

LAW

FBI No. 2 did not disclose wife's ties to Clinton ally, records show



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In this July 20, 2016 photo, FBI Deputy Director Andrew McCabe speaks at a press conference in Washington. (Reuters)

A top FBI official who came under scrutiny last year over his wife's campaign contributions from a Hillary Clinton ally did not list those 2015 donations or his wife's salary in financial disclosure forms, according to records reviewed by Fox News.

The records, obtained through a Freedom of Information Act request, show FBI Deputy Director Andrew McCabe left the box blank for wife Dr. Jill McCabe's salary, as a doctor with Commonwealth Emergency Physicians. And there is no documentation of the hundreds of thousands of campaign funds she received in her unsuccessful 2015 Virginia state Senate race.

As first reported by [The Wall Street Journal](#), Clinton confidant and Virginia Gov. Terry McAuliffe urged McCabe's wife to run for statewide office shortly after news reports were published that Hillary Clinton used a private email server and address for all her government business while serving as secretary of State.

For the reporting period of October through November 2015, McCabe's [campaign filings](#) show she received \$467,500 from Common Good VA, a political action committee controlled by McAuliffe, as well as an additional \$292,500 from a second Democratic PAC.

Asked why the deputy director did not list his wife's salary or the campaign contributions on the "[Executive Branch Personnel Public Financial](#)

[Disclosure Report](#)" (OGE Form 278e) for 2015, an FBI spokesman said the forms were certified as "in compliance with applicable laws and regulations." The spokesman added Office of Government Ethics regulations do not stipulate that a spouse's salary or contributions received by a spouse's political campaign must be declared.

After this story was first published, an FBI spokesman provided an on-the-record statement to Fox News defending how McCabe's disclosure form were handled:

"The rules instructing filers how to complete the OGE 278e form are published by the independent Office of Government Ethics (OGE) in a document titled 'The Public Financial Disclosure Form (July 2016).' The form does not require that an employee spouse's salary be disclosed only the employer name and type of income required. Nor does the form require or contain a line for campaign contributions, which are not considered income. Rules governing campaign donations are overseen by the Federal Election Commission.

Each form submitted by an FBI employee to the OGE is certified by FBI's chief ethics officer, who heads the Office of Integrity and Compliance. Mr. McCabe consulted with this office upon his wife's decision to run for political office."

The document was filed by Andrew McCabe on July 8, 2016, after he received a 44-day filing extension. He filed three days after FBI Director Jan Comey's public statement where he recommended against criminal charges in the Clinton case.

According to the OGE website, despite the box on the form for spouse income, it is not mandatory to fill in the blank, and it is not required to include contributions to a political campaign because there is a lower level of disclosure for the spouse.

The chief of policy for Issue One, which describes itself as a "bipartisan organization dedicated to reducing the influence of money in politics," said this is another example of how the disclosure system is flawed.

"The OGE itself and operates as a 'compliance' agency -- taking the information given to it by the covered government official and working with them. We have not heard of the office doing any further investigation to assess whether the information provided by the official is actually correct, unless the information is uncovered by outside forces like the media," Meredith McGehee told Fox News, adding that her group is discussing possible changes with Capitol Hill offices.

"There is a need to strengthen OGE's authority -- from clarifying its power to conduct investigations to giving it authority to conduct random audits having it play a larger role for matters involving high-ranking executive branch officials," she said.

"If it's not required, then why is there a spot on the form for spouse's income?" retired FBI agent Jeff Danik said. Danik filed the FOIA requests with the FBI, and shared the financial disclosure forms with Fox News.

"Isn't it particularly convenient that loopholes in the ethics law are used to eliminate reporting hundreds of thousands of donated dollars benefiting spouse of one of the most powerful FBI executives, while at the same time those laws demand that every dime in earnings on a minor stock account be disclosed?" he said. "That hardly seems transparent."

Andrew McCabe was at the center of the FBI's investigation into the use of Clinton's use of a private, unsecured email server as secretary of state despite his wife having run for office supported financially by a close Clinton ally.

Republican Sen. Chuck Grassley, in a November 2016 letter to the Justice Department inspector general, noted that in July 2015, around the time the Clinton investigation began, Andrew McCabe was promoted to associate deputy director at FBI headquarters -- the No. 3 position.

Yet, Grassley wrote, "the FBI asserts that Mr. McCabe did not have an 'oversight role' in the Clinton investigation until he became the number two command in 2016. However, the FBI's statement does not foreclose the possibility that Mr. McCabe had a non oversight role while associate deputy director. Thus, even during the time period in which his wife's political campaign received approximately half a million dollars from Gov. McAuliffe's political action committee, and over \$200,000 from the Virginia Democrat Party, he may have had a role in the investigation and did not recuse himself."

Inspector General Michael E. Horowitz is now conducting a sweeping investigation of events leading up to the November election, including potential conflicts at the FBI, Comey's public recommendation against prosecution, and related matters -- which are expected to include then-Attorney General Loretta Lynch's tarmac meeting with Bill Clinton at Sky Harbor airport in Arizona one week before Hillary Clinton's FBI interview.

In his letter, Grassley noted the Journal reported "98% of the Gov. McAuliffe related donations to his wife came after the FBI launched the investigation." Given this, he wrote, "the FBI must provide a more detailed explanation as to why it determined that it was appropriate for Mr. McCabe

to participate in that investigation in any way."

McGehee said states like Virginia have a "long tradition of very little regulation ... and minimal disclosure," meaning "inadequate disclosure of real and potential conflicts of interest for those individuals who are subject to financial disclosure requirements and thus by definition are taking on powerful positions in the federal government."

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