

Congress of the United States
House of Representatives
Washington, DC 20515-0901

November 28, 2017

Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Director Wray:

We write this letter to launch our investigation into the FBI's treatment of Hillary Clinton and President Donald Trump both during and immediately following the 2016 election.

As you are aware, the FBI has recently released emails in which the Hillary Clinton email investigation was called "special" by current FBI Deputy Director Andrew McCabe. The substance of these emails triggers the oversight function of the Judiciary Committee upon which we serve. Specifically, *special* treatment for any American undermines the cherished principle of *equal* treatment for all under the rule of law.

In July, the FBI opened an investigation into Hillary Clinton's email server. Mr. McCabe, as WFO ADIC, claims he was "not consulted" about the investigation and "not given any details." However, in a seemingly-contradictory statement, he does admit to "providing some personnel" for the investigation. Most troubling is McCabe's admission that the investigation was "referred to as 'special'" and that "the decision was made to investigate it at HQ with a small team."¹

Additional events during this time period create a troubling context:

- (1) Then-Attorney General Loretta Lynch meeting alone with former President Bill Clinton on a private jet while investigating his wife;²

¹ Solomon, John. (2017, November 15). *FBI gave Clinton email investigation 'special' status, deputy director's email shows*. Retrieved from <http://thehill.com/homenews/news/360604-fbi-gave-clinton-email-investigation-special-status-deputy-directors-email>
² Zapotosky, Matt. (2016, June 30). *Attorney general meets with former president Clinton amid politically charged investigation into his wife's email*. Retrieved from https://www.washingtonpost.com/news/post-nation/wp/2016/06/29/attorney-general-meets-with-former-president-clinton-amid-politically-charged-investigation-into-his-wifes-email/?utm_term=.8924ddf802bf

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- (2) Lynch directing then-FBI Director James Comey to call the Clinton email investigation a “matter” rather than an “investigation;”³
- (3) Comey separating the Clinton investigation from the Washington Field Office and normal procedures for investigations, and, as Mr. McCabe’s emails state, making “the decision [...] to investigate it at HQ with a small team”;⁴
- (4) Comey drafting a statement exonerating Hillary Clinton prior to conducting key elements of the investigation, such as interviewing witnesses, including Ms. Clinton herself;⁵

These facts require us to ask the following:

- (1) Can you define the meaning of “special,” as it pertained to the Hillary Clinton email investigation?
- (2) Who approved of the “special” status of this investigation?
- (3) Who decided that the investigation would be handled “at HQ with a small team” rather than by the Washington Field Office?
- (4) What processes are in place at the FBI to ensure that “special” treatment is not given to other political figures?

We also remain troubled regarding the FBI’s treatment of President Trump both before and after his election. Specifically, we are concerned about the dossier prepared by Fusion GPS and funded, at least in part, by the Democratic National Committee.⁶ Mr. Comey referred to the dossier as “salacious and unverified,”⁷ yet much remains unknown about its utilization and procurement. We ask directly:

- (1) Did the FBI, directly or indirectly, pay for the dossier or reimburse Christopher Steele or Fusion GPS for preparing the dossier?
- (2) Has the dossier been used to obtain FISA warrants to conduct surveillance on American citizens?

³ Cohen, Kelly. (2017, June 8). *James Comey: Loretta Lynch told me not to call Clinton email probe an 'investigation.'* Retrieved from <http://www.washingtonexaminer.com/james-comey-loretta-lynch-told-me-not-to-call-clinton-email-probe-an-investigation/article/2625335>

⁴ Retrieved from <https://vault.fbi.gov/deputy-director-mccabe-communications-regarding-spouses-virginia-state-senate-campaign/Deputy%20Director%20McCabe%20Communications%20Regarding%20Spouses%20Virginia%20State%20Senate%20Campaign%20Part%20of%2001/view>

⁵ Quinn, Melissa. (2017, August 31). *James Comey started drafting statement exonerating Hillary Clinton before FBI interviewed her, aides.* Retrieved from <http://www.washingtonexaminer.com/james-comey-started-drafting-statement-exonerating-hillary-clinton-before-fbi-interviewed-her-aides/article/2633095>

⁶ Entous, Adam. (2017, October 24). *Clinton campaign, DNC paid for research that led to Russia dossier.* Retrieved from https://www.washingtonpost.com/world/national-security/clinton-campaign-dnc-paid-for-research-that-led-to-russia-dossier/2017/10/24/226fabf0-b8e4-11e7-a908-a3470754bbb9_story.html?hpid=hp_hp-top-table-main_dossier-630pm%3Ahomepage%2Fstory&tid=a_inl&utm_term=.92880536ae3d

⁷ Comey, James (2017, June 8). *READ: James Comey's prepared testimony.* Retrieved from <http://www.cnn.com/2017/06/07/politics/james-comey-memos-testimony/index.html>

MATT GAETZ
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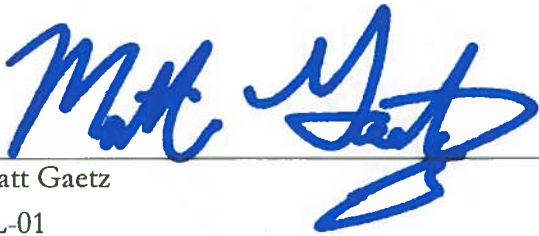
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Given the serious nature of these issues, we hope that you will provide responses to these questions prior to your upcoming testimony before the Judiciary Committee. Thank you for your time.

Sincerely,



Matt Gaetz
FL-01
Member of Congress



Andy Biggs
AZ-5
Member of Congress



Louie Gohmert
TX-01
Member of Congress

Enclosed: Letter sent by House Committee on the Judiciary, dated September 26, 2017