

## Timeline

(Note the paragraph citations are to the Wolfe indictment; other sources are cited in footnotes. Key dates are bolded. We quote verbatim from the indictment, and no allegation is presented as fact.)

May 1987: James A. Wolfe begins serving as the security director for the United States Senate Select Committee on Intelligence (“SSCI”). SSCI operates in a secure facility in the Hart Senate Office Building, and the security director is responsible for administering the committee’s physical and electronic security procedures. He is supervised by the committee’s top two officials, the staff director and minority staff director.<sup>1</sup> (¶ 1.)

December 2013: The indictment claims Wolfe and Watkins begin a personal relationship. (¶ 14.)<sup>2</sup>

Mid-2014: Watkins begins work as a national security reporter, starting as an intern at McClatchy.<sup>3</sup> While there, she is part of a team that is a finalist for a Pulitzer for reporting on SSCI’s production of a report on CIA torture following the 9/11 attacks.<sup>4</sup>

October 2014: Watkins joins the Huffington Post as a national security reporter.

November 2015: Watkins begins work for BuzzFeed as a national security reporter.

December 2015: According to the indictment, Wolfe begins communicating with “Reporter #1,” who wrote a story along with two other reporters about a “MALE-1,” which included classified information that had been provided to SSCI. We do not know the identities of Reporters #1, #3 and #4, who feature in the indictment. Reporter #2 in the indictment is Watkins.

March 17, 2017: The executive branch gives SSCI a classified document concerning the identity and activities of the same “MALE-1.” Wolfe receives the document. (¶¶ 17, 18.) That same evening Wolfe exchanges 82 text messages with Watkins and they speak for 28 minutes on the phone. (¶ 19.)

April 3, 2017: BuzzFeed publishes an article under Watkins’s byline with details about Carter Page’s contacts with Russian intelligence.<sup>5</sup> The article reports that the “MALE-1” referenced in

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<sup>1</sup> SSCI Rules of Procedure, R. 9.1.

<sup>2</sup> See also Michael M. Grynbaum et al., *How an Affair Between a Reporter and a Security Aide Has Rattled Washington Media*, N.Y. Times, June 24, 2018, <https://www.nytimes.com/2018/06/24/business/media/james-wolfe-ali-watkins-leaks-reporter.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region&region=top-news&WT.nav=top-news>.

<sup>3</sup> Michael M. Grynbaum, *New York Times Examines Work History of Reporter in Leak Case*, N.Y. Times, June 12, 2018, <https://www.nytimes.com/2018/06/12/business/media/ali-watkins-leaks.html>.

<sup>4</sup> Finalist: Marisa Taylor, Jonathan Landay and Ali Watkins of McClatchy Newspapers, Pulitzer.org, <http://www.pulitzer.org/finalists/marisa-taylor-jonathan-landay-and-ali-watkins>.

a transcript of a conversation between suspected Russian foreign intelligence agents in 2013 is Carter Page. The agents are discussing plans to recruit MALE-1. With respect to the article, the indictment states that a “news organization published an online article, under Reporter #2’s byline, that revealed the identity of MALE-1.” (¶ 20.) Around the time the article is posted, Wolfe and Watkins exchange 124 electronic communications. Twenty minutes after the article is published, they also speak on the phone for seven minutes. An hour and a half after Watkins appears on television to discuss the article, they speak for another 15 minutes (¶ 20.a.-c.)

May 2017: Watkins begins work for Politico.

June 1, 2017: A Customs and Border Protection (“CBP”) agent named Jeffrey A. Rambo contacts Watkins.<sup>6</sup> He says he works for the government and that he needs to talk to her immediately, but declines to give his name.<sup>7</sup> Rambo and Watkins meet in a restaurant where he questions Watkins about her sources for a [story](#) she bylined that day in Politico on an escalation of Russian espionage activity in the United States.<sup>8</sup> He reportedly states that the government is interested in cracking down on leaks.<sup>9</sup>

Rambo then presents Watkins with accurate dates and destinations for overseas trips Watkins had taken with Wolfe.<sup>10</sup> As a CBP agent, Rambo would have had access to the CBP database that tracks international airline passenger manifests.<sup>11</sup> During the meeting, Rambo says that it would “turn your world upside down” if the information about Wolfe were reported in the

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<sup>5</sup> Ali Watkins, *A Former Trump Adviser Met With a Russian Spy*, BuzzFeed, Apr. 3, 2017, [https://www.buzzfeed.com/alimwatkins/a-former-trump-adviser-met-with-a-russian-spy?utm\\_term=.evgBwEPX7#.tuk1BIANQ](https://www.buzzfeed.com/alimwatkins/a-former-trump-adviser-met-with-a-russian-spy?utm_term=.evgBwEPX7#.tuk1BIANQ).

<sup>6</sup> Scott Shane and Ron Nixon, *Border Agent Who Questioned Reporter is Investigated for Computer Misuse*, N.Y. Times, July 12, 2018, <https://www.nytimes.com/2018/07/12/business/jeffrey-rambo-james-wolfe-leaks.html>.

<sup>7</sup> *Id.*

<sup>8</sup> Grynbaum, *Rattled Washington*, *supra* note 2. The Politico article is: Ali Watkins, *Russia Escalates Spy Games After Years of U.S. Neglect*, Politico, June 1, 2017, <https://www.politico.com/story/2017/06/01/russia-spies-espionage-trump-239003>.

<sup>9</sup> Grynbaum, *Rattled Washington*, *supra* note 2.

<sup>10</sup> *Id.*

<sup>11</sup> Matt Zapposky et al., *Justice Department Considered Relationship Between Reporter and Source Before Secretly Seeking Records*, Wash. Post, June 13, 2018, [https://www.washingtonpost.com/world/national-security/justice-dept-considered-relationship-between-reporter-and-source-before-secretly-seeking-records/2018/06/13/4dcad462-6f25-11e8-bd50-b80389a4e569\\_story.html?utm\\_term=.8157faa81127](https://www.washingtonpost.com/world/national-security/justice-dept-considered-relationship-between-reporter-and-source-before-secretly-seeking-records/2018/06/13/4dcad462-6f25-11e8-bd50-b80389a4e569_story.html?utm_term=.8157faa81127); Shane Harris et al., *Customs and Border Protection Agent Faces Inquiry After Questioning Reporter About Her Sources*, Wash. Post, June 12, 2018, [https://www.washingtonpost.com/world/national-security/customs-and-border-protection-examining-agents-questioning-of-national-security-reporter/2018/06/12/05dac696-6e74-11e8-afd5-778aca903bbe\\_story.html?utm\\_term=.2222e55fba5](https://www.washingtonpost.com/world/national-security/customs-and-border-protection-examining-agents-questioning-of-national-security-reporter/2018/06/12/05dac696-6e74-11e8-afd5-778aca903bbe_story.html?utm_term=.2222e55fba5).

Washington Post, which Watkins took as a threat.<sup>12</sup> Reportedly, Rambo did not identify himself at the meeting; Watkins went back to the restaurant to get the bill, which had his name on it.<sup>13</sup>

June 2, 2017: Prompted by the Rambo meeting, Watkins informs Politico, her then-employer, of the meeting and her relationship with Wolfe. At some point after June 2, Watkins tells Wolfe about the Rambo meeting.

August 2017: Watkins tells friends her relationship with Wolfe has ended. According to the New York Times, Wolfe had been “spooked by her meeting with Mr. Rambo, and was refusing to disclose their relationship to his own employers in the Senate.”<sup>14</sup>

September 2017: Wolfe begins communicating with Reporter #3 via Signal, text message and phone. The communication continues until December 2017. (¶ 23.) We do not know Reporter #3’s identity.

October 2017: Wolfe begins communicating with Reporter #4 using Signal, text and phone. At some point in October—the indictment does not specify—Wolfe messages Reporter #4, offering to act as an anonymous source. Wolfe tells Reporter #4 to never use his name around any of Reporter #4’s colleagues or “other news related colleagues.” (¶ 30.) Again, we do not know Reporter #4’s identity.

October 16, 2017: Wolfe messages Reporter #3 on Signal that Wolfe (presumably himself) had served Carter Page with a subpoena to appear before SSCI. (¶ 24.)

October 17, 2017: Reporter #3 asks Wolfe over Signal for Carter Page’s contact information, which Wolfe provides. Later, Reporter #3 writes a story reporting that Page has been subpoenaed. Wolfe then congratulates Reporter #3 over Signal, saying “Good job!” and “I’m glad you got the scoop.” Reporter #3 writes back, using Signal, thanking Wolfe and saying “[MALE-1] isn’t pleased, but wouldn’t deny that the subpoena was served.” (¶ 25.)

October 18, 2017: Page complains to SSCI about Reporter #3’s story of the previous day. (¶ 26.)

October 24, 2017: At 7:00 am, Wolfe, again over Signal, tells Reporter #3 that Page would testify in closed hearings before SSCI that week. Three hours later, at 9:58 am, Reporter #3 emails Page asking him to confirm that he would be “paying a visit to Senate Intelligence staffers this week.” About 12 hours later, at 9:24 pm, Page forwards the email and complains to the committee about the disclosure. (¶ 27.) It is unclear from the indictment if Reporter #3 wrote a story based on the alleged tip.

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<sup>12</sup> Grynbaum, *Rattled Washington*, *supra* note 2.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

**October 30, 2017:** Agents meet with Wolfe and inform him they are investigating the unauthorized disclosure of classified information that had been provided by the executive branch to SSCI. (¶ 5.) This is the first FBI meeting with Wolfe identified in the indictment.

**December 14, 2017:** FBI agents approach Watkins and “assert[] to her that Mr. Wolfe had provided her with information.”<sup>15</sup> She reportedly does not answer their questions.<sup>16</sup> This is after she has been hired but four days before she begins work at the New York Times. Watkins has consistently denied that Wolfe was a source while she was covering SSCI.<sup>17</sup>

**December 15, 2017:** FBI agents interview Wolfe, which forms the basis for the three charges in the indictment. Count one alleges false statements about contacts with Reporters ## 1, 3 and 4. Count two alleges false statements about contacts with, and disclosures of information to, Reporter #2 (Ali Watkins). And count three alleges false statements about contacts with Reporter #3 (who wrote the story about the SSCI subpoena to Carter Page).

The interview, according to the indictment, is non-custodial and voluntary. (¶ 6.) Wolfe fills out a questionnaire where he denies having “official” or “professional” contact with any reporters. (¶¶ 6.e.f., 31.) He does answer “yes” to the question: “Besides [Reporters ## 1, 3 and 4], do you currently have or had any contact with any other reporters (professional, official, personal)?” (¶ 6.e.)

He specifically denies having contact with Reporter #1, after agents show him an article about “MALE-1.” (¶ 6.c.) The indictment claims that, after filling out the questionnaire, Wolfe admits to lying about knowing “Reporter #2,” Ali Watkins, after being confronted with “pictures showing” them together. (¶ 8.) He admits to having a personal relationship with Watkins since 2014 but denies ever having disclosed to Watkins “classified information or information that he learned as Director of Security for the SSCI that was not otherwise publicly available” or “news leads, intelligence, or information about non-public SSCI matters.” (¶ 8.)

Before this interview but in December 2017, the indictment states that Wolfe sent Watkins a text message reading, in part, “I always tried to give you as much information that I could and to do the right thing with it so you could get that scoop before anyone else . . . .” (¶ 21.)

December 18, 2017: Watkins begins work for the New York Times.<sup>18</sup>

December 2017: Wolfe leaves SSCI. (¶ 1.)

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<sup>15</sup> Michael M. Grynbaum, *Press Groups Criticize the Seizing of a Times Reporter’s Records*, N.Y. Times, June 8, 2018, <https://www.nytimes.com/2018/06/08/business/media/ali-watkins-records-seized.html?action=click&module=RelatedCoverage&pgtype=Article&region=Footer>.

<sup>16</sup> *Id.*

<sup>17</sup> Joe Pompeo, “Every Bone in my Body Wants to Defend Ali Watkins,” *Vanity Fair*, June 28, 2018, <https://www.vanityfair.com/news/2018/06/sex-press-freedom-and-the-complicated-case-of-a-times-reporter>.

<sup>18</sup> Grynbaum, *Press Groups*, *supra* note 16.

**February 13, 2018:** Watkins receives a letter from the United States Attorney’s Office for the District of Columbia informing her that the Justice Department has received certain records “pursuant to legal process.”<sup>19</sup> The letter cites the Justice Department’s internal guidelines on issuing legal process to members of the news media, 28 C.F.R. § 50.10. On advice of her personal counsel, Watkins does not tell the New York Times about the notification letter.<sup>20</sup>

The letter says the government demanded two categories of records. First, it sought customer records, business records, and subscriber account information about a Google ID, a phone number, a Gmail address and another email address, all from the inception of the account to November 2017. Second, it sought non-content data under a (d) order (named for the relevant section of the U.S. Code, 18 U.S.C. § 2703(d)) for a phone number—unclear whether it is the same one as in the first request—from Feb. 1, 2017 to July 31, 2017.<sup>21</sup> The (d) order could have been used to demand location information from Watkins’s mobile phone records.

May 2018: Wolfe formally retires from SSCI.<sup>22</sup>

June 6, 2018: SSCI announces that it is cooperating with the Justice Department “in a pending investigation.” Earlier in June, SSCI unanimously passed a resolution to share information with the Justice Department in a pending investigation into “the unauthorized disclosure of information” (note that the resolution does not say “classified” information).<sup>23</sup>

**June 7, 2018:** The story breaks. “As reporters were working on an article about Mr. Wolfe’s impending arrest,” editors at the New York Times learn that Watkins received a letter in February from the U.S. attorney’s office in D.C. notifying her of the records seizure.<sup>24</sup> Wolfe is indicted and arrested at his home in Ellicott City, MD. The case is assigned to Judge Ketanji Brown Jackson of the United States District Court for the District of Columbia.

June 8, 2018: President Trump comments on the case. He calls Wolfe a “very important leaker” and says that the arrest could be a “terrific thing.” “I’m a big, big believer in freedom of the press,” President Trump says. “But I’m also a believer in classified information. It has to

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<sup>19</sup> Letter from Jessie K. Liu, U.S. Attorney for the District of the District of Columbia, to Ali Watkins, Feb. 13, 2018, <https://www.documentcloud.org/documents/4498451-Justice-Department-Records-Seizure.html>.

<sup>20</sup> Grynbaum, *Rattled Washington*, *supra* note 2.

<sup>21</sup> Lui Letter, *supra* note 22.

<sup>22</sup> Christina Zhao, *Who Is James Wolfe?*, [Newsweek](https://www.newsweek.com/who-james-wolfe-former-senate-intel-panel-security-director-indicted-lying-fbi-965642), June 8, 2018, <http://www.newsweek.com/who-james-wolfe-former-senate-intel-panel-security-director-indicted-lying-fbi-965642>.

<sup>23</sup> Adam Goldman et al., *Ex-Senate Aide Charged in Leak Case Where Times Reporter’s Records Were Seized*, N.Y. Times, June 7, 2018, <https://www.nytimes.com/2018/06/07/us/politics/times-reporter-phone-records-seized.html>.

<sup>24</sup> Goldman, *Ex-Senate Aide Charged*, *supra* note 26; Grynbaum, *Press Groups*, *supra* note 16.

remain classified.”<sup>25</sup> As noted above, the indictment does not allege that Wolfe disclosed classified information.

June 13, 2018: Wolfe appears in court and pleads not guilty.

June 19, 2018: Judge Jackson holds a status conference. Prosecutors state that they are not seeking to subpoena attorneys, SSCI aides or reporters. Defense counsel asks for a gag prohibiting federal officials, including possibly the president, from making remarks that could prejudice Wolfe’s case.<sup>26</sup>

July 9, 2018: The parties appear again before Judge Jackson, who orders briefing on the gag order.<sup>27</sup>

July 12, 2018: The New York Times reports that the CBP agent who approached Watkins in June 2017, Jeffrey Rambo, is under investigation for misuse of government computers.<sup>28</sup> According to the article, at the time he approached Watkins, Rambo was assigned to the National Targeting Center, a CBP facility in Sterling, Virginia, which administers sensitive databases that are used to screen travelers and cargo entering the country.<sup>29</sup>

July 26, 2018: Judge Jackson denies the proposed gag order, finding that Wolfe had not shown an imminent danger to his fair trial rights, and orders another hearing on August 23.<sup>30</sup>

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<sup>25</sup> Eileen Sullivan & Katie Benner, *Trump Praises Arrest of Former Senate Committee Aide in Leaks Inquiry*, N.Y. Times, June 8, 2018, <https://www.nytimes.com/2018/06/08/us/politics/trump-leak-investigation.html>.

<sup>26</sup> Spencer S. Hsu, *U.S. Prosecutors: Won’t Subpoena Journalists in James Wolfe Leak Probe Case*, Wash. Post, June 19, 2018, [https://www.washingtonpost.com/local/public-safety/us-prosecutors-wont-subpoena-journalists-in-james-wolfe-leak-probe-case/2018/06/19/53a3c672-73c7-11e8-9780-b1dd6a09b549\\_story.html?utm\\_term=.db51b1c2b4ee](https://www.washingtonpost.com/local/public-safety/us-prosecutors-wont-subpoena-journalists-in-james-wolfe-leak-probe-case/2018/06/19/53a3c672-73c7-11e8-9780-b1dd6a09b549_story.html?utm_term=.db51b1c2b4ee)

<sup>27</sup> Jeff Mordock and Adam Sabes, *Decision on Trump Gag Order for James Wolfe Case Could Come This Month*, Wash. Times, July 9, 2018, <https://www.washingtontimes.com/news/2018/jul/9/decision-trump-gag-order-wolfe-case-come-soon/>.

<sup>28</sup> Shane and Nixon, *Misuse*, *supra* note 6.

<sup>29</sup> *Id.*; see also Walter Haydock, *Consolidating the Terrorist Watchlisting Bureaucracy*, Lawfare, June 14, 2017, <https://www.lawfareblog.com/consolidating-terrorist-watchlisting-bureaucracy> (explaining mission of the National Targeting Center).

<sup>30</sup> Josh Gerstein, *Judge Refuses to Gag Trump in Case Against Senate Aide Charged in Leak Probe*, Politico, July 26, 2018, <https://www.politico.com/story/2018/07/26/trump-gag-senate-aide-leak-investigation-case-743755>.