

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

AMERICA FIRST LEGAL FOUNDATION,
611 Pennsylvania Avenue SE #231
Washington, DC 20003

Plaintiff,

v.

FEDERAL ELECTION COMMISSION,
1050 First Street NE
Washington, DC 20463

Defendant.

Civil Action No.: 24-517

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

1. On April 20, 2023, the House Judiciary Committee revealed that the letter from 51 former intelligence officials (“Letter of 51”), alleging that “the arrival on the US political scene of emails purportedly belonging to Vice President Biden’s son Hunter, much of it related to his time serving on the Board of the Ukrainian gas company Burisma, has all the classic earmarks of a Russian information operation,” was the product of the Biden campaign according to testimony from former Deputy Director of the Central Intelligence Agency Michael Morell, who signed the Letter of 51. Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary, and Michael R. Turner, Chairman, Permanent Select Comm. on Intel., to the Hon. Antony Blinken, Sec’y, U.S. Dep’t of State (Apr. 20, 2023), <https://bit.ly/3UGKsEs> (citing Jim Clapper

et al., Public Statement on the Hunter Biden Emails (Oct. 19, 2020) (*available at* <https://bit.ly/3SZDKrN>)).

2. Nearly four out of five Americans, or 79 percent, believe that had there been “truthful” coverage of the Hunter Biden laptop, it would have changed the outcome of the 2020 presidential election. *See* Bruce Golding, *79% Say ‘Truthful’ Coverage of Hunter Biden’s Laptop Would Have Changed 2020 Election*, N.Y. POST (Aug. 26, 2022), <https://bit.ly/3Vm6SaC>; *see also* Jerry Dunleavy, *Barr says Hunter Biden Russian Disinformation Claims ‘Probably Affected’ Election Outcome*, WASH. EXAMINER (Mar. 22, 2022), <https://bit.ly/3jqg00l>.

3. Biden for President, Biden Victory Fund, DNC Services Corp/Democratic National Committee, and Biden Action Fund (collectively, the “Respondents”) failed to report the direct contributions, indirect contributions, and coordinated communications made in connection with the “Letter of 51” to the Federal Election Commission (“Commission”).

4. On October 23, 2023, the Plaintiff, America First Legal Foundation, filed with the Commission an administrative complaint (MUR 8182) showing that the Respondents received and failed to report direct contributions, indirect contributions, and coordinated communications in violation of 52 U.S.C. § 30104. Attach. 1 (“Admin. Compl.”).

5. America First Legal’s administrative complaint has been pending for over 120 days, yet the Commission has taken no action.

6. The Federal Election Campaign Act, 52 U.S.C. §30101 *et seq.*, provides administrative complainants with a right of action against the Commission if the Commission fails to act on a complaint within 120 days, at which point, “the court may declare that ... the failure to act is contrary to law and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation in the original complaint.” 52 U.S.C. § 30109(a)(8)(C).

7. America First Legal brings this action under 52 U.S.C. § 30109(a)(8)(C) of the Federal Election Campaign Act seeking injunctive and declaratory relief to compel the Commission to act on America First Legal’s administrative complaint regarding the Respondents failure to file reports disclosing its contributors, contributions, and coordinated communications in violation of 52 U.S.C. § 30104.

II. THE PARTIES

8. The Plaintiff, America First Legal Foundation, is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. America First Legal uses a combination of research, litigation, and advocacy to advance its mission.

9. In furtherance of its mission, America First Legal seeks to expose the unethical and illegal conduct of government officials. America First Legal does this by gathering information related to coordinated election interference activities by

government agencies and officials and making such information available to the public through its website, press releases, and social media. Publicizing campaign finance violators and filing complaints with the Commission serve America First Legal's mission by keeping the public informed, thereby deterring future violations of campaign finance law. America First Legal's organizational activities and financial resources are dependent upon its ability to obtain relevant information and disclose it to the public. *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982). Therefore, America First Legal is harmed when a regulated person or entity either fails to disclose or provides false information in reports required by the Federal Election Campaign Act.

10. America First Legal relies on the Commission to properly administer the Act's reporting requirements because these reports are the only source of information that America First Legal can use to determine if a regulated person complies with the Act. The proper administration of the Act includes ensuring that all disclosure reports are correctly and timely filed with the Commission.

11. Federal enforcement is necessary when federal campaign finance and support turn from a private civic act to election interference and public corruption. *McCormick v. United States*, 500 U.S. 257 (1991); *Evans v. United States*, 504 U.S. 255 (1992). Therefore, America First Legal's programmatic activity is hindered when the Commission fails to administer the Act properly. *See Campaign Legal Ctr. v. FEC*, 466 F. Supp. 3d 141, 146 (D.D.C. 2022) (*citing FEC v. Akins*, 524 U.S. 11, 14 (1998)).

12. By failing to act on America First Legal’s administrative complaint, the Commission has harmed America First Legal by allowing a campaign for President of the United States to benefit from undisclosed contributions and coordinated in-kind expenditures in furtherance of using a campaign platform misrepresented as an unbiased and non-political report contrary to 52 U.S.C. §§ 30104(b)(2)(A) and (b)(3)(A).

13. The Defendant, the Federal Election Commission, is an independent federal agency charged with the administration and civil enforcement of the Federal Election Campaign Act. 52 U.S.C. § 30106.

III. JURISDICTION AND VENUE

14. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties under 52 U.S.C. § 30109(a)(8)(A) and 28 U.S.C. §§ 1331, 2201.

15. Venue is proper under 52 U.S.C. § 30109(a)(8)(A) and 28 U.S.C. § 1391.

16. Declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202.

17. This Court also has jurisdiction over this action under 28 U.S.C. § 1331.

IV. BACKGROUND

18. On October 15, 2020, *The Hill* linked Hunter Biden’s laptop to an alleged Russian influence campaign to pass misinformation to President Trump, through his personal lawyer Rudy Giuliani. Citing an anonymous source, *The Hill* reported, “Several senior administration officials, including Attorney General William Barr,

FBI Director Christopher Wray and White House counsel Pat Cipollone ‘all had common understanding’ that Russia was targeting the president’s personal lawyer.” Justine Coleman, *Intelligence Officials Warned Trump That Giuliani Was Target of Russian Influence Campaign*, THE HILL (Oct. 15, 2020), <https://bit.ly/3WzHaQV>.

19. On October 15, 2020, *NBC* reported that “Federal investigators are examining whether emails allegedly describing activities by Joe Biden and his son Hunter and found on a laptop at a Delaware repair shop are linked to a foreign intelligence operation” based on claims made by “two people familiar with the matter”; and that the evidence of Biden corruption was “greeted with widespread skepticism.” Ken Dilanian, *Feds Examining Whether Alleged Hunter Biden Emails Are Linked to a Foreign Intel Operation*, NBC NEWS (Oct. 15, 2020), <https://bit.ly/3BOh5FZ>.

20. On October 16, 2020, *CNN* reported, under six bylines, that “US authorities are investigating whether the published emails that purport to detail the business dealings of Joe Biden’s son in Ukraine and China are connected to an ongoing Russian disinformation effort targeting the former vice president’s campaign, a US official and a congressional source briefed on the matter said.” Marshall Cohen et al., *US Authorities Investigating if Recently Published Emails Are Tied to Russian Disinformation Effort Targeting Biden*, CNN (Oct. 16, 2020), <https://bit.ly/42DP5Rz>. It declared that “Giuliani has openly coordinated with a known Russian agent to promote disinformation about the Bidens” and that “[t]he FBI is leading the investigation.” *Id.*

21. Also, on October 16, 2020, House Intelligence Committee Chairman Adam Schiff claimed that Hunter Biden's laptop was a Russian disinformation campaign. Adam Shaw, *Adam Schiff Claims Hunter Biden Email Stories Come 'From the Kremlin,'* FOX NEWS (Oct. 17, 2020), <https://bit.ly/3V5Lczg>.

22. "We know that this whole smear on Joe Biden comes from the Kremlin," Schiff said, "That's been clear for well over a year now that they've been pushing this false narrative about the vice president and his son Clearly, the origins of this whole smear are from the Kremlin, and the President is only too happy to have Kremlin help and try to amplify it." The Situation Room (@CNNSitRoom), TWITTER (Oct. 16, 2020, 7:24 PM), bit.ly/3NxGEQB (emphasis added).

23. Also, on October 16, 2020, a Twitter executive noted "well-timed briefings from Gov't sources...which would support an assessment that [the laptop is] neither whistleblower nor dissident content." See Michael Shellenberger (@shellenberger), TWITTER (Dec. 19, 2022, 1:25 PM), <https://bit.ly/3uA4zJG>.

24. On October 19, 2020, *Politico* released a contemporaneously dated letter from 51 former intelligence officials, including Trump critics John Brennan, Jim Clapper, and Michael Hayden, alleging that "the arrival on the US political scene of emails purportedly belonging to Vice President Biden's son Hunter, much of it related to his time serving on the Board of the Ukrainian gas company Burisma, has all the classic earmarks of a Russian information operation." See Natasha Bertrand, *Hunter Biden Story Is Russian Disinfo, Dozens of Former Intel Officials Say*, POLITICO (Oct. 19, 2020), <https://bit.ly/49f8KtH> (citing Jim Clapper et al., *supra*).

25. As reported, the 51 former intelligence officials further alleged that “[f]or the Russians at this point, with Trump down in the polls, there is [an] incentive for Moscow to pull out the stops to do anything possible to help Trump win and/or to weaken Biden should he win. A ‘laptop op’ fits the bill, as the publication of the emails [is] clearly designed to discredit Biden.” Jim Clapper et al., *supra*.

26. The officials concluded that “[o]ur view that the Russians are involved in the Hunter Biden email issue” was shared by “*Executive Branch departments and agencies [and] It is high time that Russia stops interfering in our democracy.*” *Id.* (emphasis in original).

27. Former Intelligence Official Jim Baker insisted in an internal email that the Hunter Biden laptop evidence was faked and/or hacked. Michael Shellenberger (@shellenberger), TWITTER (Dec. 19, 2022, 1:10 PM), <https://bit.ly/3I0e4ov>; Michael Shellenberger (@shellenberger), TWITTER (Dec. 19, 2022, 1:20 PM), <https://bit.ly/3wgcovA>. Baker reportedly reached out to Matthew Perry in the FBI’s Office of General Counsel to coordinate a response. *Id.*

28. Michael Morell testified before the House Judiciary and Intelligence Committees that, on or around October 17, 2020—which was just days before the “Public Statement on the Hunter Biden Emails” was penned—Antony Blinken reached out to him to discuss the Hunter Biden laptop story. *See* Admin. Compl. Ex. 1 at 2; Admin. Compl. Ex. 5; Admin. Compl. Ex. 6.

29. Morell further testified that the Biden campaign “helped to strategize about the public release of the statement.” Admin. Compl. Ex. 5 at 3.

30. Morell told Blinken that he was not familiar with the reporting. Blinken emailed Morell a *USA Today* article alleging the FBI was investigating whether it was Russian disinformation. At the bottom of the email was the signature block of Andrew Bates, then-director of rapid response for the Biden campaign. Admin. Compl. Ex. 1 at 2; Admin. Compl. Ex. 5 at 3.

31. Morell began drafting the “Letter of 51,” which he testified would not have happened but for Blinken’s communication. Admin. Compl. Ex. 1 at 2–3; Admin. Compl. Ex. 5 at 2.

32. During the October 22 presidential debate, then-Vice President Biden used the “Letter of 51” to rebut President Trump’s criticisms of the Biden Family’s foreign entanglements. Admin. Compl. Ex. 1 at 53–59; Admin. Compl. Ex. 5 at 3.

33. Biden campaign chairman Steve Ricchetti called Morell to thank him for the statement. Admin. Compl. Ex. 1 at 58–59; Admin. Compl. Ex. 5 at 3.

34. Also, the Biden campaign coordinated the dissemination of the “Letter of 51” to the media. Admin. Compl. Ex. 1 at 36–52; Admin. Compl. Ex. 5 at 3–4.

35. Morell tasked Nick Shapiro, his former Deputy Chief of Staff and Senior Advisor at the CIA, with placing the statement in major publications. Admin. Compl. Ex. 1 at 36–44; Admin. Compl. Ex. 5 at 3.

36. Specifically, Morell apprised Shapiro that “[b]etween us, the campaign would like” a specific reporter with the *Washington Post* to run the statement first. Admin. Compl. Ex. 1 at 3, 37.

37. Shapiro crafted an email for three separate media outlets and sent the content of the email to the Biden campaign's Director of Rapid Response, Andrew Bates, stating, "This is what I gave them." Admin. Compl. Ex. 1 at 3, 41.

38. *Politico* released the "Letter of 51" with a story headlined: "Hunter Biden story is Russian disinfo, dozens of former intel officials say." Natasha Bertrand, *supra*.

39. The Commission's records show that Leon Panetta donated to the Biden Victory Fund and Biden for President on June 29, 2020, and that James Clapper donated to the Biden Victory Fund and Biden for President on October 4, 2020. Admin. Compl. Ex. 3; Admin. Compl. Ex. 4.

40. Contemporaneous emails show the organizers' intent in drafting and releasing the statement: "[W]e think Trump will attack Biden on the issue at this week's debate and we want to offer perspectives on this from Russia watchers and other seasoned experts," and "we want to give the [Vice President] a talking point to use in response." Admin. Compl. Ex. 1 at 2.

41. Because Morrell, Brennan, Clapper, and the other signatories were supposedly "nonpartisan" national security and intelligence experts, their public statement was a campaign contribution of substantial value to the Respondents, who solicited the "Letter of 51" from them for the express purpose of influencing the 2020 Presidential election. Yet, the Respondents failed to report the contribution and to identify the individuals who made it. Admin. Compl. ¶¶ 11–40.

42. While *Politico* typically charges fees for advertising done on behalf of political campaigns, the Respondents caused *Politico* to publish the “Letter of 51” — which substantially influenced the outcome of the election. Yet, the Respondents failed to report the coordinated communication. Admin. Compl. ¶¶ 41–49; Admin. Compl. Ex. 8; Admin. Compl. Ex. 9.

V. ADMINISTRATIVE PROCEEDINGS

43. On October 23, 2023, America First Legal filed an administrative complaint with the Commission seeking enforcement of the Federal Election Campaign Act’s reporting requirements, 52 U.S.C. § 30104.

44. On October 30, 2023, the Commission sent America First Legal a letter acknowledging receipt of the administrative complaint and designating it MUR 8182.

45. To date, the Commission has taken no action on the complaint, which has been pending for over 120 days.

VI. CAUSE OF ACTION

FECA, 52 U.S.C. § 30109(8)(A)

46. The Plaintiff repeats paragraphs 1–45.

47. The Defendant’s failure to act on the Plaintiff’s administrative complaint is contrary to law. *See* 52 U.S.C. § 30109(8)(A).

RELIEF REQUESTED

WHEREFORE, America First Legal requests that this Court:

- A. Declare that the Commission's failure to act on the Plaintiff's administrative complaint is contrary to law under 52 U.S.C. § 30109(8)(A);
- B. Order the FEC to conform with this declaration within 30 days pursuant to 52 U.S.C. § 30109(8)(C);
- C. Award Plaintiff its costs and reasonable attorneys' fees incurred in this action; and
- D. Grant such other relief the Court may deem just and proper.

February 25, 2024

Respectfully submitted,

/s/ Michael Ding

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FEDERAL ELECTION COMMISSION

In the matter of:

BIDEN FOR PRESIDENT
P.O. Box 58178
Philadelphia, Pennsylvania 19102
(FEC Committee ID #: C00703975)

MUR _____

and

BIDEN VICTORY FUND
430 South Capitol Street SE
Washington, DC 20003
(FEC Committee ID #: C00744946)

and

DNC SERVICES CORP / DEMOCRATIC NATIONAL
COMMITTEE
430 S. Capitol St SE
National Committee, DC 2000
(FEC Committee ID #: C00010603)

and

BIDEN ACTION FUND
430 South Capitol Street SE
Washington, DC 2000
(FEC Committee ID #: C00746651)

COMPLAINT

1. America First Legal Foundation brings this complaint before the Federal Election Commission seeking an immediate investigation and enforcement action against the Respondents.

2. As detailed herein, the evidence suggests that the Respondents failed to disclose coordinated expenditures constituting in-kind donations with respect to the infamous “Letter of 51” former intelligence officials claiming that the Hunter Biden

laptop story had “all the classic earmarks” of Russian disinformation. *See generally* H. COMM. ON THE JUDICIARY, SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T, AND H. PERMANENT SELECT COMM. ON INTEL., 118TH CONG., INTERIM JOINT STAFF REP. ON THE HUNTER BIDEN STATEMENT: HOW SENIOR INTELLIGENCE COMMUNITY OFFICIALS AND THE BIDEN CAMPAIGN WORKED TO MISLEAD AMERICAN VOTERS 2–4, 6–12, 14, 17, 20–21, 23–25, 27, 36–39, 42–43, 47, 49, 54–61 (May 10, 2023) (Exhibit 1), <https://bit.ly/46y86WB>.

Complainant

3. Complainant America First Legal Foundation (“America First Legal” or “AFL”) is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. America First Legal uses a combination of research, litigation, and advocacy to advance its mission.

4. In furtherance of its mission, America First Legal seeks to expose unethical and illegal conduct of those in government. One way that AFL does this is by gathering information related to coordinated election interference activities by government agencies and officials and making such information available to the public through its website, press releases, and social media. Publicizing campaign finance violators and filing complaints with the Commission serve America First Legal’s mission by keeping the public informed, thereby deterring future violations

of campaign finance law. Therefore, America First Legal is harmed when a regulated person or entity either fails to disclose or provides false information in reports required by the Federal Election Campaign Act, 52 U.S.C. §30101 *et seq.*

5. Also, AFL relies on the Commission to properly administer the Act's reporting requirements because these disclosure reports are the only source of information that AFL can use to determine if a regulated person complies with the Act. The proper administration of the Act includes ensuring that all disclosure reports are properly and timely filed with the Commission.

6. Federal enforcement is necessary when federal campaign finance and support turn from a private civic act to election interference and public corruption. *McCormick v. United States*, 500 U.S. 257 (1991); *Evans v. United States*, 504 U.S. 255 (1992). Therefore, America First Legal's programmatic activity is hindered when the Commission fails to properly administer the Act. *See Campaign Legal Ctr. v. FEC*, 466 F. Supp. 3d 141, 146 (D.D.C. 2022) (*citing FEC v. Akins*, 524 U.S. 11, 14 (1998)).

Respondents

7. Upon information and belief, Respondent BIDEN FOR PRESIDENT, listed its address as P.O. Box 58178, Philadelphia, Pennsylvania 19102, with the FEC Committee ID #: C00703975, having raised funds and filed disclosures for Joe Biden's Campaign for President in 2020 and filed disclosures on behalf of presidential candidate Joe Biden.

8. Upon information and belief, Respondent BIDEN VICTORY FUND listed its address at 430 South Capitol Street SE, Washington, DC 20003, and identified

with the FEC Committee ID #: C00744946, having raised funds for Joe Biden's Campaign for President in 2020 and filed disclosures on behalf of presidential candidate Joe Biden.

9. Upon information and belief, Respondent DNC SERVICES CORP/DEMOCRATIC NATIONAL COMMITTEE, listed at 430 S. Capitol St SE, National Committee, DC 20003 with the identification, FEC Committee ID #: C00010603, also raised funds for Joe Biden's Campaign for President in 2020 and filed disclosures on behalf of presidential candidate Joe Biden.

10. Upon information and belief, Respondent BIDEN ACTION FUND, listed as located at 430 South Capitol Street SE, Washington, DC 20003, identified at FEC Committee ID #: C00746651, also had raised funds for Joe Biden's Campaign for President in 2020 and filed disclosures on behalf of presidential candidate Joe Biden.

Count I

11. On October 19, 2020, *Politico* released a letter from 51 former intelligence officials, "the 51 Letter," including John Brennan, Jim Clapper, and Michael Hayden, alleging that "the arrival on the US political scene of emails purportedly belonging to Vice President Biden's son Hunter, much of it related to his time serving on the Board of the Ukrainian gas company Burisma, has all the classic earmarks of a Russian information operation." Jim Clapper, et al., *Public Statement on the Hunter Biden Emails* (Oct. 19, 2020) (Exhibit 2), <https://bit.ly/3FPVfnV>.

12. As reported, the 51 former intelligence officials further alleged that "[f]or the Russians at this point, with Trump down in the polls, there is [an] incentive for

Moscow to pull out the stops to do anything possible to help Trump win and/or to weaken Biden should he win. A ‘laptop op’ fits the bill, as the publication of the emails [is] clearly designed to discredit Biden.” The former officials concluded that “Our view that the Russians are involved in the Hunter Biden email issue” was shared by “*Executive Branch departments and agencies [and] It is high time that Russia stops interfering in our democracy.*” *Id.* (emphasis in original).

13. There are reasons to believe that the public statement by 51 former intelligence officials was a coordinated political operation to help elect Vice President Biden in the 2020 presidential election, as set forth below.

14. The Commission’s records show that Leon Panetta donated to the Biden Victory Fund and Biden for President on June 29, 2020, and that James Clapper donated to the Biden Victory Fund and Biden for President on October 4, 2020 (Exhibits 3 and 4, respectively).

15. Contemporaneous emails show the organizers’ intent in drafting and releasing the statement: “[W]e think Trump will attack Biden on the issue at this week’s debate and we want to offer perspectives on this from Russia watchers and other seasoned experts,” and “we want to give the [Vice President] a talking point to use in response.” Exhibit 1 at 2 (citations omitted).

16. On or about March 23, 2023, Michael Morrell testified before the House Judiciary and Intelligence Committees in Congress that, on or around October 17, 2020, Antony Blinken reached out to him to discuss the Hunter Biden laptop story. Exhibit 1 at 2; *see also* Letter from Jim Jordan, Chairman, H. Comm. on the

Judiciary, and Michael R. Turner, Chairman, H. Permanent Select Comm. on Intel., to the Hon. Antony Blinken, Sec’y, U.S. Dep’t of State (Apr. 20, 2023) (Exhibit 5), <https://bit.ly/3FqrU2c>; Brooke Singman, *Biden Campaign, Blinken Orchestrated Intel Letter to Discredit Hunter Biden Laptop Story, Ex-CIA Official Says*, FOX NEWS (Apr. 21, 2023) (Exhibit 6) <https://bit.ly/3pGuKMz>.

17. Morell further testified that the Biden campaign “helped to strategize about the public release of the statement.” Exhibit 5 at 3.

18. As detailed above, and below, the Respondents took active measures to discredit the evidence of corruption and influence peddling on Hunter Biden’s laptop by exploiting the national security credentials of the former intelligence officials.

19. On October 17, 2020, Biden campaign advisor—now Secretary of State—Antony Blinken contacted former Central Intelligence Agency (CIA) Acting Director Michael Morell to discuss the Post’s reporting. Exhibit 1 at 2; Exhibit 5 at 2–3.

20. Morell told Blinken that he was not familiar with the reporting. Blinken emailed Morell a USA Today article alleging the FBI was investigating whether it was Russian disinformation. At the bottom of the email was the signature block of Andrew Bates, then-director of rapid response for the Biden campaign. Exhibit 1 at 2; Exhibit 5 at 3.

21. Morell began drafting Exhibit 2, something he testified would not have happened but for Blinken’s communication. Exhibit 1 at 2–3; Exhibit 5 at 2.

22. During the October 22 presidential debate, then-Vice President Biden used Exhibit 2 to rebut President Trump’s criticisms of the Biden Family’s foreign entanglements. Exhibit 1 at 53–59; Exhibit 5 at 3.

23. Biden campaign chairman Steve Ricchetti called Morell to thank him for the statement. Exhibit 1 at 58–59; Exhibit 5 at 3.

24. Also, the Biden campaign coordinated Exhibit 2’s dissemination to the media. Exhibit 1 at 36–52; Exhibit 5 at 3–4.

25. Morell tasked Nick Shapiro, his former Deputy Chief of Staff and Senior Advisor at the CIA, with placing the statement in major publications. Exhibit 1 at 36–44; Exhibit 5 at 3.

26. Specifically, Morell apprised Shapiro that, “[b]etween us, the campaign would like” a specific reporter with the Washington Post to run the statement first. Exhibit 1 at 3, 37.

27. Shapiro crafted an email for three separate media outlets and sent the content of the email to the Biden campaign’s Director of Rapid Response, Andrew Bates, stating, “This is what I gave them.” Exhibit 1 at 3, 41.

28. Shortly thereafter, Politico released Exhibit 2 with a story headlined: “Hunter Biden story is Russian disinfo, dozens of former intel officials say.” Natasha Bertrand, *Hunter Biden Story Is Russian Disinfo, Dozens of Former Intel Officials Say*, POLITICO (Oct. 19, 2020) (Exhibit 7), <https://politi.co/3SaBn5D>.

29. The Act defines a “contribution” as “anything of value made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A)(i).

30. Accordingly, there is reason to believe that the Respondents solicited Exhibit 2 from Mr. Morrell, John Brennan, Jim Clapper, and others, for the express purpose of influencing the 2020 Presidential election. It, therefore, appears that Exhibit 2’s signatories agreed to draft and sign it for this very purpose.

31. Indeed, upon information and belief, Mr. Brennan, Mr. Clapper, and possibly others signed Exhibit 2 with actual knowledge that Exhibit 2 had been obtained and authenticated by the Federal Bureau of Investigation in or about November 2019. Because of their supposedly “nonpartisan” national security and intelligence affiliations, all parties recognized that Exhibit 2 was a campaign contribution of great and substantial value.

32. Contrary to 52 U.S.C. §§ 30104(b)(2)(A) and (b)(3)(A), there is reason to believe that the Respondents failed to report the above contribution and to identify the individuals who made it.

Count II

33. The Complainant repeats paragraphs 1–32.

34. Contributions include not only payments made directly to a candidate but also “coordinated” expenditures, which are those “made in cooperation, consultation[,], or concert with, or at the request or suggestion of, a candidate, a candidate’s authorized committee, or a political party committee.” 11 C.F.R. § 109.20.

35. “For purposes of this subpart ... any reference to a candidate, or a candidate’s authorized committee, or a political party committee includes an agent thereof.” *Id.*

36. Coordinated expenditures are necessarily in-kind contributions rather than direct monetary payments. Accordingly, utilizing political committee staff time, office space, or other resources in cooperation with a candidate counts as a contribution. 11 C.F.R. § 109.20; 52 U.S.C. § 30101(8)(A)(i), (ii); *Campaign Legal Ctr. v. FEC*, 31 F.4th 781, 784 (D.C. Cir. 2022).

37. As the FEC website explains, “An in-kind contribution is a non-monetary contribution. Goods or services offered free or at less than the usual charge result in an in-kind contribution. Similarly, when a person or entity pays for services on the committee’s behalf, the payment is an in-kind contribution. An expenditure made by any person or entity in cooperation, consultation or concert with, or at the request or suggestion of, a candidate’s campaign is also considered an in-kind contribution to the candidate.” FEDERAL ELECTION COMMISSION, *In-Kind Contributions*, <https://bit.ly/46QA6Wf> (last visited Oct. 19, 2023).

38. Based on AFL’s review of the disclosures available on the FEC website, the Respondents have not reported in-kind disclosures or anything else related to Exhibit 2.

39. Exhibit 2 should be considered a coordinated party expenditure that counts against the contribution limits.

40. Therefore, there is adequate reason to believe Respondents violated FECA, and Respondents must amend their disclosures to report these in-kind contributions.

Count III

41. The Complainant repeats paragraphs 1–40.

42. The Commission should consider Exhibit 2 a coordinated communication under 11 C.F.R. § 109.21.

43. Section 109.21 provides in relevant part:

(3) Reporting of coordinated communications. . . . A candidate, authorized committee, or political party committee with whom or which a communication paid for by another person is coordinated must report the usual and normal value of the communication as an in-kind contribution in accordance with 11 CFR 104.13, meaning that it must report the amount of the payment as a receipt under 11 CFR 104.3(a) and as an expenditure under 11 CFR 104.3(b).

44. Based upon public information, Politico charges fees for advertising done on behalf of a campaign. It posts its Purchase Agreement on its website, <https://www.politico.com/advertising-purchase-agreement>. Politico sets forth Terms and Conditions within its Purchase Agreement to include Billing and Payment. *Id.*

45. Exhibit 2 appears to have been digitally published by Politico. *See* Exhibits 2 and 7.

46. On Politico’s website, it specifies digital and paper advertising opportunities. *See* POLITICO, *Advertising*, <https://www.politico.com/advertising>.

47. The Respondents were materially involved in creating and publishing Exhibit 2. *See generally* Exhibit 1 at 36–51, 58–60.

48. Based on reported polling, Exhibit 2 was material to the outcome of the 2020 Presidential election. *See* Bruce Golding, *79% Say ‘Truthful’ Coverage of Hunter Biden’s Laptop Would Have Changed 2020 Election*, N.Y. POST (Aug. 26, 2022) (Exhibit 8), <https://bit.ly/3Vm6SaC> (“Nearly four out of five Americans, or 79 percent, reportedly believe that had there been ‘truthful’ coverage of the Hunter Biden laptop, it would have changed the outcome of the 2020 presidential election.”); *see also* Jerry Dunleavy, *Barr Says Hunter Biden Russian Disinformation Claims’ Probably Affected’ Election Outcome*, WASH. EXAMINER (Mar. 22, 2022) (Exhibit 9), <https://bit.ly/3jqg0O1>.

49. Accordingly, as the foregoing shows, there is reason to believe that the Respondents unlawfully failed to report Exhibit 2 as a coordinated communication.

Conclusion

WHEREFORE, America First Legal Foundation requests that the Commission take the following action.

- A. Investigate the above allegations.
- B. Declare that the respondents have violated the Act and applicable Commission regulations.
- C. Order the Respondents to correct these violations.
- D. Impose sanctions appropriate to these violations.
- E. Take such further action as may be appropriate, including referring this matter to the Department of Justice for criminal prosecution.

October 23, 2023

Respectfully submitted,

/s/ Julia Z. Haller

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VERIFICATION

America First Legal Foundation in Washington, D.C. hereby verifies that the statements made in the attached complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.



Julia Haller

Sworn to and subscribed before me this 23 day of October, 2023.



Notary Public



TANISHA ZONNELL SCOTT
District of Columbia Notary Public
My Commission Expires Feb. 14, 2028

Exhibit One



**THE HUNTER BIDEN STATEMENT: HOW SENIOR INTELLIGENCE COMMUNITY
OFFICIALS AND THE BIDEN CAMPAIGN WORKED TO MISLEAD AMERICAN
VOTERS**

Interim Joint Staff Report of the

Committee on the Judiciary,
Select Subcommittee on the Weaponization
of the Federal Government, and
Permanent Select Committee on Intelligence

U.S. House of Representatives



May 10, 2023

Executive Summary

“Let me tell you, you take on the intelligence community, they have six ways from Sunday to getting back at you.”

– Senator Chuck Schumer (D-NY), January 3, 2017.¹

In the heated days shortly before the 2020 presidential election, a news story appeared in the *New York Post* detailing how Hunter Biden used the position and influence of his father, now-President Joe Biden, for personal gain with President Biden’s awareness.² This article, based on materials obtained from an abandoned laptop once owned by Hunter Biden, called into question statements made by President Biden denying awareness of the international business dealings of his son, Hunter.³ Five days after the *Post* story, 51 former intelligence community officials, using their official titles and citing their national security credentials, released a public statement suggesting the story “ha[d] all the classic earmarks” of Russian disinformation.⁴ Three days after that, Vice President Biden used this public statement in a nationally televised presidential debate to rebut President Trump’s criticisms, asserting “there are 50 former national intelligence folks who said that what this, he’s accusing me of is a Russian plan.”⁵

Much has been written about how social media companies and news outlets improperly censored or ignored allegations on the flimsy basis that it was “hacked” materials;⁶ and “can’t be verified”;⁷ or, in the inspired words of National Public Radio, a “waste of time” and a “pure distraction.”⁸ These censorship decisions were wrong then, but they look even more egregious

¹ Rachel Maddow, *Schumer: Trump ‘being really dumb’ on intel*, MSNBC (Jan. 3, 2017).

² Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. POST (Oct. 14, 2020); *see also* Emma-Jo Morris & Gabrielle Fonrouge, *Hunter Biden emails show leveraging connections with his father to boost Burisma pay*, N.Y. POST (Oct. 14, 2020).

³ The Hill (@thehill), Twitter (Sept. 21, 2019, 3:04 PM) (Joe Biden claiming, “I’ve never spoken to my son about his overseas business dealings.”), <https://twitter.com/thehill/status/1175486006348460032>; Press Briefing, Jen Psaki, White House Press Secretary, in Washington, D.C. (Apr. 5, 2022) (explaining how President Biden stands by his statement that he never spoke to Hunter Biden about his overseas business dealings). *See also* Miranda Devine, *Hunter Biden’s biz partner called Joe Biden ‘the Big Guy’ in panicked message after Post’s laptop story*, N.Y. POST (July 27, 2022) (“In an email to Hunter, Jim and other partners on May 13, 2017, Gilliar outlined an equity breakdown in which 10% of the lucrative CEFC joint venture would be held by Hunter ‘for the big guy.’ That email, which was previously revealed by The Post, was found on the laptop Hunter abandoned at a Delaware repair shop in April 2019. Another former associate of the first son, US Navy veteran Tony Bobulinski, publicly declared in October 2020 that ‘big guy’ was a reference to President Biden — and alleged that Biden was aware of, and involved in, the planned CEFC deal.”).

⁴ Jim Clapper et al., *Public Statement on the Hunter Biden Emails* (Oct. 19, 2020). *See also* Natasha Bertrand, *Hunter Biden story is Russian disinfo, dozens of former intel officials say*, POLITICO (Oct. 19, 2020).

⁵ COMM. ON PRESIDENTIAL DEBATES, Presidential Debate at Belmont University in Nashville, Tennessee, October 22, 2020, Participants: Former Vice President Joe Biden (D) and President Donald Trump (R), <https://www.debates.org/voter-education/debate-transcripts/october-22-2020-debate-transcript/>.

⁶ *See, e.g.*, Katie Paul, *Twitter, Facebook restrict users’ dissemination of New York Post story on Biden*, REUTERS (Oct. 15, 2020); Kari Paul, *Facebook and Twitter restrict controversial New York Post story on Joe Biden*, THE GUARDIAN (Oct. 14, 2020).

⁷ Zachary Evans, *60 Minutes Anchor Insists Hunter Biden Emails ‘Can’t Be Verified’ When Pressed by Trump*, NAT’L REV. (Oct. 22, 2020).

⁸ *See, e.g.*, Brian Flood, *NPR issues major correction after falsely claiming Hunter Biden laptop story was ‘discredited’ by intelligence*, FOX NEWS (Apr. 2, 2021); Joe Concha, *Media’s pre-election burial of Hunter Biden story proves dereliction of duty*, THE HILL (Dec. 11, 2020).

with the passage of time. The contents of Hunter Biden’s laptop have since been authenticated and the *Post*’s reporting has been verified by several other news outlets.⁹

What has not been examined, until now, is how 51 former federal employees with intelligence and national security credentials came together to insert themselves into the thick of the presidential campaign. Beginning in April 2022—and renewed earlier this year when Republicans resumed control of the House of Representatives—the Committee on the Judiciary and the Permanent Select Committee on Intelligence have been conducting oversight into the origins of this statement.¹⁰ The Committees wrote to all 51 former officials requesting relevant documents and testimony. Consistent with the obligation to keep the House apprised of investigative activities,¹¹ this interim report summarizes the key information learned to date.

- **The public statement by 51 former intelligence officials was a political operation to help elect Vice President Biden in the 2020 presidential election.** Contemporaneous emails show the organizers’ intent in drafting and releasing the statement: “[W]e think Trump will attack Biden on the issue at this week’s debate and we want to offer perspectives on this from Russia watchers and other seasoned experts,”¹² and “we want to give the [Vice President] a talking point to use in response.”¹³
- **The Biden campaign took active measures to discredit the allegations about Hunter Biden by exploiting the national security credentials of former intelligence officials.** On October 17, 2020, Biden campaign advisor—now Secretary of State—Antony Blinken contacted former Central Intelligence Agency (CIA) Acting Director Michael Morell to discuss the *Post*’s reporting. Morell told Blinken that he was not familiar with the reporting and Blinken later emailed Morell a *USA Today* article alleging the FBI was investigating whether it was Russian disinformation.¹⁴ At the bottom of the email was the signature block of Andrew Bates, then-director of rapid response for the Biden campaign.¹⁵ Following this outreach from the Biden campaign, Morell began the process of drafting the statement—something Morell testified would not have happened but for Blinken’s communication. In addition, following the October 22 presidential debate—during which Vice President Biden used the public statement to rebut President Trump’s criticisms—Biden campaign chairman Steve Ricchetti called Morell to thank him for the statement.

⁹ See, e.g., Katie Benner et al., *Hunter Biden Paid Tax Bill, but Broad Federal Investigation Continues*, N.Y. TIMES (Mar. 16, 2022); Craig Timberg et al., *Here’s how The Post analyzed Hunter Biden’s laptop*, WASHINGTON POST (Mar. 30, 2022).

¹⁰ See Letter from Rep. Jim Jordan, Ranking Member et al., H. Comm. on the Judiciary, to Ms. Nada Bakos, c/o Central Intelligence Agency (Apr. 6, 2022).

¹¹ See, e.g., H. Res. 12, 118th Cong. (2023).

¹² Email from Kristin Wood to Unnamed Intelligence Officials (Oct. 19, 2020, 7:27 AM) (on file with the Committees).

¹³ Email from Michael Morell to Unnamed Intelligence Officials (Oct. 18, 2020, 4:48 PM) (on file with the Committees).

¹⁴ Email from Tony Blinken to Michael Morell (Oct. 17, 2020, 10:53 PM) (on file with the Committees).

¹⁵ *Id.*

- **Blinken’s outreach to Morell was the impetus for the public statement.** Morell testified that he had no intention of drafting the statement until Blinken reached out to him. Morell, who at the time was reportedly under consideration to be appointed CIA Director in the Biden Administration if Biden won the election,¹⁶ conceived the statement and concluded it would have greater credibility if it was supported by a significant number of signatories.¹⁷ Thereafter, Morell contacted several former intelligence officials to help write the statement, solicit cosigners, and help with media outreach.
- **The Biden campaign coordinated dissemination of the statement to members of the media.** Morell tasked Nick Shapiro, his former Deputy Chief of Staff and Senior Advisor at the CIA, with placing the statement in major publications. Specifically, Morell apprised Shapiro that, “[b]etween us, the campaign would like” a specific reporter with the *Washington Post* to run the statement first.¹⁸ Shapiro crafted an email for three separate media outlets and sent the content of the email to the Biden campaign’s Director of Rapid Response, Andrew Bates, stating “This is what I gave them.”¹⁹ After peddling the statement to the *Washington Post* and the *Associated Press* with apparently no result, Shapiro found a willing partner in *Politico*. *Politico* published a story about the statement under the headline: “Hunter Biden story is Russian disinfo, dozens of former intel officials say.”²⁰
- **The Committees have evidence that an employee affiliated with the CIA may have assisted in obtaining signatories for the statement.** One signer of the statement, former CIA analyst David Cariens, disclosed to the Committees that a CIA employee affiliated with the agency’s Prepublication Classification Review Board (“PCRB”) informed him of the existence of the statement and asked if he would sign it.²¹ The Committees have requested additional material from the CIA, which has ignored the request to date.

The Committees’ oversight continues. Notably, the Biden Administration has declined to cooperate with this oversight to date. On March 21, 2023, the Committees wrote to the CIA, requesting documents in the CIA’s possession relating to the statement and interactions between the CIA and the signatories of the statement.²² The Committees requested that the CIA furnish these documents by April 4, 2023.²³ The CIA has so far failed to comply to this oversight request. On April 20, 2023, the Committees wrote to Secretary of State Antony Blinken requesting information in his possession about his role in the origins of the statement.²⁴ On May

¹⁶ Erin Banco, *Biden Weighs Mike Morell as His CIA Chief. A Key Dem Senator Says Don’t Bother*, THE DAILY BEAST (Dec. 2, 2020). See also Transcribed Interview of Mr. Michael Morell at 91 [hereinafter “Morell Interview”].

¹⁷ See Email from Michael Morell to Kristin Wood (Oct. 18, 2020, 8:01 PM) (on file with the Committees). Morell Interview at 44.

¹⁸ Email from Michael Morell to Nick Shapiro (Oct. 19, 2020, 8:21 PM) (on file with the Committees).

¹⁹ Email from Nick Shapiro to Andrew Bates (Oct. 19, 2020, 11:22 PM) (on file with the Committees).

²⁰ Bertrand, *supra* note 4.

²¹ Email from David Cariens to Committee staff (March 5, 2023, 3:02 PM) (on file with the Committees).

²² Letter from Chairman Jim Jordan, H. Comm. on the Judiciary, and Chairman Michael R. Turner, Permanent Select Committee on Intelligence, to Hon. William J. Burns, Dir., Cent. Intel. Agency (Mar. 21, 2023).

²³ *Id.*

²⁴ Letter from Chairman Jim Jordan, H. Comm. on the Judiciary, and Chairman Michael R. Turner, Permanent Select Committee on Intelligence, to Hon. Antony Blinken, Sec., Dep’t of State (Apr. 20, 2023).

4, 2023, via counsel, Secretary Blinken responded.²⁵ Although he denied asking Morell to write the statement, Secretary Blinken did not dispute that his communication was the impetus for the statement.²⁶ Secretary Blinken provided none of the documents that Committee requested. The Committees will continue to pursue additional information about the actions and events described in this report.

Americans deserve to have confidence that their government, particularly its premier intelligence agency, is free from politicization. The infusion of bare-knuckle partisan politics into America's intelligence agencies is cause for grave concern. Former federal employees have a right to engage in the political process—a fundamental right that the Committees do not dispute. Here, however, the signers of the Hunter Biden laptop statement relied on their national security credentials and used their official titles to lend heft to their statement and to insinuate access to secretive information unavailable to other Americans. And these signers did so in coordination with a political campaign for the explicit purpose of giving a candidate for office a “talking point” to dismiss legitimate criticism of his family's business practices.

Consistent with the Committees' obligations to keep the House of Representatives informed of its oversight, this interim report presents what the Committees have learned to date about the origins of the public statement signed by 51 former intelligence officials that falsely discredited public allegations about the Biden family. Although more work remains, this report presents the Committees' findings to date.

²⁵ Letter from Jonathan C. Su, counsel for Secretary Antony Blinken, to Chairman Jim Jordan, H. Comm. on the Judiciary, and Chairman Michael R. Turner, Permanent Select Committee on Intelligence (May 4, 2023).

²⁶ *Id.*

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I. The Biden campaign used the national security credentials of 51 former intelligence community employees to falsely discredit allegations of Biden family influence-peddling.

On October 14, 2020, the *New York Post* published a report detailing how Hunter Biden used the position and influence of his father for personal gain with the apparent awareness of President Biden.²⁷ This article raised doubts about President Biden’s earlier denial of ever speaking to his son about his international business dealings.²⁸ The *Post* reported on an email in which a Ukrainian businessman urged Hunter Biden to “use [his] influence to convey a message / signal, etc. to stop what we consider to be politically motivated actions.”²⁹ In another email, the same businessman thanked Hunter Biden for arranging a meeting with his father, calling it “an honor and pleasure.”³⁰ The *Post* reported that these emails came from a laptop belonging to Hunter Biden that he had abandoned in a Delaware computer shop.³¹

The Biden campaign knew it had a serious political liability with these allegations. This is because then-Vice President Biden’s son had monetized his relationship with his father to secure lucrative, shady opportunities overseas.³² In the days leading up to the 2020 election, Hunter Biden’s laptop and the email trove it contained provided evidence of this arrangement.³³ To prevent President Trump from effectively raising these allegations in the final presidential debate, the Biden campaign sought to discredit the allegations by employing the national security credentials of compliant former intelligence community members.

A. Biden campaign advisor Antony Blinken’s outreach to former CIA Acting Director Michael Morell was the impetus for the public statement, which was intended to give the Biden campaign a “talking point” with which to respond to the Hunter Biden allegations.

On October 17, 2020, senior Biden campaign advisor and now Secretary of State Antony Blinken called Michael Morell, the former CIA Acting Director, and asked him if he had seen the *New York Post* story on the Hunter Biden laptop and emails and whether Morell believed the Russians were involved in disseminating those emails.³⁴ Morell claimed that he had not read the story, but at that point he began researching it.³⁵ Morell testified:

²⁷ Morris & Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, *supra* note 2.

²⁸ See, e.g., Nick Givas, *Joe Biden again denies speaking to son about Ukrainian business dealings*, Fox News, Oct. 10, 2019.

²⁹ Morris & Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, *supra* note 2.

³⁰ *Id.*

³¹ *Id.*

³² See, e.g., Matt Viser et al., *Inside Hunter Biden’s multimillion-dollar deals with a Chinese energy company*, WASHINGTON POST (Mar. 30, 2022) (“But the new documents . . . illustrate the ways in which his family profited from relationships built over Joe Biden’s decades in public service.”).

³³ Morris & Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, *supra* note 2.

³⁴ Morell Interview at 18.

³⁵ Statement of Michael Morell, dated March 28, 2023, at 2 [hereinafter “Morell Statement”]; Morell Interview at 18–20.

Q. In an email to Nick Shapiro, you said that you would, quote, explain tomorrow on the phone how this came to be, meaning this public statement. . . . Can you tell us what you said to Mr. Shapiro during that call? . . .

A. Sure. I told him that I had received a call from Tony Blinken, then a senior official on the Biden campaign, asking me if I had seen *The New York Post* story. . . . I believe he summarized it for me, and he asked me if I thought the Russians may have been involved in any way in the emergence of these emails.

Q. So that was—now—

A. I should also say I don't know whether he called me or whether he sent me an email.

Q. Okay.

A. Just to be clear.

Q. In the production the committee received, we did not get an email from him—

A. Correct.

Q. —initiating that call except—but for a *USA Today* article that he forwarded—

A. Yes.³⁶

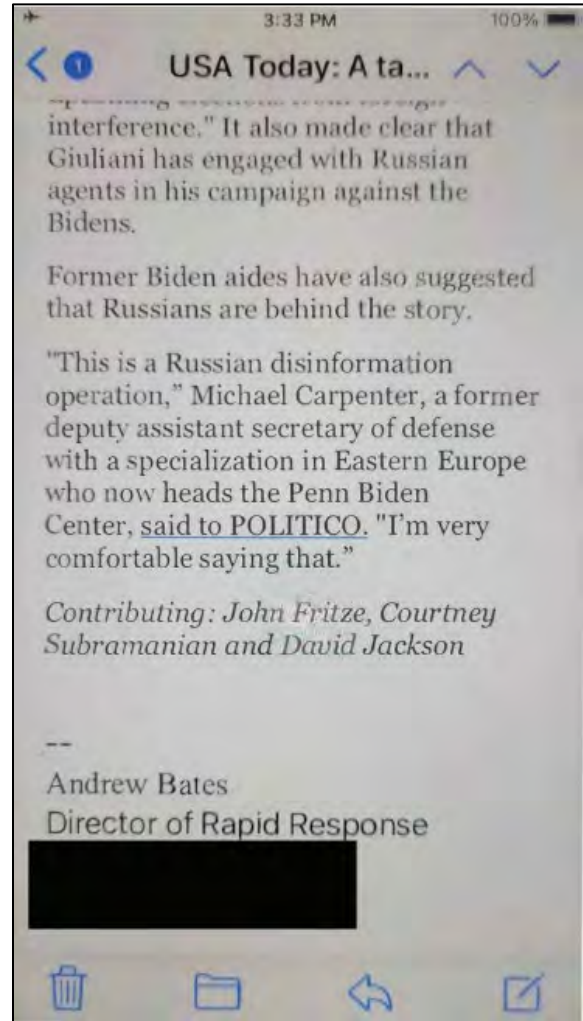
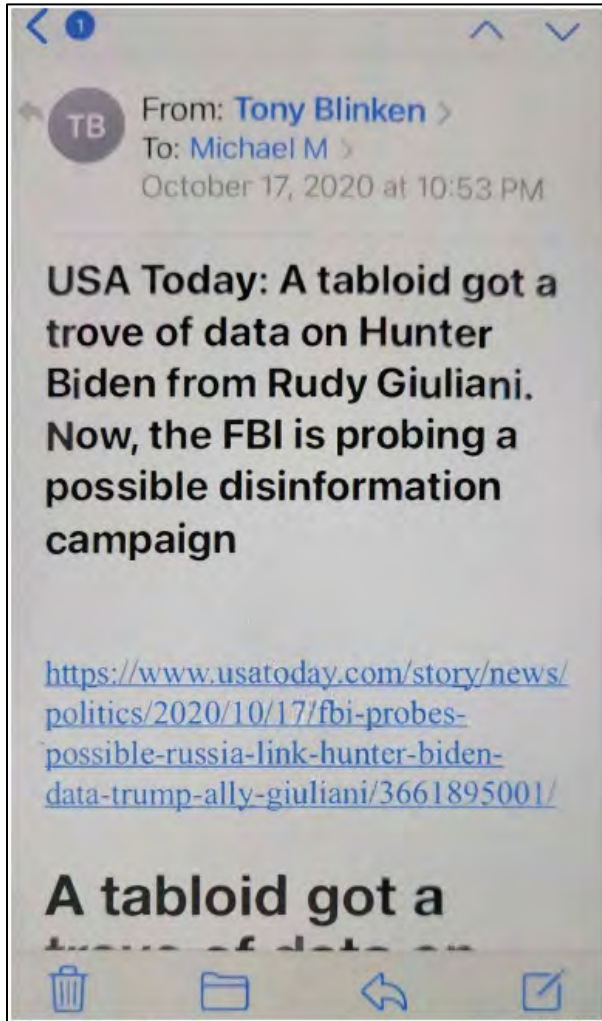
At 10:53 p.m., after his initial call with Morell, Blinken forwarded to Morell a *USA Today* article, titled “A tabloid got a trove of data on Hunter Biden from Rudy Giuliani. Now, the FBI is probing a possible disinformation campaign.”³⁷ Notably, at the bottom of Blinken’s email was the signature block of Andrew Bates, then-Director of Rapid Response for the Biden campaign.³⁸ As the Biden campaign’s Director of Rapid Response, Bates “was charged with

³⁶ Morell Interview at 20.

³⁷ Email from Tony Blinken to Michael Morell (Oct. 17, 2020, 10:53 PM) (on file with the Committees); Morell Statement at 2; Morell Interview at 18–20; *see also* Caren Bohan et al., *A tabloid got a trove of data on Hunter Biden from Rudy Giuliani. Now, the FBI is probing a possible disinformation campaign.*, USA TODAY (Oct. 17, 2020).

³⁸ Morell Statement at 2; *see* Email from Tony Blinken to Michael Morell (Oct. 17, 2020, 10:53 PM) (on file with the Committees).

defending” then-Vice President Biden “and his team against attacks on the campaign trail, while also employing an aggressive offensive strategy against President Trump and his team.”³⁹



Morell confirmed during this transcribed interview that he received two communications from Blinken on October 17, 2020. Morell speculated that the first communication occurred before 2:16 p.m. that day, based on the timestamp in a text message that Morell sent to Marc Polymeropoulos, a former CIA Acting Chief of Operations for Europe and Eurasia. The second communication was via email at 10:53 p.m. Morell testified:

- Q. There were two separate communications. There was the first call or email, and then there was the subsequent email with the *USA Today* article?
- A. Yes, sir. Yes, sir.

³⁹ Brooke Singman, *Meet the Rapid Response director: Top Biden aide on how the 2020 campaign was unlike any other*, FOX NEWS (Nov. 23, 2020).

Q. What was the time of the email?

A. So I don't know for sure, Congressman, but I believe he called to ask the question first and then followed up with the email.

Q. Close together?

A. I think—you know, given the timestamps [in the text message] on here, I feel that, you know, when I say—Congressman, I say: Just wondering if you guys, if you think the Russians played in the Hunter Biden thing. That was at 2:16 p.m. on the 17th. He sends me the *USA Today* article later that night.

Q. Right.

A. Right. I think he called me or sent me an email prior 2:16 p.m. So there's some gap there I think between the first contact and the second.

Q. Okay. That's what I assumed. When you got the *USA Today* article—and I believe it was at 10:53 that evening—[that] was that the first time you had seen [the] *USA [Today]* article.

A. So I referenced the FBI investigation in the early afternoon of the 17th in my conversation with Marc Polymeropoulos. I don't remember whether I saw it. The first thing I did when Mr. Blinken called me is I did some research. I had not read *The New York Post* article. I went and read it. I did some internet searches. I did a little bit of research here before I reached out to Marc. It's possible I found it then. It's also possible that, when Mr. Blinken called me, he mentioned it to me. I just don't remember.

Q. In that timeframe, then, you would have got the call from Mr. Blinken prior to 2:16.

A. I believe so, sir.

Q. Excuse me, Mr. Morell, as part of the research that you did in between the contact with Mr. Blinken and the contact with Marc [Polymeropoulos], did you contact any individuals as a part of that research?

A. I did not.

Q. So the full sum of that research involved your internet searches?

A. Yes.⁴⁰

Morell testified that the statement was a direct result of his interactions with the Biden campaign, explaining that the call from Blinken triggered his interest in preparing the statement. He explained:

Q. But, prior to his call, you—you did not have any intent to write this statement?

A. I did not.

Q. Okay. So his call triggered—

A. It did, yes.

Q. —that intent in you?

A. Yes. Absolutely.⁴¹

Although Morell denied in his transcribed interview that the Biden campaign specifically asked that he prepare a statement,⁴² Polymeropoulos, who helped to prepare the initial draft of the statement, told the Committees that Morell “did mention to me that someone in the kind of Biden world had asked about doing this.”⁴³ When asked to elaborate, Polymeropoulos testified: “Morell said that to me, that someone from kind of the Biden world had asked for this. And he did not tell me who it was or any of the other kind of details of it.”⁴⁴

Morell testified repeatedly that his purpose for organizing, drafting, and disseminating the statement was to help Vice President Biden become president. He testified:

Q. What was the intent of the statement?

A. There were two intents. One intent was to share our concern with the American people that the Russians were playing on this issue; and, two, it was [to] help Vice President Biden.⁴⁵

⁴⁰ Morell Interview at 19-20.

⁴¹ *Id.* at 21-22.

⁴² *Id.*

⁴³ Transcribed Interview of Mr. Marc Polymeropoulos at 17 [hereinafter “Polymeropoulos Interview”].

⁴⁴ *Id.* at 21.

⁴⁵ Morell Interview at 11.

Q. So is it fair to say that the text of the letter makes it clear that the focus is actually on Russian interference, not on the political candidates?

A. It's correct. I would just repeat what I said earlier just to be, you know, totally clear, that there were two intentions here, right? One was to make clear to the American people that the Russians were interfering in the election, and the other was to help Vice President Biden in the debate.⁴⁶

Q. You wanted to help the Vice President why?

A. Because I wanted him to win the election.

Q. You wanted him to win; that's why?

A. Yes, sir.⁴⁷

An October 19, 2020, email exchange between Morell and former CIA Director John Brennan made abundantly clear that Morell's intentions were to "give the [Biden] campaign, particularly during the debate on Thursday, a talking point to push back on [President] Trump on this issue."⁴⁸

⁴⁶ *Id.* at 78.

⁴⁷ *Id.* at 102.

⁴⁸ Email from Michael Morell to John Brennan (Oct. 19, 2020, 9:29 AM) (on file with the Committees). *See also* Jim Clapper et al., *supra* note 4.

From: JohnB <John Brennan [REDACTED]>
Date: Mon, Oct 19, 2020 at 9:47 AM
Subject: Re: Letter to Sign
To: Michael M <Michael Morell [REDACTED]>

Ok, Michael, add my name to the list. Good initiative. Thanks for asking me to sign on.

On Mon, Oct 19, 2020 at 9:29 AM Michael M <Michael Morell [REDACTED]> wrote:

John,

Can I add your name to this list? Will be adding Leon, Sue Gordon, Jeh Johnson, George, Lisa Monaco, and Mike Rogers (DIRNSA) today.

And working on adding Dan Coats, Mike Rogers (HPSCI), and Tom Bossert.

And lots of other IC career folk.

Trying to give the campaign, particularly during the debate on Thursday, a talking point to push back on Trump on this issue.

Thanks.

Michael

Lastly, an October 18 email from Morell to former CIA senior intelligence officer Kristin Wood shows that the statement was meant to help the Biden campaign. Morell wrote that he had “control of the document. The more former intelligence officers the better. Campaign will be thrilled.”⁴⁹

Michael [REDACTED] Sun, Oct 18, 2020 at 8:01 PM
To: Kristin W [REDACTED]

No, have folks send to me. I have control of the document.

The more former intelligence officers the better.

Campaign will be thrilled.

B. Morell recruited Polymeropoulos to draft the public statement.

Upon concluding his communication with Blinken and performing internet searches, Morell then enlisted Polymeropoulos to begin preparing the statement. Morell recruited Polymeropoulos because, in Morell’s wording, he was a former “acting chief of operations for the part of the world that covers Russia,” “had a very good understanding of what the Russians did in [the] 2016 [election],” and is an expert “in Russian disinformation.”⁵⁰

In a text message exchange, Morell asked Polymeropoulos if he thought “the Russians

⁴⁹ Email from Michael Morell to Kristin Wood (Oct. 18, 2020, 8:01 PM) (on file with the Committees).

⁵⁰ Morell Interview at 56-57.

played in the Hunter Biden email thing,” opining that it “[k]inda feels that way to me.”⁵¹ Polymeropoulos responded, “It does to me too.”⁵² Morell then expressed some doubt about the “strange” way in which the emails were placed “into the public domain,” with Polymeropoulos responding: “They,” presumably referring to the Russians, “will always look for a dissem[ination] mechanism third party. Yes this is odd . . . a blind computer guy.”⁵³ After Polymeropoulos agreed to work with Morell on the draft, Morell asked Polymeropoulos to “send me a list of what you see as the hallmarks” of Russian involvement in the story.⁵⁴

⁵¹ Text message exchange between Michael Morell to Marc Polymeropoulos (Oct. 17, 2020, 2:16 PM) (on file with the Committees).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.* See also Email from Marc Polymeropoulos to Michael Morell (Oct. 17, 2020, 8:01 PM) (on file with the Committees).



Text message between Michael Morell and Marc Polymeropoulos (Oct. 17, 2020)⁵⁵

⁵⁵ Text message graphics in this report were generated by the Committee from screen shots produced by Marc Polymeropoulos. The graphics were created to assist in reading the messages.

Morell explained that Polymeropoulos wrote the first draft of the statement. Morell testified:

- Q. Okay. What was your role in the creation of the statement?
- A. I organized it.
- Q. So you drafted that?
- A. I did not do the first draft.
- Q. Okay.
- A. Marc Polymeropoulos did the first draft. Then I redrafted it. Yeah, I'm the organizer, and I played a major role in drafting it.⁵⁶

Polymeropoulos similarly testified:

- Q. And what role did Mike Morell play in the creation of the statement?
- A. . . . I think Mike Morell on the—I think it was on the 17th—had wrote me a text asking me if I thought there was any—kind of any Russian involvement in this. I said that I thought that there was, based on my professional background. He asked if I would be willing to write something with him on this. And that's how this began.⁵⁷

Polymeropoulos explained that he and Morell initially discussed preparing an op-ed, which eventually morphed into a statement. He testified:

- Q. Did you say you had a conversation with Mr. Morell?
- A. About?
- Q. About this letter. Or was it only over text message?
- A. So I think from what I recall, two—a couple things happened. First, he wrote me the text. I then—I believe he asked, and I looked at my records and I just don't have the exact date, but shortly after that he asked me to come over to his house.

⁵⁶ Morell Interview at 11.

⁵⁷ Polymeropoulos Interview at 10.

Q. Okay.

A. And we discussed this there.

I don't recall how it morphed from what I thought was an op-ed into a letter. He did mention to me that someone in the kind of Biden world had asked about doing this.

Q. But he didn't—

A. He did not tell me who it was, and I did not ask.

Q. So you prepared the backgrounder that's exhibit 4.⁵⁸

A. Right.

Q. Was that before or after you went to Morell's house?

A. I believe it was after, but I actually don't recall. I see that text was on the 17th, and I think I sent the backgrounder on the 17th as well. But I actually don't recall if this was before or after.

Q. And as you understand it, Mr. Morell took your backgrounder and turned it into the letter?

A. That's right.

Q. And do you know if any other person helped him do that?

A. I don't know.

Q. Or whether he did it himself?

A. I don't know.⁵⁹

Morell kept Polymeropoulos in the dark about his interactions with Blinken and the Biden campaign. Polymeropoulos was not aware of these facts until the Committees informed him during his transcribed interview. He testified:

Q. Are you aware that now Secretary of State Antony Blinken

⁵⁸ The "backgrounder" refers to a document Polymeropoulos created that contains the purported reasons why he believed the Hunter Biden laptop and emails were part of a Russian information operation to interfere in the 2020 presidential election. See Email from Marc Polymeropoulos to Michael Morell (Oct. 17, 2020, 8:01 PM) (on file with the Committees).

⁵⁹ *Id.* at 17-18.

called Mr. Morell some time on or about October 17th, 2020, to inquire as to whether Mr. Morell believed Russia might have been involved in the Hunter Biden email story in some way?

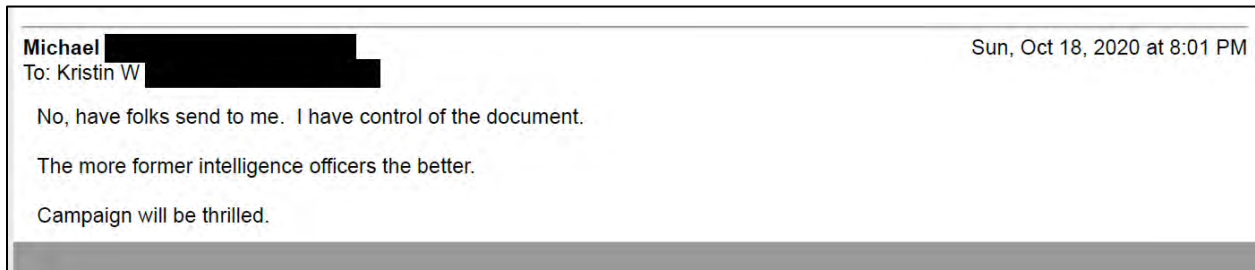
A. That's the first I heard of that. I was not aware of that at all.

Q. Were you aware that Secretary Blinken also sent an article to Mr. Morell from *USA Today* titled "A tabloid got a trove of data on Hunter Biden from Rudy Giuliani. Now, the FBI is probing a possible disinformation campaign"?

A. No.⁶⁰

C. Morell, Polymeropoulos, and former CIA officer Kristin Wood solicited other former intelligence officials and employees to sign the public statement.

As Morell testified, a goal of writing a statement was to "help Vice President Biden" win the election.⁶¹ To achieve this goal, Morell wanted to affix as many signatures from former intelligence officials and employees as he could. For Morell, "The more former intelligence officers the better."⁶²



Morell seemed to believe that the statement would have a great effect with more signatories. Morell admitted this fact to Nick Shapiro, his former Deputy Chief of Staff and Senior Advisor at the CIA, who was tasked with pushing the public statement to the media, writing: "The real power is the number of former, working-level IC officers who want the American people to know."⁶³

⁶⁰ *Id.* at 16.

⁶¹ See Morell Interview at 11, 78, 102.

⁶² Email from Michael Morell to Kirstin Wood (Oct. 18, 2020, 8:01 PM) (on file with the Committees).

⁶³ Email from Michael Morell to Nick Shapiro (Oct. 19, 2020, 8:21 PM) (on file with the Committees).

From: Michael M [REDACTED]
Sent: 10/19/2020 8:21:10 PM
To: Nick Shapiro [REDACTED]
Subject: The Letter

Will send to you shortly.

Some thoughts when dealing with reporters:

1. Between us, the campaign would like Shane Harris to go first. Please share with the campaign when you share with Shane. But, by all means, get it to other reporters as well.
2. On the record from you: What is this? A large group of former career intelligence officers, many specializing in Russia, joined by a group of former IC leaders, all saying that the Russians were somehow involved here. The IC leaders who have signed here are diverse in that they worked for the past four Presidents, including Trump. The real power here is the number of former, working-level IC officers who want the American people to know.
3. OTR: Make sure reporters know that we are not making a call on whether the materials are true or not, just that Moscow played a role in getting the information out. I'm afraid people might miss this point and say that we are saying that this is all disinformation.
4. If asked: On background from you: Why Michael? In talking to people, outside of government, who he worked with and who know Russia, he was struck by the fact that all of them thought Russia is involved here. Michael thought people should know that.
5. Also on background from you: We did not speculate on how the Russians played in this particular case because there are so many different possibilities.

Morell testified:

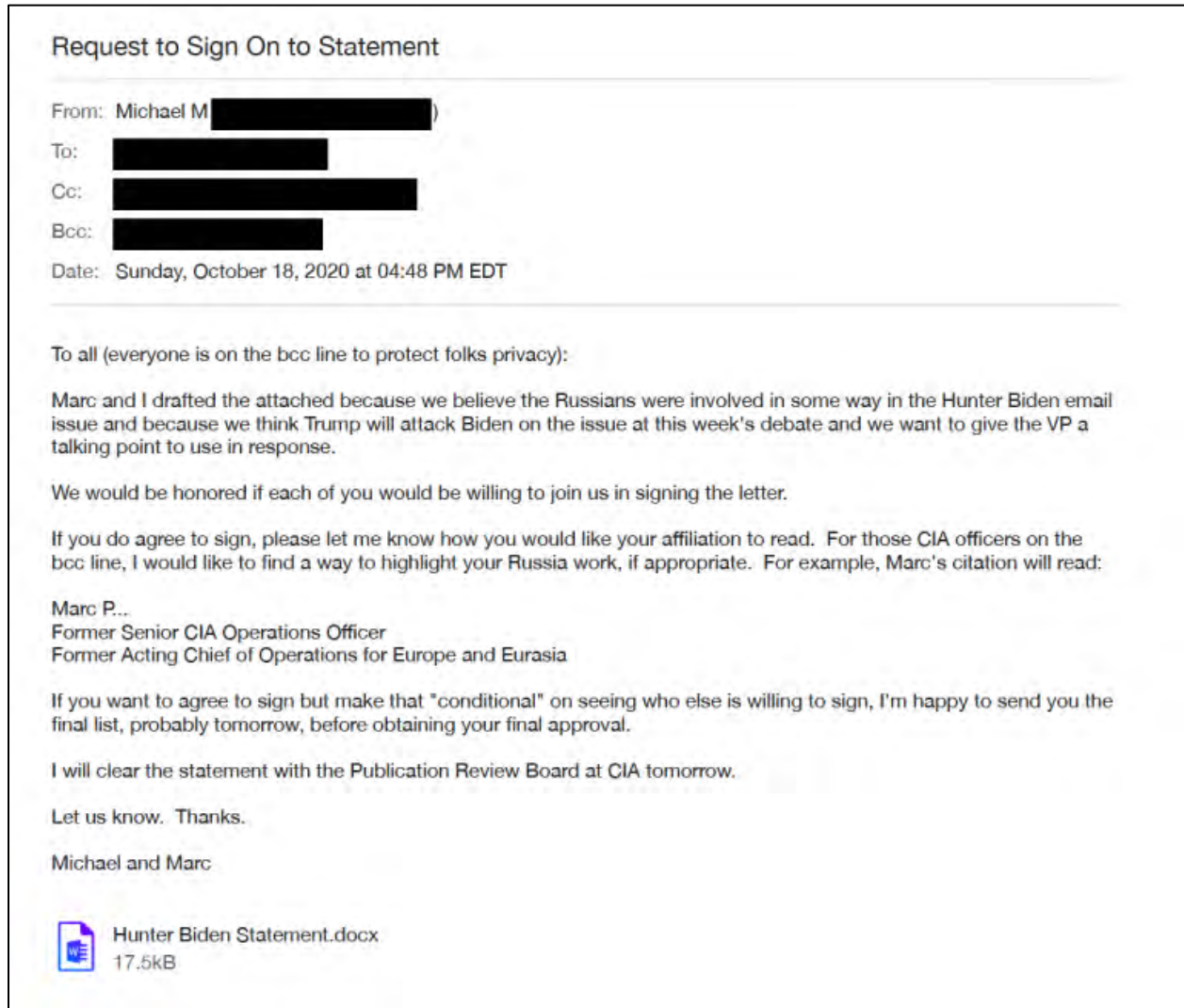
So, breaking into two pieces here, the first piece is that three of us took responsibility for sending it out to officials to try to get signatories. Myself, Marc Polymeropoulos, and a woman named Kristin Wood. Kristin worked for me at the [Central Intelligence] Agency. She worked directly for me at the Agency as my aide. We were very close friends. I asked her to do that. She agreed. And then, in terms of getting it to the media, that was entirely Nick Shapiro's responsibility here. So he took that responsibility on.⁶⁴

On October 18, Morell sent an email to several former intelligence personnel, writing about helping to give Vice President Biden "a talking point to use in" the final presidential debate.⁶⁵ Specifically, Morell wrote, "because we think Trump will attack Biden on the issue at this week's debate and we want to give the VP a talking point to use in response," Morell pleaded, "[w]e would be honored if each of you would be willing to join us in signing the

⁶⁴ Morell Interview at 15-16.

⁶⁵ Email from Michael Morell to Unnamed Intelligence Officials (Oct. 18, 2020, 4:48 PM) (on file with the Committees).

letter.”⁶⁶



The next day, Wood sent an email to several former intelligence personnel within her network, using language from Morell's email the previous day.⁶⁷

⁶⁶ *Id.*

⁶⁷ Email from Kristin Wood to Unnamed Intelligence Officials (Oct. 19, 2020, 10:27 AM) (on file with the Committees).

Quick turnaround: Intelligence officers signing statement on Russian election interference

From: Kristin W [REDACTED])
To: [REDACTED]
Cc: [REDACTED]
Date: Monday, October 19, 2020 at 10:27 AM EDT

To all (everyone bcc'ed to protect privacy),

>> Michael Morell and Marc Polymeropoulos drafted the attached because we believe the Russians were involved in some way in the Hunter Biden email issue and because we think Trump will attack Biden on the issue at this week's debate and we want to offer perspectives on this from Russia watchers and other seasoned experts. (Apologies if you've already received this...we are trying to cast a wide net).

>> We would be honored if each of you would be willing to join us in signing the letter.

>> If you do agree to sign, please let me and Michael know by 2pm ET today and include how you would like your affiliation to read. For CIA officers, we would like to find a way to highlight your Russia work, if appropriate. For example, Marc's citation will read:

>> Marc P..
>> Former Senior CIA Operations Officer
>> Former Acting Chief of Operations for Europe and Eurasia


There also is a new category -- the number of people who support the letter but cannot sign publicly.

>> The statement will be sent to the Publication Review Board at CIA later today.

Again, just let us know by 2pm today if you would like to be included.

Thanks!

Kristin

 Hunter Biden Statement.docx
19.2kB

Like Morell, Wood wrote that the group intended for the public statement to help then-Vice President Biden's candidacy, specifically in regards to the upcoming debate: "[W]e think Trump will attack Biden on the issue at this week's debate and we want to offer perspectives on this from Russia watchers and other seasoned experts."⁶⁸

D. Some former intelligence officials objected to the first draft of the public statement for being too political, one sought to "strengthen the verbiage," and others refused to sign it altogether.

The initial statement was so nakedly partisan that some of the former intelligence officials refused to sign it until portions of it were removed. In the initial draft, Morell and Polymeropoulos included two paragraphs about Vice President Biden's relationship with

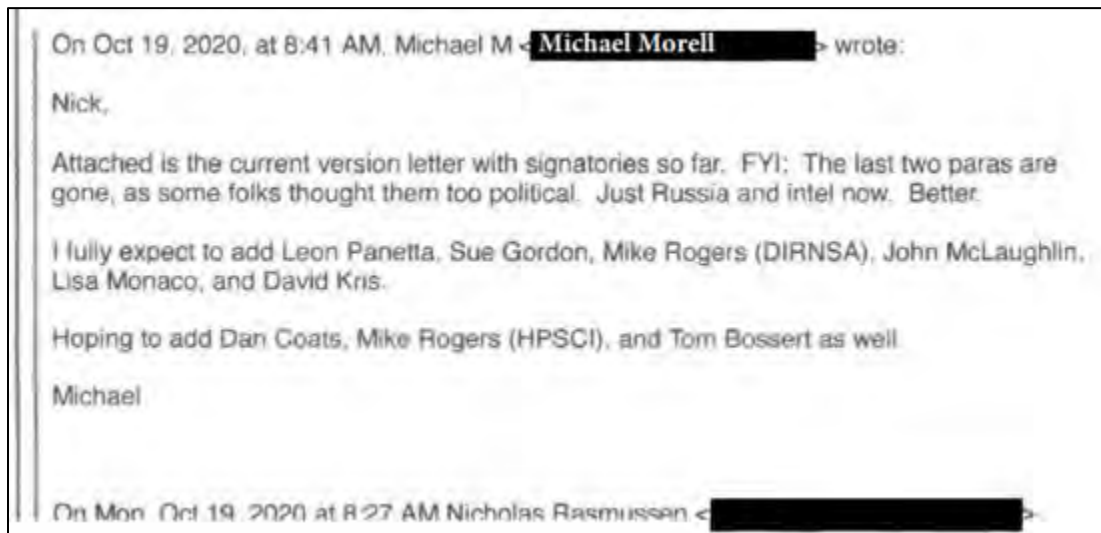
⁶⁸ *Id.*

Ukraine, which were later omitted from the final version of the public statement:

For those who argue that it is important for the truth to come out – even if it comes at the cost of foreign interference – let us share our understanding of the what [*sic*] transpired between Vice President Biden and the Ukrainians. It is not what Biden’s opponents want Americans to think.

When the Vice President took a private and public stand against the then Prosecutor General of Ukraine Victor Shokin, he did so as a matter of Obama Administration policy, because Shokin was corrupt, because he was not investigating corruption in Ukraine, and because the Obama Administration wanted a prosecutor who would. This included any corruption at Burisma. Shokin was not investigating Burisma. Biden was not protecting Burisma. Indeed, by arguing that Ukraine needed an aggressive prosecutor, Biden was arguing for just the opposite. The Russians want you to think otherwise.⁶⁹

Some of the signatories objected to these paragraphs as “too political,” as shown in an email exchange between Morell and Nick Rasmussen, former Director of the National Counterterrorism Center. Morell explained to Rasmussen that “some folks thought [the two paragraphs] too political. Just Russia and intel now. Better.”⁷⁰



In addition to the edits removing reference to Ukraine, other emails show that former Director of National Intelligence James Clapper offered editorial advice to “strengthen the verbiage.”⁷¹ On October 18, after reviewing the draft statement, Clapper emailed Morell that he

⁶⁹ Email from Michael Morell to Unnamed Intelligence Officials (Oct. 19, 2020, 1:38:31 AM) (on file with the Committees).

⁷⁰ Email from Michael Morell to Nick Rasmussen (Oct. 19, 2020, 8:41 AM) (on file with the Committees).

⁷¹ Email from James Clapper to Michael Morell (Oct. 18, 2020, 6:10 PM) (on file with the Committees).

would “gladly sign on,” having “said as much [about the Hunter Biden laptop and emails] on CNN Friday evening.”⁷² He also offered an editorial suggestion to a key phrase in the statement:

I have one editorial suggestion for the letter: I think it would strengthen the verbiage if you say this has all the classic earmarks of a Soviet/Russian information operation rather than the “feel” of a Russian operation.⁷³

On Sun, Oct 18, 2020 at 6:10 PM James Clapper <[REDACTED]> wrote:

Michael:

I'll gladly sign on; I said as much on CNN Friday evening.

I have one editorial suggestion for the letter: I think it would strengthen the verbiage if you say this has all the classic earmarks of a Soviet/Russian information operation rather than the “feel” of a Russian operation.

Jim

Morell responded that Clapper’s “editorial suggestion has been made. It was a good one.”⁷⁴

From: Michael M <Michael Morell >
Sent: Sunday, October 18, 2020 7:47 PM
To: James Clapper <[REDACTED]>
Subject: Re: Request to Sign On to Statement

Jim,

Thanks.

And, your editorial suggestion has been made. It was a good one.

Michael

Other former national security officials were approached and declined to sign the statement.⁷⁵ By his own account, Morell solicited the signatures of 36 former intelligence officials,⁷⁶ 26 of whom did not sign. Ultimately, the following individuals agreed to add their name to the statement:

Jim Clapper;
Mike Hayden;
Leon Panetta;

John Brennan;
Thomas Finger;
Rick Ledgett;

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Email from Michael Morell to James Clapper (Oct. 18, 2020, 7:47 PM) (on file with the Committees).

⁷⁵ Morell Interview at 14.

⁷⁶ *See* Morell Statement at 3 n.9.

John McLaughlin;
Michael Morell;
Mike Vickers;
Doug Wise;
Nick Rasmussen;
Russ Travers;
Andy Liepman;
John Moseman;
Larry Pfeiffer;
Jeremy Bash;
Rodney Snyder;
Glenn Gerstell;
David B. Buckley;
Nada Bakos;
Patty Brandmaier;
James B. Bruce;
David Cariens;
Janice Cariens;
Paul Kolbe;
Peter Corsell;
Brett Davis;
Roger Zane George;
Steven L. Hall;

Kent Harrington;
Don Hepburn;
Timothy D. Kilbourn;
Ron Marks;
Jonna Hiestand Mendez;
Emile Nakhleh;
Gerald A. O'Shea;
David Priess;
Pam Purcilly;
Marc Polymeropoulos;
Chris Savos;
Nick Shapiro;
John Sipher;
Stephen Slick;
Cynthia Strand;
Greg Tarbell;
David Terry;
Greg Treverton;
John Tullius;
David A. Vanell;
Winston Wiley; and
Kristin Wood.⁷⁷

E. On October 19, 2020, Morell sent the CIA the finalized public statement for review, calling it a “rush job,” and quickly secured its approval.

On October 19, 2020, at 6:34 a.m., Morell sent the final version of the statement to the CIA’s Prepublication Classification Review Board (PCRB) for review.⁷⁸ According to Morell, the PCRB consists of CIA officers—“not contractors”—and their sole function is to determine whether former and current CIA personnel are disclosing classified information in any materials they may release publicly.⁷⁹ This is because “[a]ll CIA officers, as a condition of employment, sign the standard CIA secrecy agreement when entering on duty . . . [and this] **lifelong** obligation which exists to help avoid the damage to national security” requires they submit any materials they intend to publicize to the PCRB for approval.⁸⁰

Morell directed the PCRB that “[t]his is a rush job, as it need to get out as soon as possible.”⁸¹ Morell wanted the public statement released before the October 22, 2020, presidential debate. Specifically, he testified:

⁷⁷ Jim Clapper et al., *supra* note 4; Bertrand, *supra* note 4.

⁷⁸ Email from Michael Morell to PCRB staff (Oct. 19, 2020, 6:34 AM) (on file with the Committees).

⁷⁹ Morell Interview at 29.

⁸⁰ CIA, PREPUBLICATION CLASSIFICATION REVIEW BOARD, <https://www.cia.gov/about/organization/prepublication-classification-review-board/> (emphasis in original).

⁸¹ Email from Michael Morell to PCRB Staff (Oct. 19, 2020, 6:34 AM).

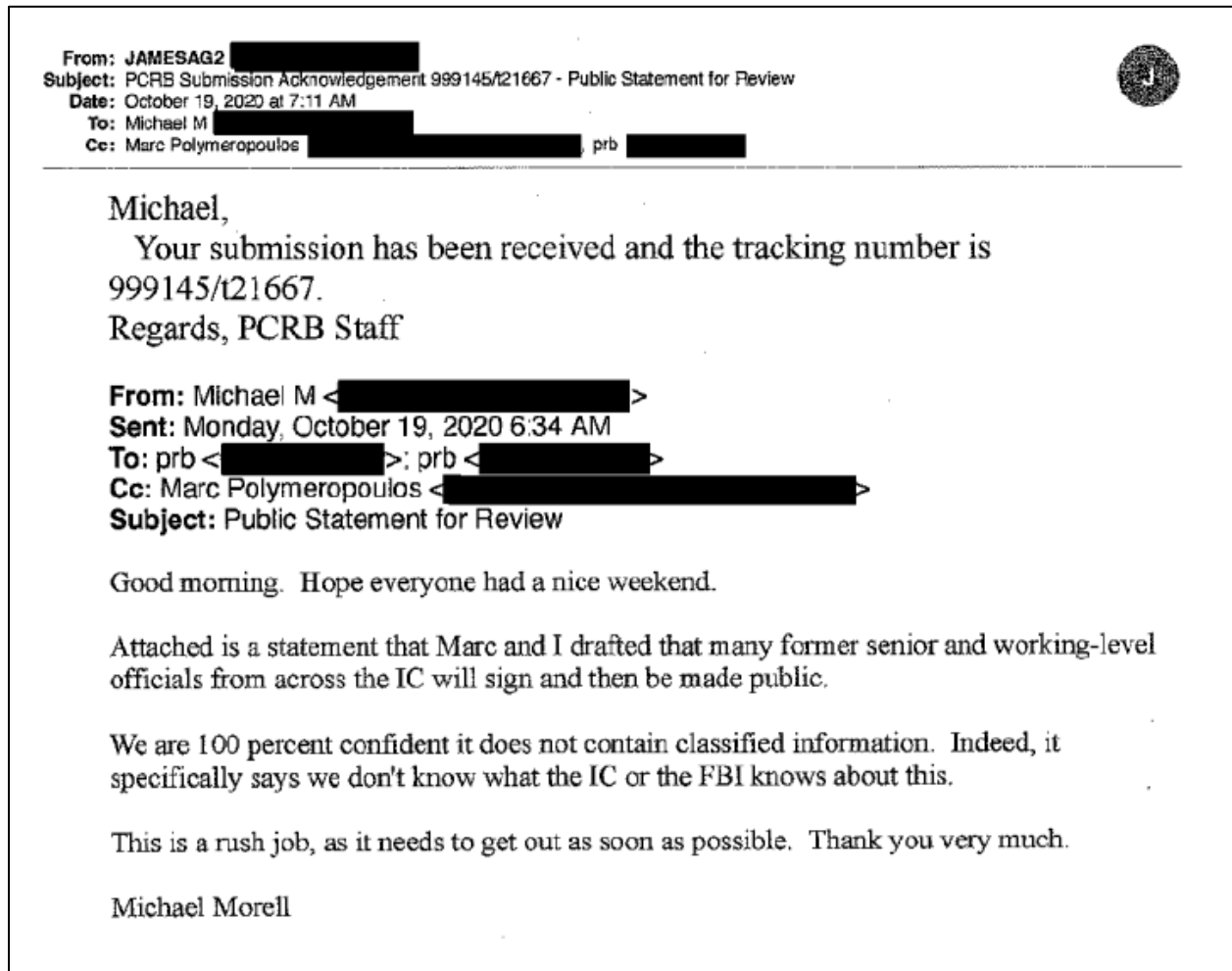
Q. And, in this, you described . . . it as a rush job to the officials at the CIA. Why? Were you trying to get it out?

A. We were trying to get it out before the debate, yes.

Q. Before the debate?

A. Yes, ma'am.⁸²

The PCRB responded on October 19, 2020, at 7:11 a.m., that it received the submission.⁸³



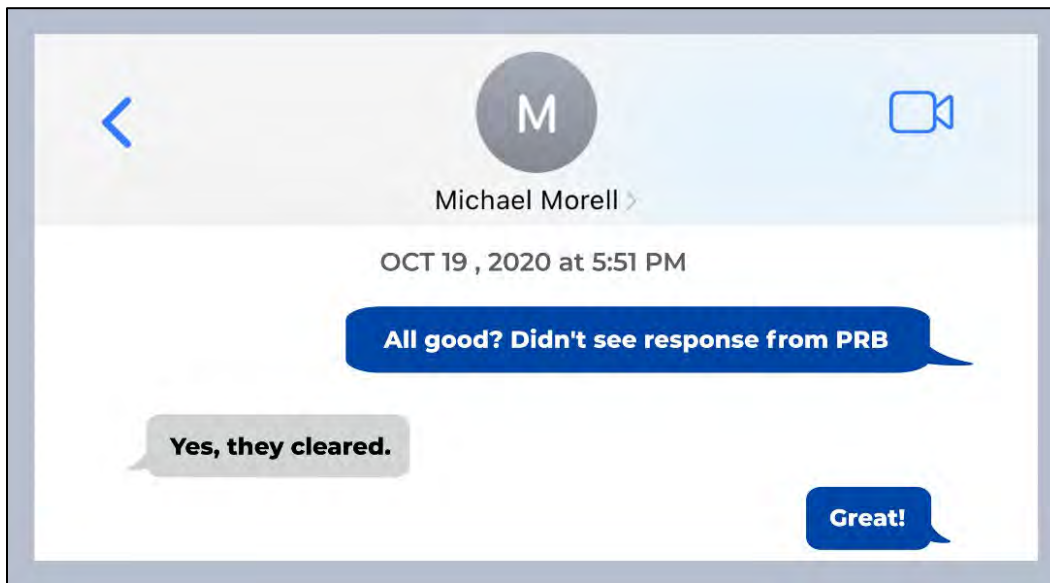
Morell testified the statement was “approved . . . as written.”⁸⁴ Although the timing of the PCRB’s approval is uncertain, it appears to have come before 5:51 p.m. In response to a text message at that time from Polymeropoulos, who “[d]idn’t see” a response from PCRB, Morell

⁸² Morell Interview at 28. COMM. ON PRESIDENTIAL DEBATES, *supra* note 5.

⁸³ Email from JAMESAG2 to Michael Morell (Oct. 19, 2020, 07:11 AM) (on file with the Committees) (“Michael, [y]our submission has been received and the tracking number is 999145/t21667. Regards, PCRB Staff.”);

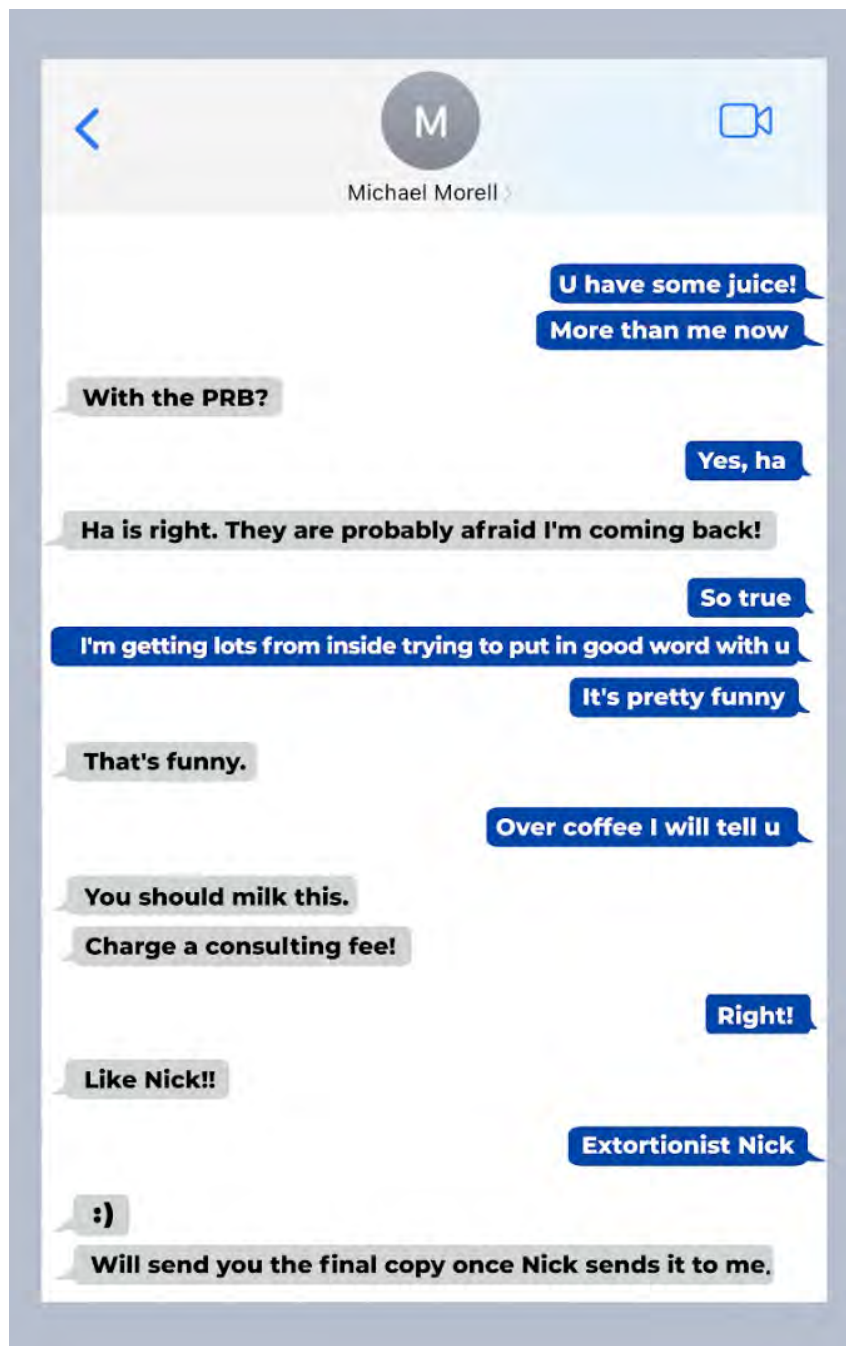
⁸⁴ Morell Interview at 28.

texted that the PCRB “cleared” the statement.⁸⁵ Notably, none of the former intelligence officials who signed the letter and produced documents to the Committees, including Morell, have produced the PCRB’s email approving the statement.



Text message between Michael Morell and Marc Polymeropoulos (Oct. 19, 2020)

⁸⁵ Text message from Marc Polymeropoulos to Michael Morell (Oct. 19, 2020, 5:51 PM) (on file with the Committees).



Text message between Michael Morell and Marc Polymeropoulos (Oct. 19, 2020)

Morell testified:

- Q. And was the email the only communication you had with the CIA?
- A. Yes.
- Q. You did not speak to any of the officials on the phone?

A. I did not. I did not.⁸⁶

F. Contrary to the signers’ assessment, the intelligence community publicly stated that the Hunter Biden laptop was not part of a Russian disinformation campaign.

On October 19, while Morell and others worked procuring more signatories for the statement, Director of National Intelligence John Ratcliffe—who, unlike the statement’s signatories, was in government as the top intelligence official in the United States and privy to all classified information—stated publicly that “Hunter Biden’s laptop is not part of some Russian disinformation campaign.”⁸⁷ He further stated: “Let me be clear: The intelligence community doesn’t believe that because there is no intelligence that supports that.”⁸⁸ Director Ratcliffe issued this statement in response to Congressman Adam Schiff’s claim that Hunter Biden’s laptop and emails came “from the Kremlin. That’s been clear for well over a year now that they’ve been pushing this false narrative about the vice president and his son.”⁸⁹



⁸⁶ Morell Interview at 28. Morell has not produced the email from the PRCB approving the public statement. In his statement to the Committees, Morell stated that his document production is incomplete because, since 2015, he began “to regularly delete all communications in his personal email account.” Morell Statement at 1.

⁸⁷ Mark Moore, *DNI John Ratcliffe says info on Hunter Biden laptop isn’t Russian disinformation*, N.Y. POST (Oct. 19, 2020).

⁸⁸ *Id.*

⁸⁹ Olivia Beavers & Joe Concha, *Ratcliffe, Schiff battle over Biden emails, politicized intelligence*, THE HILL (Oct. 19, 2020).

Rather than give the then-Director of National Intelligence's statement credence or at least a modicum of deference, Morell rejected it wholesale. He testified:

Q. So did the statement put out by the Director of National Intelligence that day or earlier that morning, did that have any influence on your decision with the letter, specifically, what Mr. Ratcliffe said?

A. No.

Q. Even though he said . . . the emails were not part of some Russian disinformation operation.

A. It did not because, as a former intelligence officer with much more experience than Mr. Ratcliffe, I don't know how he could have come to that conclusion. How could he know . . . it wasn't part of Russian disinformation?

Q. So you were obviously aware of Mr. Ratcliffe's statement that morning before you sent the letter out?

A. Yes.

Q. And, as you sit here today, do you believe the Russians were involved in the Hunter Biden laptop matter?

A. I don't know. I mean, I still have suspicions, Congressman.

Q. Would you organize such a letter today knowing what you know now?

A. I would have to write it differently because we now know the emails are authentic, right? So you couldn't say anymore we don't know whether it's information or disinformation. But I still have suspicions about a Russian role in these emails getting to *The New York Post*.⁹⁰

The Federal Bureau of Investigation (FBI) ratified Director Ratcliffe's statement. In a letter to Senator Ron Johnson, then-Chairman of the Senate Committee on Homeland Security and Governmental Affairs, the FBI stated, "we have nothing to add at this time to the October 19th public statement by the Director of National Intelligence about the available actionable intelligence" on Hunter Biden's laptop and emails.⁹¹

⁹⁰ Morell Interview at 37, 39.

⁹¹ Even Perez, *FBI says it has 'nothing to add' to Ratcliffe's claim on Russian disinformation*, CNN (Oct. 21, 2020).



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

October 20, 2020

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Johnson:

This responds to your letter, dated October 17, 2020, to the Federal Bureau of Investigation (FBI) regarding the authenticity of certain information provided to your Committee, including whether such information is linked to a foreign adversary's influence operation or is otherwise fraudulent. You also ask several questions about a laptop computer reportedly produced pursuant to a grand jury subpoena.

As you may know, the Office of the Director of National Intelligence has advised the American public that, in advance of the 2020 election, a number of nation-states plan to use covert and overt influence measures in an attempt to sway voter preferences and perspectives, sow discord in the United States, and undermine the confidence of Americans in our democratic process. The FBI is the primary investigative agency responsible for the integrity and security of the 2020 election, and as such, we are focused on an array of threats, including the threat of malign foreign influence operations. Regarding the subject of your letter, we have nothing to add at this time to the October 19th public statement by the Director of National Intelligence about the available actionable intelligence. If actionable intelligence is developed, the FBI in consultation with the Intelligence Community will evaluate the need to provide defensive briefings to you and the Committee pursuant to the established notification framework.

Finally, as the FBI advised the Committee in its letter, dated October 5, 2020, consistent with longstanding Department of Justice (Department) policy and practice, the FBI can neither confirm nor deny the existence of any ongoing investigation or persons or entities under investigation, including to Members of Congress. As the Inspector General firmly reminded the Department and the FBI in recent years, this policy is designed to preserve the integrity of all Justice Department investigations and the Department's ability to effectively administer justice without political or other undue outside influences. Therefore, the FBI cannot provide any additional information in response to the enumerated questions in your letter.

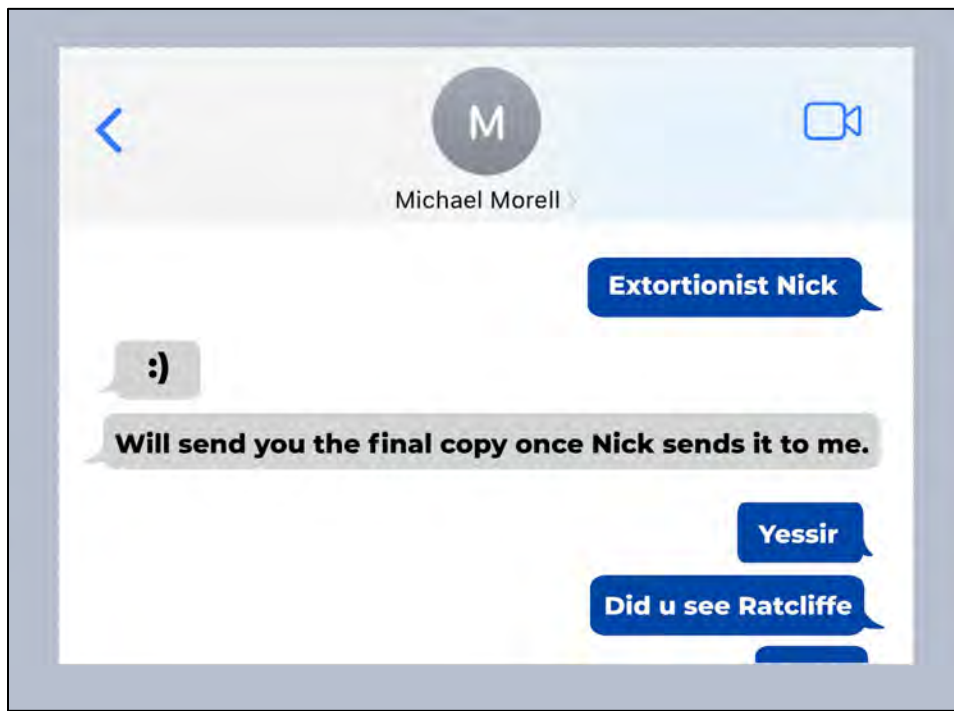
Thank you for your support of the FBI, its mission, and its people.

Sincerely,

Jill C. Tyson
Assistant Director
Office of Congressional Affairs

Letter from FBI to Senator Ron Johnson (Oct. 20, 2020)

Even after learning of Ratcliffe’s statement that the laptop and emails were not Russian disinformation, Morell and Polymeropoulos were not dissuaded. In one text exchange on October 19, Polymeropoulos remarked to Morell: “Did u see Ratcliffe[?] Omg[.]”⁹²



Text message between Michael Morell and Marc Polymeropoulos (Oct. 19, 2020)

⁹² Text message from Marc Polymeropoulos to Michael Morell (Oct. 19, 2020, 5:51 PM) (on file with the Committees). Polymeropoulos produced these text messages to the Committees with redactions, including what follows “OMG.”



Text message between Michael Morell and Marc Polymeropoulos (Oct. 19, 2020)

II. The Committees have evidence that the CIA may have promoted the statement to other intelligence community officials.

According to a written statement provided to the Committees by former CIA official David Cariens, the CIA—or at least an employee of the CIA—may have helped in the effort to solicit signatures for the statement. Cariens explained that he spoke with the PCRB in October 2020 regarding the review of his memoir and during that call the CIA employee “asked” him if he would sign the statement.⁹³ As Cariens explained:

When the person in charge of reviewing the book called to say it was approved with no changes, I was told about the draft letter. The person asked me if I would be willing to sign. . . . After hearing the letter’s contents, and the qualifiers in it such as, “We want to emphasize that we do not know if the emails provided to the *New York Post* by President Trump’s personal attorney, Rudy Giuliani, are genuine or not and that we do not have evidence of Russian involvement . . .” I agreed to sign.⁹⁴

From: David Cariens [REDACTED]
 Sent: Sunday, March 5, 2023 3:02 PM
 To: [REDACTED]
 Subject: Re: FW: Letter for Mr. David Cariens

[REDACTED]—Thank you for acknowledging my response. My wife and I are happy to help in any way possible.

To put our position in proper perspective, my wife retired from the CIA in 1995 and has not had security clearances after that time. I retired in 1997 and continued to do contract work for the CIA and other members of the Intelligence Community. I teach intelligence and crime analysis. My contract work for the CIA ended in 2017 and I no longer had security clearances after that.

The answer to the two questions posed in the April 6, 2022 letter are:

1. I am the author of nine books, including two text books on intelligence and crime analysis. All my work is passed through the CIA’s Publications Review Board (PRE) for approval. My last book, a memoir, entitled *Escaping Madness*, was before the PRB in October, 2020. When the person in charge of reviewing the book called to say it was approved with no changes, I was told about the draft letter. The person asked me if I would be willing to sign. (I do not recall the person’s name or the exact date of the phone call.) After hearing the letter’s contents, and the qualifiers in it such as, “We want to emphasize that we do not know if the emails provided to the *New York Post* by President Trump’s personal attorney, Rudy Giuliani, are genuine or not and that we do not have evidence of Russian involvement . . .” I agreed to sign. I had been following the Hunter Biden laptop issue, and as a former director of CIA University’s course in deception analysis (with a heavy emphasis on all forms of Soviet/KGB deception), I felt there was enough circumstantial evidence to raise the suspicion that Russian intelligence was involved. I shared these views with my wife, also a former CIA officer, and she agreed to sign as well.
2. We have no documents because all of the above was done in a phone call. Neither my wife nor I have discussed the letter with any of the other signatories or any member of the U.S. policy or intelligence communities.

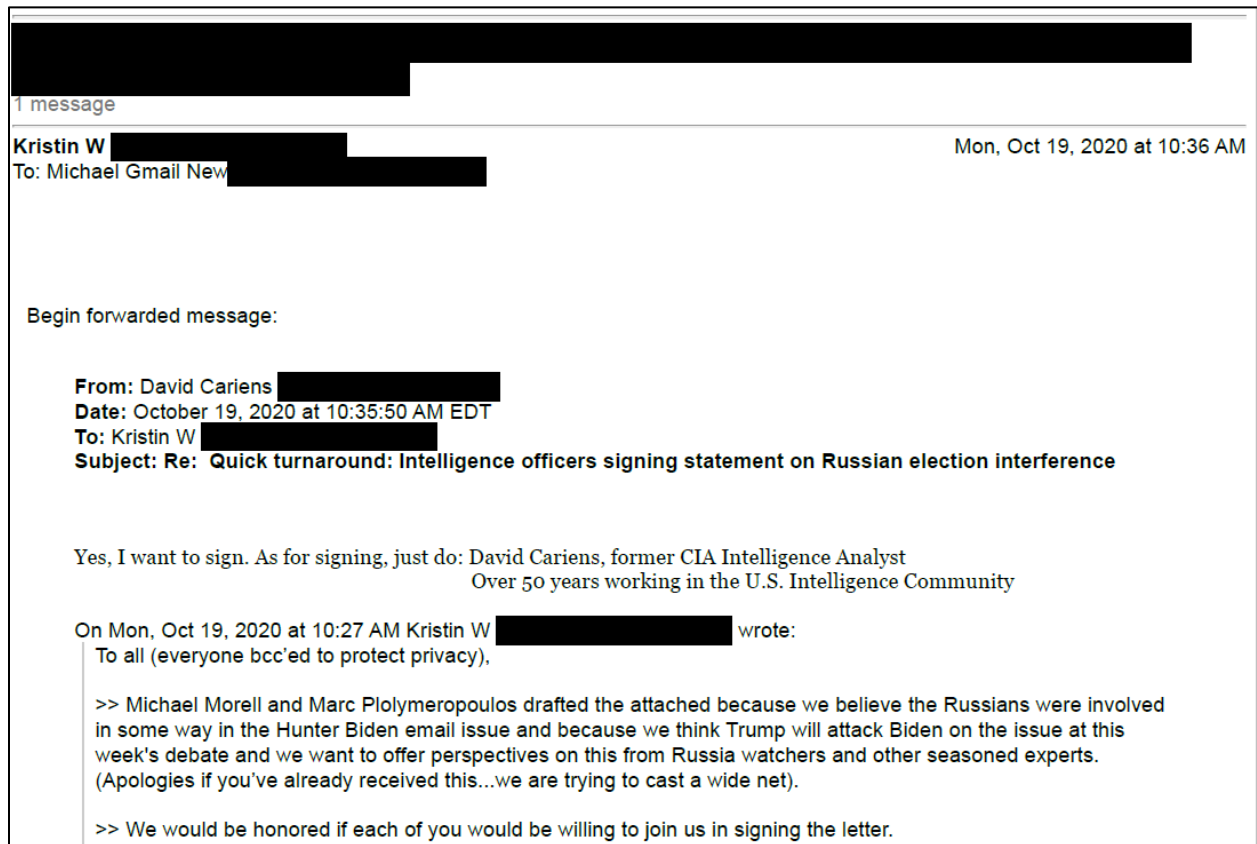
If you have any other questions, please do not hesitate to contact us. Regards, David and Janice Cariens

www.davecariens.com

⁹³ Email from David Cariens to Committee staff (March 5, 2023, 3:02 PM) (on file with the Committees).

⁹⁴ *Id.*

Cariens’s statement did not provide the precise timing of his communication with the PCRB. However, the Committees received an email exchange, produced by Kristin Wood, in which Cariens wrote, “Yes, I want to sign,” on October 19, at 10:35 a.m.—eight minutes after Wood sent the mass distribution email soliciting signatures.⁹⁵ PCRB was in possession of the statement since 6:34 a.m. on October 19, when Morell emailed it to the unit for approval.⁹⁶ PCRB acknowledged receipt of the statement, at 7:11 a.m. that same day.⁹⁷



Cariens’s revelation is potentially shocking. As he recounted, a CIA employee informed him about the statement, the CIA employee read the text of the statement to him, and the CIA employee asked Cariens if he would like to join.

Indeed, even Morell testified that such an action by a CIA employee would be “inappropriate.” Morell explained:

- A. I did not coordinate with the CIA. I would have—had I known [Cariens’s allegation], I would have reacted very negatively to this. This might—you know, had I known at the time this might have been in the letter, then I certainly would have reported this to then

⁹⁵ Email from David Cariens to Kristin Wood (Oct. 19, 2020, 10:35:50 AM) (on file with the Committees).

⁹⁶ Email from Michael Morell to PCRB staff (Oct. 19, 2020, 6:34 AM) (on file with the Committees).

⁹⁷ Email from JAMESAG2 to Michael Morell (Oct. 19, 2020, 07:11 AM) (on file with the Committees).

the Director of the Agency.

Q. And why would you have done this?

A. Because this is inappropriate.

Q. And why is it inappropriate?

A. It's inappropriate for a currently serving staff officer or contractor to be involved in the political process.

Q. Do you know the people who were engaged in this review for the CIA?

A. I do not.

Q. You don't know any of the people who work in that process.

A. I do not, sir.⁹⁸

Similarly, Polymeropoulos testified that such an action from the CIA would be "incredibly unprofessional":

Q. Does what Mr. Cariens described there, that interaction with the PCRB, sound like a quid pro quo to you?⁹⁹

A. I can't comment on this. This is—to me, this is something that the PCRB in my experience would never engage in something like that. They are just straightforward back and forth in terms of approval. The idea they would have a comment on any other thing that they were working on, that to me is not even close to what I've experienced with them.

Q. Does that concern you?

A. If it's true, it would concern me, for sure. But I just—I have a hard time believing that occurred. If it did, that's incredibly unprofessional.¹⁰⁰

Likewise, upon being confronted with Cariens's statement, Shapiro testified:

No. I mean, I have no idea what happened here, to be very—this is

⁹⁸ Morell Interview at 30-31.

⁹⁹ *Quid pro quo*, Merriam Webster's Collegiate Dictionary, (11th ed. 2020) ("something given or received for something else.").

¹⁰⁰ Polymeropoulos Interview at 24.

the first I'm hearing of this.

But my guess—and lawyers would probably tell me not to guess or defend the PRB, but what I could've seen happen is someone in the PRB being inappropriate and asking, hey, are you signing this thing? Which, PRB shouldn't be sharing, like, materials they get from one former with other formers. Like, that shouldn't be.

Because, as a former, if you send something—I've never sent something, but I know people who have—you're doing that because you're supposed to, but you're also hoping it stays within confidence. Like, usually, if you're going to send something to the PRB, you're sending it elsewhere, and you don't want the PRB spreading that.

So my guess for this was that it was someone who acted inappropriately and was just stupidly outing it and asking these folks if they were going to sign it.

I can't imagine the PRB trying to get someone to sign it by offering to clear something else. That would be really bad.¹⁰¹

Given the gravity of this allegation, the Committees sent a letter to CIA Director William J. Burns, on March 21, 2023, requesting documents about the CIA's review of the statement and its interactions with former CIA employees, such as Cariens, about the statement.¹⁰² The Committees requested that the CIA furnish these documents by April 4, 2023.¹⁰³ To date, the CIA has failed to respond to this request. The Committees have also sought to follow up with Cariens for additional information.

¹⁰¹ Transcribed Interview of Mr. Nick Shapiro at 26 [hereinafter "Shapiro Interview"].

¹⁰² Letter from Chairman Jim Jordan, H. Comm. on the Judiciary, and Chairman Michael R. Turner, Permanent Select Committee on Intelligence, to Hon. William J. Burns, Dir., Cent. Intel. Agency (Mar. 21, 2013).

¹⁰³ *Id.*

III. The Biden campaign coordinated with the organizers to promote the public statement with the media.

The Committees' oversight has also revealed that the Biden campaign worked with Morell and the other organizers of the statement to promote the statement publicly. Specifically, in coordination with the Biden campaign, Morell enlisted Shapiro, a long-time "national security and strategic communications" aide, to coordinate dissemination efforts with the media.¹⁰⁴

A. Morell and Shapiro worked with the Biden campaign to release the statement to the media.

According to testimony provided to the Committees, Morell worked with Shapiro to disseminate it publicly. Morell testified that, "in terms of getting [the statement] to the media, that was entirely Nick Shapiro's responsibility here. So he took that responsibility on."¹⁰⁵ Email correspondence between Morell and Shapiro, Shapiro and journalists, and Shapiro and the Biden campaign reveal the extent of this effort.

On October 19, as Morell continued to recruit former intelligence officials to affix their names to the statement, he emailed Shapiro that he "[s]hould have something to give to the media through you tomorrow afternoon."¹⁰⁶ Morell promised Shapiro that he would "explain on the phone tomorrow how this came to be."¹⁰⁷

¹⁰⁴ See 10th Avenue Consulting, <https://www.10thavenueconsulting.com/> (last visited May 4, 2023) ("Founder and CEO, Nick Shapiro has more than 15 years of crisis management, national security and strategic communications experience in the White House, at the CIA and in the private sector. Previously, Shapiro was the CIA's Deputy Chief of Staff and Senior Advisor to the Director. Shapiro also served in the White House as a Senior Counterterrorism and Homeland Security Aide on the National Security Council, and he was a National Security Spokesperson for President Obama.").

¹⁰⁵ Morell Interview at 16.

¹⁰⁶ Email from Michael Morell to Nick Shapiro (Oct. 19, 2020, 6:36:42 AM) (on file with the Committees). In emails that Mr. Shapiro produced to the Committees, the timestamps are inconsistent with the times and, in one instance, the date, in which events unfolded. When the Committees inquired about these discrepancies, Mr. Shapiro's counsel provided the following response: "[I]t appears that such timestamp inaccuracies are a common issue faced by individuals, like Mr. Shapiro, who use the Gmail email server. The primary cause for these discrepancies appears to be the result of inaccurate time zone settings in the Gmail application, the web browser, and/or the computer settings itself. Unless the user manually corrects the time zone settings in Gmail, the computer's setting, and/or their web browser, the emails will continue to reflect an inaccurate time zone – regardless of where the user may have sent the email. Although we cannot rule out other technical issues, various online publications suggest that this is the most common reason for these discrepancies." Email from Timothy Sini, counsel for Nick Shapiro, to Committee staff (May 3, 2023, 10:00 PM) (on file with the Committees). Mr. Shapiro's counsel affirmed that, despite the timestamp discrepancies, Mr. Shapiro "emailed the *Washington Post*, the *AP*, and *Politico*, prior to the publication being run in the *Politico*. He emailed [Andrew] Bates at some point after contacting at least one of these media companies and prior to *Politico* running the story." Email from Timothy Sini, counsel for Nick Shapiro, to Committee staff (May 5, 2023, 11:53 AM) (on file with the Committees).

¹⁰⁷ Email from Michael Morell to Nick Shapiro (Oct. 19, 2020, 6:36:42 AM) (on file with the Committees).

From: Michael Gmail New [REDACTED]
Sent: 10/19/2020 6:36:42 AM
To: Nick Shapiro [REDACTED]
Subject: Re: Request to Sign Statement

Great and great. I will explain tomorrow on the phone how this came to be.

I've sent the draft to David Kris and Lisa Monaco but have not yet heard back. They should sign.

I'm looking for two things — pairs of senior who served in the same position from different administrations (Hayden and Panetta, Jeh Johnson and Mike Chertoff, Lisa and Ken Wainstein, Clapper and Coats, etc) and then a slew of former IC and national security who worked Russia.

Should have something to give to the media through you tomorrow afternoon. Let's talk when you get a chance in the morning.

Sent from my iPad

On Oct 18, 2020, at 11:55 PM, Nick Shapiro [REDACTED] wrote:

happy to sign and will also send around to folks if you want me to

Nick Shapiro
Former CIA Deputy Chief of Staff and Senior Advisor to the Director

Later on October 19, Morell sent Shapiro “some thoughts when dealing with reporters.”¹⁰⁸ Specifically, Morell informed Shapiro that, “[b]etween us,” the Biden campaign preferred that a certain reporter with the *Washington Post* run the statement first.¹⁰⁹ Morell asked Shapiro to “share with the campaign when you share with” the reporter.¹¹⁰ Morell also sent Shapiro a lengthy script of information to share on various levels of sourcing—on the record, off the record, and on background.¹¹¹

¹⁰⁸ Email from Michael Morell to Nick Shapiro (Oct. 19, 2020, 8:21:10 PM) (on file with the Committees).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

From: Michael M [REDACTED]
Sent: 10/19/2020 8:21:10 PM
To: Nick Shapiro [REDACTED]
Subject: The Letter

Will send to you shortly.

Some thoughts when dealing with reporters:

1. Between us, the campaign would like [REDACTED] to go first. Please share with the campaign when you share with [REDACTED]. But, by all means, get it to other reporters as well.
2. On the record from you: What is this? A large group of former career intelligence officers, many specializing in Russia, joined by a group of former IC leaders, all saying that the Russians were somehow involved here. The IC leaders who have signed here are diverse in that they worked for the past four Presidents, including Trump. The real power here is the number of former, working-level IC officers who want the American people to know.
3. OTR: Make sure reporters know that we are not making a call on whether the materials are true or not, just that Moscow played a role in getting the information out. I'm afraid people might miss this point and say that we are saying that this is all disinformation.
4. If asked: On background from you: Why Michael? In talking to people, outside of government, who he worked with and who know Russia, he was struck by the fact that all of them thought Russia is involved here. Michael thought people should know that.
5. Also on background from you: We did not speculate on how the Russians played in this particular case because there are so many different possibilities.

In the background information that Morell gave Shapiro to tell reporters, Morell claimed the genesis of the public statement came from feedback from other Russia experts: “In talking to people, outside of government, who [Morell] worked with and who know Russia, [Morell] was struck by the fact that all of them thought Russia is involved here. [Morell] thought people should know that.”¹¹² This assertion is disingenuous for several reasons.

First, Morell admitted in testimony to the Committees that he spearheaded the effort to publish the public statement for overtly political reasons—to help Vice President Biden in the debates and ultimately win the election.¹¹³ Second, other than soliciting thoughts from and collaborating with Polymeropoulos,¹¹⁴ Morell testified he did not speak to anyone about potential Russian involvement with Hunter Biden’s laptop, but rather researched the issue himself following his conversation with Blinken. He explained:

- A. The first thing I did when Mr. Blinken called me is I did some research. I had not read *The New York Post* article. I went and read it. I did some internet searches. I did a little

¹¹² *Id.*

¹¹³ See Morell Interview at 11, 78, 102.

¹¹⁴ See text message exchange between Michael Morell to Marc Polymeropoulos (Oct. 17, 2020, 2:16 PM) (on file with the Committees).

bit of research here before I reached out to [Polymeropoulos].

- Q. [A]s part of the research that you did in between the contact with Mr. Blinken and the contact with [Polymeropoulos], did you contact any individuals as a part of your research?
- A. I did not.¹¹⁵

Finally, Morell's claim is undercut by his disclosure that a majority of the people who he asked to sign the statement declined to do so.¹¹⁶ Although the precise reasons they declined are not yet known, these facts cast doubt on Morell's intended perception that a groundswell of Russia experts organically concluded that the Hunter Biden laptop was a Russian intelligence operation.

Shapiro emailed the *Washington Post* reporter the statement, along with scripted on-the-record comments and background information.¹¹⁷ It is important to note that Shapiro kept one of the most important elements of this story off the record—namely, “We are not making a call on whether the materials are true or not, just that Moscow played a role in getting the information out.”¹¹⁸

¹¹⁵ Morell Interview at 20

¹¹⁶ See Morell Statement at 3 n.9. Bertrand, *supra* note 4. Morell solicited the signatures of 36 former intelligence officials, and 26 of those individuals did not sign the public statement.

¹¹⁷ Email from Nick Shapiro to *Washington Post* reporter (Oct. 19, 2020, 9:25 PM) (on file with the Committees).

¹¹⁸ *Id.*

From: Nick Shapiro [REDACTED]
Sent: 10/19/2020 9:25:33 PM
To: [REDACTED]
Subject: The Letter
Attachments: Former IC Officers Public Statement.docx

Ok - here you go.

Giving this to you exclusively first if you guys want to run with it. Then will give to others once you post.

You can also use this **on the record** from me (Nick Shapiro, Former CIA Deputy Chief of Staff and Senior Advisor to the Director) describing what this is:

"A large group of former career intelligence officers, many specializing in Russia, joined by a group of former intelligence community leaders, are all saying that they believe the Russians were somehow involved here. The IC leaders who have signed this letter worked for the past four Presidents, including Trump. The real power here however is the number of former, working-level IC officers who want the American people to know that once again the Russians are interfering."

Off The Record: We are not making a call on whether the materials are true or not, just that we believe Moscow played a role in getting the information out.

On Background: We did not speculate on how exactly the Russians played in this particular case because there are so many different possibilities.

Appearing not to receive a favorable response from their preferred *Washington Post* journalist, Shapiro sent the public statement and an identical email to an *Associated Press* reporter about two hours later.¹¹⁹

¹¹⁹ Email from Nick Shapiro to *Associated Press* reporter (Oct. 19, 2020, 11:15 PM) (on file with the Committees).

From: Nick Shapiro [REDACTED]
Sent: 10/19/2020 11:15:06 PM
To: [REDACTED]
Subject: The Letter
Attachments: Former IC Officers Public Statement.docx

Ok - here you go.

Giving this to you exclusively first if you guys want to run with it. Then will give to others once you post.

You can also use this **on the record** from me (Nick Shapiro, Former CIA Deputy Chief of Staff and Senior Advisor to the Director) describing what this is:

"A large group of former career intelligence officers, many specializing in Russia, joined by a group of former intelligence community leaders, are all saying that they believe the Russians were somehow involved here. The IC leaders who have signed this letter worked for the past four Presidents, including Trump. The real power here however is the number of former, working-level IC officers who want the American people to know that once again the Russians are interfering."

Off The Record: We are not making a call on whether the materials are true or not, just that we believe Moscow played a role in getting the information out.

On Background: We did not speculate on how exactly the Russians played in this particular case because there are so many different possibilities.

Shapiro made sure to update the Biden campaign—specifically, Andrew Bates, Director of Rapid Response—after reaching out to the *Washington Post* and the *Associated Press*, stating, “This is what I gave them.”¹²⁰

¹²⁰ Email from Nick Shapiro to Andrew Bates (Oct. 19, 2020, 11:22 PM) (on file with the Committees).

From: Nick Shapiro [REDACTED]
Sent: 10/19/2020 11:22:24 PM
To: Andrew Bates [REDACTED]
Subject: Fwd: The Letter
Attachments: Former IC Officers Public Statement.docx

This is what I gave them -

Ok - here you go.

Giving this to you exclusively first if you guys want to run with it. Then will give to others once you post.

You can also use this **on the record** from me (Nick Shapiro, Former CIA Deputy Chief of Staff and Senior Advisor to the Director) describing what this is:

"A large group of former career intelligence officers, many specializing in Russia, joined by a group of former intelligence community leaders, are all saying that they believe the Russians were somehow involved here. The IC leaders who have signed this letter worked for the past four Presidents, including Trump. The real power here however is the number of former, working-level IC officers who want the American people to know that once again the Russians are interfering."

Off The Record: We are not making a call on whether the materials are true or not, just that we believe Moscow played a role in getting the information out.

On Background: We did not speculate on how exactly the Russians played in this particular case because there are so many different possibilities.

After apparently not receiving a favorable response from the *Associated Press* reporter, Shapiro later sent the email with the public statement to *Politico* about an hour later.¹²¹ *Politico*, of course, eventually published the story.

¹²¹ Email from Nick Shapiro to Natasha Bertrand (Oct. 20, 2020, 12:27 AM) (on file with the Committees).

From: Nick Shapiro [REDACTED]
Sent: 10/20/2020 12:27:59 AM
To: Natasha Bertrand [REDACTED]
Subject: The Letter
Attachments: Former IC Officers Public Statement.docx

Ok - here you go.

Giving this to you exclusively first. Then will give to others once you post your story.

You can also use this **on the record** from me (Nick Shapiro, Former CIA Deputy Chief of Staff and Senior Advisor to the Director) describing what this is:

"A large group of former career intelligence officers, many specializing in Russia, joined by a group of former intelligence community leaders, are all saying that they believe the Russians were somehow involved here. The IC leaders who have signed this letter worked for the past four Presidents, including Trump. The real power here however is the number of former, working-level IC officers who want the American people to know that once again the Russians are interfering."

Off The Record: We are not making a call on whether the materials are true or not, just that we believe Moscow played a role in getting the information out.

On Background: We did not speculate on how exactly the Russians played in this particular case because there are so many different possibilities.

In his transcribed interview, Shapiro testified about the process of soliciting the statement to the media. He testified:

Q. And we understand from your productions that there were three journalists that you sent the statement to: [REDACTED] of *The Washington Post*, [REDACTED] of the *Associated Press*, and Natasha Bertrand of *Politico*?

A. Yep.

Q. Why those three?

A. [REDACTED] because I was asked to go to [REDACTED] first. And then the *AP* is a really good outlet you want stories in. And then *Politico* – I don't know why I went to *Politico* after that.

Q. We know that Natasha Bertrand is the one that ultimately ran with the article. Why did [REDACTED] and [REDACTED] decline to do so?

A. I don't remember. I know we – I'm sure we spoke. But you'd have to ask them. Reporters decline things all the time.

Q. Okay. But they did get back to you, I assume, over the phone?

A. Yeah.

Q. Because we didn't have any of those records and –

A. Yeah. I looked back at the emails, and it's clear that I spoke to them before I emailed them, which is normal. When I'm talking to a reporter, I'll call them and say, "Hey, you know, I've got this idea. What do you want to do?" And then, considering it was a letter, I'm sure I said, "I'll follow up and send it to you," which is what I did with each of them.

And then, for each of them, we got back on the phone. And *Washington Post* and *AP* said no. And *Politico* I think I probably just reiterated these points to Natasha.¹²²

B. *Politico* ultimately published a story about the statement, falsely calling the Hunter Biden laptop and emails Russian disinformation.

On October 19, 2020, at 10:30 p.m., *Politico* published the public statement it received from Shapiro, with an accompanying article titled: "Hunter Biden story is Russian disinfo, dozens of former intel officials say."¹²³

¹²² Shapiro interview at 20-22.

¹²³ Bertrand, *supra* note 4.

NATIONAL SECURITY

Hunter Biden story is Russian disinfo, dozens of former intel officials say

More than 50 former intelligence officials signed a letter casting doubt on the provenance of a New York Post story on the former vice president's son.



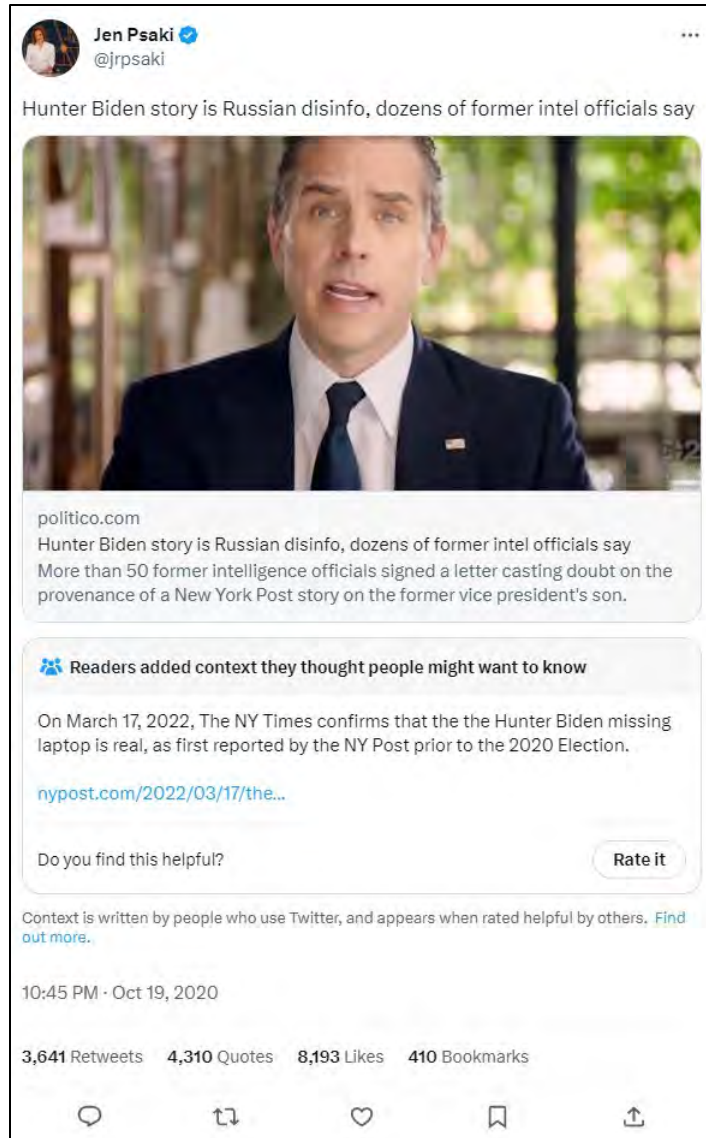
More than 50 former senior intelligence officials have signed on to a letter outlining their belief that the recent disclosure of emails allegedly belonging to Hunter Biden, pictured here, "has all the classic earmarks of a Russian information operation." | Handout/DNCC via Getty Images

By NATASHA BERTRAND
10/19/2020 10:30 PM EDT

Supporters of the Biden campaign immediately promoted the article, including Jen Psaki, who would later become the White House Press Secretary under President Biden.¹²⁴

¹²⁴ Jen Psaki (@jrpsaki), Twitter (Oct. 19, 2020, 10:45 PM), <https://twitter.com/jrpsaki/status/1318382779659411458>.



Despite *Politico*'s conclusory headline, Morell, Polymeropoulos, and Shapiro all testified that their statement was not intended to make a conclusive determination about whether the Hunter Biden allegations were disinformation. Morell testified that “the statement clearly says that we’re not saying this is disinformation.”¹²⁵ Polymeropoulos testified that, at the presidential debate, “Vice President Biden” had “mischaracterize[ed]” the statement by calling “it disinformation, which is not what the letter said.”¹²⁶ And Shapiro testified:

Q How do you feel now that you know that the contents on the laptop were not Russian disinformation?

A Meaning that they were real?

¹²⁵ Morell Interview at 26.

¹²⁶ Polymeropoulos Interview at 28.

Q Yes.

A I'm sure glad that we put that in the letter, saying that we don't know if this is real or not.¹²⁷

Notwithstanding these recent protestations, there is no evidence that the statement's signers attempted to correct *Politico's* misleading headline. Indeed, Morell "knew" the media would not run the letter's caveats. He testified:

Q. Do you regret that those caveats [in the statement] that you seem to be relying on heavily today weren't really part of the public discourse and the political discourse around this letter?

A. I knew they wouldn't be. I knew they wouldn't be, as much as we tried, right? As you guys know better than anybody, right, politics is hyperbole and particularly debates. There's a lot of hyperbole around, a lot of people taking things and taking them a little bit further, right? You know that better than I do. So I wasn't surprised at all that – you know, when President Biden – when Vice President Biden talked about this at the debate that he didn't say, "Hey, I have to put some caveats on this." That's not what happens at debates.

Q. So you knew when you put this product out with caveats that its utilization politically likely wouldn't include those caveats?

A. I guessed that politicians would not use the caveats. I was hoping that fact-checkers and I was hoping the media – disappointed in that regard – would pay more attention to them.

Q. But you testified earlier that you were accelerating – you were requesting an acceleration of the review of this material so it could be used in a debate, right?

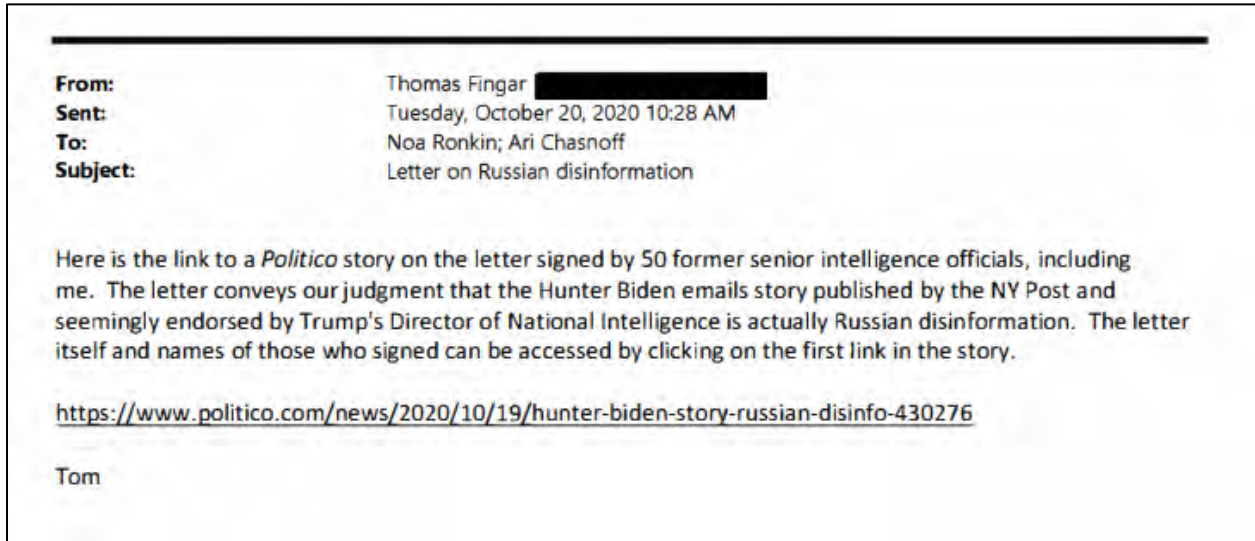
A. Yes, sir.¹²⁸

Indeed, contemporaneous documents show that some of the signatories adopted *Politico's* framing that the laptop was Russian disinformation. One of the intelligence officials who signed onto the statement, Thomas Fingar, the former Deputy Director of National Intelligence for Analysis and Chair of the National Intelligence Council, wrote to colleagues at Stanford University that the statement "conveys our judgment that the Hunter Biden emails story

¹²⁷ Shapiro Interview at 28.

¹²⁸ Morell Interview at 88-89.

published by the NY Post and seemingly endorsed by Trump’s Director of National Intelligence is actually Russian disinformation.”¹²⁹



Fingar, in sharing the *Politico* story with Stanford’s public affairs team, appeared intent on having the university promote the story among its networks.¹³⁰ But Fingar’s Stanford colleagues did not seem willing. One Stanford employee immediately grasped the statement was nothing more than a political document.¹³¹ Indeed, she used the word “political” four times in her terse response to Fingar explaining that Stanford cannot endorse these sorts of “political opinions.”¹³²

¹²⁹ Email from Thomas Fingar to Noa Ronkin and Ari Chasnoff (Oct. 20, 2020, 10:28 AM) (on file with the Committees).

¹³⁰ STANFORD-FREEMAN SPOGLI INSTITUTE FOR INTERNATIONAL STUDIES, All FSI People / Staff, <https://fsi.stanford.edu/people/noa-ronkin-0>; <https://fsi.stanford.edu/people/ari-chasnoff> (last visited May 4, 2023).

¹³¹ Email from Noa Ronkin to Thomas Fingar (Oct. 20, 2020, 1:00 PM) (on file with the Committees).

¹³² *Id.*

From: Noa Ronkin [REDACTED]
Sent: Tuesday, October 20, 2020 1:00 PM
To: Thomas Fingar
Cc: Ari Chasnoff
Subject: Re: Letter on Russian disinformation

Thank you, Tom, but this is something that we are advised not to promote, per the guidelines for political activities the University released last month. While all members of the University community may express their political opinions and engage in political activities in their individual capacities using personal resources, we must avoid even the appearance that they are speaking or acting for the University in political matters.

Thanks for your understanding,
Noa

Noa Ronkin, DPhil
Associate Director for Communications and External Relations
Walter H. Shorenstein Asia-Pacific Research Center (APARC)
Freeman Spogli Institute for International Studies
Stanford University
[REDACTED]
aparc.fsi.stanford.edu | [REDACTED]

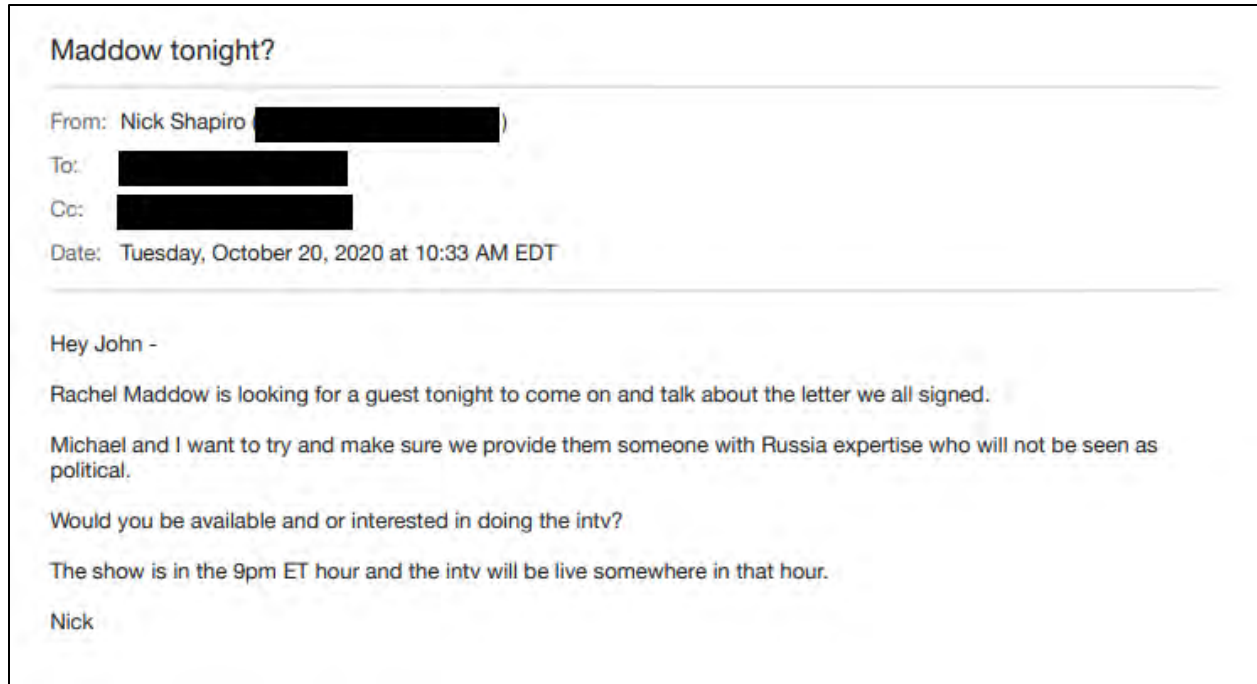
In an October 20 email to the signers of the statement, Morell wrote that “*Politico* did a nice job getting out the story of our letter.”¹³³ Morell, however, expressed no concern about the story’s conclusory headline that the laptop was Russian disinformation.

Similarly, on October 20, a day after *Politico* ran its story about the statement, Shapiro emailed another signatory, John Sipher, a former career CIA officer, to sit for an interview with MSNBC commentator Rachel Maddow.¹³⁴ Shapiro noted an interest in placing a statement signatory before a friendly talk show host and ensuring that signatory had “Russia expertise” and “will not be seen as political.”¹³⁵ Here, too, there was no mention about nuancing *Politico*’s headline or caveating the assertions in the statement.

¹³³ Email from Michael Morell to Unnamed Intelligence Officials (Oct. 20, 2020, 1:40 PM) (on file with Committees).

¹³⁴ Email from Nick Shapiro to John Sipher (Oct. 20, 2020, 10:33 AM) (on file with the Committees).

¹³⁵ *Id.*



Likewise, Jeremy Bash,¹³⁶ another former intelligence community official, appeared on MSNBC the same day the statement was released. His assertions about Hunter Biden’s laptop and emails were unambiguous and did not include nuanced caveats in the statement. He said:

We need to talk about it, Nicole. [The Hunter Biden allegations] looks like Russian intelligence, this walks like Russian intelligence, this talks like Russian intelligence. This effort by Rudy Giuliani and the *New York Post* and Steve Bannon to cook up supposed dirt on Joe Biden looks like a classic Russian playbook disinformation campaign.¹³⁷

¹³⁶ President Biden appointed Bash to the President’s Intelligence Advisory Board in August 2022. White House, *President Biden Announces Key Appointments to Boards and Commissions* (Aug. 26, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/26/president-biden-announces-key-appointments-to-boards-and-commissions-6/>.

¹³⁷ Nicole Wallace, *Bash On Pushing Of Disinformation On Biden: This Looks, Walks, & Talks Like Russian Intelligence*, MSNBC (Oct. 19, 2020); *see also* Deadline: White House, MSNBC (Oct. 19, 2020).



The MSNBC host then amplified the falsehood: “I think Jeremy has made clear we shouldn’t look at [the statement] as anything other than a Russian disinformation operation.”¹³⁸ If these intelligence officials were concerned about *Politico*’s misrepresentation of their public statement, there has been no contemporaneous indication of such a concern.

C. The *Politico* article and public statement helped to support the continued suppression of the allegations uncovered from emails on Hunter Biden’s laptop.

In a recent retrospective, the *New York Post* explained how the public statement contributed to the continued suppression of the underlying allegations contained in the emails on Hunter Biden’s laptop—namely, Hunter Biden’s pattern of monetizing his familial relationship with Vice President Biden’s likely knowledge. The *Post* piece reasoned:

Yes, that letter from the Dirty 51 had “all the classic earmarks” of a disinformation operation, all right — one designed to ensure Joe Biden won the presidency. And it was essentially a CIA operation, considering 43 of the 51 signatories were former CIA.

In the two years since, not one of them has admitted they are wrong.

¹³⁸ *Id.*

[One signer] David Priess at least gets marks for subjecting himself to a cross-examination on Fox News one recent afternoon. He tried to defend the letter by saying people were too stupid to understand it. The letter was “still true” because it did not use the words “Russian disinformation,” but concocted the weasel phrase “earmarks of a Russian information operation.”

He knows perfectly well that Biden and the media drew no distinction, that the letter he signed was used to censor and deride *The Post*’s accurate story and deny the American people the truth about one of the two candidates for president.¹³⁹

Similarly, an opinion writer with the *Washington Post* observed:

In addition to these meetings with current officials, a group of 51 former intelligence officials released a public letter when the story broke in which they alleged that the release of Hunter Biden’s emails “has all the classic earmarks of a Russian information operation,” adding, “If we are right, this is Russia trying to influence how Americans vote in this election.”

They were not right. But together, these warnings by current and former national security officials gave Twitter the pretext to censor the story — and mainstream news outlets the excuse to dismiss or ignore it, which many of them did.¹⁴⁰

¹³⁹ Miranda Devine, *It’s been two years since 51 intelligence agents interfered with an election — they still won’t apologize*, N.Y. POST (Oct. 19, 2022).

¹⁴⁰ Marc A. Thiessen, *The suppression of Hunter Biden’s laptop is a huge scandal*, THE WASHINGTON POST (Dec. 9, 2022).

IV. The statement had its intended effect of giving Vice President Biden a “talking point” to use in the presidential debate.

The public statement signatories had a common goal: “to help Vice President Biden in the debate” and to help him win the presidency.¹⁴¹ Indeed, some of the former intelligence officials who signed the public statement were deeply satisfied that Vice President Biden referred to the statement in the final presidential debate before the election. After the debate, the signers congratulated themselves on a job well done, and the Biden campaign even called to thank Morell for organizing the effort.

A. Then-Vice President Biden relied on the public statement in the presidential debate to falsely assert that Hunter Biden allegations were a Russian “plan.”

On October 22, 2020, the last debate between then-Vice President Biden and President Trump took place at Belmont University in Nashville, Tennessee.¹⁴² After President Trump pressed Vice President Biden about his son’s laptop and emails, Biden called the American people’s attention to the statement, noting the significance of the intelligence community officials who signed the statement:

President Trump: It’s the laptop from hell.

Moderator: President Trump, we’re talking about race right now and I do want to stay on the issue of race. President Trump –

Vice President Biden: Nobody – Kristen, I have to respond to that.

Moderator: Please, very quickly.

Vice President Biden: Look, there are 50 former national intelligence folks who said that what this, he’s accusing me of is a Russian plan. They have said that this has all the characteristics — four– five former heads of the CIA, both parties, say what he’s saying is a bunch of garbage. Nobody believes it except him and his good friend Rudy Giuliani.

President Trump: You mean, the laptop is now another Russia, Russia, Russia hoax? You gotta be –

Vice President Biden: That’s exactly what — That’s exactly what –

¹⁴¹ Morell Interview at 78, 102.

¹⁴² COMM. ON PRESIDENTIAL DEBATES, *supra* note 5.

President Trump: Is this where you're going? This is where he's going.
The laptop is Russia, Russia, Russia?¹⁴³

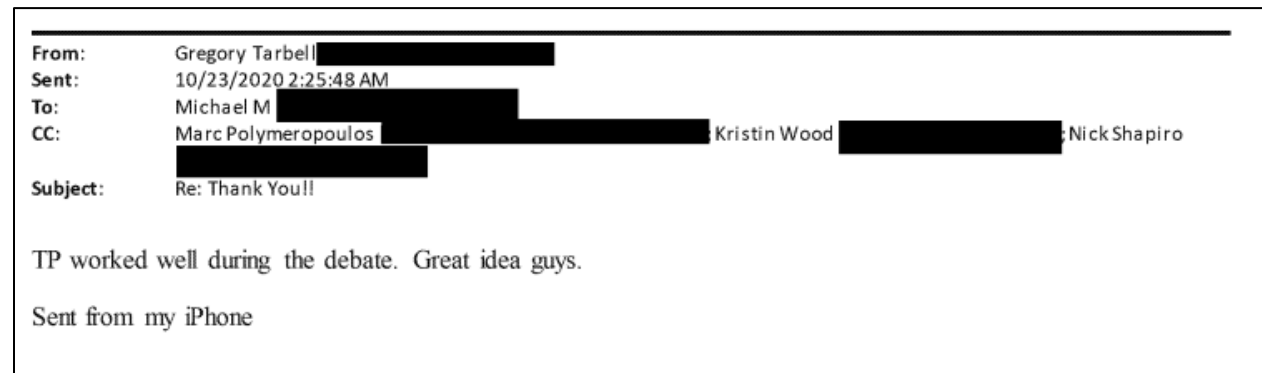
Two days later, the *Washington Post* took note of Vice President Biden's reliance upon the public statement, noting critically:

Joe Biden leaned heavily on a letter from former U.S. intelligence and defense officials in Thursday night's debate to argue that Russia orchestrated a disinformation operation allegedly involving damaging information obtained from his son's laptop that was promulgated by President Trump's personal attorney, Rudolph W. Giuliani.

The Biden campaign's decision to lean into accusations of Russian involvement in the episode, despite lacking specific proof, risks eroding public trust in U.S. allegations of foreign election interference if the suspicions in this case turn out to be unfounded, according to intelligence and foreign policy experts.¹⁴⁴

B. The statement's signatories celebrated after the debate.

The signers of the statement were pleased with Vice President Biden's response and his reliance upon the statement during the debate, as emails between them make clear. One signer, Gregory Tarbell, former CIA Deputy Executive Director, wrote that the talking points "worked well during the debate" and applauded Morell, Polymeropoulos, Wood, Shapiro, and others on what the "[g]reat idea" for the statement.¹⁴⁵



¹⁴³ *Id.*

¹⁴⁴ Annie Linskey & Paul Soone, *Biden relies on pattern of activity to blame Russia for release of data from what is said to be his son's laptop*, THE WASHINGTON POST (Oct. 24, 2020).

¹⁴⁵ Email from Gregory Tarbell to Michael Morell (Oct. 23, 2020, 2:25 AM) (on file with the Committees).

In response, Wood stated that Vice President Biden’s mention of the statement during the debate “was really cool.”¹⁴⁶

From: Kristin W [REDACTED]
Sent: 10/23/2020 3:02:06 AM
To: Gregory Tarbell [REDACTED]
CC: Michael M [REDACTED]; Marc Polymeropoulos [REDACTED]; Nick Shapiro [REDACTED]
Subject: Re: Thank You!!

That was really cool.

Hope you are well, Mr. Tarbell!

On Oct 22, 2020, at 10:25 PM, Gregory Tarbell [REDACTED] wrote:

TP worked well during the debate. Great idea guys.

Sent from my iPhone

Polymeropoulos voiced similar sentiments, calling it “very cool.”¹⁴⁷

From: Marc Polymeropoulos [REDACTED]
Sent: 10/23/2020 4:34:13 AM
To: Kristin W [REDACTED]
CC: Gregory Tarbell [REDACTED]; Michael M [REDACTED]; Nick Shapiro [REDACTED]
Subject: Re: Thank You!!

I fell asleep! Just saw now....very cool....

Sent from my iPhone

On Oct 22, 2020, at 23:02, Kristin W [REDACTED] wrote:

That was really cool.

Hope you are well, Mr. Tarbell!

On Oct 22, 2020, at 10:25 PM, Gregory Tarbell [REDACTED] wrote:

TP worked well during the debate. Great idea guys.

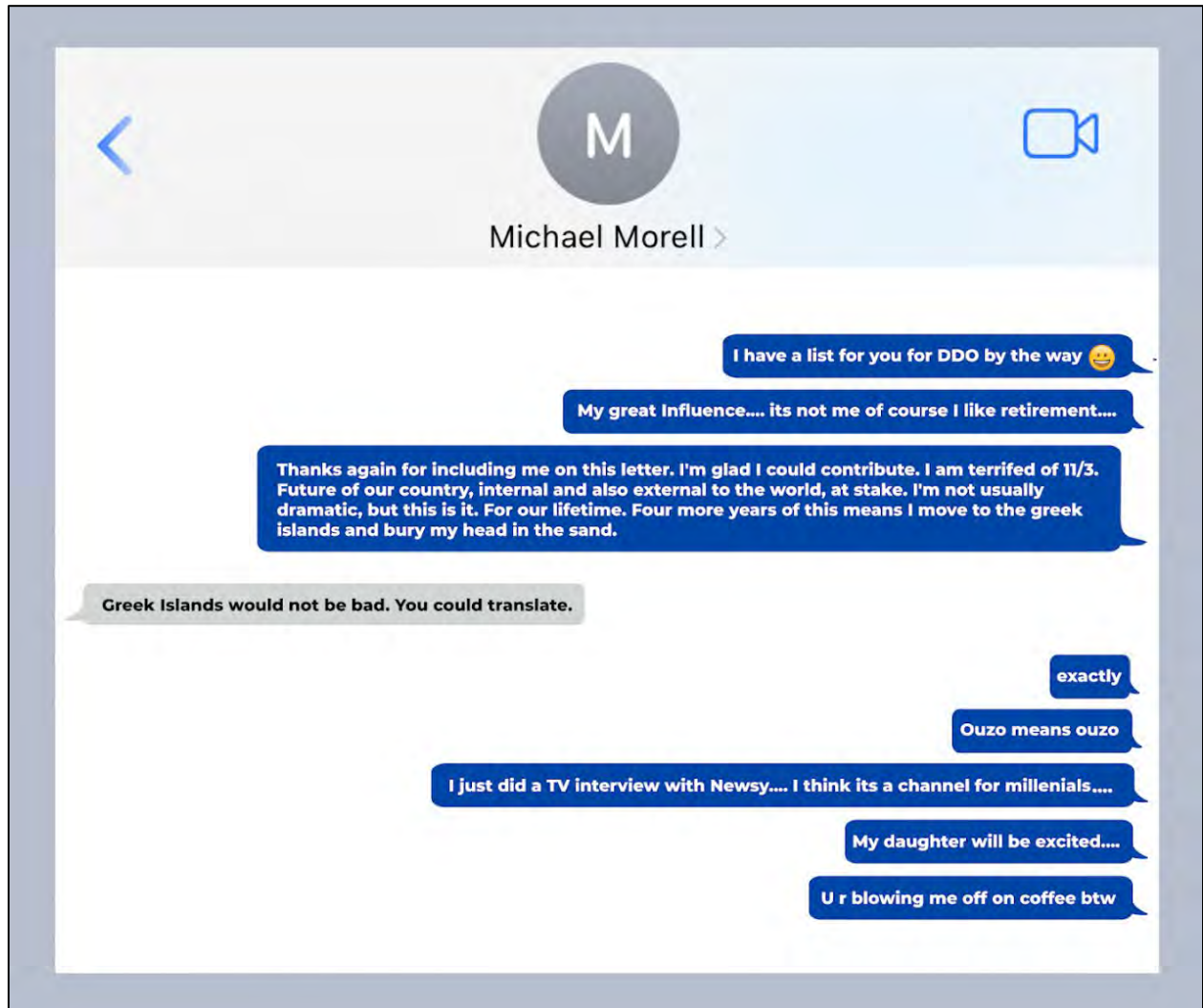
Sent from my iPhone

¹⁴⁶ Email from Kristin Wood to Gregory Tarbell (Oct. 23, 2020, 3:02 AM) (on file with the Committees).

¹⁴⁷ Email from Marc Polymeropoulos to Kristin Wood (Oct. 23, 2020, 4:34 AM) (on file with the Committees).

Four day earlier, in a private exchange with Morell, Polymeropoulos expressed his appreciation for “including me on this letter.” He wrote:

Thanks again for including me on this letter. I’m glad I could contribute. I am terrified of 11/3. Future of our country, internal and also external to the world, at stake. I’m not usually dramatic, but this is it. For our lifetimes. Four more years of this means I move to the greek [sic] islands and bury my head in the sand.¹⁴⁸



Text message between Michael Morell and Marc Polymeropoulos (Oct. 19, 2020)

Morell testified to the self-satisfaction the signatories felt for their involvement in the presidential debate. He testified:

Q. And then we also have a number of emails that have been produced

¹⁴⁸ Text message from Marc Polymeropoulos to Michael Morell (Oct. 19, 2020, 5:51 PM) (on file with the Committees).

to the committee where the people on – a number of the people who signed it were sort of congratulating each other for the fact that it was, in fact, used in the debate.

A. Yes, sir.¹⁴⁹

In a final email to the signatories, Morell expressed his own satisfaction in successfully getting the statement published. He wrote to his co-signatories:

I think this is the most important election since 1860 and 1864 when the very existence of the country was on the ballot. Now, it is our democracy and the Constitution that are on the ballot. We all, of course, took an oath to “preserve, protect, and defend” the Constitution. I think all of you did that yesterday by signing this letter.¹⁵⁰

¹⁴⁹ Morell Interview at 99.

¹⁵⁰ Email from Michael Morell to Unnamed Intelligence Officials (Oct. 20, 2020, 1:40 PM) (on file with the Committees).

From: Michael M [REDACTED]
Sent: Tuesday, October 20, 2020 9:40 AM
To: Michael M
Cc: Marc Polymeropoulos; Kristin Wood; Nick Shapiro
Subject: Thank You!!

To all,

[I put most everyone on the bcc line to protect email addresses]

I just want to thank everyone for signing the letter on the Hunter Biden emails. We ended up with over 50 signatories.

Politico did a nice job getting out the story of our letter. Here is a link to the article for those who have not seen it. <https://www.politico.com/news/2020/10/19/hunter-biden-story-russian-disinfo-430276>

We will monitor how much media coverage it gets and will let you know.

I also want to thank Marc for helping to draft the letter, Kristin for helping to spread the word, and Nick for working with the media.

By the way, if any reporters reach out to you, feel free to either talk to them or to send them Nick's way. Nick has the final version of the letter, if any reporters are looking for that (although there is a link to the letter itself in the Politico piece).

I think this is the most important election since 1860 and 1864 when the very existence of the country was on the ballot. Now, it is our democracy and the Constitution that are on the ballot. We all, of course, took an oath to "preserve, protect, and defend" the Constitution. I think all of you did that yesterday by signing the letter. Thank you.

Michael

C. The Biden campaign called Morell and thanked him for his service to the campaign.

After the October 22, 2020, presidential debate, Biden campaign chairman Steve Ricchetti called Morell and thanked him for the statement. Morell testified:

Q. Did you talk to [Steve Ricchetti] at all regarding the statement that you helped organize and put out?

A. Yes, sir.

Q. When did you talk with him?

A. After the debate – I think it was after the debate – in fact, I'm pretty sure it was after the debate – I got a phone call from Jeremy Bash, who I work with at Beacon and who is active politically. And Jeremy said: Do you have a minute to talk to Steve Ricchetti? I said: Of course. He was the head of the Biden campaign at the time. And

Jeremy got him on the line, and Steve thanked me for putting the statement out.¹⁵¹

¹⁵¹ Morell Interview at 96-97.

V. Some signatories expressed outrage about Congressional oversight into the origins of the statement.

The Committees are in possession of emails exchanged among some of the senior former intelligence officials following the Committees’ oversight requests regarding the origins of the statement. While the Committees fully recognize and respect every Americans’ right to engage in the political process, the Committees have a legitimate legislative purpose in understanding how these officials used their intelligence credentials and official titles to mislead American voters about serious Biden family allegations in the final days before the 2020 election.

The emails exchanged following the Committees’ oversight suggest outrage among some signatories for having to explain the origins of the statement. Former National Security Agency Director Michael Hayden asked some co-signers—including Morell, John Brennan, Jeremy Bash, Thomas Fingar, and others—if they “should have a coordinated response.”¹⁵² Brennan responded that he would voice his “strong opposition to such political tactics,” asserting that complying with the Committees’ request for documents and testimony “would serve as a precedent that [Chairman Jordan] and others could seek to leverage when making frivolous requests of other former intelligence officials in the future.”¹⁵³



¹⁵² Email from Michael Hayden to Jim Clapper et al. (Feb. 7, 2023, 1:11 PM) (on file with the Committees).

¹⁵³ Email from John Brennan to Michael Hayden (Feb. 7, 2023, 2:18 PM) (on file with the Committees).

On Feb 7, 2023, at 14:18, **John Brennan** wrote:

Mike,

Thanks for your query.

Like you, I am weighing my options.

Although I have not yet received any of Mr. Jordan's letters, I find his request for a transcribed interview and documentation related to my decision to sign a public statement, *as a private citizen*, a gross infringement of my First Amendment right of freedom of speech. Indeed, as a former senior intelligence and national security official, I believe I need to signal my strong opposition to such political tactics. Acceding to Mr. Jordan's request, in my view, would serve as a precedent that he and others could seek to leverage when making frivolous requests of other former intelligence officials in the future.

I am mindful that this issue involves a very important principle that potentially affects all former intelligence officials, and, accordingly, I want to proceed thoughtfully.

Best,

John

Morell, to his credit, rejected Hayden's suggestion to coordinate a response, counseling his former colleagues: "If at least some of us respond, I think it would be a mistake to coordinate. We would, for sure, be accused of a conspiracy to obstruct a Congressional investigation."¹⁵⁴

From: Michael J Morell [redacted]
Subject: Re: Letter from Jordan & Turner
Date: February 7, 2023 at 1:39 PM
To: Michael Hayden, **Jim Clapper**, John McLaughlin, Jeremy Bash, **Mike Vickers**, Richard Ledgett, **Thomas Fingar**, **Nick Rasmussen**, **John Brennan**
Cc: Mike Hayden, Jeanine Hayden

MM

Mike,

I'm chatting with my lawyer about my options. If at least some of us respond, I think it would be a mistake to coordinate. We would, for sure, be accused of a conspiracy to obstruct a Congressional investigation.

Michael

[Get Outlook for iOS](#)

¹⁵⁴ Email from Michael Morell to Michael Hayden et al. (Feb. 7, 2023, 1:39 PM) (on file with the Committees).

Conclusion

The American people deserve to know that Hunter Biden’s laptop and emails were real. They always were real. The allegations that they were the product of Russian disinformation were false. Even the *New York Times* was forced to acknowledge, almost two years after the 2020 election, “a cache of files that appears to have come from a laptop abandoned by [Hunter] Biden in a Delaware repair shop” was “authenticated by people familiar with them and with the investigation.”¹⁵⁵

On the morning of October 19, 2020, at least 12 hours before the statement was released by *Politico*, then-Director Ratcliffe publicly stated, on behalf of the intelligence community, that Hunter Biden’s laptop and emails were not Russian disinformation.¹⁵⁶ Within 24 hours of then-Director Ratcliffe’s statement, the Department of Justice and the FBI confirmed his declaration.¹⁵⁷

Reflecting on that moment, former-Director Ratcliffe recently stated:

You had the intelligence community and the law enforcement community on behalf of the United States of America saying this is not Russian disinformation. . . . You have literally had the Bidens lie about it—Hunter Biden, Joe Biden, the Biden administration, Biden White House officials, the Democratic Party, Democratic politicians, the left-leaning media. . .

The gaggle of former intelligence and law enforcement officials—you know—the famous 51 All of this was really a domestic disinformation campaign for political reasons. . . . There is no other explanation for it.

The people that had access to the intelligence and had possession of Hunter Biden’s laptop . . . all of the people in a position to talk about the evidence and the intelligence told the American people the truth.¹⁵⁸

As the *Wall Street Journal* opined, the American people will “never know what effect the ‘October Surprise’ of 2020, the New York Post’s reporting of the discovery of a laptop belonging to Hunter Biden containing all sorts of embarrassing emails, might have had on the election that year if it had received wider circulation.”¹⁵⁹ Former Attorney General William Barr

¹⁵⁵ Katie Benner et al., *Hunter Biden Paid Tax Bill, but Broad Federal Investigation Continues*, N.Y. TIMES (Mar. 16, 2022).

¹⁵⁶ Moore, *supra* note 87.

¹⁵⁷ Perez, *supra* note 91.

¹⁵⁸ Brooke Singman, *Ratcliffe: Hunter Biden laptop was a partisan domestic 'disinformation campaign'*, FOX NEWS (Feb. 2, 2023).

¹⁵⁹ Gerard Baker, *Hunter Biden’s Laptop and America’s Crisis of Accountability*, WALL ST. J. (Mar. 21, 2022).

believes the suppression of the Hunter Biden laptop story “probably affected the outcome” of the 2020 election, “given how close the election was.”¹⁶⁰

On November 3, 2020, the American people went to the polls to elect the president of the United States with the false impression that Hunter Biden’s laptop was Russian disinformation. The American people cannot get back the 2020 election, but they have every right to demand reforms from Congress so that the 2024 election will not be similarly compromised.

The United States is witnessing in real time the growth of a censorship industrial complex, in which partisan “experts”—like the former intelligence officials who signed the statement—reserve for themselves the right to determine what is and is not true and what Americans can and cannot hear. Indeed, in the weeks leading up to the 2020 election, a writer for the *New York Times* observed that, in the United States, “[f]ree speech threatens democracy as much as it also provides for its flourishing.”¹⁶¹ To address this threat, progressive “experts prescribe[] two critical steps: [1] America must become less free and [2] less democratic. . . .”¹⁶² These goals, in their view, will only be achieved by “following the wisdom of disinformation experts and outgrowing our parochial attachment to the Bill of Rights.”¹⁶³ This is frightening and shows why the Committees’ oversight is so important.

There is a direct line between Twitter’s continued suppression of the *New York Post* story on Hunter Biden’s laptop and the statement by the former intelligence officials. One disinformation commentator captured the significance of the censorship of the Hunter Biden laptop and emails story to American democracy and self-government:

The laptops are real. The FBI has known this since 2019, when it first took possession of them. When the *New York Post* attempted to report on them, dozens of the most senior national security officials in the United States lied to the public, claiming the laptops were likely part of a Russian “disinformation” plot. Twitter, Facebook, and Google, operating as fully integrated branches of the state security infrastructure, carried out the government’s censorship orders based on that lie. The press swallowed the lie and cheered on the censorship.

The story of the laptops has been framed as many things, but the most fundamental truth about it is that it was the successful culmination of the yearslong effort to create a shadow regulatory bureaucracy built specifically to prevent a repeat of Trump’s 2016 victory.

¹⁶⁰ Jerry Dunleavy, *Barr says Hunter Biden Russian disinformation claims ‘probably affected’ election outcome*, WASHINGTON EXAMINER (Mar. 22, 2022).

¹⁶¹ Emily Bazelon, *The Problem of Free Speech in an Age of Disinformation*, N.Y. TIMES (Oct. 13, 2020) (internal quotations marks and citation omitted).

¹⁶² Jacob Siegel, *A Guide to Understanding the Hoax of the Century*, TABLET (Mar. 28, 2023).

¹⁶³ *Id.*

It may be impossible to know exactly what effect the ban on reporting about Hunter Biden's laptops had on the 2020 vote, but the story was clearly seen as threatening enough to warrant an openly authoritarian attack on the independence of the press. The damage to the country's underlying social fabric, in which paranoia and conspiracy have been normalized, is incalculable.¹⁶⁴

This interim report presents the material facts the Committees have learned to date about the origins of the public statement signed by 51 former intelligence officials that falsely discredited—on the eve of the 2020 presidential election—legitimate allegations about the Biden family's influence-peddling operation. The Committees present this information now to keep the House of Representatives apprised of our oversight work. The Committees' oversight into this matter continues in earnest.

¹⁶⁴ *Id.*

Exhibit Two

Public Statement on the Hunter Biden Emails

October 19, 2020

We are all individuals who devoted significant portions of our lives to national security. Some of us served in senior positions in policy departments and agencies, and some of us served in senior positions in the Intelligence Community. Some of us were political appointees, and some were career officials. Many of us worked for presidents of both political parties.

We are all also individuals who see Russia as one of our nation's primary adversaries. All of us have an understanding of the wide range of Russian overt and covert activities that undermine US national security, with some of us knowing Russian behavior intimately, as we worked to defend our nation against it for a career. A few of us worked against Russian information operations in the United States in the last several years.

Perhaps most important, each of us believes deeply that American citizens should determine the outcome of elections, not foreign governments. All of us agree with the founding fathers' concern about the damage that foreign interference in our politics can do to our democracy.

It is for all these reasons that we write to say that the arrival on the US political scene of emails purportedly belonging to Vice President Biden's son Hunter, much of it related to his time serving on the Board of the Ukrainian gas company Burisma, has all the classic earmarks of a Russian information operation.

We want to emphasize that we do not know if the emails, provided to the New York Post by President Trump's personal attorney Rudy Giuliani, are genuine or not and that we do not have evidence of Russian involvement -- just that our experience makes us deeply suspicious that the Russian government played a significant role in this case.

If we are right, this is Russia trying to influence how Americans vote in this election, and we believe strongly that Americans need to be aware of this.

There are a number of factors that make us suspicious of Russian involvement.

Such an operation would be consistent with Russian objectives, as outlined publicly and recently by the Intelligence Community, to create political chaos in the United States and to deepen political divisions here but also to undermine the candidacy of former Vice President Biden and thereby help the candidacy of President Trump. For the Russians at this point, with Trump down in the polls, there is incentive for Moscow to pull out the stops to do anything possible to help Trump win and/or to weaken Biden should he win. A "laptop op" fits the bill, as the publication of the emails are clearly designed to discredit Biden.

Such an operation would be consistent with some of the key methods Russia has used in its now multi-year operation to interfere in our democracy – the hacking (via cyber operations) and the dumping of accurate information or the distribution of inaccurate or misinformation. Russia did both of these during the 2016 presidential election – judgments shared by the US Intelligence Community, the investigation into Russian activities by Special Counsel Robert Mueller, and the entirety (all Republicans and Democrats) on the current Senate Intelligence Committee.

Such an operation is also consistent with several data points. The Russians, according to media reports and cybersecurity experts, targeted Burisma late last year for cyber collection and gained access to its emails. And Ukrainian politician and businessman Adriy Derkach, identified and sanctioned by the US Treasury Department for being a 10-year Russian agent interfering in the 2020 election, passed purported materials on Burisma and Hunter Biden to Giuliani.

Our view that the Russians are involved in the Hunter Biden email issue is consistent with two other significant data points as well. According to the Washington Post, citing four sources, “U.S. intelligence agencies warned the White House last year that Giuliani was the target of an influence operation by Russian intelligence.”

In addition, media reports say that the FBI has now opened an investigation into Russian involvement in this case. According to USA Today, “...federal authorities are investigating whether the material supplied to the New York Post by Rudy Giuliani...is part of a smoke bomb of disinformation pushed by Russia.”

We do not know whether these press reports are accurate, but they do suggest concern within Executive Branch departments and agencies that mirrors ours. It is high time that Russia stops interfering in our democracy.

Signed by,

Jim Clapper
Former Director of National Intelligence
Former Under Secretary of Defense for Intelligence
Former Director of the National Geospatial Intelligence Agency
Former Director of the Defense Intelligence Agency

Mike Hayden
Former Director, Central Intelligence Agency
Former Director, National Security Agency
Former Principal Deputy Director of National Intelligence

Leon Panetta

Former Director, Central Intelligence Agency
Former Secretary of Defense

John Brennan
Former Director, Central Intelligence Agency
Former White House Homeland Security and Counterterrorism Advisor
Former Director, Terrorism Threat Integration Center
Former Analyst and Operations Officer, Central Intelligence Agency

Thomas Finger
Former Deputy Director of National Intelligence for Analysis
Former Assistant Secretary for Intelligence and Research, Department of State
Former Chair, National Intelligence Council

Rick Ledgett
Former Deputy Director, National Security Agency

John McLaughlin
Former Acting Director, Central Intelligence Agency
Former Deputy Director, Central Intelligence Agency
Former Director of Analysis, Central Intelligence Agency
Former Director, Slavic and Eurasian Analysis, Central Intelligence Agency

Michael Morell
Former Acting Director, Central Intelligence Agency
Former Deputy Director, Central Intelligence Agency
Former Director of Analysis, Central Intelligence Agency

Mike Vickers
Former Under Secretary of Defense for Intelligence
Former Operations Officer, Central Intelligence Agency

Doug Wise
Former Deputy Director, Defense Intelligence Agency
Former Senior CIA Operations Officer

Nick Rasmussen
Former Director, National Counterterrorism Center

Russ Travers
Former Acting Director, National Counterterrorism Center
Former Deputy Director, National Counterterrorism Center
Former Analyst of the Soviet Union and Russia, Defense Intelligence Agency

Andy Liepman

Former Deputy Director, National Counterterrorism Center
Former Senior Intelligence Officer, Central Intelligence Agency

John Moseman

Former Chief of Staff, Central Intelligence Agency
Former Director of Congressional Affairs, Central Intelligence Agency
Former Minority Staff Director, Senate Select Committee on Intelligence

Larry Pfeiffer

Former Chief of Staff, Central Intelligence Agency
Former Director, White House Situation Room

Jeremy Bash

Former Chief of Staff, Central Intelligence Agency
Former Chief of Staff, Department of Defense
Former Chief Counsel, House Permanent Select Committee on Intelligence

Rodney Snyder

Former Chief of Staff, Central Intelligence Agency
Former Director of Intelligence Programs, National Security Council
Chief of Station, Central Intelligence Agency

Glenn Gerstell

Former General Counsel, National Security Agency

David B. Buckley

Former Inspector General, Central Intelligence Agency
Former Democratic Staff Director, House Permanent Select Committee on Intelligence
Former Counterespionage Case Officer, United States Air Force

Nada Bakos

Former Analyst and Targeting Officer, Central Intelligence Agency

Patty Brandmaier

Former Senior Intelligence Officer, Central Intelligence Agency
Former Deputy Associate Director for Military Affairs, Central Intelligence Agency
Former Deputy Director of Congressional Affairs, Central Intelligence Agency

James B. Bruce

Former Senior Intelligence Officer, Central Intelligence Agency
Former Senior Intelligence Officer, National Intelligence Council

Considerable work related to Russia

David Cariens

Former Intelligence Analyst, Central Intelligence Agency
50+ Years Working in the Intelligence Community

Janice Cariens

Former Operational Support Officer, Central Intelligence Agency

Paul Kolbe

Former Senior Operations Officer, Central Intelligence Agency
Former Chief, Central Eurasia Division, Central Intelligence Agency

Peter Corsell

Former Analyst, Central Intelligence Agency

Brett Davis

Former Senior Intelligence Officer, Central Intelligence Agency
Former Deputy Director of the Special Activities Center for Expeditionary Operations, CIA

Roger Zane George

Former National Intelligence Officer

Steven L. Hall

Former Senior Intelligence Officer, Central Intelligence Agency
Former Chief of Russian Operations, Central Intelligence Agency

Kent Harrington

Former National Intelligence Officer for East Asia, Central Intelligence Agency
Former Director of Public Affairs, Central Intelligence Agency
Former Chief of Station, Central Intelligence Agency
Former Analyst, Central Intelligence Agency

Don Hepburn

Former Senior National Security Executive

Timothy D. Kilbourn

Former Dean, Sherman Kent School of Intelligence Analysis, Central Intelligence Agency
Former PDB Briefer to President George W. Bush, Central Intelligence Agency

Ron Marks

Former Officer, Central Intelligence Agency
Twice former staff of the Republican Majority Leader

Jonna Hiestand Mendez
Technical Operations Officer, Central Intelligence Agency

Emile Nakhleh
Former Director of the Political Islam Strategic Analysis Program, Central Intelligence Agency
Former Senior Intelligence Analyst, Central Intelligence Agency

Gerald A. O'Shea
Senior Operations Officer, Central Intelligence Agency
Served four tours as Chief of Station, Central Intelligence Agency

David Priess
Former Analyst and Manager, Central Intelligence Agency
Former PDB Briefer, Central Intelligence Agency

Pam Purcilly
Former Deputy Director of Analysis, Central Intelligence Agency
Former Director of the Office of Russian and European Analysis, Central Intelligence Agency
Former PDB Briefer to President George W. Bush, Central Intelligence Agency

Marc Polymeropoulos
Former Senior Operations Officer, Central Intelligence Agency
Former Acting Chief of Operations for Europe and Eurasia, Central Intelligence Agency

Chris Savos
Former Senior Intelligence Officer, Central Intelligence Officer

Nick Shapiro
Former Deputy Chief of Staff and Senior Advisor to the Director, Central Intelligence Agency

John Sipher
Former Senior Operations Officer, Central Intelligence Agency
Former Deputy Chief of Russian Operations, Central Intelligence Agency

Stephen Slick
Former Senior Director for Intelligence Programs, National Security Council
Former Senior Operations Office, Central Intelligence Agency

Cynthia Strand
Former Deputy Assistant Director for Global Issues, Central Intelligence Agency

Greg Tarbell

Former Deputy Executive Director, Central Intelligence Agency

Former Analyst of the Soviet Union and Russia, Central Intelligence Agency

David Terry

Former Chairman of the National Intelligence Collection Board

Former Chief of the PDB, Central Intelligence Agency

Former PDB Briefer to Vice President Dick Cheney, Central Intelligence Agency

Greg Treverton

Former Chair, National Intelligence Council

John Tullius

Former Senior Intelligence Officer, Central Intelligence Agency

David A. Vanell

Former Senior Operations Officer, Central Intelligence Agency

Winston Wiley

Former Director of Analysis, Central Intelligence Agency

Former Chief, Counterterrorism Center, Central Intelligence Agency

Kristin Wood



Former Senior Intelligence Officer, Central Intelligence Agency

Former PDB Briefer, Central Intelligence Agency


In addition, nine additional former IC officers who cannot be named publicly also support the arguments in this letter.

Exhibit Three

Individual contributions

Export Viewing **5** filtered results for:Reset filters 2019-2020 'leon panetta' 

Contributor name	Recipient	State	Employer	Receipt date 	Amount	
LEON, PANETTA	BIDEN VICTORY FUND	DC		06/29/2020	\$5,000.00	
LEON, PANETTA E.	BIDEN FOR PRESIDENT	DC	INFORMATION REQUESTED	06/29/2020	\$2,200.00	
LEON, PANETTA E.	BIDEN FOR PRESIDENT	DC	INFORMATION REQUESTED	06/29/2020	\$2,800.00	
PANETTA, LEON	EVELYN FOR NY	CA	PANETTA INSTITUTE	03/31/2020	\$1,000.00	
PANETTA, LEON	SCHIFF FOR CONGRESS	CA	PANETTA INSTITUTE	09/03/2019	\$1,000.00	


Results per page: 30 

Showing 1 to 5 of 5 entries



Exhibit Four

Individual contributions

Export Viewing **7** filtered results for:Reset filters 2019-2020 "james clapper" 

Contributor name	Recipient	State	Employer	Receipt date 	Amount	
CLAPPER, JAMES	BIDEN FOR PRESIDENT	VA	RETIRED	10/04/2020	\$250.00	
CLAPPER, JAMES	BIDEN FOR PRESIDENT	VA	RETIRED	10/04/2020	\$250.00	
CLAPPER, JAMES	BIDEN VICTORY FUND	VA	RETIRED	10/04/2020	\$250.00	
CLAPPER, JAMES	BIDEN VICTORY FUND	VA	RETIRED	10/04/2020	\$250.00	
CLAPPER, JAMES	ACTBLUE	FL	DELOITTE	11/23/2019	\$3.00	
CLAPPER, JAMES	BIDEN FOR PRESIDENT	VA	SELF-EMPLOYED, CLAPPER ENTERPRISES, LC	10/21/2019	\$250.00	
CLAPPER, JAMES	ACTBLUE	NY	NOT EMPLOYED	04/16/2019	\$20.00	

Results per page: 30 

Showing 1 to 7 of 7 entries



Exhibit Five

Congress of the United States
Washington, DC 20515

April 20, 2023

The Honorable Antony Blinken
Secretary
U.S. Department of State
Washington, DC 20520

Dear Secretary Blinken:

The Committee on the Judiciary and the Permanent Select Committee on Intelligence are conducting oversight of federal law-enforcement and intelligence matters within our respective jurisdictions. We are examining the origins of the infamous public statement signed by 51 former intelligence officials that falsely discredited a *New York Post* story regarding Hunter Biden's laptop as supposed Russian disinformation. As part of our oversight, we have learned that you played a role in the inception of this statement while serving as a Biden campaign advisor, and we therefore request your assistance with our oversight.

On October 14, 2020, the *New York Post* published a report detailing how Hunter Biden used the position and influence of his father, now-President Joe Biden, for personal gain with the apparent awareness of President Biden.¹ The article reported on several emails found on a laptop belonging to Hunter Biden that he had abandoned in a Delaware computer shop.² The contents of the emails cast doubt on President Biden's previous denials of speaking to his son about his international business dealings.

Within five days of the article, on October 19, 2020, 51 former intelligence officials released a public statement attempting to discredit the contents of the *New York Post*'s reporting about Hunter Biden, stating that the story "has all the classic earmarks of a Russian information operation."³ News publications immediately ran with the statement, with *Politico* publishing a story with the conclusive headline, "Hunter Biden story is Russian disinfo, dozens of former officials say."⁴ Social media companies simultaneously restricted access to the *Post* story, including Twitter locking the *Post*'s and then-White House press secretary Kayleigh McEnany's

¹ Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. POST (Oct. 14, 2020).

² *Id.*

³ Jim Clapper et al., Public Statement on the Hunter Biden Emails (Oct. 19, 2020).

⁴ Natasha Bertrand, *Hunter Biden story is Russian disinfo, dozens of former intel officials say*, POLITICO (Oct. 19, 2020).

The Honorable Antony Blinken

April 20, 2023

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accounts for sharing a link to the article.⁵ During the final presidential debate on October 22, then-Vice President Biden cited the public statement to rebut President Trump's criticism of the Biden family business dealings, saying:

Look, there are 50 former national intelligence folks who said that what this, [President Trump's] accusing me of is a Russian plan. They have said this this has all the characteristics—four—five former heads of the CIA, both parties, say what he's saying is a bunch of garbage. Nobody believes it except him and his good friend Rudy Giuliani.⁶

Subsequent reporting revealed that the *New York Post* story was not, as the public statement claimed and then-Vice President Biden parroted, part of a "Russian information operation."⁷ This revelation nearly two years after the fact, however, was little consolation. The concerted efforts to dismiss the serious allegations in the *Post*'s reporting and to suppress any discussion of the story played a substantial role in the 2020 election.

The Committees recently conducted a transcribed interview with Michael Morell, a former Deputy Director of the Central Intelligence Agency (CIA) and one of the 51 signatories of the public statement. In his transcribed interview, Morell testified that on or around October 17, 2020, you reached out to him to discuss the Hunter Biden laptop story.⁸ At the time you served as a senior advisor to the Biden campaign. According to Morell, although your outreach was couched as simply gathering Morell's reaction to the *Post* story, it set in motion the events that led to the issuance of the public statement.⁹ Morell testified:

Q: But, prior to [Secretary Blinken's] call, you – you did not have any intent to write this statement?

A: I did not.

Q: Okay. So his call triggered –

A: It did, yes.

Q: – that intent in you?

⁵ See, e.g., Elizabeth Dvoskin, *Facebook and Twitter take unusual steps to limit spread of New York Post story*, WASH. POST (Oct. 15, 2020).

⁶ Comm'n on Presidential Debates, *Presidential Debate at Belmont University in Nashville, Tennessee* (Oct. 22, 2020).

⁷ See, e.g., Katie Brenner et al., *Hunter Biden paid tax bill, but broad federal investigation continues*, N.Y. TIMES, Mar. 16, 2022; Matt Viser et al., *Inside Hunter Biden's multimillion-dollar deals with a Chinese energy company*, WASH. POST, Mar. 30, 2022.

⁸ See Transcribed Interview of Mr. Michael Morell at 97.

⁹ See *id.* at 21-22, 25.

The Honorable Antony Blinken
April 20, 2023
Page 3

A: Yes. Absolutely.¹⁰

That same day, October 17, you also emailed Morell an article published in *USA Today* alleging that the FBI was examining whether the Hunter Biden laptop was part of a “disinformation campaign.”¹¹ The very bottom of the email you sent to Morell included the signature block of Andrew Bates, then-director of rapid response for the Biden campaign.¹²

Morell testified that his communication with you was one of a few communications he had with the Biden campaign, explaining that he also received a call from Steve Ricchetti, Chairman of the Biden campaign, following the October 22 debate to thank him for writing the statement.¹³ He testified:

After the debate – I think it was after the debate – in fact, I’m pretty sure it was after the debate – I got a phone call from Jeremy Bash, who I work with at Beacon and who is active politically. And Jeremy said: Do you have a minute to talk to Steve Ricchetti?

I said: Of course.

He was the head of the Biden campaign at the time. And Jeremy got him on the line, and Steve thanked me for putting the statement out. And that was the extent of the conversation.¹⁴

Morell also explained that the Biden campaign helped to strategize about the public release of the statement. Morell testified that he sent an email telling Nick Shapiro, former Deputy Chief of Staff and Senior Advisor to the Director of the CIA John Brennan, that the Biden campaign wanted the statement to go to a particular reporter at the *Washington Post* first and that he should send the statement to the campaign when he sent the letter to the reporter.¹⁵ Morell testified, however, that he did not recall why he told Shapiro the campaign wanted the statement to go to this reporter first and admitted that he may have spoken to the campaign on another occasion.¹⁶

Morell further explained that one of his two goals in releasing the statement was to help then-Vice President Biden in the debate and to assist him in winning the election.¹⁷ He testified:

Q: What was the intent of the statement?

¹⁰ *Id.* at 21-22.

¹¹ *Id.* at 22. See email from Anthony Blinken to Michael Morell (Oct. 17, 2020, 10:53 p.m.).

¹² Email from Anthony Blinken to Michael Morell (Oct. 17, 2020, 10:53 p.m.).

¹³ Morell interview at 97.

¹⁴ *Id.*

¹⁵ *Id.* at 23.

¹⁶ *Id.* at 104.

¹⁷ See *id.* at 11, 34, 102.

The Honorable Antony Blinken

April 20, 2023

Page 4

A: There were two intents. One intent was to share our concern with the American people that the Russians were playing on this issue; and, two, it was [to] help Vice President Biden.¹⁸

* * *

Chairman Jordan: You wanted to help the Vice President why?

A: Because I wanted him to win the election.

Chairman Jordan: You wanted him to win; that's why?

A: Yes, sir.¹⁹

Based on Morell's testimony, it is apparent that the Biden campaign played an active role in the origins of the public statement, which had the effect of helping to suppress the Hunter Biden story and preventing American citizens from making a fully informed decision during the 2020 presidential election.²⁰ Although the statement's signatories have an unquestioned right to free speech and free association—which we do not dispute—their reference to their national security credentials lent weight to the story and suggested access to specialized information unavailable to other Americans. This concerted effort to minimize and suppress public dissemination of the serious allegations about the Biden family was a grave disservice to all American citizens' informed participation in our democracy.

Based on the information we have obtained to date, we believe that you possess material that would advance our oversight and inform potential legislative reforms. Accordingly, we ask that you please provide the following information and records in your personal possession:

1. Identify all people with whom you communicated about the inception, drafting, editing, signing, publishing, or promotion of the "Public Statement on the Hunter Biden Emails" dated October 19, 2020, during the period October 14, 2020, to November 24, 2020; and
2. Produce all documents and communications referring or relating to the "Public Statement on the Hunter Biden Emails" dated October 19, 2020, sent or received between October 14, 2020, and November 24, 2020.

Please produce this material as soon as possible but no later than 5:00 p.m. on May 4, 2023. Because these events occurred prior to your nomination and confirmation as Secretary of State, we seek your cooperation with our requests in your personal, and not your official,

¹⁸ *Id.* at 11.

¹⁹ *Id.* at 102.

²⁰ See, e.g., David Folkenflik, *More details emerge in federal investigation into Hunter Biden*, Nat'l Pub. Radio (Apr. 9, 2022); Jacob Siegel, *A guide to understanding the hoax of the Century*, Tablet (Mar. 28, 2023).

The Honorable Antony Blinken

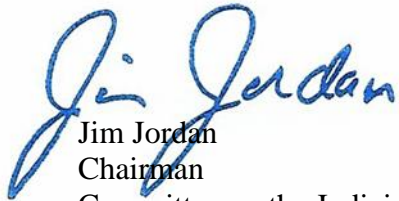
April 20, 2023

Page 5

capacity. Although our requests do not implicate Department equities, and accordingly there should be no basis for the Department to interfere with our oversight, we have addressed these requests to you in your official capacity initially as a courtesy. If you are represented by private counsel in this matter, please ask your attorney to contact Judiciary Committee staff promptly on your behalf at (202) 225-6906.

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Chairman
Committee on the Judiciary



Michael R. Turner
Chairman
Permanent Select Committee on
Intelligence

cc: The Honorable Jerrold L. Nadler, Ranking Member, Committee on the Judiciary
The Honorable Jim Himes, Ranking Member, Permanent Select Committee on
Intelligence

Exhibit Six

[Home](#) / [News](#) / [In the News](#)

Biden campaign, Blinken orchestrated intel letter to discredit Hunter Biden laptop story, ex-CIA official says

April 21, 2023 [In The News](#)

Brooke Singman

[Fox News](#)

A former CIA official testified that then-[Biden](#) campaign senior adviser, now-Secretary of State Antony Blinken "played a role in the inception" of the public statement signed by current and past intelligence officials that claimed the Hunter Biden laptop was part of a Russian disinformation campaign.

Former CIA Deputy Director Michael Morrell testified before the House Judiciary and Intelligence Committees, and revealed that Blinken was "the impetus" of the public statement signed in October 2020 that implied the laptop belonging to Hunter Biden was disinformation.

House Judiciary Committee Chairman Jim Jordan, R-Ohio, and House Intelligence Committee Chairman Mike Turner, R-Ohio, sent a letter to Blinken Thursday, notifying him that the panels are "conducting oversight of federal law-enforcement and intelligence matters within our respective jurisdictions."

"We are examining that public statement signed by 51 former intelligence officials that falsely discredited a New York Post story regarding Hunter Biden's laptop as supposed Russian disinformation," they wrote. "As part of our oversight, we have learned that you played a role in the inception of this statement while serving as a Biden campaign advisor, and we therefore request your assistance with our oversight."

In October 2020, weeks before the presidential election, dozens of ex-national security officials signed onto a letter claiming that Hunter's laptop had "all the classic earmarks of a Russian information operation."

The former officials included former Obama CIA Director John Brennan, former Obama DNI James Clapper, and former CIA director, then-Defense Secretary Leon Panetta, among others.

The lawmakers said that based on Morell's testimony, it is "apparent" that the Biden campaign "played an active role in the origins of the public statement, which had the effect of helping to suppress the Hunter Biden story and preventing American citizens from making a fully informed decision during the 2020 presidential election."

"Although the statement's signatories have an unquestioned right to free speech and free association—which we do not dispute—their reference to their national security credentials lent weight to the story and suggested access to specialized information unavailable to other Americans," they wrote.

They added: "This concerted effort to minimize and suppress public dissemination of the serious allegations about the Biden family was a grave disservice to all American citizens' informed participation in our democracy."

Jordan and Turner notified Blinken that they conducted a transcribed interview with Morell, who signed onto the letter.

News

[Press Releases](#)

[In the News](#)

"In his transcribed interview, Morell testified that on or around October 17, 2020 you reached out to him to discuss the Hunter Biden laptop story," they wrote. Blinken, at the time, was a senior adviser to the Biden campaign.

"According to Morell, although your outreach was couched as simply gathering Morell's reaction to the Post story, it set in motion the events that led to the issuance of the public statement," they wrote.

Morell testified that the Biden campaign "helped to strategize about the public release of the statement."

"Morell further explained that one of his two goals in releasing the statement was to help then-Vice President Biden in the debate and to assist him in winning the election," Jordan and Turner wrote.

Morell testified: "There were two intents. One intent was to share our concern with the American people that the Russians were playing on this issue; and, two, it was to help Vice President Biden."

Morell was asked why he wanted to help Biden.

"Because I wanted him to win the election," Morell testified.

Jordan and Turner are demanding Blinken to provide material to help them to "advance" their oversight.

They demanded Blinken identify the people he communicated with about drafting the statement; and produce all documents referring to the statement.

They gave Blinken until May 4 at 5:00 p.m. ET.

Fox News first reported the existence of some type of investigation involving Hunter Biden in October 2020, ahead of the last presidential election. It became known then that the FBI had [subpoenaed the laptop](#) purportedly belonging to Hunter Biden in the course of an existing [money laundering investigation](#).

Hunter Biden confirmed the investigation into his "tax affairs" in December 2020, after his father was elected president.

Fox News first reported in 2020 that the federal investigation into Hunter Biden's "tax affairs" began amid the discovery of SARs regarding funds from "China and other foreign nations.

The investigation is being led by Trump-appointed Delaware U.S. Attorney David Weiss. Hunter Biden has been under federal investigation since 2018.

Read the full article [here](#).



Washington DC Office
2138 Rayburn House Building
Washington, DC 20515
Phone: (202) 225-6906

Minority Site

Exhibit Seven



NATIONAL SECURITY

Hunter Biden story is Russian disinfo, dozens of former intel officials say

More than 50 former intelligence officials signed a letter casting doubt on the provenance of a New York Post story on the former vice president's son.



More than 50 former senior intelligence officials have signed on to a letter outlining their belief that the recent disclosure of emails allegedly belonging to Hunter Biden, pictured here, "has all the classic earmarks of a Russian information operation." | Handout/DNCC via Getty Images

By NATASHA BERTRAND
10/19/2020 10:30 PM EDT



More than 50 former senior intelligence officials have [signed on to a letter](#) outlining their belief that the recent disclosure of emails allegedly belonging to Joe Biden's son "has all the classic earmarks of a Russian information operation."

The letter, signed on Monday, centers around a batch of documents released by the New York Post last week that purport to tie the Democratic nominee to his son Hunter's business dealings. Under the banner headline "Biden Secret E-mails," the Post reported it was given a copy of Hunter Biden's laptop hard drive by President Donald Trump's personal lawyer Rudy Giuliani, who said he got it from a Mac shop owner in Delaware who also alerted the FBI.

Advertisement

While the letter's signatories presented no new evidence, they said their national security experience had made them "deeply suspicious that the Russian government played a significant role in this case" and cited several "If we are right," they added, "this is Russia trying to influence how Americans vote in this election, and we believe strongly that Americans need to be aware of this."

Nick Shapiro, a former top aide under CIA director John Brennan, provided POLITICO with the letter on Monday. He noted that "the IC leaders who have signed this letter worked for the past four presidents, including Trump. The real power here however is the number of former, working-level IC officers who want the American people to know that once again the Russians are interfering."

The former Trump administration officials who signed the letter include Russ Travers, who served as National Counterterrorism Center acting director; Glenn Gerstell, the former NSA general counsel; Rick Ledgett, the former deputy NSA director; Marc Polymeropoulos, a retired CIA senior operations officer; and Cynthia Strand, who served as the CIA's deputy assistant director for global issues. Former CIA directors or acting directors Brennan, Leon Panetta, Gen. Michael Hayden, John McLaughlin and Michael Morell also signed the letter, along with more than three dozen other intelligence veterans. Several of the former officials on the list have endorsed Biden.

AD

Director of National Intelligence John Ratcliffe [said on Monday](#) that the information on Biden’s laptop “is not part of some Russian disinformation campaign,” though the FBI is [reportedly conducting an ongoing investigation](#) into whether Russia was involved.

The New York Times [raised questions on Sunday](#) about the rigor of the Post’s reporting process, revealing that several of its reporters had refused to put their name on the Biden stories because they were concerned about the authenticity of the materials. The Post stood by its reporting, saying it was vetted before publication.

But the release of the material, which POLITICO has not independently verified, has drawn comparisons to 2016, when Russian hackers dumped troves of emails from Democrats onto the internet — producing few damaging revelations but fueling accusations of corruption by Trump. While there has been no immediate indication of Russian involvement in the release of emails the Post obtained, its general thrust mirrors a narrative that U.S. intelligence agencies have described as part of an active Russian disinformation effort aimed at denigrating Biden’s candidacy.

POLITICO DISPATCH: OCTOBER 20

He's been in the Senate since 2003, but this year could be his last. POLITICO's Andrew Desiderio traces Lindsey Graham's transformation from a moderate Republican known for working across the aisle to a staunch defender of President Trump.



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“We want to emphasize that we do not know if the emails, provided to the New York Post by President Trump’s personal attorney Rudy Giuliani, are genuine or not and that we do not have evidence of Russian involvement,” the letter reads. But, it continues, “there are a number of factors that make us suspicious of Russian involvement.”

AD

“Such an operation would be consistent with Russian objectives, as outlined publicly and recently by the Intelligence Community, to create political chaos in the United States and to deepen political divisions here but also to undermine the candidacy of former Vice President Biden and thereby help the candidacy of President Trump,” the letter reads.

National Counterintelligence and Security Center Director Bill Evanina [said in August](#) that Russia has been trying to denigrate Biden’s campaign, specifically through a Ukrainian lawmaker named Andriy Derkach who has met with Giuliani at least twice to discuss corruption accusations against Biden. Derkach was sanctioned by the Treasury Department last month for allegedly acting as a Russian agent and interfering in the 2020 election.

Giuliani brushed off concerns about Derkach in an interview with [The Daily Beast](#) this week, saying “the chance that Derkach is a Russian spy is no better than 50/50.” And he told [The Wall Street Journal](#) of the purported Biden email trove: “Could it be hacked? I don’t know. I don’t think so. If it was hacked, it’s for real. If it was hacked, I didn’t hack it. I have every right to use it.”

The former officials said Derkach’s relationship with Giuliani and fixation on the Bidens, along with [Russia’s reported hack on Burisma](#) — the Ukrainian energy company that gave Hunter Biden a board seat and is at the center of Trump and his allies’ corruption allegations — “is consistent with” a Russian operation.

“For the Russians at this point, with Trump down in the polls, there is incentive for Moscow to pull out the stops to do anything possible to help Trump win and/or to weaken Biden should he win,” the letter says. “A ‘laptop op’ fits the bill, as the publication of the emails are clearly designed to discredit Biden.”

AD

Top Biden advisers who staffed him during his vice presidency, citing their own recollections as well as a review of Biden’s official schedules, have sharply rejected suggestions that Biden ever met with a representative of Burisma in 2015 or has otherwise been involved in Hunter Biden’s business interests.

“Investigations by the press, during impeachment, and even by two Republican-led Senate committees whose work was decried as ‘not legitimate’ and political by a GOP colleague have all reached the same conclusion: that Joe Biden carried out official U.S. policy toward Ukraine and engaged in no

Exhibit Eight

NEWS

79% say ‘truthful’ coverage of Hunter Biden’s laptop would have changed 2020 election

By [Bruce Golding](#)

Published Aug. 26, 2022

Updated Aug. 26, 2022, 7:51 p.m. ET



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RECOMMENDED



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Nearly four of five Americans who've been following the [Hunter Biden laptop scandal](#) believe that “truthful” coverage would have [changed the outcome](#) of the 2020 presidential election, according to a new poll.

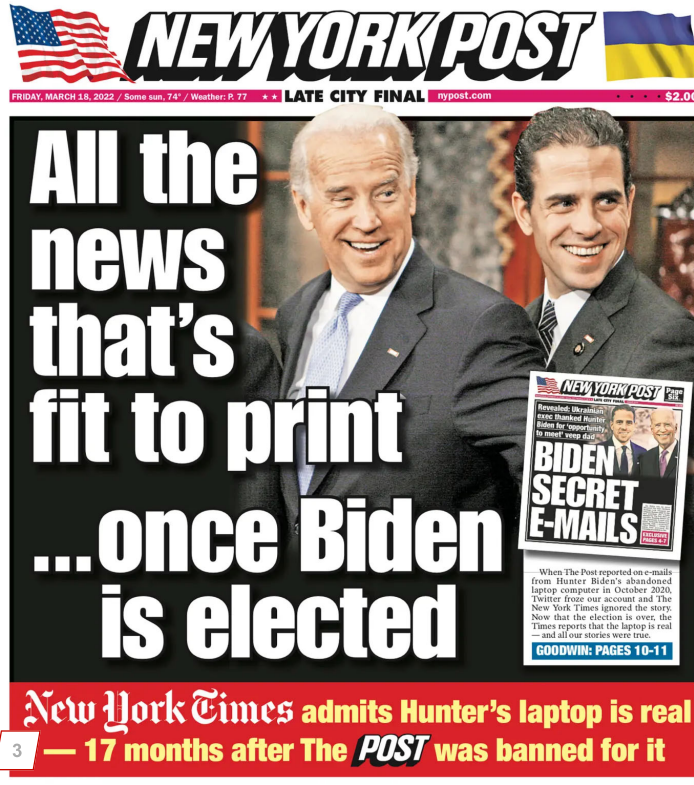
A similar percentage also said they're convinced that information on the computer is real, with just 11% saying they thought it was “created by Russia,” according to the survey conducted by the New Jersey-based [Technometrica Institute of Policy and Politics](#).

And an even higher number — 81% — said US Attorney General Merrick Garland should appoint a special counsel to investigate matters related to the first son's infamous laptop, the existence of which was exclusively [revealed by The Post in October 2020](#).



The majority of Americans believe that AG Merrick Garland should appoint a special counsel to investigate the laptop fiasco and matters involving it.

Win McNamee/Getty Images



New York Post cover for Friday, March 18, 2022.



Before you go ...

Before you go ...

Before you go ...

Before you go ...

Before you go ...

Before you go ...

Before you go ...

Before you go ...

Exhibit Nine

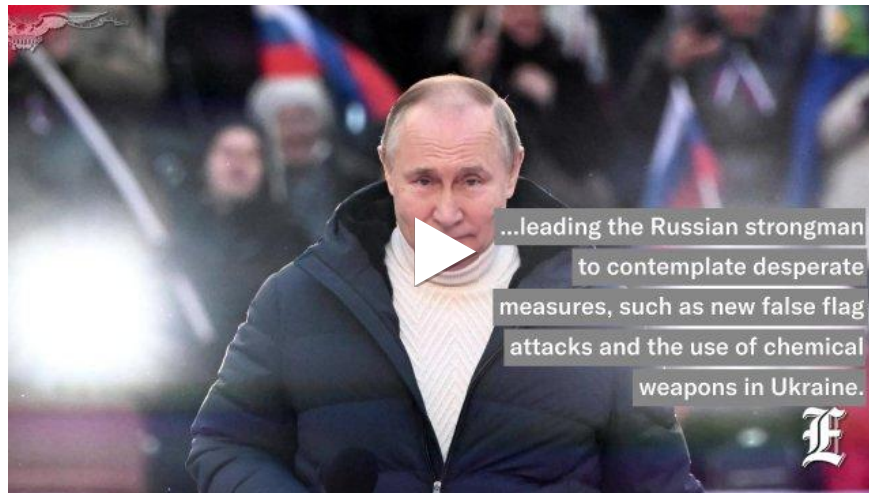
[NEWS](#)

Barr says Hunter Biden Russian disinformation claims 'probably affected' election outcome

by [Jerry Dunleavy, Justice Department Reporter](#)
March 22, 2022 12:43 PM

Former Attorney General William Barr argued the effort by dozens of former intelligence officials to cast doubt on the Hunter Biden laptop revelations by [baselessly suggesting](#) Russia involvement "probably affected the outcome" of the 2020 presidential race.

The 51 former spy officials who signed a letter [suggesting](#) Russia was involved with the [laptop saga](#) are now [largely silent](#) about why they weighed in on the story weeks before the election. Despite offering no proof, [President Joe Biden's](#) 2020 campaign, along with many in the media, [dismissed](#) the October 2020 laptop story as being part of a [Russian](#) disinformation operation, with Biden citing the letter in a debate with then-President Donald Trump, which Barr critiqued.



Conservative radio show host Hugh Hewitt [asked](#) Barr on Tuesday about four "interventions" in presidential elections and which was most "material" to the outcome. Hewitt's examples were Iran-Contra [prosecutor](#) Lawrence Walsh issuing an indictment against former Reagan Defense Secretary Caspar Willard Weinberger just four days before the election between then-President George H.W. Bush and future President Bill Clinton in 1992, debate moderator Candy Crowley [inserting herself](#) on President Barack Obama's side during a debate with then-candidate Mitt Romney, Russian [influence efforts](#) in the 2016 race between Trump

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"Well, the ones that stick with me are Walsh and the laptop — the intelligence officials suggesting that it was Russian disinformation in order to essentially keep a cork in it until after the election," Barr replied. "I do think that that, given how close the election was, you know, I think that that probably affected the outcome, or at least there is a very distinct probability of that. The same, I think, with Walsh."

Joe Biden called the laptop story "garbage" and part of a "Russian plan" and cited the letter. He was referring to a [Politico report](#) about the [letter](#) in an article titled "[Hunter Biden](#) story is Russian disinfo, dozens of former intel officials say." The title was misleading because the letter never directly called the laptop Russian "disinformation." The laptop "has all the classic earmarks of a Russian information operation," the officials claimed, but they admitted that "we do not have evidence of Russian involvement." But the letter also referred to "our view that the Russians are involved in the Hunter Biden email issue."

[Sign up now to get the Washington Examiner's breaking news and timely commentary delivered right to your inbox.](#)

A recent [report](#) from the *New York Times* said emails from the laptop were authentic, which multiple other outlets had previously concluded. The Justice Department is reportedly investigating Hunter Biden for foreign lobbying violations related to his [overseas business dealings](#), in addition to scrutinizing his taxes.

[DOJ INVESTIGATING HUNTER BIDEN FOR POTENTIAL FOREIGN LOBBYING VIOLATIONS](#)

Barr had expounded on all of this on Monday, criticizing the president's falsehoods and the decision by former intelligence officials to influence the race.

"I was very disturbed during the debate when candidate Biden lied to the American people about the laptop," Barr [said](#) on *America Reports* on Fox News. "He was squarely confronted with the laptop, and he suggested that it was Russian disinformation and pointed to the letter written by intelligence people that was baseless, which he knew was a lie. And I was shocked by that."

Barr added: "So when you're talking about interference in an election, I can't think of anything more than that kind of thing." The former attorney general has repeatedly [said](#) he did not believe voter fraud changed the outcome of the Trump-Biden race.

Barr's new memoir, *One Damn Thing After Another*, revealed his thoughts about how Trump reacted to the revelation in December 2020 that Hunter Biden was under federal investigation.

"I had heard that he was angry that I didn't say anything after the presidential debate in which Biden falsely suggested the relevant emails on his son Hunter's laptop may have been placed there by the Russians," Barr wrote. "Biden's bogus statement relied on a letter published a few days before by a coterie of retired intelligence officials who had lost their professional bearings and lent their names to partisan hackery."

The former attorney general added: "Their claim was exposed a few days later when the FBI, together with John Ratcliffe, the director of national intelligence, made clear there were no grounds to think the laptop's damning content reflected foreign disinformation. But, of course, the media, having heralded the letter's fictitious claims, stayed mostly quiet about its debunking. The damage was done. Biden got away with deception. And Trump thought I was to blame."

Ratcliffe, then the director of national intelligence, [said](#) in October 2020 that "there is no intelligence that supports that ... Hunter Biden's laptop is part of some Russian



Barr said in his book that, in mid-October 2020, he received a call from Trump, who asked him, "You know about this stuff from Hunter Biden's laptop?" Barr said that he replied, "Mr. President, I can't talk about that, and I'm not going to." When Trump continued that "you know, if that was one of my children—" Barr said he cut Trump off, saying, "Damn it, Mr. President, I am not going to talk to you about Hunter Biden. Period!"

[CLICK HERE TO READ MORE FROM THE WASHINGTON EXAMINER](#)

The former attorney general said on Fox News on Monday that "my reaction to the president there was obviously resisting the idea of injecting a criminal investigation of one of the candidates' children into the race when there hasn't been any definitive judgment over at the Department of Justice."

Barr publicly [rejected](#) the idea of appointing a special counsel to investigate Hunter Biden when asked about it in late December 2020.



<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 52 U.S.C. § 30109(a)(8)(A) - FEC failed to act on Plaintiff’s Administrative Complaint within 120 days

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
------------------------------------	--	-----------------	--

VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form
-------------------------------------	-------------------	---	---

DATE: 02/25/2024	SIGNATURE OF ATTORNEY OF RECORD: /s/ Michael Ding
------------------	---

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

AMERICA FIRST LEGAL FOUNDATION

Plaintiff(s)

v.

FEDERAL ELECTION COMMISSION

Defendant(s)

Civil Action No. 1:24-cv-517

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) FEDERAL ELECTION COMMISSION
1050 First Street. NE
Washington, D.C., 20463

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Ding
AMERICA FIRST LEGAL FOUNDATION
611 Pennsylvania Avenue SE #231
Washington, DC 20003
(202) 964-3721

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 1:24-cv-517

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

AMERICA FIRST LEGAL FOUNDATION

Plaintiff(s)

v.

FEDERAL ELECTION COMMISSION

Defendant(s)

Civil Action No. 1:24-cv-517

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Ding
AMERICA FIRST LEGAL FOUNDATION
611 Pennsylvania Avenue SE #231
Washington, DC 20003
(202) 964-3721

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 1:24-cv-517

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

AMERICA FIRST LEGAL FOUNDATION

Plaintiff(s)

v.

FEDERAL ELECTION COMMISSION

Defendant(s)

Civil Action No. 1:24-cv-517

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) U.S. Attorney's Office for the District of Columbia
Civil Process Clerk
601 D St., NW
Washington, D.C. 20530
Email Service to: USADC.ServiceCivil@usdoj.gov

A lawsuit has been filed against you.

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Michael Ding
AMERICA FIRST LEGAL FOUNDATION
611 Pennsylvania Avenue SE #231
Washington, DC 20003
(202) 964-3721

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Signature of Clerk or Deputy Clerk

Civil Action No. 1:24-cv-517

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