

***Questions for Michael Horowitz, Inspector General, U.S. Department of Justice
June 18-19, 2018, Hearings before the Senate Committee on the Judiciary, House Judiciary
Committee, and House Committee on Oversight and Government Reform***

I. The IG Report does not examine the Mueller inquiry.

Background: The June 2018 report by the Department of Justice Office of the Inspector General titled "[A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election](#)" (the "IG Report") addresses the DOJ and FBI investigation of 2016 Democratic candidate for President, Hillary Clinton, for her use of a private e-mail server while she was Secretary of State. The IG Report describes findings with respect to the following items: the methods and decisions of the investigative team, the decision not to recommend prosecution, the public announcement of that decision, the public testimony about that decision, the delays in searching the laptop owned by the husband of an aide to Clinton, the announcement that the FBI was reviewing those e-mails as part of its investigation of Clinton, and the conduct of FBI employees, some of whom expressed political views that included hostility to then-candidate Trump. (IG Report at i)

Questions:

- The IG Report reflects your investigation of FBI and DOJ conduct in the investigation of Hillary Clinton's use of a private e-mail server. As part of this investigation, did you review the methods or decisions of Special Counsel Robert Mueller?
- Remarkably, the President says the findings show "[no collusion](#)" in the Russia matters and his lead outside attorney responded to report by calling for Mueller to [suspend his inquiry](#). Does the IG Report make any findings that support the President's claim?
- As part of your investigation, you reviewed the private communications of Peter Strzok, an FBI agent who was involved in the Clinton investigation and who briefly served on Special Counsel Mueller's team. When Strzok's texts came to light, did he continue to participate in Special Counsel Mueller's team?
- Does your report draw any conclusions about whether Strzok's political views affected investigative decisions in the Special Counsel's examination of foreign interference in the 2016 election and possible coordination between foreign governments and the Trump campaign?
- To date, Mueller's inquiry to date has resulted in 5 guilty pleas, the indictment of 18 additional individuals or entities, and 1 prison sentence. The individuals who have pled guilty to serious crimes include the President's former [deputy campaign manager](#) and the President's former [top national security advisor](#). In light of the President's attempt to conflate the Russia investigation with your recent separate review of the FBI investigation of Hillary Clinton's e-mail server, please confirm for the record whether you have any reason to believe that any of your report findings call into question the serious criminal indictments to date by Special Counsel Mueller in the Russia inquiry.

II. The IG Report found that neither the prosecution declination decision in the Clinton e-mail server inquiry nor the specific investigative decisions leading up to it were affected by political bias, and the Report does not substantiate the President's broad assertions about DOJ and FBI corruption.

Background: Based on interviews of over 100 witnesses and review of over 1.2 million documents, the IG Report concluded that on the central question of whether to prosecute:

"We found no evidence that the conclusions by the prosecutors were affected by bias or other improper considerations; rather, we determined that they were based on the prosecutors' assessment of the facts, the law, and past Department practice." (IG Report at vii, emphasis added)

Further, while the Report noted there were "tensions and disagreements" in important areas between agents and prosecutors, it stated "we did not find documentary or testimonial evidence that improper considerations, including political bias, directly affected the specific investigative decisions" preceding the declination decision. (Report at iii)

Questions:

- You concluded in the IG Report that the prosecutors' declination decision in the e-mail server inquiry was based on facts and the law, and not political bias. Please explain why you reached this conclusion.
- Do you stand by the Report's conclusion that political bias did not affect the specific investigative decisions that led up to the declination determination?
- The IG Report also concluded that while FBI Director Comey violated departmental norms in his handling of the Clinton email investigation, he was not motivated to do so by political bias. (IG Report at vi, 238) Please explain why you reached that conclusion.
- On May 2, 2017, President Trump [tweeted](#), "FBI Director Comey was the best thing that ever happened to Hillary Clinton in that he gave her a free pass for many bad deeds!" Did you uncover any evidence supporting this assertion?
- On July 22, 2017, President Trump [tweeted](#), "So many people are asking why isn't the A.G. or Special Council looking at the many Hillary Clinton or Comey crimes. 33,000 e-mails deleted?" Did you uncover any crimes committed by James Comey?
- On September 1, 2017, President Trump [tweeted](#), "Wow, looks like James Comey exonerated Hillary Clinton long before the investigation was over...and so much more. A rigged system!" Did you uncover any evidence supporting President Trump's assertion that Comey pre-judged or "rigged" the outcome of the investigation?
- On October 18, 2017, President Trump wrote two tweets [\(1\)](#) and [\(2\)](#), which together read, "Wow, FBI confirms report that James Comey drafted letter exonerating Crooked Hillary Clinton long before investigation was complete. Many.....people not interviewed, including Clinton herself. Comey stated under oath that he didn't do this-obviously a fix? Where is Justice Dept?" Did your investigation find fault with any of the actions referenced by the President in these tweets?

- On October 18, 2017, President Trump [tweeted](#), “As it has turned out, James Comey lied and leaked and totally protected Hillary Clinton. He was the best thing that ever happened to her!” Did your investigation uncover any evidence that Comey lied to protect Hillary Clinton? Did your investigation uncover any evidence that Comey leaked information to protect Hillary Clinton?
- On December 3, 2017, President Trump [tweeted](#), “After years of Comey, with the phony and dishonest Clinton investigation (and more), running the FBI, its reputation is in Tatters - worst in History! But fear not, we will bring it back to greatness.” Did your investigation uncover any evidence that the FBI’s investigation of Clinton was “phony and dishonest?”
- On June 5, 2018, President Trump [tweeted](#), “What is taking so long with the Inspector General’s Report on Crooked Hillary and Slippery James Comey. Numerous delays. Hope Report is not being changed and made weaker! There are so many horrible things to tell, the public has the right to know. Transparency!” Did you omit “horrible things” from this report or otherwise weaken it to paint Hillary Clinton, James Comey, or any other DOJ or FBI official in a better light?

III. The IG Report’s critique of Comey questioned his judgment but did not challenge his truthfulness.

Background: As you know, former FBI Director Comey was fired in May 2017. Although the White House initially suggested that he was terminated for his handling of the Clinton e-mail investigation, President Trump admitted soon afterwards in [an interview](#), “But regardless of recommendation, I was going to fire Comey knowing there was no good time to do it[.] And in fact, when I decided to just do it, I said to myself — I said, you know, this Russia thing with Trump and Russia is a made-up story. It’s an excuse by the Democrats for having lost an election that they should’ve won.”

Questions:

- During the investigation that your office conducted, did you ask former FBI Director Comey questions about the decisions he made and the reasoning behind them?
- Do you have any reason to believe that former FBI Director Comey was dishonest in his responses to your questions?
- Is there anything that former FBI Director Comey said during the course of your investigation that would cause you to question his credibility (as opposed to his judgment)?
- James Comey has [testified under oath](#) in a public hearing about his interactions with President Trump. Did your investigation give you any reason to doubt the credibility of Comey’s testimony?
- After the release of the IG Report, the President [tweeted](#), “The IG Report totally destroys James Comey and all of his minions including the great lovers, Peter Strzok and Lisa Page, who started the disgraceful Witch Hunt against so many innocent people. It

will go down as a dark and dangerous period in American History!” In your view, does the IG report “destroy” James Comey?

- On April 16, 2018, President Trump [tweeted](#), “Comey drafted the Crooked Hillary exoneration long before he talked to her (lied in Congress to Senator G), then based his decisions on her poll numbers. Disgruntled, he, McCabe, and the others, committed many crimes!” Did your investigation uncover any evidence that Comey pre-judged the outcome of the Clinton investigation or lied about doing so to Congress?

IV. The IG Report does not address whether, during the final months of the 2016 election, FBI officials leaked information about the Clinton e-mail server inquiry to Rudy Giuliani, who was then serving as a Trump campaign advisor and currently serves as a personal attorney for the President.

Background: In press appearances in the days leading up to the November 8, 2016, election, Rudy Giuliani appeared to provide differing accounts regarding information he received from the FBI. Before Comey’s October 28, 2016, disclosure regarding the re-opening of the e-mail server inquiry, Giuliani [told Fox News](#) that there was a “pretty big surprise coming,” but later said he was referring to an upcoming advertising campaign. He further stated in an [October 28, 2016, interview](#) that he was in touch with former FBI agents “and a few active agents, who obviously don’t want to identify themselves,” but a week later [told CNN](#) that his sources were former agents and if he suggested otherwise he was wrong. He also [reportedly suggested](#) on the morning of November 4 that he was told about the new FBI e-mail review before it became public, but later that day asserted that the news had come as a “complete surprise.”

Questions:

- Based on your review of FBI and DOJ conduct in the e-mail server inquiry, can you confirm whether then-current FBI agents were leaking information about the investigation to then-Trump campaign advisor Rudy Giuliani in the fall of 2016?
- Please describe the investigation that has been done to date or that is planned to address whether FBI officials leaked information to Giuliani during the 2016 campaign and how your office will provide the public an accounting of this review.

V. FBI and DOJ personnel identified by the IG Report as having sent text and instant messaging communications that raise concerns about potential bias moved off the Mueller investigative team when the messages were uncovered.

Background: The IG report recommends further review of whether five FBI employees who worked on the e-mail server inquiry complied with FBI’s code of conduct in sending text and instant messages expressing anti-Trump and other political views. The Report indicates that none of these five currently works for the Office of the Special Counsel but three previously served for periods of time on that inquiry: attorney Lisa Page for the first 45 days (IG Report at 397); investigator Peter Strzok until mid-July 2017, when the Office of the IG informed the Special Counsel of Strzok’s questionable texts (IG Report at 397); and an individual the Report

identifies as “Attorney 2” until February 2018, when the OIG notified the Special Counsel about the communications the IG inquiry had uncovered (IG Report at 415).

Questions:

- It appears from the IG Report that the Office of the Special Counsel took swift action to remove two individuals from its investigative team upon receiving information from your office that raised questions about bias or an appearance of bias. Would you agree that these actions by the Special Counsel reflect sound judgment and an ability to act decisively to maintain impartiality in his investigation?

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