

James Comey's memo to FBI employees

To all:

Because it is generating a lot of interest, I thought I should update you on where we are with our commitment to transparency in the wake of the Clinton email investigation. As I promised in July, we have leaned very far forward in providing transparency, on a couple fronts:

Congress. In order to afford Congress ample opportunity to discharge its oversight responsibilities, we took the unusual step of sending relevant 302s, our case summary Letter Head Memorandum, and the classified emails we recovered during the investigation to the House and Senate security offices. That permitted them to be reviewed by a number of committees with jurisdiction, instead of requiring that committee staff come to FBI headquarters to review the documents as we would normally require. There have been a variety of complaints because we redacted personal information and, at the request of the originating agency, restricted certain classified portions only to the Intelligence Committees, but our production has been unprecedented. I will be up on Capitol Hill the last week of September to testify before the House Judiciary Committee. This is our regular annual oversight hearing, so I'm hoping to cover many aspects of the Bureau's great work. Of course, I'm guessing folks will want to ask about the email investigation. Through public statements, testimony (4 hours and 40 minutes without stopping, but who's counting), and prompt document productions, we have offered unprecedented transparency of the high-quality work your colleagues did in the case. Now I would like to talk about our other work, of which we have plenty.

FOIA. As you might imagine, we have also received many requests for information under the Freedom of Information Act (FOIA) and lots of your colleagues have been working very hard to process materials under the statute, get the necessary sign-off from other agencies with interests in the information, and get it out to the public. We finished that process Friday morning with respect to the 302 of Secretary Clinton's interview and our Letter Head Memorandum summarizing the investigation. I almost ordered the material held until Tuesday because I knew we would take all kinds of grief for releasing it before a holiday weekend, but my judgment was that we had promised transparency and it would be game-playing to withhold it from the public just to avoid folks saying stuff about us. We don't play games. So we released it Friday. We are continuing to process more material and will release batches of documents as they are ready, no matter the day of the week.

You may be sick of this, but let me leave you with a few words about how I have been describing the email investigation in private to our former employees as I meet them around the country. I explain to them that there are two aspects to this: (1) our judgment about the facts and prosecutive merit; and (2) how we decided to talk about that judgment. I tell them that the difficult decision was actually the second part, not the first. At the end of the day, the case itself was not a cliff-hanger; despite

all the chest-beating by people no longer in government, there really wasn't a prosecutable case. The hard part was whether to offer unprecedented transparency about our thinking. I explain to our alumni that I struggled with that part, but decided the best way to protect the FBI, the Department of Justice, and the American people's sense of justice was to announce it in the way we did - with extraordinary transparency and without any kind of coordination.

I explain to our alums that I'm okay if folks have a different view of the investigation (although I struggle to see how they actually could, especially when they didn't do the investigation), or about the wisdom of announcing it as we did (although even with hindsight I think that was the best course), but I have no patience for suggestions that we conducted ourselves as anything but what we are - honest, competent, and independent. Those suggesting that we are "political" or part of some "fix" either don't know us, or they are full of baloney (and maybe some of both).

I will try not to bother you with this any longer.

Jim Comey