

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Fifteenth Congress

May 1, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
Washington, D.C.

Dear Attorney General Sessions:

Following the release by the Department of Justice's Office of the Inspector General entitled, "A Report of Investigation of Certain Allegations Relating to Former FBI Deputy Director Andrew McCabe,"¹ I have serious concerns that the Department, during the Obama Administration, attempted to obstruct justice by attempting to inappropriately terminate an FBI investigation on the Clinton Foundation. Under the facts laid out by the DOJ Inspector General (IG), it is shocking to hear that the Obama Department of Justice may have allowed politics to dictate what cases should or should not be pursued.

The report states that Mr. McCabe received a phone call from the Principal Associate Deputy Attorney General (PADAG) of the Department of Justice. As you know, the PADAG is top staff person in the Office of the Deputy Attorney General, who "advises the Deputy Attorney General on all major investigations and policy matters."² The Deputy Attorney General at the time was Sally Yates. It is unclear based on the IG's report who was serving as PADAG, but indications are that former PADAG, Matthew Axelrod, was serving in the position at the time. During the aforementioned phone call, the IG report recounts that the PADAG called Mr. McCabe and "expressed concerns about FBI agents taking overt steps in the CF [Clinton Foundation] Investigation during the presidential campaign."³ This corresponds to reporting by the Wall Street Journal which detailed, "a senior Justice Department official called Mr. McCabe to voice his displeasure at finding that New York FBI agents were still openly pursuing the Clinton Foundation probe during the election season....The Justice Department official was

¹ U.S. Department of Justice, Office of the Inspector General, "A Report of Investigation of Certain Allegations Relating to Former FBI Deputy Director Andrew McCabe," February 2018.

² See, e.g., "Rosenstein gets new top deputy for Russia probe," available at <https://www.cnn.com/2018/04/03/politics/rosenstein-russia-ed-ocallaghan/index.html>.

³ OIG Report at 5.

‘very pissed off,’ according to one person close to McCabe, and pressed him to explain why the FBI was still chasing a matter the department considered dormant.”⁴

Due to the information divulged by the IG report on Mr. McCabe, and the seemingly corroborated news story from the Wall Street Journal, it appears that the PADAG was at the very least inquiring into why the FBI was pursuing a case against the Clinton Foundation during the election, and at worst, attempting to improperly and illegally influence the status of an ongoing investigation for purely partisan purposes. Both options are unseemly and should be investigated. Moreover, we have indications that the Clinton Foundation investigation was being run out of the Public Corruption program out of the FBI’s Manassas office and out of FBI’s New York field office. It is important to determine whether the PADAG’s directions to Mr. McCabe resulted in any “stand down” order being given to agents in these offices.

Once again, according to the IG report, we see a top official – Mr. McCabe – behaving in a manner unworthy of a public servant and, in particular, an FBI agent. However, we have also learned that there may have been undue pressure and influence asserted by the Department – and possibly even higher levels of the U.S. government during the Obama Administration – to ensure that a validly predicated investigation of the Clinton Foundation was terminated. While I believe this is another reason you should name a Special Counsel to investigate these matters, at a minimum the allegations deserve further scrutiny to determine whether the FBI was hampered in any way by top officials in the Department of Justice, top officials of the FBI itself, or senior officials of the Obama Administration. Please confirm that the DOJ will take immediate steps to investigate this matter and hold any wrongdoers accountable.

The American people continue to learn new information on a regular basis calling into question law enforcement’s impartiality, and creating the perception that the last Administration was using political power to affect the outcome of investigations. Your prompt attention to this request is most appreciated.

Sincerely,



Bob Goodlatte
Chairman
House Judiciary Committee

⁴ Devlin Barret, “FBI in Internal Feud Over Hillary Clinton Probe,” The Wall Street Journal, October 30, 2016, available at, <https://www.wsj.com/articles/laptop-may-include-thousands-of-emails-linked-to-hillary-clintons-private-server-1477854957>.