

Here's some salient reading.

Comey stole FBI docs, gave them to a college professor to leak to NYT, and several were classified.

<https://www.grassley.senate.gov/news/news-releases/grassley-presses-justice-department-about-classification-comey-memos>

January 3, 2018

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Deputy Attorney General Rosenstein:

This Committee has previously written to the Department of Justice and the Federal Bureau of Investigation about the memoranda that former Director Comey created purportedly memorializing his interactions with President Trump.[1] My staff has since reviewed these memoranda in a Sensitive Compartmented Information Facility (SCIF) at the FBI, and I reviewed them in a SCIF at the Office of Senate Security. The FBI insisted that these reviews take place in a SCIF because the majority of the memos are classified. Of the seven memos, four are marked classified at the "SECRET" or "CONFIDENTIAL" levels. Only three did not contain classified information. FBI personnel refused to answer factual questions during the document reviews, including questions about the chain of custody of the documents I was reviewing, the date that they were marked classified, and who marked them as classified.

According to press reports, Professor Daniel Richman of Columbia Law School stated that Mr. Comey provided him four of the seven memoranda and encouraged him to "detail [Comey's] memos to the press." [2] If it's true that Professor Richman had four of the seven memos, then in light of the fact that four of the seven memos the Committee reviewed are classified, it would appear that at least one memo the former FBI director gave Professor Richman contained classified information.[3] Professor Richman later read a portion of one of the memos to a New York Times reporter.[4]

When the Committee contacted Professor Richman seeking copies of the memos Mr. Comey had provided him, he refused to provide them, did not say how many he had received from Mr. Comey, and refused to say whether he retained copies.[5] It is unclear whether any of the memos reviewed by the Committee were retrieved from Professor Richman. The Committee has accordingly not determined which of the seven memos Mr. Comey provided him. Professor Richman did tell Committee investigators that he was working with the Special Counsel's Office, and he reportedly told the media that he had turned over to the FBI copies of the memos he'd received from Mr. Comey.[6] If true, the Justice Department should know which memos were provided and be able to share that information with the Committee.

In order for the Committee to further assess this situation, please respond to the following in writing by no later than January 17, 2018:

Has the Justice Department or FBI in fact determined that any of the memoranda Mr. Comey sent Professor Richman contained classified information? If so, what steps were taken to retrieve and safeguard the information?

Which of the seven memoranda the FBI made available for the Committee's review did Mr. Comey give to Professor Richman?

When did Mr. Comey give Professor Richman the memoranda?

At the time that Professor Richman received the memoranda, were any marked as classified?

At the time that Professor Richman received the memoranda, did any contain classified information, regardless of markings?

Please explain the method by which Mr. Comey transmitted the memoranda to Professor Richman. If the transmittal was electronic:

Please provide the account information that Mr. Comey and Mr. Richman used.

Please describe what steps the FBI has taken to recover all copies of any classified memoranda that might reside on computers, servers, or at other locations.

Have you initiated an investigation into the matter of whether Mr. Comey improperly disclosed classified information by providing these memoranda to Professor Richman? If so, what is the status of the investigation? If not, why not?

Has there been any review of whether the disclosure of the memoranda by Mr. Comey was otherwise improper, such as whether it violated his employment agreement or any Department rule or policy? If so, what is the status of the review? If not, why not?

When did the FBI mark the four memoranda as classified, and who made the classification decision?

As noted above, it has been reported that Professor Richman returned the memoranda to the FBI.[7] If so, on what date did this occur?

Did anyone from the FBI or Special Counsel's Office discuss with Professor Richman this Committee's request for copies of the memos? If so, please provide all records related to any such communications.

Does Professor Richman still have possession of any of the memoranda or copies?

Thank you for your prompt attention to this matter. Please contact Patrick Davis of my Committee staff at (202) 224-5225 if you have any questions.

Sincerely,

Charles E. Grassley