

ON SAME DAY PETER STRZOK SUES FOR HIS TERMINATION, JUDICIAL WATCH RELEASES MOSTLY REDACTED LIST OF FBI LEAKERS

Peter Strzok is suing the Attorney General, FBI Director, and DOJ for his termination, arguing two key things. First, the government overrode the decision of OPR Assistant Director Candice Will, who should have been the “deciding official.” He’s also arguing that the decision came as a result of relentless pressure from the President and with evidence of bias.

To demonstrate bias, Strzok notes that Trump has not responded even when people – he points to Kellyanne Conway but notes she’s just one of numerous examples – who has been found to violate the Hatch Act.

The Trump Administration has consistently tolerated and even encouraged partisan political speech by federal employees, as long as this speech praises President Trump and attacks his political adversaries. For example, President Trump rejected the recommendation of his own Office of Special Counsel that advisor Kellyanne Conway be removed from her job for repeatedly violating the Hatch Act by attacking former Vice President Biden and publicly advocating for and against various U.S. Senate candidates. When asked about the OSC’s recommendation, Mrs. Conway responded “blah, blah, blah...If you’re trying to silence me through the Hatch Act, it’s not going to work. Let me know when the jail sentence starts.”

But he also claims that “no actions have been taken” against the FBI Agents who showed bias against Hillary Clinton during the election, not even those who leaked negative information about her.

During the Trump Administration this viewpoint discrimination has infected the FBI as well. While Special Agent Strzok and others who expressed negative opinions of President Trump have been subject to administrative punishments of various degrees of severity, no actions have been taken against agents who expressed harsh criticism of Secretary Clinton during the 2016 campaign, or those in the New York Field Office who leaked negative information about Secretary Clinton to the Trump campaign in the weeks before the election.

I’ve long noted that if Democrats asked DOJ Inspector General for an investigation specifically focused on bias against Hillary Clinton, it would elicit a specific report, which would make it very clear Trump was – if anything – treated better by the FBI than Hillary was.

That’s a failure of the Democrats in Congress.

That said, today Judicial Watch released the results of a FOIA (they often sit on releasing FOIAs for political gain) into the results of FBI OPR investigations of Agents who leak information, hoping to focus attention on Andrew McCabe’s termination.

1 [redacted] (DOJ/O&R) Closed: 3/20/2018 References: 2.5, 2.6, 4.10

SES employee released FBI sensitive information to a reporter and lacked candor not under oath and under oath when questioned about it, in violation of Offense Codes 4.10 (Unauthorized Disclosure - Sensitive Information); 2.5 (Lack of Candor- No Oath); and 2.6 (Lack of Candor - Under Oath). b6 b7c

The proposed decision in this matter was made by the AD, OPR. The final decision was made by Attorney General Jeff Sessions. DOJ retains final decision making authority for certain high-ranking FBI officials.

MITIGATION: Employee has [redacted] years of FBI service and a remarkable performance record. Employee was facing unprecedented challenges and pressures.

AGGRAVATION: Employee held an extremely high position and was expected to comport himself with the utmost integrity. Lack of candor is incompatible with the FBI's Core Values.

FINAL ACTION(S): OPR PROPOSED DECISION Proposed DISMISSAL
OPR FINAL DECISION: DISMISSAL

The FOIA makes it clear that Jeff Sessions made the decision to fire McCabe. (Strzok’s suit

notes that Deputy Director David Bowdich – McCabe’s replacement – made the decision to fire Strzok.)

The FOIA shows there were just 14 referrals to OPR for leaking, a number of which would be too early for anything coming out of an investigation into NY Field Office leaking. Those referrals include the leaking of Grand Jury, law enforcement sensitive, or classified information (4.9) and leaking of sensitive information, which is what McCabe got fired for (4.10).

The only other people who were fired like McCabe were also referred for lack of candor, not under oath and/or under oath.

That says, even if any of the behavior parallel to Strzok’s did get referred, no one was fired unless they lied (and he did not lie).

At the very least, Strzok’s claim that no one from NY Field Office has been similarly treated as he has may get him to discovery. And that may, in turn, do what the Democrats have not done: show that there was far more bias and leaking against Hillary, but that none of those people have been chased out of the FBI.