



Written by [C. Mitchell Shaw](#) on April 20, 2018

Another Referral for Criminal Investigation of McCabe

On Thursday — one day after almost a dozen GOP House members sent a referral for criminal investigation of former FBI Director James Comey, former FBI Deputy Director Andrew McCabe, former Attorney General Loretta Lynch, Hillary Clinton, and others — the DOJ's Office of Inspector General sent its own criminal referral to the U.S. attorney's office in Washington naming McCabe.



Fox News has reported that a source has confirmed the referral was sent “following a recent DOJ inspector general report that found McCabe leaked a self-serving story to the press and later lied about it to then-Director James Comey and federal investigators, prompting Attorney General Jeff Sessions to fire him on March 16” — just as he was set to resign.

The *Washington Post* reported that the DOJ “inspector general referred its finding that former FBI Deputy Director Andrew McCabe repeatedly misled investigators to the top federal prosecutor in D.C. to determine whether McCabe should be charged with a crime, according to people familiar with the matter.”

The *Post* also reported:

The referral to the D.C. U.S. Attorney's Office occurred some time ago, after the inspector general concluded McCabe had lied to investigators or his own boss, then-FBI Director James B. Comey, on four occasions, three of them under oath.

The U.S. Attorney's Office met with McCabe's legal team in recent weeks, though it was not immediately clear whether prosecutors there were conducting their own investigation or believed criminal charges are appropriate.

The referral raises at least the possibility that McCabe could be charged and jailed for his alleged misconduct — perhaps with Comey testifying as a witness against him. A referral to federal prosecutors, though, does not necessarily mean McCabe will be charged with a crime.

McCabe's lawyers confirm that they were made aware of the referral “within the past few weeks,” which agrees with the timeline of when U.S. attorneys met with them. In a statement, McCabe's lawyers said:

Although we believe the referral is unjustified, the standard for an IG referral is very low. We have already met with staff members from the U.S. Attorney's Office. We are confident that, unless there is inappropriate pressure from high levels of the Administration, the US Attorney's Office will conclude that it should decline to prosecute.



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Whatever else you call them, call them optimistic, because McCabe's fall seems to be only just beginning. Given the citations against him in Wednesday's referral sent by GOP members of the House, it looks like dark days are ahead for McCabe. As *The New American* reported on those citations:

McCabe is likely accused of perjury. The letter cites Attorney General Jeff Sessions as saying that "McCabe lacked candor — including under oath — on multiple occasions." It also cites a "recently released" misconduct report by the DOJ office of the inspector general as "confirming four instances of McCabe's lack of candor, including three instances under oath," among other charges.

With not one, but two referrals accusing him of perjury, McCabe could very well face those charges and find himself the subject of a prosecution. As to the *Post's* observation that that could happen "perhaps with Comey testifying as a witness against him," Comey — likely eager to get the attention of prosecutors on anyone but him — agrees. He told CNN Thursday, "Given that the IG's report reflects interactions that Andy McCabe had with me and other FBI senior executives, I could well be a witness."

Comey — who was also referred for perjury in Wednesday's GOP House referral — appears to have missed the irony in the next part of his comments to CNN. He said that he likes McCabe "very much as a person, but sometimes even good people do things they shouldn't do." He added, "I think it is accountability mechanisms working and they should work because it's not acceptable in the FBI or the Justice Department for people to lack candor. It's something we take really seriously."

Comey may be hoping the DOJ will expend all its proprietorial energy on McCabe before it gets around to Comey himself, but given the clear-cut case of comparing Comey's sworn congressional testimony to the facts which are now known, there appears to be at least as good a case against him as there is against McCabe. In other words, throwing McCabe under the bus — though well-deserved — will not likely save Comey. One is as bad as the other.

In the immediate wake of this referral by the DOJ Office of Inspector General, Representative Ron DeSantis (R-Fla.) — who spearheaded the GOP House referral — tweeted, "Our letter from yesterday referred McCabe to DOJ for potential false statements and I'm glad to see the OIG follow suit. Was wondering what was taking so long. Hopefully this is a step towards equal application of the law by DOJ." And Representative Mark Meadows (R-N.C.) — who did not sign the GOP House referral — tweeted, "Andrew McCabe lied to his FBI superiors not once. Not twice. Not three times. He lied four times — multiple times under oath. The criminal referral from the IG is the right decision. It's about time we have some accountability for this type of conduct at the Justice Department."

This is a developing story, and *The New American* will keep our readers posted.

Image: Screenshot of [a CBS News YouTube video](#)



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