

Judicial Watch: FBI Must Recover James Comey's 'Stolen' Memos

The government watchdog group Judicial Watch is now suing the U.S. government for a sixth time relative to the surveillance, unmasking and illegal leaking targeting President Donald Trump and his associates during the FBI's investigation of potential Russian involvement.

The latest is a Freedom of Information Act lawsuit against the Department of Justice after it failed to provide information about Comey's memorandum written after his February meeting with the president regarding the investigation. The memo purportedly recounts a conversation between Comey and the president about a pending investigation of former National Security Adviser Mike Flynn.

"That we have to sue in federal court to get a document that was read to a reporter at *The New York Times* is a scandal," Judicial Watch president Tom Fitton said. "This Comey memo should be released forthwith and, frankly, the president can and should order its immediate release."

The day before filing the lawsuit, Judicial Watch sent a letter to acting FBI Director Andrew McCabe reminding him that Comey's removal of the memos he wrote about his meetings with the president was a clear violation of the Federal Records Act. That letter states:

As you are well aware, former FBI Director James Comey gave sworn testimony last week before the Senate Select Committee on Intelligence. Among other things, Mr. Comey confirmed that, while in office, he created various memoranda regarding his meetings with President Trump. Mr. Comey also confirmed that, after his departure from the

FBI, he provided at least some of these memoranda to a third party, Columbia Law School Professor Daniel Richman, for the purpose of leaking them to the press. Various media outlets now have reported that Professor Richman has provided these memoranda to the FBI. It is unclear whether he still retains copies of the memoranda ...

May 16, 2017, Judicial Watch submitted a FOIA request seeking these specific memoranda removed from the FBI by Mr. Comey. Judicial Watch also has pending FOIA lawsuits in which the memoranda may be at issue.

These memoranda were created by Mr. Comey while serving as FBI director, were written on his FBI laptop and concerned official government business. As such, they indisputably are records subject to the Federal Records Act ... The fact that Mr. Comey removed these memoranda from the FBI upon his departure, apparently for the purpose of subsequently leaking them to the press, confirms the FBI's failure to retain and properly manage its records in accordance with the Federal Records Act. Even if Mr. Comey no longer has possession of these particular memoranda, as he now claims, some or all of these memoranda may still be in possession of a third party, such as Professor Richman, and must be recovered. Mr. Comey's removal of these memoranda also suggests that other records may have been removed by Mr. Comey and may remain in his possession or in the possession of others. If so, these records must be recovered by the FBI as well.

As you may be aware, the Federal Records Act imposes a direct responsibility on you to take steps to recover records unlawfully removed from the FBI. Specifically, upon learning of "any actual, impending, or threatened removal, defacing, alteration, corruption, deletion, erasure or other destruction of records in the custody of the agency," you must notify the Archivist of the United States ... Upon learning that records may have been unlawfully removed from

the FBI, you are required to initiate action through the attorney general for the recovery of records.

In the event you fail to take these steps, you should be aware Judicial Watch is authorized under the law to file a lawsuit in federal district court seeking that you be compelled to comply with the law.

The letter gives McCabe until June 26 to respond. For more information about Judicial Watch's other FOIA lawsuits related to the surveillance and unmasking scandal, click [here](#), [here](#), [here](#) and [here](#). {eo}