

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>

April 18, 2018

The Honorable Jeff Sessions  
Attorney General of the United States  
950 Pennsylvania Avenue N.W.  
Washington, D.C. 20530

The Honorable Christopher Wray  
Director, Federal Bureau of Investigation  
935 Pennsylvania Avenue N.W.  
Washington, D.C. 20530

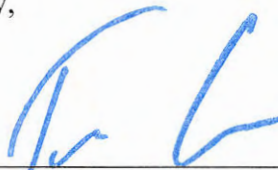
The Honorable Rod J. Rosenstein  
Deputy Attorney General of the United States  
950 Pennsylvania Avenue N.W.  
Washington, D.C. 20530

The Honorable Michael Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue N.W., Suite 4760  
Washington, D.C. 20530

Dear Messrs. Attorney General, Rosenstein, Wray, and Horowitz:

Enclosed please find a letter from Congressman Mark Meadows, Chairman of the Subcommittee on Government Operations. Mindful of your respective and occasionally overlapping jurisdictions, please take the matters raised under the appropriate consideration.

Sincerely,

  
\_\_\_\_\_  
Trey Gowdy

Enclosure

cc: The Honorable Elijah E. Cummings

The Honorable Mark Meadows

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3311

April 17, 2018

The Honorable Trey Gowdy  
Chairman  
House Committee on Oversight and Government Reform  
Washington, D.C. 20515

Dear Chairman Gowdy:

On July 7, 2016, the Committee on Oversight and Government Reform held a hearing titled "Oversight of the State Department." The stated purpose of the hearing, according to then-Chairman Chaffetz, was to examine former FBI Director Comey's July 5, 2016 statement in which he publicly recommended against prosecution related to Secretary Hillary Clinton's use of a private email server during her time as Secretary of State. In making his recommendation, former Director Comey noted he had "not coordinated or reviewed this statement in any way with the Department of Justice or any other part of the government. They do not know what I am about to say."<sup>1</sup>

As you can probably recall, after conceding her airport meeting with former President Bill Clinton had cast a shadow over her potential involvement in the Clinton email investigation, former Attorney General Loretta Lynch announced on July 1, 2016 she would "fully expect to accept" the recommendations of the FBI.<sup>2</sup>

At the Committee's July 7, 2016 hearing, Director Comey was questioned about concerns the Department of Justice may have improperly coordinated with the FBI by collaborating on the mid-year examination ("MYE") into Hillary Clinton's emails after Attorney General Lynch publicly announced she would accept the FBI's recommendation regarding prosecution. In denying these concerns, Director Comey testified:

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<sup>1</sup> *Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal e-mail system*, July 5, 2016, available at <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>.

<sup>2</sup> *Statement by former Attorney General Loretta Lynch*, July 1, 2016, available at <https://www.aspeninstitute.org/videos/loretta-lynch-certainly-wouldnt/>. Former Attorney General Lynch specified that "accepting to me means, 'Here Madame Attorney General: Here are our findings.' And you completely accept them wholeheartedly and then issue them to the public." *Id.*

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**Washington, DC 20515**

“Look me in the eye and listen to what I’m about to say. I did not coordinate that with anyone. The White House, the Department of Justice, nobody outside the FBI family had any idea what I was about to say. I say that under oath. I stand by that. There was no coordination.”<sup>3</sup>

Documents recently produced to the Committee raise concerns Director Comey potentially misled the public related to the level of coordination between the Department of Justice and FBI at least two times. The first was his statement on July 5, 2016 regarding the FBI’s view that no charges were appropriate in the Clinton case. The second was his statement before the Committee on July 7, 2016 that “no coordination” occurred.

For example, texts exchanged between Peter Strzok and Lisa Page on July 1, 2016 discuss Lynch’s public promise to accept the referral.<sup>4</sup> Specifically:

**Strzok:** holy cow... nyt breaking Apuzzo, Lync [sic] will accept whatever rec D<sup>5</sup> and career prosecutors make. No political appointee input.

**Strzok:** Lynch. Timing not great, but whatever. Wonder if that’s why the no coordination language added.

**Page:** No way. This is a purposeful leak following the airplane snafu.

**Strzok:** Timing looks like hell. Will appear choreographed. All major news networks literally leading with “AG to accept FBI D’s recommendation.”

**Page:** Yeah, that is awful timing. Nothing we can do about it.

**Strzok:** What I meant was, did DOJ tell us yesterday they were doing this, so D added that language.

**Strzok:** Yep. I told Bill the same thing. Delaying just makes it worse.

**Page:** And yes. I think we had some warning of it. I know they sent some statement to rybicki, bc he called andy<sup>6</sup>

This text conversation raises concerns the FBI learned former Attorney General Lynch would accept Director Comey’s recommendation, leading him to add the “no coordination” language to his public comments on July 5<sup>th</sup>, 2016. These texts exchanged between Lisa Page and Peter Strzok also raise concerns DOJ sent remarks related to the “no coordination” language to James Rybicki, Director Comey’s former Chief of Staff.

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<sup>3</sup> United States Cong. House Committee on Oversight and Government Reform, *Hearing on Oversight of the State Department*, July 7, 2016, 114<sup>th</sup> Congress (statement of James B. Comey, former FBI Director).

<sup>4</sup> DOJ-PROD-0000167.

<sup>5</sup> Hereinafter D refers to Director Comey.

<sup>6</sup> “andy [sic]” refers to Deputy Director Andrew McCabe.



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Documents produced to the Committee also suggest the FBI and DOJ communicated with far more frequency related to the Clinton investigation than Director Comey's testimony suggested. For example:

- On June 20, 2016 an official from the Department of Justice's National Security Division (NSD), sent FBI officials Peter Strzok and Jonathan Moffa suggested language for Director Comey's letterhead memo articulating the findings of the MYE investigation.<sup>7</sup> Not only did the email note the language "could be used for summarizing investigative activity,"<sup>8</sup> DOJ suggested "a bit more in your memo regarding classification review, so we have some language that could be used to at least generally describe that process."<sup>9</sup>
- This email also suggests the DOJ had provided comments and edits for Director Comey's language before, as it notes "we thought it would be helpful in effecting some of the comments/edits we provided you on Thursday night and thus wanted to send it over."<sup>10</sup> Considering Director Comey's July 5, 2016 included generalized descriptions of the FBI's process for classification review and filter procedures, this email raises serious concerns.
- Similarly, documents produced to the Committee confirm DOJ reviewed the FBI's redactions in the HRC documents before they were produced to Congress.<sup>11</sup>
- Documents produced to the Committee also raise concerns Director Comey may have coordinated with DOJ to only explore limited categories of cases related to Secretary Clinton's use of a personal email system.<sup>12</sup> Specifically, in an email Peter Strzok sent to FBI official Bill Priestap on May 20, 2016, he expressed CES [the Counterintelligence and Export Control Section within DOJ's National Security Department] indicated the case list requested by the Director was complete and dissemination was being handled by George Toscas."<sup>13</sup>

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<sup>7</sup> In response to this email, Jonathan Moffa asks "What? Is this for our LHM?" to which Strzok replies "Yes." FBI000954.

<sup>8</sup> *Id.*

<sup>9</sup> FBI000948.

<sup>10</sup> *Id.*

<sup>11</sup> One text sent between Jason Herring and a redacted FBI employee notes: "Question for you. Did DOJ have any involvement with the redactions in the HRC documents? I'm just really curious... Jason." FBI0001029. The redacted FBI employees' response is "They reviewed our redactions before we sent them to Congress." *Id.*

<sup>12</sup> For example, a text message sent from Peter Strzok to Lisa Page on May 16, 2016 reads: "I need some clarifying data- just retention, right? While it might be helpful to put in Petraeus, Hitselberger, that's only to show they are different, ie, involve transmittal to another person. He just wants fact patterns where it was only retention, not disclosure, right?" FBI000897.

<sup>13</sup> George Toscas was a senior Department of Justice official in the National Security Division. *See also* FBI000944.

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- Documents demonstrate that when former Assistant Secretary of State for Diplomatic Security Gregory Starr wrote an official letter to the FBI acknowledging they were “prepared to take appropriate administrative action for any instances of mishandling of classified information in accordance with our own internal processes,”<sup>14</sup> a redacted official from DOJ’s National Security Division wrote to the FBI letting them know they “wanted to make sure that DOJ is kept in the loop as a response is drafted.” The redacted official added “can we make sure to discuss as a group as response is put together?”<sup>15</sup>
- Documents produced to the Committee also demonstrate Deputy Director McCabe “reached out to ask that we set up another DOJ/FBI meeting to discuss developments in MYE [the midyear exam].”<sup>16</sup>

These documents, which are meant to represent a diverse set of examples rather than an exhaustive list, suggest a concerning level of coordination between the Department of Justice and the FBI throughout crucial moments of the investigation into Secretary Clinton’s private email server.

The documents demonstrate the FBI officials conducting the investigation realized the appearance of impropriety created by the public’s perception of coordination with DOJ. The same day former Director Comey gave his statement in July, former Deputy Director Andrew McCabe warned a DOJ official Comey gave the Deputy Attorney General advanced notice of his statement but warned “it is important that he not coordinate his statement in any way.”<sup>17</sup> It is very possible former Director Comey did not coordinate the specifics of his statement with the Deputy Attorney General. However, the documents suggest that at the staff-level, coordination on the Clinton MYE investigation was frequent.

Ultimately, the overarching tone of the documents suggests Director Comey misled the American people in presenting the FBI’s referral not to prosecute Hillary Clinton to the DOJ appear as a far more independent exercise than it was. Given the tone of Director Comey’s sworn testimony and his stated intention to continue publicly speaking about the investigation in support of his new book, we believe it is important to further examine whether his previous statements before Congress and the American people were misleading.

Your attention to this matter is appreciated.

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<sup>14</sup> FBI003208.

<sup>15</sup> FBI003207.

<sup>16</sup> FBI003204.

<sup>17</sup> FBI0006333.

**Congress of the United States**  
**Washington, DC 20515**

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Meadows", with a stylized flourish at the end.

Mark Meadows  
Member of Congress