

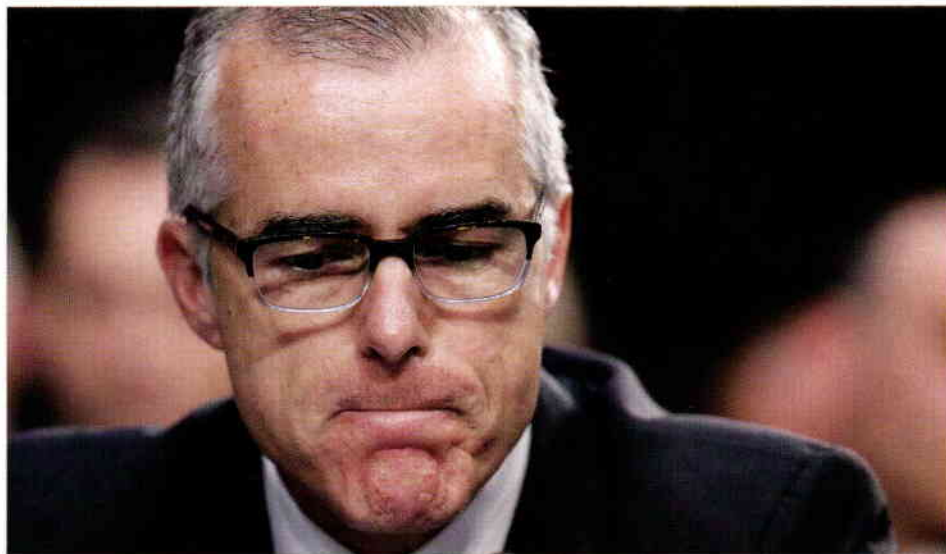
JW Sues FBI For Documents About Fired FBI Deputy Director Andrew McCabe's Book

Judicial Watch filed a Freedom of Information Act (FOIA) lawsuit against the U.S. Department of Justice for records of communications between the Federal Bureau of Investigation (FBI) and former FBI Deputy Director Andrew McCabe related to his book, *The Threat: How the FBI Protects America in the Age of Terror and Trump* (Judicial Watch v. U.S. Department of Justice (No. 1:19-cv-00976)).

The suit was filed after the FBI failed to respond to a February 8, 2019 FOIA request seeking:

- All records of communication between the FBI and former FBI Deputy Director Andrew McCabe relating to an upcoming book to be authored by Mr. McCabe and published; and
- All records, including but not limited to forms completed by former FBI Deputy Director Andrew McCabe, relating to the requirement for prepublication review by the FBI of any book to be authored by Mr. McCabe with the intent to be published or otherwise publicly available.

McCabe was fired from the FBI in March 2018 for leaking to the media and lacking “candor.” Then-U.S.



Former FBI Deputy Director Andrew McCabe

AP PHOTO/ALEX BRANDON

Attorney General Jeff Sessions in a statement said:

“After an extensive and fair investigation and according to Department of Justice procedure, the Department’s Office of the Inspector General (OIG) provided its report on allegations of misconduct by Andrew McCabe to the FBI’s Office of Professional Responsibility (OPR).

“The FBI’s OPR then reviewed the report and underlying documents and issued a disciplinary proposal recommending the dismissal of Mr. McCabe. Both the OIG and FBI OPR reports concluded that Mr. McCabe had made an unauthorized disclosure to the news media and lacked candor — including under oath — on multiple occasions.

“Pursuant to Department Order 1202, and based on the report of the Inspector General, the findings of the FBI Office of Professional Responsibility, and

“McCabe played a central role in Spycgate, the Deep State’s effort to spy upon and undermine President Trump.”

~Judicial Watch President Tom Fitton

the recommendation of the Department’s senior career official, I have terminated the employment of Andrew McCabe effective immediately.”

A February 2018 Justice Department inspector general report concluded:

“As detailed in this report, the OIG [Office of the Inspector General] found that then-Deputy Director Andrew McCabe lacked candor, including under oath, on multiple occasions in connection

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McCabe

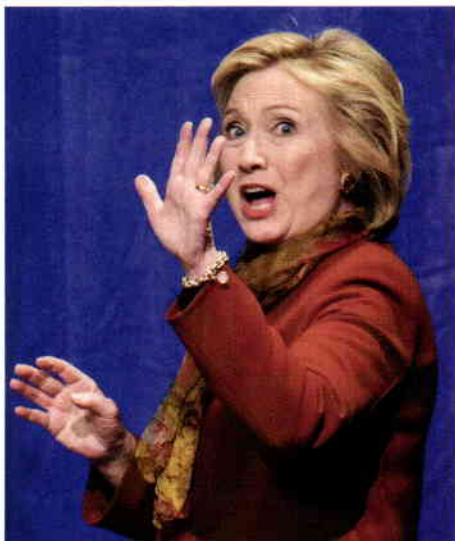
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with describing his role in connection with a disclosure to the WSJ [*The Wall Street Journal*], and that this conduct violated FBI Offense Codes 2.5 and 2.6. The OIG also concluded that McCabe's disclosure of the existence of an ongoing investigation in the manner described in this report violated the FBI's and the Department's media policy and constituted misconduct."

"McCabe played a central role in Spycgate, the Deep State's effort to spy upon and undermine President Trump," said Judicial Watch President Tom Fitton. "We aim to find out if McCabe's book was properly vetted or simply rubber-stamped by anti-Trump bureaucrats before being published."

Judicial Watch is pursuing additional lawsuits regarding McCabe:

- On February 14, 2019, Judicial Watch filed a FOIA lawsuit for all records of communication of McCabe, the Office of the Attorney General Jeff Sessions, or the Office of Deputy Attorney General Rod Rosenstein discussing the 25th Amendment or presidential fitness (*Judicial*



Former Secretary of State Hillary Clinton



U.S. Department of Justice, Washington, D.C.

Watch v. U.S. Department of Justice (No. 1:19-cv-00388)). Additionally, the lawsuit seeks all recordings made by any official in the Office of the Attorney General or Deputy Attorney General of meetings in the Executive Office of the President or Vice President.

- In September 2017, Judicial Watch filed a FOIA lawsuit on behalf of Jeffrey A. Danik, a retired FBI supervisory special agent, against the U.S. Department of Justice for records concerning McCabe. Danik worked for the Federal Bureau of Investigation for almost 30 years (*Jeffrey A. Danik v. U.S. Department of Justice* (No. 1:17-cv-01792)).
- Judicial Watch later filed two additional lawsuits over the FBI's failure to preserve text messages as federal records and for records of the audit of McCabe's communications (*Judicial Watch v. FBI* (No. 1:18-cv-02316) and *Judicial Watch v. U.S. Department of Justice* (No. 1:18-cv-02283)).

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McCabe violated federal law when he lacked candor, including under oath, on multiple occasions in connection with describing his role in connection with a disclosure to the *The Wall Street Journal*.

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In another FOIA lawsuit, Judicial Watch made public Justice Department records showing that McCabe did not recuse himself from the investigation into former Secretary of State Hillary Clinton's unsecure, nongovernment email server until Tuesday, November 1, 2016, one week prior to the presidential election (*Judicial Watch v. U.S. Department of Justice* (No. 1:17-cv-01494)). McCabe had a serious potential conflict of interest in this investigation because Clinton-aligned political groups donated nearly \$700,000 (40% of the campaign's total funds) to McCabe's wife for her political campaign. JW