

Schools, Scott (ODAG)

From: Schools, Scott (ODAG)
Sent: Friday, April 20, 2018 1:52 PM
To: Cronan, John (CRM); Liu, Jessie (USADC); Horowitz, Michael E.(OIG); Bowdich, David L. (DO) (FBI)
Subject: Referral from DeSantis et al
Attachments: 2018-04-09 DeSantis et all re crim referrals.pdf

Michael, John, Jessie, and Dave:

Attached is a letter we received from Congressman DeSantis and others "refer[ring] . . . individuals for investigation of potential violation(s) of federal statutes." Consistent with USAM § 1-7.410, the Department will respond to the letter and acknowledge receipt of the referral and advise that we have refer the requests for investigation to the proper investigative agency for review. (b)(5) [REDACTED]

[REDACTED] We will also advise the senders, "The Department ordinarily does not confirm or deny the existence of an investigation, and you should not interpret this acknowledgement as confirmation of an investigation of any of the matters described in your letter." Please let me know if you have any questions.

Scott

Congress of the United States
Washington, DC 20515

April 9, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

The Honorable John Huber
United States Attorney for the District of Utah
The United States Attorney's Office – District of Utah
111 South Main Street
Salt Lake City, UT 84111

Dear Attorney General Sessions, Director Wray, and Mr. Huber:

We write to refer the following individuals for investigation of potential violation(s) of federal statutes. In doing so, we are especially mindful of the dissimilar degrees of zealousness that has marked the investigations into Former Secretary of State Hillary Clinton and the presidential campaign of Donald Trump, respectively. Because we believe that those in positions of high authority should be treated the same as every other American, we want to be sure that the potential violations of law outlined below are vetted appropriately.

1. Former FBI Director James Comey.

On July 5, 2016, Comey made a statement on the investigation of Secretary Hillary Clinton's use of a personal e-mail system, during which he stated: "...there is evidence that they were extremely careless in their handling of very sensitive, highly classified information."¹ He went on to say: "Although there is evidence of potential

¹ "Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System." FBI National Press Office, July 5, 2016, <https://www.fbi.gov/news/pressrel/press-releases/statement-by-fbi-director-james-b-comey-on-the-investigation-of-secretary-hillary-clinton2019s-use-of-a-personal-e-mail-system>.

violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case.”² Incredibly, this judgment appears to have been made prior to interviewing Secretary Clinton and as many as 17 key witnesses including Clinton’s closest aides.³ Comey’s decision to not seek charges against Clinton’s misconduct suggests improper investigative conduct, potentially motivated by a political agenda. Accordingly, we refer James Comey to DOJ for potential violation(s) of: 18 USC 1505 and 1515b.

In addition to his handling of the Clinton investigation, Comey engaged in questionable conduct vis-à-vis President Donald Trump. As reported by *The New York Times*, Director Comey wrote memoranda detailing alleged conversations between himself and President Trump, creating “a paper trail” for “documenting what he perceived as the president’s improper efforts to influence a continuing investigation.”⁴ The article reports that Comey “created similar memos – including some that are classified – about every phone call and meeting he had with the president.”

As detailed in a January 3, 2018, letter to Deputy Attorney General Rod Rosenstein from the Hon. Charles E. Grassley (Chairman of the Senate Committee on the Judiciary), committee staff reviewed the memoranda created by former Director Comey in a Sensitive Compartmented Information Facility due to the classified nature of the majority of the memos; of the seven memos, four were marked classified at the “SECRET” or “CONFIDENTIAL” levels.⁵

At a June 8, 2017, U.S. Senate Select Committee on Intelligence hearing, Comey stated: “I asked a friend of mine to share the content of the memo with the reporter.”⁶ Chairman Grassley’s aforementioned letter further notes that Professor Daniel Richman of Columbia Law School was the friend and that Mr. Comey provided him with four of the seven memoranda, encouraging him to detail the memos to the press.

In light of the fact that four of the seven memos were classified, it would appear that former Director Comey leaked classified information when sharing these memos with Professor Richman. Accordingly, we refer James Comey to DOJ for potential violation(s) of: 18 USC 641, 18 USC 793, and 18 USC 1924(a).

² Id.

³ <https://www.grassley.senate.gov/news/news-releases/transcripts-comey-drafted-conclusion-clinton-probe-prior-interviewing-key>.

⁴ Michael S. Schmidt, “Comey Memo Says Trump Asked Him to End Flynn Investigation.” *The New York Times*, May 16, 2017, <https://www.nytimes.com/2017/05/16/us/politics/james-comey-trump-flynn-russia-investigation.html>.

⁵ Letter from Sen Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary, to Hon. Rod Rosenstein, Deputy Attorney General, DOJ, January 3, 2018, [https://www.judiciary.senate.gov/imo/media/doc/2018-01-03%20CEG%20to%20DOJ%20\(Classification%20of%20Comey%20Memos\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2018-01-03%20CEG%20to%20DOJ%20(Classification%20of%20Comey%20Memos).pdf).

⁶ U.S. Senate Select Committee on Intelligence, “Open Hearing with Former FBI Director James Comey.” June 8, 2017, <https://www.intelligence.senate.gov/hearings/open-hearing-former-fbi-director-james-comey#>.

Furthermore, President Trump has raised concerns with former Director Comey misleading Congress under oath on his decision not to charge former Secretary of State Hillary Clinton regarding her use of a private email server for official government communications.

As reported by *The Washington Post*, on May 2, 2017, Comey circulated a draft statement on his decision: "Comey sends an email to Andrew McCabe, his deputy, James A. Baker, the FBI general counsel, and James Rybicki, his chief of staff, with a subject heading of 'Midyear Exam.' This was internal FBI code for the Clinton investigation. The body of the email was redacted by the FBI, but it appears to have contained a draft of his statement on the conclusion of the Clinton case. At that point, 17 interviews with potential witnesses had not taken place, including with Clinton and her chief of staff, according to the Senate Judiciary Committee."⁷

Furthermore, on September 28, 2016, during a hearing before the House Judiciary Committee, former Director Comey replied "After," following Rep. John Ratcliffe (TX-04)'s question on the timing of Comey's decision: "Director, did you make the decision not to recommend criminal charges relating to classified information before or after Hillary Clinton was interviewed by the FBI on July the 2?"⁸

Finally, in an April 28, 2017, letter to former Director Comey, Chairman Grassley stated that there "appear to be material inconsistencies between the description of the FBI's relationship with Mr. Steele that you [then FBI Director Comey] did provide in your briefing and information contained in Justice Department documents made available to the Committee only after the briefing."⁹

Accordingly, we refer James Comey to DOJ for potential violation(s) of: 18 USC 1621 and 18 USC 1001.

2. Former Secretary of State Hillary Clinton.

A lawyer representing the Clinton campaign and the Democratic National Committee paid Washington firm Fusion GPS to conduct research that led to the Steele dossier, according to an October 24, 2017, report in *The Washington Post*.¹⁰

⁷ Glenn Kessler and Meg Kelly, "Timeline: James Comey's decision-making on the Clinton probe." *The Washington Post*, October 20, 2017, https://www.washingtonpost.com/news/fact-checker/wp/2017/10/20/timeline-james-comeys-decision-making-on-the-clinton-probe/?utm_term=.fde08bf44528.

⁸ U.S. House of Representatives Committee on the Judiciary Hearing, "Oversight of the Federal Bureau of Investigation." September 28, 2016, https://judiciary.house.gov/wp-content/uploads/2016/09/114-91_22125.pdf.

⁹ Letter from Sen Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary, to Hon. James Comey, Director, FBI, April 28, 2018, [https://www.judiciary.senate.gov/imo/media/doc/2017-04-28%20CEG%20to%20FBI%20\(follow-up%20to%20Steele%20letter\)%20with%20attachments.pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-04-28%20CEG%20to%20FBI%20(follow-up%20to%20Steele%20letter)%20with%20attachments.pdf).

¹⁰ Adam Entous, Devin Barrett, Rosalind S. Helderman, "Clinton campaign, DNC paid for research that led to Russia dossier." *The Washington Post*, October 24, 2017, https://www.washingtonpost.com/world/national-security/clinton-campaign-dnc-paid-for-research-that-led-to-russia-dossier/2017/10/24/13a3a200-100d-11e7-900a-0059b3c9a390_story.html

Accordingly, for disguising payments to Fusion GPS on mandatory disclosures to the Federal Election Commission, we refer Hillary Clinton to DOJ for potential violation(s) of: 52 USC 30121 and 52 USC 30101.

3. Former Attorney General Loretta Lynch.

With regard to Former Attorney General Loretta Lynch, we raise concerns regarding her decision to threaten with reprisal the former FBI informant who tried to come forward in 2016 with insight into the Uranium One deal.¹¹

Accordingly, we refer Loretta Lynch to DOJ for potential violation(s) of: 18 USC 1505 and 1515b.

4. Former Acting Director of the FBI Andrew McCabe.

With regard to Former Acting Director of the FBI Andrew McCabe, as reported by *The New York Times*, Attorney General Jeff Sessions has said that, during the internal Hillary Clinton investigation, Mr. McCabe “lacked candor — including under oath — on multiple occasions.”¹² The report went on to say, “That is a fireable offense, and Mr. Sessions said that career, apolitical employees at the F.B.I. and Justice Department agreed that Mr. McCabe should be fired.”¹³

Accordingly, we refer Andrew McCabe for potential violation(s) of: 18 USC 1001, 18 USC 1621, and 18 USC 1505.

5. FBI Agent Peter Strzok and FBI Counsel Lisa Page.

With regard to top counterintelligence FBI agent, Peter Strzok, and senior FBI lawyer Lisa Page, we raise concerns regarding their interference in the Hillary Clinton investigation regarding her use of a personal email server.

As *The Wall Street Journal* reported on January 22, 2018, following the Justice Department’s second release of text exchanges between Strzok and Page, “the latest texts show the FBI also eliminated evidence that Mrs. Clinton compromised high-level communications.”¹⁴ The report provides the following alarming specifics, among others: “Mr. Strzok texts Ms. Page to tell her that, in fact, senior officials had decided to water

[to-russia-dossier/2017/10/24/226fabf0-b8e4-11e7-a908-a3470754bbb9_story.html?utm_term=.0bf8397a749d](http://www.foxnews.com/politics/2017/10/24/226fabf0-b8e4-11e7-a908-a3470754bbb9_story.html?utm_term=.0bf8397a749d).

¹¹ “House also probing Obama-era Uranium One deal.” *Fox News*, October 22, 2017, <http://www.foxnews.com/politics/2017/10/22/house-also-probing-obama-era-uranium-one-deal-desantis-says.html>.

¹² Matt Apuzzo, “Andrew McCabe’s Firing: Here’s What We Know.” *The New York Times*, March 19, 2018, <https://www.nytimes.com/2018/03/19/us/politics/andrew-mccabe-fbi-firing-explained.html>.

¹³ *Ibid.*

¹⁴ The Editorial Board, “The FBI’s Missing Texts.” *The Wall Street Journal*, January 22, 2018, <https://www.wsj.com/articles/the-fbis-missing-texts-1516667245>

down the reference to President Obama to ‘another senior government official.’ By the time Mr. Comey gave his public statement on July 5, both references—to Mr. Obama and to ‘another senior government official’—had disappeared.”¹⁵

Accordingly, we refer Peter Strzok and Lisa Page for potential violation(s) of: 18 USC 1505 and 1515b.

6. Department of Justice (DOJ) and FBI personnel connected to the compilation of documents on alleged links between Russia and then-presidential candidate Donald Trump known as the “Steele dossier,” including but not limited to Former FBI Director James Comey, Former Acting Director of the FBI Andrew McCabe, Former Acting Attorney General Sally Yates, and former Acting Deputy Attorney General Dana Boente.¹⁶

With regard to the Steele dossier, we raise concerns regarding the presentation of false and/or unverified information to the Foreign Intelligence Surveillance Court in connection with the former Trump aide Carter Page warrant application to conduct surveillance through the Foreign Intelligence Surveillance Act (FISA).

As Rep Devin Nunes, Chairman of the House Intelligence Committee, states in a March 1, 2018, letter to Attorney General Jeff Sessions: “Former and current DOJ and FBI leadership have confirmed to the Committee that unverified information from the Steele dossier comprised an essential part of the FISA applications related to Carter Page.”¹⁷

Accordingly, we refer to DOJ all DOJ and FBI personnel responsible for signing the Carter Page warrant application that contained unverified and/or false information for possible violation(s) of: 18 USC 242 and 18 USC 1505 and 1515b.

¹⁵ Ibid.

¹⁶ Due to the possible involvement of Deputy Attorney General Rod Rosenstein in signing an application for continued surveillance on Carter Page, Rosenstein should be recused from any examination of FISA abuse. Accordingly, neither U.S. Attorney John Huber nor a special counsel (if appointed) should report to Rosenstein.

¹⁷ Letter from Rep Devin Nunes, Chairman, U.S. House Intelligence Committee to Hon. Jeff Sessions, Attorney General, FBI, March 1, 2018, https://www.scribd.com/document/372746970/Nunes-to-Sessions-FBI-may-have-violated-criminal-statutes-in-Carter-Page-FISA-application?irgwc=1&content=27795&campaign=VigLink&ad_group=1361144&keyword=ft500noi&source=impactradius&medium=affiliate#from_embed.

Thank you for your attention to these matters.

Sincerely,



Ron DeSantis
Member of Congress



Andy Biggs
Member of Congress



Dave Brat
Member of Congress



Jeff Duncan
Member of Congress



Matt Gaetz
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Andy Harris, M.D.
Member of Congress



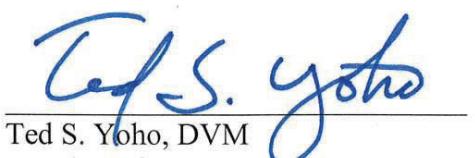
Jody Hice
Member of Congress



Todd Rokita
Member of Congress



Claudia Tenney
Member of Congress



Ted S. Yoho, DVM
Member of Congress