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U.S. watchdog sends criminal referral on ex-FBI deputy director: source

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WASHINGTON (Reuters) - The Office of the Inspector General at the U.S. Department of Justice has referred its findings on former FBI Deputy Director Andrew McCabe to the U.S. attorney in Washington for possible criminal prosecution, according to a person familiar with the referral on Thursday.



FILE PHOTO: Acting FBI Director Andrew McCabe testifies before a Senate Intelligence Committee hearing on Capitol Hill in Washington, D.C., U.S., June 7, 2017.
REUTERS/Aaron P. Bernstein/File Photo

Spokesmen for the Justice Department and its inspector general's office declined to comment to Reuters, as did a spokeswoman for McCabe. A spokesman for the U.S. attorney's office in Washington could not immediately be reached.

The referral does not automatically mean charges will be filed, and it would be up to the U.S. attorney's office to evaluate the referral and decide whether to prosecute McCabe.

In an interview with National Public Radio on Tuesday, former FBI Director James Comey said he had no recollection that McCabe had said he authorized officials to communicate with a Wall Street Journal reporter, as McCabe said he had.

"And I'm quite confident that it didn't happen, as is the inspector general," Comey said.

The referral for possible criminal prosecution could have an impact on special counsel Robert Mueller's investigation into whether U.S. President Donald Trump tried to obstruct justice by urging Comey to abandon an investigation into his first national security adviser, Michael Flynn, and his contacts with Russians during and after Trump's 2016 campaign.

In his new book, "A Higher Loyalty", Comey wrote that Trump asked him to drop the probe, saying, "I hope you can see your way clear to letting this go, to letting Flynn go."

After all his conversations with the president, Comey briefed McCabe and other aides. With McCabe now under a cloud, the notes taken by other aides, including FBI general counsel Jim Baker and Jim Rybicki, Comey's chief of staff, may assume greater importance.

On Thursday, the Justice Department agreed to provide Comey's own notes on his meetings with the president to Congress, according to a source familiar with the decision.

Republicans have questioned whether Comey might have broken department regulations by giving some of his memos to a friend at Columbia University Law School who gave them to reporters.

The inspector general's referral for the possible prosecution of McCabe, first reported by CNN and the Washington Post, came nearly a week after the inspector general's office said it had concluded that he had misled investigators over a decision to break with the FBI's standard policy and inform

a journalist about a probe into the Clinton Foundation in 2016.

Responding on Friday to that report, McCabe said he believed repeated calls by Trump to fire him had prompted a rush to judgment and an unfair probe into his conduct. He said he was authorized to share the information with reporters and had not intentionally misled anyone.

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