

TABLE OF CONTENTS

CHAPTER ONE: INTRODUCTION.....	1
I. Background.....	1
II. Methodology	3
III. Analytical Construct	5
IV. Structure of the Report.....	6
CHAPTER TWO: APPLICABLE LAWS AND DEPARTMENT POLICIES	9
I. Policies and Laws Governing Criminal Investigations.....	9
A. Grand Jury Subpoenas.....	10
B. Search Warrants and 2703(d) Orders	10
C. Evidence Collection Related to Attorney-Client Relationships	12
D. Use of Classified Evidence Before A Grand Jury.....	13
E. Immunity Agreements.....	13
1. Transactional Immunity.....	13
2. Formal Use Immunity.....	14
3. Letter Immunity and "Queen for a Day" Agreements.....	14
4. Act of Production Immunity.....	15
II. Department Policies and Practices Governing Investigative Activities in Advance of an Election	16
A. Election Year Sensitivities Policy	16
B. The Unwritten 60-Day Rule	17
III. Public Allegations of Wrongdoing Against Uncharged Individuals and Disclosure of Information in a Criminal Investigation	18
A. FBI Media Relations Policy.....	19
B. 28 C.F.R. § 50.2	20
C. USAM Media Relations Guidance	21
IV. Release of Information to Congress.....	22
A. USAM Congressional Relations Guidance.....	22
B. FBI Guidance on Information Sharing with Congress	23
C. Current Department Policy on Communication of Investigative Information to Congress	23

1.	Policy Memoranda on Department Communications with Congress	24
2.	The Linder Letter	24
V.	Special Counsel Regulations	25
VI.	Criminal Statutes Relevant to the Midyear Investigation	26
A.	Mishandling and Retention of Classified Information	26
1.	18 U.S.C. §§ 793(d) and (e)	26
2.	18 U.S.C. § 793(f)	29
3.	18 U.S.C. § 1924	34
B.	18 U.S.C. § 2071(a)	36
	CHAPTER THREE: OVERVIEW OF THE MIDYEAR INVESTIGATION	37
I.	Referral and Opening of the Investigation	37
A.	Background	37
1.	Clinton’s Use of Private Email Servers	37
2.	Production of Emails from the Private Email Servers to the State Department and Subsequent Deletion of Emails by Clinton’s Staff	37
B.	State Department Inspector General and IC IG Review of Clinton’s Emails and Subsequent 811 Referral	39
C.	FBI’s Decision to Open a Criminal Investigation	40
D.	Initial Briefing for the Department	41
II.	Staffing the Midyear Investigation	42
A.	FBI Staffing	42
B.	Department Staffing	46
III.	Role of Senior FBI and Department Leadership in the Investigation	47
A.	FBI Leadership	47
B.	Department Leadership	50
IV.	Investigative Strategy	54
A.	Collection and Examination of Emails that Traversed Clinton’s Servers and Other Relevant Evidence	55
B.	Witness Interviews	56
C.	Intrusion Analysis	57
	CHAPTER FOUR: DECISION TO PUBLICLY ACKNOWLEDGE THE MIDYEAR INVESTIGATION AND REACTION TO WHITE HOUSE STATEMENTS ABOUT THE INVESTIGATION	59

I.	Public Acknowledgement of the Investigation	59
A.	Statements about the Investigation in Department and FBI Letters to Congress in August and September 2015.....	59
B.	September 28, 2015 Meeting between Attorney General Lynch and Director Comey	60
1.	Comey’s Account of the Meeting	60
2.	Lynch’s Recollection of the Meeting	61
3.	Toscas’s Notes and Recollection of the Meeting.....	64
C.	October 1, 2015 Comey Meeting with Media	65
II.	Reaction to White House Statements about the Midyear Investigation	66
	CHAPTER FIVE: INVESTIGATIVE METHODS USED IN THE INVESTIGATION.....	71
I.	FBI’s Efforts to Identify and Review Relevant Sources of Evidence	71
II.	The Midyear Team’s Efforts to Understand and Access Clinton’s Servers	76
III.	Use of Criminal Process to Obtain Documentary and Digital Evidence	79
IV.	Use of Consent to Obtain Physical Evidence.....	81
A.	Debate over the Use of Consent.....	81
B.	Limits of Consent Agreements	85
V.	Efforts to Obtain Email Content from the Private Accounts of Clinton’s Senior Aides.....	88
A.	Section 2703(d) Orders for Non-Content Information for Mills’s and Abedin’s Private Email Accounts.....	90
B.	Decisions Regarding Search Warrants for Private Email Accounts	91
C.	Access to Personal Devices for Clinton’s Senior Aides	92
D.	Review of Abedin’s Emails on the Clinton Server	95
E.	Decision Not to Seek Access to Certain Highly Classified Information	96
VI.	Voluntary Interviews	97
VII.	Use Immunity Agreements.....	99
A.	Pagliano	99
B.	Combetta.....	102
C.	Bentel	108
VIII.	Use of Consent and Act of Production Immunity to Obtain Mills and Samuelson Testimony and Laptops	109
A.	Privilege Claims Raised by Mills and Samuelson	109

B.	Debate over Interviewing Mills and Samuelson Regarding the Culling Process and Obtaining the Culling Laptops	110
C.	Events Leading to Voluntary Interviews of Mills and Samuelson Regarding the Culling Process.....	112
1.	Attorney Proffer on March 19, 2016	112
2.	Midyear Team Meeting on March 28, 2016	113
3.	FBI Call to Wilkinson on April 8 About Mills and Samuelson Interviews Without Informing Prosecutors.....	114
4.	FBI Surprise Statement at Outset of April 9 Mills Interview ...	115
5.	Mills and Samuelson Agree to Voluntary Interviews Regarding the Culling Process.....	116
D.	Steps Taken to Obtain and Search the Culling Laptops	118
1.	Internal Strategizing and Call with Clinton’s Counsel	118
2.	Approval to Subpoena the Culling Laptops	119
3.	Act of Production Immunity for Mills and Samuelson	120
4.	Limitations in the Consents to Search the Culling Laptops	122
5.	Review of the Laptops	125
E.	Involvement of Senior Department and FBI Officials.....	125
F.	Motivations behind the Culling Testimony and Laptop Dispute	128
IX.	Interview of Former Secretary Clinton	129
A.	Decision to Conduct Clinton’s Interview Last.....	130
B.	Number of People Attending (“Loaded for Bear” Text Message).....	130
C.	Conduct of Clinton’s Interview	134
D.	Decision to Allow Mills and Samuelson to Attend Clinton Interview ..	138
E.	Consideration of Subpoenaing Clinton before the Grand Jury	139
X.	FBI Inspection Division Internal File Review of the Midyear Investigation ..	141
XI.	Instant Messages Relating to the Conduct of the Midyear Investigation.....	144
XII.	Analysis of Investigative Decisions	148
A.	Preference for Consent Rather than Compulsory Process to Obtain Evidence.....	150
B.	Decisions Not to Obtain or Seek to Review Certain Evidence.....	152
C.	Voluntary Interviews	154
D.	Use Immunity Agreements.....	155
E.	Mills and Samuelson.....	157
F.	Handling of Clinton’s Interview	160

CHAPTER SIX: “ENDGAME” DISCUSSIONS AND FORMER DIRECTOR COMEY’S PUBLIC STATEMENT	163
I. Evidence that the Case Was Headed toward a Declination	163
II. Discussions between FBI and Department Leadership about How to Credibly Announce a Declination (Spring 2016)	167
A. Initial Discussion between Comey and Yates in April 2016.....	168
1. Options Discussed at the Meeting	168
2. Comey Mentions a Special Counsel at April Meeting with Yates	170
3. Lynch’s Knowledge of the April Meeting	174
B. Subsequent Discussions Between Comey and Yates	175
C. Other Discussions within the FBI and Department.....	177
1. Discussions between McCabe and Carlin	177
2. Discussions among Prosecutors and NSD Supervisors.....	178
3. Additional Special Counsel Discussions	180
4. NSD Notes Reflecting Plans for an Announcement.....	181
III. Drafting of Former Director Comey’s Public Statement.....	185
A. Original Draft Statement.....	185
B. The Decision to Omit “Gross Negligence”	191
C. Comey’s Edits to the Statement.....	194
D. FBI Analysis of Legal and Policy Issues Implicated by the Draft Statement.....	197
E. Concerns about a Public Statement	200
F. Comey’s Decision Not to Inform the Department	201
IV. June 27, 2016 Tarmac Meeting and Aftermath	202
A. Meeting between Lynch and Former President Clinton	202
1. How the Meeting Came About	202
2. Discussion between Former President Clinton and Lynch.....	205
3. Intervention by Lynch’s Staff.....	209
B. Responding to Media Questions about the Tarmac Meeting.....	211
C. Discussions about Possible Recusal	214
1. Departmental Ethics Opinion	214
2. Discussions about Voluntary Recusal	214
D. Lynch’s July 1 Aspen Institute Statement.....	217
E. Impact of the Tarmac Meeting on Comey’s Decision to Make a Public Statement.....	219

V.	July 5, 2016 Press Conference	221
A.	Notifications to Department Leadership	221
1.	Call to Yates.....	223
2.	Call to Lynch	224
3.	Notifications to NSD	225
B.	Reactions to the Statement.....	226
1.	Department and NSD Leadership	226
2.	Prosecutors.....	232
VI.	Congressional Testimony Explaining the July 5 Statement.....	233
A.	July 7, 2016	233
B.	September 28, 2016	235
C.	June 8, 2017	235
VII.	Analysis	238
A.	Comey’s Decision to Make a Unilateral Announcement.....	239
B.	Content of Comey’s Unilateral Announcement.....	245
C.	Lynch’s Decision Not to Recuse after the Tarmac Meeting	249
D.	Lynch’s Response to Comey’s Notification	250
CHAPTER SEVEN: THE DEPARTMENT’S DECISION NOT TO PROSECUTE.....		253
I.	The Declination Recommendation	253
II.	The Attorney General Briefing.....	258
III.	Analysis	260
CHAPTER EIGHT: OCTOBER EFFORTS BY FBI LEADERSHIP TO RESPOND TO CRITICISM OF THE MIDYEAR INVESTIGATION		265
I.	SAC Conference (October 11 to 14).....	265
II.	Midyear Talking Points Distributed to FBI Field Offices (October 21)	266
III.	Midyear Briefing for Retired FBI Special Agents (October 21).....	267
IV.	FBI Office of Public Affairs Research Project (October 14 to 31)	269
V.	FOIA and Congressional Requests in October.....	271
CHAPTER NINE: DISCOVERY OF CLINTON EMAILS ON THE WEINER LAPTOP AND REACTIVATION OF THE MIDYEAR INVESTIGATION		273
I.	Discovery of Emails by the FBI’s New York Field Office.....	273

A.	Seizure of Weiner Laptop and Devices	273
B.	Emails and BlackBerry PIN Message Viewed by Case Agent	273
C.	Reporting of Clinton-Related Emails to FBI NYO Supervisors.....	274
D.	Reporting of Clinton-Related Emails to SDNY	276
II.	Reporting of Clinton-Related Emails to FBI Headquarters	277
A.	AD Secure Video Teleconference on September 28.....	277
B.	McCabe Post-SVTC Phone Call and Meeting on September 28.....	278
1.	Phone Call with Sweeney	278
2.	Meeting with Strzok and Priestap	279
C.	Comey and McCabe Communications After AD SVTC on September 28.....	280
D.	Sweeney Calls Other FBI Executives on September 28	282
1.	Criminal EAD Coleman.....	283
2.	National Security EAD Steinbach.....	283
3.	Counterintelligence AD Priestap	284
III.	Initial Response of FBI Headquarters to Discovery of Midyear-Related Information on the Weiner Laptop.....	284
A.	Phone Call between Sweeney and Priestap on September 29.....	284
B.	Conference Call between NYO and Midyear Personnel on September 29.....	285
1.	Testimony and Contemporaneous Notes from Call Participants.....	286
2.	Post-Call NYO Communications.....	288
3.	Post-Call Midyear Team and FBI Headquarters Response	288
C.	McCabe Call to NSD Leadership on October 3	291
D.	FBI Headquarters Discussions on October 3 and 4.....	292
1.	EAD Coleman October 3 Meeting with Baker and Bowdich	292
2.	Email from Bowdich to Comey on October 3	293
3.	Meeting between Comey and Coleman on October 4	293
IV.	NYO Completes Processing of Weiner Laptop Around October 4	295
V.	FBI Headquarters Inaction and Explanations for the Delay	295
A.	Delays in Processing the Weiner Laptop	296
B.	Prioritization of Weiner Laptop and Russia Investigation	296
C.	Lack of Specific Information	299
D.	Questions About Legal Authority	300
E.	Strzok Timeline	300

VI.	Concerns of Weiner Case Agent and Conversation with SDNY AUSAs on October 19.....	302
VII.	SDNY Response to Weiner Case Agent Concerns	304
	A. SDNY Internal Discussions on October 20	304
	B. SDNY Calls to ODAG and NSD on October 21.....	304
	C. SDNY Memo on October 21	306
VIII.	DOJ and FBI Response to SDNY Notification	307
	A. Prosecutor 1-Strzok Call on October 21	307
	B. FBI Leadership Knowledge of SDNY Notification on October 21	308
	C. Toscas Asks McCabe About Weiner Laptop on October 24	309
	D. Call between McCabe, Sweeney, and NYO Criminal SAC on October 24.....	311
IX.	Reengagement of FBI Headquarters and the Midyear Team on the Weiner Laptop.....	311
	A. McCabe Phone Call with McCord on October 25.....	311
	B. Comey, McCabe, and Sweeney Discuss the Weiner Laptop on October 25.....	312
	C. Midyear Team Emails on October 25	313
X.	Events Leading to the Decision to Seek a Search Warrant	314
	A. Midyear-NYO-SDNY Call on October 26.....	315
	B. Briefing of McCabe on October 26	317
	C. McCabe Recollection of Discussion with Comey on October 26	319
	D. McCabe Email to Comey on October 27	320
	E. Midyear Team Communications Preceding Comey Briefing on October 27.....	321
	F. Comey Briefing on October 27.....	322
XI.	Analysis.....	324
	A. Failure of the FBI to Take Earlier Action on the Weiner Laptop	324
	B. Decision to Seek Search Warrant on October 27	330
CHAPTER TEN: THE DECISION TO NOTIFY CONGRESS ON OCTOBER 28		333
I.	Factors Considered as Part of Comey’s Decision to Notify Congress	333
	A. Belief That Failure to Disclose Would Be an Act of Concealment	333
	B. Perceived Obligation to Update Congress	334

C.	Avoiding the Perception that the FBI Concealed the New Information to Help Clinton Win the Election.....	337
1.	Protecting the Reputation of the FBI.....	338
2.	Protecting the Legitimacy of a Clinton Presidency.....	339
D.	Concerns about the Electoral Impact of the Announcement	339
E.	Expectation that Clinton Would Be Elected President	342
F.	Belief that Email Review Could Not Be Completed Before the Election	343
G.	Fear that the Information Would Be Leaked	345
II.	Comparison to Other Ongoing Investigations.....	346
A.	The Differential Treatment of the Russia Investigation.....	346
B.	The Differential Treatment of the Clinton Foundation Investigation..	348
III.	Internal FBI Discussions Regarding the Decision to Notify Congress	349
A.	McCabe, Strzok, and Page Text Messages on October 27	349
B.	Strzok Call with Midyear SSA, Agent 1, and Agent 2 on October 28.	350
C.	Agent 1’s Instant Messages on October 28.....	351
IV.	The FBI Informs DOJ Leadership About Comey’s Decision	352
A.	FBI and DOJ Midyear Team Discussions	352
B.	Department and FBI Leadership Discussions	355
1.	Comey’s Decision Not to Engage Directly with Lynch or Yates	356
2.	Phone Calls between Rybicki and Axelrod.....	356
3.	Internal Department Discussions	359
4.	Decision Not to Order Comey to Stand Down.....	360
5.	Decision Not to Engage Directly with Comey	363
6.	Comey’s Reaction to the Department’s Response.....	364
V.	Finalizing the FBI’s October 28, 2016 Letter to Congress.....	366
A.	October 28, 2016 Letter to Congress.....	366
B.	Drafting the Letter and Key Edits	366
1.	“Appear to be Pertinent”	367
2.	“Briefed Me On This Yesterday”	368
3.	Discussions About Letter With the Department	369
4.	Comey Email to All FBI Employees	370
VI.	Analysis of the Decision to Send the October 28 Letter	371
A.	Substantive Assessment of Comey’s Decision	371
1.	FBI and Department Norms and Policies	371
2.	Comey’s Justification for Departing	372

3.	Comey’s Comparison of Risks and Outcomes.....	374
4.	Fear of Leaks	376
B.	Lack of Communication Between Comey and Department Leadership	376
CHAPTER ELEVEN: COMPLETION OF THE INVESTIGATION.....		379
I.	The October 30, 2016 Search Warrant.....	379
A.	Decision Not to Seek Consent from Abedin and Weiner before Seeking a Warrant	379
B.	Factual Basis of the October 30 Search Warrant Application	380
C.	Difference in Approach to Devices during Main Investigation	382
II.	Lynch-Comey Meeting on October 31	384
III.	FBI Review of Weiner Laptop Emails.....	388
IV.	Agent 1 Instant Messages from November 1	390
V.	Comey Letter to Congress on November 6	390
CHAPTER TWELVE: TEXT MESSAGES, INSTANT MESSAGES, USE OF PERSONAL EMAIL, AND ALLEGED IMPROPER DISCLOSURES OF NON-PUBLIC INFORMATION		395
I.	Text Messages and Instant Messages	395
A.	Text Messages between Lisa Page and Peter Strzok	396
1.	Text Messages Commenting on Trump or Clinton.....	399
2.	Text Messages Discussing Political Sentiments and the Midyear Investigation.....	401
3.	Text Messages Discussing Political Sentiments and the Russia Investigation.....	403
4.	Other Notable Text Messages	407
B.	Instant Messages between Agent 1 and Agent 5	410
1.	Instant Messages Referencing the Midyear Investigation.....	410
2.	Instant Messages Commenting on Trump or Clinton	412
C.	FBI Attorney 2 Instant Messages	415
D.	Analysis.....	420
II.	Use of Personal Email	424
A.	Comey.....	425
B.	Strzok and Page	426

III.	Allegations that Department and FBI Employees Improperly Disclosed Non-Public Information.....	428
CHAPTER THIRTEEN: WHETHER FORMER DEPUTY DIRECTOR ANDREW MCCABE SHOULD HAVE RECUSED FROM CERTAIN MATTERS.....		
I.	Introduction	431
II.	Timeline of Key Events	431
III.	Relevant Standards and Procedures	432
A.	Financial Conflict of Interest Statute.....	432
B.	Executive Branch Regulations Addressing Appearance Concerns and Impartiality in Performing Official Duties.....	433
C.	Department of Justice Regulation Requiring Disqualification Arising from Personal or Political Relationships.....	435
D.	What Constitutes “Participation” Under the Regulations	436
E.	FBI Procedures and Ethics Officials.....	436
IV.	Factual Findings.....	437
A.	Background Facts	437
1.	Andrew McCabe.....	437
2.	FBI Clinton Investigations	438
3.	Dr. McCabe Meets Governor McAuliffe in February 2014	438
4.	Recruitment to Run for Virginia State Senate in February 2015	438
5.	The McCabes’ Meeting with Governor McAuliffe in March 2015.....	438
6.	Dr. McCabe’s Campaign.....	440
B.	McCabe Discusses Wife’s Candidacy with FBI Officials, Seeks Ethics Advice, and Recuses from Various FBI Investigations	441
1.	Meeting with Comey’s Chief of Staff; Extent of Director Comey’s Knowledge or Approval.....	441
2.	Conversation with Deputy Director Giuliano.....	442
3.	Meeting with Acting Chief Division Counsel on March 10	442
4.	Meeting with Kelley and Baker on March 11	443
5.	McCabe Recusal EC Issued on April 29.....	444
C.	No Reassessment of Conflict/Recusal when McCabe becomes ADD or after Dr. McCabe Loses Election	445
D.	Participation in Clinton Email and Clinton Foundation Investigations	445
1.	McCabe Not Recused as ADIC, ADD, or DD	445
2.	Recusal Concerns Related to Clintons Raised in May 2015 when McCabe is ADIC	446

E.	Clinton Email and Clinton Foundation Investigations Recusals.....	448
1.	October 23, 2016 <i>Wall Street Journal</i> Article	448
2.	Internal Deliberations and Recusals from Clinton Email and Clinton Foundation Investigations	449
3.	Participation in Clinton Foundation Investigation after November 1	454
F.	Decision Not to Disclose McCabe’s Recusals to Congress	455
V.	OIG Analysis	456
A.	Recusal Issues.....	456
1.	Summary of Findings	456
2.	Recusal from Clinton-Related Investigations.....	457
B.	Conclusion	460
CHAPTER FOURTEEN: WHETHER FORMER ASSISTANT ATTORNEY GENERAL PETER J. KADZIK SHOULD HAVE RECUSED FROM CERTAIN MATTERS.....		
I.	Introduction	461
II.	Timeline of Key Events	462
III.	Relevant Standards	463
A.	Personal and Business Relationships Creating an Appearance of a Conflict 5 C.F.R. § 2635.502	464
B.	Use of Non-public Information 5 C.F.R. § 2635.703.....	464
C.	Use of Public Office for Private Gain 5 C.F.R. § 2635.702	464
IV.	Factual Findings.....	464
A.	Background.....	464
1.	Peter J. Kadzik	464
2.	John D. Podesta, Jr.	465
3.	Office of Legislative Affairs	465
4.	Ethics Training and Obligations	466
5.	Kadzik’s Recusals.....	466
B.	Events Preceding the “Heads Up” Email from Kadzik to Podesta (March through May 2015)	467
1.	OLA Clinton-Related Work.....	467
2.	2016 Clinton Campaign Staffed and Announced.....	469
3.	Kadzik Assists Son’s Job Search.....	469
4.	Kadzik’s Son Separately Seeks Employment with the Clinton Campaign	470
5.	Kadzik Gives Podesta a “Heads Up”	470
C.	Kadzik’s Subsequent OLA Work Related to or Referencing Clinton ...	471

D.	Response to WikiLeaks Release	473
E.	Kadzik Is Recused.....	474
V.	Analysis.....	476
A.	Whether Kadzik Should Have Been Recused Prior to November 2 from Clinton-Related Matters under Section 502 of the Standards of Ethical Conduct.....	476
1.	Whether There Was a Particular Matter Involving Specific Parties.....	476
2.	Whether Kadzik Should Have Recused Because of his Son’s Efforts to Obtain Employment with the Clinton Campaign	477
3.	Whether Kadzik Should Have Recused from Clinton-Related Matters in May 2015 by Reason of Sending the “Heads Up” Email to Podesta.....	479
B.	Whether Kadzik Violated the Terms of his Recusal after November 2, 2016	481
C.	Whether Kadzik Improperly Used Non-Public information in Violation of the Standards of Ethical Conduct	482
D.	Whether Kadzik Misused His Public Office for Private Gain in Violation of the Standards of Ethical Conduct.....	483
	CHAPTER FIFTEEN: FBI RECORDS VAULT TWITTER ANNOUNCEMENTS	485
I.	Introduction	485
II.	Background.....	486
A.	Freedom of Information Act, 5 U.S.C. § 552.....	486
B.	The FBI FOIA Process	488
1.	Records/Information Dissemination Section’s FOIA Process...	488
2.	Release of FOIA Documents on the FBI Vault	490
III.	Findings.....	490
A.	Facts.....	490
1.	Timeline	490
2.	Detailed Chronology.....	491
B.	Analysis.....	495
	CHAPTER SIXTEEN: CONCLUSIONS AND RECOMMENDATIONS	497
I.	Conclusions.....	497
II.	Recommendations.....	499