because "it appears that General Flynn violated federal law" they are turning over their documents to Mueller.

Related: Flynn, Manafort Are Key Figures in Russia Probe

Peter Carr, the spokesman for Mueller, declined to comment. Kelner, the elder Flynn's lawyer, did not respond to a request for comment on the Cummings-Engel letter.

The younger Flynn, 34, has a bachelor's degree from the University of North Carolina-Charlotte and an associate degree in golf course management. He is married, has one son and lives in Northern Virginia. He worked for a golf company and then a healthcare management firm between 2008 and 2015, and since 2014 has worked for the Flynn Intel Group, according to LinkedIn. He was a registered Republican in Charlotte, N.C., from 2004 to 2008, according to public records.

He was a controversial figure during the presidential campaign and during the Trump transition, known for writing inflammatory comments on Twitter and circulating conspiracy theories.

He perpetuated a so-called "pizzagate" conspiracy theory that surfaced in the days before the November election alleging Democratic candidate Hillary Clinton had used the Comet Ping Pong pizzeria in Washington to run a child sex-trafficking operation. About a month later, in December 2016, a North Carolina man fired gunshots in the pizzeria allegedly in response to the false "pizzagate" story. At the time, Flynn wrote on Twitter: "Until #Pizzagate proven to be false, it'll remain a story."

During the Trump transition there were questions about whether Flynn had an official role. He had a government transition email address and was said to be helping his father, who had been named national security adviser. But after the shooting at the "pizzagate" restaurant, Pence, who was in charge of the transition, said Flynn "has no involvement in the transition whatsoever."

The younger Flynn continues to express political opinions on social media, tweeting in support of former Trump adviser Steve Bannon and tweeting criticism of Black Lives Matter.
