

Records Show FBI/DOJ Leadership Bias On Clinton/Trump Investigations



Sally Yates

Judicial Watch on December 5, 2017 released 379 pages of U.S. Department of Justice documents showing strong support by top Justice Department officials for then-acting Attorney General Sally Yates' refusal to enforce President Trump's Middle East travel ban executive order.

In one email, Andrew Weissmann, one of Robert Mueller's top prosecutors and formerly the Obama-era chief of the Justice Department's Criminal Fraud Section, applauds Yates, writing: "I am so proud. And in awe. Thank you so much. All my deepest respects."

The new documents prompted Judicial Watch President Tom Fitton to say, "This is an astonishing and disturbing find. Andrew Weissmann, a key prosecutor on Robert Mueller's team, praised Obama Justice Department holdover Sally Yates after she lawlessly thwarted President Trump. How much more evidence do we need that the Mueller operation has been irredeemably compromised by anti-Trump partisans? Shut it down." (See "Message from the President" on page 3 for more information.)

Earlier, on November 21, 2017,

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Judicial Watch released 79 pages of Justice Department documents concerning ethics issues related to FBI Deputy Director Andrew McCabe's involvement with his wife's political campaign. The documents include an email showing Mrs. McCabe was recruited for a Virginia state senate race in February 2015 by then-Virginia Lieutenant Governor Ralph Northam's office.

The news that Clinton used a private email server broke five days later, on March 2, 2015. Five days after that, former Clinton Foundation board member and Democrat party fundraiser, Virginia Governor Terry McAuliffe, met with the McCabes. She announced her candidacy on March 12. Soon afterward, Clinton/McAuliffe-aligned political groups donated nearly \$700,000 (40 percent of the campaign's total funds) to McCabe's wife for her campaign.

Judicial Watch obtained the McCabe documents thanks to a July 24, 2017 Freedom of Information Act (FOIA) lawsuit (*Judicial Watch v. U.S. Department of Justice* (No. 1:17-cv-01494)) for:

"All records of communication between FBI Deputy Director Andrew McCabe and other FBI or Department of Justice officials regarding ethical issues concerning the involvement of Andrew McCabe and/or his wife, Dr. Jill McCabe, in political campaigns; and

"All records related to ethical guidance concerning political activities provided to Deputy Director McCabe by FBI and/or DOJ officials or elements."

An October 23, 2016 email shows McCabe running the response effort to a *Wall Street Journal* article that was published that day, "Clinton Ally Aided Campaign of FBI Official's Wife." McCabe provides Michael Kortan, the assistant director of Public Affairs,

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~ *Judicial Watch President*
Tom Fitton

his version of a timeline of events surrounding the Clinton investigation and his wife's campaign. McCabe said he contacted then-FBI Chief of Staff Chuck Roseburg about Jill McCabe's candidacy and was told, "The D [Comey] has no issue with it." (Judicial Watch previously released documents showing that McCabe finally did recuse himself from the Clinton investigation only a week before last year's presidential election.)

Internally, the *Wall Street Journal* article started a flurry of emails among Mrs. McCabe's campaign, Kortan, Director McCabe and the FBI's General Counsel. Part of that exchange is an email from McCabe to someone in the General Counsel's office: "Sucks pretty much. Buckle in. It's going to get rough." The colleague responds, "I know. It's awful. I shouldn't be shocked by now, but I really am appalled." McCabe also forwarded the article to Comey, who responded, "Copy."

On October 24, 2016, a memo was sent to all Special Agents in Charge, Assistant Directors, Executive Directors and the General Counsel's office regarding the *Wall Street Journal* article discussing campaign activities concerning Mrs. McCabe. Kortan suggested that questions could be referred to his office, and he attached an "Overview of Deputy Director McCabe's Recusal Related To Dr. McCabe's Campaign for Political Office." The overview itself was

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previously reported by Judicial Watch and may be accessed at the Judicial Watch website:

<http://jwatch.us/mccaberecusal>

The documents also show repeated use of the official FBI email system in connection with Mrs. McCabe's political campaign. For example:

- On March 13, 2015, Mrs. McCabe emails to her husband's official FBI email account a draft press release announcing her run for state senate.
- In August 2015, McCabe uses his official FBI email account to advise a redacted recipient to visit his wife's campaign website: "Jill has been busy as hell since she decided to run for VA state senate (long story). Check her out on Facebook as Dr. Jill McCabe for Senate."
- On November 2, 2015, Mrs. McCabe forwards an email to her husband — then the assistant director in charge of the FBI's Washington office — that accuses her opponent of extorting local businessmen. The email is sent to her husband's official FBI account.

The documents include an October 2016 letter from House Government Oversight Committee Chairman Jason Chaffetz to McCabe questioning a possible conflict of interest by noting that Clinton headlined a Virginia fundraiser on June 26, 2015

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"It's well past time for a 'do-over' on the Clinton emails that requires a new, honest criminal investigation of her misconduct."

~Judicial Watch President
Tom Fitton

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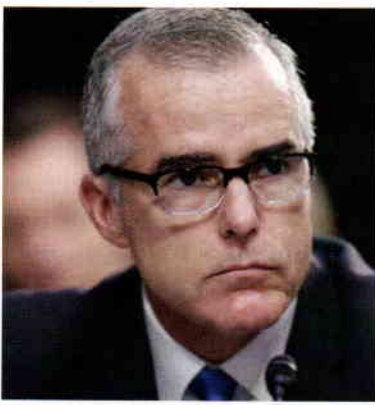
Andrew Weissmann

AP IMAGES



James Comey

AP IMAGES



Andrew McCabe

AP IMAGES

for Mrs. McCabe. "A significant amount was donated after the FBI had initiated its investigation and begun meeting with Secretary Clinton's attorneys in August 2015."

The documents also show that FBI leadership was sensitive to reports of FBI internal dissent with then-Director Comey's handling of the Clinton investigation. On October 24, 2016, Mrs. McCabe forwarded to Deputy Director McCabe a *True Pundit* article titled, "FBI Director Lobbied

Against Criminal Charges For Hillary After Clinton Insider Paid His Wife \$700,000." The story reported that former FBI Executive Assistant Director John Giacalone resigned in the middle of the Clinton email investigation because he saw it going "side-ways" and that Jill McCabe received money from a PAC headed by McAuliffe, who was under investigation by the FBI for campaign finance law violations. McCabe forwarded the article to Comey, noting, "FYI. Heavyweight source." Comey replied to McCabe, copying Chief of Staff James Rybicki, saying, "This still reads to me like someone not involved in the investigation at all, maybe somebody who heard rumors..."

"These new documents show that the FBI leadership was politicized and compromised in its handling of the Clinton email investigation," said Tom Fitton, Judicial Watch President. "It's well past time for a 'do-over' on the Clinton emails that requires a new, honest criminal investigation of her misconduct."

The Senate Judiciary Committee and the U.S. Special Counsel have opened investigations into whether McCabe violated the Hatch Act and failed to properly disclose payments to his wife's campaign on his ethics report. The Justice Department's inspector general is examining McCabe for failing to recuse himself from the Clinton investigation due to his meeting with McAuliffe.

Judicial Watch filed a separate FOIA suit on behalf of retired FBI Supervisory Special Agent Jeffrey A. Danik against the Department of Justice for records about top FBI official Andrew McCabe's ties to top Clinton ally Terry McAuliffe (*Jeffrey A. Danik v. U.S. Department of Justice* (No. 1:17-cv-01792)). Additionally, Judicial Watch filed three other FOIA lawsuits seeking employment records and communications related to McCabe. Details on the three lawsuits can be accessed on the Judicial Watch website: <http://jwatch.us/mccabelawsuits>

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