

**POLITICS**

# Mueller Has Early Draft of Trump Letter Giving Reasons for Firing Comey

By MICHAEL S. SCHMIDT and MAGGIE HABERMAN SEPT. 1, 2017

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

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

The letter, drafted in May, was met with opposition from Donald F. McGahn II, the White House counsel, who believed that its angry, meandering tone was problematic, according to interviews with a dozen administration officials and others briefed on the matter. Among Mr. McGahn's concerns were references to private conversations the president had with Mr. Comey, including times when the F.B.I. director told Mr. Trump he was not under investigation in the F.B.I.'s continuing Russia inquiry.

Mr. McGahn successfully blocked the president from sending the letter — which Mr. Trump had composed with Stephen Miller, one of the president's top political advisers — to Mr. Comey. But a copy was given to the deputy attorney general, Rod J. Rosenstein, who then drafted his own letter. Mr. Rosenstein's letter was ultimately used as the Trump administration's public rationale for Mr. Comey's firing, which

was that Mr. Comey had mishandled the investigation into Hillary Clinton's private email server.

Mr. Rosenstein is overseeing Mr. Mueller's investigation into Russian efforts to disrupt last year's presidential election, as well as whether Mr. Trump obstructed justice.

Mr. McGahn's concerns about Mr. Trump's letter show how much he realized that the president's rationale for firing Mr. Comey might not hold up to scrutiny, and how he and other administration officials sought to build a more defensible public case for his ouster.

Ty Cobb, a White House lawyer, declined on Friday to discuss the letter or its contents. "To the extent the special prosecutor is interested in these matters, we will be fully transparent with him," he said.

Mr. Trump and his aides gave multiple justifications for Mr. Comey's dismissal in the days after he was fired. The first rationale was that the F.B.I. director had mishandled the Clinton email case. Another was that Mr. Comey had lost the confidence of the F.B.I. During an Oval Office meeting with Russian officials, Mr. Trump went so far as to call Mr. Comey a "nut job" and said that firing him lifted pressure off the White House.

The New York Times has not seen a copy of Mr. Trump's letter — which was drafted at the urging of Mr. Trump during a pivotal weekend in May at the president's private golf club in Bedminster, N. J. — and it is unclear how much of the letter's rationale focuses on the Russia investigation. The Justice Department turned over a copy of the letter to Mr. Mueller in recent weeks.

The long Bedminster weekend began late Thursday, May 4, when Mr. Trump arrived by helicopter, joined by a trio of advisers — his daughter Ivanka; his son-in-law Jared Kushner; and Mr. Miller. It rained during part of the weekend, forcing Mr. Trump to cancel golf with Greg Norman, the Australian golfer. Instead, Mr. Trump stewed indoors, worrying about Mr. Comey and the Russia investigation.

The inquiry had already consumed the early months of his administration. Mr. Trump was angry that Mr. Comey had privately told him three times that he was not under investigation, yet would not clear his name publicly. Mr. Comey later confirmed in testimony to Congress in June that he had told the president that he was not under investigation, but said he did not make it public because the situation might change.

Mr. Miller and Mr. Kushner both told the president that weekend that they were in favor of firing Mr. Comey.

Mr. Trump ordered Mr. Miller to draft a letter, and dictated his unfettered thoughts. Several people who saw Mr. Miller's multi-page draft described it as a "screed."

Mr. Trump was back in Washington on Monday, May 8, when copies of the letter were handed out in the Oval Office to senior officials, including Mr. McGahn and Vice President Mike Pence. Mr. Trump announced that he had decided to fire Mr. Comey, and read aloud from Mr. Miller's memo.

Some present at the meeting, including Mr. McGahn, were alarmed that the president had decided to fire the F.B.I. director after consulting only Ms. Trump, Mr. Kushner and Mr. Miller. Mr. McGahn began an effort to stop the letter or at least pare it back.

Later that day, Mr. McGahn gave Mr. Miller a marked-up copy of the letter, highlighting several sections that he believed needed to be removed.

Mr. McGahn met again that same day with Mr. Trump and told him that if he fired Mr. Comey, the Russia investigation would not go away. Mr. Trump told him, according to senior administration officials, that he understood that firing the F.B.I. director might extend the Russia investigation, but that he wanted to do it anyway.

Mr. McGahn arranged for the president to meet in the Oval Office that day with Attorney General Jeff Sessions and Mr. Rosenstein, who he knew had been pursuing separate efforts to fire Mr. Comey. The two men were particularly angry about testimony Mr. Comey had given to the Senate Judiciary Committee the previous

week, when he said “it makes me mildly nauseous” to think his handling of the Hillary Clinton email investigation might have had an impact on the 2016 election.

Mr. Comey’s conduct during the hearing added to concerns of Mr. Sessions and Mr. Rosenstein that the F.B.I. director had botched the rollout of the Clinton investigation and had overstepped the boundaries of his job. Shortly after that hearing, Mr. Rosenstein expressed his concerns about Mr. Comey to a White House lawyer, who relayed details of the conversation to his bosses at the White House.

During the May 8 Oval Office meeting with Mr. Trump, Mr. Rosenstein was given a copy of the original letter and agreed to write a separate memo for Mr. Trump about why Mr. Comey should be fired.

Mr. Rosenstein’s memo arrived at the White House the next day. The lengthy diatribe Mr. Miller had written had been replaced by a simpler rationale — that Mr. Comey should be dismissed because of his handling of the Clinton email investigation. Unlike Mr. Trump’s letter, it made no mention of the times Mr. Comey had told the president he was not under investigation.

Mr. Rosenstein’s memo became the foundation for the terse termination letter that Mr. Trump had an aide attempt to deliver late on the afternoon of May 9 to F.B.I. headquarters in Washington. The White House made one significant revision, adding a point that was personally important to Mr. Trump: “While I greatly appreciate you informing me, on three separate occasions, that I am not under investigation, I nevertheless concur with the judgment of the Department of Justice that you are not able to effectively lead the Bureau,” the letter said.

Mr. Comey, however, was not in Washington to receive it. He was speaking to F.B.I. employees in Los Angeles when he looked up at a television screen in the back of the room and saw a breaking news alert that he had been fired.

An aide pulled Mr. Comey aside to tell him that he needed to call headquarters in Washington. Mr. Comey entered a small room, picked up the phone and learned that he had lost his job.

Matt Apuzzo and Julie Hirschfeld Davis contributed reporting.

A version of this article appears in print on September 2, 2017, on Page A1 of the New York edition with the headline: Letter By Trump On Comey Ouster Informs Inquiry.

---

© 2017 The New York Times Company