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July 26, 2019

Mr. Joshua M. Russ, Asst. U.S. Attorney
Eastern District of Texas
110 N. College Avenue, Suite 700
Tyler, Texas 75702

Via facsimile and email
(903) 892-2792

Re: *Edward Butowsky v. David Folkenflik, et al.*, Case No. 4:18-cv-00442-ALM (E.D. Tex.) and *Edward Butowsky v. Michael Gottlieb, et al.*, Case No. 4:19-cv-00180-ALM-KPJ (E.D. Tex.)

Mr. Russ:

I write in response to your letter dated July 23, 2019 regarding the subpoenas issued from the two cases identified above. The subpoenas seek information regarding whether Seth Rich or his brother, Aaron Rich, played a role in leaking emails from the Democratic National Committee to Wikileaks in 2016. As you are probably aware, Seth Rich's alleged role in the leaks became a national news story after he was murdered in Washington, D.C. on July 10, 2016.

My client, Ed Butowsky has said publicly since 2017 that the Rich brothers (rather than Russian hackers) were responsible for transferring embarrassing emails from the DNC to Wikileaks. Since that time, Mr. Butowsky has been portrayed as a liar and a conspiracy theorist, and he has filed defamation claims against multiple defendants who accused him of fabricating the story about the Rich brothers. These claims are found in *Folkenflik* and *Gottlieb*.

Mr. Butowsky tells me that he was informed by someone with access to FBI records that the FBI's Computer Analysis and Response Team ("CART") took custody of Seth's electronic devices and downloaded evidence from those devices. He was further told that the evidence included communications between Mr. Rich and Wikileaks.

Both the *Folkenflik* case and the *Gottlieb* case are centered on the same key question: whether the Rich brothers were responsible for transferring emails to Wikileaks. See *Folkenflik* Original Complaint (<http://lawflog.com/wp-content/uploads/2019/07/2018.06.21-Original-complaint-stamped.pdf>) and *Gottlieb* First Amended Complaint (<http://lawflog.com/wp-content/uploads/2019/07/2019.07.15-Amended->

[complaint-stamped.pdf](#)). Requests No. 1-7 on the previously-submitted subpoenas are targeted to this central question.

Request No. 8 seeks information about what role former FBI Deputy Director Andrew McCabe played in concealing information about the Rich brothers. That information is pertinent to Paragraphs 43 and 57 of the *Gottlieb* FIRST AMENDED COMPLAINT. Paragraph 43 alleges that Mr. McCabe consulted with Washington, D.C. Mayor Muriel Bowser and former DNC Interim Chair Donna Brazile about concealing the role of the Rich brothers, while Paragraph 57 alleges that journalist Sy Hersh obtained pertinent information from Mr. McCabe.

Earlier this year, President Donald Trump gave Attorney General William Barr the authority to declassify documents related to allegations that the President or his aides “colluded” with Russia. *See* Armonstrong Williams, “Giving Barr Declassification Authority is a Needed Ray of Sunshine (<https://www.dailysignal.com/2019/06/06/giving-barr-declassification-authority-is-a-needed-ray-of-sunshine/>). If any of the requested information is classified, I request that it be declassified pursuant to General Barr's authority. All of the information requested in our subpoenas falls within the purview of the Russian collusion investigation, specifically whether Russian hackers (versus the Rich brothers) were responsible for transferring DNC emails to Wikileaks.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger